

Friday
31 January 1817

No 115

No Court of Vice Admiralty

Present

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

Read Letter dated 23d Ultimo
from the Secretary to Government in the Judicial
Department directing that all proceedings
which may have been or may still be held
before the Court of Vice Admiralty regarding the trial
of the Rajah of Goomsoor may be laid before
the Right Honourable the Governor in Council
Ordered accordingly that the
Records of the Trials Nos 19 and 23 of the
January Calendar for the 4th Sessions of 1816,
be submitted with extract of this proceeding
to the Secretary to Government in the
Judicial Department for the purpose of being
laid before the Right Honourable the
Governor in Council

Sent following letter to
Messrs Reed

9. January 1817

Read letter dated 19th Ultimo,
from the Criminal Judge of North Malabar
With Returns of Prisoners
Recd enter No 1377

January 1817 Hospital at Vizagapatam

At a Court of the Foujdaree Adalut
Present
Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges
George Stratton Esqre

Monday 7th 1817

Read letter dated the 28th Ultimo,
from the 2d Judge of Ciruit in the Western
Division - inclosing copy of a letter to the
Secretary to Government in the Judicial Department
he has not yet received any commission to execute
in Mr Thomas Warden, appointed 2d Judge, report-
ing that he has directed the Criminal Judge
of North Malabar to postpone the quarterly
Sessions until further orders, and observing
that the Second Judge is to proceed on the
ensuing Ciruit and that he shall proceed
to execute the powers vested in him as Single
Judge of the Court by Regulation VIII of 1809.
Recd enter Oct 3

Ordered more to prevent delay
in the administration of public justice the
Court

1st January 1817 Court authorize and direct the Third Judge of the Provincial Court in the Western Division to proceed to hold the Court of Quarterly Sail delivery at Tellichery for the 1st Sessions of 1817.-

Ordered that extract of these proceedings be sent to the third Judge of the Provincial Court in the Western Division for his information and guidance.-

Sent following letter.

(Here enter A)

Ordered also that copy of the foregoing letter be forwarded, with extract of these Proceedings, to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

Sent following letter

(Here enter B)

Read letter dated the 6th Instant from the Secretary to Government in the Judicial Department- sanctioning the charge of four pagodas per mensem for a

1st January 1817 a hospital at Tiagapatam.-

(Here enter No 4.-

Ordered that copy of the above letter with extract from the proceedings of 31st Ultimo and extract of these proceedings be sent to the 2d Judge of Circuit in the Northern Division, to be by him communicated to the Criminal Judge at Tiagapatam for his information.-

Sent following letter. 20.

(Here enter C & S

RA

41

the reasons adduced by

1817 [illegible]

Direct to [illegible]

J. 66

At a Court of the Vaujdarree Adalaut

Friday
16th January 1818

Present

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

At

Read a letter dated the 13th
Instant from the Register to the Provincial Court for the
Centre Division — with extract from the Courts proceedings
of same date and proceeding as per of a letter from the
Provincial Judge of Chittoor requesting to be informed
whether the orders of the Vaujdarree Adalaut of 30th
August last are to be considered applicable to a number
of Thuggees at present confined on the gaol.

Here enter Nº 790 of 1817

The Provincial Judge of Chittoor
observes that there are twenty eight persons now
on the gaol of this Zillah who have been tried on
the charge of Thuggeree and have been ordered
to be released on Security for five or three years or
for an unlimited period and the Provincial Judge
wishes to be informed whether the orders of the
Vaujdarree Adalaut of the 30th August last are

[illegible] on the reasons adduced by

1817

Edinburgh

J. 60

At a Court of the Justiciary Edinburgh

Friday
10th January 1817.

Present

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

Read Letter dated the 13th
Ultimo from the Register to the Provincial Court for the
Central Division — with extract from the Circuit proceedings
of same date and forwarding copy of a letter from the
Provincial Judges of Chelsea requesting to be informed
whether the orders of the Justiciary Edinburgh of 31st
August last are to be considered applicable to a number
of Prisoners at present confined in the gaol.

Here enter a Note of the Letter

The Provincial Judges of Chelsea
observe that there are Juvenile as well persons now
in the gaol of this City who have been tried on
the charge of Housebreaking and have been ordered
to be detained in Security for fine or Imprisonment
for an unlimited period and the Provincial Judges
wish to be informed whether the orders of the
Justiciary Edinburgh of the 31st August last are

10th January 1817 intended to be a case to reach after the to these present

The Court directed on their Order
Receipt of the above Letter that will endeavour to take
an Security intended to have operation for one the
twelve months should transpire & conduct generally
for future good behaviour and abstinence there
required; but it is doubtful that the Sergeant
cannot effect such sureties as may [illegible]
have been passed requiring security for a specified
number of years. The persons so ordered must
of course be set at liberty when they shall give
such the security, or when the limited time for
shall have expired.

Still regard to such persons as
have been ordered generally to be released on giving
security for their future good behaviour
and abstinence when required, the Criminal
Judge will act in conformity with the above
provisions of Section XI Regulation XV of 1813

Ordered that extract of these
proceedings be sent to the Criminal Court of
for the Circuit Division to be by them communicated
to the Criminal Judge of Chittagong for his information
and guidance.

Read following letter

10th January 1817

Read letter dated the 2nd [illegible]
from the Magistrate to the Registrar of the Court of Circuit for
the Central Division with extract from the Court
proceedings of same date in the case of Imam Sheik
formerly Entered of Manifest and recommending, on
consideration of their good services, that [illegible] the
same Imam Sheik, another Police Officer, may
receive a reward of 250 Rupees and Extract from proceedings of 9th July last and
a letter from the late Magistrate of Chittagong
on the same subject.

Section XII Regulation VI of 1811
under which the Court of Circuit recommend that
Imam Sheik and Ganesh Sheik may receive a
pecuniary reward has been superseded by Section II
Regulation IX of 1816 but no consideration of
the very high opinion entertained by the Criminal
Judge of Chittagong of the services of these persons
the Court of Sudder Adalut resolve to recommend
under the provisions of Section XXIII
Regulation IX of 1816, that Government may be
pleased to grant the sum of 250 Rupees to be
distributed to each of the applicants Imam Sheik and Ganesh

January 1817

criminal cases for the ensuing Session which they respectively have performed.

Ordered that the foregoing letter and Extract of these proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

Sent following letter.

(Here enter "B")

Read letter, dated the 6th instt from the Secretary to Government in the Judicial Department — conveying copy of a letter to the Acting Register Zilah permitting Mr. Peter, Register and Magistrate of Malabar, to visit the Hills on leave of absence for six weeks.

(Here enter No 3)

Read letter, dated the 2d from the Third Judge of Circuit in this Division — to the Court's precept of 4th Ultimo — requiring a return from the Judge in the Zilla of Malabar, certifying the delivery of the Persons Kunhetoo Kurup to his relations — and readily undertaken the charge of

(Here enter No 4)

L. S. Mc.

10 January 1817.

Read letter, dated the 29th Ultimo from the Criminal Judge in the Zilla of Tinjapatam — with report of prisoners convicted under sentence.

250

(Here enter No 2.)

R. A.

M

LW

F. 10.

At a Court of the Temporalities Adjutant

Present.

Andrew Scott Esq.re

Wednesday } Edward Croft Greenway Esq.re } Justices
15.th Jan.y 1817 } George Stratton Esq.re ..... }

868

GW

Read a letter, dated the 7.th instant,
from the Chief Secretary to Government forwarding copy
of proclamations by the Right Honourable the Governor
in Council and letter addressed to the different
Magistrates on the subject of Predatory Excursions and
requiring all Judges of Circuit to enquire particu-
larly into the case of every suspected person
prosecuted under the proclamations.

(Here enter a No 9.)

The Court direct that a copy of the con-
cluding paragraph of the foregoing letter be forwarded
to the several Courts of Circuit for their information and
guidance.

And following letter

(Here enter a No 1.)

Read letter, dated the 6.th instant
from the Criminal Judge in the City of Cloyne
reporting the arrival of Timothy Sheehan a convict
under

F. 16.

At a Court of the Foujdaree Adalut

Present.

Andrew Scott Esq.re
Edward Croft Greenway Esq.re } Judges
Wednesday 15th Jan.y 1817. George Stratton Esq.re

688

GW

Read a letter, dated the 9th instant, from the Chief Secretary to Government forwarding copy of proclamations by the Right Honorable the Governor in Council and letter addressed to the different Magistrates on the subject of Dacoity, Robberies and requiring all Judges of Circuit to enquire particularly into the case of every unapprehended person proclaimed under the proclamations.

(Here enter a Ct. of)

The Court direct that a copy of the proclamations and extract of the foregoing
clauding paragraphs of the foregoing letter, be forwarded
to the several Courts of Circuit for their information and
guidance.

And following letter

(Here enter a Ct.)

Read letter, dated the 6th instant
from the Criminal Judge in the City of Moorshedabad
reporting the arrival of [illegible] Mussulmaun

15th January 1817 under sentence of transportation.

/Here enter No 7/

Read return dated the 2d Instant
from the Court of Circuit in the Western Division
to the Courts precept of 15 Ultimo desiring them to
furnish Extract from the Tongdarree Adalut proceedings
to the several Zilla Judges on the subject of the
diet of prisoners.

/Here enter No 8/

Read letter dated the 23d Ultimo
from the Register in charge of the Zilla of
Seringapatam - With Report of prisoners
confined under sentence

/Here enter No 744 of 1816/ 250.

Rd

605

J. A.

20

At a Court of the Tongdaree Adalut

Present

Monday
21st Jany 1817

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

At

Read letter dated the 2d Ultimo
from the 3d Judge on Circuit in the
Southern Division - transmitting proceedings
in case No 2. of the Tinnevelly Calendar
2d Sessions of 1816.

/Here enter No 698 of 1816

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 Cazeerah - Cozzat and Mooftee of the
Tongdaree Adalut do confirm the said
Futwa of the Cazeerah Cozzat and Mooftee
aforesaid and accordingly direct that the
Prisoners

1st Chunda Pennah Chitty and
2d Chinnamma the wife of the
be set at liberty -

Sent following Letter -

/Here enter No

20th January 1817

Read letter dated the 3d
last from the 3d Judge on Circuit in the
Western Division transmitting proceedings
in Case No 12 of the South Malabar Calendar
Second Sessions of 1816.

[Here enter No 696 of 1816]

The Court having maturely
considered the Proceedings held before the
Judge on Circuit the Future of the Provin-
cial Law Officer and the Future of the Provin-
cial Court and Interpreter of the English
Malabal do confirm the said Future of the
Cazee-ool-Coza
under the sentence of Hisdas declared by
the Future, to adjudge the Prisoner
"Talakotting Comp Kootty"
to suffer death by being hanged at the
usual time and place of execution.

Sent following letter

[Here enter B]

It appears by the Record
of the foregoing trial that on Thursday
the 4th of September the evidence for the
Prosecution being closed the Prisoner was

20th January 1817 called upon to state whatever he might
have to urge in his defence. In which
however to the defence of the Prisoner
the Court remark several Orders addressed
to the Magistrate of South Malabar, in
the last of which "the Magistrate is required
"to cause with as little delay as possible
"the attendance upon the Court of Circuit
"of certain persons all of whom appear
"to be important witnesses to the transaction
"immediately preceding and succeeding
"the murder of the Prosecutor's Father.
The persons in question accordingly appe
and delivered their evidence before the Cour
of Circuit on Saturday the 7th of September
when the Prisoner was asked "or whether he
"had any thing further" to urge in his
defence.

The grounds on which the Prisone
has been convicted are altogether distinct
from the evidence of the witnesses so
summoned subsequently to the Prisoners
defence, but the Court have considered it necessa
to direct the attention of the Judge on Circu
to

20th January 1817

to the extreme irregularity which has occurred in proceeding after the Prisoner had made his defence, to take further evidence in support of the Prosecution, and they trust that the notice here taken of the irregularity will prevent its recurrence.

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

Sent following letter

(Here enter 6)

Read letter dated the 7th October last, from the 1st Judge of Circuit in the Centre Division forwarding proceedings in case No. 27 of the Chittoor Calendar for 4th Quarterly Sessions of 1816.

(Here enter No. 669 of 1816)

The Court having maturely considered the Proceedings held before the Judge of Circuit, the Futwa of the Hindu Law Officer & the Futwa of the Cazee ool Coozat & Mooftees of the Fouzdaree Adawlut do confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid and

20th January 1817

and adverting to the circumstances preceding the commission of the act of which the Prisoner, Mooneegandoo, has been convicted the Court do direct that he the said Prisoner

"Mooneegandoo"

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of twelve Calendar months and that he be afterwards released on producing security for his future good behaviour and appearance when required.

Read letter dated the 15th October last, from the 1st Judge of Circuit in the Centre Division transmitting proceeding in case No. 31 of the Chittoor Calendar 4th Quarterly Sessions of 1816.

(Here enter No. 677 of 1816)

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

of

20 January 1817

of the Cazee-ool-Cozat and Mooftees
of the Fouzdaree Adalut do affirm the
said Futwa of the Cazee-ool-Cozat and
Mooftees aforesaid and confirming the
sentence passed on the Prisoner Chintadon
by the Judge of Circuit do adjudge him
the said Prisoner

"Chintadon"

to be imprisoned and transported to
Prince of Wales' Island, there to be
imprisoned and kept to hard labour
in irons for and during the period of
his natural life.

Read letter dated the 28th October
last from the 1st Judge of Circuit in the
Centre Division transmitting his proceed-
ings held in case No 45 of the Chittoor
Calendar for the 4th Quarterly Sessions
of 1816.

(Here enter No 717 of 1816)

The Court having examined
considered the Proceedings held before the

20th January 1817

Judge of Circuit the Futwa of the
Provincial Law Officer and the Futwa
of the Cazee-ool-Cozat and Mooftees
of the Fouzdaree Adalut do confirm the
said Futwa of the Cazee-ool-Cozat
and Mooftees aforesaid and acquitting
the Prisoner

"Guzza per Boopaia"

do direct that he be released according
sent following letter

(Here enter D.)

The Prisoner in this case has
been acquitted because there is nothing
on the face of these Proceedings to shew
that the agreement regarding which he
is charged with having given a false
deposition, was in any respect material
to the issue of the suit wherein he
appeared as a witness. It is indeed so
laid in the indictment, but the Court
are unable to discover in what manner
the said agreement was connected with
the merits of the suit, and it is obvious
to remark that in the petition of
appeal

20th January 1817

appeal which was preferred from the decision of the Register to the Assistant Judge of Chittoor no mention whatever is made of the document in question—

The words on which the perjury is charged are clearly proved to have been false, but such falsehood constitutes only a part of the definition of the crime of Perjury as contained in the Regulations, and the Court have already observed, in their circular orders of the 31st January 1814, that failure of proof on any one of the points specified in the definition of perjury contained in Section IV Regulation VI of 1811 must be fatal to the prosecution, because the crime is defined to consist not in any one or more of these particulars but in all and every one taken together—

Ordered that extract of these proceedings be sent to the 1st Judge of Circuit in the Centre Division, to be by him communicated to the Assistant Judge of Chittoor for his information and future guidance—

Sent following letter
(Reverter E)

J 16

At a Court of the Foujdaree Adalut

Present,

Monday
27th January 1817. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges—
George Skatton Esqre

Read letter dated the 31st October last from the 1st Judge of Circuit in the Centre Division— forwarding his proceedings held in cases Nos. 41 & 42 of the Chittoor Calendar for the fourth quarterly Sessions of 1816—

(Reverter No. 743 of 1816)

The Court having maturely considered the Proceedings held before the Judge of Circuit in cases Nos. 41 and 42 of the Chittoor Calendar for the 4th Quarterly Sessions of 1816. the Futwas of the Provincial Law Officer and the Futwas of the Cazee ool Cozat and Mooftee of the Foujdaree Adalut do convict from the said Futwas of the Cazee ool Cozat and Mooftee aforesaid and sentence of Corporal declared in each case against the Prisoner Gungama Naicken, the Court do adjudge him, the said Prisoner, "Gungama Naicken" to be imprisoned and kept to hard labour

27th January 1817

... works for and during the period of two years.—

And under the sentence of discretionary punishment passed in the latter case against the Prisoner, Narrainen, the Court do adjudge him, the said Prisoner, to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the space of three Calendar months.—

Read return dated the 23d Instant from the 1st Judge of Circuit in the Centre Division to the Court's precept of 2d Instant transmitting in conformity to the foregoing precept, record of trial No 15 of the Chittoor Calendar for the 4th Quarterly Sessions of 1816 with annexed depositions of four witnesses and of the Jailer and two peons & a copy of a letter from the Surgeon attending the Hospital on the subject of the prisoner's insanity.—

/Here enter No 6 of 1817./

Read

27th January 1817

Read again letter dated the 17th October last, from the 1st Judge of Circuit in the Centre Division, forwarding proceedings in case No 15 of the Chittoor Calendar for the 4th Quarterly Sessions of 1816.—

/Here enter No 622 of 1816./

The Court having maturely considered the whole of the Proceedings held before the Judge of Circuit the Vakeels of the Provincial Law Officer and the Vakeels of the Cazee ool Cozat and Moofties of the Sudder Adalut do confirm the said Vakeels of the Cazee ool Cozat and Moofties aforesaid and adverting to the evidence which has been adduced touching the insanity of the Prisoner, Bagavaun, the Court do direct that he, the said Prisoner,

"Bagavaun"

be delivered into the charge of his relations and friends provided they be able and willing to undertake such charge, and that, in the event of unwillingness or inability on their part to receive charge of the said Prisoner, he be confined in such

27th January 1817.

such place and manner as may be consistent with the public safety and be on no account released without the permission of the Foujdaree Adalut.

Sent following letter

(Here enter A.)

Read letter dated the 2d instant from the 3d Judge of Circuit in the Western Division - transmitting his proceedings held in case No 3 of the South Dinagepore Calendar for the 2d Sessions of 1816.

(Here enter No 11 of 1817)

The Court having maturely considered the Proceedings held before the Judge on Circuit the Futwas of the Provincial Law Officer and the Futwas of the Cazee Cozzat and Mooftee of the Foujdaree Adalut do confirm the said Futwas of the Cazee Cozzat and Mooftee aforesaid and accordingly direct that the Prisoners

1st "Sein Chakyarambatte Choy" and

2d "Chakyarambatte Ponoo"

"be set at liberty.

The

The second Prisoner

"Ittoony Ram e Menon"

has been released under warrant of the Judge of Circuit.-

Sent following letter

(Here enter B)

With reference to that part of the Futwas in the foregoing case where the Law Officers incidentally remark "that the declaration dictated before the Magistrate by the third Prisoner, Chakya-rambatte Ponoo, has not been authenticated as the law requires, the Court consider it necessary to observe that, according to the Record of the Trial, the evidence of one witness only was taken before the Court of Circuit to the declaration in question. It appears, indeed, from a memorandum in the Proceedings that the other person who had attested the third Prisoner's declaration before the Magistrate was prevented by sickness from attending the Circuit Court and "as evidence had "been taken to the third Prisoner's hyfeen

"before

27th January 1817

before the Daroga the Judge presiding at
the trial was of opinion that the attending
of the said witness was unnecessary."

Confessions, however, which
have been made before the officers of Police
are generally brought forward under such
questionable circumstances that they are
as in the present instance, constantly found
insufficient for the purposes of conviction
and it would have been more satisfactory
therefore, if the Judge of Circuit had
taken the evidence of the Gunnah Boy
wrote the Prisoners declaration before the
Magistrate and if he had endeavoured
to ascertain whether there were any other
persons who could depose to the truth
declaration.

Ordered that extract of this
proceedings be sent to the 3d Judge of Circuit
in the Western Division for his information
and future guidance.

Sent following Letter

(Here enter do.)

Read Letter dated the 15th inst.

27th January 1817

from the Criminal Judge in the Zilla of
Verdachellum with report of cases depending
on 31st Ultimo.

(Here enter No. 35 of 1817)

It appears by the sixth column
of the foregoing Report that the several
prisoners therein enumerated were suspended by the Tahsildar on the 2d, 3d
and 15th December last, but that none
of them were sent to the Criminal Judge
before the 27th of the same month, as they
had been detained by the Tahsildar "in
order to recover the stolen property which
had been concealed with various persons
residing in different villages."

The reason here assigned
as explanatory of the detention of the
Prisoners for a period so far exceeding
that limited by the Regulations is alto-
gether unsatisfactory. Tahsildars
are enjoined to send all Prisoners to the
Criminal Judge "as soon as they
shall have finished the prescribed
investigation, which shall be as

Completed

"completed within forty eight hours if "possible" and it is obvious to remark therefore, that in detaining the Prisoners for a fortnight and three weeks, merely with the view of recovering the remainder of the stolen Property, the Tahsildar exercised a power which is not vested in him by the Regulation and which would be open to very dangerous abuse.-

The Court accordingly direct that extract of these Proceedings be sent to the Magistrate in the Southern Division by Precept enjoining him to call the particular attention of the Police Officers under his authority to the several provisions of Regulation XI of 1816.-

Sent following Precept
/Here enter D/

Ordered also that extract of these proceedings be sent to the Criminal Judge in the Zilla of Verdachellum for his information.-

Sent following Letter
/Here enter E/

A Letter dated the 9th instant from the Criminal Judge in the Zilla of Vizagapatam - transmitting in conformity to Section XXXVII Regulation X of 1816 report of criminal cases depending on 31st Ultimo.-

/Here enter No 32 of 1817/

Read letter dated the 1st Instant from the Assistant Criminal Judge in charge of the Zillas of Coimbatore.- with annual report of cases depending on 31st Ultimo.-

/Here enter No 38 of 1817/

Read letter dated the 1st Instant from the Assistant Criminal Judge in the Zilla of Coimbatore.- with list of convicts sentenced to Transportation.-

/Here enter No 39 of 1817/

Read Return dated the 11th Instant, from the 2d Judge of Circuit in the Northern Division - to the Courts precept of 31st July last directing him to communicate to the Magistrate of Nellore, extract from the proceedings of the Sessions dated of same date regarding the insanity of Poollem Chenchiah prisoner in case No 59 of the

27th January 1817 the Nellore 4th Circuit 2nd Sessions of 1816.

Here enter No. 41 of 1817

Read letter dated the 13th instant from the 3rd Judge on Circuit in the Northern Division - reporting his arrival at Nellore on 12th Instant.

Here enter No. 31 of 1817

Read letter dated the 11th Instant from the 3rd Judge on Circuit in the Centre Division - reporting his arrival at Cuddapah on 12th Instant.

Here enter No. 34 of 1817

Read the following letters dated 30th Ultimo from the Provincial Judge on the Zillah of Guntoor - With Reports of prisoners from October 1815 to March & April. May and July.

Here enter No. 16. 17. 18 & 20 of 1817

J. Cr.

At a Court of the Foujdaree Adawlut

Present,

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

Monday 3rd February 1817

Read letter dated the 22 November last from the 1st Judge of Circuit in the Centre Division - transmitting the proceedings held in case No. 44 of the Chittoor Calendar 4th Quarter Sessions of 1816.

Here enter No. 25 of 1817

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 Cozat and Mooftee of the Foujdaree Adawlut do confirm the said Futwa of the Cazee ool Cozat and Mooftee aforesaid and acquitting the Prisoners

1st "Kistnaia" and
2nd "Valoyden"

do direct that they be released accordingly.

Same following letter

Here enter No.

[illegible] the 5th paragraph of the
letter which accompanies the Records of the
Proceedings in the foregoing case, the Judge
Judge of Circuit writes as follows, "It would
"appear that the Prisoner entertained enmity
"against the inhabitants of Goorooroy, during
"and between the 11th of March and the 17th of
"May 1816 set fire to many of their houses."

The Court are compelled to remark
that these observations of the Judge are not
borne out by the facts of the case, as it is
not shewn either that the Prisoner, Kettimon
an Native, entertained enmity against
the inhabitants of the village or that they
set fire to any of the houses, the utmost
which is declared in evidence being that
the Prisoner admitted having "performed
"certain magic ceremonies by which they
"caused the houses to take fire."

Again the Judge of Circuit
after observing that the Jurors of the Criminal
Law officer pronounced them convicted of
sorcery and liable to Robertha, proceeds to
declare that he "considers them convicted

"of arson, but in keeping with the future
"so far as considering the Prisoners convicted
"of setting fire to the houses, he passes
"sentence upon them to the fullest extent
"authorized by Clause seventh, Section II
"Regulation XV of 1803." The Judge adds,
however, that "subsequently considering
"the difference between the denominations
"of the crimes he stayed the warrant for
"the execution of the sentence."

The crimes of Arson and
Sorcery are, it must here be observed,
not merely nominally, but essentially
distinct, and the Court do not understand
upon what principle the Judge presiding
at the trials could adjudge persons convicted
of the crime of "Sorcery" to suffer corporal
punishment of thirty nine stripes and
imprisonment with hard labour for
seven years as having been convicted
of "Arson," to prove the commission of
which crime on the part of the Prisoners
not a tittle of evidence has been
adduced.

Subjoined

Proceedings of the 1st Judge of Chittoor directing that the remaining Prisoners in the cases of

"Careem Caun"

"Ramalingum"

"Siddumbaram"

"Balachary"

"Samachary"

"Janachellum" and

"Appiah"

be detained in custody until they give sufficient security for their future good behaviour and appearance when required.

Clause sixth, Section II Regulation XV of 1803 provides that in "cases of strong suspicion though not "amounting to conviction, as well as for "proof of notorious bad character" security be required for future good behaviour and appearance, but in the present instance nothing appears upon the face of the Proceedings to attach

2nd Feby 1817

"strong suspicion" to the seven Prisoners in question and it is not attempted to be proved that they are persons of "notorious "bad character."

Under these circumstances the Court resolves to pass a new sentence in conformity with the provisions of Clause Fifth Section VII Regulation XV of 1803 and accordingly direct that the said Prisoners

"Careem Caun"

"Ramalingum"

"Siddumbaram"

"Balachary"

"Samachary"

"Janachellum" and

"Appiah"

be forthwith set at liberty.

Ordered that extract of these Proceedings be sent to the 1st Judge of the Cuddapah Division Circuit by precept commanding him to make return within ten days from the date of its receipt.

Sent following Precept.

Here enter B.

3d February 1817.

Read letter dated the 28th Ultimo from the 3d Judge on Circuit in the Northern Division, transmitting, with remarks, copy of the Nellore Calendar for the 4th Sessions of 1817.

Here enter No 74 of 1817.

The observations contained in the foregoing letter regarding the state of the jail at Nellore and other matters connected with the Sessions held at that station will be forwarded for the consideration of the Courts of Circuit now required to transmit on their return from each Session to the Court of Foujdaree Adawlut a report as to the Persons of Prisoners confined in the Jails at such stations, as may appear to be subject to the provisions of Section XXXVII Regulation VII of 1802. At the termination of the Sessions at each station it is only necessary that a copy of the Calendar should be forwarded by the Judge on Circuit for the information of the Foujdaree Adawlut and therefore on all matters, arising out of the Trials which may be deemed necessary to be noticed by the Court should be reserved

3d February 1817 for the said general Report required to be transmitted at the conclusion of each Circuit.

Ordered that extract of these Proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information and future guidance.

Form following letter

Here enter No 6.

Read letter dated the 25th Ultimo, from the 3d Judge of Circuit in the Western Division, transmitting English records of proceedings held on dates Nos 1, 2 and 9, of South Malabar Calendar 2d Sessions of 1816.

Here enter No 73 of 1817

It appearing that the 3d Judge of Calicut Circuit in the Western Division has omitted to forward the Persian translation of his Proceedings in the above cases

Ordered that a Precept be issued to the said Third Judge of the Court of Circuit in the Western Division requiring

3 Feby 1817.

Read letter dated the 22d ultimo
from the Criminal Judge in the Zillah of
Masulipatam,- with report of criminal cases
depending on 31st December.-

/Here enter No. 70.-/

Read letter dated the 17th ultimo
from the 1st Judge on Circuit in the
Centre Division,- with copy of Chittoor
Calendar 1st Quarterly Sessions of 1817.-

/Here enter No. 71./

Read letter dated the 22d ultimo
from the Criminal Judge in the Zillah of
Chingleput,- with report of cases depending
on 31st December last.-

/Here enter No. 45./

Read letter dated the 20th ultimo,
from the Criminal Judge in the Zillah of
Chingleput,- with list of convicts arrived
from Bellary under sentence of transpor
-tation.-

/Here enter No. 46./

Read letter dated the 17th ultimo
from the 3d Judge of Circuit in the Western

3 February
1817

requiring him to send up the Persian transla-
-tation of his proceedings held in case
Nos. 1, 2, and 9 of the South Malabar Calendar
for the 2d Sessions of 1816 with as little
delay as possible.-

And following Receipt

/Here enter D/

Read letter dated the 15th ultimo
from the Magistrate in the Zillah of Masulipatam,
with abstract statement of crimes committed
between the 6th November and 31st December
last.-

/Here enter No. 44./

Read letter dated the 25th ultimo
from the 3d Judge on Circuit in the Northern
Division,- stating that he intends to proceed
to Guntoor on 28th of the same month.

/Here enter No. 69./

Read letter dated the 5th ultimo,
from the Magistrate in the Southern Division
of Arcot,- with abstract Statement of heinous
crimes from 1st November to 31st December
1816.-

/Here enter No. 72./

Read

3d February 1817

Western Division,- enclosing warrant for execution of Sroovan Panachy Perachen and Kahoodoombil Choy, prisoners in case No 17 of the South Malabar Calendar 2d Sessions of 1816.

/Here enter No 54./

Read letter dated the 15th ultimo from the Magistrate in the Zilla of Coimbatore forwarding abstract statement of crimes committed, the number of persons convicted and the number delivered over to the Criminal Judge during the months of November and December last year.-

/Here enter No 55./

Read letter dated the 13th ultimo from the Magistrates in the Zilla of Seringapatam,- with list of prisoners committed for trial before the Court of Circuit up to the 31st October last.-

/Here enter No 57./

Read letter dated the 13th ultimo from the Criminal Judge in the Zilla of Seringapatam,- with report of cases depending on 1st ultimo.-

/Here enter No 60/

3d February 1817

Read report from the Criminal Judge in the Zilla of Chittoor, of cases depending on 31st December.-

/Here enter No 65/

Read letter dated the 15th ultimo, from the Criminal Judge in the Zilla of Madura,- transmitting report of cases depending on 31st December.-

/Here enter No 53/

Read letter dated the 21st ultimo from the 1st Judge on Circuit in the Southern Division,- reporting his arrival at Combaconum on same date.-

/Here enter No 61/

Read letter dated the 15th ultimo from the Magistrate in the Zilla of Seringapatam with abstract statement of prisoners apprehended and delivered over to the Criminal Judge up to the 31st December.-

/Here enter No 58./

Read letter dated the 14th ultimo from the 2d Judge of Circuit in the Southern Division,- with Trichinopoly Calendar

9th February 1817 Calendar for the 1st Quarterly Sessions of 1817.

/Here enter No 63/

Read letter dated the 22d ultimo from the Magistrate in the Zilla of Guntoor with report required by Section XXX Regulation IX of 1816.

No 68 R.A. /Here enter No 68/

Read letter dated the 15th ultimo from the Criminal Judge in the Zillah of Vizagapatam with Abstract Statement of heinous Crimes for 1816.

/Here enter No 68 B/

Jud.

J. & C.

At a Court of the Foujdaree Adalut.

Present.

Wednesday 5th February 1817. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges.
George Stratton Esqre

No 68 M

Read letter dated the 7th ultimo from the Chief Secretary to Government, forwarding extract of a letter from the Resident at Hyderabad and desiring that a certified copy of the proceedings on the case therein mentioned may be submitted to Government to be transmitted to him.

/Here enter No 24/ of 1817.

Ordered accordingly that a certified copy of the Proceedings held in case No 11 of the Bellary Calendar for the 1st Sessions of 1815 be submitted to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

Sent following letter.

No 68 M Rit. /Here enter A/

Read

5. February 1817

Read the following letters from the Magistrates in the Zillas of Chingleput, Salem, Coimbatoor, Canara, Trichinopoly, Guntoor, Nundydroog, Bellary, Seringapatam, Combaconum, Masulipatam, Cuddapah, Madura, Cochin, South Malabar, Nellore, North Malabar, Combaconum, Rajahmundry, Chittoor & Ganjam, with Reports of Prisoners for the month of October

/ See Reports Nos. 656, 662, 665, 664, 675, 670, 671, 672, 673, 674, 678, 688, 689, 694, 704, 703, 718, 722, 730, 733, 749. /

Read the following letters from the Magistrates in the Zilla of Ganjam - With Reports of Prisoners for June August & Septr. 1816.

Here enter Nos. 41, 47 & 42 / - / 1817.

J. C.

At a Court of the Foujdaree Adalut -

Present,

Friday 14th February 1817.

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

Read letter dated the 6th ultimo from the 1st Judge of Circuit in the Centre Division - transmitting his proceedings held in case No. 4 of the Chittoor Calendar 1st Quarterly Sessions of 1817 -

/ Here enter No. 79 / of 1817 /

The Court having maturely considered the Proceedings held before the Judge of Circuit the Futwas of the Provincial Law Officer and the Futwas of the Cazee ool-Cozat and Moofties of the Foujdaree Adalut do confirm the said Futwas of the Cazee ool Cozat and Moofties aforesaid and do acquitting the Prisoner

Moonegapdoo

do direct that he be released accordingly -

Sent following Letter

/ Here enter do /

the

14th February 1817

the quotation on the evidence
of the fourth witness Jungmeyrum as
is noticed in the Petition does not appear in
the same terms in the English trans-
lation of the Proceedings according to
which the witness simply deposed before
the Magistrate of Chittoor that a knife
not was taken from the Prisoner in the
"some cloths" and notice is stated in the
persian translation of his deposition, that
the Prosecutor took up some cloths which lay
"fallen down near the"
thus according to the
translation, the passage in the witness's
first statement, as confirmed by his subse-
quent deposition before the Court of Circuit,
appears rather in the light of an omission
than a positive contradiction of the former
translation, he cannot therefore entertain
a very material difference between the
two depositions, before the Magistrate and the
Circuit Court respectively.

The Court have considered the
requisite

14th February 1817

requisite to point out this defect in the
record, in order that the Judge of Circuit
may see the necessity of exercising the
strictest care in preparing Records of
trials for transmission to the Sudder

Ordered that

Ordered that extract of these
proceedings be sent to the Judge of Circuit
in the Centre Division for his information
and future guidance.

Sent following letter

/Hereunto B./

Read letter dated the 6th ultimo
from the 3d Judge of Circuit in the Western
Division transmitting his proceedings held in
case No. 1 of the Cochin Calendar 2d Session
of 1816.

/Sudder Adawlut No. 30 of 1817/

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 and Cazgat and Mooftee of

the

14th February 1817 the Tangdarce Adalut do confirm the sen-
tence of the Cazeecoil Cozat and Mooftee
aforesaid and accordingly direct that the
Prisoners -

1st Pun Bava Chitty Chovadan
2d " Pokeil parambil Kolendran
3d " Malaya Vittil Arjoonan
4th " Nedoovelly parambil Apsicker
5th " Karoonil parambil Kamanan and
6th " Kalari kaparambil Shivan

be set at liberty -

Read letter dated the 11th Decembr
last, from the 3d Judge on Circuit on the
Western Division - transmitting his
proceedings held in case No 1 on the Calen-
Calendar 2d Sessions 1816 -

[Here enter No 732 of 1816]

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

2d Feb 1817

14th Feb 1817

Cozat and Mooftees of the Tangdarce Adalut
do confirm the said Sentence of the Cazee
coil Cozat and Mooftees aforesaid and
under the discretion vested in them by
the sentence of Cohorbut, do adjudge the
Prisoner

"Barrido"

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

Sent following letter

[Here enter 6]

Read letter dated 3d Ultimo
from the 3d Judge of Circuit in the Western
Division - transmitting copy of his proceed-
held in case No 14 of South Malabar Calendar
for 2d Sessions of 1816 -

[Here enter No 12 of 1817]

The Court having maturely
considered the Proceedings held before the Judge
on Circuit the Sentence of the Provincial Law
Officer and the Sentence of the Cazee coil
Cozat and Mooftees of the Tangdarce Adalut
do

14th February 1817 to confirm the said Finding of the Coroner's Inquest and Proceedings aforesaid and having duly considered the same direct that the Prisoners

1st Veerata Kristna Menon

2d Tiroovalatore Shankaren Kandaven Nair

3d Chitty Rama Swamy

4th Koonambate Narana Nair and

5th Padoorgramom Koopom Puttan

be set at liberty.-

Sent following letter

(Here enter D. post)

The Law Officers observe in delivering their Finding in the present case, that the evidence of the eighth witness, Cony Chenden Pani Kar, is inadmissible "because the contents of these "declarations of the Prisoners were not "read over to him in the Court of Circuit" and that the evidence of the ninth witness Koondoo Menon, is not of that description which is admissible in law.-

With reference to the first observation the Court deem it necessary to

14th February 1817 to remark that in many of the trials which have been sent up by the 3d Judge of Circuit in the Western Division a memorandum is annexed to the deposition of the first witness to a Prisoner's former declaration purporting that such "declaration was read aloud in Court in the "presence of the witness," while at the foot of the depositions of all subsequent witnesses to the same declaration it is simply stated that such declaration was delivered into the hands of the witnesses in order that they might point out the several signatures therein.-

As it is obviously of importance that the former declarations of Prisoners after hearing the evidence written should, ~~accurately~~ each witness who appears before the Court of Circuit to prove to read aloud to such witness, their authenticity, the Court are desirous that the 3d Judge of Circuit should explain whether or not he has been hitherto particular in the observance of this practice, while they direct that he do ~~accurately~~ hereafter observe such practice when in any

14th February 1817 and under a remark to that effect in the Record of this proceeding.

With regard to the second remark of the Law Officer the Court have to observe that the evidence of the said witness is declared to be inadmissible both because he does not depose to the purport of the declarations in question and because it does not appear that they were read aloud to him before the Court of Circuit.

Ordered that extract of these proceedings be sent to the 3d Judge of Circuit in the Western Division requesting him to make return within 5 days from the date of the receipt thereof.

Sent following Draft

/Here enter B./

Read letter dated the 4th instant from the Magistrate in the Zillah of Guntoor stating that he has issued a Proclamation against the Minor Zemindar of Suttenapilly for resistance to his warrant under Clause first Section XVIII Regulation IX of 1816, and requesting to be informed whether he may executably attach the Zemindary and

Ex. F. A.
17th Feby 1817.

and whether he has vested property in calling in a Military force.

/Here enter No 108 of 1817./

The Magistrate of Guntoor states in the foregoing letter that certain armed Peons have shut themselves up in a Fort with the Minor Zemindar of Suttenapilly and some evil advisers of the said Minor and that they have resisted his warrant; that he, the Magistrate, had caused a proclamation to be issued but that the persons required had not made their appearance; that he is doubtful whether he can act against the Minor as the Regulations prescribe with respect to other offenders being proprietor of land and that he has called on the Officer Commanding the Centre Division of the army for a force of sufficient strength to reduce these persons to obedience. and the Magistrate concludes with requesting an early communication from the Court as to the line of conduct he should pursue.

The Court of Foujdaree Adawlut are

14th February 1817 and enter a remark to this
effect on the Bond &c's Proceedings.

With regards to the second
remark of the Law Officer the Court
to observe that th

to give any opinion regarding
the Proclamation in question

With regard to the propriety of
eventually attaching the Zemindary of
Suttenapilly, the Court do not see how
the provisions of Clause Second Section
XVIII Regulation IX of 1816 can be made
to apply to the case of a Proprietor of land, and with respect
to calling in a Military force the Magistrate
acts on his own responsibility. — For the
more particular guidance of the Magistrate
on this latter point, the Court refer him
to the Provisions of Section X Regulation
III of 1810. according to which the Magis-
trate will observe that, whenever no
detachments of troops may be required
for the apprehension of public offenders
or for the maintenance of the Peace
of the circumstances under which such
requisition may be made is to be

not to the Court of Foujdaree
Adalut but to the Governor in Council.

Ordered that extract of these
proceedings be sent to the Magistrate
in the Zilla of Guntoor for his re-
information.

Sent following letter.

/Here enter No. /

Read letter dated the 31st ultimo
from the Magistrate in the Zilla of Salem
reporting that he has offered the rewards
authorized by Section XXI Regulation IX
of 1816 for the apprehension of the persons
concerned in two daring Robberies lately
committed in the Woomaloor Talook.

/Here enter No. 85 of 1817/

It is competent to the
Magistrate to offer the rewards specified
in the foregoing letter without any reference
to the Court of Foujdaree Adalut and it
is only in cases which may appear to
require a larger reward than a Hundred
Rupees for a leader of a gang and twenty
Rupees for each inferior offender that the

14th February 1817

the Magistrate is enjoined to report the same to the Foujdaree Adalut with his opinion of the reward that should be offered.

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

Sent following letter
/Here enter G/

Read letter dated the 5th instant from the Criminal Judge in the Zilla of Madura, requesting to be informed whether certain Prisoners their Prosecutors and witnesses, belonging to the District of Nadoomundalum which has lately been annexed to the jurisdiction of Tinnevelly should be transferred to that Zilla or should remain on his Calendar to the ensuing Sessions.

/Here enter No. 99 of 1817/

It appearing to the Court expedient that the Prisoners in question should be brought to trial at Madura;

The Court accordingly authorize

4th F.C.
14th Feby 1817.

and direct the Criminal Judge in the Zilla of Madura to retain the said Prisoners on his Calendar for trial at the ensuing Sessions.

Ordered that extract of these proceedings be sent to the Criminal Judge in the Zilla of Madura for his information and guidance.

Sent following letter
/Here enter H/

RA

All

GW

At a Court of Foujdaree Mulaut

Present

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

Saturday
15th Febry 1817

Read letter, dated the 6th Instant. from the Criminal Judge in the Zilla of North Malabar submitting the request of certain Convicts, natives of Wynaad, to be removed to the Jail at Manantoddy.

E.C.S
M

/ Vereenter N° 114. /

C/f

It would appear from the foregoing letter that the proposed removal of the Convicts therein enumerated is essential to the preservation of their health, the Court resolve to exercise the authority vested in them by Clause Fifth Section VIII. Regulation XV. of 1803 and accordingly direct that the Six Prisoners

"Govinden"
"Kerkaweetil Ramen"
"Poodechery" alias "Porchem Koonyapen"
"Koohoden" alias "Porchen Ramen"
"Marootanen" and
"Chanparen"

be removed forthwith to the Jail at Manantoddy.

Ordered that extract of these proceedings be sent to the Criminal Judge in the Zilla of North Malabar for his information and guidance.

Sent

15. February 1817.

of Coomsoor—

Hereenter N. 79

Read letter, dated the 3. Instant. from the Secretary to Government in the Judicial Department. Stating that the Regulation submitted with the Courts proceedings of the 30th December has been passed with certain modifications of the terms, and observing with reference to part of the Courts—proceedings, that the question as to the signification of the words "Magistrate of the Zilla" used in Section 135. of 53. Geo III. Cap. 155. is under reference to the Law Officers—

Hereenter N. 80.

Ordered to lie on the Table.

Read letter, dated the 15th Ultimo from the Criminal Judge in the Zilla of Bellaree—With Report of Criminal Cases depending on 31. December last—

Hereenter N. 76.

Read letter, dated the 25th Ultimo from the Magistrate of the Zilla of Calicut With abstract Statement of Heinous Crimes for 1816—

Hereenter N. 77.

Read letter, dated the 29th Ultimo from the Criminal Judge in the Zilla of Cochin With abstract Statement of Heinous Crimes up to 31st October 1816—

Hereenter N. 78.

Read letter, dated the 31st Ultimo from the

15. February 1817.

from the Criminal Judge in the Zilla of Report of Prisoners

Hereenter N. 19

Read letter dated the 7th Ultimo from the Criminal Judge in the Zilla of Salem Forwarding abstract statement of crimes committed up to the 30th Novem. ber 1816—

Hereenter N. 21.

Read letter, dated the 6th Ultimo from the Magistrate in the Zilla of Madura With abstract statement of Crimes committed in 1816—

Hereenter N. 22.

Read letter, dated the 7th Ultimo from the Judge or Circuit in the Northern Division—Stating on omission in his Circuit Report for the 4th Quarter of 1816—

Hereenter N. 26.

Read letter, dated the 10th Ultimo from the Magistrate in the Zilla of Salem With abstract Statement of heinous crimes up to 31st Dec 1816—

Hereenter N. 29.

Read letter, dated the 27th Ultimo from the Secretary to Government in the Judicial Department Returning the records of the trial of the late Jemadar

15. February 1817

February 1817

the Criminal Judge on the Gills of Swedenfalge Wall
Report of prisoners confined under Sentence
/ Here enter N. 89. /
Read Letter dated the 31st Ultimo from
the Criminal Judge on the Gills of Swedenfalge Wall Rights
of Criminal cases Depending on 31st December
/ Here enter N. 90. /

5

At a Court of the Vargstorna Häradsrätt

Present

Fredrik Sewell Esqr.
Edward Hall Gierdrag Esqr.
George Thornton Esqr.
} Judges

Record the Letter dated the 12th
from the first Lieut. on the Staff
Division commanding the forenamed Gills to the foregoing
of this post. Gills Absolute Exhibition finds the same duly taken
the Court. Having considered
the Judge of Court
the Letter of the Criminal Law Officer and the
Letter of the Clerk of the Court and Master of
the Vargstorna Häradsrätt to enjoin the said Letter
of the Clerk and Master aforesaid and
carefully find that the persons
Andrew Chingaren
have in fostering Family for the future good
Character and Behaviour attained
the following Letter
/ Here enter N. /

17th February 1817

The Criminal Judge, late Magistrate of the Zillah of South Malabar states in his return to the Record issued at the close of the last by the first Judge of Circuit that through the inadvertence of the Magisterial Sarwant who took down in writing the Prisoner's Declaration of the 13th of July, the names of those Officers who were present on the occasion and heard the said Declaration were not annexed.

The Declaration in question is pronounced by the Law Officers of the Regulation Adalat "to be altogether inadmissible since it is not attested by any witness whatsoever. The explanation so taken to the validity of such Declaration is obviously correct, and the Court have here thought particular in calling the attention of the late Magistrate to this defect in the proceedings, an order that he may see the necessity of having all confessions or confirmation of former confessions made before him duly authenticated by the signatures of witnesses

Ordered that a Copy of these proceedings be sent to the Criminal Court of Circuit for the Malabar Division by precept commanding them to communicate the same to the Criminal Judge on the

17th February 1817 The Zillah of South Malabar for the confirmation and future guidance.

Read following Precept

(Here enter No 9)

Read Letter Dated the 3rd instant from the Criminal Judge in the Magistrate's Office with report of Criminal cases depending on 31st December last.

(Here enter No 10th)

In cases Nos 1 & 3 of the foregoing Report the charges are for having forcibly taken possession of lands in Crops and for having beaten the several Plaintiffs. It does not appear that the persons charged with the offences in No 1 have ever been apprehended and the Criminal Judge states that the two other cases are depending till the first Suits shall be decided.

With regard to these above cases the Court do not see how case No 1 can be considered as depending before the Criminal Judge and in case Nos 2 and 3 the late Magistrate should have acted in conformity with the provisions of Regulation XXXII of 1802

In cases Nos 2. 3 and 13 the confession of [illegible] having carried away or destroyed [illegible]

17th February 1817. property recover attachment. The second and third of these cases are incorrectly entered as being under trial before the Criminal Judge, neither of does not appear that the persons accused have ever been brought before him; and with respect to the first case which is stated to be depending "till the Civil suit is decided," it appears to the Court that the late Magistrates overlooked the provisions of Section XVII Regulation XXVIII of 1812.

Case No 5 is a charge of larceny and this also is ordered to remain till the suit or "the Civil Court should be decided," and a similar order is recorded on case No 7 which is a charge for arrear.

The Court must here remark that they do not comprehend on what principle the late Magistrate could see any evidence for the trial of a criminal offence till the determination of a civil suit, as it is obvious that matters of private and public nature are altogether distinct, and it is further observable with reference to case No 6 that the trial or tabulation of the charge could have materially affected the merits of the civil suit

In cases Nos 9 and 10 of the former

recorded

17th February 1817.

accused have never been apprehended or otherwise appeared to answer the charge and consequently these cases are improperly recorded as depending before the Criminal Judge. The same remark applies to cases Nos 13, 14, 15, 16 and 17, on the three first of which the persons accused are stated not to be forthcoming and on the two latter they have not yet been apprehended.

Cases Nos 10 and 11 are similar to cases Nos 6 and 7 on which the Court have already remarked.

In cases Nos 17, 19 and 22 the Court find the words "Witnesses warned" as applicable of the delay; but the Court are compelled to observe that the explanations is extremely unsatisfactory, since it may be considered to be doubtful whether it is meant by these words that there are several witnesses on these cases or only that the witnesses have not yet attended according to the summons.

The Court are desirous that the Criminal Judge should revise the cases which have called forth these remarks with attention, and they trust that the observations which they have made considered it necessary to record will lead him to observe particular care hereafter on the preparation of

fol

17th February 1817. his Annual Dispatch.

Ordered that a Copy of these proceedings be sent to the Criminal Judge on the Gallee of Pegu acquainting him for his information and future guidance.

Read following letter

(Here enter A)

Read the following letters from the Criminal Judges on the Gallee of Salem, Coimbatore & Tinnivelly, Combaconum and Tanjore with reports of Criminal cases depending on 31st December last

(Here enter Nos 23, 36, 37, 100, 112)

Read the following letters from the Magistrates on the Gallee of Canara and Tindivanum with Abstract Statements of Criminal cases for October and December.

(Here enter Nos 103, 105)

Read letter dated the 31st Ultimo from the Magistrate on the Gallee of Pegu transmitting with abstract statement of Criminal cases for 1816.

(Here enter No 97)

Read returns dated the 7th instant from the Magistrate on the Southern Division of that to this Courts precept of 27th Ultimo requiring them to with the particulars called for by the letter agreed

17th February 1817. to this precedence of Regulations XI. of 1816

(Here enter No 102)

Read letter dated the 11th instant from the Secretary to Government on the Judicial Department forwarding the form Oaths of Office taken by Messrs Warden, Lord, Newenham, Shaw and Adamson

(Here enter No 100)

Read letter, dated the 10th instant from the Secretary to Government on the Judicial Department enclosing oath of Office taken by Mr Rogers.

(Here enter No 116)

Read letter dated the 5th instant, Returns for November and December.

(Here enter No 109)

Read returns, dated the 6th instant, from the Criminal Court of Canara for the Southern Division, to this Courts precept of 15th November last requiring them to communicate to the several Criminal Judges the orders from this Courts proceedings regarding the submissions of Criminal processes

(Here enter No 104)

Read letter dated the 30th November from the Criminal Judge on the Gallee of Tanjore with

At a Court of the Fouzdaree Adaulut

Present,

Wednesday
19th February 1817 — Andrew Scott Esqre
Edward Croft Greenway Esqre
George Stratton Esqre
} Judges.

Read letter dated the 12th instant,
from the Judge on Circuit in the Western
Division, - requesting the opinion of the
Court as to the validity of certain confessions
attested by Government Servants only prior
to the enactment of Regulation X of 1816. -

(Here enter No 124)

The confessions which have
occasioned the present reference to the Court
of Fouzdaree Adaulut would seem to have
been attested in the manner prescribed
by the Regulations in force at the time
in which the said confessions were
taken, and as the operation of Regulation
X of 1816 is not intended to be retrospective,
no objection lies, on the ground of informality, to the validity of such confessions

Ordered that extract of

these

19th February 1817. with respect of Criminal cases depending on 25th December
1815. and abstract statement of Criminal commitments for 1816

(Here enter No 15)

Read letter, dated the 13th instant
from the Criminal Judge of Chittagong reporting
the arrivals of Hindoo convicts from Bellary under
sentence of transportation.

(Here enter No 116)

Read letter dated the 3rd instant -
from the Judge on Circuit in the Western Division
reporting his arrival at Moorshedabad on Circuit for
the 1st Sessions of 1817.

(Here enter No 123)

Read report dated the 1st instant
from the Criminal Judge of Chittagong - of
Prisoners confined under sentences -

(Here enter No 35)

Read letter dated the 5th instant
from the 1st Judge on Circuit for the Southern Divi-
sion - with copy of the Commitments extracted for the
1st Sessions of 1817.

(Here enter No 96)

19th February 1817

these proceedings be sent to the 2d Judge on Circuit in the Western Division for his information and guidance—

Sent following letter—

/Here enter A./

Read letter dated the 10th instant from the Secretary to Government in the Judicial Department—sanctioning the grant of 250 pagodas each to Kinnoor Naick and Govinda Naick Naick—

/Here enter No 115/

The Court direct that the foregoing sanction be communicated to the Court of Circuit for the Centre Division and with regard to that part of the Circuit Court's Proceedings of the 2d Instant last wherein they pronounce it advisable to rescind part of their former order regarding Emaum Naick and submit the above opinion for the consideration of the Sanctioning Authority, the Court deem it sufficient to observe that a perusal of all the circumstances of the case, there appears no sufficient reason for

19th February 1817

resolution—

Ordered that extract of the 10th Ultimo Court's proceedings and copy of the above letter from Mr. Secretary Hill be forwarded with Extract of these Proceedings to the Court of Circuit in the Centre Division for their information—

Sent following letter

/Here enter B./

Read letter, dated the 30th Ultimo—from the late Assistant Magistrate in charge of the Zilla of South Malabar—Forwarding Reports of Criminal Cases depending on 31st October 1816 as also the abstract Statement of heinous Crimes—

/Hereenter No 91/

Read letter, dated the 4th Instant from the Criminal Judge in the Zilla of Nellore—Reports of heinous Crimes from 1st January to 31st October 1816 & Criminal Cases depending on 31st December 1816—

/Hereenter No 93./ S

Sessional

Copied

p. 16

At a Court of the Justiciary Circuit

Friday

Present

21st February 1817

Andrew Scott Esqr.
Edmonstoun Scott Greenaway Esqr. } Judges
George Stratton Esqr.

Read letter, dated the 31st December, from the 3rd Judge of Circuit for the Western Division, transmitting his Proceedings held on case No 4 of the additional calendar of South Hebrides 2nd February 1816.

(Here enter No 13.)

The Court having maturely considered the proceedings held before the Judge on Circuit the letter of the Sovereign Law Officer and the letter of the Lord Advocate Depute and Advocates of the Justiciary Circuit to confirm the said letter of the Lord Advocate and Advocates aforesaid and order the sentence of Fifteen days to stand as the letter, to subjoin the prisoner

Farquhar Mackinnon Keeper Ruson

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

21st February 1817

Record letter dated the 20th December from the 3rd Judge on Circuit for the Malabar Division transmitting his proceedings held on case No 6 of the South Malabar calendar 2d Sessions of 1816

Here enter No 182 of 1816

The Court having maturely considered the proceedings held before the Judge on Circuit, the petition of the Procureur Fiscal Office, and the pleas of the Cayga ab Cogat and Mudliar of the Tangedarum Malabar do confirm the said sentence of the Cayga ab Cogat and Mudliar aforesaid and, under the circumstances stated in them by the sentence of Tegue de confirmed and kept to hard labour in irons in the public roads or other public works for and during the period of seven years

And the Court acquitting the 3d Prisoner

Thomatan Ifoof

do direct that he be released accordingly

And the Court being of opinion that there are no circumstances to shew cause against the third prisoner, Jakon Changaran, whom the Judge on Circuit has ordered to be detained on jail until he shall give security for his good

21st February 1817. future good behaviour and appearance where required to receive, under the provisions of clause fifth, section VII. Regulation XV. of 1803 to pass a new sentence on his case and accordingly do direct that the, the said prisoner,

"Jakon Changaran"

be set at liberty.

Send following letter.

(Here enter No)

To the letter which accompanied the Record of the foregoing trial the 3d Judge of Circuit declares his concurrence in the opinion of the Law Officer that the confession attached to the third prisoner, Jakon Changaran, and be observed that the evidence adduced by the said prisoner of an alibi is very strong and credible; yet the Court find, on reference to the Record, that the Judge considered the prisoner not to be "free from suspicion" and accordingly ordered him to be detained in custody until he should give security for his future good behaviour and appearance where required.

In confirmation of this sentence the Judge has inserted a marginal note justifying that the "suspicion" has reference to the circumstances under which the prisoner left his

21st February 1817

of the

21st February 1817

late on Circuit in the Western Division for his information and

Read following letter.

(Here enter N.)

Read return, dated the 12th instant

from the First Judge of Circuit on the Centre

Division, to the Court's precept of the 3d instant

commanding the release of certain prisoners in

case N. N. of the Clitheroe calendar 4th Quarterly

Sessions of 1816.

(Here enter N. 133.)

Read letter, dated the 15th instant

from the Criminal Judge on the gaol of Chorgate

Jail, reporting the arrival of the prisoners, Thom-

-as Jones, James Chilton under sentence of transpor-

-tation.

(Here enter N. 134.)

Read letter, dated the 15th instant

from the 1st Judge on Circuit on the Southern

Division, reporting the arrival of the Court

of Circuit and the commencement of the

Sessions at Verdun Castle.

(Here enter N. 135)

Read letter, dated the 11th

instant from the Third Judge of Circuit on

the

21st February 1817 his return accordingly; but the Court are unable to discover any sufficient case afforded by the evidence from the circumstances of such deposition which took place, according to the evidence adduced in support of the alibi, some time before the commission of the murder in which the prisoner is charged with having been concerned, and they have accordingly directed that he be forthwith released from confinement.

The Law Officers of the Treasury Solicitor observe on their letter that the third prisoner, Robert Thompson, has been released under warrant of the Judge on Circuit and this observation is founded on a communication of the fact of the Previous handing of the Record stating that "owing to the arrangement of the Judge on the opinion of the Law Officer the third Prisoner had been set at liberty, whereas it should have been sent in conformity with the English practice of the Proceedings, that the Judge had ordered the prisoner to be released on his entry."

Ordered that a Precept of these proceedings be sent to the 3d Judge

21st February 1817. the Western Division — with returned warrant of execution on case No 12 of South Western calendar 2d Sessions of 1816.

M (Here enter No 119) 25

RA. Read letter dated the 3d

Instant, from the 3d Judge on Circuit in the Northern Division — reporting his arrival at Pantura on the 6th Instant.

(Here enter No 111)

No. 16.

At a Court of the Vauxhall Adalat.

Present

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

Wednesday 26th 26th 1817.

M

Read letter dated the 25th Ultimo from the 3d Judge of Circuit on the Western Division — transmitting Proceedings of Proceedings held on case Nos 1, 2 and 9 of South Malabar calendar

(Here enter No 73)

The Court having maturely considered the Proceedings held before the Judge on Circuit in Case No 9 of the South Malabar Calendar the Futwa of the Provincial Law Officer and the Futwa of the Cazee ul Cozat and Mooftee of the Vauxhall Adalat to consider the said Futwa of the Cazee ul Cozat and Mooftee aforesaid and under the discretion vested in them by the provisions of clause fifth Section IV. Regulation XV of 1803 do adjudge the prisoners

3d "Vandara Pattiroody Unnamen" and

4th "Ulliseil Ramen Nair"

26th February 1817

to be empannelled and sworn to try the issues between our Sovereign Lord the King and the prisoners at the bar, and a true verdict to give according to their evidence.

1st Montgomery Alley Armed Knuckle
2nd Rayfoorata Chandra Mowar
3rd Raycholen Chelly Mowar
4th Kellasamykutti Lee Kellykutti Kooka
5th Ramdass Appoo Modeen
6th Pailly Pookutti Lee Pookutti Rayfoorata

and

7th Pailly Pookutti Lee Pookutti Rayfoorata

being returned on the jury summoned for this day, were sworn.

The Court then informed the jury that they were to try the issues between our Sovereign Lord the King and the prisoners at the bar, and a true verdict to give according to their evidence.

1st Montgomery Alley Armed Knuckle

to be set at liberty.

The Court then informed the jury that they were to try the issues between our Sovereign Lord the King and the prisoners at the bar, and a true verdict to give according to their evidence.

2nd Rayfoorata Chandra Mowar

to be set at liberty.

The Court then informed the jury that they were to try the issues between our Sovereign Lord the King and the prisoners at the bar, and a true verdict to give according to their evidence.

3rd Raycholen Chelly Mowar

to be set at liberty.

The Court then informed the jury that they were to try the issues between our Sovereign Lord the King and the prisoners at the bar, and a true verdict to give according to their evidence.

4th Kellasamykutti Lee Kellykutti Kooka

to be set at liberty.

The Court then informed the jury that they were to try the issues between our Sovereign Lord the King and the prisoners at the bar, and a true verdict to give according to their evidence.

5th Ramdass Appoo Modeen

to be set at liberty.

The Court then informed the jury that they were to try the issues between our Sovereign Lord the King and the prisoners at the bar, and a true verdict to give according to their evidence.

6th Pailly Pookutti Lee Pookutti Rayfoorata

to be set at liberty.

The Court then informed the jury that they were to try the issues between our Sovereign Lord the King and the prisoners at the bar, and a true verdict to give according to their evidence.

7th Pailly Pookutti Lee Pookutti Rayfoorata

to be set at liberty.

26th February 1817

The proceedings held before the Judge on Circuit the Justices of the Peace and Masters of the Vanjeduras Malabar to confirm the said Justices of the Peace and Masters aforesaid and accordingly direct that the prisoners

Rayfoorata Chandra Mowar

be set at liberty.

Sent following letter.

(Vide ante p.)

The Law Officers are delivering their Opinion in case No. 1 of the South Malabar calendar for the year Sessions of 1816 observe, with respect to the 5th prisoner's declaration before the Magistrate, that no person has deposed to the authenticity of such declaration.

It would appear from the Magistrate's Proceedings that the declarations of the third, fourth, and fifth Prisoners were taken by the interpreter Bonay Chowdra Panikar and Pumbally Chandra; but when examined before the Court of Circuit, both of these witnesses deposed that they only knew the third and fourth Prisoners having seen them before the Magistrate. The Judges presiding at the trials

Court did not interrogate them otherwise with regard to their attestations of the fifth Prisoner's declarations but it seems difficult to reconcile these professed inability to point out the said Prisoner with the subscriptions of their having been on other occasions before the Magistrate while this prisoner declared the above declarations, as required by the Court's Circular orders of the 27th November 1813, to have been voluntary the declarations were read aloud to them before the officers last examined; and the Court direct, therefore, that the circumstances be brought to the notice of the Judge & Magistrate of South Malabar.

