1596

Journal
Proceedings
For
1824

337

71

J.C.

At a Court of the Tongdarree Adalut

Friday 9th January 1824.

Present.

H. S. Graeme, Esqre. ..... Chief Judge.

George Gowan, Esqre. .... Puisne Judge.

Read Letter dated 26th ultimo from the Criminal Judge in the zillah of Nellore, recommending the tender of a conditional pardon to a person concerned in a late robbery by open violence.

(Warrants No. 800 of 1823.)

In consideration of the circumstances stated by the Criminal Judge, the Court of Tongdarree Adalut resolve to submit his application to Government, and to recommend that the Honorable the Governor in Council may be pleased to authorize an offer of pardon to Cunchernalla Goswamy, on the terms specified in Section XX Regulation VIII of 1802.

Ordered, that the foregoing letter, with extract of these proceedings be sent to the Secretary to Government in

9th January 1824

in the Judicial Department for the purpose of being laid before the Honorable the Governor in Council.-

(Sent following letter N.3.)

Wd 9th Jan.y

W.

H.H.

At a Court of the Foujdaree Udalut

Present

Wednesday 14th January 1824 } H.L. Grame Esquire Chief Judge
George Gowan Esquire Puisne Judge

Read letter, dated 3d Instant from the Criminal Judge in the Zilla of Malabar.- with copy of five warrants for the banishment of eight convicts.-

/Here enter N.34/

H.H.
W.

The Court of Foujdaree Udalut direct that the prisoners

1st Siddianalaagatha Athen,
2d Siddianalaagatha Ally,
3d Kodakaat Ayatha, alias Kianatanagatt
Coonia Mackar,
4th Munnay catta Maidan Koaty,
5th Ittilut Kandy Parapil Koya,
6th Puthiattil Unnee,
7th Kaimpuddikel Nagnary Ramen, and
8th Setile Ichalli Pakra,

be removed to the Jail in the Zilla of Chittoor there to be imprisoned and kept to hard labour during the period of their sentences respectively.

Ordered, that extract of these proceedings be sent to the Acting Criminal Judge in the Zilla of Chittoor and to the Criminal Judge in the Zilla of Malabar for the information and guidance of those officers respectively.-

/Sent following letters N.s 5

11th January 1826.

Read letter dated 6th Instant from the Criminal Judge in the Zilla of Malabar. Transmitting copy of a warrant for the banishment of a prisoner.-

(Here enter No 37)

The Court of Foujdaree Adalut direct that the prisoner,

"Pottatodeyil Mavidak"

be removed to the Jail in the Zilla of Chittoor there to be imprisoned and kept to hard labor during the period of his sentence.-

Ordered that extract of these proceedings be sent to the Acting Criminal Judge in the Zillah of Chittoor and to the Criminal Judge in the Zillah of Malabar for the information and guidance of those officers respectively.-

Sent following letters No 6

Read letter dated 7th Instant from the 1st Judge on Circuit in the Southern Division. Reporting his arrival at Madura.-

(Here enter No 33)

Read letter dated 8th Instant from the 2d Judge on Circuit in the Western Division. Reporting his arrival at Seringa-patam.-

(Here enter No 35)

Sent 11th

WL

WH

No 11.

At a Court of the Foujdaree Adalut.

Present,

Monday, 16th January, 1826.

R.S. Graeme Esqre Chief Judge.
George Gowan Esqre Puisne Judge.

Read letter, dated 10th Instant,

RG

WL

from the Secretary to Government in the Judicial Department,- stating that the Governor in Council authorizes the Criminal Judge of Nellore to make a conditional offer of pardon to Cunchrama Goorava pah.-

(Here enter No 46.)

Ordered, that copy of the foregoing letter be sent with extract from the Court's proceedings of the 9th instant for the information and guidance of the Criminal Judge in the Zilla of Nellore.-

Sent following letter No 9.

120

WL

WH.

At a Court of the Tanjore Collector

Friday 23.d January 1824. Present

H. S. Greame, Esquire, ... Chief Judge.

George Gowan, Esquire ..... Puisne Judge.

Read letter, dated the 16.th instant,

Rtd from the 3.d Judge on Circuit in the Central Di-

&c visions, submitting a recommendation that a

conditional offer of pardon may be made to

two persons concerned in a late murder.

(Records N.o 55.)

The Court of Tanjore Collector,

having attentively considered the proceedings

of the Court of Circuit which accompany the

foregoing letter, resolve to submit the 3.d Judge's

application to Government, and to recommend

that the Honorable the Governor in Council

may be pleased to authorize an offer of pardon

to Venkatesputhuragadoo and Doraiaspullee

"Vannearagadoo," on the terms specified in

Section XX Regulation VIII of 1802.

2. Ordered, that the foregoing

Letter

23d January 1824.

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 Honorable the Governor in Council.-

(N.7/ Ent 28th) Pd. D.L. W.H. (Sent following letter N.15)

At a Court of the Foujdaree Udalut

Wednesday 28th January 1824.

Present

F. A. Grant Esqre
George Gowan Esqre } Judges.

Read letter, dated 3d Ultimo

R.A.G. W.H. from the 2d Judge of the Provincial Court of Circuit in the Northern Division,- submitting case N.1 Musulipatam Supplemental Calendar 4th Quarterly Sessions A D 1823.

(Here enter N. 763 of 1823)

"The English translation of the record of proceedings held on the foregoing trial exhibits the following questions and answers, with which the examinations of the 3d witness, James Wain, before the Court of Quarterly Sessions concludes.-

"2 (by the Prisoner) Was I in my proper senses when the above happened?

A. I do not know, for to the best of my knowledge I had not seen you before that day."-

2 In the Persian translation of the record the same question is given: but the answer of the witness is according to that version as follows:— "I do not recollect, that I saw you on that day or previously thereto, but I am ignorant whether you were in your house or not."

3 As this witness in the preceding part of his examination deposes, that he was present and saw the prisoner commit the act with which he is charged, the answer as given in the Persian translation appears to contradict his previous testimony; and is to be viewed by the Law Officers of the Court of Foujdaree Adalut.

4. Under these circumstances it becomes necessary to return the record to the 2d Judge for correction.

Ordered, therefore, that the English and Persian translations of the record of case No. 1. Mussulmans Calendar 4th Quarterly Sessions A. D. 1823 be returned to the 2d Judge by

precept requiring him to revise the translations, and retransmit the case for the final judgment of the Foujdaree Adalut without delay.-

Sent 29th 2 L G W.

(Sent following Precept No. 16.)

W. M.

Read return dated 23d December last from the 1st Judge on Circuit in the Southern Division to precept dated 12th Instant ordering communication to the Magistrate of Madura of the Comrs Counts' observations on Case No. 32 Madura Calendar 2d Sessions 1823.-

(Here enter No. 793)

Read return, dated 26th December last from the Judges of the Provincial Court of Circuit in the Northern Division to precept dated 19th Instant ordering communication to the Criminal Judges of the Courts' opinion that it is competent to them to delegate to their Assistants the powers given by Regulation VI of 1822.-

(Here enter No. 801)

Read return dated 24th December last from the Judges of the Provincial Court of Circuit in the Western Division to precept dated 15th Instant ordering communication to the Criminal Judges of the Courts' opinion that it is competent to those officers to delegate to their Assistants the powers given by Regulation VI of 1822.-

(Here enter No. 803)

Read letter, dated 29th December last from the 2d Judge on Circuit in the Western Division, Reporting the completion of the Jail Delivery for Malabar.-

(Here enter No. 6)

28th January 1824

Read letter, dated 31st Ultimo December last from the 1st Judge late on Circuit in the Southern Division. With returned warrant for execution of a prisoner in Case No 6 Maunga Calendar 1st Sessions 1823.-

/Here enter No 5/

Read letter dated 30 Instant from the 2d Judge of the Provincial Court of Circuit in the Centre Division. Reporting the commencement of the 1st Quarterly Sessions for 1824 at Chittoor.-

/Here enter No 7/

Read letter dated 2d Instant from the 3d Judge late on Circuit in the Northern Division Reporting his arrival at Masulipatam.-

/Here enter No 15/

Read return dated 5th Instant from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated 28th October last ordering communication to the Criminal Judges and Magistrates of the Courts observations on certain irregularities in the proceedings of Police officers.-

/Here enter No 18/

Read letter dated 3d Instant from the Acting Judge late on Circuit in the Centre Division with returned warrant for execution of a prisoner in Case No 6 Chodapa Calendar 1st Sessions 1823.-

/Here enter No 20/

Read Return dated 5th Instant from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated 28th October last ordering communication to the Criminal Judges and Magistrates of the Courts construction of the Law relative to commencement for perjury.-

/Here enter No 17/

2/ Ziller

28th January 1824

Read return dated 31st December last from the Judges of the Provincial Court of Circuit in the Western Division to precept dated 22d Ultimo ordering communication to the Criminal Judges and Magistrates of the Courts instructions respecting abuses of authority by Police and dates of the transmission of persons to Zilla station.-

/Here enter No 23/

Read return dated 7th Instant from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated 18th November last, ordering communication to the Criminal Judges and Magistrates of the Courts instructions regarding the attestation of confessions.-

/Here enter No 29/

Read return dated 7th Instant from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated 12th Ultimo ordering communication to the Criminal Judges of the Courts opinion that they are competent to delegate to their Assistants the powers given by Regulation VI of 1822.-

/Here enter No 28/

Read return dated 8th Instant from the Judges of the Provincial Court of Circuit in the Northern Division to precept dated 22d Ultimo ordering communication to the Criminal Judges and Magistrates of the Courts instructions that the date of leaving the Zillah be reported by Heads of Police Commanding Peons.-

/Here enter No 40/

Read

Read letter, dated 19th Instant from the 2d Judge late on Circuit in the Western Division,- Reporting the completion of the Jail Delivery at Seringapatam.-

//Here enter No 41//

Read return Dated 10th Instant from the late 1st Judge on Circuit in the Southern Division to precept dated 30th Ultimo ordering communication to the Magistrate of Trichinopoly of the Courts' instructions relative to the separation of different descrip: tion of offenders in the Jails.-

//Here enter No 43//

Read letter dated 14th Instant from the 3d Judge on Circuit in the Centre Di- vision,- Reporting his arrival at Cuddapah

//Here enter No 42//

Read return, dated 16th Instant from the Provincial Court of Circuit in the Centre Division to precept dated 18th November last ordering communication to the Criminal Judges and Magistrates of the Courts instructions regarding the attestation of confessions.-

//Here enter No 52//

Read letter, dated 15th Instant from the 1st Judge on Circuit in the Western Division,- Reporting his arrival at Mangalore.-

//Here enter No 53//

Read return dated 22d December last from the 2d Judge late on Circuit in the Centre

Centre Division to precept dated 22d September last ordering communication to the Criminal Judge in the Zilla of Cuddapa of the Courts orders on Case No 44 Cuddapa Calendar 1st Sessions 1823.- //Here enter No 791//

Read letter, dated 24th Instant from the Second Judge of Circuit in the Centre Division,- Reporting the death of Atchamah a prisoner in case No 40 of Bellary Calendar 1st Sessions of 1823.-

//Here enter No 65//

Read letter dated 20th Instant from the 3d Judge of Circuit in the Western Division,- Reporting his arrival at Tellichery.-

//Here enter No 64//

Read letter, dated 26th Instant from the 1st Judge on Circuit in the Northern Division Reporting his arrival at Bellore

//Here enter No 68//

F. A.

At a Court of the Foujdaree Adalut

Present

Friday - - -
30th January 1824 } F. A. Grant Esquire
George Gowan Esquire } Judges

Read letter, dated 11th Ultimo from the 3d Judge of the Court of Circuit in the Centre Division, submitting case No. 3 Chittore Calendar 3d Quarterly Sessions 1823.

Here enter No. 764 of 1823.

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 wal Coozat and Mooftee of the Foujdaree Adalut confirm the said futwa of the Cazee wal Coozat and Mooftee aforesaid and underthe sentence of Oorkoobut declared in the futwa of aforesaid judge the prisoner,

"Mooneyan",

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

Sent following letter No. 27

Read letter, dated 29th November last from the 2d Judge of the Court of Circuit in the Centre Division, submitting case No. 3 Chittore Calendar 4th Quarterly Sessions 1823.

(Here enter No. 761 of 1823)

The Court having maturely considered the proceedings held before the

30th January 1824

the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Coozat and Mooftees of the Sudder Adawlut confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid and acquitting the prisoner,

"Kistadoo"

Sent 16th direct that he be set at liberty.-

(Sent following letter No 28.)

The Court of Sudder Adawlut have to remark upon the proceedings held in this case before the second Judge on Circuit, that the examinations of the witnesses upon several important points are deficient in fulness and discrimination. The time of day when the robbery and wounding took place is stated in the charge to the prisoners to have been at noon; in the Government Vakeels complaint it is stated to have been at 2 P.M.; and in the prisoners alleged confession before the Police officer it is said to have been at 9 A.M. Neither of the two witnesses Vayeegadoo, or Vencatasadoo, both of whom were present when the transaction happened, and could have settled these points of difference, were interrogated regarding them; neither were they, when they deposed to their knowledge of the prisoner, called upon to declare how

30th January 1824

long he had been known to them. The Court of Sudder Adawlut attach regard these omissions to be of considerable importance, and are of opinion that but for their existence a result of the trial might have happened, different from that which has occurred.-

Ordered, that a extract of these proceedings be sent to the 2d Judge of the Court of Circuit in the Centre Division for his information and future guidance.-

Sent 16th (Sent following letter No 29.)

2 L 3

At a Court of the Foujdaree Adalut

Present,

Saturday, 3rd. January, 1824. } F. A. Grant Esqre. } Judges
George Gowan Esqre. }

Read letter, dated 24th. Ultimo from the 2d Judge of the Court of Circuit in the Centre Division, - submitting case No 5 Chittoor Calendar 3d. Quarterly Sessions 1823.

24/5
4/4 (Here enter No 806 of 1823)

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 Coozat and Mooftees of the Foujdaree Adalut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and under the provisions of Clause sixth Section II Regulation XV of 1803 direct that the prisoners,

1st. Shashee, and
2d. Bungarrauz,

be released on producing good and sufficient security for their future good behaviour and appearance when required.

(Sent following letter No 29)

Read letter, dated 5th. Ultimo from the 2d Judge of the Court of Circuit in

31st January 1824 in the Northern Division, submitting case No1 Masulipatam Calendar 4th Quarterly Sessions 1823.

(Reverted No 762 of 1823)

The Judges of the Court of Foujdaree Adaulut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner Shaikh Abdool Raheeman, is sufficient to convict him of fraudulently appropriating the money, consigned to his charge by the prosecutor, desire under the provisions of Clause second Section II Regulation I of 818 that their Law Officers will declare by a second futwa to what punishment the prisoner would have been liable under the Mohummedan Law, if he had been convicted by full legal evidence of the above crime.-

Ordered that extract of these proceedings be translated and delivered to the Cazee ool Coozat and Mooftees of the Foujdaree Adaulut.-

Read letter, dated 7th November last, from the 2d Judge of the Court of Circuit

31st January 1824 Circuit in the Centre Division, submitting case No1 Chittoor Calendar 4th Quarterly Sessions 1823.

(Reverted No 751 of 1823)

The Judges of the Court of Foujdaree Adaulut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner Shaikh Goodaun is sufficient to convict him of wilful murder, desire under the provisions of Clause second Section II Regulation I of 1818 that their Law Officers will declare by a second futwa to what punishment the prisoner would have been liable under the Mohummedan law if his confession of the above crime was entitled to credit.-

Ordered, that extract of these proceedings be translated and delivered to the Cazee ool Coozat and Mooftees of the Foujdaree Adaulut.-

Y.L.
E.C.

W.K. Read return dated 26th Instant from the Provincial Court of Circuit in the Centre Division to precept dated 22d Ultimo ordering communication to the Criminal Judges and Magistrates of the Courts' instructions that the date of leaving the Talook be reported by Heads of Police forwarding prisoners.-

(Here enter No 78)

At a Court of the Foujdaree Adalut

Present

Monday
2d. February 1824 } Fr. A. Grant Esquire
George Gowan Esquire } Judges

Read letter, dated 5th. November last from the 1st. Judge of the Court of Circuit in the Northern Division, - submitting Case No. 6 Masulipatam Calendar 3d. Quarterly Sessions 1823. - /Here enter No. 707/

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 confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and acquitting the prisoners,

1st. "Etacotta Sooby"
2d. "Mandevaddy Reddy"
3d. "Cotypully Bremmia"

direct that they be set at liberty. -

/Sent following letter No. 30

F. C.

At a Court of the Foujdaree Adalut.

Present,

Tuesday 3d February 1824. — F. A. Grant Esqre. } Judges.
George Gowan Esqre. }

Read again letter, dated 7th November last, from the 2d Judge of the
2 L G Court of Circuit in the Cuttack Division,
U C submitting case No 1 Chittore Calondar
4th Quarterly Sessions 1823.
(Here enter No 751 of 1823)

Read the second futwa delivered in this case by the Cazee ool Cozat and Mooftees of the Foujdaree Adalut.—

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 Adalut confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid and under the provisions of Section XV Regulation VIII of 1802 adjudge the prisoner,

Shaik Hoodawund,

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

(Vide following letter No 31)

Read again letter, dated 5th

Decem

December last from the 2d Judge of the Court of Circuit in the Northern Division, - submitting case No 1 Masulipatam Calendar 4th Quarterly Sessions 1823.-

/Here enter No 762 of 1823/

Read the second futwa delivered in this case by the Cazee ool Coozat and Mooftees of the Sudder Adawlut.-

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 Sudder Adawlut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and under the sentence of Cazee declared in the futwa adjudge the prisoner

"Shaik Abdool Raheeman"

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of seven years and then be released.-

/Sent following letter No 32/

Read

Read letter, dated 26th January last from the 2d Judge late on Circuit in the Western Division with returned warrant for execution of Prisoners in Case No 25 Canara Calendar 2d Sessions 1823.-

/Here enter No 82/

Read return dated 24th January last from the Judges of the Provincial Court of Circuit in the Northern Division to precept dated 29th December last ordering them to issue an amended warrant to the Criminal Judge in Case No 11 Chicacole Calendar 2d Sessions 1822.-

/Here enter No 89/

J.H.

At a Court of the Tuejdarree Udalut.

Thursday
5th February, 1824.

Present.

Francis A. Grant, Esqre.
George Gowan, Esqre. } Judges.

219
to
226

Read Letter dated 27th December last, from the Magistrate in the Zilla of Bellary, explaining the cause of his delay in furnishing certain explanations called for by the Tuejdarree Udalut and submitting copy of correspondence with the Criminal Judge respecting it.

(Here enter No. 3.)

Read also Letter dated 23rd January, from the Magistrate in the Zilla of Bellary, requesting the Court to furnish to him from their records certain information for which he had in vain applied to the Criminal Judge.

(Here enter No. 4.)

The

5th February 1824

The Criminal Judge in the Zilla of Bellary was desired by this Court on the 5th of November last to call upon the Magistrate of that Zilla to explain why certain prisoners sent in by the Assistant Magistrate were previously detained a long time in custody. In reply to the Criminal Judge's letter the Magistrate requested to be apprized of the names of the complainants and prisoners in the cases in question as his Assistant without that information could not make the cases forwarded by him to the Criminal Court correspond with the numbers he was charged with having detained, or consequently furnish the explanations called for by the Foujdaree Court.

2 To this very simple and reasonable request all the answers granted by the Criminal Judge was contained in these words; "the names of the parties in the cases alluded to will be found in Mr. Wroughton's

5th February 1824

Wroughton's reports under the dates alluded to in my letter." The Magistrate again addressed the Criminal Judge expressing his regret that the desired information should be withheld from him, renewing his application for the same, and pointing out the necessity of its being granted in order to enable him to satisfy the enquiries of the Foujdaree Court, to whom he intimated that a copy of their correspondence on the subject had been forwarded.

3 This letter to the Criminal Judge was dated the 27th of December and no reply to it having been received on the 23d January, the Magistrate on that day (as entered above) stated the circumstance to the Foujdaree Court, and requested that he might be furnished from their records with that information which he had been refused by the Criminal Judge.

2

4 It is painful to observe on the part of a public functionary a spirit so little calculated to facilitate public business or forward the public interests, as that which has been evinced upon this occasion by the Criminal Judge of Bellary. To decline rendering to a brother officer, and particularly to one with whom a constant intercourse must necessarily exist, and whom a full and free communication is recommended by the Regulations, a assistance such as was here requested, which it would have been so easy to grant, and which it is impossible to conceive any good reason for refusing, must under any circumstances be regarded as in a high degree ungracious and unaccommodating; but in this instance there is something more than the mere violation of official courtesy to be reprehended.:

5 The Criminal Judge knew, that the information he was requested by

by the Magistrate to afford was indispensable to an obedience of the orders of the Foujdaree Adalut, which he himself had been the channel of communicating to that officer, and his refusing to grant it therefore may without any harshness be characterized, as a deliberate obstruction to a compliance with the requisitions of their mutual superiors..

6 Trusting that the animadversions here recorded will be sufficient to prevent a repetition of the conduct, that has called them forth, the Judges of the Foujdaree Adalut will not proceed further upon this occasion, than to direct, that the Criminal Judge of Bellary do inform the Magistrate of that Zilla without delay of the names of the parties in the cases above referred to..

7. Ordered, that extract of these proceedings be sent to the Provincial Court in the Centre Division by

5th February 1824

precept, enjoining them to communicate the same to the Criminal Judge and Magistrate in the zilla of Bellary for the information and guidance of those officers respectively.-

Sent 24th [illegible]

(Sent following Precept No: 33.)

[illegible]

7 M.

At a Court of the Foujdaree Adalut-

Present,

Monday, 9th February, 1824- } Present, T. A. Grant Esqre. George Gowan Esqre. } Judges-

Read letter, dated 16th ultimo from the 1st Judge on Circuit in the Southern Division,- submitting case No 8 Madura Calendar 1st Sessions A.D. 1824.-

24 [illegible]

[illegible]

(Here enter No 56)

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 Mooftee of the Foujdaree Adalut confirm the said futwa of the Cazee ool Coozat and Mooftee aforesaid and under the provisions of Clause fifth Section II Regulation XV of 1803 adjudge the prisoner,

"Savomooyen,"

to be imprisoned and kept to hard labor in irons on the public roads or other public Works for and during the period of three years and then be released.

(Sent following letter No 35)

Sent 14

Read return dated 2d Ultimo from the 2d Judge late on Circuit in the Northern Division to the precept dated 11th October last calling for further evidence in Case No 7 Chicacole Calendar 1st Sessions 1823.

(Here enter No 51

Read again letter dated the 5th September last from the 2d Judge late on Circuit in the Northern Division, submitting Case No 7 Chicacole Calendar 1st Sessions AD 1823.

(Here enter No 596 of 1823)

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 Zoudaree Udalut being of opinion that the proof against the prisoner 1st "Veery Croostnam" is sufficient to convict him of the crime of Robbery by open violence for which a penalty is specially denounced in Section III Regulation I of 1822 do under the authority vested in them by Clause first Section II Regulation I of 1818 adjudge the said prisoner,

1st "Veery Croostnam"

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons

9th February 1824

on the public roads or other public works for and during the period of his natural life.-

And the Court being of opinion that the proof against the prisoners 3d Saumy Venkatramdoo 4th Moodoorty Madanapah & 5th Muttah Venkapah, is sufficient to convict them of having received stolen property knowing at the time of receiving the same that such property had been obtained in the perpetration of robbery by open violence for which a penalty is specially denounced in Clause second Section IV Regulation VI of 1822 do under the authority vested in them by Clause first Section II Regulation I of 1818 adjudge the said prisoners,

3d "Saumy Venkatramdoo"
4th "Moodoorty Madanapah" &
5th "Muttah Venkapah"

to receive 39 stripes with a rattan and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of fourteen years and then be released.-

And under the provisions of Clause sixth Section II Regulation XV of 1803 the Court direct that the prisoners,

9th February 1824

5:

2d "Soobbaraya poo Dasaregaudoo"
6th "Chitekanah Sauheb"
7th "Sookaudah Nookadoo" and
8th "Ralungy Lutchmoodoo"
to be released on producing good and sufficient security for their future good behaviour and appearance when required.—

2 Ltrs
Wt
Sent 11th

(Sent following letter No. 36)

Read return dated 4th instant from the Provincial Courts of Circuit in the Southern Division to precept dated 22d Ultimo ordering communication to the Criminal Judges and Magistrates of the Courts' instructions that the date of leaving the Talook be noted by Heads of Police forwarding reported prisoners.—

(Here enter No. 109)

J. M.

At a Court of the Foujdaree Adalut

Present

Tuesday
10th February, 1824.

Francis A. Grant, Esquire.
George Gowan, Esquire. } Judges.

Read letter, dated 24th December

2 Ltrs
Wt

last, from the 2d Judge of the Provincial Court of Circuit for the Central Division, reporting on the 4th Quarterly Sessions of Jail Delivery for 1823 at Chittoor.—

(Here enter No. 304 of 1823.)

1 In the 4th paragraph of the Report the 2d Judge animadverts upon a practice, adopted by the Acting Criminal Judge of taking up and interrupting at intervals the examinations of prosecutors, witnesses, and prisoners, frequently commencing the examinations on one day, and adjourning them for successive intervals of five, fifteen, and ten, or twenty days.

2 The Court of Foujdaree Adalut

concur

concur with the 2d Judge in his disapprobation of this practice, which they doubt not has been corrected by the Acting Judge.-

3. The Court of Foujdaree Adalut consider it to foreign to their province to offer any remark on the matters noticed in the 17th paragraph of the Report.-

Ordered, that extract of these proceedings be sent to the 2d Judge of the Provincial Court of Circuit for the Central Division for his information and guidance.-

Sent 13th (Sent following letter No. 37)

Ordered also, that the Report and extract of these proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Honorable the Governor in Council.-

No 12. (Sent following letter No. 38)

Read letter, dated 30th instant from the 3d Judge late on Circuit in the Northern Division, submitting Report prescribed by Section XXXVII Regulation VII of 1802.

Here

(Here enter No. 95.)

The foregoing report does not contain any matter which calls for particular observation from the Court of Foujdaree Adalut.-

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

No 13. Sent 13th (Sent following letter No. 39)

Read letter, dated 4th Instant, from the 1st Judge on Circuit in the Southern Division, submitting copy of Madura Calendar 1st Sessions A.D. 1824.

(Here enter No. 98.)

The abstract of the Futwas in case No. 1 of the Calendar merely declares that the evidence was considered insufficient. The standing orders of the Foujdaree Adalut require that the Futwas of the Mohummudan Law Officers shall declare explicitly the grounds for the Sentence, and that the

Calendar

10. 10th February 1824

Calendar should exhibit the same information.

2 In case N.7 under reference to the Court of Tonjdaree Adalut it appears, that the 1st Judge has directed the release "on security" of certain of the prisoners acquitted by the Mohammedan Law Officer.

3 This proceeding appears to the Court of Tonjdaree Adalut to be irregular, and at variance with the provisions of Clause second Section VII Regulation XV of 1803; and the Court direct that the 1st Judge do recall the warrant issued by him for the conditional release of the prisoners in question, directing the Criminal Judge to detain them in custody until the final sentence of the Tonjdaree Adalut be received on the case.-

4. Ordered, that extract of these proceedings be sent to the 1st Judge of Circuit in the Southern Division for his information and guidance.

(Sent following letter N.40.)

Read

2.) 7.A.

10th February 1824.

Read letter, dated 23rd Ultimo, from the 2d Judge late on Circuit in the Western Division, submitting copy of Malabar Calendar 2d Sessions A.D. 1823.-

(Recorded N.80.)

The Court of Tonjdaree Adalut desire to have before them copies of the Futwas delivered on cases N.39 and 40 of the above Calendar, wherein certain prisoners convicted of homicide were declared liable to discretionary punishment and sentenced by the 2d Judge to imprisonment.

2 Ordered, that extract of these proceedings be sent to the 2d Judge late on Circuit in the Western Division, by precept & requiring him to send up copies and English translations of the Futwas delivered in the above cases.-

Precept returnable in four days from and after its receipt.

(Sent following precept N.41.)

Read letter, dated 6th instant, from

from the Secretary to Government and the Judicial Department, stating that the Governor in Council sanctions the offer of pardon recommended on 23d ultimo..

(Hereunder N: 99:)

Ordered, that copy of the foregoing letter be sent with extract from the Court's proceedings of the 23d ultimo for the information and guidance of the Third Judge on Circuit in the Central Division..

Sent following letter N: 42.

Read letter, dated 5th Ultimo, from the Acting Judge late on Circuit in the Central Division - submitting copy of Chengulput Calendar - 2d Sessions A.D. 1823.

(Hereunder N: 25.)

1 In case N: 2 of the Calendar the Acting Judge directed, that the prisoner should be detained in custody or requisition of security for their future good behaviour "and appearance when required for a period of seven years."

2 This order being at variance with the orders of the Court of Foujdaree Adaulut, dated 30th August 1816, the Court direct that it be revised by the Acting Judge in conformity with the directions therein given.

3 Together with the following Calendar the Acting Judge late on Circuit has submitted an Extract of his proceedings dated 17th December last, ordering the postponement of the trial in case N: 6 of the Calendar in consequence of the absence of a material witness: and declaring the opinion of the Acting Judge that the case does not fall within the scope of the provisions of Clause second Section II Regulation VII of 1822.

4 The particular grounds of the Acting Judge's opinion are not before the Court; but they deem it proper here to observe, that they consider an entry by means of a false key to be in no respect different and as within the provisions of the Section aforesaid as would be an entry effected by any other false pretence or entry effected by any unlawful means for the purpose of theft

theft; with reference to this opinion the Acting
Judge will be guided in modifying or confirm-
ing the instructions issued by him to the Cri-
minal Judge.-

5 The Court of Tanjore Adalut
seeing reason to question the propriety of the
future delivered in case No. 1 desire that the
Acting Judge will explain in what respect
he considered property stolen from a locked
Pagoda, not to have been taken "from a place
"of custody."

6 In cases Nos. 9 and 19 certain
prisoners declared by the future to be convicted
of theft, were awarded discretionary punish-
ment on the ground, that suspicion existed
of their having been ill treated by the
Officers of police. This circumstance might
properly have been urged, as invalidating
the evidence against them afforded by their
declarations before the police officers: but sup-
posing the prisoners to be duly convicted it
could in no way affect their liability to the
specific

3.) J. U.

10th February 1824.

specific penalty. The Court of Tanjore Adalut
are of opinion, that a second future should
have been required in these cases and sentence passed
accordingly.

7 Ordered, that extract of these
proceedings be sent to the Acting Judge late
on Circuit in the Central Division, by precept
requiring him to proceed as therein directed
making return without delay.-

sent 13th (Sent following precept No. 43.)

Read letter, dated 24th Decem-
ber last, from the 3d Judge of the Provin-
cial Court of Circuit in the Central Division,
reporting on the 2d Quarterly Sessions of
Jail delivery for 1823 at Chittoor.

(Here enter No. 805 of 1823)

1 In paragraph 5 of the report
the 3d Judge recurs to a subject discussed in
his late circuit report, namely the expediency
of modifying Section II Regulation VII of 1822.

2 On this subject the sentiments
of the Court of Tanjore Adalut were sub-
mitted

mitted to the Government with reference to their proceedings of the 28th October last, which are accompanied the 3d Judge's report.

3. Ordered that the Report and extract of these proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Honorable the Governor in Council.

(Sent following letter No. 44.)

W. M. Reads letter dated 26th Ultimo from the 2d Judge of the Provincial Court of Circuit in the Centre Division, submitting copy of Chittoor Calendar 1st Quarterly Sessions A D 1824 (Number No. 79.)

1 Referring to the abstract of determinations in case No 1 of the Calendar the Court of Sanjidaw Abdulut observes that the 1st and 2d prisoners confessed the charge before the Acting Criminal Judge.

2 Under these circumstances the witnesses to the declarations of these prisoners before the police officer should not have been bound

bound over to appear at the trial.

3 In case No 3 there are four witnesses to the examinations of the prisoners before the Acting Criminal Judge, and it is stated that they therein denied the charge.

The Regulations do not require

4 the attestation of the declarations delivered by prisoners, unless they contain a confession.

Ordered, that extract of these

5 proceedings be sent to the 2d Judge of the Provincial Court of Circuit in the Centre Division, by precept requiring him to communicate the same to the Acting Criminal Judge for his information and future guidance.

(Sent following Precept No. 45.)

W. M.

At a Court of the Pointdare Adalut—

Present,

Thursday, 12th February 1824— } F. A. Grant Esqre. — } Judges—
George Gowan Esqre. }

Read letter dated 20th December last from the 2d Judge of the Provincial Court of Circuit in the Centre Division,— submitting cases Nos 8 and 9 Chittoor Calendar 4th Quarterly Sessions A.D. 1823—

P.A.G
W.G

(Here enters No 796 of 1823)

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 Coozat and Mooftees of the Pointdare Adalut confirm the said futwas of the Cazee ool Coozat and Mooftees aforesaid and under the provisions of clause fifth Section II Regulation XV of 1803 adjudge the prisoner,

Ramun,

to receive 30 stripes with a rattan and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period

of

of six years and a half, and then to be released.—

sent 16th

(Sent following letter No. 48)

1 In the foregoing letter the 2d Judge states, that the prisoner has been convicted and sentenced by the futwa of the Mohummedan Law officer to perpetual imprisonment, which under "Section XV Regulation VII of 1802 makes it "necessary to refer the case for the Sudder "Court's final decision."—

2 On reference to the futwa the Court find that the prisoner is therein declared liable to imprisonment until he shall shew signs of contrition, which in the English translation of the record is rendered "until it is conceived he may "never again commit such acts."—

3. The Law officers of the Court of the Foujaree Adalut declare in their futwa, that the prisoner is liable to discretionary punishment, And being barred because the value of the stolen property falls short of the Nisab.—

4 It is true, that the book called by the Cazee of the Provincial Court of Circuit does contain a declaration, that prisoners under the circumstances of

of the prisoner in these cases may be kept in perpetual confinement unless they ~~evince~~ since contrition. but this point is left discretionary with the Hakim, and the Court hold, that under the provisions of Clause first Section II Regulation XV of 1803 a futwa of discretionary punishment, generally, should be given by the Mohummedan Law officers in cases of conviction of an offence, punishable under the Mohummedan Law, and not falling within the specific provisions of Hud or Kissaas.— such a futwa has been given in the present case by the Cazee and Mooftee of the Foujaree Adalut, and had it been given by the Law Officer of the Provincial Court the reference of the trials would not have been necessary.—

Ordered, that extract of these proceedings be sent to the 2d Judge of the Court of Circuit in the Centre Division by precept requiring him to communicate these observations for the information

and

12th February 1824

and future guidance of the Cazee on
Mohummud Mohseem.-

2 L.G
Sent 18th W.C. Sent following precept No 49/

W.C.

At a Court of the Foujdaree Adalut

Present

Wednesday 18th February 1824 } J. N. Grant Esquire, George Gowan Esquire } Judges

Read again letter dated 18th October last
2 L.G from the Acting Judge Eastern Circuit in the Centre Division
W.C With Copy of Cuddapa Calendar for 2d Sessions of
1823.

/Here enter No 683 of 1823

1 The records of the proceedings of
held by the Acting Judge in cases Nos 9. 10. 14. 17.
39. and 49. which according to the remarks en-
tered in the foregoing Calendars are to be referred
to the Foujdaree Adalut not having been received

2 The Court direct that the Acting
Judge late on Circuit in the Centre Division be
by precept commanded to send up the Records
of the proceedings held by him in the cases of
aforesaid within twenty days from the date of
the receipt of the precept.-

/Sent following precept No 52. /

20th
W.C.
W.C.

At a Court of the Foujdaree Adalut

Present

Tuesday 24th February 1824 } F. A. Grant Esquire, George Gowan Esquire } Judges

Read letter, dated 6th Ultimo from the Acting Judge late on Circuit in the Centre Division transmitting case No. 26 of Cuddapa Calendar 2d Sessions 1823.

14 G
6 G

Here enter No. 26

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 Mooftee of the Foujdaree Adalut confirm the said futwa of the Cazee ool Coozat and Mooftee aforesaid and under the sentence of Kissaas declared against the prisoner,

1st "Nullawadoo"

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

And under the latitude given by the sentence of Dokoobut declared against the prisoner,

2d "Yellooyandoo"

adjudge him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of fourteen years and then to be released.

Sent following letter No. 55

Rd

24th February 1824

Read letter dated 20th Ultimo from the 3d Judge late on Circuit in the Northern Division, - submitting case No. 13 Chicacole Calendar 2d Sessions 1823.-

/Here enter No. 69/

The Court having maturely consid=dered 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 Zoujdaree Udalut confirm the said futwa of the Cazee=ool=Coozat and Mooftees aforesaid and under the provisions of Section III Regu=lation I of 1822 adjudge the prisoners

1st Shanapaty Canacayah,
&
2d Jennepatoola Chaynoolo,

to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives respectively.-

Sent 28th

/Sent following letter No. 56./

Read letter, dated 24th Ultimo, from the 2d Judge of the Court of Circuit in the Northern Division, - submitting case No. 5 Masulipatam Calendar 4th Quarterly Sessions 1823.-

/Here enter No. 84/

The Court having maturely consi=dered the proceedings held before the Judge on

24th February 1824

Circuit the futwa of the Provincial Law officer and the futwa of the Cazee=ool=Coozat and Mooftees of the Zoujdaree Udalut confirm the said futwa of the Cazee=ool=Coozat and Mooftees aforesaid and acquitting the prisoner "Meeroo" direct that he be set at liberty.-

Sent 28th

/Sent following letter No. 57./

Read letter, dated 15th Ultimo, from the Acting Judge late on Circuit in the Centre Division, - submitting case No. 5 Cuddapah Calendar 2d Sessions 1823.-

/Here enter No. 60/

The Judges of the Court of Zoujdaree Udalut on a deliberate consider=ation of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner, Pedda Sunddeegadoo, is sufficient to Convict him of having put to death the deceased Balee, desire under the provisions of Claude second Section II Regulation I of 1818 that their Law Officers will declare by a second futwa to what punishment the prisoner would have been liable under the Mohummudan Law, if he had been convicted by full legal evidence of the above crime.-

Ordered

Ordered, that extract of these proceedings be translated, and delivered to the Cazee ool Coojat and Mooftees of the Fouidaree Adaulut.

L.t.G.
W.H.

