Foujdaree
Proceedings
for
1815 12

F. 11

At a Court of the Foujdaree Adawlut

Monday
the 9th January
1815

Present

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

Read letter, dated the 14th
February last, from the 2nd Judge of
Circuit in the Northern Division, —
forwarding his proceedings in case No. 18
on the Calendar of Cuttack for the 1st
Sessions of 1814.

(Vide entry 7th Jany. 1815 No. 107.)

The Court, having maturely
considered the proceedings of the Court
of Circuit, the Futwa of the Principal
Law Officer, and the Futwa of the Cazee
or Cazee and Mooftee of the Fouj-
daree Adawlut, are pleased to confirm
the said Futwa of the Cazee or Cazee
and Mooftee aforesaid, and do
direct the release of the prisoners
Pusposutty Pottadar, Mullah Ramchurn,
Mullah Tunpadar, Pusposutty Gaudy,
Mullah Tosbick, Mullah Soodee
Boickeraze —

January 1815

Sent following letter
(Enclosure A.)

The charge against the prisoner
in the forgoing trial (No 38 on the Assize
Calendar for the 1st Division of 1815) was
that the 1st prisoner Fortedoo suborned
a false complaint against the
"the Surrender of Executory named
"Dangerous Gechamenedos, Bondsman
"Interpreter, and Joseph Tertius
"which had murdered his (Fortedoo's)
"younger brother named Remondo,
"when no such person had existed;"
and that the other prisoners had taken
"false oaths and deposed falsely before
"the Magistrate in support of such
"conviction."

It is obvious to remark that
the latter part of the charge is not specifically specific. The particular purport
of the depositions, which were charged to
be false, should have been
recited, and the point wherein the
falsehood consisted, should have
been particularized. But the proceedings on the trial are defective.
The deposition in which the forgery
is stated to have been com-

(2) F. U.

1815

9th January 1815

mitted seems to have been thought sufficient to prove that the prisoner
Fortedoo never had a brother named
Remondo. The trial could appear
to be defective also in another respect
The eight prisoners had all been
to the existence of Remondo; and upon
the Court of Enquiry seven witnesses only
were brought to prove the falsehood of
the declarations made by the prisoners
The evidence therefore is numerically
in favour of the existence of a person
named Remondo; but in a case
of perjury the evidence on the part of
the prosecution must not only be
strong and clear but more numerous
than the evidence on the other side.
In this respect the Mosaical law
coincides with the law of England,
and to convict the prisoners of perjury
in this case it was requisite that
at least eight witnesses should
have given clear and decided testimony to the falsehood of the
declarations which went to affirm
that Remondo was killed by
the Spaniards. After an attentive perusal

* that the prisoner Fortedoo had a brother named Remondo, and that the said Remondo was killed by the Spaniards

to believe that the prisoners were guilty of the forgery charged against them, and that the forgery was committed in prosecution of a fatal conspiracy against the Lives of Emperors Gachamanidos, Boodoo Sootramanean, and Joopully Teroo Tummuch. But the proceedings on the trial being defective in the point to show particularized, the prisoners have been acquitted by the Futwa of the Law Officers of the Foujdaree which the Court have ordered their discharge.

By the Futwa of the Mooftee of the Zillah Court, officiating as Law Officer of the Court of Circuit, the prisoners were found guilty, and the Judge who presided at the trial states in his letter that he would have condemned the prisoners to suffer the penalties prescribed by Clause first, Section III. Regulation VI. of 1811, had he not been restrained by a consideration of the use of one of the witnesses, and in whose person he solicits that the punishment of flagellation may be remitted. The Court [illegible]

+ Jul 1127

fortunate that the trial was referred to them, inasmuch as the word + which the Judge proposed to have imprinted on the foreheads of the prisoners, denoting a person guilty of forgery, would not have expressed the nature of the crime of which the prisoners had been convicted. It is proper also to observe that as Teloogoo is the language spoken by the prisoners, and the most current language of the district, it should have been selected in preference to the Persian for the purpose of making the stigma more generally intelligible.

Ordered that extract of these proceedings be sent for the information of the 2nd Judge of the Court of Circuit in the Northern Division. —

M
E.C.S

Sent following letter.
(Here enter B.)

Read letter dated the 19th October from the 2nd Judge on Circuit in the Northern Division transmitting copy of a Report of the Assistant Surgeon attached to the Zillah Court of Northern Malabar on the state of mind of the prisoner Kolliam

9th January 1815.

Koyneeden Amboo who was tried in case No 9 on the Calendar for the 4th Quarterly Sessions 1812 for the crimes of Arson, and ordered to be confined until he recovered the sight of one entire eye of his senses.

(Here enter No 617 of 1814)

It appearing to the Court from the report of the Assistant Surgeon contained in the foregoing letter that the prisoner Hollaen Koyneeden Amboo has been for some months free from all symptoms of derangement and in every respect appears to have recovered his senses.

Ordered that extract of these proceedings be transmitted to the 3d Judge on Circuit by present instructing him to direct the Magistrate to discharge the prisoner Hollaen Koyneeden Amboo from his custody.

Sent following Precept.

(Here enter C)

Read letter dated the 25th September from the Provincial Court on the Southern Division to the Court Precept under date the 6th December 1813, directing them to procure the additional evidence required in case No 3 on the Gaol Calendar on the 2d Sessions of 1813.

(Here enter No 577 of 1814)

The Provincial Court state for the information of the Circuit Court that the proceedings on the above mentioned Trial were forwarded to the Judge presiding on Circuit agreeably to the requisition of the foregoing Precept and that the further evidence was duly taken and submitted by that Court for the consideration of the Court.

F. U.

At a Court of the Fouzdaree Adawlut

Present

Monday the 16 January 1815

Hodges Seth Esqr
Edwd Rosst Greenway Esqr
George Stratton Esqr
} Judges

Read Letter dated the 14th September from the 2d Judge on Circuit in the Western Division transmitting his proceedings in case No 5 on the calendar of the Zilla of South Bullabar in the 2d Sessions of 1814

(Here enter No 565 of 1814)

The Court having duly considered the proceedings held before the Judge on Circuit the Futwa of the Shaqeeut Law Officer and the Futwa of the Cazee ul Cozzat and Moofties of the Fouzdaree Adawlut, do confirm the said Futwa of the Cazee ul Cozzat and Moofties and direct that the prisoner Hollaen Koyneeden Amboo be released on producing Security for his future

9th January 1815

16th January 1815

16th January 1815

16th January 1815

16th January 1815

[illegible] information [illegible] undertaken

Sent following letter

(Here enter ( ) ;)

Read letter dated 8th

September from the 8 Judges on

Circuit in the Northern District

transmitting the Proceedings in case

No 6 on the Register Calendar for the

2d Sessions of 1814

(Here enter No 534 of 1814.)

The Court having duly

weighed the Proceedings held before

the Judge on Circuit the Factors

of the Provincial Land Office and

the Factors of the Czarevitch

Estate and Brothers of the Foreign

Islanders do confess the said Factors

of the Czarevitch Estate and therefore

aforesaid and cannot with them

in passing the Sentence Pauladoggo

Jemma convicted of the Crimes

charged against him but having

Sympathy for the unfortunate state of the

Prisoner in consideration of the

Premises

16th January 1815

The conduct was highly satisfactory

The Court under the Recognizance awarded

by the Judges do sentence the said

prisoner

Pauladoggo Jemma

aforesaid to be imprisoned and

kept to hard labour on roads or

the public roads or other public

works for and during the Term

of six Calendar months

Read also letter dated

the 21 September from the 3d Judge

on Circuit in the Northern District

transmitting his Proceedings in case

Rappahannock

No 10 on the Register Calendar for

the 2d Sessions of 1814

(Here enter No 537 of 1814.)

The Court having duly

considered the Proceedings held

before the Judge on Circuit the

Factors of the Provincial Land Office

and the Factors of the Czarevitch Estate

and Brothers of the Foreign Islanders do confess

the said Factors of the Czarevitch Estate

and Brothers aforesaid and

16th January 1815

Tenham[s] do direct this release accordingly

Scott Fellowes Clerk
(Assistant)

M

F. 11

At a Court of the Fougdarree Adalat held

Present

Tuesday
17th January 1815.

Andrew Scott Esq.r ——
Edward Crisp Greenway Esq.r — } Judges.
George Stratton Esq.r ——

It has occurred to the Court that in making up the record of trials referred for the final sentence of the Fougdarree Adalat the translation of several of the documents specified in Section XIV. Regulation XI. of 1802 may be omitted without inconvenience. The Court therefore direct that the translation of the Plaintiff's oath to the truth of the charge, of the prosecutor's recognizance to appear and prosecute the charge, of the warrant prescribed for the apprehension of the offender, and of the recognizances of the prosecutor's witnesses, be henceforth not furnished, and that in lieu thereof a short memorandum shewing the date of the several documents above-mentioned be inserted, as follows. viz.

No. —— Copy of the Plaintiff's oath to the truth of the charge, dated the

16th Jan[illegible] 1815

nothing and shall contain the inventory of the money or property stolen or plundered, with the amount or computed value of it.)

No. ——— The prosecutor recognizance to appear and prosecute the charges held the ———

No. ——— Copy of the warrant for the apprehension of the offender, dated the ———

(N.B. In cases wherein the charge shall have been preferred, in the first instance, by one of the Peace Officers of the police the information must contain a true relation of his having so done.)

No. ——— The recognizance of the prosecutor & witnesses, dated the ———

The same course is to be pursued with respect to any other proofs or orders of the Magistrate, which shall be connected with the merits of the case.

The translation of the records of the trial both in Persian and English will then be limited to the complaint or charge of the prosecutor, the name or names of the person or persons charged, the examination of the prisoner or prisoners if prisoner or prisoners shall have been examined, the examination of the witnesses

17th January 1815

a list of the witnesses summoned by desire of the prosecutor, the depositions of the witnesses, and the sentence of the witnesses, who may have been summoned at the requisition of the prisoner, together with the proceedings before the Court of Circuit, the Futwa of the Provincial Law Officer, and the order of the Court of Circuit thereupon.

The Court further direct that in all cases wherein a native date may be mentioned, the corresponding English date shall be specified.

It is the practice of several of the Courts of Circuit to insert in the records of the trials the questions put to parties and witnesses with the view of ascertaining the particulars specified in Clause third Section XVIII. Regulation VII. of 1802; but as these particulars have no connection with the merits of the case, the insertion of the questions whereby they are ascertained is unnecessary, which only contributes to swell the records. The Court therefore direct that the particulars above referred to be henceforth specified at the end of the examination of the party or witness in the manner which has

17th January 1815

been forfeited by the Court of Quarter Sessions in the Western Division, as follows:

"First Witness A. B. — on the C. D. of the ——— subpœna, ——— cost. 5 shillings

"——, and giving substantial ——— to the ——— cost, and the same was

"provided by Clause fifth, Section XII.

"Section III. of 502 Geo. and to be

"the following manner, that is to

Ordered that a transcript of the proceedings be sent to the Clerk of the Crown by the Keeper requiring them to recognize for the appearance of the prisoners at the next Assizes for the County within these respective districts.

Sent following Circular Receipt (Vide in the A.)

Read the following letter from the Magistrates of Longford, Nelson, Middleton, Longford, Newtownbellew, Granard, Longford, Edgeworthstown, Ballymahon, Mullingar, Moate, Kilbeggan, Castlepollard, Ballymore, Collinstown, Kells, Multifarnham, Castlelyons, Ballinalack, Carrickmacross, Kells, Mullingar, Castlepollard, Edgeworthstown, Longford, Granard, Newtownbellew, Longford, Middleton, Nelson, Longford, Longford, Longford

Read a letter dated the 5th instant from the
Lt. Judge of Canada to the Justices of the Court of Kings Bench
November last directing the return of the prisoners to be respited
on execution the Judge certifying that the most Honorable the
prisoners on the 30th of August last

(Number 108)

Read the letter dated the 30th ultimo from
the 3d Judge of Canada to the Attorney General with copy of the
Sentence of transportation for 7 Years of John

(This letter No 18)

Read also the letter the 3d instant from the
3d Judge of Canada to the Attorney General
of execution in cases No 5 and 11 on the Quarter Sessions of
1814 - Ordered that

(Number 120)

Read letter dated the 10th instant from
the Magistrates of Montgomeryshire respecting the good state of health
of three convicts named Thomas Edwards
Mutherday Worcestershire, arrived at this gaol from Haydenbridge
under sentence of transportation

(This number 123)

Read letter dated 3 Instant from Sir Joseph
of Millbank requesting that one Female Convict
at Newgate Sessions of the Court of Oyer

(Number 116)

Attorney was ordered to prepare the
Warrant was given to him that he
with the Seal

F. U.

F. U.

Monday
23 January
1815.

Present Court of the Foundation
Richard Smith Esqr
Edwd Livingston Esqr } Judges of the
George Hulbert Esqr
Read Letter dated the 21st
from the 2 Judges
2 September
on the Boston Decision
on Recognizances in case
transmitting the Recognizance in case
No 16 on the additional Calendar dated
the 1 September 1814
(Rose at 1 o'clock)

Monday 23 January 1815. Present Court of the Foundation. Richard Smith Esqr. Edwd Livingston Esqr } Judges of the. George Hulbert Esqr. Read Letter dated the 21st 2d September from the 2 Judges on the Boston Decision on Recognizances in case transmitting the Recognizance in case No 16 on the additional Calendar dated the 1 September 1814 (Rose at 1 o'clock)

executors

Sent following letter

(Here enter A.)

Read letter dated the
10th September from the 3d Judge
of Circuit in the Northern Division
transmitting his Proceedings in case
No 1 of the Rajahmundry Calendar
to the 2d Sessions of 1814

(Here enter No 537
of 1814.)

The Court having maturely
weighed the Proceedings held before
the Judge on Circuit the Futwa of
the Peshcar and Law Officers and
the Futwas of the Cazee ool Coozzat
and Shrestty of the Pongdatee
Adawlut do confirm the said
Futwas of the Cazee ool Coozzat
and Shrestty aforesaid and under
the provisions of Clause II Section IV
Regulation XV A D 1803 do adjudge
the Prisoners

"Soonia Soody Paupatoo"

to be imprisoned & transported to
Prince of Wales' Island there to be
imprisoned and kept to hard labour
in irons on the public roads or other
public works for and during the
period of their natural lives
respectively

(Here enter B.)

Read also letter dated
the 19th Septr from the 3 Judges on
Circuit in the Northern Division
transmitting his Proceedings in case
No 11 on the Rajahmundry Calendar
to the 2d Sessions of 1814

(Here enter No 573 of 1814)

The Court having duly
weighed the Proceedings held before
the Judges on Circuit the Futwas of
the Peshcar and Law Officers and the
Futwas of the Cazee ool Coozzat and
Futwas of the Pongdatee Adawlut
Shrestty of the said Futwas of
do confirm
the Cazee ool Coozzat and
the Cazee

23d January 1815

acquitting the Prisoners
of 1 Bundaw Moosalia
2 Pothawaty Chenna Ismoo
3 Pothawaty Tautia
4 Uttadaboyanna Atchana
and
5 Pothichetty Tautia
do direct their release accordingly

Sent following letter
(Here enter B 1

From the 2d paragraph
of the foregoing letter it appears
that the Jurors and the Prisoners
at the Bar
of the aforementioned Trial being
acquitted by the Fiscal of the
Provincial Law Officers they were
accordingly cleared by order of
the 3d Judge presiding at the Trial.

The release of these
Prisoners ought to have been
stated in the Persian Record
of the Trial for the information
of the Law Officers of the Fouj-
dary Adawlut. The Court was called
upon to notice a similar omission
in case No 4 of the Hollow Calen-

23 Jan 1815 F. 11.

Court desire that the
will in future notice the release
of any Prisoners at the foot of
the Persian Record for the infor-
mation of the Law Officers
of the Foujdaree Adawlut.

Ordered that Extract
of these Proceedings be forwarded
to the 2d Court of Circuit for
their information and guidance

Sent following letter
(Here enter C)

Read letter dated the
27th September from the 1st Judge
on Circuit in the Centre Division
transmitting his Proceedings held
in case No 20 on the Cuddapah
Calendar on the 2d September 1814

(Here enter 6th Feb 1815)

The Court having maturely
weighed the Proceedings held by the
the Judge on Circuit the Futwa of
the Provincial Law Officers and the
Futwa of the Hazee ool Coozat and
Mooftee of the Foujdaree Adawlut
do concur in the mode Sentence of

the Conjecture Corrigat and Sentence
aforesaid, and do direct that the
Prisoners
1st Bungaroo Tyah
and
2 Lingadoo
be released accordingly
Last Read (Heller
Read also letter dated
the 6 October from the 1st Judge of
Circuit in the Centre Division
transmitting his proceedings in
case No 26 of the Cuddapah Sessions
in the 2d Sessions of 1814
Same entered (702 of 1814)
The Court having duly
weighed the whole of the Proceedings
held before the Judge of Circuit
in the above mentioned Trial
concur in opinion with the Judge
of Circuit that the Prisoner
Giddum Chellumgundoo
has not incurred the penalty
prescribed by Regulation XIII
A.D. 1806 and according to the
terms of the crime of conviction

direct that he be discharged
from the imprisonment to which he
he was placed under the provisions
of Section VII of the Regulation
above referred to —
Should the Prisoner
appear to the Court Judge or
to the Zilla Magistrate 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 the
release of the Prisoner from his
of the charges of contumacy, is to
be considered as having reference
solely to the commitment on that
charge, and does not require his
absolute discharge from the jail
and beyond the reach of the
Magistrate, who will on such
case proceed against the Prisoner
according to the provisions of

23d January 1815

the guidance of the Zilla Magistrate

Ordered that Extract of these Proceedings be transmitted to the 1st Judge of Circuit for the Centre Division by Precept directing him to communicate the same to the Zilla Magistrate in the Zilla of Cuddalore

Sent following Precept

(Here enter E)

Read also Letter dated the 17th October from the 1st Judge on Circuit in the Centre Division transmitting his Proceedings in case № 49 on the Cuddalore Calendar in the 2d Sessions of 1814

(Here enter № 703 1814)

The Court having duly weighed the whole of the Proceedings held before the Fifth Judge on Circuit comes in opinion with the 1st Judge as to the Credibility and continuance of the Sentence

"Declare Nuncupando"

3 Fe 11
23 January
1815

considering the Prisoner fully incurred the Penalty prescribed by Sect 3 Regulation XIII. 1806, do confirm the Sentence passed upon him by the Judge on Circuit under date the 17th October, and do adjudge from the said Prisoner

"Declare Nuncupando"

to be imprisoned & transported to Prince of Wales' Island there to be kept to hard labour on the public roads for and during the period of his natural life

Sent following Letter

(Here enter F)

Read Letter dated the 12th Ultimo from the 2d Judge on Circuit in the Southern Division transmitting his Proceedings in case № 7 on the Madura Calendar in the 2d Sessions of 1814

(Here enter № 73 1814)

The Court having

held before the Judges from Court
the Factors of the Provincial Law
Officers and the Factors of the Crown
on Circuit and Lower Thereby
of the Fourdance Mdarlint. do.
confirm the said Factors of the
Crown on Circuit and Thereby
aforesaid, and under the Public
of Ireland pronounced against
the Prisoner, do adjudge him
the said Prisoner
Valeydom Mchany
to suffer death by being hanged
at the usual time & place of
execution.

Sent for following letter
(See entered G.)

Read letter dated the
4th September from the 2 Judges
of Circuit on the Western Division
transmitting their Proceedings in
case No. 38 on the South Irelabar
Calendar for the 1st Sessions of
1814.

(See

The Court having duly
considered the Proceedings held
before the Judges on Circuit, the
Factors of the Provincial Law
Officers and the Factors of the
Crown on Circuit and Thereafter
of the Fourdance Mdarlint. do.
confirm the said Factors of the
Crown on Circuit & Thereafter aforesaid
and acquitting the Prisoner
"Charleton Mandell" Ittee Record
do direct the release accordingly

Sent following letter
(See entered H.)

January 181

Friday
27th January 1815

Present

Andrew Scott Esq.r
Edward Croft Greenway Esq.r } Judges
George Stretton Esq.r

From the medical certificate
enclosed in the letter from the Registe
to the Court of Appeal and Circuit for
the Northern Division dated the 20th Instant it appears that
the 3rd Judge was unable to complete
the Quarterly Gaol Delivery at Newca-
stle upon Tyne. The Court therefore authorize
and direct the 2nd Judge to proceed
with the Calendar, and to complete
the delivery of the Gaol at that Station.

Ordered that a Copy of
these proceedings be sent for the
information & guidance of the 2nd
Judge of the Court of Circuit for
the Northern Division.

Sent following letter
(Vide Letter A.)

Read the following letter from the

F. U.

In the Court of Fouzdaree Adaulut

Present

Monday
18th Sept. 1815. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges.
George Stratton Esqre

Read return dated the 12th instant from the Court of Circuit in the Centre Division to the Courts Precept under date the 26th June last forwarding the English and Persian Records of the trials therewith submitted and certifying that the Originals of the same severally bear the signature of the late 3d Judge and that the aforesaid Records on being compared with the Originals are found to be correct and are accordingly attested as true translations by Order of the Court of Circuit

(Mercenter No. 373)

Read again letter dated the 12th June last from the 3d Judge of Circuit in the Centre Division transmitting the Proceedings held before the late 3d Judge on Circuit in case No. 8 of the Chittoor Calendar in the 2d Quarter Sessions of 1812.

(Mercenter No. 429 of 1815)

The Court having maturely considered the proceedings held before the late 3d Judge of Circuit in case No. 8 of the Chittoor Calendar in the Second

27 January 15

Magistrates of Salem, Vizagapatam, and Bellary — forwarding copies of persons proclaimed for December.

(Recorded No. 13, 21, 47.)

Read letter, dated the 28th December 1814, from the Third Judge on Circuit in the Western Division, — with copies of the Calendars of South Malabar and Cochin, for 2d Sessions of 1814.

(Here enters No. 8.)

Read Oath, dated the 19th instant, taken and subscribed by Mr Robert Andrews as Acting 4th Judge of the Southern Provincial Court of Appeal before the Senior Puisne Judge of this Court.

(Here enters A.)

Fol

At a Court of Foujdaree appointed

Monday the 30 January 1815

Present

Andrew Scott Esqr
George Shaston Esqr

} Judges

Read letter dated the 4th Ulto from the 3d Judge of Circuit in the Western Division transmitting the Proceedings in case No 27 of the South Malabar Calendar for the Sessions of 1814

(Here enters No 620 of 1814.)

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers and the Futwas of the Cazee ool Cozzat and Moofties of the Foujdaree Adawlut dated conformable thereto Futwa of the Cazee ool Cozzat and Moofties appointed and under the provisions of Clause first Section IV Regn XV A. D. 1803 do adjudge the Prisoners

1 Roondoo Kolangara Colla

and

2 Pramatta

to suffer death by being hanged

January 1815

Magistrates of Salem, Vezagapatam, and Bellary — forwarding regis-
ters of persons proclaimed for December.

(Secretary No. 13, 21, 47.)

Read letter, dated the 26th.
December 1814, from the Third Judge on Circuit
in the Western Division, — with copies of the ca-
lendars of South Malabar and Cochin, — for 2d
Sessions of 1814.

(Fire enter No 8.)

Read Do. dated the 19th instant.
from Messrs and subscribed by Mr Robert Andrews as
Acting 4th Judge of the Southern Provincial Court of
Cauit before the Senior Puisne Judge of this Court.

(Fire enter A)

F 11

At a Court of Foujdaree at Fort

Monday
the
30 January
1815

Present

The Hon.
John
Taylor Esqr
Andrew Scott Esqr
George Stratton Esqr } Judges

Read Letter dated the
4th October from the 3d Judge of Circuit
in the Eastern Division transmitting
the Proceedings in case No 27 of the
South Malabar Calendar on the
Sessions of 1814

(Fire enter No 620 of
1814.)

The Court having maturely
considered the Proceedings held before
the Judge on Circuit, the Futwa of
the Provincial Law Officers and the
Futwa of the Cazee ool Cozzat and
Muftees of the Foujdaree Adawlut
do confirm the said Futwa of the
Cazee ool Cozzat and Muftees, agreeably
and under the provisions of
Clause first Section IV Regn XV
A. D. 1803 do adjudge the Prisoner
1 Roondoo Kolangara Vella
and
2 Thamatta

Magistrates
ters of Peace

at the usual time read [illegible] of
execution —
sent for following letter
(See letter [illegible])
Read letter dated the
15 Ulto. from the 2 Judge in Circuit
to the Southern Division transmitting
the Proceedings in case N° 4 of the
Calendar
Sessions
of 1814.
(See entry N° 30 of
1814.)
Read also Memorials of the
Cazee ool Cozzy and Shroffs of
the Foujdaree Adawlut praying
for revision of Trial submitted in
the foregoing Letter
(See entry Remarks)
Ordered that the Proceedings
held in the above-mentioned case
with the Judge's remarks thereon
be transmitted to the
Southern Division of the Court
directing them to proceed
additional

and having considered the aforesaid
these Proceedings & certain Memorials
to the Court with the least
delay —
Sent following Receipt
(See entry B)
Read letter dated the
25th November last from the 1st Judge
on Circuit in the Southern Division
transmitting the Proceedings held
in case N° 29 of the Calendar
of the 1st Sessions of 1814
(See entry N° 30 of
1814)
The Court having duly
considered the Proceedings held
before the Judge of Circuit, the
Futwa of the Provincial Law Officers
and the Futwa of the Cazee ool Cozzy
and Shroffs of the Foujdaree
Adawlut, do confirm the said Futwa
of the Cazee ool Cozzy and Shroffs
aforesaid and do direct that the
Prisoner
Cavoor Soondaroo Rauden
be released on producing Security

for the future good behaviour
and appearance when required
for the period of six Calendar
months —

Read also letter dated
the 14th September from the 1st
Judge on Circuit in the Southern
Division reporting the Proceedings
held in case N. 19 of the Convictions
Calendar in the 1st Sessions of 1814

(There enter N 553 of
1814.)

The Court having duly
weighed the Proceedings held before
the Judge on Circuit the Nature of
the Provincial Laws offences and the
Nature of the Cayenne and Counter
Marches of the Bengalese Malabah
do confirm the said Sentence of the
Cayenne and Cowgat and Counter
aforesaid whereby the Prisoner
"Veerasacone"
is declared liable to be kept
and worked the provisions of
clause 1st Section III. Reg. VI
of 1811 &c.

5. 4
30 January

the Prisoner "Veerasacone" aforesaid
to be publicly exposed on the mode
denominated "Tashear"; to have
the words "Poe sytheem pongy knowan
in the Tamul character denoting the
crime of Wilful Perjury of which the Prisoner
has been convicted
by the Sentence" marked on his forehead
by the common process of godna
to receive thirty Stripes with a
cowtah; and to be imprisoned &
kept to hard labour in irons
on the public roads or other public
works for and during the Period
of four years —

Read also letter dated
the 1st September from the 1st
Judge on Circuit in the Southern
Division, transmitting the Proceedings
held in case N 11 of the Convictions
Calendar in the 1st Sessions of 1814

(There enter N 528 of
1814.)

The Court having maturely
considered the Proceedings held before
the Judge on Circuit, the Nature
of the Provincial Laws offences and

30th January 1815

the Justices of the Crown and Peace

and Thereupon it is Ordered

do confirm the said Sentence of the

Crown and Peace [illegible] Thereupon it was

ordered by the Court that

be taken to the Gaol

whence they came and from thence on

Wednesday the

declared liable to Execution; and that

Warrant issue from the Register of

this Gaol to the Sheriff of

Execution to be done upon the

1814. The Court doth adjudge &

remaining in Gaol

1 Conspiracy

2 Rape

3 Conspiracy

and

5 Conspiracy

to suffer death by being hanged

at the usual time

30th January 1815 and with the view of rendering as public as possible the awful punishment, to which the persons who have been sentenced, agreeably to the recommendation of the Judge of Circuit do direct that the Prisoners aforesaid be hung in chains on a gibbet erected for the purpose on the high road leading to Anadegar Cook Palace the villages of Sorlany & Ravanmen in the Ardinglass district as near as possible to the place where the Murder & Highway Robbery were committed —

Sent following letter

(Accountant Gl)

No. 11.

At a Court of Poojadaree Adawlut

Present

Monday 6th. February 1815

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

11 Read letter dated the 13th. September from the 1st. Judge on Circuit in the Centre Division transmitting his Proceedings held in case No. 21. on the Cuddapah Calendar in the 2d. Sessions of 1814.

(Here enter No. 586 of 1814.)

On a perusal of the whole of the Proceedings referred in the foregoing letter, there appear among the Papers submitted by the Magistrate three declarations, made by the Prisoner in the Talook. The first of these is dated the 12th. day of the New Moon, in the Month Poushia of the year Ungeresa, corresponding with 29th. January 1813.

The 2d. is dated, on the second of the New Moon in the Month Jyshta of the year Bava, or 28th. May 1814.

The 3d. is dated on the 12th. of the same Month & year, or 30th. May 1814.

Besides these, there are two other declarations made by the Prisoner before the Magistrate, on the sixth of June 1814.

If the date of the first declaration be correct, it would seem, that from the 29th. January 1813 to the 6th. June 1814, this case seems to have been passed over unnoticed, until

reported by Vencatrow, the Tahsuldar of the Talook of Poluvendala, to the Magistrate in the Zilla of Cuddapah — The translation of this Report, as contained in the English Record of the above trial, bears no date — On reference however to the Persian Record, it would seem to have been written on the 30th May 1814, and to have been received by the Magistrate on the 6th June following, on which day the Prisoner was examined —

The Court forbear for the present from making any remarks or enquiry, respecting the unaccountable manner, in which the Prisoner's case seems to have been overlooked for a period of Sixteen Months, during which time no steps whatever were taken to bring the Prisoner forward, until the 20th May 1814, when her second declaration is stated to have been taken —

The first declaration, as contained in the English Record, is said to have been made by the Prisoner on the 12th day of the New moon of the Month Poshua of the year Mugneeswar 29th January 1814 — and the Prisoner in the said declaration states that she was delivered of a living infant, on the 10th day after the full Moon in the same month — One of these dates must be incorrect, otherwise it would appear that the declaration of the murder was made, thirteen days prior to the woman's actual delivery — The Persian Record however states the declaration to have been made on the 12 day of the dark half of the same month — which would appear to be two days after the woman's delivery, and in all probability the date intended —

In several instances the English and Persian Records Materially differ from each other, and in some, both appear

6th February 1815.

to be incorrect — The error however in the first declaration seems more especially worthy of remark, inasmuch as the conviction of the Prisoner is principally grounded on her confession contained in this ~~her~~ declaration —

The error however contained in the first declaration more especially worthy of remark, inasmuch as the conviction of the Prisoner principally grounded thereon —

The Prisoner is therein represented to have stated that the connection, in consequence of which she became pregnant, took place only four months and fifteen days previous to the date of her examination (which seems at all events to have been taken within a few days of her delivery), and that she brought forth a living infant — If this translation be correct, it is difficult to believe that the child could have been born alive —

The utmost possible accuracy being of the last importance in cases like the present, where the life of an individual is at stake, the Court direct, that the English and Persian Records of the above trial, together with an Extract of these Proceedings, be transmitted to the First Judge of Circuit in the Centre Division by Precept directing him to amend the said Records, and to return them to the Court with the least possible delay, accompanied with correct translations of the first and third declarations made by the Prisoner "Gola Gungee", prior to her being examined before the Magistrate —

Sent following Precept

(Here enter A)

Read letter dated the 12th January 1815 from the first Judge on Circuit in the Western Division transmitting his Proceedings held in case No. 6 of the Cochin Calendar in the 2nd Sessions of 1813 —

(Here enter No. 53)

Read also letter dated the 23d. ultimo, from the Magistrate of Cochin, reporting the death of the prisoner Patan Anjahallawan, who was tried for the murder of his wife, in the case referred by the foregoing letter.—

(Here enter No. 96)

Read also letter dated the 30th. ultimo from the 1st. Judge on Circuit in the Western Division, reporting for the information of the Sayjdaree Udaulut that the Prisoner Patan Anjahallawan who was brought to trial in the above case, died in Jail on the 23d. ultimo.—

(Here enter No. 111)

In consequence of the Prisoner's death, as reported in the two foregoing letters, any further Proceedings in the above mentioned Trial are unnecessary.—

Read letter dated the 12th. September last from the 2d. Judge of Circuit in the Western Division, transmitting his Proceedings held in cases No. 23 and 36 of the South Malabar Calendar in the 1st. Sessions of 1814.—

(Here enter No. 540 of 1814)

The Court having maturely weighed the Proceedings held before the Judge of Circuit (in case No. 23) the Futwa of the Provincial Law Officer, and the Futwa of the Cazee ool Coozzat and Mooftees of the Sayjdaree Udaulut, do confirm the said Futwa of the Cazee ool Coozzat and Mooftees aforesaid, and so direct that the Prisoners—

1st. Wengashery Hayenna Hariwal
2. Velvolandatta Keeper.

be imprisoned and transported to Prince of Wales Island, there to be kept to hard labour in irons, on the public roads or other public works, for and during the period of their natural lives respectively.—

And the Court do direct that the third Prisoner—

Parreankotta Kotalet Komoo

be imprisoned, and kept to hard labour in irons, on the public roads or other public works, for and during the period of seven years.—

The Court having maturely considered the Proceedings held before the Judge of Circuit (in case No. 36) the Futwas of the Provincial Law Officer, and the Futwa of the Cazee ool Coozzat and Mooftees of the Sayjdaree Udaulut, do confirm the said Futwa of the Cazee ool Coozzat and Mooftees aforesaid, and acquitting the Prisoners—

1. Pattom Toddoil Teyan Nayer
2. Tekoomparata Meer ally — and
3. Wanjashery Koyamoo Koorcub.

do direct, that the first and second Prisoners be released accordingly.—

The third Prisoner has been sentenced to imprisonment and transportation for life, in case No. 23. of the South Malabar Calendar in the 1st. Sessions of 1814.—

Sent following letter

(Here enter B.)

Read letter dated the 6th. August from the 1st. Judge on Circuit in the Southern Division transmitting his Proceedings held in case No. 16. of the Combaconeem Calendar in the

1st

Read also letter dated the 23d. ultimo, from the Magistrate of Cochin, reporting the death of the prisoner Palan Anjahallawan, who was tried for the murder of his wife, in the case referred by the foregoing Letter.—

(Here enter No. 96)

Read also letter dated the 30th. ultimo from the 1st. Judge on Circuit in the Western Division, reporting for the information of the Sayjdaree Udaulut that the Prisoner Palan Anjahallawan who was brought to trial in the above case, died in Jail on the 23d. ultimo.—

(Here enter No. 111)

In consequence of the Prisoner's death, as reported in the two foregoing letters, any further Proceedings in the above mentioned Trial are unnecessary.—

Read letter dated the 12th. September last, from the 2d. Judge of Circuit in the Western Division, transmitting his Proceedings held in cases No. 23 and 36. of the South Malabar Calendar in the 1st. Sessions of 1814.—

(Here enter No. 540)

The Court having maturely weighed the Proceedings held before the Judge of Circuit (in case No. 23) the Futwa of the Provincial Law Officer, and the Futwa of the Cazee ool Coozzat and Mooftees of the Sayjdaree Udaulut, do confirm the said Futwa of the Cazee ool Coozzat and Mooftees aforesaid, and do direct that the Prisoners—

1st. Wongashery Koyamoo Hurisul
2. Velooliadatta Koopen.

be imprisoned and transported to Prince of Wales Island, there to be kept to hard labour in irons, on the public roads or other public works, for and during the period of their natural lives respectively.—

And the Court do direct that the third Prisoner—

Parreankolla Kotalil Komoo

be imprisoned, and kept to hard labour in irons, on the public roads or other public works, for and during the period of seven years.—

The Court having Maturely considered the Proceedings held before the Judge of Circuit (in case No. 36) the Futwas of the Provincial Law officer, and the Futwa of the Cazee ool Coozzat and Mooftees of the Sayjdaree Udaulut, do confirm the said Futwa of the Cazee ool Coozzat and Mooftees aforesaid, and acquitting the Prisoners—

1. Pottom Soddoil Seyan Nayer
2. Tekoonparata Meer Ally — and
3. Wanjashery Koyamoo Koorsul.

do direct, that the first and second Prisoners be released accordingly.—

The third Prisoner has been sentenced to imprisonment and transportation for life, in case No. 23. of the South Malabar Calendar in the 1st. Sessions of 1814.—

Sent following letter

(Here enter B.)

Read letter dated the 6th. August from the 1st. Judge on Circuit in the Southern Division transmitting his Proceedings held in case No. 16. of the Combaconam Calendar in the

6th February 1815.

1st Sessions of 1814 —

(Here enter N. 466 of 1814)

The Court having maturely considered the Proceedings, held before the Judge of Circuit, the Futwa of the Provincial Law officer, and the Futwa of the Cazee ool Cozzat and Mosftee of the Fouzdaree Udaulut, do confirm the said Futwa of the Cazee ool Cozzat and Mosftee aforesaid, and acquitting the Prisoners —

1st Runga Iyengar
2. Kistna Iyen
3. Narrayana Iyen
&
4 Appaavien

do direct their release accordingly —

Sent following letter

(Here enter C)

Read letter dated the 12 Instant from the 3d Judge of the Court of Circuit on the Southern Division, transmitting the Sentence of the Court to the state of the Jail at Poonamallee, and submitting some remarks regarding the selection of Law Officers for the Provincial Courts.

(Here enter N. 748)

Ordered that the foregoing letter do lie on the table.

Fol. 11

Monday the 13 February 1815

At a Court of Fouzdaree Udaulut

Present

Richard Scott Esqr
George Sheatton Esqr } Judges

Read letter dated the 24 November from the Second Judge on Circuit in the Southern Division transmitting his Proceedings held in case N 54 of the Salem Calendar in the 1st Sessions of 1815

(Here enter N 701 of 1814)

The Court having maturely weighed the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee ool Cozzat and Mosftee of the Fouzdaree Udaulut, do confirm the said Futwa of the Cazee ool Cozzat and Mosftee, and do direct that the Prisoner "Vellumaul" be

The Prisoner pleaded not guilty to the foregoing Trial at the 5th of the Calendar. stood charged with the murder of her new born illegitimate female child; and she was brought before the Court of Enquiry by the evidence of the first, second, and fifth witnesses. That the corpse of the infant found near the Shanikallen bank, was the corpse of a male child.

The Prisoner pleaded not guilty to the first Judge: as excepted to the Letter, that there are strong grounds for suspecting that the Prisoner had been recently delivered of a child: they cannot however discover from the Papers submitted by the Magistrate any thing that led to the Prisoner being charged with the murder of her female child: And not sufficient proof from wanting to establish the fact of

13th February 1815.

and of her having murdered her new born infant, either by exposing it or by other means. That error in the indictment would have proved a bar to her full conviction.

The body of the infant was not examined by any medical person, nor does it appear that any steps were taken in order to ascertain whether the child from its size, and appearance could have been born alive.

The Court are of opinion that if at any future period, the body of an infant, suspected to have been murdered, should be found near a Police station, the Magistrate should direct the Police Surgeon to examine the body, and report whether from its appearance and growth, the child could have been born alive, and whether the body may be found at any considerable distance, so as not

13th February 1815.

to admit of its being examined by the Zetta Surgeon; the principal Police Officer visiting the Spot where the body may be found, should he be instructed to have it examined by two Medical Gentlemen if Public; or if there is not the Coroner by two men, who may be best versed in the subject.

Two reports should be drawn up, and duly subscribed & attested by them respectively, stating whether the wounds or other violence appear to be from human agency or accidental, and whether they were sufficient to occasion death, and if so, whether they were inflicted by the Prisoner or any other person.

Ordered that Evidence of these Proceedings be transmitted to the Court of Exchequer in the Southern District by Packet direction, there to be examined by the Crown Solicitor, & the Prisoner to be committed to the Gaol of Exchequer to take his Trial at the next Court of Exchequer to be held for the Southern District.

Feby 13th 1815

Read also Letter dated the 2d December last from the 1st Judge on Circuit in the Southern District transmitting his Proceedings held in case No 2 of the Criminally Calendar in the 1st Sessions of 1815.

(See entry No 2 of 1815)

The Court having maturely weighed the Proceedings held before the Judge on Circuit the Testimony of the Principal and Officers and the Testimony of the Gaoler or Constable of Nassau in the Bahama Islands do confirm the said Finding of the Coroner and Inquest aforesaid, and acquitting the Prisoner

Thos Hoo Mandeham

do direct his release accordingly

The Prisoner Thos Hoo Mandeham was committed by the Register of the Yelleh Court of Criminally on a charge of wilful and corrupt Perjury, & when examined at a Court of Oyer & Terminer held

When examined as an evidence before the Grand Jury on the 13th November 1813. Thos: Parsons deposed & stated on oath that he saw one of the defendants in the above mentioned suit, named Sunkara pentheow, on the 5th of January 1809: & that the said Defendant was stated to have died on the 10th January 1809.

In support of the said Defendants plea of the said death it was stated that while the suit was depending a supplemental petition was filed against the Heirs of the Defendant & process was issued accordingly & executed thereon by them taken.

For the Prisoner it was urged, that the evidence adduced on the part of the Defendants was not sufficient to warrant the Jury in finding a verdict against the Prisoner, as the Letter from the Judges of Circuit stated that the Prisoner should be tried upon the evidence to be adduced on the part of the Crown only.

death from & after the date on which the Prisoner stated that he had seen them alive.

The more correct course of a supplemental petition having been filed against the Defendants Heirs, and by them answered, they thereby virtually admitted, however improbable it might be, that the fact of the Defendants death, would not be too vague and indeterminate to warrant the Prisoners conviction, and as the Judges on Circuit stated in their Letter no doubt could be entertained of the said Defendant having died on the 10th January 1809, and as further that fact was universally admitted on the Territory of Sumatra, & on the Coast of Malabar, that the Prisoner was not entitled to the benefit of

should have been earlier heard
and that no evidence was adduced
before the Court to prove
this fact.

Whilst the 1st Witness
before the Court stated in evidence
that a supplemental petition
was filed against the Heirs of
the Defendant, he states at the
same that he does not know
whether against the Principal
or dead as the month mistaken
by the Prisoner - and the 2d Witness
pleaded ignorance to the of the
Defendants death prior
to the above date - as also of the
circumstance of the
petition being filed
Defendants Heirs having filed
a reply to the supplemental
petition.

Ordered that Extract
of these proceedings be transmitted
to the Court of Grand in the
Southern Division for the information

Read letter dated the 27th
Ult. from the 1st Judge of
Grand in the Southern Division
transmitting his Proceedings held
on case N 23 of the Criminal
Calendar on the 1st Sessions of 1814
(Here enter N 28 of 1815)

The Court having maturely
considered the Proceedings held before
the Judge on Grand, the Fiscal
of the Provincial Law Officer and the Senior
Fiscal of the Cazee al Coozzat and
Mootsip of the Foreign Office Malabar
do confirm the said Fiscal of the Cazee
al Coozzat and Mootsip aforesaid
and order the Fiscal of Respect
ably given against the Prisoner do
adjudge the said Prisoner
Manuly
to suffer death by being hanged
at the usual time and place of
execution -

Read also letter dated
the 31st Ult. from the 1st
Judge on Grand in the Southern

Session [illegible] Sessions House
held in case N° 15 of the Calendar
of the 1st Sessions of 1815

(Here enter N° 30 of 1815)

The Court having maturely
considered the Proceedings held before
the Judge on Circuit, the Fiction
of the Pronounced Law Officers of
the Fiction of the Caye and Cayzah
and Masters of the Fang dance
Udaulat, do conform the said
Fiction of the Caye and Cayzah
and Masters aforesaid, and do
adjudge the Prisoner
Mohammed Jalal
to be imprisoned and kept to
hard labour in irons on the public
roads or other public works for
and during the Period of

Sent following letter

(Here enter (A)

Read letter dated the 16 November
from the 1st Judge on Circuit in
the Centre Division, transmitting
the Proceedings held in case N° 6
of the Chinglebut Calendar of
the 2d Sessions of 1814 —

(Here enter N° 5 of 1815)

The Court having duely
weighed the Proceedings held before
the Judge on Circuit, the Fiction
of the Pronounced Law Officers of
the Fiction of the Caye and Cayzah
and Masters of the Fang dance
Udaulat, do conform the said
Fiction of the Caye and Cayzah
and Masters aforesaid, and do
adjudge the Prisoner
Mohammed Jalal
to be imprisoned and kept to
hard labour in irons on the public
roads or other public works for
and during the Period of

13th February 1815

Read letter dated the
September from the first Judge
on Circuit in the Central Division
transmitting the Proceedings
in case № 38 of the Cuddalore
Calendar in the 2d Sessions of
(Fort entered № 393 of

The Court having
weighed the Proceedings held before
the Judge on Circuit the Fa
of the Provincial Law Officers and
the Factors of the Company at
Adamalcut dissenting from the said
Factors of the Cayee ad Coyyet
and Thorfteen aforesaid, and
agreeing with the Provincial
Law Officers, do adjudge
the said prisoner Boyd
Boodaradoo to suffer death by
being hanged at the usual
and place of execution

13 Feb.y 1815.

Read also letter dated the
18th October from the 1st Judge on
Circuit in the Central Division
transmitting the Proceedings
held in case № 78 of the Cuddalore
Calendar in the 2d Sessions of 1814.

(Fort entered № 715 of 1814)

The Court having ordinarily
weighed the Proceedings held
before the Judge on Circuit
the Factors of the Provincial
Law Officers and the Factors of
the Cayee ad Coyyet and Thorfteen
of the Fongdaree Adawlut dis-
senting therefrom the said Factors of the
Cayee ad Coyyet and Thorfteen
aforesaid, and ~~the Provincial~~
~~Law Officers~~ in consideration
of the circumstances
adduced by the Judge
on Circuit in favor
of the Prisoner
mitigation of the
prescribed penalty
and agreeably
to his recommendation

~~III Section III Regulation III~~
~~VII A.D. 1811~~ The Court
~~assembly~~ under the
~~Thereby vested in them by~~ Clause III
~~Section III Regulation VI A.D. 1811~~ do adjudge
the Prisoner
Wadboolacoyen doo
to receive
suffer eighteen stripes

with the Costs (to which), and to be confirmed and kept & done taken on oath on the public roads or other Public Works for and during the Period of one year

Sent following Letter
(Register No)

Read letter dated 7th Feby 1815 from the 2d Judge Circuit Court on the Southern Division transmitting his Proceedings held in case No 9 of the Madras Calendar for the 2d Session of 1814

(Register No 731 of 1814)

The Court having maturely considered the Evidence held before the Judge on Circuit the Testimony of the Prosecutor Officers and the Testimony of the Prisoner and Thomas Hodaulet, & on from the said Testimony of the Prisoner

the Prisoner and Thomas aforesaid, and under the Testimony of Witnesses given against the Prisoner, do adjudge from the said Prisoner

"Sobben"

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

Read also letter dated the 12th December from the 2d Judge on Circuit on the Southern Division transmitting his Proceedings held in case No 9 of the Madras Calendar for the 2d Session of 1814

(Register No 731 of 1814)

The Court having duly weighed the Proceedings held before the Judge on Circuit the Testimony of the Prosecutor Officers and the Testimony of the Prisoner and Thomas Hodaulet, & on from the said Testimony of the Prisoner

with the Coast (as stated), and to be confined and kept to hard labour on roads or other Public Works for and during the Period of one year

Sent following Letter
(Register D)

Read letter dated 7th Instt from the 2d Judge of Circuit on the Southern Division transmitting the Proceedings held in case No 3 of the Calendar of the 2d Sessions 1814

(Register No 730 of 1814)

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Testimony of the Witnesses and the Defence of the Prisoner

13th February 1815

the Cazeenot Coopyet and Thomas aforesaid, and under the Testimony of Witnesses given against the Prisoner, do adjudge them the said Prisoner

"Sobben"

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

Read also letter dated the 12th December from the 2d Judge on Circuit on the Southern Division transmitting his Proceedings held in case No 9 of the Madras Calendar on the 2d Sessions of 1814

(Register No 731 of 1814)

The Court having duly weighed the Proceedings held before the Judge on Circuit, the Testimony of the Provincial Law Officer and the Defence of the Cazee Samoo ul Coopyat and Thomas Hogan of the Surgeons Mandate, do confirm the said Sentence of the Cazee

13th February 1815

Coot Cooyat and Thoorfegs convicted
and under the Sentence of Death
given against the Prisoners do
adjudge them the said Prisoners
Pera Lerten
to suffer death by being hanged
at the usual time and place
of execution

Sent following Letter.
(Documents E)

Read Letter dated the
14th Ult. from the Third
transmitting Judge of Circuit, [illegible]
held in this
No 4 of the [illegible]
Trincomalee Criminal Calendar
for the 3d Quarter
Sessions of 1814

(Case entered No 538 of 1814)

The Court having duly
weighed the Proceedings held before
the Judge of Circuit presiding
at the Court of 3d Quarter Sessions
the Testimony of the Provincial Law
Officers and the Testimony of the
Cooyet and Thoorfegs

13 Feb 1815

Adamlebbe do.
of the Sangdance
confirm the said Testimony of the
Cooyet and Thoorfegs
aforesaid, and under the Sentence
aforesaid, do adjudge them
the Prisoners do adjudge them
the said Prisoners
Thoorfegs
to be severally whipped and banished
to the Sessions
Hellore there to be employed
to superintend
the Public Roads
in repairing
the Public Works for
and during
the Period of
seven years.

Sent following Letter
(Documents F.)

The Court direct that
the Sentence be
carried into Effect on the foregoing case
inspected in the foregoing case
No 4 of the Trincomalee Criminal Calendar

13th February 1815.

in the 3d Quarter Sessions of 1814 to be sent to the Magistrate in the Gills of Nellore by precept commanding that after the delivery of the Prisoner Mootoocaroopullay unto his custody he do cause the same to be carried into execution —

Sent following Precept

(Here enter G.)

J. U.

At a Court of Foujdaree Udalut

Present

Monday 20th February 1815 Andrew Scott Esqr
Edward Roft Greenway Esqr } Judges
George Sheatton Esqre

Read letter dated the 22d December last from the first Judge on Circuit in the Southern Division transmitting his proceedings held in case No 1 of the Madura Calendar in the 1st Sessions of 1814.

(Here enter No 1 of 1815)

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law officer and the Futwa of the Cazee ool Cozzat and Mooftee of the Foujdaree Udalut do confirm the said Futwa of the Cazee ool Cozzat & Mooftee aforesaid and do adjudge him the Prisoner

"Mootoo Kurpen"

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of five years —

Sent following letter

(Here enter A.)

Read also letter dated the 27th October last from the 3d Judge of Circuit in

20th February 1815

the Northern Division - transmitting the proceedings held in case No 3. of the Cayagahatan Calendar in the 2d Sessions of 1814.

[Here enter No 662 of 1814]

Read also remarks of the Cayagahatan and Mofleet of the Fayidaree Adalut shewing cause for the Revisions of Trial referred in the foregoing letter—

[Here enter Remarks]

Ordered that the proceedings held in the above case together with transcript of the aforesaid Remarks be transmitted to the Court of Circuit in the Northern Division by Receipt directing them to peruse the additional evidence as registered and having recorded the same to their proceedings re-transmit them to the Court with the least possible delay.

Sent following Receipt.

[Here enter B.] Ditto

[Record Book. Letter the 9th instant, Letter and enclosures by the Magistrate of Cayagahatan stating 3d Judge of the Northern Provincial Court of Circuit before the Second Provincial Judge of this Court

[Here enter A]

F. C.

At a Court of the Fayidaree Adalut.

Present

Thursday 23d February 1815.

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

Read letter, dated the 16th June 1813. from the late Second Judge of the Court of Circuit in the Western Division, — enclosing copy of the Cochin Calendar for the 1st Sessions of 1813, containing case No 12. wherein three persons were committed for perjury before the Magistrate in a case tried and determined by him —

(Here enter No 437. of 1813.)

The late Judge states that not considering the prevarications which appear in the examinations of the persons in question to be of that material consequence or to exhibit the degree of depravity which is expressly defined by Section IV. Regulation VI. of 1811 to constitute the crime of wilful perjury, he declines

putting them on their trial, and to
forwards
~~transmit~~ the proceedings of the
Magistrates proceedings for the information and final orders of this
Court. -

It does not appear to the
Court that the case referred by the
late Judge of Circuit in the Western
Division comes within the provisions
of Section XVII. Regulation VII of 1803. or
of Section XV. Regulation IV of 1810. Be-
case, indeed, appears to be one upon
which the Court of Circuit was fully
competent to decide, and the reference
to the Court of Foujdaree Adawlut was
therefore unnecessary. -

As the Judge considers
the persons in question to have been
committed for trial on insufficient
grounds, it appears to the Court that
the proper mode of proceeding for the Judge
to will the trial, and having declared
that he does not consider sufficient grounds
for proceeding to trial, to order
the discharge of the

Ordered that extract of
the proceedings be sent to the Court
of Circuit for the Western Division.
and the following letter.
(Vide entry A.)

Read letter, dated the 16th
April last, from the 1st Judge holding
the 2nd Quarterly Sessions of 1814. in the
Zillah of North Malabar. - referring the
proceedings of the Assistant Magistrate
in charge of the Zillah in a case wherein
certain persons have committed to
take their trial on a charge of perjury
and forgery. -
(Vide entry No. 256. of 1814.)

The 1st Judge states that
he considers the persons in question
to have been committed for trial
on insufficient grounds; but that
he is "not aware of any power
"vested in the Judges of Circuit
"to quash an indictment brought
"before them". -

It appears to the Court

23d. February 1815.

the Judges of Circuit in this as in all similar cases is that pointed out in their orders of this date on the reference from the late Second Judge in regard to a case on the Cochin Calendar, viz. to call the trial, and having declared that there were not sufficient grounds for proceeding to trial, to order the discharge of the parties.—

It will be proper, however, that the Judges of Circuit in all cases of this nature state the grounds of their not proceeding to trial, for the information of the Court of Foujdaree Adaulut.

Ordered that a transcript of these proceedings be sent to the Court of Circuit for the Western Division.

Post following letter.

(Vide entry B.)

Read letter dated the 7th. instant from the 1st. Judge on Circuit in the Western Division stating his intended departure from Tellicherry to South Malabar.

(Here enter No. 123.)

No. 16.

23d. February 1815.

Read letter dated the 6th. instant, from the 2d. Judge on Circuit in the Centre Division, — reporting the arrival of the Court of Circuit at Bellary from Cuddapah.

(Here enter No. 124.)

Read letter dated the 10th. instant, from the 1st. Judge on Circuit in the Northern Division, — reporting the arrival of the Court of Circuit at Guntoor from Nellore.

(Here enter No. 125.)

Read letter dated the 15th. instant from the Magistrate of Canara, — enclosing oath of office taken by Mr. G. S. Waters as Assistant Magistrate of Canara.

(Here enter No. 126.)

Read letter dated the 16th. instant, from the Magistrate of Chingulpet, — with list of convicts under sentence of transportation, arrived at Madras.

(Here enter No. 127.)

Read return dated the 8th. instant from the Provincial Court of Circuit for the Western Division, to the Court's precept of the 17th. ultimo, — requiring them to communicate to the several Magistrates in that Division the Court's orders relative to the translation of certain persons in trials referrable to the Foujdaree Adaulut — certifying due execution thereof.

(Here enter No. 129.)

Read letter dated the 16th. instant from the 2d. Judge of Circuit for the Western Division — with returned warrant of execution in case No. 16. on the South Malabar calendar 1st. Sessions of 1814. — certified to have been duly executed.

(Here enter No. 128.)

Read

Read letter dated the 31st ultimo from the Secretary to the Government in the Statistical Department - enclosing a letter addressed to the acting registrar of the gaol of Cuddalore offering his services as Magistrate till the arrival of Mr. Turner

(See entry № 95)

Read letter dated the 19th ultimo from Mr. George Frances Simmons tendering his services as Magistrate of the gaol of Cuddalore.

(See entry № 96)

Read letter dated the 20th ultimo from the Magistrate of Vizagapatam with list of convicts sentenced to transportation or banishment.

(See entry № 102)

Read letter dated the 4th instant from the 3d Judge on circuit on the Southern Division reporting the arrival of the Court of Circuit at Salem on the preceding day from Vizagapatam

(See entry № 113)

Read letter dated the 31st ultimo from the Magistrate of Chingleput reporting that two convicts named Pedda Appadoo and Chinnadooray had arrived at the gaol from Bellary under sentence of transportation in good health.

(See entry № 104)

Read letter dated the 13th ultimo from the Magistrate of Chingleput reporting that two convicts named Vemulah arrived at the gaol from Cuddapah under sentence of transportation in good health.

(See entry

23d February 1815

Read return dated the 6th instant from the 1st Judge of Circuit on the Centre Division to the Courts precept of the 23d ultimo directing his release from confinement on the charge of contumacy.

(See entry № 125)

Read letter dated the 27th ultimo from the 2d Judge of Circuit on the Western Division enclosing copy of the North Malabar calendar 1st Quarterly Sessions of 1815.

(See entry № 107)

Read letter dated the 4th instant from the 3d Judge of Circuit on the Southern Division enclosing copy of the Vizagapatam calendar for 1st Sessions of 1815

(See entry № 122)

Read letter dated the 31st ultimo from the 1st Judge on Circuit on the Northern Division - enclosing copy of the Nellore calendar for 1st Sessions of 1815 - and stating the intended departure to Guntoor from Nellore

(See entry № 106)

Read letter dated the 7th ultimo from the 3d Judge on Circuit on the Southern Division - reporting the arrival of the Court of Circuit at Combaconum from Trichinopoly

(See entry № 24)

Read letter dated the 13th ultimo from the 1st Judge on Circuit on the Northern Division - reporting the arrival of the Circuit Court at Nellore.

(See entry № 36)

Read letter dated the 11th ultimo,

23d February 1815.

the arrival of the Court of Circuit at Carwar.

(Herewith No 49.)

Read letter dated the 17th ultimo from the Magistrate of Chengulpet enclosing list of convicts under sentence of transportation, arrived at that zillah.

(Herewith No 39.)

Read letter dated the 31st ultimo from the 2d Judge of Circuit on the Northern Division, requesting his return from Ganjam to his station.

(Herewith No 110.)

F. U

At a Court of the Foujdaree Udaulut

Present

Monday 27th February 1815

Andrew Scott Esqr
Edwd Croft Greenway Esqr } Judges
George Stratton Esqr

Read returns by the 2d Judge on Circuit in the Southern Division dated the 22 November last to the Court & Precept under date the 22d August transmitting the additional evidence required by the foregoing Precept (Vide 3d Entry of the Transactions of 24th January Herewith No 684)

The Court having carefully considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers and the Futwa of the Cazee ool Cozzaut and Mooftees of the Foujdaree Udaulut do confirm the said Futwa of the Cazee ool Cozzaut and Mooftees aforesaid, and under the Sections of Regn. pronounced against

27th February 1815.

the Prisoner, do adjudge them
the said Prisoner Jan[illegible] named
to suffer death by being hanged
at the usual time and place
of execution.

The circumstance of which
the Prisoner is after pleading
has been convicted, having been
specifically provided for by
Statute, in Matters of Offence
left to the discretion of the Court
under any variation of circumstances
the Prisoner has been condemned
to suffer death accordingly.

On a review of the whole circumstances of the
case, the Court concurs in opinion
with the 3d Judge of Circuit, that
his recommendation as expressed in
his letter dated the 3d March last,
that the homicide was not committed
with malice aforethought, but [illegible]

in consequence of a casual rencontre
of the Parties, and in resentment of
former causes of quarrel, and the
Court accordingly resolve under
the 9th Article annexed to Stat. 55 G. III. c. 160
Section XV Regulations VIII. A.D. 1802
to suspend the execution of their sentence
to enable the Secretary of the Proceedings
to submit the whole to the Governor
in Council, accompanied by their
recommendation founded on the
[illegible] of the Judges of
Circuit that the Right Honble the
Governor in Council may be pleased
to pardon the Prisoner. Ordered
that the record
of the above trial, together with
a transcript of these proceedings, be
transmitted by the Secretary to the
Government in the Judicial
Department for the purpose
of being laid before the Right Hon
ble the Governor in Council

27th February 1815.

Read also a letter dated the 22d September from the 3d Judge on Circuit in the Northern Division transmitting his Proceedings held in case No 22 of the Registrar's Calendar in the 2d Sessions of 1814

(Here enter No 5761)

The Court having maturely considered the Proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Sudr Court the Futwa of the Cazee ool Cozzat and Mooftee of the Fouzdaree Adawlut, do confirm the said Futwa of the Cazee ool Cozzat and Mooftee aforesaid, and acquitting the Prisoners

1 Chedamun Potana
2 Immana Sahib
3 Vengamooty Vorkanka
4 Boyapaty Jaggapa
5 Vecomany Doiapa, and
6 Veeranna Hunu-

2. F. U.
27th February 1815.

do direct their release accordingly

Send following letter

/ Here enter 13 /

Read letter dated the 26th November from the 1st Judge on Circuit in the Southern Division transmitting his Proceedings held in case No 1 of the Salem Calendar in the 1st Sessions of 1814.

/ Here enter No 699 /

The Court having duly weighed the Proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer, and the Futwa of the Cazee ool Cozzat and Mooftees of the Fouzdaree Adawlut do confirm the said Futwa of the Cazee ool Cozzat and Mooftees aforesaid, & acquitting the Prisoners.

1st Ardanaree
&
2d Moorgushpun

do direct their release accordingly.

The 1st Prisoner Ardanaree was arraigned on a charge of having forged the answer of Vencataramien, Soobbien and Appalien, stated to be Defendants in Civil Suit No 5962 of the Register of the Salem Zilla, and which suit was referred by the

Zilla

Zilla Judge to Mahommed Kunnoo, the Zilla Cauzee and Commissioner. The 2nd Prisoner Moorgesspurn was also accused of forgery in having been concerned in the same transaction.

It appears that the 1st Prisoner was occasionally employed in the Commissioners Court, for the purpose of copying out on hire the pleadings and other papers delivered into the Court. In his declaration made before the Magistrate he stated that upon his first entering the Commissioner's Office he was employed and hired Malabar Jemautah — that being unacquainted with the forms and customs of the Office he drew up the Answer in question as directed by the 2nd Prisoner Moorgesspurn, who was at the time the Commissioners Jemautah.

This declaration was proved by the evidence of the 3rd & 4th Witnesses on the part of the Prosecution — whose examinations seem to have been entered by mistake, after the Prisoner's Defence.

The Judge in Circuit states it as his opinion that the 1st Prisoner is fully convicted, and that his

chiefly on the grounds of the aforesaid declaration —

The declaration above alluded to merely contains his admission that he drafted the paper in question, but it does not appear that he was conscious of any impropriety or irregularity of conduct in so doing, or that he was in any way privy to the alleged fraud. The first and second Witnesses on the behalf of the 1st Prisoner deposed before the Court that he was in the habits of writing out answers on hire, previous to his being appointed to act as a Vakeel; and there being no evidence in support of the above-mentioned allegation, the Court, concurring with the reasons assigned by the Mahomedan Law Officers in their Futwa, have accordingly directed the release of this Prisoner —

The 2nd Prisoner Moorgesspurn has been acquitted both by the Futwa of the Provincial Cauzee and the Futwa of the Law Officers of the Foujdaree Adaulut and there is not the slightest evidence against him.

The mistake already noticed, may have been occasioned by the negligence

of the copyist: but a further error appears on the record, which the Court deem it necessary to point out.—

After the Prosecution had been closed and the Prisoner put on his defence, three fresh witnesses were examined in support of the prosecution; the impropriety of such a proceeding is obvious; and altho the Prisoners were asked on the conclusion of each of the said witnesses' examination, whether they had any questions to put to them, still they were not again put on their defence. Had the evidence of these three additional witnesses been essential to the support of the prosecution, the Proceedings should have been suspended and their evidence called for, before the Prisoners were put on their Defence— and if the necessity of examining these witnesses was overlooked until the trial was regularly brought to a close, the Prisoners were doubtless entitled to the full benefit arising to them from the omission.

The regret which the Court feel on viewing so irregular a proceeding, as that already pointed out, is considerably heightened by the contents of the first paragraph of the Remarks alluded to—

It is therein stated "that the other witnesses named by the Prisoner being the Native Commissioner the Cutcherry and the parties interested in the suit No. 5962, and the Mahomedan Law officer and the Senior Judge concurring in the impropriety of examining the Commissioner as to his own acts, and to the examination of interested witnesses they were accordingly ordered to withdraw—

The Court cannot refrain from observing that if the Prisoners were not entitled to have their own witnesses examined in their behalf, who were regularly nominated by them and were mentioned in the list No. 11 of the Magistrates proceedings, it was irregular to say no more, to examine witnesses for the prosecution who were not named in the list of the Prosecutors witnesses No. 10. of the papers submitted by the Magistrate, after the prosecution had been once closed and the prisoners heard on their defence.

Agreeably to the request contained in the 8th paragraph of the Sr. Judges letter marked D. 7. the Court direct that the document be returned to the Court of Circuit in the Southern

Southern Division.

Ordered that extract of these proceedings be transmitted to the Court of Circuit in the Southern Division for their information.

Sent following letter

/ Here enter C /

Read also letter dated the 22nd December last from the 1st Judge on Circuit in the Southern Division transmitting his Proceedings held in case No. 61 of the Salem Calendar in the 1st Sessions of 1814.

/ Here enter No. 4 of 1815 /

The Court having duly weighed the Proceedings held before the Judge on Circuit the Fatwa of the Provincial Law officer and the Fatwa of the Cazee ool Cozzat & Mooftys of the Fouzdaree Adaulut do confirm the aforesaid Fatwa of the Cazee ool Cozzat & Mooftys aforesaid, and agreeably to the recommendation of the Judge of Circuit, and in the authority vested in them by Clause third Section III Regn VII A. D. 1811. the Court do mitigate the punishment prescribed by Clause the first of the Section & Regulation above quoted, and do adjudge the Prisoner Peryasien

receive eighteen stripes on the Corah (or whip) and to be kept to hard labour in irons on the public roads or other public works for and during the period of one year.

Sent following letter

/ Here enter D /

On perusing the Proceedings held in the foregoing trial it appears that the Prisoner Peryasien, when examined as a witness before the Court of Circuit on the 26th February 1814, was considered by the Judge then presiding at the Sessions to have deposed falsely on oath — and that the documents relating to the Trial of the said Peryasien for wilful and corrupt Perjury, were accordingly prepared by the Senior Judge on Circuit.

The Provisions of Section VI Regulation VI. A. D. 1811, prescribe that "whenever a witness giving evidence before a Court of Circuit may be considered by the Judge of that Court to be guilty of Wilful Perjury it shall be competent to the Judge of Circuit to direct the Zilla Magistrate to commit the person so charged for immediate trial before the Court of Circuit, instead of postponing the commitment for trial at the

the ensuing Sessions of the Court of Circuit."

The object of the Judge on Circuit in thus putting the Prisoner on his trial without ifsuing any instructions to the Zilla Magistrate for his commitment was doubtless with a view of preventing the trial from being postponed to the ensuing Session as however the Prisoners deputation which led to his being put on his trial for Wilful Perjury was taken on the 26th February 1814. and the sitting of the Court of Circuit on his case did not commence until the 17th of the following month, there seems to have been ample time for the Magistrate to have duly submitted the necessary documents. at all events a certified copy of the order issued to the Magistrate for the commitment of the Prisoner if any such was issued, ought to have been entered on the Proceedings.

At the foot of the foregoing trial the Senior Judge remarks that the punishment of persons who shall be convicted before a Court of Circuit of Wilful Perjury and who shall in consequence be declared by the Futwa of the Moha. medan Law officer liable to discretionary punishment (Tazeer Ookoobut a Seeasut) being prescribed

F. U.

27th February 1815.

by Clause first Section III Regulation VI. A. D. 1811 and the Futwa of the Provincial Law Officer in the foregoing case having declared the Prisoner liable to Tusheer, and not to discretionary punishment, he has accordingly been induced to submit the present trial to the consideration of the Sudder Fouzdaree Adaulut, in order that it may be determined whether when a Prisoner charged with Perjury pleads Guilty, the Law Officer assisting at the trial, is warranted in giving a Futwa declaring the prisoner liable to "Tusheer" which forms only a part of the punishment denounced in the Section & Regulation above quoted.

The Futwa of the Provincial Cauzee which declares the Prisoner liable to Tusheer, is grounded on the doctrine of Abo Hunneefa — The Law officers of the Fouzdaree Adaulut have stated in their Futwa that the Prisoner is liable to imprisonment and corporal punishment; thereby following the doctrine of the two disciples —

Under the provisions of Clause first Section XL. Regulation VII. A. D. 1802, the Law officers of the Court of Circuit, whenever the prisoner was convicted of Wilful & corrupt

perjury, were required to declare in their Fetwa whether he was liable to Further according to the opinion of Hanneefa, as well as the confined punishment and imprisonment which they might consider him liable according to the opinion of Aboo Yoosuph and Shakoonned, and the Judge before whom the trial might be held, was directed to sentence the prisoner to the punishment to which he might be declared liable, according to the opinion of Hanneefa or to that of his two disciples, as he might judge either mode of punishment the most advisable upon a consideration of the circumstances of the case."

The provisions made by the above quoted for punishing, to the full extent authorized by the Mahomedan Law persons convicted of giving false testimony on oath, being found inadequate to the prevention of this flagrant offence, Regulation VI. A. D. 1811 was accordingly enacted in order to provide more effectually for the punishment of Perjury.

Section XL. Regulation VII A. D. 1802. has been rescinded by Section II Regulation VI. A. D. 1811, and therefore the above officers cannot be considered

to declare the punishment to which the prisoner on conviction is liable according to the opinion of Aboo Yoosuph as well as to that of Hanneefa, as Mahomedan Law officers

But as there is no specific penalty attached to this crime by the Mahomedan Law, it seems right with reference to the provisions of Clause 2nd Sect. III Reg. VII 1803 that where a prisoner shall be convicted before the Court of Circuit, of wilful and corrupt perjury the Mahomedan Law Officer should give a general Fetwa of Tazeer or Correction leaving the Judge to determine the punishment in conformity with the Regulations

Ordered that Extract of these Proceedings be transmitted to the Court of Circuit in the Southern Division for their information and that the Court be instructed to communicate the same to their Mahomedan Law officers for their future guidance.

Sent following letter

Here enter C/ Mr.

4th February 1815

Read letter from the Senior Judge on Circuit in the Western Division dated the 20th Instant announcing the illness of the Sauzee of the Circuit Court and forwarding a medical certificate thereof

/ / Here enter No / 164 /

The Senior Judge on Circuit states that the Sauzee of the Provincial Court had become incapacitated for the discharge of his duties by mental derangement that in conformity with the provisions of Section XXIV Regulation VII of 1802 the Law Officer of the Court of Canara had officiated while the Judge on Circuit was at that Zilla - but that there was no Law Officer attached to the Zilla Court of Cochin, whether the Judge on Circuit was about to proceed - The Judge on Circuit solicits the Orders of the Court for his guidance under these circumstances -

The Court are of opinion that under the circumstances stated in the above letter it is expedient that the Law Officer of the Zilla of South Malabar should accompany the Senior Judge of Circuit to Cochin and there perform the duties of the Law Officer of the Court of Circuit -

Ordered that extract from these proceedings be sent to the Senior Judge on Circuit in the Western Division for his information and guidance -

Sent for Clearing Letter

/ Here enter K /

6/15

S. W.

At a Court of the Foujdaree Adalut

Present

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

Thursday 2d March 1815.

Mr Richard Clarke takes and subscribes in open Court the Oath prescribed by Clause second Section III Regulation XII of 1807 -

M

/ Here enter A /

Read Letter dated 18th August 1814 from the 1st Judge on Circuit in the Western Division, forwarding Copies of the North Malabar Calendars for 3rd Quarterly Sessions of 1814 -

/ Here enter No 349 / of 1814

Read Letter dated 21st September 1814 from the 3rd Judge on Circuit in the Northern Division, enclosing Copy of the Rajamundry Calendar for 2nd Sessions of 1814 and stating his intended departure to Vizagapatam -

/ Here enter No 368 / of 1814

Read Letter dated 27th October 1814 from the 3rd Judge on Circuit in the Northern Division, enclosing Copy of the Vizagapatam Calendar for 2nd Sessions of 1814 and stating his intended departure to Ganjam

/ Here enter No 440 / of 1814

Read Letter dated 5th November 1814 from the 2nd Judge on Circuit in the Western Division, transmitting Copy of the South Malabar Calendar for

2d March 1815

for the Quarterly Sessions of 1814.

/Here enter fo 651/

Read Letter dated 9th November 1814,
from the 1st Judge of Circuit in the Southern Division,
forwarding Copy of the Trichinopoly Calendar for the
Quarterly Sessions of 1814.

/Here enter fo 661/

Read Letter dated 15th October 1814,
from the Judge of Ganjam, forwarding Reports of prisoners
for September.

/Here enter fo 666/

Read Letters from the Magistrates
of Cuddapah, Trichinopoly, Bellary, Vedachelum,
and Chengulput, from the Assistant Magistrate
of Sirungapatam and Canara, forwarding Reports
of prisoners for October.

(Here enter Nos 667, 669, 672, 657, 665, 668,
671 of 1814.)

Read Letter dated 7th November 1814
from the Magistrate of Chengulput, forwarding list
of Convicts under Sentence of transportation arrived
at Chengulput.

/Here enter No 663/

Read Letter dated 10th November 1814,
from the Magistrate of Cuddapa, forwarding Reports of
prisoners confined under sentence in his jail to the
22d Ultimo.

/Here enter fo 664/

Read Letter dated 29th December 1814
from the Magistrate of Sirungapatam, forwarding a

2d March 1815.

Reports of prisoners confined under sentence up to 27th
Instant in his jail.

/Here enter fo 677/

Read Letter dated 28th January 1815.
from the 3d Judge on Circuit in Southern Division,
Reporting the arrival of the Circuit Court
at Vedachelum on the 19th from Combaconum.

/Here enter No 62/

Read Letter dated 16th January 1815
from the 2nd Judge on Circuit in the Northern
Division, forwarding Copy of the Ganjam Calendar
for 2nd Sessions of 1814 and stating his intended depar-
ture from Ganjam to Masulepatam on the 18th

/Here enter No 77/

Read Letter dated 23d January 1815
from the 2nd Judge on Circuit in the Centre Division,
forwarding Copy of the Cuddapa Calendar for
1st Sessions of 1815.

/Here enter No 78./

Read Letters from the Magistrates
of the several Zillas, Salem, Vizagapatam,
Bellary, South Malabar, Masulepatam, Rajahmundry
Trichinopoly, Cochin, Darapooram, and Assistant
Magistrate of Sirungapatam, forwarding Reports
of prisoners for December.