In the above future, as in the future delivered in case No 6 of the South Malabar Calendar for the 2nd Sessions of 1816, the Court observe; on the authority of the Regulations of the Board, that accused persons have been released under sentence of the Judge or Circuit whereas it should have been specified that four of them had been ordered to be released on producing security for their future good behaviour and inoffensiveness when required.

Ordered that a Copy of these proceedings be sent to the Third Judge

in the Western Division, by precept commanding him to communicate the necessary part to the Criminal Judge in the Zillah of South Malabar for his information.

Send following Precept.

(Here enter B.)

Read a letter dated the 26th December from the Chief Secretary to Government transmitting extract of a letter from the Secretary to Government at Fort William, declaring that Hatim Rawn, a Sindary Peasant, may be kept in close confinement as a state prisoner and that all such persons not yet tried may be so confined until further orders, and requesting to be informed on what principles the evidence of Police officers is considered as inadmissible.

(Here enter No 239) of 1816

The declaration of the Law Officers of the Sovereign Adalut in the case of Kalarum with regard to the evidence of Police Peons, which is now referred by the Right Honourable the Governor General in Council for the explanation of the Court, is founded on a received maxim in the Mahomedan law that the testimony of persons

J. M.

Read as before dated the 18th instant.

26th February 1817

descriptions should be visited by the prescribed formalities
but it is found impossible to prevent altogether this
abuse of authority on the part of the native officers
and the Court are not prepared, therefore, to pronounce
any specific enactment with the view of giving
validity to confessions made before Police officers or
to the testimony of such Police Officers when unsupported by other positive or circumstantial
evidence.

In the case of Kalicharan, the Court may be permitted to remark, there was only the evidence of two Police Peons positively that as the Prisoners were taking their departure the Prisoner was following them and felt that he, the said Prisoner, was using the witness attempted to run away, but that they pursued and apprehended him, while, on the other hand, the Prisoner denied that he had committed the crime of plundering, burning houses and wounding as specified in the arraignment and in the absence of all evidence to show either the commission of the said crime on the part of the Prisoner or his connexion to that effect and admitting at the same time to the statement given by the Prisoner when first on his defence, the Law Officers declared in fact that he was not legally convicted of

1st February 1817 property vendor attachment. The second and third

26th February 1817

"the crimes laid to his charge and should therefore be
"released". This future hearing has mutually considered together
these with all the proceedings on the case by the
Court of Inquiries Middelburg was confirmed under sections
IX. Regulations VIII. of 1802. which provides that the
sentences of the Courts shall be regulated by the Dutch
criminal Law excepting in cases in which a deviation
from it may be expressly authorized by any regulations
passed by the Governor in Council.

Ordered that extract of these proceedings
be sent to the Chief Secretary to Government for the
purpose of being laid before the Right Honourable His
Lord following letter.

(Here enter f.)

Read letter dated the 19th instant
from the Circuit Judge on Circuit in the Eastern District
stating that the Court of Circuit will not sit for
Uitenhage on the 24th instant.

(Here enter No. 125)

Read letter dated the 17th instant
from the Magistrate in the gaol Court of Cradock
with abstract statement of prisoners cases for Novem-
ber and December.

(Here enter No. 126)

16th February 1817

Read report dated the 13th instant
from the Criminal Judge on the gaol of Uitenhage &
prisoners confined under sentences.

(Here enter No. 127)

Summaries

At a Court of the Forejdarree Udalat

Present

Monday
3d March 1817. Andrew Scott Esqr.
Edward Croft Greenaway Esqr. } Judges
George Stratton Esqr.

At
686

Read letter, dated the 17th ultimo
from the Magistrate in the Gulla of Vizagapatam
submitting whether the rewards which were offered for
the apprehension of offenders under Regulation XIII. of
1809 may not be made payable, on the conviction
of the offenders, under Section XXII Regulation IX of
1816.

(Here enter No. 132.)

The rewards here mentioned were
authorized by the Court of Foujdarree Udalut
and by the Governor in Council for the apprehension
of proclaimed Robbers, and they were declared
to be payable, on the delivery of the persons proclaimed
to the Magistrate of Vizagapatam, according to
the provision of Section III. Regulation XIII. of 1809.
The above quoted regulations has
been rescinded by Section II. Regulation IX of 1816.

3: March 1817

but as the rewards in question were offered in respect of an offence prosecuted by the late Magistrate in the ordinary course prescribed for the apprehension of public offenders would be ineffectual, the Board consider it to be expedient that the same reward should be authorized payable, agreeably to the provisions of Section XXII Regulation IX of 1816 on the conviction of the offender or offenders before the Court of Circuit, and they accordingly resolve to recommend that Government may be pleased to sanction, with the modifications, all such offers of rewards as they formerly authorized for the apprehension of offenders on the Gallies of Negapatam under Regulation XIII of 1809

It will be the duty of the Magistrate to read the several proclamations which may have been circulated, under the provisions of the last mentioned regulations, within the gallies of Negapatam.

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

Last following letter.

(Here enter No 1)

3: March 1817

Read letter dated the 21st ultimo from the Criminal Judge on the gallies of North Malabar, certifying for the fourth Certificate of pardon to the Peisnar Pakeeandy Pacoo, who has fulfilled the conditions on which the offer of Pardon was authorized by Government.

(Hereunto No 134)

It appearing to the Court from the foregoing letter that Pakeeandy Pacoo, to whom the late Magistrate was authorized, under date the 22d June last, to tender a pardon on condition of his making a full disclosure of every circumstance within his knowledge relative to the commission of a daring robbery and regarding the several persons thereon concerned has fulfilled the conditions of the pardon so tendered to him by the late Magistrate;

Ordered that the certificate of pardon specified in Section XX. Regulation VIII. of 1802; in confirmation of such conditional pardon, be transmitted by the Criminal Judge, late Magistrate of the gallies of North Malabar to the Magistrate of the gallies of South Malabar for the purpose of being delivered to the party for his security as far as regards the act referred to.

Send following Receipt No 13 with certificate of pardon.

I

3d March 1817

Read letter dated the 21st ultimo
from the 1st Judge enclosed in the Eastern Division —
with returns from the Provincial Judges of Pleas upon
the Prisoners in case N 15 of the Pleas calendar
for Quarterly Sessions of 1816. whereby the 1st Judge
of Circuit has ordered to be confined in such place
and manner as may be consistent with the
public safety

(Here enter N 131)

Read letter dated the 26th ultimo
from the Provincial Judge on the gaol of Cornwallis with
Abstract Statement of Prisoners Crimes for 1816.

(Here enter N 135)

Read letter dated the 25th ultimo
from the Magistrates on the gaol of Pictou with
Abstract Statement of Prisoners crimes for November
and December.

(Here enter N 133.)

R. A.

Copied

F. U.

1

At a Court of the Fourjudges Adjutant
Present

Wednesday
5th March 1817

Andrew Scott Esqre
Edward Croft Greenway Esqre
George Stratton Esqre
Judges

Read return dated the 2d
January last from the Court of Circuit in the
Western Division to the Courts precept of 4th ultimo
explanatory of
calling for their opinion regarding the erecting
or appropriating a separate building at each
Gaol station for the confinement of insane
prisoners

(Here enter N. 10 of 1817)

Read also return dated the 9th
January last from the Provincial Court of
Circuit in the Southern Division to the Courts
precept of 4th ultimo requiring their opinion
relative to the proposed establishments for
Lunatic Prisoners

(Here enter N. 29 of 1817)

Read also return dated the 15th
January last from the Provincial Court of
Circuit in the Northern Division to the Courts
precept of 4th ultimo calling upon them for
their

their opinion regarding the expediency of
erecting or appropriating a Separate building
for the confinement of insane prisoners at each
Zilla Station.

/ Herewith No 42 of 1817 /

Read the return dated the
27th January last from the Provincial Court of
Circuit for the Centre Division to the Secretary
Precept of 4th December last on the subject of
the erection of buildings for insane prisoners

/ Herewith No 94 of 1817 /

Read the letter dated the 5th
Ultimo from the Provincial Court of Circuit
for the Centre Division stating that they
have received a Return from the Criminal
Judge of Bellary on the subject of the Jurisdiction
Establishments for insane prisoners, but
that they do not consider it necessary to
forward the same to the Sudder Adawlut

/ Herewith No 112 of 1817 /

The Court proceed to take
into consideration the Returns which have
been received from the several Courts of Circuit
to their Precept of the 4th December last
calling for the opinions of the Judges
regarding the expediency of erecting or appro-
priating

5th March 1817.

erecting a separate building at each Zilla
Station within the vicinity of the Jail or otherwise
for the confinement of such prisoners as may
be found to be suffering under mental de-
rangement and desiring that these opinions of
the Judges might be accompanied by such suggestions
as should be deemed expedient respecting the
management and control of the proposed es-
tablishments, in order to their being sub-
mitted, with the opinions of the Court of
Sudder Adawlut, for the consideration and
orders of Government

The Judges of the Court of
Circuit for the Southern Division state in
their opinion that the Lunatic Prisoners
should be confined in a separate building
in the vicinity of the Jail and that the
management and control over the
Prisoners should be vested in the Criminal
Judges and their medical Superintendence
in the officers of that Department attached
to the several Zilla Stations

The Judges of the Northern Provincial
Court express their concurrence in the expediency
of erecting or appropriating a Separate building
at each Zilla Station for the confinement

of

5th March 1817

of Lunatic Prisoners and state that they have called upon the several Criminal Judges in the Northern Division to submit their opinions with regard to the management and contraul of such establishments.

The Return from the Court of Circuit for the Centre Division is accompanied by the copy of a return from the Criminal Judge of Chittoor containing detailed remarks on the subject of the proposed establishment in which the Judges of the Circuit Court entirely concur. It is the opinion of the Criminal Judge that Lunatic Hospitals should be established in the first instance at each Provincial Station and that the plan should eventually be extended, if found necessary. The Criminal Judge is further of opinion that the building for the reception of Lunatics should be constructed on a moderate scale in the vicinity of the Jail and he states it to be the suggestion of the Medical officer stationed at Chittoor that peons and accustomed to attend Lunatics at the Hospital at Madras should be sent up to be employed in the same manner in the several Lunatic Hospitals which may be established at the outstations.

Hon

10th March 1817

27 Fn 06
5th March 1817.

The officiating Judge of the Court of Circuit for the Western Division is also of opinion that a Lunatic hospital should be established at the Provincial Station & he observes that there are several public buildings at Tellicherry at present unoccupied which might, at a small expence, be made to accommodate "not only all the insane "Prisoners in the Division but all deranged "persons whose relations or friends have "not the means to provide for their "support or safe custody." The report of the Medical officer attached to the Courts of Judicature at Tellicherry, which accompanies the return of the officiating Judge, contains some judicious observations connected with the subject before the Court, and this Gentleman submits it as his opinion that the establishment of the proposed hospital should consist of a Native Superintendent and Assistant Superintendent with certain other native Servants which would be attended with an expense of about ten pagodas a month.

The Court of Foujdaree Adalut concur generally in the reasons adduced by

5th March 1817

of Lunatic Prisoners and State that they have called upon the several Criminal Judges in the Northern Division to submit their opinions with regard to the manage-ment and contract of such establishments.

The Return from the Court of Circuit for the Centre Division is accompanied by the copy of a return from the Criminal Judge of Chittoor containing detailed Remarks on the subject of the proposed establishments in which the Judges of the Circuit Court entirely concur. It is the opinion of the Criminal Judge that Lunatic Hospitals should be established in the first instance at each Provincial Station and that the plan should eventually be extended, if found necessary. The Criminal Judge is further of opinion that the building for the reception of Lunatics should be constructed on a moderate scale in the vicinity of the Jail and he states it to be the suggestion of the Medical officer stationed at Chittoor that persons accustomed to attend Lunatics at the Hospital at Madras should be sent up to be employed in the same manner in the several Lunatic Hospitals which may be established at the outstations.

The

2d F. C.

2d F. C.
5th March 1817.

The officiating Judge of the Court of Circuit for the Western Division is also of opinion that a Lunatic hospital should be established at the Provincial Station. He observes that there are several public buildings at Tellicherry at present unoccupied which might, at a small expense, be made to accommodate "not only all the insane "Prisoners in the Division but all deranged "persons whose relations or friends have "not the means to provide for their "support or safe custody." The report of the Medical officer attached to the Courts of Judicature at Tellicherry, which accompanies the return of the officiating Judge, contains some judicious observations connected with the subject before the Court, and this Gentleman submits it as his opinion that the establishment of the proposed hospital should consist of a Native Superintendent and Assistant Superintendent with certain other native Servants which would be attended with an expense of about ten pagodas a month.

The Court of Foujdaree Adaulut concur generally in the Reasons adduced by

the Courts of Circuit in the Centre and Western Divisions for a modification of the plan which was originally circulated to the several Courts of Circuit for their consideration and opinions and the Court accordingly resolve to recommend that Government may be pleased to authorize the establishment of Lunatic hospitals at the stations of the several Courts of Circuit for the reception and care, not only of the Lunatic Prisoners within each Division, but of all insane Persons whose friends may be unable to take such care of them as to prevent the possibility of their doing mischief; Should the measure here recommended meet the approbation of Government, the Court will be prepared to direct that the Magistrates in the several Divisions do promulgate the nature and object of the proposed institutions for general information and that they do send to the Sudr Stations of the Divisions all insane persons, within the limits of their respective Zillas, from whose insanity they may have reason to apprehend any fatal effects and whose friends may not be able and willing to answer for their safe custody.

It appears by the Returns from the Western Division that there are public Lunatic

at Tellicherry which may easily be appropriated for a Lunatic Hospital. At Chittoor it will be necessary that a building should be constructed for the purpose; and when the Court shall receive the orders of Government they will obtain the necessary information on the above point from the Courts of Circuit at Masulipatam and Trichinopoly respectively.

The native establishment recommended by the Medical Officer at Tellicherry may eventually be found deserving of general adoption, and the suggestions of the Surgeon attached to the Courts of Judicature at Chittoor may also be considered likely to promote the beneficial ends contemplated in the institution of hospitals for the reception and care of Lunatics.

In conclusion, the Court are enabled to state, upon the authority of a passage in Mr. Harington's Elementary Analysis of the Bengal Regulations, that similar hospitals have been established at the stations of the several Courts of Circuit under the Presidency of Fort William.

Ordered that the foregoing Returns and Extract of these proceedings be transmitted

5th March 1817

= mitted to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honble the Governor in Council

Sent following letter

/Here enter A/

RA

M

Copied

F. U.

In a Court of Foujdaree Udalut

Monday 10th March 1817.

Present

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

Read letter dated the 3d Ultimo;

M from the 3d Judge on Circuit in the Western Division transmitting his proceedings held in case No 1 of the Additional Calendar of the Zilla of South Malabar for the 2d Sessions of 1816.

/Here enter No 95 of 1817/

The Court having maturely considered the Proceedings held before the Judge on Circuit the pleas of the Provincial Law Officer and the pleas of the Cazee ool Coogat and Mooftees of the Foujdaree Udalut do confirm the said pleas of the Cazee ool Coogat and Mooftees aforesaid and acquitting the Prisoner

Paddeparra Mittil Tewoo Chetty

do direct that he be released accordingly.

Sent following letter

/Here enter A/

Read letter dated the 14th December

5th March 1817.

mitted to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council

Sent following letter

/Here enter A/

RA.

M

GW

Ofsd

F. U.

In the Court of Foujdaree Udalut

Monday 10th March 1817.

Present

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

Read letter dated the 3d Ultimo,

M from the 2d Judge on Circuit in the Western Division transmitting his proceedings held in case No 1 of the Additional Calendar of the Zillah of South Malabar for the 2d Sessions of 1816.

GW

/Here enter No 95 of 1817/

The Court having maturely considered the Proceedings held before the Judge on Circuit the futwa of the Provincial Law Officer and the futwa of the Cazee ool Coogat and Mooftees of the Foujdaree Udalut do confirm the said futwa of the Cazee ool Coogat and Mooftees aforesaid and acquitting the Prisoner

Paddapora Mittil Tewoo Chelly

do direct that he be released accordingly.

Sent following letter

/Here enter A/

Read letter dated the 14th

Recd

10th March 1817

December last from the Criminal Judge in the Zilla of Salem - stating that he has forwarded to the Criminal Judge at Chittoor the Prisoners Moonea Naik and Soorea Munjea and transmitting copies and translations of the depositions of Soorea Munjah, and Copies and translations of documents relative to his former apprehension and release

/ Hereunto No. 721 of 1816 /

Read also letter dated the 19th January last from the 3d Judge on Circuit in the Centre Division - transmitting his proceedings held in case No. 32 of the Chittoor Calendar for the 1st Quarterly Sessions of 1817

/ Hereunto No. 129 of 1817 /

The Court having maturely considered the Proceedings held before the Judge on Circuit the Future of the Provincial Law Officer and the future of the Cazee and Mooftees of the Foujdaree Adaulut do confirm the said future of the Cazee Coozat and Mooftees aforesaid and it appearing that notice of the Penalty provided by Clause Second Section IX Regulation XV of 1803, on omission of return from transportation was duly made to the Prisoners Soorea Munjah and Moonea Naik, at the time

10th March 1817

upon them, the Court do direct that they, the said Prisoners,

"Soorea Munjia" and

"Moonea Naik"

be again imprisoned and transported to Prince of Wales's 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

/ Hereunto B /

Read letter dated the 8th instant from the 3d Judge on Circuit in the Centre Division - transmitting his proceedings held in case No. 29 of the Cuddapah Calendar for the 1st Sessions of 1817.

/ Hereunto No. 101. of 1817 /

The Court having maturely considered the proceedings held before the Judge on Circuit the future of the Provincial Law Officer and the future of the Cazee and Mooftees of the Foujdaree Adaulut do confirm the said future of the Cazee Coozat and Mooftees aforesaid and under the Provisions of Clause first Section

IX

10th March 1817

IX Regulation XV of 1803 &c direct that the first Prisoner

"Kencalaraumoodoo"

be again imprisoned and kept to hard labour in irons on the public roads or other public works for and during the remaining period of his former sentence, excluding of the time which has elapsed from the period of his escape till the date of the present sentence, and that he be afterwards imprisoned and kept to hard labour in irons on the public Roads or other public Works for and during the period of twelve Calendar months

And the Court do direct that the remaining Prisoners

2d "Kummum Kenentegunda"

3d "Coobbaletta" and

4th "Cooroba Navigodda"

be again imprisoned and kept to hard labor in irons on the public roads or other public works for and during the remaining period of their respective sentences, excluding of the time which has elapsed from the period of their escape till the date of the present sentence

Sent following letter
/ Rescinder CJ

10th March 1817

In delivering their Finding in the present case the Law Officers remark that the Statement of the Government "Naked respecting the death of the Poo Permaloo, in consequence of the wounds inflicted by the first Prisoner Kencalaraumoodoo, has "not been proved."

With reference to this remark the Court have to observe that, at the end of the Criminal Judge's Proceedings, is recorded copy of a Certificate signed by the Criminal Judge and dated the 27th January 1814, wherein it is stated that the two native Doctors were present who had attended the deceased Permaloo under the instructions of the Assistant Surgeon Shadforth. Their names, however, are not entered on the list of witnesses summoned by desire of the Prosecutor / the Prosecution being in the present instance, conducted by Government / and it does not appear that any steps were taken by the Judge presiding at the trial with a view to ascertain the fact of the Poo's death in consequence of the aforesaid wounds.

The omission here specified is obviously

obviously upon a point which must very
material to the issue of the case, inasmuch
as the measure of punishment to be
adjudged in cases of Escape from imprison-
ment entirely depends on the degree of
violence or circumstances of aggravation
which may be proved to have attended
such escape, and the Court do therefore
direct that the omission be brought to the
particular notice of the third Judge on
Circuit in the Centre Division as well as
of the Criminal Judge in the Zilla of
Cuddapah.

Ordered that the
proceedings be sent to the 3d Judge on
Circuit in the Centre Division by Receipt
directing him to make the necessary
communication to the Criminal Judge
in the Zilla of Cuddapah for his
information and future guidance.

Sent following Receipt
Here enter D

Read letter dated the 21st Instant
from the 3d Judge on Circuit in the Northern
Division transmitting his Proceedings held
in case No 5 of the Sellore Calendar for

the

Here enter No 136 of 1817

The Court having maturely
considered the Proceedings held before the
Judge on Circuit the Futwa of the Provin-
cial Law Officer and the Futwa of the
Cazee ool Coogat and Mooftees of the
Sudder Adalut do confirm the said
Futwa of the Cazee ool Coogat and
Mooftees aforesaid and accordingly
direct that the Prisoners

1st "Allabuksh" alias "Sheik Hoosains"
2d "Hussain Shaw" alias "Syed Meer"
3d "Sheik Hussain" alias "Meyan"
4th "Sheik Ryder"
5th "Mullady Imaum Saheb," alias
"Immos" alias "Pemmeda Imaum" &
6th "Sheik Madar"

be set at liberty

Sent following letter
Here enter E

The Judge on Circuit states that
he has submitted the Record of the foregoing
trial for the final orders of the Sudder Adalut
in consequence of the Provincial Law Officer having
"in the first instance acquitted the Prisoners on
"the ground that the Witnesses who appeared
against

10th March 1817

against them had been declared subject to the second question from the Court, having declared the Prisoners subject to Tanjore-is-Studied.

This second Reference appears to have been made under a misconception of the Provisions of the Regulations, since the Prisoners were declared to be "not guilty" on a principle of Mahummudan Law which has not been modified by any Regulation passed by the Governor in Council, and it was therefore incumbent on the Judge presiding at the trial, provided he concurred in the opinion expressed by the Law Officer, to pass an immediate sentence of acquittal, unprovided he saw cause to disapprove such opinion, to submit the case, without any demand, Reference to the Law Officer, for the sentence of the Foujdaree Udalut.

With regard to the recommendation of the Judge that the Prisoners may be ordered "to be detained in confinement until they "produce good and sufficient security for their "future good conduct," the Court consider it necessary to observe that the Prisoners in question, who represent themselves to be inhabitants of the Mahratta dominions,

of

3d Fn Cr.

10th March 1817.

of Mysore Son of Chittoor, must be supposed to be unknown at Nellore and that to require bail under such circumstances would probably be to subject the Prisoners to perpetual imprisonment

Ordered that extract of these proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information and future guidance.—

Sent following letter

R.A. / Here enter F.

25

N

W

Wednesday
12th March 1817.

At a Court of the Foujdaree Adaulut

Present

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

Read the letter dated the 27th ultimo
from the Third Judge on Circuit in the Cuttack Division,
with copy of Cuddeapatah Calendar 1st Sessions of 1817.
(Vide order No. 137.)

In the Column containing the Abstract
of examinations before the Criminal Judge with the
grounds and date of commitment for trial on No. 30
of the foregoing Calendar the Court find an opinion
recorded by the Criminal Judge that, as he is
prohibited by Section VIII. Regulation X. of 1816 from
taking cognizance of any criminal charge or information
except such as may be brought before him by the
Magistrate or some fellow officer under his authority,
he is also prohibited from committing for trial
upon a Requisition of or the predicament of the
person case being committed
Criminal Judge Cuttack on the part of
the Requisitioner.

The

The former has reference to the Criminal Judge as an officer to the two inferior and inferior of the ~~Collectorships~~ Regulations recommending to exclude the Court before which the Perjury may be alleged in the proper authority to commit or to direct the commitment of the Officiates for trial. The recommitment on Regulation IX of 1816 of the provisions of Section VIII Regulation I of 1814 whereby Magistrates are prohibited from receiving charges of Perjury which may be preferred by the Parties on Civil Suits, clearly shows that the Law with regard to commitments for Perjury is not altered in any degree by the recommitments, and the Court ~~Circuit Judges~~ have still a ordinary commitment ~~they~~ have drawn from the wording of a section which defines the mis-behaviour of the Criminal Judge to receive a false information ~~only~~ of such criminal charge or information as may be brought before them by a Magistrate or some Police Officer, but which authority cannot be held to restrict the Criminal Judge from ordering commitment in any case of Perjury which may come at trial of such charge or information as may be brought before him.

In Nos 47 and 55 of the Calendar the Prisoners, who appear to have been formerly Revenue Officers of the Government, are charged by the Government Vakeel on the part of the Collector, the one with having received a bribe from a Ryotar and the other with having concealed the circumstances of a bribe which came to his knowledge while in charge of the Chittagong District. The proceedings in both these cases are stated to have been returned to the Criminal Judge and the Prisoners to have been released under the orders of the Judge in Circuit who considered the cases not to be amenable to the jurisdiction of the Court of Circuit they being provided for in Clauses Seventh and Eighth Section XII Regulation XII of 1807.

The Regulations have granted and framed for the appointment of the Criminal Officers of the Civil and Criminal Courts of Judicature and the provisions of the aforesaid Clauses relate exclusively to charges of corruptions or extortions that may be preferred against such Ministerial Officers of

12th March 1817.

of the Courts of Judicature.

Such being the nature and object of the Regulations now questioned, the Court do not understand how the provisions can be quoted in bar of the right of Government or the Representations to prefer before the Criminal Courts charges of corruption or extortion against native Officers employed in the Collection of the Revenue who clearly do not come within the operation of the above Regulations.

Ordered that extract of these proceedings be forwarded to the Third Judge on Circuit in the Centre Division; that the attention of the Third Judge be particularly called to the latter part of the Proceedings and that he be by Precept commanded to communicate the whole to the Criminal Judge on the Gillas of Cuddapah for his information and future guidance.

(Sent following Precept No.)

Read letter dated the 4th instant from the Criminal Judge on the Gillas of Cuddapah with Mark list of Convicts sentenced to transportation.

(Here enter No 138)

12th March 1817

Read returns, dated the 27th ultimo from the Third Judge of Circuit in the Western Division to the Courts precept of the 14th ultimo desiring him to explain whether he has hitherto practised on receiving the confessions of Prisoners to be read aloud to the witnesses who depose to the crimes after hearing their views were evidenced.

(Here enter No 139)

Read letter, dated the 3d instant from the First Judge on Circuit in the Southern Division with copy of Cuddapah Calendar 1st Sessions of 1817.

(Here enter No 140)

Read returns dated the 28th ultimo from the Provincial Court of Circuit in the Western Division to the Courts precept of the 8th ultimo desiring them to communicate what of the Courts proceedings to the Criminal Judge of North Malabar.

(Here enter No 141)

Read letter, dated the 5th instant from the Third Judge of Circuit in the Western Division with copy of North Malabar Calendar 1st Quarterly Sessions of 1817.

(Here enter No 142)

10

12th March 1817

Read letter dated the 26th Ultimo
from the Honorable Court of Circuit on the Centre
Division explaining the causes of [illegible] there
in recommending the grant of a reward under Sec.
Regulation VI of 1811 instead of Regulation IX of
1816

(Here enter No 123)

Read letter dated the 8th instant
from the Secretary to Government in the Judicial
Department with extract of Proceedings taken by the
Sudder Foujdaree and Sudder Adawlut

250

(Here enter No 124)

RA

W

Copied

S. U.

Wednesday 19th March 1817

At a Court of Foujdaree Udalut
Present
Andrew Scott Esqre
Edward Croft Greenway Esqre Judges
George Stratton Esqre

Read letter dated the 15th Ultimo
from the 3d Judge on Circuit in the Centre Division
transmitting the proceedings held in case No 2
of the Cuddapah Calendar for the 1st Sessions of
1817

RA

(Here enter No 124 of 1817)

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 Mooftees of the Foujdaree Udalut
do confirm the said Futwa of the Cazee ool-
Cozat and Mooftees aforesaid and, under the
discretion vested in them by the Provisions
of Section XVII Regulation VIII of 1802, do
adjudge the Prisoner
"Moolegaloogandoo"
to suffer death by being hanged at the usual

time

12th March 1817

Read letter dated the 26th Ultimo from the Honorable Court of Circuit in the Centre Division explaining the causes of [illegible] their recommending the grant of a reward under Regulation VI of 1811 instead of Regulation IX of 1816

(Here enter No 163)

Read letter dated the 8th instant from the Secretary to Government in the Judicial Department with oaths of Office taken by Mr Vaughan and Mr Austley

(Here enter No 164)

20

M R.A.

GW

Wednesday 19th March 1817

In the Court of Foujdaree Adalut

Present

Andrew Scott Esqre
Edward Croft Greenway Esqre
George Stratton Esqre
Judges

Read letter dated the 15th Ultimo from the 3d Judge on Circuit in the Centre Division transmitting his proceedings held in case No 2 of the Cuddapah Calendar for the 1st Sessions of 1817

M

GW

(Here enter No 124 of 1817)

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 and, under the discretion vested in them by the Provisions of Section XVII Regulation VIII of 1802, do adjudge the Prisoner

"Moolegalooganda"

to suffer death by being hanged at the usual

time

time and place of execution

Sent following letter

Enclosure A/

The confession which was dictated by the Prisoner before the Magistrate on the 19th of July last and which was duly authenticated before the Court of Circuit by the evidence of the Witnesses, Accepting and Examination, from the ground on which the Court of Fouzdaree Adalut have adjudged him to suffer death, but the Record of the Proceedings held on this case exhibits, the Court regret to observe, evident marks of inattention and negligence on the part of the Kazi Judge of Circuit

On the 21st of January the Prisoner "after hearing the charge and evidence against "him" is represented to have stated all he had to urge in his defence, yet on the 27th of the same month the Prisoner was again put to the bar and two Police Peons were examined on the part of the Prosecution. The proceeding here noticed is not only an direct departure from the Regulations but an infraction of every principle of justice, and the Court of Fouzdaree Adalut consider it scarcely necessary to add that even had the evidence of the Witnesses

on

in question been admissible under the Mohummedan law, it must have been rejected by the Court in consideration of the circumstances under which it was taken before the Court of Circuit

The inattention of the Judge on Circuit is evinced by the various discrepancies observable between the English and Persian translations of the Record. Of these the Court will only adduce two instances, the first of which is to be found in the commencement of the Prisoner's declaration, dated the 19th of July last, where, according to English translation, the Prisoner states that he is "entirely guilty of the crime;" whilst the declaration is in the Persian as follows "Sanction is in the Persian as follows "Sanction "the person to be charged, you must release "the Prisoner Erroneous" The second of variation, which is very essential, is in the deposition of the fourth witness, Kureem Bux who, according to the English translation, when asked by the Judge on Circuit whether he knew the Prisoner at the bar, is represented to have answered "I do not know him; but I "was present at the examination of the Prisoner "before the Magistrate &c.", leaving it to be inferred

Enclosure A

10

19th March 1877. inferred that the Witness was not acquainted with the Persian previously to such examination whereas the Persian translation runs thus— "I am not well able to recognize the Prisoner" implying, as the Law officers have remarked in their Futwa, that he was unable to speak to the Prisoner's identity—

These defects are brought to the notice of the third Judge in order that he may see how indispensable it is that the English and Persian translations of the original Proceedings held in criminal cases should undergo a careful revision and comparison before they are sent up to the Foujdaree Adalut

Ordered that extract of these proceedings be sent to the 3d Judge on Circuit in the Centre Division for his information and future guidance.

Sent following letter

/ Here enter B /

Read letter dated the 22d Ultimo, from the 3d Judge on Circuit in the Northern Division transmitting his proceedings held in case No 14 of the Guntoor Calendar for the 1st Sessions 1877

(Here enter No 145 of 1877)

The Court having maturely considered the

2/ F. C.

19th March 1877 the proceedings held before the Judge on Circuit the Futwa of the Provincial Law officers and the Futwa of the Sagaeeal Cazgat and Mooftees of the Foujdaree Adalut to confirm the said Futwa of the Sagaeeal Cazgat and Mooftees aforesaid and accordingly direct that the Prisoner

"Moorad Khan"

be set at liberty—

Sent following letter

/ Here enter C /

On the Record of the Proceedings held in this case before the Judge on Circuit is entered a Return of the Nazir, stating "that the "first Witness, Khan Mahomed, had proceeded "to Mecca and could not be produced in "Court—

This circumstance demands explanation, and the Court do therefore direct that the Criminal Judge, late Magistrate, in the Talla of Guntoor be called upon to state whether the said Witness was bound over to attend and give his evidence at the Session of the Court of Circuit, and if so whether the amount of his Recognizance was determined by the late Magistrate on a due consideration of the case and the Witness's circumstances

and

and condition in life and further whether the Property
has been forfeited to Government in consequence
of the condition of it not having been performed

The Provincial Law officers stated
in his Futwa that if the two witnesses who
appear on the part of the Prosecution, the
first is a Servant of the Prosecutor and the
Second a Limmar, and that consequently their
evidence is inadmissible; upon which the
Judge on Circuit puts a second question
regarding the punishment to which the
Prisoner would have been liable under the
Mohummudan Law had the testimony of
these Witnesses been admissible.

The principles of a Mohummudan
law on which the evidence of the first Witness
was declared to be inadmissible has not been
altered or modified by any Regulation and it
was only competent to the 3d Judge, therefore
to ask the Law officer what would have been
his futwa supposing the second Witness to
have been a Mohummudan

In the last place the Court have
to remark that the Judge on Circuit assigns
as his sole reason for referring the trial to the
Foujdaree Adaulut that "the punishment for
"a crime of this description is not specifically

"provided for in the Regulations and that he
"has doubts how far the Prisoner intended to
"murder the Prosecutor"

Clause seventh, Section II Regulation
XV of 1803, which is enacted for the guidance
of the Courts of Circuit in cases where the crime
of which a Prisoner is convicted and for which
he is declared liable to discretionary punishment
shall neither have been specifically provided
for by any Regulation nor by the Mohummu-
dan Law, defines the circumstances under
which cases of this description are to be sub-
mitted to the Foujdaree Adaulut; but the
Judge will find, on reference to Section XXV
Regulation VII of 1802, that whenever the
Law Officers of the Courts of Circuit are required
to declare what would have been their Futwa
supposing the Witnesses to have been of
Mohummudans, the Courts of Circuit are
enjoined, in all such cases, to transmit their
Proceedings to the Court of Foujdaree Adaulut.

Ordered that extract of these
Proceedings be sent to the 3d Judge on Circuit
in the Northern Division for his information
and future guidance, and that he be by Precept
commanded to call upon the Criminal Judge
in the Zilla of Guntoor for the information
required

19th March 1817

required in the first part of these Proceedings

Sent following Receipt

/Here enter D/

Read letter dated the 6th Instt.

from the 3d Judge on Circuit in the Western Division

transmitting this proceedings held in case No 16

of the South Malabar Calendar for the 2d

Sessions of 1816.

/Here enter No 113 of 1817/

The Court having maturely

considered the proceedings held before the Judge

on Circuit the Futwa of the Provincial Law Officer

and the Futwa of the Cazee ool Coogat

Mooftees of the Tayclaree Adalut do confirm

the said Futwas of the Cazee ool Coogat and

Mooftees aforesaid acquitting the Prisoner

"Vallanpidiakal Komhanman"

do direct that he be released accordingly

Read letter dated the 19th Instt.

from the 3d Judge of Circuit in the Western Division

transmitting this proceedings held in case No 2 of

the additional South Malabar Calendar for the

2d Sessions of 1816.

/Here enter No 131 of 1817/

The Court having maturely

considered the proceedings held before the

21 & 22.

3d F. 16.

19th March 1817. Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Coogat and Mooftees of the Tayclaree Adalut do confirm the said Futwas of the Cazee ool Coogat and Mooftees aforesaid and accordingly direct that the Prisoners

"Parrayantarrakel Mamod," alias "Kannery Moideen" alias "Maidoo," and "Vallate Tenoo."

be set at Liberty

Sent following letter

/Here enter E/

Read Remarks of the Cazee ool Coogat and Mooftees of the Tayclaree Adalut on the Futwas delivered by the Provincial Law Officer in cases No 15 of the South Malabar Calendar and No 2 of the additional South Malabar Calendar for the 2d Sessions of 1816.

/Here enter Remarks/

The Court direct that the foregoing Remarks be sent, accompanied by an English translation, to the 3d Judge late on Circuit in the Western Division by Receipt commanding him to communicate the same to Moulvee Ghoolam Imaum, Mooftee of the Provincial Court, and to

warn

19 March 1817

Judge in the Zilla of Combaconum in order
That he may guard against its recurrence.
Ordered that extract of these
Proceedings be sent to the Criminal Judge
in the Zilla of Combaconum for his
information and future guidance.
Sent following letter
/ Heeranten G /
Read letter dated the 10th Instant,
from the Criminal Judge in the Zilla of
Chingleput reporting the arrival from
Negapatam of a Convict under sentence of
Transportation -
/ Heeranten No. 1471
Read letter dated the 5th Instant,
from the 3d Judge on Circuit in the Centre
Division reporting his arrival at Bellary. -
/ Heeranten No. 1461 5 20

R.A.

19 March 1817

main Line against the recurrence of such
in future, & that Extract thereof
be transmitted from this Station to the
ground of such proceeding -
Sent following Receipt
/ Heeranten F /
Read letter dated the 5th Instant
from the Criminal Judge in the Zilla of
Combaconum transmitting Abstract of Proceedings
sentences passed at the 4th Sessions of 1816 on Prisoners
reference to the Temporary Abstract & Report
of Prisoners confined under sentences
/ Heeranten No. 1439 /
In the form of Report prescribed
by Section XXXVII Regulation X of 1816 for
Prisoners confined under sentences
correspondent with that formerly required by
Section XXX Regulation VI of 1802) which differs
runs thus - "Report of Prisoners confined under
sentence to the
" which blanks
is intended to be filled up with the date of the
to which the Report is furnished, that the
Report transmitted with the foregoing letter
is entitled a "Report of Prisoners confined
under sentences to the Zilla of Combaconum
the Court direct that the Prisoners
be brought to the notice of the Criminal

2/ F. U.

Copied.

F. U.

1.

Monday 24th March 1817

At a Court of Foujdaree Udalut

Present

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

Read letter dated the 10th Instant from the 3d Judge on Circuit in the Centre Division transmitting his proceedings held in case No. 17. of the Bellary Calendar for the 1st Sessions of 1817.

1. Cercenter No. 152/

The Court having maturely considered the proceedings held before the Judges on Circuit the Futwa of the Prainical Law Officer and the Futwa of the Cazee ool Coogat & Mooftees of the Foujdaree Udalut do confirm the said Futwa of the Cazee ool Coogat and Mooftees aforesaid and sentence of Kissas declared by the Futwa to adjudge the Prisoner

"Budagandoo"

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

Sent following letter

/Cercenter A/

Read

Read Letter dated the 5th Instant
from the 2d Judge on Circuit in the Western Division
transmitting his proceedings held in case No 1
the North Malabar for the 1st Quarterly
Sessions of 1817

/Here enter No. 150./

The Court having maturely
considered the proceedings held before the
Judge on Circuit the Future of the Provincial
Cazgat and Mooftees of the Fayedara Adalat
do confirm the said Sentence of the Cazgat and
and Mooftees aforesaid and accordingly direct that
the Prisoner
"Koopadakem Koroo"
be set at liberty.

Sent following letter
/Here enter A/

It appearing to the Court that
the General Abstract of Criminal trials on which
Sentences have been passed by the Fayedara Adalat
have been omitted to be prepared during the last
five years;

The Court direct that General
Abstract Statements of the Criminal trials
on which Sentences were passed during the

24th March 1817 Years 1812, 1813, 1814, 1815 & 1816 be forthwith
prepared and transmitted to the Secretary
to Government in the Judicial Department
for the purpose of being laid before the
Right Honourable the Governor in Council.

Sent following letter
/Here enter C/

The Court not having yet received
the Report prescribed by Section XXXVII Regulation
VII of 1802, either from the 2d Judge of Circuit
in the Northern Division or from the 3d
Judge of Circuit in the Western Division on
were respectively on Circuit during the second
jail delivery of 1816;

Ordered that each of the said
Judges be by Precept commanded to send up
the Report in question with as little delay
as possible.

Sent following Precept
/Here enter D./

Read return dated the 10th Instant
from the 2d Judge on Circuit in the Western
Division - to the Courts precept of the 26th Ultimo
commanding him to communicate Extract of the
Courts Proceedings to the Criminal Judge
in

24th March 1817

in the Zilla of South Malabar for his information—

/Here enter No. 154/

Read letter dated the 11th Instant, from the 3d Judge on Circuit in the Western Division with returned Warrant of execution in case No. 64 of the additional South Malabar Calendar for the 2d Sessions of 1816.

/Here enter No. 155/

Read letter dated the 13th Instant, from the 1st Judge on Circuit in the Southern Division—Reporting his arrival and the commencement of the Sessions at Salem.

/Here enter No. 149/

Read letter dated the 13th Instant from the 3d Judge on Circuit in the Centre Division—Stating that the Court of Circuit will leave Bellary for Chinglepet on the 13th Instant.

/Here enter No. 156/

Read letter dated the 14th Inst. from the Criminal Judge in the Zilla of South Malabar forwarding the returns of Prisoners as prescribed by Section XXXVI, Regulation X of 1816.

/Here enter No. 159/

21
F. C.
24th March 1817.

Read letter dated the 12th Instant, from the Criminal Judge in the Zilla of Cuddapa forwarding the half Yearly Report prescribed in Section XXXVI, Regulation X. of A.D. 1816.

/Here enter No. 161/

Read letter dated the 19th Instant, from the Criminal Judge in the Zilla of Verdachellum forwarding Reports according to Section XXXVI. Regulation X of 1816.

/Here enter No. 163/

20

RA

Read the following letters from the Criminal Judges in the Zilla of Salem, of Nagapatam, Verdachellum, North Malabar, Tinnevelly, Masulipatam, Madura, Ganjam, Chinglepet, Chittoor, Trichinopoly, Coimbatore, Guntoor, Seringapatam, Bellary, South Malabar, Cochin, Combaconum, Rajahmundry, Nellore, & Cuddapah, with quarterly Reports of Prisoners for the Months of November and December.

/See Reports Nos. 27, 33, 36, 37, 40, 42, 52, 50, 57, 64, 56, 55, 66, 67, 75, 80, 82, 92, 103, 127, & 157./

Let the following letters & Returns be entered in the Sessions Department

Seringapatam

24th March 1817 No 1

To the Secretary to the Government with the Judicial Department.

Sir,

I am directed to transmit to you General Abstract Statements of the Sentences passed in the first instance by the Court of Foujdary Adawlut during the years 1812. 1813. 1814. 1815 and 1816 being those referred by the Courts of Circuit and Judicature in the several Zillas and there referred by Special Courts under the provisions of Regulation XX of 1802; and showing the number of persons whose sentences have been suspended and the grounds of the Court and Judges and the persons before the Right Honble the Governor in Council:

from the Zillah Jail Cuddapah
from the Zillah Jail Bellary
from the Zillah Jail Nellore
from the Zillah Jail Chittoor
from the Zillah Jail Salem
from the Zillah Jail Madura
from the Zillah Jail Tinnevelly
from the Zillah Jail Coimbatore
from the Zillah Jail Malabar
from the Zillah Jail Canara

Foujdarree Adalut
Register's Office
24th March 1817

Madras Friday
26th March 1817

At a Court of Foujdaree Adalut

Present

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

Read Letter dated the 12th Instant, the 665

from the Magistrate in the Zillah of Nizagapatam

Recommending an increased Reward of 1000 Rupees for the apprehension of Pakalapatty Venkatapatty Range and suggesting that all specific Rewards be paid by the Magistrate or Collector on the Seizure and identification of the Offender or Offenders.

No 162

Under the particular circumstances detailed in the foregoing Letter the Court resolve to recommend that Government may be pleased to authorize the offer of one thousand Rupees as a Reward for the apprehension of Pakalapatty Venkatapatty Range; but with reference to the suggestion of the Magistrate that all specific Rewards should be paid on the Seizure and identification of the Offender or Offenders, the Court have to observe that the Regulations under which Rewards for the apprehension of proclaimed Robbers

6th March 1817

robbers were declared to be payable on the delivery of the person or persons proclaimed to the Zilla Magistrate have been expressly rescinded by Section II Regulation IX of 1816 and that according to Section XXII of the same Regulation all specific Rewards are to be paid on the conviction of the Offender or Offenders before the Court of Circuit.

Ordered that the foregoing letter and Extract of these proceedings be transmitted to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

Sent following letter
to Secretary A.J

Read letter dated the 19th Instant from the Secretary to Government in the Judicial Department stating that all Rewards offered by a competent authority under a regulation XIII of 1809, previously to its rescindment, will be paid on the fulfilment of the conditions on which such offers were made.

Circuit No. 158.

The Court direct that Copy of the foregoing letter be forwarded with the extract of these Proceedings and extract from the Proceedings of

26th March 1817.

of the 3d instant to the Magistrate in the Zilla of Negapatam for his information and guidance.

Sent following letter
to Secretary B.J

Read letter dated the 17th Instant from the Secretary to Government in the Judicial Department approving the proposed establishment of Lunatic Hospitals at the Stations of the several Courts of Circuit and desiring that measures may be taken for obtaining correct information regarding the Buildings and Servants which will be required at each Station and the exact expense attending them.

Circuit No. 160.

With a view to obtain satisfactory information on the points here specified, the Court consider it necessary to record the following rules for the guidance of the several Courts of Circuit.

It will be necessary that one of the public buildings at Tellicherry be immediately selected for the purpose of a Lunatic Hospital and that an estimate be submitted of the expense likely to be incurred in preparing such building for the reception and care of Lunatics within the Western Division.

The

26th March 1817

26th March 1817

The Provincial Court of the Southern

Division will call upon the Superintending Engineer

to prepare, in communication with the medical officer

stationed at Chittoor, a plan and estimate for building

to be constructed, on a moderate scale, on the vicinity

of the Jail for the reception of Lunatics within the

Division and it will be the duty of the Courts of Circuit

at Masulipatam and Trichinopoly to direct that

estimates be prepared of the expense attending the

appropriation or construction of Buildings, as the

case may be, for the reception and Care of Lunatics

within the Northern and Southern Divisions.

The Surgeon attached to the Court

of Judicature at Tellicherry has submitted the

Sketch of a native establishment for the Lunatic

Hospital, as noticed in the Records Proceedings

of the 5th Instant, which, he observes, would be

attended with an expense of about two pagodas

a month — The Court direct that an accurate

Statement be framed by the Western Provincial

Court according to the form [illegible] and with

is desirable that the establishments of the other

Provincial Hospitals should be regulated

on a similar scale the Court do further direct

that it be adopted by the several Courts of

Circuit in the Northern, Southern and Centre

Divisions

26th March 1817. Divisions in preparing their statements of the establish-
ments for the Lunatic Hospitals at Masulipatam
Trichinopoly and Chittoor.—

Ordered that Copy of the foregoing
letter with extract from the Proceedings of the 5th Instant
& extract of these proceedings be sent to the several
Courts of Circuit by Receipt commanding each of them to
make returns within six weeks from the date of its receipt
Sent following Circular Receipt
Cuttack
Hurreeter

R.A.

65

97

Copy

1816

At a Court of the Vaujidaree Adalut

Present

Wednesday
6th April 1817.

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

No
665
W

Read letter, dated the 11th. instant, from the Third Judge on Circuit on the Northern Division, transmitting his Proceedings held on case No. 20 of the Criminal Calendar of the Sessions of 1817.

(Here enter No. 133.)

The Court having maturely considered the Proceedings held before the Judge on Circuit the Futwa of the Mooftee and the Futwa of the Cazee ul Cuzzat and Mooftee of the Vaujidaree Adalut do confirm the said Futwa of the Cazee ul Cuzzat and Mooftee aforesaid and acquitting the Prisoner

"Lonmalaguddee Baroneey"

do direct that she be released accordingly.

Court following letter.

(Here enter No.)

The

2. April 1817. "of bringing forward a false complaint but [illegible]
"established" is not committed of having sworn falsely on
the point specified in the charge and she is accordingly
sentenced to be released.

The sole ground, indeed, for the present
prosecution would seem to be that the Prisoner
did in the 2d of December 1816 retract the complaint
which she had preferred on the 23d of November
preceding — a retractation, however, which the alleged
before the Criminal Judge to have been made
at the instigation of her Father-in-law and others
against whom she had preferred the charge
and this statement received confirmation from
the evidence of the Witnesses who appeared on
her behalf before the Court of Vermit.

Now the Court do not clearly
collect from the Record of the Trial what steps
were taken by the Magistrate in the Villa
of Guntoor when the Prisoner preferred
the above mentioned complaint before him
on oath on the 23d of November 1816, charging
certain persons with having procured her Husband's
Chundroguddoo. It would appear, however,
that she named seven persons as complicit to
speak to the truth of her complaint and,
unless the Magistrate saw cause to distrust
the truth of such complaint he should immediately

2 J. C.
2nd April 1817.

have issued his warrant for the apprehension
of the persons charged and, on them being
brought before him, he should have examined
them together with the several persons stated
to have a knowledge of the alleged crime in the
manner prescribed by Clause First, Section
XXIV Regulation IX of 1816; after which inquiry
it would have remained with the Magistrate
either to have sent the Prisoners with the
Prosecutrix and the Witnesses to the Criminal
Judge or to have ordered them to be discharged
according as it might have appeared to him
that the Prisoners had or had not committed
the crime laid to their charge.

In conclusion the Court must
remark that their attention has been repeatedly
directed to the errors committed by the several
Judicial authorities in regard to charges for
perjury, coming on the one hand an ignorance
of the nature of the crime or on the other a
precipitancy in bringing forward charges of this
description without having duly cautioned the
party or parties against committing themselves on oath, and the Court do direct that
the particular attention of the 3d Judge in Circuit
in the Northern Division and of the Magistrate
in the Villa of Guntoor be called to the Courts
circular

2d April 1817

2d April 1817

Under this unqualified opinion of the medical officer as to the danger of releasing the Prisoners Cajoor Cottah & Moodaliadoo and Goodemettah Lingapah from confinement, the Court do direct that the two persons in question as well as the Prisoner Shaick Ummer be still detained in a place of safe custody under the charge of the criminal Judge in the Zilla of Vizagapatam.

Ordered that extract of these proceedings be sent to the Court of Circuit in the Northern Division by precept commanding them to communicate the same to the Criminal Judge in the Zilla of Vizagapatam for his information & guidance.

Sent following Precept

/Hereenter 6/

Read further return dated the 13th Ultimo from the Provincial Court of Circuit for the Northern Division ~~[illegible]~~ relative to circular precept regarding the establishment of Lunatic Hospitals

/Hereenter No. 169/

With reference to the late proceedings of the Foujdaree Adalut respecting the establishment of Lunatic Hospitals, the subject-matter of the foregoing Return does not appear to require remark

2d April 1817

circular Proceedings of the 2d January 1817

Ordered that extract of these proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information and future guidance and that he be by the Court directed to communicate the latter part of these Proceedings for the information and future guidance of the Magistrate in the Zilla of Guntoor.

Sent following Receipt

/Hereenter 5/

Read letter dated 16th ultimo from the Provincial Court for the Northern Division forwarding communication from the criminal Judge of Vizagapatam regarding certain persons ordered to be confined in Jail until they procure the use of their hands

/Hereenter No. 167

The persons mentioned in the foregoing communication are Shaick Ummer, Cajoor Cottah, Moodaliadoo and Goodemettah Lingapah, the first of whom is stated by the Assistant Surgeon Bowie to be still insane and the two latter "to be of sound mind, but from their savage and cruel disposition to be, in his opinion, most unfit and unsafe persons to be set at liberty."

2d April 1817

2d April 1817

circular Proceedings of the 31st January 1817

Ordered that extract of these proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information and future guidance and that he be by Rule directed to communicate the latter part of these Proceedings for the information and future guidance of the Magistrate in the Zilla of Guntoor

Sent following Precept

Receipt

Guntoor 3/

Read Letter dated 16th Ultimo from the Provincial Court for the Northern Division forwarding communication from the criminal Judge of Vizagapatam regarding certain persons ordered to be confined in Jail until they procure the use of their hands

Guntoor No 167

The persons mentioned in the foregoing communication are Shaik Ahmed, Captain Scotch Macculloch and Goodemattah Lingapah, the first of whom is stated by the Assistant Surgeon Bowie to be still insane and the two latter "to be of sound mind, but from their damage and consequent disfigurations to see, are but a pitiful, most miserable and unfit "creatures to be set at liberty."

2d April 1817

Under this unqualified opinion of the medical Officer as to the danger of releasing the Prisoners Captain Scotch Macculloch and Goodemattah Lingapah from confinement, the Court do direct that the two persons in question as well as the Prisoner Shaik Ahmed be still detained in a place of safe custody under the charge of the criminal Judge in the Zilla of Vizagapatam

Ordered that extract of these proceedings be sent to the Court of Circuit in the Northern Division by precept commanding them to communicate the same to the Criminal Judge in the Zilla of Vizagapatam for his information & guidance.

Sent following Precept

Guntoor 6/

Read further return dated the 13th Ultimo from the Provincial Court of Circuit for the Northern Division ~~Extra~~ relative to circular precept regarding the establishment of Lunatic Hospitals

Guntoor No 169

With reference to the latest proceedings of the Fouzdaree Adalut respecting the establishment of Lunatic Hospitals, the subject-matter of the foregoing Return does not appear to require remark

2d April 1817

circular Proceedings of the 31st January 1817

Ordered that extract of these
proceedings be sent to the 3d Judge on Circuit
in the Northern Division for his information
and future guidance and that he be also requested
directed to communicate the latter part of
these Proceedings for the information and
future guidance of the Magistrate in the
Zilla of Guntoor

Sent following Precept

Hereunto 3/

Read the Provincial Court of the Northern Division forwarding communication from the criminal Judge of Vizagapatam intimating certain persons ordered to be confined in Jail until they procure the use of their Reason

Hereunto No 167

The persons mentioned in the foregoing communication are Shaik Ahmun, Captain Cottah, Moodaladoo and Goodemettah Lingapah, the first finding is stated by the Assistant Surgeon Bruce to be still insane and the two latter "to be of sound mind, but from their savage and crude disposition to be, in his opinion, most unfit and improper persons to be set at liberty."

2d April 1817

Under this unqualified opinion of the medical Officer as to the danger of releasing the Prisoners Cajeem Cottah, Moodaladoo and Goodemettah Lingapah from confinement, the Court do direct that the two persons in question as well as the Prisoner Shaik Ahmun be still detained in a place of safe custody under the charge of the criminal Judge in the Zilla of Vizagapatam.

Ordered that extract of these proceedings be sent to the Court of Circuit in the Northern Division by precept commanding them to communicate the same to the Criminal Judge in the Zilla of Vizagapatam for his information & guidance.

Sent following Precept

Hereunto 6/

Read further return dated the 13th Ultimo from the Provincial Court of Circuit for the Northern Division ~~to the~~ to circular precept regarding the establishment of Lunatic Hospitals

Hereunto No 169

With reference to the late proceedings of the Faujdaree Adalut respecting the establishment of Lunatic Hospitals, the subject-matter of the foregoing Return does not appear to require

Remark

2d April 1817

remarks.

Read letter dated the 19th Ultimo
from the Judge on Circuit in the Western Divis
reporting the completion of the gaol delivery
at Mangalore and his intention to quit that
Station for the Gaols of South Malabar.
Heer enter No. 164/

Read letter dated the 20th Ultimo
from the 3d Judge on Circuit in the Northern
Division reporting the arrival of Mr Lord
the acting Judge on Circuit and submitting
memorandum shewing the progress made
in the present gaol delivery.
/Heer enter No 165/

Read letter dated the 22d Ultimo
from the acting 3d Judge on Circuit in the
Northern Division - Reporting his arrival
on the 20th Instant at Cannanor.
/Heer enter No 166/

Read letter dated the 24th Ultimo
from the acting 3d Judge on Circuit in the Northern
Division - Stating that he has entered on the
business of the Circuit.
/Heer enter No 167/

Read letter Dated the 27th
Ultimo from the Circuit Judge in the
(North) Malabar to the Courts for the

3/ J. C.
2d April 1817.

3d March stating that the certificate of Parson
has been delivered to Palicandy Peons.
/Heer enter No 164/5

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Agt

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H.

Copied

C

J. U.

Thursday
3d. April 1817.

At a Court of Foujdaree Udalut

Present

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

Read letter dated the 25th Ultimo.
from the 3d Judge on Circuit in the Northern
Division submitting, under Section II Regulation
XXII, Copies of two Precepts sent to the Criminal
Judge at Guntoor with the returns made thereto

(Here enter No. 175)

It would appear from the foregoing
communication that a Precept was issued on the
1st of March last by the Third Judge on Circuit
to the Criminal Judge in the Zillah of Guntoor
desiring that certain stolen property might be
restored to the proper owners, the Criminal
Judge "observing the instructions conveyed in the
"latter part of the 7th Paragraph of the Extract
"from the Proceedings of the Foujdaree Udalut
"under date the 27th" December 1815. The Criminal
Judge observed, in his return to the Precept,
that "he would not fail to deliver any Prosecutor
"any particular property which the Judge on
Circuit might direct, but that he questioned
whether

whether the above orders of the Foujdar Adalut authorized him "to enquire" and determine "to whom the property might belong" - A Receipt was issued by the said Judge on his Circuit on the 11th of March following the Original order and the Criminal Judge made return on the 17th of the same month certifying the delivery of the property but requesting that the point might be submitted for the opinion of the Court of Foujdaree Adalut -

In their order of the 27th December 1813 to which the 3d Judge on Circuit in the Northern Division had referred the Court desired, with reference to Clause Fourth, Section XXIII Regulation VII of 1802, that "in all cases of theft and robbery the "Prosecutor should be required to prove the "identity of such property by at least two "witnesses; but the Court do not consider it necessary to issue any instructions explanatory of such part of Clause Third, Section XXXIX of the same Regulation as relates to the "restitution to the lawful owner of stolen "property recovered and produced before the "Magistrates and Courts of Circuit" being obviously the duty of the Court which may

3: April 1817 - from the sentence to have the stolen property identified and to give directions for the restitution of property so identified to the lawful owners -

It follows then, that the property mentioned in the aforesaid Receipts & returns should have been identified before the Court of Circuit and that orders should have been issued by the said Court for the restitution of the property to such persons as might have been proved to be lawfully entitled thereto -

Ordered that Extract of these proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information and future guidance and that he be by Receipt directed to communicate the same for the information of the Criminal Judges in the Zilla of Guntoor -

Sent following Letter -

(Here enter A)

Read letter dated the 13th Ultimo from the 3d Judge on Circuit in the Centre Division with copy of the Bellary Calendar 1st Sessions 1817 -

(Here enter No 165)

In No 5 of the above Calendar

F. 4

2d April 1817

The Court direct the removal of the persons who were charged with conspiration — The Acting Law Officer having declared them to be guilty of Theft or Felony and Conspiracy or Joining in Gorcing and they have been sentenced, under Regulation to five years' imprisonment with hard labour in irons.

The Court are detained to hear before them the Proceedings held by the Judge on Circuit on the trial of the six persons above mentioned and they accordingly direct that the 3d Judge on Circuit in the Centre Division be by Precept commanded to send up with all little delay as possible, his proceedings held in case No. 5 of the Bellary Calendar for the 1st Sessions of 1817 —

Sent following Precept
/ Vide enter B /

Read letter dated the 26th Ulto from the 1st Judge on Circuit in the Northern Division — with Copy of the Madapollam Calendar, 1st Quarterly Sessions of 1817 —

/ Vide enter No. 176 /

RA

GW

F. 4

Monday 7th April 1817

At a Court of Foujdaree Adaulut

Present

Andrew Scott Esqre
Edward Roff Greenway Esqre } Judges
George Skeldon Esqre

Read letter dated 12th Ultimo from the 3d Judge on Circuit in the Centre Division — transmitting his proceedings held on the 5th of the Bellary Calendar for the 1st Sessions of 1817

/ Vide enter No. 166 /

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 Foujdaree Adaulut do confirm the said Futwa of the Cazee ul Cozzat and Mooftees aforesaid and, under the provisions of Clause third, Section IV Regulation XV of 1803, do adjudge the Prisoners

1st "Hamah"
2d "Juggah"
3d "Bheemah"
4th "Tumboorhurra"
5th "Lallo"
6th "Mohana" and
7th "Ramoo"

to

7th April 1817 to be impressioned under kept to heard labour in
irons on the public roads or other public works
for and during the period of fourteen years.

Sent following letter
/Hexamber A/

Read letter dated 20th instant
from the 3d Judge on Circuit in the Northern
Division transmitting his proceedings held
in case No 1. of the Gunsaw Calendar
for the 1st Sessions of 1817.

/November 1793/

The Court having maturely
considered the Proceedings held before the
Judge on Circuit the Returns of the Pangee
Adalut do confirm the said Sentence of the
Pangee and Coorgat and Manglee of the said
acquitting the Prisoner

"Gorentlah Cutwaul"

do direct that he be released accordingly

Sent following letter
/Hexamber B/

F. 86.

At a Court of the Foujdaree Adalut

Saturday
12th April 1817

Present

Present

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

Read letter dated the 24th ultimo
from the Chief Secretary to Government enclosing
copy of the reply to the Resident at Hyderabad
respecting 4 Prisoners made over to the custody of the
Nizam's Officers by an order from the Foujdaree Adalut
on 1815 and desiring that the several Courts of
Circuit be cautioned against proceeding to the trial
of persons not subject to their jurisdiction.

(Vide order F. 1/8.)

The Prisoners mentioned in the
foregoing letter were tried before the Court of Circuit
at Bellary during the 1st Sessions of 1815 and
on 1 offences, on a consideration of the case before the
Foujdaree Adalut, that the Prisoners in question
were not British subjects and that the offences charged
against them had been committed within the
territories of His Highness the Nizam, the
Court

Court Court Sitting on the 19th April 1815 for the Trial
of the persons to the Charge of the Affair of the 17th
and the case was submitted on the same day for the
consideration of the Right Honorable the Governor
General.

Adverting to the irregularity of the
Proceedings held on this occasion the Governor
has been pleased to communicate a request through
the President at Hyderabad that in so far as the
British Government are concerned the Prisoners
may be released with the utmost warning which
the nature of the case will justify regard
to the 18th of August last the Court
submitted to Government the case of five Persons
tried on charges of Treasonous before the Court of
Circuit at Salem during the 1st Session of 1816
who were subjects of the Rajah Government and
who were convicted of having committed the most
heinous acts to those charges within the limits
of the Rajahs Country. The recommendation of the
Government for the release of these Prisoners was
communicated to the Magistrate of Salem on the
31st of the same month and orders to that effect
were issued by this Court to the 3rd Judge of Circuit
on the Southern Division on the 6th of September

following with directions for adopting such measures of
precautions as a knowledge of the character and
former practices of these persons might suggest
as best calculated to prevent the repetition of
an offence so injurious to the peace and
prosperity of the community.