Read letter, dated 4th Instant from the 2d Judge late on Circuit in the Western Division, with copy of Seringapatam Calendar 2d Sessions 1823.-

/Here enter No. 108/

Read return dated 9th Instant from the Provincial Court of Circuit in the Centre Division to precept dated 5th Instant ordering communication to the Criminal Judge and the Magistrate of Bellary of the Court's observations on a correspondence between them referred by the latter officer.-

/Here enter No. 113/

Read return dated 16th Instant from the Provincial Court of Circuit in the Centre Division to precept dated 12th December last ordering communication to the Criminal Judges of the Court's opinion that they are competent to delegate to their Assistants the powers given by Regulation VI of 1822.- /Here enter No. 123/

Read letter dated 18th Instant from the 2d Judge of the Court of Circuit in the Centre Division, with returned Warrant for execution of a prisoner in Case No. 1 Chittore Calendar 4th Quarterly Sessions 1823.-

/Here enter No. 124/

Read return dated 19th Instant from the Acting Judge late on Circuit in the Centre

F.U.
24th February 1824.

Centre Division to precept dated 10th Instant ordering him to modify eventually an order issued to the Criminal Judge in the Zilla of Chingleput.

/Here enter No. 131/

Read return dated 12th Instant from the Acting Judge late on Circuit in the Centre Division, to precept dated 1st December last ordering him to communicate to the Magistrate of Bellary the Court's observations on certain irregularities of the police.-

/Here enter No. 130/

Read return dated 12th Instant from the Acting Judge late on Circuit in the Centre Division to precept dated 18th November last ordering him to communicate to the Criminal Judge and the Magistrate of Cuddapah certain observations on the proceedings of the Acting Judge at the late Sessions of Jail delivery

/Here enter No. 132/

Read return dated 20th Instant from the 2d Judge of the Court of Circuit in the Centre Division to precept dated 12th Instant ordering communication to the Cazee of the Court's observations on the futwa in Case Nos. 889 Chittore Calendar 4th Quarterly Sessions 1823.-

/Here enter No. 134/

Read return dated 18th Instant from the 2d Judge late on Circuit in the Western Division to precept dated 10th Instant calling for the copies and English translations of the futwas delivered in Cases Nos. 398/40 Malabar Calendar

24th February 1824

Calendar 2d Sessions 1823.-

24th Feb

(Were enter No 138)

7 11.

At a Court of the Boydaree Adalut.

Present.

Wednesday-
25th February
1824.- P. A. Grant Esqre } Judges.
George Gowan Esqre }

Read letter, dated 6th Instant,
from the acting Judge late on Circuit
in the Centre Division,- submitting
proceedings held by him in cases of
persons committed to Jail by the Magis-
trates in the Zillas of Cuddapa, Bellary,
and Chingleput under the provisions
of Section III. Regulation II of 1822.-
(Were enter No 109

The foregoing proceedings are
accompanied by copy of a return dated
29th December last from the Magistrate
in the Zilla of Bellary, wherein that
officer requests a reference to the
Court of Boydaree Adalut in respect to
the necessity existing for the Magistrates
personal investigation of the cases of
all persons supposed to come within
the description given in Clause first
Section III. Regulation II of 1822, previously
to their commitment to jail, and for
the taking depositions in such cases
upon Oath.-

The

26

2

The Court of Poojaree Wadut are decidedly of opinion, that a Magistrate cannot regularly commit any individual to Jail, under the provisions of the section above cited, without a personal examination of the case, and that when testimony may be given regarding the mode of life, the means, or the general character of the accused individuals, such testimony should always be delivered on oath. The Court do not consider, that the provisions of the law, which in particular cases authorize the admission of evidence without oath, and the omission of a record of the evidence taken, are applicable to cases coming within the provisions of Section III Regulation II of 1822.-

3

The acting Judge recommends in his letter, that two Calendars should be laid before the Court of Circuit by the Magistrates, one shewing the persons committed by those officers to Jail under the authority vested in them by the above Section, who may previously to the arrival of the Judge of Circuit at the Zilla Station have been released under the provisions of Clause third of the Section; and the other exhibiting the

the cases, in which prisoners so committed may remain still in confinement, the fourth column, containing "a very "clear but concise abstract of the "Prisoner's examination, and of the "whole of the evidence in the case."-

4

The Court of Poojaree Wadut, considering this suggestion to be judicious, direct that Calendars in the following form be submitted by the Magistrate to the Court of Circuit at each Session, accompanied by the papers required to be so submitted by the circular orders of the Poojaree Wadut, dated 30th December 1822-

Calendar of persons committed by the Magistrate in the Zilla of under the provisions of Clause first Section III Regulation II of 1822, and still in confinement.-

1	2	3	4	5.
No.	Name.	Date of apprehension	Abstract of examination grounds and date of commitment, and by whom committed	Remarks. This column should contain, the Magistrates opinion of the case and a statement of the amount of security required.-

The Calendar of persons apprehended under the same provisions, and released by order of the Magistrate, should be in the foregoing form, and the 5th column should exhibit the date and grounds of the prisoners release.-

5

6

The Court of Poojaree Wadut concur with the acting Judge in thinking that

25th February 1824

that when a prisoner may be committed to the Gilla Gail under the provisions here cited the warrant of the Magistrate should specify the amount of security required, that where a prisoner may furnish such security to the Criminal Judge he shall be released, provided the Magistrate consider the bail to be sufficient; that the Criminal Judge should convey to the Magistrate any representation from such prisoners regarding evidence which they may desire to have taken on their behalf, after their commitment; and that when the prisoner may allege that he is an inhabitant of a distant Gilla, the Magistrate should be requested to ascertain the truth or falsehood of such allegation; and the prisoner be sent to the Magistrate of the Gilla, to which he may belong for the purpose of obtaining the required security, in default of his furnishing which he should be committed to the Gail of such Gilla, and the papers relating to his case be lodged there.-

7. Ordered, that extract of these proceedings be sent to the four Provincial Courts of Circuit by precept enjoining them to communicate the same to the several Criminal Judges and Magistrates for their respective information

2/ F. C.

25th February 1824. (Sent following precepts No. 58 to 29th

Dr. Dr.

Dr. Dr.

At a Court of the Foujdaree Udalut.

Present,

Thursday
27th February
1824.

F. A. Grant Esqre.
George Gowan Esqre. } Judges.

Read again letter, dated 15th
Ultimo from the acting Judge late on
Circuit in the Centre Division, - submitting
case No. 5 Cuddapa Calendar 2d Sessions
1823.-

(Here enter No. 60.)

Read the second futwa
delivered in this case by the Cazee ool
Coozat and Mooftees of the Foujdaree Udalut.

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 Udalut confirm the
said futwa of the Cazee ool Coozat
and Mooftees aforesaid and under
the sentence of Kissas declared
in the futwa adjudge the prisoner,

Pedda Muddeegadoo,

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

execution.—

Sent 28

(Sent following letter No 61

1 In the letter accompanying the foregoing trial the acting Judge, after stating his opinion that a violent presumption exists of the guilt of the prisoner, announces that "it is not "however recommended that he should "suffer death," and proposes "that he "should be imprisoned for life."

2 The provisions of the Regulations require, that whenever a Judge of Circuit shall be of opinion that the punishment to which a prisoner is liable should be remitted, or mitigated, he should in referring the trial state at large the grounds of such opinion: no reason, however, is assigned by the acting Judge for the foregoing recommendation, and the Court of Suddaree Adawlut, being unable to discover any mitigating circumstances in the case, have adjudged the prisoner to suffer death.—

3 Ordered, that extract of these proceedings be sent to the acting Judge late on Circuit in the Centre Division for his information and future

future guidance.—

Sent following letter No 62

Sent 28th

Read again petition of Valayada Goorookul of Coombiecovil in the Pittoocottoa Talook in the Zilla of Trichinopoly—

(Vide enter S. A. Pet. No 3 of 1825.)

Read also return, dated 5th ultimo from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 18th December last, calling for the proceedings held on the complaint referred to in the foregoing petition.—

(Vide enter No 21.)

It appears by the explanation of the late Magistrate of Trichinopoly and from the proceedings submitted by him, that the petitioner presented a petition dated 5th of June 1822 to the Assistant Magistrate, charging Streenavasa Row Tasildar of Vattoocutty with having broke open his house and stole therefrom ready money and property amounting to 538 rupees. On the 6th of June two witnesses, the only one named by him, were examined in support of the allegation who do not

far from substantiating the same totally disproved it.-

2 On the 23rd of July 1822 the petitioner apparently abandoning his charge against the Sahibdar preferred a complaint to the Assistant Magistrate upon the same subject against Chinnoo Goorcul one of the evidences in the former case, which was also enquired into and dismissed. The proceedings in both these cases were regular and correct and the decisions upon them such as the evidence demanded.-

3 It appears moreover from the late Magistrate's explanation that the assertion of the petitioner that he gave no less than four petitions to the late Magistrate which remained unnoticed, is totally unfounded.-

Ordered therefore that the prayer of the Petition be rejected and that extract from these proceedings be furnished to the Petitioner upon his application.-

K.D.G. 1)

W.H. Read return, dated 23rd Instant from the acting Judge late on Circuit in the Centre Division, to precept dated 18th Instant calling for certain

Extract

S.H.

26th February 1824 referrible cases in Cuddapa Calendar 2d Sessions 1823.-

(Here enter No. 141)

25

26th Feby

At a Court of the Poojdaree Udalut.

Present,

Monday 1st March 1824. — P. A. Grant Esqre. } Judges.
George Gowan Esqre. }

Read letter, dated 29th November last, from the 3d Judge of the Court of Circuit in the Centre Division, - submitting case No 7 Chittoor Calendar 3d Quarterly Sessions 1823.

(Here enter No 752.)

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 Poojdaree Udalut confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid so far as it regards the 3d 4th 5th and 6th prisoners and under the provisions of Clause first Section IV Regulation XV of 1803 adjudge the said prisoners,

3d Tollacandum alias Mootten,
4th Mooneyen,
5th Cundun,
6th Narayanen,

to suffer death by being hanged at the

Pdut

dated 10th

Ramenpett in the talook of Wallajapatta-

And the Court being of opinion that the proof against the 2d prisoner, Ramen is sufficient to convict him of being a party to a robbery by open violence attended with murder for which a penalty is specially denounced in clause first Section IV Regulation XV of 1803 do under the authority vested in them by Clause first Section II Regulation I of 1818 and in exercise of the discretion given by Clause fifth Section IV Regulation XV of 1803 adjudge the said prisoner,

2d "Ramen,"

to be imprisoned and transported to such place or places beyond Sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in Irons on the public roads or other public works for and during the period of his natural life.-

Sent 5th

(Sent following letter No 66)

1 In the foregoing letter Paroomaloo the 1st prisoner is adverted to in the 12th and 24th Paragraphs as having been killed in an attempt to escape from custody, but on the record

Ent 1st

record of the trial his name still appears as one of those persons whose case is referred to the Tanjore Court- It is necessary to apprize the 3d Judge, that whenever the death of a prisoner may occur in the interval between the trial and the dispatch of the record to the Court, it is proper that the word "Dead" should be written against his name in red ink in the title page of the record, and that a corresponding red ink entry should be made in the Persian Translation for the information of the Mohammudan Law Officers of the Tanjore Court-

Circular from Fort St. G.

2 In the 6th paragraph of his letter the 3d Judge adverts to the very extraordinary irregularities in the proceedings of the Police in regard to the discovery and subsequent investigation of this important case. It appears by the returns of the Magistrate and his Assistant, which are submitted in the appendix, that the Tahsildar of Tiruvattoor, whose duty it was to have entered into a minute examination of every matter

Connected

1st March 1824

connected with the robbery and murder, neglected to make any personal exertion whatever; and when he was informed by the Tahsildar of Chaitputt that some of the prisoners were in custody, instead of proceeding himself to take charge of them he sent a Magistrate's Gomastah, Vencatarao, who took the deposition of "Ramun" one of the prisoners. It appears moreover, that this person so "sent by a verbal order of the Tahsildar," was not legally competent to take depositions, not having been selected by the Magistrate for that purpose under the provisions of Section III Regulation IV of 1821. His conduct was the more inexcusable because there were two Subordinate officers nominated by the Magistrate, to perform when necessary in different parts of the talook, the police duties assigned to Tahsildars.

3. The Judges of the Foujdaree Adawlut have had occasion to remark that owing to the imperfect manner in which the provisions of the Regulation above quoted are generally carried into effect, the object intended by their enactment

L. M.

1st March 1824

is seldom attained.—

4 The preamble of the aforesaid Regulation declares it expedient that preliminary powers of investigation should be delegated to competent subordinate officers in different parts of each talook; it frequently appears however that instead of being so dispersed, all the persons selected by the Magistrates under Section III Regulation IV of 1821 to perform police duties, are congregated at the station where the head Police officer resides, and thus the appointment of them answers no other purpose than to relieve the Head of police from the performance of any duty, he may think proper to delegate to his inferiors, and does not at all tend to the prevention of offences, or the speedy investigation of them which the prescribed distribution of Police authority throughout the taloohs is intended to produce.—

5 The 3d Judge proceeds to notice the erroneous entries of the dates of the apprehension of the prisoners in the report of the Police officer. The attention of the Magistrate having been

been called to this point he accounted for the error by attributing it to a misconception of the orders on this subject, the Police officers having recorded the dates when the parties were brought before them for enquiry, instead of the dates when they were taken into Custody.-

6. The Court are deeply concerned to find after their repeated instructions upon this subject, that a misconception so gross should be formed on the part of any officer considered capable of discharging the duties of a Head of Police: and that a practice which they have so constantly interdicted should still exist in any degree whatever. False certificates of the date of apprehension are calculated in many respects to perplex and mislead the Judge, and to affect the issue of the trial; most particularly in reference to the time when the confession or other disposition of the prisoner may be given. The Court cannot believe that false reports under this head can ever be made but with design and

and evil intention; for an observance of one part of the regulations is calculated to prevent a misconception of another part, and if the rule prescribed in Section XXXVII Regulation IX of 1816, which directs subsistence money to be paid to prisoners, were adhered to, it is impossible that the date when such payment commenced should be mistaken.- The Court resolve to direct the Magistrates once more to issue to their Subordinate Police officers strict injunctions upon this head, and to visit with immediate punishment cases of departure from the rules laid down respecting it.-

7. The Judges of the Sudder Court approve of the distribution of the rewards for meritorious services and the reimbursement of the prosecutor of the charges incurred in the prosecution, proposed by the 2d Judge, and entirely concurring in opinion with that officer as to the importance of apprehending Chellun and Solan, two of the principals, who have escaped,

and

1st March 1824 and of detecting the receivers of the still undiscovered stolen property, will be prepared, if the Magistrate should recommend a higher reward for the discovery of the offenders than he is himself authorized to grant, to sanction the same under Section XVI Regulation IX of 1816.-

Ordered, that extract of these proceedings be sent to the 3d Judge of the Court of Circuit in the Centre Division by precept enjoining him to communicate to the Magistrate in the Zilla of Chittoor such part thereof as concerns that officer for his information and guidance.-

Sent 4th (Sent following precept No 67.)

Ordered, also, that paragraphs from 2 to 6 inclusive of these proceedings be sent to the four Provincial Courts of Circuit by precept requiring them to communicate the same to the several Magistrates for their respective information and guidance.-

Sent 4th (Sent following precept No 68.)

At a Court of the Foujdaree Adalut

Present

Thursday 4th March 1824 } F. A. Grant Esqre } Judges
George Gowan Esqre }

Read letter dated 14th Ultimo from the Acting Judge late on Circuit in the Centre Division, Submitting Case No 14 Ballance Calendar 2d Sessions 1823.-

/Here enter No 142/

The Judges of the Foujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner Saindee of Bamboogadoo is sufficient to convict him of manslaughter desire under the provisions of Clause Second Section II Regulation I of 1818 that their Law officers will declare by a decree futwa to what specific punishment the prisoner would have been liable under the Mahummudan Law if he had been convicted by full legal evidence of the above crime.-

Ordered, that extract of these proceedings be translated and delivered to the Cazee ool Cozat and Mooftees of the Foujdaree Adalut.-

4th Read letter dated 15th January last

4th March 1824.

last from the acting Judge late on Circuit in the Centre Division,- submitting case No 44 Accessa Calendar 2d Sessions 1823.-

/Here enter No 61/

The Judges of the Foujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner "Meer Enayet" is sufficient to convict him of having put to death the deceased Meer Ibraheem, desire that their Law officers will declare by a decree futwa to what specific punishment the prisoner would have been liable under the Mahummudan Law if he had been convicted by full legal evidence of the above crime.-

Ordered that extract of these proceedings be translated and delivered to the Cazee-ool-Coozat and Mooftees of the Foujdaree Adalut.-

Read letter, dated 24th Ultimo, from the 1st Judge on Circuit in the Southern Division,- Reporting his arrival at Combaconum.

/Here enter No 145/

Read return dated 27th Ultimo from the 2d Judge of the Court of Circuit in the Centre Division to precept dated 10th Ultimo ordering communication to the acting Criminal Judge in the Zilla of Chittore of certain alterations on the Chittore Calendar 1st Quarterly Sessions 1824.-

/Here enter No 152/

F. A.

At a Court of the Foujdaree Adalut

Present,

Friday 5th March 1824.- — C. A. Grant Esqre. / George Gowan Esqre. } Judges.

Read again letter dated 24th Ultimo, from the acting Judge late on Circuit in the Centre Division,- submitting case No 14 Ballary Calendar 2d Sessions 1823.-

(Here enter No 62)

Read the second futwa delivered in this case by the Cazee-ool-Coozat and Mooftees of the Foujdaree Adalut.-

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-Coozat and Mooftees of the Foujdaree Adalut confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid and in commutation of the penalty of Deyut adjudge the prisoner, Saindee Bamboogadoo,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of fourteen years and then be released.-

(Sent following letter No 70.)

The

1

The Court of Fouzdaree Adalut in consideration of the circumstances under which the homicide, whereof the prisoner has been convicted in this case, was committed have resolved to mitigate his sentence to fourteen years imprisonment and hard labor, but referring to the ground on which a mitigation of punishment is proposed in the concluding paragraph of the Acting Judge's letter the Court have to observe, that the lapse of years between the perpetration and the conviction of a crime, or the species of evidence whereon the conviction may rest, supposing it to be sufficient for proof of guilt, can not constitute legitimate ground for a recommendation to mercy.—

2 The warrant, of which a transcript is given at page 34 of the proceedings held on the trial, and described by the witness Hoonnoor Naik, as having been issued by Mr. Gosling the Assistant Magistrate, although no signature is affixed to it is not in the form prescribed by Clause second Section XII Regulation IX of 1816. The Court direct, that the attention of the Assistant Magistrate be called to the

1 and 12

the illegality of a general warrant containing no specification of the party required to be taken into custody.

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

(Sent following precept No 71)

Read again letter, dated 13th January last, from the Acting Judge of Circuit in the Centre Division, submitting case No 46 Cuddapa Calendar 2d Sessions 1823.—

(Here enter No 61)

Read the second futwa delivered in this case by the Cazee ool Coozat and Mooftees of the Fouzdaree Adalut.—

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 Coozat and Mooftees of the Fouzdaree Adalut confirm the said futwa of the Cazee ool Coozat and Mooftees

5th March 1824.

Mooftee aforesaid and under the sentence
of Hisp[illegible] declared in the future adjudge
the prisoner,

"Meer Inoyet,"

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

Sent following letter No 72)

In the letter accompanying
the trial the acting Judge recommends that
"in all cases in which from the nature
"of the case a measured ground plan of
"the premises would be calculated to give
"the Court of Circuit or Zoujdaree Adalut
"a more clear idea of the manner, in
"which the crime was committed, the
"Criminal Judges do take measures, in
"concert when necessary with the Magistrate,
"to obtain such plan to be laid with
"the case before the Court of Circuit."

2 The Court of Zoujdaree Adalut,
considering the foregoing suggestion
to be judicious and worthy of adoption,
direct that it be acted upon by the
several Criminal Judges in future.

3 The Court, considering the
proof against the prisoner sufficient
to convict him of wilful murder
have adjudged him to suffer death.

and

2/ F. M.
5th March 1824

and referring to the recommendation
offered in the concluding paragraph
of the acting Judge's letter accompanying
the trial, the Court deem it proper to
observe, that a defect of evidence bars
conviction, but can no way warrant
the adjudication of a mitigated penalty.

4. Ordered, that extract of
these proceedings be sent to the acting
Judge late on Circuit in the Centre
Division for his information and
guidance.

Sent following letter No 73)

Ordered also, that extract
of these proceedings be sent to the four
Provincial Courts of Circuit by precept
directing them to communicate the
same to the several Criminal Judges
for their respective information and
future guidance.

Sent following precepts No 74)

L. T. C.
W. H. M.

At a Court of the Fujdaree Adalut

Present

Tuesday
9th March 1824 } F. A. Grant Esquire
George Gowan Esquire } Judges

The Report prescribed by Section
XXIV Regulation X of 1816 not having been
Lt. G. received for the Zillas of Canara, Malabar,
Wl and Seringapatam for the last quarter.-

Ordered that the Provincial
Court in the Western Division be by precept
directed to forward the said reports without
further delay.-

Lett 12th / Sent following precept No. 75 /

The Report prescribed by Section
XXIV Regulation X of 1816 not having been
received for the Zillas of Bellary, Chittoor,
Chingleput, and Cuddapa for the last quarter.-

Ordered that the Provincial Court
in the Centre Division be by precept directed
to forward the said reports without further
delay.-

Lett 12th / Sent following precept No. 76 /

Read letter dated 27th Ultimo
from the 1st Judge on Circuit in the Northern
Division submitting copy of Mallone Calendar
1st Sessions A.D. 1824.-

/ Here enter No. 153 /

Referring

March 1824.

1

Reverting to certain cases on the Calendar wherein it is stated merely, that the futwa declared the prisoners not convicted, the Court of Foujdaree Udalut deem it proper to desire that the 1st Judge will in future enter on such occasions in the Abstract of the futwa the grounds therein stated for the acquittal of the prisoners.

2 In Case No. 9 wherein the prisoners were charged with housebreaking and theft to the value of Rupees 1,414 it is stated, that by the futwa Hud was declared to be barred in consequence of the prisoner's denial of the charge, though on distinct grounds of conviction they were awarded discretionary punishment.

3 The Court of Foujdaree Udalut direct that the 1st Judge do revise the sentence passed in this case taking a second futwa from the Mahummudan Law officer under the provisions of Clause fourth Section II Regulation XV of 1803.

Ordered, that extract of these proceedings be sent to 1st Judge on Circuit in the Northern Division by precept enjoining him to proceed as above directed, making return in ten days from the date of the receipt of the precept.

W. A. sent following precept No. 77.

F. H.

At a Court of the Foujdaree Udalut

Present,

Friday, 12th March, 1824. } F. A. Grant Esqre. } Judges
George Gowan Esqre. }

Read letter, dated 17th ultimo, from the 1st Judge on Circuit in the Southern Division, submitting case No 13 Madura Calendar 1st Sessions 1824.

(Here enter No 127)

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 cool Cozat and Mooftees of the Foujdaree Adalut being of opinion that the proof against the prisoners,

1st "Payaundy," and

2d "Curpatavan,"

is sufficient to convict them of the crime of robbery by open violence for which a penalty is specially denounced in Section III Regulation I of 1822 do in exercise of the discretion vested in them by the Section aforesaid adjudge the said prisoners,

1st "Payaundy," and

2d Curpatavan,

to receive 39 stripes with a rattan and to be imprisoned and kept to hard labor in irons on the public roads or other public

public works for and during the period
of ten years and then be released.—

Sent 17th

(Sent following letter No 85.)

1 The declarations of the prisoner
in this case, ~~delivered~~ delivered before the Assistant
Criminal Judge, though they do not contain
a direct confession of guilt, exhibit
admissions strongly corroborative of the
prosecutors statement.—

2 When such may be the tenor
of a prisoners declaration, it should
always be attested in the mode prescribed
in cases of confession, in order to its
being produced in evidence on the trial.

3 Ordered, that extract of these
proceedings be sent to the 1st Judge on
Circuit in the Southern Division by
precept enjoining him to communicate
the same to the Criminal Judge in the
Zilla of Madura for the information
and future guidance of the Assistant
Criminal Judge.—

Sent 17th

(Sent following precept No 86)

(Read letter, dated 4th ultimo,
from the 1st Judge on Circuit in the Northern
Division, submitting case No 8 Nellore
Calendar 1st Sessions 1824.—
(Here enter No 156)

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 Mooftee of
the Toujdaree Adalut confirm the said
futwa of the Cazee ool Coozat and
Mooftee aforesaid and acquitting
the prisoner,

"Coomooro Nagadoo,"

direct that he be set at liberty.—

Sent 17th

(Sent following letter No

The prisoner in this case having
pleaded not guilty, the 1st Judge immediately
questioned him as to the fact of his having
given a declaration before the Police
officer.—

2 The irregularity and impropriety
of putting a question of this description
to a prisoner, at this stage of the trial,
are so obvious, that the Court of Toujdaree
Adalut consider it sufficient to bring
the circumstance to the notice of the
1st Judge, who will be careful to
prevent its recurrence.—

3. According to the English
translation of the record the futwa of
the Mohummudan Law Officer concludes
in the following words.— "as the confession
"given

12th March 1824

"given in by the prisoner before the Daroga
"is not regular, it occasions the testimony
"to be inadequate, and as the crime is
"consequently not established against
"the prisoner, he is liable to be acquitted."

4 And the Court of Foujdaree Adalut observe, that the Pt. Judge in his letter accompanying the trial has referred the case in consequence of a supposed objection on the part of the Law Officers to the validity of the confession, in consequence of one of the witnesses "having stated, that he did not "see the prisoner put his mark thereto."

5 The Court of Foujdaree Adalut find in the futwa no trace of any such objection; it declares the fact of the prisoner's having delivered a confession before the Police Officer to be proved, and proceeds as follows, "but the confession "of the prisoner before the Daroga, "without any collateral evidence against "him, is unworthy of credit, and therefore "no crime being established against the "prisoner in this case, he should be set "at liberty."

6 It behoves the Pt. Judge to be particularly careful in future to possess himself of the meaning of the futwas delivered on trials before him.

Ordered,

2/ F.B.
12th March, 1824

Sent 17th

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

(Sent following letter No. 88)

Read letter, dated 20th Ultimo, from the 2d Judge late on Circuit in the Western Division, - submitting case No. 3 Canara Calendar 2d Sessions A.D. 1823 -

(Here enter No. 149)

"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 cool Cozat and Mooftee of the Cazee cool Cozat and Mooftees of the Foujdaree Adalut confirm the said futwa of the Cazeecool Cozat and Mooftee aforesaid and under the sentence of Coshoobut declared in the futwa adjudge the prisoner,

Pt. Durjee Tima,

to receive 39 stripes with a rattan and to be removed to the Jail in the Zilla of Chittoor there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of fourteen years and then be released -

And the Court adjudge the prisoner,

2d "Kallah,"

to receive 30 stripes with a rattan and to

12th March 1824

to be removed to the jail in the Zillah of Chittoor there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of nine years and then be released.-

/Sent following Letter No 89/

W. H.

Monday
15th March 1824

At a Court of the Faujdaree Adalut
Present

F. A. Grant Esquire
George Gowan Esquire
} Judges

Read letter dated 12th Ultimo from the acting Judge late on Circuit in the Centre Division; Submitting Case No 12 Bellary Calendar Dy Sessions 1823.-

/Here enter No 119/

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 Kazee-ool-Coozat and Mooftees of the Faujdaree Adalut confirm the said futwa of the Kazee-ool-Coozat and Mooftees aforesaid and in commutation of the penalty of Deyut adjudge the prisoner, "Venkatayanoo";

to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.-

/Sent following letter No 90

It appears by a report from the Reddy and Curnum of the villages of Garuldinne and Madavarum addressed to Cheruk Saheb, Tahseeldar of Punchepallium, entered in the record of

15th March 1824

of the foregoing trial, that the deceased on being questioned by them declared that the wounds on her person had been inflicted by the prisoner with a sickle.-

2 The Court of Zuydaree Adalut &c direct, that it be intimated to the Reddy and Cunnum aforesaid through the Tahseeldar, &c Vincent Soobriah, that whenever a declaration respecting the circumstances of the case may be delivered by a party wounded, or otherwise injured in such a manner as to induce the &c apprehension of speedy dissolution, such declaration should be reduced to writing and duly attested, in order to its being put in, and proved on the trial.-

3 Ordered, that extract of these proceedings be sent to Acting Judge late on Circuit in the Centre Division by precept directing him to communicate the same to the Magistrate in the Zilla of Bellaree to be by him communicated to the parties above mentioned for their future information and guidance.-

Sent 18th

/Sent following precept No. 91./

Read letter dated 5th Ultimo from the Acting Judge late on Circuit in the Centre Division, Submitting Case No. 10 Bellary Calendar D. Sessions 1823.-

/Here enter No. 111/

The Court having maturely considered the

15th March 1824

the proceedings held before the Judge on Circuit the futwa of the Provincial Law officers and the futwa of the Cazee-ool-Coozat and Mooftees of the Zuydaree Adalut confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid and under the provisions of clause first section IV Regulation XV of 1803 adjudge the prisoners.

1st "Beegumanaick"
2d "Ranjee",
3d "Somah", and
4th "Dausah",

to suffer death by being hanged and their bodies suspended in chains at a spot to be selected by the Criminal Judge in the immediate vicinity of the scene of the Murder, but not within view of the village nearest thereto.-

And under the provisions of clause fifth section IV Regulation XV of 1803 the Court adjudge the prisoners,

5th "Shamah", and
6th "Magha",

to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint 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 No. 92./

Sent 18th

Read letter dated 2d Ultimo from the 1st Judge on Circuit in the Southern Division, Submitting Case No. 2 Madura &c Calendar

12th March 1824

15th March 1824 Calendar 1st Sessions 1824.-

/Here enter No 96/

The Court having maturely con-
=sidered 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 Zoujdaree Udalut confirm the
said futwa of the Cazee = ool = Coozat and Mooftees
aforesaid and under the sentence of Hujaas &
declared in the futwa adjudge the prisoner,
"Shodalamootoo"
to suffer death by being hanged at the usu-
=al time & place of execution.-

/Sent following letter No 93/

Read letter, dated 2d Ultimo
from the 1st Judge on Circuit in the Southern
Division,- Submitting Case No 7 Maoura
Calendar 1st Sessions 1824.-

/Here enter No 97/

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 Zoujdaree
Udalut confirm the said futwa of the
Cazee = ool = Coozat and Mooftees aforesaid
and under the provisions of section III cl 1
Regulation I of 1822 adjudge the
prisoner

Ld 18th

Ld.

15th March 1824. prisoner,
1st "Shodamany",
to receive 39 stripes with a rattan and to be
imprisoned and transported to such place or places
beyond sea as the Governor in Council shall
appoint there to be imprisoned and kept to
hard labour in irons on the public roads
or other public works for and during the
period of his natural life.-

And under the provisions of
clause sixth Section II Regulation XV of 1803
the Court direct that the prisoners
2d "Paraasamy", and
5th "Mootoo Cutpen",
be released on procuring good and sufficient
security for their future good behaviour and
appearance when required.-

And the Court acquitting the
prisoners,
3d "Mootoo," and
4th "Arasamootoo Naik,"
direct that they be set at liberty.-

/Sent following letter No 94/

Read letter dated 4th Ultimo
from the 3d Judge late on Circuit in the
Northern Division,- Submitting Case No 5
Chicacole Calendar 5th Sessions 1823.-

/Here enter No 115/

The Court having maturely
considered the proceedings held before the
Judge

15th March 1824

Judge on Circuit the futwa of the Provincial Law officer and the futwa of the Cazee-ool-Coozat and Mooftees of the Sunjdaree Udalut confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid and under the sen-tence of Ookoolut declared in the futwa acquit the prisoner,

"Nursingah."

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of six months and then be released.-

Sent following letter No. 95.

W. H.

W. H.

W. H.

Sent 18th

W. H.

In the Court of the Sunjdaree Udalut.

Present,

Wednesday, 17th March, 1824.- } C. A. Grant Esqre. } Judges.
George Gowan Esqre.

No return having been received from the 3d Judge late on Circuit in the Western Division to the Court's precept dated the 22d December last the Court direct that he be by precept command-ed to explain the cause why he has not obeyed the exigence of that precept.-

Return to the precept to be made within five days from and after its receipt.-

Sent following precept No. 96.

W. H.

W. H.

W. H.

47

15th Ca

Last 18

F 11.

At a Court of the Foujdaree Adaulut

Present

Thursday 18th March 1824 } F. A. Grant Esquire } Judges
George Gowan Esquire }

Read return dated 18th ultimo from the 2d Judge of the Court of Circuit in the Northern Division to precept dated 28th ultimo directing him to correct the translation of the record of proceedings in Case No 1 Masulipatam Supplemental Calendar 4th Quarterly Sessions 1823.

/Here enter No 143/

Read again letter dated 5th December last from the 2d Judge of the Court of Circuit in the Northern Division submitting Case No 1 Masulipatam Supplemental Calendar 4th Quarterly Sessions 1823.

/Here enter No 763/

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 and Cazee and Mooftees of the Foujdaree Adaulut confirm the said futwa of the Cazee and Cazee and Mooftees aforesaid and under the sentence of Acquabut declared in the futwa adjudge the prisoner,

Lahu Francis,

to receive 39 stripes with a rattan and to be imprisoned,

imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 14 years and then be released.-

Sent 20

/Sent following letter No. 97./

Read letter, dated 23d. Ultimo from the 2d Judge late on Circuit in the Western Division submitting Case No. 23 Canara Calendar 2d. Sessions 1823.-

/Here enter No. 160/

Sent 1.

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 Fouj: =daree Adalut confirm the said futwa of the Cazee: =ool: Coozat and Mooftees aforesaid and acquitting the prisoner

"Loor Shetty"

direct that he be set at liberty.-

Sent 20

/Sent following letter No. 99./

Read letter dated 28d Ultimo from the 1st Judge on Circuit in the Northern Division submitting case No. 2 Nellore Calendar 1st Sessions 1824.-

/Here enter No. 155/

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 confirm the said futwa of the Cazee ool Coozat

Sent 25

Coozat and Mooftees aforesaid and under the provisions of Clause sixth Section II Regulation XV of 1803 acquitting the prisoners,

1st Dasary Goorooadoo,
2d Goroopanty Pologoudoo,
3d T Vencatapatty, and
4th Chulla Yerroogaudoo,

to be released on producing good and sufficient security for their future good behaviour and appearance when required.-

Sent following letter No. 100

Read return dated 5th Instant from the Provincial Court of Circuit in the Western Division to precept dated 25th Ultimo, ordering communication to the Magistrates of the Courts instructions relative to the commitment of persons to jail under the provisions of Section III Regulation II of 1822.-

/Here enter No. 174/

Read letter dated 10th Instant from the 2d Judge of the Court of Circuit in the Northern Division, with copy of Masulipatam Calendar 1st Quarterly Sessions 1824.-

/Here enter No. 176/

Read return dated 11th Instant from the Judges of the Provincial Court of Circuit in the Western Division, to precept dated

dated 1st Instant ordering communication to the Magistrates of the Courts instructions regarding their inattention to the provisions of Section III Regulations IV of 1824.-

/Here enter No 179/

Read letter dated 19th Instant from the 1st Judge on Circuit in the Western Division. Reporting the completion of the Jail Delivery at Mangalore.-

/Here enter No 178/

Read letter dated 16th Instant from the Acting Judge on Circuit in the Centre Division, With returned warrant for the execution of a prisoner in Case No 5 Cuddapa Calendar Second Sessions 1823.-

/Here enter No 180/

Read letter dated 16th Instant from the Acting Judge on Circuit in the Centre Division, With returned warrant for execution of a prisoner in Case No 26 Cuddapa Calendar Second Sessions 1823.-

/Here enter No 181/

F. C.

At a Court of the Foujdaree Adalut

Present

Monday 22d March 1824 — F. A. Grant Esquire, George Dowson Esquire } Judges

Read letter dated 17th Ultimo from the 2d Judge of the Court of Circuit in the Centre Division. Submitting Case No 10 Chittoor Calendar 1st Quarterly Sessions 1824.-

/Here enter No 182/

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 confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid and under the sentence of the Cokoobut declared in the futwa acquit the prisoners,

2d "Chengadoo,"
3d "Mulloogadoo," and
4th "Moottyaloo"-

to receive 39 stripes with a rattan and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 10 years and then be released.-

/Sent following letter No 103./

The prisoners in this case were charged with having robbed Veerasawmy and Cherrabadoo, the servants of the prosecutor of property belonging to him, which they had in charge; But Cherrabadoo, who must have been able to give most important testimony does not appear to have been summoned by the Acting

22d March 1824

Acting Tahseeldar to give his evidence, an omission which was not afterwards supplied.-

2 The Court of Foujdaree Udalut direct that the foregoing circumstance be brought to the notice of the Magistrate, whose duty it will be to caution Streenavasa Row the Acting Tahseeldar of the talook of Chittoor, against neglect of the duty prescribed in clause second Section XXVII Regulation XI of 1816 of obtaining the evidence of all persons appearing to be acquainted with the facts of the cases.-

3 The Court shall here to remark that the Police officer's omission should have been supplied by the Acting Criminal Judge, and on his failure by the Judge presiding at the trial.-

4 The declaration of the 1st prisoner before the Acting Criminal Judge, though it does not contain an explicit acknowledgment of guilt, exhibits admissions, which clearly connect him with the other prisoners, and are completely corroborative of the other evidence against him.-

5 Under these circumstances the Acting Criminal Judge should have caused the prisoners' declaration to be attested in the mode prescribed for confessions in order to its being proved on the trial.-

6 The Court of Foujdaree Udalut are utterly unable to account for the late 2d Judge's concurrence in the acquittal of the first prisoner in this case: his statement when put on his defence and the testimony of the 3d witness, taken in conjunction with the other circumstances of the case, leave no doubt on the minds of the Court of his guilt: it is not, however, open to the Court to

22d March 1824 to set aside the judgment in his favor.-

7. The plea of the several prisoners in this case to the arraignment before the Court of Quarterly Sessions is recorded collectively; an irregularity which has been repeatedly noticed to the late second Judge; and of which the Court of Foujdaree Udalut trust, that no future instance will occur.-

Ordered that extract of these proceedings be sent to the late 2d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance and that he be by precept directed to make the necessary communications to the Acting Criminal Judge and the Magistrate in the Zillah of Chittoor for their information and guidance respectively.-

/Sent following precept No. 104./

Sent 24

Read letter, dated 23d. Ultimo from the 2d Judge late on Circuit in the Western Division; submitting Case No. 8 Canara Calendar 2d Sessions 1823- /Here enter No. 159/

The Court having maturely considered the proceedings held before the Judge on Circuit the futwa of the Provincial Law officer and the futwa of the Cazee: col: Cozat and Mooftees of the Foujdaree Udalut confirm the said futwa of the Cazee: col: Cozat and Mooftees aforesaid and under the provisions of Clause Sixth Section II Regulation XV of 1803 direct that the prisoners

1st "Krishnaia" and
2d "Lamaia,"

be released on producing good and sufficient security

22d March 1824

security for their future good behaviour and appearance when required.-

/Sent following letter No/

Read letter, dated 25th ultimo from the 2d Judge late on Circuit in the Western Division Submitting Case No. 35 Canara Calendar 2d Sessions 1823.-

/Here enter No. 162/

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 Sudder Adalut confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid so far as it respects the first second third and fourth prisoners and under the discretion vested in them by Section III Regulation I of 1822 adjudge the said prisoners

1st "Durmana",
2d "Appoolea",
3d "Saroo", and
4th "Salloo",

to receive 39 stripes with a rattan and to be removed to the Jail in the Zilla of Chittoor there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 9 years and then be released.-

And the Court being of opinion that the proof against the prisoner 5th "Hantoo", is sufficient to convict him of the crime of robbery by open violence for which a penalty is specially denounced in Section III Regulation I of 1822 do under the authority vested in them by clause first Section II Regulation I of 1818 and in exercise of the discretion given by Section III Regulation I of 1822 adjudge the said prisoner,

5th "Hantoo",

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of three years and then be released.-

And under the provisions of Clause sixth Section II Regulation XV of 1803 the Court direct that the prisoner,

6th "Ballee",

to be released on producing good and sufficient security for his future good behaviour and appearance when required.-

/Sent following letter No/

Read letter, dated 5th Instant from the 2d Judge late on Circuit in the Western Division,- Submitting case No. 18 Canara Calendar 2d Sessions 1823.-

/Here enter No. 172/

The Court having maturely consi=dered 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 Sudder Adalut being of opinion that the proofs against the prisoner, "Kytan", is suf=ficient to convict of the crime of robbery by open violence for which a penalty is specially denounced in Section III Regulation I of 1822 do under the au=thority vested in them by Clause first Section II Regulation I of 1818 and in exercise of the discretion given by section III Regulation I of 1822 adjudge the said prisoner,

"Kytan",

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 9 years and then

22nd March 1894.

then be released.-

Sent following letter No 105.