/Here enter No 92, 67, 68, 69, 70, 81, 82,
83, 91, 60,/

Read Letter dated 23d January 1815
from the 2d Judge on Circuit in the Centre Division,
stating his intended departure from Cuddapa
for Bellary /Here enter No 79/

Read letter dated 25th January 1815
from the Magistrate of Trichinopoly forwarding Report
of persons confined under sentence in the jail —
(Here enter No 91)

Read Letters from the Magistrates of
Bellary, Masulipatam, Cuddapah, Canara, South
Malabar, and Assistant Magistrate of Chingleput
forwarding Reports of Criminal cases depending
the 31st ult. & December last —

(Here enter Nos 66, 72, 85, 89, 93, 96)

Read Letters from the Magistrates
of Masulipatam, Cuddapah, Canara, South Malabar, and
Assist Magistrate of Chingleput, forwarding Returns
of Crimes committed in 1814 —

(Here enter Nos 71, 84, 90, 94, 95)

Read Letter dated 1st January 1815
from the Magistrate of Trichinopoly, forwarding Return
of convicts who have been sentenced to banishment or
transportation —

(Here enter No 98)

Read Letter dated 24th January 1815
from the 3d Judge in Council in the Northern Division
forwarding Copy of the Cumbaconum Calendar for
1st Sessions of 1815 —

(Here enter No 105)

Read Letter dated 9th January 1815
from the 2nd Judge in Council in the Southern Division
forwarding Copy of the Trichinopoly Calendar for 1st
Sessions of 1815 —

(Here enter No 116)

25

F. 46.

2d March 1815

Recd the following letters from the
Magistrates of Cuddapah, Guntoor, Sincovelly, Chingleput, Verdachelum, Madeiras, Canara, North Malabar, Combaconum, Tanjore and Chittoor, forwarding reports of prisoners for December —

(See Reports Nos 25, 40, 41, 50, 51, 54, 55, 100, 113, 117, 134.)

Recd letter dated the 30th January, from the Magistrate of Chingleput — reporting the good state of health of three persons named Chinnorgaudoo, Surdar, Khasi, and Goorooswamy — convicted at his zilla from Cuddapah under sentence of transportation —

(Here enter No 103.)

Recd return dated the 15th ultimo, from the Court of Circuit for the Northern Division, — containing the Circuit orders relative to the preparation of the records of trials referred to the Tanjore Malabar — certified to have been duly examined

(Here enter No 151)

Read letter dated the 20th ultimo, from the 2d Judge of Circuit in the Northern Division — with Masulipatam calendar — for the 1st Quarterly Sessions of 1815.

(Here enter No 153.)

Recd letter dated the 20th ultimo from the 1st Judge on Circuit in the Northern Division — with Guntoor calendar — for the 1st Sessions of 1815 —

(Here enter No 159.)

F. U.

At a Court of Foujdaree Udaulut

Present

Wednesday 8th March 1815. Andrew Scott Esqr. } Judges
George Stratton Esqr. }

Read letter dated the 19th September last from the 3d Judge on Circuit in the Northern Division transmitting his Proceedings held in Case No. 7 of the Rajahmundry Calendar in the 2d Sessions of 1814.

(Here enter No. 567)

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

1. Ulloory Peeraug.

2. Uddupully Nursaraug.

3. Moodoonoory Venkama.

do direct their release accordingly—

Sent following letter

(Here enter A)

Read letter dated the 12th Sept. last from the First Judge of the Court of Circuit in the

8th March 1815.

Western Division transmitting his Proceedings held in case No 9 of the North Malabar Calendar in the Third Quarterly Sessions of 1814.

/Here enter No 602/

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

1st Tellatum Kandy Packroo,
2d Komby Packroo
3d Coony Amby
4th Tellatan Kandy Coony Pora
5th Tellatan Kandy Peeyee.

do direct their release accordingly.

Sent following letter

/Here enter B./

Read letter dated the 16th August last from the First Judge on Circuit in the Southern Division transmitting his Proceedings held in case No 12 of the Combaconum Calendar in the First Sessions of 1814.

/Here enter No 490/

The Court having maturely

8th March 1815.

considered the Proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Coozzat and Mooftees of the Foujdaree Udalut do confirm the said Futwa of the Cazee ool Coozzat and Mooftees aforesaid, and acquitting the Prisoner

"Annathtoray Iyengar"

do direct his release accordingly.

Sent following letter

/Here enter C/

Read letter dated the 8th Dect last from the Second Judge on Circuit in the Southern Division transmitting his proceedings in case No 2. of the Dharapooram Calendar in the 2d Sessions of 1814

/Here enter No 714/

The Court having maturely considered the Proceedings held before the Judge on Circuit the Futwa of the Provincial Law officer and the Futwa of the Cazee ool Coozzat & Junior Mooftey of the Foujdaree Udalut do confirm the said Futwa of the Cazee ool Coozzat & Junior Mooftey aforesaid, and under the Futwa of Hissas pronounced against the 1st Prisoner do acquit him the said 1st Prisoner

Coonjama

8th March 1815

"Evanjamah Raikon"

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

And the Court acquitting the

2d Prisoner

"Ulrigamaul"

do direct her release accordingly

Ditto

Read letter dated the 26th October last from the Second Judge on Circuit in the Southern Division transmitting his proceedings in case of the Queen Calendar in the Second Sessions of 1814.

/ Here enter No 626 of 1814 /

The Court having maturely considered the Proceedings held by the Judge on Circuit the Fatwa of the Provincial Law Officer and the Fatwa of the Cageead Cazzat and Mooftee of the Foujdaree Adalut do confirm the said Fatwa of the Cageead Cazzat & Mooftee aforesaid, and under the Fatwa of Hussaus pronounced against the 1st Prisoner do adjudge him the said 1st Prisoner

"Kammun"

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

And the Court

No 11.
8th March 1815

2d Prisoner

"Coopsum"

do direct his release accordingly

Sent following letter

/ Here enter D / Ditto —

Copied

Fll

At a Court of Foujdaree Udaulut

Present

Monday
13th March 1815

Andrew Scoble Esqr.
Edward Croft Greenway Esqr. } Judges
George Stratton Esqr.

Read letter dated the 7th. October last from the

E/S

2d Judge of Circuit in the Northern Division referring his Proceedings

in case No2 of the Masulipatam Calendar in the 4th. Quarterly

Sessions of 1814

(Here enter No395 of 1814)

The Cazee and Coolzut and Mooftee of the

E/A

Foujdaree Udaulut having in their Futwa of the case declared that

the 1st Prisoner Muncheemeelah Cabodegaudoo is not free from a

suspicion of having committed the murder the Court requires them by

a second Futwa to state what under the Mahomedan Law may be

the nature and degree of the presumption thereby established against

the said Prisoner —

Ordered that Extract of these Proceedings be

translated & communicated to the Law Officers of the Foujdaree

Udaulut —

Read also letter dated the 27th. December 1813.

here

from the 3d Judge on Circuit in the Southern Division transmitting his Proceedings in case № 22 on the Tanjaporum Calendar in the 2d Sessions of 1813.

(Here enter № 6 of 1814.)

Sheristajee Vakeel Cozzeat and Moofties of the Foujdaree Udaulut having in their Futwa of the case declared that the Prisoner Seyd Meer is suspected of having committed murder & the Court require them by a Second Futwa to state what under the Mahomedan Law may be the nature and degree of the presumption thereby established against the Prisoner.

Ordered that Extract of these Proceedings be translated & communicated to the Law Officers of the Foujdaree Udaulut.

Read also letter dated the 18th November last from the 2d Judge on Circuit in the Southern Division transmitting his Proceedings in cases № 12. 13. 14 & 15. of the Salem Calendar in the 2d Sessions of 1814.

(Here enter № 630 of 1814.)

On a perusal of the Proceedings held on the Trials referred to by the foregoing letter it appears that of the nine prisoners in case № 12. the first six were examined before the Jailer on the 3d November 1813. and were again brought up

and re-examined by the Magistrate on the 5th of the same month. The 7th 8th & 9th Prisoners were examined for the 3d time before the Magistrate on the 10th of June 1814; neither the 1st & 2d examinations of these three last prisoners however are entered on the record of the trial.

In № 15 there appears among the Magistrates proceedings only the third examination of the 2d prisoner dated the 20th June 1814.

Should the 1st & 2d examination of the 7th 8th & 9th Prisoners in case № 12. and those of the 2d Prisoner in case № 15 be forth coming the Court direct that they be transmitted with the return to the accompanying Precept.

The Court cannot but observe with regret that most of the Prisoners in the foregoing trials were first examined by the Jailer, for altho it may be that they were neither allured by false expectations nor influenced by threats, their declarations made to that Office must be liable to suspicion, which derives support from the similarity of the several Confessions.

Before however the Court make any further remark on this subject they require to know, whether on the 3d of November 1813, at which time these examinations are stated to have been taken, the prisoners were under the custody of the Jailer

15th March 1815

& whether any & what means either of constraint or persuasion were used by that Officer to compel or induce them to confess their guilt.

Ordered that extract of these proceedings be transmitted to the Court of Circuit in the Southern Division by Precept directing them to communicate the same to the Magistrates in the Zillah of Salem for his information and guidance, and to return the said Precept with the required information, and documents alluded to, if forthcoming within the period of one month after the receipt thereof.

And following Precept

(Here enter A)

F. U.

Copied

At a Court of Foujdaree Udalut.

Present

Wednesday 15th March 1815. Andrew Scott Esqre
George Stratton Esqre } Judges

Read return by the 2d Judge of Circuit in the Southern Division dated the 20th Penulimo, to the Courts precept under date the 3d August last, transmitting the additional evidence in case No. 8 of the Dharapooram Calendar in the 2d Sessions of 1813 as required by the foregoing Precept.

(Here enter No. 73 of 1815)

Read again letter dated the 3d February 1814 from the 3d Judge on Circuit in the Southern Division transmitting his Proceedings held in case No. 2 of the Dharapooram Calendar in the 2d Sessions of 1813.

(Here enter No. 30 of 1814)

The Court having maturely considered the whole of the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazeevol Coozzat and Sooroo of the Foujdaree Udalut do confirm the said Futwa of the Cazeevol Coozzat and Sooroo aforesaid and in consideration of the long period of confinement already undergone by the Prisoners the Court do direct that

15th March 1815.

the Prisoners

1st Rawmen son of Coonjoo

8 Vellay son of Thonjan

9 Vellay Rawoot son of Nara Rawoot

14 Mootoo Saumy —

18 Saamoo

19 Poondan.

20. Rawmen son of Veerapun.

22. Nagappon.

23 Vellay Rawoot son of Coonjo Rawoot

24. Meera Rawoot

25. Itty Coumbo

27. Vellay son of Nageratan

and

35. Valuppan.

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

And the Court do direct that the Prisoners

5. Weerasaman.

10 Kaumen son of Muthy

12. Canby son of Ponnen.

13 Ponny.

16. Palany Andy

21 Mootoo.

15th March 1815.

28. Vauvah

and

29. Coalla Rawoot

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of one month.

And the Court acquitting the remaining prisoners.

2. Sangaren son of Camanayer

3 Veeran.

4. Cootta Coaty.

6. Saumy son of Shely

7. Coonjoo mara Cauran.

11. Veeraundy

15. Saumy son of Comachen.

17. Comby son of Caumy

26. Kunny

30 Veerappon.

31. Vauvah Ravoot

32. Sanagaron son of Edeeran.

33. Sheeby.

34. Saulbo

do direct their release accordingly.

And the Court in consideration of the unhealthiness of the Climate of Coimbatoor to Inhabitants of Malabar do direct that the several Prisoners in the foregoing treat sentenced to

are

15th March 1815.

one and three months imprisonment be removed to the Zilla of South Malabar and that their sentence do commence from the date of their being delivered into the custody of the Magistrate of the Zilla of South Malabar.

Sent following letter

/Here enter A/

Ordered that transcript of the Sentence passed in the foregoing case No 2 of the Dharapooram Calendar in the 2d Sessions of 1815 together with extract of these proceedings be transmitted to the Magistrate in the Zilla of South Malabar by Precept directing him to carry the same into execution at soonas the prisoners shall have been delivered into his custody.

Sent following Precept

/Here enter B/

Read letter dated the 14th Instant from the 2d Judge on Circuit in the Centre Division transmitting his Proceedings held in case No 5. of the Cuddapah Calendar in the 1st Sessions of 1815.

/Here enter No 57 of 1815/

The Court having maturely considered the Proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the

2 Fr. M.

15th March 1815.

of the Foujdaree Adalut do confirm the said Futwa of the Cazee and Cazzat and Moofty aforesaid and agreeably to the Recommendation of the Judge of Circuit the Court under the authority vested in them by the provisions of Clause 3d Section III Regulation VI A. D. 1811. do adjudge the Prisoner "Paupadoo"

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

Sent following letter

/Here enter C/

The Court entirely concur in Opinion with the Judge of Circuit as to the impropriety of the futwa given by the Provincial Law officer in the foregoing case.

The Prisoner Paupadoo was charged on the prosecution of the Sirkar with having affixed to a piece of new Cloth a false stamp in imitation of the Sirkar's stamp, with the view of evading the payment of the established duty & thereby defrauding the Sirkar.

On his arraignment the Prisoner pleaded not Guilty; when put on his defence he acknowledged that being unable from poverty to pay the Sirkar's duty, he rubbed some Charcoal

on

15th March 1815 on a piece of Silk, with which he made an impression on a handkerchief in imitation of the Sirkar Stamp.

This Statement the Mahomedan Law Officer admits in his futwa, adding that the Prisoner having committed on his own property, the crime of forging the Sirkar Stamps is not proved against him—

. . . . .

Such reasoning is not only incorrect but at variance with former futwas given by him in similar cases as referred to by the Judge of Circuit in the 3d Paragraph of his Letter, which accompanied the present trials—

Ordered that Extract of these proceedings be transmitted to the 2d Judge of Circuit in the Centre Division, and that he be directed to communicate the same to the Moofty attached to the Court of Circuit.

Sent following Letter

/ Here enter D /

Read Letter dated the 28th Ult. from the 3d Judge on Circuit in the Southern Division transmitting his proceedings held in the No 1 of the Cumbaconum Calendar in the 1st Sessions of 1815.

/ Here enter No 87 of 1815 /

15th March 1815 the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer & the Futwa of the Cazee ool Coozzat and Senior Moofty of the Foujdaree Udalat do confirm the said Futwa of the Cazee ool Coozzat & Moofty aforesaid and under the Provisions of Section XV Regulation VIII A. D. 1802 and agreeably to the Futwa of Kissas pronounced against the Prisoner do adjudge him the said Prisoner

"Cautaun"

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

Sent following letter

/ Here enter D /

From the remark recorded by the 3d Judge at the foot of the foregoing trial No 1 of the Combaconum Calendar in the 1st Sessions of 1815 it appears that four of the Prisoners Children were called into Court with the view either of ascertaining from them whether they were willing to demand or remit Kissas or whether they were the Offspring of the deceased or otherwise

This was unnecessary, it being provided by Clause 2d Section XV Regulation VII A. D. 1802, that in trials for murder before the Courts of Circuit, where the Law Officer

shall

15th March 1815.

shall declare the Prisoner to be convicted of wilful murder the Judge, without making any reference to the heir or heirs of the slain shall require the Law officer to declare the punishment to which the prisoner convicted would be liable according to the Mahomedan Law, supposing all the heirs of the slain entitled to forgiveness the Prisoner for Kissas to have attended and presented him at an age competent to demand Kissas and to have demanded Kissas.

The Prisoner when examined before the Magistrate on the 4th July last, acknowledged that he voluntarily gave the attacky then sold to him, before the Sannakkar of Moolamoor. he also stated the particulars of the murder which he again confessed to have committed on his wife with the Sickle before the Court.

This latter declaration made before the Magistrate was attested by the witnesses Lawdkein and Sudeen who corroborated the evidence before the Court the substance whereof And the 2d 4th & 5th witnesses deposed that they were present when the Prisoner confessed the Murder before the Sannakkar

The declaration made by the Prisoner before the

F. 4.

18th March 1815.

abovementioned Witnesses who attested it, nor was its authenticity proved before the Court in other respects the evidence is explicit & satisfactory and the Court are induced to call the attention of the Judge of Circuit to this omission solely with the view of preventing its recurrence in future.

Ordered that extract of these Proceedings be transmitted to the 3d Judge of Circuit in the Southern Division for his information and guidance.

Sent following letter

/Here enter F/

Read letter dated the 15th ultimo from the 3d Judge of Circuit in the Western Division transmitting his Proceedings held in case No 34 of the South Malabar Calendar in the 2d Sessions of 1814.

/Here enter No 147 of 1815/

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law officer and the futwa of the Cazee ool Coozzat and Senior Mooftys of the Fouzdaree Adalut do confirm the said Futwa of the Cazee ool Coozzat and Mooftys aforesaid, & under the provisions of Clause 1st Section IV Regn XV A. D. 1803. do acquit the Prisoners

15. March 1815

1st Cloopa Ranee (wife)

2d Arangata Changaraw

3d Changaraw Panoo

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

The Court observe that the confessions of the Prisoner in the foregoing trial as contained in the Magistrate's proceedings are without a translation of the Prisoner's signature or marks, or the signature of the Magistrate before whom they are said to have been taken. The Original Kyfeits (or deeds of confession) were duly proved before the Court of Circuit by the attesting Witnesses who declared that they were voluntarily given by the Prisoner before the Magistrate, and are so far considered to the conviction of the Prisoner.

The Court therefore require that in all future trials a copy of the Prisoner's mark or signature, or else of the signature of the witnesses and of the Magistrate before whom they may be taken, be attested as true and annexed to the translation of each paper

15. March 1815

the Magistrate

Towards the close of the proceedings held in the foregoing trial the Judge of Circuit remarks that the Kyfeits executed by the 1st 2d Prisoner before the Darogha being exactly similar to those made by them before the Magistrate, the said Kyfeits were not recorded on the Magistrates Proceedings.

The Court are of opinion that notwithstanding their similarity to each other they should have been entered; it being desirable that every possible evidence and document calculated to throw additional light on the subject, or to corroborate evidence already given, should be duly recorded and submitted for the information of the Law Officers, and Court of Foujdaree Adaulut. The production of these documents was the more necessary, inasmuch as the Prosecutor had stated before the Magistrate that they afforded the only evidence he had to bring forward in support of his charge.

The Prosecutor Aroora Changaraw in his complaint delivered to the Magistrate on the 9th August charged the Prisoners above mentioned with having murdered his Uncle by cutting him with a Knife, and beating him. He further charged Aroora Kandara Narapen,

and

15. 15.

15th March 1815

15th March 1815

and Cheriyata Changaran with arming & assisting them in the said Murder.

Aroora Kandara the younger brother of the 1st Prisoner seems to have been actively engaged in climbing over the wall with the assistance of the other prisoners in letting them into the house, and putting out the fire by pouring some water over it.

Altho this person is stated to be blind, yet as he was a relation of the deceased, and well acquainted with the house attacked, it is not difficult to suppose that he might have afforded the assistance above mentioned.

The witness Teaspoony Moidoo in his examination before the Magistrate, stated that Kandara in his declaration stated that 1st P. Raman Nair, Changara 3d P. Moman and 2d P. Changaran went to the North door of the house where they got in by climbing over the wall opened the door and poured water in the fire in the hearth; after which he (Kandara) went to the ceiling of the Cutcherry and lay down. The Purgunnah Moonsiff the Jemmadar took down the declaration of the Prisoners in the presence of the Deponent and witnessed read them over to

15th March 1815

them if they were as they had stated — to which they replied in the affirmative, and that accordingly he / the said Witness / and one Conyen attested the declarations of the 1st and 2d Prisoners, as also those of Aroora Kandara Nair and another Nair whose name he does not exactly recollect; and that he and a Mookkitan of Patamby attested the declaration of the 3d Prisoner.

The declarations of the said Kandara and the other Nair above alluded to, do not however appear amongst the Magistrates Proceedings; and with the exception of the remark made by the Prosecutor in his reply to the 14th Question put by the Court, wherein he stated "that the Prisoners entered the house thro' the assistance of the 1st Prisoner's blind brother (meaning as it would seem Kandara) who got over the wall and opened the door," no notice is taken of these persons throughout the trial.

On referring to the Report of persons apprehended in the Zilla of South Malabar for July 1814 it appears that Aroora Kandara, Koraporn, and Cheriyata Changaren; the 3 persons mentioned in the Prosecutors Letter were appre- hended with the 3 Prisoners in case No. 34. on the 22d July; and in the Report of Prisoners

under

15th March 1815.

under charge of the Magistrate for Aeygust. The three Prisoners in the foregoing trial are stated to have been committed on the 23d (August) but the three persons abovementioned are neither noticed in the Report of casualties and of prisoners released, nor is any reason assigned for their not being brought forward

The Court accordingly requires to know what has become of the three persons Aroma Kandara, Karapen, and Cheruyala Changaren.

Ordered that Extracts of these Proceedings be transmitted to the Court of Circuit for the Northern Division by Precept directing them to communicate the same to the Magistrate in the Zilla of South Malabar for his information & guidance and to return the same to the Court with the least possible delay

Sent following Precept

/ Here enter G /

Read letter dated the 9th Inst. from the 2d Judge of Circuit in the Northern Division, transmitting the Proceedings held on the trial of the Nair of the South Malabar Cutcherry in the 1st Quarterly Sessions of 1815.

/ Here enter 9th 1815 /

15 March 1815.

The Court having maturely considered the Proceedings held before the Judge presiding at the 1st Quarterly Sessions, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Coozzat and Senior Moofty of the Fouzdaree Adalut, do confirm the said Futwa of the Cazee ool Coozzat and Moofty aforesaid and under the provisions of Clause 1st Section IV Regulation XV A. D. 1803. do adjudge the Prisoners.

1st Poklora Christnen

2d Chalian Nadaveliveittil Kitta

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

Sent following letter

/ Here enter H /

M

C/C

15th March 1815

Copy

No. 16.

At a Court of Foujdaree Adaulut

Monday
20th March 1815

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

Read again letter dated the 27th December 1813 from the 3d Judge on Circuit in the Southern Division transmitting his Proceedings held in case No. 22. of the Murapooram Calendar in the 2d Sessions of 1813 —

/ Here enter No. 6 of 1814 /

Read also second future of the Law Officers of the Foujdaree Adaulut called for by the order of the Court under date the 13th Inst.

/ Here enter second future /

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers and the Futwas of the Cazee-ool Coozzat and Senior Moofty of the Foujdaree Adaulut, do confirm the said Futwas of the Cazee-ool Coozzat and Moofty aforesaid, and do adjudge the Prisoner "Syed Meer" to be imprisoned and transported to Prince of Wales' Island, there to be imprisoned and kept to hard

Labour

labour in irons on the public roads or other public works for and during the period of his natural life

Sent following letter

/ Here enter A /

Read second Futwah of the Cazee ool Cozzat and Senior Moofty of the Foujdaree Adawlut in case No. 2 of the Masulipatam Calendar in the 4th Quarterly Sessions of 1814 called for by Order of the Court under date the 13th Instant

/ Here enter second futwah /

The Cazee ool Cozzat and Senior Moofty of the Foujdaree Adawlut having in the foregoing 2d futwah declared on strong presumptive proof of the Murder to have been established against the 1st Prisoner Munchacavelah Cabdeyandee the Court require them further to declare to what specific punishment under the Mahomedan Law the said Prisoner would have been liable if he had been convicted by full legal evidence

Ordered that extract of these Proceedings be translated into Persian, and communicated to the Law Officers for their information and guidance

Read letter dated the 4th Instant from the Judicial Secretary to Government stating

20th March 1815 that the Right Honble the Governor in Council agreeably to the recommendation of the Court has been pleased to pardon the Prisoner Dawacunnoo in case No. 1 of the Tinnevelly Calendar in the 2d Sessions of 1813.

/ Here enter No. 197 /

Under the authority of the foregoing letter the Court do direct that the Prisoner Dawacunnoo be accordingly set at liberty

Sent following letter

/ Here enter B /

Read letter dated the 27th October last from the 3d Judge on Circuit in the Northern Division transmitting his Proceedings held in case No. 1 of the Vizagapatam Calendar in the 2d Sessions of 1814.

/ Here enter No. 641 /

Read also remarks of the Cazee ool Coggat and Senior Moofty of the Foujdaree Adawlut shewing cause for the Revision of the trial contained in the foregoing letter

/ Here enter Remarks /

Ordered that the Proceedings held in the above case be transmitted to the Court of Circuit in the Northern Division by precept directing them to procure the additional

evidence

20th March 1815.

evidence as required and having annexed the Papers to these Proceedings, to return them to the Court with the least possible delay

Sent following Precept

/ Here enter C /

Read return by the 1st Judge of Circuit in the Centre Division dated the 20th ultimo to the Court's Precept under date the 6th ultimo forwarding the amended Records of trial No 21 of the Cuddapah Calendar in the 2d Sessions of 1814 referred by the foregoing Precept

/ Here enter No 191 /

Read again letter dated the 13th September last from the 1st Judge on Circuit in the Centre Division, transmitting his Proceedings held in case No 21 of the Cuddapah Calendar in the 2d Sessions of 1814.

/ Here enter No 586 /

The Court having maturely considered the Proceedings held before the Judge on Circuit the Futwas of the Provincial Law officer and the Futwa of the Sudder and Foujdaree Moofty of the Foujdaree Mudaulut do confirm the said Futwas of the Sudder & Provincial aforesaid and acquitting the Prisoners -

" Sola Sungee "

2 Fol 16

20th March 1815.

do direct her release accordingly

From the Report of Cencatraw the Tahseeldar of the Poolevendoola Talook, addressed to the Magistrate in the Zilla of Cuddapah as also from the Prisoners 2d & 3d declarations it appears that in consequence of the bribes given by her to the Police Peon Chinneegaudoo in the presence and with the knowledge of others, the Prisoner after undergoing a slight examination was dismissed and no further steps were taken to bring the Prisoner forward for upwards of sixteen months, when the several circumstances were made known to the Tahseeldar by the Police Peon Mootiatoo

As so gross a devotion of duty would if substantiated against the parties concerned disqualify them from holding their situations of Police officers, the Court direct that the 1st Judge of Circuit in the Centre Division be by precept commanded to instruct the Magistrate in the Zilla of Cuddapah to make a strict investigation into the above-mentioned transaction, and to communicate the result of his enquiry thro' the Medium of the Court of Circuit, for the information of the Court of Foujdaree Mdaulut

Sent following Precept

Here enter D

Read

20th March 1815.

Read letter dated the 4th October last, from the 1st Judge on Circuit in the Cuttack Division transmitting his Proceedings held in case No. 46. of the Cuddapah Calendar in the 2nd Sessions of 1814.

[Here enter No. 604]

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Principal Law Officer and the Futwa of the Cazee and Cazee and Mooftee of the Zillah Court of the said Futwa of the Cazee and Mooftee aforesaid, and acquitting the Prisoner Cupah

do direct him be released accordingly

And following letter

[Here enter 605]

Read letter dated the 11th October last from the 1st Judge on Circuit in the Cuttack Division transmitting his Proceedings held in case No. 50 of the Cuddapah Calendar in the 2nd Sessions of 1814. Prisoner Neelum Nursey

[Here enter No. 606]

The sentence of imprisonment for transportation for life passed by the Judge on Circuit under date

20th March 1815. same Prisoner Neelum Nursey in case No. 49 of the Cuddapah Calendar in the 2nd Sessions of 1814, having been confirmed by the Court on the 23rd January last, any further proceedings in the aforementioned case are unnecessary.

Nil

606

M

Ch

Copied

F. U.

At a Court of the Fouzdaree Adaulut

Present.

Tuesday
21st March. 1815.

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

Read a letter dated the 5th November last, from the Magistrate of Dhurrumpore, suggesting the propriety of transferring to the custody of the Magistrate of South Malabar certain prisoners, natives of that province, in confinement in his jail on a charge of smuggling Tobacco; and also suggesting that all trials for this offence should take place in South Malabar.

(Here enter No. 646. of 1814.)

The Court have passed their final sentence on the prisoners particularly alluded to in the beginning of the above letter, and they have directed the Magistrate in Dhurrumpore to transfer the said prisoners to the custody of the Magistrate in South Malabar.

It appears to the Court that the place wherein the offence is committed, the place wherein the offender must in every case determine the jurisdiction by which the offenders shall be tried. In cases, therefore, wherein persons are apprehended in the Zillah of Thoreapooram, before they have completed their offence by conveying the Prisoners into another District, they must be brought before the Magistrate at Coimbatoor; but if they have conveyed the Prisoners into another District, and are there apprehended, the Magistrate of that District is to proceed as above mentioned, and commit them for trial. Hence the practice which the Magistrate in the Zillah of Thoreapooram represents to have been pursued, of sending to Coimbatoor Persons who have been apprehended in South Malabar, is erroneous, and should be immediately rectified.

Ordered that extract of the proceedings be sent to the Magistrate of the Zillah of Thoreapooram.

Sent following letter.

(Here enter A.)

Court of Circuit for the Southern Division.

Sent following letter.

(Here enter B.)

Ordered also that extract be sent to the Court of Circuit in the Western Division by packet requiring them to communicate the same for the information and guidance of the Magistrate in the Zillah of South Malabar.

Sent following Packet.

(Here enter C.)

Read letter, dated the 1st November last, from the 3rd Judge in circuit in the Northern Division, - reporting for instructions a case wherein the trial has been postponed on account of the absence of the Witnesses. -

(Here enter N. 645.)

Read the following letters from the Magistrates of Cuddalore, Chengulpet, Verdachellum, Serengapatam, Coiraspooram, Tinnevelly, Canara, South Malabar, North Malabar, Cochin, Vizagapatam, Nellore, Masulipatam, Guntoor, Trichinopoly, Combaconum, Rajahmundry, Madura, Tanjore, Salem, Bellary, and Chittoor, - forwarding reports of Prisoners for January. -

(See Reports

21st March 1815.

(See Reports Nos. 131, 135, 136, 139, 140, 141, 142, 144, 150, 153, 156, 162, 163, 165, 166, 170, 171, 173, 185, 186, 190, 195.)

Read the following letters from the Magistrates of Salem, Vizagapatam and Bellary - forwarding registers of persons proclaimed in January.

(Here enter Nos. 114, 130, 166.)

Read the following letters from the Magistrates of Salem, Vizagapatam and Bellary forwarding registers of persons proclaimed in February.

(Here enter Nos. 190, 195, 204.)

Read the following letters from the Magistrates of North Malabar, Tanjore, Coimbatore, Tinnevelly, Madura, Trichinopoly, Salem, Masulipatam and Canara forwarding reports confined under enclosures.

(Here enter Nos. 99. 116, 144, 126, 133, 199, 203, 204, 212.)

Read the letter dated the 11th March 1815 from the Magistrate of North Malabar requesting to be informed whether under the orders of Government dated the 27th January last the magistrates of the Sangathals to meet the charges preceeding to hold the Quarter Sessions.

(Here enter No. 162 of 1815.)

The Judge of Circuit who sent the above reference having been appointed to another station, do not propose any for the Court to pass any order on the foregoing letter.

J. No.

21st March 1815.

from the 2d Judge of Circuit in the Western Division - with returned warrant of execution in case No. 27 on the South Malabar calendar for the 1st Sessions of 1814 - certified to have been duly executed.

(Here enter No. 167.)

Read letter dated the 30th January, from the 3d Judge of Circuit in the Centre Division, - with calendar of prisoners for the 1st Quarterly Sessions of 1815. at Chittoor.

(Here enter No. 169.)

Read letter dated the 27th ultimo, from the 2d Judge of Circuit in the Southern Division, - with returned warrant of execution in case No. 7 of Madura calendar for the 2d Sessions of 1814. certified to have been duly executed.

(Here enter No. 174.)

Read letter dated the 27th ultimo, from the 2d Judge on Circuit in the Centre Division - reporting his intention of leaving Bellary for Chengulput on the following day.

(Here enter No. 175.)

Read letter dated the 26th ultimo from the 1st Judge on Circuit in the Western Division, - reporting his arrival at Calicut.

(Here enter No. 176.)

Read letter, dated the 3d instant, from the Magistrate of Chengulput - reporting the arrival in good health of a convict named Nalum Narsingadoo, sentenced to transportation -

(Here enter No. 189.)

21st March 1815.

(See Reports Nos. 131, 135, 136, 139, 140, 141, 142, 149, 150, 155, 156, 162, 163, 165, 168, 170, 171, 173, 185, 188, 190, 195.)

Read the following letters from the Collectors of Salem, Coyangoatoor and Bellary - forwarding registers of persons proclaimed in January.

(Here enter Nos. 114, 130, 166.)

Read the following letters from the Magistrates of Salem, Coyangoatoor and Bellary - forwarding registers of persons proclaimed in February.

(Here enter Nos. 190, 195, 208.)

Read the following letter from the Magistrates of North Malabar, forwarding Cowlenamy Kuttabellen's petition for Freedom, Salem Manoel Gustano and Canara proclamation reports confined under sentence.

(Here enter Nos. 99, 116, 144, 126, 133, 199, 203, 209, 212.)

Read letter dated the 11th March 1815 from the Magistrate of North Malabar requesting to be informed whether under the orders of Government dated the 27th January last the receipts for the Longstaff to meet the Judge should be held the property of Government.

(Here enter No. 164 of 1814.)

The Judge of Circuit who made the above reference having been absented to another station it is necessary for the Court to pass such order on the foregoing letter

J. 16.

21st March 1815.

from the 2d Judge of Circuit in the Western Division with returned warrant of execution in case No. 27 on the South Malabar calendar for the 1st Sessions of 1814 certified to have been duly executed.

(Here enter No. 167.)

Read letter dated the 30th January, from the 3d Judge of Circuit in the Centre Division, with calendar of prisoners for the 1st Quarterly Sessions of 1815 at Chittoor.

(Here enter No. 169.)

Read letter dated the 27th ultimo, from the 2d Judge of Circuit in the Southern Division, with returned warrant of execution in case No. 1 of Madura calendar for the 2d Sessions of 1814 certified to have been duly executed.

(Here enter No. 174.)

Read letter dated the 27th ultimo, from the 2d Judge on Circuit in the Centre Division reporting his intention of leaving Bellary for Chengulput on the following day.

(Here enter No. 175.)

Read letter dated the 25th ultimo from the 1st Judge on Circuit in the Western Division, reporting his arrival at Calicut.

(Here enter No. 176.)

Read letter, dated the 3d instant, from the Magistrate of Chengulput reporting the arrival in good health of a convict named Nalum Narseegadoo, sentenced to transportation.

(Here enter No. 189.)

21th March 1815. 1

Read letter, dated the 7th instant from the Magistrate of Chengulpet reporting the arrival in good health of two convicts under sentence of transportation.

(Here enter N. 192.)

Read letter dated the 5th instant from the Magistrate of Chengulpet reporting the arrival in good health of a female convict named Sukee, under sentence of transportation.

(Here enter N. 193.)

Read letter dated the 9th instant from the 1st Judge on Circuit in the Northern Division reporting his arrival at Royalconnetty on the 7th

(Here enter N. 200)

Read letter dated the 11th instant from the 3d Judge on Circuit in the Southern Division reporting his arrival at Caroopooram.

(Here enter N. 202.)

Read letter, dated the 27th ult. from the Third Judge on Circuit in the Southern Division recommending the payment of the highest reward mentioned in section 17 Regulation 6 of 1811 to the Peishcar Sudder Amin at Salem for his services in apprehending Murugen

(Here enter N. 182)

21th March 1815

lie on the Table.

Read letter, dated the 27th ultimo, from the Second Judge on Circuit in the Centre Division, with copy of the Bellary Calendar for the 1st Sessions of 1815.

(Here enter N. 181.)

Read letter, dated the 27th ultimo, from the Third Judge on Circuit in the Southern Division, with copy of the Salem Calendar for the 1st Sessions of 1815.

(Here enter N. 183.)

Read letter, dated the 28th ultimo, from the First Judge on Circuit in the Western Division, with copy of the Canara Calendar for the 1st Sessions of 1815.

(Here enter N. 186.)

Copies

To

The Court of Foujdaree Udalut.

Present

Wednesday
22d March 1815.

Andrew Scott Esqr.
George Stratton Esqr. } Judges.

Read letter dated the 5th November last from the 2d Judge of Circuit in the Western Division transmitting his proceedings held in case No. 1 of the South Malabar Calendar in the 1st Sessions of 1814.

Q

All

Here enter 64 of 1814

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer, and the Futwa of the Cazee ool Coozzat & Mooftees of the Foujdaree Udalut do confirm the said Futwa of the Cazee ool Coozzat & Mooftees aforesaid & acquitting the Prisoners

1. Aneyedata Changara Nair
2. Weloolayedata Tegen Nair
3. Kanata Kelapen Nair
4. Elawally Koonjoo Warriar &
5. Poloorkottoo Mankar

do direct their release accordingly.

Sent following letter

Here enter A

Read

22: March 1815.

Read letter dated the 9th Instant
last
1815 from the 2d Judge of Circuit in the North
Division transmitting the proceedings held in
case No. 5. of the Ganjam Calendar at the
2d Sessions of 1814.

/ Here enter No. 56 of 1815 /

The Court having duly considered
the Proceedings held before the Judge on Circuit
the Futwa of the Provincial Law officers and the
Futwa of the Cazee ool Coozzat and Mooftees of
the Foujdaree Adaulut to confirm the said futwa
of the Cazee ool Coozzat and Mooftees aforesaid and
direct that the 1st prisoner

"Gowdoo Koollee"

be released on procuring Securities for her future
good behaviour and appearance when required for
and during the period of one year.

Sent following letter

/ Here enter B /

It appears from the concluding
paragraph of the 2d Judge's letter that the 2d Pris
was acquitted and released. For acquittal & relea
of this Prisoner should have been entered in the
book of this Prisoner Records for the information of
Law officers of the Foujdaree Adaulut

22: March 1815.

Proceedings be transmitted to the 2d Judge of
Circuit in the Northern Division for his infor-
mation and guidance.

Sent following letter

/ Here enter C /

Read letter dated the 8th January
last
1815 from the 1st Judge of Circuit in the Southern
Division transmitting the proceedings held in
case No. 8. of the Trichinapoly Calendar in the
4th Quarterly Sessions of 1814.

/ Here enter No. 32 of 1815 /

The Court having maturely
considered the proceedings held before the Judge
of Circuit the Futwa of the Provincial Law
Officer, and the Futwa of the Cazee ool Coozzat &
Mooftees of the Foujdaree Adaulut do confirm
the said futwa of the Cazee ool Coozzat and
Mooftees aforesaid, and acquitting the Prisoner

"Caiudir Saiba"

do direct his release accordingly

Sent following letter

/ Here enter D /

Read letter dated the 20th October
last from the 1st Judge of Circuit in the Central
Division transmitting the proceedings held in
case No. 35 of the Cuddapah Calendar until

he

22d March 1815

the 2d Sessions of 1814.

(Here enter No 745 of 1814)

On a perusal of the whole of the Proceedings held in the foregoing trial before the 1st Judge on Circuit it appears that the 1st & 2d Prisoners were declared by the Provincial Petit Jury to be convicted of highway Robbery and Wilful murder aggravated by circumstances of Torture & Cruelty, but not to those Species of Torture as stated in the English translation of the said Section; and the 3d Prisoner was acquitted. In the Extract of the Court Proceedings of date the 20th October 1814 annexed to the above trial it is stated that sentences of imprisonment & transportation for life was passed on the 1st & 2d Prisoners Pedrogandoo and Rammenaick under the II Section IV Regulation XV A D 1802 and sentence of acquittal of the 3d Prisoner Sangoo who in consequence of the Judges entertaining strong suspicions of his guilt was ordered to be kept in custody until he should give security for his future good behaviour and appearance when required.

The Court entirely concur in opinion with the 1st Judge on Circuit as to the conviction of the 1st & 2d Prisoners, and the propriety of the punishment of imprisonment

III
22d March 1815

for life to which they have been adjudged; as also respecting the security required from the 3d Prisoner.

But as no copy of the Sentence prescribed by Clause 1st Section XV Regulation VII A D 1802 was transmitted with the Proceedings, the Court direct that the record of the foregoing trial be returned to the 1st Judge of Circuit in the Centre Division by precept directing him to annex thereto a Copy of the Sentence passed by the Court of Circuit under date the 20th October last, and to transmit it to the Court with the least possible delay.

Form following precept

(Here enter C) BM

Read letter from the Magistrate in the Zillah of Trichinopoly dated the 4th Instant stating that he has sent down under charge of two Court Peons a Lunatick named Pacqueer adercaum, who had been apprehended & brought before him on a charge of assaulting & endangering the life of his mother.

(Here enter No 214)

The Magistrate at Trichinopoly having sent down the above named Prisoner without reference to, or authority from the Court, it is ordered that the said Prisoner be forwarded under charge of the Peons of the Magistrate of Trichinopoly to the Depot of Prisoners at Chingleput & that the Magistrate of Chingleput be directed by precept to receive him into his charge & to keep him safely until he

22d March 1815

he shall receive the further orders of the Court

Sent following Receipt

/ Here enter A /

The Court regret to observe that the proceeding of the Magistrate of Trichinopoly in sending the above named person to Madras without making a previous report to the Court, & receiving authority from them was both irregular & has been the cause of considerable inconvenience.

The orders of Government circulated in Court Proceedings of the 17th July last vest in the Court of Judicature authority to cause in certain cases such confirmed martial arrangements to be made in regard to the Prisoners in order to their being placed at the disposal of the Medical Board, on the Coast but in consideration of the limited scale on which the Asylum is constructed the Court are directed not to exercise authority when avoidable.

To enable the Court to judge of the necessity of the transfer of a prisoner to Madras, it is not only that they should have before them a record of confirmed insanity on the person in question but also should be certified of the unsuitableness of provisions there to lodge the prisoner named & for want of the which he may have been improperly ordered. On the former head the certificate is insufficient, and on the latter the Court be

22d March 1815

information before them in the case now under consideration.

The Prisoner Pacheer adercauvn having been sent down without the prescribed application having been made, & without the requisite information concerning him, the Court had no means of disposing of him temporarily but by sending him to a place by no means intended for the reception of prisoners of his discription. Seik which had the advantage of being considerably nearer to Madras than the station from whence he was so irregularly sent, & whether perhaps, in strictness he ought to have been returned - at that station the Prisoner Pacquier adercauvn must remain until the Magistrate of Trichinopoly has forwarded the requisite information to enable the Court to come to a final determination on the case before them -

Ordered that extract of these proceedings be sent for the information & guidance of the Magistrate in the Zillah of Trichinopoly -

22d

Sent following letter

/ Here enter G /

M

Gt

Copies

F. U.

At a Court of the Sunderee Udalut

Present.

Tuesday 28th March 1815. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges.
George Stratton Esqre

Read Letter dated 3d March 1815

from the Magistrate of Salem referring a case wherein the Judge on Circuit discharged a prisoner committed for perjury, without trial, and refused to forward at his request, the papers connected with the case for the opinion of the Sunderee Udalut

Sunderee Sr 1874

The above reference purports to be made in conformity with the provisions of Section II Regulation LII of 1802. To authorize a reference under that Section it is necessary that the Judge or Magistrate who makes it should shew that some particular enactment of the Regulations has been differently construed by him and by the authority from whose construction he appeals. This has not been done by the Magistrate in the letter now under consideration. Indeed the Court do not well see how it could have been done, since the spirit of the precept in question was an act "clearly left to the discretion and judgment of the Court from which it proceeded," and it is specially provided in the very same section under which the Magistrate has made the reference that the propriety of such order shall not be questioned by any Zillah Judge or Magistrate.

28th March 1815

The Court therefore order that the above letter and its enclosure be returned to the Magistrate in Zilla of Salem with extract of these proceedings for his information & guidance

[illegible] following letter

[Here enter A]

Read letter dated 9th January 1815 from the Secretary to Government, transmitting a Cowle and Obligation of four Suffadars and twenty peons to the police establishment of Tinnevelly

[Here enter No 35]

The Court directed that extract from these proceedings of the 19th December last and Copy of the foregoing letter and extract of these proceedings be sent to the Board of Revenue for the Southern Division, & to be by them sent to the Magistrate of Tinnevelly for his information

[Here enter B]

Read Letter dated 9th January 1815 from the Vice Judge of Board of Revenue for the Southern Division, inclosing Copies of a Proceeding passed by him to the Magistrate of Tanjore and of the Cowle thereto, regarding a fee Contingent collected on Stolen property for the use of the police officers of the Zilla of Tanjore

[Here enter No 37]

The Board Judges in Council having this information before them that on a Custom case in the Zilla Tanjore a fee of five per Cent on the [illegible]

28th March 1815 been stolen and recovered from the prisoner, had been levied by the Magistrate of the Zilla Court of Tanjore, issued a precept calling upon the Zilla Magistrate to state "under what Regulation or order and from what period such fee was collected, and to whom or to what purpose appropriated"

The Magistrate states the fee of 5 per Cent on recovered stolen property to have been collected by his orders since May 1813 and justifies the practice on the ground that the principle on which he has sanctioned it is recognized in section XXV Regulation XXXV 1802, and that it was acted upon in Bengal, in the very infancy of the Courts of Judicature then established, whence the Magistrate infers that he is himself fully authorised, under the general responsibility of his situation, to hold out to the Police Peons of his Zilla as moderate a reward for their exertions.

The Court cannot consider the reasons alleged by the Magistrate as any justification of his assumption of legislative authority. The Government enacted Regulation XXXV of 1802 to have effect only in the Zilla of Chingleput. But to what purpose have they limited its operation if the Magistrate of Tanjore, and of course any other Magistrate, is at liberty to select one, and by parity of reasoning any number of its provisions,

and to declare them to be the Laws of this main Zilla in with regard to the argument drawn from the act of the Bengal Government, that it thought irrelevant: as well might the Magistrate introduce into his Zilla a enactment drawn from part of the statute Laws of England not declared applicable to this country.

The Court order that the fact which has obtained in the Zilla Court of being of Cuttack a person in the vortex of delusion removed from the village to further the delusion, and that in all cases where the person can be removed from whose mouth the has been exhorted, it be ordered that he be immediately returned.

Ordered that Extract of these proceedings be sent to the Court of Circuit for the Northern Division by French, directing them to communicate the same to the Magistrate of the Zilla of Ganjam for his information and guidance.

Next following French
/ Here enter No 2 /

Read Letter dated 9th Instant from the Magistrate of Ballasore enclosing a letter from the Medical officer in the state of mind of Gobind Chowtiamongy, and requesting that he may be directed how to dispose of him in case either

/ Here enter No 2 /

The prisoner has continued to be apprehended in the

28th March 1815.

in consequence of his being subject to periodical fits of insanity. The Assistant Surgeon of the Zilla has now certified that the said prisoner has for some months past had no return of his malady.

The Court order that the Magistrate of the Zilla of Balasore do call before him the nearest relations or friends of the said Gobind Chowtiamongy, and deliver him over to them, after having caused them to become responsible for the proper care of the said prisoner, so as to insure the public tranquility.

Ordered that Extract of these proceedings be sent to the Magistrate of Ballasore for his information & guidance.

Next following Letter
/ Here enter No 3 /

Read Letter dated 23d January 1815 from the 2d Judge on Circuit in the Cuttack Division enclosing copy of communications from the Magistrate of Cuddapa relative to the state of mind of two prisoners named Pidda Tessadoo and Dalsbaw.

/ Here enter No 185 /

The Second Judge of Circuit transmits a report from the Magistrate of Cuddapa stating the perfect sanity of the two prisoners Pidda Tessadoo & Dawud Saw, confined in the Jail of that Zilla.

The prisoner Pidda Tessadoo was tried before the Court of Circuit in the second Sessions of 1811 at Cuddapa for the Murder of his father and was convicted of the homicide,

but it was declared that the act was committed
under the insanity of mental derangement
whereupon the Court of Judicature declared that
that the Magistrate of Cuddapa should take
the said Pedda Tippadoo in close custody and
he should have removed the right hand out
side of his room, and should not discharge
him without the especial permission of the
Court Obtained through the Court of Circuit

The prisoner Daniel Shaw
was committed to take his trial before the
Circuit Court in the Year 1806, at Calicut
for stealing from a dwelling house at Tellicherry
but the trial was not proceeded upon on account
of the insanity of the prisoner. He
Shaw was stated to be now in habitual use of Cocoa
near the river Mundalla.

Upon considering the Report and
recommendation of the Magistrate forwarded
by the second Judge of Calicut the Court order
that instead of their proceedings be known
to the 2nd Judge of Circuit in the Outer Division
by present commanding him to direct the
Magistrate of the Zilla of Cuddapa to release
the Prisoner Daniel Shaw from confinement and
to allow him the liberty of residing
to your good behaviour, having obtained
security, to release him

28th March 1815

Read Letter dated 19th January 1815
from the 2d Judge of Circuit in the Western Division
with
relative to present instructing him to direct
the Magistrate of North Malabar to discharge
the prisoner Kolian Koyaden Amboo from his
custody: the Prisoner is certified to have been
released. —

(Here enter No 76.)

Read the following letters, from the
Magistrates of Vizagapatam, Verdachellum, Sinnevelly, Chingulpet,
Nellore, Ganjam, Salem, Combaconum, Chittoor, and Trichinopoly —
forwarding reports of criminal cases depending on the 31st of De-
cember last.

(Here enter No. 34, 44, 45, 53, 109, 116, 119, 145, 152, 224.)

Read letters from the Magistrates of
North Malabar, Rajahmundry and Seringapatam, — forwarding
reports of criminal cases depending on the 31st of December last. and
of crimes committed in 1814.

(Here enter No. 101, 172, 196.)

Read the following letters, from the
Magistrates of Vizagapatam, Sinnevelly, Verdachellum, Chingulpet,
Nellore, Ganjam, Salem, Combaconum, Chittoor, and Trichinopoly —
forwarding statements of crimes committed in 1814.

(Here enter No. 33, 42, 43, 52, 108, 120 121, 146,
157, 222.)

Read letter dated the 20th instant, from
the Magistrate of Trichinopoly with report of prisoners confined
under sentence.

(Here enter No 230.)

Read letter dated the 18th instant, —

28 2 28th March 1815

from the 1st Judge of Circuit on the Southern Division with warrant of executions on case No 33 on the Criminal Sessions of 1814 Certified to have been duly executed

(Here enter No 215)

Read letter dated the 17th inst. from the 2d Judge of Circuit on the Southern Division with warrant of executions on case No 9 on the Criminal Sessions of 1814 Certified to have been duly executed

(Here enter No 223)

Read letter dated the 22d inst. from the 2d Judge of Circuit on the Southern Division returning warrant of executions on case No 3 on the Criminal Sessions of 1814 Certified to have been duly executed

(Here enter No 226)

Read letter dated the 20th inst. from the 2d Judge of Circuit on the Southern Division with warrant of executions on case No 33 on the Criminal Sessions of 1814 Certified to have been duly executed

(Here enter No 227)

Fo. 4.

Copies

At a Court of Foujdaree Udalut

Wednesday 29th March 1815.

Present

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

Read again letter dated the 9th October last from the 2d Judge of Circuit in the Northern Division transmitting his Proceedings held in case No 2 of the Manikpoctam Calendar in the 4th Quarterly Sessions of 1814.

(Here enter No 595 of 1814)

Read also the Reply of the Law Officers of the Foujdaree Udalut to the questions put to them by the Court respecting the 1st Prisoner in the foregoing trial, under date the 20th Instt.

(Here enter Reply)

The Court having maturely considered the whole of the proceedings held before the Judge on Circuit presiding at the 4th Quarterly Sessions of 1814, the fatwas of the Provincial Law Officers and the fatwas of the Cazees and Cazee-zgat and Mooftees of the Foujdaree Udalut, do confirm the said fatwas of the Cazee and Cazee-zgat and Mooftees aforesaid and under the provisions of Clause 1st Section IV Regulation XV A.D.

1813

29th March 1815

1813. the Court to adjudge the Prisoners

1. Munchenneelah Cabasangader

2. Mandoogadah Sacrigadoo

to suffer Death by being hanged at the usual place of execution.

Sent following Letter

[Here enter A]

Read letter dated the 9th Augt last from the 1st Judge on Circuit in the 2d Division transmitting his proceedings held in case No 31 of the Bellary Calendar in the 2d Sessions of 1814.

[Here enter No 309 of 1814]

The Court having maturely considered the proceedings held before the above Circuit the Judge of the Provincial Court and Assistant of the Zillah and Members of the Punchaiet Adalut do from the said Sentence of the Cazee and Moofties recorded and acquitting the Prisoner Singaroy

do direct his release according to

Sent following Letter

[Here enter B]

Read Letter dated the 29th from the 2d Judge on Circuit in the 2d Division transmitting his proceedings held in case No 40 of the Cuddapah Calendar in the 1st Sessions of 1815.

[Hereafter No 180 of 1815]

In the letter transmitting the foregoing trial the Judge declares his opinion that the Prisoner's Perpetuelage of the Proclamation is clearly proved by the evidence of Cadeeppy-gaudar and Saobadoo, and that his identity is also satisfactorily established; and he therefore considers the Prisoner to be a proper object for the punishment prescribed by Section VIII Regulation XIII A. D. 1809, and that he should accordingly be imprisoned and transported for life.

By the section above quoted it is prescribed that if the Judge should be satisfied "of the identity of the Prisoner, and of his contumacy in not appearing before the Magistrate "within the prescribed time, he shall adjudge "the Prisoner to be imprisoned and transported "for life." This part of his duty the Judge has left undischarged, as the no option is allowed to him; and it would have become the duty of this Court to return the trial in order that it might be completed; but on a careful examination of the proceedings they appear

to

29th March 1815

to call for observations, which the Court proceeded

to record —

On comparing the arraignment with the Copy of the Magistrate's proclamation an error appears between them; the Copy of the Proclamation being dated the thirteenth of December, 1812 and the arraignment referring to a Proclamation dated the 30th of December, 1812 the evidence also points out the latter date — The error may be in the copyist, but if so it is manifest that the prisoner has been arraigned for contumacy in disobeying one proclamation while another proclamation is brought forward against him.

The impossibility of convicting the prisoner on such grounds is sufficiently apparent

But to proceed with the trial; the evidence relied on by the Judge on Circuit as convicting the prisoner of a knowledge of the Proclamation is that of Cadeby Gamble and Sosbadoo — The former declares that he told the prisoner "that the Magistrate had "issued a proclamation mentioning therein "that all persons who were accomplices with "Dewitty Mutlagoh provided they appeared "before the Magistrate [illegible]

2. F. U.

29th March 1815.

"of their crimes." This communication certainly did not describe the Summons contained in the proclamation —

Sosbadoo declares that he informed the prisoner that in the proclamation they had mentioned, that whoever should seize him amongst others mentioned, would be paid a reward of Sixty Pagodas for each offender —

The one communication held out to the Prisoner an offer of Pardon; the other told him a price was set upon his head; but it does not appear that he was informed by either of the Witnesses that his presence was required before the Magistrate within a limited period; and that on his failing to appear within the prescribed period he would be held to be guilty of the Crimes charged against him — On this evidence therefore which is relied on for the conviction of the Prisoner, there is no ground to charge him with contumacy —

The other four Witnesses know nothing of the proclamation —

It further appears that of the Witnesses Summoned for the Prisoner one only Moosaly Reddy was in attendance; and that his single evidence appearing unnecessary he was

consequently

29th March 1815. consequently not re-examined.

The grounds on which the Judge of Circuit decided that the evidence of this King's witness in favor of the Prisoner was inconsistent are not stated; neither is it stated under what authority the Judge declined receiving any information which might be favorable to the case of the Prisoner — If the evidence against the Prisoner had been such as fully to establish the contumacy charged against him — the Court of Kingsbarns Malabar could not either have confirmed a sentence of imprisonment and transportation passed by the Court of Circuit or have passed such sentence without first hearing all that could be alleged on behalf of the Prisoner.

In the case before the Court the charge of contumacy on the part of the Prisoner Mulaba Ankadoo has not been proved and the Court accordingly acquit him thereof. He will however still remain liable to be tried for the higher offences of which he stands accused.

The errors committed by the Judge on Circuit in the proceedings above noticed are of a serious nature; but

29th March 1815

= willing to ascribe them to negligence or to an indifference on the part of Judge of Circuit to the discharge of his duty. The Court trust however that they shall not be called upon to notice the occurrence of similar errors in the Judge's future proceedings.

Ordered that an extract of these proceedings be transmitted to the 2d Judge of Circuit in the Centre Division for his information and guidance.

Sent following letter

Here enter C/ J.M.

608

F. U.

At a Court of Foujdaree Udalut

Present

Monday 3d April 1815

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

Read letter dated the 15th October last from the 1st Judge of Circuit in the Centre Division transmitting his proceedings held in Case No. 36 of the Cuddapah Calendar in the 2nd Sessions of 1814.—

M

E C S

C J

I Have enter No. 729 of 1814

The Court having maturely considered the proceedings held before the Judge on Circuit the futwa of the provincial Law officers and the futwa of the Cazee ool Coozzat and Sudder Mooftey of the Foujdaree Udalut do confirm the said futwa of the Cazee ool Coozzat and Mooftey aforesaid, and do adjudge the prisoners

1. Makala Paupadoo
2. Siddoogaudoo.
3. Yellaopulla Paupadoo.
4. Kunnal Jungadoo.
5. Kunnal Cengadoo.
6. Makala Vencatasseegaudoo

to be imprisoned and transported to prince of

Wales

F" U"

At a Court of Foujdaree Adalut

Present

Monday 3d April 1815

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

Read letter dated the 15th October last from the 1st Judge of Circuit in the Centre Division transmitting his proceedings held in Case No 36 of the Calendar in the 2nd Sessions of 1814.—

(Hee enter No 279 of 1814)

The Court having maturely considered the proceedings held before the Judge on Circuit the futwa of the provincial Law officers and the futwa of the Cazee ool Coozzat and Senior Moofty of the Foujdaree Adalut do confirm the said futwa of the Cazee ool Coozzat and Moofty aforesaid, and do adjudge the prisoners

1. Makala Paupadoo
2. Siddoogaudoo.
3. Yellaopulla Paupadoo.
4. Hunnal Gungadoo.
5. Hunnal Cengadoo.
6. Makala Venkatasegaudoo

to be imprisoned and transported to Prince of Wales

F. U.

At a Court of Foujdaree Udalut

Present

Monday 3d April 1815

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

Read letter dated the 15th October last from the 1st Judge of Circuit in the Centre Division transmitting his proceedings held in Case No 36 of the Cuddapah Calendar in the 2nd Sessions of 1814.—

M

EGS

GJ

Have enter No 729 of 1814

The Court having maturely considered the proceedings held before the Judge on Circuit the futwa of the provincial Law officers and the futwa of the Cazee ool Coozzat and Sudder Moofty of the Foujdaree Udalut do confirm the said futwa of the Cazee ool Coozzat and Mooftee aforesaid, and do adjudge the prisoners

1. Makala Paupadoo
2. Siddoogaudoo.
3. Yellaspulla Paupadoo.
4. Hunnal Gungadoo.
5. Hunnal Cengadoo.
6. Makala Vencatasreegaudoo

to be imprisoned and transported to prince of

Wales

F. U.

At a Court of Fouydaree Adalut

Present

Monday 3d April 1815

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

Read letter dated the 15th October last from the 1st Judge of Circuit in the Centre Division transmitting his proceedings held in Case No 36 of the Cuddapah Calendar in the 2nd Sessions of 1814.—

M

EGS

GJ

Have enter No 29 of 1814

The Court having maturely considered the proceedings held before the Judge on Circuit the fictwa of the provincial Law officer and the fictwa of the Cazee ool Coozzat and Sessions Mooftey of the Fouydaree Adalut do confirm the said fictwa of the Cazee ool Coozzat and Mooftey aforesaid, and do adjudge the prisoners

1. Makala Paupadoo
2. Siddoogaudoo
3. Yellooputla Paupadoo
4. Kunnal Jungadoo
5. Kunnal Cengadoo
6. Makala Cencatasegaudoo

to be imprisoned and transported to parts of

Wales

3d April 1815.

Wales Island, there to be kept to hard labour
rians on the public roads or other public works
and during their natural lives respectively

Read letter dated the 16th Dec
last from the 1st Judge of Circuit in the Centre
Division transmitting his proceedings held in case
of the Chinaglepack Calender in the 2d Sessions of
1814.

/ Here enter No 29 of 1815 /

The Court having maturely con
the proceedings held before the Judge on Circuit
feature of the provincial Law Officer and the
of the Grand Jury and Petit Jury
Engagee and Coopgat and Seenoo Moofty of the
Engagee and Coopgat and Moofty aforesaid, and confirm
the Sentence passed by the Judge on Circuit
under date the 16th November last do convict
adjudge the Prisoners

1. Laalen Saunsatty
2. Pantaroay Laalim
3. Singolee and
4. Marcodaree

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 their
natural Lives respectively

3d April 1815. Sent following Letter

/ Here enter A /

In transmitting the foregoing trial
the Judge on Circuit instead of annexing to the
proceedings a Copy of his sentence, merely states
in an Extract of the Courts proceedings under date
the 16th November 1814, that sentence of imprison-
ment and transportation for life has been passed
on the Prisoners in the foregoing trial.

A similar omission having been
noticed in case No 35 of the Calendar which was
returned for amendment by precept dated the
22d Ult: the Court, trusting that they will not
be called upon to notice a similar instance of
irregularity in the Judge's future proceedings, and
with the view of preventing any delay in the
present trial, have accordingly resolved to pass
their final decision, confirming the sentence passed
by the Judge on Circuit,

Ordered that extract of these
Proceedings be transmitted to the 1st Judge of Circuit
in the Centre Division for his information and
guidance.

Sent following letter

/ Here enter B /

Read letter dated the 28th February
last

3d April 1815

last from the 2d Judge on Circuit in the South Division transmitting his proceedings held in No 32 of the Bellary Calendar in the Sessions of 1815.

/ Here enter No 179 of 1815 /

The Court having matured consideration the proceedings held before the Judge on Circuit the Fetwa of the Provincial Law Officer the Fetwa of the Cazee ul Cuzzat and Moofty of the Zillah & the confirmation of the said Fetwa of the Cazee ul Cuzzat and Moofty

Said and do adjudge the Prisoner

Surjeevoo

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

Read letter dated the 29th last from the 2d Judge on Circuit in the South Division transmitting his proceedings held in No 14 of the Bellary Calendar in the Sessions of 1815.

/ Here enter No 178 of 1815 /

The Court having matured consideration the proceedings held before the Judge on Circuit the Fetwa of the Provincial Law Officer and the Fetwa of the Cazee ul Cuzzat and Sudder

Fo 16

3d April 1815. Fetwa of the Cazee ul Cuzzat and Moofty above recited said and do direct that the prisoner

"Surjeevoo"

be publicly admonished of the impropriety of his conduct, and be set at liberty.

Sent following letter

/ Here enter A /

The Court concur in opinion with the Judge of Circuit as expressed in the 3d paragraph of his letter relative to the Prisoners improper conduct in having taken justice into his own hands, instead of applying to the Civil Court for redress — considering however that the confinement of eight months which he has already undergone is fully adequate to the offence of which he has been guilty, the Court have directed that he be admonished and set at liberty

The Court direct that the property in dispute which seems to have been transmitted to the Magistrate by the Sumildar of Raydroog Talook be restored to the Plaintiff Dausapah, and that the Prisoner Surjeevoo be left to sue his Uncle in the Civil Court for the share of the property to which he is entitled

Ordered that extract of these proceedings be transmitted to the 2d Judge on Circuit

3d. April 1815.

Circuit in the Centre Division by Precept directing him to communicate the same to the Magistrate in the Zilla of Bellary for his information and guidance.

Sent following Precept

/ Executed D/

65

Friday 7th April 1815.

Fd.

At a Court of Foujdaree Adalut

Present

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

Read Letter dated 20th January 1815 from the Magistrate of North Malabar, reporting that the number of Convicts whom the Magistrate of South Malabar is desirous of transferring to his Zilla, can be accommodated in his jail with safety.—

/ Executed 3d. 8br /

The Magistrate of the Zilla of North Malabar having, in conformity with the Court's instructions under date the 17th December called upon the Magistrate of South Malabar to state what number of prisoners he would consider it expedient to remove from the jail of the latter to that of the former Zilla, the Magistrate of South Malabar has answered that he would be desirous of transferring from 50 to 60 prisoners, which number the Magistrate of North Malabar has declared his jail capable of receiving.—

The Court therefore order that the Magistrate of South Malabar be by precept directed to transfer the number of Convicts not exceeding 60, whom he may require to remove, to the custody of the Magistrate of North Malabar, with a Calender and other

necessary

7th April 1815. necessary documents of their convictions and sentences.

And the Court further direct that the Magistrate of the Zilla of North Malabar be by precept commanded to receive the said Convicts and to enforce the sentence passed upon them:—

Sent following precept.

/Here enter A 98/

Read Letter dated 2d January 1815 from the Judicial Secretary to Government, referring for the consideration and Report of the Court Copy of a Letter from the Magistrate of Chittoor containing a proposition for the useful employment of convicts sentenced to hard labour.—

/Here enter No 9./

The Court having given to the proposition submitted by the Magistrate of Chittoor the fullest consideration, perceive nothing objectionable in the plan which he has sketched out; but are of opinion that the mode he suggests of employing the Convicts will effectually secure the principal object of their condemnation the enforcement of regular labour.—

We see no reason likewise to doubt that he will calculate to render that labour useful to the State: but in the comparative utility of different public works, the Court do not profess the means of forming a correct opinion as the Head of the Department with which such works may be connected.—

the number of Convicts sentenced to hard labour being 4 on the 5th of January last as in the annexed Division only 1019 — as in the 4th Division 3969

7th April 1815 these proceedings be sent to Secretary to Govt. in the Judicial Department for the purpose of being laid before the Right Honble the Governor in Council.—

Sent following letter

/Here enter C./

Read Letter dated 16th March 1815 from the Acting Magistrate of Madura reporting the Murder of Lieutenant Higgins of the 17th Regiment Native Infantry in the Fort of Madura the preceding night.—

/Here enter No 216/

Read Letter dated 17th March 1815 from the Acting Magistrate of Madura, stating his error in his intended mode of proceeding against the person suspected to have murdered Lieutenant Higgins.—

/Here enter No 223/

Read Return dated 25th March 1815 from the Magistrate of Chengulpet to the Court's precept of the 22d March directing him to receive a lunatick named Jaqueon Adercaon, and to keep him in safe custody until the further orders of this Court, certifying that he has duly received him into his charge.

/Here enter No 229./

Read the following letters from the Magistrates of Canara, Tanjore, Coimbatore, Vizagapatam, Salem, Trichinopoly, Madura, Tinnevelly, Cochin, Masulipatam, Chengulpet, Northern Malabar, South Malabar, Arcot, Cuddapah,

7th April 1815.

necessary documents of their convicts and sentences.

And the Court further direct that the Magistrate of the Zillah of North Malabar be by precept commanded to receive the said Convicts and to enforce the sentence passed upon them.—

Sent following precept.

/Here enter A 983/

Read Letter dated 3d January 1815 from the Judicial Secretary to Government, referring for the consideration and Report of the Court Copy of a Letter from the Magistrate of Chittoor containing a proposition for the useful employment of convicts sentenced to hard labour.—

/Here enter No 9./

The Court having given to the proposition submitted by the Magistrate of Chittoor the fullest consideration, perceive nothing objectionable in the plan which he has sketched out; but are of opinion that the mode he suggests of employing the Convicts will effectually secure the principal Object of their condemnation the enforcement of regular labour.—

It seems likewise well calculated to render that labour useful to the state but on the comparative utility of different public Works, the Court do not possess the means of forming so correct an opinion as the Head of the Department with which such works may be connected.—

The numbers of Convicts sentenced to hard labor being 1099 on the 1st of January last as in the annexed Division No 1 all the total of Divisions No 2 3969.

7th April 1815

these proceedings be sent to Secretary to Govt. in the Judicial Department for the purpose of being laid before the Right Honble the Governor in Council.—

Sent following Letter

/Here enter C./

Read Letter dated 18th March 1815 from the Acting Magistrate of Madura reporting the Murder of Lieutenant Higgins of the 17th Regiment Native Infantry in the Fort of Madura the preceding night.—

/Here enter No 216/

Read Letter dated 17th March 1815 from the Acting Magistrate of Madura, stating an error in his intended mode of proceeding against the person suspected to have murdered Lieutenant Higgins.—

/Here enter No 223/

Read Letter dated 25th March 1815 from the Magistrate of Chengulpet.—to the Court's precept of the 22d March directing him to receive a lunatick named Jaqueen Adoracum, and to keep him in safe custody pending the further orders of this Court certifying that he has duly received him into his charge.

/Here enter No 229./

Read the following letters from the Magistrates of Guntoor, Canara, Coimbetore, Verdachellum, Saringapatam, Tinnevelly, Cochin, Masulipatam, Chengulpet, Trichinopoly, Vizagapatam, Northern Malabar, South Malabar, Madura,

Carabooram

7th April 1815. Sarasporam, Nellore, Ganjam, Bellary, Salem, and Rajahmundry

forwarding reports of prisoners for February.

(See Reports No. 201, 203, 207, 208, 209, 210, 211, 217,

218, 219, 228, 231, 232, 233, 236, 241, 240, 242, 264, 265.)

F. U.

At a Court of Foujdaree Adalut

Present

Monday
10th April 1815. Andrew Scott Esqre. - - - - - - }
George Stratton Esqre. - - - - } Judges.

Read letter dated the 12th Novem-
ber last from the 1st Judge of Circuit in the
Centre Division transmitting his proceedings
held in case No 1 of the Chingleput Calendar
in the 2d Sessions of 1814.

(Here enter No 737 of 1814)

The Vakeel of Moogat and Senior
Moofty of the Foujdaree Adalut having
declared the prisoner "Ponnen" suspected of
having struck the deceased — the Court
require them to declare by a second fatwa
what under the Mahomedan Law may be
the nature and degree of the presumption
thereby established against the Prisoner.

Ordered that extract of these
proceedings be translated and communicated
to the Law Officers of the Foujdaree Adalut
for their information and guidance —

Fm —

7th April 1815. Sarasparam, Nellaca, Ganjam, Bellary, Salem, and Rajahmundry

forwarding reports of prisoners for Febry.

(See Reports Nos 201, 203, 207, 208, 209, 210, 211, 217,

218, 219, 225, 231, 232, 233, 236, 241, 240, 242, 254, 255.)

F. U.

At a Court of Foujdaree Adalut

Present

Monday
10th April 1815. Andrew Scott Esqre ------ } Judges.
George Stratton Esqre ------ }

Read letter dated the 12th Novem-
ber last from the 1st Judge of Circuit in the
Centre Division transmitting his proceedings
held in case No 1 of the Chingleput Calendar
in the 2d Sessions of 1814.

(Here enter No 737 of 1814)

The Cazee ool Cozzat and Senior
Moofty of the Foujdaree Adalut having
declared the prisoner "Ponnen" suspected of
having struck the deceased — the Court
require them to declare by a second futwa
what under the Mahomedan Law may be
the nature and degree of the presumption
thereby established against the Prisoner.

Ordered that extract of these
proceedings be translated and communicated
to the Law officers of the Foujdaree Adalut
for their information and guidance —

Ann —

7th April 1815. Sarapparam, Nellore, Ganjam, Bellary, Salem, and Rajahmundry

forwarding reports of prisoners for February.

(See Reports Nos 201, 203, 207, 208, 209, 210, 211, 217,

213, 219, 225, 231, 232, 233, 236, 241, 240, 242, 254, 255.)

F. U.

At a Court of Foujdaree Adalut

Present

Monday
16th April 1815. Andrew Scott Esqre ------ } Judges.
George Stratton Esqre ---- }

Read letter dated the 12th Novem-
ber last from the 1st Judge of Circuit in the
Centre Division transmitting his proceedings
held in case No 1 of the Chingleput Calendar
in the 2d Sessions of 1814.

(Here enter No 7/37 of 1814)

The Cazee ool Coozat and Senior
Moofty of the Foujdaree Adalut having
declared the prisoner "Ponnen" suspected of
having struck the deceased — the Court
require them to declare by a second fetwa
what under the Mahomedan Law may be
the nature and degree of the presumption
thereby established against the Prisoner.

Ordered that extract of these
proceedings be translated and communicated
to the Law Officers of the Foujdaree Adalut
for their information and guidance —

Am —

Fo 11.

Adn Court of Foujdaree Udalut

Wednesday 19th April 1815

Present

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

Read letter dated the 15th February last from the Jr Judge on Circuit in the Western Division transmitting his proceedings held in case No 20 of the South Malabar Calendar in the 2d Sessions of 1814.

/ Here enter No 152 of 1815 /

The Court having maturely considered the proceedings held before the Judge in Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee ul Cozzat and Senior Moofty of the Foujdaree Udalut do confirm the said Futwa of the Cazee ul Cozzat & Mooftys aforesaid & do adjudge him the Prisoner

"Kalleyada Teyen Menon."

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 period of his natural life.

Sent following letter

/ Here enter A /

Read

Fo 11.

The Court of Foujdaree Udalut

Wednesday 19th. April 1815 — Present Andrew Scott Esqre / Edward Croft Greenway Esqre / George Stratton Esqre } Judges

Read letter dated the 15th February last from the 3d Judge on Circuit in the Western Division transmitting his proceedings held in case No 20 of the South Malabar Calendar on the 2d Sessions of 1814.

/ Here enter No 15 2 of 1815 /

The Court having maturely considered the proceedings held before the Judge on Circuit the Fatwa of the Provincial Law Officer and the Fatwa of the Cageevaal Coozzat and Senior Moofty of the Foujdaree Udalut do confirm the said Fatwa of the Cageevaal Coozzat & Moofty aforesaid & do adjudge him the Prisoner

"Katteyatta Teyen Meenon."

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 period of his natural life.

Sent following letter / Here enter A /

Read

19th April 1815.

Read letter dated the 31st December last from the 1st Judge on Circuit in the Southern Division transmitting his proceedings held in case No 20 of the Tranquebar Calendar in the 1st Sessions of 1814.

(Vide note No 31 of 1815)

The Court having maturely considered the proceedings held before the Judge on Circuit the Fiatus of the Provincial Law officers and the letter of the Cageseal Cazzat and Senior Moofty of the Faujdaree Adalut do confirm the said Fiatus of the Cageseal Cazzat and Moofty aforesaid and do adjudge the Prisoner

1st Ramalingum

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of one year.

And the Court acquitting the Prisoner

2d Ambalavaanum

do direct his release accordingly.