In both these cases Persons were
put before their trial who were not amenable
to any of the established Courts of Criminal
Judicature within the British Provinces and
in both cases Government have considered it to be
agreeable to the ordinary principles of British
Justice that the several Prisoners tried and
convicted before the Courts of Circuit should be
released from confinement. The Court accordingly
resolve to bring these cases to the particular
notice of the several Courts of Criminal Judica-
ture and to direct that, whenever charges
may be preferred for crimes or misdemeanours,
they be careful to ascertain whether the
crimes or misdemeanours so charged have
been committed within or without the limits
of the British Provinces. In the latter case,
it will not be competent to any of the
Criminal Courts to take cognizance of such
charges

12th April 1817.

Judges except when they may be prosecuted against on subject of the British Government, when the Magistrates will be careful to observe the provisions of Regulation XI. of 1809.

Ordered that extract of these proceedings, with copy of the foregoing letter and copy of the letter from Mr. Secretary Hill dated 31st August last be forwarded to the several Courts of Circuit by Kasid commanding them to communicate the same to the Judges now on Circuit as well as to the several Criminal Judges and Magistrates within their respective Divisions for their information and future guidance.

(Send following Kasids &c)

Read letter from the Third Judge on Circuit on the Cuttack Division to the Court dated the 31st ultimo, forwarding his reply to the letter from the Court of the 12th instant relative to the Court proceedings and requesting him to communicate the whole of the same to the Criminal Judge on the Cuttack side.

(Three write & Kasid)

Also reading letter to the Court from the Third Judge on Circuit dated the 7th

12th April 1817.

"not further Regulations relative to which will be
"considered sufficient grounds for his having re-
"turned the Records of Nos. 47 and 56. on the
"Cuttack side Calendar to the Criminal Judge of
"that Zillah; viz.t

"Section VII. Regulation II. of 1802.

"Section XXXIX. Regulation I. of 1803. and

"Section LI. Regulation II. of 1803."

Regulation II. of 1802 was enacted for the purpose of establishing and defining the jurisdiction of the Courts of Judicature for the trial of Civil Suits and, by Section VII of the said Regulation, certain public officers, with their Assistants and "Native Officers" were declared to be amenable to the Zillah Courts for acts done in their official capacity in opposition to any established regulations; but nothing in the said Section is to be understood to exempt such native officers from amenability to the Courts of Criminal Judicature for acts of extortion, oppression or other abuse of authority.

Section XXXIX. Regulation I of 1803 and Section LI. Regulation II. of 1803 which provided for the investigation of charges for misconduct, corrupt practices or peculation in Districts where

no

charges against them they may be further
[illegible]
[illegible]
[illegible]

12th April 1817.

specified the Courts of Record are to transmit to the Magistrates such written orders as may appear to them proper, to which the Magistrates shall conform.

The authority of the Court of Crown is here referred on which point it appeared that the Lord of Forfeiture Statutes are unable to explain which have arisen the doubt entertained by the Second Judge on Circuit, and they are accordingly unprepared to record any opinion on the subject of this reference until such doubt shall be submitted, on a specific form, for their consideration.

Ordered that extract of these proceedings be sent to the Provincial Court of Appeal in the Northern Division for their information.

(Send following letter D.)

Read letter dated the 29th Ultimo from the Acting Third Judge on Circuit in the Northern Division, submitting specimens of the Quarter Calendar and Supplemental Calendar for the 1st Session of 1817.

(Here enter No 175.)

Read return dated the 31st from the Third Judge on Circuit in the Eastern Division, to the Courts precept of the 10th Ultimo, commanding him to communicate to the Provincial Law Officers the remarks of the Law Officers of the Forfeiture Statutes.

(Here enter No 176.)

3d Ord.

12th April 1817.

rings to the Criminal Judge in the Gaol of Cockspur.

(Here enter No 180.)

Read return dated the 31st Ultimo, from the Third Judge late on Circuit in the Western Division, to the Courts precept of the 10th Ultimo, commanding him to communicate to the Provincial Law Officers the remarks of the Law Officers of the Forfeiture Statutes.

(Here enter No 182.

Read letter, dated the 31st ultimo, from the Criminal Judge in the Gaol of Ballinger transmitting reports prescribed by Section XXXVI. Regulation X. A. D. 1816.

(Here enter No 184.)

25

VIII

F. U.

At a Court of Foujdaree Udalut.

Present

Wednesday 16th April 1817.

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

Read letter dated the 28th Ultimo from the Criminal Judge in the Zilla of Rajahmundry - submitting, with remarks, a revised list of Cases depending before him on the 31st December last

M

665

Hereunto No. 1867

The Criminal Judge remarks "with respect to Nos. 1. and 5. of the former "Statement, that it has always been the practice "to endeavour to keep criminal and Civil affairs "as distinct as possible."

The necessity of observing such distinction was particularly pointed out in the proceedings of the Foujdaree Udalut of the 17th February last, but the Court do not understand in what manner the Criminal Judge can consider the above position as explanatory of the remarks recorded by him on those members of his original Statement

In

In both the cases these charges were said to be for having forcibly taken possession of lands or crops and for having beaten the Plaintiffs, and it was stated in the Report that both cases were depending till the Civil suits should be decided.

Referring to the nature of the above charges this Court directed the attention of the late Magistrate to Regulation XXII of 1802 by which all parties dispossessed of lands or crops are directed to bring the case under the cognizance of the Civil Courts the Judges of which Courts are further empowered by Sections IV, V and VI of the said Regulation to order persons to be committed in certain cases for trial before the Courts of Circuit.

With regard to No. 6 the Court of Foujdaree Adalut remarked that they "did not comprehend on what principle "the late Magistrate could in any instance "defer the trial of a criminal offence till the "determination of a Civil suit, it being obvious "that matters of private and public concern are "altogether distinct."

The justice of the grounds on which the Court questioned the above proceedings of the late Magistrate does not admit of dispute; but on a further consideration of the case in question, the Court are led to inquire how the charge could have been received by the late Magistrate while a suit was depending in the Civil Court, since it occurs to the Foujdaree Adalut that the documents on which the charge of Forgery was preferred must have been in the possession of the Civil Court and could not be produced, at the will of the Prosecutor, in support of a Criminal prosecution.

Adverting to the above circumstances the Court must necessarily conclude that the Criminal Judge, late Magistrate, acted irregularly in admitting the charge so preferred before him, and they do not consider it necessary to go into a consideration of the questions proposed by the Criminal Judge since they involve the supposition of cases which, according to the practice of the Courts of Judicature, could not possibly occur.

Ordered that extract of these proceedings be sent to the Criminal Judge in the Zilla of Rajahmundry for his information.

Sent following letter

Here enter A/

Read

In both cases the charges were laid to be for having forcibly taken possession of lands or crops and for having beaten the Plaintiffs, and it was stated in the Report that both cases were depending till the Civil Suits should be decided.

Referring to the nature of the above charges the Court directed the attention of the late Magistrate to Regulation XXXII of 1802 by which all parties disputing lands or crops are directed to bring the cases under the cognizance of the Civil Courts the Judges of which Courts are further empowered by Sections IV, V and VI of the said Regulation to order persons to be committed in certain cases for trial before the Courts of Circuit.

With regard to Sec 6 the Court of Foujdaree Adalut remarked that "it did not comprehend on what principle "the late Magistrate could in any instance "defer the trial of a criminal offence till the "determination of a Civil Suit, it being obvious "that matters of private and public wrong are "altogether distinct."

The justice of the grounds on which the Court questioned the above proceeding of the

late Magistrate does not admit of dispute, but on a further consideration of the case in question, the Court are led to inquire how the charge could have been received by the late Magistrate while a suit was depending in the Civil Court, since it occurs to the Foujdaree Adalut that the documents on which the charge of Forgery was preferred must have been in the possession of the Civil Court and could not be produced, at the will of the Prosecutor, in support of a Criminal prosecution.

Adverting to the above circumstance the Court must necessarily conclude that the Criminal Judge, late Magistrate, acted irregularly in admitting the charge to proceed before him, and they do not consider it necessary to go into a consideration of the questions proposed by the Criminal Judge since they involve the supposition of cases which, according to the practice of the Courts of Judicature, could not possibly occur.

Ordered that extract of these proceedings be sent to the Criminal Judge in the Zilla of Rajahmundry for his information.

Sent following letter

Here enter A

16th April 1817.

Read letter, dated the 8th Instant from the Criminal Judge in the Zillah of Rajahmundry enclosing copy of a letter addressed to the [illegible] under Regulation III of 1814 to enquire why he has not received any reply; submitting whether, in cases of crimes or misdemeanours where there may be no Complainant, the Magistrate or Criminal Judge should appear as the Prosecutor [illegible] suggesting the expediency of taking Recognizances from Prosecutors and witnesses in all cases referred by the Magistrate to the Criminal Judge [illegible] Sr 189

The Criminal Judge states it to be his opinion, founded on the Proceedings of the Foujdaree Udalut dated the 31st January 1812 that in cases of crime or misdemeanours where there may be no complainant the Magistrate should appear as the Prosecutor "the Criminal Judge being relatively with the Court of Circuit or of Quarterly Sessions as to the former Magistrate."

On what ground the Criminal Judge may have adopted this latter opinion the Court are wholly unable to conjecture, [illegible]

—2— 7th Ct.
16th April 1817.

the analogy here alleged to exist is certainly not to be traced to any of the provisions of the Regulations.—

With regard, however, to the question which the Criminal Judge has submitted for the orders of the Foujdaree Udalut and which, as far as the Court understand the object of the reference, relates to the duty of preparing a Statement in the nature of an indictment shewing the crime charged against the Prisoner, the Court have to observe that the extent of the Magistrate's duty, when Prisoners may be sent by him to the Criminal Judge, is clearly defined in Sections XXIV and XXV of Regulation IX of 1816 and that whenever Prisoners so sent by the Magistrate may be committed by the Criminal Judge to take their trial before the Court of Circuit or Quarterly Sessions the duty of framing the arraignment to be delivered to the Judges of the said Courts respectively must, whether the prosecutions be conducted by Government or by an individual, devolve upon the Criminal Judge.

In the concluding paragraph of

16. April 1817

of the foregoing letter the Criminal Judge remarks that, where prisoners are sent by the Magistrate to the Criminal Jail "no pains appear to be taken to cause "the attendance of the Plaintiff or witnesses" with ~~effect~~ reference to which observation the Court consider it sufficient to call the attention of the Criminal Judge to Clause Seconde Section XXIV Regulation IX of 1816 wherein it is expressly declared that "the Magistrate "shall send the Prosecutor, the witnesses "and the Prisoner, with the proceedings "in the case, to the Criminal Judge of the "Zilla."

Ordered that extract of these proceedings be sent to the Criminal Judge of the Zilla of Rajahmundry for his information and future guidance.

Sent following letter
/ Hide enter B^m

Read letter dated 16th Instant from the D.C. Judge on Circuit in the Centre Division reporting his arrival at Chingleput
/ Here enter No. 190 /

Read

16. April 1817 from the Criminal Judge in the Zilla of South Arkot requesting authority to make a conditional offer of pardon to one Tyil Waman who was concerned in a gang robbery committed in the district of Vemulapovaru in December last.

(Here enter No. 194.)

The Court resolve to submit the request of the Criminal Judge to Government without delay, and to recommend that he may be authorized to make an offer of pardon to Tyil Waman on the conditions specified in Section XX Regulation VIII of 1802.

Ordered that ~~[illegible]~~ the foregoing letter be forwarded, with extract of these proceedings to the Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council.

/ And following letter /

Z U.

At a Court of Foujdaree Udalut

Present

Friday 7th April 1817

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

Read letter dated the 19th Ultimo from the 3d Judge on Circuit in the Western Division transmitting his proceedings held in case No 5. of the North Malabar Calendar for the 1st Quarterly Sessions of 1817.

Here enter No 170.

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 and Mooftees of the Foujdaree Udalut do confirm the said Futwa of the Cazee ool Coozzat and Mooftees aforesaid and accordingly direct that the Prisoner

"Letchmana"

be set at liberty.

Sent following letter

Here enter A/

Read letter dated the 2d Instant;

from

J. U.

At a Court of Foujdaree Udalut

Friday 4th April 1817. Present

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

Read letter dated the 19th ultimo from the 3d Judge on Circuit in the Western Division transmitting his proceedings held in case No 5. of the North Malabar Calendar for the 1st Quarterly Sessions of 1817.

Here enter No 170.

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 and Mooftees of the Foujdaree Udalut do confirm the said Futwa of the Cazee ool Coozzat and Mooftees aforesaid and accordingly direct that the Prisoner

"Letchmana"

be set at liberty.

Sent following letter

Here enter A

Read letter dated the 2d Instant;

from

from the Magistrate in the Zilla of South Malabar submitting for the consideration of the Court an extract of a Report made to the Board of Revenue regarding the [illegible] of Government Servants and requesting authority to offer the highest rate of Reward for the apprehension of the offenders

/ Here enter No. 199 /

It appearing from the Extract of the Report made to the Board of Revenue which accompanies the foregoing letter that the ordinary process prescribed for the apprehension of Poodeet shod, in the present instance, been found to be ineffectual and it being extremely important to call forth the exertions of every member of the community, the Court accordingly authorize and direct the Magistrate in the Zilla of South Malabar to offer rewards for the apprehension of the several persons concerned in the Pulliary at the rates of five hundred Sicca Rupees for each of the Principals and one hundred Rupees for each of the inferior offenders. The Rewards to be sanctioned with the proviso, according to the Provisions of Section XIII. Regulation IX of 1816, on the conviction of the offenders or offender before the Court of Circuit.

Ordered that Extract of this

proceedings be sent to the Magistrate in the Zilla of South Malabar for his information & guidance.

Sent following letter

/ Hereenter B /

Read letter dated the 2d Instant from the Secretary to Government in the Judicial Department referring petition from the Ex-Tumeen dar of Goombor, for investigation and Report

/ Hereenter No. 195 /

The Petitioner sets forth that he formerly presented to Mr. Webb, the first Judge on Circuit, a petition to the address of Government which was returned to him by Mr. Cherry, the Second Judge on Circuit, with an endorsement under his signature stating "that the petition was improper and groundless; "and that if the Petitioner could present an "argee to him setting forth the complaint "clearly he would investigate and pass a decision "upon it as authorized by Government." The Petitioner then proceeds to state that he was unable to present another petition to the Second Judge before the close of the Sessions, as his Mootsuddies were restricted from coming to him freely by the Zilla Magistrate; but that having

18th April 1817 a/

having stated this to the Second Judge on Circuit
"and also to the Petty Magistrate and having sent
"for them & the Merchandize & examined on Oath
"to be prepared" he presented it at the close of
the Sessions and that the Second Judge returned
the petition from Blanmore Jackson endorsing
on it "that the Petitioner's proposal regarding
"the Country was not subject to the authority
"of the Second Judge on Circuit" and the Petitioner
concludes with praying that Government may
favor him with an answer and restore to him
his Country.

It would appear from the
Petitioner's own showing that his first petition
was returned to him as ground less and improper
he, the Petitioner, being at the same time
informed by the Second Judge on Circuit
that if he would present an Ogier setting forth
the complaint clearly, an investigation would
take place and that, on his presenting a
second petition, it was returned to him by the
Second Judge on Circuit with an indorsement
purporting that he, the Second Judge, was
not competent to decide on the subject of the
petition.

The orders to be passed by the
Second

2/ No 16.

18th April 1817

Second Judge on Circuit on the subject of the
called petition would seem to have been in strict
conformity with the Regulations, as it was clearly
incompetent to him to take any cognizance of the
matter in question, and the Court beg to submit
it as their opinion, formed upon the most
attentive consideration of the petition now before
them, that it does not contain any point
regarding which, as connected with the Administration of Criminal justice, it appears to be
necessary to call for further information.

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

Sent following letter

/ Here enter C /

Read letter dated the 5th Instant,
from the 1st Judge on Circuit in the Southern
Division - submitting, with remarks, Copy of the
Calendar of Prisoners committed to take their
trial at the 1st Sessions of 1817.

/ Here enter No 179 /

Read letter dated the 5th Instant,
from the 2d Judge on Circuit in the Western
Division

18th April 1817 a/

having stated this to the Second Judge on Circuit
and also to the Petty Magistrate and having sent
for them & the Memorialists & caused an agre
to be prepared, he presented it at the close of
the Sessions and that the Second Judge returned
the petition from Blanmore Jackson endorsing
on it "that the Petitioner's proposal regarding
the Country must be subject to the authority
of the Second Judge on Circuit" and the Petitioner
concludes with praying that Government may
favor him with an answer and restore to him
his Country

It would appear from the
Petitioner's own showing that his first petition
was returned to him as groundless and improper,
he, the Petitioner, being at the same time
informed by the Second Judge on Circuit
that if he would present an Argo setting forth
the complaint clearly, an investigation would
take place and that, on his presenting a
second petition, it was returned to him by the
Second Judge on Circuit with an indorsement
purporting that he, the Second Judge, was
not competent to decide on the prayer of the
petition

He order to be forwarded by the
Second

2/ No 16.

18th April 1817

Second Judge on Circuit on the subject of the
latter petition would seem to have been in strict
conformity with the Regulations, as it was
incompetent to him to take any cognizance of the
matter in question, and the Court beg to submit
it as their opinion, formed upon the most
attentive consideration of the petition now before
them, that it does not contain any point
regarding which, as connected with the Administration of Criminal justice, it appears to be
necessary to call for further information -

Ordered that extract of these
proceedings be transmitted to the Secretary
to Government in the Judicial Department
for the purpose of being laid before the Right
Honorable the Governor in Council.

Court following letter

Recd enter C J

Read letter dated the 5th Instant,
from the 1st Judge on Circuit in the Southern
Division - submitting, with remarks, Copy of the
Calendar of Prisoners committed to take their
trial at the 1st Sessions of 1817.

Recd enter No 1791

Read letter dated the 5th Instant,
from the 2d Judge on Circuit in the Western
Division

18th April 1817.

Division reporting his arrival at Cutcherry

/ Hereunto No. 191 /

Read letter dated the 10th Instant from the 1st Judge on Circuit in the Southern Division reporting his arrival at Cannanore -

/ Hereunto No. 192 /

Read letter dated the 3d Instant from the 2d Judge on Circuit in the Western Division - to the Court's precept of 26th ultimo, calling upon him for the Report prescribed by Section XXXVII Regulation VII of 1802.

/ Hereunto No. 193 /

Read letter dated the 15th Instant from the 3d Judge on Circuit in the Southern Division - transmitting copy of the Chingleput Calendar 1st Sessions of 1817.

/ Hereunto No. 194 /

Read letter dated the 14th Instant from the 2d Judge on Circuit in the Southern Division - reporting his intention to leave Chingleput for Chittoor on the 16th Instant.

/ Hereunto No. 195 /

Read letter dated the 10th Instant from the 3d Judge of Circuit in the Southern Division - transmitting copy of the Purchase Calendar 2d Quarterly Sessions of 1817.

/ Hereunto No. 200 / 25

J. U.

Wednesday 23d April 1817.

At a Court of Foujdaree Udalut.

Present

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

Read letter dated the 21st Instant from the Secretary to Government in the Judicial Department authorizing a conditional offer of pardon to Tyib Sttaman.

/ Hereunto No. 214 /

Ordered that Copy of the foregoing letter with extract from the proceedings of the 16th Instant and extract of these proceedings be sent to the Criminal Judge in the Zillah of South Malabar for his information -

Sent following letter

R.A. / Hereunto A /

25

J. C.

25. A.

At a Court of the Foujdaree Udalut.

Present

Friday
25th April 1817.

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

Read letter dated the 15th Instant,
from the Assistant Magistrate in the Zilla of
Combaconum forwarding Reports regarding two
Robberies lately committed near Pondicherry &
Sadras.

Vide enclosure No. 215.

According to the two Police
Reports which accompany the foregoing letter
the robberies in question would appear to have
been committed, the one at a Choultry near
Pondicherry and the other at Naipovjary in the
vicinity of Sadras.

Neither of these places can be
within the limits of the Zilla of Combaconum
and it was consequently incumbent on the
Assistant Magistrate of the said Zilla, under
Section 1, Regulation XI. of 1816, to communicate
the information which he received regarding
the above robberies to the Magistrate in
whose district they were committed, with

whom

whom it would have remained to take the necessary measures for the apprehension of the several offenders.

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

Sent following letter

/Here enter A/

Read letter dated the 14th Instant from the acting 3d Judge on Circuit in the Northern Division - Reporting his arrival at Rajahmundry and the commencement of the Sessions on the 12th Instant.

/Here enter No. 205/

Read letter dated the 17th Instant from the Criminal Judge in the Zilla of Salem - With respect to prisoners confined under sentence

/Here enter No. 211/

Read letter dated the 17th Instant from the Criminal Judge in the Zilla of Chingleput With list of convicts under sentence of transportation

/Here enter No. 217/

Read letter dated the 17th Instant from the Criminal Judge in the Zilla of Canara - With report of Prisoners confined under sentence -

/Here enter No. 218/

J. U.

Monday 28th April 1817.

At a Court of the Foujdaree Adaulut

Present

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

Read letter dated the 15th Instant from the Secretary to Government in the Judicial Department - authorizing the offer of a thousand Rupees for the apprehension of Pakalapaty Venkatapathy Rauze & communicating Remarks on the provisions of Section XXII Regulation IX of 1816.

/Here enter No. 213/

The Court direct that the first paragraph of the foregoing letter be communicated with Extract of these Proceedings and Extract from the Proceedings of the 26th Ultimo to the Magistrate in the Zilla of Vizagapatam for his information and guidance. -

Sent following letter.

/Here enter A/

Read letter dated the 18th Instant from the Criminal Judge in the Zilla of South Malabar Recommending a conditional offer of pardon to certain persons under Section XX Regulation VIII of 1802.

/Here enter No. 222/

28th April 1817.

Of the seven persons named by the Criminal Judge the first three Tarkeloddagail Imbichoony, Vellatedan Panekat Pekoo & Conymandy Pucker are described as having acted a subordinate part in the late Robbery of Government Treasure in the Zilla of South Malabar; as having apparently made unreserved confessions and as being able to depose to the acts of the Prisoner, Conaen alias Kelloo Koorpa, who has denied the crime laid to his charge. The remaining four persons, named Peravien, Karen, Ackemeeren and Raytan are Koorambalans, or Hill people, who are found to have been in communication with certain of the Robbers after the commission of the Robbery but who were instrumental in effecting their apprehension and who, in the opinion of the Criminal Judge, should be brought forward as Witnesses in the cases.

The Court resolve to submit the cases of these several persons to Government without delay and to recommend that the Criminal Judge in the Zilla of South Malabar may be authorized to make them an offer of pardon on the condition specified in Section XX Regulation VIII of 1802.

Ordered that the foregoing letter and extract of these proceedings be transmitted to the Secretary to Government

28th April 1817.

Department for the purpose of being laid before the Right Honourable the Governor in Council

Sent following letter
Hereenter B/
Read letter dated the 12th Instant. from the 2d Judge of Circuit in the Centre Division With Copy of Chittoor Calendar for the 2d Quarterly Sessions of 1817.
/Hereenter No. 202/

R.A.

W 685

(Spied.

F. U.

Friday
2.d May 1817.

At a Court of Foujdaree Udalut
Present
Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges.
George Stratton Esqre S. J.

Read letter dated the 22.d
ultimo. from the Magistrate in the
Zilla of Canara - Forwarding copy of a
letter to Government relative to a daring
robbery committed at Seerai in Soonda
and recommending that the highest
rate of Rewards may be offered for the
apprehension of the offenders -
/ Herewith No. 231. /
With the view of stimulating
every member of the Community to afford active
assistance in bringing to justice the several
persons concerned in the daring Robbery
here mentioned, the Court authorize the
Magistrate to offer Rewards for the appre-
hension of the gang at the rate of five
hundred Arcot Rupees for each of the Leaders
and an hundred Rupees for each of the
inferior offenders.
Ordered that extract of these
proceedings

(copied.

F. U.

Friday
2.d May 1817.

At a Court of Foujdaree Udalut

Present

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

Read letter dated the 22.d ultimo. from the Magistrate in the Zilla of Canara - Forwarding copy of a letter to Government relative to a daring robbery committed at Seerei in Soonda and recommending that the highest rate of Rewards may be offered for the apprehension of the offenders -

/ Here enter No. 231. /

With the view of stimulating every member of the Community to afford active assistance in bringing to justice the several persons concerned in the daring Robbery here mentioned, the Court authorize the Magistrate to offer Rewards for the apprehension of the gang at the rate of five hundred Arcot Rupees for each of the Leaders and six hundred Rupees for each of the inferior offenders.

Ordered that extracts of these proceedings

Copied.

F. U.

Friday 2.d May 1817.

At a Court of Foujdaree Udalut

Present

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

Read letter dated the 22.d ultimo. from the Magistrate in the Zilla of Canara - Forwarding copy of a letter to Government relative to a daring robbery committed at Seerei in Sounda and recommending that the highest rate of Rewards may be offered for the apprehension of the offenders

/ Herewith No. 231. /

With the view of stimulating every member of the Community to afford active assistance in bringing to justice the several persons concerned in the daring robbery here mentioned, the Court authorize the Magistrate to offer Rewards for the apprehension of the gang at the rate of five hundred Arcot Rupees for each of the Leaders and an hundred Rupees for each of the inferior offenders.

Ordered that extracts of these proceedings

proceedings be sent to the a Magistrate in the Lilla of Camara for his information and guidance.

Sent following letter
/ Here enter A /

Read letter dated the 22d ultimo from the 2d Judge of the Provincial Court of Circuit in the North Western Division submitting observations relative to the state of the Lilla Jail at Mandingatam.

/ Here enter No. 233 /

Ordered that the foregoing Report and enclosures be transmitted to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honourable the Governor in Council.

Sent following letter
/ Here enter B /

Read letter dated the 22d ult. from the 2d Judge on Circuit in the Western Division with the Copies of the Calendars &c. &c. thereto of 1817

/ Here enter No. 234 /

Observe from the Remark of the 2d Judge on Circuit in No. 16 of the

foregoing Calendar that the Proceedings in the case were returned to the Criminal Judge with directions to have them made out on two distinct indictments "there being two separate Prosecutors in two separate Charges of Robbery committed "at different times."

In returning the Proceedings on the above case to the Criminal Judge for the purpose here specified the Judge acted with obvious propriety and the Court have to notice three other cases on the Calendar, Nos. 4, 7 & 16 in which the Criminal Judge has blended charges for acts alleged to have been committed at different times.

In these cases, as well as in case No. 16, each of the acts charged should have formed the subject of a separate trial and the Court are desirous that the 2d Judge on Circuit should bring the case in question to the notice of the Criminal Judge on the Lilla of Camara, directing him to be particularly careful that, in all cases where the offender or offenders may be charged with two or more

acts

2d May 1817.

acts alleged to have been committed at different times, the charge for each offence not to form a distinct number in the Calendar.

Ordered that extract of these proceedings be sent to the 2d Judge on Circuit in the Western Division by Precept commanding him to communicate the same to the Criminal Judge in the Zilla of Canara for his information and future guidance.

Sent following Precept

/Here enter 6/

Read letter dated the 17th Ultimo, from the 1st Judge on Circuit in the Southern Division - Transmitting Copy of the Darapooram Calendar for Sessions of 1817.

/Here enter No 224/

Read letter dated the 21st Ultimo, from the 3d Judge on Circuit in the Western Division - Transmitting Copies of the South Malabar Calendar for the 2d Quarterly Sessions of 1817.

/Here enter No 225/

Read letter dated the 22d Ultimo, from the 2d Judge of Circuit in the

2/ Fo 16
2d May 1817.

Northern Division - Transmitting Copy of the Masulipatam Calendar 2d Quarterly Sessions of 1817.

/Here enter No 227/

Read return dated the 19th Ultimo, from the Provincial Court of Circuit for the Centre Division to the Courts Circular precept of 12th Instant, commanding them to communicate extract of Proceedings to the Judge on Circuit, Criminal Judges and Magistrates.

/Here enter No 233/

R. A.

20

21

J. C.

At a Court of Foujdaree Udalut.

Present

Monday 5th May 1817

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

M

Read letter dated the 12th Ultimo from the 2d Judge of Circuit in the Centre Division - Transmitting his proceedings held in case No 1 of the Chittoor Calendar for the 2d Quarterly Sessions of 1817.

(Here enter No 203)

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 and Mooftees of the Foujdaree Udalut do confirm the said Futwa of the Cazee ool = Coozzat and Mooftees aforesaid and, in conformity with the Provisions of Clause First, Section IV Regulation XV of 1803, do adjudge the Prisoners

1st "Mootien" and

2d "Pareya Mullien"

to suffer death by being hanged at the

usual

usual time and place of execution

/ Sent following letter /

/ Here enter A /

Read letter dated the 18th Instant from the Acting 3d Judge on Circuit in the Northern Division transmitting his proceedings held in case No 1 of the supplemental Calendar for the 1st Sessions of 1817.

/ Here enter No 226 /

The Court having maturely considered the Proceedings held before the Judge on Circuit the Jurors of the Provincial Law Offices and the Jurors of the Cageveda Coggat and Mongloors of the Foujdaree Adalut do confirm the said Jurors of the Cageveda Coggat & Mongloors aforesaid and acquitting the Prisoner

Seyd Daudah alias Cheroka Daudah

do direct that he be released accordingly.

Sent following letter

/ Here enter B /

Read letter dated the 29th Instant from the Magistrate in the Pillar of Nizagapatam requesting, with reference to a certain Specified case to be made acquainted with the sentiments of the Court regarding the intention of Govern-

-ment in cautioning Magistrates against administering Oaths in any cases connected with the business of the Public Service.

/ Here enter No 2113 /

The present reference has been made in consequence of a communication between the Magistrate and the Criminal Judge of Nizagapatam relative to applications lately preferred to the former Officer by certain European Soldiers, subscribing Witnesses to wills of deceased Europeans, requesting permission to be allowed to make affidavit before him to the due execution of the wills.

The case here specified and the several cases supposed by the Magistrate of Nizagapatam are connected with his duties as a Justice of the peace regarding which it is not competent to this Court to issue any Orders or instructions whatever.

It may be observed, however, with regard to the applications which led to the communication between the Magistrate and Criminal Judge and eventually to the present reference, that such applications could not have been in the contemplation of Government when they issued

their

5th May 1817.

their circular order of the 3rd of January 1816,
since this caution there prescribed is required
to be used in "cases connected with the duties
of the public service," a specification which
certainly does not admit of being extended
to the application in question.

Ordered that extract of these
proceedings be sent to the Magistrate in the
Zilla of Nigapatam for his information.

Sent following letter
Hereunder C/

Read return dated the 24th
Ultimo from the Acting 3d Judge on Circuit
in the Northern Division - to the Court's
precept of 19th March last commanding the
Third Judge on Circuit to call upon the
Criminal Judge in the Zilla of Guntoor
for certain explanation.

Hereunder No. 24/

[illegible]

2d F. Jr.
5th May 1817.

Read letter dated the 24th Ultimo,
from the acting 3d Judge on Circuit in the
Northern Division - with copy of the
Rajahmundry Calendar 1st Sessions of 1817.

Hereunder No. 240/

In case No. 8 of the foregoing
Calendar the 1st Prisoner has been sentenced
to be released on giving security for future
good behaviour and appearance when required
for two years -

Referring to the above sentence,
the Court direct that the attention of the acting
3d Judge in the Northern Division be
called to their Circular proceedings of the
30th August last, wherein they declared
it to be advisable that all sentences for release
on security, intended to have operation for
more than twelve months, should be worded
generally "for future good behaviour and
"appearance when required."

Ordered that extract of these
proceedings be sent to the acting 3d Judge on
Circuit in the Northern Division for
his information and future guidance.

Sent following Letter
Hereunder D/

Read

5th May 1817.

Read letter dated the 30th Ult.o from the Criminal Judge in the Zilla of Chinglepet forwarding Report of Prisoners confined under sentence, as prescribed by Section XXX Regulation VI of 1802.

/Hereunto No. 244/

The Regulation here referred to has been rescinded by Section II Regulation VI of 1816.

The Court accordingly directed that the Report enclosed in the foregoing letter be returned to the Criminal Judge in the Zilla of Chinglepet & that he do for the future send up, together with the above Report the abstract Report prescribed by Section XXXVI Regulation X of 1816.

Sent following Receipt

/Hereunto C/

Read letter dated the 26th Ult.o from the Criminal Judge in the Zilla of Chinglepet - Reporting the arrival of two convicts under sentence of transportation

/Hereunto No. 237/

Read Return dated the 29th Ult.o from the Criminal Court of Oyer for the Northern Division to the Court of Circuit & Gaol Delivery for the Southern Division - stating that there were no Prisoners under sentence of Death in the Gaol of Poonamallee.

5th May 1817.

communicate Extract of the Court's proceedings to the Judge on Circuit, the Criminal Judges and Magistrates.

/Hereunto No. 236/

Read letter dated the 22d Ult.o from the Criminal Judge in the Zilla of Guntoor - With Report of Prisoners confined under sentence and of Prisoners sentenced without reference to the Foujdaree Adalut.

/Hereunto No. 239/

Read return dated the 30th Ult.o from the 3d Judge late on Circuit in the Northern Division - to the Court's Precept of 2d Ult.o commanding him to communicate the latter part of the Extract of the Court's proceedings for the information and future guidance of the Magistrate of Guntoor.

R.A. /Hereunto No. 242/

5th May 1817.

Copied

J. U.

Wednesday 7th May 1817.

At a Court of Foujdaree Udalut

Present

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

Read letter dated the 5th Instant from the Secretary to Government in the Judicial Department authorizing a conditional offer of pardon to the several persons enumerated in the Courts Proceedings of 28th Ultimo

Hereunto No. 2467

Ordered that Copy of the foregoing letter be sent with Extract from the proceedings of the 28th Ultimo and Extract of these proceedings to the Criminal Judge in the Zilla of South Malabar for his information and guidance.

Sent following letter

Here enter A

Read letter dated the 12th Ultimo from the 2d Judge on Circuit in the Centre Division transmitting his Proceedings held in case No. 23 of the Cuttoor Calendar for the 2d Quarterly Sessions of 1817.

Here enter No. 2468

7th May 1817.

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 Lagerad Caggat and Moofties of the Zoujdaree Adalut do confirm the said Fatwas of the Lagerad Caggat and Moofties aforesaid and, under the sentence of Kisâs declared in the Fatwa, do adjudge the Prisoner

Potrola Gungadoo

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

Sent following Letter
Here enter

7th May 1817.

F. 16.

At a Court of the Zoujdaree Adalut.

Friday 9th May 1817.

Present.

Andrew Scott, Esq.re .....
Edward Croft Greenaway, Esq.re } Judges.
George Stratton, Esq.re .....

Read letter, dated the 9th instant, from the Assistant Magistrate in the Zillah of Combaconum, submitting further particulars with reference to his letter of the 13th ultimo, and requesting authority to tender a conditional pardon under Section XX Regulation VIII of 1802 and to offer the highest rewards specified in Section XXI Regulation IX of 1816.

Here enter No 256

Read again letter, dated the 13th ultimo, from the Assistant Magistrate in the Zillah of Combaconum, forwarding Reports regarding two robberies lately committed near Tondeatarry and Sadras.

Here enter No 215

The Assistant Magistrate stated that he had been taking measures for the apprehension

16 May 1817.

apprehension of the persons concerned in the above robbery in consequence of his examinations, the report from the Assistant Magistrate in the Gulla of Chengulpet &c. &c. &c. quarrelling from that the persons concerned in the robbery near Sadras were supposed to have taken the road towards Verdachellum and that other from the persons who had been robbed at the Choultry near Pondicherry.

The Assistant Magistrate states that seven of the offenders and part of the stolen property have been discovered and secured and he moreover suggests that he should be authorized to make a conditional tender of pardon to the persons mentioned in his letter of the 25th ultimo, as well as to offer the highest rewards specified in Section XXII Regulation IX of 1816.

With regard to the first of these suggestions the Court have to call the attention of the Assistant Magistrate to the provisions of Section XX of Regulation VIII of 1816 according to which the Zilla Magistrate is authorized in certain cases to tender the pardon of Government to one of several persons the principals of whom may not have been apprehended as inducement to recommend the offer of a pardon to one or more

16 May 1817.

of the supposed accessaries on the conditions therein specified; but in the cases which the Assistant Magistrate of Combaconum has submitted for the consideration of the Court there is nothing to show that the persons named may not have been the principals in the respective robberies, and the Court are consequently not prepared to submit the cases of those persons to the Right Honorable the Governor in Council.

In conformity with the recommendation of the Assistant Magistrate of Combaconum the Court authorize and direct him to offer rewards for the apprehension of the remaining persons concerned in the robberies above mentioned at the rate of five hundred Pagodas for each Sardar, and one hundred Pagodas for each of the inferior offenders. The Court have authorized the Assistant Magistrate of Combaconum to offer these rewards in consideration of the time which has elapsed since the commission of the robberies, and under the belief that the offenders have taken refuge without the limits of his jurisdiction; but it appears to the Court that the Police officer stationed near Sadras must have been remiss in the execution of his duty, and they dread that his attention

to

16th May 1817.

to called by the Assistant Magistrate on the Hills of Chengalpat to the provisions of Sections XXVII and XXXV Regulations XI of 1816

It will be the duty of the Assistant Magistrate on the gills of Conjeveram to forward all those persons who may be brought before him as having been concerned in the robbery committed near Sadras to the Magistrate or Assistant Magistrate on the gills of Chengalpat, with whom it will remain to take the necessary steps prescribed by the Regulations.

And with respect to the robbery committed within the limits of the Zemindary of Pondicherry the Assistant Magistrate of Conjeveram will observe the provisions of Regulation XI. of 1809

Ordered that extract of these proceedings be sent to the Assistant Magistrate on the gills of Conjeveram for his information and guidance

Sent following letter No 1

Ordered also that such part of these proceedings as concern the Assistant Magistrate in the gills of Chengalpat be communicated to him for his information and guidance

Sent following letter No 2

2) 7. 16.

16th May 1817.

Read letter dated the 7th instant from the 2d Judge on Circuit in the Western Division submitting, for the orders of the Court, the case of a person who has been lately tried and acquitted on a charge of murder but who in the opinion of the second Judge, should not be set at liberty till it shall satisfactorily appear that he has recovered the use of his reason.

Here enter No 257

The Court, concurring in the opinion of the Second Judge on Circuit, do direct that the Prisoner, Chinatamby Cholakaren Pokeren, be confined in such place and manner as may be considered with the public safety and that he be in no account released without the permission of the Foujdaree Adawlut.

Ordered that extract of these proceedings be sent to the Second Judge on the Western Division Circuit by precept, commanding him to issue the necessary instructions to the Provincial Judge on the gills of South Malabar.

Sent following Precept

Read letter, dated the 29th ultimo, from the Provincial Court of Circuit for the Northern Division, to the Courts Circular Precept of the 12th ultimo

16th May 1817.

16th May 1817.

J. 26.

At a Court of Foujdaree Udalut

Present

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

Read letter dated the 8th Instant from the Criminal Judge in the Zilla of Salem submitting, for the orders of the Court, the cases of certain informers who received conditional offers of pardon in 1813/14/15.

(Here enter No. 255. of 1817)

Of the twelve Informers enumerated in the foregoing letter the Criminal Judge states that five have already obtained certificates of pardon, but that he has not received any communication from the Judges of the Courts of Circuit in the Centre and Northern Divisions relative to the seven remaining Informers, Fukrood-deen, Moabarak, Perody Emaum, Afsan, Ibrahim, Hussaine and Sahib.

The several persons abovementioned gave evidence before the Court of Circuit in the Centre Division during the 2d Jail delivery of 1816 and before the Court of Circuit in the Northern Division during the 1st Jail delivery of the present

16th May 18 17th May 1817

Present Your Hon.

The Court accordingly direct the
Judge of the Court of Circuit on the Centre Di
the Third Judge of the Court of Circuit on
the Northern Division and to the acting Ju
Judges now on Circuit in the Northern Divi
commanding them to report for the information o
the Supreme Court at Salem, on the first day in the succeed
trials on which these informers have been engaged
to give evidence, they have fulfilled the conditi
on which they became entitled to the Royal Pardon for
the Right Honourable the Governor in Council
Sent following Letter
Hereunto B/ 20

19th May 1817 and guidance.

R.A.

H.

Gl EDS

When the respective Judges of the
Court of Circuit shall have made return to the
foregoing Precept the Court will issue the necessary
Instructions to the Criminal Judge in the Gaol
of Salem, and the Court are of opinion that the
the said persons, the several Informers may be
allowed to remain at large, recorded they appear
daily, according to the present arrangement, before
the Gaol Court at Salem.

Ordered that extract of these
proceedings be sent to the Criminal Judge
in the Gaol of Salem.

16th May 1817.

19th May 1817.

Present Ryan J.

The Court accordingly directed

Precept be issued to the Sub acting Sheriff

Judge of the Court of Circuit in the Southern Division

the Third Judge of the Court of Circuit in the

the Northern Division and to the acting Sheriff

Judge now on Circuit in the Northern Division

commanding them to report for the information of

the Supreme Court, and thereby in the terms

trials on which these informations have been laid

to give evidence, they have fulfilled the mandate

on which they returned on the 1st of September

the Right Honourable the Governor in Council

Sent following Route of

Hercenter A/

When the respective Judges of the

Courts of Circuit shall have made returns to the

foregoing Precept the Court will issue the necessary

instructions to the Criminal Judge in the Gaol

of Salem, and the Court are of opinion that in

the meantime, the several Informations may be

allowed to remain at large, provided they appear

daily, according to the present arrangement, before

the Gaol Court at Salem.

Ordered that extract of these

proceedings be sent to the Criminal Judge

in the Gaol of Salem for

19th May 1817 and guidance.

Sent following Letter

R.A. Hercenter B/ 20

H.

EGS

GT

Copied.

J. U.

Wednesday 24th May 1817

At a Court of Foujdaree Udalut

Present

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

The attention of the Court has been lately attracted by a case wherein it appeared that a witness, who had been bound over to attend and give evidence before the Court of Circuit, had failed to attend when the case came on for trial. The circumstance was passed over without any observation on the Record of the Proceedings and it has appeared on subsequent inquiry, that no process was issued against the Surety of the Witness.

It is desirable that a general rule should be established for the guidance of the Courts of Circuit on similar occasions, and the Court do accordingly direct that, whenever a Prosecutor or Witness may fail to attend before the Court of Circuit according to the terms of the recognizance which is required to be taken under Clause third, Section IX Regn. X of 1816, and good and sufficient reasons be

not assigned for such non-attendance, the Judge presiding at the trial do declare the amount of the Recognizance forfeited to Government according to Clause Fourth of the same Section and do immediately issue instructions to the Criminal Judge, requiring him to call upon the Surety for the payment of the penalty of the Recognizance and, in the event of a refusal or omission on the part of the Surety to comply with such requisition, to commit him to close custody until such penalty shall be paid.—

Ordered that extract of these proceedings be sent to the four Courts of Circuit for their information and future guidance, and that they be by Precept commanded to communicate the same for the information and guidance of the Judges now on Circuit within their respective Divisions.

Sent for Cleaning. Precept.

/Here enter A/

Read letter dated the 5th Instant from the Criminal Judge in the Zillah of North Malabar — Forwarding Reports of Prisoners as prescribed by Section XXXVI Regulation X of 1816.

/Here enter No. 258/

Read

Read letter dated the 10th Instant from the 5th Judge on Circuit in the Southern Division — Reporting his arrival at Madura.

/Here enter No. 259/

Read letter dated the 10th Instant from the Acting 3d Judge on Circuit in the Northern Division Reporting his arrival at Nigagapatam.

/Here enter No. 262/

Read return dated the 10th Instant from the Provincial Court of Circuit for the Northern Division — to the Courts precept of 2d Ultimo requiring them to communicate Extract of Court's Proceedings to the Criminal Judge in the Zilla of Nigagpatam.

/Here enter No. 261/ 2D

R. A.

M

GW

Secretary

F. 11.

At a Court of the Magistrates Adelaide

Present.

Thursday
22nd May. 1817.

Andrew Scott Esq.r ——
Edward Croft Gleeson Esq.r } Judges.
George Stretton Esq.r ——

Read again petition presented by Stevenson Gouger, of the Gaol of Chiltern. —

(Remainder Rt. No. 22. of 1814.)

The petitioner complains of the proceedings of the Magistrates of Chiltern and of the Judge on Circuit in a case wherein he had represented his house to have been robbed of certain articles; and he prays the Court to amend his redress. —

The Court have attentively perused the petition with the papers which accompany it; and they see no ground whatever to question the correctness of the proceedings of the Magistrates of Chiltern and the Judge on Circuit in this case.

Ordered therefore that the

22. May 1817.

Court of Circuit; and it would have been the duty of that Court to investigate the matter.

The petitioner has adduced no evidence whatever in proof of his statement that the Court of Circuit [illegible] the petition which she presented to them; and [illegible] has consequently left unsupported her unsupported assertion, as a ground for calling upon the Court of Circuit for explanation.

Rolend therefore that the prayer of the petition be rejected and that extract of these proceedings be furnished to the petitioner.

Read again petition presented by the Bekal Nairain Sastry on behalf of C. Ramanayaka, of the Gille of Chilaw (Vide inter Pet. No 11. of 1816.)

The petitioner was tried and convicted of perjury at the 4th Quarterly Sessions of 1813 at Mantipatam; and was recently sentenced by the late 3rd Judge of the Court of Circuit in the Northern Division [illegible] and to suffer thirty stripes with a Cowitch; and to be imprisoned and kept to hard labour in irons for four years. The now represents his

22. May 1817.

prayer of the petition be rejected and that extract of these proceedings be furnished to the petitioner.

Read again petition of Kumbukkana Mayaderalage Bloss of the Gille of Chilaw

(Vide inter Pet. No 28. of 1815.)

The petitioner represents that her house and the houses of some of her neighbours having been plundered, the robbers apprehended and the property recovered, that the robbers were released, and the property was subsequently restored to the owners except some betel which is to her; and that she made various applications to the Registrar of Chilaw, and subsequently to the Court of Circuit, which but without result; and she prays the Court to send for certain documents, of which a list is subjoined to the petition, and to cause the restoration of her property.

In reference to the report of persons apprehended in the Gille of Chilaw in the months of December 1814 the Court found five persons guilty of having falsely complained of having been robbed, and sentenced them to be stigmatized by the impression of a hot iron, and to be imprisoned and kept to hard labour in irons for four years; the petitioner should have brought her case to the notice of the

+ that, on this sentence, the Registrar put her in jail, and the Court of Circuit took petition with a check that if she complained to any body they would imprison her for twelve years;

+ to be stigmatized by the hangs of Justice.

22. May 1817.

prayer of the petition be rejected and that extract of these proceedings be furnished to the petitioner. -

Read again petition preferred by Hambirkhana Bhagwatee Bhaee of the Zilla of Thitore.

(Here enter Pet. N° 28. of 1815.)

The petitioner represents that her house and the houses of some of her neighbours having been plundered, the robbers discovered and the property recovered, that the robbers were released, and the property restored to the owners but subsequently part of the property was restored to the petitioner, that some letters directed to her, were sent to the Magistrate of Thitore, and subsequently to the Court of Circuit, which last without sending for her, + and the keeper of the Court to whom a list is subjoined to the petition, and to cause the restoration of her property.

In reference to the report of persons apprehended in the Zilla of Thitore in the month of December 1814 the Court observe that "Bhagwandas by" the petitioner sued for five days for preferring a false complaint. If this imprisonment be unjust, the petitioner should bring her case to the notice of the Magistrate of Thitore, and if the Court of Circuit finds the petition right and that if she complained to any body they would imprison her for twelve years;

+ that, on the contrary, the Magistrate put her in jail, and the Court of Circuit finds the petition right and that if she complained to any body they would imprison her for twelve years;

22. May 1817.

Court of Circuit, and it would have been the duty of that Court to investigate the matter. -

The petitioner has adduced as evidence whatever in proof of her statement that the Court of Circuit [illegible] the petition which she presented to them; and ~~[illegible]~~ admitted her unsupported assertion as a ground for calling upon the Court of Circuit for explanation.

Ordered therefore that the prayer of the petition be rejected and that extract of these proceedings be furnished to the petitioner. -

Read again petition preferred by the Vakeel Ameen Sastry on behalf of C. Ramanujach, of the Zilla of Chittoor. -

(Here enter Pet. N°. 11. of 1816.)

The petitioner was tried and convicted of perjury at the 4th Quarter Sessions of 1813 at Mangalore; and was accordingly sentenced by the late 3rd Judge of the Court of Circuit in the Northern Division ~~[illegible]~~ + and to suffer three months stripes with a Cowdich; and to be imprisoned and kept to hard labour in irons for four years. The now represents his

+ to be stigmatized by the brand of Government.

22. May 1817.

innocence; and he prays the Court to direct his release.

The Court do not see any ground for their interference in this case; and they accordingly direct that the prayer of the petition be rejected and that extract of these proceedings be furnished to the petitioner. —

Read again petition presented by the Revd Marcus Testy on behalf of Chelakara Gopich. and Damodra Sathyanicha of the Jillah of Tellicherry Petn —

(Vide entries Petn. Nos. 475 & 476 of 1816)

The petitioners respectively complain that the Magistrate in the Jillah of Tellicherry refused to summon & examine certain persons charged by them with having been engaged in a riotous assault upon them, wherein murder was committed; and that upon such application to the Judge in Circuit in the same effect was not attended to. —

The petitioners refer to Brief No. 4. in the Calendar of Petitions for the 1st Session of 1816: and the Court observe that at the end of the Magistrate's proceedings

(2) F. C.
22nd May 1817.

recorded the grounds upon which it was considered unnecessary to summon the persons mentioned by the petitioners. As the prosecutor of the ~~parties~~ reasons thus recorded by the Magistrate the Judge who presided at the trial of the other persons accused by the petitioners, appears to have concurred, and the Court see no ~~reason~~ cause for questioning the correctness of the proceedings in this case. —

Ordered therefore that the prayer of the petitions be rejected; and that extract of the proceedings be furnished to each of the petitioners.

AH

GW.

22d May 1817

J. U

Copy sent

H. Court of Foujdaree Udalut

Present

Monday 26th May 1817

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

Read letter dated the 12th Instant from the 2d Judge on Circuit in the Western Division transmitting his proceedings held in case No 19 of the Cazeea Calendar for the 1st Sessions of 1817.

Cuttack No 254/

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-a-cal Coogat and Mooftees of the Foujdaree Udalut, do confirm the said Futwa of the Cazee-cal Coogat and Mooftees aforesaid and, under the sentence of Kokoobut declared in the Futwa, do adjudge the Prisoner

"Kalla"

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

twelve

6th May 1817

twelve Calendar months.

Sent following letter
/ Recorder A /

Read letter dated the 18th Instant from the 1st Judge in Circuit in the Southern Division transmitting his Proceedings held in case No. 12 of the Salem Calendar for the 1st Sessions of 1807

/ Recorder No. 26 /

The Court, having maturely considered the Proceedings held before the Judge on Circuit, the Letters of the Provincial Law Officers and the Letters of the Cazee of Jaffna & Moorish Members of the Fougdaree Adawlut & conferring with the said Letters of the Cazee of Jaffna & Moorish Members aforesaid and (2) (3) Interpretation visited on them by the Sections of Colebrooke, do direct that each of the Prisoners

1st Twenty Rattans and

2d Ammunutty Rattans

be corporally punished with thirty Stripes of a Rattan and that they be afterwards set at Liberty

No. 1 Sent following letter
/ Recorder A / 20

J. C.

At a Court of the Fougdaree Adawlut

Present

Monday 9th June 1817

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

Read letter dated the 20th April last, from the Secretary to Government in the Judicial Department, forwarding communication from the Supreme Government with sundry papers arising out of the Proceedings of the Fougdaree Adawlut in the case of the Prisoner Kalaram

/ Recorder No. 224 /

In sending down these papers for the consideration of the Court, the Government remark that no authorities have been cited by the Fougdaree Adawlut in support of the opinion recorded on their Proceedings of the 28th February last regarding the evidence of Police Officers, and it is considered to be desirable that the Court should, in the first place, point out the authorities on which they or their Law Officers may

rely

16th June 1817.

rely for the correctness of such opinion—

The Cazee of the Court and Proof
of the Foujdaree Adalut have accordingly
delivered in, at the requisition of the Court
their interpretation of the Mahummudan
Law as applicable to the above subject, and
the Court direct that a translation of
be recorded on the Proceedings—

Resolved

With reference to that part of
the Futwa in Kalleram's case which relates
to the evidence of the Police Peons, it is
necessary to observe that the words translated
"inadmissible" would have been more correctly
rendered by the words "unworthy of credit"
The use of the word "inadmissible" has led
the Governor General in Council to suppose
that Police Peons are by the Law Officers of
this Court considered to be "incompetent"
"witnesses," and that the Court have rejected
in this interpretation of the Law—

The Court, however, did not
so understand the Futwa. They considered
the exception to this evidence to be special

16th June 1817

and not general, and being fully aware of
the light in which evidence of the nature
is viewed by this Court, it never
occurred to the Court, until the receipt
of the foregoing letter, that the word
inadmissible, as applied to this evidence generally
to convey an erroneous idea of the grounds of those
upon which that evidence was rejected—

It is, indeed, proper to observe, into
that, although in this particular instance before
the Law Officers of the Foujdaree Adalut for
have used an expression which should be
translated "unworthy of credit," act
they are in the habit of using indiscriminately
terms, such as "No mookbook" or "Ghyr
mookbook," expressive of inadmissibility, the
when they mean to object only to the
credibility of the testimony and not to
the competency of the witness. In all such
cases it is to be understood that they consider
the evidence to be unworthy of credit, and
refer it to be unworthy of credit, and
therefore pronounce it to be inadmissible
and this use of the terms in question seems
to be sanctioned by the best authorities
among

"Na mookbook or
Ghyr mookbook
&c." or "Jaiz nust"

16th June 1817.

among the writers on the Mahommedan Law.

That the Court did not consider the Futwa to amount to a declaration of the incompetency of Police Officers as witnesses is sufficiently apparent from their Proceedings of the 26th February last wherein they state the opinion of the Law Officers to be "founded "on a received maxim in the Mohummudan "Law that the testimony of persons employed "in the apprehension of public offenders, when "unsupported by other direct or circumstantial "evidence, cannot be admitted" Police Officers to be considered as incompetent witnesses it is obvious that their testimony could not be admitted even though supported by other direct or circumstantial evidence.

The exposition which the Cazee-ool-Cozat and Moofties of the Sudder Adalut have given of the grounds upon which they consider the evidence of Police Peons to be inadmissible appear to the Court to be satisfactory - to shew in short with what scrupulous reserve the evidence of Police Officers should be admitted ...

the

16th June 1817. the Courts of Criminal Judicature, it seems only necessary to observe that the very small hold which the obligation of an oath is known to possess on the Natives of India is liable to be weakened in all such instances by the interest which Police Officers generally have in establishing the criminality of those whom they may apprehend.-

The Court, having gone into this explanation on the first question before them, are now prepared to submit, for the consideration of Government, whether it be necessary to frame any such enactment as is described in the third paragraph of the foregoing letter from the Secretary Bill.- It is the belief of the Court that the expositions given by the Law Officers of the Nizamut Adalut and Foujdaree Adalut respectively will be found to be in substance the same, and the Court would at least suggest the expediency of postponing the enactment of any Regulation on the subject until it be ascertained whether the interpretation of the Mohummudan Law, as given by the

Law

16. June 1817.

Law Officers of this Court, be considered to be correct; it being previously desirable that the Mohummudan Law should be administered on uniform principles at the several Presidencies.—

The other point for the consideration of the Court is the necessity of framing a Regulation for the punishment of offences of the nature of those committed by Pindarees and on this head the Court have to observe that Regulation XV. of 1803, which corresponds with the Bengal Regulation XII. of the same year and which defines the crime and punishment of robbery by open violence, appears sufficiently to provide for the punishment of the offences in question with regard to the case of Halaram, the doubt has arisen as to this power of the Courts of Criminal Judicature to adjudge a punishment adequate to the offences with which he was charged, but simply as to the sufficiency of the evidence adduced to prove the commission of such offences.—

The Court are not at this time

16. June 1817.

to offer any opinion at present with respect to the expediency of altering the mode of trying the facts brought under the cognizance of the Criminal Courts; but it may not be deemed irrelevant to observe, with regard to the case cited by Mr. Romer, the Magistrate of Surat, that no inference seems justly deducible, from the papers before the Court, as to any marked difference in the result proceeding from the alleged difference of practice in the Criminal Courts under the Presidencies of Madras and Bombay respectively. No comparison appears to have been drawn between the facts of the two cases; but it is merely stated that, in the year 1803 two persons were found guilty at Surat of having been concerned with a body of Pindarees in committing acts of rapine and were sentenced to imprisonment and hard labour for fourteen years. The case, as far as it is before the Court, only establishes the power of the Courts of Criminal Judicature under the Presidency of Bombay to adjudge an

punishment

16th June 1817.

punishment where persons may be convicted
of having committed offences of the above
description, and it seems scarcely necessary
to observe that the Courts of Criminal
Judicature under this Presidency are also
authorized by the Regulations in force
to visit such offences with the penalties
of temporary or perpetual imprisonment
or death, according to the circumstances
of aggravation with which they may
be attended.—

Ordered that extract of these
proceedings be transmitted to the Secretary
to Government in the Judicial Department
for the purpose of being laid before the
Right Honorable the Governor in Council

Sent following letter

Were entered

J. U.

At a Court of Foujdaree Udalut

Present

Wednesday 18th June 1817. Andrew Scott Esqre. } Judges
Edward Croft Greenway Esqre. }
George Stratton Esqre. }

Read letter dated the 2d Ultimo
from the 1st Judge on Circuit in the Southern
Division Transmitting his proceedings held
in cause No. 9 of the Cumbacanum Calendar
for the 1st Sessions of 1817.

Here enter No. 2145

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 and acquitting the first Prisoner
"Weeren"
do direct that he be released accordingly
2d "Pettaun" and
3d "Coottachy"
have been released under warrant of the
Judges

18th June 1817.

confirmed

by other circumstances or subsequently before the Criminal Judge, is the weakest and most suspicious testimony that can be adduced against a Prisoner.

The Court have also to observe that three persons are specified by the Criminal Judge as not professing any knowledge of the circumstances of the case and are nevertheless bound over to attend and give evidence before the Court of Circuit— To take recognizances from persons professing such utter ignorance of the facts of the case is to impose a hardship on Individuals without furthering the ends of public Justice, and the Court direct that the Criminal Judge be careful in future to bind over such persons only as may be found to have "some knowledge of the crime or mis-"demeanor alleged against a Prisoner" to attend and give evidence before the Court of Circuit—

Ordered that extract of these proceedings be sent to the 1st Judge on Circuit in the Southern Division, by Precept, commanding him to communicate the same to the Criminal

Judge

18th June 1817

Judge viz the Zillah of Cuttack
for his information and future guidance
Sent pattaining Receipt
Concurrence B/

In many of the cases which
have been referred from time to time for the
final sentence of the Faujdaree Adalat
it has appeared that the Prisoners have
been committed for trial solely on the ground
of confessions alleged to have been taken
before the Native officers of Police which
confessions, being unsupported by any satisfactory
evidence, have been found to be undeserving
of credit and the Prisoners have, in all
such cases, been ordered to be released.

It becomes the duty of the
Court to prevent the continuance of a
practice which is calculated to obstruct
the due administration of Criminal
Justice and to destroy that security of
person which is so essential to the
happiness of the community, and they
accordingly Resolve to record certain
observations on the subject for the
future guidance of the several subordinate
authorities.

An erroneous idea would

2d. Fn. Ue.

18th June 1817. appear to prevail among the Native officers
of Police that a confession is the strongest
proof of guilt, and to this it is to be attributed
the custom which is known to prevail of
obtaining confessions by false hopes and
promises or of extorting them by the impression
of fear.— In many instances there has
been reason to believe that confessions have
been fabricated, and the practice of obtaining
by the flattery of hope; of extorting by
threats or ill treatment and of fabricating
confessions would seem to have encreased
till it has become general and systematic.

Bare, uncorroborated confessions
previous to trial are always to be admitted
with tenderness and circumspection, and
when consideration is had to the undue
means so generally used by the Police
Officers in order to obtain confessions, it
must be obvious that they are entitled to
little credit as evidence, unless strongly
corroborated by other circumstances or subse-
quently confirmed before the Zillah Criminal
Court.— It is evident that all such confessions
are liable to strong objections even when
there is no positive proof of their having

been

been obtained by improper means, & it is not improbable that the officers of Police frequently intimidate or ill treat the accused till they agree to confess, after which their examination is taken and to the attesting witnesses it seems to be voluntary.—

The attention of the several Judicial authorities should be particularly given to the means of suppressing, ~~the evil~~ as well on its magnitude and its alarming consequences — the Court do not indulge the expectation that a practice so widely diffused and so deeply rooted in the habits of the natives can be wholly and effectually eradicated; but they are of opinion that by endeavouring to impress upon the minds of the Police Officers that the confession of an accused person is a matter not of primary but of subordinate consideration, one important step will be taken towards the attainment of this desirable object — They may arrange-ment of the several clauses of Section XXVIII. Regulation XI of 1816 as confirmatory of the observations, and the Court accordingly

direct that the Magistrates of the several Zillahs do, with reference to the above remarks, direct the attention of the Tahseeldars within their respective jurisdictions to the provisions of the aforesaid Section —

Ordered that extract of these proceedings be sent to the 4 Courts of Circuit by precept directing them to communicate the same to the several Criminal Judges and Magistrates within their respective jurisdictions and to desire that the Magistrates do make the necessary communication to the Tahseeldars within their several Zillas, for their information and future guidance —

Sent following Circular Precepts

/ Hereenter C /

Read return dated 12th Ultimo from the 2d Judge on Circuit in the Western Division to the Court's precept of 2d Instant commanding him to communicate Extract of the Courts Proceedings to the Criminal Judge in the Zilla of Canara —

/ Hereenter No 263 /

Read letter dated the 15th Ultimo

18th June 1817.