Sent 24th

1/

F. H.

At a Court of the Foujdaree Udalut,

Present,

Thursday -
25th March 1894.

F. A. Grant Esquire
George Gowan Esquire
} Judges

Read letter, dated 14th Ultimo, from the Acting Judge late on Circuit in the 4th Centre Division, submitting Case No 34 Bellary Calendar 2nd Sessions 1893.-

Here enter No 136

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 confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and adverting to the act of violence committed by the prisoner,

"Dobeelasoo",

direct that he be detained in custody and on no account released without special authority from the Court, obtained through the Court of Circuit, who will from time to time report on the state of mind of the said prisoner.-

Sent following letter No 106.

Read letter, dated 3rd Ultimo from the 2nd Judge of the Court of Circuit in the 4th Centre Division, submitting Case No 2 Chittoor Calendar

25th March 1824

Calendar 1st Quarterly Sessions 1824.-

/Here enter No. 128/

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-cool Cozzat and Mooftees of the Sudder Adaulut being of opinion that the proof against the prisoners is sufficient to convict them of the crime of robbery by open violence for which a penalty is specially denounced in section III Regulation I of 1822 do under the authority vested in them by clause first section II Regulation I of 1818 adjudge the prisoners

4th "Lamedala Vencatadaganoo,
5th "Vencatagaroo,
6th "Pedda Moonegaroo", and
7th "Lamedala Nauregaroo",

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their Natural lives respectively.-

and the prisoners,

1st "China Moonegaroo",
2d " Ramegaroo", and
3d "Madanumbaty Nauregaroo",

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 7 years and then be released.-

/sent following letter No. 107.

It.

25th March 1824

1 It is in evidence in this case, that one Lingabaty Nauregaroo, who was apprehended at the same time with the prisoners died, while in the custody of the police; and that the body was interred by order of a police Jemaishtek.-

2 The prisoners allege, that great violence was used towards them by the police officers, and that the aforesaid deceased died in consequence of their ill treatment.-

3 No inquest having been held upon the body the Court have not the means of deciding as to the credit due to the account given of the cause of the death of the deceased; and they deem it proper on this occasion to direct that the several Magistrates do instruct the Tahseeldars, and through them the Cheads of villages, in all cases where the death of a person in custody may occur to hold an inquest on the body in the mode prescribed by section XIII Regulation XI of 1816: the record of which should in all cases be transmitted to the Magistrate; and where the police proceedings may come before the Criminal Judge should be furnished to that officer, to be included in the proceedings submitted by him to the Court of Circuit.-

Cumbersant from Para 1st 3- and the last Para.

4 Narasoosapuntoolo, the Head of police in the Zemeendaree of Calastry, caused the declarations of the prisoners in this case to be attested by persons, who were not present at the time of their delivery.-

5 The attention of the police officers in the Zilla of Chittoor has been repeatedly called by order of the Court of Zuddaree Udalut to the extreme

25th March 1824

extreme impropriety of this proceeding: and on this occasion the Court deem it proper to intimate to the Magistrate their opinion, that it will be his duty to mark the misconduct of the said Head of police with a token of his severest displeasure.—

6 No inquest appears to have been held on the body of Lenoopatyah, stated to have been put to death by the prisoners in their attack on the prosecutors' party. To this omission the Court of Zeejdaree Adalut direct, that the attention of the Heads of the village of Pagaeemana Pettah be called by the Magistrate.—

7 In the letter accompanying the trial the late 2d Judge described the crime to have been committed "at day break in the morning: whereas in the arraignment the prisoners are charged "with having on the after noon at 4 O'clock" &c attacked the prosecutor &c and the evidence &c goes to shew, that such was the time of the transaction.—

8 In the examination of the Witnesses on the trial of this case the late 2d Judge neglected altogether the orders of the Court of Zeejdaree Adalut dated 16th May 1822 — which require that "whenever "the deponent may identify a prisoner on the trial "he be questioned as to whether, at what place, "and at what period he was acquainted with the "person of the prisoner previously to the occurrence "of the offence with which he may stand charged."—

9 And the Court of Zeejdaree Adalut deem it incumbent upon them to observe, that in the whole conduct of this trial the late 2d Judge exhibited

4

F. U.

25th March 1824

exhibited an utter absence of that attention and minuteness of investigation, which the nature of the case demanded: for the non examination of Kistnamah, Panpiah, and Ghasheah, persons who had previously delivered important testimony affecting the prisoners, No reason is assigned; and the trial appears to have been hurried to a conclusion with a precipitation wholly at variance with that patience & deliberation, which it is incumbent on a Judge of Circuit to manifest in the exercise of the high functions of his office.—

Ordered, that extract of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Centre Division for his information and future guidance, that he be by precept commanded to make the necessary communication to the Magistrate in the Zilla of Chittoor for the information and guidance of that officer.—

/sent following precept No. 108./

Ordered also, that Extract of these proceedings be sent to the four Provincial Courts of Circuit by precept commanding them to communicate the same to the several Criminal Judges and Magistrates for their respective information and guidance.—

/sent following precepts Nos 109./

W. M.

Read return dated 16th instant from the Acting Judge of Circuit in the Centre

Centre Division to precept dated 1st Instant ordering communication to the Magistrate of Bellary of the Courts observations on Case No 14 Bellary Calendar 2d Sessions 1823.-

/Here enter No 184/

Read return dated 15th Instt from the Judges of the Provincial Court in the Northern Division to precept dated 25th Ultimo ordering communication to the Magistrates of the Courts observations regarding the proceedings in cases coming under the provisions of Section III Regulation II of 1822.-

/Here enter No 185/

Read return dated 17th Instant from the Judges of the Provincial Court of Circuit in the Western Division to precept dated 9th Instant calling for the reports prescribed by Section XXXV Regulation X of 1816 from the Zilla Courts within their division.-

/Here enter No 196/

Read return dated 17th Instant, from the Judges of the Provincial Courts of Circuit in the Western Division to precept dated 8th Instant ordering communication to the Criminal Judges of the Courts instructions to append ground plan to criminal trials in certain cases.-

/Here enter No 195/

Read return dated 15th Instant from the Provincial Court in the Northern Division to precept dated 1st Instant ordering communication to the Magistrates of the Courts instructions relative to the recording of the dates of apprehension by the officers of police.-

/Here enter No 186/

At a Court of the Foujdaree Adaulut

Present

Friday
26th March 1824

F. A. Grant Esquire
George Gowan Esquire
} Judges

Read letter, dated 19th Instant from the Acting Criminal Judge in the Zilla of Cuttack forwarding copy of an Extract of the proceedings of the Court of Circuit, dated 8th Instant, recommending the tender of a conditional pardon to Doora Ramoodoo, a person implicated in a case of robbery brought on for trial at the present Sessions of Jail Delivery.—

24 Pr
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Here enter No. 197

The foregoing communication is not accompanied by any detail of the circumstances of the case, or copies of any examinations held therein which might enable the Court of Foujdaree Adaulut to determine how far the offer of a pardon to the individual in question will be calculated to effect the object of Section XX Regulation VIII of 1802; but the Court in consideration of the recommendation offered by the 2d Judge on Circuit whose experience and able discharge of his duties induce them to place the great reliance on his judgment, resolve to submit the foregoing letter to Government, without a reference to the Acting Criminal Judge, which might occasion the postponement of the trial to the ensuing Sessions; and to recommend that the Honorable the Governor in Council may be pleased to sanction the

the tender of a pardon to the said Poona Ramaadoo on the conditions specified in Section XX Regulation VIII of 1802.-

2. 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 Honorable the Governor in Council.-

No 17/ Sent 27

/Sent following letter No 110/

Read letter, dated 19th Instant, from the Acting Criminal Judge in the Zilla of Cuddapah,- Submitting copy of an Extract of the proceedings of the Court of Circuit, dated 15th Instant, and request that a conditional pardon may be granted to one Bana Saheb.-

/Here enter No 198/

The foregoing communication is not accompanied by the information, required under the provisions of Section XXI Regulation VIII of 1802 to be laid before the Court of Sudder Adalut, on applications of this description: and as it would appear, that the trial of the case, in which the abovementioned individual is implicated, has been directed to be postponed until the ensuing Sessions of Jail Delivery- the Court direct that the Acting Criminal Judge be by precept required to furnish a particular statement of the case together with translations in English of the examinations held thereon, in order that the Court may be enabled to determine in respect to the propriety

of

of recommending the tender of a conditional pardon to Bana Saheb under the provisions of Section XX Regulation VIII of 1802.-

2 Ordered that extract of these proceedings be sent to the Acting Criminal Judge in the Zilla of Cuddapa by precept returnable in six weeks.-

Sent 27th

/Sent following precept No 111/

F. A.

At a Court of the Foujdaree Adalut

Present

Monday. 29th March 1824 } F. C. A. Grant Esquire } Judges
George Gowan Esquire }

Read letter, dated 17th Ultimo, from the 1st Judge on Circuit in the Southern Division, - submitting Case No 11 Maowa Calendar 1st Sessions 1824.-

Here enter No 126

The Court having maturely considered the proceedings held before the Cauzee on Circuit the futwa of the Provincial Law officer, and the futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid and under the provisions of Section III Regulation I of 1822 adjudge the prisoner

"Aundy"

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.-

Sent following letter No 125.

In the declaration delivered by the prisoner in this case before Vincent Raw, police officer of the Peramadaum Talook, he criminated

sic

29th March 1824

six other persons, named Kaitenbaren, Ramasaw=
=my Tawen, Vavanamalay, Marimootoo, Pellamootoo,
and Pariah Vellien.-

2 The Court of Zuydaree Adalutt direct,
that the Magistrate of Tinnevelly be re=
quired to report whether any and what pro=
=ceedings were held by the Police in consequence of
the prisoner's examination of the persons above=
mentioned, under the provisions of Section XXVIII
Regulation XI of 1816.-

3 It appears by an Extract from the
Police officer abovenamed, annexed to the Assistant
Magistrate, that a proclamation was issued offering
a reward for the prisoners' apprehension. This
proclamation should have been entered in the record.-

4 It would appear from the same Extract
that Soobramanien, an Ameen of Police, regarding
whose supposed malversation a precept was
issued by the 1st Judge to the Magistrate, exceeded
the powers given by Section IV Regulation IV
of 1821 to Heads of Districts Police of punish=
=ing petty thefts.-

Circular dated 5th Para 4th Board Cons.

5 The Court of Zuydaree Adalutt do
not consider that under the provisions of Section
XI Regulation XI of 1816 it is competent to a
Magistrate to vest an Ameen of Police with
the extended powers, at present given to the
Tahseeldars: which opinion they deem it proper
to circulate for general information.-

6 The prisoner's declaration above
referred to, which is headed as delivered
recorded before
the Police officer, bears the signature of the
Assistant

29th March 1824

Assistant Magistrate; and to it is appended
a further examination of the same date, which is
signed by the Police Officer.-

7 The Court of Zuydaree Adalutt
conclude that the insertion of the Assistant Ma=
=gistrate's name under the first part of the
prisoner's examination occurred by a mistake
of the transcriber of the Record: if the examination
was taken by the Assistant Magistrate the
heading of the declaration must be incorrect.
and the supplementary examination by the
Police Officer, irregular.-

8 Ordered that extract of these pro=
=ceedings be sent to 1st Judge on Circuit in the
Southern Division by precept enjoining him to
make the necessary communication to the Magistrate
in the Zilla of Madura for his information and
guidance.-

Sent 1st / Sent following precept 126.

Ordered also, that extract of
these proceedings be sent to 4 Provincial Courts
of Circuit by precept enjoining them to com=
=municate the same to the several Magistrates
for their respective information and guidance.-

Sent 1st / Sent following precepts Nos 127.

Read letter, dated 8th Instant, from the 2d Judge late on Circuit in the Western Division, submitting case No 15 Canara Calendar 2d Sessions 1823.-

/Here enter No 175/

The Court having maturely consi=
=dered the proceedings held before the Judge on
Circuit

29th March 1824 Circuit the futwa of the Provincial Law officer and the futwa of the Cazee-cole Cozzat and Moofties of the Foujdaree Udalut confirm the said futwa of the Cazee-cal Cozzat and Moofties aforesaid and under the provisions of Section III Regulation I of 1822 adjudge the Prisoner,

Tr. "Coomba",

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.-

/ Sent following letter No. 128

W. H.

Fl.

At a Court of the Foujdaree Udalut

Present

Tuesday 30th March 1824 } F. A. Grant Esquire, George Gowan Esquire } Judges

Read letter, dated 15th Instant from the 2d Judge on Circuit in the Centre Division transmitting an Extract of the proceedings of the Court of Circuit of the same date, and recommending the tender of a conditional pardon to certain accomplices in a case of robbery by open violence.-

/ Here enter No. 208 /

In consideration of the circumstances elicited by the foregoing papers, the Court of Foujdaree Udalut resolve to submit the Application of the 2d Judge to Government, and to recommend that the Honorable the Governor in Council may be pleased to authorize an offer of pardon to Kaveegaroo, Appinuppa Venkata, Woopera Kaveegaroo, Pungaroo, and Pullea Venkata, on the terms specified in Section XX Regulation VIII of 1802.-

Ordered, that the foregoing letter and its enclosures with extract of these proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Honorable the Governor in Council.-

/ Sent following letter No. 129.

W. H.

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F. 11.

At a Court of the Puydaree Adalut

Present

Wednesday 31st March 1824 } F. A. Grant Esquire, George Gowan Esquire } Judges

Read letter, dated 19th Instant from the 1st Judge on Circuit in the Southern Division,- submitting case No. 24 Cumbacanum Calendar 1st Sessions 1824.-

Here enter No. 193

The Court having maturely consi=dered 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 Puydaree Adalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and under the provisions of Section XV Regu=lation VIII of 1802 adjudge the prisoner, "Pauvaday,"

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

Sent following letter No. 130.

1. The Court of Puydaree Adalut ob observe that the examinations taken in this case by the District Police Officer Chenvarasa=garam pillay are severally headed, as "delivered to the Criminal Judge," before the said Police Officer.-

2. This mode of heading examinations before

31st March 1824

before an officer of Police being manifestly incorrect, the Court direct that the Magistrate be required to instruct the several district Police Officers under his authority to discontinue it and to dread all depositions delivered before them, as being so delivered.—

Ordered, that Extract of these proceedings be sent to the 1st Judge on Circuit in the Southern Division, by precept enjoining him to communicate the same to the Magistrate of Combaconum for his information & guidance.—

Sent 1st. / Sent following precept No 131. /

Read return dated 5th Instant from the 2d Judge late on Circuit in the Northern Division to precept dated 12th December last ordering him to direct the Criminal Judge to obtain evidence as to the prosecutors' ownership in the property found on the prisoners in case No 1 Chicacole Supplemental Calendar 1st Sessions 1823.—

/ Here enter No 167 /

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-cool Cozzot and Moofties of the Zillah Adaulut being of opinion that the proof against the prisoners Nos 1st 2d 3d 4th 5th 6th 7th 8th 9th & 10th is sufficient to convict them of the crime of robbery by open violence for which a penalty is specially denounced in Section III Regulation I of 1822 & under the authority vested in them by Clause 2d first Section II Regulation I of 1818 as Judge the

Read again letter Dated 3d November last from the 2d Judge late on Circuit in the Northern Division submitting Case No 1 Chicacole Supplemental Calendar 1st Sessions 1823.—

/ Here enter No 694 /

31st March 1824 the prisoners,

1st Caulaka Cummyah
3d "Guntah Gopaloo,
4th "Budanayanah Venkoolo,
5th "Bissekah Santiano,
8th "Saamy Cristnamah alias Elamaloo,
10th "Yasandah Ramaloo,

to receive 39 stripes with a rattan and to be imprisoned & transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives respectively.—

And in exercise of the discretion vested in them by Section III Regulation I of 1822 the Court adjudge the prisoners,

2d "Rawtoo Chinnayanoo,
6th "Rawtoo Cristnaloo,
7th "Tunny Venkapah,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 7 years & then be released.—

And the prisoner,

9th "Vontapoothy Yenaloo,

to receive 12 stripes with a rattan & then to be released.—

Sent P. / Sent following letter No 132. /

W. Read letter, dated 30th Instant from the Secretary to Government in the Judicial Department,— stating that

31st March 1824

that the Governor in Council sanctions the conditional offer of pardon to Poora Ramaadoo recommended by the Circuit Court.

(Here enter No 209)

Ordered, that copy of the foregoing letter be sent with extract from the Court's proceedings of the 26th instant for the information and guidance of the acting Criminal Judge in the Zilla of Cuddapah.

Sent 5th

(Sent following letter No 133)

Read return, dated 22d Instant, from the Provincial Court of Circuit in the Northern Division, - to precept dated 5th Instant ordering that ground plans when desirable shall be annexed to Criminal trials.

(Here enter No 207)

Read return, dated 24th Instant, from the acting Judge late on Circuit in the Centre Division to precept dated 15th Instant ordering communication to the Magistrate of Bellary of the Court's observations in case No 12 Bellary Calendar 2d Sessions 1823.

(Here enter No 210)

Read letter dated 27th Instant, from the acting Judge of the Court of Circuit in the Centre Division, - reporting that the remaining referible trials from Cuddapa and Bellary will be ready for transmission in a few days. -

(Here enter No 211)

2/

F. R.

5th March 1824.

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

(Here enter No 213)

At a Court of the Foujdaree Adalut.

Present,

Friday
2d. April, 1824. } F. A. Grant Esqre } Judges.
George Gowan Esqre }

Read letter, dated 19th Ultimo
from the 1st Judge on Circuit in the Southern
Division,- submitting case No 4 Madura
Calendar 1st Sessions A.D. 1824.-
(Here enter No. 135)

1. Upon comparing the English and Persian versions of the record of the foregoing trial the Court of Foujdaree Adalut discover an extraordinary discrepancy between them for which they are wholly unable to account: the individuals set down in the Engh. translation as the first and second witnesses, are the third and fourth in the Persian record, and the first and second witnesses in the Persian appear as the sixth and seventh in the English translation of the proceedings.

2. The 1st Judge in his letter accompanying the trial, gives an abstract of the evidence, which accords with the English version of the record, and it appears, therefore, most probable that

that the error is in the Persian translation: for the purpose of it's rectification, however it becomes necessary that the record should be returned to the 1st Judge, whom it will behove to be particularly careful in future to examine the translations of the proceedings held in cases referred to the Court of Foujdaree Adalut.-

Ordered, that the foregoing letter and the English and Persian translations of the proceedings in case No 4 Madura Calendar 1st Sessions 1824 with extract of these proceedings be transmitted to the 1st Judge on Circuit in the Southern Division by precept enjoining him to revise the translations, and return the trial to this Court in ten days from the date of the receipt of the precept.-

(Sent following precept No 135)

Read letter, dated 30th Ultimo from the Secretary to Government in the Judicial Department, stating that the Governor in Council sanctions the conditional offer of pardon to Kadeegadu, Appiumpa, Venkatah, Woopena Nurseegoudoo, Rungadoo, and Pullee Venkatah recommended by the Circuit Court.-

(Here enter No 220)

Ordered, that copy of the foregoing letter be sent with extract from the Court's proceedings of the 30th Ultimo for the information and guidance of the 3d Judge on Circuit in the Centre Division.-

(Sent following letter No 136)

Read return, dated 26th Ultimo from the 2d Judge late on Circuit in the Western Division,- to precept dated 17th Ultimo calling for return to the precept dated 22d December last on his circuit report.-

(Here enter No 216)

Read return, dated 24th Ultimo, from the Provincial Court of Circuit in the Southern Division,- to precept dated 5th Ultimo ordering communication to the Magistrates of the Court's instructions regarding their imitation to the provisions of Section III Regulation IV of 1824.-

(Here enter No 217)

P. C.

At a Court of the Tuljdaree Adalut

Present,

Saturday, F. A. Grant Esqr. } Judges.
3d April 1824. George Gowan Esqr. }

Read letter, dated 12th Ultimo,
24 from the 2d Judge late on Circuit in the
10 Western Division, - submitting case No 1
Malabar Calendar 2d Session 1823 -
(Here entered No 194)

The Judges of the Court of
Tuljdaree Adalut on a deliberate consid-
-eration of the circumstances of the
case in evidence before them being
of opinion that the proof against
the prisoner, Mannan Ayapeen,
is sufficient to convict him of
Manslaughter desire under the provi-
-sions of Claude second Section II
Regulation I of 1818 that their Law
Officers will declare by a second
futwa to what punishment the
prisoner would have been liable
under the Mohummedan Law if
he had been convicted by full
legal evidence of the above crime.

Ordered, that extract of
these proceedings be translated and
delivered

April 1824.

delivered to the Cazee ool Coozat and Mooftees of the Tongdaree Udalut.-

Ute Ute

F. 66.

At a Court of the Tongdaree Udalut

Present.

Monday 5th April 1824. } C. A. Grant Esqre } Judges.
George Gowan Esqre }

Read 2nd Letter, dated 12th Ultimo from the 2d Judge late on Circuit in the Western Division,- submitting case No. 1 Malabar Calendar 2d Sessions 1823.- (Here enter No. 194)

Read the second futwa delivered in this case by the Cazee ool Coozat and Mooftees of the Tongdaree Udalut.

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 Tongdaree Udalut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and in commutation of the penalty of Dryut adjudge the prisoner,

Mannan Ayappen,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the

the period of seven years and then
be released.-

(Cert following letter No 137)

Read letter, dated 1st Instant,
from the Acting Judge last on Circuit in
the Centre Division,- with returned warrant
for execution of a prisoner in case No 66
Cuddapa Calendar 2d Sessions 1823.-

(Here enter No 221)

Read return, dated 31st ultimo,
from the Provincial Court of Circuit in
the Southern Division,- to precept dated
25th February last ordering communication
to the Magistrates of the Court's observations
regarding the proceedings in cases coming
under the provisions of Section III
Regulation II of 1822.-

(Here enter No 227)

Read return, dated 31st ultimo,
from the Provincial Court of Circuit in
the Southern Division,- to precept dated
5th ultimo, ordering communication to
the Criminal Judges of the Court's instructions
that when requisite a ground plan
may accompany trials referred.-

(Here enter No 228)

Read return, dated 1st Instant,
from the 1st Judge on Circuit in the
Southern Division,- to precept dated
12th ultimo ordering communication

to the Criminal Judge of Madura of
the Court's observations in case No 13
Madura Calendar 1st Sessions 1824.-

(Here enter No 229)

Read return, dated 2d Instant,
from the Provincial Court of Circuit in
the Centre Division,- to precept dated
1st ultimo, ordering communication to
the Magistrates of the Court's instructions
relative to the recording of the dates
of apprehension by the Officers of
Police.-

(Here enter No 226)

At a Court of the Poygdaree Adaulut

Present,

Wednesday, 7th April, 1824. } H. A. Grant Esqre
George Gowan Esqre } Judges

Read letter, dated 3d Instant, from the 2d Judge on Circuit in the Centre Division,- transmitting an extract of the proceedings of the Court of Circuit of the same date, and recommending the tender of a conditional pardon to an Individual concerned in a gang robbery.-

(Here enters No 233)

In consideration of the circumstances elicited by the foregoing papers, the Court of Poygdaree Adaulut resolve to submit the application of the 2d Judge to Government, and to recommend that the Honorable the Governor in Council may be pleased to authorize an offer of pardon to Goorroovadoo, on the terms specified in Section XX Regulation VIII of 1802.-

Ordered, that the foregoing letter and its enclosure with extract of these proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before

7th April 1824.

Before the Honorable the Governor in Council.-

Rcd. 10th Inst. W.C.

(Sent following letter No. 138)

P. C.

At a Court of the Foujdaree Adalut

Present

Saturday, 10th April, 1824. } W. A. Grant Esqre. } Judges.
George Gowan Esqre.

Read letter, dated 6th Instant, W.C. from the Secretary to Government in the Judicial Department,- stating that the Governor in Council sanctions an offer of pardon to Goorooadoo a person concerned in a case of gang robbery.-

(Hereunto No. 245)

Ordered, that copy of the foregoing letter be sent with extract from the Court's proceedings of the 9th instant for the information and guidance of the 2d Judge on Circuit in the Centre Division.-

(Sent following letter No. 140)

Read return, dated 3d Instant, W.C. from the 2d Judge of the Court of Circuit in the Centre Division,- to precept dated 23d ultimo ordering communication to the acting Criminal Judge and the Magistrate in the Zillah of Chittoor of the Court's observations in case No. 6 Chittoor Calendar for Quarterly Sessions of 1824.-

(Hereunto No. 256)

Read

10 April 1824.

7.

Read letter, dated 8th Instant, from the 1st Judge of the Court of Circuit in the Centre Division, - forwarding copy of correspondence regarding the non appearance of a witness in case No 10 Chittoor Calendar 1st Quarterly Sessions 1824.

(Here enter No 246)

Read return, dated 7th Instant from the 1st Judge on Circuit in the Southern Division, - to precept dated 31st ultimo ordering communication to the Magistrate of Combaconum of the Court's observations in case No 24 Combaconum Calendar 1st Sessions 1824.

(Here enter No 247)

F. H.

At a Court of the Fujdaree Udalut

Present,

Monday
12th April 1824 } The Hon.ble Grant Esquire
George Gowan Esquire } Judges

Read letter, dated 1st Instant, from the 1st Judge on Circuit in the Southern Division, - submitting copy of Combaconum Calendar 1st Sessions AD 1824.

(Here enter No 235)

1 The Court of Fujdaree Udalut desire to have before them copy and English translation of the futwa delivered in Case No 5 of the Calendar, wherein the prisoners were charged with the crime of robbery by open violence and the fourth prisoner is stated to have been convicted on his confession of "Yeanut Doozdee," or aiding in a simple theft.-

2 Ordered that extract of these proceedings be sent to 1st Judge on Circuit in the Southern Division by precept requiring him to send up copy and English translation of the above futwa.-

Precept returnable in five days from and after its receipt.-

Sent following precept No 142.

1 The report prescribed by Section XXXVII

12th April 1824.

XXXVII Regulation VII of 1802 for the 2d Sessions of 1823 not having been received from the Acting Judge late on Circuit in the Centre Division.

2 The Court direct, that the Acting Judge late on Circuit in the Centre Division be by precept commanded to send up the prescribed report, containing his observations made during the Circuit within fourteen days from the date of the receipt of the precept &c.

Sent following precept No. 143

Read letter dated 25th Ultimo from the 2d Judge late on Circuit in the Centre Division submitting case No. 11 Malabar Calendar 2d Sessions 1823.

Encounter No. 224.

The Judges of the Faujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proofs against the prisoner, Kunaken Cherman Nayaddy, is sufficient to commit him of Manslaughter, a crime under the provisions of clause second section II Regulation I of 1818 that their Law Officers will declare by a second futwa to what specific punishment the prisoner would have been liable under the Mahummudan Law if he had been convicted by full legal evidence of the above crime.

Ordered

12th April 1824

Ordered that extract of these proceedings be translated and delivered to the Cazee-ool-Coozat and Mooftees of the Faujdaree Adalut.

F. U.

At a Court of the Faujdaree Udalut

Present

Tuesday
13th April 1824 } F. A. Grant Esquire
George Govan Esquire } Judges

Read return, dated 6th Instant,
from the 1st Judge of the Provincial Court of
Circuit in the Centre Division to precept, dated
23d Ultimo, ordering communication to the Ma-
-gistrate in the Zilla of Chittoor of the Court's
observations in case No. 2 Chittoor Calendar
1st Quarterly Sessions A D 1824.

(Here enter No 2447.)

1 In the 4th paragraph of the af-
foregoing return it is stated, that in the exa-
-mination of witnesses on trials respecting their
previous knowledge of prisoners identified by
them "many questions are necessary, on every af-
"examination, which it has not been deemed necessary
"to commit to paper".

2 The Court of Faujdaree Udalut
have perused this part of the return with af
much surprise: it clearly involves the admissi-
of a practice, differing very little from the af
falsification of records: it is to the Court a af
matter of great regret, that it should be af
necessary to inform the 1st Judge, that the Regula-
-tions allow him no discretion in respect to the
admissi-

omission to record any part of the examination of witnesses on criminal trials held before him. In a subsequent part of the return the 1st Judge offers remarks in defence of his mode of conducting the trial above mentioned which have not induced the Court of Foujdaree Udalut in any degree to alter the opinion recorded in their proceedings of 25th ultimo. The sentiments of the 1st Judge would appear to be widely different from those of the Court of Foujdaree Udalut in respect to the fittest mode of discharging the functions of a Judge of Circuit; but it behoves that officer to bear in mind that the correction of his proceedings appertains to the province of the superior Court, and that submission thereto forms the duty of his subordinate station.—

3. Ordered, that extract of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Central Division for his information and guidance.—

Sent 14th.

/Sent following letter No 150/

Read letter, dated 15th ultimo, from the Second Judge late on Circuit in the Western Division; submitting Case No 9 Cowara Calendar Second Sessions A.D. 1823.—

/Here enter No 200/

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: Cazat and Mooftee of

of the Foujdaree Udalut confirm the said futwa of the Cazee: ool: Cazat and Mooftee aforesaid and under the sentence of Ooseeabut declared in the futwa voojudge the prisoner,

1st Narain

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 3 years and then be released.—

And acquitting the prisoners,

4th "Ranga Shetty,"
7th "Antoo Shetty,"
10th "Goodatee Nandiar," and
11th "Chickoo,"

the Court direct that they be set at liberty.—

Sent 15th.

/Sent following letter No 151./

The Court of Foujdaree Udalut having acquitted the 4th 7th 10th & 11th prisoners in this case, direct that the several articles of property taken from their houses be restored to them.—

2 With reference to this and other trials for the crime of robbery by open violence referred by the 2nd Judge, the Court of Foujdaree Udalut direct that his attention be called to that part of Section IV. Regulation I of 1822, which prescribes that "the "Judge of Circuit before whom the trial may "be held shall in all cases pass sentence for "the stated punishments of the prisoner appear to

13th April 1824 "to him and to the Law Officer of the Court
"of Circuit to be duly communicated.-
3. Ordered, that extract of these
proceedings be sent to the 2d Judge late on
Circuit in the Western Division for his
information and guidance.-

Sent 15th

/ Sent following letter No 152 /

WG

WM

X

F. A.

At a Court of the Zoujdaree Adalut.

Present,

Thursday,
15th April 1824 F. A. Grant Esqre
George Gowan Esqre } Judges.

Read again letter dated 25th
WG Ultimo from the 2d Judge late on Circuit
in the Western Division,- submitting case
WM No 11 Malabar Calendar 2d Session 1823.-
(Here enter No 224)

Read the second futwa delivered
in this case by the Cazee ool Coozat and
Mooftee of the Zoujdaree Adalut.-

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 Coozat and Mooftee of the Zoujdaree
Adalut confirm the said futwa of the
Cazee ool Coozat and Mooftee aforesaid
and in commutation of the penalty of
Deyut adjudge the prisoner,

Kunahem Cherman Nayaddy,
to be imprisoned and kept to hard labor
in irons on the public roads or other
public works for and during the period
of ten years and then be released.-

Sent 17th (Sent following letter No 153)

Read

13 15th April 1824

Read letter, dated 6th Instant, from the 1st Judge on Circuit in the Western Division, - submitting copy of Canara Calendar 1st Sessions A.D 1824 -

(Here enter 2&3.)

The Court of Foujdaree Adalut desire to have before them copy and English translation of the futwa delivered in case No 1 of the Calendar, wherein the 1st prisoner is stated to have been convicted on a charge, coming apparently within the definition given in Section III Regulation XV of 1803 of the crime of Robbery by open violence, and to have been sentenced under a futwa of Hud taken with reference to the provisions of Clause fourth Section II of that Regulation to 7 years' imprisonment and hard labor -

2 Ordered, that extract of these proceedings be sent to the 1st Judge on Circuit in the Western Division by precept directing him to send up copy and English translation of the futwa delivered in the above case -

Precept returnable in four days from and after its receipt -

Sent 15th W.H. (Sent following precept No 154)

Read

15th April 1824

2&3 W.H.

Read petition presented by Hoolyn Meerah Luva Mercain of the Zilla of Combaconum -

(Here enter F.C. Misc. pet. No 1 of 1824)

The petitioner represents that his brother Nadar Sahib was on the night of 27th of August 1819 put to death by seventy persons of whom Mohomed Ale, Chunmooka Moodely, Sematomby, his brother, Chinnavaiapoo, Dalpunta Monna Mercain, and Luva Calinda Moodely were seven, that of these persons four only have been brought to trial, and that he has in vain petitioned the Magistrate and the Court of Circuit to bring the other three persons to justice -

On reference to the Combaconum Calendar for the 1st Sessions of 1824 the Court of Foujdaree Adalut observe, that four of the individuals specified in the petition were tried by the Court of Circuit for the murder of Nadar Sahib and acquitted. the proceedings held by the Magistrate against the other three persons must of course have been laid before the Court of Circuit which Court is empowered by the provisions of Section XLI Regulation IX of 1816 to issue such orders as may seem proper whenever it may appear that

15th April 1824

that prisoners have been released by the Magistrate on insufficient grounds. by by the petitioner's statement it is shewn that the particular attention of the 1st Judge on Circuit was called to the case and the Court of Zillah Cooltee see no reason whatever to question the propriety of his confirmation of the proceedings of the Magistrate.—

Ordered, therefore, that the prayer of the foregoing petition be rejected and that Extract of these proceedings be furnished to the petitioner on his application.—

Extract

F. A.

At a Court of the Zillah Cooltee.

Present.

Saturday 17th April 1824 — P. A. Grant Esqr. / George Gowan Esqr. } Judges.—

Read return dated 1st Instant from the 1st Judge on Circuit in the Northern Division to Precept dated 6th Ultimo ordering him to revise the sentence passed in case No 9 Nellore Calendar 1st Session A.D. 1824.—

(Here enter No 23.)

Read also reply of the Cazee-ool-Coozat and Mooftees of the Zillah Cooltee to the question put to them on the Futwas of the Provincial Law Officer in the above case.—

(Here enter A.)

Together with the foregoing return the 1st Judge forwards copy and English translation of the original Futwa delivered in the above case and of the second Futwa taken by him under the Courts orders of the 6th Ultimo, in which the 1st Judge observes, that the Law Officer adheres to the opinion he gave in his first Futwa" on the ground "of the confession of the Burglary being "verbal and convicts them on the circumstantial evidence that certain "property found in their houses belonged to

13 to the prosecutor." The 1st Judge proceeds to observe, that the Regulations do not appear to define "the precise punish-ment to be inflicted in a case of "Burglarious entry when the sentence "of Hud is barred," and solicits further instructions as to the revision of the sentence.—

2 The Court of Foujdaree Adalut on reference to the futwa originally delivered in this case find, that it declared the prisoners not convicted of Sarabra on the ground that as their confession before the Zumeendar had not been reduced to writing, such confession being merely verbal was inadmissible; and the prisoners were declared liable to discretionary punish-ment because the property of the prosecutor was found upon them.—

3 The 1st Judge has, therefore, incorrectly described the futwa as convicting the prisoners on the circum-stantial evidence of the discovery of the property, and this error has led him to suppose the legal defect, stated by him to exist in respect to the adjudication of punishment in such cases under the Regulations.—

The

The provisions of Section 11 Regulation XV of 1803 fully provide for all cases of conviction of offences punishable by Hud under the Mohum-=mudan Law, whereof theft, whether accompanied by a Burglarious entry or not, is one: but in this case the Law Officer declared the prisoners not convicted of theft, but punishable at the discretion of the Hakim for having stolen property in their posses-sion.

4 The Court of Foujdaree Adalut have referred the futwas delivered in this case by the Cazee, Mohummud Moorad, for the opinion of the Cazee-ool Cozzat and Mooftees of the Court, who have declared the exposition of the Law given by the Cazee of the Court of Circuit in regard to the inadmissibility of a verbal confession to be incorrect, and have modified that part of the futwa which declared a party liable to Hud but if stolen property be found in his possession.—

6 It appearing that the 1st Judge did not in fact concur in the acquittal of the prisoners of the crime laid to their charge it becomes necessary conformably with the principle of

Section

17th April 1824

Section XXII Regulation VII of 1802 that the trial should be referred for the final judgment of the Court of Foujdaree Adalut.