And forthwith letter

(Vide note B)

for that case the Prisoner Ramalingum has been convicted of fraud on his own confession and the Prisoner Ambalavaanum had been

19th April 1815.

the Judge on Circuit not concurring in the acquittal of the latter referred the trial. The Fiatus of the Law Officers of the Faujdaree Adalut has confirmed that of the Provincial Law Officers, and the Court on a full consideration of the case have accordingly confirmed the said Fiatus, and adjudged the Prisoner Ramalingum to be imprisoned and kept to hard labour in irons during the period of one year; and further acquitting the prisoner Ambalavaanum have directed his release accordingly.—

In returning these proceedings to the Court of Circuit, the Court observe that in the letter from the Judge on Circuit the person defrauded is described to be the prosecutor Sastro Curpon Chitty, whilst in the record of the trial the Prosecutor's name appears to be Mootoo Veerapen Chitty; and in the promissory note purporting to be a note given by Veeraven, the Money is stated to be payable on account of Mootayanaden, whether the same person is meant by all three names does not appear. It is however to be so inferred; and if these names have been used inadvertently, the one for the other, the Court deem it proper to point out the inaccuracy, that it may be avoided in future.

19th April 1815.

With regard to the substance of the trial the Court observe that the fraudulent intention of Ramalingum is placed beyond all doubt by his own confession, altho it does not appear that he had completed the act by assigning the forged note to the prosecutor; and in consequence of the act being incomplete, the Court have passed a lighter sentence upon him than they could have done had he assigned the bond.

It has not been shown that any guilt attached to Ambalavanum for writing a promissory note without affixing a signature cannot be held to be criminal.

Ordered that extract of these proceedings be transmitted to the Court of Circuit in the Southern Division for their information and guidance.

Sent following letter

/ Here enter 6 /

Read letter dated the 20th November last from the 3d Judge on Circuit in the Western Division transmitting his proceedings held in case No 2 of the Kanara Calendar in the 2d Session of 1814.

/ Here enter No 105 of 1814 /

The Court having maturely considered

19th April 1815.

the Future of the Provincial Law Officer and the Future of the Cazeevel Coozzat and Senior Moofty of the Fouydaree Adalut do confirm the said Future of the Cazeevel Coozzat and Moofty aforesaid and being of opinion that the case falls considerably short of the crime of Murder, although amounting to culpable homicide, and taking into consideration the length of confinement already undergone by the prisoners do direct that the prisoners

1st Yellena.
3d Kantapoo
4th Tetchmana &
5th Timapaka

be released, on producing security for their future good behaviour and appearance when required for and during the period of one year.

And the Court further direct that the prisoners

2d Munjoo and
6th Yetti,

whose conduct appears in a more favourable point of view than that of the

others,

19th April 1815.

With regard to the substance of the trial the Court observe that the fraudulent intention of Ramalingum is placed beyond all doubt by his own confession, altho it does not appear that he had completed the act by assigning the forged note to the prosecutor; and in consequence of the act being incomplete, the Court have passed a lighter sentence upon him than they could have done had he assigned the bond.

It has not been shown that any guilt attaches to Ambalavanen for writing a promissory note without affixing a signature cannot be held to be criminal.

Ordered that extract of these proceedings be transmitted to the Court of Circuit in the Southern Division for their information and guidance.

Sent following letter

/ Here enter 6 /

Read letter dated the 28th November last from the 3d Judge on Circuit in the Western Division transmitting his proceedings held in case No 2 of the Canara Calendar in the 2d Session of 1814.

/ Here enter No 105 of 1814 /

The Court having maturely consid-

2d Fiscal.

19th April 1815. the Fiscal of the Provincial Law Officer and the Fiscal of the Cazevel Cooztat and Senior Moofty of the Fouzdaree Adalet do confirm the said Fiscal of the Cazevel Cooztat and Mooftys aforesaid and being of opinion that the case falls considerably short of the crime of Murder, although amounting to culpable homicide, and taking into consideration the length of confinement already undergone by the prisoners do direct that the prisoners

1st Yellena.
3d Kartapoo
4th Letchmana &
5th Timapaha

be released, on producing security for their future good behaviour and appearance when required for and during the period of one year.

And the Court further direct that the prisoners

2d Muniyo and
6th Setti,

whose conduct appears in a more favourable point of view than that of the

others,

19th April 1815.

With regard to the substance of the trial the Court observe that the fraudulent intention of Ramalingum is placed beyond all doubt by his own confession, altho it does not appear that he had completed the act by assigning the forged note to the prosecutor; and in consequence of the act being incomplete, the Court have passed a lighter sentence upon him than they could have done had he assigned the bond.

It has not been shown that any guilt attaches to Ambalavanum, the writing a promissory note without affixing a signature cannot be held to be criminal.

Ordered that extract of these proceedings be transmitted to the Court of Circuit in the Southern Division for their information and guidance.

Sent following letter

/ Here enter 6 /

Read letter dated the 28th November last from the 3d Judge on Circuit in the Western Division transmitting his proceedings held in case No. 2. of the Colombo Calendar in the 2d Sessions of 1814.

/ Here enter No. 105 of 1814 /

The Court having maturely considered

19th April 1815. the Fiscal of the Provincial Law Officer and the Fiscal of the Cageewal Coozzat and Senior Moofty of the Fouzdaree Adalut do confirm the said Fiscal of the Cageewal Coozzat and Moofty aforesaid and being of opinion that the Case falls considerably short of the crime of Murder, although amounting to culpable homicide, and taking into consideration the length of confinement already undergone by the prisoners do direct that the prisoners

1st Ogellena.
3d Kantapoo
4th Telchmana
5th Timapahy

be Released, on producing Security for their future good behaviour and appearance when required for and during the period of one year.

And the Court further direct that the prisoners

2d Muniyo and
6th Kelli,

whose conduct appears in a more favourable point of view than that of the

Others,

19th April 1815.

others, be discharged.

Sent following letter.

(Vide enter D)

19th April 1815.

the Judge on Circuit the Fetwa of the Provincial Law Officer and the Fetwa of the Cazee ool Cozzat and Mooftee of the Faujdaree Adaulut do confirm the said Fetwa of the Cazee ool Cozzat and Mooftee aforesaid and do adjudge him the Prisoner

"Sunbeekar Nunnah"

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

Sent following letter.

(Vide enter F)

Read letter dated the 19th ultimo from the Magistrate of the Zillah of Chingleput, enclosing list of convicts under sentence of transportation arrived at Chingleput

(Vide enter No. 224)

Read letter dated the 28th ultimo, from the 2d Judge on Circuit in the Centre Division, transmitting his proceedings held in case No. 11 of the Bellary Calendar in the 1st Sessions of 1815.

(Vide enter No. 243 of 1815)

the

19th April 1815

April

The Court observe that
the five persons arraigned before the
Court of Circuit only one, named D
is either by his own confession or
the fullest proof before the Court
against him is guilty of the crime charged
amenable to the jurisdiction of the
& Judicature established by the
British Government

This man it appears
formerly the Servant of Bussa
the united
property was plundered, and
appears that he shared the
of his former master to the
and the road by which they
most community abroad
of his amenability thereto
is as little doubt as there is
the nature of this offence

On a full consid
view of all the proceedings held
on this case before the Magistrates

Judge

19th April 1815

Judge in Circuit, the sentence given by the
Law officer of the Court of Circuit and the
sentence of the Law officers of the Court of
Foujdaree Adawlut the Court do confirm the
latter and accordingly do adjudge the prisoner
Bussia to be imprisoned and transported to
Prince of Wales' Island there to be imprisoned
and kept to hard labor in irons on the public
roads or other public works during the period of
his natural life

With regard to the other prisoners
Dassia Thirkapa, Narsinga Row, Mombarah &
Chandapah altho there is no doubt of their
having committed the offences charged against
them, it appears that they are not subjects of
the British Government; and that the offences
charged against them were not committed
within the British jurisdiction - notwith-
standing therefore that the crime of Aiding
and abetting plunderers, who have added
murder to plunder, is acknowledged by them
they are not punishable by a British Court
and must be discharged from the Soil of
Bellary.

but within the territories of the Peishwa

But as their crime is of a
malignant nature and dangerous to the peace

19th April 1815

The Court observe that
the five persons arraigned before
Court of Circuit only one, named D
is either by his own confession
the plea before the crime charge
against him was committed
amenable to the jurisdiction of th
of Judicature established by
British Government

This man it appears
formerly the Servant of Buss
fortunate sufferer under
presently was plundered, and
appears that he shared the b
of his former master to the hou
are the road by which they ca
most conveniently approach
of his immediate
is as little doubt as there
the nature of his Offence

On a full consid
tion of all the proceedings held
on this case before the Magistra

19th April 1815

Judge on Circuit, the futwah given by the law officer of the Court of Circuit and the futwah of the law officers of the Court of Foujdaree Adawlut the Court do confirm the latter and accordingly do adjudge the prisoner Bussia to be imprisoned and transported to Prince of Wales' Island there to be imprisoned and kept to hard labor in irons on the public roads or other public works for during the period of his natural life

With regard to the other prisoners Dosaie Thirkapa, Narsinga Row, Mumbarah & Chandapah altho there is no doubt of their having committed the offences charged against them, it appears that they are not subjects of the British Government; and that the offences charged against them were not committed within the British jurisdiction; notwithstanding therefore that the crime of Riding and abetting plunderers, who have added murder to plunder, is acknowledged by them they are not punishable by a British Court and must be discharged from the Gaol of Bellary.

But as their crime is of a malignant nature and dangerous to the peace

19th April 1815. of the British territories and if the Right Honourable the Governor in Council may in consequence deem it advisable that an application should be made to the Government of His Highness the Peishwa on the subjects they are in order that a due example may be made of them, for the purpose of deterring others from following similar practices, the Court deem it right to submit the trial for the consideration of the Governor in Council.

With these views the Court deem it further expedient to direct that the Magistrate of Bellary do deliver the prisoners Dasaia Kurkapah, Narsinga Rau, Mudd and Chandrapah to the Amyn of the Collector of the Peishwa's Government with a request that they may be detained until the orders of that Government regarding them are known.

Ordered that the proceedings of the Court of Circuit held at Bellary on the 4th instant of 1815 together with all these Proceedings be transmitted to the Secretary to Government in the Judicial Department, with a request that he will lay them before the Right Honourable the Governor in Council

19th April 1815. Right Honourable the Governor in Council

Sent following letter
/ Here enter B. /

Ordered also that extract of these proceedings be transmitted to the 2d Judge of Circuit in the Centre Division by Receipt directing him to communicate the same to the Magistrate of the Zilla of Bellary for his information and guidance

Sent following Receipt
/ Here enter H /

E.G.S.

Fm 80

At a Court of the Fouzdaree Adawlut

Friday 21st April 1815

Present

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

GP
M
605

Read the following letters from the Magistrates of Salem, Vizagapatam and Bellary with registers of persons proclaimed in their zillas for March.

(Here enter No. 259, 265, 270)

Read letter dated the 19th ultimo from the Magistrate of Bellary with report of prisoners confined under sentence.

(Here enter No 252.)

Read letter dated the 25th January, from the Magistrate of Bellary with statement of crimes committed in 1814.

(Here enter No 253.)

Read letter dated the 3d instant, from the 2d Judge on circuit for the Centre Division, reporting the arrival of the Court of Circuit at Changulpet from Bellary.

(Here enter No 256.)

Read return dated the 31st ultimo, from the Provincial Court of Circuit for the Southern Division to the Court's precept of the 17th January, containing the Court's orders relative to the preparation of the records of trials referred to the Fouzdaree

Adawlut

S. C.

At a Court of the Foujdaree Adaulut

Friday 21st April 1815.

Present

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

GP

M

605

Read the following letters from the Magistrates of Salem, Vizagapatam and Bellary - with registers of persons proclaimed in their zillas for March.

(Here enter Nos. 259, 265, 270.)

Read letter dated the 19th ultimo, from the Magistrate of Bellary - with report of prisoners confined under sentence.

(Here enter No 252.)

Read letter dated the 25th January, from the Magistrate of Bellary - with statement of crimes committed in 1814 -

(Here enter No 253.)

Read letter, dated the 3d instant from the 2d Judge on circuit for the Centre Division, - reporting the arrival of the Court of Circuit at Chingleput from Bellary -

(Here enter No 256)

Read return dated the 31st ultimo, from the Provincial Court of Circuit for the Southern Division, to the Court's precept of the 17th January, - containing the Court's orders relative to the preparation of the records of trials referred to the Foujdaree

Adaulut

21th April 1815.

Abstract certifying examination thereof.

(Here enter N° 257.)

Read letter dated the 6th April from the Magistrate of Chingleput reporting the good state of health of the convicts named Tangedurey Nagamma Purchel and Pellabatla Papiah at his Gaol from 24th March under sentence of Banishment.

(Here enter N° 260.)

Read letter dated the 27th ultimo from the 3d Judge on Circuit in the Southern Division with copy of the Carnatic calendar for 1st Sessions of 1815.

(Here enter N° 263.)

Read letter dated the 15th ultimo from the Magistrate of Tanjore with reports of prisoners

(Here enter N° 266.)

Read letter dated the 5th ultimo from the 2d Judge of Circuit for the Southern Division with abstract of remittances in cash N° 11 — the Gaol Diseases abstract of Sessions of 1814 — certificate that no debts are due

(Here enter N° 268.)

Read letter dated the 5th ultimo from Provincial Court of Circuit for the Western Division & Report of the 21st ultimo requiring them to communicate to the Magistrate of Salem the particulars of the 21st ultimo regarding the prisoners charged with having false certificates in their

(Here enter N° 274.)

21th April 1815.

of the Rajahmundry calendar for 1st Sessions of 1815 and stating his intended departure to Vizagapatam from Rajahmundry.

(Here enter N° 284.) x

50

F. U.

At a Court of Foujdaree Udalut

Monday
24th April 1815

Present

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

Read letter dated the 27th ultimo.
from the 1st Judge on Circuit in the Western Division
transmitting his proceedings held in case No. 3 of
the Canara Calendar in the 1st Sessions of 1815.

/ Vide enter No. 25 of 1815 /

M

The Court having maturely
considered the proceedings held before the Judge
on Circuit the Futwa of the Provincial Law Officer
and the Futwa of the Cazee ool Cozzat and Mooftee
of the Foujdaree Udalut do confirm the said Futwa
of the Cazee ool Coozzat and Mooftee aforesaid and do
adjudge the Prisoner

"Marta"

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

Sent following letter

/ Vide enter A /

Read again letter dated the 12th
November last from the 1st Judge on Circuit
in the Centre Division transmitting his proceedings
held in case No. 1 of the Chingleput Calendar

21st

F. U.

In the Court of Foujdaree Udalut

Monday 24th April 1815

Present

Andrew Scott Esqre

Edward Croft Greenway Esqre } Judges

George Stratton Esqre

Read letter dated the 27th ultimo from the 1st Judge on Circuit in the Western Division transmitting his proceedings held in case No. 3 of the Canara Calendar in the 1st Sessions of 1815.

/ Here enter No. 25 of 1815 /

M

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Cozzat and Mooftee of the Foujdaree Udalut do confirm the said Futwa of the Cazee ool Cozzat and Mooftees aforesaid and do adjudge the Prisoner

"Kaste"

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

Sent following letter

/ Here enter A /

Read again letter dated the 12th November last from the 1st Judge on Circuit in the Centre Division transmitting his proceedings held in case No. 1 of the Chingleput Calendar

24th April 1815.

on the 2d Sessions of 1814

/ Herewith No 37 of 1814 /

Read also second finture of the Cayeeool Cozzat and Senior Mooftey of the Faujdaree Adalut called for by Order of the Court under date the 10th Instant

/ Herewith Second finture /

The Court having maturely considered the proceedings held before the Judge on Circuit, the Fintures of the Cayeeool Cozzat & Senior Mooftey of the Faujdaree Adalut do confirm the said Fintures of the Cayeeool Cozzat and Mooftey aforesaid and do direct that the prisoner

"Formero"

be released on producing Security for his future good behaviour and appearance when required for and during the period of Twelve Calendar months

Read letter dated the 20th Ultimo from the 2d Judge on Circuit in the Centre Division transmitting his proceedings held in Case No 13 of the Bellary Calendar in the 1st Sessions of 1815.

Herewith No 244 of 1815

The Court having maturely considered the proceedings held before the Judge on Circuit the finture of the Provincial Law officers and the Fintures of the Cayeeool Cozzat & Mooftees of the Faujdaree Adalut do confirm the said finture of the Cayeeool Cozzat and Mooftees aforesaid and do adjudge the Prisoner

"Cheeroo"

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

24 April 1815

said finture of the Cayeeool Cozzat and Mooftees aforesaid and acquitting the prisoner

"Timmiah"

do direct his release accordingly

Read letter dated the 28th Ultimo from the 2d Judge on Circuit in the Centre Division transmitting his proceedings held in case No 38 of the Bellary Calendar in the 1st Sessions 1815.

/ Herewith No 245 of 1815 /

The Court having maturely considered the proceedings held before the Judge on Circuit the finture of the Provincial Law Officer and the Fintures of the Cayeeool Cozzat and Mooftees of the Faujdaree Adalut do confirm the said Fintures of the Cayeeool Cozzat and Mooftees aforesaid and do adjudge the Prisoner

"Cheeratapulty"

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

Read also letter dated the 20th April ultimo from the 2d Judge on Circuit in the Centre

24th April 1815.

Centre Division transmitting his proceedings held in case No 70 of the Bellary Calendar in the 1st Sessions of 1815.

/ Here enter No 247 of 1815 /

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee ul Cozzat and Mooftees of the Sudder Adawlut do confirm the said Futwa of the Cazee ul Cozzat and Mooftees aforesaid and do acquit the prisoner "Cayshevaloo."

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

Read letter dated the 28th ultimo, from the 2d Judge on Circuit in the Centre Division transmitting his proceedings held in case No 47 of the Bellary Calendar in the 1st Sessions of 1815.

/ Here enter No 246 of 1815 /

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee ul Cozzat and Mooftees of the Sudder Adawlut do confirm the said Futwa of the Cazee ul Cozzat and Mooftees aforesaid and acquitting the

2. F. 11.

24th April 1815. prisoner "Cannamootoo."

do direct his release accordingly

Sent following letter

/ Here enter /

The prisoner in the foregoing trial stood charged with Subornation of Perjury in having given a brasspot to a person named Cattasty on condition that he should come before the Register as a witness in Suit No 700 of 1813. and falsely swear that he was witness to the Defendant in the said Suit having beaten him the Prisoner whereas he was well aware that when the assault took place at Bellary the said Cattasty was not present.

The provincial Law officer in his futwa declared that the prisoner seemed to have been guilty of an act forbidden by law / Mun-i-Mungoor / by which it would appear that altho he was not considered by the Law officer to be convicted of the crime of subornation of Perjury as laid to his charge, yet his conduct was not altogether free from blame.

The Judge on Circuit was of opinion that the Prisoner merited the full punishment inscribed for the offence by Clause first Section

24th April 1815 III Regulation VI. A D 1811 but entertaining some doubt as to his being authorized to adjudge the full penalty for subornation of Perjury, under the Sentence given by the provincial Law officer the Judge on Circuit was accordingly instructed to refer the trial for the final sentence of the Tribunal

Had the witness Calisthy been alive and deposed before the Court of Circuit to the same effect as he did when examined by the Assistant Magistrate under date the 10th September last the Prisoner would probably have been found guilty of tampering with the above witness.

But there is no evidence or document whatever on the record to prove that the witness Calisthy ever did depose falsely on oath at the instigations of the Prisoner — which it is to be presumed there would be if he had so deposed: in which case it is obvious that his evidence could never have been admitted in any Court for any purpose much less to prove the charge of subornation of the same perjury which he had himself been subsequently convicted

But independently of it's not having proved that the witness Calisthy ever did perjure himself at the instigations of the Prisoner, it is not satisfactorily established that he committed

24th April 1815. a bribe for that purpose — Of the only two surviving witnesses one states that he heard the Prisoner offer a person named Calisthy some articles, and request him to depose in his favour — the other merely states that he gave Calisthy a Tumbal, or brass pot, by the direction of the Prisoner but without stating for what purpose he gave it or under what condition — To connect the testimony of these two witnesses, so as to constitute circumstantial evidence, it is absolutely necessary to shew that the perjury was actually committed.

Under these circumstances the Court are of opinion that the crime of subornation of Perjury is not proved against the prisoner and they have accordingly directed his release.

Ordered that extract of these proceedings be transmitted to the 2d Judge of Circuit in the Centre Division for his information and guidance —

Sent following letter

/Here enter D/

Read letter dated the 19th Instant from the Magistrate of the Zilla of Chingleput enclosing list of convicts under sentence of transportation arrived at the depôt.

/Here enter No 303/

24th April 1815.

24th

The Court direct that notice be
communicated to the Secretary to Government in
the Judicial Department, that it appears from the
enclosed return that up to the end of March
there were 41 Convicts in the Depot, and that the
Court's request be submitted that the Right Honble
the Governor in Council may be pleased to direct
that provision be made for their accommodation
on board the Worcester Company's Ships proceeding to
the Eastward.

Sent following letter
/ Here enter /

J. M.

F. C.

At a Court of Fouzdaree Adalut

Monday 1st May 1815

Present

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

Read letter dated the 21st October last from the 1st Judge on Circuit in the Centre Division transmitting his proceedings held in case No. 40 of the Cuddapah Calendar in the 2d Sessions of 1814.

/ Here enter No. 15 of 1815 /

The Cazee ool Coozzat and Senior Moulvy of the Fouzdaree Adalut having in their foregoing case declared the 1st Prisoner Chickboody Condadoo to be suspected of having committed the robbery on the evidence of the witness Mamerla Narumpa, the Court require them to declare by a second futwa what, under the Mahomedan law may be the nature and degree of the presumption thereby established against the said prisoner.

Ordered that extract of these proceedings be translated and communicated to the Law Officers of the Fouzdaree Adalut.

Read letter dated the 28th February last from the 2d Judge on Circuit in the Centre Division transmitting his proceedings held in case No. 27 of

24th April 1815.

24th

The Court direct that notice be
communicated to the Secretary to Government in
the Judicial Department, that it appears by the
enclosed return that up to the end of March
there were 41 Convicts in the Depot, and that the
Court's request be submitted that the Right Honble
the Governor in Council may be pleased to direct
that provision be made for their accommodation
on board the Wardia Company's Ships proceeding to
the Eastward.

Sent following letter

/ Here enter /

F. C.

At a Court of Foujdaree Udalut

Monday 1st May 1815.

Present

Andrew Scott Esqr.
Edward Croft Greenway Esqr. } Judges
Pringle Stratton Esqr.

Read letter dated the 21st October last from the 1st Judge on Circuit in the Centre Division transmitting his proceedings held in case No. 40 of the Cuddapah Calendar in the 2d Sessions of 1814.

/ Here enter No. 15 of 1815 /

The Sazee ool Coozzat and Senior Moolty of the Foujdaree Udalut having in the foregoing case declared the 1st Prisoner Chickboody Condadoo to be suspected of having committed the robbery on the evidence of the witness Mamerla Naruppa, the Court require them to declare by a second futwa what, under the Mahomedan law may be the nature and degree of the presumption thereby established against the said prisoner.

Ordered that extract of these proceedings be translated and communicated to the Law Officers of the Foujdaree Udalut

Read letter dated the 28th February last from the 2d Judge on Circuit in the Centre Division transmitting his proceedings held in case No. 27 of

1st May 1815.

the Bellary Calendar in the 1st Sessions of 1815.

/Here enter No 177 of 1815./

The Court having maturely consider=
ed the proceedings held before the Judge on Circuit
the Futwas of the Provincial Law officer and the Futwa
of the Cazee col Cuzzat and Mooftees of the Fouzdaree
Adawlut do confirm the said Futwa of the Cazee
col Cuzzat and Mooftees aforesaid & do adjudge the
Prisoner

"Soobarow"

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

Read letter dated the 28th ult.
last from the 2d Judge on Circuit in the Tinne
Division transmitting his proceedings held in
case No 85. of the Bellary Calendar in the 1st
Sessions of 1815.

/Here enter No 250. of 1815/

The Court having maturely
considered the proceedings held before the Judge
on Circuit the Futwa of the Provincial Law Officer
and the Futwa of the Cazee col Cuzzat and Mooftee
of the Fouzdaree Adawlut do confirm the said
Futwa of the Cazee col Cuzzat and Mooftee
aforesaid, & do adjudge the Prisoner

"Comlapaud Goorumpa Nair."

1st May 1815.

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

And the Court agreeably to the
recommendation of the Judge of Circuit do further
direct that the said Prisoner "Comlapaud
Goorumpa Nair be executed at Konacondalah,
the scene of his atrocities.

The Court deem it proper to notice
that the orders for the commitment of the prisoner
in the foregoing trial, addressed by the Zilla Magis=
=trate to the Nazir seems to be of an unnecessary
length — What might have been comprised within
the compass of a few lines, Vizt the name of the
prisoner, and the grounds on which he was com=
=mitted to take his trial, is here made to occupy
a whole sheet of paper and tends to render the
proceedings needlessly bulky — Perhaps the
following form as applicable to this case will
best explain to the Judge of Circuit & to the
Magistrate the Ideas entertained by the Court
in this respect

Commitment addressed to Meermoonoo murdeen Nazir
of the Court.

The prisoner Comlapaud Goorumpa
Nair of this number whom as the Poligar of
Comlapaud in the Poddy Palaik is accused of

being

1st May 1815.

being the leader of the Gang of Miners who [illegible]
murdered Bhagwangunke Sau others and plundered
Quattaquattah — You are therefore hereby directed
to keep him in irons, and to allow him battas
he shall be delivered in due course of law

22nd January 1815. (Signed) P. Reiss

Magistrate

Under date the 17th January last
Circular orders were issued by precept to the
Courts of Sarsuna respecting the omissions
several documents and pointing out the course
to be pursued with regard to any proofs or
orders of the Magistrates, which should not
connected with the merits of the case
As the foregoing trial might
have been far advanced prior to the receipt
of the Courts precept abovementioned the
Court deemed unnecessary to make any further remarks on the
subject —

Ordered that extract of these proceedings be
transmitted to the 2d Judge of Circuit in the Southern
Division for his information and guidance.

Sent following letter

(Here enter A)

Read letter dated the 23rd March
last from the 2d Judge on Circuit in the Southern Divisi
transmitting

2d Feb 65
1st May 1815

Bellary Calendar in the 1st Sessions of 1815.

(Here enter No 249. of 1815)

The Court having maturely considered
the proceedings held before the Judge on Circuit
the Futwa of the Provincial Law Officer, and the
Futwa of the Sazeeoal Sooddr and Mooftees of the
Foujdaree Adalut do confirm the said Futwa
of the Sazeeoal Sooddr and Mooftees aforesaid &
under the provisions of Clause 1st Section IV Regn
XV 1803. do adjudge the Prisoners.

1st Sunjeevoo and

2d Moosalee.

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

Sent following letter

(Here enter B)

With regard to the 2d prisoner the
Court regret that they are compelled to differ in
opinion with the 2d Judge, as stated in the 4th
paragraph of his letter referring the present trial
Whenever the circumstances of the
case are such as to warrant the Court in listening
to any recommendation of mercy or mitigation
of punishment, that may be submitted by the
Judge presiding at the trial they would be
most unwilling to deprive a prisoner of
such

1st May 1815.

being the leader of the Gang of Thieves who murdered Bhagwangunka and others and plundered Quettagudlah — You are therefore hereby desired to keep him in irons and to allow him Cutcherry fee shall be delivered in due course of law

22nd January 1815. (Signed) P. Vesse

Magistrate

Under date the 17th January last Circular orders were issued by precept to the Courts of Circuit respecting the omissions in several documents and pointing out the evidence to be procured with regard to any persons in the Magistrates, which should not be connected with the merits of the case

As the foregoing trial might have been far advanced prior to the receipt of the Court's precept abovementioned the Court deem it unnecessary to make any further remarks on the subject

Ordered that extract of these proceedings be transmitted to the 2d Judge of Circuit in the Southern Division for his information and guidance.

Sent following letter

(Here enter A)

Read letter dated the 28th March last from the 2d Judge on Circuit in the Southern Division

2d Feb:
1st May 1815.

Bellary Calendar in the 1st Sessions of 1815.

(Here enter No 249. of 1815)

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial law Officer, and the Futwa of the Cazee ool Coozzat and Mooftees of the Fouzdaree Adalut do confirm the said Futwa of the Cazee ool Coozzat and Mooftees aforesaid & under the provisions of Clause 1st Section IV Regn XV 1813. do adjudge the Prisoners.

1st Thursewoo and

2d Moosalee.

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

Sent following letter

(Here enter B)

With regard to the 2d prisoner the Court regret that they are compelled to differ in opinion with the 2d Judge, as stated in the 4th paragraph of his letter referring the present trial

Whenever the circumstances of the case are such as to warrant the Court in listening to any recommendation of mercy or mitigation of punishment that may be submitted by the Judge presiding at the trial they would be most unwilling to deprive a prisoner of such

such indulgence, and wou'd be inclined to put the most favourable construction on his case.

In the 6th paragraph of the letter above alluded to, the Judge of Circuit states that he considers it to be fully proved from the account given of the transaction by the Prisoners themselves, that the 1st Prisoner was the principal in the murder committed on Jonathan Kelly and that accordingly he was deserving of capital punishment.

In the following paragraph the Judge of Circuit recommends a mitigation of the prescribed punishment in the case of the 2d Prisoner founded on the following considerations, viz.ts of his having been in the power of the 1st Prisoner just entirely dependant upon him, and that his confessions before the Magistrate led to the detection of the principal.

The 2d Prisoner must have acted by the Prisoner, but not in a manner calculated by his own deposition it appears he had the encouragement of them of the 1st Prisoners many Villages, and from the 1st Prisoners having been in the habits of frequenting the 2d Prisoners house, particularly after the commission of the

it must be presumed that altho acting under his Orders he was not altogether so dependant on him, as to have been involved in the affair against his will.

The 2d point which the Judge of Circuit mentions as entitling the 2d Prisoner, in his opinion, to some consideration, is the free confession which he made before the Magistrate and which, as he states, had led to the detection of the principal.

Amongst the Magistrates proceedings are four declarations two of them bearing the signature of the 1st Prisoner and the remaining two, that of the 2d prisoner.

From the date annexed to them it would seem, that two were taken on the 12th of January last, and two the day following; but only one of them sets forth before whom it was taken, viz.t the Assistant Magistrate. On reference to the Persian Record, and the depositions of the Witnesses examined before the Court, as also from a question put to the 1st prisoner respecting the deposition given by him the preceding day before the Assistant Magistrate, the Court conclude that the Prisoners were examined before the Magistrate on the last occasion.

First

1st May 1815.

sight on the 13th January.

The Court deem it superfluous to notice an Confusion which occured during the trial, and which might have been attended with material delay and inconvenience. The declarations made by the Prisoners before the Magistrate were not produced on the part of the prosecution before the Court by the Contrary were they called upon to do so. Although declarations before the Court that he had both the Prisoners confess the murder before the Magistrate, the 6th witness declared that he was present during the examination of the 1st Prisoner and heard him confess the murder.

And the 5th witness declared that he was present when both the Prisoners were examined, but states that he only heard the former confess that he and the 2d Prisoner had jointly murdered Paupakah.

The evidence of these witnesses proves the confessions of the Prisoners to the satisfaction of the Court. But the prosecution being closed without the declarations being produced they could not have been admitted as evidence against the Prisoners had not each of them when put on his defence, after hearing both the declarations

3d Fo. 16.

1st May 1815

to be his, and that he gave them with his own free will and consent.

It would seem that both the Prisoners were examined before the Assistant Magistrate on the 12th January and before the Magistrate on the day following. Before the Assistant Magistrate the 1st Prisoner denied the murder, whilst the 2d Prisoner stated particulars of the murder alleging that it was committed on the deceased Paupakah by the 1st prisoner, who with himself (the 2d Prisoner) was conducting her from Mungapoor to Mataipilly. He however admitted that he cut the 1st Prisoner a knife in order to cut the deceased's legs, and that he brought a stone in order to tie it to the corpse for the purpose of sinking it in the well.

When examined the following day before the Magistrate the 1st prisoner attempted at first to throw the whole blame of the murder on the 2d prisoner, until confronted with him, when he confessed that they both murdered the woman.

The circumstantial evidence appears to bear equally against both the Prisoners.

No inference can be drawn from the confession of one prisoner to the detriment of another. Confession can only affect the person

making

1st May 1815.

making it and on this case Simpson could be affected in rendering the second evidence that he was near the house not to see the murder committed, and that he could handle to dungeon to hamstring the deceased and further that he assisted in putting the body into the well.

The Court found difficulty and grounds to draw a distinction between the two or to consider either as less guilty than the other.

The Court have therefore felt their duty to pass sentence of death on both of the Prisoners in the foregoing case.

The Court conclude their proceedings on the present trial on the one on the second first respecting the Prisoners declaration on the 12th & the 13th of January.

The Court have also examined the one of the declarations as contained in the Depositions bears the signature of the authority before whom it was taken, and any loss of them bears the appearance of attaching credit to it. There is however a further ground of irregularity which appears to be founded on the examinations of the two Prisoners taken on the 12th of January — and on the following instead of being

1st May 1815.

both Prisoners taken on the 12th, preceding those taken subsequently to that period, / they are both blended together and thereby render the proceedings confused and irregular — The second examination of the 1st Prisoner commenced by calling upon him to state the particulars of the murder; which considering his positive denial on his former examination the Court cannot but consider as abrupt. There appears also to have been an entire omission to identify the Jewels brought from the 1st Prisoners sister as the property of the Prosecutors daughter & consequently their discovery under such circumstances cannot be considered as evidence against the 1st Prisoner.

No 9 of the Magistrates proceedings is stated to be a 2d examination of the Prosecutor: but no copy thereof was entered on the Record. If it contained any new matter or any information respecting the Jewels it was indispensably necessary to have entered a copy of such examination on the proceedings.

Ordered that extract of these proceedings be transmitted to the 2d Judge of Circuit in the Centre Division by Precept directing him to communicate such part thereof as may be necessary to the Magistrate

in

1st May 1815.

in the Zilla of Bellary for Examination and guidance.

Sent following Proft

/ Recorder /

Read letter dated the 9th Inst from the 1st Judge on Circuit in the Northern Division transmitting the proceedings held in No 10 of the Rajahmundry Calendar in the Sessions of 1815.

/ Recorder No 282 of 1815 /

The Court having perused and considered the proceedings of the Provincial Court of Circuit of the Northern Division held at Rajahmundry on the 10th instant in the trial of Tyfala Sarradoo

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

Sent following Letter

/ Recorder /

The prisoner on the Calendar stood charged

Fo 16.

1st May 1815.

returned without permission to the Company's territories from the place of his transportation, whether he had been sent by order of the Foujdaree Adalut in pursuance of the Sentence passed upon him in the 1st Sessions of 1803, and when arraigned pleaded guilty—

By Clause Second, Section IX Regn XV A. D. 1803, it is prescribed that convicts under sentence of transportation for life, who may be transported to any place beyond Sea, after the promulgation of the Regulation above-quoted, and shall escape from such place of transportation, and return without permission to any part of the Company's territories under the Presidency of Fort St George shall notice of this penalty being duly made to the convict at the time of passing sentence on him on conviction thereof to the satisfaction of the Foujdaree Adalut, and if no circumstances appear to that Court to render such convict an object of mercy, be adjudged to suffer death—

On reference to the Courts proceedings held in No 9 of the Rajahmundry Calendar in the 1st Sessions of 1803. it appears that the final sentence of the Court

1st May 1815.

Court was passed on the 8th Article of the ~~same year~~ foregoing Imperial Regulation XV of 1813 bearing date the 30th of December following, that Person may therefore be considered to have been cognizant of the provisions enacted for the punishment of convicts who may return from banishment & the Court have therefore Ordered & appointed that the Prisoner shall be again transported to Prince of Wales' Island for and during the period of his natural life; and the Court direct that the Judge of this do instruct the Magistrate by Precept duly & notify to the Prisoner, to the purport & effect that he will be subjected on the event of his return from transportation.

It would appear from the Letter from Chittore of a similar nature which have been referred to this Court that the Provisions of Section of Regulation VII A.D. ~~are~~ are not enforced.

The Court therefore deem it necessary to call the attention of the Courts of Circuit to the provisions of the Section above mentioned, and direct that in all cases, in which a Sentence of Death may be passed or confirmed by this Court, the Judge of Circuit by whom such Sentence may be passed shall cause a copy to the Magistrate of the Zilla, in which the convict may

1st May 1815. Sentence direct- that the inscription prescribed by the Section above quoted be made in the forehead of the convict

Ordered that extract of these proceedings be transmitted by Precept to the Courts of Circuit in the several Divisions for their information and guidance

Sent following precept

/Here enter D/

Read letter dated the 28th ultimo from the Magistrate in the Zilla of Chingleput enclosing a list of convicts sentenced to transportation for life in his Zilla

/Here enter No 325/

Ordered that the additional number of convicts mentioned in the foregoing report be communicated to the Secretary to the Government in the Judicial Depart.t

Sent following letter

/Here enter F/

Read letter dated 4th March last from the Magistrate in the Zilla of Chittoor forwarding a Report for the Month of January last of Prisoners tried and whose cases have been referred to the Foujdaree Adalut in former Months, and respecting whom the Sentence of that Court has

1st May 1815.

has not been received

(Here ends No 195)

Of the persons mentioned in the foregoing Report twenty seven stated to have been committed on the 13th October 1814 on a charge of Gang Robbery and Housebreaking with Larceny, and to have been brought to trial on the 1st May 1815 the case is further stated to have been referred to the Fouzdaree Adalut on the 4th June 1814

On referring to the letter of the 3d Judge of Circuit under date 28th January 1815 it appears that the Sessions of 1814 were closed merely to enter a copy of the Jail Calendar for that Sessions which is dated the 4th June 1814 the date under which trial abovementioned is said to have been held no mention however is therein made of the trial in question, neither upon the minutest enquiry does it appear that the trial in question has ever been referred to the Court of Fouzdaree Adalut

On the Lists of persons also one hundred and committed on the aforesaid date as contained in the Reports for June 1814 and January 1815 there is but one difference which is of a most melancholy and distressing nature

5th Fo 16.

1st May 1815. from 28th to 21st

The Court resolve to call on the 3d Judge of Circuit for an explanation of the delay in referring the trial above-mentioned, should it not have been already referred; or in case of its having been referred, to state on what date & from whence it was forwarded to the Court of Fouzdaree Adalut

Ordered that extract of these proceedings be transmitted to the 3d Judge of Circuit in the Centre Division by Precept requiring him to make a Return to the same on or before the 10th Instant

Sent following Precept

Here enter Pj

By Order of the Court of Fouzdaree Adalut under date the 13th March last the Court of Circuit in the Southern Division were by precept directed to call on the Magistrate of the Zilla of Salem for his explanation on certain points contained in the Extract from the Courts proceedings therewith transmitted and the Court further directed that a return should be duly made to the said Precept within one month from the date of its receipt, a good and sufficient cause shewn for its not

1st May 1815.

having been duly carried into execution -

Upwards of six weeks however has elapsed and neither has the Precept been returned, nor any cause assigned for its not having been duly executed.

As the final sentence of the Court in several cases referred from the Zillah of Salem has been delayed solely until the return to the foregoing Precept should be duly made - the Court direct that extract of these Proceedings be transmitted to the Court of Circuit on the Southern Division by Precept commanding them to state the cause of the delay in making return to the said Precept, on or before the 20th Instant

Sent following Receipt

(Here enter № 296)

In the

Adawlut Court of the Fouzdaree Adawlut

Saturday 6th May 1815

Present

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

Read letter dated the 13th ultimo, from the 2d Judge on Circuit for the Centre Division - enclosing copy of the Chungul fast calendar for 1st Sessions of 1815.

(Here enter № 297)

Read letter dated the 12th ultimo from the 1st Judge of Circuit in the Centre Division - reporting that the sentences on trials shall hereafter be filed of record instead of extracts from his proceedings describing those sentences -

(Here enter № 273)

Read letter dated the 13th ultimo from the 2d Judge on Circuit for the Centre Division stating the departure of the Court of Circuit from Chungul fast to Chittoor -

(Here enter № 274)

Read letter dated the 17th ultimo from the 2d Judge late on Circuit on the Southern Division with returned warrant of execution on case № 2 on the Cuddapah calendar 2d Sessions of 1814 certified to have been duly executed

(Here enter № 275)

Read letter dated the 12th ultimo

6th May 1815

from the 2d Judge Last on circuit in the Southern Division with returned warrant of execution in case № 9 on the Salem calendar 2d Sessions of 1814. Certified to have been duly executed.

(Here enter № 276)

Read letter dated the 8th ultimo from the acting 3d Judge of circuit in the Northern Division enclosing copy of the Masulipatam calendar 2d Quarterly Sessions of 1815.

(Here enter № 283)

Read letter dated the 15th ultimo from the 3d Judge on circuit for the Southern Division reporting the arrival of the Court of circuit at Madura from Coimbatore on the 9th ultimo.

(Here enter № 285)

Read letter dated the 11th ultimo from the Provincial Court of Circuit for the Western Division with returned warrant of execution in case № 34 on the South Malabar calendar 2d Sessions of 1814 Certified to have been duly executed.

(Here enter № 287)

Read return dated the 7th ultimo from the Provincial Court of Circuit for the Western Division to the Court's precept of the 15th March commanding them to require information from the Magistrate of South Malabar as to those persons named in their calendar for trial and Gungaram whose release after commitment as witness they have ordered on record.

(Here enter № 288)

Read letter dated the 13th ultimo from the 1st Judge on Circuit on the Western Division relating to the intended departure to Cochin from South Malabar.

6th May 1815.

Read letter dated the 15th ultimo from the Provincial Court of Circuit in the Western Division with returned warrant of execution in case № 4 on the Tellicherry calendar 1st Quarterly Sessions of 1815. Certified to have been duly executed.

(Here enter № 298)

Read return dated the 15th ultimo from the Provincial Court of Circuit in the Northern Division to the Court's precept of the 23d March commanding them to direct the Magistrate of Ganjam to discontinue collecting a fee on the value of property recovered.

(Here enter № 304)

Read letter dated the 19th ultimo from the 1st Judge on Circuit in the Northern Division reporting the arrival of the Court of Circuit at Vizagapatam from Rajahmundry.

(Here enter № 310)

Read letter dated the 22d ultimo from the Acting Magistrate of Chittoor with reports of prisoners for February.

(Here enter № 313)

Read letter dated the 18th ultimo from the 1st Judge on Circuit in the Western Division reporting the arrival of the Court of Circuit at Cochin from South Malabar.

(Here enter № 316)

Read return dated the 15th ultimo from the 2d Judge on Circuit in the Centre Division to the Court's precept of the 3d ultimo commanding him to direct the Magistrate of Bellary to release the prisoners in case № 14 on the Bellary calendar 1st Sessions of 1815 and to restore the property in dispute to the plaintiff Dasuseparh Certified to have been duly executed.

(Here enter № 317)

Read return dated the 20th ultimo from the Magistrate of South Malabar to the Court's precept of the 7th ultimo directing him to transfer certain convicts to the custody

6th May 1815.

of the Magistrate of North Malabar with a calendar and other necessary documents of their crimes and sentences - certifying the removal of 68 convicts -

(Here enter № 318.)

Read letter dated the 27th ultimo, from the Magistrate of Chengulpet with a report of prisoners confined under sentence in his gaol -

(Here enter № 319)

Read return dated the 22d ultimo, from the Magistrate of North Malabar to the Court's precept of the 5th ultimo, commanding him to receive certain convicts whom the Magistrate of South Malabar was required to transfer to his custody and to enforce the sentences passed upon them - certifying the arrival of 68 convicts -

(Here enter № 324.)

Read letter dated the 22d ultimo, from the 3d Judge on Circuit in the South Division with copy of the Madura calendar 1st Sessions of 1815 -

(Here enter № 320.)

Read letter dated the 16th ultimo, from the 1st Judge on Circuit in the Eastern Division - stating his intended departure to Seringapatam from Cauvery -

(Here enter № 321.)

Read the following letters from the Magistrates of Cuddapah, Seringapatam, Tinnevelly, Bellary, Madanapalle, Chengulpet, Nellore, Darapooram, Canara, Trichinopoly, Vellore, Chittoor, Guntoor, Masulipatam, South Malabar, Vizagapatam, North Malabar, Tanjore, Salem and Rajahmundry - with reports of prisoners for March -

(See Reports № 289, 290, 291, 292, 299, 300, 301, 302, 305, 306, 307

J. 46

6th May 1815.

Read letter dated the 15th ultimo, from the Magistrate of Darapooram - with report of prisoners confined under sentence -

(Here enter № 308.)

Read letter dated the 26th ultimo, from the 1st Judge of Circuit in the Centre Division with copies of the Chittoor calendars - for 2d Quarterly Sessions of 1815.

(Here enter № 327.)

Read letter dated the 26th ultimo, from the 2d Judge of Circuit in the Southern Division - with copy of the Trichinopoly calendar for 2d Quarterly Sessions of 1815 -

(Here enter № 329.)

Read letter dated the 26th ultimo, from the 2d Judge of Circuit in the Northern Division - with returned warrant of execution in case № 2. on the Masulipatam calendar - 4th Quarterly Sessions of 1814 -

(Here enter № 334.)

Read return dated the 27th ultimo, from the Magistrate of South Malabar, to the Court's precept of the 15th March - directing him to carry the sentence passed in case № 8. of the Darapooram calendar - 2d Sessions of 1813 - into execution as soon as the prisoners shall have been delivered into his custody - certifying the arrival of 16 convicts, and that the Court's orders will be duly attended to -

(Here enter № 334.)

Read letter dated the 2d instant, from the Secretary to the Government in the Judicial Department - stating with reference to the Court's proceedings of the 19th ultimo, that a notification will be made to the Resident at

6th May 1815. Hydrabad of the criminal conduct of certain of the Nizams subjects, but that those persons ought not to have been delivered up to the Nizam's officers without the express authority of Government.

(Here enter No 337.)

Read letter dated the 2d instant from the Secretary to the Government in the Judicial Department stating that the Marine Board have been desired to provide for the reception of the convicts under sentence of transportation on board the Honourable Company's Ships Lushnells and Royal George.

(Here enter No 338.)

J. U.

At a Court of Foujdaree Udalut

Present

Monday the 8 May 1815

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

Read again letter dated 6 April from the 2d Judge on Circuit in the Centre Division transmitting his proceedings held in Case No. 70 of the Bellary Calendar in the 1st Sessions of 1815.

E 1 5

(Here enter No. 247 of 1815.)

The Prisoner in the foregoing trial stood charged with having forged the Sirkar Stamp and of having affixed it to a piece of cloth with the view of defrauding the Sirkar of the duty payable thereon.

The Judge on Circuit was of opinion that according to the present interpretation of Regulation VI of 1814 the Prisoner was liable to the full penalty prescribed by Clause first Section III of the said Regulation but being of opinion that the sentence to be consequently severe the Judge was accordingly induced under the authority vested in the Court of Circuit by the Clause above quoted to refer the trial for the final sentence of the Foujdaree Udalut.

The Judge on Circuit in the 4th Paragraph of his letter remarks, that in the foregoing as well as all similar cases that have been brought before him, the imitation of the Sirkar's Stamp, has been confined to a rough mark made with Charcoal, in

Size

8th May 1815

Seyd alone, only resembling the custom stamp, or Moosit the Mughlai also to forge the characters upon the seal, and accordingly suggests whether the offence might not with more propriety be considered as a simple fraud, proceeding from ignorance and solicitous only in order to evade the payment of duties lately laid on, rather than a positive forgery—

The Judge in Council further suggests that should the Court agree with him in his construction of this Regulation they will be pleased to favour him with their sentiments on the following point viz. Whether the Court of Circuit is competent to punish the offence as a fraud without reference to the Sudder Adalut for Mitigation of punishment

Moosit in every instance in which offenders of this nature have been brought before the Register established by the Court of the reference was the severity of the punishment of forgery prescribed by the Regulations, and the nature of the punishment inflicted: on all these occasions should the Register have concurred in opinion with the Judge in Council the reference takes a longer step. It appears that the Regulation which has been enacted to prevent forgery, cannot be extended to include frauds attempted on the customs by means of a mark resembling the public stamp of Government in nothing but dimensions, and the course in question is one which may occur. On this subject, no opinion has yet been passed by the Court but the trials which have been referred by the Sudder Adalut to the Court have been

8th May 1815. for mitigation of punishment, the object of them appeared most readily answered by passing at once limited sentences on the offenders; but the general reference now made calls for a more particular consideration of the subject — in the general principle that all penal laws should be construed favourably towards the offending person it may be doubted whether the words "and the illicit imitation of any public stamp or stampt paper established by Government" be intended to include the mark affixed to cloth at the custom house —

It must be observed that throughout the Regulation no mention is made of Cloth, but that the clause alluded to declares that the penalties for forgery "are meant "to include all fraudulent and injurious fabrications or alterations "of written deeds or of written or printed papers of whatever "description; as well as all counterfeit seals or signatures thereto; and it concludes the sentence with "the illicit imitation of "any public stamp or stampt paper established by Government." It is therefore to be inferred that the public stamp or stampt paper established by Government must also be connected with written deeds or written or printed papers of whatever description and that the penalties for forgery were not meant to include frauds on the customs, other than such as might be committed by means of forging a pass or some paper commonly issued from the custom house —

The imitation of the custom house mark being punishable under the Mahomedan law as a forbidden act, no difficulty was felt in inflicting punishments adequate to the offences committed.

8th May 1815

committed on all the cases brought before the Court, but the very severity of those punishments is evidence that the Court did not consider the penalties for forgery as applying to the acts brought before them. In each of the instances alluded to, a resort to the summary powers of Magistrates by the XXII Section of Regulation I of 1809 would have provided an adequate punishment for the offence and would probably have been attended with better effect than the measure of putting the offenders upon their trial, for an offence of a more heinous nature, when the punishment that has followed has been altogether inadequate to the nature of the offence imputed to them —

The Court are of opinion that it is desirable that these cases should be made known for the information and future guidance of the several Magistrates and they accordingly Ordered that extracts of the Proceedings be transmitted to the Courts of Circuit in the several Divisions by Perwuttis directing them to communicate the same to the Magistrates within their respective jurisdictions for their information and future guidance

Sent following Perwutti —

E. 68

(Here enter A)

Read letter dated the 30th May 1815 from the 3d Judge in Canara in the Southern Division enclosing a List of Several Persons committed for trial in the 1st Division of that Zillah who he considered to be more amenable to the Criminal

8 May 1815

The prisoners mentioned in the foregoing list being inhabitants of Mysore, and the crimes charged against them having been perpetrated within the territories of His Highness the Rajah of Mysore, the Court are of opinion that the whole of the said Prisoners are exempted from the criminal Jurisdiction of the Courts of Circuit and that it would therefore be advisable to send them to Mysore, together with the confessions and examinations which have been taken from them by the Magistrate of the Zillah of Salem, and the witnesses necessary to substantiate the same.

The Court accordingly resolve to submit the cases of these Prisoners together with copies of the foregoing letter, and to enclosure for the consideration of the Right Honourable the Governor in Council & to recommend that the British Resident at the Mysore Court may be instructed to bring the cases of these Prisoners under the consideration of His Highness the Rajah & to the end that orders may be given for the disposal of them —

to

8th May 1815.

~~further to suggest that in case of their~~
~~they should be called upon to pardon~~
~~further future period behaviour & appearance~~
~~when required~~

Ordered that copy of the foregoing letter with its enclosure together with extract from these Proceedings be transmitted to the Secretary to Government in the Judicial Department with a request that he will submit the same for the consideration of the Right Honble the Governor in Council

Sent following letter

/ Here enter B /

Read return dated the 18th Ult.o by the 1st Judge of Circuit in the Centre Division to the Court's precept under date the 22d March last, forwarding annexed to the record, a copy of the Sentence passed in case No 35 of the Cuddapah Calendar in the 2d Sessions of 1814, as required by the foregoing Precept

/ Here enter No 296 /

Read again letter dated the 20th October from the 1st Judge on Circuit in the Centre Division referring his Proceedings in the foregoing trial

8th May 1815.

The Court having maturely considered the proceedings held before the 1st Judge on Circuit the Fiscal of the Provincial Law Officer and Fiscal of the Cazee ool Cozzat and Mooftee of the Sowdaree Adalut do confirm the Sentence of imprisonment and transportation by the 1st Judge for life passed on the Prisoners 1st Polegaudoo & 2d Bhemunna and do accordingly adjudge the said Prisoners

1st Polegaudoo &

2d Bhemunna

to be imprisoned and transported to Prince of Wales Island there to be ~~imprisoned~~ kept to hard labour on irons on the public roads or other public works for and during the period of their natural lives respectively

And the Court do further direct that in conformity with the Sentence passed by the 1st Judge on Circuit the 3d Prisoner Pungana be detained in custody until he shall produce sufficient security for his future good behaviour and appearance when required

The Court are of opinion that the copy of the Sentence transmitted with the foregoing precept is not sufficiently regular by according to the form of a Sentence and is applicable to the present case

8. 8. May 1815.

that to be adopted in all they direct to be observed in future in similar cases

You Poolaygaudoo and Pheemunna have both been tried and convicted of the crime of highway robbery; and the sentence of this Court is, that you and each of you be imprisoned and transported to Prince of Wales Island, and that you be further there imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of your natural lives respectively

You Gungama have been arraigned before this Court upon a charge of the Law officer, but there appears to this Court strong grounds for suspecting that you are guilty of the crimes charged against you; and you will therefore be remanded to prison until letters shall be received from the Court of Foujdaree Udalut regarding you."

The Court are of opinion that in all cases referrible by the Judge of Circuit for the final decision of the Foujdaree Udalut more especially in those cases where a recommendation for mercy or a mitigation of punishment may be submitted by the Judge presiding at the trial, the Prisoner or Prisoners

F. 11.
8 May 1815.

should be duly apprized of such references, as also of the Recommendation to mercy or mitigation of punishment that may be submitted to the consideration of the Superior Court

And the Court accordingly direct that this practice be observed in the several Courts of Circuit and that the Judges do accordingly certify at the foot of each sentence that such communication has been duly made.

It does not appear from the Proceedings in the foregoing case by what authority or on what ground the Prisoners are detained in the custody of the Zilla Magistrate; no copy of the warrant issued for their Remandment to jail and their detention in custody being thereunto annexed. The Court accordingly direct that a warrant in the subjoined form — with such alterations as may be necessary to make it applicable to the several cases, shall be issued in each case to the Magistrate; and that copy thereof be duly certified and annexed to every record referred for the final sentence of the Foujdaree Udalut

Seal No. 35. "To the Magistrate in the Zilla
2d Sessions 1814. of Cuddapah. The Prisoner 1st Poolooguadoo and
2d Pheemunna having been severally tried and convicted before this Court of the crime of highway robbery, have been sentenced to be imprisoned and transported for life; You will therefore detain the said Poolooguadoo and the said Pheemunna in confinement & in irons and cause them daily Sundays excepted

accepted) to be kept to hard labour on the public
until You shall receive the Commander of the
of Fayd'arees Medalut regarding them —

The 3d Prisoner Ryngarem [illegible]
for the same crime has been acquitted; but
there being strong reason to suppose that he
is guilty of the crimes charged against him, You
are hereby required to keep him in confinement
until You shall receive the commands of
the Fayd'arees Medalut concerning him —

Ordered that Extract of these
proceedings be by Receipt transmitted to the
Zillah Courts of Circuit for their information
and guidance —

Sent following Receipt
Viz.
No. 1 to 6 inclusive

Read letter dated the 5th inst.
last from the 1st Judge on Circuit in the
Division transmitting the Proceedings held
case No. 39 of the Cuddapah Calendar
the 2d Sessions of 1814

Then entered the

the observations made by the Court
in these proceedings on trial No. 38 an appeal
to this case, as no copy of the sentence passed was
annexed to the Record of the foregoing trial, and
took any measure as appear to them proper to
Zillah Magistrate on the foregoing him to deliver
prisoners. his confinement

But there are
some considerable
errors either in the
proceedings on
this case or in the
letter transmitting
them

either
to notice the proceedings or the case or betraying
the most extraordinary misapprehension on the
part of the Judge with respect to the plea put
in by the prisoners to the arraignment or great
inattention in making up the Record —

On reference to the Record it appears
that the prisoners when arraigned severally
pleaded guilty; and that they put in this plea
by the advice of the Prosecutor
Law Officer is given on such plea — It
is conformed by the Evidence of the Provincial Law
Officer, which runs thus " the Prisoners pleaded
guilty of the charge — By this and the particulars
stated in their defence the 2 cases are

"corrected Shewing
"cobbled the Prose-
the Prosecutor in
"the manner as proved
"and they therefore
"are liable to a severe
"degree"

In the 6th paragraph of the letter
referring the trial the Judge states that the
prisoners pleaded not guilty; and the whole tenor
of his letter, as well as the manner in which he
conducted the trial, shews that this was his impression.

Of the thirteen Witnesses examined before
the Court, four were examined to prove the confessions of
the prisoners made in the Talook before the Duffadar &
Mushasing, and four others, to prove the confessions made before
the Magistrate. And before the prisoners were put on their
defence their confessions made to the Duffadar were read over
to them separately. If the prisoners when arraigned had
pleaded guilty, or at least, if the Judge had conceived
so
that they pleaded, it is scarcely to be supposed that he would have
thought it necessary to establish their previous confessions.

It seems, therefore, a matter of doubt whether the
Prisoners did or did not plead guilty to the charge; and
the Futwa of the Law Officers of the Fayd'arees Medalut, as well as the
Futwa of the Provincial Law officer, is founded on the

8 8th May 1815.

suppose confession of the Prisoners when arraigned, the Court
~~cannot~~ resolve to suspend all further proceedings in the case and to
return the Record of trial for revision—

The Court conclude their Remarks
by observing that ~~any~~ of the arraignment is five times
~~upon the question~~ ~~as~~ ~~guilty~~ ~~or not guilty~~ ~~and~~ ~~then~~
entered on the Record ~~thereby~~ unnecessarily enlarging
the proceedings & occasioning additional trouble
& delay in the transmission of the trial.

Ordered that the Record of the foregoing
~~Cause~~ together with ~~the~~ extract of ~~these~~ Proceedings
trial be transmitted to the 1st Judge of Circuit in the
Centre Division by Receipt directing him to review & revise the
same and to return it to the Court on or before the 1st Instant

Sent following precept.
/ Here enter D /

Read letter dated the 21st October last from
the 1st Judge on Circuit in the Centre Division, transmitting
his proceedings held in case of No. 40 of the Cuddapah Calendar
in the 2d Sessions of 1814.

/ Here enter No. 15 of 1815. /

The Court having maturely considered the
proceedings held before the Judge on Circuit the Extract
the Provincial Law Officers and the Petitions of the Vaqeel
cool Coyyat & Senior Moofty of the Zillah Court desiring
said Petition of the Cyprian Coyyat & Moofty of Jaulnah and do adjudge
the 3d Prisoner

Ramaloo Boyanah

to be imprisoned & kept to hard labour in irons on the public roads or
other public works for & during the period of fourteen years
And the Court do adjudge the Prisoners

1st Ramaloo &
2d Gantyah

to be imprisoned & kept to hard labour in irons on the public roads
or other public works for & during the period of seven years

Fo. 11. 8th May 1815.

And the Court do adjudge
the 1st Prisoner

Chickabodo Condooroo

to be released on producing security for
his future good behaviour and appearance
when required for and during the period of
twelve Calendar months & the Court
acquitting the Prisoners

2d Ramaloo Gaudoo &
4th Sheikh Boodeen

do direct their release accordingly

Sent following letter
/ Here enter E /

The declaration of the 4th Prisoner
Sheikh Boodeen said to have been made
in the Talook on the 19th June 1814, and
attested by two Police officers, and the Law
officers have in consequence declared that
their evidence in attestation of the aforesaid
declaration cannot be relied on. This
circumstance points out the necessity of
having the declarations of persons charged
with the commission of offences, attested by
other witnesses than Police Peons, at all
events the Peons of the Pookeerdary such persons
should reside but under unavoidable circum-
stances which can rarely be expected to occur

See

be called upon to attest their declarations.
But independent of the 4th Prisoners declaration being thus attested by Police Officers
there are other circumstances to its examination
these very material. In the proceedings
held before the Court it is stated that
the religion of one of the attesting witnesses
Dhalam Khan is unknown; though he
is previously represented to have been sworn
according to the customs of his cast: From
the circumstance of his having been sworn
on his oath it is presumed that
his religion must have been Mahommedan;
and with reference to his name, little
we doubt a Mahommedan. There is therefore
therefore a mistake in the record, but
of this Worships could not be aware
upon examination about a previous correction of the
error, whatever it may be. But the declaration in question does not bear on the defence
of the Prisoner, who is said to have made
it. This omission alone is sufficient to
call in question its authenticity.

In order therefore to meet
the requisitions of the Mahommedan Law

It is desirable that the Police Darogahs and others
Duffadars &c. before whom persons apprehended
may be examined in the first instance, should
be instructed not to have their declarations
attested by Police officers, except in cases where
it is unavoidable; and when recourse must
be had to persons of this description care
should be taken to have them attested by persons
not in any way concerned in their apprehension.

The Court conclude with remarking
on the present trial by pointing out an im-
proper question put to the Prisoner.

Cheekbooder Bin Abdoo on his examination
before the Magistrate on the 4th July last.

The Prisoner having denied all knowledge
of the crimes laid to his charge was then
questioned as follows. "Did you tell Kowree
to the Magistrate that you have made a
practice of robbery; and besides all suspicion
of being an habitual robber; have you therefore
any witnesses to disprove it?"

If questions of a leading tendency
* of interrogation goes much further - It declares the prisoner is directed to be avoided in the examination guilt to be within the knowledge of witnesses, additional tenderness and caution is necessary when examining the Magistrate & without communicating their knowledge or rather evidence on the Prisoners themselves — but the mode on which it is founded to the prisoner asks

the

8th May 1815.

if he has any witnesses to disprove what is unknown to him.

The Court accordingly direct that the Magistrates be instructed to abstain in future from making such observations on the character of a Prisoner whilst under examination.

Ordered that a Copy of the proceedings be transmitted to the County Circuit in the several divisions by Post directing them to communicate the same as may be necessary to the several Magistrates within their jurisdiction for their information

Sent following Letter
Marked E

Read letter dated the 3d Inst from the Chief Justice in the Western District transmitting his proceedings held in case of [illegible] adjudged in the Criminal Calendar in the 1st Session of 1815

Marked No 26 of 1815

The Court having maturely considered the proceedings held before the Justices of the Peace in the Province of Upper Canada touching the case of Charles Ogden and Josephus Kelly Prisoners

Fm. 8th May 1815.

do direct his release accordingly

Sent following letter
Marked G

FM

GJ

E.C.S

F U.

M.a Court of Foujdaree Udalut

Present

Monday
15th May 1815.

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

Read letter dated the 31st December
last from the 1st Judge of Circuit in the Southern Division
transmitting his proceedings held in case No. 4 of
the Madura Calendar in the 1st Sessions of 1814.

GJ

Here enter No. 29 of 1515

GCJ

The Court having maturely consider-
ed the proceedings held before the Judge on Circuit
the Fatwa of the Provincial Law Officer and the
Fatwa of the Cazee cool Coozzat and Seven Mooftys of
the Foujdaree Udalut to confirm the said Fatwa
of the Cazee cool Coozzat and Mooftys aforesaid & acquitting
the Prisoners

1st Sevanoo Son of Vunnen
2d Sooboramoo
3d Chinna Cauthanen
4th Pitchen
5th Cunjeanen
6th Cauthapen
7th Raumasawmy and
8th Chinnoo

do direct their release accordingly

And the Court do further direct that the prisoners

Gt Swamy Son of Chinnee &
18th Canthan

be released on procuring security for their future good behaviour & appearance when required for during the period of one year—

Sent settlement letter

/Here enter A/

Read letter dated the 25th ult. from the 3d Judge on Circuit in the Southern Division requesting instructions in case No 8 of the Dindigul Calendar in the 2d Sessions of 1814 and reporting the death of another of the prisoners in that case

/Here enter No 233./

The trial to which the foregoing letter refers having been read on the 13th March last and the recommendation of the 3d Judge relative to the removal of the Prisoners and a mitigation of their sentence in consideration of their long confinement having been thereon entered by the Court any reply to the 3d Judges letter above mentioned is unnecessary

Read return dated the by the Court of Circuit in the Southern Division of the

13th March last enclosing English & Persian translations of additional evidence submitted together with the information required from the Magistrate in the Zilla of Salem by the abovementioned Precept

/Here enter No 349/

Ordered that the Persian Translations of the foregoing papers be submitted to the Law officers of the Foujdaree Adalut together with the records of trials No 12, 13, 14, & 15 of the Salem Calendar in the 2d Sessions of 1814 in order to enable them to ~~review and alter their opinions on the trials and make such alterations or additions as may be necessary~~ may be necessary.

Read letter dated the 1st Instant from the 3d Judge of Circuit in the Western Division reporting the death on the 13th ultimo and 29th instant of the two prisoners named Edakandathil Ram Comee and Paoloo Kangathil Manony tried in case No 25 on the South Malabar calendar in the 2d Sessions of 1814 while the proceedings on their trial were preparing for reference

/Here enter No 346/

Read return dated the 9th Instant by the Magistrate in the Zilla of Nellore to the Courts precept under date the 13th February last

15 May 1815.

requiring him to carry into execution the Sentence passed in Nº 1 of the Fourth Calendar of the 3d Quarterly Sessions of 1814 as soon as the prisoner Meeteraya pilly shall be delivered into his Custody. The Magistrate certifies that the same will be duly carried into

BM / Hereunder Nº 351

GT

E.C.S

P. 116.

Ala Court of the Foujdaree Udalut

Present

Tuesday 16th May 1815.—

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

E.C.S

Read letter, dated the 21st July last, from the Magistrate in the Zilla of Salem, recommending that certain Shanseegar informers may receive a pardon—

Here enter Nº 432 of 1814.

In the 10. paragraph of the Magistrate's letter, dated the 11th September 1813, referred to in the 5. paragraph of the foregoing letter,—it is stated that the informers had made out a List of 183 males, who were reputed Shanseegars, and who were still at large; that many of them were suspected to have escaped, when the peons of the Zilla were searching after them, from the Mysore country into the Mahratta country lying to the North West of it; and that the Magistrate having received farther information respecting a party of Shanseegars, he had again sent the Deputy Jailer Veerasamy, the informers, and some peons in search after them— It appeared also from the 6. paragraph of the Magistrate's letter that the said Veerasamy had on a former occasion admitted sundry persons as informers—

These proceedings appeared to the Court to be extremely irregular, but the Court had no reason to impute

to

to the Magistrate any other motive than an anxious zeal to suppress the perpetration of an enormity, which was the more alarming as its extent was not known and could not be ascertained.

The Court therefore in submitting to Government, under date the 7th January 1814. the recommendation of the Magistrate that a conditional pardon should be offered to certain informers specified by him, deemed it unnecessary to include in their report on that occasion any notice of errors which they intended to correct by an admonition from themselves under the general authority vested in them by the Regulations.

On the receipt of the letter from the Secretary to Government in the Judicial Department dated the 7th January 1814 conveying a general approbation of the Magistrates exertions and success, the Court ~~directed~~ to abandon an intention, which it would have been extremely difficult to execute without appearing to infringe the respect due from them to the Government. They felt that they had erred in not communicating to Government their wish to point out to the Magistrate what they considered to be irregular in his proceedings. They, indeed, considered the Magistrate's zeal in the pursuit of Phanseygars to be praise worthy, and as the measure, which they considered objectionable, had been already carried into effect, the operation of it could not be interrupted. The Court, however, did expect that the irregularity was confined to the measure already reported of despatching the deputy Naib with special instructions to apprehend such of the parties named as might be pointed out to him by the informers.

These expectations have been disappointed and on submitting

for authority to tender a conditional pardon to persons who have been already admitted as informers, the Court consider it to be incumbent upon them to point out in what respect the Magistrates course of proceeding appears to be objectionable.—

The Magistrate, it will be observed, sent the Naib Jemadar of the criminal jail, accompanied by informers and peons, into the Mysoor country, the Bellary Zilla, and the Mahratta territories in search after Phanseegars, and with the assistance of the Mysoor Government and of the Magistrate in the Zilla of Bellary, the Naib Jemadar succeeded in apprehending 307 persons, men, women, and Children, reported to be engaged in the commission of Phanseegaree. In the performance of this duty he admitted nine persons as informers, and for these persons the Magistrate solicits a pardon.

The powers with which the Naib Jemadar appears to have been vested, or which at least he has exercised, are of an extraordinary nature. They are such as are not possessed by the Magistrate, and are therefore such as the Magistrate had not authority to delegate. The Magistrate is not competent to admit an informer without the special sanction of the Governor in Council, and he cannot therefore delegate that power to a subordinate officer of his establishment. It is, moreover, obvious that to allow a subordinate officer to exercise this power, without any reference to a superior authority, and without any restriction but such as his own prudence may impose,—independently of the illegality of the measure,—must be productive of evils of great magnitude. It is scarcely necessary to remark that a power of this nature,

so

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so liable to be abused, ought not to be entrusted under any circumstances to a person in the situation of a Deputy Jailer

But a man sent forth with instructions to apprehend all whom he may suspect of a particular crime, and promise pardon to such as he may consider it expedient to favour on condition of their giving him information, is armed with powers calculated to strike terror wherever he may appear. The guilty and the innocent are alike at his mercy. He seizes a few who, conscious perhaps of guilt, offer the first information that the condition he promises a pardon to one or more of them, and the informers, eager to purchase exemption from punishment, tell a long unconnected history of crimes in which he has been engaged and denounces the parties concerned with him. On the vaguest and uncorroborated, others are apprehended and without a little of evidence that can be relied upon, hundreds of Wretches, men, women and children, are hurried into the Zilla Court there to undergo examination at the leisure of the Magistrate. It is very evident that this course of proceeding is little calculated to afford protection to the innocent and many innocent persons have not suffered the grievous inconvenience of being dragged far away from their homes, and carried before the Magistrate their escape is to be attributed solely to the accidental absence of malignity on the informers part.

That such is the evil which it is the object of the Magistrate to suppress, it must be regretted that he should have resorted for that purpose to measures of so extraordinary and alarming a nature, and which after all of themselves offered a little probability of convicting the [illegible]

2: F W
18th May 1815

16: May 1815.

on the first information made to some officer in the course of proceeding would have been for him to have proceeded to apprehend all those whom he had reason to suspect had endeavoured to excite disturbance in the circumstances of the case, and upon such information as he could obtain for the purpose of bringing to trial and corroborate the statements of these Offenders. The ends of justice would have been furthered by this course of proceeding; but taking prisoners out of Jail and sending them all over the peninsula in charge of the Deputy Jailer and an establishment of peons with instructions to the latter to seize all persons whom these Offenders might point out as belonging to their fraternity was doing little without other evidence towards bringing the persons so pointed out to justice. The only hope of convicting them if they were guilty of the alleged Offences would rest on their acknowledgement of their guilt.

In the papers now submitted there does not appear to be that careful examination of the "informers" relative to any circumstances which might tend to support their testimony. Their general statements are taken without any examination, and many of the depositions, it will be observed, contain rather what others have reported to them than what they saw and were engaged in themselves. Upon such depositions the Magistrate recommends that a free pardon shall be tendered to the deponents for every crime which they may have committed; and the reason he gives for it is

as

16th May 1815

so liable to be abused, our recommendation [illegible] that the circumstances to a jury [illegible] to be recollected. We [illegible] recommendation be another which is [illegible] apprehend [illegible] of imprisonment for life that they should not be [illegible] prosecution furnishing security for their future good conduct and [illegible] when required, and that they shall reside under the inspection [illegible] Police Officers of the place in which they may propose to [illegible]

In the following paragraph [illegible] that the prisoners should be kept under the inspection [illegible] of Government and a certain provision for life be allowed to [illegible] they should again take to their previous course of life or [illegible] sacrifice to the Phansegars who are still at large

The [illegible] Magistrate is not sanctioned by the Regulations [illegible] the farthest latitude of recommendation left to the Court of [illegible] Adalut is that an offer of pardon be made to one or more [illegible] supposed accessaries on condition of their making a full [illegible] of every circumstance within their knowledge relative to the [illegible] of the crime and the recommendation the Court has been [illegible] cases of

1 Nowsha Canara
2 Mahomed
3 Ajeen
4 Kannegah
5 Hoshen
6 Saib
7 Sungala Latha Hajam

In submitting this recommendation the Court are guided less by an Opinion that any substantial benefit has resulted or may be expected to result from the informations of these persons than by the circumstance that they have been induced to implicate themselves by the hope of pardon —

With reference to the 17th Paragraph of the Magistrates letter the Court beg leave to recommend that he may receive Authority to bring to trial before the Court of Circuit such of the Phansegar prisoners, subjects of the British Government, as may appear to have committed offences in the Mysoor country —

The mode however, in which the Magistrate has applied for this authority is irregular, and the Court propose to call his attention to the provisions of Regulation XI of 1809 which points out the course to be pursued on occasions of this nature —

With regard to the mode of proceeding for pardoned Phansegars and for reclaiming the Women and Children from these nefarious practices, the Court deem it to be properly the subject of a general arrangement, which does not appear to have been sufficiently considered by the Magistrate - The Court therefore propose to refer the subject for the consideration and report of the Courts of Circuit in the Southern and Centre Divisions, in which divisions the crime of Phansegaree most prevails —

Ordered that extract of these proceedings together with the foregoing communication from the Magistrate of Salem be transmitted to the Secretary to Government in the Judicial Department with a request that he will submit the same for the consideration of the Right Honble the Governor in Council —

And following letter

(Vide enter A)

16th May 1815

Read letter dated the 29th of August last from the Magistrate in the zillah of Salem recommending that Vunnyah Cunnaru Munden may be pardoned

(Here enter No 5th of 1814)

The Magistrate lays before the Court copies & translations of two Informations given to him by two persons of the name of Ramjan and Pandal Pillah, proposing that a pardon under Section XX Regulation VIII of 1809 should be tendered to a Person of the name of Vunnyah Cunnaru Munden who offers to appear as a former accomplice of his a Soldier named Ramasawmy Pillay

The Magistrate has not stated the reason for he wishes that a pardon should be granted to Vunnyah Cunnaru but has stated that a warrant for the apprehension of the said Ramasawmy Pillay is now in force against him on the zillah of Combaconum

The purpose for which the Magistrate wishes the pardon to be granted to Vunnyah Cunnaru Munden not being authorized by the Regulations, the Court cannot submit the recommendation of the Magistrate to Government

Read also letter dated the 3 September last from the Magistrate in the zillah of Salem enclosing copies of informations given by three persons, and requesting the direction of the Court

(Here enter No 5th of 1814)

The informations forwarded by the Magistrate contain the names of several persons said to have been concerned in the zillah of Salem in a combination with the said Munden Pillay under Arrack and Tobacco Renters for the latter being apprehended for smaller crimes, & about to be convicted in the Court of Sessions [illegible]

3

16th May 1815

proof of their guilt

From the above and the contents of the Depositions (the Magistrate observes) "the Court of Sudder Foujdaree Adawlut "will be able to come to a conclusion whether it will be expedient to "address under Section XX. Regulation VIII. A.D. 1802. the "Honble the Governor in Council for the purpose of obtaining a "pardon for them"

It appears to the Court that the object which the Section above quoted has in view is the conviction and punishment of persons who are guilty of crimes of deep, general malignity; that the offence of coining is not of the heinous nature therein contemplated, and that, therefore, it would be improper to recommend to the Right Honble the Governor in Council to authorize the tender of a conditional pardon to the persons mentioned by the Magistrate

The Court further observe that the information which the three persons above named may be enabled to communicate must relate exclusively to acts done before the informants were imprisoned - for some of which they are now suffering under the sentence of the law - But the proper time for them to have come forward would have been before the sentence was passed, when a tender of pardon might have averted that sentence, the sentence having been passed, and nothing having appeared to induce the Judge who presided at the trial to recommend a mitigation of it, the Court doubt the correctness of the Magistrate's entering into a negotiation with the convicts regarding the terms on which that sentence shall be remitted - They cannot therefore take upon themselves to submit to the Right Honble the Governor in Council the recommendation implied in the concluding Paragraph of the Magistrate's letter -

Read also letter dated the 27th October last from

16th May 1815

from the Magistrate of the Zellah of Salem requesting authority to offer rewards for the apprehension of certain offenders —

(Fort St George 8th Feby 1815)

The Magistrate states that the prevalence of Dacoity is great in his Zellah, and that five persons confined in the Gaol at Namcul have made their escape, for whose apprehension he requests that the following rewards be offered viz. Fifty Rupees for 1 Coorman 2 Canarese 3 Malla & Telinga and thirty Rupees for 1 Tuckman —

The Court authorize the offer of the rewards by the Magistrate of the Zellah of Salem for the apprehension the persons above named —

Read also a letter dated the 8th of November from the Magistrate of the Zellah of Salem transmitting and translations of informations given by two convicts named Arnachellum respecting sundry Burglaries —

(Fort St George 8th Feby 1815)

On the two depositions or informations forwarded with the foregoing letter the Magistrate remarks that "In the information of Yellum is an account of the Persons who perpetrated the murder of a woman called Cobee which was of a considerable nature, it discloses the names of some Gold Smiths who are alleged to have melted down stolen property a practice which very much obstructs the tracing of stolen property."