Letter from the 1st Judge on Circuit in the Southern Division forwarding extract of Madura Calendar for the 1st Sessions of 1817.

/ Hereunto No. 265 /

Read & return dated the 22d

Letter from the 3d Judge of Circuit in the Northern Division to the Court transmitting Extract of the Courts proceedings for the information of the Criminal Judge in the Zillah of Jaffna

/ Hereunto No. 266 /

H

E.C.S

G

1 (Original)

Friday 20th June 1817.

No. 11.

At a Court of Oyer & Terminer holden

Present

Andrew Scott Esqre
Edward Croft Greenway Esqre
George Stratton Esqre
Judges

H

E.C.S

Read letter dated the 6th Instant. late from the 3d Judge on Circuit in the Centre Division explaining his motives for examining the two Witnesses for the Prosecution, in No. 2 of the Cuddapah Calendar for the 1st Sessions of 1817, after the Prisoner had been put upon his defence.

/ Hereunder No. 283 /

The third Judge appears to have misunderstood the purport of the Courts observations here mentioned. - Those Witnesses with regard to the Witnesses were brought forward in support of the charges and it was therefore the duty of the Judge presiding at the trial to take their evidence before the prosecution was closed, whereas it appeared on the face of the Proceedings that the Witnesses were not called up to be examined till six days after the Prisoner had been put upon his defence.

It was the intention of the Court to point out this irregularity; to explain that

evidence

evidence taken under such circumstances was altogether inadmissible, and to impress upon the mind of the Judge an Earnest that had the conviction of the Prisoner rested on the evidence given by the said Witnesses the Court must have ordered him to be released.

Ordered that Extract of these Proceedings be sent to the Third Judge & Circuit in the Centre Division for his information.

Sent following Letter

Recorded No

Read letter dated the 2d Instant from the Magistrate in the Zilla of Nagapatam submitting for the consideration of the Court of Foujdary Adalut, a correspondence with the Criminal Judge of Nagapatam relative to the purchase of Slaves.

Recorded No 2731

The matter which is here referred for the opinion of the Foujdarree Adalut is connected with the Religious usages and institutions of the native subjects of this Government and it is not cognizable as a civil action under the Provisions of Section XVI Regulation III of 1802.

Under this explanation it will

be apparent to the Magistrate in the Zilla of Nagapatam that he is not authorized to take cognizance of the matter in question and that it is therefore unnecessary for the Court of Foujdarree Adalut to enter into a further consideration of the subject of this Reference.

Ordered that Extract of these Proceedings be sent to the Magistrate in the Zilla of Nagapatam for his information.

Sent following Letter

Recorded No

Read letter dated the 6th Instant from the 3d Judge &c Circuit in the Centre Division admitting his oversight of the Regulations but submitting further reasons for believing that Revenue Servants are only amenable to the respective Adawlut Courts of their Zillas on charges of corruption and extortion, and requesting information on this subject for his guidance in future.

Recorded No 2821

The opinions of the Foujdarree Adalut on the point submitted in the foregoing letter has been conveyed to the 3d Judge in Circuit in plain, unambiguous Language and in Reply to the present Reference, the Court

consider

20 20th June 1817

consider it sufficient to state that nothing
of an express provision of the Legislature
exempt Revenue servants from amenability to
Courts of Criminal Judicature for acts of
or extortion committed in their official capa

Ordered that extract of the
Proceedings be sent to the 3d Judge of Circ
in the Centre Division
for his information and guidance

Sent Gallowing letter

Entered C/

Read letter dated the 20th Inst
from the Criminal Judge in the Zilla Dindig
Reporting his having committed for trial by the
Court of Circuit two persons on a charge of
forgery, perjury &c. and recommending the offence
pardon to a third named Soundra Chetty.

Entered Sp 27/1

The case has submitted to the Cou
appears to be an indictment of Sabbien Chetty
the Defendant in the first Circuit held and
determined in the Year 1808 on the Petition
of Danapien presented a petition stating in substance
to the Judge of the said Court on the 22d Inst
stating that he had sued the Plaintiff, Comaraden
Saumy Gounden, the sum awarded by the
Decree in the above suit, with the exception
of a small sum agreed to be remitted by the

2d " Ju Un
20th June 1817

25th of April 1809 and two Cadjan receipts
were produced by the said Sashon Chetty as
having been given by the Plaintiff, Comaraden
=my Gounden; written by Chinna Chetty and
witnessed by Soobbramanya Chetty, Coopfoo
=saumy Chetty and Soundra Chetty. The
Plaintiff asserted that the receipts were
forgeries and notices were accordingly issued
for the Writer and Witnesses of the Receipts to
attend together with the Defendant before
the Zilla Court.

On the 20th Instno these
several persons, with the exception of Coopfoo
Saumy Chetty, appeared before the Court
when Sashon Chetty declared upon oath
that the Receipts in question had been passed
by the Plaintiff and the money paid in the
presence of the persons abovementioned at the
house of Coopfoo saumy Chetty. Chinna Chetty
and Soundra Chetty deposed to the same
effect, but Soobbramanya Chetty denied all
knowledge of the transaction. A notice was
issued to the Plaintiff who appeared before
the Zilla Court on the 27th and stated that
he could adduce evidence to shew that the
Defendant quitted Coimbatore before the month
of April 1809 and returned two years ago.

&c

20th June 1817

The subsequent behaviour of the Defendant and the Judge to prosecute the inquiry on this Court and matters were stated for the Witnesses mentioned by the Plaintiff to attend on the 23d together with the Remaining writings to the Receipt, Coopfpoodasamy Chetty.—

This last mentioned person, Coopfpoodasamy Chetty (whom the Judge very properly would not allow to swear deposed that the Signature was his but that he had no Recollection whatever of any of the circumstances of the case.— The evidence adduced by the Plaintiff appeared Criminal Judge did not consider it to be sufficient to convict the Defendant and he therefore led to promise Soundra Chetty that he would apply for his pardon provided he would declare the whole transaction Soundra Chetty accordingly made a full & unreserved confession, which Thimma Chetty admitted to be true; and when the last confessions were read aloud to Coopfpoodasamy Chetty, he made a confession of the part which he had taken in the transaction and this his new deposition was taken upon

20th June 1817

The Criminal Judge has committed Sathon Chetty and Chinna Chetty to take their trial before the Court of Circuit for "Forgery, perjury and subornation of perjury" and he now requests that his application for an offer of pardon to Soundra Chetty may be submitted, through the Court, for the orders of the Right Honble the Governor in Council.—

On a consideration of the foregoing particulars, it is obvious to remark that the Criminal Judge, in his zeal to bring guilt to punishment, has exceeded, in some degree, the exact measure of his authority, since the cases contemplated in Section XX Regulation VIII of 1802, which provides for the Recommendation of offers of pardon, are such only as involve dangerous breaches of the peace wherein several persons may be known to have been concerned and where, with a view to the safety of the community, it may be considered advisable to make an offer of pardon to one or more of the supposed accessories, in order to lead to the apprehension or conviction of the principal offender or offenders.—

As, however, Soundra Chetty has been induced to make an ample confession

order

20th June 1817

under the promise of the Criminal Judge that an application for pardon should be made in his behalf, the Court resolve to recommend that the Governor in Council may be pleased to authorize an offer of pardon to Chinny the said Soundra Chetty, on the conditions specified in the Section abovementioned; and it will be the duty of the Court to point out to the Criminal Judge in the Zilla of Chingleput in what respect he has, in his anxiety to promote the ends of Justice, been led to transgress the strict letter of the Regulations enacted for his guidance. —

Ordered that the foregoing letter and extract of these proceedings be transmitted to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council

Sent following letter

/ Here enter D /

Read letter dated the 11th Instant, from the Provincial Court of Circuit for the Centre Division transmitting copy of a circular letter from the Secretary to Government &c requesting that the 1st Judge may be permitted to proceed to the Southern

3d H. C.

20th June 1817.

/ Here enter No. 298 /

The Court direct that the foregoing letter be submitted to Government with their recommendation that the 1st Judge of the Court of Circuit in the Centre Division be permitted to repair to the Presidency in order to take the oaths of qualification as a Justice of the Peace before the Judges of the Supreme Court at the ensuing Sessions of Oyer and Terminer. —

Ordered that the foregoing letter & Extract of these Proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being being laid before the Right Honble the Governor in Council. —

Sent following letter

/ Here enter D /

Read letter dated the 23d Ultimo, from the Criminal Judge in the Zilla of Salem. Reporting the escape of some of the Prisoners while employed on public works. —

/ Here enter No. 269 /

Read letter dated the 26th Ultimo from the 1st Judge on Circuit in the Southern Division — Reporting his arrival at Tinnevelly and the commencement of the Sessions. —

/ Here enter No. 270 /

Read

under the promise of the Criminal Judge that an application for pardon should be made in his behalf, the Court resolve to recommend that the Governor in Council may be pleased to authorize an offer of pardon to him, the said Soundra Chetty, on the conditions specified in the Section abovementioned; and it will be the duty of the Court to point out to the Criminal Judge in the Zilla of Salem in what respect he has, in his anxiety to promote the ends of Justice, been led to transgress the strict letter of the Regulations enacted for his guidance. —

Ordered that the foregoing letter and extract of these proceedings be transmitted to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council —

Sent following letter

/ Here enter D /

Read letter, dated the 11th Instant, from the Provincial Court of Circuit for the Centre Division transmitting copy of a circular letter from the Secretary to Government & requesting that the 1st Judge may be permitted to proceed to Madras in order to qualify himself as Justice of Peace before he sets out on Circuit

/ Here enter No. 298 /

The Court direct that the foregoing letter be submitted to Government with their recommendation that the 1st Judge of the Court of Circuit in the Centre Division be permitted to repair to the Presidency in order to take the oaths of qualification as a Justice of the Peace before the Judges of the Supreme Court at the ensuing Sessions of Oyer and Terminer —

Ordered that the foregoing letter & Extract of these Proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honble the Governor in Council —

Sent following letter

/ Here enter C /

Read letter dated the 23d Ultimo, from the Criminal Judge in the Zilla of Salem. Reporting the escape of some of the Prisoners while employed on public works —

/ Here enter No. 269 /

Read letter dated the 26th Ultimo from the 1st Judge on Circuit in the Southern Division — Reporting his arrival at Tinnevelly and the commencement of the Sessions —

/ Here enter No. 270 /

Read

20th June 1817

Read letter dated the 30th Ultimo from the Criminal Judge in the Gaol of Kingston forwarding the Returns prescribed by Section XXVII Regulation X A.D. 1816

/ Hereunder No. 2725 /

Read return dated the 28th Ult. from the 2d Judge on Circuit in the Western Division to the Courts precept of the 16th Ultimo directing that Chaatan Cherlatan Pokeree be confined in such place and manner as may be consistent with the public safety

/ Hereunder No. 2726 /

Read letter dated the 29th Ultimo, from the 2d Judge on Circuit in the Western Division Reporting the completion of the Gaol Delivery at Cabbot and his intended to quit that station for the Gaol of Livingstone

/ Hereunder No. 2727 /

Read letter dated the 2d Inst. from the 3d Judge on Circuit in the Centre Division Heath returned recognizances of entire to in case No. 2 of the Criminal Calendar and in case No. 17 of the Petty Calendar for the 1st Sessions of 1817

/ Hereunder No. 2801 /

Read

20th June 1817

Read return dated the 2d Instant from the 3d Judge of Circuit in the Western Division to the Courts precept of the 21st Ultimo, directing him to communicate to the Judge on Circuit the Order of the Court with regard to the declaration of the forfeiture of recognizances.

/ Hereunder No. 2811 /

R. A.

N

608

25th June 1817.

Copied

Thursday

23d June 1817.

At a Court of the Vice-Admiralty Holden at

Present

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

Read letter dated the 3d. instant from the Second Judge on Circuit in the Western Division — transmitting his Proceedings held on and after No 23. of the current calendar 1st. Session of 1817.

Here enter No 231

The Court having maturely considered the Proceedings held before the Judge on Circuit the Notes of the Provincial Law Officer and the Notes of the respective Grand and Petit Juries of the Vice-Admiralty Holden to confirm the said Notes of the respective Grand and Petit Juries aforesaid and, under the direction with or there by the sentence of Robert, do adjudge the said prisoners

Prince

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

And

23d June 1817

25th June 1817

23d June 1817

from the Acting Third Judge on Circuit in the Northern Division — forwarding copy of the calendar of Prisoners committed to take their trial before the Court of Circuit at Vizagapatam at the 1st Sessions of 1817.

/Here enter No 274/

Read letter dated the 4th instant from the Provincial Court in the Southern Division, to the Courts Secretary of the 18th April last — communicating them not to take cognizance of certain complaints without the consent of the British functionaries by persons not subjects of this Government and directing that a Record of the Courts proceedings be circulated to the several Criminal Judges and Magistrates within their jurisdictions.

/Here enter No 296/

Read letter, dated the 3d instant from the Provincial Court in the Northern Division, to the Courts Circular Receipt of the 21st ultimo — directing them to communicate to the Judge on Circuit the orders of the Court with regard to the declarations of the forfeitures of recognizances required to be taken under Sections IX Regulation X of 1816

/Here enter No 295/

Read letter, dated the 3d instant

23d. June 1817

From the third Judge in Council on the Chittagong Division submitting copy of the Calendar of Prisoners entered to take their trials before the Court of Circuit at the 1st Sessions of 1817

[illegible] No. 384

Read the letter from the second Judge of Council on the Cuttack Division with returned warrants of commitment in cases No. 1 and 33. of the Cuttack Calendar 2d Sessions of 1817.

[illegible] No. 385

Read letter from the Criminal Judge of Chittagong submitting reports required by Section XXXVI Regulation X. of 1816 and clause fourth Section VIII Regulation XV. 1793.

[illegible] No. 393

25th. June 1817

J. U.

At a Court of Foujdaree Udalut

Present

Wednesday 25th. June 1817.

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

Read letter dated the 17th April last from the Criminal Judge in the Zillah of Cuddapah submitting, for the consideration of the Court, certain doubts which have occurred to him with respect to the authority vested in the Criminal Judges for the effectual management of the Jails placed under their charge.

Here enter No. 2781

The Court have given the most attentive consideration to the subject of the foregoing letter and it does not appear to them that any difficulties are likely to arise with regard to the management and control of the Zillah Jails which are placed, by the late Regulations under the exclusive charge of the Criminal Judges.

Sections XXVIII and XXIX of Regulation X of 1816 provide for the redress by

25th June 1817.

by the Criminal Judges of all wilful founded complaints of ill treatment and for the prevention of drunkenness, gaming and other immoralities among the Prisoners confined in the Jail, and the Court accordingly of opinion that whenever a crime or misdemeanor may be committed by any such prisoner, whether he be at the time within the precincts of the jail or employed on the public works under charge of the jail officers, it is competent to the Criminal Judge either to take cognizance of the offence under Section VII Regulation X of 1816 or as the case may be, to commit the offender to take his trial before the Court of Circuit.

Ordered that extract of these Proceedings be sent to the Criminal Judge in the Zilla of Cuddapah for his information and future guidance.

Sent following Letter

Received

Read Letter dated the 23d Instant from the Criminal Judge in the Zilla of Cuddapah Reporting the measures which he has taken, in the absence of the Collector and Magistrate, for the

25 June 1817

apprehension of those concerned in the Robbery of a Brahmin and others near Mungapatnum.

Here enter No 2847.

The Criminal Judge states in the foregoing letter that, during the absence of the Magistrate from the Zilla station, he has proceeded, under Regulation III of 1817, to do all acts necessary for the apprehension of the persons concerned in a late daring robbery, that certain of the supposed offenders have been seized and sundry articles of the plunder secured in the village of Thondoor and that he has issued a warrant for the apprehension of one Patta Goorroomppa, a village Servant of Thoandoor, who is suspected of having been concerned in this, as well as in two other serious offences. And the Criminal Judge concludes with recommending that a Reward of forty Rupees be offered for the apprehension of the said Patta Goorroomppa under the Provisions of Regulation XIII of 1809.

The measures here reported to have been taken for the apprehension of the supposed offenders appear to have been equally prompt

Rett.

25 June 1817

prompt, judicious and effectual and they meet
the entire approbation of the Court of
Foujdaree Adaulut — Regulation XIII of 1
under which the Criminal Judges suppose
that Pitta Goroomukha should be pursued
has been rescinded by Section III Regulation
IX of 1816, but is competent to the Magistr
or to the Criminal Judge as vesting the
authority of Magistrate to effect a removal of
the apprehension of the said Pitta Goroomuk
under the Provisions of Section XXI Regulat
IX of 18

Ordered that Extract of these
proceedings be sent to the Criminal Judge
Zilla of Cuddapah for his information & guida

Sent following letter
[Hereunto B]

Read letter dated the 23d Inst
from the Secretary to Government in the Judicial
Department — granting permission to Mr Ha
visit the Presidency for the purpose of
the oaths of qualification as a Justice of the
peace at the ensuing Sessions of the Court

[Hereunto C 308]

2° 7. 20.
25th June 1817

Ordered that Copy of the
foregoing letter be sent to the Judges
Court of Circuit in the Centre Division
for their information —

Sent following letter

[Hereunto C]

R.A.

M

E.C.S

GW

Secretary

J. U.

At a Court of Foujdaree Udalut

Present

Andrew Scott Esqr.

Friday. Edward Croft Gramway Esqr. Judges

27th June 1817. George Stratton Esqr.

Read Letter dated the 19th Instant.

M from the Secretary to Government in the Judicial Department Desiring that the accompanying letter from the acting Magistrate of Tanjore, ~~may be laid before the Foujdaree Udalut~~ with Statement of persons concerned in a Robbery near Pondicherry, may be laid before the Foujdaree Udalut.

Vide Cercular No. 307.

The Observations of the Court both with respect to the robbery here mentioned and with regard to another reported to have been committed near Sadras were recorded the 16th Instimo for the information and guidance of the Acting Magistrate of Tanjore — As the former of these two Robberies had been committed or within the Limits of the French territory at Pondicherry, the attention of the Assistant Magistrate was directed to the provisions of Regulation XI of 1809 and he was informed

that

27th June 1817.

that further particulars were required for the information of the Court before this recommendation regarding an offer of pardon to certain of the Prisoners could be submitted for the orders of the Right Honourable the Governor in Council

It appears, from the foregoing communication, that the prisoners under sentence named Appanoo and Cadien Mamma Moolanger, are not suspected to have been the principals in the Robbery committed near Pondicherry and the Court do therefore recommend to Government that the pardons concerned in the said Robbery shall be brought to trial before any of the established Courts of Criminal Judicature within the British provinces, the Right Honourable the Governor in Council may be pleased to authorize an offer of pardon to the prisoners Appanoo and Cadien Mamma Moolanger aforesaid under the provisions of Section XX Regulation VIII of 1802

Ordered that the Letter from the Acting Magistrate with extract of the Proceedings of the 16th Instant and extract

27th June 1817.

of these Proceedings, be forwarded to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honourable the Governor in Council

Sent following letter
Hereenter A/

Read Return dated the 17th Instant from the Criminal Judge in the Zilla of Chingleput to the Court's precept of the 5th Instant commanding him to send up without delay the Reports therein required
Heer enter No. 302/

Read letter dated the 12th Instant from the Criminal Judge in the Zilla of Nigagapatam with Report of prisoners Confined under Sentence
Hereenter No. 304/

Pensioners

27th June 1817

that further particulars been required for the information of the Court before the recommendation regarding an offer of pardon to certain of the Prisoners could be submitted for the orders of the Right Honorable the Governor in Council

It appears, from the pursuant communication, that the prisoners in question, named Appanoo and Cadien Mamma Modaliar, are not suspected to have been the principals in the Robbery committed near Pudicherry, the Court do therefore resolve to recommend that, in the event of His Honor the Government that the persons concerned in the said Robbery shall be brought to trial before any of the established Courts of Criminal Judicature here within the British provinces, the Right Honorable the Governor in Council may be pleased to authorize an offer of pardon to the prisoners Appanoo and Cadien Mamma Modaliar aforesaid under the provisions of Section XX Regulation VIII of 1802

Ordered that the Letter from the Acting Magistrate of Tanjore & Co. enclosed with extract of the Proceedings of the 16th Instant and extract

27th June 1817

of these Proceedings, be transmitted to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council

Sent following letter

/Hereunder A/

Read Return dated the 17th Instant from the Criminal Judge in the Zilla of Tanjore to the Court's precept of the 5th Instant commanding him to send up without delay the Reports therein required

/Here enter No 3024/

Read letter dated the 12th Instant from the Criminal Judge in the Zilla of Nigagapatam with Report of prisoners confined under sentence

/Hereunder No 3044/

F. C.

Saturday
28th June 1817.

At a Court of Foujdaree Udalut

Present

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

Read letter dated the 20th Instant from the 1st Judge of the Provincial Court for the Western Division Enclosing Sick Certificate and reporting his inability to proceed on Circuit

Perpanjer No. 3121

The Court resolve to submit the foregoing communication to Government under the provisions of Section XIV Regulation VII of 1802 it being of essential importance that an immediate arrangement should be made for the Second half Yearly delivery of the Jails in the Western Division —

Ordered that the foregoing letter & enclosure with extract of these proceedings be transmitted to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council —

Sent following letter

Hereunto A/5

Sennegrich

F. U

At a Court of Foujdaree Udalut

Present

Monday 30th June 1817

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

Read letter dated the 5th Instant from the Magistrate in the Zillah of Guntoor submitting his Proceedings in a case of resistance to Process under Clause Sixth Section XVIII Regulation IX of 1816.

[Here enter No 292]

The Magistrate states that "agreeably to Clause Sixth, Section XVIII Regulation IX of 1816 he transmits his proceedings "in a case of Rebellion and Resistance to the "authority of the Magistrate" and he expresses his hope that the fines which he has adjudged amounting to the Sum of Rupees 13,230, may be sanctioned by the Foujdaree Udalut.

It is the duty of the Court to remark that the term "Rebellion" is utterly inapplicable to the description of offence specified in Section XVIII Regulation IX of 1816 and that its improper use in the present instance betrays great inattention on

30th June 1817

on the part of the Magistrate of Guntoor
Rebellion is an offence against the Public
cognizable before either the Judges of Circuit
of Circuit or before any other Court
under the provisions of Regulation of
1802 and it can only be attributed, therefore
to want of due consideration regarding
the nature of the crime that the Gentlemen
have been confounded and the right of
offence cognizable by the Magistrate under
the aforesaid Section of Regulation IX of
1816.— The offence specified in the Section
here quoted is that of Resistance to process
and it is the judgment of the Magistrate in
a particular instance of the offence in
question which is now submitted for the
final sentence of the Provincial Court.

The Court have considered the
several papers forwarded by the Magistrate
with the greatest attention and they find
that, on the 23d and 24th of January last
certain persons were charged on oath by the
Acting Police Daroga of the Suttanapully
district and by Dubby Hotmal, the
Guardian of the Minor Nawab Bo-

30th June 1817

Suttanapully on the night of the 18th, attacked
the Guardian and his adherents and maltreated
the acting Daroga and the Peons who had
repaired to the Guardian's assistance, that
warrants were accordingly issued by the
Magistrate, on the 23d and 24th days of
January aforesaid, requiring certain of the
police officers under his authority to produce
the persons charged with the above assault on
the 20th day of January following, and
that the warrants were returned on the
30th of the same month, accompanied by
a declaration of the Cursoons of the
Cutcherry of Suttanapully certifying that
the parties had shut themselves up in the
Fort of Suttanapully so that they could
not be apprehended.—

It is the act last mentioned
which must be held to constitute the
resistance to criminal process with which
the Prisoners are charged, and it was indispens-
-ably necessary that the Magistrate
should have called on the Police Peons
and the Cursoons to confirm their respective
declarations upon oath before he proceeded
to take any further steps under clause

first

30th June 1817

on the part of the Magistrate of Guntoor.—
Rebellion is an offence against the State cognizable before all the Judges of Zillah & of Circuit or before any other special Court under the provisions of Regulation XX of 1802 and it can only be attributed, therefore to a want of due consideration regarding the nature of the crime that Rebellion should have been confounded with the class of offences cognizable by the Magistrates under the aforesaid Section of Regulation IX of 1816.— The offence specified in the Certificate here quoted is that of Resistance to process and it is the judgment of the Magistrate in a particular instance of the offence in question which is now submitted for the final sentence of the Foujdaree Adawlut.—

The Court have considered the several papers forwarded by the Magistrate with the greatest attention and they find that, on the 23d and 24th of January last, certain persons were charged on oath by the Acting Police Daroga of the Suttanapully division and by Dubby Hedmah, the Guardian of the Minor Servant Rom with having sallied from the Fort of Suttanapilly

30th June 1817

Suttanapilly on the night of the 18th, attacked the Guardian and his adherents and maltreated the acting Daroga and the Peons who had repaired to the Guardian's assistance, that warrants were accordingly issued by the Magistrate, on the 23d and 24th days of January aforesaid, requiring certain of the police officers under his authority to produce the persons charged with the above assault on the 28th day of January following, and that the warrants were returned on the 30th of the same month, accompanied by a declaration of the Curnums of the Cusbah of Suttanapilly certifying that the parties had shut themselves up in the Fort of Suttanapilly so that they could not be apprehended.—

It is the act last mentioned which must be held to constitute the resistance to criminal process with which the Prisoners are charged, and it was indispensably necessary that the Magistrate should have called on the Police Boys and the Curnums to confirm their respective declarations upon oath before he proceeded to take any further steps under clause first

30th June 1817

on the part of the Magistrate of Guntoor is
Rebellion is an offence against the State
cognizable before either the Judges of a Court
of Circuit or before any other special Court
under the provisions of Regulation XX of
1802 and it can only be attributed, therefore
to a want of due consideration regarding
the nature of the crime that Rebellion should
have been confounded with the class of
offences cognizable by the Magistrate under
the aforesaid Section of Regulation IX of
1816.— The offence specified in the Section
here quoted is that of Resistance to process
and it is the judgment of the Magistrate in
a particular instance of the offence in
question which is now submitted for the
final sentence of the Foujdaree Adawlut.—

The Court have considered the
several papers forwarded by the Magistrate
with the greatest attention and they find
that, on the 23d and 24th of January last,
certain persons were charged on oath by the
Acting Police Daroga of the Suttanapilly
Division and by Dubby Kistnah, the
Guardian of the Minor Venkat Row
with having sallied from the Fort of
Suttanapilly

30th June 1817

Suttanapilly on the night of the 18th, attacked
the Guardian and his adherents and maltreated
the acting Daroga and the Peons who had
repaired to the Guardian's assistance, that
warrants were accordingly issued by the
Magistrate, on the 23d and 24th days of
January aforesaid, requiring certain of the
Police Officers under his authority to produce
the persons charged with the above assault on
the 28th day of January following, and
that the warrants were returned on the
30th of the same month, accompanied by
a declaration of the Curnums of the
Cusbah of Suttanapilly, certifying that
the parties had shut themselves up in the
Fort of Suttanapilly so that they could
not be apprehended.—

It is the act last mentioned
which must be held to constitute the
resistance to criminal process with which
the Prisoners are charged, and it was indispens-
-ably necessary that the Magistrate
should have called on the Police Peons
and the Curnums to confirm their respective
declarations upon oath before he proceeded
to take any further steps under Clause

first

30th June 1817

first Section XVIII Regulation IX of 1816 —
The Court, however, are unable to discover after
a most attentive examination of the Proceedings
that the Deponents were ever required to swear
to the truth of their declarations, but merely
appear that when the several Prisoners were
brought up before the Magistrate on the
17th day of February following the making
declarations of the Peons and Burkundaz
were first into their hands and that they
were then required to state what they had
to urge in their defence —

This omission on the part of the
Magistrate of Jumboor to adhere
a part of the duty prescribed by the Regulations
renders it impossible for the Court to confirm
the judgment which has been passed in the
case and the Court do accordingly desire that the
several prisoners, who have already been punished
by the Criminal Judge of Jumboor for the
offence of the Dacoity, be forthwith released
from confinement —

Having explained thus particularly
for the information and future guidance of the
Magistrate, the grounds on which his judgment
has been set aside, the Court consider it
necessary

2d F. 16.
30th June 1817.

necessary to point out a passage in the Magistrate's
letter which is both exceptionable in style and
defective in principle — The Magistrate observes,
as a ground for Recommending that his judgment
may be confirmed by the Court, that "unless some
"very severe punishment is inflicted on these people,
"the whole Country will be justified in arming
"themselves." This passage is objectionable in
its language inasmuch as it appears to
prescribe to the Court the course which they
should pursue, and it is unsound in principle
inasmuch as it assumes that punishment is to
be regulated not according to the certain and
definite ratio of actual guilt but according
to an arbitrary anticipation of possible
contingent evils —

In conclusion the Court are
compelled to notice the very unsatisfactory
shape in which the Proceedings of the
Magistrate have been submitted for their
consideration — The Record is loaded with a
correspondence altogether foreign to the question
before the Court, while many very material
documents, which are immediately connected
with the charge, have not been translated
into English — The translation of some

f.

30th June 1817

first Section XVIII Regulation IX of 1816 —
The Court, however, are unable to discover after a most attentive examination of the Proceedings that the Deponents were ever required to swear to the truth of their declarations but merely appear that when the several Prisoners were brought up before the Magistrate on the 17th day of February following the naked declarations of the Peons and Burkundazes were put into their hands and that they were then required to state what they had to urge in their defence. —

This omission on the part of the Magistrate of Gunjam to observe so essential a part of the duty prescribed by the Regulations renders it impossible for the Court to confirm the judgment which has been passed in the case and the Court do accordingly decree that the several prisoners, who have already been punished by the Criminal Judge of Gunjam for the offence of the Gaol, be forthwith released from confinement.

Having explained thus fully to the Magistrate, the grounds on which his judgment has been set aside, the Court consider it

2d F. U.
30th June 1817.

necessary to point out a passage in the Magistrate's letter which is both exceptionable in style and defective in principle. — The Magistrate observes, as a ground for recommending that his judgment may be confirmed by the Court, that "unless some "very severe punishment is inflicted on these people, "the whole Country will be justified in arming "themselves." — This passage is objectionable in its language inasmuch as it appears to prescribe to the Court the course which they should pursue, and is unsound in principle inasmuch as it assumes that punishment is to be regulated not according to the certain and definite ratio of actual guilt but according to an arbitrary anticipation of possible contingent evils.

In conclusion the Court are compelled to notice the very unsatisfactory shape in which the Proceedings of the Magistrate have been submitted for their consideration. — The Record is loaded with a correspondence altogether foreign to the question before the Court, while many very material documents, which are immediately connected with the charge, have not been translated into English. — The translation of some

Read

30th June 1817.

of these documents has necessarily delayed the final judgment in this case, and the Court do therefore direct that the Magistrate be careful, in all future references to the Foujdaree Adalut, to have all the documents which may be written in the Native languages accompanied by ~~attested~~ unattested English translations.

Ordered that Extract of these proceedings be sent to the Magistrate in the Zilla of Guntoor for his information & guidance

Sent following letter

/Here enter A/

Read letter dated the 21st Instant from the Criminal Judge in the Zilla of Rajah-mundry - Submitting the Report required by Section XXXVII, Regulation X of 1816.

/Here enter No. 314/

It appearing that the Criminal Judge has omitted to forward the Second Report prescribed by Section XXXVII Regulation X of 1816,

The Court do Direct that he be by Precept commanded to send up, without delay as possible, the Report of Prisoners confined under Sentence according to the Form prescribed in No II of the Appendix to the above Regulation -

Sent following Precept

/Here enter B/

30th June 1817.

Read letter dated the 19th Instant from the Criminal Judge in the Zilla of Tinnevelly Transmitting the Reports prescribed by Section ~~XXXVII~~ of Regulation X A. D. 1816 -

/Here enter No. 310/

In the form of Report prescribed by Section XXXVII Regulation X of 1816 for Prisoners confined under Sentence (which corresponds with that formerly Required by Section XXX Regulation VI of 1802) the title runs thus "Report of Prisoners confined "under Sentence to the —— of ——" which blank is intended to be filled up with the Date up to which the Report is prepared, but the Report transmitted in the foregoing Letter is entitled "Report of Prisoners of "confined under Sentence to the Jail of the "Zilla of Tinnevelly."

The Court direct that the error be brought to the notice of the Criminal Judge in the Zilla of Tinnevelly in order that he may guard against its Recurrence -

Ordered that extract of these Proceedings be sent to the Criminal Judge in the Zilla of Tinnevelly for his information and future guidance.

Sent following letter

/Here enter C/

Read

30th June 1817

30th June 1817

Read return dated the 23d Instant, from the Provincial Court of Circuit for the Centre Division to the Courts Circular precept of the 25th May last, desiring them to communicate to the Judges on Circuit extract of the Courts Proceedings regarding the declaration of the forfeiture of recognizances under Clause Fourth, Section IX Regulation X of 1816.

/Hereenter No. 2991

Read letter dated the 1st Instant, from the Acting 3d Judge on Circuit in the Northern Division reporting his arrival at Berhampoor on the 4th of June and the commencement of the Sessions on the 5th Instant.

/Hereenter No. 300/

Read letter dated the 18th Instant from the Criminal Judge in the City of South Malabar Transmitting the Reports of Prisoners as prescribed by Section XXXVI, Regulation X, A. D. 1816.

/Hereenter No. 311/

Read letter dated the 19th Instant from the 2d Judge on Circuit in the Western Division Reporting his arrival at Seringapatam on the 18th of June and the commencement of the Sessions on the following day

3d F. Ct:

30th June 1817 day

/Hereenter No. 309/

Read return dated the 20th Instant from the Provincial Court of Circuit for the Southern Division to the Courts Circular precept of the 25th May last desiring them to communicate to the Judges on Circuit Extract of the Courts Proceedings regarding the declaration of the forfeiture of recognizances under Clause Fourth, Section IX Regulation X of 1816.

/Hereenter No. 313/

R. A.

At a Court of the Foujdaree Udalut-

Present,

Wednesday 9th July 1817.- Andrew Scott Esqre. / Edward Croft Greenway Esqre. / George Stratton Esqre. } Judges

Read letter dated the 27th May last from the Second Judge on Circuit in the Western Division,- transmitting his proceedings held in case No. 3 on the Calendar of the Zilla of Canara, first Sessions of 1817.-

Vide entry No. 274/

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwas of the Cazee ool Cozat and Mooftees of the Foujdaree Udalut do confirm the said Futwa of the Cazee ool Cozat and Mooftees aforesaid and, under the provisions of Clause First, Section IV Regulation XV of 1813, do adjudge the Prisoners

1st "Ayoo"
2d "Mankra Shetty"
3d "Coopah"
4th "Deoo" and
5th "Cornesias"

to suffer death by being hanged at the usual

2d July 1817.

usual time and place of execution—

Sent following letter

/Here enter A/. 15

Read letter dated the 2d Ultimo

from the 1st Judge on Circuit on Circuit in

the Southern Division, transmitting his proceedings

held in case No. 31 on the Calendar of the Zilla of Jalem for

the 1st Sessions of 1817.—

/Here enter No. 287/

The Court having maturely con-

sidered the Proceedings held before the

Judge on Circuit the Futwas of the Provincial

Law Officer and the Futwas of the Cazee ool

Coozat and Mooftees of the Sudder Adalut

do confirm the said Futwas of the Cazee-

ool Coozat and Mooftees aforesaid and

under the discretion vested in them by the

sentence of Corrobat, do adjudge the

Prisoner

"Moorkee"

to be imprisoned and kept to hard labour

on irons on the public roads or other

2d July 1817. public works for and during the period

of Seven years—

Read letter dated the 2d Ultimo

from the 1st Judge on Circuit in the Southern

Division, transmitting his proceedings held in

case No. 24 on the Calendar of the Zilla of Jalem for

the 1st Sessions of 1817—

/Here enter No. 288/

The Court having maturely

considered the Proceedings held before the

Judge on Circuit the Futwas of the Provin-

cial Law Officer and the Futwas of the

Cazee ool Coozat and Mooftees of the

Sudder Adalut, do confirm the said

Futwas of the Cazee ool Coozat and Mooftees

aforesaid and, under the sentence of Kissâs

declared in the Futwas, do adjudge the Prisoner

"Letchmundansery"

to suffer death by being hanged at the usual

time and place of execution—

Sent following letter.

/Here enter B/

The

2d July 1817.

The Court regret to observe that, in the examination before the Court of Circuit of certain of the witnesses in the above case, No 28 of the Salem Calendar 1st Sessions of 1817, the Judge presiding at the trial, instead of reading as concisely as possible the substance of the charge and requiring the witnesses to state all they knew upon the subject, put various leading questions which had a direct tendency to suggest what an answer. The impropriety of this proceeding has been repeatedly noticed by the Court of Judicature Ukudut and particularly in their Circular orders of the 27th December 1815, and the Court do again direct, in the words of the Regulations, that the First Judge of Circuit in the Southern Division be careful, in all future examinations of witnesses, "to propose the interrogatories "to them in such general terms as may bring "forth all the information they possess and "lead to a discovery of the truth."

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

Sent following letter

/Here enter C/ 1.

2d July 817

Read letter dated the 28th May last, from the Acting 3d Judge on Circuit in the Northern Division, transmitting his proceedings held in Case No 10 on the Calendar of the Zilla of Tinnipatam for the 1st Sessions of 1817.-

/Here enter No 290./

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

"Woopanda Goorvadoo"

be set at liberty.-

Sent following letter-

/Here enter 2/

The Court observe that of the four witnesses named by the Prisoner in this case to give evidence in his behalf, only two were

were examined before the Court of Circuit that no reason is assigned for the non examination of the two remaining witnesses the Futwa so passed by the Law Officers of the Hindoo Shastut declares the Prisoner to be not criminal of the crime laid to his charge and the Court confirming the Futwa, have directed that he be released from confinement, but the Court have considered it necessary to notice the above omission with the view of impressing upon the acting Judge of Circuit that on all occasions where any of the witnesses on the part of the Prosecution or Defence may not undergo an examination before the Court of Circuit, he should be careful to enter a note of explanation on the Record of his Proceedings for the information of the Hindoo Law Officers.

Ordered that extract of this Proceedings be sent to the Acting Judge on Circuit in the Northern Division for his information and future guidance.

Sent following letter

/Here enter 8/

Read return dated the 2d Instant from the 3d Judge on Circuit in the Centre Division, - to the Court's precept of the 3d April last directing the proceedings held in case No 5 of the Bellary Calendar for the 1st Sessions of 1817 to be sent up with as little delay as possible -

/Here enter 289/

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwas of the Hindoo Law Officer and the Futwas of the Cazee ool Cozat and Mooftees of the Hindoo Shastut, do confirm the said Futwas of the Cazee ool Cozat and Mooftees aforesaid and resolving, under the provisions of Clause Fifth, Section VII Regulation XV of 1813, to pass a new sentence in the case do accordingly direct that the Prisoners

1st "Rachegah"
2d "Sadaseevah"
3d "Goondegah"
4th "Kunnel Kudavah"
5th "Gunjeegah" and
6th "Baulgah"

be set at liberty -

/Sent following letter 9/

The

2d July 1817.

The Court considered it necessary to refer the Proceedings held in this case for the opinion of their Law Officers, who have delivered in a Paper declaring that Prisoners are not liable to any punishment since a written confession of sanity does not subject a person to the punishment of death by Mohammedan law, unless it shall appear that injury had ensued.

The Court are of opinion, however that the Courts of Criminal Judicature are prohibited by Section XXXIII Regulation VII of 1832 from originating or taking cognizance of any thing done in the course of the trial before they may be brought before the Criminal Judge of Bellary under Section VIII Regulation X of 1816, he has no power to receive evidence of what may appear to have occurred in the Cutcherry during the trial, and that he is to take evidence as to the mental

Ille.

14 July 1817

charged against the Prisoner, and in the event of there appearing to be grounds for committing the Prisoner to take his trial before the Court of Circuit, that he, the Criminal Judge, do frame the indictment for such contempt aforesaid.

Ordered that a Copy of these proceedings be sent to the Judge of Bellary in the Canara Division for his information and future guidance and that he do communicate the same to the Criminal Judge in the Zillah of Bellary.

Ordered also that the following Capt. 2d. Extract be sent to the Register of Petitions for his information.

(Signed) H. Chaplin Register of the Zillah of Bellary.

(Signed) H. Chaplin Register of the Zillah of Bellary.

Extract from the Proceedings of the Court of Circuit in the Canara Division of the Western Coast of the Peninsula dated 2d July 1817.

Extract

The Court are of opinion, however that the Courts of Criminal Judicature are prohibited by Section XXXIII Regulation VII of 1832 from originating or taking cognizance of any thing done in the course of the trial before they may be brought before the Criminal Judge of Bellary under Section VIII Regulation X of 1816, he has no power to receive evidence of what may appear to have occurred in the Cutcherry during the trial, and that he is to take evidence as to the mental

2d July 1817

and he prays the Court to take evidence in the case, and to order the release of his brother. —

The prayer of the petition is altogether inadmissible, inasmuch as there is no appeal from the decision of a Judge of Circuit in a case of this nature; and the Court see no ground for calling for the proceedings &c. in the trial in question.

Ordered therefore that the prayer of the petition be rejected, and that extract of these proceedings be furnished to the petitioner.

Sent Served petitioner and Atty Gen. for Petitioner 25
R.A. Rec'd order N. 315 L

C 786.

At a Court of the Toujdaree Adaulut.

Friday 4th July 1817.

Present

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

M

Read letter, dated the 30th ultimo from the Secretary to Government in the Judicial Department, permitting the Assistant Magistrate of Tarpore to make a conditional offer of pardon to two persons concerned in the late robbery near Tarpore and authorizing the trial of the rest of the Offenders before the Court of Circuit under Regulation XI. of 1809.

[Here enter No. 316]

Ordered that a copy of the foregoing letter be sent with extract from the Proceedings of the 27th ultimo, to the Assistant Magistrate in the zillah of Cawnpore.

[Last following letter No.]

Read letter, dated the 28th ultimo from the Second Judge on circuit in the Western Division, reporting the completion of the Jail delivery at Tarpore and his departure for Tallicherry.

[Here enter No. 315]

A Court of the Poygadaree Adalat

Present

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

Monday 7th July 1817

Read letter dated the 5th Instant from the Secretary to Government in the Judicial Department Desiring that Mr. Warden be instructed to proceed on Circuit for the second half yearly Jail delevery in the Western Division and that Mr. Revens be called upon to state the period for which he wishes to obtain leave of absence from duty.

Vide enter N. 320.

The Court direct that Copy of the foregoing letter be forwarded with extract from the proceedings of the 28. Ultimo and extract of these proceedings to the Court of Circuit in the Western Division for the information and guidance of the first and Second Judges of that Court respectively

Sent following letter

Rid. Vide enter N. 321

Read the following letters from the Criminal Judges of the Zillahs of Nellore, Vizagapatam, Salem, Canara, Ganjam, Tinnevelly, Bellary, Verdachellum, Darapooram, Seringapatam, Chingleput, North Malabar, Madura, Trichinopoly, Masulipatam, South Malabar, Guntoor

At a Court of the Poudsdaree Adalut

Present

Monday 7th July 1817

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

Read letter dated the 5th Instant from the Secretary to Government in the Judicial Department Desiring that Mr. Warden be instructed to proceed on Circuit for the second half yearly Jail delivery in the Western Division and that Mr. Revens be called upon to state the period for which he wishes to obtain leave of absence from duty.

Ordered that Mr. Secretary Accenter No. 320 /

The Court direct that Copy of the foregoing letter be forwarded with extract from the proceedings of the 28th Ultimo and extract of these proceedings to the Court of Circuit in the Western Division for the information and guidance of the first and second Judges of that Court respectively

Sent following letter

Ordered that Mr. Secretary Accenter No. 321 /

Read the following letters from the Criminal Judges of the Zillahs of Nellore, Vizagapatam, Salem, Canara, Ganjam, Tinnevelly, Bellaree, Verdachellum, Darapooram, Seringapatam, Chingleput, North Malabar, Madura, Trichinopoly, Masulipatam, South Malabar, Guntoor

2d July 1817

7th July 1817 Rajahmundry, Letter from Secretary and Proceedings
With quarterly Returns of Prisoners from January to June last
Have entered Nos 238 187 188 201 206 207
208 209 210 212 216 219 224 225 228 229 230 252
253 267 and 303

9 16

At a Court of Foujdaree Udalut

Present

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

Friday 11th July 1817

No 11

Read letter dated the 2d Instant from the Criminal Judge in the Zilla of South Malabar Requesting permission to avail himself of the evidence of two persons by name Poorevatta alias Chemeny Wallapil Ismaalee and Hondootil Hutty Ally, in a case of Gang Robbery in which they have been concerned

(Vide enter No. 324)

It appearing to the Court that a conditional offer of pardon to the two persons here mentioned may lead to the conviction of the three principal persons concerned in the daring gang robbery, the particulars of which were reported to the Court by the Criminal Judge in the Zilla of South Malabar on the 8th April last;

The Court do accordingly resolve to submit the request of the Criminal Judge to Government without delay and to recommend that he may be authorized to make an offer of pardon to Poorevatta alias Chemeny Wallapil Ismaalee and Hondootil Hutty Ally on the condition specified in Section XX Regulation VIII of 1802

Ordered

7th July 1817 Rajahmundry Letter & Enclosures and Statement
With quarterly Reports of Prisoners from January to April
Seventeen Nos 238 187 188 201 206 207
208 209 210 212 216 219 224 225 228 229 230 252
253 267 and 303

At a Court of Foujdaree Udalut

Present

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

Friday 11th July 1817

No 11

Read Letter dated the 2d Instant from the Criminal Judge in the Zilla of South Malabar Requesting permission to avail himself of the evidence of two persons by name Poorevatta alias Chemeny Wallapil Ismaalee and Kondootil Kutty Ally, in a case of Gang Robbery in which they have been concerned—

(Reference No. 324)

It appearing to the Court that a conditional offer of pardon to the two persons here mentioned may lead to the conviction of the three principal persons concerned in the daring gang robbery, the particulars of which were reported to the Court by the Criminal Judge in the Zilla of South Malabar on the 8th April last;

The Court do accordingly resolve to submit the request of the Criminal Judge to Government without delay and to recommend that he may be authorized to make an offer of pardon to Poorevatta alias Chemeny Wallapil Ismaalee and Kondootil Kutty Ally on the condition specified in Section XX Regulation VIII of 1802—

Ordered

11th July 1817

X. of 1816

11th July 1817

Ordered that the foregoing letter be forwarded with extract of these proceedings to Government in the Judicial Department for being laid before the Right Honble the Governor in Council

Sent following letter
/Sereenter A./

Read letter dated the 28th Ultimo from the Assistant Criminal Judge in the Zilla of Rajahmundry with a list of prisoners confined under Sentence

/Sereenter N. 319/

Read letter dated the 5th Instant from the Secretary to Government in the Judicial Department transmitting the Oath of Office taken and subscribed by Mr C. Smalley

/Sereenter N. 321/

Read return dated the 2d Instant from the Provincial Court of Circuit for the Western Division to the Courts Circular Precept of the 15th Ultimo directing them to communicate extract of the Courts proceedings to the several Criminal Judges and Magistrates within their jurisdiction and to ensure that the Magistrates do call the attention of the Zamindars to the provisions of Section XXVII. Regulation XI of 1816

/Sereenter N. 323/

Read letter dated the 27th Ultimo from the acting Criminal Judge in the Zilla of Guntoor with reports of prisoners as directed by Govt

X. of 1816

11th July 1817

/Sereenter N. 325/

Read letter dated the 5th Instant from the Secretary to Government in the Judicial Department authorizing a conditional offer of pardon to Soundra Chetty

/Sereenter N. 326/

Ordered that Copy of the foregoing letter be sent with extract from the Courts proceedings of the 20th Ultimo to the Assistant Criminal Judge in charge of the Zilla of Coimbatore for his information and guidance

Sent following letter
/Sereenter B./

/Read Oath, dated the 8th instant taken and subscribed before the Second Session Judge of this Court as Magistrate of the Zilla of Guntoor

/Sereenter A./

Read letter dated the 4th November 1814 from the Magistrate of the Zilla of Cuddapah representing the expediency of appointing a translator to the Magistrates Office for the purpose of preparing translations of papers for the Court of Circuit

/Sereenter N. 636/

Ordered that the foregoing letter do lie on the Table

F. 11.

At a Court of the Faydarce Udelat.

Present

Friday
15th July. 1817.

Andrew Scott Esq.r 2 ——
Edward Croft Spencer Esq.r 2 —— } Judges.
George Stretton Esq.r 2 ——

Read letter, dated the 5th
Instt. from the Magistrate in the
Zilla of Meselipatam; - submitting for
the consideration of the Court copies of
two precepts issued by the Ld. Judge
of the Court of Circuit in the Northern
Division, relative to a charge of
murder, dismissed by the Magistrate

(Here enter N.o 329.)

The foregoing letter contains
charges against the Ld. Judge of Circuit
for the Northern Division, "such as if
"established would subject him to
"dismission from office"; and the course
to be pursued by the Court on occasions
of this nature is prescribed in
Section IV. Regulation II. of 1810. But
the Court being doubtful whether the

5th July 1817

Magistrate in lieu of the serious nature of the charges stated in the letter of ~~stating~~ it is his design that those charges should be submitted for the inspection & orders of the Right Hon^ble ~~the~~ the Governor in Council in the mode prescribed, & ~~wishes~~ to defer proceeding upon the foregoing letter until they shall have ascertained the Gracious intention of the Magistrate in making the reference

Ordered thereon that what if there proceedings be sent to the Magistrate that he be desired to furnish the information required with as little delay as possible.

(Sent following letter, No.)

J. C.

At a Court of the Foujdaree Adalut.—

Present,

Wednesday 16th July 1817 — Andrew Scott Esq^re
Edward Croft Greenway Esq^re
George Stratton Esq^re
} Judges.—

Read letter dated the 9th Instant, No 81 from the Secretary to Government in the Judicial Department,— with extract from the Minutes of Council in the Military Department of the 19th Ultimo relative to the employment of Convicts in levelling the ground within the Fortress of Ameer.—

/Here enter No. 327./

The foregoing letter is accompanied by an Extract of a letter from the Military Board and a Minute of the Acting Chief Engineer on the subject of an estimate for the repair of the Public Buildings within the Fort of Ameer and it is suggested by the Acting Chief Engineer that the ground within the Fortress should be levelled "by a certain "number of condemned Felons of the District who "may be placed under the control of the Engineer

for

for that purpose apparently with much
advantage to the public interest.

The extract of the letter from
Military Board and the minute of the
Chief Engineer here mentioned have been
sent down to the Court of Zeejdaree Adalut
in order that arrangements may be made
for assembling at Vellore a sufficient number
of Convicts for the purpose therein suggested
and the Court be accordingly directed that if
the same be forwarded to the Criminal
Judge of the Zillah of Chittoor and that he
be desired to communicate with Captain
Mackintosh, the Superintending Engineer
in the Ceded Division, to send a certain
number of Convicts to the Fort of above the
to be employed under the Superintendence
and control of the Engineer, in executing
the work required.

The Criminal Judge will also be
to the Court of Zeejdaree Adalut a Report of
proceedings according to the form prescribed in
No. 11 of the Appendix to Regulation X of 1816.

Ordered that

containing the names and sentences of such
Convicts as may be sent to Arnee for the
purpose above mentioned; and should the Criminal
Judge at Chittoor be unable to furnish a
sufficient number of Convicts for the work
in question, the Court will be prepared to
give instructions to the Criminal Judge in the
Zillah of Salem or Verdachellum or to both,
as the case may be, for an additional supply.

Copy of the communication

Ordered that extract of the
proceedings be transmitted, with extract of these
proceedings, to the Criminal Judge in
the Zillah of Chittoor for his information
and guidance.

Sent following letter.

/Here enter A/

Read letter dated the 23d Ultimo
from the acting Third Judge of Circuit in
the Northern Division, with copy of the
Ganjam Calendar for Sessions of 1817.

/Here enter No. 310/

The case No. 5 of the foregoing
Calendar has been referred for the final
sentence of the Zeejdaree Adalut, but the
Court observe on examining the said Calendar
that

16th July 1817

that the Acting Judge of Circuit has only recorded, in the Column of Remarks, the commencement, progress and conclusion of the trial ~~[illegible]~~ and has omitted to note down the reference of the case for the final sentence of this Court—

In the Column of remarks in No 10 of the Calendar the Court finds the following words "Futwah Cohortut— Sentence the Prisoner "acquitted, 2d and 3d 2½ Years imprisonment "and hard labour in irons." On referring to the abstract of the examination of the Prisoner before the Criminal Judge, the Court cannot conclude that the above is an correct statement of the Futwa which has been passed in the case: If this inference be just, it will be the duty of the acting Judge of Circuit to submit an amended Statement, but if the above be a faithful summary of the Futwa and of the sentence of the acting Judge it will be unnecessary that he should submit his proceedings in the case for the consideration and orders of the Sudder Court—

Ordered, that

F. H.
16th July 1817.

be sent back to the acting Judge late on Circuit in the Northern Division by Receipt, directing him to make return within ten days from the date of its receipt—

/Sent following Receipt/

/Here enter B./

Read letter dated the 7th Instant, from the 2d Judge Presiding at the 3d Quarterly Sessions in the Northern Division— Submitting for the consideration of the Court, the expediency of deferring the trial of the Prisoners in Case No 11 of the Masulipatam Calendar 3d Quarterly Sessions of 1817 until the arrival of four other persons implicated in the charge—

/Here enter No 333—/

The two Prisoners in this case have been committed to take their trial before the Court of Quarterly Sessions, the first as having been concerned in an act of murder and the second as having been an accessory after the fact, and it appears from the foregoing letter of the Second Judge of Circuit that the four persons who have been recently apprehended and who are

now

16th July 1817

that the Acting Judge of Circuit has only recorded, in the Column of Remarks, the commencement, progress and conclusion of the trial ~~of the Prisoners~~ and has omitted to note down the reference of the case for the final sentence of this Court—

In the Column of remarks in No 10 of the Calendar the Court finds the following words "Futwah & shortest Sentence 7th Prisoner "acquitted, 2d and 3d 2½ years imprisonment "and hard labour in irons." On referring to the abstract of the examination of the Prisoners before the Criminal Judge, the Court cannot help concluding that the above is an erroneous statement of the Futwa which has been passed in the case. If this inference be just, it will be the duty of the acting Judge of Circuit to submit an amended Statement; but if the above be a faithful summary of the Futwa and of the sentence of the acting Judge it will be necessary that he should submit his proceedings on the case for the consideration and orders of the Sunjaree Adalut—

Ordered, that the

F. R.
16th July 1817.

be sent back to the acting Judge late on Circuit in the Northern Division by Precept directing him to make return within ten days from the date of its receipt—

/Sent following Precept/

/Here enter B./

Read letter dated the 7th instant from the 2d Judge Presiding in the 3d Quarterly Sessions in the Northern Division— submitting for the consideration of the Court, the expediency of deferring the trial of the Prisoners in Case No 11 of the Masulipatam Calendar 3d Quarterly Sessions of 1817 until the arrival of four other persons implicated in the charge—

/Here enter No 333—/

The two Prisoners in this case have been committed to take their trial before the Court of Quarterly Sessions, the first as having been concerned in an act of murder and the second as having been an accessory after the fact, and it appears from the foregoing letter of the Second Judge of Circuit that the four persons who have been recently apprehended and who are

now

16: July 1817

now on their way from Nelson to Mansfield-
=field, are supposed to have been the
Principals in the Murder.

Under these circumstances the
Court are of opinion that the trial should
be deferred and they accordingly by authority
and direct the Second Judge Presiding
at the 3d Quarterly Sessions of 1817 to
defer the trial until the four accused persons
in question shall have arrived and shall
either have been discharged or committed
to take their trial before the Court of
Quarterly Gaol Delivery.

Ordered that a extract of these
proceedings be sent to the Second Judge
of Circuit in the Northern Division for
his information and guidance.

Sent following letter

M R.H. / Rec'd inter Co. / 20

EBS

/ Read Oath, dated the 13th instant
taken and subscribed by the Honble Robert Baynard, as
Acting Criminal Judge of the Gaol of Gaspard,
before the Second Puisne Judge of this Court
Thereunto By /

16: July 1817

16: July 1817.

now on their way from Nellore to

Pattam

J. C.

At a Court of the Faujdaarew Adaalut.

Friday

18th July 1817

Present

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

N

865

W

Read a letter, dated the 10th instant,

from the Criminal Judge in the Zillas of North

Malabar — reporting a case of murder and recommending

an offer of pardon to two persons named Warriems &

Ramdo, and Warriem formerly Executioner, on condition of

their making a full disclosure of every circumstance

within their knowledge relative to the commission

of the murder.—

(Herewith No. 336.)

Ord a full consideration of all the

circumstances mentioned in the foregoing letter the

Court resolve to submit the request of the Criminal

Judge to Government, with their recommendation

that an offer of pardon may be made to the

two prisoners, Warriem Nambiar and Warriem formerly

Executioner, on the conditions specified in Section XX

Regulation VIII. of 1802.

J. 16.

At a Court of the Tavydarew Adalat.

Friday
15th July 1817.

Present

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

Read a letter, dated the 10th instant,
from the Criminal Judge in the Zillah of North
Malabar — reporting a case of murder and recommending
an offer of pardon to two persons named Wannian
Nomby, and Parrawa Coomba Eravadien, on condition of
their making a full disclosure of every circumstance
within their knowledge relative to the commission
of the murder.—

(Herewith No. 336)

Ord a full consideration of all the
circumstances mentioned in the foregoing letter the
Court resolve to submit the request of the Criminal
Judge to Government, with their recommendation
that an offer of pardon may be made to the
two prisoners, Wannian Nomby and Parrawa Coomba
Eravadien; on the conditions specified in Section XX
Regulation VIII. of 1802.

J. 16.

At a Court of the Legislative Council.

Friday
18th July 1817.

Present

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

Read letter, dated the 11th instant,
from the Criminal Judge in the Zillas of North
Malabar — reporting a case of murder and recommending
an offer of pardon to two persons named Wannian
Nambi, and Parrian Cornatu Eravadan, on condition of
their rendering a full disclosure of every circumstance
within their knowledge relative to the commission
of the murder.

/Herewith No. 338/

Ord a full consideration of all the
circumstances mentioned in the foregoing letter the
Court resolve to submit the request of the Criminal
Judge to Government, with their recommendation
that an offer of pardon may be made to the
two prisoners, Wannian Nambi and Parrian Cornatu
Eravadan, on the conditions specified in Section XV

18th July 1817

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

Sent following letter A

R.A.

A1

F.C.

W

F. C.

At a Court of the Foujdarie Adalut.

Present,

Tuesday 22nd July 1817.

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

Read letter dated the 15th instant,

A1

61 5

from the Secretary to Government in the Judicial Department, authorizing the Criminal Judge of South Malabar to make a conditional offer of pardon to the two persons named in the Court's proceedings of the 11th Instant.-

(Here enter No. 343.)

Ordered that copy of the foregoing letter be sent with extract from the Court's proceedings of the 11th instant, to the Criminal Judge in the Zilla of South Malabar for his information and guidance.-

Sent following letter A

R.A.

(Here enter A)

A1

65

24th July 1817

Wales' Island.

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

/Sent following letter No./

Read return, dated the 9th instant from the Provincial Court of Circuit in the Southern Division to the Court's circular Precept of the 11th ultimo requiring to communicate extract of the Court's proceedings to the Criminal Judges and Magistrates within their jurisdictions and to desire that the Magistrates do call the attention of the Jaholders to the provisions of Section XXVII. Regulations XI. of 1816.

/Here enter No. 330/

Read return, dated the 9th instant from the First Judge on Circuit in the Southern Division to the Court's Precept of the 11th ultimo, requiring him to communicate extract of the Court's proceedings to the Criminal Judge in the Gaol of Coelbenan for his information and future guidance.

/Here enter No. 331/

Read return, dated the 11th Instant from the Third Judge on Circuit in the

24th July 1817

& the Court's Precept of the 3rd instant, bearing same date, requiring extract of the Court's proceedings to be communicated to the Criminal Judge in the Gaol of Penang for his information and future guidance.

/Here enter No. 332/

Read letter, dated the 11th instant from the Second Judge on Circuit in the Southern Division, reporting his arrival at Coelbenan.

/Here enter No. 333/

Read letter, dated the 9th instant, from the Magistrates in the Gaol of Penang, enclosing Petition of [illegible] praying that he may be released from Confinement - reporting that he has undergone the usual Punishment directed by the Court, for his misconduct in the House, in obedience to the Court's order of the 31st ultimo.

/Here enter No. 334/

Read return, dated the 17th instant from the Provincial Court of Circuit in the Northern Division, to the Court's Precept of the 11th ultimo - communicating extract of the Court's proceedings to the Criminal Judges and Magistrates within their jurisdictions and to call the attention of the Jaholders to the provisions of Section XXVII. Regulations XI. of 1816.

/Here enter No. 335/

Read return, dated the 9th instant from the Provincial Court of Circuit in the Southern Division to the Court's Precept of the 11th ultimo - communicating extract of the Court's proceedings to the Criminal Judges and Magistrates within their jurisdictions and to call the attention of the Jaholders to the provisions of Section XXVII. Regulations XI. of 1816.

/Here enter No. 336/

Read return, dated the 17th instant from the Provincial Court of Circuit in the Northern Division, to the Court's Precept of the 11th ultimo - communicating extract of the Court's proceedings to the Criminal Judges and Magistrates within their jurisdictions and to call the attention of the Jaholders to the provisions of Section XXVII. Regulations XI. of 1816.

24th July 1817

Wales' Island.

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

/Sent following letter No./

Read return, dated the 9th instant, from the Provincial Court of Circuit in the Southern Division to the Courts circular transfer of the 18th ultimo, communicating thereto extract of the Courts proceedings to the Criminal Judges and Magistrates within their jurisdictions and to desire that the Magistrates do call the attention of the Subalterns to the provisions of Section XXVII. Regulations XI. of 1816.

/Here enter No. 330/

Read return, dated the 9th instant, from the First Judge on Circuit in the Southern Division, to the Courts transfer of the 18th ultimo, communicating that extract of the Courts proceedings to the Criminal Judge in the gaol of Coelbenan for the information and future guidance.