Ordered that the opinion taken from the Law Officers of the Foujdaree Adalut regarding the futwas in the above case be sent to the Pt. Judge for the information and future guidance of the Cazee Mohummud Hoosain, and that the Pt. Judge be by precept required to send up English and Persian translations of the proceedings in the trial for the final sentence of this Court.—

(Sent following precept No 156)

W. H.

Sent 19th W. H.

7 H

Sr. 1. Book 4th Proceedings Adalat

Translation

A.

Question put to the Cazee ul Cozat and Mooftee of the Foujdaree Adalut.—

If a person charged with theft delivers a confession of that crime which is not reduced to writing is such verbal confession sufficient for his conviction according to the Mohummudan Law:—and if stolen property be found on an individual and he denies having stolen it, is he by the Mohummudan Law liable to punishment.—

Answer.— If the confession of the declarant be not reduced to writing, his verbal confession is under the Mohummudan Law sufficient for proof of the crime which he may acknowledge therein: and if stolen property be found upon an individual who denied having stolen it he will be liable to punishment under the Mohummudan Law should he be unable to adduce proof of sufficient cause for having such property in his possession.—

W. H.

...ishing, ...t in the case ...ns 18. 19. ...rt of ...to condi- ...t the case ...ing of ...nst the ...fficient ...ound ...evidence ...intaken ...f Clause ...f 1818 ...declare ...t specifie- ...uld have ...ummudan ...cted by ...lone crime ...tract of ...there

17th April 1824

Section XXII Regulation VII of 1802 that the trial should be referred for the

At a Court of the Foujdaree Adalut

Present,

Tuesday 20th April 1824 — P. A. Grant Esqre. } Judges
George Gowan Esqre. }

Read letter, dated 2d ultimo, from the 2d Judge late on Circuit in the Western Division, — submitting case No 17 Canara Calendar 2d Sessions 1823. — (Here enter No 165)

The Judges of the Court of Foujdaree Adalut on a deliberate consideration of the circumstances of the Case in evidence before them being of opinion that the proof against the prisoner Hubboo Bun too is sufficient to convict him of aiding in forging the deceased Kantaree his late brother the deceased Kantaree under the provisions of Clause second Section II Regulation I of 1818 that their Law Officers will declare by a second futwa to what specific punishment the prisoner would have been liable under the Mohummudan Law if he had been convicted by full legal evidence of the above crime,

Ordered that extract of these

these proceedings be translated and delivered to the Cazee ool Coozat and Mooftees of the Poujdaree Adawlut.-

W.K. W.K. Read return, dated 5th Instant, from the Judges of the Provincial Court of Circuit in the Western Division,- to precept dated 25th ultimo ordering communication to the Magistrates of the Court's instructions that inquests be held on the bodies of persons dying in custody.-

(Here enter No 251.)

Read return, dated 6th Instant, from the Provincial Court of Circuit in the Western Division,- to precept dated 29th ultimo ordering communication to the Magistrates of the Court's opinion that an ameen of police cannot exercise the powers of a Tahseeldar.-

(Here enter No 263)

Read return, dated 9th Instant, from the Provincial Court of Circuit in the Northern Division,- to precept dated 25th ultimo ordering communication to the Criminal Judges and Magistrates of the Court's instructions that inquest be held on persons dying in custody.-

(Here enter No 264)

Read letter, dated 12th Instant, from the 2d Judge on Circuit in the Centre Division

Division,- with returned warrant for execution of prisoners in cade No 7 Chittoor Calendar 3d Quarterly Sessions 1823.-

(Here enter No 269)

Read return, dated 12th Instant, from the Provincial Court of Circuit in the Northern Division,- to precept dated 26th ultimo ordering communication to the Magistrates of the Court's opinion that they are not empowered to vest an ameen of Police with the pretent powers of Tahseeldars-

(Here enter No 272)

Read letter, dated 13th Instant, from the 1st Judge on Circuit in the Southern Division,- reporting his arrival at Salem-

(Here enter No 275)

Read letter, dated 15th Instant, from the 1st Judge on Circuit in the Southern Division,- with returned warrant for execution of a prisoner in cade No 2 Madura Calendar 1st Sessions 1824-

(Here enter No 276)

At a Court of the Foujdaree Udalut

Present,

Thursday 22d April 1824 — F. A Grant Esqre. / George Gowan Esqre. } Judges.

Read again letter, dated 2d Ultimo, from the 2d Judge on Circuit in the Western Division, submitting case No 17 Canara Calendar 2d Sessions AD 1823.

(Here enter No 165.)

Read the second futwa delivered in this case by the Cazee ool Coozat and Mooftees of the Foujdaree Udalut.—

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 Udalut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and under the sentence of Rohoobut declared in the futwa adjudge the prisoner,

H. Buntoo,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during

during the period of three years and then
be released—

And under the provisions
of Clause sixth Section II Regulation XI
of 1803 direct that the prisoner,
1st Narrainbutt,
be released on producing good and
sufficient security for his future good
behaviour and appearance when
required.—

Sent 24th

Sent following letter No 158.

The Court of Zillah Zungpore Mahat
conclude, that the neglect of the Potail
of Colnaad Cushah to hold an immediate
inquest on the body of the deceased in
this case has been brought to by the
2d Judge to the notice of the Magistrate.
In the opinion of the Court the Potail's
conduct renders him liable to the
imputation of lending himself to
the concealment of crime, and should
be seriously noticed by the Magistrate.

2

The Court trust, that every
exertion will be made for bringing to
justice the fugitive Khan Narabut,
who should he have hitherto successfully
eluded the efforts of the Police for his
apprehension.—

Ordered, that a extract of
these proceedings be sent to the 2d Judge
on Circuit in the Western Division
by precept enjoining him to make
the necessary communication to the
Magistrate of Canara for his informa-
tion and guidance.—

Sent 24th

Sent following precept No 159.

Read letter, dated 8th Instant,
from the Acting Judge late on Circuit
in the Centre Division, submitting
case No 16 Bellary Calendar 2d Sessions
1823.—

(Here enter No 155.)

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 Zungpore Adalut confirm the
said futwa of the Cazee ool Coozat
and Mooftees of aforesaid and
acquitting the prisoner,
1st Auree Mooftoo,
direct that he be set at liberty.—

And under the provisions
of Clause sixth Section II Regulation XI
of 1803 direct that the prisoner,
2d Roungee,
be released on producing good and sufficient
security for his future good behaviour
and appearance when required.—

Read

Read letter, dated 29th Ultimo,
from the Acting Judge late on Circuit
in the Centre Division, - submitting case
No 38 Bellary Calendar 2d Sessions, 1823.
(Hereunto No 222)

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 Poujdaree Adaulut confirm the
said Futwa of the Cazee ool Coozat
and Mooftees aforesaid and under the
sentence of Cohoobut declared in the
Futwa adjudge the prisoner,

Woleegandoo,
to receive 39 stripes with a rattan and
to be imprisoned and kept to hard
labor in irons on the public roads
or other public works for and during
the period of seven years and then
be released.-

(Sent following letter No. 160

Read letter, dated 9th Instant,
from the Acting Judge late on Circuit
in the Centre Division, submitting
case No 9 Cuddapa Calendar 2d Sessions
1823.-

(Hereunto No 259)

Read

Sent 24th

21

L. C.

22d April 1824.

Read letter, dated 9th Instant,
from the Acting Judge late on Circuit
in the Centre Division, - submitting case
No 10 Cuddapa Calendar 2d Sessions 1823.
(Hereunto No 260)

The Court having maturely
considered the proceedings held in cases
Nos 9 and 10 before the Judge on Circuit
the Futwas of the Provincial Law
Officer and the Futwas of the Cazee
ool Coozat and Mooftees of the
Poujdaree Adaulut confirm the said
Futwas of the Cazee ool Coozat and
Mooftees aforesaid and under the
provisions of Section III. Regulation
I of 1822 adjudge the prisoner,

Edega Venkategadoo,
to receive 39 stripes with a rattan and
to be imprisoned and transported to
such place or places beyond Sea as
the Governor in Council shall
appoint there to be imprisoned and
kept to hard labor in irons on the
public roads or other public works
for and during the period of his
natural life.-

(Sent following letter No. 161)

Sent 26

Referring to the examination
of the prosecutor in case No 9 the Court
of

of Poujdaree Adalut deem it proper to
call the attention of the Acting Judge
to their circular orders of 25th Ultimo
directing that "whenever the deponent
"may identify a prisoner on the trial
"he be questioned as to whether, at what
"place, and at what period he was
"acquainted with the person of the
"prisoner previously to the occurrence
"of the offence with which he may
"stand charged."-

Ordered, that extract of the
proceedings be sent to the Acting Judge
late on Circuit in the Centre Division
for his information and future guidance.
Sent 26th

(Sent following letter No 162.)

Read letter, dated 15th Ultimo
from the 2d Judge of the Court of Circuit in
the Northern Division,- submitting case
No 6 Masulipatam Calendar 4th Quarterly
Sessions 1823.-

(Hereunto No 188)

The Judges of the Poujdaree Adalut
on a deliberate consideration of the circum-
stances of the case in evidence before
them being of opinion that the proof
against the prisoners

1st Mungunty Andanah,
2d Nalyroozoo Parahoo,
3d Mungunty Padeyandoo, and
4th Mangulety Condiah,

is sufficient to convict them of having

put to death the deceased Gamedy Reddy,
desire under the provisions of Clause second
Section III Regulation I of 1818 that their
Law Officers will declare by a second
futwa to what specific punishment
the prisoners would have been liable
under the Mohummudan Law if they
had been convicted by full legal
evidence of the above crime.-

Ordered, that extract of
these proceedings be translated and
delivered to the Cazee ool Cozat and
Mooftee of the Poujdaree Adalut.-

D. H. L.

W. K.

F. C.

At a Court of the Foujdaree Adalut

Present,

Monday 26th April 1824 — F. A. Grant Esqre. } Judges.
George Gowan Esqre. }

Read again letter, dated 15th ultimo from the 2d Judge of the Court of Circuit in the Northern Division, submitting case No 6 Masulipatam Calendar 4th Quarterly Sessions of 1823.

(Here enter No 188.)

Read the second futwa delivered in this case by the Cazee ool Coozat and Mooftees of the Foujdaree Adalut.—

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 confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and under the sentence of Bohoobut declared in the futwa adjudge the prisoners,

1st Maugnuty Sudanah, and

2d Nayroodoo Paradoo,

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

And

And the prisoners,
2d Maugunty Padeyandoy and
4th Maugunty Condiah,
to be imprisoned and transported to such
place or places beyond seas as the
Governor in Council shall appoint
there to be imprisoned and kept to
hard labor in irons on the public
roads or other public works for and
during the period of their natural
lives respectively.-

Sent 28th

Sent following letter No

1 In the letter accompanying the
trial the 2d Judge observes, that "in this
"case the Head Police Officer sent seven
"prisoners to the Criminal Judge, who
"committed only four of them for Trial and
"classed the other 3 as witnesses and examined
"them as such, but not upon Oath.- There
"being nothing in the Record to shew that
"Maugunty Davalloo, Maugunty Soobiah
"and Laya Guntiah had any share in
"the murder although they acknowledged
"before the Police that they assisted in
"carrying the corpse through ignorance
"most probably of the responsibility of
"what they were about, Issued a Precept
"to the Criminal Judge on the 18th October
"1823, to take their Examinations on Oath
"and forward them, which he did accordingly."-

The

2 The proceedings of the Criminal
Judge here referred to was extremely
irregular; it being wholly incompetent
to him to adopt it except in the case
of an accessary, admitted to a conditional
pardon under the provisions of Section
XX Regulation VIII of 1802, and the
sentence declarations of the persons
in question have been improperly
excluded from the Record.-

3 The Court of Foujdaree Adalut
consider, that the three individuals
referred to were implicated in the
murder as accessaries after the fact
and they do not, therefore, concur in
the propriety of the order passed by
the 2d Judge for taking their evidence;
if the 2d Judge was of opinion that
the evidence was requisite, he should
have made application to the Court of
Foujdaree Adalut under the provisions
of Section XX Regulation VIII of 1802.-

4 Camareddy Nanganah,
Moonsif of the village of Pathoonoor,
stated in his report to the Police Ameen
that on receiving information of the
discovery of the corpse of the deceased
and understanding that it was [illegible]
he did not go and see it.-

5 Under the provisions of Section
XIII

XIII Regulation XI of 1816 it was the duty of the Head of the village to proceed immediately to the spot and hold the investigation therein pres= =cribed, making the requisite report in writing of his proceedings in the event of the non attendance of the District Police Officer.-

6 The Court of Zoujdaree Udalut direct that the attention of the Moonsif abovenamed be called by the Magistrate to the circumstance, and that he be cautioned against a repetition of similar negligence.-

7 The Court of Zoujdaree Udalut observe that the Assistant Criminal Judge exer= =cised in this case the power vested in him by clause first Section II Regulation II of 1822, of refusing to summon witnesses named by the prisoners: but the grounds of his refusal are not, as prescribed by the third clause of that Section, recorded on his proceedings. The Assistant Criminal Judge will be careful to avoid a repetition of this omission.-

8 The plea of the prisoners before the Court of Circuit to the arraignments is recorded collectively instead of separately, an irregularity which has been repeatedly noticed by the Court of Zoujdaree Udalut.-

9 Ordered, that extract of these proceedings be sent to the 2d Judge of the Court of Circuit in the Northern Division by precept directing him to communicate to the Magistrate

F. U.
26th April 1824

Magistrate and the Assistant Criminal Judge such parts thereof as concern those officers respectively for their information and guidance.-

/Sent following precept No 164/

Read letter, dated 15th Ultimo from the 2d Judge late on Circuit in the Western Division,- submitting case No 27 Malabar Calendar Second Sessions 1823.-

/Here enter No 205/

The Court having maturely con= =sidered 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 Zoujdaree Udalut's coun= =firm the said futwa of the Cazee=ool=Cozat and Mooftees aforesaid and under the sentence of Kisas declared in the futwa adjudge the prisoner,

"Poolianjany Koongan",

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

/Sent following letter No 165/

Read letter, dated 2d Instant from the 1st Judge on Circuit in the Northern Division,- submitting case No 23 Nellore Calendar 1st Sessions 1824.-

/Here enter No 230/

He

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 Sudder Foujdaree Adalut confirm the said futwa of the Cazee=ool= Cozat and Mooftees aforesaid, and acquitting the prisoner,

"Goundla Cutcha Lautegandoo,"

direct that he be set at liberty.-

/Sent following precept No. 166/

dated 12th

Read letter, dated 6th Instant from the 1st Judge on Circuit in the Northern Division, Submitting Case No 6 Nellore Calendar 1st Sessions 1824.-

/Here enter No. 265/

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 Adalut confirm the said futwa of the Cazee=ool= Cozat and Mooftees aforesaid, and acquitting the prisoner,

"Yaloorpanty Ramiah,"

direct that he be set at liberty.-

/Sent following letter No. 167

Sent 28th

/Read

Read letter dated 29th Ultimo from the Acting Judge of the Court of Circuit in the Centre Division, Submitting case No. 3 Bellary Calendar 2d Sessions 1823.-

/Here enter No. 230/

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 Adalut confirm the said futwa of the Cazee=ool= Cozat and Mooftees aforesaid and acquitting the prisoners,

1st "Gingal Nagadoo,"
2d "Gerragadoo,"
3d "Nageegandoo,"

direct that they be set at liberty.-

/Sent following letter No. 168.

Sent 28th

Read return, dated 21st Instant from the Acting Judge late on Circuit in the Centre Division to precept dated 12th Instant calling for the report prescribed by Section XXXVII Regulation VII of 1802.-

/Here enter No. 284/

In the foregoing return the late Acting Judge adverting to his approaching resumption of the functions of Zilla Judge which will as a matter of course devolve upon him on the arrival of the 3d Judge at the

the Suor station, intimates that his occupation in those duties may prevent his furnishing the prescribed report on his late Circuit.-

2 The Court of Kingdarra doubts cannot dispense with the report in question, but in consideration of the circumstances represented by the late acting Judge they allow him such further period as he may find necessary for framing it, in doing which the late Acting Judge will be guided by their late circular orders founded on a letter from the Secretary to Government in the Judicial Department, dated 2d January last, regarding the exclusion from Circuit Reports of all superfluous matter.-

3. Ordered, that extract of these proceedings be sent to the late Acting Judge on Circuit in the Centre Division for his information and guidance.-

sent 28th Apl

Sent following letter No. 169.

W. H. Read return, dated 19th Instant from the 1st Judge on Circuit in the Southern Division, - to precept dated 17th Instant, calling for copy and translation

3/ F. H. 26th April 1824

translation of the futwa delivered in case No 5 Combaconnum Calendar 1st Sessions 1824.-

(Here enter No 282)

Read return, dated 19th Instant, from the Provincial Court of Circuit in the Centre Division, - to precept dated 5th ultimo, ordering communication to the Criminal Judges of the Courts instructions that when necessary a ground plan may accompany Criminal trials.-

(Here enter No 283)

Read letter, dated 22d Instant, from the 1st Judge of the Court of Circuit in the Centre Division, - explaining his return dated 6th Instant to precept dated 25th ultimo ordering communication to the Magistrate in the Zillas of Chittore of the Courts observations in case No 2 Chittore Calendar 1st Quarterly Sessions 1824.-

(Here enter No 288)

Read letter, dated 19th instant, from the 2d Judge late on Circuit in the Western Division, - forwarding report of the death of Buntoo prisoner in case No 17 Canara Calendar 2d Sessions of 1823.-

(Here enter No 289)

At a Court of the Beydaree Adaulut
Present.

Tuesday
27th April, 1824.

F. A. Grant Esqre
George Gowan Esqre } Judges

Read, letter, dated 25th Ultimo,
from the 2d Judge late on Circuit in the
Western Division,- submitting case No 26
Canara Calendar 2d Sessions 1823.-

D.A.G.
G.G.

(Here enters No 223.)

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 Coozat and Mooftees of the
Beydaree Adaulut confirm the said futwa
of the Cazee ool Coozat and Mooftees
aforesaid and in exercise of the discretion
vested in them by Section III Regulation
I of 1822 adjudge the prisoner,

1st Plantoo,

to be imprisoned and kept to hard
labor in irons on the public roads or
other public works for and during
the period of seven years and then
be released.-

And under the provisions
of Clause sixth Section II Regu-
=lation XV of 1803 direct that the

prisoners

prisoners,

3d " Doda Venkatta
4th " Lakaya,
5th " Veerbadra, and
6th " Sana Venkatta,

be released on producing good and suf=
=ficient security for their future good
behaviour and appearance when
required.-

Sent 29th

(Sent following letter No 171.

The 2d Judge in his letter
accompanying the trial adverts to the
circumstance of the 1st prisoner's having
delivered his confession before the
Tahseeldar under a promise of par=
=don.-

2. The impropriety of such a
proceeding on the part of a Head of
District Police has been repeatedly
noticed, and the Court of Foujdaree Adalut
desire that it may be intimated to
the Magistrate that in their opinion
the misconduct of the Tahseeldar on
this occasion should be visited by a
severe fine.-

Ordered, that extract of
these proceedings be sent to the 2d Judge
late on Circuit in the Western Divisi=
=on by precept requiring him to commu=
=nicate the same to the Magistrate
in

in the Zilla of Canara for his
information and guidance.-

(Sent following precept No 172)

Sent 29th

D.L.
W.C. W.H.

At a Court of the Foujdaree Adalut

Present

Wednesday 28th April 1824 } F. A. Grant Esquire, George Gowan Esquire } Judges

Read letter, dated 12th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division reporting on the 1st Quarterly Sessions of 1824 for the Zilla of Chittoor.—

Here enter No 287

Read also letter, dated 23d Instant, from the Acting Criminal Judge in the Zilla of Chittoor forwarding transcripts of certain precepts issued to him by the 1st Judge presiding at the 1st Quarterly Sessions of 1824 and of his returns thereto.—

Here enter No 293

The Acting Criminal Judge in the foregoing letter states that in reply his request made "under the Spirit of Cl. "Regulation XXII of 1802 that a reference of "the whole of these precepts and of the returns "thereto for the opinion of the Judges of the "Court of Foujdaree Adalut might be made", it was intimated to him that a representation of the subject would be made to the Hon.

Foujdaree

Loydaree Udalut: and the Acting Judge has submitted copies of the precepts and returns in question under the impression that they may not have been sent up by the 1st Judge.-

2 Referring to the foregoing papers it appears to the Court of Loydaree Udalut, that the main question at issue is whether or not it is competent to a Judge of Circuit presiding at a Sessions of Jail Delivery to direct the particular mode, in which the convicts in Jail under the charge of the Criminal Judge shall be employed; and under the provisions of Regulation XXII of 1802 the regular course for the Acting Criminal Judge to have pursued would have been to suspend execution of the first precept issued to him directing the discontinuance of a particular species of employment, and on receipt of the second precept to have requested a reference of the precepts and returns to the Court of Loydaree Udalut, which would have been imperative on the 1st Judge under the provisions of Section II of the Regulation.-

3 The 1st Judge has appended to his report on the Quarterly Sessions copies of precepts issued by him to the Acting Criminal Judge and of that Officer's returns, from which are excluded various passages

passages contained in the transcripts forwarded by the Acting Criminal Judge; and it appearing therefore manifest that the copies forwarded by the 1st Judge are inaccurate, the Court resolve to return the 1st Judge's report with the papers thereto appended.-

4 The Court of Loydaree Udalut not considering requisite, that this voluminous correspondence should be submitted to the Government, direct that the above letter from the Acting Criminal Judge be sent to the 1st Judge to be retransmitted by him, if found to be correct, with a separate letter for the consideration and orders of the Court: and that the 1st Judge do revise his report so far as it refers to his orders on this subject, submitting any observations he may deem proper regarding "the employment of the prisoners," as prescribed by Section XXXVII Regulation VII of 1802.-

5 Ordered, that the foregoing papers with extract of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Centre Division by precept commanding him to proceed as therein directed and to explain the omissions observable in the papers forwarded with his report.-

Precept returnable in five days from and after its receipt.-

Sent following precept No. 173.

Act 5th ... 17th June No 418
In Pro: ... 30th ... 1824

Sent 29th

At a Court of the Zillah Adalut.

Present,

Thursday 29th April 1824. F. A. Grant Esqre. } Judges.
George Gowan Esqre. }

Read letter, dated 25th February last from the 3d Judge late on Circuit in the Northern Division, - submitting case No 12 Chicacole Calendar 2d Sessions 1823. (Here 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 ool Cozat and Mooftee of the Zillah Adalut confirm the said futwa of the Cazee ool Cozat and Mooftee aforesaid and in exercise of the discretion vested in them by Section III Regulation I of 1822 adjudge the prisoners,

1st Naputy Appiah,
2d Liddeenady Saheb, and
3d Cuttamoory Tenkiah,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of two years and then be released. -

(Sent following letter No 174)

In this case the complaint of the prosecutor and the warrant for the

29th April 1824

the prisoners apprehension bear date 27th April 1823, and in the arraignment the prisoners are charged with having committed the robbery "on the night of the "10th May 1823 corresponding with the 15th "of the decreate of the Moon in the month "Adeha Chaitra of the year Swabhanoo."

2 This obvious error appears to have arisen from the Presiding Judge's not having recollected, that the month specified in the original date is the intercalary Chaitra, which occurred in 1823, a mistake of this nature not constituting however a material flaw in the arraignment, the Court have confirmed the conviction of the prisoners.-

3. The Criminal Judge in this and other trials which have been referred to the Court of Enquiree Moalut has omitted to frame and record in his proceedings the brief statement in the nature of an indictment required by the standing orders of the Court to be appendix thereto and adopted by the Court of Circuit at the arraignment, and the Court of Enquiree Moalut direct that his attention be called to the omission.-

4 The Court of Enquiree Moalut desire also, that the Magistrate be called upon to report for their information what

29th April 1824

what steps have been taken to effect the apprehension of the ~~prisoners~~ fugitive Saggy Ramarauze. The Court are of opinion that he should be proclaimed if that measure has not already been taken, and that the property found in his house should be kept in safe custody to be produced eventually on his trial.-

5 The Court of Enquiree Moalut take this occasion of remarking that the Sirdars or heads of gangs of robbers are very rarely brought to justice in the Zilla of Chicacole, a fact which is not easily reconcilable with a duly efficient discharge of the police functions in that Zilla.-

6 Ordered, that a extract of these proceedings be sent to the 3d Judge late on Circuit in the Northern Division, by precept, enjoining him to make the necessary communication to the Criminal Judge of Chicacole and the Magistrate of Vizagapatam for their respective information and guidance.-

(Sent following Precept No 175)

Read letter, dated 17th Instant, from the acting Judge late on Circuit in the Centre Division, submitting case No 39 Bellary Calendar 2d Sessions 1823.

(Here entered No 270)

The

29th April 1824

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 Coozat and Mooftee of the Fouzdaree Adawlut confirm the said futwa of the Cazee ool Coozat and Mooftee aforesaid and in exercise of the discretion vested in them by Section III Regulation I of 1822 adjudge the prisoners,

1st Chennoogadoo,
2d Raumboyadoo,
3d Nummoogadoo and
4th Nunkee Rungadoo,

to be remanded to the Jail at Trichinopoly there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of fourteen years and then be released.—

Sent 3: (Sent following letter No 176.

The date assigned to the robbery in this case in the arraignment of the prisoners before the Court of Circuit is 10th August 1823.—

2 In the original complaint of the prosecutor taken on the 10th August, he stated the robbery to have occurred on the preceding evening which the Court of Fouzdaree Adawlut consider to be in all probability the correct date.—

The

F. C.
29th April 1824.

3 The error does not vitiate the arraignment, but the Court of Fouzdaree Adawlut deem it proper to notice it, as it is of importance that offences should be laid with all attainable precision.—

Sent Copy

4 In the letter accompanying the trial the acting Judge observes that "that part of Section XXIII Regulation VIII "A.D. 1802 modified by Section VIII Regu-"lation XV 1803, which required the "Magistrates under the former system "of Police to issue a Proclamation at "every Jail delivery, and to cause it to "be read, and affixed to their Cutcheries, "as well as to the Cutcheries of their "Police Officers, notifying that all persons "who may be sentenced to be confined for "life for murder, decoiting, robbery, "plundering, or burning houses or property, "or any other crime of a heinous nature, "will be liable to transportation to "some place beyond sea, by order of the "Court of Fouzdaree Adawlut," has in practice, in the Centre Division become quite obsolete, and in consideration of "the little opportunity which the poor illiterate men who are generally "concerned in Robberies" by open violence have of becoming acquainted with the Law the Acting Judge recommends

that

that such public notifications of the penal consequences of those crimes should be continued to be made by the Criminal Judges through the Magistrates "after the "receipt of the whole of the sentences "of the Court of Foujdaree Adawlut after each Sail Delivery."—

The Court of Foujdaree Adawlut entirely concur with the Acting Judge in the above suggestion, and they deem it proper to direct by a circular order, that the practice enjoined by Section XVIII Regulation VIII of 1802 as modified by Section VIII Regulation XV of 1803, be resumed in every Zilla, wherein it may have fallen into disuse.—

Ordered, that extract of these proceedings be sent to the four Provincial Courts of Circuit by precepts enjoining them to communicate the same to the several Criminal Judges and Magistrates for their respective information and guidance.—

(Sent following Precepts No. 177)

Ordered also, that extract of these proceedings be sent to the Acting Judge late on Circuit in the Centre Division, for his information and guidance.—

(Sent following Letter No. 178

sent 2.

sent 3.

Read letter, dated 6th Instant, from the Acting Judge late on Circuit in the Centre Division,— submitting case No. 14 Cuddapa Calendar 2d Sessions 1823.—

(Here enter No. 248)

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 Foujdaree Adawlut confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid and under the provisions of Section III. Regulation I of 1822 adjudge the prisoners,

1st Nakeegaudoo, and

2d Chinna Emamgadoo,

to receive 39 stripes each with a rattan and to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives respectively.—

(Sent following Letter No. 179)

Read return, dated 17th Instant, from the 1st Judge on Circuit in the Southern Division,— to precept dated 2d Instant directing him to revise the translation of the proceedings in

29th April 1824

case No 4 Madura Calendar 1st Sessions 1824.-

(Here enter No 280)

Read again letter, dated 19th February last, from the 1st Judge on Circuit in the Southern Division,- submitting case No 4 Madura Calendar 1st Sessions 1824.-

(Here enter No 135)

The Court having maturely considered the proceedings held before the Judge on Circuit the futwa of the Law Officer and the futwa of the Cazee oal Coozat and Mooftees of the Tongdaree Adalut confirm the said futwa of the Cazee oal Coozat and Mooftees aforesaid and under the provisions of Clause sixth Section II Regulation XV of 1803 adjudge the prisoners,

1st Vaitaytaven, and
4th Paracaroopatauen,

to be released on producing good and sufficient security for their future good behaviour and appearance when required.-

And acquitting the prisoners,

2d Veeratauny,
3d Sungetytaven
5th Caroopayee, and
7th Chinnootaun,

direct that they be set at liberty

(Vide following Letter No 180)

Read letter, dated 3d Instant, from the 2d Judge Tate on Circuit in the Western Division,- submitting case No 93 Malabar Calendar 2d Sessions 1825.-

29th April, 1824

(Here enter No 261)

The Cazee-ool-Coozat and Mooftees of the Tongdaree Adalut declare in the foregoing futwa that the prisoner Karamkil, alias Vermata Vallapil Geni Moideen, is convicted on strong presumption of the crime of Murder laid to his charge, the Court therefore, concurring in opinion declared in the futwa, resolve under the provisions of Clause third Section II Regulation XV of 1803, to call upon their Law Officers to declare by a second futwa to what specific punishment the prisoner would have been liable under the Mohummudan Law if he had been convicted by full legal evidence.-

Ordered, that a extract of these proceedings be translated and delivered to the Cazee oal Coozat and Mooftees of the Tongdaree Adalut.-

Read petition, presented by Angaï Cunny of the Zilla of Combaconum.-

(Here enter E. D. Misc. Pet. No 2 of 1824)

The petitioner complains of the acquittal by the Court of Circuit of certain individuals committed for trial on a charge of robbing her house, and

29th April 1824.

and prays that the Court will call for the proceedings held on the trial and punish the prisoners in question.—

On reference to the Combaconum Calendar for the 1st Sessions of 1824 the Court observe, that the individuals named by the petitioner were brought to trial in case No 5 and acquitted. In such cases the Regulations do not allow of an appeal from the sentences of the Courts of Circuit: and the Court of Foujdaree Adalut having had before them the futwa delivered in the above case see no ground whatever to question the propriety of the Acquittal.—

Ordered, therefore that the foregoing petition be rejected and that extract of these proceedings be furnished to the petitioner on her application.—

W. H.

F. C.

At a Court of the Foujdaree Adalut.

Present,

Friday, 30th April 1824. } F. A. Grant Esqre. } George Gowan Esqre. } Judges.

Read letter, dated 5th Instant from the 1st Judge on Circuit in the Southern Division,— submitting case No 16 Combaconum Calendar 1st Sessions 1824.—

24 4

(Here enter No 354)

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 Mooftees of the Foujdaree Adalut confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid and under the provisions of Section III Regulation I of 1822 adjudge the prisoners,

1st Alagan,
2d Rathasawmy alias Ramen,
3d Vellien,
4th Augansen,
5th Caroopan,
6th Alagapun,
7th Paddy veeneengy,
8th Moothoocarooben,
9th Cunhien alias Cailyspan,
10th Manicamalay, and
11th Villapiel,

to receive 39 stripes with a rattan and

and to be imprisoned and transported to such place or places beyond Seas as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives respectively.—

And in exercise of the discretion given by the Section of the Regulation aforesaid adjudge the prisoner,

12th Cookhen,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of two years and then be released.—

(Vide following letter No. 181.

In the present and several other cases which have recently come before the Court of Tongdaree Adalut the prisoners when examined by the Police Officers were questioned respecting their having on former occasions been concerned in offences totally unconnected with the charge under investigation. This practice the Court consider to be irregular and improper; and they direct

direct that the several Magistrates be instructed to prohibit it by strict injunctions to the officers of police under their authority.—

2 It is also the practice of many of the native officers of police to read the depositions of persons before themselves as having been delivered before the Criminal Judge or the Magistrate; and the Court direct that these officers be instructed to discontinue this irregularity.—

3 And when the examination may not be held by a Sahseldar the Court of Tongdaree Adalut desire that the police officers do invariably subscribe himself as specially appointed under Section III. Regulation IV of 1821, and that when the name of such officer may not be included in the list required by the standing orders of the Tongdaree Adalut to be furnished by the Magistrate to the Judge on Circuit, a communication may be made to the Magistrate and in all referred trials a notification be made of the result for the information of the Court of Tongdaree

Adalut

30th April 1824 Adalut.-

4. Ordered that extract of these proceedings be sent to the four Provincial Courts of Circuit by precept enjoining them to communicate the same to the several Judges on Circuit and the several Magistrates for their respective information and guidance.-

(Sent following Precept No 182.

Read again letter, dated 27th Instant, from the 2d Judge late on Circuit in the Western Division,- submitting Case No 37 Malabar Calendar 2d Sessions 1823.-

(Here enter No 261.)

Read the second futwa delivered in this case by the Cazee ool Coozat and Mooftees of the Sudder Adalut.

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 Sudder Adalut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and under the sentence of Hippaus declared in the

Sent to.

2/ F. U.
30th April 1824

the futwa adjudge the prisoner, Karambil, alias Permata Vallapil Jeni Moideen, to suffer death by being hanged at the usual time and place of execution.-

(Sent following letter No 183.)

Sent to. 2 L
W.

F. U. Read letter, dated 17th Instant, from the 2d Judge on Circuit in the Centre Division,- reporting his intention of leaving Cuddapa on 17th Instant.-

(Here enter No 296)

Read letter, dated 28th Instant, from the 1st Judge on Circuit in the Southern Division,- with returned warrant for execution of a prisoner in case No 24 Combaconum Calendar 1st Sessions 1824.-

(Here enter No 302.)

At a Court of the Zoujdaree Adalut

Present,

Monday
3d May 1824

F. A. Grant Esquire
George Gowan Esquire } Judges.

Read letter, dated 12th Ultimo from the Acting Judge late on Circuit in the Centre Division, - submitting Case No 45 Cuddapa Calendar 2d Sessions 1823.-

/ Here enter No 271 /

The Judges of the Court of Zoujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoners 1st Chinna Nagadoo and 2d Venkatregadoo is sufficient to convict them of Stealing the thread desire under the provisions of clause second section II Regulation I of 1818 that their Law Officers will declare by a second futwa to what punishment the prisoners would have been liable under the Mohummudan Law if they had been convicted by full legal evidence of the above crime.-

Ordered, that extract of these proceedings be translated and delivered to the Cazee, Mahl Cozat and Mooftee of the Court Zoujdaree Adalut.-

Read return, dated 27th Ultimo, from

3d May 1824

from the 1st Judge on Circuit in the Western Division,- to precept dated 15th Ultimo calling for copy and English translation of the futwa delivered in case No 1 Canara Calendar 1st Sessions 1824.-

(Here enter No 274)

Read letter, dated 27th Ultimo, from the 2d Judge on Circuit in the Centre Division,- reporting his arrival at Bellary.-

(Here enter No 345.)

X

F. U.

At a Court of Foujdaree Adalut

Tuesday - - - -
4th May 1824.

Present.

F. A. Grant Esquire
George Gowan Esquire } Judges

Read again letter, dated 12th Ultimo from the Actg 1st Judge Circuit in the Centre Division,- submitting Case No 45 Cuddapa Calendar 2d Sessions 1823.-

(Here enter No 275)

Read the second futwa delivered in this case by the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut.-

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 Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the sentence of Pokoobut declared in the futwa acquit the prisoners,

1st Chenna Nagadoo
and
2d Venkatesegadoo,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of three years and then be released.-

Sent following letter No 184

4th May 1824

1 The proceedings in this case were called for by the Court of Zuidaree Udalat & under date 18th November last on an inspection of the Calendar, wherein the prisoners were stated to have been "charged with & "Highway robbery having on the morning of "the 3rd of June 1823 attacked the prosecutor "Gungaloo," and with "having plundered the "said prosecutor of 22 Rupees value of thread." and in the column of remarks the sentence on the prisoners was stated to have been & passed "with reference to the latter part of "clause first section III Regulation XV of "1803," which defines and exclusively refers to the crime of robbery by open violence; the reference whereof to the Court of Zuidaree Udalut in "all cases of conviction" is provided by Regulation I of 1822.-

2 But on perusal of the record the Court find, that the offence was incorrectly described in the Calendar, and the provisions of section III Regulation XV of 1803 & erroneously referred to by the Acting Judge in passing sentence on the prisoners.-

3 Instead of having "attacked the prosecutor" on the Highway it does not & appear, as remarked by the Acting Judge in his letter accompanying the trial, that "the prosecutor saw the prisoners either & before

4th May 1824

"before, at the time or after they committed the "theft," of which they are convicted, and which clearly comes under the description of simple theft, and was moreover committed under circumstances, which with reference to the provisions of Clause fifth section II Regulation XV of 1803 entitled the prisoners to a mitigation of the prescribed penalty.-

4 A wrong date is assigned to the offence in the arraignments, the complainant on 5th June described it as having occurred a & month before. The error does not vitiate the proceedings, but the Court of Zuidaree Udalut desire that it may be pointed out to the Acting Criminal Judge, it being of consequence that offences should be laid in the & arraignments with all attainable precision.-

5. Ordered, that extract of these proceedings be sent to the Acting Judge late on Circuit in the Centre Division by precept directing him to make the necessary communication to the Acting Criminal Judge for his information and guidance.-

/ Sent following precept No. 185. /

Sent 17th

Read letter, dated 10th Ultimo from the 2d Judge late on Circuit in the & Western Division; submitting Case No. 29 & Canara Calendar 2d Sessions A.D. 1823.-

/ Vide entry No. 278 /

The Court having maturely considered the proceedings held before the Judge

4th May 1824

Judge on Circuit the futwa of the Provincial Law Officer and the futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid and under the sentence of Askoobut declared in the futwa acquitting the prisoner,

4th "Nandee,"

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of seven years and then be released.-

Sent 7th

/Sent following letter No 186./

Read letter dated 24th March last from the 3d Judge on Circuit in the Northern Division: submitting Case No 8 Cheacole Calendar Second Sessions A.D. 1823.-

/Here enter No 208/

Read also letter dated 24th March last from the 3d Judge on Circuit in the Northern Division: submitting Case No 10 Chicacole Calendar second Sessions A.D. 1823.-

/Here enter No 210/

The Court having maturely considered the proceedings held in cases Nos 8 & 10 before the Judge on Circuit the futwas of the Provincial Law Officer and the futwas of the Foujdaree Udalut confirm the said futwas of the Cazee-ool-Coozat and Mooftees aforesaid and under the latitude given by the sentence of Askoobut declared against the prisoners,

1st Gopenand Puttnaik
2d Rayhala Chandroodoo,
3d Cummun Bayo, and
4th Cummun Naatha,

direct

7 U

4th May 1824. direct that they, and the prisoner

6th Calloogoola Boroshottum

who is declared not to be convicted, be set at liberty.-

/Sent following letter No/

1 The Court of Foujdaree Udalut concurring in opinion with the 3d Judge in the view which he has taken of the evidence in the foregoing cases, have directed the release of the prisoners whose conviction, although conformable to the letter of the Mohummudan Law of evidence, has not their concurrence.-

2 The proceedings held by the Magistrate of Ganjam in each of the above cases are extremely irregular & defective: he appears to have neglected altogether to examine the prisoners as required by section XXIV Regulation IX of 1816, and no warrant seems to have been issued for their apprehension.