"The robberies described in the Confession of Arnachellum do not any of them appear individually of any great amount but they are such as are continually practised to the great detriment of the industrious and [illegible] more

16th May 1815.

The testimony of these men, as far as they can be affected by the delivery of it, comes too late. They are now under sentence & with regard to the use which the Magistrate intends to make of their evidence after they shall be pardoned the Court must remark that such evidence would be totally unavailing unless corroborated by others and unobjectionable testimony —

All the convicts by a disclosure of all the circumstances within their knowledge regarding the crimes in which they had been engaged, so full as to lead to the discovery and conviction of other offenders, might perhaps in cases of enormity wherein the discovery should be considered of importance to the general interests of society, afford grounds for a favorable consideration of their case and for recommending a mitigation of their punishment, there does not appear any reason whatever why remission of their sentence should be held out as the reward of that disclosure. Such a proceeding would indeed tend to encourage Offenders generally to run all the risk of a trial, and when convicted to come forward with information, in order if possible to avert the infliction of the sentence passed upon them —

The Court for these reasons decline submitting to the Right Honble the Governor in Council, the recommendation suggested by the Magistrate of the Zellah of Salem in this case —

The Court are of opinion that the frequent occurrence of the petty offences described by the Magistrate is to be imputed to a very relaxed system of Police in the Zillah of Salem. The system of Police in the Neighbouring Zillah of Coimbetoor is distinguished for its efficiency, and the Court

recommend

16th May 1815

recommend the Magistrate of Salem to procure information from the Magistrate of Combatore respecting the constitution of the Police of the Zillah, and to take into his serious consideration the practicability of introducing a similar system in the Zillah under his charge.

Read also letter dated the 3d instant from the Magistrate in the Zillah of Salem requesting answers to letters of the 29th August 3 September and 8 November last.

(Here enter No 261)

The letters above mentioned have been noted on the foregoing proceedings, and in concluding their remarks on the references the Court deem it expedient to recommend to the Magistrate in the Zillah of Salem to devote his most serious attention to the acquirement of a knowledge of his duty, as defined in the Regulations. This would prevent his so frequently referring to the Court for instructions on points of simple duty, or so ill advised recommendations with which it would be improper to comply.

Ordered that extract of the proceedings be sent for the information of the Magistrate in the Zillah of Salem.—

Sent following letter.

(Here enter B.)

F. C.

At a Court of Foujdaree Adalut

Present

Wednesday 17th May 1815

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

Read letter dated the 11th instant from the Magistrate in the Zilla of Chingleput enclosing a list containing the names of 46 convicts, whom he reports having despatched to the Presidency for the purpose of being embarked on the Honourable Company's Ships proceeding to the eastward.—

(Here enter No 262)

The Court direct that the usual report be prepared and submitted, with transcripts of the sentences passed in the several cases, for the information of the Right Honorable the Governor in Council.

Sent following letter

(Here enter A)

The letter accompanying the foregoing report contains a list of the convicts forwarded to the Presidency together with copy of a letter from the Surgeon attached to the Zilla of Chingleput recommending that a prisoner named Kulamuttel Rairapen may be detained at the Depot to

16 17th May 1815

on account of his Leave
Loo ill to be removed with safety —

In the foregoing letter the Magistrate states that agreeably to the recommendation of the Killah Surgeon the aforesaid Prisoner Kalamuttee Rainghur was sent to be detained at the Depot.

He has also mentioned in his letter three persons not mentioned in any former Report viz.

1 Mungaroo Koyamee Kurkal
2 Wellootedatee Koyamee
3 [illegible]

the Killah of [illegible] the Judge in the enclosed the Head of Samuels States to have been delivered into his custody on the 13th Instant — He requests a Statement for the names of the two former persons having been inserted in a preceding Report and the date of their arrival at the Depot under the present List.

The Prisoner Ramdeo Lodee One of the Wynaad Rebels (No 20 in Report dated 31st March last) is not mentioned in the Letter dispatched for the Residency, nor is any reason assigned for his detention at Cotiyoor.

He cannot assist that until

17th May 1815

the Killah of Chingleput by precept directing him to submit an explanation respecting the three persons last mentioned for the information of the Court of Faujdaree Adalut

Sent following Precept

Wm. / Here enter BJ 15

16 17th May 1815.

on account of his Wounds
too ill to be removed with safety—

In the foregoing letter the Magistrate states that agreeably to the recommendation of the Killah Surgeon the afsaded Prisoner Kalamullah Ruinghur was shortly detained at the Depot.

He has also mentioned in his letter three prisoners not mentioned in any former Report viz.

1 Mungaloory Ruyamee Kuddul
2 Wellooladutee Koopanee
3 Seyud Meer.

the Killah of Kee. the Judge in the Zillah of Ramnaks states to have been delivered into his custody on the 13th Instant— no answer is however yet received for the names of the two former not having been inserted in a preceding Report at the date of their arrival at the Depot under the present title.

The Prisoner Ramdeo Tundon one of the Hyrnaks Rebels No 21 in report of the 31st March last is not mentioned in the list of Prisoners dispatched for the Residency, nor is any reason assigned for his detention at Chinglepet.

The Superintendant directed that

17th May 1815. the Killah of Chinglepet by precept directing him to submit an explanation respecting the three prisoners last mentioned for the information of the Court of Foujdaree Adalut

Sent following Precept

WM. / Here enter BJ 20

Fd

At a Court of the Zemindaree Adalut

Present

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

Friday 19 May 1815.

Read Letter dated 12th Ultimo from the Magistrate of Tuckmopoly, enclosing copies of reports from the Medical Officers of the station, relative the Lunacy of Faeqqueer Eyder Khan and the means of accommodating him at Tuckmopoly —

E. G. G.

W.

(Here enter No 279 of 1815)

The Magistrate of Tuckmopoly has transmitted further medical certificates relative to the insanity of the Prisoner Faeqqueer Eydar Khan those certificates, tho' not satisfactorily shewing the malady of the prisoner to be incurable, state him to labour under a high degree of Mental derangement, and contain the fullest information which can now be expected from Tuckmopoly, the prisoner being no longer at that station —

The Magistrate distinctly states that the jail will not furnish accomodation for a person labouring under dangerous insanity and the superintending Surgeon Soldier has certified that there is no place in the Hospitals at Tuckmopoly calculated for the reception and security of Lunatics —

On consideration of the above circumstances

19th May 1815.

Extract of the Proceedings in Council

Circumstances the Board directed that Registrate on the Zilla of Chingleput shall be by precept directed to send to Madras the under prisoner Eydee Khan now in his custody in order to his being examined by the Judicial Board for admission into the Lunatic Hospital at Madras

Sent following Precept
Vide entry A

Read Letter dated 7th May 1815 from the Judicial Secretary to Government enclosing an abstract of a Judicial Letter from England to the Judicial Department under date 4th October 1815 with copy of the resolution of Government passed thereon relative to the proceedings on granting a Warrant of the Governor in Council for the apprehension of Captain Thomas Vide entry No. 28th

Upon reference to Rule Court dated 8th Instant it appeared that a return to the Writ of Habeas Corpus had been issued by the Court to the Officer in the Zilla and that under the circumstances the Court directed that Registrate on the Zilla of Chingleput shall be by precept directed to send to Madras the under prisoner Eydee Khan now in his custody in order to his being examined by the Judicial Board for admission into the Lunatic Hospital at Madras

Sent following Precept
Vide entry A

Read Letter dated 7th May 1815 from the Judicial Secretary to Government enclosing an abstract of a Judicial Letter from England to the Judicial Department under date 4th October 1815 with copy of the resolution of Government passed thereon relative to the proceedings on granting a Warrant of the Governor in Council for the apprehension of Captain Thomas Vide entry No. 28th

Upon reference to Rule Court dated 8th Instant it appeared that a return to the Writ of Habeas Corpus had been issued by the Court to the Officer in the Zilla and that under the circumstances the Court directed that

19th May 1815

they may be submitted to the Right Honorable the Governor in Council —

Sent following Letter
Vide entry B.

Read Letter dated 12th April 1815 from the Acting Magistrate of Seringapatam reporting the escape of a convict named Ramchala Longadoo from the Zilla under sentence of Imprisonment for 14 Years and the measures he has taken in consequence

Vide entry No. 28th

E.C.S

E.C.S

F. U.

At a Court of the Foujdaree Udalut

Present

Monday. 22d May 1815

Andrew Scott Esqr.
Edward Frost Greenway Esqr. } Judges
George Stratton Esqr.

Read letter dated the 25th October last from the late Judge of Circuit in the Southern Divisions transmitting his proceedings held in case No. 1 of the Palam Calendar in the 1st Sessions of 1814

Here enter No. 625 of 1814

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee col Coozaat & Mooftees of the Foujdaree Udalut do confirm the said Futwa of the Cazee col Coozaat & Mooftees aforesaid & acquitting the Prisoners

1st Kamal Khan
2d Sahatag Hyder
3d Syed Mohee-ood-deen
4th Sheikh Hyder
5th Mahummad Khan
6th Noor Mahummud
7th Sheikh Boodden and
8th Sheikh Imaum

22d May 1815.

do direct their release accordingly

Read letter dated the 25th September last from the late 1st Judge of Circuit in the Southern Division transmitting his proceedings held in case No 2 of the Salem Calendar in the 1st Sessions of 1814.

/ Here enter No 62 of 1814 /

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Coozat and Mooftees of the Foujdaree Adalut do confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid & acquitting the Prisoner

" Noor Mahummud "

do direct his release accordingly

Read letter dated the 26th October last from the late 1st Judge of Circuit in the Southern Division transmitting his proceedings held in Case No 3 of the Salem Calendar in the 1st Sessions of 1814

/ Here enter No 63 of 1814 /

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Coozat and Mooftees of the Foujdaree Adalut do confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid & acquitting the Prisoner

22d May 1815. Officer and the Futwa of the Cazee ool Coozat and Mooftees of the Foujdaree Adalut do confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid and acquitting the Prisoner

" Mokeemood-deen "

do direct his release accordingly

Read letter dated the 26th November last from the late 1st Judge of Circuit in the Southern Division transmitting his proceedings held in Case No 4 of the Salem Calendar in the 1st Sessions of 1814

/ Here Enter No 63 of 1814 /

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Coozat & Mooftees of the Foujdaree Adalut do confirm the said Futwa of the Cazee ool Coozat & Mooftees aforesaid & acquitting the Prisoner

" Cumaul Mahommed "

do direct his release accordingly

~~Last following Letter~~

/ Omitted /

The proceedings of the Magistrate in the foregoing trials No 1. 2. 3 & 4. of the Salem Calendar in the 1st Sessions of 1814 appear to be most satisfactory They are confined

2 = 22 May 1815

to receiving the declarations of three professed
Dhanisegars Shaik Madar, Shaik Buddy Shaik
Khan regarding murders and Robberies committed
by themselves and associates, for which declarations
they were held harmless by the Servants of
Government and which could not have the
slightest effect to criminate their associates, as
they might enable the Magistrate to seek evi-
dence from other sources which might go
corroborate the statements of these Dhanisegars
and to fix guilt on their associates —

It does not appear that the
Magistrate took any pains whatever to ascer-
tain whether the murders confessed by these Per-
sons were committed — The proceedings
contain no investigation as to the former existence of
the persons said to be murdered — they are quite
destitute of all information as to the places at
which they were last seen, the circumstances
under which they were seen, and the time when
they disappeared — nor do they contain evidence
of any attempt whatever having been
made to discover
the remains of the murdered persons, or to
ascertain whether any of the persons charged
with being
seen in the Districts were
seen in the

2 Fuller
22 May 1815 — murders were committed —

8

The presence of the murderers on the spot must be necessary to enable them to perpetrate the crimes, and the circumstances under which they were seen, if they were seen, in the neighbourhood might go far to attach the guilt of the offence to them — but the Magistrate appears to have omitted all investigation regarding these points — In fact if the object of the Magistrates proceedings had been to secure to the prisoners impunity for the offences charged against them, his proceedings could scarcely have better corresponded with such intention; but they could not tend in the remotest degree to establish the guilt of the Prisoners; and it is impossible to contemplate the disappointment of the ends of justice in these case, without being feelingly alive to the consequences which may be expected to flow from the useless seizure, and release of these persons, if they are really the characters described by their professed associates —

It does not appear on what date the several Prisoners in the foregoing cases were apprehended; from the date of their examinations it would seem that they have now been in confinement since the months of August and September 1811; owing to the absence of some of the informers, and the

22d May 1815

total want of other witnesses, with the exception of those who attested their several declarations, wherein the prisoners totally denyall knowledge of the crimes laid to their charge.

The testimony of the informer being unsupported by witnesses in any circumstantial evidence whatever, which the Court cannot but think it might have been fulfilled, and does not establish anyone charge of robbery or murder against the Prisoners, they have been acquitted by the Verdict of the Panniness [illegible] as by the Returns of the Law Officers of the Court have accordingly ordered that they severally be set at liberty – for considering that any degree of criminality attaches to them on the evidence of the informer, they have more than expiated such offences by the suspence & anxiety which they have endured during their long confinement.

The Judge presiding at the trial is omitted to certify that the witness should have fulfilled the conditions on which a pardon was held out to him and authorized by the Government, and has assigned as a reason for not furnishing a document of this nature

22d May 1815

witness to have made a full disclosure of every circumstance within his knowledge relative to the commission of the crimes, in which he was concerned in conjunction with the prisoners and others. the Judge should have duly certified the same to the Magistrate, in order to have enabled him to procure from the Court of Foujdaree Adalut the certificate specified in Section XX Regulation VIII of 1802. in confirmation of the conditional pardon, tendered to him by the authority of Government; or if he considered him not entitled to the certificates of pardon, he should have stated the grounds, on which such opinion was founded.

The Court are far from being satisfied with the conduct of this informer, or as much as altho' he has stated the prisoners to have been concerned with him in several Robberies attended with murder yet he has not afforded any important clue to their conviction.

Considering however that the omission to follow up the information afforded by him, as already adverted to, is to be charged solely to the Magistrate, the

Court

22d May 1815

total want of other witnesses, with the exception of those who attested their several declarations, or wherein the prisoners totally denyall knowledge of the crimes laid to their charge

The testimony of the informer totally unsupported by witnesses in any circumstantial evidence whatever, which the Court cannot but think it might have been fulfilled and would not established anyone charge of robbery or murder against the Prisoners, they have been acquitted by the Statutes of the Provincial Law Officers, and as by the Statutes of the Law Officers of the Court Adalut, and the Court have accordingly directed that they severally be set at liberty – for even as that any degree of criminality attaches to them on the evidence of the informer, they have undergone their capital sentence by the suspense & anxiety which they have endured during their long confinement.

The Judge presiding at the Trial is omitted to certify that the informer has fulfilled the conditions on which the pardon was held out to him and authorized by the Government, and has assigned no reason for not furnishing a document of this nature

22d May 1815

Witness to have made a full disclosure of every circumstance within his knowledge relative to the commission of the crimes, in which he was concerned in conjunction with the prisoners and others, the Judge should have duly certified the same to the Magistrate, in order to have enabled him to procure from the Court of Foujdaree Adalut the certificate specified in Section XX Regulation VIII of 1802. in confirmation of the conditional pardon, tendered to him by the authority of Government, or if he considered him not entitled to the certificates of pardon, he should have stated the grounds, on which such opinion was founded.

The Court are far from being satisfied with the conduct of this informer, in as much as altho' he has stated the prisoners to have been concerned with him in several Robberies attended with murder yet he has not afforded any important clue to their conviction

Considering however that the omission to follow up the information afforded by him, as already adverted to, is to be charged solely to the Magistrate, the

Court

Court could not on that account withhold the certificate of pardon heretofore sent to the said informer Shaik Madar especially as the judge who presided at the trial has departed from India, and cannot therefore be recalled upon to supply the information pointed out as required. The witnesses Cs. Calay Khan and 4th Mosbard ~~have been sent on public service and are now~~ having left ~~the Court~~ not ~~expecting~~ returning ~~before the Court~~ ~~by Court~~ ~~or at present or~~ ~~that the Court cannot grant the certificate of pardon until~~ ~~to Court~~ ~~enabling to certify~~ ~~Serious and until the opinions of the~~ ~~Judges of Court regarding these informers~~ ~~the conclusions of their proceedings be~~ ~~reported to the Court by the Magistrate~~ ~~or the Zilla of Salem~~.

Ordered that the certificate specified in Section XX Regulation VII 1810 in confirmation of the conditional pardon ~~accepted~~ by the Prisoners ~~of Government~~ ~~under~~ ~~date the 4th December 1810~~ be forthwith transmitted ~~this~~ the Court of Circuit to the Magistrate in the Zilla of Salem for the purpose of being delivered to the above

~~Shaik Madar~~ for his security, as far as regards the acts referred to—

Ordered also that extract of these proceedings be transmitted together with the aforesaid certificate to the Court of Circuit in the Southern Division by precept directing them to communicate the same to the Magistrate in the Zilla of Salem for his information & future guidance.

Sent following precept

Nuncupative A/

The Court cannot conclude their observations on the foregoing trials without noticing the improper conduct of Imam Saib Cutwal of Ranipet in offering a pardon to the Prisoner Kamaul Mahomed in case No 4, and in losing or destroying the original deposition taken from the said Prisoner, without sufficient authority; or even reporting the circumstance to the Zilla Magistrate of Chittoor under whose orders he was acting.

The Court concur in opinion with the 1st Judge that however meritorious the

22d May 1815.

the former conduct of the Individual may have been in the discovery of Pharaegan, in the instances above stated he has abused the confidence reposed in him.

The Court do accordingly direct that extract of such part of these proceedings as applies to the Extracts entered be transmitted to the Magistrate in the Zillah of Chittoor by precept directing him to Reprimand the said Imam Saib for his conduct in this Case and a certificate of pardon to the Prisoner Ismail Mahomed and further to notify to the Steps he had taken to the Magistrate whose immediate Orders he is to act on

Sent pattamay Prisoner

Recorded Bf

Read letter dated the 2[illegible] last from the late 1st Judge of Circuit Southern Division transmitting his proceedings held in case No 60 of the Calendar in the 1st Quarterly Sessions of 1814

[Here enter No 46 of 1815]

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Coozat and Senior Mooftee of the Foujdaree Adalut do concurr

22d May 1815. Mooftees of the Foujdaree Adalut do concurr the said Futwa of the Cazee ool Coozat & Mooftees aforesaid, and acquitting the Prisoner

"Ramasamy Iyen."

do direct his release accordingly

Read letter dated the 28th December last from the late 1st Judge on Circuit in the Southern Division transmitting his proceedings held in case No 60 of the Salem Calendar in the 1st Sessions of 1814.

[Here enter No 38. of 1815]

The Court having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Coozat and Senior Mooftee of the Foujdaree Adalut do concurr the said Futwa of the Cazee ool Coozat, and Mooftee aforesaid and acquitting the Prisoners.

1. Vellasheriayaren.
2. Cauttiamee Condaven.
3. Ycroolaundeme Condaven.
4. Sagan.
5. Carpen.
6. Vengalattaun
7. Teckaun.
8. Iyenvoo.
9. Naraineu.

22d May 1815.

10 Mootoo Cuchon.
11. Yedoomben
12. Calinday alias Jaumdee
13 Pillendee alias Pettan
14. Cattiatan Candaun
15 Nawnamalingchee Pannan
16. Nantun Coelim
17. Yettandaun
18 Tapkay
19. Nawnamalingchee Nooken
20. Pannen Dee
21. Tungaul

to direct their Release accordingly

Sent following Letter

Presidency of

On the proceedings in the forgoing

Court deemit proper to record the following

The Magistrate of Jaffna

attended to the same irregular proceed

for procuring evidence as he established

cases of the Slaves, and the

on which twenty two persons were

for trial, were altogether insufficient

persons. He charged the prisoners

how to defend themselves

but did not

Fo 11

22d May 1815.

they might be tried and convicted -

The arraignment before the Court of Circuit is of the same description, and the questions to the witnesses run nearly in the same words -

It was not to be imagined that the prisoners could be convicted on such an arraignment - But the Court cannot concur in opinion with the Judge that the Informers Rungun & Mardun have not performed the conditions on which pardon was offered to them - They seem to have made a full disclosure of every circumstance within their knowledge, relative to the commission of the crimes referred to, and having been led to expect a free pardon by making such a disclosure, the Court consider it would be unjust to withhold from them the certificates of pardon; at the same time however the Court entirely concur in opinion with the Hon. Judge as to the frequency with which recommendations of Pardon on slight and insufficient grounds have been submitted from the Zilla of Jaffna since scarcely in a single case have

the

22. 22nd May 1815.

10 Mootoo Cuspan.
11. Yedoomben
12. Calinday alias Govinden
13 Pillandee alias Pettan
14. Cattiatan Candappen
15 Kaumaniaingchi Pandaram
16. Kantan Coalien
17. Yettandaram
18 Sapphay
19. Kaumanaingchi Coalien
20 Ramien ditto
21 Ditto

do.

Fo. 11.
22nd May 1815.

they might be tried and convicted -

The arraignment before the Court of Circuit is of the same description, and the questions to the witnesses run nearly in the same words -

It was not to be imagined that the prisoners could be convicted on such an arraignment - But the cannot concur in opinion that the Informa- ...ent following Precept

Here enter D/ Am -

In the list of the Packet accompanying Final No 6 of the Fredonsky Calendar in the 4th Quarter Sessions of 1814, the late Judge requests that the original papers therein referred may be returned to the Court of Circuit in the Southern Division, in order that they may be sent to the Gallah Court & Fredonsky -

Ordered that the original papers accordingly transmitted together

Copies of the Informations against the prisoners in trials No. 1, 2, 3, & 4 of the present Calendar being applicable to the present case, the Court forbear from making any further remarks; and do accordingly direct that the certificates specified in Section 8 Regulation 8 of 1802 in confirmation of the conditional pardon authorized by the Government under date the 6th June be transmitted thro the Court of Circuit to the Magistrate

22d May 1815.

F 11

At a Court of Foujdaree Udalut

Present

Monday the 29 May 1815

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

Read letter dated the 15th February last from the 3d Judge of Circuit in the Western Division transmitting his proceedings held in case No 23 of the South Malabar Calendar in the 2d Sessions of 1814.

[Here enter No 161 of 1815.]

Read also remarks of the Cazee & 2 Coojat and Mooftees of the Foujdaree Udalut shewing causes for the revision of Trial referred in the foregoing letter.

[Here enter Remarks.]

Ordered that the proceedings held in the above case together with transcript of the aforesaid Remarks be transmitted to the Court of Circuit in the Western Division by Precept directing them to procure the addition al evidence as required and shewing annexed the same to these proceedings to re-transmit them to the Court with the least possible delay.

Sent following Precept

[Here enter A]

29th May 1815.

Read letter dated the 20th December last from the late 1st Judge of Cuttack in the Southern Division transmitting his proceedings held in case No 17 of the Dharapooram Calendar in the 1st Sessions of 1814.

Hereunto No 3 of 1815.

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Moonsiff law officer and the Futwa of the Cuzee & Bengal and Moofties of the Fouzdaree Adalut do confirm the said Futwa of the Cuzee and Moofties aforesaid and acquitting the Prisoner Narrooday do direct his release accordingly

Sent following letter

(Hereunto No 3)

E.C.S
C.P.

F. 46.

1

At a Court of the Fouzdaree Adalut

Present

Thursday 1st June 1815.

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

Read return dated the 27th ultimo, from the Magistrate of Chingulput to the Courts precept of the 19th ultimo - directing him to send to the Presidency the insane prisoner Jacquier Ayoler (now in his custody) in order to his being examined by the Medical Board for admission into the Lunatick hospital at Madras.

(Hereunto No 399)

Ordered that the above prisoner be sent to the Town Major for the purpose of being taken before the Medical Board in order to his undergoing the usual examination previous to his being placed in the Lunatick Asylum.

Sent following letter

(Hereunto No A)

Read both, dated the 29th instant addressed by A.W. Hamilton as third Judge of the Courts Provincial Court of Circuit before the Senior Judge of that Court

(Hereunto A)

T. U.

In a Court of Fouydaree Udalut

Present

Monday
5th June 1815. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges.
George Stratton Esqre

Read letter dated the 18th April last
from the 3d Judge on Circuit in the Southern Division
transmitting his proceedings held in case No. 58
of the Salem Calendar in the 1st Sessions of 1815.

Here enter No. 309 of 1815.

The Court having maturely considered
the proceedings held before the Judge on Circuit the
Futwa of the Provincial Law Officers and the Futwa
of the Lagee ool Coogat Law Senior Moofty of the
Fouydaree Udalut do confirm the said Futwa of
the Lagee ool Coogat and Moofty aforesaid and under
the provisions of Section X Regulation VIII A.D.
1802 do acquit the prisoner

Annugaddoo alias Bawmaw

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

Sent following letter

Here enter A.

Read letter dated the 16th January
last from the 2d Judge of Circuit in the
Northern

5th June 1815.

Southern Division transmitting his proceedings held in case No 6 of the Salem Calendar for the 2d Sessions of 1814

[Here enter No 95 of 1815]

The Court having maturely considered the proceedings held before the Circuit Court the Fiscal of the Province and the Fiscal of the Caguatoe Cogatoe of the Seigaare Modelliar do confirm the Sentence of the Caguatoe Cogatoe and Moodliar and acquitting the prisoners

1st Pookkooty Pandie
2d Kuttammy
3d Pottakaren Kankanam
4th Jagerenaden

do direct their Release accordingly

Sent following letter

[Here enter No]

Read letter dated the 8th November last from the 1st Judge of Circuit in the Southern Division transmitting his proceedings held in case No 12 of the Salem Calendar for the 2d Sessions of 1814

[Here enter No 52 of 1814]

The Court having maturely considered the proceedings held before the

5th June 1815

the Provincial Law Officer and the Fiscal of the Caguatoe Cogatoe and Moodliar of the Seigaare Modeliar to confirm the Sentence of imprisonment & transportation for life passed on the prisoners by the 1st Judge under date the 14th November last and do accordingly direct that the Prisoners

1st Seigoe Pimmien
2d Letchegaie
3d Goyaundy Cuncatagaie Do
4th Chinna Cuncatagaie

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

Sent following letter

[Here enter No]

Read letter dated the 8th November last from the 2d Judge of Circuit in the Southern Division transmitting his proceedings held in cases Nos 12, 13, 14 & 15 of the Salem Calendar in the 2d Sessions of 1814.

[Here enter No 683 of 1814]

Read also return dated the ——

—— by the Court of Circuit in the Southern Division to the Accounts forwarded under date the

13th

5th June 1815

13th March last forwarding an abstract of Magistrates Claims together with Vouchers called for by the foregoing Receipt

Encl. No. 2.

The Court having matureley considered the proceedings held in case No. 131 before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee-al-Coozat and Mooftees of the Foujdaree Adalut do confirm the said Futwa of the Cazee-al-Coozat and Mooftees aforesaid & do adjudge the Prisoner

"Saib Cavn"

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

The Court having matureley considered the proceedings held in case No. 114 before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee-al-Coozat & Mooftees of the Foujdaree Adalut do confirm the said Futwa of the Cazee-al-Coozat and Mooftees aforesaid, and do adjudge the Prisoner

"Syed Mayen"

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

The Court having maturely

considered

5. June 1815

considered the proceedings held in open Court before the Judge on Consent the Future Provincial Law Officer and the Future Legacy at Legal and Magistrates of the Middlesex, to confirm the said Future Legacy at Legal and Magistrates appointed to adjudge the Prisoners

1. "Barak"

to be imprisoned and transported to Wales Island there to be kept to hard imprisonment for and during the period of his natural life and that the Court do pass the sentences which under the circumstances of each case appeared to be merited by each prisoner the Court proceed to award for their information & future guidance of the Provincial authorities concerned in the trials the observations which they deem to call for

2. Kaysain alias Mokh Ba

3. Shaik Allyathan of Salem

to direct their release attending to

Sent following Letter

Vizt under

The circumstances of the fo

of the prisoners in the foregoing trials being

Jailer does not appear to have been guilty

Judge or Court of any thing wilfully

Should any doubt however remain on the

explanation and between the Jailer

and

5. June 1815

explanation should be furnished regarding the circumstances under which the depositions were taken by the Jailer, and regarding certain defects which appeared in the records:

From the explanation furnished by the Magistrate the Court find that he considers the Jailer as a Police Officer, and that the latter is permitted to detain persons in confinement without any warrant from the Magistrate for that purpose.

In the instance now before the Court it appears that the Prisoners arrived at Salem on the 1st November 1813, and remained under charge of the Jailer until their depositions were taken by him on the 3d that they were not brought up before the Magistrate for examination before the 5th of November; nor does it appear that they were afterwards legally committed for trial on any specific charge.

This declaration by the Magistrate that he considers the Jailer as a Police Officer, may account for his employing the Deputy Jailer to apprehend persons accused; but as he has not given the reasons for his opinion the Court are unable to point out the cause of his error. The Court will therefore only

Remark

5th June 1815

remarks that the authority of a Jailer cannot
beyond the Walls of his Jail - that
within the Walls should be limited to
in safe custody the persons legally committed
to his charge, and preserving order in the
and that he should have no other right
varying his treatment of the prisoners,
such as might arise from the conduct of
prisoners themselves - He should be
of custody and nothing more - If he
had once asked himself the question, where
jurisdiction of the Jailer was bounded
within the Walls or what other jurisdiction
he extends the Jailer's authority? His duties
do not connect him with one officer of
more than another, and to give him a gen
authority over the whole, would be little
than converting the whole City into a
putting every Inhabitant in dread of
ment, who might have the misfortune
the Jailer.

Reflections of this nature
appear to have occurred to the Magistrate
seems to have overlooked altogether the
view, which his attention has been

subject

be aware of the large discretion which is
necessarily vested in the Jailer with regard to
the mild or severe treatment of the prisoners
in order to their safe custody, and which should
render him the last person in the world to receive
their confessions; for all the various means of
intimidation and persuasion are in his power.
And when any influence whatever is used to
extract a confession from a prisoner it cannot
be considered to be voluntary - The inhabitants
of a Jail, moreover, furnish persons who
can safely be credited in a Court of Judicature
and the accused therefore has every difficulty
to contend with, when he may wish to shew that
the confession used to convict him has been obtained
by unfair means.

In this case the Magistrate appears
to have considered all the persons named by the
Informers to be guilty, and to have been glad
merely to have devised
that they could be brought to acknowledge their
guilt, it mattered not before whom; but it
ought to have occurred to the Magistrate
that when the prisoners were brought to his
station, it was his duty to examine them, &
that he could not legally delegate that duty
to be discharged by any other person than

by to

5th June 1815

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beyond the Walls of his Jail - that
within the Walls should be limited to
in safe custody the persons legally committed
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varying his treatment of the prisoners
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prisoners themselves - He should be
of custody only, and nothing more - If he
had once asked himself the question, whether
within the Walls what other punishment
he extend the Jailer's authority. This rule
do not connect him with one officer
more than another, and to give him a
authority over the whole, would be
than committing the whole Villa into
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view; whose attention has been

F. 11.

5th June 1815

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that when the prisoners were brought to his
station, it was his duty to examine them, &
that he could not legally delegate that duty
to be discharged by any other person than

&c to

to his assistant acting under the qualification of an oath - Three of the Prisoners, who could not be brought to confess, are pronounced to be not guilty in this case -

But the delegation of this authority to the Jailer to examine the prisoners on the first instance is not the only irregularity in the administration of the Magistrate of which these proceedings contain evidence -

It appears by the deposition of Saundapen, a Delayet, taken by the Magistrate under date the 24th December 1813. that Duffadar Audum Said and 6 peons were entrusted with the execution of the warrant, that on the 16th of September same year they took with them the "persons named Ramee and Rungen and "others" and proceeded to apprehend the Offenders named in the warrant -

This is the first individual contained in the Record of any information having been examined before the Magistrate who issued this warrant - bearing date the 19th of September 1813. but the information laid by Ramee and Rungen is not after-

made before the Magistrate on the 19th of November 1813 that the said Rungen had (on a day not specified) given information to the Magistrate that twenty five Pharaysgars remained in the Village of Tirchinapoly and that the Magistrate in consequence issued a Warrant to the Duffadar Audum Said and the Delayet Saundapen to apprehend the said Pharaysgars.

If the information was proper to be acted upon to the extent of issuing a warrant for the apprehension of the prisoners, it certainly ought to have been recorded.

But to follow the witness Saundapen in the execution of the warrant - He proceeded thro various Talooks according to the recommendations of Ramee without hearing any intelligence of the Pharaysgars until he arrived near the North gate of the Fort of Tanjore where he found three persons of this description. He asked Rungen who they were, and was told in reply that they were the persons from whom he came to apprehend - They in consequence forthwith caught them, and at the same time promised them on oath that they should be employed on enformers" and that they should therefore apprehend "the other Pharaysgars, whose names were inserted

5th June 1815 "inserted in the warrant" to which they =sented and assisted in signing the pro=
ceedings upon their trial —

The three three persons a=
does not appear by the deposition of the
but referring to the return of the Magis=
warrant dated 5th November 1813, there ap=
besides the nine persons set upon there
the names of Ismael & Puttail "and one
Lawyer the Pharmegan whose name was not
inserted in the warrant."

Four of the Court at Salem, so have
taken upon them to legalize a proceeding for
apprehension the had no warrant, and against
no charge has been preferred, nor at the
of the magistrates, and under the
under the sanction of an Oath taken
persons, whom they especially charged
before the Magistrates as persons

The Magistrates despatch
proceedings seems to be regarded as a matter
course; it is more especially so by Syed Ander
his deposition given before the Magistrate
20th December 1813

5th June 1815. "Magistrates order they gave a promise on
"oath to the said prisoners Ismael & Bawah
"Cawn 2 & Puttail 3 encouraging them that they
"would be protected." and the record before the
Court contains not the smallest notice of it
by the Magistrate who records the tenth depo=
=sition of the informer Ismael, the eleventh
deposition of the informer Puttail, and the
eighth deposition of the informer Bawah Cawn
all under date the 23d July 1814, many months
after they had been brought with the prisoners
without a word of explanation on the subject.

The apprehension of Bawah
Cawn, whose name was not inserted in the
warrant, was unauthorized, altho it did occur
to the informer Rungen on seeing him that
he was one of the Gang; and this irregularity
appears further to have been extended to the
seizing of Women and Children, one of the latter
being a girl only a year and half old.

With regard to the promise of
pardon, which the Court consider to be
included in the promise of employment
as an informer, the offer of which reserved or
exclusively to the Governor in Council, if he
shall approve such offer on the recommenda=

^ according to the deposition of Sundapoor which is mentioned unequivocally in the deposition of Syed Ausum Sahib

=tion

5th June 1815 "inserted in the warrant" to which they
= sented and insisted in signing the proc
who were sent upon their trial —

We think these three persons
does not appear by the explanation of the
but referring to the section of the Magist
warrant dated 5th November 1813, there
besides the nine persons sent upon their
the names of Ismael & Puttail "and Bawah
Cauan the Phoonegar as those mentioned
inserted in the warrant."

Thus it appears that on
of the Court at Salem, to have ad
taken upon them to forge a passage for
apprehension the two men named, and ag
no charge has been preferred, nor at the
for the arrest of any of the persons apprehended under the
under the sanction of an oath taken
persons, whom have illegally charged
before the Magistrates as persons
~~apprehended by the Police~~
the warrant.

The Magistrate's subsequ
proceedings seems to be regarded as a matter
course; it is even asserted by Syed Ab
his deposition given before the Magistrate
20th December 18

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"oath to the said prisoners Ismael & Bawah
"Cauan 2 & Puttail 3 encouraging them that they
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deposition of the informer Puttail, and the
eighth deposition of the informer Bawah Cauan
all under date the 23d July 1814, many months
after they had been brought with the prisoners
without a word of explanation on the subject.

The apprehension of Bawah
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warrant, was unauthorized, altho it did occur
to the informer Rungen on seeing him that
he was one of the Gang; and this irregularity
appears further to have been extended to the
seizing of Women, and Children, one of the latter
only
being a girl of a year and half old.

With regard to the promise of
pardon, which the Court consider to be
included in the promise of employment
as an informer, the offer of it is reserved ex
clusively to the Governor in Council, if he
shall approve such offer on the recommenda
= tion

according to the deposition of Sundapoor which is mentioned unequivocally in the deposition of Syed Saudeen Sahib

=tion of the Court of Kings-bench should be
exercised as it has been in this case would
might completely frustrate the intention of
the regulation, and secure the escape, instead
of the conviction of the principal offenders
for there is nothing before the Court to shew
that these very three persons, unknown, first met
with by the Delayal's beyond a seas, and to
freely promised exemption from punishment
were not at least as guilty as any of the fo
That Bullait was deeply im
=cated in all the transactions of
is evident from his shewing to Ringwo
places where the bones of the murdered
=sellers were to be found, in all the mill
described. This was indeed evidence wh
=able of the crimes having been committed
but it afforded no clue to fix the guilt
any individual other than himself.
The Magistrate does not adm
in a single instance to have asked the
informer where their associates common
resided - where they had resided at any
times previous to any of the Murders co
to have been committed by them, the p
which the

5th June 1815

by detached fourtees to any particular place of
rendezvous
~~meeting~~ ~~—~~; their subsequent progress, the
roads by which they retired from the scene
of their depredations, the distinguishing marks
by which they might be recognized at any
time. by any one who had seen them, -
all these points are omitted, tho' if they
had been stated, it is probable that
evidence might have been found to sub:
=stantiate some of them at least, and to
corroborate the assertions of the informers
and constitute a body of circumstantial
evidence against the principal offenders.
The Magistrate cannot be
withheld, by any considerations for these
admitted informers, from seeking the fullest
and most minute information on each of
these points, and on every point which might
suggest itself as forming a link in the chain
~~connection~~ of proof against the principal
offenders. the safety of the informers was
dependent on their affording every information
within their knowledge on every point
required of them, and the withholding of it in
any one instance would be a breach of the
conditions of their pardon and render their
confession

was such as to excite a suspicion that his brother was murdered by the gang which had been apprehended.

When and where the murder charged against the Prisoners in case No 12 was committed is altogether omitted from the arraignment. It would naturally be supposed that it would be shewn in evidence that they were committed within the jurisdiction of the Magistrate of Salem at which Station they were tried, but the confessions of the prisoners, which are relied on for their conviction, state the murder of the Tukeer and his Servants, if the number three may be supposed to relate to them, to have been committed in the neighbourhood of Cuddalore, which is in the Zilla of Verdachellum. The murder and robbery charged against the Prisoner in case No 13 took place near Shenlly in the Zilla of Combaconum and the crimes charged against the Prisoners in cases No 14 & 15 occurred, the former near Cuddalore and latter near Dindigul in the Zilla of Madura. ~~The prisoners should in consequence have been sent for trial to the several Zillahs~~ ~~where the crimes~~

or.

But for two of these murder

confessions available to their own conviction.

That the committee information have afforded this information regarding the proceedings of the divisions of the Gang which they might have respectively been suspected, and that this information might have been corroborated by evidence as established almost to a certainty, by the very murdered they took with the property of the Tukeer the officers of the Court to procure information of the actual situation of the Plantigers.

On these grounds it would be necessary to establish the guilt of the informers, which unsupported by other evidence can never be established to credit, the case of the trial No 12 is altogether deficient. It appears equally destitute of all attempts to bring the travellers to the spot where their services have been dispensed, and it seems to be entirely owing to the circumstance of the brother of the murdered Tukeer having been robbed in the Zillah of Salem, and consequently led to prosecute at Salem in order to complain of his treatment that any prosecution has afforded at all. The three discovered at the Jail door the horses belonging to his dead brother.

~~they~~ were not perpetrated in the Zilla of Salem but in that of Kondachellum, they could not regularly be brought to trial in the Zilla of Salem, except under a special order from the Foujdaree Adawlut attained in the circumstances detailed in Section III Regulation VI. A.D. 1808 and the persons charged with the murders on the remaining two counts only be brought to trial with property in the Zilla in which the crimes charged against them were committed. Had the offences been tried in the Zilla of Salem, more particularly as the Magistrate of Salem had assertained D. Wolfe if it is probable that information of the death of the travellers, stated to have been murdered by this Gang, might have been obtained, which would have contributed to strengthen the Evidence to the apprehension of the accomplices, and more fully committed as infamous. The defence to might have been maintained with less inconvenience to the Witnesses, who appear with their lives to be Inhabitants of the Zilla of Trichinapaly.

see page 3 N.B.

that the crimes not having been perpetrated in the Zilla of Salem but in other Zillahs, the accused ought to be brought to trial in those Zillahs respectively, does appear strange he might perhaps have thought, that all persons concerned being assembled at Salem, it was for the convenience of all parties to proceed with the trials, but the whole proceeding was not the less irregular—

The prisoners having however pleaded to the indictment, vague as it was, and the trial having been gone thro, there does not appear any valid reasons for deferring to pass sentence according to law on their several cases.

All the prisoners both when arraigned and when put on their defence denied that they committed the murders charged against them—

The evidence of the three accomplices Ismaeel, Pullul, and Bawa Khan, is rejected by the Law officers according to the Mahomedan law— and the evidence of the other witnesses Saimdapeen, Syed Ungum, Rungapeen, Ramee & Rungeen, as observed by the Law Officer, does not convict the prisoners.

There is in fact nothing against

5th June 1815.

them: but their sworn confessions made in the first instance to the Jailor, and acknowledged but not confirmed, by 6 of the 9 prisoners before the Magistrate—

~~Resigning the Evidence~~
~~regularly to the Court of Circuit~~
~~which the Court should~~
~~not fail with regard to~~

The Prisoner Pushtah Beg of Cauri, when examined before the Jailor on the 3d June 1815, stated that he was present and received a share from the murder and Robbery of the Rajas, such as must be specified by the 2d Prisoner a Jemadar [illegible] Pathi" from which it would appear that the prisoners were not examined by the Jailor separately, but in the presence of each other—a measure like the above was calculated to intimidate them into acknowledgements of their guilt, and must therefore, as enjoined by the Prisoners oath was unauthorized—

When examined before the Magistrate the Prisoners were merely charged generally with having committed [illegible]

Fo 11.
5th June 1815.

mentioned.

In replying to these questions the Prisoners are said to have denied the murder "specified in the charge," from which it must be inferred that the charge communicated to the Prisoners differed from that entered in the record in specifying a particular murder.

From the translation of the several recognizances contained in the Magistrates proceedings it appears that the witnesses are not only required to attend and give evidence at the Court of Circuit but are further bound not even to quit their villages in the interim, a restraint which the regulations do not require, and which the Court do therefore direct to be discontinued in future.

Before the Court of Circuit the Prosecutors Vakeel was sworn according to the custom of his cast; the impropriety of putting a Vakeel on his Oath is obvious, inasmuch as with any degree of propriety he cannot be called on to swear to the truth of facts, which cannot be supposed to have fallen under his own personal observation.

The prosecutor had already sworn to the truth of his charges against the prisoners, and had given a Vakalutnamah, in favour

of the Kukeel, copies whereof are contained in
Magistrates Proceedings; the Peerkaultsroomee
question therein mentioned authorized the Cutcherry
to receive the Recharges any part of the above
property, which might be recovered from the
Prisoners. A document like this must totally
insufficient for the purpose of authorizing the
Kukeel to conduct the prosecution, and does
not therefore have been admitted by the
Magistrates for any other purpose than the
specified. Had it been properly worded
it would have been sufficient authority for the Kukeel
if one of the authorized Members of the Board
conducted the prosecution on behalf of the
Company.

The Court accordingly direct
that the practice of putting Witnesses on their oath
be in future discontinued, and that none but
to conduct a prosecution on behalf of the
Prisoners except the authorized Vakeel of
the Court.

The 2d Judge on Circuit delivered
his opinion that the Prisoners 1st Ismail
2d Patail & 3d Bauk Cauny to enhance
the Criminal Letters of pardon was authorized by

January 1814 / appear, as far as it has been in
their power, to have fulfilled the conditions
of the pardon so tendered to them.

The Court do accordingly direct
that the certificates specified in Section XX
Regulation VIII. A.D. 1802, in confirmation
of the conditional pardon authorized by
Government under the above mentioned
date be prepared and transmitted through
the Court of Circuit to the Magistrate
in the Zilla of Salem for the purpose of
being delivered to the aforesaid evidences
1st Ismail, 2d Patail & 3d Bauk Cauny
for their Security as far as regards the said
Section referred to

No 5. of the Magistrates proceedings
in case No 13 is thus worded- "to warrant
was issued & the Prisoner / Sahib Cauny / having
been apprehended and brought by the Nail
Jailor according to the Magistrates Order from
various districts."

The Court are not aware of
any Order that a Magistrate is authorized to
issue for the apprehension of an accused person,
but a warrant and that, in consequence of
a complaint made, or information given

of the Natives, copies whereof are contained in
Magistrates Proceedings, for ascertaining the
question whether any authority for the Court
to receive and discharge any part of his Majs
prerogative, which might be removed from the
Prisoners, a document like this was totally
insufficient for the purpose of authorizing a
Subject to conduct the prosecution, and did
not therefore have been admitted by the
Magistrate for any other purpose than as
specified. And
Had it been properly worded
Production
for the Court of Grand Sessions
have been sufficient authority for the Gaol
if one of the authorized Members of the Board
conducted the prosecution on behalf of his Maj

The Court accordingly directed
this practice of putting Subjects on their trial
be in future discontinued, and that none but
to conduct a prosecution on behalf of
~~for Prisoners~~ except the authorized Members of
the Board.

The 2d Judge on Circuit delivered
his opinion that the Instructions to the
2d Petail & 3d Bench Commissioners to enforce the
Ordinance for the Freedom was authorized

January 1814 / appear, as far as it has been in
their power, to have fulfilled the conditions
of the pardon so tendered to them.

The Court do accordingly direct
that the certificates specified in Section XX
Regulation VIII. A.D. 1802, in confirmation
of the conditional pardon authorized by
Government under the above mentioned
date be prepared and transmitted through
the Court of Circuit to the Magistrate
in the Zilla of Salem for the purpose of
being delivered to the aforesaid witnesses
1st Eldmait, 2d Patail & 3d Bench Cairn
for their Security as far as regards the said
Section referred to

No 5. of the Magistrates proceedings
in case No 13 is thus worded - "No warrant
was issued to the Prisoner / Sahib Cairn / having
been apprehended and brought by the Bail
Jailor according to the Magistrates Order from
various Districts."

The Court are not aware of
any Order that a Magistrate is authorized to
issue for the apprehension of an accused person,
but a warrant and that, in consequence of
a complaint made, or information given

before him on oath, charging the party with the same crime, or misdemeanor in conformity with Section V Regulation VI A.D. 1810 ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~

manner in which it was done — As to the prisoner's examination alluded to the village of Trakoor is not mentioned, nor was the murder is there represented to have taken place on the South side, but without any further as to the manner in which the murder was committed.

These examinations therefore, have the information of Motilal of which they relied on; they were utterly incredible to and unsupported by the testimony of respectable Each of these informers knew in this case reason to what is fortunately dishonorable they considered their Evidence to be material to them on the consideration of their declaring that any other person was guilty of the said offences instead of or the contrary that they should relate all the truth to their knowledge be it respecting them and the crimes in which they have been

The 5th & 6th witnesses gave a correct account of the Prisoners confession the Magistrate which they attested — and the Prisoner had stated that he was present when the murder was committed — he also

confession was corroborated by the testimony of the 4th Witness who on being sent by the Magistrate to Sheally there found, as also at some other places, human skulls together with arm and leg bones.

The record in case No 14 must be held equally defective with No 13, as the erroneous entry pointed out in the foregoing remarks, is here repeated —

Both the aforesaid informers deposed to the murder charged against the Prisoners in case No 12 (in which the Prisoner in the present case was brought forward as No 7 instead of giving evidence to what they knew respecting the Charge set forth in the arraignment — In both cases the murders were committed near Gouldalore; but in the former on the persons of three Fagueers, and in the latter on two men of the Vellalen cast. —

The Prisoners declarations made before the Magistrate, and the Jailer, were however proved before the Court; and his confession further corroborated by the testimony of the 3d witness, who found human skulls & bones buried near the spot where the murder was committed.

8th June 1815.

No 1 of the Magistrate's proceedings in trial No 15. is thus worded — "Re charge of the prosecution, the Circar being prosecutor," or other words, the Government being the Prosecutor no indictment is thought necessary — In No 5. it would seem that no warrant is issued for the apprehension of these Prisoners so that 3 Prisoners, from the commencement of the case are apprehended in the first instance without a warrant, & also committed to take their trial without a statement of the charges preferred against them.

In the Magistrate's proceedings only intimation of the nature of the charge against the prisoners is on the opening of the trial; where two persons are said to be murdered and plundered by the Prisoners Dindigul.

The 1st prisoner when examined by the Magistrate admits that he received part of the plundered property, but denied that he was present at the murder.

It does not appear on what grounds the 2d & 3d prisoners were committed to take their trials — The former when examined before the

8th June 1815. denied all knowledge of the murder, and declared that he had bought the Madura Cloths from a Merchant named Soobie Chetty at the Village of Alavoor

It is somewhat remarkable that the Magistrate did not summon this man as a witness; his evidence might have been material for the prosecution. If the Prisoner did not buy the Cloths of the man, as he states, there might have been great reason for suspecting him of having obtained them in an improper manner; The 3d Prisoner however states that he was actually under confinement in the Zilla Jail at the time the murder took place —

The indictment does not set forth the murder when it was committed, and it is therefore to be presumed that the exact date on which the murder took place is unknown. The witness Calay Nehan deposed before the Magistrate on the 15th June 1814, that the murder took place about 2 or 3 years prior to that date — The Magistrate might immediately have ascertained the truth or falsehood of the plea set up by the 3d prisoner by referring to the order for his commitment, the date of which should have been noticed at the foot

of this examination Mr Chew examined before the Court the informer Soorbey Khan deposed on oath that the two travellers were murdered near Dindigul by the three persons above and 15 or 16 others — that they killed them by strangling and afterwards buried their bodies near Cumsee — and that the Cloths given before Court were a part of the plunder, saying that was an accomplice with the prisoners in the murder and plunder of these Travellers"

Before the Magistrate he stated that he was not present at the time the murder was committed near Dindigul but had a share of the plundered property distributed out on another occasion and killed two men near Aravacurichy station.

It must be seen from the foregoing statement that the informer was not present during the Murder and is a member of the Gang from whom he received a share of the property. The information respecting the murder in question was obtained from the other members of the Gang and having been given merely on the report of others cannot be entitled to the least degree of weight to the prejudice of the Prisoners the

have reported his opinion as to the manner in which this informer had fulfilled the conditions of his pardon or if he had failed in so doing —

In deciding upon such evidence it is necessary to keep in view the suspicions attaching to the authority before which it was given. The prisoners are entitled to this consideration, and their confessions before the Jailer can only be acted upon so far as they are confirmed before the Magistrate.

In case No. 12. Six of the prisoners Hoossain Sahib, Absence Imam Sahib, Ummut Khan, Seyud Hoossain Sahib, Baday Khan & Imms in their declarations before the Magistrate acknowledge the confessions which they made before the Jailor; but, state each for himself that they were not guilty of murder, the their associates perpetrated murders and they participated in the plunder. The difference is not material in the eye of the law, and if these latter confessions had been made before the Magistrate in the first instance there could have been little room to hesitate in passing sentence of death on each of them. But when it is observed that the same Jailer, who took their confessions in the Jail, was present and

again

5th June 1815

of this examination taken & sworn & examined before the Court the informer Sooraj Khan deposed on oath that the two travellers were murdered near Dindigul by the three prisoners & the 15 or 16 others — that they strangled them & afterwards buried them in the water course — and that the Cutcherry in which the Court were assembled was part of the plundered property & was an accomplice with the prisoners in the murder and plunder of these Travellers"

Before the Magistrate he deposed that he was present at the time the murder was committed near Dindigul but had no share of the plundered property the difference between our & another examination was settled by the Sircar Sepoy Subadar Pallam.

It matters little from the above statement to what the witness was present during the Murder since a number of the persons from whom he received a share of the plundered property — This information respecting the circumstances was obtained from the other of the Gang and having been given entirely on the part of others cannot be entitled to the least weight to the prejudice of the Prisoner

5th June 1815.

have reported his opinion as to the manner in which this informer had fulfilled the conditions of his pardon or if he had failed in so doing —

In deciding upon such evidence it is necessary to keep in view the suspicions attaching to the authority before which it was given. The prisoners are entitled to this consideration, and their confessions before the Jailer can only be acted upon so far as they are confirmed before the Magistrate.

In case No. 12. Six of the prisoners Hoossain Sahib, Absence Imam Sahib, Usmut Khan, Seyud Hoossain Sahib, Baday Khan & Imms in their declarations before the Magistrate acknowledge the confessions which they made before the Jailer; but, state each for himself that they were not guilty of murder, tho their associates perpetrated murders and they participated in the plunder — The difference is not material in the eye of the law, and if these latter confessions had been made before the Magistrate in the first instance there could have been little room to hesitate in passing sentence of death on each of them. But when it is observed that the same Jailer, who took their confessions in the Jail, was present and

again

of this examination Mr Cohen examined before
Court the informer Cauley Khan respecting
with What the two travellers were murdered
near Dindigul by the three prisoners at the
and 15 or 16 others — That they Killed them by
strangling and afterwards buried them beside
water course — and that the Catchique [illegible]
Court were a part of the plundered property
was in accomplice with the prisoners in the
and plunder of these Travellers"

Before the Magistrate he said
that he was present at the time
was committed near Dindigul but
share of the plundered property and after
out on another excursion and killed two
near Ayamukonpallam.

It results from the
statement that the evidence did not prove
during the Murder was a member of the
from whom he received a share of the
property. His
information respecting the
in question was obtained from the other
the Gang and having been given merely on the
of others cannot be entitled to the least
weight to the prejudice of the Prisoner

have reported his opinion as to the manner in
which this informer had fulfilled the conditions
of his pardon or if he had failed in so doing —

In deciding upon such evidence
it is necessary to keep in view the suspicions
attaching to the authority before which it was given.
The prisoners are entitled to this consideration, and
their confessions before the Jailer can only be acted
upon so far as they are confirmed before the
Magistrate.

In case No. 12. Six of the
prisoners Hoossain Sahib, Abeence Imam Sahib,
Mamut Khan, Sirjud Hoossain Sahib, Baday
Khan & Immo in their declarations before the
Magistrate acknowledge the confessions which they
made before the Jailor; but, state each for himself
that they were not guilty of murder, tho their
associates perpetrated murders and they participated
in the plunder — The difference is not
material in the eye of the law, and if these
latter confessions had been made before the
Magistrate in the first instance there could
have been little room to hesitate in passing
sentence of death on each of them. But when
it is observed that the same Jailer, who took
their confessions in the Jail, was present and

again

5th June 1815

of his examination & was examined before the Court. The informer Soorlay Khan deposed on oath that the two travellers were murdered near Dindigul by the three prisoners at the bar and 15 or 16 others — that they killed them by strangling and afterwards buried their bodies in the course — and that the Cutcherry [illegible] Court were a part of the plundered property — that was an accomplice with the prisoners in the murder and plunder of these Travellers"

Before the Magistrate he deposed that he was present at the time the murder was committed near Dindigul but had no share of the plundered property — that after the murder was committed he fled to his own village in Travancore —

It would seem from the informer's statement that he might also not have been present during the murder was committed by those persons from whom he received a share of the plundered property — His evidence respecting the manner in question was obtained from the other persons the Pany and having been given merely as the evidence of others cannot be entitled to the least degree of weight to the prejudice of the Prisoners at the bar

5th June 1815.

have reported his opinion as to the manner in which this informer had fulfilled the conditions of his pardon or if he had failed in so doing —

In deciding upon such evidence it is necessary to keep in view the suspicions attaching to the authority before which it was given. The prisoners are entitled to this consideration, and their confessions before the Jailer can only be acted upon so far as they are confirmed before the Magistrate.

In case No. 12. Six of the prisoners Hoossain Sahib, Absence Imam Sahib, Mamut Khan, Seyud Hoossain Sahib, Baday Khan & Immo in their declarations before the Magistrate acknowledge the confessions which they made before the Jailer; but, state each for himself that they were not guilty of murder, tho their associates perpetrated murders and they participated in the plunder — The difference is not material in the eye of the law, and if these latter confessions had been made before the Magistrate in the first instance there could have been little room to hesitate in passing sentence of death on each of them. But when it is observed that the same Jailer, who took their confessions in the Jail, was present and

again

5th June 1815

again questioned the prisoners before the Magistrate this reasonable to believe the minds of the prisoners may have been the subject to his influence, and while there is just ground for disbelieving altogether the statements of the prisoners corroborated as are by the discovery of the remains of the travellers, the Court are disposed to pass a lenient sentence upon them — Do hereby adjudged the first five Prisoners, who have been found guilty and declared liable to Pains of Future of the Malay Peninsula imprisoned and transported for life, the remaining Prisoners have been acquitted of the charge against them in the present case being severally discharged in cases No. 13, 14 & 15 for the reasons above assigned — Ordered that the Prisoners be transported to the Colonies for life.

The remaining five Prisoners case No. 15. having been submitted by the Law officers of the Provincial Court of the Pangkor

5th June 1815

sufficient ground for requiring them to produce security for their future good behaviour & appearance when required prior to their enlargement the Court having accordingly directed their release —

Ordered that extract of these proceedings together with the certificates above mentioned be transmitted to the Court of Circuit in the Southern Division by precept directing them to communicate the same to the Magistrate in the Zilla of Salem for his information & future guidance.

Sent following Precept

/Here enter C/

Read letter dated the 29th March last from the 3d Judge of Circuit in the Southern Division transmitting his proceedings held in case No. 32 of the Salem Calendar in the 1st Sessions of 1815

/Here enter No. 263 of 1815/

The Court having maturely considered the proceedings held before the Judge on Circuit the Fiscal of the Provincial Law officer and the Fiscal of the Cagee ool Cogat and Mooftees of the Pangkor Medalut do confirm the said Fiscal of the Cagee ool Cogat

and

and Proctors aforesaid and do adjudge the Prisoner

"Shaikh Madar"

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

Read letter dated the 28th March last from the 3d Judge of Circuit in the Southern Division transmitting his proceedings held in case No. 46 of the Calendar on the 1st Sessions of 1815.

(Here enter No. 230 of 1815)

The Court having maturely considered the proceedings held before the Judge on Circuit the Fatwa of the Provincial Law officer and the Fatwa of the Cageesal Bogat and Mooftee aforesaid and do confirm the said Fatwa of the Cageesal Bogat and Mooftee aforesaid and do adjudge the Prisoner

"Fakeer alias Komed"

to be imprisoned and transported to Prince of Wales' Island there to be imprisoned and to hard

other public works for and during the period of his natural life.

Read letter dated the 28th March last from the 3d Judge of Circuit in the Southern Division transmitting his proceedings held in case No. 49 of the Calendar in the 1st Sessions of 1815.

(Here enter No. 255. of 1815)

The Court having maturely considered the proceedings held before the Judge on Circuit the Fatwa of the Provincial Law officer and the Fatwa of the Cageesal Bogat and Mooftee of the Fouzdaree Adalut do confirm the said Fatwa of the Cageesal Bogat and Mooftee aforesaid and do adjudge the Prisoner

"1st Byrunulla Meeah Cawn."

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

And the Court acquitting the Prisoners

2d Shaikh Camaul &

3d Hummah.

do direct their release accordingly

Read

5th June 1815.

Read letter dated the 15th inst.
from the 3d Judge of Circuit in the Southern
transmitting his proceedings held in case No. 253 of the
Calendar in the 1st Sessions of 1815.

/Here enter No. 238 of 1815/

The Court having maturely
proceedings held before the Judge of Circuit the Fatwa of
the Provincial Law officer and the Fatwa of the
Cazee coal Coozat and Moofty aforesaid and do adjudge the Prisoner
confirm the said Fatwas of the Cazee coal Coozat
aforesaid and do adjudge the Prisoner

"Sheikh Boodeen"

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

Read letter dated the 15th inst. from the
3d Judge of Circuit in the Southern Division trans-
mitting his proceedings held in case No. 255 of the Calendar
in the 1st Sessions of 1815.

/Here enter No. 239 of 1815/

The Court having maturely considered the
proceedings held before the Judge of Circuit the Fatwa of
the Provincial Law officer and the Fatwa of the
Cazee coal Coozat and Moofty aforesaid do confirm
the said Fatwa of the Cazee coal Coozat & Moofty aforesaid
and do adjudge the Prisoner

"Sheikh Boodeen"

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

Read also letter dated the 23d March last
from the 3d Judge of Circuit in the Southern Division trans-
mitting his proceedings held in case No. 257 of the Salem
Calendar in the 1st Sessions of 1815.

/Here enter No. 239 of 1815/

The Court having maturely considered the
proceedings held before the Judge on Circuit the Fatwa of
the Provincial Law officer and the Fatwa of the Cazee coal
Coozat and Moofties of the Foujdaree Adalut do confirm
the said Fatwa of the Cazee coal Coozat & Moofty aforesaid
and do adjudge the Prisoner

"Hoossain alias Woossain Mahomed"

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

Sent for Planning letter
/Here enter H/

The Remarks made by the Court on trials No. 12,
13, 14 & 15 of the Salem Calendar in the 2d Sessions of 1814.
are with few or no exceptions, applicable to the trials referred
from the same Zilla by the 3d Judge in the 1st Sessions of the

present year; and an Extract of the Court's proceedings above cases having been transmitted to the Court of in the Southern Division the Court deemit unnecessary to recapitulate their sentiments on the present ~~will afford only the same grounds of~~ occasion to regard.

Referring therefore to those proceedings for a full explanation of the sentiments of the Court on the nature of the crimes committed in the present cases the Court will confine their observations on the present Case chiefly to a mere enumeration of the circumstances which appear to be proved against the Prisoners in the foregoing cases.

The Prisoners in the foregoing cases are stated to have been apprehended by order of the Magistrate without any warrant being issued.

The 1st examination of the Prisoner Sheikh Meddar was taken before the Court on the 2d December 1813. but was not finished before the 28th November in the following year when the Prisoner was brought before the Court and examined the day after his examination of Sailers. When examined by the Magistrate he charged with having combined with others about ten months prior to the date of his examination and with having killed one of the Cawpers

of the existence of any cast of this description.

"~~Cawpoo is a Telaugoo word and signifying an inhabitant or Villager~~

When brought before the Court of Circuit the Prisoners were not called upon to answer to their names.

The crimes charged against the Prisoners in cases Nos 32, 49, & 55. appear to have been committed in Mysore.

In consequence of the Court's recommendation the Governor in Council under date the 21st January 1814 was pleased to authorize the Magistrate in the Talla of Salem under the provisions of Regulation XI A. D. 1809. to bring to trial before the Court of Circuit all subjects of the British Government then in his custody who were charged with Phansegary committed in the Mysore territories.

It was however indispensably necessary to have entered on the Magistrate's proceedings a copy of the Judicial Secretary's letter containing this authority — it should also have been proved on the trial that the Prisoners were, as they were represented

to

5th June 1815.

at the [illegible]

to be, subjects of the British [illegible]
and that they were of the number of
the Magistrate was authorized to bring
trial before the Court of Vicennit. They had
on the 11th Septr been in his custody [illegible]
1813, the date [illegible]
of his [illegible]
to [illegible]
and that
authority was
given
by the Judicial
Secretary; dated
the 21st
January 1814.

the crime charged
the Prisoner in case No 46 have
been committed near Tellicherry
could not with any degree of
be brought to trial at Salem, the
mode of proceeding in such a case
would have been to have forwarded
Prisoners with their examinations
Magistrate of the District in which
crimes had been committed —
Has [illegible] been adopted in the first
instance, as presented by the Records
the prosecution and defence would
have been conducted with more ease

F. U.

5th June 1815.

the conviction or acquittal of the prisoners have
rested on less questionable grounds —

The arraignment in case No 46
does not mention the time when the murder
is supposed to have taken place — This omission
occurs in most of the trials and renders
defective in a most material point.
the [illegible] may be said to be no arraignment at all —

It would seem from the indictment in the fore-
-going cases that the murder & robbery charged
against the prisoners took place about seven
years ago which period the arraignment should
at all events have set forth —

By minutes of Council dated the
5th Prisoner in case No 49 was examined
by the Jailer on the 2d December 1813 & by the
Magistrate the following day — It would
seem however that the former examination
was not filed in Court until the 5th of the
month.

The time when the murder was
committed is not mentioned in the arraignment
in the present case — it is said in the indict-
-ment to have taken place about seven
years ago.

The murder and robbery charged
against the Prisoner in case No 53. was

committed between Bullen & Ryan
the Bullen & Allah — The prisoner can
therefore be regularly tried — in any
the aforesaid district ~~without the~~
~~of the Foujdaree Adalut~~

The 3d Judge in his
referring to Clause 1st Sec. 55. states that
the Prisoners in the said trial were
by the futwah of the Moonsiff law
but
and consequently without giving
for their future and the manner
endanger the public tranquillity
directed the Magistrate not to
at liberty until they should have
the security required by the
& Regulation XV. A. D. 1803.

The 3d Judge ~~Superintendent~~
that in proceeding in this manner
respect to these prisoners he has
with a view to the public good
his opinion on their being persons of
habits and bad character
related

5th June 1815.

Fuzzool deen and Ummah, both before the
Magistrate and in the course of the trial.

At the same time however the
3d Judge states that a doubt arises in his
mind as to the strict legality of the measure
because the futwa of the Mahomedan
Law Officer had declared them acquitted
without reservation; and that it would appear
on due consideration of the clause & section
above quoted that same degree of suspicion
must be attached to the Prisoner by the
sentence of the Law Officer, to authorize
a demand for the security therein mentioned previous to releasing the Prisoner.

The 3d Judge accordingly submits
the consideration of this point to the
Foujdaree Adalut and requests to be favored
with an Extract of their proceedings thereon
for his information and guidance in future
cases; wherein, as in the present, prisoners
may be fully acquitted by the Futwah
yet may appear to the Judge presiding
to be persons of infamous character by
the depositions of witnesses either before
the Magistrate or in the course of the
trial; Although the same, as in the present

instance

instance of Fuzy and Lem and Hummah declared inadmissible Subsidy on the ground of their depositions being considered as confessions.

The 3d Judge further observes that in the event of his having assumed a latitude of interpretation respecting the proof required from the Prisoners in the present case previous to their enlargement which the spirit of the Law will not admit of it will be necessary to issue immediate orders for their discharge from the Custody they are under.

The first part of the latter granted by the 3d Judge presented the part of Regulation XV shall be construed to authorize the infliction of any punishment whatever, upon suspicion only by the Mahomedan Lawyers Wukeels or Shuks, or Shurra-i-Lauzim, when the evidence against the Prisoner is worthy of credit or the presumption of his guilt arising from credible testimony is manifest evidence is wanting, and does not amount to the degree of strong

as such in the Mahomedan Law under the denomination of Ghalib zon-i-zun, Ukhun-zon-i-rasa and Shoshu-i-Duree-or Shuded.

The Section then runs as follows. "When the Judge, before whom a Prisoner may be tried, shall not consider him convicted on such presumptive proof, or on the evidence of credible witnesses or on his own confession, he shall not sentence the Prisoner to suffer any punishment whatever may be but in case of strong suspicion through the tortura of the Law officer;— not amounting to conviction, as well as upon proof of notorious bad character the Judge of Circuit may direct the Zilla Magistrate to detain the prisoner in custody until he shall give security for his future good behaviour and appearance when required.

The Court are of opinion that the foregoing Section authorizes the Judges of Circuit to require security in cases where notorious bad character may be proved to their satisfaction whatever may be the torture of the Law officer.

In cases like the foregoing wherein a Court of Circuit may direct a Zilla Magistrate to detain prisoners in custody until they produce security for their future good behaviour and appearance

appearance when required, as well as in
similar cases when the like directions
be given by the Faujdaree Adalut, if the
prisoner shall have remained in confine-
ment for a year or any longer period for
his inability to give the security required
it will then be incumbent on the Magis-
and the Courts of Circuit to pay particular
attention to the provisions contained in
several Clauses of section XI of the above
Regulation.

The Court having called upon the
as to the construction of the 2d section quoted by the
3d Judge, as far as regards what is now
remains for the Court to consider how
it applies to the one before them

The only point for consideration
whether or not the notorious bad character
of the prisoners has been sufficiently
The proof of this rests
on the testimony of the 1st & 2d witnesses
the evidence however of the former has been
declared inadmissible by the Acting
Provincial Law Officer from its being
a long (since dependent of its being rejected

and the 2d witness has been guilty of a
similar contradiction as noticed by the 3d Judge
during the trial— tho' overlooked by the
Provincial Law Officer—

The Court are of opinion that the
assertion of informers unsupported by evidence
cannot ~~with any degree of propriety~~ be
allowed to taint the character of any
man, ~~but~~ ~~since even~~ their testimony ~~evidence~~ in
the present case, on which alone the
prisoners are suspected of being men of
declared to be inadmissible, on the ground of it being
bad character, has been ~~set aside from~~
~~contradictory~~ upon ~~other~~ exception to it ~~having existed~~
~~to being contradictory~~, the Prisoners
cannot legally be detained in confine-
ment, and the Court do accordingly
direct that they be set at liberty.

The only point which
remains to be noticed is a leading
question put by the Magistrate to the
1st Prisoner Woofsain alias Woofsain aka-
-lomed in case No. 57 of the Salem
Calendar. which is thus worded. "Relate
whether you committed the Phansseegary
offences in these Countries, and what
place and in company of what persons
declare

appearance when required, as well as in similar cases when the like direction be given by the Magistrate, if the prisoner shall have remained in confinement for a year or any longer period by his inability to give the Security required it will then be incumbent on the Court and the Courts of Circuit to pay particular attention to the provisions contained in the several Clauses of section XI of the above Regulation.

Having stated these points as to the construction of the Section pointed out by 3d Judge, as far as regards trials in general remains for the Court to consider how it applies to the one before them.

The only point for consideration is whether or not the notorious bad character of the prisoners has been proved in evidence.

The proof of this rests entirely on the testimony of the 1st & 2d witnesses the evidence shewn in favor of the former having been declared inadmissible by the Acting Provincial Law Officer from its being merely a story (and independent of its being inadmissible

and the 2d witness has been guilty of a similar contradiction as noticed by the 3d Judge during the trial— this overlooked by the Provincial Law officer—

The Court are of opinion that the assertion of informers unsupported by evidence cannot ~~with any degree of propriety~~ be allowed to taint the character of any man, ~~but~~ ~~even~~ since their testimony ~~evidence~~ in the present case, on which alone the prisoners are ~~suspected~~ of being men of ~~declared to be inadmissible on the ground of it being~~ bad character, has been ~~set aside from contradictions upon other points~~ ~~to be~~ contradictory, the Prisoners cannot legally be detained in confinement, and the Court do accordingly direct that they be set at liberty.

The only point which remains to be noticed is a leading question put by the Magistrate to the 1st Prisoner Woofsain alias Woofsain Mahomed in case No 57 of the Salem Calendar. which is thus worded. "Relate whether you committed the Phansseegary offences in these Countries, and what place and in company of what persons declare

declare the aforesaid circumstances.

The Court direct that the Magistrate will in future abstain from putting questions of this nature to prisoners on examining a prisoner he shall first be made acquainted with the charge preferred against him and be called upon to answer that as also to such other questions as may arise from his reply.

Ordered that a transcript of the Proceedings be transmitted to the Court of Circuit in the Southern Division by precept directing them to communicate the same to the Magistrate in the Zilla of [illegible] for his information and future guidance.

Sent following Precept

/Recenter/

Ordered that Extract of the Proceedings as far as regards the reference made by the 3d Judge of Circuit in the Southern Division be transmitted by Precept to the Court of Circuit in the Central Division for their information and guidance.

Sent following Precept

/Recenter/

Fo 46
5th June 1815.

Read again letter dated the 4th march last from the Magistrate in the Zilla of Chittoor forwarding a Report for the month of January last of Prisoners tried, and in which cases have been referred to the Foujdaree Adalut in former months, and respecting whom the Sentence of that Court has not been received.

(Recenter No 195)

In consequence of the death of Mr Gahagan the Court direct that an Extract from their proceedings of the 1st Ultimo, relative to a trial referrible to the Court of Foujdaree Adalut, which has never been received, be transmitted to the Court of Circuit in the Centre Division by precept requiring them to prepare & transmit with the least possible delay English & Persian translations of the aforesaid trial from the Original documents contained in the records of the Court of Circuit, and to afford such explanation of the subject of the accompanying Extract as they may be able to collect on or before the 30th Instant.