/Here enter No. 331/

Read return, dated the 11th Instant from the Third Judge of Circuit in the Central Division

to the Courts transfer of the 2d instant, transmitting that extract of the Courts proceedings to communicate relevant to the Criminal Judge in the gaol of Malacca for the information and future guidance.

/Here enter No. 332/

Read letter, dated the 10th instant from the Second Judge on Circuit in the Southern Division, reporting his arrival at Coelbenan.

/Here enter No. 333/

Read letter, dated the 9th instant, from the Magistrate in the gaol of Malacca, reporting that he has released from confinement the several Prisoners charged with assistance to the Police, in obedience to the Courts order of the 31st ultimo.

/Here enter No. 334/

Read return, dated the 17th instant from the Provincial Court of Circuit in the Northern Division, to the Courts transfer of the 18th ultimo, communicating extract of the Courts proceedings to the Criminal Judges and Magistrates within their jurisdictions and to desire that the Magistrates do call the attention

24th July 1817

Wales' Island.

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

/Sent following letter No./

Read return, dated the 9th instant, from the Provincial Court of Circuit in the Southern Division to the Court's Circular Precept of the 17th ultimo, commanding them to communicate extract of the Court's proceedings to the Criminal Judges and Magistrates within their jurisdictions and to desire that the Magistrates will call the attention of the Subalterns to the provisions of Section XXVII. Regulations XI. of 1816.

/Here enter No. 330/

Read return, dated the 9th instant, from the First Judge on Circuit in the Southern Division to the Court's Precept of the 17th ultimo, - communicating that to communicate extract of the Court's proceedings to the Criminal Judge in the gaol of Coelumcurre for his information and future guidance.

/Here enter No. 331/

Read return, dated the 11th Instant from the Third Judge of Circuit in the Eastern Division to

24th July 1817.

the Court's precept of the 2d instant, - desiring him to communicate extract of the Court's proceedings to the Criminal Judge in the gaol of Pallembang for his information and future guidance.

/Here enter No. 332/

Read letter, dated the 11th instant from the Second Judge on Circuit in the Southern Division, - reporting his arrival at Coelumcurre.

/Here enter No. 333/

Read letter, dated the 9th instant, from the Magistrate in the gaol of Quedah, - reporting that he has released from confinement the accused Prisoner charged with assistance to the Rovers, in obedience to the Court's order of the 31st ultimo.

/Here enter No. 334/

Read return, dated the 17th instant from the Provincial Court of Circuit in the Northern Division, to the Court's Circular precept of the 17th ultimo, - communicating them to communicate extract of the Court's proceedings to the Criminal Judges and Magistrates within their jurisdictions and to desire that the Magistrates will call the attention

24th July 1817.

Attendance of the Tahsildars to the provisions of Section XXVII. Regulation XI of 1816.

/Here enter No. 351./

Read letter, dated the 19th instant from the First Judge of Circuit on the Southern Division, with referred enclosures for the recorders of Tuckamanna Dawsey, Prisoner in case No. 24 of the Sessions Calendar - 1st Sessions of 1817.

/Here enter No. 352./

RA

In a Court of the Sujdaree Adalut

Present,

Friday 25th July 1817. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges.
George Stratton Esqre

Read letter dated the 23d Instant, from the Secretary to Government in the Judicial Department - with copy of a letter to the Criminal Judge at Chingleput directing him to send the convicts sentenced to transportation to the Police Office for the purpose of being embarked on the Honorable Company's Ships Bridgewater and Herefordshire -

/Here enter No. 354./

Her Court directed that the usual Report be prepared and submitted for the information of the Right Honorable the Governor in Council -

Sent following letter

/Here enter do./

RA

Monday
28th July 1851

At a Court of the Inquisitorial Tribunal

Present

Andrew Scott Esqre
Edward croft Greenway Esqre } Judges
George Stoddart Esqre

A Record returned dated the 16th. May
last from the Court of Record for the Western Division
to the Courts Interlocutor Precept of the 26th. March last
requiring them to furnish certain information relative
to the proposed establishment of Lunatic Hospitals

[See order No 264]

Record also returned dated the 29th. May
last from the Court of Record for the Northern Division
to the Courts Interlocutor Precept of the 26th. March last
requiring them to furnish certain information relative
to the proposed establishment of Lunatic Hospitals

[See order No 299]

It appears that the Courts of Record
for the Central and Southern Divisions have omitted to
make return to the requirements of the foregoing Interlocutor
Precepts

The above Courts were respectively ordered
to be

28th July 1817.

permitted to adjourn shortly after the issue of the writs
here mentioned; but as a period exceeding six weeks
which was the term prescribed for making returns to the
precepts, has elapsed since the Judges of the aforesaid
Courts returned to the execution of their duties, the Court
direct that another precept be issued to the Courts of
Circuit in the Centre and Southern Districts respectively
requiring them to make returns to the Circular Precept
of 26th March last with as little delay as possible.

/Sent following Precepts &c./

Read return, dated the 2d. inst.
from the late Acting Third Judge of the Circuit
Districts to the Courts precept of the 19th May last
commanding them to report, for the information of the
Court, whether or the second writs or which
certain informers have been required to give evidence,
they have fulfilled the conditions on which they or
received are offer of pardon were Governed.

/Here enter No. 276./

The Third Judge of the Court of
in the Northern Districts and the Acting Judge the
Circuit in the Northern Districts, to each of whom
a similar precept has been issued, have omitted to
make returns to the aforesaid precept.

It is therefore ordered that on the
Precept

28th July 1817.

precept be issued to the Third Judge of the Court of Circuit
in the Northern Districts and to the Acting Third
Judge late on Circuit in the Northern Districts, re-
spectively, commanding each of them to furnish the
information required and to make return to this
Precept within two days from the date of the
precept.

Sent following Precepts &c. &c.

RA

M

Persian of all such additional proceedings may be annexed to the original Records.

It being moreover essential to a full understanding of the merits of the case that the Court should have before them the proceedings of the Police Officer, it is hereby further ordered that the Third Judge of Circuit in the Southern Division do call upon the Criminal Judge in the Zilla of Trichinopoly for the proceedings of the Tahsildar in this case and that, having annexed English and Persian translations thereof to the original Record, he, the Third Judge, do retransmit the same with the several additional documents here specified for the final orders of the Foujdaree Adalut.

Return to the Precept to be made within one month from the date of its receipt.

Sent following Precept.

Here enter it.

Under the latitude allowed by Section XXI Regulation X of 816 it has been found that the Records of trials in which have been

been submitted for the final sentence of the Foujdaree Adalut have in very few instances been accompanied by the proceedings of the Magistrate or of any Police Officer under the Magistrates authority and hence it has arisen that in many cases the Court of Foujdaree Adalut have been ill imperfectly informed as to the grounds on which the Prisoner or Prisoners may have been apprehended.

In the absence, either in whole or in part, of such information it is obvious that the Courts of Circuit and of Foujdaree Adalut must have a very limited view of the merits of a case and it is therefore essentially important, in order to the effectual administration of Criminal Justice, that the proceedings of the Magistrate or of the Police Officer, as the case may be, should invariably form part of the Record of the Proceedings required to be delivered to the Judges of the Court of Circuit under Section XX Regulation X of 816.

The Court do accordingly

resolve

J. C.

At a Court of the Foujdaree Adalut

Present,

Wednesday 5th July 1837 — Andrew Scott Esqre — Edward Croft Greenway Esqre — George Stratton Esqre — } Judges

Read letters, dated the 5th Ultimo, from the 3d Judge on Circuit in the Southern Division, transmitting his proceedings held in case No 5 of the Trichinopoly Calendar for the 2d Quarterly Sessions of 1837.

/Here enter No 297./

Read also remarks of the Cazee-ool-Cozat and Moofties of the Foujdaree Adalut.

/Here enter Remarks./

The Court direct that the Record of the Proceedings held in this case be returned to the Third Judge of the Court of Circuit in the Southern Division, accompanied by the remarks of the Law Officers of the Foujdaree Adalut, in order that the omissions therein noticed may be duly supplied and that authenticated translations, into English and Persian,

30th July 1847.

11th July 1847

for the information and guidance of
Court following letter

R.A.

Here enter 6/20

1847

to

11

c

to

No 16

At a Court of the Vice Admiralty

Present

Andrew Scott Esqre
Edward Croft Greenaway Esqre
George Stradton Esqre

} Judges.

Read letter dated the 27th instant
from the Chief Justice of the Provincial Court for the
Western District stating that he expects to be
able to resume his duties in the Court of Appeals
in the course of the ensuing month.

[Here enter No 374]

Also reference to the communication from
Government of the 5th instant, the Court directed that the
foregoing letter be sent to the Secretary to Government
in the Judicial Department for the purpose of
being submitted for the information of His Excellency
Honourable the Governor and Council.

[Sent following letter No 1]

Read letter dated the 29th instant
from the Provincial Judge on the settlement of Chelton
reporting that about a hundred and fifty copies may
be sent to Barnes and submitting certain remarks

commodities

30th July 1817

resolve to circulate these remarks for the general information of the several Courts of Criminal Judicature and to direct that the Calendar required to be delivered by the Criminal Judge to the Court of Circuit be in all cases accompanied by Copies of the proceedings of the Magistrate or of the Police Officers, according as the Prisoner or Prisoners may have been sent to the Criminal Judge by the Magistrate or by any Police officer acting under his authority.-

Ordered that extract of these proceedings be sent to the four Courts of Circuit by Precept requiring them to communicate the same to the several Judges now on Circuit as well as to the several Criminal Judges within their respective divisions for their information and future guidance.-

Sent following Precept

/Here enter B/

Read letter, dated the 28th Instant from the 2d Judge on Circuit in the Western Division - forwarding the Surgeon's certificate

22 C.

30th July 1817

of the inability of the Moofty, whose turn it is to proceed on Circuit, to perform that duty and requesting to know what Law Officer is to officiate during the present Circuit-

/Here enter No 370./

In answer to the foregoing reference the Court of Foujdaree Adawlut direct that the Cazee of the Court of Appeal & Circuit for the Western Division do proceed on the present Circuit unless he be prevented by sickness or other unavoidable impediment from performing such duty; and that, in the event of such inability on the part of the Cazee to accompany the Judge on Circuit, the Mohummudan Law Officers of the several Zillah Courts in the Western Division do perform the duties of the Law Officer of the Court of Circuit during the ensuing jail-deliveries at the several Zilla Stations in that Division.-

Ordered that extract of these proceedings be sent to the Second Judge on Circuit in the Western Division for

30th July 1817.

for his information and guidance.

R.A.

Sent following Letter
/Here enter 6/ 20

11

J. 16

At a Court of the Vyzidarce Adalut

Thursday
31st July 1817

Present

Andrew Scott, Esqre
Edward Croft Greenaway, Esqre } Judges.
George Stradlom, Esqre

GW

Read letter dated the 27th instant from the First Judge of the Provincial Court for the Western Division stating that he expects to be able to resume his duties on the Court of Appeal in the course of the ensuing month.

/Here enter No 374/

Ditto reporting to the communication from Government of the 5th instant, the Court directed that the foregoing letter be sent to the Secretary to Government in the Judicial Department for the purpose of being submitted for the information of the Right Honourable the Governor in Council.

/Sent following letter A/

Read letter, dated the 29th instant from the Provincial Judge on the Gattie of Cheltua reporting that about a hundred and fifty coppers must be sent to Baroach and submitting certain remarks

31st July 1817.

connected with the above measure.

[Here enter No 335]

Ordered that the foregoing letter with extract from the Proceedings of the 11th instant be sent to the Secretary to Government on the Judicial Department for the purpose of being laid before the Right Honourable the Governor in Council.

[Sent following letter 25/8]

20

No 805.

J 86.

At a Court of the Foujdaree Adalut

Present,

Saturday 2nd August 1817.

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

Read letter, dated the 11th June last, from the 2d Judge on Circuit in the Western Division, transmitting his proceedings held in case No 2 of the Canara Calendar for the 1st Sessions of 1817.

[Here enter No 305]

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwas of the Provincial Law Officer and the Futwas of the Cazee col Cozat and Mooftees of the Foujdaree Adalut do confirm the said Futwas of the Cazee col Cozat and Mooftees aforesaid, and accordingly direct that the Prisoners

"Vajee Shetty" and
"Nagoo"

be set at liberty.

[Sent following letter 8/9]

Read letter, dated the 11th June last from the Acting 3d Judge on Circuit in the Northern Division, - transmitting the proceedings held in case No. 9 of the Vijaya Patana Calendar for the 1st Sessions of 1817 -

(Here enter No. 30)

The Court having maturely considered the Proceedings held before the Acting Judge on Circuit, the Letters of the Provincial Law Officer and the Letters of the Cazee of Cozat and Proctors of the Fouzdaree Adalut, do confirm the said Letters of the Cazee of Cozat and Proctors aforesaid and acquitting the Prisoner, "Mettiyachelah Veerabadrange" do direct that he be released accordingly -

Sent following letter

(Here enter 5)

Read letter dated the 23d Ultimo from the 1st Judge on Circuit in the Northern Division - with copy of the Notice in Calendar 2d Sessions of 1817 -

(Here enter No. 353)

No. 6 and 7 of the foregoing Calendar

1817. Calendar are cases of theft in which, as far as the Court can collect from the abstract of Examinations taken before the Acting Criminal Judge, the property charged to have been stolen appears to have been inconsiderable in value while, if an inference may be drawn from the slight degree of punishment assigned by the Court of Circuit, the acts in question do not seem to have been attended with circumstances of aggravation - The Calendar exhibits other cases of theft to which the above observation would also seem to apply -

The Court of Fouzdaree Adalut had occasion to record similar remarks on certain cases included in the Calendar which were submitted by the late Magistrate, now Criminal Judge of Gampola to the First Judge on Circuit in the Northern Division at the 2d Sessions of 1815 and, in repeating their observations in the present instance, the Court deem it incumbent upon them particularly to enjoin the First Judge that, whenever any of the offences enumerated in the Calendar delivered to him by a Criminal

Criminal Judge shall not be of a heinous nature and shall not appear, on the face of the proceedings, to have been committed by persons of notorious bad characters or to have been attended with circumstances of aggravation such as would subject the offenders, on conviction, to a penalty greater than that specified in Section VII Regulation X of 1816, he, the First Judge, do return the Proceeding in all such cases to the Criminal Judge by Precept, directing him to take cognizance of the offences under the provisions of the Section of the Regulation aforesaid.

Ordered that extract of these proceedings be sent to the First Judge on Circuit in the Northern Division for his information and future guidance and that he be by precept directed to communicate the same to the Acting Criminal Judge in the Zillah of Nellore for his information and future guidance.

Sent following Precept

/Here enter 6/

Read

Read letter, dated the 4th Ultimo, from the 1st Judge on Circuit in the Northern Division, - Reporting his arrival at Vellore on the 13th Ultimo -

/Here enter No. 339./

Read return, dated the 11th Ultimo, from the Assistant Criminal Judge in the Zillah of Rajahmundry - to the Court's precept of 31st Ultimo, desiring him to send up the Report of Prisoners confined under sentence -

/Here enter No. 340./

Read letter, dated the 5th Ultimo, from the 3d Judge of the Court of Circuit for the Southern Division, - With copy of Trichinopoly Calendar 3d Quarterly Sessions of 1817 -

/Here enter No. 341./

Read letter, dated the 5th Ultimo, from the Acting 3d Judge of the Court of Circuit for the Northern Division, - Reporting his arrival at the Sudder Station -

/Here enter No. 342/

Read

Criminal Judge shall not be of a heinous nature and shall not appear, on the face of the proceedings, to have been committed by persons of notorious bad character or to have been attended with circumstances of aggravation, such as would subject the offenders, on conviction, to a penalty greater than that specified in Section VII Regulation X of 1816, he, the First Judge, do return the Proceedings in all such cases to the Criminal Judge by Precept, directing him to take cognizance of the offences under the provisions of the Section of the Regulation aforesaid.

Ordered that extract of these proceedings be sent to the First Judge on Circuit in the Northern Division for his information and future guidance and that he be by precept directed to communicate the same to the acting Criminal Judge in the Zillah of Nellore for his information and future guidance.—

Sent following Precept

/Here enter 6/

Read

F. C. 2d August 1817.

Read letter, dated the 15th Ultimo, from the 1st Judge on Circuit in the Northern Division,— Reporting his arrival at Nellore on the 13th Ultimo.—

/Here enter No. 339./

Read return, dated the 7th Ultimo, from the Assistant Criminal Judge in the Zillah of Rajahmundry,— to the Court's precept of 31st Ultimo, desiring him to send up the Report of Prisoners confined under sentence.—

/Here enter No. 340./

Read letter, dated the 5th Ultimo, from the 3d Judge of the Court of Circuit for the Southern Division,— With copy of Trichinopoly Calendar 3d Quarterly Sessions of 1817.—

/Here enter No. 341./

Read letter, dated the 5th Ultimo, from the acting 3d Judge of the Court of Circuit for the Northern Division,— Reporting his arrival at the Sudder Station.—

/Here enter No. 342/

Read

2d August 1817.

Read letter, dated the 18th Ultimo,
from the 2d Judge of Circuit in the Centre
Division,- with copy of Chittoor Calendar 3d
Quarterly Sessions of 1817.-

/Here enter No. 348/

Read letter, dated the 5th Ultimo,
from the 2d Judge on Circuit in the Southern
Division,- with copy of Combaconum
Calendar 2d Sessions of 1817.-

/Here enter No. 361/

Read letter, dated the 1st Ultimo,
from the Assistant Criminal Judge in the Zillah
of Darapooram,- with blank list of 10
convicts sentenced to transportation and
Banishment.-

/Here enter No. 362/

Read letter, dated the 24th Ultimo,
from the Criminal Judge in the Zillah of
Chingleput,- enclosing a list of eighteen
under sentence of transportation to Prince
of Wales's Island, who have been sent to the
Police Office at Madras to be embarked on
board the ships now in the roads.-

/Here enter No. 365/

2d August 1817.

Read letter, dated the 23d Ultimo,
from the 2d Judge on Circuit in the Southern
Division,- reporting his arrival at Verdachellum
on the 23d Ultimo.-

/Here enter No. 366/

Read letter, dated the 22d Ultimo,
from the 1st Judge on Circuit in the Centre
Division,- reporting his arrival at Cuddapah
on the 22d Ultimo.-

/Here enter No. 367/

Read letter, dated the 25th Ultimo,
from the Criminal Judge in the Zillah of
Verdachellum,- with Statement required
by Clause fourth, Section VII, Regulation
XV, A.D. 1803.-

RA /Here enter No. 371.-/

Read letter, dated the 28th Ultimo,
from the 2d Judge of Circuit in the Centre
Division, - with copy of Chittoor Calendar 3d
Quarterly Sessions of 1817.-

/Here enter No. 348/

Read letter, dated the 5th Ultimo,
from the 2d Judge on Circuit in the Southern
Division, - with copy of Combaconum
Calendar 2d Sessions of 1817.-

/Here enter No. 361/

Read letter, dated the 1st Ultimo,
from the Assistant Criminal Judge in the Zillah
of Dacapooram - with blank List of 10
convicts sentenced to transportation and
Banishment.-

/Here enter No. 362/

Read letter, dated the 24th Ultimo,
from the Criminal Judge in the Zillah of
Chingleput, - enclosing a list of eighteen
under sentence of transportation to Prince
of Wales's Island, who have been sent to the
Police Office at Madras to be embarked on
board the ships now in the roads -

/Here enter No. 365/

Read

Read letter, dated the 23d Ultimo,
from the 2d Judge on Circuit in the Southern
Division, - reporting his arrival at Verdachellum
on the 23d Ultimo.-

/Here enter No. 366/

Read letter, dated the 22d Ultimo,
from the 1st Judge on Circuit in the Centre
Division, - reporting his arrival at Cuddalore
on the 22d Ultimo.-

/Here enter No. 367/

Read letter, dated the 25th Ultimo,
from the Criminal Judge in the Zillah of
Verdachellum - with statement required
by Clause fourth, Section VII, Regulation
XV, A.D. 1803.-

/Here enter No. 371.- 250

Sumiyasiah

Ma.r Court of the Poydaree Adalat

Present

Monday 4.th August 1817 — Andrew Scott Esq.r, Edw.d Scott Greenway Esq.r, George Stratton Esq.r } Judges

Read letter dated the 25.th Ultimo

AA

ECS

GW

from the Magistrate in the Zilla of Masulipatam Requesting permission to offer a reward of 1000 Rupees for the apprehension of Colah Ramdoo and 200 Rupees for that of each of his followers Seenharah Sashoo, Lathavadlah Veeranaikdoo, Lathavadlah Naraidoo and Conchaherty Sashoo.

/ Vide enter N.o 378 /

In consideration of all the circumstances stated in the foregoing letter, the Court resolve to submit the request of the Magistrate to Government with their recommendation that he may be permitted to offer the Sum of One thousand Rupees for the apprehension of the notorious Gang robber, Colah Ramdoo, and two hundred Rupees for the apprehension of each of his four followers Seenharah Sashoo, Lathavadlah Veeranaikdoo, Lathavadlah Naraidoo and Conchaherty Sashoo.

The Court take this occasion of bringing under consideration that part of the letter from

Mr

4th August
1817.

Mr. Secretary Hill of the 15th April last wherein they are desired to make known that "all rewards for "offenders proclaimed by name are still, as formerly, to be "paid on their apprehension."

The Sentiments of the Court of Foujdaree Adaulut on the Subject of the rescinded Regulation XIII of 1809 which was enacted "for the apprehension of persons "concerned in Gang robbery" were recorded at length on their Proceedings of the 15th August and 30 October last respectively, which have been Submitted for the information of the Right Honble the Governor in Council.

The opinion of the Court on the above Subject still remaining unchanged, they would, on the grounds particularized in their two former Proceedings, submit the expediency of reenacting, with certain modifications, the provisions of the aforesaid Regulation; which should not be in the contemplation of Government to adopt the course here Suggested, the Court will be prepared to submit the draft of a Regulation declaring the inapplicability of the provisions of certain Sections of Regulation IX. of 1816 to notorious offenders and explaining that all rewards offered for the apprehension of such offenders will be payable on the delivery of their persons to the Authorities by whom they may have been proclaimed. — following minute — Hereunto enter No. 4

Ordered that the foregoing Letter with extract of these Proceedings be transmitted to the Secretary to Government in the Judicial Department

4th August
1817.

for the purpose of being laid before the Right Honble the Governor in Council —

Sent following letter

No 4

A. C.

At a Court of the Zoujdaree Adalut—

Present,

Wednesday.
6th August 1817 Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges—
George Stratton Esqre

Read letter, dated the 23d June last,
from the Acting 3d Judge on Circuit in the
Northern Division,— transmitting his proceedings
held in case No 5 of the Gayam Calendar
for the 1st Sessions of 1817.—

/Hereunto No 322./

The Court having maturely considered
the Proceedings held before the Acting Judge
on Circuit, the Futwas of the Provincial Law
Officers and the Futwas of the Cazee vol. Cozat
and Mooftees of the Zoujdaree Adalut do confirm
the said Futwas of the Cazee vol. Cozat and
Mooftees aforesaid and accordingly direct
that the Prisoner

"Gogapaty Padmanaba Deo"

be set at liberty.—

Sent following letter

/Here enter A/

The

The Court direct that the several original papers marked A, AA1, AA2, AA3, and AA4, which accompanied the Record of the foregoing Trial be returned to the Acting Third Judge late on Circuit in the Northern Division in order that they may be by him transmitted to the Acting Criminal Judge in the Zillah of Ganjam.—

Ordered that extract of these proceedings be sent to the Acting Third Judge late on Circuit in the Northern Division for his information and guidance.

Sent following letter

/Here enter B/

Read letter, dated the 19th June last from the Acting 3rd Judge on Circuit in the Northern Division, transmitting his proceedings held in case No. 8 of the Ganjam Calendar for the 1st Sessions of 1817.—

/Here enter No. 31/

The Court having maturely considered the proceedings held before the Acting Judge on Circuit, the Letters of the Provincial Law Officer and the Futwas of the Cazee

Cazee ool Cozat and Mooftees of the Fouzdaree Adalut to confirm the said Futwas of the Cazee ool Cozat and Mooftees aforesaid and under the discretion vested in them by the sentence of Borkoostut, do adjudge the said Prisoner

"Coosooneyah."

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

And the Court acquitting the Second Prisoner,

"Narraineyah"

do direct that he be released accordingly.—

Sent following Letter

/Here enter C/

Read Letter, dated the 28th May last from the Acting 3rd Judge on Circuit in the Northern Division, transmitting his proceedings held in case No. 5 of the Vizagapatam Calendar for the 1st Sessions of 1817.—

/Here enter No. 29/

The Court having maturely considered

considered the proceedings held before the Acting Judge on Circuit, the Futwas of the Provincial Law Officer and the Futwas of the Cazee or Cozat and Mooftees of the Fouzdaree Adalut, do confirm the said Futwas of the Cazee or Cozat and Mooftees aforesaid, and acquitting the Prisoner

"Chandah Gerapah"

do direct that he be released accordingly.

Sent following letter

Reverter D°

The Court are concerned to observe the very unsatisfactory state in which the Record of the Proceedings in this case has been submitted for their consideration.

In the first place the attested copy of the complaint and the attested copy of the Complainants Oath to the truth of the charge are dated respectively the "9th day of December 1816," whereas the further examination of the Complainant is stated to have been taken on the "15th of October 1816."

In the next place it does not satisfactorily appear whether the alleged

alleged confession of the Prisoner before the Police Daroghah was ever committed to writing, while it is inferrible from certain parts of the evidence taken before the Assistant Criminal Judge that search was not made for the remains of the person alleged to have been murdered until three months after the apprehension of the Prisoner. The whole of the evidence in this case is, indeed, vague and contradictory; but when the Court advert to these apparent irregularities in the proceedings of the Police Officer, they are unable to conjecture why the acting Judge on Circuit should not have called for the proceedings of the Daroghah under the discretion vested in him by Section XXI Regulation X of 1816.

On examining the Proceedings held before the Court of Circuit, the Court observe that the acting Judge has omitted to record whether or not the second witness for the Prosecution affixed his signature or mark to his deposition, and the Court are left in doubt with regard to the

sex of the first witness on the part of the defence. The name, Eswarooa Nailkummah, would appear to be that of a female, but the futwa of the Provincial Law Officer is at variance with this conclusion and the Court remark that "hi" and "she" are used indiscriminately in the Course of the record.

It is obviously of essential importance, particularly in cases of murder, that the sex of each witness should be distinctly stated in the proceedings, and the Court trust that the notice which has been taken of the generally imperfect state of the present record will suffice the necessity of exercising particular attention in preparing Records of Criminal trials for transmission to the Sudder Adawlut.

Ordered that extract of these proceedings be sent to the acting Third Judge late on Circuit in the Northern Division for his information and future guidance and that he be by precept directed to communicate the first part of these proceedings for the information of the Acting Judge of Criminal

Criminal Judge in the Zilla of Vizagapatam.

Sent following Precept-

/Here enter 6/

Read letter, dated the 25th ultimo, from the 2d Judge of Circuit in the Northern Division,- reporting his visit to the jail in conformity with Section XXXII Regulation VIII of 1802.-

/Here enter No. 380/

Ordered that the foregoing letter be submitted for the information of the Right Honorable the Governor in Council.-

Sent following letter

/Here enter 7/

Read letter, dated the 25th ultimo, from the 2d Judge of Circuit in the Northern Division,- with copy of Masulipatam Calendar 3d Quarterly Sessions of 1817.-

/Here enter No. 376/

Read return, dated the 28th ultimo, from the Acting 3d Judge late on Circuit in the Northern Division,- to the Court's precept of 16th ultimo, desiring him to review certain

parts

5th August 1817

parts of the Ganjam Calendar 1st Sessions of 1817

/Here enter No. 377/

Read letter, dated the 23d Ultimo,
from the 2d Judge of Circuit in the Western Division,-
with returned warrant of execution in case
No 3 of the Canara Calendar 1st Sessions of 1817

/Here enter No. 378./

Read letter, dated the 30th Ultimo,
from the 2d Judge on Circuit in the Southern
Division,- reporting his arrival at Salem-

/Here enter No. 379./

Read letter, dated the 23d Ultimo,
from the 2d Judge on Circuit in the Southern
Division,- with copy of Vellore Calendar
2d Sessions of 1817-

/Here enter No. 380./

Copies of the South Arcot Calendar
and Seringapatam Calendar for the 1st
Sessions of 1817 not having been received,-

It is ordered that the Second
Judge on Circuit in the Western Division
be by Precept commanded to send
up copies of the two Calendars aforesaid -

with

5th Aug.

5th August 1817

with as little delay as possible.-

Sent following Precept.

/Here enter G.P. 50

No.

parts of the Ganjam Calendar. 1st Solo:

F. C.

At a Court of the Zoujdaree Adalut

Present,

Wednesday 13th August 1817 — Andrew Scott Esqre. / Edward Croft Greenway Esqre. / George Stratton Esqre. } Judges.

Read letter, dated the 9th Instant, from the Secretary to Government in the Judicial Department,- forwarding, for the information of the Court, a resolution of Government for assembling at Masulipatam as many Convicts as can be spared from the neighbouring Zillas to assist in the repair of the Pettah wall and works of that Fortress.-

M

E.S.

/Here enter p. 395./

The letter from the Superintending Engineer in the Northern Division, dated the 10th August 1817, which accompanies the foregoing communication from Mr. Secretary Bill, was sent down for the consideration and report of the Zoujdaree Adalut on the 5th October last and on the 10th of the same month precepts were issued

to

13th August 1817.

to the then Magistrates in the Zillas of Nellore, Guntoor, Rajahmundry and Vizagapatam desiring them to specify the manner in which the convicts under their charge were employed— The several returns of the Magistrates were submitted for the information of Government on the 20th of November following, accompanied by the proceedings of the Court wherein it was remarked that "of the 809 Prisoners "confined under sentences in the several "jails of Nellore, Guntoor, Rajahmundry "and Vizagapatam there were only the "convicts of Guntoor and Rajahmundry "245 in number, who could be conveniently "spared for the pettah road at Masulipatam "and that, in the event of a new jail "being constructed at Guntoor, the labour "of the convicts would be required at that "station, leaving only the convicts in the "Rajahmundry jail, amounting to 145, "disposable for Masulipatam."—

Referring to the latter part of the above proceedings the Court resolved,

13th August 1817.

before they issue any
the removal of Convi
to request that the
the Governor in Co
to inform them whether any one
been or are to be issued for the construc
=tion of a new jail in the Zillas of
Guntoor—

Ordered that extract of these proceedings be sent to the Secretary to Government in the Judicial Depart=ment for the purpose of being laid before the Right Honorable the Governor in Council.—

Sent following letter—

/Here enter &/

Read letter, dated the 2d Instant, from the Criminal Judge in the Zillas of South Malabar,— requesting the Court's orders as to the disposal of four Convicts whose place of banishment is to be fixed by the Court.—

/Here enter No. 393./

The

August 1817.

13th August 1817.

To the Court resolve to direct that the four Prisoners who have been sentenced in Case No. 1 of the additional South Malabar Calendar for the Sessions of this as the principals in a robbery, to be taken from the Gilla of South Malabar, be removed to the Jail in the Gilla of Canara.

Ordered that extract of these proceedings be sent to the Criminal Judge in the Gilla of South Malabar for his information and guidance.

Sent following letter.

Here enter B.

Read letter, dated the 31st Ultimo, from the Magistrate in the Gilla of Nellore sending a warrant for endorsement.

Here enter No. 388.

Read letter, dated the 7th Ultimo from the 2d Judge of Circuit in the Western Division - Transmitting copies of the Calendar and Supplemental Calendar of the Gilla South Malabar for the Sessions of this

Here enter No. 392.

Recorded

F. No.

At a Court of the Foujdarree Adalaut

Present

Tuesday 15th August 1817.

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

Read letter, dated the 11th instant from the Secretary to Government on the Judicial Department - authorizing the Criminal Judge in the Gilla of North Malabar to make a considerable offer to the two Prisoners named Kannoran Nambi and Parawan Comatie Kannoran

Here enter No. 399.

Ordered that copy of the foregoing letter with extract from the proceedings of the 13th ultimo be sent to the Criminal Judge in the Gilla of North Malabar for his information and guidance.

Sent following letter A.

Read letter, dated the 8th instant from the Acting Criminal Judge in the Gilla of Nellore - report of Prisoners confined under sentence.

Here enter No. 397.

J. 26.

At a Court of the Zoujdaree Adalut.—

Present,

Wednesday
20th August 1817.

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

Read letter, dated the 25th Ultimo,
from the 2d Judge of Circuit in the Centre
Division,— transmitting his proceedings
held in case No. 17 of the Chittoor Calendar
for the 3d Quarterly Sessions of 1817.—

/ Here enter No. 368.— /

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 Cazees
of Cozat and Mooftees of the Zoujdaree
Adalut do confirm the said Futwa of the
Cazee of Cozat and Mooftees aforesaid
and, under the sentence of Hyaat as
declared in the Futwa, do adjudge
the Prisoner—

"Kadaree"

to suffer death by being hanged
at

at the usual time and place of execution—

Sent following letter.

/Here enter A/

Read letter, dated the 21st Instant,
from the 2d Judge on Circuit in the Western
Division,— transmitting his proceedings held
in case No 1 of the South Malabar Calendar
for the 4th Sessions of 1817.—

/Here enter No 269/

The Court having maturely
considered the proceedings held before the
Judge on Circuit, the Futwas of the Provincial
Law Officer and the Futwas of the Cazee
Cozzat and Mooftees of the Zillah Adawlut
do confirm the said Futwas of the Cazee
Cozzat and Mooftees aforesaid and, under
the provisions of Section XVII Regulation
XIII of 1812, do adjudge the Prisoner
"Mooliy Chookan"
to suffer death by being hanged at the
usual time and place of execution—

Sent following letter

/Here enter B/

In answer to the second
interrogatory

20th August
1817

interrogatory put by the Judge presiding at the trial to the first witness on the part of the prosecution, he, the first witness, is stated to have deposed that he did not know the Prisoner at the Bar, but from the subsequent part of this witness's deposition the Court are doubtful whether he intended to affirm that he was unable to speak to the Prisoner's identity or merely that he had not been acquainted with the Prisoner previously to his apprehension—

The doubt here entertained on so very material a point would of itself be fatal to the deposition of this witness and the Court have deemed it necessary to bring the passage to the notice of the Judge on Circuit in order that he may be careful to have the point in question clearly stated in all future cases for their information—

The Judge on Circuit observes with regard to the Futwas of the Provincial Law Officer, that "the Law Officer has "convicted the Prisoner of having aided

"and

"and abetted in the murder laid to his
"charge and get only sentenced him to
"Tazeer a sentence on which he (the Judge)
"cannot concur."

The sentence so recorded by
the Provincial Law Officer is in strict
conformity with the Mohummedan
Law which, as the Judge will find, has
been modified in this particular by the
latter part of Section XVII Regulation
VIII of 1802.

Ordered that extract of
these proceedings be sent to the 2d Judge
on Circuit in the Western Division for
his information and future guidance.

Sent for Covering letter.

/Here enter Ex/

Read return, dated the 4th instant
from the Provincial Court of Circuit for
the Southern Division, in obedience to
precept of 26th March last requiring
them to furnish certain information
relative to the proposed establishment of
Lunatic Hospitals.

/Here enter at p. 405/

It appears by the copy of the
letter from the Superintending Engineer
dated the 22d April last which accompanies
the foregoing Return that he was called
upon by the Court of Circuit on the 7th of
the above month to frame an estimate of
the expense attending the construction of a
Hospital at Trichinopoly for the reception
of Lunatics in the Southern Division, but
that he was unable to furnish the
estimate required until he should be
informed of the number of patients which
the building would be required to
accommodate.

The Court of Circuit state
in their Return that they could not fur-
nish him at the time with the desired
information, but they now submit
it as their opinion that the proposed
Hospital should in the first instance
be completed for the reception of twenty
five Lunatics.

Referring to the opinion
here expressed, the Court direct that
the

parts of the Carn[illegible]

20. August 1817

the Superintending Engineer in the Southern Division be called upon to frame an estimate of the expence attending the construction of a building on a scale adapted for the reception of twenty five patients, in order that the Court may be enabled to submit a General Report on the several points specified in Mr Secretary Bills letter of the 17th March last for the further consideration of the Right Honorable the Governor in Council.—

Ordered that extract of these proceedings be sent to the Court of Circuit in the Southern Division by precept requiring them to procure the requisite information and to make return with as little delay as possible

Sent following Precept

/Here enter 8/

Read letter, dated the 1st instant from the Provincial Court of Circuit for the Northern Division, forwarding Surgeons report on the state of mind of

20th August 1817

of Colly Soobia prisoner No 3, 4th Sessions of 1813—

/Here enter No 406./

Mr Assistant Surgeon Johnston states in his report that he has at different times examined the Prisoner, Colly Soobia, and has found him "uniformly calm and collected, possessing "in every respect a clear and distinct "perception", but Mr Johnston adds that he is apparently of a sullen and morose cast of temper.—

Under the circumstances stated in the foregoing report, the Court direct that the Criminal Judge in the Zilla of Masulipatam do deliver the Prisoner, Colly Soobia, into the charge of his friends or relations, should they be able and willing to take such care of him as may prevent the possibility of his doing any mischief; but, in the event of their being unable or unwilling to undertake such charge, the Court, adverting to the fatal act which in the absence

1817.

absence of his reason he formally pro-
are of opinion that the Prisoner should
remain in the custody of the Crimi-
Judge of Mastulipatam.

Ordered that a Copy of the
proceedings be sent to the Criminal
Court of Circuit in the Northern Di-
by Precept desiring them to commu-
the same to the Criminal Judge in
Zilla of Mastulipatam for his fur-
-ther information and guidance.

Sent following Precept

/Here enter B/

Read Letter, dated the 21st
from the 1st Judge on Circuit in the Nor-
Division, - Enclosing a copy of Guntoor Cal
2d Sessions 1817 and stating that the Crimi
Court will proceed to Rajahmundry on
the 9th Instant -

/Here enter No 403/

The Court having reason to
call for the Proceedings held before the
Judge on Circuit in Case No 3 and 4
of the Guntoor Calendar 2d Sessions of 1817

28th August 1817. do accordingly direct that a Precept be
issued to the First Judge on Circuit in
the Northern Division commanding
him to send up the Proceedings held
before him in the two cases aforesaid
with as little delay as possible -

Sent following Precept

/Here enter C/

Case No 1 of the Jummabundy
Calendar for the 1st Sessions of 1817 which
is entered in the Column of remarks as about
to be referred to the Guidance Relative not
having been received -

The Court direct that the First
Judge late on Circuit in the Southern
Division be by Precept commanded to send
up his Proceedings in the above case with
as little delay as possible -

Sent following Precept

/Here enter G/

Read letter, dated the 4th Instant,
from the Assistant Criminal Judge in
charge of the Zilla of Seringapatam, - trans-
-mits reports of prisoners suspended under
sentence

20th August 1817

Sentenced up to 11th August 1817 one of Prisoners
sentenced by the Provincial Court 1st Sessions
of 1817 without reference to the Zuydaree
Adalut—

/Berenter No 417—/

Read letter, dated the 9th Instant,
from the Criminal Judge in the Zillah of
Vedacheltum—with reference to Prisoners
sentenced without reference to the Zuydaree
Adalut and of those confined under the Law
up to 23d July 1817—

/Bere enter No 504/

Read Letter, dated the 5th Instant
from the 2d Judge of Circuit in the Western
Division, with Calendar of Zillah Criminal
for the 1st Sessions of 1817—

/Bere enter No 505/

Read Letter, dated the 8th Instant
from the Provincial Court of Circuit for
the Southern Division, stating that the
return to Circular forwarded the date of the
1817 as forwarded pursuant to that Circular

/Bere enter No 512/

EC

W. C.

Wednesday 27th August 1817.

At a Court of the Zuydaree Adalut—
Present,
Andrew Scott Esqre
Edward Croft Greenway Esqre
George Stratton Esqre
} Judges—

Read letter, dated the 25th Instant,
from the 1st Judge on Circuit in the Centre
Division, transmitting his proceedings held
in case No 9 of the Cuddapah Calendar 2d
Sessions of 1817—

/Bere enter No 380/

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
Cozat and Mooftee of the Zuydaree Adalut,
do confirm the said Futwa of the Cazee-ool
Cozat and Mooftee aforesaid and according
-ly direct that the Prisoner—

Zukhr-ood-deen"

be set at Liberty—

Sent following Letter

/Bere enter No/

The

The name of this prisoner is written "Zakeer adeen" at the commencement of the English translation of the Proceedings in this case, whereas it would appear from the Futwa of the Provincial Law Officers as well as from the whole of the Persian translation of the Record that the Prisoner's name is "Zukhr-ood-Deen", an appellation entirely and essentially distinct from that of "Zukeer-ood-Deen."

The Court have also to remark that, according to the English translation of the Proceedings held before the Court of Circuit, the fifth witness for the Prosecution does not state that the Prisoner "shook him aside." The quotation of these words, however, in the Futwa of the Law Officers of the Zoujdaree Adalut is supported by the Persian translation of the Record, and the Court are led to believe that the passage in question has been imperfectly rendered into English from observing the agreement, according to the Persian translation, of this part of the Deposition given by the fifth

fifth witness before the Court of Circuit with the account which he had formerly given before the Criminal Judge.

There are also other disagreements between the English and persian translations of the Record in this case, but the Court trust that the discrepancies already particularized will suffice to shew how requisite it is that the Judge on Circuit should exercise the most careful attention in comparing and revising the translations of all such Records of trials as may, from time to time, be referred for the final sentence of the Zoujdaree Adalut.

Ordered that extract of these proceedings be sent to the 4th Judge on Circuit in the Centre Division for his information and future guidance:-

Sent following letter.

/Here enter B/

Read letter, dated the 13th Instant, from the 2d Judge on Circuit in the Western Division, reporting his arrival at Mangalore on Circuit

/Here enter No. 412/

Read

27th August 1817.

Read return, dated the 15th Instant, from the 2d Judge of the Court of Circuit for the Northern Division, - to second precept requiring him to report whether certain informers had fulfilled the conditions of the pardon tendered by Government.-

(Here enter No. 411)

Read letter, dated the 7th Instant, from the Criminal Judge in the Zilla of Combaconum, - with reports of prisoners confined under sentence and of prisoners sentenced without reference to the Foujdaree Adalut.-

(Here enter No. 414)

Read letter, dated the 8th Instant, from the Criminal Judge in the Zilla of Trichinopoly - forwarding reports of prisoners confined under sentence and of prisoners sentenced without reference to the Foujdaree Adalut.-

(Here enter No. 417)

Read letter, dated the 16th Instant, from the 2d Judge on Circuit in the Southern

27th Augt 1817. Southern Division, - Reporting his arrival at Coimbatore.-

(Here enter No. 419)

Read return, dated the 9th Instant, from the Acting 2d Judge late on Circuit in the Northern Division, - to second precept requiring him to report ~~information~~ whether certain informers have fulfilled the conditions of the pardon tendered by Government.-

(Here enter No. 416)

Read letter, dated the 18th Instant, from the Criminal Judge in the Zilla of Salem, - with reports of prisoners confined under sentence and of prisoners sentenced without reference to the Foujdaree Adalut.-

(Here enter No. 421.)

Read return, dated the 17th Instant, from the Provincial Court of Circuit for the Western Division, - to Circular precept of 30th Ultimo desiring that copies of the proceedings of the Magistrate or Police Officer be delivered

by

At a Court of Foujdaree Udalut

Present

Tuesday the 2d September 1817

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

A1 Read letter dated 26th Ultimo from the
E W Secretary to Government in the Judicial Department,—
E C S authorizing the Magistrate of Masulipatam to offer the
proposed rewards for the apprehension of certain offenders
and desiring that the Court will submit Draft of a
Regulation for remedying the defects of Regulation IX
of 1816.—

/Here enter No 428/

Ordered that extract from the
Proceedings of the 4th Ultimo together with copy of
the 5th Para of the foregoing letter be transmitted to
the Magistrate in the Zilla of Masulipatam for his
information and guidance.—

52

Sent following letter.

R. A. /Here enter No 1/

A1 Read the following letters from the
E W Criminal Judges of the Zillahs of Vizagapatam
E C S Salem, Cuddapah, Verdachellam, Tinnevelly, Chingleput,
Seringapatam, Chengleput, Bellaree, Madura,
Vellore

27th August 1817.

by the Criminal Judge to the Court of Circuit with the Calendar.-

(Here enter No. 408.)

Read letter, dated the 8th Instant, from the Criminal Judge in the Zilla of Tinnevelly.- stating that ten prisoners of a party returning from work succeeded in getting the better of the Guard and made off; that they were ultimately recaptured and that he has committed nine of them the tenth having been killed in the fray / to take their trial before the Court of Circuit.-

(Here enter No. 422.)

Read letter, dated the 5th Instant, from the 2d Judge on Circuit in the Southern Division,- with Calendar for Sessions 1817.-

(Here enter No. 413.)

Read letter, dated the 15th Instant, from the 1st Judge on Circuit in the Centre Division,- enclosing copy of Cuddapah Calendar 2d Sessions of 1817.-

(Here enter No. 415.)

Read

27th August 1817.

Read letter, dated the 4th Instant, from the 1st Judge on Circuit in the Northern Division,- Reporting his arrival at Guntoor on the 1st Instant.-

(Here enter No. 391.)

Yellow

F. W.

At a Court of Foujdaree Udalut

Present

Tuesday the 2d September 1817

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

AH
EW
EH

Read letter dated 26th Ultimo from the Secretary to Government in the Judicial Department, authorizing the Magistrate of Masulipatam to offer the proposed rewards for the apprehension of certain offenders and desiring that the Court will submit Draft of a Regulation for remedying the defects of Regulation IX of 1816.—

/Here enter No 428/

Ord'd that extract from the Proceedings of the 4th Ultimo together with copy of the 4th Para of the foregoing letter be transmitted to the Magistrate in the Zilla of Masulipatam for his information and guidance.—

Sent following letter

AH
EW
EHS

R. A.

/Here enter No 5/

Read the following letters from the Criminal Judges of the Zillahs of Vizagapatam Salem, Cuddapah, Tinnevelly, Seringapatam, Chingleput, Bellaree, Madura, Vellore

2d September 1817.

Nellore, Darapooram, North Malabar, Canara, Trichinopoly, Masulipatam, Chittoor, Rajahmundry, Combaconum, & South Malabar—
With quarterly Reports of prisoners for the Months of April, May & June 1817—

/ Seventeen Nos 328. 334. 337. 342. 345. 346. 347. 350. 356. 357. 358. 359. 360. 364. 372. 373. 379. 384. 385. 386. & 387— /

S

A Court of the Foujdaree Adalut

Wednesday
3d September, 1817.

Present

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

M

G W

685

Read a letter dated the 4th Ultimo, from the first Judge on circuit on the Centre Division referring his proceedings held on case No 23 of the Calendar 2d Sessions of 1817.

/ The letter No 801 /

The Court having maturely considered the proceedings held before the Judge on circuit the Futwa of the Moonserub Law Officer and the Futwa of the Cazee ul Cozat and Mooftee of the Foujdaree Adalut confirm the said Futwa of the Cazee ul Cozat and Mooftee aforesaid and, under the provisions of Section X. Regulation VIII. of 1802 adjudge the Prisoner

Cannoo Gurrajadoo

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

Read a letter dated the 30th July last from the first Judge on circuit on the Centre Division referring

3? September 1817.

referring his proceedings held in case N°11 of the Southern Calendar 2d Sessions of 1817.

/Here enter N°391/

The Court having maturely considered the proceedings held before the Judge on Circuit the Provincial Law Officer and the Solicitor of the Crown and Mosques of the Temporal Malabar confirm the said Sentence of the Zoyer and Council and Mosques aforesaid and accordingly the first Prisoner "Setchee" be discharged that she be released according by

The second Prisoner "Mooyandee" has been released under warrant of the Judge on Circuit.

/Sent following letter N°/

Sir

I do thus enter the Prisoner, "Setchee" as having acted before the Court of Circuit whether or not she had given the alleged declaration before the Police Officer, refused on the Affirmation, but as there is no evidence against the Prisoner in addition to her own confession, as the declaration taken before the Provincial Judge under the Court of Circuit, as stated in the letter, cannot affect from the statement given by her husband Mooyandee and as the Judge presiding at the last mentioned to call the attention to the particular point of Law pursued before the first

and

3? September 1817.

and subsequent declarations, the Court who are bound to receive all confessions with tenderness and circumspection; concur in the opinion pronounced by their Law Officers and entirely acquit the Prisoners, Setchee of the crime laid to her charge.

Ordered that extract of these proceedings be sent to the First Judge on Circuit in the Central Division for his information.

/Sent following letter N°/

Read letter, dated the 30th July last, from the Second Judge of Circuit in the Western Division — referring his proceedings held in case N°14 of the South Malabar Calendar, — 2d Sessions of 1817.

/Here enter N°390/

The Court having maturely considered the proceedings held before the Judge of Circuit the Provincial Law Officer and the Solicitor of the Zoyer and Council and Mosques of the Temporal Malabar confirm the said Sentence of the Zoyer and Council and Mosques aforesaid and accordingly direct that the Prisoner

"Tootenpoorail Kavendy Chekootty"

be set at liberty.

/Sent following letter N°/

Read return, dated the 13th Ultimo

from

3d September 1817

from the Third Judge of the Court of Circuit on the Northern Division, to the Courts precept of the 14th May last commanding him to report whether certain informers have fulfilled the conditions on which they received an offer of pardon from the Right Honourable the Governor in Council.

[Here enter No 616]

Read also a return dated the 1st Instant from the Acting Third Judge of Circuit on the Northern Division, to the Courts precept of the 14th May last, requiring him to state whether certain informers have fulfilled the conditions of the pardon tendered by Government.

[Here enter No 618]

Read also a return dated the 2d June last from the late Acting Third Judge of Circuit on the Eastern Division, to the Courts precept of the 14th May last, commanding him to report for the information of the Foujdaree Adalat whether in the event that on which certain informers have been required to give evidence, they have fulfilled the conditions on which they received an offer of pardon from Government.

[Here enter No 276]

It appearing from the foregoing letters that the above informers, Tukeram Dawn Shetkaul

2/ No 616.

3d September 1817.

Sardy Emaum, Assan, Ibraham, Hossein and Sabel have severally fulfilled the conditions on which they received an offer of pardon from Government;

The Court direct that certificates, in confirmation of such conditional pardons, be prepared and forwarded to the Criminal Judge in the Gilla of Salem, to be by him delivered to the parties for their respective security as far as regards the acts therein referred to.

The Court of Foujdaree Adalat having given attentive consideration to the suggestion contained in the letter from the Criminal Judge of Salem of the 8th of May last regarding the employment of these and certain other informers on the establishment of the Police, are unable to give their assent to the measure in question; since they deem it inexpedient, on general principles, that persons of the description here referred to should be entertained on the pay of Government and they are further of opinion that their employment might be attended with danger rather than with benefit to the community.

It is therefore Ordered that a precept be issued to the Criminal Judge on the Gilla of Salem commanding that he do call before him the

3d. September 1817.

the several [illegible] who have received [illegible] who may
receive Certificates of Pardon and be liberated from
[illegible] the restrictions of punishments which must
them to the nearest frontier of the Zillah and
further Ordered that the Criminal Judge of Dacca
do give due notice to the Magistrates of the
release of the several prisoners in order that the
requisite precautions may be taken with a view to
the [illegible] of the public safety.

Sent following Translation

Read the letter dated the 23d. Septr.
from the Second Judge in Council in the Western Division
requesting the opinion of this Court as to the manner of
referring a trial under Section XXII. Regulation VII. of 1805.

The under No 432/

The Judge in Council states that "a
Native of Arracan" has been tried on a charge of
Arson; that he has come to the knowledge of the Zillah
but that he is doubtful whether he should, under
Section XXII. Regulation VII. of 1805, refer the trial to
the Foujdarree Udalut or whether he has the power,
under Section II. Regulation XV. of 1803 of discharging
the prisoner without such reference.

Section XXII. Regulation VII. of 1805 distinctly
specifies that where the Judge in Council shall be
of opinion any part of the punishment to which a trial

3d. September 1817.

on of the fuluah delivered by the Law Officer they are
to refer such trial for the final Sentence of the
Foujdarree Udalut and it is again declared, in clause
First, Section VI. Regulation XV. of 1803 that the Judges
of Circuit are to transmit to the Court of Foujdarree
Udalut as heretofore their proceedings in all cases
wherein they may disapprove the Futwa given
by their Law Officers and may not have been
expressly authorized by any Regulation to pass
sentence notwithstanding such Futwa either for the
punishment of the "Prisoner" as in cases of escape
from jail, where, unless such escape be attended
with act of violence, no additional punishment is
provided by the "Mahommedan law" or for his
"acquittal and discharge either with or without
"Security" as in the cases contemplated in clause
Sixth Section II. Regulation XV. of 1803. where the
Judge of Circuit may not concur in the opinion
of the strong suspicion, not amounting to con-
viction," declared by the Law Officers.

Under this explanation of the law, it
will be obvious to the Judge in Circuit that clause Sixth
Section II. Regulation XV. of 1803 does not apply to the
present case where a "Prisoner has been convicted" according
to the Futwa of the crime laid to his charge and that

the

3d September 1817.

the Proceedings on the case must be referred for the final order of the Tongataboo Chiefs.

Ordered that a Extract of these proceedings be sent to the Second Judge in Council on the Western Division for his information and guidance.

[Sent following letter K]

Read the letter dated the 26th ultimo from the Secretary to Government on the Subject of Deputations stating that it is not the intention of the Government to order the construction of a Gaol at Sydney

[Here enter No 62]

Read a letter dated the 2d instant from the Secretary to Government on the Subject of Deputations forwarding for the information of the Court the resolutions of Government for assembling a Magistrates as many criminals as can be spared from the respective Gaols to assist on the occasion of the Circuit road and works of that Township.

[Here enter No 39]

The Court direct that a copy of the letter from Mr Secretary Hill dated the 2d instant together with Extract of the Courts proceedings of the 27th ultimo be forwarded to the Acting Criminal Judge in the Gaols of Paramatta and Liverpool and that the same be forwarded together with a copy of Mr Secretary Hills letter of the 26th ultimo, to the Criminal Judge in the

3d Sept. 1817

3d September 1817

the Gaols of Sydney for their respective information.

The Criminal Judge in the Gaols of Sydney and the Acting Criminal Judge in the Gaols of Paramatta will send to Magistrates with as little delay as possible as many convicts as can conveniently be spared from their respective Gaols, taking care not to send away Prisoners who may have been sentenced only to six months imprisonment or whose sentences may be about to expire within the term here mentioned.

The Court will expect to receive Reports containing the names, crimes and sentences of the several Prisoners who may be sent to Magistrates, under the orders of this date, from the Gaols in the Gaols of Sydney and Paramatta respectively.

Ordered that a Extract of these proceedings be sent for the guidance of the Criminal Judge in the Gaols of Sydney and of the Acting Criminal Judge in the Gaols of Paramatta for their information.

[Sent following letter L]

Read letter, dated the 27th ultimo from the Acting Criminal Judge late in Council in the

Northern

3rd September 1817.

the Proceedings on the case must be referred for the final order of the Supreme Court.

Ordered that extract of these proceedings be sent to the Second Judge in Council on the Western Division for his information and guidance.

/Sent following letter K/

Read the letter dated the 26th ultimo from the Secretary to Government on the Subject of Deputations stating that it was not the intention of the Government to alter the constitution of the Court of Request

/Vide order A.82/

Read letter from the Secretary to Government dated the 6th instant forwarding for the information of the Court the resolutions of Government for assembling at Maseilles as many criminals as can be spared from the neighbouring gaols to assist in the repairs of the Public road and works of that Settlement

/Vide order A.395/

The Court directed that copy of the letter from Mr. Secretary Hill dated the 2nd together with Extract of the Court's proceedings of the 13th ultimo be forwarded to the Acting Criminal Judge in the gaols of Pondicherry and that the copy be forwarded together with copy of Mr. Secretary Hill's letter of the 26th ultimo, to the Criminal Judge in the gaols of Cuddalore for their respective information.

3 F 16

3rd September 1817

The Criminal Judge in the gaols of Cuddalore and the Acting Criminal Judge in the gaols of Pondicherry will send to Masulipatam with as little delay as possible as many convicts as can conveniently be spared from their respective gaols taking care not to send any Prisoners who may have been sentenced only to six months' imprisonment or whose sentences may be about to expire within the term hereinmentioned.

The Court will expect to receive Reports containing the names, crimes and sentences of the several Prisoners who may be sent to Masulipatam under the orders of this date, from the gaols in the gaols of Cuddalore and Pondicherry respectively.

Ordered that extract of these proceedings be sent for the guidance of the Criminal Judge in the gaols of Cuddalore and of the Acting Criminal Judge in the gaols of Pondicherry and the same be also furnished to the Criminal Judge in the gaols of Masulipatam for his information.

/Sent following letter F/

Read return, dated the 22nd ultimo from the Acting Third Judge late in Circuit in the Northern

3d. September 1817.

Northern Division to the Quarter Sessions of the 6th. Nov. ordering communications to the Assistant Criminal Judge on the Calendar of Prisoners for trial at the said Sessions relative to the Record from No. 3 of the Calendar 1st. Sessions of 1817

[Here enter No 436]

Read letter dated the 2d. Nov. from the Second Judge on Circuit on the Southern Division with copy of Calendar 2d. Sessions of 1817.

[Here enter No 437]

Read letter dated the 3d. Nov. from the First Judge on Circuit on the Northern Division, referring his attendance at Quarter Sessions.

[Here enter No 438]

Read letter dated the 23d. Nov. from the Criminal Judge on the Gaol of Gunbar, with Report of Prisoners confined under sentence of Death reprieved without reference to the Inspectors Abstract

[Here enter No 439]

Read letter dated the 3d. Nov. from the First Judge on Circuit for the Northern Division, stating that of Eight persons ordered for Transportation by them on No. 5. of the Calendar of persons discharged by the

3d. September 1817.

Magistrates of Murdispatam whose only have been

and to the Criminal Judge, and suggesting that the

Magistrate may be authorized to offer a reward of 200

Rupees for the apprehension of the 6 Murderers who has absconded.

[Here enter No 398/5]

Ordered that the foregoing letter

do lie on the Table.

J. C.

At a Court of the Zoujdaree Adalut—

Present,

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

Friday 5th September 1817.

Read letter, dated the 7th July 1815.

from the Register to the Court of Circuit in the Centre Division,- forwarding a draft of a Regulation proposed by the Magistrate of Chittoor for securing the community from the danger of convicts and prisoners released from Jail returning their vicious habits &c.

/Here enter No. 525 of 1815/

Circumstances have occurred to delay the proceedings of the Court relative to the Regulation here proposed, which they now resolve to submit to the Right Honorable the Governor in Council in conformity with the provisions of Section IX Regulation IX of 1802.

The Regulation is entitled "a "Regulation for securing the Community from "the danger of Convicts and Prisoners released from

F. C.

At a Court of the Zoujdaree Adalut—

Present,

Friday 5th September 1817.

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

Read letter dated the 7th July 1815.

from the Register to the Court of Circuit in the Centre Division, forwarding a draft of a Regulation proposed by the Magistrate of Chittoor for securing the community from the danger of convicts and prisoners released from Jail reason-ing their vicious habits &c.

/Here enter No. 525 of 1815/

Circumstances have occurred to delay the proceedings of the Court relative to the Regulation here proposed, which they now resolve to submit to the Right Honorable the Governor in Council in conformity with the provisions of Section IX Regulation IX of 1802.—

The Regulation is entitled "a "Regulation for securing the Community from the danger of Convicts and Prisoners released from

5th September 1817

The seventh and last Section declares that Government shall find employment for such of the time-expired Prisoners as may be unable to provide for themselves, on a statement in the Petition which the Court are unable to concur from there no objection to the proposed measure on the ground of its imposing an unnecessary burthen upon the State, the Court would consider it to be both wrong in principle and of dangerous tendency that Government should become responsible for the permanent maintenance of released felons.-

On the several grounds here particularized the Court of Sanjdarees Adalut deem it necessary to withhold their support from the draft of the Regulation in question, and they are of opinion that the public security will be more properly consulted by the issue of Circular instructions enjoining certain measures of precaution to be adopted by the several Criminal Judges on the discharge of Convicts sentenced to temporary imprisonment and particularly of such as may have been confined under a sentence of banishment or

2/766.

5th Sept. 1817.

or otherwise, in a Zilla different from that in which they were committed for trial.-

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

Sent following letter.-

Here enter A/5

"from jail resuming their vicious habits and
"from the depredations to be apprehended from
"vagrant and evil disposed persons," and Section
III, which is divided into thirteen Clauses, declares
that certain descriptions of Convicts are not
to be released on the expiration of their sentences
unless they agree to reside in places fixed on
by the Zillah Magistrate and enter into a penal
obligation to that effect.—

The provision here suggested is
altogether arbitrary and unprecedented in its
nature while it is not, in the opinion of the
Court, supported by any substantial plea of
expediency or necessity on which they might
recommend its adoption. In all cases where
the commission of an offence may have
been attended with circumstances of aggra-
vation or where the offender may be a person
of notoriously bad character, the Judges of
the Courts of Circuit may direct that such
offender shall not be released on the expiration
of the term of imprisonment specified in the
sentence, unless he shall give security for
his future good behaviour and appearance
when

required.— But where no such condition
may be prescribed at the time of passing the
sentence, it is evident that a Prisoner must
be entitled to his enlargement when the term
of his sentence shall expire and that to require
a penal obligation of the nature specified
in the proposed Regulation would be to
exercise an oppressive and unwarrantable act
of authority.—

Section III contemplates cases of
suspicion or bad character where persons may be
ordered to be detained in custody until they shall
give security for their future good behaviour
and appearance when required.— All cases of
this description appear to be sufficiently provided
for by the several Clauses of Section XI Regn.
Section XV of 1793 and circular orders, enjoining
attention to the provisions of the aforesaid
Section, were issued by the Court of Judicature
Udalut. on the 30th August 1816.—

Sections IV and V contain
matters of more official detail and to Section
VI the objections already urged against Section
II entirely apply.—

The

5th September 1817

The seventh and last section declares that Government shall find employment for such of the time-expired Prisoners as may be unable to provide for themselves on enlistment in the Police, Military or Civil Establishments, since there are no objection to the proposed measure on the ground of its imposing an undue burthen upon the State, the Court would consider it to be both wrong in principle and of dangerous tendency that Government should become responsible for the permanent maintenance of released felons.