3 In his letter accompanying case No 8 the 3d Judge intimates a doubt as to his authority to order the release of a prisoner declared by the futwa to be convicted on Zunni-Ghalib.-

4 A conviction on strong presumptive proof is under the provisions of section II Regulation XV of 1803 of equal force with a conviction on full legal evidence under the Mohummudan Law

4th May 1824

Laws and when the Judge of Circuit may consider a person declared to be so convicted entitled to be released, it is to be presumed that he does not concur in the conviction, and the provisions of Section XXII Regulation VII of 1802 require in such cases a reference of the trial to the Court of Sudder Dewanny Adawlut.-

5 The 2d Judge took from the Mohummudan Law Officer one futwa in cases Nos. 8, 10, & 23 of the Calendar.-

6 The time, place, and nature of the acts charged against the prisoners in these several cases being different, the charges being for robbery, arson, and murder respectively the Law Officer should have been required to deliver a futwa on each separate trial as applicable to the circumstances of the case. A strict observance of the rule enjoined in this respect under the general regulations is indispensable in order to ensure a clear and perspicuous statement of the Evidence on record.-

7 It is only as explained in the orders of the Sudder Dewanny Adawlut under date 27th December 1811, "when a prisoner may be "brought to trial in two or more cases on the "same calendar all of which are considered to be "similarly circumstanced", that a futwa should be taken "on the whole of the proceedings held "against the prisoner".-

8 Ordered, that extract of these proceedings

4th May 1824.

proceedings be sent to the 3d Judge late on Circuit in the Northern Division by precept requiring him to communicate to the Magistrate of Rungpore such part thereof as concerns that Officer for his information and future guidance.-

Sent following precept No 188

Sent 17th

Read

Fl.

At a Court of the Foujdaree Adalut

Present

Monday
10th May 1824 } F. A. Grant Esquire
George Gowan Esquire } Judges

Read letter, dated 1st instant from the Criminal Judge in the Zilla of Madura recommending the removal to another Zilla of Canthavah, a convict attached concerned in a late attempt to break Jail.-

Here enter No. 315.

In consideration of the circumstances stated in the foregoing letter the Court of Foujdaree Adawlut direct, by under the authority vested in them by Clause fifth Section VIII Regulation XV of 1803, that the said prisoner, Canthavah be removed to the Jail in the Zilla of Seringapatam there to be imprisoned agreeably to the terms of his sentence.-

Ordered, that extract of these proceedings be sent to the Criminal Judge of Madura & the acting Criminal Judge of Seringapatam for their respective information and guidance.-

Sent following letters No. 192.

Read

10th May 1824

Read letter, dated 3d Instant, from the late Acting Judge of Circuit in the Centre Division, - with returned warrant for execution of prisoners in case No 15 Ballary Calendar 2d Sessions 1823.-

(Here enter No 313)

Read return, dated 7th Ultimo, from the 2d Judge late on Circuit in the Western Division, - to precept dated 22d Ultimo ordering communication to the Magistrate of Canara of the Court's observations in case No 1 Canara Calendar 2d Sessions 1823.-

(Here enter No 314)

X

F. C.

At a Court of Foujdaree Udalut

Present

Wednesday 12th day May 1824 } F. A. Grant Esquire, George Gowan Esquire } Judges

Read letter, dated 23d Ultimo from the 2d Judge of the Provincial Court of Circuit in the Northern Division, - submitting copy of Calendar of persons furnished by the Assistant Magistrate of Masulipatam and of his proceedings thereon dated 6th Ultimo.-

(Here enter No 306)

From the proceedings of the 2d Judge which accompany the foregoing letter it appears that the Assistant Magistrate has irregularly and illegally disposed of several cases entered in the Calendar, wherein the prisoners were forwarded to him by the Police Officer under the provisions of clause second section IV of Regulation IV of 1821, sentencing the prisoners to punishment merely on the proceedings, which had been held by the Police Officer, without of holding any personal investigation; and it would also appear, that the provisions in question have been applied to cases, wherein the amount of property stolen exceeded five rupees, and the prisoners were persons of notoriously bad

12th May 1824

bad character.-

2 The Court of Zoujdaree Adalut
concur generally in the observations recorded
by the 2d Judge in his proceedings on these
cases, but referring to his remark that it is
the intention of Section IV Regulation IV of 1821
"that such persons as deserve a heavier pu-
"nishment than an Officer of police can inflict
"but whose guilt comes within the scope of
"the Magistrate's authority to punish should
"be sent direct to him," the Court have to observe
that the provisions of the Section in question
apply solely & exclusively to the particular
cases, which are by the 1st clause thereof
rendered cognizable by a Head of Police; and
that other cases which it is competent to
a Magistrate to hear and determine under
the provisions of Sections XXXII & XXXIII
Regulation IX of 1816 are referrible by the
Police Officers to the Magistrate, who is bound
to proceed thereon in the mode prescribed by
Section XXIV of that Regulation, excepting
only that the examinations held by him
are not under the provisions of clause second
Section VII Regulation IV of 1821 required to
be taken down in writing.-

3 The Regulations have not limited
by the specification of any sum the amount the
cases of petty theft cognizable by a Magistrate
under

12th May 1824

under the provisions of Section XXXIII Regu-
lation IX of 1816; the description, however given
in that Section of the persons punishable by the
Magistrate clearly exclude from his jurisdic-
tion thefts committed by any who have been
repeatedly convicted of that crime; and by general
analogy of Law the cognizance of any cases
which with reference either to the value or
the particular description of the property stolen
have been made specially cognizable by the
Criminal Judge must be taken to be incompetent
to the Magistrate; such are cases of cattle
stealing, ~~arson of knowingly receiving stolen~~
perpetration

4 The Court of Zoujdaree Adalut con-
clude that the order of the Magistrate to
the officer of police dated 24th January 1823
cited in the proceedings of the 2d Judge has
been recalled agreeably to his directions, as
appearing to be manifestly at variance
with the provisions of Section XXVII Regu-
lation XI of 1816.-

Ordered that extract of these
proceedings be sent to the 2d Judge of the
Provincial Court of Circuit in the Northern
Division by precept enjoining him to make
the necessary communication to the Magistrate
of Masulipatam for his information and guidance.

Sent following precept No 193

Sub 13th

At a Court of the Foujdaree Adalut.

Present,

Thursday, 13th May, 1824 — F. A. Grant Esqre. / George Gowan Esqre. } Judges.

Read letter, dated 5th Instant, from the late acting Judge of the Provincial Court of Circuit in the Centre Division, — submitting copy of Chittoor Calendar 2d Quarter Sessions A.D. 1824. —

(Here enter No. 323)

In case No 2 of the Calendar it is stated that the Futwa declared the 1st and 2d prisoners liable to Corporal punishment being barred in consequence of the recovery by the prosecutrix of a part of the stolen property. —

2. This exception in bar of a sentence for the specific penalty being manifestly one which falls within the scope of the provisions of Clause Fourth Section II Regulation XV of 1803 the Court of Foujdaree Adalut direct that the late acting Judge do take a second Futwa from the Mohummedan Law Officer on the case and pass judgment accordingly. —

3. Ordered, that extract of these proceedings be sent to the late acting Judge of the Provincial Court of Circuit in

13th May 1824

in the Centre Division by precept returnable in five days from and after its receipt.—

2d
Wt

(Sent following precept No 194.)

W

P. C.

At a Court of the Zillah Dyndaree Adawlut.

Present.

Friday,
14th May, 1824.

P. A. Grant Esqre
George Gowan Esqre } Judges

Read letter, dated 6th ultimo, from the Acting Judge late on Circuit in the Centre Division,— submitting case No 1 Cuddapa Supplimental Calendar 2d Sessions 1823.—

2d
Wt

(Here enter No 256)

Read also letter dated 13th ultimo from the Acting Judge late on Circuit in the Centre Division,— forwarding a plan referred to in case No 1. Cuddapa Supplemental Calendar 2d Sessions 1823.—

(Here enter No 258)

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 Zillah Dyndaree Adawlut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and acquitting the prisoners,

1st Bramapoory Subbaroyadoo,
2d Bramapoory Ankalroyadoo, and
3d Sankarayery Soobaroo,

direct that they be set at liberty.—

(Sent following letter No 197.

The

14th May 1824

1 The record of this trial and of those numbered 2 and 3 of the Supplemental Calendar on similar charges are essentially defective, in that they do not exhibit the depositions wherein perjury is alleged to have been committed by the prisoners respectively; so that in point of fact there is nothing before the Court to shew that they even uttered the words whereon the perjury is assigned.

2 But setting aside this consideration, the Court of Zillah Cuddapah cannot regard the act of either of the prisoners as constituting the crime of wilful and corrupt perjury, inasmuch as they might have heard the confessions delivered, and with that recollection have subsequently affixed their signatures in attestation of them. It is to be borne in mind, that before the Court of Circuit they were called upon to depose to a fact implicating themselves in a breach of duty, and under such circumstances too much forbearance could not have been used in their examination: they should have been cautioned against giving any answer tending to their own crimination: and allowed full opportunity of explaining or recalling any statement apparently at variance with truth

14th May 1824

truth and fact, which they might in the first instance have delivered. Whether or not the instructions of the Court of Zillah Cuddapah contained on this subject in their proceedings of 8th January 1816 were observed, the Court are unable to judge, as the examinations of the prisoners as witnesses before the Court of Circuit are not before them: but as intimated above the Court do not consider, that they were guilty of more than prevarication in their testimony.

3 The Court of Zillah Cuddapah are of opinion, that on their reinstatement in their offices in the Zillah Court the prisoners should be made to forfeit the arrears of their salaries from the date of their commitment, as a punishment for the laxity, which they have shewn in the performance of their public duties.

4 The attention of the Court has been called on this occasion to a practice, which would appear to obtain in the Zillah Court of Cuddapah, of allowing the servants on the establishment of the Court Bahtah for attending as witnesses before the Court of Circuit. This practice is an abuse of the provisions of Section XXXIII. Regulation X of 1816 which

14th May 1824 which the Court deem highly censurable, and they direct that it be on no account repeated.-

Ordered that extract of these proceedings be sent to the late Acting Judge on Circuit in the Centre Division by precept enjoining him to make the necessary communication to the Acting Criminal Judge in the Zilla of Cuddapa for his information and guidance.-

Sent following precept No. 198/

Read letter, dated 6th ultimo, from the Acting Judge late on Circuit in the Centre Division,- submitting case No 2 Cuddapa Supplemental Calendar 2d Sessions 1823.-

(Here enter No 257)

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 Pundaree Adalut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and acquitting the prisoners,

1st Copalathadeeyan Soobiah, and
2d Bramapoam Pedda Soobarayadoo,

direct that they be set at liberty.-

(Sent following letter No. 199/ Read

2/ F. H.
14th May 1824.

Read letter, dated 6th ultimo, from the Acting Judge late on Circuit in the Centre Division,- submitting case No 3 Cuddapa Supplemental Calendar 2d Sessions 1823.-

(Here enter No 258/

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 Pundaree Adalut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and acquitting the prisoners,

2d Shumbagerry Soobarow,

direct that he be set at liberty.-

(Sent following letter No 200/

Read letter, dated 7th ultimo, from the 1st Judge on Circuit in the Western Division,- submitting case No. 23 Canara Calendar 1st Sessions 1824.-

(Here enter No. 294)

Read also remarks of the Cazee ool- Coozat and Mooftees of the Pundaree Adalut.-

In this case the prisoner Coojoomba is charged with the murder of his wife Bydoo, and the record does not shew whether or not the

14th May 1824

deceased has left children begotten by the accused.-

The enforcement of the right of retaliation for death being barred under the Mohummudan Law, in cases where a child may possess that right against his parent, it is necessary in all cases of the above description, that it should be ascertained whether the accused has children, living, by the deceased.-

The Court of Foujdaree Adalut resolve therefore to return the record of the trial, and direct that the 7th Judge on Circuit be instructed to issue a precept to the Criminal Judge in the Zilla of Canara requiring him to take evidence to this point, in the presence of the prisoner and annex authenticated translations of the same in English and Persian to the original record which the Court of Circuit will retransmit to this Court.-

Ordered, that the record of proceedings in the above case and extract of these proceedings be sent to the First Judge on Circuit in the Western Division by precept enjoining him to proceed conformably to

14th May 1824

to the foregoing instructions and to make return in twenty days from the date of the receipt of the precept.-

W.H.

P. 20th. 1824.

Remarks of the Cazee ool Coozat and Mooftees of the Foujdaree Adalut.

Reasons for returning the record of proceedings held in case No 23 Canara Calendar 1st Sessions A.D. 1824

W.D.

Zilla of Canara
No 23.
1st Sessions AD 1824

It is not discoverable by the record of this case whether the prisoner Coojoomba had, or had not, children by the deceased Bydoo.-

It is, therefore, requisite that the Judge on Circuit should ascertain this point, and retransmit the case in order that a further may be given accordingly.-

th Instant,
in the
dated
ection
of the
No 26
1825.-

th Instant,
ent in
turned
risoner
day 22-

14th May 1824 deceased has left children begotten by the accused.—

The enforcement of the right

14th May 1824 to the foregoing instructions and to make return in twenty days from the date of the receipt of the precept.—

Took following Precept № 201.

Read return, dated 5th Instant, from the 2d Judge late on Circuit in the Western Division,— to precept dated 27th ultimo, ordering communication to the Magistrate of Canara of the Court's observations in case № 26 Canara Calendar 2d Sessions 1823.—

(Hereunto № 326)

Read letter, dated 7th Instant, from the 2d Judge late on Circuit in the Western Division,— with returned warrant for execution of a prisoner in case № 27 Malabar Calendar 2d Sessions 1823.

(Hereunto № 327)

F. A.

At a Court of the Zuydaree Adalut

Present

Thursday 20th July 1824 } F. A. Grant Esquire, George Gowan Esquire } Judges

Read letter, dated 3d Instant from the 1st Judge on Circuit in the Southern Division, - submitting Case No 13 Salem Calendar first Sessions 1824.-

/Here enter No 314/

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 Zuydaree Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid and accordingly direct that the prisoner,

"Sellaundy,"

be released on producing good and sufficient security for his future good behaviour and appearance when required.-

/Sent following letter No 306./

Sent 22d

Read letter dated 12th Instant from the 1st Judge on Circuit in the Southern Division, - with copy of Salem Calendar 1st Sessions 1824 -

/Here enter No 330/

Read

20th May 1824

Read letter, dated 10th Instant, from the 1st Judge on Circuit in the Northern Division, - reporting his arrival at Chicacole. -

(Here enter No 331)

Read letter, dated 12th Instant, from the 3d Judge of the Court of Circuit in the Northern Division, - with copy of Masulipatam Calendar 2d Quarterly Sessions 1824. -

(Here enter No. 333)

Read return, dated 18th Instant, from the 1st Judge on Circuit in the Northern Division, - to precept dated 17th Ultimo calling for proceedings in case No 9 Nellore Calendar 1st Sessions 1824. -

(Here enter No. 334)

Read return, dated 19th Instant, from the Judges of the Provincial Court of Circuit in the Western Division, - to precept dated 30th Ultimo ordering them to instruct the Magistrates to prohibit the officers of Police questioning prisoners regarding offences not under investigation. -

(Here enter No 336)

Read return, dated 19th Instant, from the Judges of the Provincial Court of Circuit in the Western Division, - to

20th May 1824

to precept dated 29th Ultimo ordering communication to the Criminal Judges and Magistrates of the Court's instructions respecting the half yearly proclamation of the penalties attached to certain crimes. -

(Here enter No 337)

At a Court of the Poujdaree Udalut

Present,

Friday 21st May, 1824. P. A. Grant Esqre } Judges.
George Gowan Esqre }

Read again letter, dated 17th March last from the Acting Criminal Judge in the Zilla of Cuddapa, transmitting an extract of the proceedings of the Court of Circuit, suggesting the tender of a conditional pardon to one Bava Sahib implicated in a case of robbery.—

(Here enter No 198)

Read also return, dated 15th Instant, from the Acting Criminal Judge in the Zilla of Cuddapa,— to precept dated 26th March last, calling for translations of examinations held in the above case.—

(Here enter No 335)

The Court of Poujdaree Udalut having taken into consideration the foregoing papers see reason to concur in opinion with the late J. Judge on Circuit, that Bava Sahib, if admitted to a conditional pardon, may be able to furnish information, which may lead to the conviction of the principals in the robbery; and they resolve therefore

21st May 1824

therefore, to submit the proceedings to Government, and to recommend that the Honorable the Governor in Council may be pleased to authorize the tender of a conditional pardon to the said Bava Sahib on the terms specified in Section XX Regulation VIII of 1802.-

Ordered, that the foregoing papers with extract of the proceedings of the Court of Poujdaree Adalut under date 20th March last, and extract of these proceedings be transmitted to the Secretary to Government in the Judicial Department for the purpose of being laid before the Honorable the Governor in Council.-

(Sent following letter No 207)

J. U.

At a Court of the Poujdaree Adalut.

Present,

Saturday,
22d May, 1824. F. A. Grant Esqre
George Gowan Esqre } Judges.

The Reports on the 4th Quarterly Sessions of Jail Delivery at Masulipatam for the last year & that of the 1st for the present year not having been transmitted by the Second Judge of the Court of Circuit in the Northern Division, as required by the Courts orders of 9th December 1819.-

The Court direct, that the Second Judge be by precept commanded to send up the prescribed Reports within two weeks from the date of the receipt of the precept.-

(Sent following precept No 208)

Read return, dated 14th Instant, from the 2d Judge of the Court of Circuit in the Northern Division, to precept dated 28th Ultimo ordering communication to the Criminal Judge and Magistrate of Masulipatam of the Courts observations in case No 6 Masulipatam Calendar 4th Quarterly Sessions 1823.-

(Here enter No 339)

Read letter, dated 16th Instant, from

22d May 1824.

from the 2d Judge late on Circuit in the Western Division, with returned warrant for execution of a prisoner in case No 37 Malabar Calendar 2d Sessions 1823.

(Here enter No 340)

Read letter, dated 11th Instant, from the 2d Judge of the Court of Circuit in the Northern Division, with returned warrant for execution of prisoners in case No 6 Masulipatam Calendar 4th Quarterly Sessions 1823.

(Here enter No 341)

Read return, dated 16th Instant, from the 1st Judge on Circuit in the Southern Division, to precept dated 29th March last ordering communication to the Magistrate of Tinnevelly of the Court's observations on case No 11 Madura Calendar 1st Sessions 1824.

(Here enter No 343)

F. 114

At a Court of the Foujdaree Adalut

Present

Monday 24th May 1824. } F. A. Grant Esquire, George Gowan Esquire } Judges

Read letter, dated 20th March last from the 2d Judge late on Circuit in the Western Division, submitting Case No 5 Canara Calendar 2d Sessions 1823.

(Here enter No 214)

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 Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid and under the provisions of clause sixth section II Regulation XII of 1803 direct that the prisoners,

1st "Ramkrishna,"
2d and "Annapa,"

be released on producing good and sufficient security for their future good behaviour and appearance when required.

And acquitting the prisoners,

4th "Govinda"
5th "Letchmana,"
6th "Narsah," and
7th "Dargaty,"

direct that they be set at liberty.

Sent following letter No 209.

At a Court of the Foujdaree Adalat

Present,

Wednesday
26th May 1824 C. A. Grant Esqre
George Gowan Esqre } Judges.

Read letter, dated 19th Ultimo
from the 2d Judge late on Circuit in the
Western Division, - submitting case No 28
Canara Calendar 2d Sessions 1823.

(Here enter No 295)

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 and
Coojat and Mooftees of the Foujdaree
Adalut being of opinion that the proof
against the prisoner Pt. Pandoo, is sufficient
to convict him of the crime of robbery
by open violence for which a penalty
is specially denounced in Section III
Regulation I of 1822 do under the authority
vested in them by Clause first Section
II Regulation I of 1818 and in exercise
of the discretion given by Section III
Regulation I of 1822 adjudge the said
prisoner,

Pt. Pandoo,

to be removed to the Jail in the Zilla
of Chittoor there to be imprisoned and

26th May 1824

kept to hard labor in irons on the public roads or other public works for and during the period of nine years and then be released.—

And the Court acquitting the prisoner,

P. Chickaya,

direct that he be set at liberty.—

Sent 29 May.

(But following letter No. 212)

Read letter, dated 22d Instant, from the Pt. Judge on Circuit in the Western Division,—submitting case of Malabar Calendar Pt. Sessions 1824.—

(Here enter No. 324)

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 Coozat and Mooftees of the Fouzdaree Adalut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid, and under the provisions of Clause second Section XV Regulation VII of 1832 adjudge the prisoner,

Kattayodan Podan,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of nine years and then be released.—

Sent 29th

(But following letter No. 213)

26th May 1824

Read letter, dated 20th Inst. from the Pt. Judge on Circuit in the Northern Division, submitting case No. 10 Nellore Calendar Pt. Sessions 1824.—

(Here enter No. 299)

The Judges of the Fouzdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner, Shaik Boodun is sufficient to convict him of the offence with which he is charged desire under the provisions of Clause second Section II Regulation I of 1818 that their Law Officers will declare by a second futwa to what specific punishment the prisoner would have been liable under the Mohummudan Law if he had been convicted by full legal evidence of the above offence.—

Ordered that extract of these proceedings be translated and delivered to the Cazee ool Coozat and Mooftees of the Fouzdaree Adalut.—

Read return, dated 11th Instant from the Judges of the Provincial Court

At a Court of the Poydaree Adalut.

Present,

Thursday, 27th May, 1824. — F. A. Grant Esqre, George Gowan Esqre } Judges.

Read letter dated 3d. ultimo, from the 1st Judge on Circuit in the Northern Division, - submitting case No 4 Nellore Calendar 1st Sessions 1824.

(Here enter No. 252.)

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 Poudaree Adalut confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid and under the provisions of Clause sixth Section II Regulation XV of 1803 direct that the prisoner,

1st Veerumby Veerush,

be released on producing good and sufficient security for his future good behaviour and appearance when required.-

And acquitting the prisoners,

2d Manna Veeradoo,
3d Veerumby Syeyandoo
4th Pitty Mooftyaloo,
5th Ulgeranadda Venkatnarraina,
6th Ballumconda Somadoo, and
7th A. Mooftyaloo,

direct that they be set at liberty.-

Sent following letter No. 214)

26th May 1824

of Circuit in the Northern Division, - to precept dated 29th ultimo ordering communication to the Criminal Judges and Magistrates of the Courts instructions respecting the half yearly proclamation of the penalties attached to certain crimes.-

(Here enter No. 347)

Read return, dated 14th Instant from the Judges of the Provincial Court of Circuit in the Northern Division, - to precept dated 30th ultimo ordering them to instruct the Magistrates to prohibit the officers of Police questioning prisoners regarding offences not under investigation.-

(Here enter No. 348)

F. N.

At a Court of the Foujdaree Adalut

Present

Monday
31st May 1824

F. A. Grant Esquire
George Gowan Esquire
} Judges

Read again letter, dated 20th Ultimo from the 1st Judge on Circuit in the Northern ab Division, - Submitting case No 10 Nellore Calendar 1st Sessions 1824.

Have enter No 209

Read the ~~former~~ further futwas deli=vered in this case by the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut.-

The Court having maturely consi=dered 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 Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the provisions of Section XXI Regulation VII of 1809 adjudge the prisoner,

Shaik Boodeen,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of seven years and then be released

Sent following letter No

Read

31st May 1824

Read letter, dated 26th Ultimo, from the 1st Judge on Circuit in the Western Division,- submitting case No 19 Canara Calendar 1st Sessions 1824.-

(Here enter No 309)

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 oob Coozat and Mooftees of the Tuljapore Zillah confirm the said futwa of the Cazee oob Coozat and Mooftees aforesaid and under the provisions of Section III Regulation I of 1802 adjudge the prisoner Golla Rangana,

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond Sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.-

24th ditto

(Sent following letter No

Read letter, dated 27th Instant, from the 2d Judge on Circuit in the Centre Division,- reporting his intention to leave Bellary on 29th Instant.-

(Here enter No 354)

31st May 1824

Read letter, dated 24th Instant, from the 1st Judge on Circuit in the Western Division,- reporting his resumption of the duties of the Circuit.-

(Here enter No 357)

Read return, dated 22d Instant from the late Acting Judge on Circuit in the Centre Division,- to precept dated 15th Instant ordering him to take a second futwa in case No 2 Chittore Calendar 2d Quarterly Sessions 1824.-

(Here enter No 360)

Read return, dated 27th Instant, from the Judges of the Provincial Court in the Southern Division,- to precept dated 25th March last ordering communication to the Magistrates of the Courts instructions that inquests be held on the bodies of persons dying in Custody.-

(Here enter No 363)

Read return, dated 29th Instant from the Judges of the Provincial Court in the Southern Division, to precept dated 29th March last ordering communication to the Magistrates of the Courts opinion that they are not empowered to arrest an Ameen of Police with the present powers of Tahseeldars.-

(Here enter No 364)

F. H.

At a Court of the Zoojdaree Adalaut.

Present,

Wednesday 2d June, 1824 — F. A. Grant Esqre / George Gowan Esqre } Judges.

Read return, dated 22d Ultimo from the late Acting Judge on Circuit in the Centre Division, — to precept dated 4th Ultimo ordering communication to the Acting Criminal Judge in the Zilla of Cuddapah of the Court's instructions founded upon cases Nos. 1. 2. and 3 Cuddapah Supplemental Calendar 2d Session A.D. 1823. —

(Here entered No. 358)

The Court of Zoojdaree Adalaut from the description given of the prisoners in case No. 1 of the above Calendar and from the circumstances of the case were led to consider that they belonged to the establishment of the Zilla Court, whereas it appears by the foregoing return that S. Doo baron the 3d prisoner only "held a situation in the public service" The instructions contained in the 3d paragraph of the Court's proceedings under date 14th Ultimo are consequently applicable only to the individual last mentioned. —

2 The late Acting Judge stated

2 June 1824

states in the foregoing return his belief, that "the practice does not obtain in "the Zilla Court of Cuddapa of allowing "the servants of the Court establishment "the Court Batta for attending as witnesses "before the Court of Circuit."—

3 Referring to the record of the trial No 1 of the Supplemental Calendar the Court of Tanjore it does not observe that Latee Venkatrow, the 5th witness, who is described as a resident of Cuddapa living by service, and who deposed that he wrote "the declaration of the prisoner "Ramasdoo in No 4 of the Calendar," received batta from the 22d July to the 11th October.—

4 This person would appear under the explanation given in the foregoing return to have been only temporarily employed in the Zilla Court: but if he was an inhabitant of the town of Cuddapa and not therefore obliged to leave his house for the purpose of attending the Court of Circuit, the Court of Tanjore do not are of opinion that the allowance of Batta was not warranted by the provisions of Section XXXIII Regulation X of 1816.—

Ordered, that extract of these proceedings be sent to the late Acting Judge on Circuit in the Centre Division by precept enjoining him to make the necessary communication to the acting Criminal Judge in the Zilla of Cuddapa for his information and guidance.—

2 June 1824

proceedings be sent to the late Acting Judge on Circuit in the Centre Division by precept enjoining him to make the necessary communication to the acting Criminal Judge in the Zilla of Cuddapa for his information and guidance.—

Sent following precept No 2181

F. C.

At a Court of the Foujdaree Adalut

Present

Thursday 3d. June 1824

F. A. Grant Esquire
George Gowan Esquire
} Judges

U.L.
U.L.

Read petitions presented by Teetarumpa Moodely on behalf of two persons named Varoyee and Mootooveera Amblacaren.-

(Here enter Misc. pets: Nos. 3 & 4. of 1824)

The prayer of the former of the above petitions is that an order may be issued for the restoration of certain property and the unconditional release of the husband and brotherinlaw of the petitioner who have been tried before the Court of Circuit at the 1st. Sessions of 1824 and ordered to be released on Security; and the prayer of the latter petition is that the case of the prisoner in number 26 Combaconum Calendar 1st. Sessions 1824 referred to the Foujdaree Adalut may be properly investigated and his release ordered.-

It does not appear under what authority Teetarumpa Moodely presented the

5th June 1824

the above petitions which are altogether irregular and inadmissible and the Court do direct that they be returned to the said Tetarumpa Moosely with extracts of these proceedings.—

Extd.

F. H.

At a Court of the Foujdaree Adalut

Pretent,

Saturday, 5th June, 1824.— F. A. Grant Esqre. } Judges.—
George Gowan Esqre. }

Read letter, dated 2d April last, from the 2d Judge late on Circuit in the Western Division,— submitting case No. 30 Canara Calendar 2d Session 1823.—

(Here enter No. 262)

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 Coozat and Mooftees of the Foujdaree Adalut confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid and acquitting the prisoners,

1st Pandoo,
2d Baboo,
3d Anunta,
4th Marati Rama,
5th Limanoo,
6th Apaya,
7th Gopalla,
8th Sheeva, and
9th Kunee,

direct that they be set at liberty.—

(And following letter. No. 222)

Read

Read letter, dated 9th April last,
from the 2d Judge late on Circuit in the
Western Division, - submitting case No 22
Canara Calendar 2d Sessions A.D 1823.
(Here enter No 277)

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
Coozat and Mooftees of the Sudder Adalut
confirm the said futwa of the Cazee ool
Coozat and Mooftees aforesaid and under
the provisions of Clause sixth Section II
Regulation XII of 1813 direct that the prisoner,
1st Nagapah,
be released on producing good and sufficient
security for his future good behaviour
and appearance when required -
And acquitting the prisoners,
2d Bahad Munja, and
3d Balloo,
direct that they be set at liberty -
(Sent following letter No 223)

Read letter, dated 4th March
last, from the 2d Judge late on Circuit in
the Western Division, - submitting case
No 32 Canara Calendar 2d Sessions A.D 1823.
(Here enter No 171)

The prisoners in this case are
charged with robbery and murder committed
in the Goa territory -

Sent 7th

The crime charged against
the prisoners having been committed
in a place out of the limits of the British
provinces a special order of the Governor
in Council became requisite in order
to their trial, as prescribed by Regulation
XI of 1809: and the Court of Sudder Adalut
conclude that in this case the provisions
of that Regulation have been observed;
but as without such special order
the Court of Sudder Adalut do not
possess authority to proceed to the trial
of a case that circumstanced, it is
obvious that in all references trials
of this description it forms an essential
part of the record -

The Court of Sudder Adalut
3. direct that the 2d Judge late on Circuit
in the Western Division be by precept
commanded to obtain and transmit
a certified copy of the special order
of the Governor in Council for the
trial of the prisoners -

Precept returnable in
two x days from and after the
date of its receipt -
(Sent following precept No 224)

Sent 7th

At a Court of the Poojdaree Adalut.

Present,

Tuesday
8th June, 1824.— P. A. Grant Esqre
George Gowan Esqre } Judges.

Read letter, dated 4th Instant,
from the Chief Secretary to Government,
stating, that the Governor in Council
sanctions the offer of a conditional
pardon to Bauá Sahib agreeably to
the Court's recommendation.—

(Here enter No 376.)

Ordered, that a extract of
the foregoing letter be sent with
extract from the Court's proceedings
of the 21st ultimo for the information
and guidance of the acting Criminal
Judge in the Zilla of Cuddapa.—

(Send following letter No 227.)

Read letter, dated 6th ultimo,
from the 3d Judge late on Circuit in
the Northern Division, submitting
case No 25 Chicacole Calendar 2d Session
A.D. 1823.—

(Here enter No 339.)

The Court having maturely
considered the proceedings held before the
Judge on Circuit the futwa of the
Provincial Law officer and the futwa

8th June 1824.

of the Cazeeodl Coozat and Moofftees of the Foujdaree Adalut confirm the said futwa of the Cazeeodl Coozat and Moofftees aforesaid and under the provisions of Clause fifth Section II Regulation XX of 1803 adjudge the prisoners,

1st Shaik Madar,
2d Shaik Koosaim and
3d Shaik Emam,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of two years and then be released.—

(Sent following letter No 228)

Read letter, dated 22 Instant, from the 2d Judge late on Circuit in the Western Division, reporting the death of the prisoner in case No 15 Malabar Calendar 2d Sessions 1823.—

(Here enter No 377)

Read return, dated 30 Instant, from the 3d Judge late on Circuit in the Northern Division, to precept dated 29th April last ordering communication to the Criminal Judge of Chicacole and Magistrate of Vizagapatam of the Courts observations in case No 12 Chicacole Calendar 2d Sessions 1823.—

(Here enter No 378)

F. H.

At a Court of the Foujdaree Adalut.

Present,

Wednesday, 9th June, 1824. } C. A. Grant Esqre } Judges.
George Gowan Esqre }

Read letter, dated the 7th instant, from the Criminal Judge in the Zilla of Chittore requesting in reference to the proceedings of this Court under date the 17th of December 1823, to be informed whether a Criminal Judge is vested with power to reverse or alter sentences passed by his assistant.—

(Here enter No 320)

1. In the proceedings referred to in the above letter it was declared competent for a Criminal Judge in all cases to direct whether the proceedings held by the assistant should be submitted for his decision, or whether the determination upon the charge should be passed by the assistant, but it was not intended to be established that where the power of passing decisions had been fully delegated that such decisions were liable to reversal.—

2. If an appeal to the Criminal Judge from the decisions of his assistant were permitted it is to be supposed that

9th June 1824.

that almost every judgment of the latter would be complained of to his superior, which by involving a second investigation would tend much to the multiplication of business, and render the utility of an assistant, as referee in the first instance, almost entirely nominal. Where there is a want of confidence on the part of a Criminal Judge in his assistant it would be better to refer to him only such cases as he might be considered capable of trying, or to withhold from him altogether the power of passing decisions, than that such decisions should be constantly overruled, which must tend to shake the confidence of the people in the administration of justice and to diminish in their estimation the respectability and authority of a regularly constituted officer of Government.-

3. It is hoped that few instances exist where it is necessary to restrict as above adverted to the functions of the assistant Criminal Judges whom the Judges of the Sunderee Adalut trust and believe would generally have the discretion in cases of doubt and unforeseen difficulty to apply for advice and instruction to their immediate superiors.-

9th June 1824.

Ordered, that extract of these proceedings be sent to the 4 Provincial Courts of Circuit by precept directing them to communicate the same to the Criminal Judges for their information.-

(Sent following precepts &c 29th/11th

W.C.

M.L.

At a Court of the Foujdaree Adaulut
Present.

Thursday
10th June, 1824 } F. A. Grant Esqre } Judges.
George Gowan Esqre }

Read letter, dated 18th ultimo,
from the 3d Judge of the Provincial Court
of Circuit in the Northern Division, reporting
2th on the 2d Quarterly Sessions of Gaol delivery
Ut at Masulipatam for 1824.-
(Enclosures No 367)

In the second paragraph of
the foregoing letter the 3d Judge notices
the want of an hospital outside the Gaol
for the reception of sick prisoners and
lunatics, and refers to the recommendation
offered in his report, dated 11th March 1823
on this subject.-

2 Referring to that report the
Court observe that the then crowded state
of the Gaol formed the principal ground
of the Surgeon's suggestion, that an Hospital
should be erected. By the returns of prisoners
at Masulipatam, dated 28th February
1823 and 3d June 1824 respectively it
appears that on the former date the
number amounted to 389 and on the
latter to 267, of whom 179 are persons
whose

10th June 1824

whose trials are now under reference to the Pongaree Adalut.-

3. There does not, therefore, appear to be the same necessity for an hospital outside the Jail as may have existed at the period when the subject was first brought to the notice of the 2d Judge; and as the Government have since given their sanction to the erection of the Jail at Rajahmundry, the Court of Pongaree Adalut do not deem it probable that want of room will again be experienced in the Jail at Masulipatam.-

Ordered, that the Report and extract of these proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Honorable the Governor in Council.

Sent following Letter No. 230/

No 30/Sent 11th 1824

W. H. Read return, dated 3d Instant, from the 1st Judge on Circuit in the Western Division, reporting the completion of the Gaol Delivery in the Zilla of Malabar.-

(Here enter No 380)

Read return, dated 28th Ultimo, from the 2d Judge of the Court of Circuit in the Northern Division, to precept

10th June 1824

dated 17th Ultimo ordering to make necessary communication to the Magistrate of Masulipatam of the Court's orders respecting certain persons punished by the Assistant Magistrate.-

(Here enter No 381)

X

"A"

At a Court of the Zoydaree Adalut

Present

Saturday,
12th June 1824.

J. A. Grant Esquire
George Gowan Esquire
} Judges

Read letter, dated 14th April last from the Second Judge of the Court of Circuit in the Northern Division, submitting case No. 12 Masulipatam Calendar 1st Quarterly Sessions A.D. 1824.-

24
64

/Here enter No. 286/

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 Zoydaree Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and do under the sentence of Kisaas declared in the futwa adjudge the prisoner,

"Chittoory Bapanah"

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

Sent 16th

/Sent following letter No. 232./

/ The examination of the prisoner in this case by the Assistant Magistrate has the appearance of being recorded upon the same paper with his declaration before the Police Officer

Officer. The Court of Zuydaree Adalut desire that the attention of this officer be called to the irregularity of this practice.-

2. The brief statement in the nature of an indictment required under the Courts' orders of 31st January 1814 to be prepared by the Criminal Judge does not appear in the record of the proceedings in this case, an omission on the part of the late Criminal Judge which the Court desire may be noticed to his successor.