Sent following Precept

/Recenter/

20

5th June 1815

Prior to the transmission of the
aforesaid
foregoing Record (F) to the Court
of Criminal Appeal in the Central Province
with extracts of the Court's Proceedings
of this date, the Trial therein
referred to has been passed
by the Court
by the 3d Judge of Commission
the reference
appointed has therefore been
unnecessary

F 11

In the Court of Fouydaree Udalut

Present

Monday
12th June 1815. Andrew Scott Esqr.
Edward Croft Greenway Esqrs Judges
George Stratton Esqrs

Read letter dated the 1st ultimo
from the 1st Judge on Circuit in the Northern
E61 Division transmitting his proceedings held
in Case No 2 of the Nigagapatam Calendar
at the 1st Sessions of 1815.
(Here enter No 354 of 1815)

Read also remarks of the
Cogee and Moofties of the Fouydaree
Udalut, shewing cause for the remission of Trial
referred in the foregoing letter.
(Here enter Remarks)

Ordered that the Proceedings
held in the above case, together with transcript
of the aforesaid Remarks be transmitted to the
Court of Circuit in the Northern Division by
Precept directing them to procure the additional
evidence as required, and having annexed the
same to these Proceedings to re-transmit them
to the Court with the least possible delay.

Send following Precept.
(Here enter A)

E61

J. U.

Wednesday 14th June 1815.

At a Court of the Foujdaree Udalut

Present

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

Read Letter dated 17th April 1815

M1 from the Magistrate of Chingleput enclosing
E.C.S. Copies of an extract from the proceedings of the
2nd Judge of the Court of Circuit and the Report
of the Medical Officer on the state of mind of two
prisoners named Beeman and Tonnen - and
requesting permission to send them to the Lunatick
Asylum at the presidency -

/ Here enter No 289. /

The above is an application for
leave to send down two insane prisoners to the
Presidency from the gaol at Chingleput, in order
to their being examined by the Medical Board for
admission into the Lunatic Asylum at Madras. -

The prisoner Beeman was declared
guilty of murder by the Futwa of the Mohomedan
Law officers at Chingleput on the 19th December
1812 - But the Sudr Foujdaree Udalut declared
their opinion under date the 26th April 1813 that
the said Beeman was of non sane memory and
recommended that he should be detained in custody
under proper treatment until he should have
recovered the right use of his senses. -

The 2d Judge in Circuit in the

Letter

J. U.

At a Court of the Sovydanee Udalut

Present

Wednesday
14th June 1815.

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

Read Letter dated 7th

No

from the Magistrate of Chin

Copies of an extract from

E.C.S

2nd Judge of the Court

of the Sudder

prisoner named Beamon

requesting permission to

Despatched at the same

Hon'ble the

The above is an application

Beamon from the gaol at Chinglepet in order

to their being examined by the Medical Board for

admission into the Lunatic Asylum at Madras.—

The prisoner Beamon was declared

guilty of Murder by the Futwa of the Mohomedan

Law officers at Chinglepet on the 19th December

1812.— But the last Sovydanee Udalut declared

their opinion under date the 26th April 1813 that

the said Beamon was of non sane memory and

recommended that he should be detained in custody

under proper treatment until he should have

recovered the right use of his senses.—

The 2d Judge is directed in the

Letter

14th June 1815.

Letter now before the Court states that he was
is extremely unhappy and in the month
November last shot a fellow prisoner to
and has since in consequence been handc

The prisoner [illegible] was
before the Court of Circuit at Chingleput
murder of his brother's son, an infant
in the year 1802 and was acquitted by the
of the Mahomedan Law Officers of the
under date the 28th December in the year
his having been destroyed at the time he
was committed. The acquittal was confi
the Court of Sudder Adalat on the
& the Court recorded that the prisoner
kept in confinement by the Magis
charge of the Gaol of Chingleput until
pension under date the 25th April 1805 th
the length of time he should remain
Bowen & Brennan have been afforded
insanity there is no hopes of their recov

On consideration of the
circumstances the Court directed that
their proceedings be sent to the Magistrate
the Gaol of Chingleput and that he
pleased directed the said to be
prisoners Bowen & Brennan
Custody in order to their being examined
the Medical Board for admission into
Lunatic Hospital at Cud

14th June 1815.

Read Letter dated 17th May 1815, from
the Register to the Provincial Court of Circuit in
the Western Division, recommending to favorable
consideration the petition of Vira Varma Raja that
he may be allowed to reside under a guard at
Kallate Collate or any other place out of the jail
which shall be deemed expedient consistently with
the safe keeping his person.

[Here enter No 3814]

It appears on reference to the
record of the trial of Vira Kerumah Elya Raja before
the special Commission in Malabar in the year
1813 that he was convicted on his
own confession of the crime of abetting treason
& rebellion.

In transmitting the trial of the
Court the Judges of the special Commission re-
commended that the punishment of death, to
which the crime of the Rajah had condemned him
thereon, might be commuted for that of perpetual
imprisonment in consideration of the advanced
age of the prisoner, his infirmities and his rank
and on the ground that no necessity then existed
for inflicting on him the punishment of death,
the rebellion having been subdued and peace
examples having been previously made.

On consideration of all the
circumstances of the case the Court of Sudder
Adalat under date the 4th April 1808 adjudged
Vira Varmah Rajah to be imprisoned for
Life, and this sentence was confirmed by

14th June 1815

the Governor in Council. —

From the time when the sentence was communicated to the Prisoner the prisoner Vira Varma Rayah has been with levity and hardness of which he does not appear to have been ashamed. It is customary for him to retire during the hot season to a place at some distance from the place of his abode, and to spend his time in privacy. but his great age and infirmities are represented as more rendering removal from one place to the other painful and inconvenient to him. the Royal Prisoner wishes he may be allowed to reside altogether at Calicut where he has been accustomed to spend the day, or at any other place that may be thought proper under a sufficient guard for the safe keeping of his person.

The manner in which Dhoondia Wagh the person originally proposed as mitigated on that occasion, he urged with greater force; the prisoner having as they contended been in a state of tranquillity [illegible] the personal infamy of the prisoner and the entire seizing of his life were cause sufficient to justify the application which the Right Honble the Governor in Council may be pleased to extend to the Prisoner Royal now be considered [illegible]

14th June 1815.

to submit the petition of the state prisoner Vira Varma Rayah to the favourable consideration of the Right Honble the Governor in Council

Ordered that extract of these proceedings, together with the foregoing Letter and enclosure, and the letter bearing date the 20th January 1808 from the Special Commission appointed for the trial of offences connected with the rebellion in Malabar in 1803, which Letter accompanied the record of the trial, be transmitted to the Secretary to Government in the Judicial Department with the Court's request that he will lay them before the Right Honble the Governor in Council

A true Extract sent following Letter

E. C.

F. U.

At a Court of Foujdaree Udalut.

Present

Monday 5th June 1815.

Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges

Read letter dated the 29th Ultimo from the 1st Judge on Circuit in the Western Division transmitting his proceedings held in case No. 18 of the South Malabar Calendar in the 1st Sessions of 1815.

M

E.C.

{Hereunto No. 401. of 1815}

Read also Remarks of the Cazee and Mooftee of the Foujdaree Udalut stating cause for the Decision of Trial Referred in the foregoing letter

{Here enter Remarks}

Ordered that the Proceedings held in the above case, together with transcripts of the aforesaid Remarks be transmitted to the Court of Circuit in the Western Division by Precept directing them to procure the additional evidence as required, and having annexed the same to these Proceedings to re-transmit them to the Court with the least possible delay

Sent following Precept

{Here enter a}

19th June 1815

Read letter dated the 9th
from the 3rd Judge on Circuit in the West
Division transmitting his proceedings
in case No 3 of the Sixth Calendar
in the Second Quarterly Sessions of 1815

/Vide enter No 420 of 1815/

The Court having maturely
considered the proceedings held before the
on Circuit the Fatwa of the Provincial
Law officer and the Fatwa of the Cazee col.
and Mooftee of the Fouzdaree Adaulut
do confirm the said Fatwa and it not appearing
on evidence that notice of the penalty provided
by Clause Second Section IX Regulation XV A. D.
1803. was duly made to the Prisoner at the time
of passing sentence on him, the Court do accordingly
by adjudge the said Prisoner

"Eramban Maideen"

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

Send following letter

19th June 1815

Read letter dated the 10th instant
from the 3rd Judge on Circuit in the Southern
Division transmitting his proceedings held
in Case No 8 of the Madura Calendar in
the 1st Sessions of 1815.

/Vide enter No 355 of 1815/

The Court having maturely
considered the proceedings held before the
Judge on Circuit the Fatwa of the Provincial
Law officer and the Fatwa of the Cazee col.
Bozgat and Mooftees of the Fouzdaree Adaulut
do confirm the said Fatwa of the Cazee col Bozgat
and Mooftees aforesaid and it not appearing
on evidence that notice of the penalty provided
by Clause Second Section IX Regulation XV A. D.
1803. was duly made to the Prisoner at the time
of passing sentence on him, the Court do accordingly
by adjudge the said Prisoner.

"Moyalaguen"

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

Send following letter

/Vide enter C/

Read.

19th June 1815

Read return dated the [illegible]
from the Mr Judge of Circuit in the bond
to the Courts Precept under date the 9th
transmitting the record of trial No 39 fo
and Ensign Calonder for murder and ano
requiring a return to be made to the
on before the 31st ultimo
[Recorded No 213]

The return made by the
Judge of the Provincial Court for the Ba
Division to the precept aforesaid by this board
date the 9th of
further call for explanation regarding the
noticed in the proceedings of the Court
must forwarded with that precept.

The Judge certifies that
"original Record has been thoroughly exa
"and shews that the prisoners ale pleaded
"the mention made in the 6th paragraph
"letter of reference of their having pleaded
"guilty to an error." To enlarge the word
"from the 6th paragraph of the letter would
"give no other effect than to render
"paragraph inconsistent with the rest of
"letter, which expressly confirms the Sente

Fn 11th
19th June 1815

written to
pleaded
candles

19th June 1815

of the charge
but the sta
consideration
ing precept
defence
ted the 28th April last
for Northern Division
the 20th March last
was required

by
considered
it
[illegible]
[illegible]
[illegible]

of the character of his defence it indeed irregular but the stranger irregularity of examining to conviction after the prisoners have made their defence does not appear - such an examination in the present case indeed could serve no purpose; for the prisoners had by the general plea of guilty admitted all the facts charged against them, and further than the facts charged against them the Court could not enquire.

Either therefore the record of the trial must be entirely unworthy of credit or the Judge's return to the Defendus and insufficient - The Court conclude the latter - for the case provides that the Judge has reported in the case, and to amend his return accordingly direct whether as stated in the Return of the trial the witnesses who attested the prisoners confession before Annapa Sing & the Magistrate were examined before the prisoners made their defence or whether as stated in the Return they were not examined after the prisoners had made their defence.

Ordered that the Record of the foregoing trial No. 39 of the Cuddapah Calendar in the 2d Sessions of 1814, together with extract of these proceedings be transmitted to the 1st Judge of the

19th June 1815 Division by Precept directing him to revise the same and to make a Return thereto on or before the 9th proximo

Sent following Precept

Here enter D/

Read return dated the 28th April last by the 1st Judge of Circuit in the Northern Division to the Courts Precept under date the 20th March last transmitting the additional evidence required by the foregoing Precept.

Here enter No. 345. of 1815

* The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Cozat and Senior Moofty of the Fouzdaree Adalut do confirm the said two Futwas of the Cazee ool Cozat and Moofty aforesaid & in consideration of the period of confinement already undergone by the Prisoners do adjudge the Prisoners

1st Jullaamoorvo Ramdoo.

5th Samalah Samanah.

7th Samalah Mulliah

8th Yeedy Mulliah.

9th Mary Guddiwandoo. &

13th Gurbaium Ramdegandoo.

read again letter dated the 2d October last from the 3d Judge on Circuit the Northern Division transmitting his proceedings held in case of the Nagapatam Calendar the 2d Sessions of 1814. (Here enter D/ 64 of 1815)

to be imprisoned and kept to hard labour in irons on the publick roads or other publick works for and during the period of twelve years.

And the Court do direct that the remaining Prisoners

2d Pilly Naiko
3d Shetty Swamadoy
4th Biddah Guddawadoo
6th Juring Pandoo
10th Boonandah Bomadoo
11th Kittapooroo Shetana
12th Chonteroondah Buswadoo

be released on producing securities for their future good behaviour and appearance when required. Viz.

The following Letters
Received by
Read return dated the 20th April last by the 1st Judge of Circuit in the Northern Division to the Courts preceding and date the 20th February last transmitting additional evidence required by the Court

1 Herewith No. 3447 of 1815

* Read again letter dated 27th October last from the late 3d Judge of Circuit Northern Division transmitting his proceedings held in Cause No. 8 of the Rajapatam Calendar in the 2d Sessions of 1814.
Vide entry No 642 of 1814

considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ul Coozat & Senior Moofty of the Fouzdaree Adalut do confirm the said Futwa of the Cazee ul Coozat and Moofty aforesaid, and do adjudge the Prisoner

20th Lunkah Paunikarandoo

to be imprisoned and kept to hard labour in irons on the publick roads or other publick works for and during the period of twelve years.

And the Court do direct that the Prisoners

1st Noovoolah Poliah
2d Chadalah Mullah
5th Noovoolah Mullasah.
6th Noovoolah Gungoolo
7th Codoorah Curreennah
8th Codoorah Cauriah
11th Mullimpoody Sursoo
12th Rayalo Venkatasheru
15th Caummalay Singanah
16th Soorlah Chinnay and
17th Loovah Buswanah.

be released on producing security for their future good behaviour and appearance when required. Viz.

And the Court acquitting
Prisoners

9th & Sixty Peremptorily &
10th Puntagoldoo Pimpernel
do direct their Release accordingly
Sent following Letter
Here enter Ex.
The evidence in the foregoing
trials Nos. 1 & 5. of the Nogapatam Calendar
Referred by the late 3d Judge having
considered defective the Prisoners on the
going cases
for further evidence; are complained with
Requisition of the Law Officers of the Court
Adalut, as contained in their Letters
Showing cause for Revision of the said

With the exception of four
Prisoners, two of whom are reported to have
all the prisoners in the above cases were
examined before the Magistrate made
and free confessions of the gang robberies
which they were charged

Had the Magistrate taken the
proper precaution of having the attesting
present during the examination of the
its to be

been able to identify the persons by whom
the confessions were severally made - but
being called only to hear the confessions
read, and see them attested, a sufficient
impression of the contents of each confession
and of the persons by whom such confession
was given does not appear to have
been made on their memory - and the person
of Jaenibiramdoo the 20th Prisoner in
trial No 5, who pleaded guilty, has alone
been identified

On hearing their declarations,
which they had made before the Magistrate
read over, six of the prisoners in case No 1
acknowledged them to be the same, and
that they gave them voluntarily; and the
Futwas of the Mahomedan Law Officers
having declared them thereby convicted
and liable to suffer Sokoobut, they have
been sentenced to 12 years imprisonment
and hard labor; and the 20th prisoner in
case No 5. having pleaded guilty to the charge
he has been accordingly adjudged to suffer
thirteen years imprisonment and hard labour
Most of the remaining Prisoners however
pleaded a want of recollection of what they

formerly

formerly stated from their having been in a state of intoxication at the time they were

This objection which the Court see no grounds whatever for proceeding can be viewed altogether as a denial of the allegations bearing their signatures, but as a positive answer to the questions put to them and at the consequence of the attesting witnesses having entirely failed to support the prisoners, exclusive complaints against the Fatwa of the Mahomedan Law officer has declared them not convicted, the Court are of opinion that the proceedings of the Magistrate are sufficient to show the Prisoners are persons of bad character that their enlargement without security would endanger the peace and tranquillity of the They have therefore directed that all said prisoners, with the exception of the prisoners in case No 5, against whom no appears, be detained in custody until produce good and sufficient security for future good behaviour and appearance required.

The Prisoners in case No 1 charged by the

Fatwa
9th June 1815

Veeranah with having broken open and plundered the house of their father, of having put him to death, and of having wounded them as also the wife of the latter Prosecutor.

The Prosecutor Veerana was the only person examined as to the murder of his father, and the wounds which he himself received on the occasion. There is therefore no legal evidence either to the murder or the wounding.

The funeral of the deceased could not take place without the assistance of several persons who it is probable might have been able to give evidence as to the state of the corpse; or if they could not, at least those who prepared the body for the bier must have been able to speak to the state of it; and as some of the wounds of the Prosecutor were severe it is hardly possible but there must have been some person, who could have described them. The Court cannot but regret that the magistrate should have left these two points uninvestigated: as they formed the deepest shade of the crime charged against the prisoners and that for which the heaviest punishment is provided in the regulations.

&

19th June 1815

19th June 1815

Magistrate's proceedings only then were examined before the Court of Circuit.

Hence either the record of the trial is defective, as not containing all the evidence taken on the trial, or the Provincial Law Officer has brought forward as evidence the testimony of witnesses given before the Magistrate which had not been proved before the Court of Circuit, and which could not therefore be viewed in the light of evidence.

The late 3d Judge by whom the trial was Referred having left the Country the Record of the trial cannot be returned for amendment; but the Court deem it proper to direct that the Majesty of the Provincial Court, who assisted during the trial and by whom the future in case N.1 was delivered be called upon to state whether the witnesses from No. 11 to 17 inclusive, to whose depositions he refers in his future were examined before the Court of Circuit or whether when drawing up his future on the case he merely Referred to their depositions taken before the Magistrate as contained in the Magistrates proceedings.

Ordered that Extract of these Proceedings

19th June 1815.

Proceedings to be transmitted to the Court in the Northern Division by Precept to the Court to communicate to the Court of the Zilla of Vizagapatam for his information and future guidance. Such part thereof as may refer to the proceedings; and further call upon the Provincial Court for explanation on the foregoing point and submit the same in their return to the foregoing precept with as little delay as

Sent following Precept

/Here enter Ex/

Read return dated the 21st by the Court of Circuit in the Western Div to the Court's precept under date the 8th stating that consistently with the powers of the Court of Circuit in the said Division complainant in any instance with the 2nd and form adopted by the resolution of the 7th of January 1813 contained in the Precept will be found impracticable.

/Here enter No. 409/

Under the explanation stated by the Provincial Court in the Western Div the Court ordered to the magistrate that

For Mo.

19th June 1815.

paragraph
in the last [illegible] of their letters, in the cases in which it may be impracticable to obey the letter of the Regulations; observing only that it will be proper that the Magistrate should in each case be directed to have the prisonier brought up before him, and to communicate the sentence passed upon him in the most public manner - and that the precept addressed to the Magistrate with the sentence, together with his return should be annexed to the Record of the trial -

Ordered that extract of these proceedings be transmitted to the Court of Circuit in the Western Division for their information and future guidance -

Sent following letter

/Here enter G/

Am

11

663

19th June 1815

Tuesday
20th June 1815

F 46

At a Court of the Zoujdaree Adalut

Present

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

Read letter dated the 9th instant from the Secretary to Government in the Judicial Department authorizing the Magistrate of Salem to tender to the nine persons named in the Court's proceedings of the 16th ultimo the conditional pardon recommended by the Court, and to bring to trial the prisoners who being subjects of the British Government are charged with offences committed in Mysoor.

(Here enter No. 421)

Ordered that copy of the foregoing letter with extract of these proceedings be sent for the information and guidance of the Magistrate in the zillah of Salem.

Sent following letter.

(Here enter No. 1)

The Court direct that copy of the letter, dated the 21st July last, from the Magistrate of the Zillah of Salem, with extract from the Court's proceedings of the 16th ultimo be sent to the Courts of Circuit in the Southern and Centre Divisions of precept requiring

20th June 1815.

respect to the most mode of pu
for prisoners Clerks &c. &c.
declaring persons
from the different practice
Clerks &c. &c.

The letter to this
to be made to them
of the receipt thereof

Ent following Receipt

B. 16

P. 16.

At a Court of the Foujdaree Adaulut

Thursday
22nd June 1815.

Present

Andrew Scott Esqr
Edward Croft Greenway Esqr
George Stratton Esqr

} Judges

Read letter dated 3. December 1814 from the 1st Judge in Circuit in the Centre Division — enclosing copies of communication with the Magistrate of Chingulput on the subject of two prisoners Veerakerala Rajah and a Malay —

All

Vide enter No 709.

The above letter brings to the notice of the Court the cases of two persons in confinement in the jail of Chingleput — namely Cony Adichen Esqr otherwise called Veerakerala Rajah, and a Malay whose name is not given. These persons have been subjected to confinement without a Warrant, and continued in prison without a trial —

In explanatory of the case of the Malay the 1st Judge has transmitted a copy of a letter under date the 9th of July 1798 from the Town Major of Fort St George to the Collector of the Foujdary, in which that officer states that —

he

he is directed by the Noble the Governor to send to the collector in charge of a guard a Malay prisoner of war who has been convicted of several murders and that it is the Governor's wish that the Collector should employ the prisoner to work in chains on public work.

On the establishment of the Courts of Justice in the territories the above case would appear to have been one which having been already decided on for ever would not put upon the Court to have probably considered that to put her life in hazard after she had been for some years subjected to hard labour would be a too hard measure: the it certainly would have been the most merciful course, especially as the Governors orders on the conviction of the prisoner were communicated, not through the regular channel of Government, but thro' the Supreme Court of Judicature.

Viewing the condition of the prisoner with reference to the general principles of the legislature that a suffering object without a charge, without a prosecutor, and without a formal sentence passed according to law entitles her to relief that at the General Jail delivery of the station, and no evidence being produced against her, entitles her to her

trial for the offences charged against her, his case is not cognizable by the ordinary Courts — but there are considerations which may render such a measure inexpedient. On the one hand, it may be difficult, if not impossible, after so great a lapse of time, to bring forward sufficient evidence to convict the prisoner of the murders with which he is charged. - and on failure of proof he must be acquitted & obtain his release under circumstance which may ~~attach a feeling of injustice to his former imprisonment~~ - On the other hand, should the prisoner be capitally convicted on the fullest legal evidence, the consideration of his long imprisonment and suffering must operate against the infliction of the punishment of death. and the trial might have in the opinion of many, the appearance of an unmeaning formality —

minds in the minds of many a feeling that his former imprisonment was not consistent with justice

The only other mode which the Court can suggest for disposing of the case now under consideration, would be that the Right Noble the Governor in Council should be pleased to grant a pardon to the Malay, and order him to be taken back, by the first opportunity that may present itself, to the country from which he came

With respect to the prisoner Oony Adichen Erary

It appears from the documents annexed to the above letter of the 1st Judge on Circuit that he was sent from Travancore under the

Orders

22d June
1815

Order of Government to be placed under charge of the Magistrate
Chingleput — This order was communicated to the Magistrate in
a letter from the Chief Secretary — Reciting certain orders issued by the
Bd of Rs and copies of numerous papers relative to the case of the prisoner
at the same time sent, which are not before the Court —

On this case the Court first considered
on proving an offence — The Prisoner does not appear to have been
apprehended by a local Magistrate within the territories subject
to this presidency — which the offence with which he is charged
seem of that sort for the trial of which Regulation XI of 1809 was
enacted: — the protection which the prisoner seeks which the Court
establishes for the Government of the dependencies of Bengal
claim that protection as a subject of Great Britain — The Court
are not aware of the grounds on which this appeal can be made
they beg leave respectfully to submit the case for the consideration
Orders of the Right Hon'ble the Governor in Council —

In the concluding part of his letter the Magistrate
admits his want of power over some of the apartments in the gaol —
Magistrate proposes that two sentries should be placed
side of the building — The Court resolve to recommend to the
Hon'ble the Governor

22d June
1815

suggested by the Magistrate —

Ordered that extract of these proceedings with
the foregoing letter be sent to the Secretary to Government in the
Judicial Department for the purpose of being laid before the
Right Hon'ble the Governor in Council —

Sent following letter

/ Here enter A /

JH

RK

CW

P. 116.

Saturday
24th June 1815.

At a Court of the Foujdaree Udalut

Present

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

} Judges

Read return dated the 23d Instant from the Magistrate of Chingleput to the Courts precept of the 14th Instant, directing him to send to Madras the insane prisoners Seemen and Sonnen now in his custody in order to their being examined by the Medical Board for admission into the Lunatick hospital at Madras. The prisoners are sent down in obedience to the precept

/Hereunto N.o 451/

Ordered that copy of the above Precepts and return with extract of these proceedings be communicated to the Town Major of Fort St. George

Sent following letter

/Hereunto A/

Fr. Us.

At a Court of Fouydaree Adalut

Present

Monday
26th June 1815. Andrew Scott Esqr.
Edward Croft Greenway Esqr. } Judges
George Stratton Esqr.

Read letter dated the 12th April last
from the late 2d Judge of Circuit in the Centre
Division transmitting his proceedings held in case No. 72
of the Bellary Calendar in the 1st Sessions of 1815.

Here enter No. 278 of 1815.

The Court having maturely considered
the proceedings held before the Judge on Circuit
the futwa of the Provincial Law officer and the
futwa of the Sagee ool Coogat and Mooftees of
the Fouydaree Adalut do confirm the said futwa
of the Sagee ool Coogat and Mooftees aforesaid
and to acquitting the Prisoners.

1st Venkatakistniah
2d Kummutapah
3d Beemuppah.

do direct their release accordingly

Sent following letter

Here enter A.

Read letter dated the 17th Inst.
last from the 2d Judge on Circuit in the

Western Division transmitting his journal proceedings held on cases Nos 3 & 4 of additional Calendar of Causes for the 4th Sessions of 1814.

(Recorded in Book No 144 of 1815)

The Court having matured considered the Proceedings held before the Judge on Circuit (in case No 3) the Fiatum of the Provincial Law Officer and the Fiatum of the Barrister and Senior Proctor of the Court admitted to confirm the said Fiatum of Cases 3 & 4 and Proofs adduced on the Prisoners

4th Pettapondel Paran
5th Palapelly Pandaram
6th Kaatikaten Vinduan Pair
7 Amanikatan Pabo
15 Paalakel Illamen and
16 Talakalatingel Kelo

are declared liable to be dealt with under the provisions of 45 Geo III Cap XV 1803. to adjudge the Prisoners

5th Palapelly Pandaram
6th Kaatikaten Vinduan Pair
7th Amanikatan Pabo.

in irons on the public roads or other public works for and during the period of fourteen years from the 24th March 1814 the date of their commitment

The 4th Prisoner Pettaporakel Paran having been sentenced to suffer death in case No 4 — and the Prisoners 15th Paalakel Illamen and 16th Talakalatingel Kelo have been sentenced to imprisonment and transportation for life in the same number —

The Prisoners 1st Perovakatatil Nirapen, 2d Perovakatatil Kristnan, 3d Koando Kalangara Kelonnee & Nambiar alias Manioor 4th 5th, 10th Tangedetil Chanjoo & 14th Parambate alias Kannambate Parangoden having been convicted in other cases their release is not ordered.

And the Court do further direct that the remaining two Prisoners

8th Paykoota Ity Koaty &
9th Kolatoddil Koonhoo alias Koonjo

be set at liberty.

The Court having maturely considered the proceedings held before the Judge on Circuit (in case No 4) the Fiatum of the Provincial Law Officer and the

Western Division transmitting his proceedings held in case No. 3 & 4 of additional Calendar of Jaffna prisoners at the 4th Session of 1814.

(Vide entries No. 144 of 1815)

The Court having matured considered the Proceedings held before the Judge on Circuit (in case No. 3) the Fiatum of the Provincial Law officer and the Fiatum of the Queens Advocate and Senior Proctor of the Court of Admiralty to confirm the said Fiatum of Acquittal and Death as regards the Prisoners

4th Vetaporakel Paran
5th Malapelly Pandaw
6th Kanthiahatan Fiatum Nair
7 Amanikatan Vabo
15 Paalakalu Illamen and
16 Talakalatingel Kelo.

are declared liable to be dealt with under the provisions of Clause III Statute XV 1803. do adjudge the Prisoners

5th Malapelly Pandaw
6th Kanthiahatan Fiatum Nair
7th Amanikatan Vabo.

to be

in irons on the public roads or other public works for and during the period of fourteen years from the 24 March 1814 the date of their commitment

The 4th Prisoner Vetaporakel Paran having been sentenced to suffer death in case No. 4 and the Prisoners 15th Paalakel Illamen and 16th Talakolatingel Kelloo have been sentenced to imprisonment and transportation for life in the same number.—

The Prisoners 1st Perovakatatil Nirapen, 2d Perovakatatil Kristnan, 3d Koandoo Kalangara Kelonee a Nambiar alias Manioor do do, 10th Tangedetil Chanjoo & 14th Parambate alias Pannambate Paeangoden having been convicted in other cases their release is not ordered.

And the Court do further direct that the remaining two Prisoners

8th Paykoota Ity Kooty &
9th Kolatoddil Koonhoo alias Konjo

be set at liberty.

The Court having maturely considered the proceedings held before the Judge on Circuit (in case No. 4) the Fiatum of the Provincial Law officer and

26th June 1815.

the Fracture of the Cajeaul Cragal Bo
Mooftty of the Fanydaru Medaliat dow
the said Fracture of the Cajeaul bo
and Mooftty aforesaid, and under the p
of Clause I Section IV Regulation XV
1803. do adjudge the Prisoners

1st Paramakalakil Vaiyhoo
2d Paramakalakil Krishnan
3d Maniyayan Kidaaree Sood
4th Kattaparambal Paun

to suffer death by being hanged at the
limbs on a gibbet erected opposite to
prisoners House, wherein his father wa
tortured to death.

And the Court do adjudg

Aniamen

5th Poolickel Menaven
6th Talakulatool Kelo
7th Madambate Kunde Paroo
8th Kanakandie Kannay
9th Mallakal Mayen alias Boy
10th Pambanpalal a Nayer

to be imprisoned and transported to
of Wali Island, there to be imprison
and kept to hard labour in irons

Fo 11.

26th June 1815. public roads or other public works for

during the period of their natural lives
respectively

Sent following letter

Here enter B/

Read letter dated the 12th Instant,

from the 3d Judge of Circuit in the Centre Division
transmitting the proceedings held by the late 3d Judge
in case No 5 of the Chittoor Calendar in the
2d Quarterly Sessions of 1812.

Here enter No 429. of 1815.

Read letter dated the 13th Instant

from the 3d Judge of Circuit in the Centre
Division transmitting the Proceedings held by
the late 3d Judge in case No 2 of the Cuddapa
Calendar in the 2d Sessions of 1812.

/Here enter No 430. of 1815./

Read letter dated the 13th Instant,

from the 3d Judge of Circuit in the Centre Division
transmitting the proceedings held by the late
3d Judge in case No 4 of the Cuddapah
Calendar in the 2d Sessions of 1812..

/Here enter No 431. of 1815/

Read letter dated the 14th Instant,

from the 3d Judge of Circuit in the Centre
Division transmitting the proceedings held by

the

the late 3d Judge in case No 5 of the
Calendar in the 2d Sessions of 1812.

Recorder No 432 of 1815.

Read letter dated the 14th
from the 3d Judge of Circuit in the Centre
Division transmitting the Proceedings
by the late 3d Judge in case No 6 of the
Cuddapah Calendar in the 2d Sessions
Recorder No 433 of 1815.

The proceedings in the first
case not being attested by the 3d Judge
conducted the trial, the Court
to pass judgement therein, deem it requisite
to ascertain whether the original proceedings
the Court of Circuit, of which the foregoing
are certified by the Register of the Court of
to be true translations, severally bear the signa
of the late 3d Judge before whom they were

Ordered that extract of these
proceedings be transmitted to the Court of
in the Centre Division by Precept directing
them to attend the production of the
enquiring into the
information of the Court
original proceedings in the
to and severally certified by the late 3d

before whom they are purported to have been
held on or before the 15th "Proximo.
last following "Fourth" Time enter

The Register of the Foujdaree
Adalut lays before the Court the English and
Persian Records of the undermentioned trials

No. 27, 4, 373 of the Cuddapah Calendar in the 1st Sessions of 1814.

No. 8. of the Chittoor Calendar in the 1st Quarterly Sessions of 1814.

& No. 4, 4, 5 of the Chittoor Calendar in the 1st Quarterly Sessions of 1815.

which he states to have been found among the
papers of the late 3d Judge of Circuit in the
Centre Division and which he received from Mr
W. Gahagan, as he informed him that X

X they were found among the papers of the late 3d Judge of Court.

The foregoing Records not bearing
the signature of the late 3d Judge, the Court
direct that they be transmitted to the Court of
Circuit in the Centre Division by Precept directing
them to have the same carefully compared with the
original proceedings, and to certify the same as true
translations, if on being duly compared they be
found correct; or otherwise to transmit true
translations; and further to state for the information
of the Court whether the original proceedings in
the trials abovementioned severally bear the
signature of the late 3d Judge before whom they

are

26th June 1815.

were prefumed to have been held.

The Court further direct the Court of Circuit in the Centre Division instructed to make their return to this Court in the month of [illegible] following Month

(Vide Letter D)

F. 16

Adt Court of the Fouzdaree Udalut

Present

Tuesday 27 June 1815

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

Read letter, dated 22d Instant from the Secretary to Government in the Judicial Department with reference to the Courts recommendation of the 14th Instant permitting Veera Varma Rajah to take up his residence at Kallate Cotte

(Vide enter No 456)

Ordered that copy of the above letter with extract from these Proceedings and from the Courts proceedings of the 14th Instant be transmitted to the Provincial Court for the Western Division for their information and guidance—

Sent following letter

(Vide enter A)

Read letter dated 15th Ultimo from the 1st Judge on Circuit in the Northern Division— enclosing copy of the Vizagapatam calendar for 1st Sessions of 1815. and stating his intended departure to Ganjam from Vizagapatam—

(Vide enter No 382)

Read letter dated 22d Ultimo. from the 3d Judge of Circuit in the Western Division— with copy of the North Malabar calendar for 2d Quarterly Sessions of 1815—

(Vide enter No 395)

27th June 1815.

Read letter dated 22d ultimo from Mr. G. L. Travers. oath of office taken by him as Judge of Ganjam—

/Sereenter N. 400/

Read letter dated 23 ultimo from J. Sadgo on Circuit in the Western Division with the Warrant of execution in case N. 3 on the Circuit calendar of 1815—

/Sereenter N. 393/

Read letter dated 25th ultimo from the Magistrate of Chingleput reporting the good state of health of five convicts arrived at his Zillah from Cuddapah under sentence of transportation—

/Sereenter N. 390/

Read letter dated 25th ultimo from the Magistrate of Chingleput reporting the good state of health of a convict named Soorumpoody Sanpadee arrived at his Zillah from Rajahmundry under sentence of transportation and that another convict named Soorumpoody Doorgiah was left ill on his journey and detained at Nellore—

/Sereenter N. 391/

Read letter dated 26th instant from the 2d Judge on Circuit in the Centre Division reporting the receipt of the 8th March confirming that the Magistrate of Cuddapah has released the prisoner Dowal Rao from Jail and has called upon the prisoner Podda Iyyadoo to find security for good behaviour during one year which he will be released—

/Sereenter N. 398/

27th June 1815.

Read letter dated 1st ultimo from the Magistrate of Bellary with register of persons proclaimed in his Zilla in April—

/Sereenter N. 383/

Read letter dated 2d Instant from the Magistrate of Tinnevelly with report of presoners confined under sentence in his jail—

/Sereenter N. 404/

Read letter dated 3d Instant from the Magistrate of Salem with register of persons proclaimed in May in his Zilla—

/Sereenter N. 407/

Read letter dated 27th ultimo from the Magistrate of South Malabar reporting an affray between certain presoners under sentence of transportation on their way from North Malabar to Darapooram the escape of one prisoner and the measures pursued in consequence—

/Sereenter N. 402/

20

KL

GW

GHS

27th June 1815

F. U.

At a Court of Oyer and Terminer Adalut

Present

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

Friday 30th June 1815

Read Letter dated 1st ultimo from the Magistrate of Vizagapatam with Report of persons proclaimed in his Zillah for May

Here enter No 113

Read Letter dated 1st ultimo from the 2d Judge of Circuit in the Centre Division with returned warrants of execution in cases No 378 & 80 on the Bellary calender 1st Session of 1815 Certified to have been duly executed

Here enter No 115

Read Letter dated 3d ultimo from the 2d Judge of Circuit in the Centre Division with returned warrants of execution in cases No 378 & 80 on the Bellary calender 1st Session of 1815 certified to have been duly executed

Here enter No 116

Read Letter dated 26th May 1815 from Wm Peter Cheny - oath of office taken by him as 3d Judge of the Provincial Court of Circuit for the Northern Division

Here enter No 117

Read Letter dated 1st ultimo from the 3d Judge on Circuit in the Southern Division with Copy of the Tinnevelly calendar 1st Session of 1815

Here enter No 118

Read Letter dated 6th Ultimo
from the 2d Judge of Circuit in the Northern Divn
inclosing Copies of the Sunk Malabar, Cabon,
and Sungpatam Calendar 2d Sessions of the
/Recd enter No 419./

Read Letter dated 10th Ultimo
from the acting Magistrate of Sungapatam with
Report of Prisoners confined under sentence in the
Zilla.—

Recd enter No 427.

Read Letter dated 19th Ultimo
from the Magistrate of Chingulpet with List
of convicts under sentence of Transportation
arrived at the A. Zilla.—

/Recd enter No 428/

Read Letter dated 19th Ultimo
from the Magistrate of Chingulpet reporting the
good state of health of the convicts named in the
and Bannemah, arrived at the Zilla from
Cuddapa, under sentence of Transportation.

/Recd enter No 429/

Read Letter dated 22d Ultimo
from the 2d Judge of Circuit in the Northern
Division reporting the arrival of the Boat of
Circuit at Tanjore from Sungapatam.—

/Recd enter No 430/—

F. C.

At a Court of Foujdaree Adalut

Present

Monday
3d July 1815. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges
George Stratton Esqre

Read letter dated the January
last from the 2d Judge of Circuit in the Northern
Division transmitting his proceedings held in case
No 1 of the Gurjam Calendar in the 2d Sessions of
1814.

/Recd enter No 63 of 1815./

The Court having maturely
considered the proceedings held before the Judges
on Circuit the Futwa of the Provincial Law
Officer, and the Futwa of the Cazee ool Cozat &
Mooftee of the Foujdaree Adalut do confirm the
said Futwa of the Cazee ool Cozat and Mooftee
aforesaid, and acquitting the Prisoners.

1st Dauyanadee Acharevalu &
2d Pudmachee.

to direct their release accordingly

Read letter dated the 12th January
last from the 2d Judge of Circuit in the Northern
Division transmitting his proceedings held in
No 3 of the Gurjam Calendar in the

3d July 1815

2d Sessions of 1814

/Hereunto No 64 of 1815/

The Court having maturely considered the proceedings held before the Judges on Circuit the Petition of the Provincial Officer and the Petition of the Cagecool Coogar and Moosties of the Faujdaree Adawlut confirm the said Petitions of the Cagecool Coogar and Moosties aforesaid and acquitting the Prisoners

1st Henry Ling and
2d [illegible]
do direct their release accordingly

Sent following letter
/Hereunto A/

Read letter dated the 9th February last from the Judges of Circuit in the Northern Division transmitting the proceedings held in case No 10 of the Jail Calendar in the 1st Sessions of 1815.

/Hereunto No 160 of 1815/

The Court having maturely considered the proceedings held before the Judges on Circuit the Petition of the Provincial Civil Officer and the Petition of the Cagecool Coogar and Moosties of the Faujdaree Adawlut

3d July 1815

of the Cagecool Coogar and Moosties aforesaid and acquitting the Prisoners-

1st Pellakkhoola Teeramoolagadoo

2d Mullicketty Venkadauchellum

do direct their release accordingly

Sent following letter
/Hereunto B/

Read letter dated the 26th June, by the Magistrate in the Zilla of Chittoor to the Court's Precept under date the 22 May last, certifying that he has released the Cutwal of Ramapah, in conformity with the Judgment of the Court passed on the 4th (Hereunto No 150)

F. U.

At a Court of Foujdaree Udalut

Present

Monday
10th July 1815. Edward Croft Greenway Esqre
George Stratton Esqre } Judges

Read letter dated the 14th Ultimo
from the 3d Judge on Circuit in the Southern
Division, transmitting his proceedings held
in case No 1 of the Nerdachellum Calendar
in the 1st Sessions of 1815.

/ Here enter No 458. /

Read also remarks of the Cazee
and Moofftee of the Foujdaree Udalut
Shewing cause for revision of trial contained
in the foregoing letter

Here enter Remarks

Ordered that the Persian Record
of the trial abovementioned together with extract
of these proceedings be transmitted to the 3d Judge
of Circuit in the Southern Division by precept
directing him to cause the foregoing Record to be
certified as usual by the Mahommedan Law
officer assisting at the trial and to return the
same to the Court with the least possible delay

Sent following Precept

/ Here enter A /

Read

Read letter dated the 2d
from the 3d Judge of Circuit in the Centre
transmitting the proceedings held by the late
Judge in case No. 3 of the Cuddapah
in the 2d Sessions of 1812

/ Here enter No. 468. /

Read also letter dated the 2d
from the 3d Judge of Circuit in the Centre
transmitting the proceedings held by the late
3d Judge in case No. 26 of the Criminal
Calendar in the 2d Quarter Sessions of 1815

/ Here enter No. 469 /

The Records in the foregoing
not being certified by the Judges presiding
the trials, the Court require to know whether
the original proceedings in the Courts
of which the foregoing proceedings are stated
by the Register of the Court of Circuit to be
true translations, severally bear the Signa
of the late 3d Judge —

And the Court further
that the Court of Circuit, transmitting any
= manning trials held by the late 3d Judge
do certify for the information of the Court
whether or no the original proceedings in

cases are severally authenticated by the signature of
the late 3d Judge before whom they were held —

Ordered that extract of these
proceedings be transmitted to the Court of Circuit
in the Centre Division by Precept directing
them to afford the requisite information
in their return to the said Precept on or before
the 31st Instant.

Sent following Precept

/ Here enter B /

Ath

J. M.

At a Court of the Toungaree Adalut

Present

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

Wednesday 12th July 1815

Read Letter dated 3d May 1815. from the Magistrate of Salem, with register of persons proclaimed in his Zilla for April.

M

Here enter No 339.

Read Letter dated 5th May 1815 from the 3d Judge on Circuit in the Southern Division reporting the arrival of the Court of Circuit at Tondeatty from Madura.

Here enter No 340.

Read Letter dated 26th April 1815 from the Provincial Court of Circuit in the Southern Division, with returned Warrant of ~~execution~~ in case No 22 on the Darapooram Calender 2d Sessions of 1813 Certified to have been duly executed

Here enter No 347.

Read Letter dated 28th April 1815 from the Provincial Court of Circuit in the Southern Division, with returned warrant of execution in case No 1. on the Combaconum Calender 1st Sessions of 1815 - Certified to have been duly executed

Here enter No 348.

Read Letter dated 6th May 1815 from the Magistrate of Madura, with Report of prisoners confined under sentence

Here enter No 350

Read

11th July 1815.

Read Letter dated 7th July
from the Magistrate of Vizagapatam, with
Report of Prisoners confined under Sentence
in his Gaol.

Vide enter No 352

Read Letter dated 5th July
from the Magistrate of Cuddalore with Report of
Prisoners confined under Sentence of Transportation
in his Gaol.

Vide enter No 353

Read Letter dated 8th July
from the Magistrate of Ryacotah with Report of Prisoners
confined under Sentence of Transportation in
his Gaol.

Vide enter No 354

Read Letter dated 8th July
from the 3d Judge of Circuit in the Northern
Division, reporting the arrival of the Ship
Lord Keith at Penang from Bengal

Vide enter No 355

Read Letter dated 10th July
from the 3d Judge of Circuit in the Northern
Division reporting the arrival of the Ship
Hastings at Penang from Bengal

Vide enter No 356

Read Letter dated 13th July
from the Magistrate of Chingleput with Report of
the good state of health of Convicts
Transportation, under sentence of the Court

Vide enter No 357

Read

11th July 1815.

from the Provincial Court of Circuit in the
Southern Division, return to precept directing
them to communicate to the Magistrate of
Salem the Court's orders of the 15th February in
case No 32 of the Salem Calendar of Session of 1814

Vide enter No 370

Read Letter dated 15th May 1815
from the Provincial Court of Circuit in the
Western Division, return to precept directing
them to communicate to the several Magistrate
in their Division the Court's orders of the 1st instant
for their information and guidance certifying the
communication thereof.

Vide enter No 373

Read Letter dated 19th May 1815
from the Magistrate of Chingleput with List of
convicts under sentence of transportation, arrived
at that Zilla.

Vide enter No 374

Read Letter dated 18th May 1815
from the 1st Judge on Circuit in the Western
Division stating his intended departure
from Seringapatam to Tellicherry.

Vide enter No 375

Read Letter dated 16th May 1815
from the Magistrate of Vizagapatam with
Report of Prisoners confined under sentence
in his Jail

Vide enter No 380.

Read Letters from the
Magistrate of Combaconum and stating

11th July 1815 magistrate of Chittoor with Copies of prisoners for Search.

/Hereunto No 336 to 338/

Read the following Letters from the Magistrates of Cannanore Tellicherry Tanore Cherakel Angelpet Madura Dindigum Bellary Vizagapatam Cochin Salem Attur Malabar Salem Trichinopoly Tank Malabar Rajahmundry from the Acting Magistrate of Ganjam Cuddapah Masulipatam from Reports of prisoners for April —

/See No 365 366 367, 376, 377, 378, 379, 384, 385 387, 389, 392, 396, 397, 408, 369, 368, 25, 346 & 1407

F. C.

At a Court of Foujdaree Adaulut

Present

Monday 17th July 1815. Andrew Scott Esqre. . . . . } Judges.
Edward Croft Greenway Esqre. }

M Read letter dated the 15th May last,
from the 3d Judge on Circuit in the Southern
Division transmitting his proceedings held in
case No 5 of the Nundadellum Calendar in the
F. C. 1st Sessions of 1815.

/Hereunto No 371 of 1815/

The Court having maturely considered the proceedings held before the Judges on Circuit the Futwas of the provincial Law officer, and the Futwas of the Cazee ool Coozat and Mooftees of the Foujdaree Adaulut, do confirm the said Futwa of the Cazee ool Coozat & Mooftees aforesaid, and acquitting the Prisoner "Jyee."

do direct his Release accordingly —

Sent following Letter

/Hereunto A/

Read letter dated 10th February last from the late 3d Judge of Circuit in the Centre for Division transmitting the proceedings held in case No 7 of the Chittoor Calendar in the 1st Quarter Sessions

17th July 1815.

Sessions of 1815.

/Here enter No. 326 of 1815/

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer the Futwa of the Cazee ool Coozat and Mooftees of the Fouzdaree Udalut, do confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid, and acquitting the Prisoner

"Sooroo Moorto"

do direct his Release accordingly.

Sent following Letter

/Here enter B/

Read letter dated the 22nd May from the 3rd Judge on Circuit in the Western Division transmitting his proceedings held in case No. 6 of the Cochin Calendar in the 2nd Sessions of 1815.

/Here enter No. 302 of 1815/

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Coozat and Mooftees of the Fouzdaree Udalut do confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid and acquitting the Prisoner

17th July 1815.

"Veneatasam Chitty"

do direct his Release accordingly

Sent following Letter

/Here enter C/

Read letter dated the 24th May last from the 3rd Judge of Circuit in the Western Division transmitting his proceedings held in case No. 2 of the Cochin Calendar in the 2nd Sessions of 1814.

/Here enter No. 398 of 1815/

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law officer and the Futwa of the Cazee ool Coozat & Mooftees of the Fouzdaree Udalut do confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid, and acquitting the Prisoner

"Pootemporakel Kyd Thaw"

do direct his Release accordingly

Sent following letter

/Here enter D/

H

E.C.S

50

Fol 11,

At a Court of the Tay daree Cutchery

Present,

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

Tuesday July 18th 1815

Read Letter dated 4th Instant from the Magistrate of Chungleput, Reporting the arrival of 2 Convicts for Transportation — Six convicts left Canara under a guard for Chungleput but in the Tulgaut Jungle they rose & killed one of the Peons one of the prisoners was killed in the affray and one made his escape two were left sick at Salem —

Vide entry 1st 1800

The Court have read with much concern the report contained in the above letter and they direct that the Magistrate in the Zilla of Canara do make every possible enquiry into all the circumstances of the case, and Report fully upon the subject to the Court — especially as to the Conduct of the party in charge of the prisoners which was more blameable than the convicts and provided with arms of defence —

Ordered that a Copy of these proceedings be sent to the Magistrate in the Zilla of Canara for his information & Guidance

Sent following letter
Vide entry A/

Read Letter dated 8th Instant from the Judicial Secretary to Government

concerning the orders of Government relative to the Malay Prisoners added to the pretended Right of the late Tyrahee Rajah in confinement at Chingleput and abstracting certain letters in the jail of that Zilla

/Here enter No 455/

The Court directed that Copy of the above letter, with the Extract from the Proceedings of the 27th ultimo be transmitted to the Magistrate in the Zilla of Chingleput to enable the Malay Prisoner in his custody from the Court of Circuit in the Centre Division by Receipt expiring then to issue instructions to the

labour, agreeably to the orders of Government communicated in the above letter, and to report the result of the enquiries directed to be made by him as to the nature and of the said Malay Prisoner; as well as to the general conduct of the said Malay and if they obtain any the other Prisoners after the above letter during the time that they have been in his custody.

Return to this Precept to be made within one Month from and after the Receipt

And the Court directed that the following Precept

/Here enter B/

Read Letter dated 4th Instant

from the Magistrate of Chingleput with a List of Convicts transferred to that Zilla by other Zillas under sentences of transportation

Here enter No 486

Read Letter dated 8th Instant from the 4th Judge of Circuit for the Centre Division

Read Letter dated 27th ultimo from the 2d Judge of Circuit for the Centre Division with returned Warrants of execution in cases No 80 on the Bellary Calendar 1st Session of 1815 the Court certified to have been duly executed.

Here enter No 462.

Read Letter dated 1st Instant from the Magistrate of Bellary with Register of persons proclaimed in his Zilla for home.

Here enter No 463

Read Letter dated 3d ultimo from the Magistrate of Chingleput enclosing a List of Convicts under sentence of transportation

Here enter No 470

Read Letter dated 22d ultimo from the 4th Judge in Circuit for the Northern Division enclosing a Copy of the Guntoor Calendar for the 2d Session of 1815

Here enter No 477.

Read Letter dated 4th Instant from the Magistrate of Chingleput reporting the arrival of a Convict named Kattayatta Joyan Menon sentenced to transportation

Here enter No 478.

Read Letter dated 5th Instant from the Magistrate of Salem with Register of proclaimed offenders for home.

Here enter No 482

Read Letter dated 4th Instant from the Magistrate of Vizagapatam with Register of persons proclaimed in his Zilla

/Here enter No 486/

18th July 1815.

Read the following Letter from the Judge of Zillah Tanjore with reports of prisoners for trial

/ Herewith No. 40 /

Read Letter dated 1st Instant from the Register of Provincial Adawlut with copy of Circular Letter suspending the superintendence of Police throughout the districts subject to the Government of Fort St George from the Magistrates & Collectors of Zillahs, and for the establishment of a new system of Police No. XII

/ Herewith No. 41 /

Ordered that the foregoing Letter do lie for consideration

F. C.

At a Court of Foujdaree Adalut

Present

Monday 31st July 1815.

Andrew Scott Esqr.
Edward Croft Greenaway Esqr. } Judges
George Stratton Esqr.

Read letter dated the 7th April last from the 1st Judge of Circuit in the Northern Division transmitting his proceedings held in E.C.S case No. 23 of the Rogatory Calendar in the A 1st Sessions of 1815.

/ Herewith No. 281 of 1815. /

The Court having maturely considered the proceedings held before the Judge on Circuit the Fatwa of the Provincial Law officer and the Fatwa of the Sagaram Sudder & Mofussil of the Foujdaree Adalut do confirm the said Fatwa of the Sagaram Sudder and Mofussil aforesaid and under the provisions of Clause 1st Section IV. Regulation XV. of 1803. do adjudge the Prisoner

"Soonga Venkatramiah"

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

Sent following Letter

/ Herewith A /

18th July 1815.

Read the following Letter from the Judge of Jaffnapatam with reports of prisoners for April

/ Herewith No. 280 /

Read Letter dated 1st Instant from the Commissioners of Internal Administration with copy of Regulation transferring the superintendence of Police throughout the Island subject to the Government of Fort St George from the Office of Collector of Zillahs and for the establishment of a System of Police No. VIII

/ Herewith No. 282 /

Ordered that the foregoing Letter do lie for consideration

F. C.

Sitting Court of Fouzdaree Adalut

Present

Monday 31st July 1815.

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

E.C.S.

A.

G.W.

Read Letter dated the 7th April last from the 1st Judge on Circuit in the Northern Division transmitting his proceedings held in case No. 23 of the Rajahmundry Calendar in the 1st Sessions of 1815.

/ Herewith No. 281 of 1815 /

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law officer and the Futwa of the Sudder Court & Mooftees of the Fouzdaree Adalut do confirm the said Futwa of the Sudder Court and Mooftees aforesaid and under the provisions of Clause 1st Section IV. Regulation XV A.D. of 1803. do adjudge the Prisoner

"Soonga Venkatramiah"

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

Sent following Letter

/ Herewith No. 1 /

31st July 1815

Read again letter dated the 11th Instant from the Magistrate of Chingleput, enclosing List of convicts sentenced to transportation viz.

/ Here enter No 485 /

Read letter dated the 21st Instant from the Magistrate of the Zillah of Chingleput, reporting the arrival of 89 convicts for transportation from Salem & 1 convicted prisoner absconded, 1 dead, 1 been detained in the Jail at Tondaichelom & 1 sick in Jail.

/ Here enter No 520. /

The Court directs that the communication be made to the Judicial Secretary to Govt that it appears from the foregoing that up to the 21st Instant there were 487 in the Depot and that the Court expect shortly to be submitted that the Right Honble the Governor in Council may be pleased to direct that provisions be made for their embarkation on board the Hannah Campanys ships for to the Eastward.

Sent following letter.

/ Here enter A /

Fo 16

In the Court of the Fouzdaree Adalut

Present

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

Friday 4 August 1815.

Read letter, dated 19th Ultimo from the Magistrate of South Malabar Recommending that a conditional pardon may be tendered to two of a gang of robbers

/ Here enter No 517. /

The crime charged on the prisoners mentioned in the foregoing letter being "of a heinous nature" and the two persons selected by the Magistrate as objects of conditional pardon appearing to have been less actively engaged in the alleged gang burglary than the rest of those who have been apprehended, the Court resolve to submit the foregoing communication to the Right Honble the Governor in Council with their request that the Magistrate in the Zillah of South Malabar may receive authority to tender a conditional pardon, under the provisions of Section XX Regulation VIII of 1802 to Moololy Parambata Imbeechy Ally and Walopil Amoly

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

Sent following letter

/ Here enter A /

4th August 1815.

Read letter, dated 5th Ultimo from the Collr of Coimbatore — With list of Convicts under sentence of Transportation

/ Herewith N° 531 /

Read letter, dated 6th ultimo from the Magistrate of Bellary — With register of persons for transportation from his Zilla for Trial

/ Herewith N° 533 /

Read letter, dated 10th ultimo from the Magistrate of Cochin — Reporting the death of Pulloo Nyghan who was tried for the murder of Paroky

/ Herewith N° 538 /

Read letter, dated 10th ultimo from the Collr of Wynaad — With report of prisoners confined under sentence of Transportation

/ Herewith N° 542 /

Read letter, dated 12th ultimo from the Judge on Circuit in the Northern Division — Reporting his arrival of the Court of Circuit at Nellore

/ Herewith N° 491 /

Read letter, dated 11th ultimo from the Judge of Circuit for the Southern Division — With the Calendar of the Trichinopoly Criminal Calendar for the 3d Quarterly Sessions

/ Herewith N° 492 /

Read letter, dated 15th ultimo from the 1st Judge on Circuit in the Southern Division — With Calendar of Prisoners for trial at Combaconum for the 2d Sessions of 1815

/ Herewith N° 520 /

Read letter, dated 15th ultimo from the 1st Judge on Circuit in the Southern Division

4th August 1815.

Read letter, dated 17th Ultimo from the 2d Judge on Circuit in the Western Division — Reporting his arrival at Mangalore —

Herewith N° 511

Read letter, dated 24th Ultimo from the 3d Judge on Circuit in the Southern Division — With returned Warrant of execution in Case N° 58 in the Zillah of Salem 1st Session of 1815.

/ Herewith N° 526 /

Read letter, dated 24th Ultimo from the 3d Judge on Circuit in the Centre Division — Reporting his arrival at Caddapah

/ Herewith N° 523 /

Read letter, dated 24th Ultimo From the Magistrate of Chingleput — Reporting the arrival of the Prisoner Mullah who was detained by the Magistrate of Salem owing to illness —

/ Herewith N° 518 /

Read letter, dated 27th Ultimo from the 1st Judge on Circuit in the Southern Division — Reporting his departure from Verdachellum to Salem —

/ Herewith N° 535 /

Read letter, dated 27th Ultimo from the 1st Judge on Circuit in the Southern Division — With Calendar of prisoners tried at Verdachellum 2d Sessions of 1815

/ Herewith N° 534 /

Read letter, dated 25th Ultimo from the 1st Judge on Circuit in the Southern Division — Reporting his arrival at Verdachellum —

/ Herewith N° 519 /

4th August
1815

Read letter dated 1st instant from the Magistrate of Gaoler Recommending that a conditional pardon may be tendered to certain convicts —

Received No 516

The Court have maturely considered the contents of the foregoing communication & do not discover in the charges against the prisoners that character of turpitude which would bring the case under the provisions of Section XX Page of 1802, and consequently to entitle an application to the Right Honble the Governor in Council for authority to tender a conditional pardon to some of the accused in order to procure evidence against the remainder. The crimes contemplated in the Section above referred to are such as murder, manslaughter, arson and the like where a very grievous injury is committed and where the personal safety of some human being is exposed to danger. The robbery now under consideration does not appear to the Court to come within the meaning of the term gang robbery as applied in the Statute. The Court therefore do not deem it right to make the reference required by the Acting Magistrate in the Gaol of Gaoler

Ordered that extract of these proceedings be transmitted to the Acting Magistrate in the Gaol of Gaoler for his information

Sent following letter

Received B

E68

M

Fr. C.

At a Court of Vice Admiralty

Present

Friday
4th Augt 1815

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

M

E68

Read letter dated the 3d Instant from the Judicial Secretary to Government requiring the necessary documents relative to the convicts under sentence of transportation to Prince of Wales Island to be forwarded immediately —

Received No 549

Ordered that the documents required by the foregoing letter be transmitted to the Judicial Secretary to Government with a request that he will submit the same for the consideration of the Right Honble the Governor in Council —

Sent following letter

Received A

M

E68

RR —

At a Court of the Foujdaree Udalut
Present
Andrew Scott Esqre
At Edward Croft Greenway Esqre } Judges
George Stratton Esqr

Tuesday
8th August
1815.
685

Read Letter dated 31st Ultimo
from the Judge of Circuit for the Southern Division
forwarding Masulipatam Calendar for 3rd quarterly
Session of 1815, & communicating his observation
on the state of the jails.

Here enter No 494.

The Court direct that the foregoing
Letter be transmitted to the Secretary to Government
in the Judicial Department with reference
to his Letter of the 2d of July 1813 and that he
be requested to submit it for the consideration
of the Right Honble the Governor in Council.

Subjoining Letter

Here enter No

Read Letter dated 29th Ultimo from
the Magistrate of Nedadelloom with a list
of Convicts sentenced to transportation, confined
in his jail.-

Here enter No 3745

Read Letter dated 5th Instant
from the 3d Judge of Circuit for the Western
Division, reporting the death of Poolumpooraket
Nyaken prisoner in Case No 2 on the Calendar
of Cochin for 2d Session of 1814.-

8th August 1815.

Read Letter dated 2d Inst. from the Magistrate of Canara, communicating information concerning the escape of prisoners from that quarter which is ordered to be lodged on the Proceedings

/Here enter No. 531/

Read Letter dated 1st Inst. from the Dy Judge in Council for the Division South of the Sessions Court for the Dy Jurisdiction

/Here enter No. 532/

Read the following Letters from the Collectors of Customs, Salt, Opium, Chunam, Saltpetre, Customs, Sea Customs, Marine, Salaries, Customhouse, Military, Commissariat — with Reports of prisoners for Transportation

/Here enter No. 533/

Read Letter dated 26th Ultimo from the Magistrate of Chittoor — with Reports of prisoners for Transportation

/Here enter No. 534/

Read Letter dated 26th Ultimo from the Magistrate of Canara with Comparative Statement of Expenses of Prisoners

Wednesday 9th August 1815.

In the Court of Foujdaree Adaulut

Present

Andrew Scott Esqre
Edward Croft Greenaway Esqre
George Stratton Esqre

} Judges

Read Letter dated the 5th Instant from the Magistrate in the Zilla of Chingleput reporting for the information of the Court that in obedience to the Orders of Government he has forwarded to the Presidency twenty three convicts under Sentence of transportation and that a Convict named Bavah died in Jail on the 28th Ultimo

The Magistrate further submits a copy of the Zilla Surgeon's certificate reporting the several Convicts to be in a state fit to be removed to the Presidency for embarkation.

/Here enter No. 546/

It appearing from the foregoing List that three convicts not included in the Magistrates last Report have been dispatched to the Presidency, and that one of the Convicts named Bavah therein mentioned, copy of whose Sentence was transmitted to Government as called for by the Judicial Secretary's Letter of the 3d

List

9th August
1815. Instant from the arrival of the last of the forwarded to the Residency died on the 28th ultimo

Ordered that a duplicate Report of the four additional convicts to be with copies of their sentences &c. be taken and transmitted to the Judicial Secretary Government with a request that he will the same for the consideration of the Right Honble the Governor in Council, and the Judicial Secretary to Government be informed of the death of the Convict ... Copy of whose sentence was forwarded with ... thereon in addition to his letter of the 3d ... prior to the arrival of the Magistrates ... of Convicts forwarded from this Depot ... embarkation.

Sent for the following letter
from Mr Secretary Mr

Fol.

Court of the Foujdaree Adawlut.

Present.

Thursday
17th August 1815.

Andrew Scott Esq.
Edward Lloyd Lowndes Esq. } Judges.
George Stratton Esq.

Read again return of the Court of Circuit in the Southern Division in the Court's precept of the 13th March last, commanding them to direct the Magistrate in the Zilla of Salem to furnish certain information and certain documents connected with the cases Nos 12. 13. 14. and 15. on the Salem Calendar for the 2d Sessions of 1814.—

(Vide ante No. 349.)

Read also return of the Court of Circuit in the Southern Division to the Court's precept of the 22d May last, commanding them to communicate to the Magistrate of Salem the Court's observations on his proceedings in cases Nos 1. 2. 3. and 4. on the Salem Calendar for the 1st Sessions of 1814.—

(Vide ante No. 471.)

In the foregoing return are enclosed remarks of the Magistrate in answer to the observations

17th August 1815

of the Court in his proceedings in
Nos 1. 2. 3. & 4. on the Salem
for the 1st Sessions of 1814. -

Read also return of the
of Circuit for the Southern Division
Court's further precept of the 27th
last, requiring them to commu
to the Magistrate in the Zilla of
the Court's observations relative
his proceedings in case No 60 on
Salem Calendar for the 1st Sessions
1814. -

(Here enter No 507.)

With the foregoing letter
Court of Circuit sent the remarks
the Magistrate in answer to
Court's observations contained in
proceedings of the Court of Zuj
Adalut under date the 22nd May
- with reference to case No 60 on
Salem Calendar for the 1st Sessions
of 1814. -

Read also letter dated
12th Ultimo, from the Register to
Provincial Court for the Southern
vision, - forwarding remarks
arguments of the Magistrate
case cited

17th August 1815.

under date the 5th June last, with
extract from which he was furnished
Order of the Court. -

(Here enter No 505.)

Read also return of the Court
of Circuit in the Southern Division to the
Court's precept of the 5th June last, requiring
them to communicate to the Magistrate
in the Zilla of Salem their observations
relative to his proceedings in cases
Nos 32. 46. 49. 53. 55. & 57. on the
Salem Calendar for the 1st Sessions of
1815. -

(Here enter No 512.)

Read also letter, dated the
24th July last, from the Court of Circuit
in the Southern Division, transmitting
copy of the return of the Magistrate of
Salem to that Court's precept of the
30th June, furnishing him with extract
from the proceedings of the Court of
Zujdaree Adalut under date the
5th June. -

(Here enter No 551.)

The Magistrate in his return
above mentioned comments upon
the proceedings of the Court of Zujdaree
Adalut, which had been transmitted

17th August 1815

to him by their order, and also the proceedings of the Court under the 16th May last, which were sent to Government for the purpose of obtaining authority for tendering a conditional pardon to Broadbent and eight other informers. -

Also record return of the Court in the Southern Division of Circuit pursuant to the 5th June last requiring them to furnish the Magistrate in the Zillah of Salem with extract from the Court's proceedings of that date relative to cases Nos 12. 13. 14. 15. on the Salem Calendar for the Sessions of 1814. -

(Enclosure No 576)

The Court in their letter of the 15th March last, and the 22nd May, and 5th June last, having found it necessary to point out several irregularities in the manner which the Magistrate of Salem had pursued for the apprehension and examination of certain persons charged with heinous offences, took occasion to direct his attention to the mode

(2) F. U.

17th August. 1815. -

of the Regulations and under the circumstances detailed in the documents submitted by him, it was his duty to follow. - The Court in their remarks endeavoured to convince the Magistrate of the evil tendency of the measures which he had taken, and of the danger to be apprehended from a deviation from the prescribed mode of proceeding. -

In the foregoing returns the Magistrate vindicates the correctness of his conduct, on which the Court had found it necessary to animadvert, he calls in question the correctness of the information on which the opinions of the Court were founded, although that information was furnished by the Magistrate himself; and commenting upon the observations of the Court in language quite unbecoming and disrespectful he declares the enactments of the judicial code to be ill-adapted to the circumstances of the country, and to the nature of transactions in life. -

Under these circumstances the Court deem it incumbent upon

them to submit the whole of the
for the consideration of the Right
Honorable the Governor in
in order that such measures
be taken for maintaining the
city of the Court as may
be expedient.—

The Court therefore
that extract of their proceedings
with the papers to which they
be sent to the Secretary
ment in the Judicial Depart
with a request that he would
the same for the consideration
the Right Honorable the Gov
in Council.—

I have the following letter
(Then enter No.)

I have also received a letter
District, from the 1st Judge of
Western Division, requesting
informed whether certain
Okkan the Mysoreans in the
Salem have been committed
directed to

Mysore, should be brought to trial
at Salem, or sent to Seringapatam
to be tried by the Court of Circuit
for the Western Division &c.—

(There enter No. 562.)

The Court, in their proceedings
of the 16th May last, recommended to Govern-
ment that the Magistrate in the Zilla
of Salem might receive authority to
bring to trial before the Court of
Circuit,—obviously meaning thereby the
Court of Circuit for the Southern Divi-
sion,—such of the Prisoners,
sion,—such of the Prisoners,
subjects of the British Government,
as might appear to have committed
offences in the Mysore country, authority for this measure having been
conveyed in the letter from the Secretary
to Government in the Judicial Depart-
ment, dated the 5th June,—which was
which was communicated to the Ma-
gistrate of Salem under date the 20th
June last,—the Prisoners in question
cannot be sent to take their trial
before the Court of Circuit in the
Western Division without a special
reference for the orders of the Right
Honorable the Governor in Council.

† With reference to Regulation XI. of 1805,

17. August 1815.

It does not appear to the Court to be expedient to make the reference in question, inasmuch as it would be productive of considerable delay; and the proposed mode of transferring the trials to Lexington would occasion great inconvenience to the Witnesses, who, it is presumed, are now in attendance at Salem. —

In these proceedings of the 5th June last the Court pointed out for the information and guidance of the Magistrate of Salem the irregularity of his committing for trial in his Gaol persons charged with offences committed in districts not within his jurisdiction. If there be any cases of this description on the Salem Calendar, it will be the duty of the Judge on Circuit to ~~point~~ notice the error in the Magistrates proceedings; and to direct that the prisoners be sent to the Magistrate of the jurisdiction in which the crimes charged against them respectively shall appear to have been committed.

(2) F. A.

17th August. 1815. — Ordered that extract of these proceedings be sent for the information and guidance of the Judge on Circuit in the Southern Division. —

(Ejt
E.D.S. N Sent following letter.

(Here enter B.)

Read return, dated the 1st Ultimo, from the Judge of Circuit in the Centre Division, to the Court's precept of the 16th June last, whereby he was required to specify whether, as stated in the record of the trial N. 36. on the Caledonia Calendar for the 2d Session of 1814, the Witnesses, who attested the confessions of the prisoners before the Magistrate, were examined before the prosecution was closed; or whether as stated in his return of the 6th June last, they were examined after the prisoners had made their defence.

(Here enter N. 473.)

In his return of the 6th June to the Court's Precept of the 8th May, the Judge of Circuit stated that as the defence of the prisoners did not state matter contained in their

"confessions to Anspach Surg. or to the
"Magistrate, it was thought necessary to
"examine the Witnesses to those confessions.
From this passage it was to be inferred
that the Witnesses in question, eight in
number, were examined after the Prison-
ers had made their defence; and
the reason for taking their examination
stronger as it may seem, was to exhi-
bish against the Prisoners certain
facts which did not appear in the
declarations ~~which they~~ respectively made by them respectively when put
on their defence.

In the return now under con-
sideration is the following passage. "In
"addition to the above, on the
"conclusion of the prosecution, nine
"Witnesses were examined. Two of them
"were those who proved the confession
"to Anspach Surg. This evidence was
"taken lest the Prisoners should after-
"wards deny any of the several circumstan-
"ces which attended their confession, and
"which would influence the construc-
"tion the Prisoners then had their confessions
"to Anspach Surg. were to them."

"they all, except Chinna Kistnadoo,
"acknowledged their confessions. They
"were next put on their defence, and
"though they declared they had com-
"mitted the robbery, they denied having
"been armed, and having wounded the
"~~prosecutor~~ son-in-law of the
"prosecutor. As this was partly a
"recantation of their confessions to
"the Magistrate, four Witnesses to
"those confessions were examined
"after the defence, but the depositions
"were copied into the record before
"it." From this passage it is to be
inferred that of the eight Witnesses
in question four were examined
~~in anticipation of the defence~~
~~and to obviate the consequences which~~
to obviate the consequences which
might result from a denial on the
part of the prisoners, when they should be put on
their defence, of the several circum-
stances which attended the commission
of the crimes charged against them;
and that the remaining four Witnesses
were examined after the defence,
for the purpose of doing away the effect
of that defence so far as it related
to the recantation, which

17th August 1815.

it contained, of a part of the confession made to the Magistrates.—

It is obvious that the return made by the 1st Judge of Circuit in the Centre Division to the Court's precept of the 8th May, and 19th June last, are utterly irreconcileable with each other. [redacted]. And as the contents of the eight Returns in question are entered in the record, before the defence, it is equally obvious that the record of the trial is incumbered with either of the returns above mentioned.— The record of the trial, however so far as it relates to the time when the examinations of the eight Witnesses & the confessions were taken,— whether before or after the defence,— is affected by the general terms of the letter [redacted] accompanying it.—

It cannot be necessary to point out to the Judge the mischief of making a false return, or of entering at large records of proceedings which he knows to be incorrect. The Court

(4) F. U.

17th August. 1815.

observation; and they direct that the letter from the Judge, dated the 5th October last, together with the papers which accompanied it, be returned to him, and that he by whom he is commanded to certify to this Court a true record of this the proceedings held in case No 39. on the Criminal Calendar for the 2nd Sessions of 1816.

Return to this precept to be made within fifteen days from the receipt thereof.— and after the receipt of the following precept.

(Here enter C.)

M

17th August 1815.

F. U.

At a Court of Foujdaree Udalut.

Present

Monday 21st August 1815. Edward Roft Greenway Esqr. } Judges.
George Stratton Esqr. }

Read return dated the 19th June last from the Court of Circuit in the Southern Division transmitting the additional evidence required by the Courts Precept under date the 30th January last

(Vide entry No. 96 of 1814)

E.C.S.
C.P.

Read again letter dated the 15th December last from the 2d Judge on Circuit in the Southern Division transmitting his proceedings held in case No. 4 of the Jurisdiction (Calendar) the 2d Sessions of 1814.

(Vide entry No. 736 of 1814)

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer, and the Futwa of the Cazee o'al Bogat Dua Mooftee of the Foujdaree Udalut, do confirm the said Futwa of the Cazee o'al Bogat and Mooftees of aforesaid, and do direct that the Prisoner Omrey Doss Bungoo be confined in prison until he shall procure the use of his right eye.

Sent following letter

(Vide entry No. A of

21st August 1815

Declared that the Judge in the foregoing case No 4 of the Tinnevelly Calendar in the 2d Sessions of 1815 has by Report recommended to instruct the Magistrate in the Zilla of Tinnevelly aforesaid to refer from time to time to the Court of Circuit upon the state of mind of the prisoner Mayavaraiyan sentenced under this date to be confined in irons until he shall recover the use of his reason — and that the Magistrate be charged on no account to release the said prisoner without the especial permission of the Faujdaree Adawlut obtained through the Court of Circuit.

Sent following Report

/ Recorded B /

Remarks upon the proceedings of the Court of Circuit in the Central Division to the Court's Report under the 26th June last forwarding the English and Persian records of the trials therewith submitted and certifying that the Original of the Calendar duly bear the signature of the late 3d Judge and that the aforesaid Records on being compared with the Originals are found correct (and are accordingly attested) either by translation by order of the Court of Circuit.

/ Recorded No 638 of 1815 /

The Court having maturely considered the proceedings held before the late 3d Judge on Circuit in each of the undermentioned Talooks in the 1st & 2d Sessions of 1815 the Futwa of the Provincial Law officer and the Futwa of the Cazee al Cazaat and Mooftees of the Faujdaree Adawlut do confirm the said Futwas of the Cazee al Cazaat and Mooftees aforesaid & do direct that the Prisoners

21st August 1815. do direct that the Prisoner.

Teckarama

be set at liberty

Sent following letter

/ Recorded /

Read letter dated the 24th April last from the 1st Judge of Circuit in the Central Division transmitting his proceedings held in case No 26 of the Chittoor Calendar in the 2d Quarter Sessions of 1815

/ Recorded No 393 of 1815 /

The Court having maturely considered the proceedings held before the 1st Judge of Circuit the Futwa of the Provincial Law officer and the Futwa of the Cazee al Cazaat and Mooftees of the Faujdaree Adawlut do confirm the said Futwas of the Cazee al Cazaat and Mooftees aforesaid & do direct that the Prisoner

1. Ganitham Vencatasadoo

be imprisoned and kept to hard labor in irons on the public roads or at the public works for and during the period of one year & at the expiration thereof to be released on producing security for his future good behaviour and a Sheerance when required for and during the further period of one year

And the Court do direct that the Prisoners

2. Nullapareddy &

3. Cattamreu Pauperaddy

be released on producing security for their future good behaviour and a Sheerance when required for & during the

21st August 1815. period of Inquiry

Sent forthcoming Letter
/ Here enter D /

From the Sentence passed by the Judge of Circuit in the foregoing case No 286 of the Chittoor Calendar 2d Quarter Sessions 1815 / it appears that the Prisoners

1st Pootiah
5th Nursingadoo
6th Chendrah Siddapah &
7th Maaty Rangaiah.

were Ordered by the Court of Circuit to be detained in Custody until they should produce Security for favorable conduct towards the Prosecutor.