On the several grounds here pointed out the Court of Sanjdara deduct deem it necessary to withhold their support from the draft of the Regulation in question, and they are of opinion that the public security will be more effectually consulted by the issue of Counter-instructions enjoining certain measures of precaution to be adopted by the several Criminal Judges on the discharge of Convicts sentenced to banishment or confinement and particularly of such as may

5th Sept. 1817.

which they were committed for trial.-

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

Sent following letter.- Secretary A.J.

September

F. C.

At a Court of the Foujdaree Udalut

Present,

Monday
8th September 1817

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

Read letter, dated the 18th Ultimo,
from the First Judge of Circuit in the Southern
Division, - submitting with observations trial
No 1 on the Tinnevelly Calendar 1st Sessions
of 1817 -

(Here enter No. 423)

The Court having maturely
considered the Proceedings held before the Judge
on Circuit the Futwa of the Provincial Law
Officer and the Futwa of the Cazee ool Cozat
and Mooftee of the Foujdaree Udalut to
confirm the said Futwa of the Cazee ool Cozat
and Mooftees aforesaid and acquitting the
Prisoner

"Tewengada pillay"

direct that he be released accordingly -

Sent following letter

(Here enter A)

8th September 1817

Read return dated the 25th Ultimo from the 1st Judge on Circuit in the Northern Division, - to the Court's precept of 2d Ultimo directing that cases of a trivial nature be referred back to the Criminal Judge if included in his Calendar -

R & L (Here enter No. 435 / 50

J. C.

At a Court of the Fouzdaree Adalut -

Present,

Thursday 11th September 1817. Andrew Scott Esqre. Edward Croft Greenway Esqre. George Stratton Esqre. } Judges

Read Letter, dated the 1st Instant, from the Provincial Court of Circuit in the Western Division, requesting the Court's instructions on a reference by the Criminal Judge of North Malabar in a case wherein the Prosecutor and Witnesses are unable to find security for their appearance -

(Here enter No. 439)

In the proceedings of the Court of Fouzdaree Adalut of the 27th May last, which are referred to in the foregoing Letter, a rule was laid down for the guidance of the Judges of the Courts of Circuit in cases where the recognizances of Prosecutors and witnesses for appearance before the Court of Circuit may become liable to be forfeited to Government; but nothing in those Proceedings was intended

to

8th September 1817

11th September 1817

to render it imperative upon a Criminal Judge to demand security in all cases from Prosecutors and witnesses for their appearance at the Sessions or to limit in any degree the discretion vested in this Officer by the Regulations with regard to taking only personal recognizance from the parties or otherwise for the purposes abovementioned—

It will therefore remain with the Criminal Judge in the Zillas of Malabar to demand, as heretofore, either mere personal recognizance or otherwise if on due consideration of each case, that to him appear expedient, and where the amount of such personal recognizance may be afterwards declared forfeited to Government the process will be issued against the property of the Recognizor—

Ordered that extract of these proceedings be sent to the Court of Circuit in the Malabar Division by precept desiring them to communicate the

11th September 1817

the same to the Criminal Judge in the Zillas of North Malabar for his information and future guidance—

Sent following Precept

(Here enter A)

Read letter, dated the 2d Instant, from the 1st Judge on Circuit in the Centre Division—reporting arrival of the Circuit Court at Bellary—2d Sessions 1817—

(Here enter A. No. 440.)

Read letter, dated the 1st Instant, from the Assistant Criminal Judge in the Zilla of Dharapooram—with reports of Prisoners confined under sentence and of prisoners sentenced without reference to the Foujdaree Adalut—

(Here enter No. 438.)

RA

At a Court of the Poudaree Adalut

Present

Wednesday 17th Sept. 1817 — Andrew Scott Esqr. / Edward Greenway Esqr. / George Stratton Esqr. } Judges

Read return dated the 19th Ultimo. from the 3 Judge of Circuit in the Southern Division to the Courts precept calling for additional evidence in Case N. 5. of the Trichinopoly Calendar 2d Sessions of 1817.

[Vide enter N. 425]

Read again letter dated the 6th June last from the 3 Judge on Circuit in the Southern Division Transmitting his proceedings held in Case N. 5. Trichinopoly Calendar 2. quarterly Sessions of 1817.

[Vide enter N. 297]

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 ool Cozat and Moofties of the Poudaree Adalut do confirm the said Fatwa of the Cazee ool Cozat and Mufties aforesaid and under the discretion vested in them by the Sentence of Ookoobut do, in conformity with the provisions of Section XVII Regulation VIII of 1802, adjudge the Prisoner

Moothen

At a Court of the Foujdaree Udalut

Present

Wednesday 17th Sept. 1817. Andrew Scott Esqr. / Edward Greenway Esqr. / George Stallon Esqr. } Judges

Read return dated the 19th Ultimo from the 3d Judge of Circuit in the Southern Division to the Courts precept calling for additional evidence in Case N. 5. of the Trichinopoly Calendar 2d Sessions of 1817.

A1

GP

/ True copy N. 425 /

Read again letter dated the 6th June last from the 3d Judge of Circuit in the Southern Division transmitting his proceedings held in Case N. 5. Trichinopoly Calendar 2d quarterly Sessions of 1817.

/ True copy N. 297 /

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 Mol. Cozat and Moofties of the Foujdaree Udalut do confirm the said Fatwa of the Cazee Mol. Cozat and Moofties aforesaid and under the —— discretion vested in them by the Sentence of Ooha- but do, in conformity with the provisions of Section XVII Regulation VIII of 1802, adjudge the Prisoner —

Matthew

17th September 1817

Sheehan

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

/ Sent following letter /
/ Hereenter A /

The substance of the declaration declared before the Criminal Judge by the Prisoner in that case, as recorded in the Pulwa of the Law Officers of the Fougdaree Adalut, differs in some particulars from the English translation of the said declaration, as recorded on the Proceedings. The Variations in question are not on points immediately material to the issue of the case, but the Court have considered it necessary to advert to them as being entirely irreconcileable with that degree of attention on the part of the Judge in examining the translations which the Regulations require.

The Court have also to observe that the person named Para Chowy / or Chowy Mistree as he is termed in the Persian translation of the Record / who is suspected of having been the principal in the murder and who has not yet been apprehended, is inaccurately designated, in certain parts of the English translation of the Proceedings, as "the Prisoner Para Chowy".

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

Sent following letter
/ Hereenter B /

25

17th September 1817.

Read letter dated the 6th Instant from the 2d Judge on Circuit in the Southern Division - Reporting the arrival of the Court of Circuit at Madura -

/ Hereenter N 441 /

Read letter, dated the 10th Instant from the 2d Judge of Circuit in the Centre Division Forwarding returned warrant for execution of the Prisoner in Case N 17 of the Calendar 3d quarterly Sessions of 1817 -

/ Hereenter N 443 /

Read return dated the 8th Instant - from the Provincial Court of Circuit for the Southern Division to the Court's Circular precept of 30th July last ordering Communication of instructions respecting the Calendars to be delivered by the Criminal Judge to the Judge of the Court of Circuit -

/ Hereenter N 444 /

Read letter, dated the 28th ultimo from the Secretary to Government in the Judicial Department With extract of letter to Mr John Pasha appointing him to be Head Assistant to the Collector and Magistrate of Chingleput -

/ Hereenter N 436 /

RA

11

27

7. 16.

At a Court of the Foujdaree Adalut

Present,

Friday 19th September 1817 — Andrew Scott Esqre. / Edward Croft Greenway Esqre. / George Stratton Esqre. } Judges

M

E

GW

Read letter, dated the 1st Instt. from the 2d Judge of the Court of Circuit in the Western Division, - referring with observations trial No. 5. 1st Sessions of 1817 Zillah of South Malabar for murder

+ Here enter No. 424/

+ Read the 1st Instt. of the Foujdaree Adalut and Copy of the Mofussil Foujdaree Adalut

The omission here noticed by the Law Officers of the Foujdaree Adalut being on a point material to the issue of the case, the Court direct that the record of the Proceedings held in case No. 5 of the additional Calendar in the Zilla of South Malabar, be returned, accompanied by the foregoing Remarks and an English translation thereof, to the 2d. Judge on Circuit in the Western Division by Precept commanding that he do forward

the

17th September
1817

19th September 1817.

the same to the Criminal Judge in the Zilla of South Malabar and do direct him to take the information therein required and to make return with as little delay as possible.-

Sent following Precept

R.A.

/Here enter No 5/

W

A 11.

At a Court of the Foujdaree Udalut.

Present,

Monday 22d September 1817.

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

A1

Read letter, dated the 20th Instant, from the 3d Judge on Circuit in the Southern Division, transmitting his proceedings held in Case No 4 of the Trichinopoly Calendar for the 3d Quarterly Sessions of 1817.-

W

/Here enter No 6/46./

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 Cozat and Mooftee of the Foujdaree Udalut confirm the said Futwas of the Cazee ool Cozat and Mooftee aforesaid and, under the authority vested in them by the provisions of Clause Third Section VII Regulation XV of 1803, adjudge the Prisoner

"Ramasawmy"

to be imprisoned and transported to Prince of Wales's Island, there to be imprisoned

19th September 1817

imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the period of his natural life.-

Sent following letter.

/Here enter A/

Read return, dated the 13th Instant, from the Assistant Criminal Judge in charge of the Zilla of Salem - to precept of 5th Instant ordering admonition of certain informers receiving Certificates of pardon and notice to the Magistrate of their release.

/Here enter No. 458/

At a Court of the Sowdaree Adalut -

Present,

Wednesday 24th Sept. 1817. Andrew Scott Esqre. / Edward Croft Greenway Esqre. / George Stratton Esqre. } Judges -

Read letter, dated the 11th Instant, from the 2d Judge on Circuit in the Western Division, - submitting his doubt as to the mode of communication between a Circuit Judge and a Magistrate under the Regulations. -

/Here enter A. No. 449/

In the foregoing letter the 2d Judge on Circuit expresses his doubt as to the mode in which he should communicate with the Magistrate "on matters connected "with any case brought to trial before the "Court of Circuit" and he observes that Clause second, Section XI. Regulation IX of 1816 applies solely to the Calendars which that Section requires should be delivered by the Magistrate to the Court of Circuit -

By Section XXI. Regulation X of 1816 the Judges of the Courts of Circuit

Circuit are empowered to call for the proceed-
-ings held by the Magistrate or by any Police
officer under him, a power which would
be altogether ineffectual did it not imply
an authority to issue such orders to the
Magistrate in any particular case as the
circumstances thereof may appear to require.
In thus empowering a Judge on Circuit to
to call for the proceedings of the Magistrate,
it is obviously the intention of the Legislature
that the proceedings of the latter officer
should be brought fully and unreservedly
within the cognizance of such Judge.
It is further observable
that Clause Third, Section XLI, Regulation
IX of 1816 contains a provision regarding
the obedience of the Magistrates to the
orders of the Courts of Circuit generally
and not merely to such orders as may
be issued by the Judges of those Courts
under Clause Second of the Section
aforesaid.-

According to this Interpretation
of the Law it will be apparent to the Pr.
Judge

Judge on Circuit that he is authorized to
communicate directly with the Magistrates
on all matters connected with the proceed-
-ings of such officers in cases brought
before him at the several Sessions of
Jail Delivery.-

Ordered that extract of this
proceedings be sent to the Pr. Judge on
Circuit in the Western Division for
his information and guidance.-

Sent following letter.-

Here enter No

Read letter, dated the 13th Instant,
from the Criminal Judge in the Zilla of
Vedaschellum - submitting a difference of
opinion between himself and the Head Assistant
Magistrate relative to the interpretation of
Section XXIV Regulation IX of 1816.-

Here enter No 1448.

The First Assistant Magistrate,
in charge, in the Zilla of Vedaschellum, observes,
in his answer to a letter from the Criminal
Judge of the Zilla, wherein the latter officer
had called the Assistant Magistrate's attention
to

24th September 1817

to two cases in which he had neglected to examine the Prisoners, that according to the latter part of Clause Second Section XXIV of Regulation IX of 1816 it alone belongs to the Magistrate to determine what evidence he shall take and that therefore if the First Assistant Magistrate believed the prisoners to be guilty he considered it unnecessary to take their depositions

The First Assistant Magistrate will find, on a perusal of the first Clause of the Section to which he has here referred, that on a prisoner being brought before him it is not optional with him but absolutely incumbent upon him to examine such prisoner and also such other persons as are stated to have any knowledge of the alleged crime or misdemeanor. The language in which the rule is here laid down is clear, precise and positive, and the qualification introduced at the close of the Section may be understood as restricting the Magistrates from going into a detailed examination of each particular

24th Sept. 1817.

particular case, but cannot be held to authorize such Officer to dispense with the observance of a rule founded on the simplest principles of justice and prescribed for the guidance of the Magistrates in all cases whatsoever, by a positive enactment of the Legislature.

Ordered that extract of these proceedings be sent to the Criminal Judge in the Zilla of Vizagapatam to be by him communicated to the First Assistant Magistrate of the Zilla for his information and future guidance.

Sent following letter

/Here enter B./

Read letter, dated the 11th Instant, from the 1st Judge on Circuit in the Northern Division, with copy of the Rajahmundry Calendar 2d Sessions 1817.

/Here enter No 451/

In case No 7 of the foregoing Calendar the Prisoner, Evatoory Pamoontoorum, stands charged with having murdered his wife and it is stated in the Column of Remarks

24. September
1817. remarks that as the Prisoner appeared to be
insane when brought up and unable to
plead to the charge and as the Native Doctor
and Sailor deposed that he had betrayed
marks of derangement in prison, the trial
was postponed till the ensuing Session —

It does not appear from the
above remarks that any evidence was
taken as to the state of the Prisoner's mind
at the time of the perpetration of the act
laid to his charge — a particular rule was
laid down by the Supreme Court, in
their circular orders of the 19th October
1807, for the guidance of the Judges of the
Courts of Circuit in all cases of insanity
and the Court direct that the First Judge
on Circuit in the Northern Division be
careful to proceed, in all such cases, in
strict conformity with the orders in
question —

Ordered that extract of
these proceedings be sent to the first
Judge on Circuit in the Northern
Division

24th September 1817

Division for his information and
future guidance —

Sent following letter —

R. A. Executive C/ 25

At a Court of the Soujdaree Udalut

Present,

Thursday 25th September 1817. — Andrew Scott Esqre. — Edward Croft Greenway Esqre. — George Stratton Esqre. } Judges.

No

Read letter, dated the 15th Instant, from the 1st Judge of the Provincial Court of Circuit for the Western Division, - requesting permission to take the January Circuit having been prevented by ill health from taking his turn in July.-

/Here enter No. 455/

The Court direct that the request contained in the foregoing letter be regularly submitted through the Court of Circuit when the application will be forwarded for the orders of Government by such observations as the circumstances of the case may appear to require.-

With regard to the ensuing Sessions of Quarterly Gail Delivery, the obvious course appears to be that the Judge of the Court of Circuit, who did not preside at

At a Court of the Foujdaree Adaulut

Present,

Thursday 25th September 1817. — Andrew Scott Esqre. — Edward Croft Greenway Esqre. — George Stratton Esqre. } Judges.

At

Read letter, dated the 17th Instant, from the 1st Judge of the Provincial Court of Circuit for the Western Division, requesting permission to take the January Circuit having been prevented by ill health from taking his turn in July.

(Here enter No. 455)

The Court direct that the request contained in the foregoing letter be regularly submitted through the Court of Circuit when the application will be forwarded for the orders of Government, by such observations as the circumstances of the case may appear to require.—

With regard to the ensuing Sessions of Quarterly Gail Delivery, the various cases appear to be that the Judge of the Court of Circuit, who did not preside at

at the last Quarterly Sessions, should hold the 4th Sessions of Quarterly Gail Delivery for the present year 1817.-

Ordered that extract of these proceedings be sent to the 1st Judge of Circuit in the Western Division for his information and guidance.-

Sent following letter.

/Here enter A/

Read letter, dated the 15th instant, from the 2d Judge on Circuit in the Western Division,- enclosing warrant for execution of Moolly Chookem in case Kl. South Malabar Calendar 1st Sessions 1817 with report of its execution.-

/Here enter No. 454./

Read letter, dated the 17th Instant, from the 2d Judge on Circuit in the Western Division,- reporting that he has completed the Gail delivery at Mangalore and will proceed on the 20th instant to South Malabar.-

/Here enter No. 456./

J. C.

At a Court of the Foujdaree Adalut.

Present,

Friday 26th Sept: 1817

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

Read again letter, dated the 25th ultimo, from the Secretary to Government in the Judicial Department,- authorizing the Magistrate of Masulipatam to offer the proposed rewards for the apprehension of certain offenders and desiring that the Court will submit Draft of a Regulation for remedying the defects of Regulation IX of 1816.-

/Here enter No. 428/

Under the authority conveyed in the foregoing letter, the Court in conformity with the intention which they communicated to Government in their proceedings of the 4th ultimo have prepared the draft of a Regulation, revising, with certain modifications, the several provisions contained

in

four clauses and prescribing rules for the guidance of the Magistrate, Criminal Judge the Courts of Circuit and the Zoujdaree Adalut respectively in the cases therein contemplated.-

Sections X and XI of the present Draft contain, with a few trifling alterations, the provisions of Sections XI and XII of the old Enactment and Sections XII and XIII substituted for Sections XIII and XIV of the old law have undergone the necessary modifications with a view to the duties to be performed by the Magistrate and Criminal Judge respectively.

Certain alterations have been made in the three concluding Sections of the old Regulation and a provision has been introduced enjoining the transmission of a half-yearly instead of a monthly Register of proclaimed offenders.-

The concluding Section of the present Draft, declares, in modification of the provisions contained in Section XXII Regulation IX of 1816 that all rewards offered for the apprehension

apprehension of proclaimed offenders shall be payable on the delivery of their persons to the Magistrate by whom they may have been proclaimed or to the Magistrate of the Zilla in which they may be apprehended.

+ The third Judge delivers in the following minute

× entire N. Stratton dissents

The Court direct that the Draft of the proposed Regulation be transmitted with extract of these Proceedings to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.—

Rd. Sent following letter
/Here enter No 20

No 16.

At a Court of the Zillah Adawlut.

Monday
29th September 1817.

Present

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

E.G.S
GS

Read the letter dated the 1st instant from the Second Judge of Canara on the Western Division referring his proceedings and case No 13. on the Calendar of South Malabar 1st Sessions of 1817.

/Here enter No 17/

The Court having maturely considered the proceedings laid before the Judge on permit the perusal of the Superintendant Law Officer and the perusal of the Cazee ul Cozat and Mooftee of the Zillah Adawlut confirm the said sentence of the Cazee ul Cozat and Mooftee aforesaid and accordingly direct that the Prisoners

1st Mychoore
2d Wasee and
3d Pathee Hooty

be set at liberty.

29th September 1817.

Read a Letter dated the 1st Instant
from the Second Judge of Circuit in the Northern
Division, inclosing the Criminal Calendar of South Malabar for the Sessions of 1817

Vide order No 1264

The Court having carefully considered
the Letter of the Second Judge of Circuit
of the 1st Instant and Calendar and Minutes of the
Additional Sessions thereto annexed, and
(Mr Strad and Member present)
acted on them by the provisions of Regulation VIII of 1809 with regard to the following
1st Chairmen Brady
2nd Chairman Mullen
3rd Chairman Reilly and
4th Chairman Hamilton
to suffer Death by being hanged at the usual place of execution
Until following Letter No 1

Read a Letter dated the 17th
from the Provincial Court of Circuit for the Northern
Division to the Secretary to Government

29th Sept. 1817 to communicate
the Court's instructions respecting recognizances to the
Criminal Judge of North Malabar

Vide order No 1264

Read a Letter dated the 20th instant
from the Second Judge of Circuit in the Northern
Division with copy of Supplemental Calendar
for the Gaol of Masulipatam 3d Quarterly
Sessions of 1817.

Vide order No 1264/5

Read a Letter dated the 16th instant
from the Secretary to Government in the Judicial
Department stating that the Right Honorable the
Governor in Council concurs with the Court as to the
inexpediency of the regulations respecting released
prisoners proposed by the late Magistrate of Chittoor

Vide order No 1253

At a Court of the Fouzdaree Udalut

Present

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

Tuesday 30th September 1817.

Read letter, dated 17th instant from the Provincial Court of Circuit for the Western Division, with Draft of Regulation proposed by the Magistrates of Malabar, Minutes of the Court thereupon, and Draft of a Regulation framed agreeably to the opinion of the 1st Judge

/Here enter No 457/

The draft herewith submitted is in modification of the provisions contained in Section XLIX Regulation XI of 1816 and its object is to empower the Magistrate in the province of Malabar generally to control and in certain cases to prohibit altogether the possession and use of fire arms and other offensive weapons among the inhabitants of the above Provinces.

Another draft is submitted by the First Judge of the Court of Circuit agreeably to a Minute which he has recorded on the occasion and a Minute is also recorded by the Third Judge detailing his reasons for disapproving of the proposed enactment.

The Court having attentively considered the two Drafts in question as well as the Minutes recorded

30th September 1817

by the First and Third Judges respectively are of opinion that the provisions of the proposed Regulation would operate as an unnecessary encroachment on the liberty of individuals and an injudicious interference with the long established usages of the Natives of Malabar, [illegible] that it is [illegible] explicit to the magistrates under the Regulation [illegible] to [illegible] the [illegible] [illegible] [illegible]

17.

30th September 1817.

Read letter, dated 15th instant, from the 1st Judge on Circuit in the Centre Division, — transmitting extract from his proceedings with depositions of Native Doctor, respecting the insanity of a prisoner on trial for Murder. —

/Here enter No 162/

It appearing from the depositions accompany the foregoing letter that the Prisoner Rungo is labouring under insanity of a very dangerous description the Court direct that he be confined in such place and manner as may be consistent with the public safety; and that he be on no account released without the express permission of the Foujdaree Adalut. —

Ordered that extract of these proceedings be sent to the 1st Judge on Circuit in the Centre Division to be by him communicated to the Criminal Judge in the Zilla of Bellary for his information and guidance.

R. A.

Sent following letter
/Here enter D/ 15

1st October 1817.

Character of the Magistrate not

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Present

Wednesday
1st October 1817.

Andrew Sconce Esq. —
Edward Cop Greenway Esq. — } Judges.
George Stretton Esq. —

Read again letter, dated the 5th July last from the Magistrate in the Zilla of Masulipatam, — stating in the Zilla of Masulipatam, — stating that he is not desirous of having the subject of his letter, of the 15th July, submitted to the consideration of the Court with reference to the Court's proceedings of the 5th July, enclosed copies of two precepts issued by the 1st Judge of the Court of Circuit in the Northern Division, relative to a charge of murder disposed by the Magistrate. —

(Vide entry No 324.)

Also read letter, dated the 24th July last from the Magistrate in the Zilla of Masulipatam, — stating with reference to the Court's proceedings of the 15th July, that he is not desirous of having the subject of his letter, of the 5th July, submitted to the

Council in conformity with the provisions of Section IV. Regulation II. of 1810.

(Here enters No 375.)

Read also letter, dated the 11th Ultimo, from the Magistrate in the Zillah of Maneliputtam, — enclosing copy of the proceedings of the Criminal Judge of Maneliputtam under date the 22nd August last, on the charge of murder alluded to in the Magistrate's letter of the 5th July. —

(Here enters No 447.)

The first of the foregoing letters contains accusations of the most serious nature against the 1st Judge of the Court of Circuit in the Northern Division. He is accused of "infatuation regarding the factious inhabitants of the Dessawaddy Purgunna; of interrupting the duties of the Collector; of prejudice against the Revenue Servants; of anxiety to screen their accusers from punishment; and of casting imputations upon the

Sec. 1.

1st October 1817.

character of the Magistrate "not only without evidence but in direct opposition to the record before him". He is also accused of "unreserved" Sec. Reg. 44. "lending his ear to the private repre-
"sentations of the factious head-
"inhabitants of the Dessawaddy
"Purgunna." They are represented to
have "had free access to him at all
"times; and to whom had the sister
"been sentenced by the Criminal
"Judge on the 30th December. The
"the Government Orders in the Zillah
"Court (who had all along endeavoured
"to cover the cause which he was bound
"to advocate) proceeded to the
"house of the 1st Judge whom he found
"deep in prayer. But he did not
"go alone. He was accompanied by
"four of the most powerful of those
"people who had combined to
"resist the established authorities."
And the Magistrate then comments upon the tendency of allowing private communications in the then state of affairs. And in the concluding

As the Magistrate

* Three paragraphs of this letter he called upon the Court of Foujdaree Adawlut to determine whether the 1st Judge had not allowed his mind to be so far prejudiced by private communications as to regard declarations which ran contradicted by the record, and whether that prejudice had not led him into measures which are calculated to degrade the authority of the Magistrate, to obstruct the administration of the Revenues, to punish the innocent, and to shield the guilty.

new in office, and was less exactly
instructed to make these communications
& the difficulties & embarrassments
which he had to encounter in the discharge
of his fiscal duties, and
which he ascribed to the conduct
of the 1st Judge of the Court of Civil,
if the Court considered it to be proper,
although no such reference is provided for in the Regulations, - to
refer to the Magistrate for the purpose
of ascertaining his observations in relation
thereto with respect to the charges which
had been made against the 1st Judge.
It appeared, indeed, to the Court to be
doubtful whether the Magistrate
was aware of the serious nature
of the charges, or of the course which
the Court was bound to pursue in
receiving them. The reference in question
appeared, therefore, to be at least
fair to the Magistrate; but it was
perhaps less fair to the 1st Judge,
whose long experience in the Judicial
office, and hitherto unimpeached
character, entitled him to the respect
not less of his colleagues than of his
fellow-citizens; and to show therefore if
[illegible] wishing impu-

might be considered due that any
charge publicly made against him
should be immediately forwarded
to the Government in order to its
being investigated. The delay of the
reference, however, afforded room for
correcting any misconception on the part
of the Magistrate, and was calculated
to prevent any unnecessary conflict
between him and the 1st Judge; while
if the charges were persisted in, it
would still be the duty of the Court
to submit them to the Government as
prescribed by Section IV. Regulation
II. of 1810. -

The Magistrate in his answer
to the reference states that he is far
from desiring that the charges should
be submitted to the Right Honorable
the Governor in Council according
to Section IV. Regulation II. of 1810;
and he expresses his wish that the
decision should be referred by the
Court, adding that his object will
be much more satisfactorily attained
by an observation of the rules here-

in Section XXXIX. Regulation V. of 1802, the provisions of which are transferred to Section XXIX. Regulation VIII. of 1802. But the charges against the 1st Judge being "such as if established would "subject him to dismission from "office," the course to be pursued by the Court is not left to their discretion. They are bound to submit the charges [illegible] for the information and orders of the Right Honble the Governor in Council as prescribed by Section IV. Regulation II. of 1810. —

The last of the foregoing letters contains a copy of the proceedings of the Criminal Judge, dismissing the accusation of murder, alluded to in the first letter of the Registrate, and referred for him (the Criminal Judge's) investigation by order of the 1st Judge of the Court of Circuit. The proceedings in question are not [illegible] before the Court [illegible]

Criminal Judge and the Court therefore cannot refrain from making any observations upon their proceedings. They appear to be grounded by the Registrate in support of his charges against the 1st Judge, and the Court accordingly resolve to submit them to the Government with the two preceding letters from the Registrate. —

The Court therefore direct that the foregoing letters with a translation of their proceedings and extract from the Court's proceedings of the 15th July last be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honble the Governor in Council —

(Sent following letters No. +)

AS

GP

L. R.

At a Court of the Foujdaree Adalut.

Present,

Thursday 2nd Octr. 1817 — Andrew Scott Esqre. / Edward Croft Greenway Esqre. / George Stratton Esqre. } Judges.

M

Read petition of Bushawut Alee, praying that a further application may be made to Government regarding the pension recommended to be granted to his brother Ghoolam Rusool.

(Here enter A)

The sentiments of the Court on the subject of Cazee Ghoolam Rusools petition were recorded on their Proceedings of the 23d April 1816 wherein they recommended, agreeably to the suggestion of the Provincial Court for the Western Division, that Government should be pleased to grant a third of his Salary or Star Pagodas 33 : 15 : per mensem as a pension to the said Cazee, and the proceedings of the Foujdaree accompanied by a letter from Court dated 1st December 1815

No.

the favorable opinion entertained by them
of the Services of Ghoolam Russool—

The Ct of reason under which
Ghoolam Russool has been labouring for
some time past appearing to the Court to
render his case particularly deserving of
consideration, they resolve to submit his
brother's application to Government and
respectfully to recommend that the
Right Honorable the Governor in Council
may be pleased to grant a pension, to
the amount specified in their Proceedings
of the 23d April 1816, as a remuneration
for the past services of the said Ghoolam
Russool—

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

Sent following letter.

Have enter in 3/420

J. C.

At a Court of the Foujdaree Adalut.

Friday
3rd October 1817

Present

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

It being desirable to obviate, as far as
practicable, the ill consequences that might be ex-
pected to result from the embarkment of convicts on
the expiration of their term of imprisonment without
the knowledge of the Magistrates and Police
Officers of the jurisdictions on which they may have
been apprehended and brought to trial or on
which they may have resided prior to their ap-
prehension, the Court resolve to issue the fol-
lowing circular instructions—

Whenever, in the case of a person who
may have been sentenced by a court of circuit or by the
Foujdaree Adalut to be confined for a certain specified
period in the zillah gaol on which he was committed for
trial, the time of such confinement shall expire
the Darogah Jemadar of the gaol shall certify
into

into effect the warrant for his discharge, giving due notice
thereof to the same to the Magistrates of the gaol, or in
the case where the Prisoner may formerly have resided in
another jurisdiction, to the Magistrate of such jurisdiction.
Nothing in this order is intended to prevent a Criminal
Judge from demanding bail when it shall be a specific
in the sentence of a Court of Record but it is to be
clearly understood that no person sentenced to hard
labour confinement by a Court of Record or by the
Supreme Court shall be finally released from his
confinement by the order of the same being communicated
to the Magistrates of the gaol.

Whenever a person sentenced by a Court of Record or by the Supreme Court to hard labour confinement shall be so confined at the expiration of the period fixed for his discharge in a gaol different from that in which he was committed for trial, he shall be sent back with the warrant for his discharge to the Gaol from which he was committed for trial, there to undergo the remainder of his sentence, if it exceeds a fortnight, but if not he shall be discharged at the gaol to which he was sent for trial, unless the Magistrates of the jurisdiction in which such gaol is situated shall order him to be detained for his discharge, there, but in no case

directed, and giving due information of his embarkation to the Magistrates of the gaol as also, in cases where the Prisoner may formerly have resided in another jurisdiction, to the Magistrates of such jurisdiction.

The Criminal Judge having charge of convicts to be discharged in another jurisdiction under the above rule is to send them to the Criminal Judge by whom they are to be discharged in time to reach him before the expiration of their respective sentences.

The Criminal Judge sending convicts from one station to another under these instructions is to furnish them with a sufficient allowance for their subsistence on the way at the prescribed rate of diet money, for the calculated period of the journey. But the allowance for one month's maintenance, not exceeding five Pounds, to which convicts released after an imprisonment of six months or upwards and assigning to be in case of such persons as are entitled under Section XXXII. of Regulation X of 1816 is to be paid to them by the Criminal Judge who finally carries into effect the warrant for their discharge.

It is expected that the Magistrates

3d October 1817

and Police Officers of gaols &c which discharged prisoners were apprehended and brought to trial or on which they formerly resided being duly informed of their release will take the requisite precautions to watch the conduct of the persons discharged especially those of such general character and former habits of life may appear to render them particularly dangerous to the community.

Ordered that extract of these proceedings be sent to the Town Criminal Courts of Cork by first packet enjoining them to communicate the same to the several Criminal Judges and Magistrates within their respective jurisdictions and to desire that the Magistrates do make the necessary communications to the Officers of Police for their information and future guidance.

Sent following packet

Read letter dated the 27th Ultimo from the Second Judge of the Criminal Court of Cork for the Northern Division requesting forfeiture of recognizance by a Witness from whom the forfeiture is not recoverable.

Thomas Mr Hogg

Discharged from the above Calling as

3d October 1817

will as from a communication lately received from the Criminal Court for the Western Division to the effect of certain of the Judicial authorities that this Court of Magistrates Mandated by their Circular instructions of the 21st May last to render it imperative upon a Criminal Judge to demand Security in all cases from Prosecutors and witnesses for their appearance at the Sessions of Jail delivery and it being desirable that all doubt on the point in question should be removed without delay, the Court desire it may be distinctly understood that nothing in the above orders was intended to limit or vary in any degree the discretion vested in the Criminal Judge by the Regulations with regard to taking only personal recognizance from the parties or otherwise for the purpose aforementioned

Wherever a Criminal Judge shall deem it expedient in consideration of the circumstances of any particular case or for other good and sufficient reason, to demand Security from a Prosecutor or witness for their appearance before a Court of Record the Judge or Clerk will provide in the event of the non attendance of any such person in conformity with the Courts Circular

order

3rd October 1817

orders of the 21st May last and on all other cases where
under personal recognizance shall have been taken and
the enactment of such personal recognizance shall
be declared forfeited to Government the process will
be issued against the property of the Recognizor.-

Ordered that extract of these
proceedings be sent to the two Provincial courts of
Assize by first opportunity enjoining them to communicate
the same to the Judges now on Circuit as well as
to the several Criminal Judges within their respective
jurisdictions for their information and future
guidance.-

Sent following Circulars

In the Court of the Zoyedarce Adalut

Present

Wednesday
8th October 1817

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

Read letter dated the 10th ultimo
from the first Judge on Circuit in the Northern Divi-
sion referring the proceedings in case No 6 on the
Calendar of Regulation day 4th Sessions of 1817.

Vide entry No 4524

The Court having maturely considered the
proceedings held before the Judge on Circuit the Letters
of the Provincial Law Officer and the Letters of the
Fouzdaree and Court and Mooftees of the Zoyedaree
Adalut confirm the said Letters of the Fouzdaree and
Mooftees aforesaid and accordingly direct that
the prisoner

"Bondaby Doyamauth"

be set at liberty.

Sent following letter No 4

Subjoined to the list of witnesses
as recorded by the Acting Criminal Judge
on the part of the prisoner in this case are the
examinations of Purfunder and Lawsootown two

of

8th October 1817

of the witnesses aforesaid are irregularly to exhibit the Court have considered it necessary to submit our order that the Acting Criminal Judge on the Gillies of Islay and Jura may be careful to guard against the repetition of such proceeding:-

The humble witness for the prosecution named Sutherland and interpreted on a Gaelic from of Testament sworn on his examination before the Court of Circuit, in answer to the questions put to him by the prisoner, that a cautious humble, the written of which were to be produced in evidence on the trial, was allowed to remain under the prisoner's head on the night following his examination.

The circumstances here noticed betrays, in the very reprehensible negligence on the part of this witness in whose charge the prisoner then was and this Court accordingly direct that he be reprimanded for the same by the Acting Magistrate in a manner calculated to prevent the recurrence of such conduct.

Among the interrogatories put to Neil Kennedy, the first witness for the prosecution before the Court of Circuit are two, stated as follows viz. "Is it true that such and such written were not to read as the tendency of questions then framed and to suggest particular answers, and the undersigned

8th October 1817

improperly committed by the Judge presiding at the trial in proposing the interrogatories in such leading terms is sufficiently manifest.

Ordered that extract of these proceedings be sent to the Lord Judge on Circuit in the Northern Division for his information and future guidance and that he be by precept enjoined to make necessary communications to the Acting Principal Judge and the Acting Magistrate in the Gillies of Islay and Jura for the several purposes hereof specified.

Sent following Precept [illegible]

Read letter dated the 6th instant from the Principal Judge in the Gillies of Islay and Jura stating that he has received a prisoner committed by the Magistrate of Islay for theft without the Procurator Fiscal and requesting the Court's instructions thereupon.

[illegible]

The offence specified in the foregoing letter having been committed by a native subject of the British Government within the territory of Portobello and therefore out of the limits of the British Provinces, it was remarked to the Magistrate in the Gillies of Portobello, after making the necessary

8th October 1817

of the witnesses aforesaid, are irregularly to exhibit the
Court have considered it necessary to direct and order that
the Acting Criminal Judge and the Gaoler of Colombo
murder may be careful to guard against the repetition
of such proceeding:-

The twelve witnesses for the prosecution
named Sellamah and delineated as - Colonial sworn
of Sellapare, stated on his examination before this
Court of Circuit, in answer to the questions put to him
by the prisoner, that a certain bundle, the contents
of which were to be produced as evidence on the
trial, was allowed to remain under the prisoner's
head on the night following his apprehension.
the circumstance has retarded
very reprehensible negligence on the part of
this witness in whose charge the prisoner then was
and this Court accordingly direct that he be reprimanded for
the same by the Acting Magistrate in a manner
calculated to prevent the recurrence of such
among the interrogatories put to the
Accused, the first witness for the prosecution before the
Court of Circuit are two, shaped as follows viz^t Is it
"true that such and such matters were set to and do
the tendency of questions thus framed was
to suggest further answers, and the endeavour

8th October 1817

improperly committed by the Judge presiding at the
trial in proposing the interrogatories in such leading
terms is sufficiently manifest.

Ordered that extract of these
proceedings be sent to the last Judge on Circuit
in the Northern Division for his information and
future guidance and that he be by Precept enjoin
the
not to make necessary communications to the Acting
Criminal Judge and the Acting Magistrate in
the gaol of Colombo for the several purposes
herein specified.

[And following Precept N^o 13]

Read letter dated the 6th instant
from the Criminal Judge on the gaol of Colombo
committed
stating that he has received a prisoner by the ship
Lotus for theft without the Fiscals warrant and requesting
the Courts instructions thereupon.

[Hereunto N^o 483]

The offence specified in the foregoing
letter having been committed by a native subject of
the British Government within the territory of Ceylon
and therefore out of the limits of the British
Provinces, it was ordered by the Magistrate and
the gaol of Colombo, after making the
necessary

8th October 1817

of the witnesses aforesaid are irregularly to obtain the
Court have considered it necessary to submit and order that
the Acting Criminal Judge on the Gaol of Colombo
murder may be cautious to guard against the imputation
of such proceeding:

The double interest for the prosecutory
named Settimah and delinquents are ordered from
of Wallapane, stated on his examination before this
Court of Circuit, in answer to the questions put to him
by the prisoner, that a cutcha bundle, the contents
of which were to be produced as evidence on the
trial, was allowed to remain under the prisoner's
head on the night following his apprehension.
The circumstance here noticed belongs, [illegible]
very reprehensible negligence on the part of
the witness in whose charge the prisoner then was
and the Court accordingly direct that he be reprimanded for
the same by the Acting Magistrate in a manner
calculated to prevent the recurrence of such
[illegible]

Among the interrogatories put to Vera
Saranda, the first witness for the prosecution, before the
Court of Circuit are two, stated as follows viz^t Is it
true that such and such matters were not so and so
to suggest further answers

8th October 1817

improperly committed by the Judge presiding at the
trial in proposing the interrogatories in such leading
terms as sufficiently manifest.

Ordered that extract of those
proceedings be sent to the Fiscal Judge on Circuit
in the Northern Division for his information and
future guidance and that he be by Precept enjoin
ed to make necessary communications to the Acting
Criminal Judge and the Acting Magistrate in
the Gallee of his Commendry for the several purposes
herein specified.

(Sent following Precept No 1.)

Read a letter dated the 6th instant
from the Criminal Judge in the Gallee of Pondicatchewn
stating that he had received a prisoner committed
by the Magist.
to take for theft without the Provincial Territory and requesting
the Court's instructions thereupon.

(Vide entry No 1837)

The offence specified in the foregoing
letter having been committed by a native subject of
the British Government within the territory of Pondicatchewn
and therefore out of the limits of the British
Provinces, it was remarked to the Magistrate on
the Gallee of Pondicatchewn, after reading the
aforesaid

8th October 1817

of the witnesses aforesaid, are irregularity, to which the Court have considered it necessary to submit and order that the Acting Criminal Judge and the Gaoler of Lloyd murdery may be careful to guard against the repetition of such proceeding:-

The twelfth witness for the prosecution named Sullivan and distinguished as a Cultivator of Tobacco, stated on his examination before the Court of Circuit, in answer to a question put to him by the prisoner, that a certain bundle, the contents of which were to be produced in evidence on the trial, was allowed to remain under the prisoner's head on the night following his apprehension.

The circumstance has noticed before, the very reprehensible negligence on the part of this witness in whose charge the prisoner then was and the Court accordingly direct that he be reprimanded for the same by the Acting Magistrate in a manner calculated to prevent the recurrence of such conduct.

Among the interrogatories put to Varnado, the first witness for the prosecution before the Court of Circuit are two, stated as follows viz^t "Is it true that such and such matters were set so and so" the tendency of questions thus framed was to suggest particular answers, and the endorsement

8th October 1817

improperly committed by the Judge presiding at the trial in proposing the interrogatories in such leading terms as sufficiently manifest.

Ordered that extract of these proceedings be sent to the Chief Judge on Circuit in the Northern Division for his information and future guidance and that he be by Precept enjoined to make necessary communications to the Acting Criminal Judge and the Acting Magistrates in the Gaol of Lloydsharmerday for the several purposes herein specified.

Sent following Precept &c/+

A letter dated the 6th instant from the Criminal Judge in the Gaol of Vandiemensland stating that he then received a prisoner committed by the Magistrates for theft within the French territory and requesting the Court's instructions thereupon.

Whereas &c/+

The offence specified in the foregoing letter having been committed by a native subject of the British Government within the territory of Vandiemensland and therefore out of the limits of the British possessions, it was recommended to the Magistrates in the Gaol of Vandiemensland, after making the necessary

F. U.

At a Court of the Fouydaree Udalut

Present

Thursday 9th Octr. 1817

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

Read letter, dated 16th Ultimo from the 2d Judge on Circuit in the Southern Division, with Copies of Madura Calendars 2d Sessions 1817.

/Here enter No 471/

The Supplemental Madura Calendar enclosed in the foregoing letter contains one case wherein Seenivasa Pundit, the Government Vakeel, appears as Prosecutor on the part of the Sirkar against one of Mootoocceren who is charged with having on the 14th September at night, entered a room in the house of Mr. Peter the Collector & Magistrate of Madura in a clandestine manner and stolen therefrom some wearing apparel belonging to Mr. Grant the Judge on Circuit. The Prisoner pleaded guilty before the Criminal Judge and having subsequently been convicted before the Court of Circuit he has been sentenced, under Regulation, to receive thirty rattan stripes and to be imprisoned and kept to hard labour in irons for the term of three years

9th October 1817.

It appears, according to the above examination that the Prisoner was charged with having stolen certain articles the property of Mr. Grant and the Court minutes that the complaint must have been lodged before the Magistrate, in the first instance, either by that Gentleman or by an authorized agent, as prescribed in the Regulations the prosecution before the Court of Circuit, however, would seem to have been conducted by the Government Vakeel on the part of the Sircar, whence the Court are led to infer that the Criminal Judge instructed the Government Vakeel so to prosecute in consequence of some dispute on the part of Mr. Grant who was to preside at the trial.—

The proceeding on this case appears very difficult to be reconciled with the ordinary practice on criminal prosecutions, and the Court consider it unnecessary to record their opinion that, under all the circumstances of the case, the most proper mode of proceeding would have been to have allowed the Native to remain over it until the ensuing Sessions, when the Prisoner might have been brought up for trial on the prosecution of Mr. Grant or his authorized Agent or, in default thereof, on the prosecution of Government before another Judge of the Court of Circuit.—

Ordered that

9th October 1817

be sent to the 2d Judge on Circuit in the Southern Division for his information.

Sent following letter

Here enter No. 476

Read letter, dated the 27th Ultimo from the Criminal Judge in the Zilla of Guntoor, stating that he has sent 101 Convicts to the Criminal Judge at Masulipatam agreeably to the Court's Orders.—

Here enter No. 4781

Read letter dated the 27th Ultimo from the Acting Criminal Judge in the Zilla of Rajahmundry, with reports of prisoners confined prisoner under sentence, and sentenced without reference to the Foujdaree Udalut.—

Here enter No. 4782

J. C.

At a Court of the Fouydaree Adalut

Present,

Wednesday
15th Feby. 1817.

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

Read letter, dated the 17th Ultimo,
from the 1st Judge in Circuit in the Centre
Division, - transmitting his proceedings held in
case No. 23 of the Bellary Calendar 2d. Sessions
of 1817. -

/ Here enter No. 475 /

The Court having maturely considered
the Proceedings held before the Judge on Circuit
the Futwas of the Provincial Law Officer and
the Futwas of the Cazee ool Cozat and Mooftee
of the Fouydaree Adalut confirm the said
Futwas of the Cazee ool Cozat and Mooftees
aforesaid and accordingly direct that the
Prisoners -

"Chuttoo" and
"Hoonmah"

be set at liberty. -

15th October 1817.

Read letter, dated the 11th Instant,
from the 1st Judge on Circuit in the Centre
Division, transmitting his proceedings held
in case No 13 of the Bellary Calendar 2d
Sessions of 1817.

/Recorded No 468./

The Court having maturely considered
the Proceedings held before the Judge on Circuit
the Futwas of the Provincial Law Officers and
the Futwas of the Cazee ool Cozat and Mooftee
of the Zillah and Adalut confirm the said Futwas
of the Cazee ool Cozat and Mooftee aforesaid
and under the sentence of Reclusion declared
against the first Prisoner,

"Boreagah"

adjudge him the said Prisoner Boreagah to be
imprisoned and kept to hard labour in irons on
the public Roads or other public works for
and during the period of twelve Calendar months
and the Court acquitting the de
remaining Prisoners

"Byagah"
"Kistapah"
"Ramagah" and
"Timmiah"

direct that they be released according to

15th October 1817.

Read letter, dated the 18th Instant,
from the 1st Judge on Circuit in the Centre
Division, transmitting his proceedings held
in case No 39 of the Bellary Calendar 2d
Sessions of 1817.

/Recorded No 476./

The Court having maturely considered
the Proceedings held before the Judge on Circuit
the Futwas of the Provincial Law Officers and
the Futwas of the Cazee ool Cozat and Mooftee
of the Zillah and Adalut confirm the said
Futwas of the Cazee ool Cozat and Mooftee
aforesaid and under the sentence of Reclusion
declared in the Futwas adjudge the Prisoner

"Chennoogaudoo"

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

Read letter, dated the 18th Instant,
from the 1st Judge on Circuit in the Centre
Division, transmitting his proceedings held in
case No 5 of the Bellary Calendar 2d Sessions
of 1817.

/Recorded No 463./

The Court having maturely
considered

15th October 1917.

considered the Proceedings held before the Judge on Circuit the Tutwa of the Provincial Law Officer and the Tutwa of the Cazee or Legal and Mooftee of the Fouzdaree Udalut confirm the said Tutwa of the Cazee or Cozet and Mooftee aforesaid and accordingly directs that the First Prisoner

"Goondalaconda Timmador"

be set at liberty.-

The second Prisoner

"Goorvee"

has been released under warrant of the Judge on Circuit.-

Sent following letter

(Here enter A)

The first Prisoner in this case, Goondabaconda Timmador, was brought to trial for the murder of one Peddu Dummore-ogandoo, on the prosecution of Chinna Dummo-reegandoo, the brother of the deceased; and the second Prisoner, Goorvee, the wife of the first prisoner, was charged by the Sirkar with having committed adultery with the deceased Peddoo Dummooreegandoo.-

To

2.) 116

2.) 116

15th October 1817.

It thus appears that there are blended in one case two charges brought forward by two several Prosecutors against two persons for crimes altogether separate and distinct.- The attention of the several Judicial authorities has been frequently directed by the Fouzdaree Udalut to the impropriety of the above proceeding and the Court are surprised that the irregularity committed in the present instance should have escaped the notice of the Judge on Circuit whose duty it was to return the Proceedings in the Case to the Criminal Judge, pointing out the irregularity in question and desiring him to separate the charges and to prepare a supplemental Calendar to be laid, together with his proceedings held in both cases respectively before the Court of Circuit.-

Ordered that extract of these proceedings be sent to the 1st Judge on Circuit in the Centre Division by Cossid desiring him to communicate the same to the Criminal Judge in the Zillah of

Bellary

Belling for his information and future guidance.—

Sent for Attorney Brassett

Were entered

Read Letter, dated the 8th Instant, from the Puisne Judge of Circuit in the Southern Division, forwarding, with observations, copy of Finchingfield Calendar of the Quarterly Sessions of 1817.—

(Vide entry 15th 48th)

On examining the foregoing Calendar the Court observe that two cases, Nos 1 and 2, have been postponed until the First Quarterly Sessions of 1818, owing to the absence of the Prosecutor.

The reason here assigned for the postponement of the trials is altogether insufficient. Section XVII Regulation VII of 1802 provides for the postponement of criminal trials in the event of the non attendance of witnesses, whose evidence may be deemed to be material; but no such provision is made with regard to the absence of a Prosecutor, since the Law supposes that, in all

all such cases, the Government Vakeel will be instructed to carry on the prosecution on the part of the Sirkar.—

In case No 3 the Prisoner also said to be convicted of "Goomaun" and sentenced, under Act hereunto, to be imprisoned and kept to hard labour in irons for the term of six months.—

This abstract of the Future appears to be incorrectly worded, since we "Goomaun" signifies suspicion and is not expressive of any denomination of crime. Referring, also, to the sentence which has been passed in this case, the Court resolve to direct the attention of the Judge of Circuit to the provisions of Clause sixth Section II Regulation XV of 1803, wherein it is declared that the Courts of Circuit are not authorized to inflict any punishment whatever on suspicion only, whatever may be the Futwa of the Law Officers; although they are empowered, under certain specified circumstances, to direct that a Prisoner be detained in custody until he

shall

shall give sufficient security for his future good behaviour and appearance when required.—

Ordered that extract of these proceedings be sent to the 1st Judge of Circuit in the Southern Division for his information and future guidance, and that he be by Precept enjoined to communicate the first part of the same for the information and future guidance of the Criminal Judge in the Zillah of Trichinopoly.—

/Sent following Precept/

/Here enter 6/

Read letter, dated the 1st Instant from the 3d Judge of Circuit in the Southern Division.— with warrant of execution of Prisoner No 5 Trichinopoly Calendar 2d Sessions 1817.

/Here enter No 484/

Read letter dated the 2d Instant from the 3d Judge of the Court of Circuit for the Western Division,— with copy of Malabar Calendar 3d Quarterly Sessions of 1817.

/Here enter No 485/

Read

Read letter, dated the 29th ultimo, from the first Judge on Circuit in the Northern Division,— reporting his arrival at Vizagapatam.

/Here enter No 485/

Read letter, dated the 4th instant, from the Criminal Judge in the Zillah of Madura,— with reports of prisoners confined under sentence and of prisoners sentenced without reference to the Magistrate Madurai.—

/Here enter No 486/

Read letter, dated the 6th instant from the Second Judge on Circuit in the Western Division,— reporting his arrival at Calicut.—

/Here enter No 487/

M — R.A.

Read Report dated the 20th Ultimo from the Criminal Judge in the Zillah of Masulipatam— of prisoners confined under Sentence in his Jail—

GW

/Here enter No 477/

[illegal] 2nd Oct 1817

5th October 1817.

shall give suffi
good behaviour
required.—

proceedings be
Circuit in the
information

J. No.

At a Court of the Sovejolarree Malabars

Wednesday
2nd October 1817. Present.

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

H
E&E.

A Cadjan letter, dated the 20th ultimo,
from the First Judge on Circuit on the Jaffna Division
referring his proceedings on case № 31, on the Pettah
Calendar — 2nd Sessions of 1817

Whereunder № 4794

The Court having maturely considered
the Proceedings held before the Judges on Circuit the Jaffna
of the Provincial Land Officers and the Jaffna of
the Cayar: cot: Cowgat and Mootties of the Sovejolarree
Malabars confirm the said Jaffna of the Cayar: cot:
Cowgat and Mootties aforesaid and, accordingly the
Sentence of Reference declared on the Jaffna, respecting
the prisoner

"Wardda Somacoundar"

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

A Cadjan letter dated the 30th ultimo,
from

J. No.

Wednesday 22nd October 1817.

At a Court of the Tongodaree Malabat.

Present.

Andrew Scott, Esq.re
Edward croft Greenaway, Esq.re } Judges
George Stratton, Esq.re

Read letter, dated the 20th instant, from the First Judge on Circuit on the Centre Division, referring his proceedings in case No. 31, on the 3d Sessions Calendar — 2d Sessions of 1817.

Whereunder No. 479.

The Court having maturely considered the Proceedings held before the Judges on Circuit the Jurors of the Provincial Civil Officers and the Jurors of the Zaguerat Court and Masters of the Tongodaree Malabat confirm the said Jurors of the Zaguerat Court and Masters aforesaid and, revoke the Sentence of Khisaus declared on the Jurors, respiting the prisoner

Wuddia Samaegaroodoo

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

Read letter, dated the 20th instant, from

22d October 1817.

from the first Judge on Circuit and the Southern Division respecting his proceedings in case No 32 on the Calendar 2d Session of 1817.

Whereupon No 4304

The Court having maturely considered the Proceedings held before the Judge on Circuit the Justices of the Provincial Law Officers and the Justices of the Cayenne Court and Assistants of the Vingt d'Unes Undated confirm the said Sentence of the Cayenne Court and Assistants aforesaid and accordingly direct that the Prisoner

"Veerabuddraspah"

be not at liberty.

A Letter dated the 11th Instant from the first Judge on Circuit on the Southern Division respecting his proceedings in case No 9 on the Calendar 2d Session of 1817.

Whereupon No 4366

The Court having maturely considered the Proceedings held before the Judge on Circuit the Justices of the Provincial Law Officers and the Justices of the Cayenne Court and Assistants of the Vingt d'Unes Undated confirm the said Sentence of the Cayenne Court and Assistants aforesaid and accordingly direct that the Prisoner

"Veerabuddraspah"

be not at liberty.

22d October 1817.

Cayenne Court House

A Letter dated the 15th Instant from the First Judge on Circuit on the Southern Division respecting his proceedings in case No 10 on the Calendar 2d Session of 1817.

Whereupon No 4353

The Court having maturely considered the Proceedings held before the Judge on Circuit the Justices of the Provincial Law Officers and the Justices of the Cayenne Court and Assistants of the Vingt d'Unes Undated confirm the said Sentence of the Cayenne Court and Assistants aforesaid and, under the Limitations contained in those by the provisions of clause Fifth section IV. of Regulations XV of 1803 respecting the Prisoner

"Cutterpaddy"

to be imprisoned and transported to Prince of Wales' Island, there to be imprisoned and kept to hard labour on roads or on the public roads or other public works

works for and during the period of his natural life.

[Send following letter A.]

The Prisoner was then asked what he had
before his defence before the Court of Circuit alleged
that he was taken to the Constable of Carnforth and
arraigned four days after was taken before Mr Wilkinson
and said that if he could acknowledge to the Constable
that he had robbed the house of Mr Wilkinson he
would have released and that he, the Prisoner, then
said that he had robbed the house of Mr Wilkinson.

As these declarations, however, which were taken
generally declared by the Prisoner before the Committal Judge
& does not circumstantial; as there was before distinctly
denied before the Court of Circuit that it was voluntarily
found and as the Prisoner does not offer any objection to the
manner in the course of his defence, the Court have con-
curred with opinions with their Law Officers and, on the
grounds of the said confession, have sentenced him to
be transported for life. It is desirous to remark, however, that
the Record of the Proceedings held in this case would
have been much more satisfactory had it been more ex-
tended by the Proceedings of the Officers of Police.

This prisoner's statement with respect
to his having been examined four days by the Constable

2.) 7.16.

22nd October 1817.

being urged for the first time on his defence before
the Court of Circuit and being altogether unsupported
by evidence does not seem to be deserving of credit; but
the Court have deemed it proper to notice the fact
in this place, as they are desirous that the Judges
on Circuit should pay every possible attention to the
proceedings of the Police and should make such
communications to the Magistrates of the several
Districts as to them may appear expedient in all
cases where it shall be found that the Officers of
Police have acted contrary to the Regulations an-
nexed for their guidance.

Ordered that extract of these
proceedings be sent to the First Judge on Circuit
on the Central Division for his information and
future guidance.

[Send following letter B.]

Read letter dated the 3rd instant,
from the Prosecutor Clerk of Assize on the Western
Division, submitting copies of a letter from the First
Judge and of a Note from the Third Judge re-
questing the proposition of the Sessions to take the
January Circuit.

[Worcester No 1496]

22nd October 1817.

works for and during the period of his natural life.

[Send following letter A.]

The Prisoner on this occasion first

upon his defence before this Court of Circuit alleged

"that he was taken to the Constables of Carnlough and

"confined four days when one Cadwallader Kellyfeather

"said that if he would acknowledge to the Constables

"that he had robbed the house of Kellyfeather he

"would have released and that he, the Prisoner, then

"said that he had robbed the house of Kellyfeather."

As this declaration, however, which was voluntarily

& freely declared by the Prisoner before the Examining Judge

is clear and circumstantial, as there is no proof adduced

before the Court of Circuit that it was voluntarily

& forced and as the Prisoner does not offer any explanation to the

same on the course of his defence, the Court have con-

curred in opinion with their Law Officer and on the

grounds of the said confession have sentenced him to

be transported for life. It is desirous to remark, however, that

the Record of the Proceedings fails on this occasion to

have been made more satisfactory, but I have remedied

it by the Proceedings of the Officer of Police.

This prisoner's statement with regard

to his having been confined four days by the Constables

being

2.) 7.16.

22nd October 1817.

being urged for the first time on his defence before

the Court of Circuit and being altogether unsupported

by evidence does not seem to be deserving of credit; but

the Court have deemed it proper to notice the fact

in this place, as they are desirous that the Judges

on Circuit should pay every possible attention to the

proceedings of the Police and should make such

communications to the Magistrates of the several

Districts as to them may appear expedient on all

occasions where it shall be found that the Officers of

Police have acted contrary to the Regulations cre-

ated for their guidance.

Ordered that a Copy of these

proceedings be sent to the First Judge on Circuit

in the Central Division for his information and

future guidance.

[Send following letter B.]

Read letter dated the 8th instant

from the Presidential Court of Appeal in the Western

Division, submitting copies of a letter from the First

Judge and of a Note from the Third Judge rel-

ative to the proposition of the former to take the

Summer Circuit.

[Here enter No 6196]

22d October 1817

It was then communicated to the Legislative Council to consider any alteration from the established precedents on the Island, the Court would submit the foregoing Application from the Land Lords of the Court of Court on the Settled Districts for the consideration and orders of Government

The Court considers it necessary to state at the same time for the information of Government that Mr Stevens proceeded on the first and Mr Baker on the second Circuit for 1816

Ordered that the foregoing Letter and Enclosures be the subject of this proceedings to be sent to the Secretary to Government on the behalf Department for the purpose of being laid before the Right Honorable the Governor in Council.

[Next following letter]

Read letter dated the 6th instant from the Acting Criminal Judge on the Gaols of Bengal Chinsurah, reporting the Deposits of Lepers sent to the Leper Establishment.

[Here enter No 489]

The Acting Criminal Judge regrets that the Court will obtain the sanction of Government for the

employment of One Sircar and One Lascar at the Gaol for Messages for the interior purposes of the Gaol.

In the opinion expressed by the Acting Criminal Judge that the healthiness of the Leper Depends entirely on the cleanly state in which it is kept the Court entirely concur; but as it does not appear that the proposed additional to the Leper establishment at Chyabhoomby has been found necessary in any of the other Gaols under this Presidency and as the Court are of opinion that the interior of the Gaol may always be kept in a state of cleanliness by means of the convicts themselves, they do not consider it sufficient to submit the proposed increase for the sanction of Government.

Ordered that extract of these proceedings be sent to the Acting Criminal Judge in the Gaols of Chyabhoomby for his information.

[Next following letter D]

Read letter dated the 3d instant from the Criminal Judge on the Gaols of Chyaphoomby transmitting reports prescribed by Section XXXV. Regulation X of 1816.

[Here enter No 490]

Read

22d October 1817

Read return dated the 7th instant from the Provincial Court of Circuit on the Southern Division to the Courts precept of the 31st July last ordering communications to its Judges on Circuit and to the several Judges of the Directions of the Court that the Calendar required to be delivered to the Court of Circuit be accompanied by copies of the Proceedings of the Magistrates & Police Officers.

/Here enter No 496/

Read return dated the 8th instant from the Provincial Court of Circuit on the Southern Division to the Courts precept of the 17th June last regarding communications to the Criminal Judges and Magistrates of the Courts observations respecting the practice of Commitment &c &c specified.

/Here enter No 497/

Read letter dated the 11th instant from the Third Judge of Circuit on the Southern Division with copy of Letters enclosed, to the Quarterly Sessions of 1817.

Here enter No 498 /

9th

Ma Court of the Fouzdaree Udalut

Present

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

Thursday
23d Oct. 1817

Read letter dated the 21st Instant from the Superintendent of Police Submitting for the consideration of the Court three Precepts which he has received from the Criminal Court of the Zilla of Chinglepat

/Here enter No 502/

The Superintendent of Police states that when the first Precept was received he believed it to have been sent by Mistake, that on receiving a second he judged it necessary to address an official letter to the Assistant Criminal Judge whose signature it bore, that no reply was made and that as a third has been sent to him he considers it to be his duty to refer the case to the Court of Fouzdaree Udalut.

The irregularity which has been committed by the Criminal Court of Chinglepat in regard to the mode of communication with the Superintendent of Police — an irregularity in which the Zilla Court appears resolved to persist — argues great inattention on the part of the Criminal Judge to the relative situation of himself & the Superintendent of

of Police.— The Criminal Judge should have been aware that the Superintendent of Police is entirely independent of the Criminal Court at Chittagong; that consequently he could have no power whatever to issue a Precept, or written order, to the Superintendent of Police and that whenever he may have occasion to communicate with the latter Officer, the mode of communication must be, as with all Officers of coordinate authority, by a letter under his official Seal and Signature.