3 Ordered, that Extract of these proceedings be sent to the Second Judge of the Court of Circuit in the Northern Division by precept directing him to make the necessary communications to the Criminal Judge of Masulipatam & the acting Magistrate of Rajahmundry.-

/sent following precept No. 233.

Read letter, dated 14th April last from the Second Judge of the Court of Circuit in the Northern Division.- Submitting case No 2 Masulipatam Calendar 7th Quarterly Sessions A.D. 1824.-

/Case entered No. 285/

The Court having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law officer and the Futwa of the Cazee: col. Cozat and Mooftees of the Zuydaree Adalut confirm the said futwa of the Cazee: col. Cozat and Mooftees aforesaid, and under the provisions of clause fifth Section II. Regulation XV of 1816 adjudge the prisoners,

1st Pullah Pullegandoo,
2d Cunnepatoo Nayadoo,
3d Coppersetty Cunnegandoo,
4th Pullah Lomadoo,
5th Gallapully Chinasunnadoo,
6th Corocanda Candadoo, alias Nunnallo,
7th Chelakapootty Lomadoo,
8th Gallapilly Lodda Sunnadoo,
9th Creeta Cancadoo,
10th Pettana Chinnegandoo
11th Gallapully Yenna Poonnegandoo,
12th Alapatty Pollegandoo,
13th Yungum Pollegandoo,
14th Pullah Loobadoo,
15th Penepa Nanneegandoo,
16th Wara Lomadoo,
17th Dasaree Nanamadoo,
19th Wara Ramadoo,
20th Paykala Suttegandoo,
21st Calecoocha Pattegandoo,
22d Gundala Lomadoo,
23d Yungum Loobadoo,
24th Gallapilly Kittadoo,
25th Yungum Atcheyandoo,
26th Yungum Nukeegandoo,
27th Pulla Kittadoo
28th Yungum Kittadoo
29th Liketapoody Nanegandoo,
30th Goodarally Atcheyandoo
31st Coottapilly Cankadoo, &
32d Gallapully Pollegandoo.

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of three years and then be released.

And the Court direct that the prisoner, 18th "Wara Gungadoo", be admonished and released.-

/sent following letter No. 234.

12 June 1824

Read letter dated 17th April last from the 3d Judge late on Circuit in the Northern Division; submitting Case No. 24 Chicacole Calendar 2d Sessions 1823.-

/Here enter No 300/5

The Judges of the Court of Foujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner, Goonesketty Kistanah is sufficient to commit him of having put to death the deceased Venkee, desire under the provisions of clause second Section II Regulation I of 1818, that their Law Officers will declare by a second futwa to what punishment the prisoner would have been liable under the Mahummudan Law, if he had been convicted by full legal evidence of the above crime.-

Ordered that extract of these proceedings be translated, and delivered to the Cazee-ool- Coozat and Mooftees of the Foujdaree Adalut.-

LHG
WC

WM

F. M.

At a Court of the Foujdaree Adalut

Present

Monday 14th June 1824

F. A. Grant Esquire } Judges
George Gowan Esquire }

Read again letter dated 17th ult April last from the 3d Judge late on Circuit in the Northern Division; submitting Case No. 24 Chicacole Calendar second Sessions 1823.-

/Here enter No 300/

Read second futwa delivered in this case by the Cazee-ool- Coozat and Mooftees of the Foujdaree Adalut.-

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 confirm the said futwa of the Cazee-ool- Coozat and Mooftees aforesaid, and under the sentence of Hijras declared in the futwa adjudge the prisoner,

"Goonesketty Kistanah",

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

/Sent following letter No 235./

LHG
WC

Read

WM

vol 16.

Read return, dated 9th Instant,
from the late acting Judge on Circuit in the
Centre Division, - to precept dated 2d Instant,
ordering communication to the acting Criminal
Judge of Cuddapah of the Court's instructions
respecting cases Nos 1, 2, and 3. Supplimental
Calendar 2d Sessions 1823.

(Here enter No 386)

Read return, dated 9th Instant,
from the Judges of the Provincial Court of
Circuit in the Southern Division, - to precept
dated 30th April last ordering communication
to the Magistrates of the Court's instructions
regarding examinations of prisoners by
Police Officers. -

(Here enter No 388)

Read letter, dated 7th Instant,
from the 1st Judge on Circuit in the Northern
Division, - with copy of Chittoor Calendar
1st Sessions 1824. -

(Here enter No 392)

F. C.

At a Court of the Foujdaree Adalut.

Present,

Tuesday,
15th June, 1824. - F. A. Grant Esqre
George Gowan Esqre } Judges

Read letter, dated 24th Ultimo
from the 1st Judge on Circuit in the
Northern Division, - submitting cases Nos 2 & 4
Nellore Calendar 1st Sessions 1824.

2 & 4
C. C.

(Here enter No 374)

The Court having maturely con-
sidered the proceedings held before the
Judge on Circuit the futwa of the Provincial
Law Officers and the futwa of the Cazee
ool Coozat and Mooftees of the Foujdaree
Adalut confirm the said futwa of the
Cazee ool Coozat and Mooftees aforesaid
and under the sentence of Corroboo but
declared in the futwa adjudge the
prisoners

1st G. Boyeeyandoo, and
2d Goodoo Vamadoo,

to be imprisoned and kept to hard labor
in irons on the public roads or other
public works for and during the period
of ten years and then be released. -

And acquitting the prisoner,

3d Benga Lyavaroo,

direct that he be set at liberty. -

(Sent following letter No 236)

In

15th June 1824.

1 In the letter accompanying the trial the 1st Judge expresses his concurrence in the acquittal of the 3d prisoner, pronounced by the futwa of the Mohummedan Law Officers.-

2 Under these circumstances it became the duty of the 1st Judge to direct the release of this prisoner, as prescribed by Clause Second Section VI Regulation XV of 1803, and the Court of Foujdaree Adalut are unable to account for the 1st Judge's omitting to do so.-

3 The 1st and 2d prisoners having been convicted of the crime of robbery by open violence, the 1st Judge should have passed sentence upon them under the provisions of Section IV Regulation I of 1822.-

4 The examination of the witnesses on the trial, particularly of the 3d witness, was conducted by the 1st Judge in a very loose and unsatisfactory manner.-

Ordered, that a extract of these proceedings be sent to the 1st Judge on Circuit in the Northern Division for his information and future guidance.-

Sent following letter No 237

Read letter, dated 22d Ultimo, from the 1st Judge on Circuit in the Northern Division, submitting

Case

Sent 16th

15 June 1824.

Case No 20 Nellore Calendar 1st Sessions 1824.-

(Here enter No 370)

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 Coozat and Mooftees of the Foujdaree Adalut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and under the provisions of Clause sixth Section II Regulation XV of 1803 direct that the prisoner,

Peddaty Chenna Venkatapatrgaudoo,

to be released on producing good and sufficient security for his future good behaviour and appearance when required.-

(Sent following letter No 238)

1 In this case the proceedings of the Criminal Judge are defective in the essential point of ~~obtaining~~ evidence to the prosecutor's avowed tie in the property found in the house of the prisoner. Had proof to this fact been adduced, the prisoner might have been convicted.-

2 The Court of Foujdaree Adalut have repeatedly endeavoured to impress on the the Criminal Judges ~~obtaining~~ the great importance of the best procurable evidence on this

15th June 1824.

this point in all cases of theft and robbery and they deem it proper on the present occasion to direct, that the attention of the Criminal Judge be particularly called to this subject

3 The brief statement in the nature of an inbictment, required by the circular orders of the Foujdaree Adalut dated 5th January 1814, not being recorded on the proceedings of the Criminal Judge, the Court of Foujdaree Adalut direct that the omission be brought to the notice of that officer.-

4 The defects observable in the preliminary proceedings should have attracted the attention of the Judge and should as far as possible have been supplied. The 1st Judge's remissness and inattention to the Court's orders in this respect call for their censure.-

Ordered, that extract of these proceedings be sent to the 1st Judge on Circuit in the Northern Division by precept requiring him to communicate to the Criminal Judge in the Zilla of Nellore such part thereof as concerns that officer for his information and future guidance.

(Sent following precept No 239)

Sent 17. 2dly

W.H.

F. U.

At a Court of the Foujdaree Adalut

Present,

Friday ---
18th June 1824.

F. A. Grant Esquire
George Gowan Esquire
} Judges

Read letter, dated 19th Ultimo from the second Judge late on Circuit in the Western Division, submitting Case No 8 Malabar Calendar 2d Sessions 1823.-

2dly
W.H.

(Here enter No 361)

Read also letter, dated 5th Instant from the Second Judge late on Circuit in the Western Division, Reporting the death of the 1st prisoner in case No 8 Malabar Calendar 2d Sessions 1823.-

(Here enter No 384)

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 Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid and under the sentence of Corroobut declared against the prisoner, 4th "Pallee Karoowata Karoota Kannen", adjudge him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 2 years and then be released.-

And the Court direct that the prisoners 2d "Poigail Mutel Chekooty" and 3d "Karoowata Kannen", be set at liberty.-

(Sent following letter No 243)

Read

Sent 19th

Read letter, dated 10th April last from the 1st Judge on Circuit in the Northern Division,- submitting case No 8 Nellore Calendar 1st Session 1824.-

(Here enter No 398)

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 Coozat and Mooftees of the Bundarce and under the provisions of Clause Sixth Section II Regulation XV of 1803 direct that the prisoner,

1st Cuttyavaty Moottadoo,
2d Tulpoola Condadoo,
3d Topankoola Venkatagandoo, and
4th Topankoola Lye,

be released on producing good and sufficient security for their future good behaviour and appearance when required.-

(Sent following letter No 244)

Sent 19th

Read letter, dated 17th ultimo from the 1st Judge on Circuit in the Southern Division,- submitting cases Nos 6, 7, and 8 Salem Calendar 1st Sessions 1824.-

(Here enter No 351)

The Court having maturely considered the proceedings held in Cases Nos 6, 7, and 8 before the Judge on Circuit the futwas of the Provincial Law Officers and the futwas of Cazee ool Coozat and Mooftees of the Bundarce

18th June 1824

Do but confirm the said futwas of the Cazee ool Coozat and Mooftees aforesaid and under the discretion vested in them by Section III Regulation I of 1822 adjudge the prisoners,

1st Pedda Beemah, and
4th Ramjee,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of nine years and then be released.-

And the prisoners,

2d Narnah, and
3d Moonah,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of seven years and then be releases.-

2 Hy
Wi

Sent 19th

(Sent following letter No 245)

WW

At a Court of the Foujdaree Adalut.
Present.

Tuesday
22d June 1824.

F. A. Grant Esqre
George Gowan Esqre } Judges.

Read letter, dated 9th Instant,
from the 2d Judge on Circuit in the Cuttack
Division,- submitting copy of Cuddapa
Calendar 1st Sessions A.D. 1824.-

24
46

(Here enter No. 46.)

In case No 1 of the Calendar
it appears that the 2d Judge has directed
the release "on security" of the 12th and 24th
prisoners: and a like order appears to
have been passed with respect to the
11th 12th 14th and 15th prisoners in case No 2
of the Calendar: both cases being under
reference to the Foujdaree Adalut.-

This proceeding appears to
the Court of Foujdaree Adalut to be
irregular and at variance with the
provisions of Clause second Section VI
Regulation XV of 1803. and the Court direct
that the 2d Judge do recall the warrant
issued by him for the conditional release
of the prisoners in question, directing
the acting Criminal Judge to detain
them in custody until the final decision
of

of the Tanjore Court be received on the above cases.-

3 The Court direct to have before them copy and English translation of the Sentence delivered in case № 23 of the Calendar, wherein the prisoner charged with robbing a boy of a silver hand ring valued at 4 Rupees was sentenced under Cohoobut to 2 years imprison=ment and 15 stripes.-

4 Referring to the order of the 2d Judge on cases №s 54 and 55 of the Calendar the Court of Tanjore Court deem it proper to record their opinion that an individual against whom there may appear to the Criminal Judge to be sufficient evidence of sundry thefts, committed at different times, is a proper subject for trial and punish=ment by the Court of Circuit under the provisions of Clause second Section III Regulation VI of 1822.-

5 Ordered, that extract of this proceedings be sent to the 2d Judge on Circuit in the Centre Division by precept enjoining him to carry into effect the orders herein contained making return in fourteen days from and after its receipt.-

Sent following precept

Read return, dated 10th Instant from the 2d Judge of the Provincial Court of Circuit in the Northern Division, to precept dated 22d ultimo calling for his reports on the 4th Quarterly Sessions for 1823 and the 1st for 1824 at Madulipatam.-

(Here enter № 404.)

In the 8d paragraph of the report the 2d Judge requests the orders of the Court respecting 25 prisoners in the Gaol at Madulipatam, who are reported to be incapacitated by reason of old age and blindness from performing the labor, which constitutes part of their respective sentences.-

2 Such of the prisoners in question as may be too old to work on the public roads, or other public works, should be employed in the Gaol or Court houses those who from the loss of sight may be incapable of work must be detained in con=finement agreeably to the tenor of the sentences passed against them.-

3 The Court direct, that the Surgeon be desired to state his opinion in respect to the cause of so large a number of cases of blindness among the convicts at Madulipatam.-

Ordered

Ordered, that extract of these proceedings be sent to the 2d Judge of the Provincial Court of Circuit in the Northern Division by precept enjoining him to make the necessary communication to the Criminal Judge for his information and guidance.-

Precept returnable in ten days from and after its receipt.-

(Sent following precept No. 247)

Ordered also, that the report and extract of these proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Honorable the Governor in Council.-

(Sent following letter No. 248)

Read return, dated 12th Instant, from the 2d Judge late on Circuit in the Western Division.- to precept dated 5th Instant calling for a copy of the order of Government for the trial of the prisoners in case No. 32 Canara Calendar 2d Sessions 1828.-

(Here enter No. 48.)

Read again letter, dated 4th March last, from the 2d Judge late on Circuit in the Western Division,- submitting case No 32 Canara Calendar 2d Sessions A.D. 1828.-

(Here enter No. 171)

No 32/Sent 2d.

F. C.

22d June 1824.

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 and Coojat and Mooftee of the Sudder Adalut being of opinion that the proof against the prisoners 1st 2d 3d 9th and 11th is sufficient to convict them of the crime of robbery accompanied with murder for which a penalty is specially denounced in Clause first Section IV Regulation XV of 1803 do under the authority vested in them by Clause first Section II Regulation I of 1818 adjudge the prisoners,

1st Moynemaik,
2d Lolyer, and
3d Rowloo,

to suffer death by being hanged and their bodies to be suspended in chains at Sadashigher on the borders of the Goa territory.-

And under the provisions of Clause fifth Section IV Regulation XV of 1803 the Court adjudge the prisoners,

9th Pochleea, and
11th Champoo,

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond Sea as

as the Governor in Council shall
appoint there to be imprisoned and
kept to hard labor in irons on the
public roads or other public works
for and during the period of their
natural lives respectively.—

(Sent following letter No. 249)

Read letter, dated 10th Instant
from the Pt. Judge on Circuit in the
Southern Division, submitting cases
Nos 26 and 27 Salem Calendar Pt.
Sessions 1824.—

(Here enter No. 402.)

The Court having maturely
considered the proceedings held in cases
Nos 26 and 27 before the Judge on Circuit
the futwa of the Provincial Law Officer
and the futwa of the Cazee ool Coozat
and Mooftees of the Sudder Adalut
confirm the said futwa of the Cazee
ool Coozat and Mooftees aforesaid
and under the provisions of Section
III Regulation I of 1822 adjudge the
prisoners,

Errol,

to receive 39 stripes with a rattan
and to be imprisoned and transported
to such place or places beyond sea
as the Governor in Council shall
appoint there to be imprisoned and
kept to hard labor in irons on the
public roads or other public works
for and during the period of his
natural life.—

(Sent following letter No. 250)

Read letter, dated 31st. Ultimo
from the Pt. Judge on Circuit in the
Northern Division, submitting case
No 27 Nellore Calendar Pt. Sessions
1824.—

(Here enter No. 393)

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 Sudder Adalut
confirm the said futwa of the Cazee
ool Coozat and Mooftees aforesaid
and under the provisions of Section
III Regulation I of 1822 adjudge the
prisoners.

1st Aboolavarapoo.
2d Aboolavarapoo Soobadoo, and
3d W. Dasereyandoo,

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

and

and then be released.-

(Last following letter No 250)

Read letter, dated 11th Instant, from the 2d Judge on Circuit in the Centre Division reporting the commencement of the Sessions at Chingleput.-

(Here enter No 407)

Read return, dated 11th Instant, from the Judges of the Provincial Court in the Southern Division, to precept dated 29th April last ordering communication to the Criminal Judges and Magistrates of the Court's instructions regarding the proclamations prescribed by Section XVIII Regulation VIII of 1802.-

(Here enter No 409)

Read return, dated 16th Instant, from the Provincial Court in the Centre Division,- to precept dated 25th February last ordering communication to the Criminal Judges and Magistrates of the Court's instructions relative to the proceedings to be held under Section III Regulation II of 1802.-

(Here enter No 415)

At a Court of the Foujdaree Adaulut.

Present,

Friday, 25th June, 1824. } H. A. Grant Esqre } Judges.
George Gowan Esqre }

Read return, dated 8th Instant, from the 1st Judge on Circuit in the Western Division,- to precept dated 14th ultimo, ordering that evidence be taken and annexed to the record of proceedings in case No 23 Canara Calendar 1st Sessions 1824 as to the fact of the deceased having left children by the prisoner.-

(Here enter No 411)

Read again letter, dated 21st April last, from the 1st Judge on Circuit in the Western Division, submitting case No 23 Canara Calendar 1st Sessions 1824.-

(Here enter No 294)

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 Mooftee of the Foujdaree Adaulut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and under the sentence

of Hissars declared in the futwa
adjudge the prisoner,
Coojoomba,
to suffer death by being hanged at the
usual time and place of execution.—
(Sent following letter No 256)

Read letter, dated 3d Instant,
from the 1st Judge on Circuit in the
Western Division,— submitting case No 11
Canara Calendar 1st Sessions 1824.—
(Here enter No 383)

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 Poujdaree Adalut confirm the
said futwa of the Cazee ool Coozat and
Mooftees aforesaid and in exercise of
the discretion vested in them by Section
III Regulation I of 1823 adjudge the
prisoners,
1st Hallo,
2d Ram Mulick alias Pike Mulick,
4th Magtoo and
5th Timah Dhei,
to receive 39 stripes with a rattan and
to be removed to the Jail in the Zilla
of Chittoor there to be imprisoned and
kept

kept to hard labor in irons on the public
roads or other public works for and
during the period of fourteen years
and then be released.—
(Sent following letter No 257)

Read return, dated 8th Instant,
from the 3d Judge late on Circuit in the
Northern Division,— to precept dated
4th Ultimo ordering communication to
the Magistrate of Ganjam of the Court's
observations in cases Nos 8 and 10
Chicacole Calendar 2d Sessions 1823.—
(Here enter No 401)

Read letter, dated 21st Instant,
from the late acting Judge late on Circuit in
the Centre Division,— making further
return to precept dated 2d Instant ordering
communication to the acting Criminal Judge
in the Zilla of Cuddapa of the Court's instructions
regarding cases 1, 2, and 3 Cuddapa Supple-
mental Calendar 2d Sessions 1820.—
(Here enter No 427)

Read letter, dated 12th Instant,
from the Assistant Criminal Judge in charge
of the Zilla of Seringapatam,— reporting the
arrival of a convict from Madura.—
(Here enter No 405)

Read letter, dated 21st Instant,
from the 1st Judge on Circuit in the Western
Division,— reporting his arrival at Seringa-
patam.—
(Here enter No 425)

Z. U.

At a Court of the Faujdaree Adalut

Present

Monday — 28th June 1824 } F. A. Grant Esquire } Judges
George Gowan Esquire }

Read letter, dated 14th Ultimo from the Second Judge late on Circuit in the Western Division — submitting case No. 21 Malabar Calendar 2d Sessions 1823.—

/Here enter No. 346/

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 Faujdaree Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid and under the provisions of clause sixth section II Regulation XV of 1803 direct that the prisoner

2d "Cholakel Cundy Unian",

be released on producing good and sufficient security for his future good behaviour and appearance when required.—

/sent following letter No. 258/

Read return, dated 11th Instant, from the late Acting Judge late on Circuit in the Centre Division, — to precept dated 4th Ultimo ordering communication to the acting Criminal Judge of Cuddapa of the Court's observations in case No. 45 Cuddapa Calendar 2d Sessions 1823.—

/Here enter No. 480/

28th June 1824.

Read letter dated 22d Instant, from the 1st Judge on Circuit in the Western Division, - reporting the completion of the Gaol Delivery at Seringapatam. -

(Here enter No 431)

Read return, dated 21st Instant, from the Judges of the Provincial Court in the Northern Division, - to precept dated 9th Instant, ordering communication to the Criminal Judges of the Courts instructions as to the alteration by a Criminal Judge of the sentences of his Assistant. -

(Here enter No 433.)

Read return, dated 21st Instant, from the Judges of the Provincial Court in the Western Division, - to precept dated 9th Instant, ordering communication to the Criminal Judges of the Courts instructions as to the alteration by a Criminal Judge of the sentences of his Assistant -

(Here enter No 434)

X

Fol.

At a Court of the Foujdaree Adalut

Present

Wednesday 30th June 1824 } F. A. Grant Esquire, George Gowan Esquire } Judges

Read return, dated 17th Instant from the first Judge of the Provincial Court of Circuit in the Centre Division to precept dated 28th April last directing him to review his report on the 1st Quarterly Sessions of Gaol delivery for 1824 at Chittoor. -

(Here enter No 418)

In the report transmitted by the 1st Judge with the foregoing return reference are made to an Appendix which is not attached to the Report. Transcripts of the orders referred to are given in the correspondence laid before the Foujdaree Adalut by the late Acting Criminal Judge; but it is necessary in order to make the 1st Judge's report complete in itself that it should be accompanied by copies certified by the 1st Judge of the particular papers to which specific reference is therein made. -

Ordered, that the report be returned to the first Judge by precept requiring him to annex thereto copies of the orders and returns cited in para.s: 11 & 14

Precept

30th June 1824.
Ares.t ..... 7th July No 458.
Letrs. 28th Ditto 1824.
Sent.s

Precept returnable in 3 days from and after its receipt.—

Sent following Precept No 263

Read return, dated 25th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division,— to precept dated 9th Instant ordering communication to the Criminal Judges of the Courts' instructions in regard to the revision by the Criminal Judge of the proceedings of his Assistant.—

Here enter No 435

Read return, dated 25th Instant, from the 2d Judge of the Court of Circuit in the Northern Division,— to precept dated 12th Instant ordering communication to the Criminal Judge of Masulipatam and acting Magistrate of Rajahmundry of the Courts observations in case No 12 Masulipatam Calendar 1st Quarterly Sessions 1824.—

Here enter No 437

F. C.

At a Court of the Foujdarry Adalut

Present,

Thursday 1st July 1824. } F. A. Grant Esquire } Judges
George Gowan Esquire }

Read letter dated 22d May last from the 1st Judge on Circuit in the Southern Division,— Submitting Case No 23 Salem Calendar first Sessions 1824.—

Here enter No 356

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 Mooftee of the Foujdarry Adalut confirm the said futwa of the Cazee-ool-Coozat and Mooftee aforesaid, and under the sentence of Hujaad declared in the futwa adjudge the prisoner,

"1st Pallany Andy",

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

Sent following letter No 264

Read letter dated 27th May last from the first Judge on Circuit in the Southern Division,— Submitting case No 19 Salem Calendar

1st July 1824.

Calendar 1st Sessions 1824.-

/Hereunto No 371/

The Court having maturely considered the proceedings held before the Judge on Circuit the fuitwa of the Provincial Law officer and the fuitwa of the Cazee-ool-Coozat and Mooftees of the Zoujdaree Udalut confirm the said fuitwa of the Cazee-ool-Coozat and Mooftees aforesaid and under the provisions of Section III Regulation I of 1822 adjudge the prisoner, "Rammen,"

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.-

/Sent following letter No 265.

Z. A.

F. A.

At a Court of the Zoujdaree Udalut

Present,

Friday 2d July 1824 — F. A. Grant Esquire, George Gowan Esquire } Judges

Read letter, dated 24th May last from the 1st Judge on Circuit in the Northern Division submitting Case No 25 Mellore Calendar 1st Sessions 1824.-

/Hereunto No 373/

The Judges of the Court of Zoujdaree Udalut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proofs against the prisoners,

2d Doodakoolah Goodoo alias Gooravadoo,
3d Doodakoolah Yenna Canaum,
4th Doodakoolah Nulla Canaum,
5th Doodakoolah Pedda Canaum,
6th Coorapaty Cristamah,

is sufficient to convict them of the offences with which they are charged respectively under the provisions of Clause Second Section II Regulation I of 1818 that their Law Officers will declare by a second fuitwa to what punishment the prisoners would have been liable

2d July 1824

liable under the Mohummudan Law if they had been convicted by full legal evidence of the above crime.-

Ordered that extract of these proceedings be translated and delivered to the Cazee-ool-Cozzat and Mooftees of the Foujdaree Adalut.-

W H

W H

F H

F H

At a Court of the Foujdaree Adalut

Present

Monday 5th July 1824 } F. A. Grant Esquire - - } Judges
George Gowan Esquire }

Read letter, dated 15th May last from the 2d Judge late on Circuit in the Western Division submitting case No 2 Malabar Calendar Second Sessions A.D. 1823.-

W H

W H

Here enter No 353.

It appears by the evidence in this case that the Affault, with which the prisoners are charged, was committed in a boat within the Harbour of Cochin.-

As the civil and criminal Courts under this Presidency do not possess Admiralty Jurisdiction, the Court of Foujdaree Adalut are doubtful of their competency to proceed to the trial of the prisoners, and they resolve, therefore, to submit the case to the Honorable the Governor in Council with their request that means may be taken to ascertain whether or not the Admiralty cognizance thereof appertain exclusively to the Court of Admiralty according to the legislative provisions defining the Jurisdiction of that Court.-

Ordered, that the Record of the trial No 2 Malabar Calendar 2d Sessions 1823 with Extract of these proceedings be sent to

2d July 1824.

5th July 1824.

to the Chief Secretary to Government for the purpose of being laid before the Honorable the Governor in Council.

Sent following letter No. 266

Read again letter dated 24th May last from the first Judge on Circuit in the Northern Division, Submitting Case No. 28 Nellore Calendar first Sessions 1824.

Here enter No. 373

Read second futwa delivered in this case by the Cazee-ool-Coozat and Mooftees of the Sudder Adalut.

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 Sudder Adalut confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid and under the provisions of Section XXI Regulation VII of 1802 adjudge the prisoners,

2d "Doodakoolah Goodoo alias Gooravadoo,
3d "Doodakoolah Yenna Cansem",
4th "Doodakoolah Nulla Cansem",
5th "Doodakoolah Pooda Cansem",

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 7 years and then be released.

And

5th July 1824.

And under the sentence of death declared against the prisoner,

6th "Coorapaty Cristamah",

adjudge him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 4 years and then be released.

And under the provisions of Clause sixth Section II Regulation XV of 1803 the Court direct that the prisoner,

1st "Doodakoolah Sayab"

be released on pronouncing good and sufficient security for his future good behaviour and appearance when required.

Sent following letter No. 267

Sent 17th

2d July 1824.

P. 11.

At a Court of the Tanjadree Adalut

Present

Tuesday 6th July 1824. } F. A. Grant Esqre. } Judges
George Gowan Esqre. }

Read letter, dated 29th ultimo from the Criminal Judge in the Zilla of Chittoor submitting copy of a warrant issued by the 1st Judge of the Provincial Court of Circuit in the Centre Division in case No 2 Chittoor Calendar wherein the prisoners, 4th Saundala Vencatasa-gaudoo, 5th Vencatayaudoo, 6th Pedda Mooneyaudoo, and 7th Pamedala Nauregaudoo, were adjudged by the Court of Tanjadree Adalut to receive 39 stripes with a rattan and to be imprisoned and transported for life.—

(Here enter No 438.)

By the foregoing warrant the acting Criminal Judge was directed to detain the prisoners aforesaid in custody "until the orders of the Governor "in Council be made known regarding "them," and the Criminal Judge solicits the instructions of the Court of Tanjadree Adalut as to whether the prisoners are to be detained in confinement by him or to be sent as usual to the

6th July 1824.

the Criminal Judge at Chingleput.-

2 The Court of Foujdaree Adaulut do not understand upon what grounds the 1st Judge has thought fit to deviate from the prescribed form of warrant in cases of persons sentenced to be transported beyond Sea and they direct that the 1st Judge do forthwith recall the warrant issued in this case and substitute for it a warrant according to the form prescribed by the circular orders of the Foujdaree Adaulut dated 8th May 1815.-

3. And the 1st Judge will forthwith direct the Criminal Judge in the Zilla of Chittoor to forward the above named prisoners to Chingleput in order that they may if possible reach the Presidency by the 18th Instant to be embarked for Bencoolen.-

Ordered, that extract of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Centre Division by precept returnable in two days from and after its receipt.-

Dft sent. WL

(Sent following precept No 27)

F. H.

At a Court of the Foujdaree Adaulut.

Present,

Wednesday, 7th July, 1824. F. A. Grant Esqre } Judges.
George Gowan Esqre }

Read letter dated 4th Instant from the late acting Judge on Circuit in the Centre Division,- submitting for the consideration and orders of the Court copies of his observations on the Calendars laid before him at Cuddapa, Bellary, and Chingleput.-

Dft WL

(Entered No 423)

1 The proceedings of the late acting Judge submitted with the foregoing letter open with remarks upon certain irregularities observable in cases disposed of by the late Criminal Judge in the Zilla of Cuddapa. The Court of Foujdaree Adaulut concur generally in the observations and instructions issued by the late acting Judge and will notice particularly such cases only, as appear to call for their further orders.-

2 Paragraphs from 36 to 51 inclusive of the proceedings of the Court of Circuit under date 19th April last refer to case No 13 of the Calendar submitted by the late Criminal Judge under the provisions of Section VI. Regulation

Regulation VI of 1822. the proceedings in which appear to have been marked by the grossest irregularity.-

3. The Court of Foujdaree Adalut are of opinion that the late acting Judge should have suspended the operation of the sentence passed in this case by the Assistant Criminal Judge and referred the proceedings to the Provincial Court of Circuit under the provisions of Section XXIII Regulation X of 1816.-

4. It would seem that the prisoner Jannaik alias Ramjee was sentenced by the Assistant Criminal Judge to 18 stripes and two years imprisonment for a robbery and to six months additional imprisonment for escaping from the guard conducting him to the Court.-

5. It is stated in the proceedings of the Assistant Criminal Judge that the evidence in respect to the robbery was insufficient, but that it was satisfactorily proved that he was the person who escaped from the guard: notwithstanding which that officer proceeded to pass the above sentences upon the prisoner for each offence.-

6. The sentences passed in this case would not have been warranted by law whatever had been the evidence adduced

adduced of the guilt of the prisoner: from the extract of the proceedings of the Court of Circuit however it appears that there was no proof whatever of the robbery, and that the only evidence on the record went to shew that the prisoner had escaped from the guard after his apprehension.-

7. Of the other irregularities and inconsistencies observable in this case, such as the substitution of a new charge against the prisoner, when before the Criminal Court, for that stated to have been originally brought against him, although there was no Prosecutor in the case, the Assistant Criminal Judge will furnish such explanation as may be in his power for the information of the Court. The sentence passed against the prisoner being manifestly unwarrantable and illegal, the Court of Foujdaree Adalut direct, as the only reparation that can now be made to him, that the said Jannaik, alias Ramjee, be forthwith discharged.-

8. The next case noticed is No 14 of the Calendar, wherein the prisoner Bheemdoo, who had been committed for trial before the Court of Circuit for highway robbery

but

7th July 1824

but whose case was referred to the late acting Criminal Judge for determination was sentenced by that officer to 20 stripes and two years imprisonment.-

9. The propriety of the order of the Judge of Circuit for returning this case to the acting Criminal Judge for determination appears to be extremely questionable. If however the case were cognizable as a theft by the latter Officer the sentence passed would with reference to the value of the property stolen have been warranted by law only in the event of his having been previously convicted of theft, burglary, robbery or other heinous offence. The observation of the Court in paragraph 3d of these proceedings is applicable to this case, and the Court direct that unless it should appear that the above condition of the exercise of the extended powers of punishment vested in the Criminal Judge by Clause fourth Section III Regulation VI of 1822 existed in this case, the prisoner Bheemadoo be forthwith set at liberty.-

10. In paragraph 6 of the proceedings of the Court of Circuit now under consideration the late acting Judge

2/ F. A.
7th July 1824.

Judge states his opinion that in a case of Burglary "the aggravating circumstance "of it's having been committed by two "persons, and of a hole having been cut "through the wall of the Prosecutor's "dwelling house with a Bunny hole used "by professional Burglars" took the case out of the cognizance of the Criminal Judge.-

11. In this view of the law the Court of Sujdaree Adawlut do not concur. The circumstances of aggravation which render necessary the commitment of the prisoners in a case of burglary for trial before the Court of Circuit are specified in Clause second Section II Regulation VI of 1822; and unless there was other proof of the prisoners being professional Burglars than the circumstance of their using the instrument above mentioned it appears to the Court, that the case could not be brought within the scope of the provisions of the clause in question.

12. In case No 23 for house breaking and theft of property exceeding the sum of Rupees 100 in value the Criminal Judge appears to have passed judgment in violation of the provisions of Clause second Section

Clau-

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Section II Regulation VII of 1822.—

13. Case No 24 for house breaking and stealing property to the amount of 700 Pagodas was in like manner illegally disposed of by the Assistant Criminal Judge.—

14. The second prisoner in case No 27 is described as having been convicted on the "evidence" of the 1st prisoner, and was sentenced by the Assistant Criminal Judge to 20 stripes and 2 years imprisonment.—

15. The proceedings in this case should in the opinion of the Court of Foujdaree Adawlut have been referred to the Provincial Court of Circuit. The Assistant Criminal Judge in convicting the second prisoner on the ground of his being implicated by the 1st prisoners declaration has betrayed an ignorance of one of the most obvious and established principles of the law of evidence, namely that the confession of a prisoner is evidence only against himself. It appearing from the proceedings of the late acting Judge that there was "not the least evidence" of this prisoner's guilt the Court direct that

7th July 1824 that he be released.—

16. The case of the second prisoner in No 33 is described to be similarly circumstanced with the preceding, and the Court direct therefore that he be also set at liberty.—

17. The Court direct that English translations of the proceedings held in case No 34 Iyagadoo, Gopalgadoo, and Gungooloogadoo, for burglary be prepared and submitted to them with as little delay as possible, and that the execution of the sentences passed against those prisoners be suspended until the receipt of their orders on the case.—

18. The observation of the late acting Judge in paragraph 132 of his proceedings that the Courts of Judicature are virtually prohibited by the provisions of Section XXXIV Regulation VII of 1802 from taking cognizance of any [illegible] is perfectly correct. The proceedings in this as in other cases above noticed should have been referred to the Provincial Court of Circuit. The Court of Foujdaree Adawlut direct that the fines levied from the prisoners in this case be refunded to them respectively.

19. Referring to the late acting Judge's observation in paragraph 134 of his proceedings the Court deem it

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7th July 1824.

it proper to state their opinion that it is competant to a Criminal Judge to inflict the punishment of solitary Confinement at his discretion.—

20. The proceedings of the late Criminal Judge and of the Assistant Criminal Judge in many of the cases here noticed are marked by the most reprehensible irregularity and neglect of the provisions of the Regulations, enacted for their guidance. The former officer has quitted India: to the latter the Court of Sunderee Coast direct that the late acting Judge do in communicating to the acting Criminal Judge their orders in regard to the disposal of the above prisoners convey their serious admonition, and injunction to be careful in future to avoid the repetition of proceedings, wholly inconsistant with the due discharge of the important functions committed to him.—

21. The remarks of the late acting Judge in paragraph 15 of his proceedings regarding the impropriety and irregularity of "deciding in any case solely upon the examinations taken in the talook" have the entire concurrence of the Court of Sunderee Coast, by whose repeated

3/ F. C.
7th July 1824.

orders the practice has been prohibited. The late Criminal Judge would seem in this as in other respects to have shewn little regard to the provisions of the Regulations or the orders of the Court; it will be the duty of the Assistant Criminal Judge carefully to avoid the irregularity here noticed and in all cases to conduct his investigation in the mode prescribed by the Regulations.

22. The proceedings of the late acting Judge on Circuit marked No 1 have reference to the Calendar laid before him of persons punished by the Magistrate in the Zilla of Cuddapah.

23. In the 8th paragraph of these proceedings the late acting Judge notices in the proceedings held in case No 1 by the Assistant Magistrate, Mr Wratly, the practice of taking from the prosecutor and witnesses an acknowledgment of the correctness of their statements before the District Police Officer instead of holding an examination de novo. This practice is at variance with the provisions of Section XXIV Regulation IX of 1816, and the Court direct that the Assistant Magistrate be injoined to abstain from it in future.—

24. The observations of the late

7th July 1824.

late Acting Judge upon the proceedings of the Assistant Magistrate in the other cases which he has noticed are considered by the Court of Foujdaree Adawlut to be perfectly correct; and they trust that this officer will be careful in his future proceedings to conform to the instructions therein given, and to avoid the repetition of the several irregularities which are there pointed out. The Court will particularly notice one case only which calls for further orders from them.—

25. In case No 29 it appears that a fine of 50 Rupees was imposed upon an individual who appeared as a witness on the ground of there being "some suspicion against him in the case." The remarks of the Acting Judge on the illegality of this proceeding are perfectly correct. The Court direct that the amount of the fine, if levied, be returned to Vencatanundoo, the individual in question.—

26. The proceedings marked N have reference to the Calendar of persons punished by the Criminal Judge in the Zilla of Bellary. In the observations recorded by the late acting

7th July 1824.