This circumstance should have been noticed at the foot of the Prison Record for the information of the Law Officers of the Faujdaree Adalut / and the Court do accordingly direct that this omission be pointed out to the 1st Judge.

Ordered that a Extract of these proceedings be transmitted to the 1st Judge of Circuit in the Southern Division for his information and future guidance.

Sent forthcoming Letter
/ Here enter D /

F. U.

At a Court of Foujdaree Adalut

Monday 28th August 1815.

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

Read letter dated ____ from the 1st Judge of Circuit in the Southern Division transmitting his proceedings held in case No 22 of the Rajahmundry Calendar in the 1st Sessions of 1815.

/ Reference No 286 of 1815 /

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Sagar ool Casgat and Mooftee of the Foujdaree Adalut do confirm the said Futwa of the Sagar ool Casgat & Mooftees aforesaid and do direct that the Prisoners

1st Earla Singareddy
2d Gumapilly Venkatareddy
3d Cammara Ramdoo
4th Mutthipilly Somia
5th Merryala Ramasawmy

be released on producing Security for their future good Behaviour and appearance when required.

Sent forthcoming Letter
/ Reference No 4 /

28th August 1815

In the foregoing trial No. 22 of the Rajahmundry Calendar no Prosecutor appears to have conducted the Prosecution either in person or by Vakeels

In No. 1 of the Magistrates proceedings it stated that the Sirkar being the Prosecutor no petition of complaint was necessary — so that the Magistrate in the Zilla of Rajahmundry commits the persons to take their trial before the Court of Circuit, without considering it necessary to submit with his Proceedings any and without furnishing the Government Pleader with a Vakeelnamah & instructing him to conduct the prosecution on behalf of the Sirkar —

The Court deem it necessary to call the attention of the Magistrate to the impropriety as well as irregularity of such a proceeding, & to direct that in future he will submit with his proceedings an indictment agreeably to the usual form; and that in cases where the Sirkar is Prosecutor he will furnish the Government Pleader with a Vakeelnamah and instruct him to conduct the prosecutions on the arrival of the Court of Circuit

Neither the letter of the 1st Judge of Circuit referring the trial, nor the heading of the Proceedings sets forth the Zilla in which the prisoners were committed and brought to trial — The Name of the Magistrate and copy of the process annexed to the Proceedings should state the Court

28th August 1815

Some of the examinations of the Prisoners the signatures of not of the Witnesses are attested by any Witnesses — attended with the proceedings — This omission might have been of a serious nature had the prisoners during their examinations before the Magistrate made any confessions of the crimes laid to their charge; since in case of the prisoners refusing to acknowledge them, — they could not have been proved in Court and the Prisoners made in consequence of have escaped the hands of justice —

In No. 3 of the Magistrates Proceedings, as also in the Report of Prisoners committed in the Zilla of Rajahmundry during the month of March 1815, the Report of Prisoners tried in that and in the Zilla and whose cases have been referred to the Foujdaree Adalut, six Prisoners are stated to have been committed to take their trial — Whereas only five were included in the Calendar laid before the Court of Circuit, & only five put on their trial. It does not appear what has become of the sixth prisoner Zilla Gungalooroo who was not brought to trial with the other prisoners in the Proceedings held before the 1st Judge on Circuit in the foregoing case; as yet included in a subsequent Report for the Month of May of Prisoners tried and whose cases are under reference to the Foujdaree Adalut —

The

The Court accordingly direct that the Magistrate in the Zilla of Rajahmundry be called upon to account for the above irregularity respecting the Prisoner Tulia for

Ordered that extract of these Proceedings be transmitted to the 1st Judge of Circuit in the Northern Division by precept directing him to communicate the same to the Magistrate in the Zillah of Rajahmundry for his information and future guidance and to require him to afford the requisite explanation and to transmit the Records on this subject mentioned in the foregoing precept within three weeks of the date of the receipt thereof

Sent for standing Records

Received

Read letter dated the 15th from the Magistrate in the Zillah of Rajahmundry forwarding his report of Prisoners for the Month of June last

Remembrancer &c

From the Report of Prisoners tried and whose cases have been referred to the Foujdaree Adaulut for confirmation the sentences of the Court have not

Monday
28th August 1815.

not been received, as contained in the foregoing letter it appears that a Prisoner named Kalapah was committed by the Magistrate on a charge of wounding; that he was tried before the Judge on Circuit in case No. 93. of the Cuddapah Calendar on the 26th April 1814; but the date of its reference to the Foujdaree Adaulut is unknown to the Magistrate

Also that a Prisoner named Lingah alias Rummah was committed by the Magistrate on the 15th July 1814 on a charge of having returned from Prince of Wales's Island whither he had been banished by Order of the Court that his trial was completed on the 15th September Cast, but that the date of its reference to the Foujdaree Adaulut is also unknown

The foregoing trials No. 93 of the Cuddapah Calendar in the 1st Sessions of 1814 & No. 43 of the Cuddapah Calendar in the 2d Sessions of 1814 not having been received by the Foujdaree Adaulut,

The Court direct that extract of these Proceedings be transmitted to the 1st Judge of Circuit in the Centre Division by Precept requiring him to state for the information of the Court why the aforesaid trial No. 43. of the Cuddapa Calendar in the 2d Sessions of 1814 has not been duly referred, & to transmit his proceedings held

in the foregoing case within one month from
date of the receipt of the foregoing precept.

Sent following Precept.

Vide Entry C/

And the Court do further direct
that extract of these Proceedings be also transmitted
to the Court of Circuit in the Centre Division by
Precept directing them to transmit attested copies
the proceedings held before the late 3d Judge on
Circuit in case No. 93 of the Cuddapah Calendar
in the 1st Sessions of 1814, and to state for the
information of the Court whether the original
proceedings are duly certified by the signature of
the late 3d Judge before whom they were held.
The Court do further direct that return to the foregoing
Precept be made within one month from the date of
this receipt thereof.

Sent following Precept

Vide entry D/

Read letter dated the 1st July last
from the Chief Secretary to Government signifying the
Court to submit their final proceedings in the trial
Shund & others No. 5 of the additional Calendar for
the Zilla of South Malabar in the 1st Sessions of 1815

Vide entry No. 493

In reference to the Calendar for

Zilla of South Malabar transmitted by the 1st Judge on
Circuit in the Western Division it appears that the
proceedings on the foregoing case commenced on the 21st
continued by adjournment to the 29th March last &
that the trial is preparing for reference—

The proceedings in the foregoing
case not having been received the Court directed
that the 1st Judge of Circuit in the Western Division
be by Precept called upon to account for the delay
occasioned in the transmission of the aforesaid trial &
to submit his proceedings held therein with his
return to the Precept abovementioned.

Ordered that extract of these
Proceedings be transmitted to the 1st Judge of Circuit
in the Western Division by Precept directing him
to make return thereto within the period of ten days
from the date of the receipt thereof.

Sent following Precept

Vide entry C/

Read letter dated the 31st ultimo from
the Magistrate in the Zilla of Nellore submitting for
the consideration of the Court what a conditional pardon
be granted to a person named Sengunnah implicated
with Seshunnah in a charge of forgery.

Vide entry No. 513.

The Magistrate states for the information
that the Collector

28th August 1815.

Government Cutcherry has preferred a complaint against N. Soabunnah for forging the names of Mungaldo Pauljiah & Nookalapandy a Sarcumah of [illegible] to a Nakalutchamah granted by Pinna Cannamah and Teynala Cerappa [illegible] to Rekaranga Singunnah [illegible] for the purpose of receiving on the account the Drawback on Tobacco lately sold by the Government.

The foregoing statement not being sufficiently explicit to enable the Court to form an opinion as to the merits of the case and to determine on the point submitted by the Magistrate for their consideration, the Court directed that the foregoing letter be returned to the Magistrate and that he be instructed to forward and transmit a more clear and distinct account of the case, relative to the point referred for the determination of the Court, to enable them to form a decision thereon.

Ordered that the foregoing letter be returned together with extract of these Proceedings to the Provincial Court to the Magistrate in the Zilla of Tellicherry by Perwanah Singunnah directing him to make his return within the space of one week from the date of the receipt thereof.

Sent following Precept

Hereunto F

Read letter dated the 26th ultimo from the Register to the Provincial Court

28th August 1815. the Western Division transmitting copy of a letter & its enclosure from the Magistrate in the Zilla of Canara and recommending that the offer of the Rewards proposed by the Magistrate be sanctioned.

Hereunto No 54.

Under the circumstances stated by the Magistrate in the foregoing letter the Court on the recommendation of the Court of Circuit deem it expedient to sanction the Rewards proposed to be offered by the Magistrate and under the provisions of Section X Regulation VI A. D. 1811. do accordingly authorize him to offer the sum of 250 Rupees for the apprehension of the leader & 50 Rupees for each of the inferior offenders concerned in the robbery of the outrage referred to in his letter above mentioned.

Ordered that extract of these Proceedings be transmitted to the Court of Circuit in the Western Division by Precept directing them to communicate the same to the Magistrate in the Zilla of Canara for his information and guidance.

Sent following Precept

Hereunto G

AM

Ordered that the Provincial Court be authorized to direct the Register of the Court of Circuit to receive the foregoing proceedings from the Magistrate in the Zilla of Canara

28th August 1815.

Read letter, dated 24 Ultimo from the 3d Judge on Circuit for the Southern Division — With returned Warrants to Issue on Cases Nos 32, 46, 49, 53, 55 and 57 on the Calendar of the Gaol of Malacca for the 2d Sessions 1815

Recorded No 561

Read letter, dated 14th Instant from the 3d Judge on Circuit on the Southern Division — With returned Warrant to Issue of Sentences of Transportation on case No 8 of Malacca Calendar on 2d Sessions of 1815 —

Recorded No 595

At a Court of the Toungdaree Adalut

Present

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

Tuesday 29 August 1815

Read Letter dated 26th July 1815 from the 2d Judge on Circuit for the Western Division enclosing certain Correspondence between him and the Magistrate of Canara

Recorded No 572

Read also Letter dated 29th July 1815 from the 2d Judge on Circuit for the Western Division forwarding further Correspondence between him and the Magistrate of Canara

Recorded No 582

The first of the above Letters brings to the notice of the Court two precepts issued by the 2d Judge on Circuit to the Western Division to the Magistrate of Canara, remarking upon certain late proceedings of the Magistrate, & conveying to him the Judges directions for his future conduct in the points therein adverted to: & likewise communicates the Magistrates return to the 1st of those precepts

It appears from the first precept, under date the 18th ulto, that certain persons had been committed by the Magistrate for trial before the Court of Circuit, in case No 9 on the Calendar of the present circuit, charged with Conspiracy and perjury in having exhibited

a

29th August 1815.

a false charge of Murder before the Magistrate against certain other persons, with intent to procure their eventual condemnation.

The Judge on circuit considered the Magistrate to have exceeded his authority when he committed the prisoners for conspiracy and perjury in as much as he thereby declared the persons accused before him of murder, to be innocent of that crime; whereas the Magistrate is not competent to receive by oath, determine upon, in the primary investigation by him in cases cognizable only by the Court of Circuit, the exculpatory evidence offered by parties accused. The Judge on Circuit under the impression that the persons charged with Murder should be committed for trial by the Magistrate on the oaths of the prisoners charged with perjury which last mentioned persons the Judge of Circuit declared his intention of discharging from the bar as soon as the trial for murder should be concluded in the result of that trial the Judge observed would naturally lead to the measures most proper to be adopted against those who might have been guilty of perjury or subornation thereof. In conclusion the Judge of Circuit directed the Magistrate to point out such other cases on the Calendar as might be similarly circumstanced with the case &c.

The Magistrate in his letter states his reasons

29th August 1815

of Circuit as to Courses of proceeding which it was his duty to follow, appealing to the Regulations as justifying him in discharging prisoners accused before him of heinous crimes, upon its appearing to him that the crimes were never committed or that the persons accused were not concerned in their commission. The Magistrate also states that he considers the Regulations as authorizing him to commit persons to be tried before the Court of Circuit for perjury before it. And he informs the Court of Circuit that the Calendar contains 8 Cases of fabricated accusations of Murder & one of false charge of burglary.

In his second precept the Judge of Circuit explains the principles on which the opinion he had given in regard to case 29 was founded and draws a strong distinction between that and many of the other cases mentioned by the Magistrate wherein persons were charged with perjury and conspiracy declaring the Magistrate authorized to commit for perjury only when the accusers or witnesses shall themselves acknowledge the charges to be groundless or the evidence false.

In the Letter to the Register the Judge of Circuit enters further upon the reasons which induced him to consider the Magistrate as not authorized to go into so full and complete an investigation as would justify the discharge of prisoners accused of perjury

29th August
1815.

If murder and he gives a Statement of a conspiracy false accusation of murder, which was brought before the Court of Circuit in 1814, in which that Court discovered the falsehood of the accusation and brought to trial and punished the accusers, man of considerable rank and influence in those parts - The object of his Statement is to rebut a supposed insinuation of the Magistrate that, till his apprehension, conspiracies against the lives and fame of individual were suffered to pass with impunity -

It remains for the Court to state their opinion -

1st as to the duty of the Magistrate

2d as to the [illegible] in the matters on which they are authorized to inquire -

Section V Regulation VI of 1814 directs that when a person charged with a crime is brought before the Magistrate he "shall enquire into the circumstances of the case and examine the prisoner and the complainant" and it positively enjoins that if after the enquiry "it shall appear to the Magistrate "that the crime charged against the prisoner "was never committed or that there is no "ground to suspect him to have been guilty "in the commission of it the Magistrate shall "cause him to be forthwith discharged" [illegible] "his reasons for so doing to be stated and entered

2/

29 Augt 1815

This enactment vests in the Magistrate a general discretional power of deciding, in each individual case brought before him, whether there is, or is not sufficient ground for committing the accused - The Magistrate is to examine the prisoner and that, not with a view to lead him to confession, but to enable the Magistrate the better to prosecute his enquiries into the circumstances of the charge & speedily, when the result of his enquiries shall satisfy the Magistrate that the crime has not been committed [illegible] as when the party stated to be murdered is [illegible] prove to be alive, as was the case in No 9 / that the accused was not concerned in the perpetration of the crime, the Magistrate would be unwarranted in committing the accused for trial before the Court of Circuit & the exercise of his discretion he is unfettered: as his function and as the Judge of Circuit has shewn on his letter to the Court is to be found in the Regulations - He is only bound to state the grounds on which he proceeds for the consideration of the Court of Circuit, the rule of whose procedure thereon will be noticed hereafter -

The Judge of Circuit has observed in his first precept that to obviate the danger of hardship and injustice in the commitment of the parties for trial & confinement on a charge of misdemeanor the Magistrate should not be warranted to commit [illegible] but [illegible] In his opinion the

Judge in Council is wholly unsupported by the Regulations so far as a charge of murder is concerned. It is indeed enacted by clause first section IX Regulation IV 1811 that no species of homicide except murder shall forbid the admission of persons to bail who are accused of murder but it is not questioned in the present case whether the crime charged did or did not amount to the crime of murder. the question is whether the Magistrate had authority to release a man charged with murder, the charge not being withdrawn the accuser or his testimony now on this point the language of the Regulations is positive — If the Magistrate declined the charge the case must be remanded for trial, murder not being a bailable offence. The Court of Circuit only authorized by clause second section IX Regulation IV of 1811 to admit to bail a person charged with an offence not bailable under the provisions of the Regulations —

The Court regret that they should have thought it necessary to introduce the history of a case almost wholly unconnected to the points at issue & to comments thereon all with the questions now under consideration it tends to confuse the statement of the groundless & unfounded charges of heinous crimes so frequently and for a long time preferred, by prisoners against persons residing in the part of the

possible objection against the mode of proceeding directed by the Judge in Council on the ground of humanity - a charge of wilful & corrupt perjury it may often be difficult to substantiate. It is a crime far more easily charged than proved - The swearing on any trial may have been false and may have been so clearly shewn to have been so before the Magistrate as to satisfy him that the crime was never committed, or if it was perpetrated that the accused was not a party to it, & yet on the trial for perjury there may be a want of legal proof that the false swearing was wilful and corrupt in such a case supposing the mode of proceeding directed by the Judge in Council to have been adopted with what additional weight would the first imprisonment fall on the innocent person who had been unable legally to commit his accuser, & what encouragement would not such a result afford to the malicious & false accusers?

As to the duty of the Court of Circuit, the Regulations direct that the Judge in Circuit shall have laid before him a Calendar of persons discharged from prison & Section XV Regulation IV 1811 enacts that when the Court of Circuit shall be of opinion that any person has been released on insufficient grounds (as is alleged on several instances against

29th August 1815

against the Magistrate of Canara) they shall direct additional enquiry to be made & the result to be communicated to the Judges of the Court of Circuit collectively for their orders on the case instead of reporting it in the first instance to the Zoujdaree Adawlut. Such is the course that should have been pursued in the cases now brought to the notice of this Court. Whenever accusations are preferred before the Magistrate he must in the first instance decide to the best of his discretion, and on the authority vested in him by the Legislature, whether there be sufficient grounds for committal. The superior Courts of Division collectively may exercise the control over those Courts in any particular instance in which the determination of the Magistrate shall appear to them to be erroneous.

On the subject of the second letter the Court observe that the proceeding which led to the drawing of the calendar now under consideration is unexceptionable, as the Regulations do not provide for the contingency of an exception now in the extract now forwarded; and, as the Judge disclaims all intention of disrespect, the Court are bound to believe that no disrespect was intended.

Ordered that a extract of this proceeding be sent to the Court of Circuit by precept commanding them to cause the same to be

3/

29 August 1815

Magistrate of Canara respectively. Return to the said precept to be made within one month from the receipt thereof.

And the following precept

(Here enter A.)

Read Letter dated 21st July 1815 from the D. Judge on Circuit in the Malcolm Division enclosing Correspondence between him and the Magistrate of Canara

(Here enter No. 322)

Read also Letter dated 22 July 1815 from the D. Judge on Circuit in the Malcolm Division referring further Correspondence between him and the Magistrate of Canara.

(Here enter No. 324.)

It appears from the foregoing communication that the prisoners in a certain case before the Court of Circuit in the present Session had made a confession before one of the Police Officers of the Sunda Talook, which had been attested by two persons, neither of whom had been examined by the Magistrate nor had any evidence whatever been taken by the Magistrate on the subject of the prisoners confession. The Judge on Circuit having by precept, dated 17th July, called the attention of the Magistrate to this omission, the Magistrate in his Letter says only that he did not consider it necessary to examine the subscribing witnesses to the prisoners confession before the Police Officers, because on the very strong circumstantial evidence

29th August 1815.

against the Magistrate of Banaras) to direct additional

[illegible]

[illegible] that any witness by Section VII Regulation VII of 1802 it is specifically directed that when a prisoner shall confess before the Magistrate or confirm a former confession, the Magistrate shall record such confession or confirmation of a former confession to be witnessed by as many of his officers or other creditable persons present at the time as the Mahometan Law requires to give it validity. In the case under trial by the Judge in Circuit a confession is alleged to have been made. It was the duty of the Magistrate to enquire of the prisoner when he examined him whether he meant to confirm before him his former confession and in the event either of his acknowledging or denying it to enquire into the circumstances under which it was given. This the Magistrate neglected to do, and he attempts to justify his neglect by asserting the sufficiency, in his opinion, of the circumstantial evidence he had taking which evidence, it appears by the record of the trial before the Court of Circuit, failed to bring home the crime to the accused who have thus escaped conviction which in the opinion of the Court of Circuit would have followed had the case been properly

7th August 1815.

The Judge in Circuit in his precept of the 20th July misadvertently and injudiciously in the very insufficient and improper return of the Magistrate of Banaras. It appears by this precept that the Magistrate had allowed the name of Ram Gaun Das of the Pitail who desired witness Bagala Gowla to put his mark of attestation to the prisoners confession to appear in the list of the Prisoners witnesses only and the prisoner not having desired his evidence, he was not examined, the Judge of Circuit not having been aware, till after the trial was concluded, of the importance of this man's testimony - Thus, owing to the neglect of the Magistrate, has an enquiry been prevented into the circumstances under which the confession of the prisoner was taken by the native officer of police, an enquiry which who probably have tended either to the confirmation of the confession or to the discovery of any evidence or means that might have been used had such evidence or means been used to obtain those confessions

The Court have only further to observe that the return of the Magistrate to the 2d precept of the Judge in Circuit is unsatisfactory - he adheres to a practice as a precedent, which had already been pronounced by the Judge in Circuit to be irregular - but fails to adduce any authority in support of such practice which the

29th August 1815.

Lab, Court are bound to pronounce to be in variance with the previous enactments of the Regulations —

The foregoing observations will be considered applicable to the Reference in the second of the two Letters now before the Court —

Ordered that Extracts of these proceedings be sent to the Court of Circuit by first Packet commanding them to communicate the same to the Judges of Circuit & Superior Courts of Canada respectively, Return to be made to be Laid before the Court within one Month from the date thereof —

Sent following Packet

Vide entry B

Read Letter dated 21st Inst. from the Hon. Judge of Circuit Enclosing further Correspondence between him & the Magistrates of Canada —

Vide entry No 356 A

The foregoing Letter does not convey sufficient information to enable the Court to form an opinion to what extent the proceedings of the Magistrate of Canada have been irregular, or how far he has interfered in matters originally only by the consent of the Parties —

The Magistrate in his letter of the 9th July brings to the notice of the Court the alleged misconduct of the Clerk of the Crown in allowing two persons committed for trial (the Court imagine this must be a mistake for "held to Bail") to enter the room occupied by the Circuit Court writers and to Copy certain papers

The Court are not in possession of any reason why this communication should be known, as it pronounced by the Judge of Circuit to be, officious and altogether unauthorized for the Judge of Circuit in his Communication of the 19th July states that he has been informed that the Magistrate called before him & interrogated on the occasion two of the servants of the Court of Circuit, and he desires the Magistrate not to interfere with his establishment in any respect whatever, under circumstances when the powers vested in him as Magistrate authorize him to do so —

The Magistrate disclaims all intentional disrespect which the Judge of Circuit has charged him with, & states that he thinks himself perfectly warranted in Communicating as he did with the Servants of the Court of Circuit —

By general grounds, the Court is inclined to think that the Magistrate has exceeded his authority — The Servants of the Court of Circuit are only amenable to those over them immediate superiors; it is that authority only that can punish them or recommend their removal but the suspension before them, the Court ap-

29th August 1815.

Lake, Count

[illegible] the Court [illegible] the Judge [illegible]
[illegible] Court shall [illegible] Sunday [illegible]
important [illegible] Judge [illegible] desire [illegible]
furnish the Court with a detailed account
of the Acts of the Magistrate of which he was
found to complain —

Ordered that extract of these
proceedings be sent to the Court of Circuit for
by precept commanding them to communicate
the same to the 2d Judge of Circuit & the Magistrate
of Canara respectively. Return to the said
precept to be paid within one Month from
the Receipt thereof —

/Here enter Cf

668

Read Letter dated 25th Instant
from the Secretary to Government in the
Judicial Department transmitting the terms
of a Conditional pardon agreable to the
Courts recommendation in their proceedings
of 4th Instant —

Here enter No. 668 —

Ordered that extract from the
Court's proceedings of the 4th Instant with Cf
the foregoing Letter and Extract of their proceedings
be sent from the information & endeavour of the
Magistrate in Rajahmundry Collector

August 1815

Read the following letters from the Magistrates
of Chingleput, Canara, Nellore, Verdachellum, Cuddapah, Cochen,
Tinnevelly, Guntoor, Seringapatam, Vizagapatam, Madura,
North Malabar, South Malabar, Trichinopoly, Coimbatore,
Ganjam, Masulipatam, Salem, Bellary, Rajahmundry,
Combaconum, and Chittoor, with Report of prisoners for the Month
of June —

/Accentus No. 489. 490. 497. 495. 502. 503. 504. 506.
507. 508. 521. 527. 522. 529. 530. 532. 539. 543. 544. 546. 550. 595/

Read return dated 12th Instant from the
Court of Circuit in the Northern Division — to the Courts precept of
9th June last transmitting the explanation of the Provincial Magistrate
upon the point referred to him —

/Accentus No. 535/

Ordered that the foregoing return do lie on the Table

F. U.

At a Court of Fouydaree Udalut

Present

Monday 4th September 1815. Andrew Scott Esqre

Edward Croft Greenway Esqre Judges

George Stratton Esqre

Read return dated the 7th July

E&S last from the Court of Circuit in the Western

Division transmitting the additional evidence

required by the Court's Precept under date the

29th May 1815.

(Reg entr No 468 of 1815)

Read again letter dated the 15th

February last from the 2d Judge on Circuit in

the Western Division transmitting his proceedings

held in case No 23 of the South Malabar

Calendar for the 2d Sessions of 1814.

(Reg entr No 161 of 1815)

The Court having maturely

considered the proceedings held before the

Judge on Circuit the Futwa of the Provincial

Law Officer and the Futwa of the Cazee ool Cozat

and Mooftee of the Fouydaree Udalut do confirm

the said Futwa of the Cazee ool Cozat and

Mooftee aforesaid, and do direct that the

Prisoner

4th September 1815

Prisoner

"Kattaporayambil Avaran"

to be confined in prison until he shall leave the use of his reason

Sent following letter

/ Recorder A /

Ordered that the Judge, who tried the foregoing case / No 23 of the South Malabar Calendar in the 2d Sessions of 1814 / be duly commanded to instruct the Magistrate in the Tillo of South Malabar aforesaid to report from time to time to the Court of Circuit upon the State of mind of the prisoner Kattaporayambil Avaran, sentenced under this date to be confined in prison until he shall recover the use of his reason — and that the Magistrate be charged no account to release the said prisoner without the official permission of the Foujdaree obtained through the Court of Circuit

Sent following Receipt

/ Recorder B /

Read letter dated the 4th Sept from the Court of Circuit in the Centre Division transmitting the Court's Precept under date the 26th June last for the information of the Court that the

4th Sept 1815

proceedings of the trials therein mentioned severally bear the signature of the late 3d Judge before whom they were held.

/ Recorder No 432 of 1815 /

Read again letter dated the 14th June last from the 3d Judge on Circuit in the Centre Division transmitting the proceedings held in case No 5 of the Cuddapah Calendar in the 2d Sessions of 1812.

/ Recorder No 513 of 1815 /

The Court having maturely considered the proceedings held before the late 3d Judge on Circuit / in case No 5 of the Cuddapah Calendar in the 2d Sessions of 1812 / the Futwa of the Provincial Law Officers of the Cazee ool Coozat and Mooftees of the Foujdaree Adaulut do confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid and under the provisions of Clause III Section IV Regulation XV A. D. 1803. do adjudge the Prisoner

"Yanadee Tirroomaleegaudoo"

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of fourteen years, from the 10th February 1812 the date of his commitment

And the Court do adjudge

the

4th September 1815

the Prisoner

1st Chinna Vengadoo.

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of Seven Years from the 5th February 1812 the date of his commitment

2d Chinna Vengadoo.

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of Seven Years from the 5th February 1812 the date of his commitment

Read again letter dated the 13th June last from the 3d Judge of Circuit in the Dimbula Division transmitting the proceedings held before the late 3d Judge on Circuit in case No 4 of the Cuddapah Calendar in the 2d Sessions of 1812.

Vide enter No 31 of 1815

The Court having maturely considered the proceedings held before the late 3d Judge on Circuit (in case No 4 of the Cuddapah calendar in the 2d Sessions of 1812) the Fatwa of the Provincial Law Officer and the Fatwa of the Cagee al Cagat & Mooftees of the Fouzdaree Adalut do confirm the said Fatwa of the Cagee al Cagat & Mooftees aforesaid and under the provisions of Clause 2d Section IV Regulation XV A D 1813 do sentence the Prisoners

1st Chinnegandoo.

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of Seven years from the 10th February 1812 the date of his commitment

The 2d Prisoner Tirroomalleygandoo having been sentenced to 14 years imprisonment & hard labour in case No 5. his release is not directed

Read again letter dated the 13th June last from the 3d Judge of Circuit in the Dimbula Division transmitting the proceedings held before the late 3d Judge on Circuit in case No 2 of the Cuddapah Calendar in the 2d Sessions of 1812

Vide enter No 31 of 1815

The Court having maturely considered the proceedings held before the late 3d Judge on Circuit (in case No 2 of the Cuddapah Calendar in the 2d Sessions of 1812) the Fatwa of the Provincial Law officer and the Fatwa of the Cagee al Cagat and Mooftees of the Fouzdaree Adalut do confirm the said Fatwa of the Cagee al Cagat & Mooftees aforesaid, whereby the Prisoners

1st Chinna Vengadoo

v

2d Tirroomalleygandoo

are

4th September 1815.

are acquitted of the crimes laid to their ch[arge] in this trial.

But the said Prisoners [illegible] the one to 7 & the [illegible] been found guilty & sentenced to [illegible] imprisonment & hard labour in case No. [illegible] of the Cuddapah Calendar their release is directed.

Read again letter dated the [illegible] June last from the 2d Judge of Circuit in the Centre Division transmitting the proceedings held before the late 2d Judge in regard to case No. 6 of the Cuddapah Calendar in the 2d Sessions of 1812.

/ Here enter No 433 of 1815 /

The Court having maturely considered the proceedings held before the late 2d Judge in Circuit (in case No. 6 of the Cuddapah Calendar in the 2d Sessions of 1812) the Clerk of the Provincial Law officer and the Fiscal of the Zillah do confirm the said Fiscal of the Zillah do confirm the said Fiscal of the Sessions and acquitting the Prisoner

No. Sungangadoo

do. direct his release accordingly.

4th September 1815.

The 2d Prisoner Tirrosmatteegadoo having been found guilty & sentenced to 14 years imprisonment and hard labour in case No. 5 of the Cuddapah Calendar his release is not ordered—

Sent following letter

/ Here enter 6 / FM

Read return dated the 10th May last from the 2d Judge on Circuit in the Centre Division to the Courts Receipt under date the 1st instant directing him to communicate to the Magistrate of Bellary such part of the Courts proceedings in case No. 86 of the Bellary Calendar in the 1st Sessions of 1815. as may be necessary for his information and guidance. The 2d Judge Certifies the same to have been duly com= =municated—

/ Here enter No 386 /

Read return dated the 13th May last from the Court of Circuit in the Southern Division to the Courts Precept under date the 1st May last commanding them to state the causes of the delay in making return to the Courts precept of the 19th March last— The Court certify that the return thereto was prepared within the period prescribed, but inadvertently not despatched till

4th September 1815

till the 4th instant—

(Recentier No 362)

Read Return dated the 2d last from the Court of Circuit in the Eastern Division to the Courts Precept of the 2d March last, stating that the Acting Mag[istrate] in the Talla of Cuddapah has instituted an enquiry relative to the Release of the Gungee accused of a Murder, and has sent two persons for being arraigned thereon trial before the Court of Circuit.

(Recentier No 403)

Read Return dated the 4th last from the Court of Circuit in the Eastern Division to the Courts Precept of the 8th instant commanding them to communicate to the several Magistrates in their Division such part of the Courts Proceedings in No 40 of the Cuddapah Calendar of 2d Sessions of 1814 as may be necessary for their information and guidance & to certify the same to have been duly

(Recentier No 405)

Read Return dated the 3d May last from the Court of Circuit in

3d F. M.

4th Sept. 1815

Western Division to the Courts Precept of the 8th instant directing them to communicate to the several Magistrates in their Division the Courts orders in case No 70 of the Bellary Calendar in the 1st Sessions of 1815. for their information and future guidance; the Court certify the same to have been duly communicated—

(Recentier No 406)

Read Return dated the 5th June last from the Court of Circuit in the Centre Division to the Courts Precept dated the 8th instant directing them to communicate to them the Courts orders in case No 35. of the Cuddapah Calendar in the 2d Sessions of 1814. the Court certify that they will conform to the directions transmitted to them.

(Recentier No 442)

Read return dated the 5th June last from the Court of Circuit in the Centre Division to the Courts Precept dated the 1st instant directing them to communicate the Courts Orders of the 8th May to the several Magistrates in their Division for their information and guidance the Court certify the same

4th September 1815

same to have been duly communicated -

(Here enter No. 422)

Read return dated the 5th June last from the Court of Circuit in the Centre Division to the Courts Precept of the 8th ultimo directing them to communicate to the several Magistrates in their Division the Courts Orders in case No. 10 of the Bellary Calendar in the 1st Sessions of 1815; for their information and guidance; the Court certify that the same has been duly communicated -

(Here enter No. 423)

Read return dated the 9th June last from the Court of Circuit in the Centre Division to the Courts Precept of the 8th ultimo commanding them to communicate to the several Magistrates in their Division such part of the Courts Orders in case No. 40 of the Cuddapah Calendar in the 2d Sessions of 1814 as may be necessary for their information and guidance; the Court certify that the same has been duly communicated -

(Here enter No. 424)

Read return dated the 9th June last from the Court of Circuit in the Southern Division to the Courts Precept of the 8th ultimo directing them to communicate to the several Magistrates in their Division the Courts Orders in case No. 10 of the Bellary Calendar in the 1st Sessions of 1815; for their information and guidance; the Court certify the same to have been duly communicated -

(Here enter No. 425)

Read return dated the 9th June last from the Court of Circuit in the Southern Division to the Courts Precept dated the 8th ultimo directing them to communicate to the several Magistrates in their Division the Courts Orders of the 5th May for their information and guidance; the Court certify the communi-

cation

4th September 1815.

=cation thereof.

(Here enter No. 425)

Read Return dated the 9th Jan last from the Court of Circuit in the Southern Division to the Courts Receipt dated the 8th Ultimo communicating to them the Courts Orders in case No. 35 of the Calendar for Cases in the 2d Sessions of 1814: the Court certify to the Circuit that they will conform to the directions transmitted to them.

(Here enter No. 426)

Read Letter, dated the 31st July last from the Magistrate in the Zilla of Canara transmitting a Letter from the Magistrate of South Arcot on the subject of the Courts Precept of the 18th October last

(Here enter No. 558)

Read Letter, dated the 6th Ultimo from the 2d Judge in Circuit in the Western Division Reporting the completion of the Jail at Chingleput

(Here enter No. 569)

Read Letter, dated the 4th Ultimo from the Magistrate in the Zilla of Canara, transmitting the Deposition of Mahomed Saeb, Court Peon who had charge of certain convicts

(Here enter No. 574)

4th No. 16.

4th Sept. 1815

Read Letter, dated the 15th Ultimo from the Magistrate in the Zilla of Chingleput reporting the arrival of 6 Pharaseegar convicts from Salem, with the orders of the Magistrates of Zillas Salem and Verdachellum, together with Surgeons certificates.

(Here enter No. 581)

Read Letter, dated the 17th Ultimo from the Magistrate in the Zilla of Chingleput stating that in consequence of the dispatch of prisoners under sentence of transportation on the 6th Instant, no report is furnished for the last month

(Here enter No. 584)

Read Letter, dated the 15th Ultimo from the Magistrate in the Zillah of Chingleput reporting the arrival of 2 convicts, formerly detained at Verdachellum on account of sickness, with the Surgeons certificate.

(Here enter No. 582)

At a Court of the Foujdaree Adalut

Present

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

Wednesday 6th Septr 1815

Read Letter dated 1st ultimo from the Magistrate of Tryagapatam with Report of persons proclaimed in his Zilla.

/Here enter No 364/

Read Letter dated 26th ultimo, from the Magistrate, Reporting the arrival of a Convict from South Malabar.

/Here enter No 664/

Read Letter dated 10th ultimo from the 2d Judge in Circuit in the Northern Division Reporting the arrival of the Court of Circuit at Guntoor.

/Here enter No 380/

Read Letter dated 9th ultimo from the 2d Judge in Circuit in the Western Division with Calendar of prisoners in case No 4. on the Additional Calendar of South Malabar for Session of 1814.

/Here enter No 377/

Read Letter dated 1st ultimo from the Magistrate of Bellaree, with Register of persons detained in his Zillah for July 1815

/Here enter No 365/

Read Letter dated 26th July 1815 from the 1st Judge in Circuit in the Centre Division with Copies of Chittoor Calendar at the

6th September 1815.

3d quarter Session of 1815.—

/Here enter No 533/

Read Letter dated 2d ultimo from the Magistrate of Salem with Register of proclaimed in the Gazette for July 1815

/Here enter No 534/

Read Letter dated 3d ultimo from the 1st Judge on Circuit in the Southern Division, reporting his arrival at Salem

/Here enter No 535/

Read Letter dated 1st ultimo from the Magistrate of Combatoor with Report of Prisoners confined under sentence in his Jail.—

/Here enter No 542/

Read Letter dated 4th ultimo from the Magistrate of Tadaserry with Report of Prisoners confined under sentence in the Jail

Here enter No 573.

Read Letter dated 4th ultimo from the Magistrate of Tellicherry with Report of Prisoners confined under Sentence

/Here enter No 591/

Read Report dated 5th ultimo from the Magistrate of Cannanore, with Prisoners confined under sentence in the jail.—

Here enter No 580.—

8th Sep.

At a Court of the Foujdaree Adalut

Present

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

Tuesday Sep. 12th 1815.

Read Letter dated 8th instant from the Secretary to Government in the Judicial Department, communicating the sentiments of Government relative to the late Representations of the Commissioner being Mr Gregory.—

/Here enter No 620/

Ordered that an Extract from the Court's proceedings of the 17th ultimo with Copy of the foregoing Letter and Extract of those proceedings be sent for the information and guidance of the Magistrate in the Zillah of Salem

Sent following Letter

/Here enter No/

Read Letter dated 28th ultimo from the 2d Judge on Circuit in the Western Division reporting the arrival of the Court of Circuit at South Malabar.—

/Here enter No 618/

Read Letter dated 29th ultimo from the 1st Judge on Circuit in the Southern Division reporting his intention to leave Salem to Combatoor

/Here enter No 614/

Read Letter dated 25th ultimo from the Magistrate of Cannanore with Report of prisoners confined under sentence to the 25th ultimo.—

/Here enter No 617/

12th September 1815

Read Letter dated 29th ultimo from the 1st Judge on Circuit in the Southern Division with Copy of the Salem Calendar for 2d September 1815

/Here enter No 619/

Read Letter dated 25th ultimo from the 1st Judge on Circuit in the Northern Division with returned Warrant of execution in case No 2 on the Calendar of Rajahmundry for the 5th September

/Here enter No 620/

Read Letter dated 5th Instant from the Magistrate of Salem with Register of persons proclaimed in August last —

/Here enter No 636/

Read Letter dated 6th Instant from the Magistrate of Bellary with Register of persons proclaimed in August last —

/Here enter No 635/

Read Letter dated 2d Instant from the 3d Judge on Circuit in the Ceded Districts, advising his departure from Cuddapah to Bellary —

/Here enter No 634/

Read Letter dated 6th Instant from the Magistrate of Chingleput reporting the arrival of a prisoner under sentence of transportation

/Here enter No 632/

Read Letter dated 25th ultimo from the Magistrate of North Malabar, with Report of Prisoners confined under sentence —

/Here enter No 629/

12th September 1815

Read Letter dated 2d Instant from the 3d Judge on Circuit in the Centre Division with Copy of the Cuddapah Calendar for the 2d September 1815 —

Here enter No 628.

Read Report from the Magistrate of Nellore — Prisoners confined under Sentence up to 31st July —

Here enter No 611 —

Read Petition dated 5th ultimo from the Court of Circuit for the Centre Division to the Zillah Precept of 18th July 1815 Comdg them to instruct the Magistrate of Chingleput to release the Malay prisoner from hard labour & to report concerning his native Country his Conduct & that of Moray Aleachen Edray —

Here enter No 570.

Ordered that the foregoing return and the papers annexed thereto be transmitted to the Secretary to Government in the Judicial Department with reference to his Letter of the 8th of July last and that he be requested to submit the same for the consideration and orders of the Right Honble the Governor in Council —

Read following Letter

/Here enter 13/

F. U.

In the Court of Fouzdaree Adaulut

Present

Monday
18th Sept. 1815. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges.
George Stratton Esqre

Read return dated the 12th instant from the Court of Circuit in the Centre Division to the Courts Precept under date the 26th June last forwarding the English and Persian Records of the trials therewith submitted and certifying that the Originals of the same severally bear the signature of the late 3d Judge and that the aforesaid Records on being compared with the Originals are found to be correct and are accordingly attested as true translations by Order of the Court of Circuit

(Mercenter No. 373)

Read again letter dated the 12th June last from the 3d Judge of Circuit in the Centre Division transmitting the Proceedings held before the late 3d Judge on Circuit in case No. 8 of the Chittoor Calendar in the 2d Quarter Sessions of 1812.

(Mercenter No. 429 of 1815)

The Court having maturely considered the proceedings held before the late 3d Judge of Circuit in case No. 8 of the Chittoor Calendar in the Second

F. Uc.

At a Court of Freyidarra Holden

Present

Monday
19th Sept 1815. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges.
George Stratton Esqre

Read return dated the 12th Ultimo from
the Court of Circuit in the Centre Division to the Courts
Precept under date the 26th June last forwarding the
English and Persian Records of the trials therewith
submitted and certifying that the Originals of the
same severally bear the signature of the late 3d Judges
and that the aforesaid Records on being compared with
the Originals are found to be correct and are accordingly
attested as true translations by Order of the Court of
Circuit

(Mercenter No 373)

Read again letter dated the 12th June
last from the 3d Judge of Circuit in the Centre Division
transmitting the Proceedings held before the late 3d Judge on
Circuit in case No 3 of the Chittoor Calendar in the
2d Quarter Sessions of 1812.

(Mercenter No 429 of 1815)

The Court having maturely considered
the proceedings held before the late 3d Judge of Circuit
in case No 3 of the Chittoor Calendar in the Second
Quarter

18th September 1815

Quarter Sessions of 1812 / the Future of the Provincial Law Officer and the Futwa of the Cazee ul Coogat & Mooftees of the Tanjore Adalut do confirm the said Futwa of the Cazee ul Coogat and Mooftees aforesaid, and do direct that the Prisoners

1st Rangoolagandoo,
2d Ankadoo,
3d Chinna Karoogandoo,
4th Siddoogandoo,
5th Pedda Venugandoo,
6th Mulloogandoo,
7th Ravanegandoo
8th Veeroogandoo
9th Yanadee Gungadoo,
10th Yanadee Lilakegandoo
11th Peracamalapah.
12th Yalamia Ramennah
13th Gagoola Ramegadoo
14th Yanadee Kistnadoo
15th Tandum Venugandoo,
16th Vengadoo,
17th Chinna Chendroogandoo
18th Kulla Paupdoo
19th Veeradegandoo
20th Cuttara Naidoo
21st Peddoogandoo
22d Ramegandoo
23d Paupadoo
24th Candadoo
25th Peroovalegandoo
26th Rama Chendragandoo

and

27th Chinna Veeregandoo

be set at liberty

Send following letter

(Here enter No 1

Read letter dated the 20th February last from the 3d Judge of Circuit in the Western Division transmitting his proceedings held in cause No 142 of the South Malabar additional Calendar in the

18th September 1815

the 2d Sessions of 1814.

(Here enter No 158 of 1815)

The Court having maturely considered the Proceedings held before the Judge on Circuit (in case No 1 of the South Malabar Calendar) the Futwa of the Provincial Law Officer and the Futwa of the Cazee ul Coogat & Mooftees of the Tanjore Adalut do confirm the said Futwa of the Cazee ul Coogat and Mooftees aforesaid, whereby the Prisoners

1st Tayte Asimbate Wenapalam Cokkanda Koorooppa
2d Tayangadoo Kurroota Ramen Nair alias Comeree

are acquitted of the crimes laid to their charge in this number

But the said prisoners being included in trial No 2 their release is not directed.

The Court having maturely considered the proceedings held before the Judge on Circuit (in case No 2 of the South Malabar Calendar) the Futwa of the Provincial Law officer and the Futwa of the Cazee ul Coogat and Mooftees of the Tanjore Adalut do confirm the said Futwa of the Cazee ul Coogat and Mooftees aforesaid & under the provisions of Clause II Section IV Regn XV A. D. 1803 do adjudge the Prisoners

1st Tayte Asimbate Wenapalam Cokkanda Koorooppa
3d Nadeate Kandy Kellon
4th Tayte Asimbat Chandoo.

to be imprisoned and transported to Prince of Wales Island there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of their natural lives respectively.—

And the Court do further adjudge the Prisoner

2d Faragen alias Karadan Kamenkin alias Penuree.

to be released on producing security for his future good behaviour and appearance when required

Sent for Gaoler Letter

Here enter B/

Read letter dated the 6th Instant from the Magistrate in the Talla of Chittoor depositing the re-apprehension of several Reputed Shanargas on a strong suspicion of Murder & Robbery committed by them subsequent to their release from confinement on a former charge, and requesting authority to tender a conditional pardon to one or if necessary to two of the gang—

Here enter No 634/

In order to enable the Court to form an opinion as to the advantages likely to result from the offer of a conditional pardon to one or more of the gang by ascertaining how far the information afforded is calculated

19th September 1815. calculated to lead to the apprehension and conviction of the principal Offender or Offenders, and in submitting the case for the consideration of the Right Honble the Governor in Council to state the grounds on which the Opinion of the Court is founded, it was incumbent on the Magistrate to afford some information on the subject as also to state the names of the Persons to whom he proposed that the Offer of a conditional pardon should be made. This however the Magistrate has entirely omitted — and the Court are accordingly unable at present to comply with the Recommendation of the Magistrate contained in the foregoing Letter —

If on the examination of the several persons apprehended the Magistrate should be of opinion that the Offer of a pardon to one or more of the Gang would procure information of a nature to enable him to discover and convict the leaders it will remain for him to report the names of the persons to whom he may wish to tender the Offer of pardon & the reasons which may lead him to believe that the Offer will be attended with success

Ordered that extract of these proceedings

proceedings be transmitted to the Magistrate of the Zilla of Chittoor for his information & guidance

Sent following letter

/Reverter 6/ FM

M

664

W

At the Court of the Foujdaree Adalut

Present

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

Friday 29th Sept 1815

Read Letter dated 15th Instant from the Magistrate of Chingleput reporting the arrival of a Convict from Masulipatam

/Reverter No 637/

M

Read Letter dated 15th Instant from the 1st Judge on Circuit in the Southern Division reporting his intention to leave Coimbatore for Madura

665

/Reverter No 660/

Read Letter dated 13th Instant from the Magistrate of Chingleput with Rost of Convicts under sentence of transportation arrived at that Zilla

/Reverter No 663/

Read Letter dated 2d Instant from the Magistrate of Nagapatam with Register of persons proclaimed in August last

/Reverter No 638/

Read Letter dated 6th Instant from the 1st Judge on Circuit in the Southern Division reporting his arrival at Coimbatore

/Reverter No 634/

Read Report from the Magistrate of Chittoor of Prisoners confined under sentence

29th September 1815.

Read Letter dated 12th Instant from the 2d Judge on Circuit in the Western Division With Copy of Calendar of Causes for 2d Sessions of 1815 —

/Here enter No 658/

Read Letter dated 8th Instant from the 1st Judge on Circuit in the Northern Division With Copy of the Calendar of Prisoners for 2d Session of 1815 —

/Here enter No 659/

Read Letter dated 9th Instant from the 2d Judge on Circuit in the Northern Division. With Copy of the Jail Calendar for the 2d Session of 1815 and stating his intention to leave this Station & Proceed on Duty —

/Here enter No 660/

Read Letter dated 8th Instant from the 3d Judge on Circuit, reporting the arrival of the Circuit Court at Bellary —

/Here enter No 661/

Read Letter dated 8th Instant from the Magistrate of Salem, With Report of Prisoners confined under sentence to the 29th August —

/Here enter No 165/

Read Return dated 8th Instant from the Court of Circuit for the Western Division commanding them to communicate Extract proceedings to the 2d Judge of Circuit & Magistrate of Canara respectively certifying thereof —

29th September 1815.

Read Return dated 12th Instant from the Court of Circuit for the Western Division Commanding them to communicate Extract of these proceedings to the 2d Judge of Circuit & Magistrate of Canara respectively — Certifying the Execution thereof —

/Here enter No 662/

Read Return dated 12th Instant from the Court of Circuit for the Western Division Commanding them to communicate Extract of these proceedings to the 2d Judge of Circuit & Magistrate of Canara respectively Certifying the Execution thereof —

/Here enter No 663/

663

Read

Read the following Letters from the Hon'ble Magistrates of Tondachellum, Chinglepet, Canara, Vizagapatam, Trichinopoly, Bellary, Seringapatam, Tinnevelly, Cochin, Masulipatam, Ganjam, Madura, South Malabar, Cuddapah, Nellore, Dharapooram, Ganjam, North Malabar, Chittoor, Combaconam, Salem, and Royalseemy — with Reports of Prisoners for the Months of July —

/Herein enter Nos 583. 587. 588. 589. 590. 592. 593. 594. 597. 600. 602. 605. 606. 607. 610. 613. 616. 627. 630. 633. 639. and 671/

F. U.

Ata Court of Foujdaree Udalut

Present

Monday 9th October 1815. Andrew Scott Esqre.
Edward Croft Kenway Esqre. Judges
George Stratton Esqre.

As 668 GP

Read letter dated the 15th August last from the 3d Judge on 1st Circuit in the Dinnipore Division transmitting his proceedings held in case No. 60 of the Cuddapah Calendar in the 2d Sessions of 1815.

(Here enter No. 586.)

The Law Officers of the Foujdaree Udalut in their futwa on the foregoing trial state the evidence of the 4th Witness Dafoo to be inadmissible on account of the following contradictions which appear in the Persian Record — "Before the Court of Circuit the said Witness deposed that he pulled off the mans cloth and before the Magistrate he deposed that the Village Poly did."

"As however the above contradiction does not appear on the English Record of the trial, wherein the said Witness is stated to have deposed to the same effect both

9th October 1815.

both before the Magistrate and the Court of Circuit, the Court direct that the English and Persian Records of the foregoing trial be returned to the 3d Judge on Circuit in the Centre Division by Precept directing him to amend the Record which on being compared with the Original is found to be incorrect and to certify the same in his Return to the said Precept with the least possible delay.

Sent following Precept

(Here enter No 4)

Read letter dated the 21st June last from the 3d Judge of Circuit in the Centre Division transmitting the Proceedings held before the late 3d Judge on Circuit in case No 3 of the Cuddapah Calendar in the 2d Sessions of 1812.

(Here enter No 468)

Read also return dated the 21st July last from the Court of Circuit in the Centre Division to the Courts Precept under date the 16th July last certifying that the

9th October 1815

the Original proceedings in Trial No 3 of the Cuddapah Calendar in the 2d Sessions of 1812 bear the Signature of the late 3d Judge on Circuit before whom they were held.

(Here enter No 515)

The Court having maturely considered the proceedings held before the late 3d Judge of Circuit (in case No 3 of the Cuddapah Calendar in the 2d Sessions of 1812) the Futwa of the Provincial Law Officer and the Futwa of the Cazee and Moofties of the Fouzdaree Cazeat and Mooftees of the Fouzdaree Adalut do confirm the said Futwa of the Provincial Cazeat and Mooftees aforesaid and Cazee and Mooftees aforesaid and do direct that the Prisoners

1st Karatteeree Sheikh Hyssain.

2d Sheikh Ibrahim alias Moobarick Sahib

3d Sheikh Imam Beeg of Sheik Ibrahim.

4th Sheikh Hyder.

5th Sheikh Dada.

6th Sheikh Madar.

7th Cutmuneher Sheik Mozuddeen.
alias Sheik Hyssain.

8th Sheikh Meeran.

9th

9th October 1815.

9th Golam Hussain
10th Sheik Hussain
11th Hossain Khan alias Sheikh Mayeddeen
12th Sheikh Ibrahim
13th Sheikh Mosta.
14th Sheikh Ismail and
15th Imam Khan.

be set at liberty

Sent following letter
/ Here enter B /

The foregoing trial placed in a most unfavourable point of view the conduct of Imam Naik the Cutwal of Kamptee the irregularity of whose behaviour the Court noticed in their proceedings of the 22d May last in case No. 4 of the Salem Calendar in the 1st Session of 1814.

From his own statement given on oath before the Court of Circuit in the foregoing trial it appears that he was employed by

9th October 1815. by the Sirkar to apprehend Plunderers & that with this view he had proceeded to Cumbum and Linguingoontah where he apprehended the several prisoners at the bar— That on questioning them as to their mode of life they observed that if he (the said Witness) would take off their handcuffs they would consult together and then speak to him, and that they would declare every circumstance if he would give them his word of honor to release them instead of taking them before the Magistrate— That on his asking them what assurance of protection they demanded on his part, they required him to eat food with them as a pledge of his sincerity with which he complied— That the head of the gang then took him aside and gave him fifty one Rupees when he (Imam Naik) observed that it would be as well for them to enter into a written engagement (which (as this Witness deposes) they gave him a paper acknowledging that both they and their ancestors had supported themselves by committing Plundering— That on this (Witness) representing the Amount of 51 Rupees was too small they gave him 2 Pagodas more— when he further required them to enter into a written agreement on the one hand, the

Witness

9th October 1815

4th Witness

Witness [illegible] himself to set them at Liberty on Return for the present of 100 Rupees and they on the other hand bound themselves to grant the present for every concession they should make. That having thus obtained these papers he required them to be attested by some of the Villagers to which they consented — that Ramchund Simmuk Reddy, Mahuleendas & 2 others were then sent for and the papers put into Cavenaty Vencata-Rows hand who accordingly read over the contents to the Prisoners in the presence of the other attesting Witnesses — upon which all the Prisoners with the exception of the 15th having heard the papers read over affixed their marks to them acknowledging them to be correct & that they had given them with their own free will & consent that he then directed the Witnesses to affix their Signatures to the papers, which they did — that the Prisoners then required to be set at liberty according to the Agreement — which after remaining silent for a while he required another Present which they gave him — that having secured all the Prisoners with the exception of the 15th in Stocks & cuffs he brought them together with the 100 Rupees and several articles found in their Houses to Cuddapah and delivered them over

9th October 1815

the charge of the Magistrate —

On hearing the two papers aforesaid purporting to have been executed by the Prisoners of their own free will and consent, read over to him this Witness further deposed that they were the same which all the Prisoners with the exception of the 15th one Buddy Khan who has since escaped, voluntarily caused to be written —

And the Prisoners at the Bar voluntarily executed the papers as stated by this Witness his conduct would still be reprehensible in the highest degree inasmuch as by his own account he inveigled them to a confession of their crimes by falsely & fraudulently holding out to them an expectation of being thereby set at Liberty — But the evidence of the attesting Witnesses themselves shows the Cutcherry Statement to be erroneous and proves by what unjustifiable means he attempted to lead the Prisoners to a confession of their guilt — The 6th Witness Songdunk deposes that the 5th Witness Imam Saib caused two papers to be drawn out & which caused to be signed by the Prisoners, but that he was not present when it was read over to them & that he himself is unacquainted with their contents

9th October 1815

contents—

Suspended the 9th Oct. 1815 as Evidence as offered to the papers in question depose that he was sent for by Imaum Naik and informed that the Prisoners had signed and given in two papers together with 52 Rupees & 12 British Pagodas: that the papers in question had been signed by the Prisoners prior to his arrival, and that on their being read over they objected to what had been written saying "we desired you to write our names instead of which you have written that we have travelled about the country meandering people" and that their Signatures had been put to the papers before they were read over to them.

The other attesting witness does not appear to have been examined; and altho the 1st Witness has deposed that he drew up the papers in question & read them over to the Prisoners when they signed them yet it is not possible to suppose that this Statement, contradicted as it is by the testimony of the attesting Witness can be [illegible] can be therein than endeavours to lead the Prisoners [illegible] they are represented to be [illegible]

3d F. 16"

9th October 1815.

The conduct of Imam Naik the Cutwal of Ranepet as described in the foregoing paragraphs has been marked by glaring acts of fraud and duplicity, such as to call for an investigation by the proper authority— Indeed the Court regret that the subject should not have been brought before the Judges of the Court of Circuit by the Judge who presided at the trial, and they notice it now in order that such measures may be adopted under the regulations, as may appear proper on the occasion.

Ordered that extract of these Proceedings be transmitted to the Court of Circuit in the Centre Division for their information and guidance

Sent following letter

/Vide under 16/

Read return dated the 16th Instant by the Magistrate in the Zilla of Nellore to the Court's precept under date the 28th August last requiring him to submit a more clear and distinct account of the case previously referred

referred by him for the determination of the Court and to refer especially to the clause under which he recommended that the pardon should be extended to the Prisoner Singunnah

(Here enter No. 653)

The Court are of opinion that the case in question does not fall within the provisions of Sections XX & XXI Regulation VIII A.D. 1802 for although the offence of forgery and of uttering a forged is of a heinous nature, yet it cannot be considered as coming under the denomination of the crimes mentioned in the foregoing Sections — The Court however otherwise the Court would hesitate in they recommended an offer of pardon to the principal Offender, which in the case stated by the Magistrate they consider Singunnah to be — Saukunnah it would seem had forged the signatures of Paishpah and Nursunnah — but Singunnah is stated to have uttered the forgery, which said act of forgery however criminal in itself was unprejudicial of harm or loss to any one until uttered — Independently however of the misdemeanor of his being the principal Offender the evidence of Singunnah provided an offer of conditional pardon were made to him, could not be recognized by the Mahomedan Law.

The

The Court are accordingly unable to comply with the recommendation of the Magistrate —

Ordered that extract of these Proceedings be transmitted to the Magistrate in the Zilla of Nellore for his information and guidance.

Sent following letter

(Here enter D)

Read return dated the 16th ult.o by the 1st Judge of Circuit in the Centre Division to the Courts Precept under date the 28th August last calling for the Proceedings held before him in case of Sec.o 43 of the Cuddapah Calendar in the 2d Sessions of 1814.

The 1st Judge forwards a duplicate of his proceedings held in the above case & transmitted to the Court in his letter dated the 15th September last —

(Here enter No. 644)

On reference to the Courts Proceedings of the 22d November last it appears that the original letter forwarded by the 1st Judge was duly received — and read in Court on the foregoing date; and that

the

9th October 1815.

The Judges proceedings held therein have inadvertently been called for, in consequence of an error in the part of the Magistrate in the Zilla of Cuddapah, in leaving reported the aforesaid trial as referred for the final sentence of the Foujdaree Adawlut on an undue date, and being still undecided

Ordered that extract of these Proceedings be transmitted to the Judges of Circuit in the Centre Division for their information

Sent following letter

(Vide enter F)

Ordered also that extract of these proceedings together with extract from the Court's Proceedings of the 28th Sept. be transmitted to the Magistrate in the Zilla of Cuddapah for his information & guidance

Sent following letter

(Vide enter F.)

Read return dated the 30th August last by the Court of Circuit in the Southern Division to the Court's precept under date the 1st May last directing them to communicate to the several Magistrates in their Jurisdiction the Court's orders of the 1st ultimo

F. 16.

9th October 1815

for their information and guidance, & certify the communications thereof

(Vide enter No 624)

Read return dated the 30th August last by the Court of Circuit in the Northern Division to the Court's precept under date the 8th May last, communicating to them the Court's orders of the 8th ultimo in case No 35, on the Cuddapah Calendar 2d Sessions of 1814. The Court certify that they will conform to the directions transmitted to them.

(Vide enter No 621)

Read return dated the 30th August last by the Court of Circuit in the Northern Division to the Court's precept under date the 8th May last, commanding them to communicate to the several Magistrates within their Jurisdiction such part of the Court's proceedings of the 8th ultimo in case No 40 of the Cuddapah Calendar 2d Sessions of 1814 as may be necessary for their information and guidance, & certify the communications thereof

(Vide enter No 622)

Read return dated the 30th August last by the Court of Circuit in the

9th October 1815.

Northern Division to the Courts Receipt under
Date the 8th May last directing them to commu-
nicate to the several Magistrates within their
Jurisdiction the Courts Orders of the 3d Instant in
case No 70 of the Bellary Calendar of 1st Sessions
of 1815 for their information and guidance in the Court
the communications thereof

/Recd Inter No 623/

F.H.

E.C.S

F. C.

At a Court of Foujdaree Adaulut

Present

Monday
16th October 1815. Andrew Scott Esqr
Edward Croft Greenway Esqre Judges
George Stratton Esqre

Read letter dated the 26th July
last from the 1st Judge of Circuit in the Centre
Division transmitting his proceedings held in
case No 9 of the Chittoor Calendar in the 3d
Quarterly Sessions of 1815.

At

(Recd Inter No 575)

E.C.S

The Prisoner in the foregoing case
is charged by the Sirkar with having on the
22d March last escaped from Peons appointed
to guard him in the Badreecondah Hill whither
he had been conveyed to work from the Jail of
Chittoor in which he was under sentence of
confinement as a convict

To this arraignment the Prisoner
briefly pleaded guilty, and when put on his
defence stated that the period of the sentence
passed on him had expired; and there is nothing
on the record to prove to the contrary.

On reference to the Report of

Prisoners

16th October 1815

Prisoners under Sentence in the Gaol of Colchester

it appears that a prisoner named Cosgrave was sentenced to 14 Years imprisonment on the 19th February 1807 — but this does not appear on the Record of the trial which must therefore be considered defective ~~in proper legal form~~ ~~for proceedings~~

In order to ascertain whether or not the Prisoner had escaped from confinement prior to the expiration of his sentence a Sent on the Judge of Circuit to have entered on the Record ~~x order x~~ the warrant ~~x~~ to the Gaoler for the Prisoner, to the ~~Gaoler of Colchester~~ ~~x~~ ~~x~~ ~~x~~ ~~x~~ this document would have enabled the Court to decide upon the former guilt ~~or~~ innocence —

Ordered that the Gaoler of Colchester Records of the foregoing trial be returned to the 1st Judge of Circuit in the Centre Division by Precept directing him to annex to his Proceedings ~~x~~ ~~x~~ ~~x~~ ~~x~~ the warrant abovementioned and to transmit the same to this Court on his Return to the foregoing precept within the period of ~~four~~ days from the date

16th October 1815

of the receipt thereof

Sent following Precept

(Here enter A)

Read letter dated the 18th July last from the 1st Judge of Circuit in the Centre Division transmitting his proceedings held in case ~~x~~ No. of the Colchester Calendar in the 3d Quarterly Sessions of 1815.

(Here enter No 5781)

The Court having maturely considered the Proceedings held before the 1st Judge presiding at the 3d Quarterly Sessions. the Justices of the Provincial Law Officer & the Justices of the Gaol of Cognac and Montreal the Justices of the Court of Common Pleas do confirm the sentence of the Sovereign Adalust to confirm the sentence of imprisonment and transportation for life passed by the 1st Judge on the Prisoners,

1st Cabeegandoo

2d Naugadoo

under date the 6th July last

Sent following letter

(Here enter B)

Read letter dated the 10th August last from the 3d Judge on Circuit in the Centre Division transmitting his Proceedings held in

case

16th October 1815

case No. 58 of the Cuddapah Calendar in the 2d Sessions of 1815.

(Here enter a No. 601)

The Court having maturely considered the proceedings held before the 3d Judge on Circuit the pleas of the Provincial Law Officer and the pleas of the Vaqeel & Mooftee of the Foujdaree Adalut do confirm the said sentence of the Vaqeel & Mooftees aforesaid and do direct that the Prisoner

Mohummud Khan

be discharged & set at Liberty

Sent following letter

(Here enter C)

The 3d Judge on Circuit having omitted to certify at the foot of the Proceedings of the foregoing trial that the Prisoner has duly appriged of the Reference of his case for the final sentence of the Foujdaree Adalut the Court desire that the attention of the 3d Judge be called to the subject upon this occasion as also to their circular order of the 8th May last and request that he will in future pay strict attention to the orders of the Court therein conveyed.

Ordered that a Copy of these Proceedings be transmitted to the 3d Judge of

2d F. 16

16th October 1815 Circuit in the Centre Division for his information and future guidance -

Sent following letter

(Here enter D)

Read letter dated the 29th Ultimo from the Secretary to the Government in the Judicial Department transmitting for the information and guidance of the Court an extract from the Minutes of the Right Honble the Governor in Council in the Military Department under date the 11th September

(Here enter No. 693)

Read also letter dated the 29th Ultimo from the Magistrate in the Zilla of South Malabar requesting permission to transfer a certain number of prisoners at present under his custody to the Jail at Cannanore

(Here enter No. 692)

In the foregoing letter the Magistrate in the Zilla of South Malabar states that the number of criminal Prisoners in his Jail amounts to upwards of 600 (of which 360 are convicts) that as many of them are sentenced to the punishment of imprisonment for Life and have not taken the benefit of the Act, and that he has not sufficient means of working so great a

a number of Prisoners – under these considerations the Magistrate solicits the authority of the Foujdaree Adalut to remove some of them to the Jail at Cannanore – And it further appearing to the Court from the copy of the Letter from the Superintending Engineer in Malabar & Canara submitted with the Judicial Secretary's letter abovementioned that the Jail at Cannanore, which is capable for the accommodation of 300 Prisoners, is at present occupied by not more than 150, and that the completion of the number which the Jail can conveniently accommodate is particularly necessary for the carrying on of several public works, under the Superintendance of the Engineer, and the Court are induced accordingly to avail themselves of the authority vested in them by Clause V Section VIII Regulation XX A D 1803. and do direct that the Magistrate in the Zilla of South Malabar be by Precept commanded to transfer to the custody of the Magistrate in the Zilla of North Malabar one hundred & forty convicts with a Calendar and other necessary documents of their crimes and sentences –

And the Court do further direct that the Magistrate in the Zilla of North Malabar be by precept commanded to lodge the aforesaid convicts

convicts in the Jail at Cannanore & to enforce the sentences passed upon them by employing them on the roads and other public works within his Jurisdiction, agreeably to further requisitions of the Superintending Engineer in Malabar & Canara.

Sent following Receipts

Vizt entered D & F.

Ordered that the Receipt of the Judicial Secretary's letter be acknowledged & that extract of these Proceedings be sent to him accompanied by a request that he will submit the same for the information of the Right Honble the Governor in Council.

Sent following letter

(Vizt entered G)

Read return dated the 26th ultimo from the 1st Judge of Circuit in the Northern Division to the Courts Precept under date the 28th August last requiring him to commu-nicate to the Magistrate in the Zillah of Rajahmundry an extract from the Courts Proceedings of the foregoing date therewith transmitted and to transmit in his return there-to, the Magistrate's explanation thereby called for – The 1st Judge reports that in conformity with

16th October 1815

~~with the transmission of the foregoing Receipt an attested copy of the Court Proceedings of the 28th August has been transmitted to the Magistrate in the Zillah of Rajahmundry, who has taken steps to cause the witnesses to be produced in fulfilment of the engagements therein~~

(Vide enclosure No. 685)

Read also further Return dated the 28th Ultimo by the 1st Judge of Circuit in the Northern Division to the Court's Receipt of the 28th August transmitting the return of the Magistrate in the Zillah of Rajahmundry, an explanation of certain irregularities in his proceedings—

(Vide enclosure No. 690)

In the foregoing Return the Magistrate states that in obedience to the Court's Order a Separate Indictment and Kubulutnamah will form documents in the Magistrate's Proceedings exclusive of the Calendar and that in future the examinations of Prisoners and the Depositions of Witnesses will be taken as directed by the Fouzdaree Adaulut—

The Magistrate further states that the name of the Prisoner Tillah Pungatee was found

3d Fo. 11a.

16th October 1815.

fourth for trial in the Assize Calendar and that he was by the Judge on Circuit directed on the 9th April last to be kept in prison (where he now is) till otherwise directed by the Fouzdaree Adaulut— And that his name appears as 4th Prisoner in the futtwa of the Cazee and Mooftee wherein six Prisoners are twice mentioned—

In transmitting the foregoing returns of the Magistrate the 1st Judge of Circuit states for the information of the Court that the omission of the Zulla Pungalee in preparing the 6th Prisoner in No. 22 in the Copy of the Calendar of Prisoners committed for trial before the Court of Circuit and which was transmitted to the Fouzdaree Adaulut, must have proceeded from an error; as the name of this Prisoner appears fourth in a No. 22 of the Original Calendar delivered to the Judge on Circuit by the Magistrate and as it appears from the Record that he was identified before the Court; put on his defence, and (as the Mahomedan Law Officer sitting on the trial on reference to the (Persian) Record affirms) included in the Sentence passed by him upon that case—

In the English Record of the foregoing

16th October 1815.

appears to have been

foregoing trial only five Prisoners ~~are~~ put to the

Defence and in the warrant ~~issued~~ signed by the 1st Judge

to the Magistrate for the detention of the prisoners

in custody ~~copy whereof~~ a Copy is annexed to the Record

of Trial and certified by the signature of the

Judge, no mention whatever is made of the

4th Prisoner Lullah Gungaloo— Neither does the

date of the warrant annexed to the Proceedings

agree with the one, which the Magistrate states

that he received from the 1st Judge for the

detention of the Prisoners in his custody—

the former being dated on the 5th the latter

on the 9th of April

The Court do accordingly direct

that the English and Persian Records of the

foregoing trials be returned to the 1st Judge of

Circuit in the Northern Division by Precept

~~commanding~~ directing him to amend the same; and return

~~omitting the name~~ to return the Records, and

Sentence in the foregoing case— in order that

the name of the Prisoner Lullah Gungaloo may

be inserted, ~~should be omitted from the Sentence~~

~~the Prisoner being joined in their defence with~~

~~those of the Convicts by the Magistrate~~

Ordered that notice be

the foregoing Precept be made during

the period of seven days from

16th October 1815.

~~date of the~~ its receipt thereof

~~their detention in custody~~

Sent following Precept

{Here enter Ps}

Ordered also that the

Register Calendar for the

Sessions of 1815 be returned to

the 1st Judge of Circuit in the Northern

Division by Precept commanding

him to amend the same & to

forward it to the Court on his

return to the said Precept

within the period of seven days

from the date of the receipt thereof

Sent following Precept

{Here enter Ps}

F. U.

At a Court of Foujdaree Udalut

Present

Monday
23d October 1875. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges
George Stratton Esqre

Read letter dated the 13th April last from the 1st Judge of Circuit in the Centre Division transmitting his proceedings held in case No 9 of the Chittoor Calendar in the 2nd Quarter Sessions of 1875.

(Here enter No 338. of 1875)

GP 11

The Court having maturely considered the proceedings held before the Judge ~~on circuit~~ Sessions Judge at Chittoor
the futwa of the Provincial Law Officer and the futwa of the Cazee ool Cozat and Mooftees of the Foujdaree Udalut do confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid & do direct that the Prisoner

"Jaganaud"

be set at liberty

Send following letter

(Here enter A)

A/12

F. A.

Ass.ce Court of the Peninsular Circuit.

Present.

Thursday
26th October 1815.

Andrew Scott Esq.r ——
Edward Croft Gunning Esq.r ——
George Stratton Esq.r ——
} Judges.

The Letter, dated the 17th Inst, from the Secretary to Government in the Judicial Department, notifies to the Court of Circuit the appointment of Mr. C. Berry to be 2nd Judge, and of Mr. G. Fearon to be 3rd Judge, of the Court of Circuit and Grand for the Southern Division; and of Commissions appointing to preside for the completion of the Circuit commenced by Mr. J. B. Fearon, Esq.re late 2nd Judge. —

The Court accordingly direct that the 3rd Judge do by precept command to proceed forthwith for the purpose of effecting the final deliverance of which has not been effected by the late 3rd Judge. —

The return to this precept is to be made within three days from and after its receipt. —

(and following Precept.

(Vide entry A.)

F. U.

At a Court of Foujdaree Udalut

Present

Monday 30th October 1815 — Andrew Scott Esqr. ...
Edward Croft Greenway Esqr. } Judges
George Stratton Esqr. ...

Read return by the 1st Judge of Circuit in the Western Division to the Court's Precept under date the 28th August last directing him to forward the proceedings held before him in case No 5 of the additional Calendar of the Zilla of South Malabar in the 1st Sessions of 1815. The 1st Judge in obedience to the foregoing Precept forwards the trial called for and certifies that the delay in its transmission has arisen from the proceedings in case No 5. being very voluminous, and from the preparation of trial No 1. which he deemed it proper to forward with the foregoing case from its having arisen from it and being connected therewith —

/ Vide enter No 6541 /

Read also letter dated the 11th September from the 1st Judge on Circuit in the Western Division transmitting his proceedings held in cases No 5. of the additional Calendar & No 1. of the Supplement to the additional Calendar in the Zilla of South Malabar in the 1st Sessions

of

30th October
1815

of 1815

(Recenter No. 655)

The Court having maturely considered the proceedings held before the 1st Judge on circuit in case No. 6 of the additional Calendar of the Estate of the Provincial Law officer and the Fiscal of the Cagayan Province and Attorney of the Fiscal Magat and Attorneys of the Fayduan Malabo do confirm the said Sentence of the Cagayan Magat and Attorneys aforesaid and do direct that the Prisoners

1st Pattiam Chundo
2d Kalingil Kiang Kondo
3d Pandal Togate Togate
4th Cramparambil Chatto Ampy
5th Pandal Togate Madiem Kontley

be accordingly set at liberty

And the Court having maturely considered the proceedings held before the 1st Judge on circuit in case No. 7 of the Supplement to the additional Calendar of the Estate of the Provincial Law officer and the Estate of the Cagayan Magat and Attorneys of the Fayduan Malabo do confirm the said Sentence of the Cagayan Magat and Attorneys aforesaid and do direct that the Prisoner

"Karoomadatta Cokamoo"

be accordingly set at liberty

Sent following Letter
(Recenter No. 4)

30th October
1815

The Prisoner in the foregoing trial Not of the Supplement to the additional Calendar was examined before the Magistrate on the 31st December and on the 15th February following

The 12th Witness Karaimmen and the 13th Ramoonee were examined before the Court of Circuit Relative to the authenticity of a Hyfeyute or Declaration made by the Prisoner before the Magistrate and in a Memorandum entered on the record by the Judge presiding at the trial the Hyfeyute executed by the Prisoner is stated to have been read over to these Witnesses. In their answers to the foregoing point the Witnesses depose that the Hyfeyutes read over to them are the same which were read over to the Prisoner and which he acknowledged to have been dictated by him without any violence having been offered to him.