The Court direct that their sentiments on the above point be made known to the Criminal Judge on the Zilla of Chittagong and that he be desired to send all future notices for the attendance before the Court of Circuit of witnesses resident at Madras to be served through the Court of Foujdaree Adalat

Ordered that extract of these proceedings be sent to the Criminal Judge on the Zilla of Chittagong for his information and future guidance

Sent following letter
/ Numbers 2/4

Ordered also that extract of these proceedings be sent to the Superintendent of Police for his information

Sent following letter
/ Numbers B/4

Read letter dated the 7th Instant from the 2d Judge on Circuit in the Western Division with

On looking over the foregoing Calendar the Court remark three several cases, Nos. 6. 11. and 15. wherein it is stated that the Futwas have declared the Prisoners to be liable to Tazeer on Tohmut or suspicion, and that they have been sentenced, under such Futwas, to imprisonment and hard labour for one, two and three years respectively.

Referring to the above Sentences the Court consider it proper to direct the attention of the Second Judge to the provisions of Clause Fifth, Section II Regulation XV of 1803 — which positively restrict the Judges of the Courts of Circuit from adjudging any punishment whatever on suspicion only, whatever may be the Futwa of the Law Officer, the utmost authority vested in the Courts of Circuit in such cases, as well as upon proof of notorious bad character, being to direct that the Prisoner be detained in custody, until he give Security for his future good behaviour and appearance when required

Ordered that extract of these proceedings be sent to the Second Judge on Circuit in the Western Division for his information and future guidance

Sent following letter
/ Numbers C/4

Monday
the
27 October, 1817

At a Court of the Faujdaree Adalut.

Present

Andrew Scott, Esq.re
Edward Croft Greenaway, Esq.re } Judges.
George Stratton, Esq.re

M
GCS

Read a paper letter, dated the 15th April 1813, from the First Judge of Circuit in the Southern Division, — reporting his observations on Circuit for the 2nd Sessions of 1812.

Here enter No 307 of 1813.

Read also letter, dated the 15th December 1814, from the First Judge of Circuit in the Western Division, — reporting his observations on Circuit in the 1st Sessions of 1812.

Here enter No 13 of 1815.

Read also letter, dated the 22nd July 1813, from the Third Judge of Circuit in the Northern Division, — reporting his observations on Circuit in the 1st Sessions of 1813.

Here enter No 316 of 1813.

Read also letter, dated the 17th May 1814, from the Third Judge late in Circuit in

the

27th October 1817.

the Southern Division — reporting his observations on Grand
on the 2nd Sessions of 1813.

(Here enter No 301 of 1814)

(Read also letter dated the 10th De-
cember 1814 from the First Judge of Circuit on the
Western Division — reporting his observations on Grand
on the 2nd Sessions of 1813.

(Here enter No 19 of 1815)

(Read also letter dated the 25th
January 1814 from the Second Judge of Circuit on
the Southern Division — reporting his observations on Grand
on the 2nd Sessions of 1814.

(Here enter No 112 of 1815)

(Read also letter dated the 4th Decem-
ber 1816, from the Second Judge of Circuit on the Western Divi-
sion reporting his observations on Grand on the 1st Sessions of
1816.

(Here enter No 166 of 1816)

(Read also letter dated the 6th No-
vember 1815, from the Third Judge on Circuit on the
Southern Division — reporting his observations on the
1st Sessions of 1815.

(Here enter No 166 of 1815)

(Read also letter dated the 4th July
1815, from the Second Judge of Circuit on the Eastern

27th October 1817.

Division — reporting his observations on Grand on the 1st
Sessions of 1815.

(Here enter No 316 of 1815)

(Read also letter dated the 26th
June 1815 from the Third Judge of Circuit on the
Western Division — reporting his observations on Grand
on the 2nd Sessions of 1814.

(Here enter No 169 of 1815)

(Read also letter dated the 25th
January 1816 from the Second Judge of Circuit on
the Western Division — reporting his observations
on Grand on the 2nd Sessions of 1815.

(Here enter No 68 of 1816)

(Read also letter dated the 21st
February 1816 from the Third Judge of Circuit on the
Centre Division — submitting his observations on the
effect of the present system for administering the
criminal laws &c — 2nd Sessions of 1815.

(Here enter No 118 of 1816)

(Read also letter dated the 26th
June 1816 from the First Judge on Circuit on the
Centre Division — reporting his observations on Circuit in
the 1st Sessions of 1816
under Section XXXVII Regulations VII. of 1802.

(Here enter No 365 of 1816)

(Read also letter dated the 30th

September

27th October 1817.

2.

27th October 1817.

Regulations VII of 1802, for the 2nd Sessions of 1816.

[Here enter No 234]

Read also letter dated the 13th August last from the last Judge of Circuit on the Southern Division submitting his observations made on the different Gaols on Circuit during the 1st Sessions of 1817.

[Here enter No 620]

The Court having taken into consideration the whole of the foregoing Reports proceed to record a few general observations on such of the matters thereon contained as appear to be fit for public Recording of notice.

1st That part of the letter from the Judge on Circuit on the Southern Division, dated the 15th April 1813, which relates to the evils resulting from the Tobacco Monopoly in Coimbatore and the Labor was submitted to Government, together with an Extract from the Courts' proceedings dated the 16th October 1813, and the only remaining part of the Report which appears to call for remark on the present occasion is that which treats of the crime of Perjury. This subject also comprises a considerable part of the Report forwarded by the late Third Judge of the Court of Circuit on the Southern Division for the 1st Sessions of 1813 and the Court considers it unnecessary to

that

September 1816 from the acting Third Judge on Circuit on the Southern Division submitting detached remarks on the subject of Chunam gaols and proposing the adoption of certain measures for the gradual suppression of the crime.

[Here enter No 699 of 1816]

Read also letter dated the 19th December last from the First Judge of Circuit on the Northern Division reporting his observations on Circuit in the 1st Sessions of 1816.

[Here enter No 733 of 1816]

Read also letter dated the 23rd December last from the Third Judge on Circuit on the Southern Division reporting his observations on Circuit in the 2nd Sessions of 1816

[Here enter No 781 of 1816]

Read also letter dated the 11th April last from the Second Judge on Circuit on the Northern Division to the Court of Sessions of the 24th March last commencing that the Report prescribed by Section XXXVII of Regulation VII of 1813 be sent up without delay.

[Here enter No 196]

Read also letter dated the 22nd April last from the Third Judge on Circuit on the Western Division forwarding the Report prescribed by Section XXXVII

bent before them to enter into a consideration of the in-
in this place enumerated as a forerunner of the above
terms or the above Legislature might lead to the in-
clusion that under the Mahommedan Law as ad-
ministered by the Courts a conviction on a charge of
perjury is almost impossible.

3. The definition of perjury according
to the Mahommedan Law differs in no material degree
from that contained in clause first Section VI Regula-
VI. of 1811, viz. that first of all there must be a
false oath to the crime of Perjury that the false swear-
is strictly speaking to the declaration that such
swearing shall be before a Court competent to the ju-
of the oath And it is held by the best commentators
on the Mahommedan Law that perjury may be
proved either by the confession of the person accused
or by strong circumstantial evidence.

It might be supposed that on the
opinions of the late Chief Judge on the Mahom-
Dictum, the provisions of Regulation VI. of 1811 had
embodied to the enforcement with which the crime
of perjury is stated to be punishable but it is not to
be presumed that the Legislature would have made the
the principal object of

to provide more effectually for the punishment of perjury
subornation of perjury and forgery," as no specific penalties
are attached to those crimes by the Mahommedan
Law.

The alleged decrease of convictions
in cases of the above description is attributable, indeed,
to causes altogether unconnected with the Regulations
or with the Mahommedan Law. It is to be ascribed
to the Court having too frequently had occasion to
remark, either to the imperfect acquaintance on the
part of some of the Judicial authorities with the
nature of the offence or too precipitate[d] and hasty
forward charges of this nature without duly attending
to those several points which are essential to the
constitute the crime of perjury. The subject was particu-
larly noticed by the Judges in their pro-
ceedings of the 31st January 1814, and the Court with
conclude their present remarks with an Extract from
the proceedings in question as explaining in a great
measure the cause of the generally unsuccessful ter-
mination of prosecutions for perjury and assuring
the points which have been taken by the Court
clearly to explain the law for the guidance of the
several Courts of Criminal Judicature.

27th October 1817.

"It certainly is desirable that prosecutions
for perjury should not be instituted on every occasion wherein there
may be reason to doubt that the offence has been wil-
-ful and corrupt: the frequency with which the af-
-fidavits of India are charged with perjury and the
generally unsuccessful termination of the prosecutions
for this crime show, on the strongest light, the ex-
-pediency of using the most obedient caution in select
-ing cases for prosecution. The exercise of any retaliation
offenders must be suspended to encourage the commis-
-sion of the crime; while to subject to imprisonment
fine and disqualification who may have committed
-ted the penalties of the law from misdirection or
a present or which the affidavits of Europeans and
Natives may be set aside; rather than by a
wilful and corrupt alteration of truth, must be
a matter of deep regret. The punishment of other
offences not capital admits of reference; the culprit
originates his offence and returns to society; but the
man who has once been branded as a liar must
ever bear his punishment at least in the known nature
-lessness of the law, and it should be awarded with a full
in the same spirit.

Perjury is declared to be "falsely and
"deliberately

3) 7th

27th October 1817.

"deliberately and deliberately, before a Court of Justice
"or before a Magistrate or others authorized public officers
"a false deposition, upon oath or affirmation or solemn de-
"claration taken instead of an oath, relative to
"some judicial proceeding, civil or criminal, and
"upon a point material to the issue thereof."

The definition of the crime being
thus precise the charge against the person supposed
to be guilty of it ought to be framed with corresponding
precision. It ought to contain the words spoken by the
accused person, on which the perjury is supposed to be
committed, the place where, and the time when they were
uttered. It ought also to describe the judicial proceeding
to the issue of which the alleged perjury may be material.
The foregoing particulars, together with the falsehood of
the words on which the perjury is charged, must be
all proved on the trial. Failure of proof on any one of
the points specified in the definition of perjury con-
-tained in Section IV. of Regulation VI. of 1811, must be
fatal to the prosecution; because the crime is defined
to consist, not in one or more of these particulars, but
in all and every one taken together.

No person should be made the
except the last
object of a prosecution for perjury, ~~wherein~~ been

continued

productive of injurious consequences.

The Reports of the First Judge and the Second Judge of the Western Division for the 1st Session of 1817 and the 2d Session of 1813; of the Second Judge on the same Division for the Second Session of 1813 and the 1st Session of 1814; of the Second Judge on the Southern Division for the 2d Session of 1814 and of the Third Judge on the same Division for the 2d Session of 1813 and the 1st Session of 1815 do not require any particular remarks: as the several points detailed in these reports are either such as have at different times been made the subject of reference to Government or such as are connected with circumstances which are no longer in existence.

The Second Judge of Circuit on the Central Division in his Report for the 1st Session of 1815 remarks on the little attention paid by the Mahommedan Law Officers to presumptive evidence and generally on the difficulty of conviction under the Mahommedan Law. The Court, however, are not prepared to admit the justness of the observations here recorded since the circumstance which is enjoined by the Mahommedan law in regard to the admission of presumptive evidence is strictly in unison with the principle which is recognized in the Criminal law of England; and in with regard to the Mahommedan rules of evidence in

cases

27th October 1817.

27th October 1817.

No 446

Stiles goods, a subject which is also noticed in the Report of the first Judge in the Central Division for the 1st Sessions of 1816.

The latter Officer reports that the aforementioned law makes no mention of the offence and that the Law Officers call it trifling and deserving of slight punishment. That Court are not cognizant only of slight punishment that Court are not cognizant with the merits of any particular case on which the first Judge may have advanced the foregoing observations, but they are enabled to state generally that the offence is deservedly recognized by the last legal authorities and that all persons convicted, either on their own confession or by the evidence of witnesses, of having bought or received Stolen goods, knowing them to be Stolen, are liable to Fine or punishment at the discretion of the Judges for the ends of public justice.

The observations of the first Judge with regard to the operations of Regulation XIII. of 1809 noticed in the proceedings of the Foujdaree Adalut of the 15th August 1816 which have been laid before Government with reference to another part of the same Report the Court have to remark that on the 16th August 1816 they recommended the Provincial Court for the Central Division that, after reciting the two provisions for the amendment of Regulation X. of 1811 to the other three Provincial Courts of Circuit were receiving their several observations on the same, they were of opinion that, under all the circumstances stated, the

more

times that they do not appear to be regarded by the ad-
-ministrators of the sentences; the Court having every reason to
believe that the sentences which have been passed
by the Courts of Circuit and Inquiry on all persons convicted of
the offences here specified have operated to suppress a
crime so dangerous to the peace and happiness of
the community.

The Report of the Third Judge of
Circuit in the Southern Division for the 2d Sessions of
1816 gives a very favourable view of the effect of the
system for administering the Criminal laws, and
in the concluding paragraphs of the Report, the third
Judge, adverting to the transfer of the office of Solicitor-
-General from the Judge to the Solicitor observes that
he considers it but justice due to the exertions, the able
and persevering of the Gentlemen employed under
the former system to notice the natural result of their
labours and talents in the suppression of crimes, as
exhibited in the present tranquil state of the several
Gaols; a result which, under all the systems of
Police preceding the erection of the office of Judge
Advocate, it had been found impossible to effect.

Should the suggestions of the Third
Judge of the Court of Circuit in the Western Division re-
-garding the employment of convicts in agricultural
labours, as submitted in the Report for the 2d Sessions
of 1816, be favored deserving of the consideration of

Governor

courteous proceeding would be to let the Solicitor General
and Crown exhibit further observations should they see
its provisions ought to be carried into effect.

To the general and suggestions of
Gentlemen urged by the First Judge against the whole
procedure here it does not seem necessary to make any
particular reply. The questions have been fully
discussed in all its bearings; no new arguments
are advanced by the First Judge and I will request
to the foregoing introductory of Proceedings, this would
be to substitute a [illegible]
[illegible]
[illegible]
[illegible] should it acknowledged by the First
Judge himself as pending the Recommendations tending
obviously to injustice and cruelty.

The Report of the First Judge on
Circuit in the Northern Division for the 1st Sessions
of 1816 does not require remark, and with respect
to the measures recommended by the late Acting
Judge of Circuit in the Southern Division, see his
Report for the 2d Sessions of 1816, for the suppression of
the offence of Absconding, they are upon principle
to the objections stated by the Court of Vice-Admiralty in
their Proceedings of the 5th September last of the same

27th October 1817.

Government a communication might be made on the subject to the several Provincial Judges in the Western Division, to whom a reference might also be made regarding those suggestions for establishments some of which are, in the opinion of this Third Judge susceptible of reduction.

The only part of the Report submitted by the Second Judge of Circuit on the Northern Division for the 2d Sessions of 1816 which needs any comment of particular notice is his suggestion for making a standing order in all jails that they be whitewashed once in two months, except in the Monsoon. The Court are of opinion that the introduction of a rule to the above effect would contribute both to the health and comfort of the Prisoners and they therefore relate to recommend the suggestion to the favourable notice of Government.

The last of the present series of Circuit Reports is that of the First Judge of the Court of Circuit in the Southern Division for the 1st Sessions of the present year 1817, towards the close of which Report the First Judge noticed the inconvenience experienced both at Coimbatore and Madura from the want of a separate jail for the confinement of Debtors. The First Judge also submits a request on the part of the Collector, Lieut. Nairne, whose Government have lately relocated from the jail at Madura and directed the

27th October 1817.

limits for persons to return to their Cutcherry for the purposes therein specified.

In explanation of the delay which has taken place in submitting these separate Reports to Government this Court have to observe that it was their intention to have forwarded the Reports for each half year within as short a period as possible after the termination of each Sessions of Jail Delivery. Such arrangements occurred, however, on the Commissioners of these Reports, and it was not until Reports had been framed, and previous attention to the provisions of Section XXXVII Regulation VII. of 1802, that several of them were prepared and transmitted to the Court. The error will still be found to be imperfect, and the changes which have taken place in some of the Courts of Circuit render it impossible that it should ever be rendered complete. It only remains, therefore, for the Court to offer their Report to the Right Honourable the Governor in Council that, in order to obviate such delays and irregularities hereafter, the Judges of the Courts of Circuit will invariably be called upon by Circuit to send up their Reports whether they may omit or to do either a reasonable period after their return from Circuit, and that each Report will be transmitted to Government, according to the order or which it may be received, accompanied by such observations as it may appear to require.

Ordered that the foregoing Reports

27th October 1817

with extract of these Proceedings to be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

Send following letter &c &c

R. A.

M

E&S

GW

Wednesday 29th October 1817

Mofussil Court of the Sunjidaree Adawlut

Present

Andrew Scott, Esq.re
Edward Croft Greenaway, Esq.re } Judges.
George Stratton, Esq.re

The Returns prescribed by Section XXXVII Regulation VII of 1802 not having been received from the Judges who were on Circuit in the Centre and Northern Divisions during the last Sessions of the present year. 1817;

Ordered that the Third Judge of the Court of Circuit in the Centre Division; the Third Judge of the Court of Circuit in the Northern Division and the late Acting Third Judge of the Court of Circuit in the latter Division, be by precept required to transmit to the Sunjidaree Adawlut their several Returns containing such observations as they may have made during their Circuit, within three weeks from the date of the receipt of the said precept.

Sent following Precept &c

Dated letter, dated the 13th instant from the Second Judge on Circuit in the Southern Division

27th October 1817

with extract of these Proceedings to be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honourable the Governor in Council.

Send following letter A/S

A

M

E&S

W

7. No.

Wednesday 29th October 1817.

At a Court of the Foujdaree Adawlut

Present

Andrew Scott, Esq.re
Edward Croft Greenaway, Esq.re } Judges.
George Stratton, Esq.re

The Reports presented by Section XXXVII. Regulation VII of 1802 not having been received from the Judges who were on circuit in the Centre and Northern Divisions during the last Sessions of the present year 1817;

Ordered that the Third Judge of the Court of Circuit in the Centre Division; the Third Judge of the Court of Circuit in the Northern Division and the late Acting Third Judge of the Court of Circuit in the Eastern Division, be by precept required to transmit to the Foujdaree Adawlut their several Reports containing such observations as they may have made during their circuit, within three weeks from the date of the receipt of the said precept.

Send following Precept A/S

Read letter dated the 13th instant from the learned Judge on circuit in the Southern Division

29th October 1817

Division with copy of Timmoth[illegible] calendar No 2 Sessions of 18[illegible]

[Here enter No 316]

The Court there, on looking over the foregoing calendar, that one case is to be referred to the Magistrates Clerks and the Court finds, on reference to the Salem and Ipswich calendars, that one bill is to be forwarded from each of the said gaols for the final sentence of the Magistrates Clerks

The proceedings held on these record were not having been received and it being absolutely requisite for the ends of justice that such proceedings should be forwarded as soon as possible after the close of each Sessions, the Court directed that the Second Judge now present in the Southern Division be by himself empowered to send up his Proceedings held in each of the cases aforesaid with as little delay as possible and to be more particular as to the transmission of such papers thereafter

[Seal following Court's]

Read letter dated the 20th instant from the Third Judge of the Provincial Court of Assize in the Southern Division forwarding warrant for transportation of prisoner No 4 on the Nottingham County Quarterly Sessions of 1817.

[Here enter No 317]

It being provided by Section XIII of Gaol Delivery VIII of 1813 that all returns and

29th October 1817

the inspectors of convicted prisoners are to correspond with the Court of Session

Ordered that the foregoing warrant for transportation be sent back with the extract of letter from the Third Judge of the Court of Circuit in the Southern Division for the purpose of being lodged among the Records of the Court of Session

[Seal following letter]

Read letter dated the 18th instant from the Secretary to Government on the Judicial Department stating that the Right Honorable the Governor and Council agrees with the Court in considering the Regulations proposed by the Magistrates of Middlesex respecting said Assize Bar to be expedient

[Here enter No 304]

Read letter dated the 15th instant from the Criminal Judge on the Gaol of Nottingham respecting prisoners confined under sentence and of prisoners sentenced without reference to the Magistrates Clerks

[Here enter No 305]

Read letter dated the 20th instant from the Criminal Judge on the Gaol of Chesterfield respecting the record of a convict under sentence of transportation

[Here enter No 306]

Read letter dated the 18th instant

from

29. October 1817.

from the Eastern Division to Command, with there
: time respecting the draft of Regulations submitted by
the Court on 26th Inst.

(Hon'ble No 504)

Read Letter dated the 13th instant
from the Asst Judge on Circuit at the Northern
Division, enclosing copy of Regulations submitted
and stating his reasons for deeming it
(Hon'ble No 514)

Read the letter dated the 15th instant from
the Principal Judge on the Circuit of Midnapore
Proposals prescribed by Section XXXVI Regulation X of 1816
(Hon'ble No 515)

Considerable delay having occurred, both
from the Western Division of that responsible to this
Court and it being desirable that the proceedings held
in all such cases, particularly in the trial of persons
who may have been declared liable to suffer extended
punishment as may in the opinion of the Court
Circuit, be delivering of such punishment should be
proceeded with the utmost practicable expedition
for the future sentences of the Regulations above
Court resolve to desire that all cases

29th October 1817

orders of the Judge on Circuit on the Western Division
on which the punishment may be latter to abscond such
delays in future.

Section XXVII, Regulations VII of 1802

declares that the Courts of Circuit are to commit to
the Magistrate Abstract their proceedings on the trials
of all persons who may have been declared liable
to extended punishment as may be considered deserving
of such punishment within two days after the trials
is completed or as much earlier as from the state
of the business may be practicable, and by Section
XXXVI of the same Regulations the Court of Circuit are
authorized, in all cases of emergency, to employ persons
properly qualified to prepare English translations
of the proceedings held in cases referable to the
Regulations Abstract.

Where there may be many trials
referable from the same district, it is evident that
much time must be occupied in preparing a correct
first of the Persian translations of proceedings with
a view, therefore, to enable the Court of Circuit to
proceed with a counterpart record with the least
possible delay, the Principal Judge of the second
district in the Western Division will be instructed

6

At a Court of the Inquisitorial Tribunal

Monday
3d. November 1817.

Present

Andrew Scott Esq.re
Edward Nash Greenaway Esq.re } Judges
George Stockdale Esq.re

The quarterly Reports prescribed by Section
XXXV. of Regulation X. of 1816 not having been received
from the Gaolers of Bellary & Cuddapah Madura
Salem & South Malabar;

Ordered that the Criminal Judges
of the several Gaols aforesaid be by Circuit enjoined
to send in their respective Reports for the last quarter
within two days from the date of the receipt of the
said Precept.

(Sent following Precept &c)

Read letter, dated the 20th. September
last from the Third Judge on Circuit in the Carnatic
Division — with copy of the Bellary Calendar — 3d.
Sessions of 1817.

(Vide order of 4th. inst.)

Read

29th. October 1817.

to afford the assistance of their Interpreters in translating the Persian translations of proceedings, whenever application may be made to them to that effect by the Judges on Circuit, and should the 3d. Judge on Circuit be of opinion that further assistance will be occasionally required the Court will be prepared to recommend to Government that the Judges of the Courts of Circuit may be empowered generally to entertain one additional member of Native Establishment in case of necessity in the same manner as they are authorized to employ translators under the provisions of Section XXXVI. of Regulation VII of 1802.

Ordered that extract of these proceedings be sent to the Second Judge on Circuit in the Western Division for his information and guidance.

(Sent following Letter &c)

Ordered also that extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division, by Precept desiring them to communicate the same to the Criminal Judges of the several Gaols within their jurisdiction for their information and future guidance.

(Sent following Precept &c)

27th October

3d November 1817.

Read letter, dated the 27th ultimo from the Provincial Judge in the Gaol of Killaloe with Returns prescribed by Statute XXXVI. King. Statute X. of 1816

[Here order No 518]

Read letter, dated the 28th ultimo from the Provincial Court of Clare in the Southern Division addressed to the Clerk of the Crown & Peace requiring them to recommend to this Judge on Circuit to recommend to the Judges the Court's direction as to security to be demanded of Recognizors and Witnesses

[Here order No 519]

Read letter, dated the 31st ultimo from the Provincial Court of Clare in the Southern Division to the Clerk of the Crown & Peace of the 3d ultimo requiring communicated to the Provincial Judges and Magistrates of the Court's instructions relative to the entertainment of Appeals in the Cases of Persons convicted

[Here order No 520]

7.16

At a Court of the Tongydarra Adelaide

Wednesday
5th November 1817

Present

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

Read letter, dated the 11th August last from the First Judge on Circuit in the Eastern Division referring the Proceedings in case No 18 of the Gaol delivery calendar 2d Sessions of 1817.

[Here order No 1165]

The Court having maturely considered the Proceedings held before the Judge on Circuit the Jurors of the Provincial Law Officers and the Jurors of the Crown & Crown Court and Magistrates of the Tongydarra Adelaide confirm the said Jurors of the Crown & Crown Court and Magistrates aforesaid and order the sentence of Death passed on the Jurors by the Judge on Circuit the Prisoner

"Timmandoo"

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

[Send Sheriff's letter No 7]

The Prisoner in this case when arraigned

arraigned before the Court of Circuit pleaded guilty to the charges of having wilfully murdered a person named Reddington under by striking him on the head with a sickle. It appears that the Judge there proceeded to hear evidence in support of the prosecution; that the Prisoner was afterwards called upon to state what he had to make in his defence and that a witness on the part of the prosecution was called before the Court on the following day to ascertain the sanity of the said Prisoner before.

The Regulations require that where a prisoner shall plead guilty his confession shall be heard, such confession being always received with circumspection and hesitancy, and as the ends of punishment for murder are special justification can be found are by way of plea at the duty of the Judge presiding at the trial, whenever a Prisoner is charged and pleads shall attempt to offer any defence inconsistent with the terms of his confession, to direct that he plead the general issue "not guilty" and cautiously withdraw any plea to another which he may have to allege on examination of the crime

laid to his charge.

For the present instance, however, the Judge proceeding instead of the course here prescribed and proceeded at once to hear the evidence for the prosecution in the same manner as if the Prisoner had pleaded the general issue. The Prisoner was cautiously desired to state what he had to offer in his defence and, as before remarked, a witness was again called before the Court on the following day on the part of the prosecution.

The impropriety of summoning a witness for the prosecution to depose to any circumstances which arose after the defence was closed is sufficiently manifest, and the Court consider it only necessary to add that had the evidence previously recorded on this note been insufficient for the conviction of the Prisoner they should have deemed it incumbent upon them to give the Prisoner the full benefit of such defect in the Proceedings and to pass sentence accordingly.

Ordered that extract of these proceedings be sent to the First Judge on Circuit in the Central Division, for his information and future

future guidance.-

/Sent following letter B/+

Read letter, dated the 28th. Au.-
gust last, from the Second Judge of Circuit on the
Western Division.- referring his proceedings on case
No. 15. on the South Molabar Calendar. 1st. Session
of 1817.-

/Here enter No. 434/

The Court having maturely weighed
the Proceedings held before the Judge of Circuit the
Letters of the Provincial Law Officer, and the Letters
of the Fouzedar and Cozzet and Mooftee of the Fouzdarree
Adawlut, confirm the said Letters of the
Cozzet and Mooftee aforesaid and accordingly
direct that the last Prisoner

Kunjaramgal Manoj

be released on procuring Security for his future good
behaviour and appearance when required.

The remaining Prisoners

2d. Maidevo and

3d. Aiyaran.

have been released under warrant of this Court of Circuit.

/Sent following letter C/+

Read letter dated the 31st. August

5th. November 1817.

last from the Second Judge of Circuit on the Western Div.
referring his Proceedings in case No. 3 on the
Spring Sessions Calendar 1st. Session of 1817.

/Here enter No. 462/

The Court having maturely considered
the Proceedings held before the Judge of Circuit
the Letters of the Provincial Law Officer, and the
Letters of the Fouzedar and Cozzet and Mooftee of the
Fouzdarree Adawlut, confirm the said Letters of the
Fouzedar and Cozzet and Mooftee aforesaid and, under
the provisions of Section X. Regulation VIII. of 1809,
adjudge the Prisoner.

Narsalo

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

/Sent following letter D/+

Read letter, dated the 13th. ultimo,
from the Third Judge on Circuit on the Western
Division.- referring his Proceedings in case No. 8 on
the North Malabar Calendar.- Third Quarterly Session
of 1817.-

/Here enter No. 503/

The Court having maturely
considered

considered the Proceedings held before the Circuit Judge of the Western Division of the Supreme Court of the Province of Transvaal and the Petition of the Crown vs. Engelbrecht and others of the Zoutpansberg Circuit Court praying the confirmation of the sentence of Death passed upon the said Accused Prisoner Hendrick Kariechy and finds the said Accused Prisoner

"Kariechy"

to be convicted and accordingly to Prisoner of Wilful Murder, there to be confirmed and kept to hard labour in irons on the public roads or other public works for and during the period of the natural life.

And this Court acquitting the first Prisoner

"Adriaan"

direct that he be released according to

[Sent following letter F.] +

Read letter, dated the 29th ultimo from the Secretary to Government on the Judicial Department — communicating the Oath of Office taken by Mr. Circuit Judge Hemmant

[Here enter No. 524]

Read letter, dated the 29th ultimo from the First Judge on Circuit on the Eastern Division — respecting the arrival of the Court of Circuit at Uitenhage

[Here enter No. 525]

Read letter, dated the 29th ultimo from the Acting Circuit Judge on the Circuit of Graaff Reinet — with Reports prescribed by Section XXXVI. Proclamation X. of 1816

[Here enter No. 526]

Memorialists against the First Judge of Provincial Court for the Northern Division

[Here enter No. 523]

The Court directs that copy of the foregoing letter be sent with extract from the Proceedings of the 1st ultimo, to the Magistrate on the Circuit of Memorialists for his information

[Sent following letter F.] +

Read letter, dated the 29th ultimo from the Secretary to Government on the Judicial Department — transmitting the Oath of Office taken by Mr. Circuit Hemmant

[Here enter No. 524]

Read letter, dated the 29th ultimo from the First Judge on Circuit on the Eastern Division — respecting the arrival of the Court of Circuit at Uitenhage

[Here enter No. 525]

Read letter, dated the 29th ultimo from the Acting Circuit Judge on the Circuit of Graaff Reinet — with Reports prescribed by Section XXXVI. Proclamation X. of 1816

[Here enter No. 526]

R.A.

At a Court of the Vice Admiralty

Present

Friday
3d. November 1817

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

Read Letter dated the 21st. ult.
from the Magistrates and the Clerk of Vagrants
Fortunes - with Indent for Stationary for the year 1817/18.
(Vide order No 538)

The foregoing Indent being the
first which has been received from the Department
of Magistrates since the transfer of that office from
the Judge to the Collector, the Court directed that it
be submitted to Government with their request that the
Right Honorable the Governor in Council will be
pleased to inform them whether they are to be empowered
to examine all such Indents for Stationary hereafter
in the same manner as they were authorized,
under the orders of Government dated 30th July
1808 to examine Indents for Stationary from the
several Zilla and Provincial Courts.

Ordered

9th November 1817

Ordered that the foregoing letter and enclosure with a Copy of these proceedings be sent by the Secretary to Government and the Lieutenant Governor for the purpose of being laid before the Right Honourable the Governor and Council.

And the following letter &c &c

J. C.

At a Court of the Foujdaree Adalut.

Present,

Monday 10th November 1817. — Andrew Scott Esqre. / Edward Croft Greenway Esqre. / George Stratton Esqre. } Judges.

Read return dated the 22d Ultimo, from the Provincial Court of Circuit in the Southern Division, — to precept of 20th August last directing the Court to obtain from the Superintending Engineer Estimate of expence of a Lunatic Hospital calculated to accommodate twenty five patients.—

/Here enter No. 521/

Read again return dated the 8th August last, from the Provincial Court of Circuit for the Southern Division, — to Circular precept of 26th March last requiring them to furnish certain information relative to the proposed establishment of Lunatic Hospitals.—

/Here enter No. 405/

Also read again return dated the 14th May last, from the Court of Circuit for

for the Western Division — to Circular precept
of 28th March last requiring them to furnish
certain information relative to the proposed
establishment of Lunatic Hospitals —

/Here enter No. 264/

Also read a minute, dated
the 29th May last, from the Court
in the Northern Division — to Circular precept
of the 28th March last, commanding them to
make out a statement of the establishment
for a Lunatic Hospital at Rangoon —

/Here enter No. 294/

Read also letter, dated the 10th
June last, from the Provincial Court of Circuit
in the Northern Division — transmitting an
Extract from the Court's proceedings of the 10th
June 1817, together with a letter from the Surgeon
attached to the Court respecting the establishment
of a Lunatic Hospital —

/Here enter No 304/

Read also return, dated the 29th
last, from the Provincial Court of Circuit
for the Centre Division — to Precept of 28th
July last, stating, as explanatory of their

Court
not having made return to the ~~Circular~~ precept
of the 28th March last
that a defective return made to them by
the Criminal Judge of Chittoor has occasioned
a second precept to him requiring further
information from the Superintending
Engineer regarding the expense of
the proposed Lunatic Hospital —

/Here enter No. 394/

Read also return, dated the 29th
August last, from the Provincial Court
of Circuit in the Centre Division — to
Circular precept of 28th March last calling
for information respecting the buildings and
Servants which will be required for the
proposed Lunatic Hospital —

/Here enter No. 437/

The Court proceeds to take into
consideration the returns made by the four
Provincial Courts of Circuit to the several
precepts which have been issued calling
upon them for the information required
under the orders of Government dated
the 17th March last —

The Return from the Provincial
Court

18th November 1847

Court for the Western Division is accompanied by estimates of the expenses likely to be incurred in repairing the Barracks below the Tollebury Fort Kinsale for the purpose of a Lunatic Hospital the Amount of which estimates shows a probable disbursement on the supposition that Barracks would be employed in the month of August

It also appears from the foregoing return that the establishment proposed by the Surgeon of Tollebury is sufficient about 21 patients and that the aggregate monthly expenses including the subsistence of the patients would probably amount to about Rupees 95 — or Sterling £7.6.3½ per Annum

The Northern Commissioners state that a building adequate to the reception of twenty patients might be rented at a moderate amount for Rupees and the establishment proposed in the letter from the Surgeon Lunacy with the exception of the Compounder the cost of subsistence of the patients would

2/ 211

18th November 1847

appear to be moderate

It appears to be an expedient to recommend an economical scale

Accompanying the return from the Central Division is a plan for a Lunatic Hospital prepared by the Superintending Engineer of the Division together with sundry Statements and estimates, but the Court finds, by an Extract of a General order of Government dated the 8th February with which accompanies the last return from the Southern Provincial Court, that Government may decide on the expediency of constructing any Civil buildings the plans and estimates for the purpose are to be prepared by the Superintending Engineers under such instructions as they may receive from the Military Board, to whom the applications of the Civil Authorities will be communicated.

Under these circumstances the Court would respectfully suggest that the Superintending Engineers in the Central and Southern Divisions should be instructed by the Military Board to submit plans and

10th November 1817

Court for the Western Division is accompanied by estimates of the expense likely to be incurred in preparing the Barrack below the Tollishary Fort Bombay for the purpose of a Lunatic Hospital. The Amount of which estimates shows a probable disbursement on the supposition that Barracks be employed on the work of Superintendence. It also appears from the foregoing letter that the establishment proposed by the Superintending Engineer is considered about 21 patients and that the aggregate monthly expence including the Salaries of the patients would probably amount to about Rupees 95 — or 27 : 6 : 3½ per Annum.

The Northern Division state that a building adapted to the reception of twenty patients might be erected at Chittagong for Rupees 20,000 and the establishment for them and the Garrison Lunatics, with the cost of

2/311

17th Novr 1817.

it expedient to recommend, appears to be one an economical scale.

Accompanying the return from the Centre Division is a plan for a Lunatic Hospital prepared by the Superintending Engineer of the Division together with Sundry Statements and estimates, but the Court finds, by an Extract of a General order of Government dated the 18th February 1814 with which accompanying the last return from the Southern Provincial Court, that Government may decide on the expediency of constructing any Civil buildings the plans and estimates for the purpose are to be prepared by the Superintending Engineer under such instructions as they may receive from the Military Board, to whom the applications of the Civil Authorities will be communicated."

Under these circumstances the Court would respectfully suggest that the Superintending Engineers in the Centre and Southern Divisions should be instructed by the Military Board to submit plans

and

10th November 1817

10th November 1817

Court for the Western Division is accompanied by estimates of the expence likely to be incurred in repairing the Barrack below the Fillisbury, and Cells for the purpose of a Lunatic Hospital, the lowest of which estimates stands at the sum of £1.6.3½ per month.

The Northern Division state that a building adapted to the reception of twenty patients might be erected at Mount Lavinia at the establishment proposed at from Five Rupees Seven, with the cost of the Compound [illegible]

2/ 311

10th Novr 1817

it expedient to recommend, appears to be one an economical system.

Accompanying the return from the Central Division is a plan for a Lunatic Hospital prepared by the Superintending Engineer of the Division together with Sundry Statements and estimates, but the Court finds, by an Extract of a General order of Government dated the 8th February 1814 which accompanies the last return from the Southern Provincial Court, that whenever Government may decide on the expediency of constructing any Civil buildings, the plans and estimates for the purpose are to be prepared by the Superintending Engineer under such instructions as they may receive from the Military Board, to whom the applications of the Civil Authorities will be communicated.

Under these circumstances the Court would respectfully suggest that the Superintending Engineers in the Central and Southern Divisions should be instructed by the Military Board to submit plans

and

and estimates for the construction of buildings
at Trichinopoly and Chittoor respectively, as
calculated for the reception of twenty four
Lunatic patients and capable of being enlarged
if found necessary hereafter—

In the event of there not be-
appearing to be any objection to the pro-
positions of the Northern and Western
Provincial Courts, the necessary orders may
be issued to those respective Courts without
delay—

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

Sent following letter
(Hereunto No 534.)

Read letter dated the 29th October
from the Criminal Judge on the Zillah of
Vizagapatam, with reports prescribed by
Section XXXVI. Regulation X of 1816—

(Hereunto

Read letter dated the 29th Ultimo
from the 2d Judge on Circuit in the Ca-
Northern Division, returning warrant for
the execution of Gang Mallen, Polly & Ramadan
Thomas, with report of the assistant to
Criminal Judge present at their execution—
(Hereunto No 532)

Read return, dated the 29th Ultimo,
from the 1st Judge of Circuit in the Southern
Division, in pursuance of 15th Ultimo requiring
communication to the Criminal Judge of
the Court's instructions relative
to the Course of trial in the absence of the
prisoner—
(Hereunto No 533.)

Read letter, dated the 30th Ultimo,
from the 3d Judge of the Court of Circuit for
the Western Division, with English trans-
lation of Proceedings held in case No 6 of
the North Pualatar Calendar 2d Quarter
Sessions of 1817—
(Hereunto No 536.)

The foregoing letter having
been accompanied only by an English Translation
of

10th November 1817

of the Proceedings held in the case, the Court direct that the Third Judge of the Court of Circuit in the Western Division be by [illegible] enjoined to send up the Persian translation of the Proceedings held in case No 6 of North Malabar Calendar 3d Quarterly Sessions of 1817 with as little delay as possible.

Sent following Receipt.
Here entered 15 + 5

R. A.

E.V.G.

CH

P. 16.

Adawlut of Foujdaree Adalut

Present

Andrew Scott Esqr
Edward Croft Greenway Esqr
George Stratton Esqr

} Judges

Wednesday 12th November 1817

Read letter, dated the 24th Ultimo from the Criminal Judge in the Zilla of South Malabar Requesting information as to the term of imprisonment for two persons (Sureties for the good conduct and appearance of a certain convict) who have not property to answer the forfeiture of their Security Bond.

(Here enter No 562)

The Criminal Judge states in the foregoing letter that Kelloo alias Oonieree koorpa alias Kaiata Ram Nair who was tried at the 2d Sessions of 1814 was ordered by the Foujdaree Adalut to be released on producing Security for his future good behaviour and Appearance when required, that two persons named Eddatil Chandoo Nair and Kogatta Ram Nair stood forward as his Sureties, that Kelloo Koorpa has since been convicted and sentenced to banishment and seven years hard labour and that the Sureties who are considered liable in consequence to forfeit the amount of their Security bond do not appear to possess any property which can be attached

to

to Answer this demand—

The information, consigned in the above State-
ment is defective, in as much as no mention is made of the
circumstances preceding the trial of the Prisoner, Hilla
Hanfa, and as there is consequently nothing to shew whether
the said Prisoner was or was not brought to justice through
the instrumentality of the Secretary—

The knowledge of this point being strongly
material to a decision on the case before them, the Board directed
that the Criminal Judge of the Zilla of South Malabar
be by Precept required to furnish the information here
required with as little delay as possible—

Secretary A/ +

Read return dated the 25th Ultimo from the
1st Judge on Circuit in the Northern Division to the
Precept requiring communication of certain instructions to
the Acting Criminal Judge and Acting Magistrate of
Rajahmundry—

Secretary A/ 341

Read return, dated the 3 Instant
from the 1st Judge on Circuit in the Centre Division
to precept dated 15th October requiring Communication to the
Criminal Judge of Bellary of the Courts determined
on a trial in which two prisoners were charged with two
distinct crimes by different prosecutors—

Secretary A/

Read letter, dated the 4th Instant
from the 1st Judge on Circuit in the Centre Division
With Copy of Kingsleypat Calendar 2d Sessions of 1817

Secretary A/ 347

R.A.

31 Ze

9 Ue

At a Court of the Pouydaree Udalat

Present

Thursday 13th November 1817 — Andrew Scott Esqr, Edward Croft Greenway Esqr, George Stratton Esqr } Judges

Read letter dated the 31st Ultimo from the Provincial Court on the Western Devision Recommending that the pension ~~of proposed to the~~ Mosfty of their Court be one third of his Salary or Pagodas 25.

/ Here enter N. 558 /

Read again letter, dated the 19th September last from the Provincial Court of Circuit for the Western Devision Forwarding petetion of the Mosfty of the Court for a pension with their recommendation that it be acceded to —

/ Here enter N. 461 /

The Court resolve to submit the foregoing letters to Government with their request that the Right Honble the Governor in Council may be pleased, in consideration of the past services and increasing infirmities of Gholam Imam, Mosftee of the Provincial Court of Appeal and Circuit in the Western Devision, to grant to the said Gholam Imam a pension of twenty five Pagodas a month being one third of his present Salary agreeably to the recommendation of the Judges of the Provincial

13th November 1817

Court

Ordered that the foregoing letters and extract of these proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honble the Governor in Council

Sent following letter

/Here enter A/+

Read letter dated the 3d Instant from the Provincial Court of Circuit for the Southern Division with extracts from their proceedings and documents respecting the future establishment of the Magistracy of Combatore

/Here enter N. 553/

The several statements which accompany the letter from the Magistrate of Combatore appearing to be connected with the arrangements which have taken place since the transfer of the Office of Magistrate from the Judges of Collector and the introduction of the new system of Police in the Zillah of Combatore; the Court wish to submit the above communication to Government as relating to matters of general internal arrangement on which it may be considered expedient to require the opinion of the Commissioners of internal administration

Ordered that the foregoing letter & enclosures with extract of these proceedings be sent to the Secretary to Government in the Judicial Department

13th November 1817.

Hon'ble the Governor in Council—

Sent following letter

/Here enter B/+

Read letter dated the 4th Instant from the Secretary to Government in the Judicial Department Communicating the resolution of Government relative to the order in which the 1st and 3d Judges of the Western Provincial Court shall proceed on the ensuing Circuits—

/Here enter N. 556/

Ordered that a Copy of the above letter and extract from the Courts proceedings of the 22d Ultimo be forwarded to the Provincial Court of Circuit in the Western Division for their information and guidance—

Sent following letter

/Here enter C/+

Read return dated the 31st Ultimo—from the Provincial Court of Circuit in the Western Division to the Precept dated 3 October ordering communication to the Judges on Circuit and the Provincial Judges of the Courts instructions relative to the—requisition of Security from Prosecutors and—Witnesses—

/Here enter N. 551./

Read return, dated the 31st Ultimo—from the Provincial Court of Circuit in the Western Division to precept dated 3 October requiring communication to the

Oct 1817

13th November 1817.

the Criminal Judges and Magistrates of the Courts Orders respecting the enlargement of convicts on the expiration of the term of imprisonment.

/Herewith N. 552/

Read return dated the 30th Ultimo from the Provincial Court of Circuit in the Northern Division to precept dated 20th August ordering communication to the Criminal Judge of Masulipatam of the Courts instructions regarding the delivery of Colly Seebia into the charge of her friends.

/Herewith N. 553/

/Herewith N. 554/5

3.7.0.

J. C.

At a Court of the Foujdaree Adalut

Saturday 15th November 1817.

Present,

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

Read letter, dated the 9th September last, from the 1st Judge on Circuit in the Centre Division, transmitting his proceedings held in case No. 6 of the Bellary Calendar for the 2d Sessions of 1817.

/Vide enter No. 467/

The Court having maturely considered the Proceedings held before the Judge on Circuit the futwas of the Provincial Law Officer and the futwas of the Cazee ool Cozat and Mooftees of the Foujdaree Adalut, confirm the said futwas of the Cazee ool Cozat and Mooftees aforesaid and, under the sentence of Exhortation declared against the second Prisoner Collugah adjudge him the said second Prisoner " Collugah "

to be imprisoned and transported to

October 1817.

13th November 1817.

the Crimes
respecting
term of

15th November 1817

Prisoner of Watch Island there to be imprisoned
and kept to hard labour in irons on
public works for the term of
during
Heads of the natural Species
but the Court must that the
first Prisoner
'Bhurree'
be released on producing security for her
future good behaviour and appearance
when required.

And the Court
third Prisoner
'Butlah'
direct that he be released according to
Sent following letter
[illegible] entered A/4
In this case the Court have
to observe that the Criminal Judge has
blended in one indictment separate
charges against the first and second
Prisoners for murder and abetting — A
similar circumstance was noticed by the
Foujdaree Adalut in their proceedings
in Case No. 5. of the Bellary Calendar.

3. J. C.

15th November 1817

for the present Session of 1817 and in pointing
out the impropriety of the practice on the
present occasion the Court consider it
necessary only to observe that as crimes
which are altogether distinct in their
nature and which are alleged to have
been committed at different periods
must necessarily involve separate points
of inquiry, it becomes obviously
requisite, with a view to ensure a clear
and complete investigation of each
alleged offence that the charge for such
should
such offence, be brought forward in
separate numbers of the Calendar for
trial by the Court of Circuit.—

The first witness for the
Prosecution states, in the course of his
deposition before the Court of Circuit,
that the first Prisoner 'Bhurree' was
detained for ten or fifteen days in the
Amildar's Cutcherry at Bovinhungullee,
when she was examined by the Amildar
Ammundarony and an allegation of a
like nature against another Police
Officer

Officer in the Zilla of Bellary was noticed in the Court's Proceedings in Case No. 15. of the Bellary Calendar for the present Sessions of 1817.-

From the Record of the Proceedings held in this Case the Court are not able to collect any further information on the point in question, but they are of opinion that the Magistrate in the Zilla of Bellary should ~~[illegible]~~ respectfully direct the attention of the district police officers under his authority to the provisions of Section XXVII Regulation XI of 1816 which declares that all Police Officers are to completate their investigations within forty eight hours if possible and immediately to forward the Prisoners to the Criminal Judge of the Zillah.-

Ordered that extract of these proceedings be sent to the First Judge on Circuit in the Centre Division by precept desiring him to communicate the former part to the Criminal Judge in the Zilla of Bellary for his information and future guidance and the

2/766.

15th Novr 1817.

the latter part to the Magistrate of the same Zilla for the purpose therein specified.-

Sent following Precept

/Here enter B/+

Read letter dated the 2d August last from the 1st Judge on Circuit in the Centre Division, - transmitting his proceedings held in case No. 19 of the Cuddapah Calendar for the 2d Sessions of 1817.-

/Here enter No. 459/

The Court having maturely considered the Proceedings held before the Judge on Circuit the futwas of the Principal Law Officer and the futwas of the Cazee ool-Coozat and Mooftee of the Sudder Adalut, confirm the said futwas of the Cazee ool-Coozat and Mooftee aforesaid and, under the provisions of Section XXV Regulation VII and Section XVII Regulation VIII of 1802, adjudge the first Prisoner

"Peroogandoo"

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

and

15th November 1817.

And, under the operation of Clause Sixth Section II Regulation XV of 1803, the Court direct that the Prisoners

2nd "Canjunnah" and

3rd "Polee"

be released on procuring security for their future good behaviour and appearance when required.—

And the Court acquitting the fourth prisoner

"Ragarnuge"

direct that he be released accordingly.—

Sent following Letter

/Here enter 6/+

Read Letter, dated the 6th Instant,

from the 2d Judge on Circuit in the Western Division,— transmitting his proceedings held in case No. 1 of the Jellinkerry Calendar for the 2d Sessions of 1817.—

/Here enter No. 691./

The Court having minutely considered the Proceedings held before the Judge on Circuit the Futwa of the Moonsiff Law Officer and the Futwas of the Cazee

15th November 1817.

-ool Cozat and Mooftees of the Zillah Court Adalut, confirm the said Futwas of the Cazee ool Cozat and Mooftees aforesaid and acquitting the Prisoners

1st "Shaik Suttaun" and

2d "Variatee Vaddoowan."—

direct that they be released accordingly.—

Sent following Letter

R. A.

/Here enter D. /54

B. W. N.

Sentenced

At a Court of the Foujdaree Adalut

Present,

Monday
17th November 1817.- Andrew Scott Esqre.
Edward Croft Greenway Esqre. } Judges.
George Stratton Esqre.

Read Letter, dated the 20th September last, from the 2d Judge on Circuit in the Northern Division,- Submitting with observations trial No 11 of the 1st Calendar and 1 of the Supplemental Calendar 3d Quarterly Sessions of 1817.-

/Here enter No 472./

The Court having maturely considered the Proceedings held before the Judge on Circuit the futwas of the 2nd Provincial Law Officer and the futwas of the Cazee ool- Coozat and Mooftees of the Foujdaree Adalut confirm the said futwas of the Cazee ool Coozat and Mooftees aforesaid and under the latitude given by the provisions of Section XVII Regulation VIII of 1802, adjudge the Prisoners.-

1st Prabala Parraty and
2d Chamurty Chashia
to suffer death by being hanged at the

usual time and place of execution—

And it appearing that the 3rd Prisoner "Chamnity Naganah" has been discharged under warrant of the Judge of Circuit the Court direct that the remaining Prisoners

1st "Lukhapragada Agnitapa"
4th "Chamnity Reddyapah" and
6th "Dammaka Kistnaiah"

be released on procuring security for their future good behaviour and appearance when required—

Sent following letter
/Here enter A./

Read letter, dated the 9th September last, from the 1st Judge on Circuit in the Centre Division, transmitting his proceedings held in case No 19 of the Ballary Calendar for the 2d Sessions of 1817—

/Here enter No 474/

The Court having maturely considered the Proceedings held before the Judge on Circuit the finding of the Criminal Law Officer and the Pleas [illegible]

=Cozgat and Mooftee of the Sudder Adalut confirm the said finding of the Cazee=Cozgat and Mooftee aforesaid and under the provisions of Clause First Section IV Regulation XV of 1803, adjudge the First Prisoner—

"Caulapah"

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

And the Court direct that the

Second Prisoner

"Veerapah"

be released on procuring security for his future good behaviour and appearance when required—

Sent following letter
/Here enter B./

Read letter, dated the 25th Ultimo, from the 2d Judge on Circuit in the Southern Division, transmitting his proceedings held in case No 2 of the Salem Calendar for the 2d Sessions of 1817—

/Here enter No 526./

The Court having maturely considered

17th November 1877.

considered the Proceedings held before the Judge on Circuit the Juriors of the Provincial Law Officer and the Juriors of the Cayee vole Coogat and Moofties of the Foujdaree Adalut confirm the said Juriors of the Cayee vole Coogat and Moofties aforesaid and acquitting the Prisoner

Pongaly Ammaul"

direct that she be released accordingly.—

Sent following Letter

/Here enter C/

Read Letter, dated the 13th Instant, from the 1st Judge on Circuit in the Centre Division,- transmitting his proceedings held in case No 3 of the Chingleput Calendar for the 2d Sessions of 1877.-

/Here enter No 548/

The Court having maturely considered the Proceedings held before the Judge on Circuit the Juriors of the Provincial Law Officer and the Juriors of the Cayee vole Coogat and Moofties of the Foujdaree Adalut confirm the said Juriors of the Cayee vole Coogat and Moofties aforesaid

3/ 2 78.

2/ 78

17th Nov 1877.

and acquitting the Prisoner

Venkataram Reddy"

direct that he be released accordingly.—

Sent following Letter

/Here enter D/

The Court of Foujdaree Adalut approving the opinion declared in the Juriors have directed, in the terms of the said Juriors, that the Prisoner Venkataram Reddy be discharged; but as it appears from the evidence in this case that the said Prisoner is subject to fits of insanity and that he is accustomed, during the continuance of such fits, to run away and do mischief the Court desire that the Criminal Judge in the Zilla of Chingleput to direct to call before him the friends of the Prisoner and to deliver him into their charge with strict injunctions to take such care of him as may prevent the possibility of his doing any mischief.

Ordered that a extract of these proceedings be sent to the First Judge on Circuit in the Centre Division

by

17th November 1817.

17th November 1817.

by Precipe desiring him to communicate
the same to the Criminal Judge in the
Gaol of Chinglepet. for his information
and guidance:-

Sent following Precipe.

(Here enter C)

Record returned, dated the 3rd Instant
from the 1st Judge on Circuit in the Northern
Division - the Precipe of 28th August last,
requiring transmission of proceedings in
cases Nos 39 of the Quarter Calendar 2d Ses-
sions of 1817 -

(Here enter No 563)

Nos 3 of the Quarter Calendar 2d Ses-
sions of 1817

(Here enter No 564)

The Court having maturely
considered the Proceedings held before the
Judge on Circuit the fifteenth of the
Provincial Law Officer and the fifteen
of the Cazee ool Cozat and Mooftee of
the Zillah of Chinglepet confirm the said
finding of the Cazee ool Cozat and Mooftee
aforesaid and acquitting the Prisoner
"Sahib Caun" alias
"Pohan Boje"
direct that he be released accordingly -

Sent following Precipe.

(Here enter D)

Record returned, dated the 3rd Instant
from the 1st Judge on Circuit in the Northern
Division - the Precipe of 28th August last,
requiring transmission of proceedings in
cases Nos 39 of the Quarter Calendar 2d Ses-
sions of 1817 -

(Here enter No 563)

Nos 3 of the Quarter Calendar 2d Ses-
sions of 1817

(Here enter No 564)

The Court having maturely
considered the Proceedings held before the
Judge on Circuit the fifteenth of the
Provincial Law Officer and the fifteen
of the Cazee ool Cozat and Mooftee of
the Zillah of Chinglepet confirm the said
finding of the Cazee ool Cozat and Mooftee
aforesaid and acquitting the Prisoner
"Sahib Caun" alias
"Pohan Boje"
direct that he be released accordingly -

Sent following Precipe.

(Here enter E)

Record returned, dated the 3rd Instant
from the 1st Judge on Circuit in the Northern
Division - the Precipe of 28th August last,
requiring transmission of proceedings in
cases Nos 39 of the Quarter Calendar 2d Ses-
sions of 1817 -

(Here enter No 563)

Nos 3 of the Quarter Calendar 2d Ses-
sions of 1817

(Here enter No 564)

The Court having maturely
considered the Proceedings held before the
Judge on Circuit the fifteenth of the
Provincial Law Officer and the fifteen
of the Cazee ool Cozat and Mooftee of
the Zillah of Chinglepet confirm the said
finding of the Cazee ool Cozat and Mooftee
aforesaid and acquitting the Prisoner
"Sahib Caun" alias
"Pohan Boje"
direct that he be released accordingly -

Sent following Precipe.

(Here enter F)

In these two cases, Nos 3 and 4
of the Quarter Calendar for the 2d Sessions
of 1817, wherein the Provincial Law Officer
declared

3/ J. A.

14th Novr 1817

and have directed that H. B.

7th Novembr 1817

aforesaid and acquitting the Prisoner
"Shahamed Saib" alias
"Shahamed Saib" alias "Pucher Boje"
"Jahan Saib" alias "Pucher Boje"
direct that he be released accordingly upon
Read proceedings held in
case No 4 of the Quarter Calendar for
the 2d Sessions of 1817 -
(Here enter No 565)
The Court having maturely
considered the Proceedings held before the
Judge on Circuit the fifteenth of the
Provincial Law Officer and the fifteen
of the Cazee ool Cozat and Mooftee of
the Zillah of Chinglepet confirm the said
finding of the Cazee ool Cozat and Mooftee
aforesaid and acquitting the Prisoner
"Sahib Caun" alias
"Pohan Boje"
direct that he be released accordingly -
Sent following letter.
(Here enter F)
In these two cases, Nos 3 and 4
of the Quarter Calendar for the 2d Sessions
of 1817, wherein the Provincial Law Officer
declared

17th November 1817

declared that the Prisoners were not convicted of the crimes laid to their charge the Juge on Circuit directed that the said Prisoners should be severally released on producing security for their future good behaviour and appearance when required. The proceedings held upon the foregoing trials were submitted to the Sudder Adalut in obedience to their orders of the 20th August last, and it appearing on due revision and consideration of the proceedings held in each case respectively that nothing whatever is adduced against the Prisoners except the bare allegation of two informers uncorroborated by a tittle of circumstantial evidence, and that there is consequently no ground of strong suspicion such as can in justice the requisition of security under Clause Sixth, Section II. Regulation XV of 1803, the Court have deemed it expedient to pass a new sentence in the case in conformity with the provisions of Clause Fifth Section VII. Regulation XV of 1803

3 J. P. C.

17th Novr 1817

and have directed that the Prisoners be set at liberty.-

In the event of one or both of the Prisoners having been liberated on security, it will remain with the Criminal Juge in the Zilla of Guntoor to direct that the Sureties be discharged from their recognizances. It is to be apprehended, however, that persons who, as in the present instance, are utter strangers in the district wherein they have been brought to trial will find it difficult to obtain the requisite security, and that to order persons so situated to be released on producing security for their future good behaviour and appearance must generally be considered tantamount to a sentence of perpetual imprisonment.

Before they conclude their observations on the proceedings before them, the Court deem it proper to call the attention of the Judge [illegible] on Circuit to those parts of the Records wherein it is stated that the informers

Coimbatore

Parriah and Hoorsain, produced papers
"under the seal of the Court of Sudduree
"Adaulut purporting their having received
"pardon from Government, and that
they then proceeded to give their evidence
The two persons here named received
certificates from the Sudduree Adaulut
on the 18th of December 1815, confirming
the pardon conditionally tendered to them
by Government as far as regarded the
acts therein referred to, but nothing in
the above certificates can be considered
as authorizing three persons to come for-
ward at any future time and give any
information regarding acts other than
those to which the certificates relate.
It is to be distinctly understood that
such certificates of pardon are delivered
to persons as their security for those
particular acts to which the certificates
refer, and that whenever persons so
pardoned as aforesaid shall subsequently
come forward and make declarations
implicating themselves in other acts

of a heinous nature, they will render
themselves liable to be committed, on their
own confession, to take their trial before
the Court of Circuit.-

Ordered that extract of
these proceedings be sent to the First
Judge on Circuit in the Northern Division
by Precept desiring him to make
the necessary communication to the
Criminal Judge in the Zilla of Guntoor
for his information and guidance.-

Sent following letter
R.D. Dere enter Precept G.J.S

At a Court of the Foujdaree Adawlut

Present,

Thursday 20th Nov.r 1817. } Andrew Scott Esqre. Edward Croft Greenway Esqre. George Stratton Esqre. } Judges.

Read return, dated the 6th Instant, from the 3d Judge of the Court of Circuit in the Centre Division, — to precept dated 29th October calling for report prescribed by Section XXXVII Regulation VII of 1802.

(Here enter No. 559.)

Read also letter, dated the 6th Instant, from the 3d Judge of the Court of Circuit in the Centre Division, with observations made on Circuit during the last Session of 1817.

(Here enter No. 560.)

In the foregoing Report the Third Judge of the Court of Circuit in the Centre Division confines himself, in a great measure, to observations on the treatment of the Prisoners and the state of the Judicial buildings at the several

Zillas

20th November 1817.

Section XXXV Regulation X of 1816.-

/Here enter No. 563./

Read letter, dated the 12th instant,
from the Secretary to Government in the
Judicial Department,- directing that the
Circuit Reports be in future laid before
Government at the close of each Circuit.

/Here enter No 562./5

R.A.

20th November 1817

Galle Station - Mr. the Solicitor General,
the Hon'ble Judge speaks on the language
of application and his remarks on the
present unsettled state of the Courts Kandy
at Cuddapah and Chingleput appears to
be deserving of consideration -

The Court directs that the
above reports be submitted with extract
of these Proceedings to the Secretary
to Government in the Judicial Department
for the purpose of being laid before
the Right Honorable the Governor in
Council -

Sent for obtaining letter
/Here enter No 5
Read letter, dated the 1st Inst
from the Criminal Judge in the Zillah of
Guntoor requesting the dispatch of four
Convicts to Trincomalee -

/Here enter No 564/

Read letter dated the 13 Inst
from the Criminal Judge in the Zillah of
Nellore, requesting dates 13 December
calling

Seeneevasah

Fo 66

Adawlut

Court of the Foujdaree Adawlut

Present:

Andrew Scott Esqr.
Edward Ives Greenway Esqr. } Judges
George Ralton Esqr.

Monday 24th November 1817

Read Letter dated the 13th Instant from the 2d Judge on Circuit in the Southern Division transmitting his proceedings held on cases No 1 of the Pennereedy Calendar for the 2d Sessions of 1817

Hereunto N. 569

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 Adawlut confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid and under the provisions of Clause Third Section VII. Regn. 15 of 1803. adjudge the Prisoner.

Vellayen

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

Sent following letter

Hereunto A/

as

As the Prisoner in this Case [illegible]
confirmed before the Assistant Criminal Judge
the circumstantial confession which he made before
the Police Officer of the crime laid to his charge;
the Court of Foujdaree Udalut, concurring in the
opinion declared on the Futwa, have, under the
Tabetade given by the sentence of Ockenlut, affirmed
the Prisoner to be transported for Life.