Acting Judge the Court of Foujdaree Adawlut entirely concur, and it will be the duty of the Criminal Judge to be guided by them in his future proceedings.—

27. In the observations recorded by the late Acting Judge on Circuit upon the Calendar of persons released by the Criminal Judge of Bellary the Court of Foujdaree Adawlut concur and it does appear necessary to add to them.—

28. The proceedings marked O refer to the Calendar of persons punished by the Magistrate of Bellary.—

29. The cases first noticed are certain, in which the Assistants to the Magistrate passed sentence on reports from the District Police Officer, although the offences did not come within the scope of the provisions of Section IV. Regulation IV of 1821.—

30. The Court of Foujdaree Adawlut conclude, that these irregular and illegal proceedings occurred previously to the issue of their Circular orders dated 28th October last on the subject

subject, and they will therefore notice them no farther upon the present occasion.-

31. The Court of Foujdaree Adalut concur generally in the observations and instructions issued by the acting Judge upon the cases noticed in these proceedings. Referring however to the remark in paragraph 24 that "the Regulations do not authorize "the Magistracy to punish receivers and "purchasers of stolen property knowing it "to be stolen," the Court deem it proper to observe that under the construction of the Law on this subject as ruled by them the receivers of goods stolen in cases of petty theft cognizable by a Magistrate are punishable by that officer as accessaries: but that this authority does not extend to the punishment of habitual receivers.-

32. The remarks of the late Acting Judge on the Calendar of persons released by the Magistrate in the Zilla of Bellary are considered by the Court of Foujdaree Adalut to be perfectly correct; and the Court trust that the officers to whose proceedings the acting Judges observations apply

apply will be careful to avoid a repetition of the irregularities therein noticed.

33. The proceedings of the late acting Judge marked P respect the Calendar laid before him by the Criminal Judge in the Zilla of Chinglaput under the provisions of Regulation VI of 1822.

34. In paragraph 10 the late acting Judge intimates his opinion that Cases of Burglary committed by gangs of two or more thieves are not cognizable by the Criminal Judge.-

35. The Court of Foujdaree Adalut do not concur in this opinion, it appearing to them manifest that the provisions of Section II Regulation VI of 1822 contemplate the Criminal Judges disposing of cases of burglary in which several individuals may be concerned, provided the circumstances of aggravation specified in Clause Second do not appear in the case. The particular case which called for the observations of the late acting Judge appears to have been on the latter ground cognizable only by the Court of Circuit.-

In

7th July 1824.

36. In the other observations recorded by the acting Judge on this and the following Calendar the Court of Foujdaree Adaulut entirely concur, and they trust that the Criminal Judge will be guided by them in his future proceedings.—

37. The proceedings of the late acting Judge on Circuit marked 2 have reference to the Calendar of persons punished by the Magistrate of Chinglepute.

38. In paragraph 7th the acting Judge notices a case of smuggling in which the Magistrate omitted to record the examinations. The Court of Foujdaree Adaulut have in their circular orders of 28th October last remarked upon the obligation, still binding upon the Magistrates, to record their proceedings in all cases not coming within the provisions of Sections XXXII and XXXIII Regulation IX of 1816. They conclude that the proceeding here referred to took place previously to the receipt of those orders, and trust that no instance will occur of their infringement.—

39. In case No 4 it appears that the Assistant Magistrate, Mr Maclean

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adjudged one Sreenavasavaadiengar alias Abboovaingar to pay a fine commutable if not paid to imprison=ment for 20 days for "repeated acts "of contumacy in the presence of "the Assistant Magistrate and resistance "to the orders issued to the Native Officers "of police."—

40. Referring to the papers cited by the late acting Judge on Circuit it would seem that in this instance the Assistant Magistrate has exceeded his judicial power in the enforcement of a process issued in his fiscal capa=city. The Court of Foujdaree Adaulut consider it to be highly important that they should have before them the whole of the circumstances of this case and they direct that English translations of the proceedings held therein by the Assistant Magistrate together with any explanation they which he may have to offer be laid before them.—

41. In case No 9 the Assistant Magistrate punished an individual by fine for a forgery. This proceeding involved an illegal arrogation of authority on the part of this officer as

7th July 1824

as well in disposing of such a charge as awarding a penalty for which there is no warrant of Law.-

42. In case No 19 for theft the Assistant Magistrate sentenced the prisoner "to receive 18 Rattans and to be kept in confinement till further "orders."-

43. It cannot be necessary for the Court of Sunderee Adawlut to observe that such a sentence is wholly unwarranted by Law. The Court direct that this officer be called upon to certify the duration of the prisoner's confinement, and that he be admonished of the illegality of passing such a sentence. The circumstances of this case, in the Court's opinion, took it out of the Assistant Magistrate's Jurisdiction; and his omission to record the examinations was unauthorized and improper.-

44. In case No 20 the prisoner Narrainsoo was sentenced "to be confined till further orders." The Court direct that the duration of this person's imprisonment be certified for their information.-

45. As intimated in paragraph 31 of these proceedings the Court of Sunderee

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7th July 1824

Adawlut do not concur in the opinion declared by the late acting Judge in paragraph 27 that in a case of petty theft the Magistrate is not authorized to punish a receiver of the stolen property.

46. Referring generally to the proceedings of the Assistant Magistrate Mr. Maclean, the Court direct that he be informed that the provisions of Clause second Section VII. Regulation IX of 1821 do not in any respect abrogate or modify the rule, which requires that complaints shall be preferred to the Magistrate "in writing," to which it will be his duty to pay attention in future.-

47. In case No 31 the Assistant Magistrate sentenced the Prisoner to pay a fine which was eventually commuted for 20 days' imprisonment, for giving contradictory evidence. This proceeding was wholly illegal.-

48. In case No 36 it appears that the prisoner charged with house-breaking and theft of property to the value of Rupees 25/2 was forwarded by the Tahseeldar to the Criminal Judge, and subsequently brought before the Assistant Magistrate and disposed of by him. The

their

7th July 1824.

The Court of Foujdaree Adawlut direct that an explanation be furnished by the Criminal Judge of his reference of this case to the Magistrate.—

49. In case No 40 a fine of 50 Rupees was imposed by the Assistant Magistrate upon one Ramasawmy Moodely Mootadan "for using most disrespectful and "insubordinate language in the presence "of and towards the Assistant Collector "and Magistrate"

50. The complaint against this individual for withholding from certain persons" permission to thrash "their grain "was of a civil nature and therefore not cognizable by the Magistrate. The Court of Foujdaree Adawlut consider the proceeding to have been altogether irregular; and they direct that the fine be remitted.—

51. In case No 43 the Assistant Magistrate punished the prisoners, as for a petty theft, for stealing 11 bullocks. It is manifest that the Assistant Magistrate possessed no authority to dispose of a case of this description which by a special provision of the Regulations is made punishable by the Criminal Judge with two years imprisonment.—

The

7th July 1824.

52. The Court of Foujdaree Adawlut desire that the Assistant Magistrate will report upon what evidence the prisoners Padavuttan, Pellamootty and Coovuttooran in case No 46 who were charged with stealing 11 Marcals "and 1 measure of Salt" were punished.—

53. In case No 51 wherein the charge was described as being "for giving false evidence," it appears that the prisoner Venkatachellapillay was fined 5 Rupees for "having "written a letter falsely stating that "the complaint preferred to the "Magistrate regarding Motiarpha "cultivation was under investigation."—

54. In this as in other cases noticed by the acting Judge on Circuit the Calendar of the Assistant Magistrate does not correctly describe the offence for which punishment was inflicted. The imposition of a fine for the act above described being wholly unwarranted by the Regulations, the Court of Foujdaree Adawlut direct that the amount be repaid to the said Venkatachellapillay.—

55. As regards the remaining

Cases

7th July 1824.

cases on this Calendar the Court of Foujdaree Adaulut deem it sufficient to observe that they entirely concur in the observations recorded thereon by the late acting Judge on Circuit. The proceedings in many of these cases exhibits departures from the provisions of the Regulations of a nature, which has excited the surprise and regret of the Court; and of which it is hoped that no instance will occur in future.

56. In the Calendar of persons released by the Magistrate various cases are noticed by the late acting Judge wherein the prisoners were charged with crimes of great magnitude including homicide, and robbery by open violence, and in which no examinations were recorded.

57. The omission to record the examinations held in such cases is a violation of the Law calculated to produce the worst consequences. The Court of Foujdaree Adaulut conclude that these cases occurred previously to the circulation of their orders dated 28th October last and of the observations of the Honorable the Governor in Council

6/ F. C.
7th July 1824.

Council under date 2d January last thereupon.

58. The practice noticed in these proceedings of the acting Judge of taking down the examinations of prisoners before the Magistrate at the foot of their declarations in the Cutcherry has been repeatedly denounced by the Court of Foujdaree Adaulut as illegal.

59. With reference to the other cases noticed in this Calendar the Court of Foujdaree Adaulut will only observe, that they entirely concur in the remarks recorded thereon by the late acting Judge on Circuit, which they trust will receive from the officers whom they concern that attention, which their importance demands.

60. The proceedings of the late acting Judge marked **R** respect the Calendar of persons punished by the Magistrate in the Southern Division of Arcot.

61. In this Calendar numerous instances are noticed of cases disposed of by the Magistrate or his Assistants in which were clearly not within their

7th July 1824. their jurisdiction. The Court of Poujdaree Adaulut will not observe upon these cases particularly, but they desire that the attention of the Magistrate may be directed to the necessity of avoiding a repetition of the irregularities which have been pointed out to him in the proceedings of the late acting Judge.-

62. As has been above intimated the observations recorded in these proceedings have the entire concurrence of the Court of Poujdaree Adaulut with the exception merely of the instructions issued by the late acting Judge on Circuit to the Magistrates regarding cases of knowingly receiving stolen property, which under the limitations and instructions described above are considered by the Court of Poujdaree Adaulut to be cognizable by those officers.-

Ordered, that extract of these proceedings be sent to the late acting Judge on Circuit in the Centre Division by precept enjoining him to communicate to the Criminal Judges and Magistrates in the Zillas

7th July 1824. Zillas of Cuddapa, Bellary, and Chingleput such parts thereof as concern those officers respectively and to obtain and forward to this Court the explanations above required.

Precept returnable in one month from and after its receipt.

Sent 13th Do. Do. (Sent following precept 272)

Read letter, dated 1st Instant from the 2d Judge on Circuit in the Centre Division,- reporting the completion of the Sessions at Chingleput.-

(Here enter No. 446.)

Read letter, dated 5th Ultimo from the 2d Judge of the Court of Circuit in the Northern Division,- with returned warrant for execution of the prisoner in case No 12 Trankebar Calendar 1st Quarterly Sessions 1824.-

(Here enter No. 447)

Read return, dated 1st Instant from the 1st Judge late on Circuit in the Northern Division,- to precept dated 15th Ultimo ordering communication to the Criminal Judge of Nellore of the Court's observations in case No 20 Nellore Calendar 1st Sessions 1824.-

(Here enter No. 449.)

F. C.

At a Court of the Foujdaree Udalut

Present,

Monday 12th July 1824 — F. A. Grant Esquire — George Gowan Esquire — Judges

Read letter, dated 28th Ultimo, from the Second Judge of the Provincial Court of Circuit in the Northern Division forwarding copy of the explanation of the Head Assistant Magistrate in the Zilla of Masulipatam of his proceedings in certain cases in the Calendar submitted by him at the 1st Quarterly Sessions of 1824, whereon the observations of the 2d Judge were laid before the Court of Foujdaree Udalut under date 23d April last.—

24 July
UK

Here enter No. 442

The foregoing communication from the Head Assistant Magistrate being unaccompanied by any remark on the part of the 2d Judge the Court of Foujdaree Udalut infer, that the representation therein made is correct; and if so they regret that an explanation was not called for by the 2d Judge from the Head Assistant Magistrate previously to his reference of the 23d April last.— It is stated by the Head Assistant Magistrate that in the several cases noticed by

12th July 1824.

the 2d Judge as having been illegally disposed of by him on the Proceedings of the Police Officer alone, without any personal investigation, the personally held examinations which, however, were not reconsed under the sanction given by Section VII Regulation IV of 1824.-

Under these circumstances it is clear, that the Calendars submitted to the Court of Quarterly Sessions in such cases by the Magistrate of Masulipatam are not accompanied by sufficient information. The Court of Foujdaree Adalut are of opinion, that in cases falling within the scope of the provisions of Section VII Regulation IV of 1824 the Magistrates' proceedings should exhibit a record of the charge, and an abstract of the grounds of the prisoner's conviction.-

Ordered, that extract of these proceedings be sent to the 2d Judge of the (illegible) Provincial Court of Circuit in the Northern Division by precept enjoining him to communicate the same to the Magistrate of (illegible) Masulipatam for his information and (illegible) guidance.-

Sent 15th

/Sent following precept No 278./

Read letter, dated 7th April last from the first Judge on Circuit in the Southern Division, Submitting case No 23 Combaconum Calendar

12th July 1824. Calendar 1st Sessions 1824.-

/Here enter No 253/

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 confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid and under the provisions of Clause first Section III Regulation VI of 1811 adjudge the prisoner,

"Maroodanandooran,"

to be publicly exposed in the mode commonly denominated Sushee to receive 30 stripes with a rattan and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of seven years and then be released.-

Sent 15th

/Sent following letter No 279./

Read letter dated 3d Ultimo from the 2d Judge of the Court of Circuit in the Northern Division,- Submitting case No 7 Masulipatam Calendar 1st Quarterly Sessions 1824.-

/Here enter No 399/

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

J.

12th July 1824.

of the Tanjolarce Adalut confirm the said sentence of the Cazee=adalt Cooyat and Mayteas aforesaid and acquitting the prisoners,

1st Cadaallah Paupadoo"
2d "Boodoo Soobiah "
3d "Yalaory Pullaloo"
4th "Noopulla Paupadoo"
5th "Cattoola Veerashum"
6th "Casumsatty Sutteyandoo"
7th "Penkay Paupayandoo"
8th "Paulumkay Soobadoo"
9th "Pillay Kittadoo"
10th "Condepunty Chinnyandoo"
11th "Condepatty Paneyandoo"
12th "Moora Venkadoo"
13th "Cauvee Kittadoo"
14th "Sidambuttoola Venkadoo"
15th "Batsali Nanayandoo"
16th "Batsalie Nagadoo"
17th "Batsali Ramadoo"
18th "Pullay Camadoo"
19th "Doppala Gattom Paupadoo"
20th "Moovanoory Nagasha"
21st "Moovanoory Chinna Nagasha"

direct that they be set at liberty.-

Sent following letter No. 280

Encl 15

1 In the proceedings of the Assistant Criminal Judge in this case the Court of Zeyldaree Adalut observe, that in consequence of the prisoners' having delivered confessions before the Police Officer he deemed it unnecessary to summon the witnesses required by them to attend on their behalf before the Court of Circuit.-

2 For this proceeding there is no warrant in the Regulations; and it is incumbent upon the Court of Zeyldaree Adalut to remark that

2/ Fl.

12th July 1824

wanting

that in ~~narrating~~ to it the Assistant Criminal Judge would appear to have overlooked their repeated observations upon the degree of credit to which such confessions are entitled. It is only when a prisoner may confess the offence with which he is charged before the Criminal Judge, that authority is given by Clause first Section II Regulation II of 1822 for dispensing with the attendance of the witnesses, whom he may require to appear on his behalf at his trial.-

3 The proceedings of the Police Officer in this case are defective inasmuch as he omitted to send witnesses to prove what articles of the alleged stolen property were discovered upon each particular prisoner; and the Criminal Judge should have had this defect supplied by application to the Magistrate.

4 In the letter accompanying the trial the 2d Judge describes the charge as being against "Cadoollah Paupadoo & 14 others"; whereas the accused are 21 in number.-

5 The 2d Judge observes, that it must be left to the Court of Zeyldaree Adalut to decide whether the brass Cuchumee sworn to by two witnesses as belonging to the prosecutor "are or "not proved because they could not particularize "any mark by which to identify them".- It would have been more satisfactory if the

second

Second Judge had explained whether or not these articles were susceptible of positive identification.-

Ordered, that Extract of these proceedings be sent to the Second Judge of the Court of Circuit in the Northern Division by precept requiring him to communicate to the Criminal Judge in the Zilla of Masulipatam such part thereof as concerns the Assistant Criminal Judge for that officer's information and future guidance.-

Sent 15th

/Sent following precept No 281./

Read letter, dated 4th Ultimo, from the 2d Judge of the Court of Circuit in the Northern Division, submitting case No 7 Masulipatam Calendar 1st Quarterly Sessions 1824.-

/Here enter No 400/

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 Suddur Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid and under the provisions of Section III Regulation I of 1822 adjudge the Prisoner,

8th "Batala Puttugaroo",

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 7 years and then be released.-

And

And the Court acquitting the prisoners,

1st "Manevetty Venkapah,"
2d "Attouma Chinna Goorapah,"
3d "Dantee Endeenaraidoo,"
4th "Dantee Nagasha,"
5th "Akasham Purmasha,"
6th "Emmaseranze Runsaranze,"
7th "Emmaseranze Soobaranz,"
9th "Madevetty Ramaswamy,"
10th "Goka Gungooloo,"

direct that they be set at liberty.-

Sent 15th

/Sent following letter No 282./

In the letter accompanying the trial the 2d Judge remarks upon the unusual objection taken by the Mohummedan Law Officer in his futwa to the testimony of the witnesses to certain confessions, namely that they did not oppose to the original declarations.-

2 The objection is not supported by the provisions of the Mohummedan Law, and the Cazee-ool-Cozat has been instructed to advise the Mooftee, Noor Alee, of his error in having advanced it.-

3 Referring to the 2d Judge's observation, that he "cannot discover why "the 8th prisoner who repeated the confession "he made before the Police in the presence of "the Assistant Criminal Judge should be considered

"considered guilty; and the others who made equally
"distinct confessions before the Police should be
"acquitted," the Court of Foujdaree Udalut must
observe, that in estimating confessions before a Native
Officer of Police as of equal validity with those
which may be delivered before a Criminal Judge,
the 2d Judge must either have overlooked, or must
have intended to express a dissent from, the reiterated
sentiments of the Court of Foujdaree Udalut on this
subject, which entirely accord with the declaration
in the above futwa, that a bare confession before
a Police Officer uncorroborated by other proof of
guilt is wholly inadequate for conviction.-

Ordered, that Extract of these proceedings be sent to the Second Judge of the Court of Circuit in the Northern Division for his information and guidance.-

Sent following letter No 283.

Read letter, dated 5th Ultimo from the Second Judge of the Court of Circuit in the Northern Division, submitting Case No 1 Masulipatam Calendar 1st Quarterly Sessions 1824.-

Here enter No 394

The Judges of the Court of Foujdaree Udalut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoners 5th Gunjee Poolliah, & 6th Yella Simmasy is sufficient to convict them of the crime with which they are

F. C.
12th July 1824

are charged desire under the provisions of clause second Section II Regulation I of 1818 that their Law Officers will declare by a second futwa to what specific punishment the prisoners would have been liable under the Mahummudan Law if they had been convicted by full legal evidence of the above crime.-

Ordered, that extract of these proceedings be translated and delivered to the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut.-

Read letter dated 5th May last from the 1st Judge on Circuit in the Southern Division, submitting case No 26 Combaconum Calendar first Sessions 1824.-

Here enter No 395

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 Udalut confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid and under the provisions of Clause Sixth Section II Regulation XV of 1803 direct that the prisoners

1st "Maroodamootoo,"
2d "Marooty,"
3d "Canoovan,"
4th "Mauttarbootam"
5th "Ponnen,"
6th "Lanyoomaun,"
7th "Maroodo,"
8th "Savandee,"

9th " Aunnoo-gum "
10th " Damandooran "
11th " Annauvy "
15th " Cauttan, and
17th " Caroopen "

be released on procuring good and sufficient security for their future good behaviour and appearance when required.-

Sent 15th

/ Sent following letter No 284. /

1 The Court of Zuydarre Adalut observe, that the Assistant Magistrate, Mr. Fatherstone received from the prisoners in this case acknowledgments of their declarations before the Police Officer, which were noted down on the same paper, and attested as confessions before the Assistant Magistrate.-

Instr

2 This proceeding is irregular and improper. Under the provisions of Section XXIV Regulation IX of 1816 it is the duty of the Magistrate to examine de novo prisoners brought before him and Section XXVIII of the Regulation requires that examinations taken by that Officer shall all be written on separate papers.-

3 Sreenawas Roy the Tahseeldar of Conaud, mentions in his letter to the Magistrate his having admitted one of the prisoners to bail, a measure unauthorized by the Regulations.-

In

4 In the examination of the witnesses on the trial the 1st Judge neglected the orders of the Court of Zuydarre Adalut, dated 16th May 1823, in regard to questioning them as to their former acquaintance with the individuals whom they identified respectively; nor did he conform to the rule prescribed in Clause sixth Section XVIII Regulation VII of 1802 in regard to certain of the deponents, whose testimony exhibited material variations from that previously delivered by them.-

Ordered, that Extract of these

5 proceedings be sent to the first Judge on Circuit in the Southern Division by precept requiring him to make the necessary communication to the Magistrate of Tschinopoly for his information & guidance.-

Sent 15th

/ Sent following Precept No 285. /

Read letter, dated 2d Instant, from the 1st Judge on Circuit in the Western Division, forwarding report of the death of Ded Roojoomba prisoner in Case No 23 Canara Calendar 1st Sessions 1824.-

(Here enter No 457)

Read return, dated 9th Instant, from the 1st Judge of the Provincial Court of Circuit in the Centre Division, to precept dated 5th Instant, directing him to recall the warrant issued

for

12 July 1824. for the transportation of the prisoners in case No 2 Chittore Calendar No 2d Sessions 1824 and to direct the Criminal Judge to send the convicts to Chingleput.—

(Here enter No 457)

Read letter, dated 5th Instant, from the 1st Judge late on Circuit in the Northern Division,— reporting his return to the Sudr Station.—

(Here enter No 458)

Read letter, dated 7th Instant, from the 2d Judge on Circuit in the Southern Division,— reporting his arrival at Madura.—

(Here enter No 460)

Read letter, dated 6th Instant, from the 3d Judge late on Circuit in the Northern Division,— with returned warrant for execution of a prisoner in case No 24 Chicacole Calendar 2d Sessions 1823.—

(Here enter No 463)

Fl.

At a Court of the Foujdaree Adalut

Present

Tuesday — 13th July 1824. } F. A. Grant Esquire, George Gowan Esquire } Judges

Read letter, dated 12th May last from the 2d Judge late on Circuit in the Western Division,— submitting cases Nos 10 & 16 Canara Calendar 2d Sessions No 2. 1823.—

(Here enter No 344)

The Court having maturely considered the proceedings held in Cases Nos 10 & 16 before the Judge on Circuit the returns of the Provincial Law Officer and the returns of the Cazee-ool-Cozat and Mooftee of the Foujdaree Adalut being of opinion that the proof against the prisoners 3d Puckeera & 8th Gorgah is sufficient to convict them of the crime of robbery by open violence for which a penalty is specially denounced in Section III Regulation I of 1822 and under the authority vested in them by clause first section II Regulation I of 1818 adjudge the said prisoners,

3d "Puckeera", and

8th "Gorgah",

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

And under the provisions of [illegible] clause

clause sixth Section II Regulation XV of 1803 the Court direct that the prisoner

1st "Catakee Ramapa"

be released on producing good and sufficient security for his future good behaviour and appearance when required.-

And the Court acquitting the prisoners

6th "Ram Bhutt"

7th "Jagapah"

direct that they be set at liberty.-

/Sent following letter No. 286/

It appears by the record of proceedings in this case that the Tahseeldar of the Mangalore taluk assumes the power of requiring security from persons for their good behaviour for which proceeding there is no warrant in the Regulations. Bail can only legally be required by a Tahseeldar in the cases & for the purpose specified in Section XXXI Regulation XI of 1816.-

Referring to the Memorandum at the foot of the 5th prisoner's declaration before the Assistant Magistrate that it was not attested because there was no one in the neighbourhood who understood the language in which it was delivered "except Peano the Court of Foujdaree Udalut desire that it be intimated to this officer that under the peculiar circumstances here stated it is presumable that the attestation of peons should be taken than that a formality essential to the validity of a confession should be omitted altogether.-

Ordered that Extract of these proceedings be sent to 2d Judge late on Circuit in the Western Division by precept enjoining him to communicate the same to the Magistrate of Canara for his information & guidance.-

/Sent following precept No. 287./

Read letter, dated 18th May last, from the 3d Judge late on Circuit in the Northern Division; submitting case No. 1 Chicacole Supplemental Calendar Second Sessions 1823.-

/Here enter No. 369/

The Judges of the Court of Foujdaree Udalut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner Dauba is sufficient to convict her of putting to death the deceased Gopeenauoo, desire under the provisions of clause second Section II Regulation I of 1818 that their Law Officers will declare by a second futwa to what specific punishment the prisoner would have been liable under the Mohummudan Law if she had been convicted by full legal evidence of the above crime.-

Ordered that Extract of these proceedings be translated and delivered to the Cazees of Cozat and Mooftees of the Foujdaree Udalut.-

Re-

13th July 1824.

Read letter, dated 3d Instant from the first Judge on Circuit in the Western Division, submitting case No 30 Malabar Calendar first Sessions 1824.-

/Here enter No 382/

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 Mooftee of the Zeydaree Adalut confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid and under the provisions of clause first Section IV Regulation XV of 1803 adjudge the prisoner,

"Machingal Kuttuen",

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

/Sent following letter No 288./

Cunnara Nair, Acting Tahseeldar of the Nedoongunad Talook, called witnesses to attest the declaration of the prisoner in this case, when the examination was nearly concluded, instead of causing it to be reduced to writing in the presence of the witnesses as prescribed by Clause third Section XXVII Regulation XI of 1816.-

The Court of Zeyduree Adalut direct that this irregularity be noticed to the Magistrate of Malabar to be by him pointed

2/ L. C.
13th July 1824

out to the said Police Officer.-

Ordered, that extract of these proceedings be sent the first Judge on Circuit in the Western Division by precept requiring him to communicate the same to the Magistrate of Malabar for his information and guidance.-

/Sent following precept No 289./

Sent 15

L. C.
W. C.

L. C.

F. C.

At a Court of the Foujdaree Adalut

Present

Thursday -
15th July 1824

F. A. Grant Esquire
George Gowan Esquire
} Judges

Read again letter dated 3d Ultimo from the Second Judge of the Court of Circuit in the Northern Division, submitting case No 1 of Masulipatam Calendar 1st Quarterly Sessions of 1824 -

Here enter No 30/4

Read the second futwa severed in this case by the Cazee-ool-Coozat and Mooftees of the Foujdaree Adalut -

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 confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid and under the provisions of Section XXI Regulation VII of 1802 adjudge the prisoners

5th "Gunjee Doolliah,"
6th "Yedla Simmadry,"

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 7 years and then be released -

And the Court acquitting the

prisoners

prisoners,

1st "Marumpoody Moottadoo",
2d "Bundy Vanamadoo",
3d "Cakepully Vencataramdoo",

direct that they be set at liberty.-

/Sent following letter No. 290A/

Sent 17th

1 The examinations of the prosecutor and certain of the prisoners in this case by the Assistant Magistrate Mr. G. A. Smith appear to have been taken down on the same papers as their examinations before the Police Officer; a proceeding the irregularity of which has been frequently noticed and which is at variance with the provisions of Section XXVIII Regulation IX of 1816.-

2 Several of the prisoners in this case required the attendance of two witnesses on their behalf respectively, which was refused by the Assistant Criminal Judge on the ground of his considering their testimony unnecessary.-

3 As the prisoners in question did not confess before the Assistant Criminal Judge the crime charged against them, they were entitled of right to the attendance of two witnesses; and it was not open to the Assistant Criminal Judge under the provisions of clause second Section II Regulation II of 1822 to exercise any discretion as to complying with the prisoners' requisition.-

4. Ordered, that Extract of these proceedings

proceedings be sent to the Second Judge by precept requiring him to make the necessary communications to the Criminal Judge of Masulipatam & the Magistrate of Rajahmundry &c.-

Sent 17th

/Sent following precept No. 290B/

Read again letter, dated 18th May last from the 3d Judge late on Circuit in the Northern Division,- submitting case No. 1 Chicacole Supplemental Calendar 2d Sessions 1823.-

/Here enter No. 369/

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 Zeydaree Adalut confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid and under the sentence of Kissaas declared in the futwa adjudge the prisoner,

"Doulee,"

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

/Sent following letter No. 290C/

Sent 17th

24
Ud

Read letter, dated 8th instant, from the 3d Judge on Circuit in the Western Division,- reporting his arrival at Mangalore.-

/Here enter No. 467/

Read return, dated 13th instant, from

15 July 1824.

From the 2d Judge of the Court of Circuit in the Northern Division, - to precept dated 22d Ultimo ordering communication to the Criminal Judge of Masulipatam of the Court's instructions regarding certain old and blind convicts. -

(Here enter No. 471) /

Read letter, dated 12th Instant, from the 2d Judge on Circuit in the Northern Division, - reporting the commencement of the Sessions at Nellore. -

(Here enter No. 466) /

At a Court of the Foujdaree Udalut

Present

Friday - - 16th July 1824

F. A. Grant Esquire
George Gowan Esquire
} Judges

Read letter, dated 30th Ultimo from the Second Judge late on Circuit in the Centre Division, - submitting copy of Bellary Calendar 1st Sessions A D 1824. -

/ Here enter No. 454 /

1 In case No. 1 of the Calendar it appears that the 2d Judge in confirming the acquittal of the prisoner, "the sanity of whose mind "is questionable," directed "that her relations "be required to give security for taking due "measures for preventing the young woman again "committing any like wrong, before she be released." -

2 In this case if there appeared reason to question the sanity of the prisoner a preliminary investigation on that point should, as required by the orders of the Court of Foujdaree Udalut under date 20th October 1807, have preceded her trial. -

3 Should it be the opinion of the Surgeon that this prisoner is not a fit subject for the lunatic Asylum at the Presidency, the Court of Foujdaree Udalut direct that she be delivered into the charge of her friends, and as

as there is no warrant of law for demanding the security ordered by the 2d. Judge to be taken from them, the Court direct that in the event of their having furnished the same the security bonds, which can possess no legal valiority, be cancelled.-

4 In case No. 3 the second prisoner, who was declared by the futwa convicted on Zun-i-Ghalib of Sukha, was sentenced under Ookoobut to four years' imprisonment.-

5 Under the provisions of Clause third Section II Regulation XV of 1803 a 4th Second futwa should have been demanded in this case and sentence passed accordingly. The Court direct, that the 2d. Judge do revise the sentence with reference to those provisions.-

6 The Court of Zuydaree Udalut desire to have before them a copy and english translation of the futwa originally delivered in case No. 14 of the Calendar which would seem to have fallen within the scope of the provisions of Section XXV Regulation VIII of 1802.-

7 The same observation applies to case No. 21, & the Court direct therefore that a copy and English translation of the futwa therein delivered be furnished.-

8 In the Extract of the proceedings of the Court of Circuit upon case No. 16 of the Calendar a question is raised, as to the authority of a Head of Police to examine prisoners who may not voluntarily confess the offence with which they are charged. The Courts

concur with 2d. Judge in the view taken by him of the Law on this point; the practice is general, and appears to the Court to be warranted by the Regulations.-

9 Ordered, that extract of these proceedings be sent to the 2d. Judge late on Circuit in the Centre Division by precept requiring him to proceed as therein directed returnable in ten days from and after its receipt.-

Sent following precept No. 291

W. M.

At a Court of the Fouzdaree Adalut.

Present.

Thursday. 22d July 1824. } F. A. Grant Esqre. } Judges.
George Gowan Esqre. }

Read again petition of Chinnatchitty, Ambalavana Chitty, Nunnee Chitty, Vencatachella Chetty, Appadamy Chitty, Coopoo Chitty, Coollapa Chitty, and Ambaaly Chitty of the Zilla of Chingleput.—

(Here enter F. C. Misc. Pet. No 5 of 1824)

On the 30th of August 1809, the petitioners who are of the Vight hand cast, presented a petition to this Court praying for the reversal of an order passed by the Magistrate of Chingleput on the 3d of that month, which was in contradiction of an order passed by his predecessor on the 11th of August 1803, and went to present their wearing slippers and white-washing their houses. They were informed that the regular mode of seeking redress was by application to the Judge on Circuit, which having been adopted, that Officer on the 28th of December 1810 addressed this Court on the subject, and forwarded all the documents explanatory of it. From that time the matter has been allowed to rest, and

the

22d July 1824.

the petitioners assert that they have since been prevented from agitating it, in consequence of the principal persons among them having fallen sick for a protracted period, and then died. They now pray the Court to pass an order that they may be allowed according to custom and justice to wear slippers and to white-wash their houses, which they have been prevented from doing by people of the right hand caste.—

The way for the petitioners to obtain satisfaction for the violation of their rights, and to establish their privileges for the future, is plain and simple. Any molestation offered to them in the performance of their lawful acts and ceremonies would necessarily subject the offenders to the penalties of a breach of the peace; and for the recovery of damages for injury sustained, as well as for the determination of their rights for the future, they must have recourse to civil actions in the Courts competent to entertain them.

Ordered, that extract of these proceedings be furnished to the petitioners on their application.—

C. J.

1 X

F. H.

At a Court of the Foujdaree Adalut

Present

Saturday 24th July 1824 } F. A. Grant Esquire, George Gowan Esquire } Judges

Read letter dated 3d Ultimo from the 2d Judge of the Court of Circuit in the Northern Division, submitting case No 3 Masulipatam Calendar 1st Quarterly Sessions 1824.—

Here enter No 395

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-Coozat and Mooftees of the Foujdaree Adalut confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and under the provisions of Section III Regulation I of 1821 acquit the prisoners

1st "Mungala Vamanarapoo Pullegaroo"
2d "Dara Veneadoo"
3d "Dadala Veneadoo"
4th "Dadala Gooravadoo"
5th "Dadala Chittiveeamadoo"
6th "Goovepay Bramadoo"
7th "Coonapully Appiah"
8th "Rakah Camadoo"
9th "Pursah Pyaiah"
10th "Pursay Latiah"
11th "Coonapully Cammadoo"
12th "Chilkalapully Parigadoo"

be

24th July 1824

be removed to the Jail in the Zilla of Chittoor there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 14 years and then be released.-

Sent 27

/Sent following letter No. 297./

Read letter, dated 3d Ultimo from the 2d Judge of the Court of Circuit in the Northern Division, submitting case No 6 Masulipatam Calendar 1st Quarterly Sessions 1824.-

/Here enter No. 398/

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 Zoujdaree Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid and under the sentence of Ookoolut declared in the futwa adjudge the prisoners

4th "Mundi Sooreyandoo",
5th "Atyah Chinna Sonnadoo",
6th "Atyah Venkataramdoo",
7th "Atyah Moosulugandoo",
8th "Latty Veerabdoo",
9th "Dappary Yerradoo",
10th "Panamala Reddygandoo",
11th "Panamala Nagandoo",
12th "Pattee Chintadoo",
13th "Pattee Soobadoo",
14th "Volity Danadoo",
15th "Bhoopaty Suttreyandoo",

24th July 1824

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 3 years and then be released.-

And the Court acquitting the

prisoners, 1st "Atyah Dannegandoo",
2d "Atyah Chellnadoo",
3d "Atyah Veerabdoo"

direct that they be set at liberty.-

Sent 27.

/Sent following letter No. 298./

Read letter, dated 14th Instant from the 2d Judge of the Court of Circuit in the Northern Division, submitting case No 9 Masulipatam Calendar 1st Quarterly Sessions 1824.-

/Here enter No. 401/

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 Zoujdaree Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid and under the sentence of Ookoolut declared in the futwa adjudge the prisoners,

1st "Soubiettoola Vencadoo",
2d "Sanee Noocadoo",
3d "Poda Paregandoo",
4th "Gamady Yarakadoo",
5th "Chapala Bhanmadoo",
6th "Coondaty Chinneyandoo"

24th July 1824

7th " Poolee Pareeganda,
8th " Poolee Gungadoo,
9th " Pokulla Potteeganda,
10th " Mannamulla Manneeganda,
11th " Poolee Pulleeganda,
12th " Puttena Wooppada,
13th " Cunchoonnuty Wooppada,
14th " Yalla Lomada,
15th " Yalla Lutchamanda
17th " Munjanapoo Penkada,
18th " Danahuttoola Atcheeganda,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 5 years and then be released.

And the Court adjudge the prisoner,

16th " Kooba Ramada,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of six months and then be released.

(out 27)

/Sent following letter No 299./

Read letter dated 15th Ultimo from the 2d Judge late on Circuit in the Western Division, - Submitting case No 19 Malabar Calendar 2d Sessions 1823.

/Here enter No 432/

Read also letter dated 30th Ultimo from the Second Judge late on Circuit in

F. C.
24th July 1824

in the Western Division, - Reporting the death of the 2d prisoner in case No 19 Malabar Calendar 2d Sessions 1823.-

/Here enter No 450/

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 confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid and under the sentence of Cokoobut declared in the futwa adjudge the prisoners,

1st " Cheroooman Kilandeen, and
3d " Cheroooman Koonjamen,

to be imprisoned and transported to such place or places beyond Sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives

(127) Sent following letter No 300.

Read letter, dated 3d Ultimo from the 2d Judge of the Court of Circuit in the Northern Division, - Submitting case No 4 Masulipatam Calendar 1st Quarterly Sessions 1824.

/Here enter No 396/

The Court having maturely considered

considered the proceedings held before the Judge on Circuit the futwa of the Provincial Law Officer and the futwa of the Cazee-oolc Cozat and Mooftees of the Zillah Udalut confirm the said futwa of the Cazee-oolc Cozat and Mooftees aforesaid so far as it respects the prisoners,

2d "Kookala Veeradoo",
3d "Vassumsetty Soobaoo",
4th "Lapala Venkadoo",
5th "Vadlapaty Chinneeganoo",
6th "Bolla Ittcheeganoo",
7th "Madeega Ramdoo",
8th "Chintapilly Venkadoo",
9th "Copperaty Ramdoo",
10th "Loda Pidneeganoo",
11th "Mutta Paupeeganoo",
12th "Laday Moosalaoo",
13th "Isapala Nardeeganoo",
14th "Moodooweety Camadoo",

and accordingly adjudge them to be severally imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 5 years and then be released.-

And the Court being of opinion that the proof against the prisoner 1st "Soondarapilly Venkatasha" is sufficient to convict him of the crime of robbery by open violence for which a penalty is specially denounced in Section III Regulation I of 1818 do under the authority vested in them by

clause first Section II Regulation I of 1818 adjudge the said prisoner

1st "Soondarapilly Venkatasha" to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 5 years and then be released.-

Sent following letter No. 301.