Although the Witnesses allude to two Hyfeyutes having been read over to them yet from the questions put to them by the Court and from the remarks of the Judge presiding at the trial it would seem that the Witnesses were only examined as to one of the Hyfeyutes. and the date of that one not being specified. neither can be considered to have been proved before the Court. Independantly of this neither of the translations of the Hyfeyutes themselves

30th October
1815

of 1815

(Recueil No 655)

The Court having maturely considered the proceedings held before the 1st Judge on Circuit in case No 5 of the additional Calendar the Return of the Provincial Law officer and the Return of the Cageweal Vergat and Moofties of the Faydaus Adalet do confirm the said Return of the Cageweal Vergat and Moofties aforesaid and do direct that the Prisoner

1st Pattum Chundo
2d Kalingil Kunju Koodo
3d Pandal Tayate Agatu
4th Kramparambil Chatto Ouoy
5th Pandal Tayate Meidum Koottiy

be accordingly set at liberty

And the Court having maturely considered the proceedings held before the 1st Judge on Circuit in case No 1 of the Supplement to the additional Calendar the Return of the Provincial Law officer and the Return of the Cageweal Vergate Moofties of the Fayedaus Adalet do confirm the said Return of the Cageweal Vergat and Moofties of the aforesaid and do direct that the Prisoner

"Kuroomadatta Oe Kamoo"

be accordingly set at liberty

Sent following Letter
(Recueil No

30th October
1815

The Prisoner in the foregoing trial No 1 of the Supplement to the additional Calendar was examined before the Magistrate on the 31st December and on the 15th February following

The 12th Witness Narainnen and the 13th Ramoonee were examined before the Court of Circuit Relative to the authenticity of a Kyfeyut or Declaration made by the Prisoner before the Magistrate and in a Memorandum (note) entered on the record by the Judge presiding at the trial the Kyfeyut executed by the Prisoner is stated to have been read over to these Witnesses. In their answers to the foregoing point the Witnesses replied that the Kyfeyuts read over to them were the same which were read over to the Prisoner and which he acknowledged to have been dictated by him without any violence having been offered to him.

Altho the Witnesses allude to the Kyfeyuts having been read over to them yet from the questions put to them by the Court and from the remarks of the Judge presiding at the trial it would seem that the Witnesses were only examined as to some of the Kyfeyuts. and the date of that one not being specified neither can be considered to have been proved before the Court Independently of this neither of the translations of the Kyfeyuts themselves

30th October 1815

of 1815.

(Recorder No. 655)

The Court having maturely considered the proceedings held before the 1st Judge on Circuit in case No. 5 of the additional Calendar of the Returns of the Provincial Law officers and the Returns of the Cageawl Boogat and Moofties of the Faydaans Adalet do confirm the said Returns of the Cageawl Boogat and Moofties aforesaid and do direct that the Prisoner

1st Ruttum Chund.
2d Kalingil Kiang Koon
3d Pandal Poyatee Meideen Koolley

be accordingly set at liberty

And the Court having maturely considered the proceedings held before the 1st Judge on Circuit in case No. 1 of the Supplement to the additional Calendar of the Returns of the Provincial Law officers and the Returns of the Cageawl Boogat & Moofties of the Faydaans Adalet do confirm the said Returns of the Cageawl Boogat and Moofties aforesaid and do direct that the Prisoner

"Kareemadata Cockamee"

be accordingly set at liberty

Sent following Letter
(Recorder of

30th October 1815.

The Prisoner in the foregoing trial No 1 of the Supplement to the additional Calendar was examined before the Magistrate on the 31st December and on the 15th February following

The 12th Witness Naraianen and the 13th Ramooree were examined before the Court of Circuit Relative to the authenticity of a Hyfeyut or declaration made by the Prisoner before the Magistrate and in a Memorandum entered on the record by the Judge presiding at the trial the Hyfeyut executed by the Prisoner is stated to have been read over to these Witnesses. In their answers to the foregoing point the Witnesses replied that the Hyfeyuts read over to them are the same which were read over to the Prisoner and which he acknowledged to have been dictated by him without any violence having been offered to him.

Altho the Witnesses allude to the Hyfeyuts having been read over to them yet from the questions put to them by the Court and from the remarks of the Judge presiding at the trial it would seem that the Witnesses were only examined as to error of the Hyfeyuts and the date of that one not being specified neither can be considered to have been proved before the Court Independently of this neither of the translations of the Hyfeyuts by themselves

30th October 1815.

themselves as contained in the English and Persian Records of the case bear the signature of the Prisoners or those of the attesting Witnesses.

~~The contradictory Statements made by the Prisoners as contained in the foregoing Depositions not having been attended with any thing to~~ ~~any one would not according to the Mahomedan Laws render the Prisoners liable to any punishment should~~ ~~that they had been proved before the Court of Circuit~~ The Court therefore deem it unnecessary to refer the Records of the cases for amendment to the Law Officers as required by Regulation 4th 1814 as the Prisoners they do not prefer that the foregoing discrepancies between the questions put to the Witnesses & the answers given by them might be pointed out to the 1st Judge of Circuit and that the Registrate in the Zilla of South Malabar should be instructed in the event to insert in all future Proceedings copies of all Depositions taken before him, as well as in those taken before Officers of Police, and which may require to be entered in his Proceedings.

Ordered that extract of these Proceedings be transmitted to the 1st Judge of Circuit in the Northern Division by Despatch commanding him to communicate the same to the Registrate in the Zilla of South Malabar for his information and future guidance.

Sent following Despatch

Return to the Judicial Despatch

2d Fo. 11"
30th October 1815

Read again letter dated the 7th July last from the Chief Secretary to Government desiring the Court to submit their final proceedings in the case of Kattun Chund and others for the information of the Right Honble the Governor in Council.

Sent following letter

(Here enter No.)

Read letter dated the 22d June last from the 1st Judge on Circuit in the Northern Division transmitting his proceedings held in case No. 4 of the Ganjam Calendar in the 1st Sessions of 1815.

(Here enter No. 476 of 1815)

Read also remarks of the Cazee of Cossaul and Mooftee of the Faujdaree Adaulut shewing cause for the revision of the Trial of

Referred

30th October 1815.

Referred in the foregoing letter.

(Here enter Remarks)

Ordered that the Proceedings held in the above case, together with transcript of the aforesaid Remarks be transmitted to the Court of Circuit in the Northern Division by Express directing them to procure the additional Evidence as required, and having annexed the same to their Proceedings to be transmitted them to the Court within the period of two months from the date of this Order the least forfeitable delay.

to be taken before the Judge now presiding on Circuit.

Sent following Precept

(Here enter D)

Read letter dated the 11th ult. from 2d Judge in Circuit in the Centre Division transmitting his proceedings held in case No 23 of the Bellary Calendar in the 1st Sessions of 1815.

(Here enter No 2777 of 1815.)

Read also remarks of the Sazawal Sheristadar and Moofties of the Faujdaree Adalut shewing cause for the revision of Trial referred in the forgoing letter.

(Here enter Remarks)

The examination of the 1st Prisoner Buswa Naik, as contained in the Persian Record of the foregoing case, commences with a Statement purporting to have been made by the Prisoner at his

30th October 1815.

his own name, his Father's name his cast religion age occupation residence &c. This however is entirely omitted in the English Record. ~~Accordingly~~ ~~directed that the Judge presiding at the trial do~~ ~~by Precept commanded to amend the Record~~ ~~which was referred to the original proceedings be passed herewith~~ Therefore

Ordered that the English and Persian Records of the foregoing trial together with transcript of the foregoing Remarks and extract of these Proceedings be transmitted to the 2d Circuit in the Centre Division by Precept commanding ~~him to amend the Record~~ ~~which was referred to the original proceedings~~ ~~he found incorrect and to procure the additional Evidence as required, and having annexed the same to the Proceedings to transmit them to the Court within the least forfeitable delay~~

How to be taken before the Judge presiding on Circuit

Sent following Precept.

(Here enter E)

Read letter dated the 6th August last from the 1st Judge on Circuit in the Southern Division transmitting his proceedings held in case No 9 of the Combaconum Calendar in the 2d Sessions of 1815.

(Here enter No 3567 of 1815)

Read

30th October 1815.

Read also remarks of the Legal Assessor and Members of the Faujdaree Adalut thereon in case for the Revision of Trial referred in the foregoing letter.

(Here enter Remarks)

Subjoined to the foregoing of the Provincial Law Officers given in the foregoing case is a statement made by the 1st Judge certifying that the Prisoner was informed of the Courts having found him the Prisoner guilty of the crime laid to his charge and that sentence of Death was had been passed upon him and that by warrant he was remanded to Prison until the final sentence of the Faujdaree Adalut should be made known.

The 1st Judge has omitted to annex to the foregoing proceedings any order for returning of the trial to the Faujdaree Adalut or copy of the Warrant issued to the Magistrate for the detention of the Prisoner in custody, as required by the Court's circular Orders of the 8th May last on transmitting the foregoing trial the 1st Judge has also omitted to state his opinion as to the merits of the case, as required by Section XXVI Regulation VII A. D. 1802.

The Court therefore direct that the attention of the 1st Judge be called to their circular

3d Ser. 11.

30th October 1815. circular Orders of the 8th May last and to the Section above quoted and that he be directed to act in conformity with the same.

The 1st point of difference stated by the Law Officers of the Faujdaree Adalut to exist between the deposition of the 1st Witness and the Prisoner's declaration does not appear in the English record of the case wherein the Witness is stated to have mentioned the same word as that used by the Prisoner when examined by the Daroga.

The Judge of Circuit should therefore amend the English or Persian record which on reference to the original proceedings may be found to be incorrect.

Ordered that the English & Persian records of the foregoing trial together with transcripts of the foregoing Remarks and extract from these Proceedings be transmitted to the 1st Judge of the Court of Circuit in the Southern Division by Precept commanding him to annex to the foregoing proceedings the Order of the Court of Circuit for the reference of the same to the Faujdaree Adalut together with a copy of the Warrant issued to the Magistrate for the remandment of the Prisoner into

How to ensure the Judge's attention to be called to this Order by the Judge next proceeding on Circuit, and that the 1st Judge's do!

30th October 1815

into custody and ~~in sentencing the foregoing person~~ ~~be suspended~~ to submit his opinion as to the merits of the case as required by the Section above quoted —

Return to the foregoing Precept within three days after the same shall be made with the Court proceedings relative thereto

Sent following Precept

[Here enter F]

Read letter dated the 1st August last from the 3d Judge on Circuit in the Gentoo Division transmitting his proceedings held in case of No 33 of the Criminal Calendar in the 2d Sessions of 1815.

[Here enter a No 565. of 1815.]

Read also Remarks of the Superintendant Cazi and Maulavies of the Fauzdaree Adalut, shewing cause for the Revision of the Trial referred to in the foregoing letter.

[Here enter Remarks]

In transmitting the Records of the foregoing trial for additional evidence regarding the Law officers of the Fauzdaree Adalut the Court deem it necessary to point out some omissions on the part of the 3d Judge in order that the proceedings may be returned duly amended.

From a Remark entered on the Proceedings by the Judge presiding at the trial it

30th October 1815

it appears that with the view of ascertaining whether the Prisoner was insane or not, the Prosecutor and one of the Witnesses for the Prosecution were called again into Court and examined; ~~prior to the Prisoner being put on his defence~~ and that their evidence was allowed by the Judge to disprove the insanity of the prisoner.

Had the Prosecutor and his Witness admitted the Prisoner to be insane ~~to the satisfaction of the Court of Circuit~~ it might then have been unnecessary to examine any other Witnesses in support of that point; But it was obviously improper to rest satisfied with their assertions of the Prisoners never having been insane. On a point of such extreme importance, where the prisoner's life was at stake, instead of relying on the testimony of his accusers it was incumbent on the Judge presiding at the trial to have summoned for the purpose some persons who resided in the neighbourhood of the Prisoner, and who were totally unconnected with the Prosecutor. This mode of proceeding would have afforded satisfactory proof of the Prisoner's insanity or otherwise, and would have rendered the present reference unnecessary.

× no such admission must have come to the knowledge of the charge made against the Prisoner?

The Record of the trial is however in other respects defective; the Copy of the Warrant annexed to the Proceedings is addressed to no one; and the Judge has also omitted to certify that the

natives

30th October 1815

nature of the Putwa or Sentence awarded against the Prisoner has been communicated to him; & that he has also been appriged of the reference of his case for the final Sentence of the Foujdaree Udalut.

The Court having in their proceedings of the 16th Instant had occasion to call the attention of the 3d Judge to their circular orders of the 8th May last, deemed unnecessary to repeat their injunctions on the present occasion.

Ordered that the English & Persian Records of the foregoing trial together with transcript of the Remarks of the Magistrate Bengal and a Mofussil of the Foujdaree Udalut shewing cause for its revision be transmitted to the 3d Judge together with extract of these Proceedings to the 3d Judge to be laid before the Court on the Southern Division for their information & guidance

to be laid before the Court on the Southern Division for their information & guidance

to be laid before the Court on the Southern Division for their information & guidance by Precept commanding him to cause to be returned to the foregoing Records & to transmit the additional proceedings & the foregoing Records & to transmit the additional proceedings & to return the same with such additional proceedings.

to be laid before the Court on the Southern Division for their information & guidance by Precept commanding him to cause to be returned to

5th November 1815

brought up before him, and that he then explain to them the circumstances under which it has been deemed right to offer to them the option of being tried at the present Sessions or of putting off their trial until the following Sessions at which the 3rd Judge will preside who has no previous knowledge of their case — Should the prisoners choose the latter alternative it will be sufficient for the 3 Judge to remand them to the charge of their bail, and to enter on the record that the trial is allowed to stand over to the ensuing Sessions at the special desire of the prisoners — Should the prisoners prefer an immediate trial the 3 Judge will follow the usual course —

Ordered that extract of these proceedings be sent to the 3 Judge of Circuit for the Southern Division for his information and guidance —

Sent following letter

/ Here enter N. /

Read letter dated 11 September last from the 2 Judge on Circuit on the Northern Division Reporting the arrival of the Court of Circuit at Rajahmundry on the 17 Instant —

/ Here enter N. 675 /

Read letter dated 22 September last from the 3 Judge of the Court of Circuit on the Western Division Transmitting a Report from the Magistrate of North Malabar on the death of a Prisoner in Case N. 6 of the 3 quarterly Sessions of 1815 —

/ Here enter N. 680 /

Read letter dated 23 September last from the Acting Magistrate of Gantoor With Report of

5th November 1815

prisoners confined under Sentence to the 7th Septr. 1805 —

/ Here enter N. 676 /

Read Return dated 25th September last to the Courts of the 4th September commanding him to instruct the Magistrate of South Malabar to report from time to time on the State of mind of the Prisoner Wattaparrambel Kwarran and not to release him without the orders of the Foujdaree Adalut certifying execution thereof —

/ Here enter N. 687 /

Read letter dated 25th Septr. last from the 3 Judge of Circuit in the Western Division Transmitting Copies of the Calendars of North Malabar for the 3 quarterly Sessions of 1815 — with additional particulars —

/ Here enter N. 686 /

Read letter dated 28th September last from the Magistrate of Chingleput Reports the arrival of a Convict from North Malabar under sentence of transportation with orders of certain Magistrates and Certificates of Surgeons —

/ Here enter N. 683 /

Read letter dated 29th September last from the Judge on Circuit on the Western Division Reports the completion of the Jail delivery at Calicut and his intention to proceed to Cochin —

/ Here enter N. 691 /

Read letter dated 1st Ultimo from the Magistrate of Bellary With Register of proclaimed Offenders for September —

/ Here enter N. 731 /

Read letter dated 2d Ultimo from the Judge on

8th November 1815

on circuit for the Western Division — Reporting his arrival at Cochin and the completion of the Sessions there —

/ Here enter No 700 /

Read letter, dated 2 ultimo from the Magistrate of Rajahmundry — Reporting that a Brahmin who had murdered his wife, has escaped from a beam and drowned himself and that he has been buried under the Gallows —

/ Here enter No 703 /

Read letter, dated 3. ultimo from the Magistrate of Salem — With extract of persons proclaimed in Sept.r —

/ Here enter No 698 /

Read letter, dated 3 ultimo — from the Magistrate of Vizagapatam — With report of persons proclaimed for Sept.r

/ Here enter No 701 /

Read letter, dated 5th ultimo — from the 1st Judge on circuit in the Southern Division — Reporting his arrival at Madura —

/ Here enter No 699 /

Read letter, dated 5th ultimo — from the Magistrate of Darapooram — With report of prisoners confined under sentence to the Month of Sept.r

/ Here enter No 702 /

Read letter dated 11th ultimo — from the 1st Judge on circuit in the Southern Division — Reporting his intention to proceed from Madura to Tinnevelly —

/ Here enter No 711 /

Read letter dated 11th ultimo — from the 1st Judge on circuit in the Southern Division — With Copy of

2 Fileo
3 Nov 1815

the Madura Calendar on 2. Sessions of 1815 —

/ Here enter No 710 /

Read letter, dated 11 ultimo from the 2. Judge on circuit in the Northern Division — Transmitting Copy of the Rajahmundry Calendar and stating his intention to proceed to the Zillah of Vizagapatam on the 11th

/ Here enter No 717 /

Read letter, dated 14th ultimo — from the Magistrate of Chingleput — Transmitting list of Convicts arrived at Chingleput under sentence of transportation up to Sept.r —

/ Here enter No 707 /

Read letter, dated 12 ultimo — from the 3 Judge on circuit in the Centre Division — Reporting his intention to leave Bellary for Chingleput on the 19th Instant —

/ Here enter No 724 /

Read letter, dated 18 ultimo — from the 1st Judge on circuit in the Southern Division — Reporting his arrival at Tinnevelly —

/ Here enter No 725 /

Read letter, dated 13 ultimo from the 3 Judge on circuit in the Centre Division — Transmitting Copy of the Bellary Calendar in 2. Sessions of 1815 —

/ Here enter No 723 /

Read letter, dated 19th ultimo — from the 1st Judge on circuit in the Southern Division — Transmitting Copy of the Tinnevelly Calendar 2 Sessions of 1815 —

/ Here enter No 734 /

Read letter, dated 19th ultimo — from the 1st Judge on circuit in the Southern Division — Reporting his intention

3: November
1815. intention to leave Tannerally for Tricalangady —

/ Here enter No 735 /

Read letter, dated 20th ultimo from the Magistrate of Cungapatam Reporting that the prisoner Cungaren whose escape was notified on the 12 April last has been retaken and recommended for trial —

/ Here enter No 750 /

Read letter, dated 23 ultimo from the Judge on Circuit in the Northern Division Reporting the arrival of the Court of Circuit at Cungapatam —

/ Here enter No 754 /

Read letter, dated 26th ultimo from the Judge on Circuit in the Western Division Reporting his arrival, and the commencement, and Completion of the Sessions at Coimbatore —

/ Here enter No 741 /

Read the following letters from the Magistrates of Chingleput, Carrore, Nellore, Seringapatam, Tannerally, Dindigul, Coimbatore, Tricalangady, Bellary, Cuddapah, Chittoor, Cochin, North Malabar, Guntoor, Madura, Masulipatam, Goojam, South Malabar, Dindigul, Vizagapatam, Combaconum, Salem and Rajamundry — forwarding reports of prisoners for August —

(See Reports No 641 642 645 648 649 650 656 657 661 662 663 669 670 672 673 677 678 682 684 685 and 751 —)

Read letter, dated 20th Septr last from the Magistrate of Cuddapah — With report of prisoners confined under Sentence up to 3 Septr 1815.

/ Here enter No 679 /

F. C.

At a Court of Foujdaree Adalut

Present

Monday
6th November 1815. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges
George Stratton Esqre

Read return dated the 5th August last by the Court of Circuit in the Western Division to the Courts Precept under date the 19th June last; transmitting the additional evidence required by the said Precept

/ Here enter No 568 of 1815 /

Read again letter dated the 27th May last from the 1st Judge of Circuit in the Western Division, transmitting his proceedings held in case No 18. of the South Malabar Calendar in the 1st Sessions of 1815.

/ Here enter No 401. of 1815. /

Read also letter, dated the 3d July last from the 1st Judge of Circuit in the Western Division reporting the death of Cheremanickara Kekedil Gaveren the 1st Prisoner in case No 18. of the South Malabar Calendar in the 1st Sessions of 1815.

/ Here entere No 483. of 1815. /

The Court having maturely considered the

6th November 1815

The Proceedings held before the 1st Judge in case of the Futwa of the Provincial Law officer, and the Futwa of the Cageaul Coogat and Mooftees of the Fouzdaree Mdalut, to confirm the said Futwas of the Cageaul Coogat and Mooftees aforesaid, and under the provisions of Regulation 1st Section IV Regulation XII A D. 1803, to adjudge the Prisoners

2d Chakeng alias Kelly Peoty Mohammed

3d Koonabillai Chaekoo

4th Sinn Killai Challoo

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

Sent following letter

/ Here enter A /

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

/ Here enter No 674 of 1815 /

The Court having maturely considered the proceedings held before the 1st Judge, presiding at the 3d Quarterly Sessions of 1815, the Futwa of the Provincial Law Officer, and the Futwas of the Cageaul Coogat & Mooftees of the Fouzdaree Mdalut, do confirm the said Futwas of the Cageaul Coogat and Mooftees aforesaid; and under the Futwa of Kifsas, given against the

6th November 1815

Prisoner, do adjudge him, the said Prisoner

"Condooreddy",

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

Sent following letter

/ Here enter B /

Read again return dated the 12th July last, from the Court of Circuit in the Centre Division, to the Court's Precept under date the 26th June last, forwarding the English & Persian Records of the trials therewith submitted, and certifying that the Originals of the same severally bear the Signatures of the late 3d Judge; and that the aforesaid Records, on being compared with the Originals, are found to be correct, and are accordingly attested as true translations, by Order of the Court of Circuit.

538

/ Here enter No 638 of 1815 /

The Court having maturely considered the proceedings held before the late 3d Judge on Circuit in case No 397 of the Cuddapah Calendar in the 1st Sessions of 1814, the Futwa of the Provincial Law Officer, and the Futwa of the Cageaul Coogat and Mooftees of the Fouzdaree Mdalut, do confirm the said Futwa of the Cageaul Coogat and the said Futwa of the Cageaul Coogat and

Mooftees

6th November 1815.

Mooftee aforesaid and do direct, that the Prisoners

1st Nauchanoganden

2d Yellee,

be accordingly set at liberty —

Sent for following letter

/ Here enter C /

Read letter dated the 26th July last

from the 1st Judge of Circuit in the Centre Division

transmitting his proceedings held in case No 160 on

the Chittoor Calendar on the 3d Quarter Session

of 1815.

/ Here enter No 626 of 1815 /

The Prisoners in the foregoing case

were charged by the Magistrate in the Zilla of

Chittoor, with having in company with four other

persons, not yet apprehended, about the month of

August 1814 robbed a Moorman / name unknown /

on the highway in the Talooky Tumcondapy, of

his doodies, 1 Turbans, and a Pecul of Long cloth

(not discovered). The Prisoners were committed on

their confessions made before the Daroga.

Before the Court of Circuit the

Prisoners were arraigned on a charge of highway

Robbery as set forth in the Indictment contained

in the Magistrate's proceedings.

The Futwa of the Moonsiff

Law

2d Fo 11"

6th November 1815 Law Officer, and the Sentence of the Court of Circuit,

declare the Prisoners to be convicted of Highway

Robbery —

Neither in the Indictment, nor

in the arraignment before the Court of Circuit, is

any mention whatever made of the highway Robbery

charged against the Prisoners, having been

attended with any wounding, maiming or other

personal injury —

Whatever confessions therefore their

declarations, forwarded by the Police Daroga

of Suttavaid, might have contained admitting that

the declarations in question had been proved

before the Court, it is obvious that the Prisoners

could not be punished for a crime, with which

they were not charged in the arraignment. The

sentence passed by the 1st Judge of the Court

of Circuit is therefore not warranted by the

Regulations, and must be reversed —

The Law Officers of the Foujdaree

Adalut have rejected the testimony of the Witnesses

who attested the Prisoners declarations; in

consequence of their being suspected of false hood

& there is not the least degree of circumstantial

evidence against the prisoners. The name of the

person robbed, and the time when the Robbery

took

took place, are equally unknown; and the Prisoners deny all knowledge of the Robbery, and declare the declarations were extorted from them by violence.

The Court having therefore maturely considered the proceedings held before the 1st Judge presiding at the 3d Quarterly Sessions of 1815 the Futwa of the Provincial Law Officers, and the Futwa of the Sagier ul Sooqat and Mooftee of the Fouzdaree Adaulut do confirm the said Futwa of the Sagier ul Sooqat and Mooftee aforesaid; and reversing the sentence passed by the 1st Judge of Circuit, under date the 20th July last, do acquit the Prisoners

1st Bodagandoo &

2d Mookagandoo,

& direct that they be accordingly set at liberty

Sent following Receipt

(Reverter D)

As one having appeared to prosecute the prisoners on behalf of the persons supposed to have been Robbed, it was incumbent on the Magistrate in the Zilla of Chittoor to have furnished the former Cabeel with a Vukalutnamah for that purpose; & have instructed him to conduct the prosecution before the Court of Quarterly Session on behalf the Sirkar; &

1st Judge however seems to have over looked this omission.

The Court therefore direct that the omission be pointed to the 1st Judge of Circuit, & that he be by Precept commanded to direct the Magistrate in the Zilla of Chittoor to supply the Government Cabeel in all future similar cases, with a Vakalutnamah from empowering him to conduct the prosecution on behalf of the Government

Ordered that extract of these Proceedings be transmitted to the 1st Judge of Circuit in the Centre Division, by Precept; commanding him to communicate the same to the Magistrate in the Zilla of Chittoor for his information & future guidance.

Return to the foregoing Precept to be made, within the period of one week from the date of its receipt.

Sent following Receipt

(Reverter E)

Read Letter dated the 25th April last from the 2d Judge of Circuit in the Northern Division enclosing copy of a letter from the Magistrate in the Zilla of Rajahmundry together with a list of persons, to whom the Magistrate proposes that the sum of 290 Rupees should be granted, in reward of their meritorious services, rendered in the apprehension of several public offenders, since tried &

6th November 1815.

& connected before the Court of Circuit in the 1st Sitting 1814

/ Recorder's № 330 of 1815 /

In the case of 21 of the offenders named in the foregoing list, the Magistrate in the Zilla of Rajahmundry proposes, that in conformity with the XXII Regulation VII of 1811, a Reward of 10 Rupees, and the case of the remaining four offenders, that a Reward of 20 Rupees, should be severally granted to the persons engaged in their apprehension

The Cutcherry 2d Judge of Circuit, not concurring with the 4 last mentioned offenders to come under the denomination of Sirdars, Did not feel himself warranted under the Section above quoted, to sanction the amount proposed by the Magistrate; and accordingly submits the Usual papers for the consideration of the Court, and solicits their authority for the disbursement of the amount proposed by the Magistrate.

The Court in consideration of the circumstances stated in the foregoing Reference, & on the Recommendation of the 2d Judge of Circuit, under the provisions of Section XXII Regulation VII of 1811, & accordingly authorize the Magistrate in the Zilla of Rajahmundry to disburse the Sum of two hundred and ninety Rupees to the several persons mentioned in the foregoing list, as a Remuneration for their

2d Fo. 16.

6th November 1815. exertions displayed in the apprehension of the abovementioned Offenders

Ordered, that extract of these Proceedings be transmitted to the Court of Circuit in the Northern Division, to be by them communicated to the Magistrate in the Zilla of Rajahmundry, for his information and guidance.

Sent following letter

/ Recorder F /

Ordered that the Civil Auditor be apprized of the authority conveyed by the foregoing proceedings to the Magistrate in the Zilla of Rajahmundry

Sent following letter

/ Recorder G /

Fo. 16

F. U.

At a Court of Fouzdaree Udalut

Present

Monday 13th Novr 1815.

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

At

Read return dated the 16th Ultimo by the 1st Judge of Circuit in the Centre Division to the Courts Precept under date the 17th August last commanding him to certify a true Record of the proceedings in case No 39 of the Cuddapah Calendar in the 2d Sessions of 1814 & the 1st Judge certifies the same.

(Hereunder No 718. of 1815)

Read again return dated the 1st July last by the 1st Judge of Circuit in the Centre Division to the Courts Precept under date the 19th January last transmitting the additional evidence required by the said precept.

(Hereunder No 719)

Read letter dated the 3d October 1814 from the 1st Judge of Circuit in the Centre Division transmitting his proceedings held in case No 39 of the Cuddapah Calendar in the 2d Sessions of 1814.

(Hereunder No 655.)

The Court having maturely considered

13th November 1815.

considered the proceedings held before the 1st Judge on Circuit the Jurors of the Provincial Law officer and the Jurors of the Cagee ool Coogat and Mootlers of the Fouydaree Mdalut do confirm the sentence of imprisonment and transportation for life passed on the Prisoners by the 1st Judge under date the 5th October last, and do accordingly adjudge the Prisoners

1st Veerabagadoo

2d Nursegaudoo son of Nursegadda

3d Soobidoo

4th Chinna Nusthoodoo &

5th Nursagaudoo son of Chenchulgaudoo

to be imprisoned and transported to Prince of Wales Island, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of their natural lives respectively

Sent following letter

/ Recorded /

Read return dated the 6th October by the Court of Circuit in the Conte Division the Counts Precept under date the 23d August last, transmitting an attested copies of the Proceedings held before the late 3d Judge on Circuit in the Conte No 93 of the Cuddapah Calendar on the 1st

13th November 1815.

of 1814, called for by the said Precept.

The Court of Circuit certify that the Original proceedings in the foregoing case bear the Signature of the late 3d Judge, before whom they were held.

/ Here enter No 704 /

The Court having maturely considered the Proceedings held before the late 3d Judge on Circuit, the Jurors of the Provincial Law Officer and the Jurors of the Cagee ool Coogat and Mootlers of the Fouydaree Mdalut do confirm the said Jurors of the Cagee ool Coogat and Mootlers aforesaid and do direct, that the Prisoner

Kalappah

be detained in custody, until he shall recover the use of his reason

Sent following letter

/ Here enter B /

Ordered that the Court of Circuit in the Conte Division ~~also preside at the forgoing case No 704 for the trial of the Prisoner in the Cuddapah~~ by Precept commanded to instruct the Magistrate in the Zilla of Cuddapah to report from time to time to the Court of Circuit upon the state of mind of the

13th November 1815 the Prisoner Kalapsah, sentenced under this date

to be confined in prison until he shall procure the

use of speech — and that the Magistrate be charged

on no account to release the said prisoner without the

especial permission of the Foujdarra Adalut, attained

through the Agent of Circuit

Robert to Vizagapatam & to be conveyed

ten days after Sent following Receipt

/ Here enter C /

Read return dated the 8th Ultimo

by the 1st Judge of Circuit on the Eastern Division

to the Records Receipt under date the 16th Octr

transmitting an attested copy of the warrant issued

by the 1st Judge of Circuit in the Southern Division

to the Magistrate in the Zilla of Vizagapatam

directing that the Prisoner Kalapsah and others

be imprisoned and kept to hard labour for the

term of fourteen years from the 18th February A.D.

1807; the date of the sentence passed upon him

by the Court of Circuit —

/ Herewith Sent D /

The Court having maturely considered

the proceedings held before the 1st Judge passing

at the 3d Quarterly Sessions, the Futwa of the

Provincial Law Officer, and the Futwa of the

Sagur ool Sagar and Mooftees of the Foujdarra

Adalut; do confirm the said Futwa of the

2d Fo. No

13th November 1815

Sagur ool Sagar and Mooftees aforesaid, and do direct that

the Prisoner

"Coopsun"

be imprisoned, and kept to hard labour until the term

of the sentence passed upon him by the 1st Judge on

Circuit in the Southern Division, under date the 18th

February A. D. 1807, shall become expired; exclusive of

the time, which has elapsed from the period of his

escape to the date of his reapprehension

Sent following letter

/ Here enter D /

Read again letter dated the 1st August last

from the Magistrate in the Zilla of Cumbaconum, —

forwarding the half yearly Report of Prisoners

confined under sentence in his Zilla.

/ Here enter No 572 /

From the foregoing Report it

appears, that the Prisoner Velleperia Seagarajan

was committed on the 21st November 1813 on the

charge of stealing certain Idols from the Tiruvaloor

Pagoda; and on the 24th February following was

sentenced by the Foujdarra Adalut, (which at

that time consisted of the Right Honourable the

Governor, and the Members of Council,) to be

imprisoned, until he should restore the stolen

property.

On

13th November 1815.

On reference to the Proceedings held in the foregoing case, it would seem that the futwa of the Law Officers of the Foujdaree Adawlut declared the prisoner, and another, who had died in Jail, to be convicted by their own confessions of having stolen the images; and accordingly liable to imprisonment for a limited period by way of Tazeer unless they should restore the stolen images, in which case it was directed that they should be set at liberty.

The Prisoner, having been in confinement more twelve years without producing any part of the stolen property, it is to be inferred that he has it not in his power to restore it.

To enforce therefore the sentence of the Court would be to detain the Prisoner in confinement for life; thereby exceeding the measure of punishment prescribed by the Futwa of the Mahommudan Law Officers, which the Regulations do not authorize.

In consideration therefore of the lengthened imprisonment which the prisoner has already undergone, the Court resolve to submit the case of the Prisoner Veliputta Tangaraya for the favourable consideration of the Right Honorable the Governor in Council with their recommendation that

13th Novr 1815

he be set at liberty

Ordered that extract of these proceedings be transmitted to the Secretary to the Government in the Judicial department, and that he be requested to submit the same, for the consideration of the Right Honorable the Governor in Council.

Sent following letter

/ Here Enter D /

Read return dated the 3d Instant, by the 1st Judge of Circuit in the Northern Division to the Courts Precept under dated the 16th Ultimo, transmitting the Rajahmundry Calendar for the 1st Sessions of 1815 duly amended, as required by the said Precept

/ Here enter No 56 /

Read also return dated the 3d Instant by the 1st Judge of Circuit in the Northern Division transmitting the English and Persian Records of trial No 22 of the Rajahmundry Calendar in the 1st Sessions of 1815, duly amended, together with the final sentence of the Court in the said case, in conformity with the requisition of the said Precept

/ Here enter No 59 /

On a perusal of the Records transmitted with the said Return it appears that the name of the Prisoner Julla Gungaloo was inadvertently

omitted

13th November 1815.

In reference to the Proceedings held in the foregoing case, it would seem that the futwa of the Law Officers of the Foujdaree Adawlut declared the prisoner, and another, who has since died in Jail, to be convicted by their own confessions of having stolen the images; and accordingly liable to imprisonment for a limited period by way of Tazeer unless they should restore the stolen images, in which case it was directed that they should be set at liberty.

The Prisoner having been in confinement near twelve years without producing any part of the stolen property, it is to be inferred that he has it not in his power to restore it.

To inforce therefore the sentence of the Court would be to detain the Prisoner in confinement for life, thereby exceeding the measure of punishment prescribed by the Futwa of the Mahummudan Law Officers, which the Regulations do not authorize.

In consideration therefore of the lengthened imprisonment which the prisoner has already undergone, the Court resolve to submit the case of the Prisoner Veliputta Tegarayan for the favourable consideration of the Right Honorable the Governor in Council, with their recommendation that

13th Novr 1815

he be set at liberty.

Ordered that extract of these proceedings be transmitted to the Secretary to the Government in the Judicial department, and that he be requested to submit the same, for the consideration of the Right Honorable the Governor in Council.

Sent following letter

/ Here Enter D /

Read return dated the 3d Instant, by the 1st Judge of Circuit in the Northern Division to the Courts Precept under dated the 16th Ultimo, transmitting the Rajahmundry Calendar for the 1st Sessions of 1815. duly amended, as required by the said Precept

/ Here enter No 756 /

Read also return dated the 3d Instant by the 1st Judge of Circuit in the Northern Division transmitting the English and Persian Records of trial No 22 of the Rajahmundry Calendar in the 1st Sessions of 1815. duly amended; together with the final sentence of the Court in the said case, in conformity with the requisition of the said Precept

/ Here enter No 757 /

On a perusal of the Records transmitted with the said Return it appears that the name of the Prisoner Julla Gungaloo was inadvertently omitted

13th November 1815

omitted by the 1st Judge in the list of Prisoners for their Defence, as also in the Warrant issued to the Magistrate, the date of which, the 1st Judge has also omitted. And the name of the said 4th Prisoner Julla Sangala having also been omitted in the Second Sentence passed in the foregoing Case, under date the 28th Ult, the Court do therefore direct that the said Sentence be cancelled.

Read again letter dated —— from the Judge of Circuit in the Northern Division transmitting his proceedings held in case No 22 of the Register Calendar in the 4th Sessions of 1815.

Recorded No 21 of 1815

The Court having duly considered the Proceedings held before the 1st Judge of this circuit, the Fiction of the Provincial Law Officers and the Fiction of the Cazee and Cazeat, and Moofties of the Faujdaree Adalut, do confirm the said Fiction of the Cazee and Cazeat and Moofties of said Court & do direct that the Prisoners

1st Cooda Singareddy
2d Ramapilly Venkatadreddy
3d Seemana Ramdas
4th Julla Sangalee
5th Ramilapilly Sawmy V
6th Mangala Ramasawmy

3d Fo 16:

13th Novr 1815. be released on producing Security for their future good behaviour and appearance when required —

Sent following letter

Hereunto D

M

F. C.

At a Court of Foujdaree Adalut

Present

Monday
20th Novr. 1815.

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

Read letter dated the 10th Instant from the 2d Judge on Circuit in the Northern Division, enclosing a copy of the Return by the Magistrate in the Zilla of Ganjam to the Precept of the late 2d Judge on Circuit, directing him to be prepared for a general Jail delivery in his Zilla on the 15th Instant.

(Reference No. 773)

The Magistrate in the Zilla of Ganjam in his return to the foregoing Precept states that in consequence of a raging fever, then prevalent at Ganjam, which had for some time past deprived the late Magistrate of the services of the Moonshee attached to the Court, it will not be practicable for him to prepare the Calendar & cases of the Prisoners, under commitments for trial;— That on the establishd Moonshees of the Court being prevented by sickness from attending to their duty, every native capable of translating the several papers into the Persian language, that could be found, was employed for that

purpose

F. U.

At a Court of Foujdaree Adalut

Present

Monday
20th Novr 1815.

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

Read letter dated the 10th Instant,
from the 2d Judge on Circuit in the Northern Division,
inclosing a copy of the Return by the Magistrate in
the Zilla of Ganjam to the Precept of the late 2d
Judge on Circuit, directing him to be prepared for
a General Jail delivery in his Zilla on the 5th Instant

(Recorded No. 778)

The Magistrate in the Zilla of Ganjam
in his return to the foregoing Precept states that
in consequence of a raging fever, then prevalent at
Ganjam, which had for some time past deprived
the late Magistrate of the services of the Moonshee
attached to the Court, it will not be practicable
for him to prepare the Calendar & cases of the
Prisoners, under commitment for trial; — That
on the established Moonshees of the Court
being prevented by sickness from attending to
their duty, every native capable of translating
the several papers into the Persian language,
that could be found, was employed for that
purpose

20th November 1815.

purpose, under the superintendence of the Collr Mooly; that these persons, & also the Tillah Dy himself, have been subsequently seized with the fever, and rendered incapable of the slightest attention to business; that in consequence of the delay, which has thus unavoidably taken place, the Calendar for the 2d Sessions of this cannot possibly be prepared within several weeks, and that under these circumstances he is compelled to suggest to the 2d Judge on Circuit the necessity of postponing the Sessions for his Tilla. until the ensuing year.

The 2d Judge on Circuit in transmitting a copy of the aforementioned return, states his intention of proceeding to Ganjam without delay, there to await the orders of the Court, what may be practicable to commence the Sessions: though from the sickly state of the Magistrate's office, and the establishment with him on Circuit, the Provincial Law officer and the English Writer being both unwell, he is apprehensive that he will not be able to complete the Sessions within the Year.

From the arrival of the Court of Circuit at Ganjam, the 2d Judge spent five

20th November 1815.

no cases ready for trial, or should be deprived of the assistance of both the Provincial & Tilla Law officers, the postponement of the Sessions at Ganjam, until the next Circuit, will be unavoidable, and the Court in that case authorize the 2d Judge to postpone them accordingly, and to return immediately to Masulipatam.— If however, on the receipt of these Proceedings, any cases should be ready for trial, and the Provincial or Tilla Law officer should be so far recovered as to be enabled to attend the Court of Circuit, the Court are of opinion that the 2d Judge should proceed in such trials,— postponing the remainder till the ensuing Session.

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

Sent following letter
/ Secretary /

Read again Return, dated the 12th July last, from the Court of Circuit in the Centre Division to the Court's Precept under date the 26th June last, forwarding the English & Persian Records of case No. 5 of the Chittoor Calendar in the

1st

20th November 1815.

1st Quarter Sessions of 1815, together with the other cases therewith submitted, and certifying that the Originals of the same severally bear the Signatures of the late D. Judge, and that the aforesaid Annexures being compared with the Originals are found to be correct, and are accordingly attested as true translations by Order of the Court of Circuit.

/ Here enter No. 538 of 1815 /

Read the Futwa of the Cazee and Cazee and Mooftee of the Fouzdaree Adaulut in the case above mentioned.

/ Here enter Futwa /

The Cazee and Cazee and Mooftee of the Fouzdaree Adaulut having declared the Prisoner in the said case, convicted of the theft & in consequence liable to Tazeer, the Court require them to declare what under the Mahomedan Law may be the nature and degree of the presumption of guilt, established against him.

Ordered that extract of these proceedings be translated into Persian, and communicated to the Law Officers of the Fouzdaree Adaulut.

Read letter dated the 7th Instant from the 2d Judge of Circuit in the Central Division submitting the arraignment and futwa of the

2d Futwa

20th Novr 1815.

Mahomedan Law Officer in case No. 97 of the Chittoor Calendar in the 4th Quarter Sessions of 1815. and soliciting the opinion of the Court thereon.

/ Here enter No. 760 /

The 2d Judge states, that he considers the Prisoner in the said case as meriting the full punishment prescribed for cases of Forgery by Clause first Section III Regulation VII A. D. 1811. but previously to passing Sentence in the case, wishes to be informed, whether the Sudder / Fouzdaree / Court consider him competent to adjudge the punishment under the futwa, which accompanies his letter, or whether they consider any further question to the Mohummedan Law Officer to be necessary.

The Law Officer in answer to the 1st Question, put by the Judge presiding at the said trial, stated that the Prisoner was convicted; & in answer to the 2d question, explaining the crime of which the Prisoner was convicted, stated it to be Zeer-i-ghabb-i-Dughabaz or / convicted of / "Fraud on strong presumptive evidence". In further explanation of the grounds, on which the Prisoner was declared liable to Tahoobut, the Law Officer in his futwa states the Prisoner to be guilty of

fraud

20th November 1815.

4th Quarter Sessions of 1815, together with the other records therewith submitted, and certifying that the Originals of the same severally bear the Signatures of the late 3d Judge, and that the aforesaid records being compared with the Originals are found to be correct, and are accordingly attested as true translations by Order of the Court of Circuit.

/ Here enter No. 538 of 1815 /

Read the Futwa of the Mooftee and a Mooftee of the Sunder Dewanny Adawlut mentioned in the above mentioned.

/ Here enter Futwa /

The Sunder Dewanny Adawlut, having declared the Prisoner in the said case, suspected of the theft & consequently liable to Tazeer, the Court require them to declare what under the Mahomedan Law may be the nature and degree of the presumption of guilt, established against him.

Ordered that extract of these proceedings be translated into Persian, and communicated to the Law officers of the Sunder Adawlut.

Read letter dated the 5th Instant from the 2d Judge of Circuit in the Central Division submitting the arraignment and futwa of the

2d Futwa

20th Novr 1815. Mahomedan Law Officer in case No. 938. the Chittoor Calendar in the 4th Quarter Sessions of 1815. and soliciting the opinion of the Court thereon.

/ Here enter No. 760 /

The 2d Judge states, that he considers the Prisoner in the said case as meriting the full punishment prescribed for cases of Foregery by Clause first Section III Regulation XI A.D. 1811. but, previously to passing sentence in the case, wishes to be informed, whether the Sudr / Foujdaree / Court consider him competent to adjudge the punishment under the futwa, which accompanies his letter, or whether they consider any further question to the Mohummedan Law officer to be necessary.

The Law officer in answer to the 1st Question, put by the Judge presiding at the said trial, stated that the Prisoner was convicted, & in answer to the 2d question, explaining the crime of which the Prisoner was convicted, stated it to be Zun-i-ghabb i- Dughabazee or / convicted of / "Fraud or strong presumptive evidence". In further explanation of the grounds, on which the Prisoner was declared liable to Tohoobut, the Law officer in his futwa states the Prisoner to be guilty of

fraud

20th November
1815.

found on strong presumptive evidence by the Jury
of the Witnesses &c.

In no part of the Statute generally
the Provincial Law Officers is any mention made
of the Prisoner being committed of forgery; and in
such a Statute the Court would not feel themselves
warranted to inflict the punishment for forgery as
prescribed by
described in the Section above quoted.

In answer to the first question put
by the 2d Judge "Is the Prisoner apprehended
of the charge brought against him by the Statute
namely of the crime of forgery" all the Prisoners
Law Officers stated, that he was committed; yet
it is to be inferred from the Statute, subsequently
given by him in the case, that he did not consider
him committed of the forgery, but of the fraud.

The 2d Judge, if he deems it necessary
may call upon him to explain the apparent incon-
sistency between his answer to the 1st Question,
and his subsequent Statute. At the same time
however the Court are of opinion, that unless
the Law Officer shall declare the Prisoner committed
of the forgery, as well as the fraud, the Prisoner is not
liable to the penalties prescribed in the Section
above mentioned.

20th November
1815.

Ordered that extract of these
proceedings be transmitted to the 2d Judge of
Circuit in the Centre Division for his information
and guidance.

Sent following letter
Recorder B/
FM

At a Court of the Foujdaree Udalut

Present

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

Friday 1st. Dec. 1815.

Read letter dated 6 Ultimo from the Judge of Ganjam — Stating that it is impracticable to proceed with the business of the Court as the Servants are unable to attend from Sickness —

/Here enter N. 953/

Read also letter dated 13 Ultimo from the Judge and Magistrate of Ganjam — Stating that he has been obliged to adjourn his Court for one month owing to the Sickly state of the Servants who are unable to attend to their duties —

/Here enter N 978/

It appearing from the ~~letter~~ letters recorded on the proceedings of the Foujdaree Udalut that owing to the illness of all the Servants of the Zillah Court of Ganjam the Judge and Magistrate has found it impossible to proceed with the business of that Court, it is ordered that a reference be made to the Magistrate of Ganjam to learn whether he thinks it probable that he shall be prepared to receive the Court of Circuit for the purpose of delivering the Sail at his station in the Month of January next —

Ordered that extract of these proceedings be sent to the Magistrate in the Zillah of Ganjam for his information

1st December 1815.

information—

Sent following letter
/Hereenter A/

Read letter, dated 25th Ultimo from the 3 Judge on Circuit Centre Division — Enclosing copy of a Perwannah issued by him to the Magistrate of Chingleput with his Answer and requesting the direction of the Sudr Court thereon—

/Hereenter A 720/

The precept of the 3 Judge on Circuit in the Centre Division not being in conformity with the regulations or with the orders concerning the preparation of translations by the Zillah Magistrates, the Court cannot enforce obedience on the part of the Magistrate of the Zillah of Chingleput

With reference to that part of the letter of the 3 Judge on Circuit in which he alludes to a previous application having been made by him for the required translations through the Nazir the Court direct that it be pointed out to the 3 Judge on Circuit that the Nazir is not an authorized channel of communication between him and the Magistrate of a Zillah—

Ordered that extract of these proceedings be sent to the 3 Judge of Circuit in the Centre Division—

Sent following letter
/Hereenter B/

Read letter dated 3 Ultimo from the Magistrate of Chingleput— Reporting the arrival of two convicts for Ceylon under Sentence of transportation— With Magistrates Order and Surgeons Certificate—

1st Dec 1815.

Read letter, dated 28th October last, From the Magistrate of Tinnevelly — With report of prisoners convicted under Sentence—

/Hereenter A 748/

Read letter, dated 4th Ultimo— from the 2d Judge on Circuit on the Southern Division— Reporting his arrival at the Sudr station from Circuit—

/Hereenter A 753/

Read letter, dated 2d Ultimo— from the Magistrate of Salem— With register of proclaimed persons for October—

/Hereenter A 755/

Read return dated 3 Ultimo— from the 2d Judge of Circuit for the Northern Division— to the Courts precept of 26th October Stating that he will proceed immediately to deliver the Jail at Vizagapatam in obedience to this precept—

/Hereenter A 757/

Read letter, dated 15th Ultimo— from the Magistrate of Chingleput— With the list of convicts arrived under Sentence of transportation up to last month—

/Hereenter A 772/

Read letter, dated 22d Ultimo— from the 3 Judge on Circuit in the Centre Division— Reporting his arrival at Chingleput—

/Hereenter A 788/

Read letter, dated 5th Ultimo— from the Magistrate of Bellary— With Register of proclaimed Offenders for the Month of October—

/Hereenter A 789/

1st December 1815.

Read letter dated 16 Ultimo from the Magistrate of Seringapatam — With report of Prisoners confined under sentence to the 16th November 1815 —

/ Here enter No. 794 /

Read letter dated 15th Ultimo from the Magistrate of Royakoonday — With report of prisoners confined under sentence to the 15th October —

/ Here enter No. 795 /

Read letter dated 23 Ultimo from the Magistrate of Chingleput — Reporting the arrival of 3 convicts from South Arkalore under sentence of transportation with Magistrates orders and Surgeons certificates —

/ Here enter No. 797 /

Read the following letters from the Magistrates of Chingleput, Cannanore, Vedasellum, Guntoor, Cuddapah, Tinnevelly, Bellary, Trichinopoly, Seringapatam, Cochin, Chittoor, Salem, Gangam, North Arkalore, Dindigul, Masulipatam, South Arkalore, Dharapooram, & Nellore, With Report of Prisoners for September —

(Nos. 708, 713, 714, 715, 716, 720, 721, 726, 732, 733, 737, 738, 739, 743, 746, 747, 752, 754, 765 and 783)

F. U.

At a Court of Foujdaree Udalut —

Monday 4th December 1815.

Present

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

At

Read letter dated the 10th Ultimo from the Register to the Court of Circuit in the Southern Division, forwarding an extract from the Court's proceedings with enclosures addressed by the Magistrate in the Zilla of Coimbatore to the 3d Judge —

/ Here enter No. 782 /

The Magistrate in the Zilla of Coimbatore, in his letter dated the 31st August last, solicits the sanction of the 3d Judge, under Section XII Regulation VI A. D. 1811, for the payment of the Sum of 30 & 80 Rupees ~~respectively~~ to two female Witnesses, in consideration of their having given information, which led to the conviction of Seyud Meer, a Pharseegar who was brought to the 2d Session of 1813 trial before the Court of Circuit on a charge of Murder, and ultimately sentenced to transportation for life —

In answer to the foregoing letter, the Court of Circuit authorized the Magistrate to pay

4th December 1815.

pray to each of the witnesses aforesaid ten Rupees which sum under the provisions of Section XI Regulation VI A. D. 1811 they stated that they were not authorized to exact.

On the receipt of the foregoing letter conveying the authority of the Court of Circuit for the payment of ten Rupees to each of the witnesses above mentioned the Magistrate again solicited the payment of the sums originally proposed by him, under Section XI Regulation VI A. D. 1811, and the one preceding it as being particularly applicable to the case of the two Peons.

The Court of Circuit, on a further consideration of the case, were still of opinion that under the Regulation quoted by the Magistrate they had not authority to sanction the payment of a Reward, to the persons in question, to the extent proposed; but in consideration of the nature of their services, submit the whole of their proceedings in the case, with the letters addressed to them by the Magistrate, for the consideration of the Sudder Adawlut; accompanied by a recommendation that a Reward of 50 Rupees to each of the witnesses above mentioned, may be

4th December 1815.

sanctioned by the Court

In consideration of the circumstances above stated, and on the Recommendation of the Court of Circuit, the Court under the provisions of Section XII Regulation VI A. D. 1811, do accordingly authorize the Magistrate in the Zilla of Coimbatore to pay the sum of fifty Rupees to each of the Witnesses, Rajah Beebee & Fatimah Saheba.

Ordered that a Extract of these Proceedings be transmitted to the Court of Circuit in the Southern Division, to be by them communicated to the Magistrate in the Zilla of Coimbatore, for his information and guidance.

Sent following letter

/Inclosure A/

Ordered that the Civil Auditor be apprized of the authority, conveyed by the foregoing proceedings, to the Magistrate in the Zilla of Coimbatore.

Sent following letter

/Inclosure B/

Read return dated the 24th Ultimo, by the Court of Circuit in the Centre Division, by the 1st Judge of Circuit to the Courts Precept under date the 6th Ultimo certifying

4th December 1815

certifying that the extract from the Counts proceedings of the foregoing date had been communicated to the Magistrate in the Zilla of Chittoor in conformity with the requisitions of the said Precept

(Here enter No. 905)

Read return dated the 2d Ultimo by the 2d Judge of the Court of Circuit in the Southern Division to the Counts Precept under date the 21st August last transmitting the Report of the Magistrate in the Zilla of Tinnevelly on the state of mind of the Prisoner Amaya cavoo Langum, required by the said Precept

(Here enter No. 906)

The Prisoner Amaya cabangum was sentenced, under date the 21st August last, to be detained in prison, until he should recover the use of his Reason; and the 2d Judge of the Court of Circuit in the Southern Division was accordingly by precept commanded to instruct the Magistrate in the Zilla of Tinnevelly, to report from time to time through the Court of Circuit, on the state of the prisoners mind.

The letter of the Zilla Magistrate transmitted in the return to the foregoing precept not being accompanied by the Report of the Chittoor

2d F. M.

4th December 1815

Assistant Surgeon attached to the Zilla Court at Tinnevelly, the Court direct that the Magistrate in the Zilla of Tinnevelly do call upon the medical officer aforesaid to submit his opinion as to the state of the said Prisoners mind, and of his conduction Jail, up to the present time at large

Ordered that extract of these Proceedings of the Court be transmitted to the 2d Judge of Circuit in the Southern Division, by Precept commanding him to communicate the same to the Magistrate in the Zilla of Tinnevelly for his information and guidance, and to forward his return thereto within one month after the receipt.

Sent following Precept

(Here enter No. 915.)

Read again return, dated the 21st July last, by the Court of Circuit in the Centre Division, to the Counts precept under date the 10th July, certifying that the original proceedings in case No. 20 of the Chittoor Calendar for the 1st Quarter Sessions of 1815, bear the signature of the late 3d Judge of the Court of Circuit, before whom they were held.

(Here enter No. 915.)

Read again letter dated the 21st June last from the 3d Judge of the Court of Circuit in the Centre

4th December 1815.

in the Division transmitting the Proceedings held before the late Dr Judge ~~as aforesaid~~ in case No 17 of the Chittoor Calendar for the 1st Quarter Sessions of 1815.

/Here enter No 467 of 1815./

The Court having maturely considered the proceedings held before the late Dr Judge presiding at the 1st Quarter Sessions of 1815 the Futwa of the Provincial Law officer, and the Futwa of the Cageeaul Coogat and Mooftees of the Foujdaree Adalut, do confirm the said Futwa of the Cageeaul Coogat & Mooftees aforesaid & do direct that the Prisoner

"Venkien"

be set at Liberty.

Sent following Letter

/Here enter D/

Read again Return, dated the 12th July last, by the Court of Circuit in the Southern Division, to the Court's Receipt under date the 26th June, transmitting the English & Persian Records of cases No 465 of the Chittoor Calendar for the 1st Quarter Sessions of 1815, & certifying that the original proceedings in the said cases severally bear the Signature of the late Dr Judge before

4th December 1815.

whom they were held, & the English & Persian Records now submitted are found, on examination, to be correct translations, and are accordingly attested as such, by order of the Court of Circuit.

/Here enter No 638./

The Court having maturely considered the proceedings held, in case No 1, before the late Dr Judge presiding at the 1st Quarter Sessions of 1815, the futwa of the Provincial Law officer, and the futwa of the Cageeaul Coogat and Mooftees of the Foujdaree Adalut, do confirm the said futwa of the Cageeaul Coogat & Mooftees aforesaid, and do acquit the Prisoner "Sheik Madar, alias Kistnen, alias Ramasawmy, alias Mootoo Naikeno".

This Prisoner being however convicted in case No 5 of the Chittoor Calendar, his Release is not directed.

Read also the second futwa of the Cageeaul Coogat and Mooftees of the Foujdaree Adalut in case No 5 of the Chittoor Calendar for the 1st Quarter Sessions of 1815, required by order of the Court under date the 20th Ultimo.

/Here enter second futwa/

The

4th December
1815.

The Court having maturely considered the proceedings held in case N.o I before the late 2d Judge presiding at the Circuit Sessions of 1815, the futwa of the Provincial Law officer, and the futwa of the Cazee ool Coozat & Mooftees of the Fouzdaree Adalut, do confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid, and do direct that the Prisoner

Shaik Madar, alias Kishnum, alias Ramastanny, alias Moodoo naiken

be confined, and kept to hard labour in the public roads, or other public works during the period of seven years.

Sent following letter

/ Here enter No 89 /

Read letter dated the 5th Ultimo from the late 2d Judge on Circuit in the Northern Division, transmitting his proceedings held in case N.o I of the Cujagapatam Calendar in the 2d Sessions of 1815.

/ Here enter No 90 /

The Court having maturely considered the proceedings held before the late 2d Judge on Circuit, the futwa of the Provincial Law

3d Fo 116

4th December 1815

Law officer, and the Futwa of the Cazee ool Coozat & Mooftees of the Fouzdaree Adalut, do confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid, and acquitting the Prisoner

"Jagelymaikdoo"

do direct his release accordingly.

Sent following letter

/ Here enter No /

Read letter, dated the 5th Ultimo, from the late 2d Judge on Circuit the Northern Division, transmitting his proceedings held in case No III of the Cujagapatam Calendar in the 2d Sessions of 1815.

/ Here enter No 7 /

The Court having maturely considered the proceedings, held before the late 2d Judge on Circuit, the futwa of the Provincial Law officer, and the futwa of the Cazee ool Coozat & Mooftees of the Fouzdaree Adalut, do confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid, but the Prisoner.

"Shaikh Ansur"

being an insane person, the Court direct that he be detained in custody, until he shall recover the use of his reason.

Read letter, dated the 5th Ultimo,

from

4th December
1815.

The Court having maturely considered the proceedings held on record before the late 2d Judge presiding at the 1st Quarter Sessions of 1815, the fatwa of the Provincial Law Officer, and the fatwa of the Cageeaol Cazee & Mooftees of the Faydaree Adaulut, do confirm the said fatwa of the Cageeaol Cazee and Mooftees aforesaid and do direct that the Prisoner

"Shaikh Wadar, alias Kistnum, alias Ramastanny, alias a Moorfee maiken"

be imprisoned & kept to hard labour on the roads, or the public works, or other public work during the period of seven years.

Sent following letter
/ Vencenter Esq

Read letter dated the 5th Ultimo from the late 2d Judge on Circuit in the Northern Division, transmitting his proceedings held in case No. I of the Tsiagapatam Calendar, in the 2d Sessions of 1815.

/ Vencenter No. 781 /

The Court having maturely considered the proceedings held before the late 2d Judge on Circuit, the fatwa of the Provincial Law

3d Fa 116

4th December 1815

Law Officer, and the Fatwa of the Cageeaol Cazee & Mooftees of the Faydaree Adaulut, do confirm the said Fatwa of the Cageeaol Cazee and Mooftees aforesaid; and acquitting the Prisoner

"Jagelymaikdoo"

do direct his release accordingly.

Sent following letter
/ Vencenter No. /

Read letter, dated the 5th Ultimo, from the late 2d Judge on Circuit in the Northern Division, transmitting his proceedings held in case No. III of the Tsiagapatam Calendar in the 2d Sessions of 1815.

/ Vencenter No. 787 /

The Court having maturely considered the proceedings, held before the late 2d Judge on Circuit, the fatwa of the Provincial Law Officer and the fatwa of the Cageeaol Cazee & Mooftees of the Faydaree Adaulut, do confirm the said fatwa of the Cageeaol Cazee and Mooftees aforesaid; but being an insane person, the Court direct that he be detained in custody, until he shall recover the use of his reason.

"Shaikh Ansur"

Read letter, dated the 5th Ultimo, from

4th December 1815.

from the late 2d Judge on Circuit on the Northern Division transmitting his proceedings subsequent to the Sessions of the Zillah Zegagapatam Calendar on the 2d Session of the 4th December 1815.

The Court having maturely considered the proceedings held before the late 2d Judge on Circuit the Fetwa of the Provincial Law Officers and the Fetwa of the Sudder and Sudder & Moofties of the Foujdarry Adaulut do confirm the said Fetwa of the Sudder and Sudder & Moofties adjudging the Prisoner Godymetla Lingiah being an insane person, the Court direct that he be detained in custody until the pleasure of this Board.

Sent following letter

Vizagapatam Calendar in the 2d Sessions of 1815.

In the foregoing case No III of the the prisoner was charged with having murdered a person, named Shanker Pittah, and in case No IV of the Calendar, the Prisoner was charged with having murdered four of his children, Both of them have been acquitted by the Fetwas of the Mahomedan Law Officers, in consequence of their having each perpetrated the deed in a fit of insanity

4th December 1815.

Annexed to the Magistrates proceedings in the former case (a No III) is a copy of the Zilla Surgeons Report on the State of the Prisoner Skaikh Ansund mind, in reply to a letter addressed to him on the subject by the late 2d Judge

In that Report dated the 29th of October the Zilla Surgeon states, that he has no doubt of the prisoners then labouring under mental fatuity, though probably of a temporary nature

The case of the prisoner in at No IV, is however of a more serious complexion, and as the Record is not accompanied by the Report of any medical officer, yet there is no reason to doubt, that the prisoner committed the murder when in a state of derangement. Whilst however it is particularly necessary that the earliest possible notice of the Prisoners recovery from their present afflictive malady, should be taken, it is at the same time of the utmost importance, that the recurrence of such an evil should be prevented, and the public be kept secure from the danger, to which they would be exposed, in the event of such persons relapsing into a state of insanity. The Court accordingly direct that the Magistrate

4th December 1815

Magistrate in the Tella of Vayagapatam directing on departing from thence to come through the Court of Circuit on the State of the Prisoner mine to transmit a certificate of the Tella Magistrate respecting them with his opinions as to their prosperity of them being at large

Ordered that extract of these proceedings be transmitted to the Court of Circuit in the Northern Division, by Tonight Post commanding them to communicate the same to the Magistrate in the Tella of Vizagapatam for his information and guidance, not to change them on no account to release the said Prisoner "Shaikh Ardun" and "Godyemakah Longajah" without the previous Sanction of the Foujdaree Adalut, Stamped through the Court of Circuit

Return to the foregoing perceipt to be made within twenty days after its receipt

Sent following Perceipt

/Here enter K/

Read letter dated the 6th Ultimo from the 2d Judge on Circuit in the Western Division, transmitting his proceedings held in case

No 22

4th F. 16

4th December 1815. No 22. of the Canara Calendar, in the 2d Sessions of 1815.

/Here enter No 763/

Read also letter dated the 15th Ultimo from the 2d Judge on Circuit in the Western Division reporting the death of Poonden the 2d Prisoner in the foregoing case

~~Here enter No 787~~

the 1st & 3d prisoners having died in Jail prior to the reference of the trial, any further proceedings in the case are unnecessary.

Read letter dated the 17th Ultimo from the 2d Judge on Circuit in the Western Division stating that he has acquiesced in the Mahomedan Law Officers futwas of acquittal, in cases No I & II of the Supplemental Calendar for the Tella of Canara in the 2d Sessions of 1815, which he reported to be preparing for reference to the Foujdaree Adalut, and that Warrants for the release of the Prisoners in the said cases were accordingly issued to the Magistrate in the Tella of Canara on the 11th Ultimo

/Here enter No 796/

K

Read letter dated the 24

from the Secretary to Govt

to the Judicial Department, stating

4th December 1815.

that agreeably to the recommendation of the Court, contained under date the 13th Ultimo, the Right Hon.ble the Governor in Council is pleased to direct that the Prisoner Subhana Teaganaigan, be set at liberty.

Ordered that an extract from these Proceedings be transmitted to the Court of Circuit in the Southern Division, by Express, commanding them to release the said Prisoner, Subhana Teaganaigan, now under confinement in the Galle Jail of Contempt, to be set at liberty accordingly.

Return to the foregoing Precept to be made on the 1st day after the receipt.

List of following Papers (Here enter I)

No.

Read return dated 4th August last from the Court of Circuit for the Southern Division to the Court's Precept of 21st June last stating it to be their opinion that no other mea-

4th December 1815.

sure for providing for the Pardoned Pharsigars than at the public expence and in respect to reclaiming the woman and Children that the dread of punishment will also effect to this subject.—

(Here enter No. 563)

Ordered that the above return do lie over for consideration.—

Read return dated 29th Ultimo, from the Court of Circuit in the Centre Division to the Court's precept of 20th June requiring them to report on the best method of providing for pardoned Pharsegars and for reclaiming Women and Children for the nefarious practices of Pharsegarees.—

(Here enter No. 815)

Ordered that the above return do lie over for consideration.—

Fo 16.

At a Court of Foujdaree Udalut

Present

Wednesday the 13 Decr. 1815

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

Read letter dated the 8th April last from the Register to the Provincial Court in the Western Division transmitting copies of a letter and its accompaniments from the Magistrate in the Zilla of South Malabar dated 16th September 1814, together with copy of a letter from the same officer, dated the 5th April

/ Here enter a No 272 /

Read also letter dated the 22d Ulsum from the Register to the Provincial Court in the Western Division, transmitting a duplicate of the foregoing letter and its accompaniments

/ Here enter No 804 /

The foregoing letter dated 8th April last having accidentally been for a time mislaid, and the Magistrate in the Zilla of South Malabar not having in consequence received any reply to his former application, that Officer under an idea that the letter in question must have either miscarried or been mislaid, was induced

13th December 1815.

to solicit the Provincial Court to transmit a duplicate of their dispatch to the Sudr Foujdaree Court

On the recommendation of the Court of Circuit in the Western Division, as contained in their Register's letter dated the 8th April, & for the reasons therein assigned, the Court under the provisions of Section XII. Regulation XI A.D. 1811. do sanction the disbursement of one Hundred S. Pagodas, made by the Magistrate in the Zilla of South Malabar to the Police Officer and others concerned in the destruction of the noted free booter Koorkamtodeal Koatho

The Court entirely concur in opinion with the Court of Circuit as to the importance of the Service rendered to Government by Koyakoy Kidien the Police Daroghe of a Topaz Parambe and apparently with the perspicacity of the Magistrate suspected by the exertions of the Court of Circuit accordingly resolve to submit the several papers in the case to the Right Honorable the Governor in Council with their recommendation that the honorary badge of merit as suggested by the Magistrate may be conferred on Daroghe as a reward for his great services, & encouragement to the future exertions of Police

13th Dec. 1815.

to the emulation of [illegible] examples; and with this view that the Magistrate in the Zilla of South Malabar may be instructed to make the arrangement & disbursement requisite to carry the same into effect, to the extent of 200 S. Pagodas, as proposed by him.

On the recommendation of the Court of Circuit, the Court also beg leave to recommend that the Right Honble the Governor in Council may be pleased to settle a pension of four Rupees per month, on the family of the late Kolkar Kondasherry Parangodden who lost his life in the execution of his duty while endeavouring to apprehend the above mentioned free booter

Ordered that extract of these Proceedings together with the Register's letter and its enclosure be transmitted to the Secretary to Government in the Judicial Department, and that he be requested to submit the same for the consideration of the Right Honorable the Governor in Council.

Sent following letter

12th December 1815

Read letter, dated the 8th Ultimo from the Magistrate in the Zilla of Madura, transmitting the Reports of prisoners confined under sentence, to the 30th October.

/Here enter No. 763/

Read letter, dated the 8th Ultimo from the Magistrate in the Zilla of Bellary, transmitting the Reports of prisoners confined under sentence, to the 18th October 1815.

/Here enter No. 769/

Read letter, dated the 8th Ultimo from the Magistrate in the Zilla of Vizagapatam, transmitting the Report of persons proclaimed for October.

/Here enter No. 776/

Read letter, dated the 25th Ultimo, from the 2d Judge on Circuit in the Western Division, transmitting the extracts of the Calendars of the Zillah South Malabar, Coorg, & Seringapatam.

/Here enter No. 808/

Read letter, dated the 2d Instant, from the Magistrate in the Zilla of Salem, transmitting the Register of persons proclaimed for November.

/Here enter No. 818/

GCS

FHC

F. H.

At a Court of Foujdaree Adalut

Present

Monday 18th December 1815. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges.
George Stratton Esqre

Read return, dated the 25th Ultimo by the Court of Circuit in the Centre Division, to the Court's Precept, under date the 13th Ultimo, certifying that the Magistrate in the Zilla of Cuddapah has been instructed to report from time to time on the state of the prisoner Kalipha's mind, in conformity with the exigence of the said precept.

GCS

/Here enter No. 809/

Read letter, dated the 4th Instant, from the 1st Judge of Circuit in the Western Division enclosing the returned warrant issued for the execution of the sentence passed by the Court, under date the 6th Ultimo, in case No. 18. South Malabar 1st Sessions of 1815, accompanied by copy of a letter from the Assistant Magistrate, who was present at the execution of the Prisoners A. & Cheekungatoddeil Koote Mahomed, & Hosainatallel Chackos, and B. Tien Kelkel Chatoo.

/Here enter No. 827/

Read return, dated the 22d Ultimo, by the 1st Judge of Circuit in the Western Division

18th December 1815.

Dewsoom to the Council Proct. under date the 30th Pmultimo, certifying that in conformity with the exigence of the said precept a copy of the extract from the Councils proceedings thereunto subscribed, has been furnished to the Magistrate in the Zilla of South Malabar.

/ Here enter No 809 /

Read letter dated the 29th Ultimo from the 1st Judge of Circuit in the Cutch Division enclosing the returned Warrant issued for the execution of the sentence passed by the Court under date the 6th Instant on the Prisoner Cunderacotty in case No 1. Chittoor Calendar 3d Quarter Sessions 1815.

/ Here enter No 810 /

Read letter dated the 4th Instant from the Magistrate in the Zilla of Salem, transmitting a copy & translation of the deposition of a Witness named Palanee, & submitting for the consideration of the Court the propriety of an application to Government for the pardon of a person named Poolien, concerned in a Burglary.

/ Here enter No 58. /

From the foregoing deposition of the Witness Palanee, contained in the foregoing letter

it

18th December 1815.

it appears that in the month Maasee of the year Bawa, corresponding with March of the present year, a burglary was committed in the house of one Vencatasum, and that in consequence the Tanadars of Valore & Pillore and two Police Peons sent for the abovementioned Witness, Palanee, and others of his cast, and desired them to make enquiries about the burglary; that one day the party consisting of the aforesaid Tanahdars & Police Peons had arrived at the Well of a certain Village, when the Prisoner, Poolien, referred to in the Magistrates letter, presented himself to one of the Tanahdars, and stated that he had twice or three times been confined in the Zilla Jail at Salem, and been subsequently released; & that provided a promise of pardon was given to him, he would restore the stolen property; on which the Tanahdar, Perpelee naiken, promised that he should be pardoned; when the Prisoner, accompanied by this Witness, a Police Peon and others, proceeded to his House, and desired his brother's wife to bring the bundle stolen from the Prosecutors house, & that he accordingly delivered to them the bundle, containing gold & silver Joys, cloths, brass utensils &c, adding at the same time that he & five others, all of whom were then present

with

18th December 1815.

with the exception of one, had gone to the Farm House, and that he had entered and brought away property, whilst the others remained on the look out.

The Court cannot, under the circumstances stated by the Magistrate, sanction the proposed application for the pardon of the Prisoner Palmer since, as far as they can judge from the only paper on the subject before them, he not only appears to be an old offender, but to have been the principal person engaged in the burglary in question. The Court have already had occasion to call the attention of the Magistrate of Salem to the impropriety of Police officers [illegible] promises of pardon to persons whom they apprehend; such a practice is moreover pregnant with danger to the public at large, as well as to those who may fall into their hands. In the former case the most adventurous rogue of the gang may escape with impunity, whilst in the latter, others may be induced to implicate themselves by a promise of pardon which the Court may not feel authorized to implement with their recommendation, and thus fall a victim to their own misplaced credulity & the treachery

2° Fo 16.

18th December 1815. of the Police officers.

In cases falling within the provisions of Section XX. Regulation VIII A. D. 1802, wherein the crime may be known to have been committed by several persons, the principal of whom may not have been apprehended or convicted, if on the representation of the Zilla Magistrate, it shall appear to the Court that an offer of pardon to one or more of the supposed accessaries on condition of their making a full disclosure of every circumstance within their knowledge, relative to the commission of the crime and the several persons concerned in it, may lead to the apprehension and conviction of the principal offender or offenders, the Court will submit the case to the Right Honorable the Governor in Council; a proceeding, which, in the present case, under the circumstances stated, they do not feel themselves authorized to adopt.

If the case, in which the Prisoner Palmer may be brought forward, should be referred for the final decision of the Foujdaree Adalut, the Court will then be enabled to judge how far he may have been influenced from the promise

18th December 1815.

3d Fl. 11o

18th December 1815.

Read letter, dated the 27th Sept. last, from the 1st Judge on Circuit in the Southern Division, transmitting his proceedings held in case No. 30 of the Salem Calendar in the 2d Sessions of 1815.

/Here enter No. 689/

The Court, having maturely considered the proceedings held before the 1st Judge on Circuit, the futwa of the Provincial Law officer, and the futwa of the Cazee ool Coozat and Mooftees of the Fouzdaree Adaulut, do confirm the said futwa of the Cazee ool Coozat & Mooftees aforesaid, & do acquit the Prisoners

1st Syed Hyfsain /alias/ Sahib Khan

2d Shaick Hyfsain

3d Kistnadoo

4th Shaick Hyder

5th Mangaurraum

6th Syed Causim

7th Koonoor Sahib /alias/ Caundarry Hooneyah

8th Syed Ashommud

do direct that they be accordingly set at liberty

Sent following letter

/Here enter D./

The Court cannot discover in

the

Here enter No. 612 /

Read the letter, dated the 29th August, from the 3d Judge on Circuit in the Centre Division stating that Mr. Pender the Medical Gentleman, who attended the Prisoner in the foregoing case, is at present at the Presidency, can afford the Court any information they may require respecting the wounds inflicted on the Prosecutor [illegible].

/Here enter No. 615/

The Court, having maturely considered the proceedings held before the 3d Judge on Circuit, the futwa of the Provincial Law officer, and the futwa of the Cazee ool Coozat and Mooftees of the Fouzdaree Adaulut, do confirm the said futwa of the Cazee ool Coozat & Mooftees aforesaid & do direct that the Prisoners

1st Lutchmegaudoo

2d Cheetoo gaudoo

3d Gopaul Singaudoo

be discharged on producing Securities for their future good Behaviour and appearance when required.