The Court having, since before
to affirm them, [illegible] having several circumstances
were stated by the Prosecutor in his complaint before
the Court of Circuit, as having combined to
set his suspicion on the Prisoner and so many
persons were named as able to depose to the crime
alleged in the complaint, the Court of Circuit
[illegible]
Certain Circulars were issued by the Foujdaree Udalut
on the 13th June last, for the guidance of the officers
of police with reference to the provisions of Section XXII
Regulation XII of 1816, and the Court deem it necessary
to observe in the present instance that the Tahedar
of Calicut should have taken the evidence of the
several persons named by the Prosecutor as acquainted
with the preliminary circumstances specified in the
complaint, instead of being satisfied with the affir-
of the Prisoner

remark that in all cases where the proceedings sent up
by a Police Officer may be defective in any material
point, it is incumbent upon the Criminal Judge to
point out such defect to the [illegible]

Ordered that extract of these proceedings
be sent to the 2d Judge of the Court of Circuit in the
Southern Division by Precept desiring him to ___
communicate the same to the Criminal Judge on the
Zilla of Tinnevelly for information and future guidance.
and to be by him communicated [illegible] for information and
future guidance of the Tahsildar in the Calicut Talook.
Sent following Precept
/Forewriter B/

Read letter, dated the 30th Ultimo
from the 3d Judge of the Court of Circuit in the
Western Division with English translation of the
Proceedings held in Case No 6 of the North Malabar
Calendar 3d Quarterly Sessions of 1817.
/Forewriter No 550/

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 Cozat and Mooftees of the
Cazee Courts
Futwa of the Foujdaree Udalut confirm the said Futwa of the Cazee
Courts and acquitting the
Prisoners

24th November 1817.

Prisoners

1 Raga Poker

2 Vaddeeran

3 Paunchery Paroory

4 Kuren Pally

5 Bokery Mumo

direct that they be released according

Sent following letter

/ Hereenter C /

Read letter, dated the 8th Instant

from the 3 Judge of the Court of Circuit in the Northern

Division forwarding record of the Proceedings held

in Case N. 6. Malabar Calendar 4th Quarterly Sessions

of 1817 agreeably to the standing orders of the Court

dated 29th October 1807

/ Hereenter N. 573 /

It appearing from the evidence recorded

on these Proceedings that the Prisoner Yoosufamie

Veerader has for three years past been subject to

occasional fits of insanity and that he frequently commits

acts of Violence while under the influence of such

insanity.

The Court direct that the Criminal

Judge in the Zilla of Malabar do recommend

to ascertain whether the friends of the Prisoner are able

and willing to undertake such care of him as may

prevent the possibility of his doing any mischief and

in such case, to deliver him into their charge

24th Nov 1817

in the event of any unwillingness or inability on their part

to receive charge of the Prisoner, the Criminal Judge be

required to confine him in such place and manner as may

constitutionally with regard to the public safety, shall to

him appear expedient and on no account to release the

said Prisoner without the permission of the Foujdaree

Adalut, to whom the Criminal Judge will from time

to time report the state of the Prisoner's mind through

the Judges of the Court of Circuit.

Ordered that extract of these proceedings

be sent to the third Judge of the Court of Circuit in the Northern

Division by Dawk desiring him to communicate the

same to the Criminal Judge in the Zilla of

Malabar for his information and guidance

Sent following Precept

/ Hereenter D /

Read letter dated the 18th Instant from

the 1st Judge on Circuit in the Central Division

forwarding warrant for execution of prisoner N. 25 of

Cuddalore Calendar 2 Sessions of 1817

/ Hereenter N. 578 /

Read return dated the 13th instant from the

Criminal Judge in the Zilla of South Malabar

to the precept dated 3. Instant calling for reports

prescribed by Section XXXV. Regulation X. of 1816

/ Hereenter N. 579 /

Read letter dated the 15th Instant

from the Criminal Judge in the Zilla of Trichinopoly

With report prescribed by Section XXXVI. Regulation X. of 1816.

R.A. / Seremban N. 580 / 5

M

W

Seremban

At a Court of the Singapore Adelphi

Saturday
29th. November, 1817.

Present

Andrew Scott, Esq.re
Edward Ross Greenaway, Esq.re } Judges.
M. 665 George Strallon, Esq.re

W

Read letter, dated the 18th. instant, from the Secretary to Government on the Judicial Department authorizing the Court to sanction the Stationary Accounts of the Magistrates.

/ Here enter. N. 581 /

Read again letter dated the 21st. ultimo, from the Magistrate in the Settlement of Penang, with Account for Stationary for 1817/18.

/ Here enter. N. 538 /

The Court direct that the enclosed Account be sanctioned and forwarded to the Board of Trade.

/ Send following letter N. /

R.A.

Read the following letters from the Criminal Judges in the Settlements of Malacca, Andaman Islands, Penang, Province Wellesley, Dindings, South Malabar, Pinchang Islands, Mountsinchow,

Penang

November 1817

XXXVI. Regulation

canard, Thengalpet, Combaconum, Tanjore, Trichinopoly, Dindigul, Madura, South Malabar and Salem with Appeals prescribed by Section XXXV. Regulation X. of 1816.

See Reports Nos. 498, 499, 500, 504, 505, 511, 512, 513, 516, 517, 522, 527, 529, 530, 534, 535, 536, 539, 542, 543, 545

J. C.

At a Court of the Foujdaree Adaulut.

Present,

Monday 1st December 1817 — Andrew Scott Esqre. / Edward Croft Greenway Esqre. / George Stratton Esqre. } Judges.

Read letter, dated the 10th Ultimo. from the 2d Judge on Circuit in the Southern Division, transmitting his proceedings held in case No. 9 of the Madura Calendar 2d Sessions 1817.

/Here enter No. 564./

The Court having maturely considered the Proceedings held before the Judge on Circuit the futwas of the Provincial Law Officers and the futwa of the Cazee ool Cozat and Mooftees of the Foujdaree Adaulut confirming the said futwas of the Cazee ool Cozat and Mooftees aforesaid and under the sentence of Hippan declared against the first Prisoner, Venatachellum, adjudge him the said first Prisoner

"Venatachellum"

to suffer death by being hanged at the

1st December 1817

Regulation XV of 1803, have adjudged the second Prisoner to be transported for life.—

In adjudging such sentence, however, the Court consider it their duty to remark that the record of the trial affords strong ground to presume that the second Prisoner, Periasawmy, was also an accomplice in the murder of Ramasawmy and that, under all the circumstances of the case, the better course would have been to have put him on his trial in the first instance as having aided and abetted Venatachellum in the murder of Ramasawmy and to have ranked him to be arraigned in a separate Number of the Calendar, for having stabbed the second Prosecutor, Coopyengar.—

The statement drawn up by the Criminal Judge in the Zillah of Tinjore and which, under the Court's Circular order of the 31st January 1814, should have been adopted as the arraignment when the Prisoners were put to the bar, does indeed contain a specific charge against the second Prisoner for having aided and abetted in the mur

of Police officers and does not consider it
as lessening the credit only left for other
but the very circumstance has enjoined
sufficiently shows that the Law does not
regard officers of Police, as the Criminal
Judge would appear to be, in the
light of incompetent witnesses, and the
Court has, therefore, left under the
explanation herein as to the Criminal
Judge in the Gaol of Pinang not to reject
any evidence of this description which
may tend to confirm the facts stated in
the charge and to make the whole body
of evidence more satisfactory and
complete.

It further appeared according to
the returns of remarks on each Ryot, wherein
the Prisoner is charged with having committed
murder to procure abortion, that the opinion
of the Criminal Judge, having doubts whether in the
eye of the Mohammedan Law the
punishable

refer the question to the Mohammedan
Law Officer, who gave his opinion that the
crime in question would subject the prisoner
to a sentence of Tazeer on conviction.-

The reference to the Law Officer
here noticed was irregular since the offence
with which the Prisoner was charged
was obviously one of a very serious nature
such as should subject the offender, on conviction
to exemplary punishment for the ends of
public justice. It would have been the
duty of the Criminal Judge, therefore, to
have committed the Prisoner for trial before
the Court of Circuit whatever might have
been the opinion of the Law Officer, in
order that the Prisoner might, if convicted
of the alleged crime, be duly punished for
the same or that the case might be sub-
mitted for the consideration of the Legis-
lature, in the event of the offence
being finally pronounced not to be
punishable under the Mohammedan
Law.

1st December 1817

these proceedings be sent to the 3d Judge of the Court of Circuit in the Northern District by precept desiring him to communicate the same for the information and future guidance of the Criminal Judge and Magistrates in

Sent following Precept

Warrants &c

The Court considers it to be incumbent upon them to bring to the notice of Government the urgent representation contained in the letter from the Third Judge accompanying the foregoing Calculation regarding the erection of a Gaol at Madras. It was proposed by the Superintending Engineer, in his letter of the 7th August 1816, that the Convicts might be sent from the neighbouring Districts to be employed on the Public Works at the Fort for the sake of being near their work and it might perhaps be deemed expedient that the convicts who have been tried

2

1st Dec 1817

Bengal Jurisdiction should continue to be lodged in the Boat proof of the Fort; but this Court entirely concur with the Third Judge in opinion that the Barrack proposed to be erected for the general purpose of a Gaol and they would beg leave to recommend, therefore, that in the event of the attention of the superintending Engineer being principally directed to Military works, the Criminal Judge should be authorized to commence the erection of the Gaol which was ordered to be built by him back in December 1816.

The order which has been issued by the Third Judge for the distribution of Convicts among certain of the Felons appears to have been dictated by a humane desire to protect them from the inclemency of the season, and the Court trust that Government will be pleased to sanction the expense which may be incurred in the purchase of the Convicts.

Ordered

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

Sent following letter.

Here enter D.S

At a Court of the Foujdaree Udalut

Present

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

Friday 5th Decr. 1817.

Read letter dated the 18th Ultimo from the Second Judge on Circuit in the Western Division Reporting two cases of crimes perpetrated in a state of insanity —

Here enter N. 584

It appearing from the foregoing communication that the Prisoner Senakaat Chatoo Nambiar in case N. 3 of the South Malabar Additional Calendar for the Second Sessions of 1817 has been subject to periodical fits of insanity for the last Seventeen years and that the fits have returned of late years with increasing frequency;

The Court authorize and direct the Criminal Judge in the Zilla of South Malabar to confine the said Prisoner Senakaat Chatoo Nambiar in such place and manner as, consistently with regard to the public safety, shall to him appear expedient and on no account to release the said Prisoner without the permission of the Foujdaree Udalut to whom the Criminal Judge will from time to time report

1st December 1817.

Ordered that extracts of these proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

Sent following letter.

Here enter D.S.

Friday 5th Decr. 1817.

In Court of the Foujdaree Adalut

Present

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

Read letter, dated the 18th Ultimo from the Second Judge on Circuit in the Western Division Reporting two cases of crimes perpetrated in a state of insanity.

Here enter N. 5841

It appearing from the foregoing communication that the Prisoner Senakaat Chatoo Nambiar in case N. 3 of the South Malabar Additional Calendar for the Second Sessions of 1817 has been subject to periodical fits of insanity for the last Seventeen years and that the fits have returned of late years with increasing frequency;

The Court authorize and direct the Criminal Judge in the Zilla of South Malabar to confine the said Prisoner Senakaat Chatoo Nambiar in such place and manner as, consistently with a regard to the public safety, shall to him appear expedient and on no account to release the said Prisoner without the permission of the Foujdaree Adalut, to whom the Criminal Judge will from time to time report the state of the Prisoner's mind through the Judges

of the Court of Circuit

The insanity of the Second Prisoner Tiroottel ally Allee, in Case N.4 of the South Malabar Additional Calendar for the 2d Sessions of 1817 would seem to have manifested itself for the first time in the perpetration of the act with which the Prisoner was charged before the Court of Circuit and the Second Judge states that the Prisoner's family and his neighbours have petitioned the Court of Circuit to allow him to be committed to their care.

The Court of Foujdaree Adalut having taken into consideration the several circumstances attending the commission of the act laid to this Prisoner's charge, direct that he, the said Prisoner, Tiroottel ally Allee, be only delivered into the custody of his friends on their engaging to take such care of him as may prevent the possibility of his doing any mischief and that, in the event of their declining to enter into such engagement, the Criminal Judge in the Zilla of South Malabar do confine him in such place and manner as, consistently with a regard to the public safety, shall to him appear expedient and do in no account release the said Prisoner without the permission of the Foujdaree Adalut to whom the Criminal Judge will from time to time report the state of the Prisoner's mind through the Judges of the Court of Circuit

Ordered that extract of these proceedings be sent to the Second Judge on Circuit in the West by Precept desiring him

Criminal Judge in the Zilla of South Malabar for his information and guidance —

Sent following Precept

Vide enter A

Read letter dated the 20th Ultimo from the Criminal Judge in the Zilla of Vizagapatam — submitting correspondence with the Magistrate of Vizagapatam on the question of furnishing the latter officer with information from the Records of his Office

Vide enter N. 588.

It appears from the foregoing correspondence that the Magistrate in the Zilla of Vizagapatam, being desirous to obtain certain information from the Office of the Criminal Judge, requested that the latter officer would furnish him with the original papers connected with the case in question — The Criminal Judge observed in reply that he could not consider himself justified in allowing any original papers to be taken from his custody, but he proposed, in his letter of the 1st October last, that whenever the Magistrate might require any information he should specify in detail the nature of the information required as well as the specific object for which it is wanted, when it would be furnished to him either in detail by letter or by copies of proceedings as might appear to him, the Criminal Judge best adapted to answer the ends in view, to obviate delay as much as possible and to

5th December 1817.

With reference to the duties imposed upon the Criminal Judge by the provisions of the Regulations in force, it is obviously requisite that the whole of the Records belonging to the department of the late Magistrate should remain in his custody, and the Court are of opinion that the suggestion made by the Criminal Judge in his letter of the 4th October last is well calculated to afford the Magistrate of Vizagapatam such general information as he may in most instances be supposed to require whenever he may have occasion to apply for more particular information it might be advisable, with a view to avoid any unnecessary delay, that the Magistrate should desire some of his own writers to attend at the office of the Criminal Judge to be employed, in conjunction with the writers attached to the latter office, in copying the number of documents required.

Ordered that extract of these proceedings be sent to the Criminal Judge in the Zilla of Vizagapatam for his information and future guidance, and to be by him communicated for the information and future guidance of the Magistrate of the Zilla.

Sent following letter

/ Seventeen B /

Read return dated 21st Ultimo from the Criminal Judge in the Zilla of South Malabar to the Court's precept dated 12th October requiring information as to whether the Sureties for Kelo Coorpa were instrumental in his subsequent apprehension.

/ Seventeen N. 587 /

P. 110

5th Decr 1817

Read again letter dated the 24th October last from the Criminal Judge in the Zilla of South Malabar Requesting information as to the terms of impresonment for two persons (sureties for the good conduct and appearance of a certain convict) who have not property to answer the forfeiture of their Security Bond

Seventeen N° 542

It appearing from the foregoing return that Eddatel Chandoo Nair and Koyattee Ram Nair, who stood forward as Sureties for the future good behaviour and appearance of Kelso alias Coneree Koorpa alias Karata Ram Nair, when he was formerly ordered to be released on Security, were not instrumental in the late Seizure of the person abovementioned who has since been tried and sentenced to banishment and seven years hard labour; and it further appearing from the former communication of the Criminal Judge that the said Sureties do not possess any property to discharge the amount of the Security bond which has thus become forfeited to Government — The Court direct that the said Sureties Eddatel Chandoo Nair and Koyattee Ram Nair be imprisoned, without irons, for and during the period of Six Calendar months from the date of their confinement. Referring to the inability of the Sureties in this case to discharge the amount declared to be forfeited to Government under the terms of the bond, the Court consider it necessary to observe that it is incumbent upon the Criminal Judge, before he releases

releasing any prisoner from Confinement on the tender of Security for his future good behaviour and appearance, to ascertain the goodness and sufficiency of the Security so tendered for the purposes required—

Ordered that extract of these proceedings be sent to the Criminal Judge on the Zilla of Malabar for his information and guidance—

Sent following letter

/ Hereunto C /

In making return to the Courts precept the Criminal Judge on the Zilla of South Malabar has affixed an oval Seal bearing the following inscription in the English character—"The Criminal Judge of the Zilla of South Malabar"—

The Seal so affixed by the Criminal Judge not being authorized by the Regulations, the Court consider it necessary to notice the irregularity and to state for the information of the several Criminal Judges that the seal prescribed by Section XV. Regulation I. 1802 is to be used for all official acts issued by the Judges of the several Zilla Courts, or taken in the Court or Cutcherry of such Courts, and that no paper bearing any other than that prescribed by the Section referred to is to be considered as the regular official act of a Zilla Court—

Ordered that extract of these proceedings be sent to the

5th December 1817.

of the several Zillas within their respective jurisdictions for their information and guidance—

/ Sent following Circular Precept /

/ Hereunto D. /

Read letter dated the 15th Ultimo from the Criminal Judge on the Zilla of Chinglepet with reports prescribed by Section XXX. Regulation XI. of 1816 and by Section XXXVI. Regulation X. of 1816.

/ Hereunto No. 565 /

The reference to Section XXX. Regulation VI. of 1802 is erroneous; that Regulation having been rescinded by Section II. Regulation IX. of 1816 and the two reports herewith transmitted being required to be sent up under Section XXXVII. Regulation X. of 1816.—

Ordered that extract of these proceedings be sent to the Criminal Judge of the Zillas of Chinglepet for his information and future guidance—

Sent following letter

/ Hereunto E. /

Read return dated the 15th October last from the Provincial Court of Circuit for the Centre Division to the Courts precept dated 3. October requiring communication to the Judges on Circuit and Criminal Judges of the Courts instructions respecting the demand of Security from prosecutors and witnesses—

/ Hereunto No. 566 /

Read return dated the 16th Ultimo from the Provincial Court of Circuit for the Western Division

5 December 1817

to the Courts precept dated 29th October regarding comment
to the 2d Judge on Circuit and to the several Criminal
Judges of the Courts directions as to the early transfer
of trials referrable to this Court —

/ Seventeen N° 567 /

Read return dated the 15th October last
from the Provincial Court of Circuit for the Centre
Division to the Courts precept dated 3 October regarding
communication to the several Criminal Judges and
Magistrates of the Courts instructions as to the enlargement
of convicts on expiration of the term of their imprisonment

/ Seventeen N° 568 /

Read letter dated the 5th Ultimo from the
Judge on Circuit in the Northern Division Reporting
his arrival at Cannanore —

/ Seventeen N° 570 /

Read return dated the 12th Ultimo from
the Criminal Judge in the Zillah of Madura to the
Courts precept dated 3 November calling for reports
prescribed by Section XXXIV Regulation X of 1816

/ Seventeen N° 571 /

Read Report dated the 15th Ultimo from
the Criminal Judge in the Zillah of Rajahmundry
of prisoners confined under sentence of Imprisonment

/ Seventeen N° 572 /

Read return, dated the 18th Ultimo from
the 3d Judge of the Court of Circuit for the Western Division
to the Court to which

5 F. W.

5th Dec. 1817

Translation of proceedings in Case N° 6. North Malabar
Calendar 3. Sessions of 1817.

/ Seventeen N° 585 /

Read return, dated the 22. Ultimo from
the 1st Judge in Circuit in the Centre Division to the
Courts precept dated 15th Instant ordering communication
to the Criminal Judge and the Magistrate of Bellary,
of the Courts observations in trial N° 6. 2. Sessions 1817
regarding the blending two charges in one indictment
and the undue detention of a prisoner at the Amildar's
Cutchery

/ Seventeen N° 586 /

Ordered that the Register do transmit to the Court of Circuit
for the Northern Division the Proceedings in the Case
of Kunhy Moidin and Ayissa Umma, Prisoners in the Gaol
of Tellicherry, charged with Murder, and that the Court
of Circuit be requested to return the Proceedings with
their opinion thereon as soon as possible.

Ordered that the Register do transmit to the Court of Circuit
for the Northern Division the Proceedings in the Case
of Kunhy Moidin and Ayissa Umma, Prisoners in the Gaol
of Tellicherry, charged with Murder, and that the Court
of Circuit be requested to return the Proceedings with
their opinion thereon as soon as possible.

Sonawara

Fo 11.

At a Court of the Fouzdaree Adalut

Present

Tuesday 9th December 1817. Andrew Scott Esqr. Edward Wolf. Greenway Esqr. George Thatton Esqr. } Judges

Copy of the North Malabar Calendar for the 4th Quarterly Sessions of 1817 not having been received—

It is ordered that the first Judge of Circuit in the Western Division be by precept commanded to send up Copy of the aforesaid Calendar with as little delay as possible

Sent following Precept

/ Here enter A: /

Read letter dated the 8th Instant. from the Provincial Court of Circuit in the Centre Division— Forwarding letter from the Criminal Judge of Tellicherry reporting the death of Koodoorg andoo a prisoner sentenced to 14 years imprisonment and hard labour for highway robbery. and recommending the release of his son Vengadoo confined under a similar sentence—

/ Here enter No. 602. /

It appears from the foregoing communication that the Prisoner Vengadoo was sentenced at the 4th Quarterly Sessions held at Tellicherry in the year 1814 to imprisonment and hard labour for the term of fourteen years as having been concerned in an act of gang robbery and the Criminal Judge in the Zilla of Tellicherry recommends that in consideration of the

the exciting youth of the Prisoner at the time of the commission of the said act and of his having been probably acting under the influence of his Father who was executed and sentenced at the same time to the same period of imprisonment the remaining part of his sentence may be remitted —

The Court of Foujdaree Udalut having attentively considered the whole of the circumstances of the case before them, together with the testimony borne by the Criminal Judge to the good conduct of the Prisoner Vengadoo, and the present destitute situation of his family, resolve to submit the foregoing application to Government and to request that the Right Honble the Governor in Council may be pleased to remit the remaining portion of the term of imprisonment for which the Prisoner Vengadoo has been sentenced and discharge the Criminal Judge in the Gillee of Cuttiwar to release him for confinement —

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

Sent following letter

/ Here enter B /

Read returns dated the 25th ultimo from the 3 Judge of Circuit in the Northern Division to the Court's precept dated 29th October calling for report prescribed by Section XXXVII. Regulation VII. of 1802 —

/ Here enter No 594 /

The report submitted by the Third Judge of the Court of Circuit in the Northern Division does not appear to call for any particular remark, and the observations made by the late Acting Third Judge of the Court of Circuit relative to the state of the Judicial buildings in the Northern Division have been in a great measure anticipated by the detailed remarks which were recorded by the Foujdaree Udalut for the information of Government in their proceedings of the 8th July 1816 —

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

Sent following letter

/ Here enter C /

Read letter dated the 25th Ultimo from the Secretary to Government in the Judicial Department Permitting Gholam Imaum Moolla of the Provincial Court for the Western Division to retire on a pension of 25 Pagodas per mensem —

/ Here enter No 595 /

The Court direct that a copy of the foregoing letter

9. December 1817

Letter be sent to the Provincial Court of Convict for the Western Division for their information

Sent following letter

/ Hereunto D /

Read letter dated the 28th Ultimo from the Judge in the Zillah of Chingleput - sending a warrant to be served

/ Hereunto N° 589 /

Read letter dated the 29th Ultimo from the Provincial Judge in the Zillah of Chingleput - sending a warrant to be served

/ Hereunto N° 590 /

Read letter, dated the 27th Ultimo from the 1st Judge in Convict in the Southern Division - to the Courts precept dated 17th Ultimo ordering communication to the Provincial Judge in the Zillah of Chingleput of the Courts instructions relative to discharging the prisoner in case N° 3 Chingleput Calendar 2d Sessions of 1817

/ Hereunto N° 593 /

Read letter, dated the 27th Ultimo from the 2d Judge in Convict in the Western Division - Reporting that he has completed the Trial belong at Cuttack and pursuing the Sessions Calendar

/ Hereunto N° 600 /

Read letter, dated the 2d Instant from the 1st Judge in Convict in the Southern Division - With warrant for execution of prisoners in Case N° 30 & 31 of the Ballasore Calendar 2d Sessions of 1817

/ Hereunto N° 601 /

2. J. W.
9th Dec. 1817.

Read letter, dated the 25th Ultimo from the 1st Judge in Convict in the Northern Division - with Copy of the Jessore Calendar 2d Sessions A.D. 1817

/ Hereunto N° 603 /

R. A.

M

E. C. S

W

9th December 1817

Letter be sent to the Provincial Court of Cavan for the Western Division for their information

Sent following letter

/Hereunto D./

Read letter dated the 28th Ultimo from the Crown Solicitor in the Gaol of Longford - Sending a warrant to be served

/Hereunto N° 589/

Read letter dated the 28th Ultimo from the Crown Solicitor in the Gaol of Longford - sending a warrant to be served

/Hereunto N° 590/

Read letter, dated the 27th Ultimo from the A.D. Judge on Circuit in the Counties Division - to the Counties of Longford of the Counties instructions relative to discharging the prisoner in case N° 3 Longford Calendar 2d Sessions of 1817

/Hereunto N° 593/

Read letter, dated the 27th Ultimo from the 2d Judge on Circuit in the Western Division - Reporting that he has completed the Gaol delivery at Cahirciveen according to Sessions

/Hereunto N° 600/

Read letter, dated the 2d Instant from the A.D. Judge on Circuit in the Counties Division - With warrant for execution of prisoners in Cases N° 30 & 31 of the Ballinasloe Calendar 2d Sessions of 1817 -

/Hereunto N° 601/

2d Dec

9th Dec 1817

Read letter, dated the 25th Ultimo from the 2d Judge on Circuit in the Northern Division - with Copy of the Longford Calendar 2d Sessions A.D. 1817

/Hereunto N° 603/

R.A.

M

E.C.S

GW

December 1817
letter be sent to the Pr...

J. 16:

High Court of the Inquisitorial Adalat.

Friday
12th December, 1817.

Present.

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

GW

Read letter dated the 4th Instant from the Criminal Judge and the Zillah of Cuddapah requesting the orders of this Court as to two persons confined in the Gaol of Nellore, charged with having committed a robbery on the said gaol and submitting whether a pardon might not be offered to two of the prisoners under Section XX. Regulation VIII. of 1802.

(Vide order No 605.)

The Court direct that the Prisoners be again delivered into the charge of the Magistrate of the gaol of Cuddapah, who will forward them with a letter and the proceedings which have been held on the case to the Magistrate of the gaol of Nellore, to be by him dealt with according to the Regulations enforced.

Ordered that extract of these

12th December 1817

to send proceedings to the Provincial Judges on the gaols of Sudbury for their information and guidance

[Sent following letter N°]

Secret letter dated the 2d instant from the Secretary to Government on the Judicial Department - conveying the wishes of Government for the expediency of erecting a building at Tullamore as a Lunatic Hospital; authorizing the Provincial Court on the Northern Division to have a Lease for the purpose and stating that the Superintending Engineer at Kirkinnerpoly and Clothers will be directed to form plans and estimates of Lunatic Hospitals at those stations respectively for twenty persons.

[Sent order N° 684]

Under the authority conveyed in the foregoing letter from Government the Judges of the Provincial Courts on the Western and Northern Divisions will give the necessary directions for carrying into effect the arrangements which they have respectively proposed relative to the establishment of Lunatic Hospitals at Tullamore, Cherry and Mardyckstown, and the Judges of the latter Court will hereafter report the said

12th December 1817

of Government.

The Lunatic Hospitals now about to be established in the Northern and Western Divisions are intended, as the Court remarked in their Proceedings of the 5th March last which accompanied their Circular instructions of the 26th of the same month, for the reception and care not only of the Lunatic Prisoners either in the Division but of all insane persons whose friends may be unable to take such care of them as may prevent the possibility of their doing any mischief. The Court desire, therefore, that the nature and object of the institution be duly promulgated within those two Divisions respectively and that the Magistrates be directed to send to the said stations of the Divisions all insane persons within the limits of their respective gaols, from whose insanity they may have reason to apprehend any fatal effects and whose friends may not be able and willing to answer for their safe custody.

Ordered that copy of the above letter from Government and extract of these proceedings be forwarded to each of the Provincial Courts on the

Western

December 1817.

12th December 1817.

Western and Northern Districts with extract from such part of the Court proceedings of the 11th Inst. as relates to each of those Courts respectively for their information and guidance.

Sent following letters A & C.

Ordered that the Copy of the foregoing letter from Government to each of the Provincial Courts in the Southern and Western Districts with extract from such part of the Court proceedings of the 11th Instant as answers thereto be sent for their information.

Sent following letters D and E.

Read letter dated the 2d Inst. from the Secretary to Government in the Judicial Department stating that the request of the Court thereon at their last Sessions had been complied with.

R. A.

/ This entry No 1805 / 15

GW M

S. 16.

A Civil Court of the Bourgdarree Holden at

Tuesday

16th December, 1817.

Present.

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

M

Read my own letter, dated the 21st October last, from the Secretary to Government in the Judicial Department, communicating leave granted to Mr. Pike to quit his station on 1st January next to retain his appointment till his embarkation for Europe.

GW

/ This entry No 1927 of S. 16 /

It appears from the foregoing letter that Mr. Pike, the third Judge of the Court of Circuit in the Southern Division on whom it would devolve, according to the rotation prescribed by the Regulations, to make the first Circuit for the year 1818. has permission to quit his station on the 1st of January, the period fixed for the commencement of such Circuit.

The Court deem it necessary therefore to report this circumstance for the information of Government

16. December 1817. Government and to request that, in the event of the
not being any person immediately appointed to
succeed Mr Pate as Assistant may be made
for the due delivery of the jail in the Southern
Division during the ensuing Session of the
Ordered that extract of this
proceedings be sent to the Secretary to Government
in the Judicial Department for the purpose
of being laid before the Right Honorable the
Governor in Council.

Post following letter N.

RA.

At a Court of the Foujdaree Adaulut.

Present,

Monday
at
22 December
1817.

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

Read return dated the 15th Ultimo,
from the 2d Judge on Circuit in the Western Division
to precept of 19th September calling for additional
information in Case No. 5 of the South Malabar
Calendar for the 1st Sessions 1817.

/Here enter No. 576./

Read again letter, dated 1st
August last, from the 2d Judge of the Court of
Circuit in the Western Division, transmitting
his proceedings held in case No. 5. of the
South Malabar Calendar for the 1st Sessions
of 1817.

/Here enter No. 424/

The Court having maturely
considered the Proceedings held before the
Judge on Circuit the future of the Provincial
Law Officer and the future of the Cazee with a

and

22d December 1817

and Mooftees of the Eoydaree Adalut confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid and under the sentence of Kisaas declared in the Futwa, adjudge the Prisoner

"Kalpally alias Sodomally Koolgaj"

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

Sent following letter.

Received &c.

Read letter, dated the 8th Ultimo, from the 2d Judge on Circuit in the Western Division,— transmitting his proceedings held in cause No. 10 of the Common Calendar for the 2d Sessions of 1817.—

Received under No. 574.

The Court having mutely considered the Proceedings held before the Judge on Circuit the Futwa of the Law Officer and the Futwa of the Cazee ool Coozat and Mooftees of the Eoydaree Adalut confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid and adjudge the Prisoner

"Christna Bodroopa"

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

Read letter, dated the 10th Ultimo, from the 2d Judge on Circuit in the Western Division,— transmitting his proceedings held in cause No. 1 of the Common Calendar for the 2d Sessions of 1817.—

Received under No. 575.—

The Court having mutely considered the Proceedings held before the Judge on Circuit the Futwa of the Law Officer and the Futwa of the Cazee ool Coozat and Mooftees of the Eoydaree Adalut confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid and adjudge the Prisoners

1st "Gorbee" and

2d "Jamaia"

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

Read letter, dated the 10th Ultimo, from the 2d Judge on Circuit in the Western Division,— transmitting his proceedings held in cause No. 1 of the Common Calendar for the 2d Sessions of 1817.—

Received under No. 575.—

The Court having mutely considered the Proceedings held before the Judge on Circuit the Futwa of the Law Officer and the Futwa of the Cazee ool Coozat and Mooftees of the Eoydaree Adalut confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid and adjudge the Prisoner

"Christna Bodroopa"

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

Sent following letter B.

22d December 1817. 1.

Read letter, dated the 8th Instant from the Dy Judge of the Court of Circuit for the Northern Division, transmitting his proceedings held in case No 7 of the Mussulpatam Calendar for the 4th Quarterly Sessions of 1817.—

/Here enter No 577./

The Court having maturely considered the proceedings held before the Judges of Circuit the Fiscal of the Provincial Law Officer and the Depositions of the Cazee cum Cazee and Interpreter of the Zillah confirm the said finding of the Cazee cum Cazee and Interpreter aforesaid and, under the discretion allowed by the section of Regn. the Court adjudge the Prisoner

1st Chadum Saheb and

2d Khasim Saheb

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

And, under the provisions of Section XXV Regulation VII of 1802, the Court adjudge the 2d Prisoner,

"Koosoom Saheb"

to be [illegible]

2d J. C.

22d December 1817.

irons on the public roads or other public works for and during the period of three years.—

Sent following letter

/Here enter 6/

The Prisoners in this case were accused of having stolen certain articles on four different nights from seven different persons, and these several grounds of accusation have been blended in one indictment.— In thus blending the several distinct charges above mentioned the Criminal Judge may have had consideration to the circumstances under which the stolen property was discovered and to the nature of the evidence in the case, but it is incumbent upon the Court to notice the irregularity and to direct that, wherever a prisoner may be charged with two or more offences, distinct & essential, in order to avoid due investigation regarding the commission of each offence so alleged against him, that the cases should be kept entirely distinct

2. December 1817

distinct and brought forward in separate numbers of the Calendar.-

Ordered that extract of this proceedings be sent to the Third Judge of the Court of Circuit in the Northern Division to be by him communicated to the Criminal Judge in the Gillas of Trincomalee for his information and future guidance.-

Sent following letter

/Here enter D/

Read letter dated the 27th Ultimo from the 1st Judge on Circuit in the Centre Division,- with report forwarded by him

XXXVII Regulation XII of 1802 for the 2nd Sessions 1817.

/Here enter No. 612./

On the observations recorded by the First Judge respecting the state of the Gaols & the treatment and employment of the prisoners in the Centre Division it is not necessary to offer any remark, and the Board note that the Judge has entered regarding each in the Calendars of the different Gillas the greater number of which have been already before the

22. December 1817

any specific observations and does not seem to suggest any particular inference as to the effect of the present system for administering the Criminal Laws.-

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

Sent following letter

/Here enter E/

Read letter, dated the 9th from the 1st Judge on Circuit in the Centre Division,- with return of Warrant No. 610 for the execution of Putra of the Cuddapah Caste

/Here enter No. 610./

Read letter, dated the 9th instant, from the 2nd Judge on Circuit in the Northern Division, with returned warrant for execution of prisoners in cases No. 11 of 1st and No. 1 of the Supplemental Calendar 2nd Sessions A.D. 1817.-

/Here enter No. 613./

Read.

12th December 1817.

Western and Southern Divisions with extract from
such part of the Courts proceedings of the 11th Ulto.
as relates to each of those Courts respectively for their
information and guidance.

/Sent following letters A & C/

Ordered that the Clerk of the
forgoing letter from Government to each of
the Provincial Courts on the Southern and Western
Divisions with extract from such part of the Courts
proceedings of the 11th Ulto. as concerns those Courts
for their information.

/Sent following letters B and D/

Read letter dated the 2d Ulto
from the Secretary to Government in the Judicial
Department stating that the repairs of the
Court House at Chingulput has been sanctioned.

/Vide order No 6065/

R.A.

M

Tuesday
16th December, 1817.

J. No.

At a Court of the Foujdaree Adalut

Present

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

Read a private letter, dated the 21st
October last, from the Secretary to Government on the
Judicial Department communicating leave granted
to Mr. Pole to quit his station after 1st January, and
to retain his establishment till his embarkation for
Europe.

/Vide order No 9277 of J. No./

It appears from the foregoing
letter that Mr. Pole, the third Judge of the Court
of Circuit in the Southern Division on whom it
would devolve, according to the rotation prescribed
by the Regulations, to make the first Circuit for
the year 1818, has permission to quit his station
on the 1st of January, the period fixed for the
commencement of such Circuit.

The Court deem it necessary therefore
to report this circumstance for the information of
Government

At a Court of the Zoujdarce Adalut.

Present,

Monday the 22 December 1817.

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

M

Read return dated the 10th Ultimo, from the Dy. Judge on Circuit in the Western Division to precept of 19th September calling for additional information in Case No. 5 of the South Malabar Calendar for the 1st Sessions 1817.

Here enter No. 576.

Read again letter, dated 1st August last, from the 2d Judge of the Court of Circuit in the Western Division, transmitting his proceedings held in case No. 5. of the South Malabar Calendar for the 1st Sessions of 1817.

Here enter No. 424.

The Court having maturely considered the Proceedings held before the Judge on Circuit the future of the Provincial Law Officers and the future of the Cazee of Ca-

and

16 December 1817. Government and to request that, in the event of the not being any person immediately appointed to succeed Mr. Falconar, he would be kind enough to arrange that some one may be sent for the due taking of the plea in the Sudder Dewanny Adawlut during the ensuing Session of the Court.

Ordered that a Copy of this Proceeding be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

Ordered that the following letter be written

M

Ret.

12 16. December 1817. Government and to request that, on the event of there not being any further immediately appointed to ~~the~~ mount Mr. Cole, an arrangement may be made for the due delivery of the jail in the Southern Division during the ensuing Sessions of 1818.

Ordered that extract of this proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

Post following, letter A.

R.A.

Sessions of 1817.

Here enter No. 574.

considered the proceedings held before the Judges on Circuit the pleas of the Criminal Law Officer and the pleas of the Cazee of the Cazee cool Cozat and Mooftees of the Zillah Adalut confirm the said pleas of the Cazee cool Cozat and Mooftees aforesaid and the latitude given by the provisions of

Sessions of 1817.

Here enter No. 576.

At a Court of the Zoujdaree Adalut.

Present,

Monday at 22 December 1817.

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

Read return dated the 10th Instant, from the 2d Judge on Circuit in the Western Division to precept of 19th September calling for additional information in Case No. 5 of the South Malabar Calendar for the 1st Sessions 1817.

Here enter No. 576.

Read again letter, dated 1st

considered the Proceedings of the Court of Judges on Circuit the pleas in the pleas of the Criminal Law Officer and Cazee cool Cozat and Mooftees of the Zoujdaree Adalut confirm the said pleas of the Cazee cool Cozat and Mooftees aforesaid and acquitting the Prisoner "Christna Codoopa" direct that he be released accordingly.

Post following, letter B.

Read

22d December 1817

and Inspectors of the Zoydaree Adalut confirm
the said Finding of the Cazee ool Coozat and
Mooftees of Poisend and under the sentence
of Hisaus declared in the Futwa, adjudge
the Prisoner

"Kalpally alias Kodumally Kuttychy"

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

Sent following letter

Secretary &c

Read letter, dated the 6th Ultimo,
from the 2d Judge on Circuit in the Western
Division, - transmitting his proceedings held
in case No. 18 of the Calendar for
2d Sessions of 1817 -

Secretary entered No. 574 /

And it is Ordered, that the Court having mutually
considered the Proceedings held before the
Judges on Circuit the Futwa of the Provincial
Law Officer and the Futwas of the Cazee ool
Coozat and Mooftees of the Zoydaree Adalut
confirm the said Futwas of the Cazee ool
Coozat and Mooftees aforesaid and, under
the Latitude given by the

22 December 1817

Section XVII Regulation VIII of 1802 adjudge
the Prisoners

1st "Gorbee" and

2d "Jamaia"

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

Read letter, dated the 6th Ultimo,
from the 2d Judge on Circuit in the Western
Division, - transmitting his proceedings held
in case No. 18 of the Canara Calendar for
the 2d Sessions of 1817 -

Secretary No. 575 -

The Court having mutually
considered the Proceedings held before the
Judges on Circuit the Futwa of the Provincial
Cazee ool Coozat and Mooftees of the Zoydaree
Adalut confirm the said Futwas of the
Cazee ool Coozat and Mooftees aforesaid
and adjudging the Prisoner
"Christna Bodooja"
to be released accordingly —

Sent following letter

Read

22d December 1817. 5

16.

Read letter, dated the 8th Instant
from the Dy Judge of the Court of Circuit for the
Northern Division, transmitting his proceedings
held in case No 7 of the Mussulmatan Calendar
for the 4th Quarterly Sessions of 1817.—

/Here enter No 577/

The Court having maturely considered
the proceedings held before the Judges of Circuit
the Opinions of the Regimental Law Officer and
the Opinions of the Cazee ul Cozat and Mooftee
of the Zillah confirm the said Sentence
of the Cazee ul Cozat and Mooftee approved
and, under the discretion allowed by the Nizam
of Dajan, the Court adjudge the Prisoner—

1st "Bandoo Sahib" and

3d "Hasan Sahib"

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
years.—

And, under the provisions of
Section XXV Regulation VII of 1802, the Court
also adjudge the 2d Prisoner,

"Hoossain Sahib"

to be imprisoned and kept to hard labour

2d Dec 1817. irons on the public roads or other public
works for and during the period of three
years.—

Sent following letter
/Here enter 6/

The Prisoners in this case were
accused of having stolen certain articles on four
different nights from seven different persons
and these several grounds of accusation have
been blended in one indictment.—

In thus blending the several
distinct charges above mentioned the Criminal
Judge may have had consideration to
circumstances under which the stolen property
was discovered and to the nature of the
evidence in the case, but the Court deem
it incumbent upon them to notice the
irregularity and to remark that, whenever
a prisoner may be charged with two or
more offences, it is essential, in order to a
due investigation regarding the commission
of each offence so alleged against him,
that the cases should be kept entirely
distinct

22. December 1817.

distinct and brought forward in separate numbers of the Calendar.-

Ordered that extract of these proceedings be sent to the Third Judge of the Court of Circuit in the Northern Division to be by him communicated to the Criminal Judges in the Zillas of Masulipatam for their information and future guidance.-

Sent following letter

/Here enter D/

Read letter dated the 8th Instant from the 1st Judge on Circuit in the Centre Division,- with report prescribed by Section XXXVII Regulation XII of 1802 for the 2nd Session of 1817.

/Here enter No. 612./

On the observations recorded by the First Judge respecting the state of the Jails in the Centre Division and employment of the prisoners in the Centre Division it is not necessary to offer any remark, and the Court observe that the Judge has entered therein Zillah the greater number of which have been already before this Court, it is not necessary

22. December 1817

any specific observations and does not seem to suggest any particular inference as to the effect of the present system for administering the Criminal Laws.-

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

Sent following letter

/Here enter D/

Read letter, dated the 9th from the 1st Judge on Circuit in the Centre Division,- with returned warrant for the execution of Putra of the Cuddapah Calay No. 610./

/Here enter letter, dated the 9th instant from the 2d Judge on Circuit in the Northern Division with returned warrant for execution of prisoners in cases No. 11 of 1st and No. 1 of the Supplemental Calendar 2d Sessions A.D. 1817.

/Here enter No. 613./

Read

22: December 1817.

Read letter, dated the 8th Instant,
from the acting Criminal Judge in the Zillah
of Ganjam, - with reports prescribed by
Section XXXVI Regulation X of 1816 -

/Here entered No. 608/s

RitB.

M

M

GW

F. U

At a Court of the Foujdaree Udalut

Present

Wednesday the
24th December 1817.

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

Read letter, dated the 10th Instant,

M

608 from the Magistrate of Masulipatam, - with
observations explanatory of his reference under date

GW 5th July. -

/Here enter No. 616/

The remarks contained in the fore-
going letter relate exclusively to the process
by the First Judge of the Court of Circuit
case which occasioned the Magistrate's objections
the 5th July last, and it is obvious for with re-
which the Magistrate may resubmitted through
gard to such process or event -
the medium of the C[illegible] therefore that the above
the Magistrate in the Zilla of
letter be return[illegible] companied by Extract of these Proceed-
Masulipat[illegible] is information -
ings /Sent following letter A./

Read

24th December 1817

Read letter, dated 17th Instant, from the Magistrate in the Zilla of Guntoor with Stationery Indent for 1818 –

/Here enter No 615/

The Court direct that the enclosed Indent be sanctioned and forwarded to the Board of Trade –

RA

/Sent following letter B/S

E&S

EW

F 16

F 16

At a Court of the Foujdaree Adalut

Present

Friday 26th Dec. 1817

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

91

EW E&S

Read letter, dated the 14th Instant from the Magistrate in the Zillah of Canara – With copy of correspondence with the Commissioners of Internal administration regarding the service of process on Seapoys and Native Officers –

/Here enter No 614./

The Court are of opinion that, when the attendance of a private or non commissioned officer belonging to the Native army may be required by any of the Courts of Criminal Judicature in consequence of the Court deeming it desirable that the process should, if being personally served, be accompanied by such communication to be understood by the commanding officer may obtain the earliest opportunity of making such communication with the Commanding officer is to be made only whenever in every case in which any person in Civil Authority and may take the necessary diligence of the process to ensure his attendance in conformity with

The Court are not aware that any general order has been issued on the subject subsequently to

24th December 1817

26th December 1817

It is the opinion of the Court of Sudder Dewanny Adawlut that in all cases of an aggravated nature, their proceedings held before the Magistrate and Criminal Judge should be translated into English by their respective Establishments.

The above suggestion of the Third Judge is well calculated to ensure the transmission of all trials referrible to the Foujdaree Adawlut with the expedition enjoined in the Regulations. Adverting, however, to the duties to be performed by the Magistrate and the Criminal Judge respectively, the Court deem it to be more expedient that such translations should be prepared in the office of the Criminal Judge, and they therefore direct that in all cases of an aggravated nature, the Criminal Judge do have in readiness to deliver to the Court of Quarterly Sessions English translations of the proceedings held before him, together with English translations of the proceedings of the Magistrate or Police officer, according as the Prisoners on such cases have been forwarded to him by the Magistrate. In like manner may eventually be found necessary to refer to the Court of Quarterly trials in which the papers previously translated, the Court Sessions may not have criminal cheerfully are satisfied thence, in order to the ordered to the Court of to be by them common

26th December 1817

It is the opinion of the Court of Sudder Dewanny Adawlut that in all cases of an aggravated nature, their proceedings held before the Magistrate and Criminal Judge should be translated into English by their respective Establishments.

The above suggestion of the Third Judge is well calculated to ensure the transmission of all trials referrible to the Foujdaree Adawlut with the expedition enjoined in the Regulations. Adverting, however, to the duties to be performed by the Magistrate and the Criminal Judge respectively, the Court deem it to be more expedient that such translations should be prepared in the office of the Criminal Judge, and they therefore direct that in all cases of an aggravated nature, the Criminal Judge do have in readiness to deliver to the Court of Quarterly Sessions English translations of the proceedings held before him, together with English translations of the proceedings of the Magistrate or Police officer, according as the Prisoners on such cases have been forwarded to him by the Magistrate. In like manner may eventually be found necessary to refer to the Court of Quarterly trials in which the papers previously translated, the Court Sessions may not have criminal cheerfully are satisfied thence, in order to the orders of to be by them common Government

26th December 1817.

Udalut that, in cases of an aggravated nature, the proceedings held before the Magistrate and Criminal Judge should be translated into English by their respective Establishments.

The above suggestion of the Third Judge is well calculated to ensure the transmission of all trials referible to the Foujdaree Udalut with the expedition enjoined in the Regulations. Adverting, however, to the duties to be performed by the Magistrate and the Criminal Judge respectively, the Court deem it to be more expedient that such translations should be prepared in the office of the Criminal Judge, and they therefore direct that, in all cases of an aggravated nature, the Criminal Judge do have in readiness to deliver to the Court of Quarterly Sessions English translations of the proceedings held before him, together with English translations of the proceedings of the Magistrate or other Officer, according as the Prisoners in such cases may have been forwarded to him by the Magistrate Police Officer under his authority as it may eventually

In like manner Foujdaree Udalut may be found necessary to refer to the Court of Quarterly trials in which the papers previously translated, the Court Sessions may not the Criminal Judge will cheerfully are satisfied of the existence, in order to obviate delays detrimental contribute to public justice.

Ordered, that extract of these proceedings to the Court of Circuit in the Northern Division and to the Court of Circuit in the Western Division to be by them communicated for the information and future guidance

26 December 1817

Guidance of the Criminal Judge in the Zilla of Masulipatam

Sent following letter

RA / Secretary B/S

M

EBS

F. 16

Saturday

27th December, 1817

At a Court of the Foujdaree Adalut

Present

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

M

EBS

Read a letter, dated the 25th October last, from the Secretary to Government in the Judicial Department, enclosing communications from the Supreme Government and desiring that the Court will prepare the draft of a letter in answer thereto

Read the letter from the Secretary to Government in the Judicial Department forwarding copy of a correspondence between the Magistrate of Masulipatam and calling the attention of the Court to the letter dated 25th August desiring to be informed whether the Court has any objection to the said letter

Ordered, That the draft of a letter in answer to the above letter be prepared

(See order of 29th)

In obedience to the order of

Government recommended on Mr Sandilay Hills the
of the 21st October last the Court of Vice Admiralty
have prepared the draft of Regulations entitled
a procedure of the nature of those enacted on the foregoing
as well as certain other provisions and they have pre-
and to annex the following general observations to be
submitted together with the Draft to the consideration
of the Right Honorable the Governor in Council.

By Section II. of the proposed draft
the Judges of the Vice Admiralty are empowered
to pass sentence on all suits referred to them when
they shall be of opinion that the proof against
the prisoner is sufficient to warrant him of the charge although the
of the Law Officers may not consider such Proof
sufficient to found a charge against him or
subject him to punishment. This provision
considered with the 4th Section of the
the Judges of the Court of Vice Admiralty
to pass sentence of punishment when the
Law Officers may not find the Prisoner guilty of the
charge against him. This provision
should the Judges of the Court of Vice Admiralty
to refer to them for consideration
the Regulations
Law Officers in their opinion

sentence but after completing the trial to transmit
the whole of their proceedings with the Votes
of the Law Officers and a letter stating the
grounds of their disapproval for the sentence
of the Vice Admiralty Adopted. On such reference
further Votes is taken from the Law Officers
of the Vice Admiralty Adopted and the
final sentence is then passed by that Court.
but hitherto there has been no provision for
enabling the Judges of the Vice Admiralty Adopted
to pass a sentence of punishment when the
Votes so taken from their Law Officers may
not find the Prisoner guilty of the
charge against him. This provision
should the Judges of the Court of Vice Admiralty
to refer to them for consideration
the Regulations
Law Officers in their opinion

27th December 1817

that any officer to the Court undersheriff and assistant to keep such evidence as may be deemed just and proper notwithstanding the [illegible] of their Law Officers.

The directions so prescribed by the said Regulations shall, on the first sitting of this Court to be held after the receipt by the Governor thereof, be communicated to the Judges of the Court, and they are hereby required to cause the same to be duly observed and carried into execution by all persons whom it may concern.

Whereas doubts have arisen whether the Mahommedan Law of evidence is to be the [illegible] Government, and whether the Court have not under certain circumstances a discretion to admit other evidence of credibility under the Mahommedan Law, it is hereby declared that it is the duty of the Court invariably to observe such Regulations as direct what evidence may be admitted and what rejected in the several cases to which they relate. Wherever any offence may be punishable by the Law Officers of a Court of Circuit on the evidence of one witness, it shall be lawful for the Judge presiding at the trial, upon such evidence to direct the prisoner to be discharged.

And whereas it is expedient that this Regulation should be published in the several languages used in the Courts established by the Regulations to the Courts of Judicature established

25 Title

with whom it will remain to determine as to the credibility of the evidence in question and to pass such sentence in the case as shall to them appear expedient.

The proviso contained in Section III of the accompanying draft, which corresponds with the second clause of Section VI of the Manuscript copy of the Regulations forwarded by the Supreme Government, are intended to remove the Mahommedan Law of Loss of Freedom attached, by reason of the severe punishment denounced against persons convicted of such description of offence, the proof of which is required under the Mahommedan Law of evidence, while presumptions against the accused to the contrary.

Note
Now printed and published as Regulation XVII A.D. 1817

The provisions of any former Regulations of the Code, by the process of Gedree procedure for offences for perjury, which is the case of the fifth Section of this draft, notwithstanding have not deemed it expedient to repeal the Law of the remaining provisions of the said Regulations; the Mahommedan

Law.

22

27th December 1817

provisions contained in Section XII of the Manuscript
Regulation from Bengal, since Section XXXV Regulation
VII of 1812 extends this process to convict
confirmed for trial and the Special
Sessions to be summoned for
Section VI declaring all rewards
offered for penalties offenders to be payable on their
conviction
penalty to Persons
to be recommended
of the communications from Government of
the 25th Ultimo, with reference to which it may be
proper to observe that, on the 4th of August last,
the Court having taken into consideration the
suggestions contained in the letter from the
Government in the Judicial Department
the 15th of April, submitted to the
Honorable the Governor in Council the
proceeding at the
Sessions, with the above
provisions of Regulation
same time that
Court prepared to submit the
draft of Regulation declaring that all rewards
and, the Court now declaring
offered for penalties
offered for conviction. Authority to the above
in the letter from
Government of the 26th of the same month the

Draft

IV

[illegible] December 1817 [illegible] in the Circuit
[illegible] offered for the purpose therein contemplated and
it being more particularly the province of this Court
to have from time to time been brought before them,
that any alteration of the existing provisions re-
specting the award of forfeiture would be
the Court beg leave to submit for the consideration
of Government the following draft of a Regulation
for modifying the provisions of Regulation VIII of
[illegible] which the Court beg leave to suggest
as being generally consistent with the principles
and extent of the punishments prescribed for
the different offences specified in the
Regulation, and as not exceeding the
limits of moderation which
[illegible] Draft of a Regulation for
modifying the provisions of Regulation VIII of
[illegible] and for other purposes therein mentioned
Whereas it is expedient to modify the
provisions contained in Section XII of Regulation
VIII of [illegible] and Section XXXV Regulation
VII of [illegible] relative to the process to be issued
against persons charged with offences and
to the mode of trying persons charged with
offences committed in the Provinces subject to the
Presidency of Fort William in Bengal, and to
declare the punishment to be inflicted on those
who shall be convicted of the crime of forgery;
It is hereby enacted by the Governor General in
Council as follows

2/ 27th Dec
1847

Draft of a Regulation not proposed by the Court
which submitted to Government on the 28th September following
and the Court was informed, on a letter from Mr
Secretary Hill of the 4th October last, that it would
be for the convenience of Suffolk
if Regulation IX of 1846 by which the words for effecting
an arrest for the purpose contained in affidavits
to refer to the end of such Regulation & between marking
that a
the Court have considered
Draft as contained in the foregoing
requisite for the execution of part of the provisions of Section
XXII Regulation IX of 1846
the Courts of the Sessions and ended
Courts, the
and further from the date of its being enacted
Regulation
of the foregoing
provided in Section VII of 1846

5/ 116

4th December 1847

The Court would suggest that
Regulation shall be passed which
shall remove any
may obviate serious
serious inconvenience to suitors
serious inconvenience to suitors not before
favourable or which may enhance the penalties
before provided, it should be translated with as little
delay as possible and that the translations should
be printed and circulated at the same time with
the English copies of such Regulations. — Should the
the Court direct that the foregoing Draft
with a letter of this proceedings be sent to the Secretary
to the Government in the Judicial Department for
the purpose of being laid before the Right Hon
the Governor in Council
this Court's following letter of

RAB

* Should the Court further suggest that the several Zillah Judges and Magistrates should be furnished with a copy of the Regulations as soon as they are officially confirmed? Regulation XXII. 1831 requires the Judges and Magistrates to have the Regulations for immediate reference.

J. W.

Monday the 29th December 1817

At a Court of the Fouzdaree Adalut

Present

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

Read letter, dated 22d Ultimo

from the 2d Judge on Circuit in the Western Division, transmitting his proceedings held in Case No 2 of the Canara Calendar for the Sessions of 1817

/Here inter No 592/

The Court having maturely considered the Proceedings held by the Judge on Circuit the futwa of the Cazee-ool Cozat Officer and the futwa of the Fouzdaree Adalut confirm and Mooftie of the Cazee-ool Cozat and the said futwa and under the sentence of Mooftie aforesaid declared against the second Prisoner Hyssan Mapna, adjudge him the said second Prisoner Manjava to suffer death by being hanged at the usual time and place of execution.—

And

J. W.

At a Court of the Fuijdaree Adaulut

Present

Monday the 29th December 1817

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

Read letter, dated 22d Ultimo

from the 2d Judge of Circuit in the Western Division, transmitting the proceedings held in Case No 2 of the Canara Calendar for the Sessions of 1817

(Here enter No 592)

The Court having maturely considered the Proceedings held by the Judge on Circuit the futwa of the Mooftee of the Cazee-ool Cozat Office and the futwa of the Fuijdaree Adaulut confirming the said futwa and the Cazee-ool Cozat and Mooftees of the said and under the sentence of Mooftees aforesaid passed against the second Prisoner Hyssan Mamma, adjudge him the said second Prisoner Manjava to suffer death by being hanged at the usual time and place of execution.—

And

29th December 1817.

And under the provisions of
Section XVIII Regulation VIII of 1802. the Court also
adjudge the remaining Prisoners
1st Ganga Mooda
2d Anta
3d Soga and
4th Samaik
to suffer death by being hanged at the usual
time and place of execution
/Sent following letter A/
Read letter dated 18th Ultimo,
from the 1st Judge on Circuit in the Northern
Division transmitting his proceedings held in
Case No 1 of the Ganjam Calendar 2d Sessions of
1817.
/Here enter No 591/
The Court having maturely considered
the Proceedings held before the Judge on Circuit
the future of the Provincial Law Officer and the
future of the Cazee ool Cozat and Mooftees of
the Ganjam Zillah confirm the said sentence
of the Cazee ool Cozat and Mooftees aforesaid
and under the latitude given by the Sentence of

to be imprisoned and transported to Prince of
Wales's 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 26th Ultimo,
from the 1st Judge on Circuit in the Northern
Division transmitting his proceedings held
in Case No 8 of the Ganjam Calendar 2d Sessions
of 1817.
/Here enter No 607/
The Court having maturely
considered the Proceedings held before the Law
officer on Circuit the future of the Provincial Court
officer and the future of the Zillah Court confirm
and Mooftees of the Ganjam ool Cozat and
the said future acquitting the Prisoner
Mooftees aforesaid Vunapurty Venkataramiah"
be released according to
agreed the /Sent following letter B/
The Court of Zeyjaree Zillah
having recorded their Sentence acquitting the
Prisoner Vunapurty Venkataramiah of the
crime

29th December 1817

December

[illegible] given glaringly contradictory statements on oath regard-
ing the one and the same point, but upon the very
important question as to whether the papers afore-
said were or were not in the handwriting of the
Prisoner – a question on the issue of which the truth
or falsehood of the Prisoner's subsequent deposition
entirely hinged – the indictment is altogether silent,
Evidence was taken, indeed, before the Court of
Circuit to the hand writing in the said papers, as
if to prove the prisoners first declaration to be
correct and his subsequent deposition to be false, but
that circumstance is not in the indictment, and the
Prisoner is charged with having intentionally and deliberately taken a
false oath before the Court of Quarter Sessions, touching
which he is charged to have been guilty of perjury
in his examination before the Court of Circuit in regard
to the handwriting of the said papers, and it is
material to observe that the Prisoner was not
charged with having committed perjury in regard
to the handwriting of the said papers before the
Court of Quarter Sessions, but with regard to the first of
those oaths it is to be remarked that the
Prisoner is charged in the indictment with
having intentionally and deliberately taken a
false oath before the Court of Quarter Sessions
touching which he is charged to have been guilty
of perjury in his examination before the Court of Circuit
in regard to the handwriting of the said papers,
and it is material to observe that the Prisoner
is

given glaringly contradictory statements on oath regard-
ing the one and the same point, but upon the very
important question as to whether the papers afore-
said were or were not in the handwriting of the
Prisoner — a question on the issue of which the truth
or falsehood of the Prisoner's subsequent deposition
entirely hinged — the indictment is altogether silent.
Evidence is taken, indeed, before the Court of
Circuit to the handwriting in the said papers, as
if to prove the prisoner's first declaration to be
correct and his subsequent deposition to be false; but
that the purpose is not in the indictment, and the
ingenuity of the pleader is taken on this pageant and
misused, no justice to the Prisoner,
improper.

A second omission

To proceed to observe that in their
circumstances the Court the 30th January 1811, they
construed that the indictment against a
person charged with the crime of perjury should
specially describe the judicial proceeding to the
which the alleged perjury may be material.
Regulation VI of 1811 is, as the Court remarked in
the injunction of the crime contained in Section IV
their

December 1817

these circular instructions above mentioned, shall not
prosecute, and it is essential that each of the found
there specified be proved on the trial. Failure
of proof on any one of the points "to repeat the
questions fairly needed" must be fatal to
the prosecution, unless the same is explained by
not more than one of these particulars, but not
all may be taken together &c.

Ordered that extract of this
letter be sent to the Chief Judge of the Court
of Circuit in the Northern Division, for his
information and guidance, and to be by him
communicated for the information and guidance
of the acting Criminal Judge at
Zillah of Guntoor.

Read following letter &c.

Read letter, dated 16th
instant from the 2d Judge on Circuit in the Northern
Division, with warrant for execution of
prisoner No. 3 Seringapatam Calendar for
Sessions A.D. 1817.

/Here enter No. 619/

Read letter, dated 17th instant
from the 2d Judge of the Court of Circuit in
the Northern Division, to the Court's precept dated
1st December requiring communication to the
Criminal Judge and Assistant Criminal Judge
of Masulipatam of the Court's observations
relative to the rejection of the testimony of
Police Peon, and an irregular reference
to the Law Officer.

/Here enter No. 620/

29th December 1817. Division, with returned Warrant for execution

R. D.

M

618

W

/Here enter No. 615/

Read letter dated 17th instant from
the 2d Judge on the Circuit of Guntoor for the Written

File

Civil Court of the Fouzdaree Adalat

Present

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

Wednesday
31st Dect 1817

Read letter, dated the 23 Instant from the Secretary to Government in the Judicial Department Remitting the unexpired term of imprisonment in the case of the Convict Vengadoo and authorizing the Criminal Judge of Chittoor to bestow upon him a small sum of money on his release, reporting the amount of the disbursement for the sanction of Government

/Here enter N. 632/

Ordered that Copy of the foregoing letter with extract from the Proceedings of the 9th Instant be sent to the Court of Circuit in the Centre Division, to be by them communicated to the Criminal Judge in the Zilla of Chittoor.

Sent following letter
/Here enter as/

R.A.