Sent following letter

18th December 1815.

promise of pardon held out to him by the Law officers, to ~~implicate~~ himself, and allowing him to be enabled to make such allowances for him in extenuation of his punishment, as the circumstances of the case may appear to warrant.

The Court however deemed it of the utmost importance that in practice, nothing to every principles of justice and humanity, should at once be ~~destroyed~~ checked, and that ~~with this view~~ the most particular attention of the Magistrates in the Villa of Salem be directed to the remedy of an evil of such magnitude. With this view the Court directed that the Magistrates do ~~issue~~ transmit orders to the several officers of Police within his jurisdiction, naming them, as they value their situations, in future not to make any offers of pardon to persons whom they apprehend.

Ordered that an Extract of these proceedings be transmitted to the Magistrates in the Villa of Salem for his information & future guidance, by Precept, commanding him to cause the requisite orders to the several head men & officers of Police within his jurisdiction, to be by them communicated to the Peons & others, attached to their respective establishments.

18th Decr 1815.

615.

Return to the said precept to be made within one month after its receipt

Sent following Precept

/Here enter A/

Fm -

Read letter dated the 14th Penultimo, from the 2d Judge on Circuit in the Western Division, transmitting his proceedings held in case No 37 of the Canara Calendar in the 2d Sessions of 1815

(Here enter No 729)

The Court, having maturely considered the proceedings held before the 2d Judge on Circuit, the Letters of the Provincial Law Officers, and the Letters of the Capecoal Cooga and Moofties of the Tenpaneer Aldalut, do confirm the said Letters of the Capecoal Cooga and Moofties aforesaid, and do direct that the Prisoner "Walsamamoo Venkapa" be accordingly set at liberty -

Sent following letter

/Here enter B/

Read letter, dated the 26th August last from the 3d Judge on Circuit in the Centre Division, transmitting his Proceedings held in case No 34 of the Sundapah Calendar

in

18th December 1815.

record,
the of the foregoing ~~heard~~ were any evidence to prove
the Magistrate on committing the Prisoners to
their trial before the Court of Circuit, and
if so do they coincide in opinion with the
1st Judge in Council as to the conviction of the
Prisoners

The 1st Witness Seringhee Ummeer
Sing, an informer, named on
Lungudabuldar Ranjaun, made deposition on
Substance to the following effect. That twenty
days before the fall of Seringapatam, the 8 Prisoners
at the Bar, himself with about 40 others, of
murdered five Cloth Merchants, near Mullapaudy
on their way from General Harris' camp, to Bednal,
at 3 o'Clock in the afternoon, and plundered them
of 300 Rupees Cloths &c; which they divided
in equal shares ~~amongst them~~

Amongst the Magistrate's proceedings
is the fourth examination of this Witness, taken on
the 5th August last. Therein he deposes, that he
being in obedience to the orders of the Magistrate
he proceeded to Mullapaudy to find out the
dead bodies of the five persons, said to have
been there murdered and buried, & searched for
them, but could discover no traces of them,

18th December 1815.

adding, that the bodies having been buried
in a water-course, he conceived they must have
been washed away.

The 2d Witness Edmoyel, an
informer, deposed that the Prisoners, himself,
and 41 other Phansegars, murdered five
Merchants near Mullapaudy on their way
from Seringapatam to Arcot, in the day
time, and plundered them of their property

The 3d Witness Boonnyah, an
informer, deposed to the same effect

It does not appear from the
arraignment of the Prisoners before the
Court of Circuit, when the Murder & Robbery
charged against the Prisoners ~~were~~ committed,
circumstances of the names of the persons,
said to have been murdered, not being known,
and consequently their previous existence not
being established, could have rendered this
suspicion of greater importance, had any
circumstantial evidence, or any evidence of a
satisfactory nature, being brought forward
in support of the charges preferred against
the Prisoners.

In the indictment drawn up
by the Magistrate, the Prisoners, are
charged

18th Decr 1815.

charged with having, in conjunction with other Phansegars, about sixteen years ago murdered five persons, whose names are unknown, near the Village of Mullapandee, and of having plundered them of property to the amount of 300 Rupees. &c.

The indictment is followed by a copy of a paper, containing some remarks of the Magistrate in the Zilla of Salem, to this effect: "that the Magistrate has had informations made out by the informers of all the offences they know against each of the Prisoners. They are placed among the papers, the particulars of which informations the Judge on Circuit may examine into, as far as it may be necessary & that it is hoped the result will be, that each Prisoner may be considered a Phansegar and a dangerous character, and that they may be detained in custody, unless they shall produce sufficient bail for their future good behaviour and appearance when required.

In No. 3 of the Magistrates Proceedings is the following remark: "list of stolen property not taken, this being a case of Phansegars" the Prisoners say

4. A. F. 16.

18th December 1815.

charged with having plundered the persons said to have been murdered, of property to the amount of 300 Rupees, and upwards, it might have been expected that the Informers would have been examined (of course apart from each other) on this point, with the view of obtaining some account of the articles stolen. A minute investigation on this head would have shewn at least, whether they were so wary as to be consistent in their accounts, or by their mutual contradictions would have betrayed their forgery of the charges, adduced by them against the Prisoners.

From No. 5. it would seem, that no warrant was issued by the Magistrate, for the apprehension of the Prisoners, they having been brought to Salem by the Deputy Jailor from various districts, according to the Magistrates order. The same reason is assigned in No. 6. for there being no Report of any Police officer.

The Court have in former proceedings animadverted on the measures adopted by the Magistrate, for the apprehension of Prisoners, in similar cases, as it might however happen be alluded to in No. 5. It might however happen that No. 6 would have contained

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1815.

the report of the Deputy Jailer, & that he would have been examined, as a Witness, to shew what particular information induced him to apprehend the Prisoners, & where they were apprehended. ~~He only informed to be drawn from this circumstance that either the information & evidence of these persons~~ ~~or the Magistrate~~ ~~part of the charge, or~~ ~~part from the Prisoners, or that the Magistrate had obtained information that they~~ ~~of the Robberies, & the Prisoners would have given better information~~ ~~on the Magistrate or the Prisoners themselves~~ ~~this Court~~.

The 1st & 3d Witnesses are two of the nine informers, for whom the Magistrate in his letter dated 21st July 1814, solicited a conditional pardon. In forwarding the Magistrates application for the consideration of the Right Honourable the Governor in Council, accompanied by their recommendation to the Court, as they observed on the evidence, were not, in so doing, actuated by an opinion that any benefit would result from the informations of these persons, but from the

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circumstance of their having been induced to implicate themselves by the hope, if not promise, of pardon; they are not therefore disappointed in finding the evidence of these informers, unproductive of the benefit expected by the Magistrate. At the same time however, they cannot refrain from expressing their disagreement of opinion with the 1st Judge, as to the conviction of the Prisoners on such evidence, and their regret that he should particularly under such circumstances as those already stated, have not only been satisfied with their bare assertions, but should have considered their evidence as sufficient to warrant the Prisoners without the capital punishment ~~of the Crime~~, without examining the witnesses most minutely on several points with the view of ascertaining the truth of their statements.

The Prisoners, both when arraigned and when put on their defence, plead not guilty. The Provincial Law Officer, to whom the 1st Question put to him by the 1st Judge, stated that, the evidence of the informers being inadmissible according to the Mahomedan Law, the Prisoners were

were not connected.

On this, the 1st Judge put the following questions to them - What guilt is now attach to the Prisoners, according to the Regulation of Regulation XV of 1803.? The answer to the question according to the English Record is as follows. By these Regulations they are proved guilty of being concerned in the murder laid to their charge. By the Regulations above quoted the evidence of Informers, under any circumstances, is sufficient for the conviction of Prisoners, unless when contradicted by circumstantial of any description whatsoever, were not to be considered as well by the reply given by the Mahomedan Law Officer, as by the question put to him.

In reference however to the Prisoners Record, the difficulty was somewhat solved. From that the Law officers reply appears to have been as follows. "If the evidence of the above mentioned witnesses was admissible the Prisoners would be convicted of having been accomplices in the Murder & Robbery, & would be liable to Tazeer.

Either the English or Persian Record must be incorrect, as the latter bears the signature of the Mahomedan Law Officer, by whom the answer was given, and the translation contained in the English Record being totally irreconcileable both with the Mahomedan Law & the Regulations above quoted, I am inclined to impute the error to the translations.

The fatwa of the Provincial Law officer states, that the evidence of the Informers can only be admitted, as a confession of their own crimes, and cannot be received as legal evidence against the Prisoners; That the Prisoners are not therefore convicted & should accordingly be released. This Fatwa is further supported by that of the Law officers of the Sunjdaree Adalut, which declares the evidence of these Witnesses inadmissible, and that the Prisoners should accordingly be set at liberty, the crime laid to their charge not being established against them.

From the Paper annexed by the Magistrate to the Indictment it would seem that the utmost the Magistrate expected to result from the depositions of the numerous informers laid before

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before the Court of Counsel, would be the requiring the Prisoners to find security, prior to their enlargement. Because, that the Court do not feel themselves authorized by the Regulations to demand, the assertions of the informers being so extremely questionable & totally unsupported by any circumstantial evidence whatsoever or by the evidence of a single Witness of any description.

Under these circumstances the Court have been compelled to direct the immediate release of the Prisoners. If the Prisoners be, in reality the offenders, which the Magistrate suspected them to be, the Court cannot whilst they are bound to direct their release, cannot but entertain serious apprehensions of the danger that must result to the community at large, from the commitment of Prisoners without any grounds, and without any proper evidence to adduce in support of the Charges brought forward against them.

Two of the Worthies above mentioned have been selected from 18 reputed Pharisees, and have received the promise of a pardon on condition of their making

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an unreserved disclosure of all the Murders, in which they have been concerned, as well as of their names, and present residence of their associates. Did not the requisition of security from these Witnesses involve a possibility from their inability to produce it, of their being detained in custody, or of committal against the offer of a free pardon, the Court would withhold from them the usual certificate & require them to produce security for their future good conduct, from a conviction that they have left little or no room to doubt their own criminality, whilst they have entirely failed to adduce any circumstantial evidence which might have led to the conviction of the Prisoners. The 1st Judge has omitted to state for the information of the Court; whether he considered the 2d & 3d Witnesses to have fulfilled the conditions on which the promise of pardon was sanctioned by the Government. However for the reasons assigned in these proceedings of the 16th May last already adverted to, the Court are of opinion that the certificates prescribed by Section XX Regulation VIII of 1802, are conformation of the conditional pardon authorized by Orders of Government

Government under date the 8th June last, cannot be withheld, and do accordingly direct that they be prepared & transmitted through the Sr. Judge of the Court of Circuit to the Magistrate in the Zilla of Salem, for the purpose of being delivered to the said Witnesses, Lungeda Lubbia Rajaiah, & Runneyah.

The 2d Witness Ismail appears to be the person to whom a certificate of pardon was issued on the 8th June last, with regard to the remaining informers, for whom a conditional pardon had been sanctioned by Government with the 1st & 3d Witnesses of above mentioned, as also any others in a like situation, the Court direct that the Magistrate in the Zilla of Salem do bring their cases to the notice of the Judges on Circuit, before whom they have been or may be called to give testimony; in order that the Judges of the Court of Circuit, with the view of obtaining of the certificates prescribed by Section XX Regulation VIII A. D. 1802, may forward the same to the Court of Sudr Foujdaree Adawlut, accompanied by their opinion, whether such persons have

6th Fo. 16.

18th December 1815. fulfilled the conditions on which the offer of pardon was sanctioned.

Ordered that extract of these Proceedings, together with the certificates above-mentioned, be transmitted to the Sr. Judge of the Court of Circuit in the Southern Division, by Precept, by commanding them to communicate the same to the Magistrate in the Zilla of Salem, for his information and guidance.

Return to the foregoing precept to be made within one Month after its receipt.

Sent following Precept

(Receipt)

Read Letter dated the 6th Instant from the Magistrate in the Zilla of Combecconum with 8 inclosures transmitting certificates of pardon granted to the persons named in the margin of the said Letter.

(Here enter No 823)

In a full consideration of the several circumstances contained in the foregoing Letter and its accompaniments, the Court, under Section XX Regulation VIII A. D. 1802, resolve to submit to Government the whole of the papers transmitted by the Magistrate of Combecconum, with their recommendation that the Right Honble

18th Dect. 1815.

Hon.ble the Governor in Council may be pleased to authorize an offer of pardon to the four persons, named by the Magistrate, [illegible] Peacock, Secretary, Canagasaby Vandian & Chedumbara Vandian,

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

Sent following letter

[Recorded F]

Read letter dated the 16th Instant from the 3d Judge on Circuit in the Centre Division, transmitting copy of the Chingleput Calendar for the 2d Sessions of 1815.

[Here enter No 239]

In case No III of the Chingleput Calendar four Prisoners were charged with having murdered [illegible] Parrain & Chitty. From the Remarks made by the 3d Judge on Circuit, it appeared that by the sentence of the Provincial Law officer three of the prisoners were found guilty of Public Brawling, and declared liable to pay the fine of

18th Dect. 1815.

Decyut [illegible] between them / Decyut was [illegible] / and were accordingly sentenced by the 3d Judge to 14 years imprisonment and hard labour — & The 4th Prisoner Yellum was set at liberty from his not being of a sufficient age to be put on his trial, and the 5th Prisoner Sobbee was acquitted, and released.

There appearing reasons for doubting the legality of the sentence passed in the foregoing case, the Board resolve to call for the whole of the proceedings thereon held before the 3d Judge.

In case No 17 of the Calendar a prisoner, named Parasoo, was charged with receiving stolen property in mortgage, and sentenced by the 3d Judge to three years imprisonment and hard labour.

The 3d Judge has however omitted to state in the 3d column of Remarks, whether in the opinion of the Provincial Law officer declared the prisoner guilty of the crime laid to his charge, and the punishment to which he was in consequence liable. In the column appropriated for the insertion of these particulars, the words "for breach of the proclamation"

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1815.

proclamation are intended. The Court are of opinion that they require the 3d Judge to transmit a copy of the Sentence given in this case by the Provincial Law Officer.

Ordered that extract of these proceedings be transmitted to the 3d Judge of the Court of Circuit in the Centre Division by Precept commanding him to prepare & transmit English & Persian translations of the whole of his proceedings held in case No. III of the Chingleput Calendar in the 2nd Sessions of 1815, together with a copy of the Sentence delivered by the Provincial Law Officer in case No. 17.

Return to the foregoing precept to be made with this marked after the precept

Sent following Precept

Here enter 5 / 20

605

GH

S. 46.

At a Court of the Foujdaree Adalut.

Present

Thursday 21st December 1815

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

The Court proceed to record the observations which have occurred to them after an attentive perusal of the Regulation proposed by the Commissioners of internal administration entitled a Regulation for transferring the superintendence of Police throughout the territories subject to the Government of Fort St. George from the Magistrates to the Collectors of Zillas and for the establishment of a general system of Police.

The Court of Directors observing

ordered that the superintendence and control of the Police shall be transferred from the Magistrates to the Collectors, the Court have only to examine whether or not the provisions contained in the Regulations proposed by the Commissioners be such as are necessary to attain the object in view. This notice might be more correctly worded. If is defective in not specifying any periods on which the measure is intended

Sections II & III Superintendence of the Police is transferred from the Zillah Magistrate to the Collector and the payment establishment of the Darogahs and Jemadars shall be abolished.

ing any periods

21st December 1815

to take effect. The transfer of the superintendence of the Police should be declared to be future as well as the abolition of the establishment of Burroughs and Tithingmen.

Section IX. Lists of Villages or Villages to be the object of this provision is not information of Murder, Robbery and the Escape of Persons committed in any Village within the limits of the District or Tithing in which they live, they shall send ——— to the Tithingman of the Village in which the crime was committed, or to the Tithingmen

any clause. Information furnished by the head of one Village to another is not to the Tithingmen of the Division meant to embrace and cannot afford ground for taking any other measures on the first instance than such as are calculated to discover whether the crime of which such information is given has been actually committed. It could not mean that the head of every family should be required to send to the Tithingmen of the Village in which the crime was committed, or to the Tithingmen of the Village in which the crime was committed, or to the Tithingmen of the Village in which the crime was committed, or

21 December 1815.

P.C.

21 Dec 1815

learned that the property exposed for sale is stolen unless there be an owner who confirms that it has been stolen from him? or how ascertained that the person exposing the property for sale knows it to be stolen, unless he confesses such knowledge or until after it shall be proved by evidence that the property came into the possession in such a manner as would leave no doubt on the mind of any man that it was stolen? The latter suggestion supposes the result of a trial which is not provided for in the Regulation. It is nevertheless considered that the Police should possess the power to prevent the sale of stolen property which may be proved by describing those articles to the officer in charge and send to the Tahsildar to be for ward to the person who may be found selling property which has been stolen and of which they may not be able to prove a satisfactory account.

Section XVII. Heads of Villages shall report to the Tahsildar the death of any Village watcher and the person who is to succeed by inheritance to the office.

The report of the coming of age of persons of the land succeeding by death and the manner of the loss to the possessions of such persons, but the ascertaining of the nature and to verify that the circumstances of some authority to ask person is necessary for the heads of Villages as to

report the death of any Village watcher and the person who is to succeed by inheritance to the office and the name of the person who may have succeeded by inheritance to the office.

The provision made in this section

Section XVIII. Heads of Villages shall take charge of the property of persons dying within their jurisdictions when there is no person present authorized to take charge thereof and shall immediately forward to the Tahsildar a report of their having done so together with an inventory of the property for the information of the Collector.

neither belongs to the head Men of the villages nor their capacity of Managers of them are that of Police officers and the report should be made to the Judge, not to the Collector of the Zillah. The care of property which may be left by a person dying intestate and of which no heir or owner may be unknown is by therefore the most correct Section XVI, Regulation III. 1802. confided to the Zillah Judge, not to the Magistrate; and no arguments have suggested themselves to the Court for transferring this duty to the Police. The Court therefore recommend that this section be omitted.

Section XX. Heads of Villages upon receiving information of any sudden or violent or unnatural death or any person having been murdered or killed or having been drowned, or any person having been found dead in the fields or in any other place, shall without delay send notice of it to the Tahsildar and shall without loss of time proceed to the spot and take an inquest on the body and should the Tahsildar proceed to the spot with the utmost dispatch on the body or it shall be for examination the head of the village shall proceed to the spot and examine the body and all other circumstances respecting the death or other suspicious circumstances respecting the same, and give such information to the Tahsildar as he may deem necessary. He shall cause the body to be removed in a cart to the nearest village or to the nearest place where there is water and shall cause the same to be washed and buried or burnt as the deceased may have been in the habit of performing the funeral rites of his caste or religion. He shall not allow the body to be removed or buried or burnt until the Tahsildar shall have given his permission in writing and to enter in the report any trifling particulars which may have come to his knowledge respecting the circumstances of the death. The report shall be written by the Tahsildar and shall be immediately forwarded to the Collector and shall be immediately forwarded to the Collector.

This section is intended to make provision the want of which has frequently felt in the administration of justice by the Criminal Courts. It seems intended to provide the earliest measures being taken to identify a dead body and to ascertain the means by which it may have been

21st December 1815

been deprived of life; but there is a want of precaution and clearness in the wording of the act which may be the cause of confusion and mistake on the part of those who are to carry the law into effect.

Where necessary information of the discovery of a corpse Heads of Villages are required without delay to send notice to the Tahsildar; and it is only on the case of the residence of that officer being at a distance as to prevent the attendance on terms to see the body on a state of its requisition for examination that the Tahsildar is to proceed to the spot with the Coroner and his or their respectable subscribers and there to make enquiry into the circumstances of the murder or of the discovery of the corpse.

Now although the ordinary conduct of the Tahsildar may admit of the reference with an expectation that the results would be that his research would have removed the presence of a distant part of the district or other circumstances may occur to prevent his arrival when expected, and even to delay the communication to the Head Quarters of intelligence that the person was abducted with

21st December 1815

after the lapse of much valuable time — The communication to the Tahsildar and the enquiry might be carried on;

during the enquiry need not be supposed to interrupt its progress or to prejudice its result in principle;

This section is unobjectionable, but

Section XXV. Village Tahsildars appointed under section XXIII shall be entitled to such allowance on Lands Grants as may be sanctioned may allot for their maintenance in the same manner as if they had obtained them by other the permanent settlement

it may be proper to observe that where the permanent settlement may have been formed exclusively of the lands and allowances formerly appropriated to the support of the Police establishment it will be necessary to purchase them from the present proprietors; and that it must of course proceed, or will obtain, the information on which such Regulations should be framed.

This section is doubly expressed and

Section XXXV. They shall not station any guards of time or longer than is necessary and they shall release them

is unnecessary altogether. The stationing of guards ought to be done under the orders of the Magistrate, who

may be furnished to them by the local officers

This section is to be varied so as to admit

Section XL. Cases charged with offence or information against the

of a doubt whether a Tahsildar is to do any thing

the case of a person charged with an offence or

the examination or confession of a prisoner there to remain

Line

21st December 1815.

lines within twenty four hours to the Magistrate
this proceeding only enable the Assembly subject to
examination or confession of any offender, or effect
no one but himself. It must therefore be the duty
of the Collector to make for the last mentioned
proof of such examination or confession and to for-
ward the persons giving it with the warrant to
the Magistrate.

Section XLIV If the charge appear groundless or if it
be not proved that the Inhabitant has committed
any of the offences for which he was taken
into custody or if the Parties shall appear
to have come to an amicable adjustment
before the Magistrate, the Magistrate shall
discharge the Inhabitant and the Prosecutor
shall pay the expences of such Inhabitant's
maintenance and conveyance, and the Magistrate
shall order the Inhabitant to be released
and no refund thereof can be made to the
Inhabitant.

It would further be better to
limit the time for the confinement of persons charged
with offences short of felony to
the last that is left to the discretion of the Magis-
trate on the present state of roads on which the
Police will have to act.

Section XLV In case of a charge being
proved against any Inhabitant
the Magistrate shall have authority either to commit the offender to
the Gaol or House of Correction for any term not exceeding
twenty four hours after the conviction or to impose a fine not
exceeding twenty five rupees upon the offender and in default
of payment to commit the offender to the Gaol or House of
Correction for any term not exceeding seven days unless the fine
and costs shall be sooner paid.

Twenty four hours confinement in the
stocks appears an adequate punishment
for petty offences, but authority may be granted
to the Magistrate to extend the confinement in the
stocks to forty eight hours in the case of persons
who shall have been twice convicted of petty offences
within the space of one year.

Section XLVI In case of a charge being proved against any Inhabitant
the Magistrate shall have authority either to commit the offender to
the Gaol or House of Correction for any term not exceeding
twenty four hours after the conviction or to impose a fine not
exceeding twenty five rupees upon the offender and in default
of payment to commit the offender to the Gaol or House of
Correction for any term not exceeding seven days unless the fine
and costs shall be sooner paid.

It would be more regular if the
Magistrate were to have the power of imposing
fines only in the cases mentioned in Section XLIII.

Section XLVII Whether any other change
shall be made in the powers of punishment
vested by the Regulation in the Magistrate
is a point which may require further consideration
after the Regulation shall have been in force for some time.
It would be well to limit the fines to be imposed by the Magistrate
to the Collector in the first instance to the sum of fifty rupees
and to require the Magistrate to report to the Collector
the particulars of every case in which he may think it
necessary to impose a fine exceeding fifty rupees.
If the person
of the offender, the offence will be subject to the
the name of the person offended, the offence will be subject to
be charged with the Court either

Section XLVIII Whether any other change
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necessary to impose a fine exceeding fifty rupees.
If the person
of the offender, the offence will be subject to the
the name of the person offended, the offence will be subject to
be charged with the Court either

Section XLIX Whether any other change
shall be made in the powers of punishment
vested by the Regulation in the Magistrate
is a point which may require further consideration
after the Regulation shall have been in force for some time.
It would be well to limit the fines to be imposed by the Magistrate
to the Collector in the first instance to the sum of fifty rupees
and to require the Magistrate to report to the Collector
the particulars of every case in which he may think it
necessary to impose a fine exceeding fifty rupees.
If the person
of the offender, the offence will be subject to the
the name of the person offended, the offence will be subject to
be charged with the Court either

Section L Whether any other change
shall be made in the powers of punishment
vested by the Regulation in the Magistrate
is a point which may require further consideration
after the Regulation shall have been in force for some time.
It would be well to limit the fines to be imposed by the Magistrate
to the Collector in the first instance to the sum of fifty rupees
and to require the Magistrate to report to the Collector
the particulars of every case in which he may think it
necessary to impose a fine exceeding fifty rupees.
If the person
of the offender, the offence will be subject to the
the name of the person offended, the offence will be subject to
be charged with the Court either

Section LI Whether any other change
shall be made in the powers of punishment
vested by the Regulation in the Magistrate
is a point which may require further consideration
after the Regulation shall have been in force for some time.
It would be well to limit the fines to be imposed by the Magistrate
to the Collector in the first instance to the sum of fifty rupees
and to require the Magistrate to report to the Collector
the particulars of every case in which he may think it
necessary to impose a fine exceeding fifty rupees.
If the person
of the offender, the offence will be subject to the
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Section LII Whether any other change
shall be made in the powers of punishment
vested by the Regulation in the Magistrate
is a point which may require further consideration
after the Regulation shall have been in force for some time.
It would be well to limit the fines to be imposed by the Magistrate
to the Collector in the first instance to the sum of fifty rupees
and to require the Magistrate to report to the Collector
the particulars of every case in which he may think it
necessary to impose a fine exceeding fifty rupees.
If the person
of the offender, the offence will be subject to the
the name of the person offended, the offence will be subject to
be charged with the Court either

Section LIII Whether any other change
shall be made in the powers of punishment
vested by the Regulation in the Magistrate
is a point which may require further consideration
after the Regulation shall have been in force for some time.
It would be well to limit the fines to be imposed by the Magistrate
to the Collector in the first instance to the sum of fifty rupees
and to require the Magistrate to report to the Collector
the particulars of every case in which he may think it
necessary to impose a fine exceeding fifty rupees.
If the person
of the offender, the offence will be subject to the
the name of the person offended, the offence will be subject to
be charged with the Court either

Section LIV Whether any other change
shall be made in the powers of punishment
vested by the Regulation in the Magistrate
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by a particular contribution for that purpose and
the event of such contribution being called for
further questions regarding shall have to be
be effectual to have to the inhabitants the
notice of the immediate police Officers and
processions similar to those contained in Regulation

XIII 1813 of the Bengal Code.

Section LIII. Liabilities of Dakaits to contribute towards the remuneration of the families of Village Chowkeedars and Village Watchmen.
of Police Guards of Village Chowkeedars and Village Watchmen.
shall not be remunerated either by the Criminal Court or the
by criminal Courts or Magistrates or otherwise while they are
of attendance is doubtful employing one they shall at the
detained longer than the nature may reasonably be may be required
required.

dance of Police Officers may not be required on
ssistant of a procession that of their attendance
should be claimed on the part of a prisoner, and
it be just that any authority should step in
between the prisoner and the enlargement and declare
that the attendance of the Police Guard and the
lately employed on occasions shall not be exacted
to their [illegible] If it be practicable to arrange on a
Official detail a that the evidence of Police Of-
ers shall not be required and the Court have
endeavoured by circular orders to produce such an
arrangements the exemption of such a provision
referring to this precaution will not tend, and
to cause of a discretionary authority to subject
with the evidence of a prisoner's defence does
not appear

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of justice which permit an accused person to make
the best defence in his power; while it yet re-
mains to be shewn that the frequency of applica-
tions for summonses to such Officers on the part
of prisoners, has amounted to any inconvenience. The
Court recommend the omission of this section.

Section LIV. No police officer shall entertain complaints of petty offences that are not preferred within three months from the date of the act complained of unless it shall be shown that the delay was unavoidable.

Would it not be better to make this rule absolute, leaving to the parties who may have deferred complaining for more than three Months an option of preferring them to the Magistrate with a statement of the cause of the delay, and to the latter a discretion to investigate the complaint, if the delay shall appear to them to have been unavoidable. The discretion would then be removed from those Courts on which it is to be apprehended that it would be abused, and a person who had delayed to complain of a petty offence for more than three Months could not suffer much enquiry from the further delay occasioned by an application to the European authority. Nothing is provided for in this section but the detention of persons tendering property for sales or for pawn at a price much below its real value

Section LV. Persons of every description as well as Police Officers are authorized and directed to detain strangers or suspicious persons tendering property for sale or for pawn at a price much below its real value or removing property under suspicious circumstances at any time of the night

It should not be at the option of persons of every

description

descriptions to detain persons so offending for an undefined period; the general authority granted by the sections should extend no further than may be necessary to bring the offending parties at the earliest convenient hour before the Police officer of the jurisdictions.

Section LVIII. The Superintendence of the Police being transferred to the Collectors, they shall be responsible for the maintenance of the peace within their respective Zillas; and whenever their Police Establishments may be insufficient to resist Banditti or other disturbers of the Public Peace, they shall apply for assistance to the nearest Military station as directed in section X Regulation III. 1810.

This section of course constitutes Collectors to be Magistrates by charging them with the responsibility of preserving the peace within their respective Zillas; and by authorizing them to call out the Military force in aid of the police. The propriety of imposing this responsibility depends on the determination to invest Collectors with the authority of Magistrates or not.

The first part of this provision is unnecessary but the reference to the Magistrates is unnecessary if the Collectors be vested with the powers of a Magistrate, which by enacting laws enquired where one was insufficient it would consume delay and attention to a further proposing amendments.

Section LXI. The Collector upon receiving a complaint in writing against any person for Murder, Robbery or any Crime specified in Section III. Regulation IV. 1810, shall proceed as directed in Sections III IV. and V. of that Regulation provided however that his warrant shall be addressed to a Darogah or some other Police officer. If the person shall not appear, to have been guilty of the charge he shall release him. If he shall find the person guilty he shall commit him or cause him to be committed to the Magistrate with the complainant. All charges and his proceedings

This section provides no rule for the guidance of the authority to which it entrusts the interlocutory decisions or claims to the acceptance of bonds they might have deem

authorized

the character of the crime is widely different. The offences mentioned in the preceding section may be committed in a moment of irritation and the deserving of reprehension and requiring to be repressed may be quite unconnected with any fixed immorality of character; but theft is a crime which implies a vicious habit and requires more severe correction. The punishment of theft ought to be stripes or imprisonment in the gaol.

[illegible]

Section LXXIII. The Collector and under his orders the Darogahs and Heads of Villages shall have authority to prevent the fourth mentioned or any breach of the peace not within specified in the preceding sections and to apprehend the offenders and persons in consequence of the latter not desisting the sight of plunder any fourth matter falling to their knowledge, who shall thereupon cause him to be imprisoned by the Darogah, who shall forthwith report the circumstance to the Collector and be governed by his further orders respecting him. Like the most offences specified in this section, such as depending. But with the cases specified from the above the parties shall be at liberty to make redress from the Village or Police Panchayats or other competent persons

cultivated for ages by one family we must pass
or have undergone a thousand transfers by sale
gift or other mode of transfer; and the agitation
of a claim to them would be sufficient under
this section to warrant the Collector in his power
to transfer the lands to the claimant until it
should be determined by a Punchayet or other
competent jurisdiction that such transfer was contrary to justice. This section therefore cannot
guard any right. It cannot serve the purpose
of justice; but it may give a temporary mischief
to injustice. No other argument in favour
of the repeal of such a provision from the
Regulations of Government. The Sunnuds
the Court of Directors could not frame
have such a result in contemplation, nor
is easy to imagine the grounds on which
such an provision could be recommended.

A further rule is laid down
in the existing Regulations that the party
in possession shall be maintained in possession
until the termination of any suit which may
be instituted regarding the right to the lands
or to revise the Code Section III Regulation XXXII
1803. Where such claimants may forcibly take
possession of disputed lands or evict the party

21st December 1815

dispossessed shall bring the case under the cognizance of the Adawlut of the Zilla, and on
satisfactory proof of such forcible ejection and the
actual previous possession of such ejected party
the Judge shall without enquiring into
the merits of the claim of the dispossessor
cause the disputed lands or crops to be
restored to the complainant; or the value
of the crops to be paid to him, if they
shall be damaged, destroyed, or not forthcoming, and shall further award against
the Offender such costs and damages as
may be equitable.

In the section above quoted
there is a positive discouragement to any
resort to violence, as it prescribes that
such violence shall immediately meet
with defeat either of the claim or dispossession
of which it may be used may be well
founded, and the Court are not aware of
any objection having been raised in practice
to this provisions of this section.

The reasons proposed by the
Commissioners as framed "in order that settlements may not be impeached by the banded
Zemindars dispossessed while the trial which

[illegible]

the parties may rest a defending.

Now it is much more probable that the land will be sold subsidiary by the person who may have cultivated it for years under a prospect, the right of which may have been for a many years unquestioned than by any one who may obtain temporary possession by whatever means, under a title which may yet be declared invalid by a judicial decision. It does not therefore appear probable that the judicial powers conferred by this section on the Collector and his officers can be separated with benefit to any individual or to the Government. The Court do not therefore propose any modification of this section; they recommend its measure altogether.

Section LXXVI. The Collectors are authorized to fix the rates of hire of Palankeens, Bandy, Carts, Boat men, and Draught and Carriage Cattle, to be paid by travellers, but not the rate to be paid by the inhabitants, nor are they to fix the wages of any artificers or labourers.

Some provision on this subject is necessary; but it should rather declare the standard to which the rates of hire of Palanquins, Bandy, Carts, Boat men, and Draught and Carriage Cattle, to be paid by travellers, but not the rate to be paid by the inhabitants, nor are they to fix the wages of any artificers or labourers.

Collectors and Villages may refer to men of distinction the authority by which the standard is to be fixed. The section as it now stands enables authorizes a continual reference to the Collector to fix the rates of hire of Palanquins, Carts &c. whereas a table of the rates of hire, the standard decided the question at once.

25th Dec.r 1815.

Section LXXVIII. All complaints preferred to the Collector or any other officer acting under him for abusive language, or any contemptuous, irrelevant or offensive expression, in appeals or other petitions or memorials, shall be exempted from being written on stamped paper.

No reason is assigned in the preamble for this provision which does not appear to be necessarily connected with the subject of the Regulations. The Court have therefore only to observe that they know of no reason for doing away the existing provisions regarding the use of stamped paper in such cases.

Section LXXIX. No order shall be issued to any other officer exercising by or this the Collector of the Zillah Magistrate there can be no necessity for this provision and if he be not constituted Magistrate there can be no objection to the Magistrate issuing his warrant to a particular officer and to all whom it may concern.

This provision recalls to the recollection an omission of no small importance viz.t that the Collector is no where required to take the oath, under which a magistrate discharges his duties. In the subdivision of authority or the delegation of it to an Assistant the same attention to publick obligations is shewn. It may perhaps be sufficient to remark that the register cannot perform the duties of an Assistant Magistrate except under the sanction of an oath.

Section LXXX. Collectors are empowered to entrust to their Assistants all the duties authority vested in them or such part of it as they may deem expedient.

the parties may rest in defending.

Now it is much more probable that the land will be well attended by the person who may have cultivated it for years under a professions, the right of which may have been for as many years unquestioned than by any one who may obtain temporary possession by whatever means, under a title which may yet be declared invalid by a judicial decision. It does not therefore appear probable that the judicial powers conferred by this section on the Collector interfere with, benefit, to any inconvenient to the Government. The Court do not therefore propose any modification of this section; they recommend its enactment altogether.

Section LXXVI. The Collectors are authorized to fix the rates of hire of Palankeen Boards, Carts, Boats, Oxen, and Draught and Carriage Cattle, to be paid by travellers, but not the rate to be paid by the inhabitants, nor are they to fix the wages of any artificers or labourers.

This section as it now stands would authorize a continual reference to the Collector to fix the rates of hire of Palankeen Boards &c whereas a table of the rates of hire when needful should be the province of one.

Sections LXXVII. All complaints preferred to the Collector or any other officer acting under them for abusive language or any other offence relating to this duty or otherwise cognizable, or offences in this duty or otherwise, shall be investigated before being written on stamped paper.

No reason is assigned in the preamble for this provision which does not appear to be necessarily connected with the subject of the Regulations. The Court have therefore only to observe that they know of no reason for doing away the existing provisions regarding the use of stamped paper in such cases.

Section LXXIX. No order shall be issued to any police officer exercising by a Magistrate this the Collector of the Zillah.

If the Collector be constituted a Magistrate there can be no necessity for this provision and if he be not constituted a Magistrate there can be no objection to the Magistrate issuing his warrant to a particular officer and to all whom it may concern.

Section LXXX. Collectors are empowered to entrust to their assistants all the duties authority vested in them or such part of it as they may deem expedient.

This provision recalls to the recollection an omission of no small importance viz. that the Collector is no where required to take the oath, under which a magistrate discharges his duties. In the subdivision of authority or the delegation of it to an Assistant the same attention to publick obligations is shown. It may perhaps be sufficient to remark that the register cannot perform the duties of an Assistant Magistrate except under the sanction of an oath.

At a Court of the Foujdaree Udalut

Present

Thursday 21st Decr 1815

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

N

The Court proceed to record the observations which have occurred to them after an attentive perusal of the

955

Regulation proposed by the Commissioners of internal administration entitled "a Regulation for transferring the Superintendence of Police throughout the territories subject to the Government of Fort St George from the Magistrates to the Collectors of Zillas and for the establishment of a general system of Police"

The Court of Directors having ordered that the Superintendence and control of the Police shall be transferred from the Magistrates to the Collectors, the Court have only to examine whether or not the provisions contained in the Regulation proposed by the Commission be such as are necessary to attain the object in view

Section 1st The Superintendence of the Police is transferred from the Magistrates to the Collectors and the present Establishment of the Police Darogahs and Jemadars shall be abolished

This Section might be more correctly worded

It is defective in not specifying any period in which the measure is intended to take effect. The transfer of the Superintendence of the Police should be declared to be future as well as the abolition of the establishment of Darogahs and Jemadars.—

Section 2d Heads of Villages are enjoined to receive information of Thefts and Robberies and other heinous offences committed in any Village within the limits of the District of Zillah Adawlut & without delay shall communicate such information either to the Police Officer of the Village or which the Crime was committed, or to the Zillah Adawlut

The Object of this provision is not very clear Information furnished by the Head of one Village to another or to the Zillah Adawlut cannot be evidence, and cannot afford ground for taking any other

other measures on the first instance, than such as are calculated to discover whether the crime of which such information is given has been actually committed. It could not serve as a justifiable cause of seizing the person of any individual under restraint, for every one has a right to know, and be confronted with his accuser. The best mode of conveying the information, therefore would be to send the informer to the Tahsildar, or the head of the Village in which the crime is stated to have been committed. The Section does not direct heads of Villages to enquire regarding crimes committed in any other jurisdiction than their own, indeed it cannot be expected that their time shall be taken up with enquiries unconnected with their charge. The Section is recommended to be omitted —

Section XII Heads of Villages in cases of criminal outrages and disturbances by large armed bodies of thieves or others, may call on Cutwal communities who shall join the officers of the police thereupon and commence further hue and cry in the direction of the robbers as the case may require, whenever they proceed out of the limits of their own Cutwalee they shall report the circumstance to the Tahsildar —

The provisions contained in this Section is much to be approved of, the punishment of the thieves may be left to the Magistrates of the people, but the Section is not limited to any description of persons —

Section XIII Heads of Villages when receiving information in writing signed by the informer of stolen property shall proceed to the place where such property is described to be and the property if found to be seized — But should the place of concealment be a dwelling house the search shall be made in the presence of two respectable inhabitants of the Village not relations of the owner of the house —

This appears to be a power to be delegated to a Village Police Officer and ought to be made a most circumstantial instrument of Village tyranny, for it does not appear that any punishment is provided for any person delivering false information in writing signed by the informer; any dependant of the Chief of a Village or assistant of any description, may be made to furnish a pretext for inflicting upon any individual who may be disliked by the head of the Village the most grievous of molestations. The Court are of opinion that nothing but a warrant from a Magistrate should authorize the search of houses, and they would therefore recommend that the section be omitted.

Section XIV Should there be good grounds to believe that the possessor of the place where the property known of the stolen the heads of the Village shall send the Tahsildar information —

This Section is recommended to be omitted —

Section XV Heads of Villages shall apprehend and forward to the Tahsildar any person allowing be found selling stolen property known or to be stolen —

This Section is too generally expressed, for how shall it be ascertained that the property exposed for sale is stolen unless there be an accuser who complains that it has been stolen from him. or how ascertained, that the person exposing the property for sale knows it to be stolen, unless he confess such knowledge, or until after it shall be proved by evidence that the property came into his possession in such a manner as could leave no doubt on the mind of any man that it was stolen. This latter suggestion supposes the result of a trial which is not provided for in the Regulation — It is nevertheless expedient that the Police should possess authority sufficient to prevent the sale of stolen property — which may be given by describing those liable to be apprehended and sent to the Tahsildar to be "persons who may be found selling — property which there may be reasonable ground to suspect has been — stolen and of which they may not be able to give a satisfactory account".

Section XVII Heads of Villages shall report to the Tahsildar any vacancy occasioned by death or inheritance to the Office of Village watcher and the person who is to succeed by inheritance to the Office —

The report of the vacancy of an Office occasioned by death and the succession of the heir to the possession of it is proper, but the wording of the section seems to imply that the confirmation of some authority to such succession is necessary. The heads of Villages are to report the death of any Village watcher and the person who is to succeed by "inheritance to the office" not the name of the person who may have succeeded by inheritance to the office —

Section XVIII Heads of Villages shall take charge of the property of persons dying within their jurisdictions when there is no person present authorized to take charge thereof, and shall immediately forward to the Tahsildar a Report of their having done so, together with an inventory of the property for the information of the Collector —

The provision made in this Section rather belongs to the head men of Villages in their capacity of Moonsifs than in that of Police Officers, and the report should be made to the Judge, not to the Collector of the Zilla — The care of property which may be left by a person dying intestate and of which therefore the real owner may be unknown is by Clause seventh Section XVI. Regulation III 1803 confided to the —

Zilla

Zilla Judge, not to the Magistrate, and no arguments have suggested themselves to the Court for transferring this duty to the Police. The Court therefore recommend that this section be omitted —

Section XX Heads of Villages upon receiving information of any sudden death of a person supposed to have been murdered having been discovered, or of any persons having been murdered shall without delay send notice of it to the Tahsildar who will himself proceed to the spot and hold an inquest on the body, but should the distances prevent his arriving in time to see the body, or in a state fit for examination the Head of the Village shall proceed to the spot with the Canoon and two or three respectable inhabitants. He shall examine every person who can give any information respecting the murder or the manner in which the body came there. He shall order the Canoon to take down their evidence in writing and he shall enter in the Report every necessary particular respecting the appearance of the body. The Report shall be attested by two or more of the inhabitants and by himself and the Canoon, and shall be immediately forwarded to the Tahsildar —

This Section is intended to make a provision, the want of which has been frequently felt in the administration of justice by the Criminal Courts — It seems intended to provide for the earliest measure being taken to identify a dead body, and to ascertain the manner by which it may have been deprived of life, but there is a want of precision and clearness in the wording of the section which may be the cause of important mischief on the part of those who are to carry the law into effect —

Upon receiving information of the discovery of a corpse Heads of Villages are required without delay to attend either in person or by deputy in the case of the unavailableness of that officer being so stated as to prevent his arriving in time to see the body in a state fit for examination, that the Head of the Village is required to proceed to the spot with the Canoon and two or three respectable inhabitants, and there to make enquiry into the circumstances of the murder or of the discovery of the Corpse —

Now although the ordinary residence of the Tahsildar may admit of the reference with an expectation that he could arrive in time to conduct the enquiry, yet many cases that the revenue servants have required this presence on a distant part of the district or the circumstances may seem to prevent his arrival within a specified time to delay the communication to the Tahsildar of intelligence that his journey was obstructed, until after the lapse of such reasonable time — The communication to the Tahsildar and the enquiry ought to be simultaneous, the arrival of the

not be supposed to interrupt its progress or to prejudice its result —

Section XXV Village Watchers appointed under Section XXIII shall be entitled to such allowances or lands as Government may allot for their maintenance in the same manner as if they had obtained them by inheritance —

This Section is unobjectionable in principle but it may be proper to observe that where the permanent settlement may have been formed inclusively of the lands and allowances formerly appropriated to the support of the Police establishment it will be necessary to purchase them from the present proprietors, and that it may be considered equitable as well as expedient to define by a Regulation the rules under which the arrangement shall be formed — The Commissioner of course possess, or will obtain, the information on which such a Regulation should be framed —

Section XXXII Cutwals and their Peons wherever it may be necessary to employ them shall be subject to the authority of the Tahsildars and Heads of Villages and will be directed by their orders in furnishing Supplies for Travellers and in the maintenance of the peace —

By a subsequent Section it is provided that Arneens of Police shall be appointed in large Towns to exercise the police powers vested in Heads of Villages, or those vested in Tahsildars as may appear expedient — It is not apparent therefore in what places it can be necessary to employ Cutwals — The Court do not clearly understand the object which the proposed enactment has in view, but they have retained the Section with a trifling alteration in their re-draft —

Section XXXIV They shall be aided in the discharge of their Police duties by an establishment of Peshkars Gomashtas and Peons, but this establishment together with that of the Revenue shall be considered as one and the whole as applicable equally to Police or Revenue purposes —

It is to be inferred from this Section that in addition to the establishment of Peshkars, Gomashtas, and Peons already employed under Tahsildars, another establishment is to be entertained for this however is at variance with the views of the Court of Directors, who appear to have considered that the present establishment of Revenue Servants would be sufficient to discharge the duties devolving to them on the transfer of the Police to the Collectors — But although an additional establishment may be required, it does not seem necessary to make a special provision for its employment — It will be enough to provide that the Peshkars, Gomashtas and Peons

Who

Who are or may be employed under the Tahsildars shall perform police duties as well as revenue duties — that they shall be considered officers of police as well as Revenue Servants —

Section XXXIX They shall not detain any persons for more than twenty four hours except — dangerous offenders or Suspicious characters, and they shall release them immediately

This section is chiefly explained and exemplified by the

Magistrate. The detaining of persons might be done under the orders of the Magistrate, whenever any Magistrate, on the information which may be furnished to him by the local officers —

Section XL Persons charged with offences when the evidence against them or confessions of prisoners must be procured against them otherwise —

This section is a novelty as to the extent of the

doubt whether a Tahsildar or the any thing more than on the case of a person charged with an offence on the examination of witnesses of a prisoner should not within twenty four hours be the Magistrate but this proceeding only would be strictly analogous, as the examination of an offender upon the spot by the Tahsildar is the duty of the Tahsildar to such for the best evidence in support of such examination or confession and to forward the persons giving it with the accused to the Magistrate —

Section XLIV If the charge appear groundless or if it be not preferred within three months from the commission of the act complained of unless proof be given that the delay was unavoidable or if the parties shall agree in desiring the plaintiff to withdraw the Magistrate is to permit the withdrawing of such complaint the writing being duly attested by two credible witnesses the Tahsildar shall — any of these cases dismiss the Complaint and no further proceedings need be made to the collector

It would perhaps be better to make the limit of three months for preferring complaints of trivial offences absolute and not to allow Tahsildars a discretion of admitting such complaints after that period — The life that is left to the discretion of a native officer in the present state of morals in India the less one will there be for abuse —

Section XLV In cases of a trivial nature should any person [illegible] which may be punished on the first instance by the Tahsildar he shall have authority either to discharge the offender or to punish him by a fine not exceeding one Rupee or by confinement not exceeding twenty four hours either in the stocks or not as the Case may require — taking a receipt in respect of persons sent to the Collector in the form prescribed in Section XXI

Twenty four hours confinement in the stocks appears an exceptionable punishment, but whatever authority may be given in this respect to the Tahsildars it should be limited in its exercise to the lowest orders of the people —

Section XLVII Tahsildars and those acting under them, shall have authority to pursue offenders into whatever Zillah or District they may flee, the Officers in pursuit shall be assisted by the police and if necessary by the inhabitants of the District into which they may pursue — If the pursuit be into another Zillah or district they are to report the offender with which he is charged and the names of the pursuing Officers and the District to which he belongs shall be made to the local Collector.

It would be more regular if the pursuing Officers were to bring up the offenders before the local Magistrate of the jurisdiction in which they may be apprehended — If the offenders should be apprehended under a warrant issued by the Magistrate of another jurisdiction the Magistrate in whose jurisdiction they may be apprehended need only affix his signature to the warrant, but if they should be pursued and taken upon information given to the Police Officers it will be right that the Magistrate should make such enquiries as may satisfy him that the power entrusted to the Police Officers has not been improperly used, and does not in any particular instance of its exercise constitute itself a breach of the peace —

Section L Collector with the sanction of the Zillah Court shall where Zumeendars are willing and where they deem it proper to act as heads of Police grant them Sunnuds to act as such within the limits of their respective Zumeendaries only — The Collector shall prescribe to such Zumeendars the duties and authority vested in them Commissions any part of the duties and authority vested by the Regulations in Tahsildars as with which they may deem it proper that they should be entrusted —

It would appear to be intended by this section to deny to Zumindars acting as Police Officers a concurrent jurisdiction in each others Zumeendaries, and this restriction may be proper, but it shews that their agency must be comparatively inefficient, and that it will be necessary to provide for the discharge of the Police duties exclusively of them, where commissions may be granted to them, as where such commissions are not issued —

It may certainly be necessary to make a provision of this nature in particular cases but as the circumstances must be peculiar it may become a question whether it will not be just ~~unreach~~ to require the inhabitants to support the establishment by a particular contribution for that purpose, and in the event of such contribution being called for, a further question suggests itself, how far it

Section LI In large Towns where it may be found that the Police duties cannot be conducted by the head Inhabitant, the Collector shall appoint a person to act as Amen of Police in each Pergunnah under his own orders or under the Tahsildars of the District and either with the Police powers vested in heads of Villages or with those vested in Tahsildars by the Regulations as may appear expedient

It may be expedient to leave to the inhabitants the nomination of their own municipal police Officers under provisions similar to those contained in Regulation XII. 1803 of the Bengal Code.

Section LIII. Talookdars, Heads of Districts, Zemindars, Owners of Villages, Lessees of Villages, Canoongoes and Village Mahtuns shall not be summoned either by the Zillah Court or Provincial Court as Witnesses or Assessors unless their attendance is absolutely necessary and they shall not be detained longer than the occasion may unavoidably require.

The consideration of the principle of this Section may be omitted. It may be necessary to arrange so that the evidence of Police Officers may not be required in support of a prosecution, but if their attendance should be claimed on the part of a prisoner, would it be just that any authority should step in between the prisoner and his witness and declare that the attendance of the latter being not absolutely necessary a summons shall not be issued to him? If it be practicable to arrange in general detail so that the evidence of Police Officers shall not be required, and the Court have endeavoured by every means to find such arrangements, the complaint of such a prisoner as referring to the prosecution will not exist, and the exercise of a discretionary authority to interfere with the consent of a prisoner where it does not appear to be unreasonable to the principles of justice, would permit an accused person to make the best defence in his power while the fact yet remains to be shown that the frequency of applications for the attendance of such Officers on the part of prisoners has exceeded the bounds of inconvenience. The Court recommend the omission of this Section.

Section LIV. No Police Officer shall on Station complaint of petty Offences, that cannot be proved within three months from the date of the act complained of, unless it shall be shown that the delay was unavoidable.

Would it not be better to make the rule absolute leaving to the parties wishing to have deferred complaining for more than three months an option of referring them to the Magistrate with a statement of the cause of the delay and to the latter a discretion to investigate the complaint if the delay shall appear to him to have been unavoidable? The question would then be removed from those having no authority to decide it.

more than three months could not suffer much injury from the further delay occasioned by an application to the European authority.

Section LV. Persons of every description as well as Police Officers are authorized and directed to detain strangers or suspicious persons tendering property for Sale or in pawn at a price evidently much below its real value, or conveying property under suspicious circumstances at an unreasonable hour of the night.

Nothing is provided for in this Section but the detention of persons tendering property for sale or in pawn at a price much below its real value. It should not be at the option of persons of every description to detain parties so offending for an undefined period. The general authority granted by the Section should extend no further than may be necessary to bring the offending parties at the earliest convenient hour before the Police Officer of the jurisdiction.

Section LVI. The Superintendence of the Police being transferred to the Collector, they shall be responsible for the maintenance of the peace within their respective Zillas, and whenever their police establishments may be insufficient to resist Banditti or other disturbers of the Police peace, they shall apply for assistance to the nearest Military Station as directed in Section X Regulation III. 1810.

This Section at once constitutes Collectors to the Magistrates by charging them with the responsibility of preserving the peace within their respective Zillas, and by authorizing them to call out the Military force in aid of the police. The propriety or impropriety depends on the determination to invest Collectors with the authority of Magistrate or not.

Section LVII. The Collector upon receiving a Complaint in writing against any person under Bobby or any Crime specified in Section III. Regulation X. 1810 shall proceed as directed in Sections III. IV. and V. of that Regulation provided however that he warrant shall be addressed to a Jemadar or some other Police Officer. If the prisoner shall not appear to have been guilty of the Charge, he shall release him. If he deem the prisoner guilty he shall forward him as soon as possible to the Magistrate with the Complainant Witnesses and Proceedings.

The first part of this provision is necessary; but the reference to the Magistrate is unnecessary, if the Collector be vested with the powers of a Magistrate, while by causing two enquiries where one now suffices, it would occasion delay and vexation to parties preferring complaints.

Section LVIII. In cases of complaint of petty thefts cognizable by Section IX Regulation XI. 1802 the Collector shall have authority to punish by imprisonment in the Cutcherry or Cutcherry Chauky for a term not exceeding fourteen days.

This Section is objectionable. Theft (the fine omitted) as abusive language, calumny and inconsiderable assaults or affrays, while the character of the crime is widely different. The Offences mentioned in the preceding section may be committed in a moment of irritation and though deserving of reprehension and requiring

to be repressed, may be quite unconnected with any fixed immorality of character, but theft is a crime which implies a vicious habit, and requires more severe correction. The punishment of theft ought to be stripes or imprisonment in the jail.

Section LXXIII. The Collector and under his orders the Tahsildars and Heads of Villages shall have authority to prevent the forcible Occupation or Seizure of Lands or Crops, and also when violations of public peace are feared in consequence of disputes respecting the right of ploughing any particular fields to determine, who shall plough them for the present, or order that Cultivation may not be impeded by the Land being kept uncultivated, while the trial which the parties may seek is depending. But in all the Cases specified in this Section, the parties shall be at liberty to seek redress from the Village or District Panchayet or other Competent jurisdiction.

This Section provides no rule for the guidance of the authority to which it entrusts the interlocutory decision on claims to the occupancy of lands. They might have been cultivated for ages by one family in succession or have undergone a thousand transfers by sale, gift or other mode of transfer, and the ejectment of a claim to them would be sufficient under this Section to warrant the Collector or his Officers to transfer the Lands to the claimant until it should be determined by a Punchayet or other competent jurisdiction. Such transfer was contrary to justice. This section therefore cannot guard any right. It cannot serve the purposes of justice, but it may give a temporary success to injustice. No other argument can be necessary to the rejection of such a provision from the Regulations of Government. The Honorable the Court of Directors could not have had such a result in contemplation, nor is it easy to imagine the grounds on which such a provision could be recommended.

A positive rule is laid down in the existing Regulations that the party in possession shall be maintained in possession "until the termination of any suit which may be instituted regarding the right to the lands or to punish the offender. Section III Regulation XXVII 1802. "Where such claimants may forcibly take possession of disputed lands "or crops the party dispossessed shall bring the case under the cognizance "of the Adawlut of the Zillah & upon proof of such forcible ejection "and the actual previous possession of such ejected party, the Judge shall

"without enquiring into the merits of the claim of the dispossessor cause the disputed "lands or crops to be restored to the complainant, or the Value of the crops to be "paid to him, if they shall be damaged, destroyed, or not forthcoming, and "shall further award against the Offender such costs and damages as "may be equitable."

In the Section above quoted there is a positive discouragement to any resort to violence, as it prescribes that such violence shall immediately meet with defeat although the claim in support of which it may be used may be well founded, and the Court are not aware of any objection having been raised in practice to the provisions of this Section.

The Section proposed by the Commission is framed "in order that cultivation may not be ~~impeded~~ by the land being kept "uncultivated while the trial which the parties may seek is "depending."

Now it is much more probable that the land will be well cultivated by the person who may have cultivated it for years under a possession, the right of which may have been for as many years unquestioned, than by any one who may obtain temporary possession, by whatever means, under a title which may yet be declared invalid by a judicial decision. It does not therefore appear probable that the judicial powers conferred by this section on the Collector and his officers can be exercised with benefit to any individual or to the Government. The Court do not therefore propose any modification of this section, they recommend its omission altogether.

Some provision on this subject is necessary; but it should rather describe the standard to which travellers and Villagers may refer in case of dispute than the authority by which the standard is to

Section XXVII. The Collectors are authorized to fix the rates of Tolls on Carts, Camels, Bullocks, Boatmen and Dooly Bearers. Cattle to be paid by Travellers, but not the rates to be paid by the Inhabitants, nor are they to fix the wages of any Artificers or Labourers.

to be fixed - The Section as it now stands would authorize a continual reference to the Collector to fix the rates of hire of Palenkeen bearers &c. &c. whereas a table of the rates of hire &c. would decide the question at once -

Section LXXXIII. All complaints preferred to the Collector or any Police Officer acting under him for abusive language cutting inconsiderable assaults or affrays or other petty offences shall be exempted from being written on stamp't paper -

No reason is assigned in the preamble for this provision which does not appear to be necessarily connected with the subject of the Regulation - The Court have therefore only to observe that they know of no reason for doing away the existing provisions regarding the use of Stamp't paper in such cases -

Section LXXIX. No order shall be issued to any Police Officer excepting by or thro' the Collector of the Zillah.

If the Collector be constituted Magistrate there can be no necessity for this provision and if he be not constituted Magistrate there can be no objection to the Magistrate issuing his warrant to a particular Officer and to all whom it may concern -

Section LXXX. Collectors are empowered to entrust to their Assistants all the Police authority vested in themselves by this Regulation, or such part of it as they may deem expedient -

This provision recalls to the recollection an omission of no small importance Viz. that the Collector is no where required to take the oath, under which a Magistrate discharges his duties - In the subdivision of authority or the delegation of it to an Assistant, the same inattention to public obligations is shewn - It may perhaps be sufficient to remark that the Register cannot perform the duties of an Assistant Magistrate except under the sanction of an oath -

All

The Court have only to add that the provisions of this Regulation, so far as they regard Tahseldars with their establishments of Peshkars Gomashtas and Peons, are applicable only to Districts wherein the permanent settlement of the Land Revenue has not been introduced, and that in the Zillahs where the Land Revenue has been permanently fixed it will be necessary to employ establishments of Tahseldars &c. for the special purpose

21st December 1815.

of performing the police duties prescribed by this Regulation

E&S

F 10

At a Court of the Foujdaree Udalut

Present

Andrew Scott Esqr.
Edward Crost Greenway Esqr. } Judges
George Stratton Esqr.

Fwdg
22 Dec. 1815

At

Read letter, dated 8 Instant from the
Secretary to Government in the Judicial Department
stating that orders have long since been issued to the Superintending
Engineer for the Northern Division to communicate with the
Magistrate of Vizagapatam respecting the construction
of a new Gaol in that Zilla and directing that the Magistrate of the
Division communicate with the Superintending Engineer on the
Subject

/Here enter No. 832/

Ordered that a Copy of the above letter with
Extract of these proceedings be sent to the 2d Judge of Circuit in the
Northern Division for his information —

Sent following letter

/Here enter A/

Read letter, dated 9th Instant from the 3d Judge
on Circuit Centre Division transmitting Copy of a Second Precept
to the Magistrate of Chingleput and his return thereto —

/Here enter No. 833/

Read the following letters from the Magistrates of
Rajahmundry & Combaconum — with Reports of prisoners for Septr.

/Here enter No. 834. & 835/

22. December 1815

Read return dated the 11th September, from the Court of Circuit in the Western Division, to the Court's precept of the 21st August certifying that the Khagazkhana in the Gaol of Jaffnapatam has been furnished with a Copy of the Court's proceedings of the above mentioned date, conveying their sanction for the Gift of the rewards, proposed by that Officer in his letter dated the 26th July 1815

(Here enter No 638)

Read letter dated the 6th Ultimo from the 2d Judge on Circuit in the Northern Division, transmitting a list of the Vaya-pahtam Calendars and stating that he was not provided with the Court without further orders, as he considers his Official Functions to have ceased.

(Here enter No 778)

F. U. Sudr

At a Court of Foujdaree Udalut

Present

Wednesday 27th Dec. 1815

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

Read letter dated the 9th Ultimo from the late 2d Judge on Circuit in the Northern Division, transmitting his proceedings on the Sudr No 2 of the Vaya-pahtam Calendar 2d Sessions of 1815.

(Here enter No 779 of 1815)

The Court having maturely considered the proceedings held before the late 2d Judge on Circuit, the futwa of the Provincial Law officer and the futwa of the Cazeeas & Moofties of the Foujdaree Udalut do confirm the said futwa of the Cazee and Moofties aforesaid, and acquitting the Prisoner

Nitchradah Lutchoomeedoo

do direct, that he be discharged by the Keeper of the Jail following letter

(Here enter A)

Read letter dated the 26th July last

27th Decr 1815

last from the late 2d Judge of Circuit in the Northern Division transmitting his proceedings held in case No 8 of the Nellore Calendar of the 2d Sessions of 1815.

/ Here enter No 641 /

The Court having maturely considered the proceedings held before the late 2d Judge on his circuit the fatwa of the Provincial Law Officer the fatwa of the Cazee ool Coozat & Mooftees of the Fouzdaree Adalut, do confirm the said fatwa of the Cazee ool Coozat and Mooftees aforesaid, and acquitting the Prisoners

1st Pulicha Vamiah
2d Cherumum Cherumo
3d Nullapogoo Vamadoo &
4th Anuntu Kistnum.

do direct that they be accordingly set at Liberty

Sent following Letter

/ Here enter B /

Read return, dated the 22d Octr by the 3d Judge of Circuit in the Centre Division to the Sessions Precept under date the 9th Octr last transmitting amended Persian and English Translation case No 6 of the Cuddapah Calendar in the 2d Sessions of 1815 [illegible]

27th Decr 1815.

Read again letter, dated the 15th August last from the 3d Judge of Circuit in the Centre Division, transmitting his proceedings held in case No 60 of the Cuddapa Calendar in the 2d Sessions of 1815.

/ Here enter No 586 /

The Court, having maturely considered the proceedings held before the 3d Judge on Circuit, the fatwa of the Provincial Law Officer, and the fatwa of the Cazee ool Coozat and Mooftees of the Fouzdaree Adalut, do confirm the said fatwa of the Cazee ool Coozat and Mooftees aforesaid, & acquitting the Prisoner

Venkutsamidoo

do direct, that he be accordingly set at Liberty.

Read letter, dated the 3d October last from the 3d Judge of Circuit in the Centre Division, transmitting his proceedings held in case No 17 of the Cuddapah Calendar in the 2d Sessions of 1815.

/ Here enter No 697 /

The Court having maturely considered the proceedings held before the 3d Judge on Circuit the fatwa of the Provincial Law

27th Dec.r 1815.

Law officer and the futwa of the Cazee ul Cazaat and Mooftees of the Fouzdary Sedahut do confirm the said futwa of the Cazee ul Cazaat and Mooftees aforesaid, and req[illegible] the Prisoner "Anokaleegaudoo" to direct that he be accordingly sentenced to death.

Sent following letter

Vide enter 6

The trials referred for the final decision of the Fouzdaree Adalut during the present year, being nearly brought to a close, the Court with the view of rendering the reference to trials in future more complete, by rectifying some errors & omissions as well as of obviating the necessity of a further reference so frequently required by the Law Officer of the Fouzdaree Adalut from the defective state of the Records, deem it necessary to make a few observations for the information and guidance of the Magistrates and the Courts of Circuit.

The first irregularity which requires to be noticed is that of committing the examinations of Prisoners sent up by Police officers, with the confessions said to have been made by them in their Police Book, which should be kept as separate and distinct as possible from

27th Dec.r 1815.

each other.

Such confessions have in many instances been received too readily, and have been deemed calculated to obviate the necessity of circumstantial evidence. But with few exceptions, these confessions, said to have been made voluntarily before officers of Police and attested by their Pens, have been found ~~to be forgeries~~ unsupported by collateral evidence of any description, and from the very questionable shape in which they have been brought forward, have been declared by the Mahomedan Law Officers insufficient for the conviction of the Prisoners.

When an Offender voluntarily makes any confession of the crime ~~with~~ which he is accused, before any officer of Police, his declaration should be committed to writing in the presence of at least two credible Witnesses, totally unconnected with the Police, and unconcerned in the apprehension of the Prisoner and who shall have been present during the whole period of the Prisoner's examination, and not merely when the signature of the prisoner is affixed to the papers; as too frequently has been the case. The declaration should then be read over to the Prisoner and

the

he should be required to state, whether such is
his free and voluntary statement; and if he refuse
in the affirmative, his signature or mark should be
affixed to the paper, and then attested by the Witness
When brought before the Magistrate the prisoner's
examination should be taken down on a paper
separate from that containing his declaration made
before the Police officers, with which they have
too commonly been blended, thereby attaching to
the examination taken before the Police officer
a degree of consideration and an appearance of credibility,
to which they are but seldom, if ever entitled: the
examination being completed by the Magistrate, the
declaration forwarded by the Police officer should
should be read over to him, and he should be
required to state whether it was freely and
voluntarily made on his part; and in case of his
pleading that he was either compelled, by the
violence offered to his person, to assent to the
truth of the paper drawn up by the direction of
the Police officer, or that he was enveigled to
make such an admission on his part by the
promise of pardon held out to him on condition
of his signing the paper, the Magistrate should
require him to support this plea by evidence

such

With this requisition he may however be
unable to comply from the peculiar circumstances
in which he is placed, surrounded by Officers of
Police, whom the Prisoner from not being
previously acquainted with them, cannot name,
and who in cases, where any improper measures
might be adopted, would not readily come
forward in evidence against their immediate
superiors.

Considerations like these render
it necessary that confessions said to have been
freely and voluntarily made before Officers of
Police, should be viewed with caution and
hesitation, and that they require them to be supported
by much circumstantial evidence, ere they be
admitted to the conviction of the Prisoner.
The Magistrates are accordingly directed to issue
positive orders on this subject to the head
native officers of Police, and to require them
to impose no further restraint on the Prisoners
brought before them than is sufficient to secure
their persons, and when questioning them, or
repeating the charges adduced against them,
with the view of ascertaining its truth or
falsehood, to leave them as much as possible

unfettered

unlettered both in mind and body.

The English and Persian Records are moreover frequently defective in another respect at the foot of the examination both of Prisoners & of Witnesses, merely the copy of the name of the Magistrate & Judge of Circuit in certification of the correctness of the translation is inserted. whereas it should also be certified that the said examinations were taken before the Magistrate on oath, or otherwise as must be always be the case with Prisoners who are not required to swear to the truth of their statements. The names of the attesting witnesses and of the date on which the examinations were taken should also be carefully entered in the copies of the original proceedings. for the Records being certified by the Judge on Circuit as true copies and translations, the Court must unavoidably conclude that the necessary signatures & c^a are wanting in the Mookluk Records of Depositions, & consequently be compelled to withhold from them that credit to which they may in reality be entitled.

In cases of murder a formal case should be taken to have the corpse of the person said to have been murdered, identified by at least two Witnesses, who are personally acquainted with the

deceased, during his life time, and to have it examined by one or two native Surgeons of respectability, where no European Medical officer is at hand. In cases of theft and robbery the Prosecutor should be required to prove the identity of his property by at least two Witnesses.

There is another error of great magnitude, which has occasionally obtained both in the examinations taken before the Magistrates and the Judges of the Courts of Circuit. and which requires to be remedied; and that is the practice of reading over to Witnesses, prior to their examination, the whole of the charge brought against the prisoners; and thereby putting them in possession of a knowledge of the whole circumstances of the case, instead of stating, in as few words as possible the nature of the charge, and requiring them to state, what they know respecting it.

In cases where the Magistrate commits a Prisoner to take his trial before the Court of Circuit on the prosecution of the Sirkar the Government Bakeel should be furnished by the Magistrate with a Vukalutnamah authorizing and directing him to attend &c.

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to conduct the prosecution on the behalf of Government on the arraignment before the Court of Circuit.

This measure has frequently been omitted, so that in many cases either the Judge on Circuit, who is to try the prisoner, must be the Prosecutor, or there is none at all. It has also happened occasionally that where the Government Vakeel has been furnished with a Vakalutnamah by the Magistrate, on his appearing before the Court of Circuit he has been inadvertently put on his oath. The impropriety of such a proceeding is obvious, as he cannot be called to swear to the truth of a Statement which he delivers on the authority and by the direction of another.

The Court have in their former proceedings directed that where more than one Prisoner is brought forward, to the arraignment be only once entered on the Record, it being sufficient for the Judge on Circuit to certify that the same has been duly read over to each Prisoner individually.

The arraignments are often times defective in a material point, namely the time, when, and place where the act charged against the Prisoner, has been committed.

In

27th Dec. 1815

In cases of Murder it has heretofore been the practice for the Judges on Circuit to address a letter on the subject to the European Medical officer who may have examined the body of the deceased; and to annex a copy of his reply to his proceedings.

By Clause CVII Chapter 155 of the act of parliament in the 53 year of the reign of his present Majesty — all × × ×

× × × British subjects of His Majesty, as well the Servants of the Company, residing at the distance of more than ten miles from the Presidency of Fort St George, are declared liable in civil cases to the jurisdiction of the Court within the limits of which they may reside &c —

In criminal cases, British subjects are amenable to the Supreme Court of Judicature: the possibility of their evidence being required in the Zillah, Provincial and Circuit Courts, has either been over looked, or the declaration of their amenability to such Courts (which would be necessary to render their testimony so delivered, valid) has been considered incompatible with their entire amenability in criminal actions and proceedings

to

27th December 1815

27 Dec[r] 1815

to conduct the prosecution on the behalf of Government

to the Supreme Court of Judicature at Madras.

From the course prescribed by the several clauses of Section XIX Regulation VII A. D. 1802, and Sections II & III Regulations IV of 1809, in modification of the same, for the guidance of the Magistrates, who shall have taken the oaths of qualification as Justices of the Peace, in receiving charges on oath against any British subjects, for an offence of a criminal nature, & taking the depositions necessary to ascertain whether the evidence is sufficient to warrant the commitment of the person so accused, it is obvious that, in such cases the Magistrate must be competent to receive the testimony of Europeans as well as native witnesses; for otherwise when only European witnesses may be forthcoming as must frequently be the case in cantonments &c, he would be unable to proceed in the examination of the witnesses, and consequently to the commitment of the offender.

As Justices of the Peace therefore, the Magistrates and Judges of the Courts of Circuit must be competent to summon, examine British European witnesses; And the Court do accordingly direct that Medical Officers & others whose testimony

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may be material, be examined on oath both before the Magistrates and the Courts of Circuit.

The English Records of proceedings in

cases are not unfrequently, yet very unnecessarily, attested by the seal & signature of the Law Officer assisting at the trial; the Court accordingly direct that this practise be in future omitted.

The Court regret to observe, that the several forms, transmitted in their circular orders of the 8th May last, have not been attended to with that degree of precision & punctuality, which might have been expected. The Court accordingly direct, that the attention of the Judges of the Courts of Circuit be called to the circular orders of the foregoing date, as also those of 19th January last; particularly, of those judges, who may have been appointed to the Courts of Circuit, subsequent to the issuing of the orders alluded to.

The Court do further direct, that the order of the Court of Circuit, for the reference of any referable case, as well as the grounds of such reference, be entered on the record after the translation of the Futwa of the Mooftee immediately before the Law Officers.

The letters of the Judges on Circuit, accompanying referable cases, too frequently contain

to conduct the [illegible] tion as to

description to nothing more than the mention of the reference,

of the Cases instead of conveying their opinion on the merits

laid before the of the cases referred, as required by Section XXVI

Court of Circuit Regulation VII A.D. 1802

by the Judges

referring the Their omission is to be the more

same for the regretted, because the Judges presiding at the trials

final decision are greatly assisted in forming their opinions thereon

of the Magistrate by the behavior of the Prisoner, & the manner, in

which the witnesses deliver their testimony; whereby

the latter are

not unfrequently betrayed either their ignorance

and the

contradictions of their statements, or reluctance that

they are speaking of facts more from the information

& partial representations, received, than from their

own personal observation. In these, as well as in

many other respects, the Judges, under whose

immediate eye the whole trial is conducted, have

many advantages, & the Court, in passing their

final sentence, must always in a great degree

be guided by the opinion

of the Judge presiding at the trial (more especially

if in favour of the accused) wherever the Regulations

& the Futwas of the Mooftee in the Law Officers

of the Sudr Dewanny Adawlut will admit of

it.

Ordered, that extract of these

proceedings be transmitted to the several Courts

27th December 1815.

of Circuit, by precepts directing them to commun-

cate, such part thereof as may be required, to the several

Magistrates within their respective jurisdictions, for their

information & future guidance

Return to the said precepts to

made within one month after the receipt

Sent following precept

Here enter D.

Read again letter dated 26 April last

from the 2d Judge of the Court of Circuit in the

Southern Division transmitting the Calendar for

Sessions in the Zillahs of Tanjore only

of 1815

Here enter No 329

There appearing to the Court

reasons for doubting the correctness of the

passed in case No 4 of the Calendar, the

direct, that the 2d Judge be by precept comman

to prepare & transmit English & Persian

Translations of the proceedings held in the above

mentioned case.

Ordered that extract of these

proceedings be transmitted to the 2d Judge of the

Court of Circuit in the Southern Division, by

precept, commanding him to transmit the

papers called for within two months after the

receipt of the said precept

Sends following Precept

Here enter E

Read letter dated the 9th June last from the Secretary to Government in the Judicial Department, acknowledging the receipt of the Registrar's letter with an extract from the Court's proceedings of the 8th May last —

Here enter No. 422. x

In the foregoing letter the Right Honorable the Governor in Council is pleased to desire that agreeably to the recommendation of the Sudr Foujdary Adawlut, founded on that of the 3d Judge of Circuit, the prisoners mentioned by the 3d Judge in his letter dated 25 February last, who are Subjects of the Mysore Government, may be sent to Mysore, together with the confessions, examinations, & testimonies, concerning the crimes laid to their charge

2. The Judicial Secretary to Government further states, for the information of the Court, that a communication on the Subject will be made to the Resident at the Mysore Court, but that it will be proper, that he should at the same time be furnished with any observations, which the Court may wish to make to the manner, in which the seat of the magistrate may