In this as in other trials referred by the 2d Judge the Court of Zillah Udalut observe that the brief statement in the nature of an indictment required under the Courts' orders of 25th January 1814 to be framed by the Criminal Judge is not appended to the record of that officer's proceedings, as intended by the orders in question. The Court direct that the Criminal Judge be instructed to append the statement to his proceedings in all cases brought to trial before the Court of Circuit.-

2 The attention of Mr. Smith, the Assistant Magistrate, should be called to the irregularity of his entering the examinations held by him on the same papers with those of the Native Officer of police.-

3 Ordered, that extract of these proceedings be sent to the second Judge of the Court of Circuit in the Northern Division by

by precept requiring him to communicate to the Criminal Judge and the Magistrate such parts thereof as concern those Officers respectively for their information and guidance:-

Sent 27.

/Sent following precept No. 302./

Read letter dated 3d Ultimo from the 2d Judge of the Court of Circuit in the Northern Division, Submitting case No 8 Masulipatam Calendar 1st Quarterly Sessions 1824.-

/Here enter No. 397/

The Judges of the Court of Sudr Foujdaree Adalut on a deliberate consideration of the circumstances of the case in the evidence before them being of opinion that the proof against the prisoners 1st Moorary Condadoo, 2d Ragoomilly Gungadoo, 3d Bundi Santigandoo, 4th Ragoomilly Venkadoo 5th Ranka Padda Venkadoo, 6th Dafsabuttoola Gungadoo 7th Maka Ramadoo, 8th Vijayacota Croostnadoo 9th Rokkoo Bampadoo, 10th Rokkoo Venkadoo, 11th Condapurty Camadoo, 12th Rucka Venkadoo 13th Rucka Dummadoo 14th Gullay Valpoolagadoo, 15th Bulla Venkadoo, 16th Bundy Poolleyandoo, 17th Mayka Cumaryandoo, 18th Vijjapoo Suttaryandoo, 19th Dafsabuttoola Attaheyandoo, 20th Rally Goorvadoo, 21st Vijjapoo Attaheyandoo 22d Rally Chinna Venkadoo, 23d Moorary Dummadoo, 24th Gullay Appayandoo, 25th Bulla Ramayandoo

F. C.
24th July 1824.

is sufficient to convict them of the offence with which they are charged desire that their Law Officers will declare by a second futwa to what specific punishment the prisoners would have been liable under the Mohummudan Law if they had been convicted by full legal evidence of the above crime.-

Ordered, that extract of these proceedings be translated and delivered to the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut.-

F. C.

At a Court of the Foujdaree Adalut,
Present,

Monday
26th July 1824 } J. A. Grant Esquire
George Gowan Esquire } Judges

Read again letter, dated 3d. inst. Ultimo from the Second Judge of the Court of Circuit in the Northern Division, submitting case No. 5 Masulipatam Calendar 1st Quarterly Sessions 1824.-

Here enter No 397

Read the second futwa of deliverd in this case by the Cazee-ool-Coozat and Mooftees of the Foujdaree Adalut.-

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 confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and under the sentence of Dokoobut declared in the futwa adjudge the prisoners,

1st "Moovary Condadoo",
2d "Ragoonilly Gungadoo",
3d "Bundi Sautigandoo",

4

4th "Ragoomilly Venkadoo",
5th "Raula Pedda Venkadoo",
6th "Dafsabuttoola Gungadoo",
7th "Maka Ramadoo",
8th "Vijeacota Crooetmadoo",
9th "Nokkoo Banpadoo",
10th "Nokkoo Venkadoo",
11th "Condapurty Camadoo",
12th "Rucka Venkadoo",
13th "Rucka Dummadoo",
14th "Gullay Velpoolagadoo",
15th "Bulla Venkadoo",
16th "Bundy Poolagandoo",
17th "Mayka Cunneegandoo",
18th "Vijapoo Suttiagandoo",
19th "Dafsabuttoola Atchegandoo
20th "Rally Goorvadoo",
21st "Vijapoo Atchegandoo",
22d "Rally Chinna Venkadoo",
24th "Gullay Appagandoo",
25th "Bulla Narsegandoo",

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 5 years and then be released.-

And the Court adjudge the prisoner,

23d.-"Moorary Dummadoo",

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

24th

Instt 25th

six months and then be released.-

/sent following letter No. 303.

Read return, dated 21st Instant, from the Provincial Court in the Centre Division,- to precept dated 9th Ultimo ordering communication to the Criminal Judges of the Court's instructions relative to the authority of a Criminal Judge to set aside the decisions of the Assistant Criminal Judge-

(Here enters No 491)

Read return, dated 21st Instant, from the Provincial Court of Circuit in the Centre Division,- to precept dated 29th March last ordering communication to the Magistrates of the Court's opinion that the extended powers vested on Sahsildars cannot be delegated to Ameen of Police.-

(Here enter No 492)

Read return, dated 21st Instant, from the Provincial Court of Circuit in the Centre Division,- to precept dated 29th April last, ordering communication to the Criminal Judges of the Court's instructions for resuming the practice prescribed in Section XVIII Regulation VIII of 1802.-

(Here enter No 493)

Read return, dated 21st Instant, from

26 July 1824.

from the Provincial Court of Circuit in the Centre Division, - to precept dated 25th March last ordering communication to the Magistrates and Criminal Judges of the Court's instructions relative to cases of the death of persons in custody.

(Here enter No 494)

Read letter, dated 19th Instant, from the 2d Judge late on Circuit in the Western Division, - reporting the death of the 3d prisoner in case No 19 Malabar Calendar 2d Sessions 1825. -

(Here enter No 495)

At a Court of the Foujdaree Adalut

Present,

Wednesday, 28th July, 1824. C. A. Grant Esqre. } Judges.
George Gowan Esqre. }

Read return, dated 7th Instant, from the 1st Judge of the Provincial Court of Circuit in the Centre Division, - to precept dated 30th Ultimo ordering him to annex to his report on the 1st Quarterly Sessions at Chittoor for 1824 copies of the orders cited therein. -

2d
C.A.

(Here enter No 458)

In the 8th paragraph of the report the 1st Judge recommends that divisions should be made in two of the apartments of the Jail which appear to be improperly large, one of them being "capable of holding "100 men and the other perhaps one hundred "and fifty." -

2 The Court of Foujdaree Adalut conclude that the apartments in question were constructed on so large a scale chiefly with a view to more complete ventilation. They concur however with the 1st Judge in thinking the congregation of so large a number of convicts in one apartment to be objectionable, and incompatible with the due observance of the intentions of the Legislature in respecting the Classification of prisoners in Jail. The subdivision of these two

apartments

apartments might be effected by the convicts at little or no expence and the Court beg leave to recommend that the Honorable the Governor in Council may be pleased to sanction the measure.

3 In the 11th paragraph of the report the 1st Judge animadverts upon a practice which has obtained in the Zilla Jail at Chittoor of employing a portion of the convicts sentenced to imprisonment with hard labour in writing on Cadjans or Olahs.-

4 In the Acting Judge's return to the precept of the 1st Judge on this subject a question is raised as to the authority of a Judge holding a Sessions of Jail delivery to interfere with the exercise of the discretion vested in the Criminal Judge in respect to the mode of employing the convicts placed under his charge. On this point the Court of Foujdaree Adalut are of opinion with reference to the provisions of Sections XXXVI and XXXVII Regulation VII of 1802 that the duty of a Judge of Circuit is limited to the suggestion for the consideration and orders of the superior Court of any alterations in the mode of carrying into effect the sentences of the Criminal Courts which may appear to him to be expedient or necessary.-

As

5 As regards the practice in question the Court of Foujdaree Adalut are of opinion that it should not in the case of any able bodied convict be allowed to interfere with the appropriation of the greater part of every day to the "hard labor in irons on the public roads "or other public works," to which he may have been sentenced.-

6 Referring to the general observations of the 1st Judge in the 17th paragraph of the report the Court of Foujdaree Adalut are of opinion that a certain discretion should be allowed to the Criminal Judges in the allotment of labor to convicts which, subject to the supervision of the Judges in Sessions and when requisite to the application of the general controuling powers of the Court of Foujdaree Adalut does not appear likely to be exercised in a manner inconsistent with the due and effectual administration of Criminal Justice.-

7 As explanatory of the 1st Judge's revisal of the report under consideration the Court direct, that extract of their proceedings under date 28th April last be submitted therewith to the Government.-

Ordered also that the report with extract of these proceedings be sent

Annexed ... 17th Augt N. 5718
Pro. — 28th Do. 1824

28th July 1824

sent to the Chief Secretary to Government for the purpose of being laid before the Honorable the Governor in Council.—

R. 28 Sent 30th

Sent following letter No 309/

Read return, dated 4th Instant, from the 2d Judge late on Circuit in the Centre Division, to precept dated 22d Ultimo conveying to him the County orders on certain cases Pudapa Calendar 1st Sessions AD 1824 (Hercaster No 177)

1 In compliance with the instructions contained in the proceedings of the Court under date 22d Ultimo the 2d Judge has forwarded a copy and translation of the futwa delivered in case No 23 of the Calendar, wherein the prisoner stood charged "with Highway robbery having "forcibly taken by day" from a boy "a "Silver hand ring valued at 4 Rupees "4 annas."—

2 The Court of Foujdaree Adalut referring to the above description of the charge against the prisoner, whereof it is stated that he was convicted, saw reason to question the legality of the mitigated sentence of 2 years imprisonment and 15 stripes passed by the 2d Judge.—

3 In the English translation forwarded with the foregoing return the latter part of the futwa is rendered in the following words. viz. "because

2 F 16

28th July 1824

+ in an exposed state.

"the article was not stolen from a "place of concealment and because the "confession is established by testimony, "And it. Kutuyattareek is barred against "this prisoner and he is liable to Corroborate "at the discretion of the Judge."—

4 The following is a correct translation of this part of the original futwa, "because (the article) was not "concealed at the time of theft, and the "prisoner retracted his confession (untrue "against him of) amputation of the right "hand is barred and he is liable to "Corroborate at the discretion of the Hakim."—

5 The Law Officer had declared above that the prisoner was convicted of Sarakat, meaning apparently Sarakah-i-Soghra, as the prescribed penalty for that crime and not for the crime of Sarakah-i-Kobra, or Kuta-ooh-turreeka is stated to be barred: but the Court of Foujdaree Adalut do not perceive the relevancy of first exception in bar of a sentence for the specific penalty, and the second is manifestly of the description referred to in Clause fourth Section II Regulation XV of 1803: while the case as described in the Calendar appears to fall under the definition

of Sarakah-i-Rohra, or highway robbery, and not of simple theft.—

Under these circumstances the Court deem it proper to direct that if, contrary to the description of the circumstances of this case in the Calendar, it amounted only to the minor offence, the 2d Judge do require from the Law Officer a second futwa under the provisions of clause fourth Section II Regulation XV of 1803 and pass sentence accordingly.— if however the case amounted to highway robbery the futwa was manifestly erroneous, and a reference of the trial will in that event be necessary.—

7 The 2d Judge is correct in his observation that the orders of the Foujdaree Adalut limiting the discretion of Judges of Circuit, in respect to dismissing as Security, to cases wherein the Law Officer concurred in the existence of Suspicion, have been superseded by the enactment of the provisions contained in Sections III and IV Regulation II of 1822: but the Court nevertheless continue to be of opinion that under the provisions of Clause second Section VI Regulation XV of 1803 the disposal of all prisoners in trials under reference is to be left

to the judgment of the Foujdaree Adalut with the exception only of those who may be fully acquitted and unconditionally discharged.—

Referring to the observations of the 2d Judge upon certain cases in the Calendar the Court have to observe, that ~~in cases~~ where sufficient reason may appear for the measure, prisoners in cases referred to the Court of Foujdaree Adalut may be ordered by the Judge of Circuit to be held to bail, instead of being detained in custody, pending the reference.—

Ordered, that ~~a~~ extract of these proceedings be sent to the 2d Judge late on Circuit in the Centre Division for his information and guidance.—

Sent 30th

Sent following letter No 310

F. C.

At a Court of the Faujdaree Adalut,
Present,

Thursday
29th July 1824 } F. A. Grant Esquire
George Gowan Esquire } Judges

W. C.

Read letter, dated 12th Instant from the First Judge late on Circuit in the Northern Division forwarding copy of a communication received from the Criminal Judge in the Zilla of Nellore regarding the observations of the Court of Faujdaree Adalut upon case No. 20 Nellore Calendar first Sessions A.D. 1824.-

Here enter No. 474.

Read also letter dated 17th Instant from the 1st Judge late on Circuit in the Northern Division, forwarding copy of a further communication from the Criminal Judge on the same subject.-

Here enter No. 490

The explanations of the Criminal Judge in respect to two points animadverted upon by the Court in their proceedings are considered by the Court of Faujdaree.

Foujdaree Udalut to be perfectly satisfactory.

It appears that the statement in the Nature of an indictment required by the Courts orders of 25th January 1814 was prepared by the Criminal Judge, and laid before the Court of Circuit: under these circumstances the 1st Judge should have explained the real state of the case and the communication to the Criminal Judge of the Courts observations would have been unnecessary.-

2 It is the intention of the circular orders here cited, that the statement should appear in the record appended to the proceedings of the Criminal Judges.-

3 From the depositions of the 3rd & 4th witnesses regarding the discovery of certain property in the house of the prisoner, and the manner in which that testimony was quoted by the 1st Judge in his letter accompanying the trial, the Court of Foujdaree Udalut were led to conclude, that evidence might have been brought in proof of its being stolen from the house of the prosecutor.-

4. Ordered, that extract of these proceedings be sent to the First Judge late on Circuit in the Northern Division by

29. July 1824.

by precept requiring him to communicate the same to the Criminal Judge for his information and guidance.-

Sent 31st. 2 H
W.

Sent following precept No. 311

F. A.

At a Court of the Foujdaree Adawlut.

Present,

Monday
2d August 1824 } F. A. Grant Esqre
George Gowan Esqre } Judges

Read again letter dated 4th Instt.
from the 2d Judge on Circuit in the Centre
Division, with copy of Cuddapah Calendar
for Sessions A.D. 1824.

2 Ltr
W.C.

(Here enter No. 410)

The records of the proceedings
held by the 2d Judge in cases Nos. 1, 2, 3, 4, 5, 6, 7,
8, 9, 10, 12, 13, 17, 21, 22, 26, 27, 30, 31, 32, 38, 46, 51, 52, 53, 56,
63, 65, 66, 68, 69, 71, and 72 of the Cuddapah
Calendar which according to the remarks
entered in the foregoing Calendar are to
be referred to the Foujdaree Adawlut, not having
been received;

The Court direct, that the 2d
Judge late on Circuit in the Centre Division
be by precept commanded to send up the
records of the proceedings held by him
in the cases aforesaid within one month
from the date of the receipt of the precept.

2 Ltr
W.C.
Sent 2d

(Sent following precept No. 314)

Read return, dated 21st Ultimo,
from the 1st Judge late on Circuit in the Western
Division, to precept dated 13th Ultimo,
ordering communication to the Magistrate
of Malabar of the Court's observations
on

2: August 1824 in case No 30 Malabar Calendar 1st Sessions 1824—

(Here enter No 498.)

Read return dated 21st ultimo from the 2d Judge late on Circuit in the Western Division,—to precept dated 13th Instant ordering communication to the Magistrates of Canara of the Courts observations on Cases No 10 and 16 Canara Calendar 2d Sessions 1823—

(Here enter No 499)

Read return dated 28th ultimo from the Provincial Court of Circuit in the Centre Division,—to precept dated 30th April last ordering communication to the Judge on Circuit and the Magistrates of the Courts orders regarding persons specially appointed to perform the duties of Head of Police—

(Here enter No 504)

Read letter dated 28th ultimo from the 3d Judge late on Circuit in the Southern Division,—with returned warrant for execution of a prisoner in case No 23 Salem Calendar 1st Sessions 1824—

(Here enter No 509)

Read letter, dated 28th ultimo, from the 1st Judge late on Circuit in the

2: August 1824 the Western Division,—with returned warrant for execution of a prisoner in case No 30 Malabar Calendar 1st Sessions 1824—

(Here enter No 510)

F. C.

At a Court of the Foujdaree Adalut
Present,

Wednesday 4th August, 1824. T. A. Grant Esqre. } Judges
George Gowan Esqre. }

Read letter dated 21st Ultimo from the 1st Judge late on Circuit in the Western Division, submitting copy of Malabar Calendar 1st Sessions A.D. 1824 —

(Here enter No 506)

F.C. / C.C.

1 The Court of Foujdaree Adalut desire to have before them copy and translation of the Futwa delivered in case No 5 of the Calendar, wherein the prisoner on a charge of murder was acquitted on the ground of his having committed the homicide in self defence —

2 The Court also desire to have before them copies and translations of the Futwas delivered in case No 26 of the Calendar, in the 2d of which the 2d prisoner was declared liable to Sazeer —

3 Ordered, that extract of these proceedings be sent to the 1st Judge late on Circuit in the Western Division by precept returnable in four days from and after the date of its receipt —

Sent 6th (Sent following precept No 319)

Read letter, dated 22d Ultimo, from the 2d Judge late on Circuit in the Centre Division, submitting copy of Chingleput

4th August 1824 Chinglaput Calendar 1st Sessions A.D. 1824.

(Executes No. 507)

1 The Court of Foujdaree Adawlut desire to have before them copy and English translation of the Futwa delivered in case No 1 of the Calendar wherein the 1st 2d and 3d prisoners described as "convicted of Sunhab" were sentenced to 1½ years imprisonment.-

2 Upon the entry of the abstract of the Futwa in this case it is to be observed that it does not specify the circumstances existing in bar of Hud, as required by the standing orders of the Court of Foujdaree Adawlut.-

3 In case No 6 it is stated that the Futwa declared Hud to be barred "because of the prisoner's plea of not "guilty."-

4 In case No 5 where the same bar to a sentence for the specific penalty was declared, the 2d Judge took a second Futwa agreeably to the provisions of Clause Fourth Section II Regulation XV of 1803.-

5 It is not explained why the same course was not pursued in respect to case No 6, and the Court of Foujdaree Adawlut direct, that unless some ground for remitting the prescribed penalty of the description referred to in Clause Fifth of the above Section existed in this

4th August 1824 this case the 2d Judge do revise the sentence in conformity with Clause fourth of that Section.-

6 The Court desire to have before them copy and English translation of the Futwa delivered in case No 7, wherein the 1st prisoner who is stated to have pleaded guilty to a charge of theft was sentenced under Regulation to six years' imprisonment and hard labor.-

7 In case No 24 the 1st prisoner was on a second Futwa declared liable to "amputation of the hand" and appears to have been sentenced to 2½ years' imprisonment.-

8 This sentence appearing to be at variance with the provisions of Section XXI. Regulation VII of 1802, the Court of Foujdaree Adawlut direct that if the entry in the Calendar of the Futwas regarding this prisoner be correct, the 2d Judge do revise the sentence passed against him agreeably to the provisions of that Section.-

9 Ordered, that a extract of these proceedings be sent to the 2d Judge at his Circuit in the Centre Division by precept enjoining him to proceed as herein directed and forward copies and translation of the Futwas in the cases above specified.-

Precept

4. August 1824.

Precept returnable in six days from and after the date of its receipt.-

2 Ll
Entd.
Ll

(Vide following Precept No 329)
Ll

F. U.

At a Court of the Foujdaree Adaulut.
Present,

Thursday 5th August 1824. P. T. A. Grant Esqr. } Judges
George Gowan Esqr. }

Read letter, dated 23d June last, from the 2d Judge Eastern Circuit in the Western Division, - submitting report prescribed by Section XXXVII. Regulation VII of 1802.-

2 Ll
Ll

(Here enter No 456)

In the 7th paragraph of the report the 2d Judge suggests "a modification "of the rule which insists upon every case "of Robbery by open violence being referred "to the Superior Court;" and in the 8th paragraph the 2d Judge states his opinion, that "in "most cases of robbery by open violence "39 stripes with 14 years imprisonment "at a distant Gaol, which the Courts of "Circuit are empowered to sentence, is "as exemplary a punishment as need be "inflicted:" the paragraph concludes with an observation upon the heavy additional labour attending the practice of referring all such cases.-

2. The Court of Foujdaree Adaulut have given to the suggestions of the 2d Judge in this part of his report the most mature consideration. Referring to the remarks

remark with which the 7th paragraph of the report commences, it may be observed that in several among the large number of trials for this offence referred by the 2d Judge the Court of Tanjore Zillah adopted his recommendation of a mitigation of the punishment prescribed by Section III Regulation I of 1822; from which circumstance, however, it does not appear to the Court that the impolicy of the provisions of the existing Law on this subject is fairly deducible; and in respect to the observations with which the 8th paragraph concludes the Court refrain from recording any decided opinion, until the result of a late reference to the several Courts of Circuit regarding the feasibility of abridging the records of criminal trials, made under the instructions of the Government, dated 6th Septr. shall be known.-

3. The Court of Tanjore Zillah are disposed to consider the tendency of the provisions of Regulation I of 1825 to be highly beneficial; inasmuch as the risk of incurring a penalty so repugnant to the feelings of the Natives of India as transportation for life beyond Sea, whereof it is well known that in many parts of the Country a greater dread is entertained than of capital punishment, must

must operate materially to discourage their enterprising an offence, the perpetration of which is so generally accompanied by acts of the most ferocious atrocity.-

4. But should the view taken of this subject by the 2d Judge be eventually adopted by the Legislature, either upon the ground of the adequacy in some instances of a minor punishment, or the necessity of dispensing with the reference of all such cases to the Court of Tanjore Zillah, the Court would beg leave to recommend, that the modification of the existing Law regarding the crime of Robbery by open violence should be limited to a provision, empowering the Courts of Circuit in cases wherein the violence may have been trifling, and the offence committed by not more than five persons, to pass sentence of 39 stripes and imprisonment in banishment with hard labor for the period of fourteen years: it being at the same time provided, that persons so sentenced shall in the event of their escaping from confinement be transported beyond Sea for life.- The experience of the Court of Tanjore Zillah has convinced them, that a discretionary power of adjudicating imprisonment for a shorter period than fourteen years ought not to be given, in these cases, to the Courts of Circuit, who

in

5 August 1824

in the event of this modification of the Law should be required to refer for the final judgement of the Court of Sunjdaree Adalut all trials, in which they may consider the above punishment dispro-=portioned to the guilt of all, or either of the prisoners.-

5. In the 19th paragraph of the report a suggestion is offered, founded upon the alleged insalubrity of the Lait at Mangalore that the opinion of the Superintending Surgeon of the Mysore Division should be taken in respect to the expediency of altering the site. The Court of Sunjdaree Adalut consider the remarks of the 2d Judge in this part of the report to be deserving of the consideration of the Honorable the Governor in Council.-

6. In the 28th paragraph are detailed the particulars of an atrocious murder, and of an attempt to murder, whereof the survivor is recommended by the 2d Judge to the humane consideration of the Government, in consequence of the apparently irremediable injury, which he has sustained.-

7. The Court of Sunjdaree Adalut feel a difficulty in offering a concurrent recommendation in favor of this un-=fortunate individual, as it cannot be

F. C.
5th August 1824

be expected that the Government should comply with the numerous appeals of this nature to their beneficence which might be made. The case is one, to which a law for confiscating the property of the criminal for the benefit of the injured sufferer might be fitly applied.-

8. The 29th paragraph contains a notice of case No 2 Malabar Calendar 2d Sessions AD 1823, which the Court of Sunjdaree Adalut submitted under date 5th ultimo to the Government in conse-=quence of a doubt in respect to their Juriddiction.-

9. In the 37th paragraph of the report mention is incidentally made of 6 persons, in confinement as vagrant and suspicious characters," in the "Cutwals' Chowkey by order of the Magistrate.

10. Under the provisions of Clause first Section III Regulation II of 1822 persons of this description cannot legally be detained in the custody of the Criminal Judge.-

11. The 46th paragraph of the report contains a proposition for vesting Criminal Judges with power to adjudge, in cases where according to the Mohummudan law "the crime "incurs the loss only of one limb" Corporal

5th August 1824

corporal punishment not exceeding 39 stripes and imprisonment with hard labor in irons not exceeding 7 years.-

12. To the Court of Foujdaree Adawlut this alteration of the existing law appears to be by no means advisable. It would have the effect of introducing the modified administration of the Mohummudan Criminal Law, which is at present confined to the Superior Courts into the proceedings upon a class of cases, to which that Law is not at present applied; and would consequently involve the remodelling of the constitution of the Court of the Criminal Judge, and the repeal of the greater part of the provisions, by which his proceedings are at present guided: and it may in this place be also observed with respect to the Zillah Courts of Malabar and Canara, that the duties imposed on the Judges by the existing Regulations fully equal, if they do not exceed, the power of those officers satisfactorily to perform.-

13. The provision in the Bombay Code of Regulations, to which the 2d Judge would appear to refer, is contained in Clause first Section XLVIII Regulation VII of 1821, whereby authority is given to Criminal Judges to pass sentence

5th August 1824

in certain cases of imprisonment "for a period above two years and not "exceeding seven years:" but those sentences are not final, the proceedings in all such cases being required to be referred for the final judgment of the Sudder Foujdaree Adawlut.-

14. Paragraphs from 49 to 59 inclusive are occupied in the discussion of the propriety of vesting Zillah Judges with discretionary power to release persons, whom they may have apprehended under the provisions of Section XXVII Regulation XI of 1816.-

15. The opinion of the Court of Foujdaree Adawlut, cited by the 2d Judge in this part of the report, namely "that "under the provisions of Section XXVIII "Regulation XI of 1816 a Zillah Judge is not "authorized to dismiss any case after "the prisoner has been apprehended "and evidence taken," accords with the express and positive terms of the Law, nor do the Court see any ground to question its accordance with its intention: and the Court, while they are of opinion that it would be unsafe to vest the Native Officer of Police with the authority, proposed by the 2d Judge of judicially determining on the innocence of persons apprehended on charges of heinous

5 August 1824

honour description, concur in the opinion declared by the Criminal Judge in the Zilla of Malabar, and by the 2d Judge of the Provincial Court of Circuit in the Western Division, in the reference quoted by the 2d Judge in his report, that "the previous inquiry "which precedes the arrest if properly "directed will generally be found sufficient "to preclude the hardship contemplated "by the Magistrate, and prevent any cases "being sent to the Court in which the "credibility of the complaint has not "in the first instance been satisfactorily "established."

16. The Court observe, that by Clause Seventeenth Section XIX Bengal Regulation XX of 1817 it is expressly prescribed, that "no person who may be once apprehended "by the officers of police shall be discharged, "except on bail, or under the special orders "of the Magistrate."

17. Provisions are enacted in Section XXXI Regulation XI of 1816 for the guidance of Darogahs in bailable cases, and the reasons for withholding from Police Officers power to release persons apprehended on charges of the description specified in Clause first Section XXVIII Regulation XI of 1816, are in the opinion of the Court founded on sound principles

F. W.

5th August 1824

of general policy.—

18. The report is accompanied by copies of the orders of the 2d Judge regarding the disposal of certain persons in confine-ment under Section III Regulation II of 1822, whereon the Court of Sudder Adalut have only to remark, that such persons are not compellable to perform labor of any description, although there can be no objection to their being permitted, if willing, to work for their own benefit while placed under personal restraint according to the provisions of Sections III and IV Regulation II of 1822.—

Ordered, that a extract of these proceedings be sent to the 2d Judge late on Circuit in the Western Division by precept enjoining him to com-municate paragraphs 9 and 10 to the Magistrate of Malabar for his infor-mation and future guidance.—

sent 7th

(Sent following precept No. 322.)

Ordered also, that the report and extract of these proceedings be sent to the Chief Secretary to Govern-ment for the purpose of being laid before the Honorable the Governor in Council.—

(Sent following letter No. 323.)

Rec'd 41 / sent 7th.

Exhd.

At a Court of the Foujdaree Adalut

Present

Friday - - -
6th August 1824 } J. A. Grant Esquire
George Gowan Esquire } Judges

Read letter, dated 17th Ultimo from the First Judge on Circuit in the Northern Division, - Submitting case No. 25 Nellore Calendar 1st Sessions 1824. -

24
64

[Here enter No. 497]

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 Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftee aforesaid, and under the sentence of Dokoobut declared in the futwa adjudge the prisoners,

1st "M. Polaagandoo",
2d " D. Goorroonadoo",
3d " O. Chukadoo",
4th " R. Mulloogandoo",
5th " B. Paupadoo",
6th " C. Paumoogandoo",
7th " C. Addeegandoo",
8th " G. Cunkatagandoo"
9th " C. Polaa-gandoo",
10th " C. Polaagandoo",
11th " C. Luttchegandoo",
12th " C. Bodegandoo",
13th " C. Pottoogandoo",
14th " C.

6 August 1824

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of three years and then be released.—

And the Court adjudge the 4th prisoner,

15th "C. Lutchegandoo",
16th "C. Venkatagandoo",

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of six months and then be released.—

And the Court direct, that the prisoner,

11th "D. Goroonadoo",

be set at liberty.—

Sent following letter No. 325.

Emb 12th

This being a case of robbery by open violence the 1st Judge should as prescribed by Section IV Regulation I of 1822 have passed sentence on the prisoners of 39 stripes & transportation for life, repre=senting to the Court of Foujdaree Adalut on the reference of the trial whatever grounds might appear to him to exist for a mitigation of the prescribed penalty:—

Ordered, that extract of the proceedings be sent to the First Judge on Circuit in the Northern Division for his

6 August 1824

Emb 11th

information and future guidance.—

/ Sent following letter No. 326 /

Read letter, dated 10th Ultimo from the Second Judge of the Court of Circuit in the Western Division, submitting Case No. 2 Seringapatam Calendar 2d Sessions 1823.—

/ Here enter No. 478 /

1 It would appear from the deposition of the prosecutor in this case that the offence with which the prisoner, "Linguy" is charged was committed in the Mysore territory, and not within the limits assigned to the Jurisdiction of the Zilla Court at Seringapatam by Regulation II of 1808.—

2 If this supposition be correct the special permission of the Governor in Council was requisite for the trial of the prisoner under the provisions of Regula=tion XI of 1809, and the Court conclude that it was obtained; but such permission being essential to the legal disposal of the case by the Court of Foujdaree Adalut they direct that the Second Judge late on Circuit in the Western Division be by precept required to report whether or not the offence was com=mitted within the British territories, and in the latter case to obtain and transmit to the Court the orders of the Governor in Council for the trial of the prisoner.—

Precept

6th August 1824.

Precept returnable in 3 weeks from and after its receipt.-

/Sent following precept No. 327/

Read supplemental return dated 11th Ultimo from the First Judge late on Circuit in the Northern Division to the Court's precept dated 17th April last ordering to send up the English and Persian translations of the Proceedings in Case No. 9 Rellore Calendar first Sessions 1824.-

/Here enter No 496/

The Cazee-ool-Coozat and Mooftees of the Foujdaree Adalut declare in the foregoing futwa that the prisoners are convicted on strong presumption of the crime of Burglary laid to their charge. The Court therefore concurring in the opinion declared in the futwa, resolve under the provisions of Clause third Section II Regulation XV of 1803 to call upon their Law Officers to declare by a second futwa to what Specific punishment the prisoners would have been liable under the Mohummudan Law if they had been convicted by full legal evidence.-

Ordered that extract of these proceedings be translated and delivered to the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut.-

2Ld
C.C.

p. 11.

At a Court of the Foujdaree Adalut.
Present.

Thursday, 12th August 1824. F. A. Grant Esqre. / George Gowan Esqre. } Judges.

Read letter, dated 3d Ultimo and received 7th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division,- submitting Copy of Cutlon Calendar 3d Quarterly Sessions A.D. 1824.-

(Here enter No. 523)

2Ld
C.C.

1 In case No 1 it would appear that an objection was taken by the Mohummudan Law Officer to the testimony of certain witnesses on the ground of their religious persuasion which was overruled by the 1st Judge and a second futwa taken which declared the 1st Prisoner liable to Tazeer.-

2 Under the provisions of Section XXV Regulation VII of 1802 it was incumbent upon the 1st Judge to have referred this trial to the Court of Foujdaree Adalut; as however it is stated that the release of the prisoners had been ordered the Court will not disturb the judgment passed by the 1st Judge illegal as it manifestly was.-

3 In the remarks upon

case

12th August 1824

case No 12 it is stated that the 2d and 4th "prisoners may be considered as likely to "be acquitted by the Sudder Foujdarry Adawlut."

4 If it is to be inferred from this remark that the 1st Judge concurred in the acquittal of these two prisoners their immediate release should be ordered under the provisions of Section VI Regulation XV of 1803.-

Ordered, that extract of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.-

(Sent following letter No 334)

Read again letter dated 11th ultimo from the 1st Judge late on Circuit in the Northern Division, transmitting supplemental return to the Court's precept dated 17th April last ordering to send up English and Persian translations of the proceedings in case No 9 Nellore Calendar 1st Session 1824.-

(Here enters No 496)

Read the second section delivered in this case by the Cazee-ool Coozat and Mooftees of the Sooder Dewanny Adawlut.-

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 Foujdarree Adawlut confirm the said futwas of the Cazee-ool Coozat

12th August 1824

Coozat and Mooftees aforesaid and under the provisions of Section XXI Regulation VII of 1802 adjudge the prisoners

1st Mottakana Chenchoogaudoo
2d Mottakana Chinna Punpadoo
3d Erapina Moosaligaudoo and
4th Shaikh Emam

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of seven years and then be released.-

(Sent following letter No 335.)

Ent 13th 24 10

At a Court of the Poydaree Adalut
Present,

Tuesday 17th August 1824. P. A. Grant Esqre
George Gowan Esqre } Judges.

Read letter, dated 11th Instant,
from the 2d Judge on Circuit in the
284 Northern Division, submitting copy
of Nellore Calendar 2d Session A.D. 1824.
(Here entered No 549)

In case No 8 it is stated,
that the prisoners confessed before the
Criminal Judge the offence with which
they were charged, namely breaking
into a Granary "with an intent to steal".

2 In the remarks on case
No 7 it is stated that the prisoners in No 8
were acquitted on the ground that their
declarations before the Criminal
Judge did "not contain their confession
"that they committed robbery."

3 The exception thus represented
to have been taken by the Mohummudan
Law Officer was irrelevant: in the
case in question, if the entries in the
Calendar be correct, the prisoners were
not charged with robbery, but with
an offence distinctly provided for by
Section II Regulation VI of 1822, and
punishable under the Mohummudan
Law.

The

4 The prisoners having been released, the Court of Sunjarce Adaulut will not disturb the order of the 2d Judge on this case, the correctness of which appears, however, to be extremely questionable.-

5 In case №11 an objection was taken by the Mohummedan Law Officer to the testimony of the witnesses to the prisoner's confession on the ground of their being the servants of the Circar, which objection was overruled by the 2d Judge, who took a second futwa, and in commutation of the penalty of Dyut thereby awarded sentenced the prisoners to 14 years imprisonment and hard labor in irons.-

6 For the above proceeding there is no warrant in the existing Regulations, which give to a Judge of Circuit authority to over-rule those objections only, which may be founded on the religious persuasion of the witness: and the Court direct therefore that the 2d Judge do revise the order passed in the case in question, and refer the trial for the final judgment of the Sunjarce Adaulut.-

7 In case №12 the prisoners were declared by the futwa convicted of Sarakah-i-sogra and [illegible] liable to

to discretionary punishment, but being barred "because they denied before the "Court of Circuit:" and sentence of three years imprisonment was passed upon them by the 2d Judge.-

8 The exception in bar to a sentence for the specific penalty in this case being manifestly of the description specified in Clause fourth Section II Regulation XV of 1803, the Court of Sunjarce Adaulut direct, that the second Judge do take a second futwa from the Law Officer upon the case and pass sentence accordingly, referring the trial should a mitigation of the Punishment prescribed in Section XXI Regulation VII of 1802 appear to him to be necessary.-

9 In the sentence passed on the prisoners in №s 17, 18, 19, 20 and 21 reference is made to the provisions of Clause fourth Section II Regulation VII of 1822.-

10 As the clause in question respects only cases of housebreaking and theft, or attempts to commit the same, which "may have been attended "with wounding or other corporal injury" the Court of Sunjarce Adaulut desire that it may be explained whether any proof of such aggravation, which

17th August 1824. is not alleged in the abstracts of the charges in the above cases, was adduced against the prisoner.—

11 Like explanation is required regarding cases Nos 22, 37, 38, 39, 40, and 41 in which the same provision is cited as governing the sentence and to which it would seem that the provisions of Clause fourth Section II Regulation XV of 1813 were applicable.—

12 Ordered, that extract of these proceedings be sent to the 2d Judge on Circuit in the Northern Division by precept requiring him to proceed as herein directed and forward the explanations required.—

Precept returnable in two Months from and after its receipt.

Sent 18th (Sent following precept No 347.

Feb

Feb

At a Court of the Fyzdaree Adalut.

Present.

Wednesday 18th August 1824. C. K. Grant Esqre. } Judges.
George Gowan Esqre. }

Read letter, dated 12th ultimo, from the 1st Judge of the Court of Circuit in the Centre Division,— submitting copy of his warrant for the transportation of the prisoners in case No 2 Chittore Calendar 1st Quarterly Sessions 1824.—

(Here enter No 470)

The Court of Fyzdaree Adalut deeming it expedient in view to regularity and uniformity of practice to prescribe a revised form of warrant for the execution of sentences of imprisonment and transportation for life beyond sea, direct that the same be prepared and circulated to the several Provincial Courts of Circuit, to be by them communicated to the several Judges now on Circuit, and that they be enjoined to conform in all cases thereto, as closely as the wording of the sentences of the Fyzdaree Adalut will admit.—

Ordered, that extract of these proceedings be sent to the four Provincial Courts of Circuit by precept, returnable in three days from and after its receipt.—

(Sent following precept No 1353

Sent 1st Circuit

Feb

18th August 1824

Read letter, dated 31st Ultimo, from the 2d Judge late on Circuit in the Western Division with returned warrant for execution of prisoners in case No 32 Canara Calendar 2d Sessions 1823.

(Here enter No 519)

Read letter, dated 28th July last, from the 1st Judge late on Circuit in the Western Division, with copy of Seringapatam Calendar 1st Sessions 1824.

(Here enter No 522)

Read return, dated 4th Instant, from the 1st Judge late on Circuit in the Northern Division, to precept dated 24th Ultimo, ordering him to communicate to the Criminal Judge in the Zilla of Nellore the resolution of the Court on his explanation of the proceedings held by him in case No 28 Nellore Calendar 1st Sessions 1824.

(Here enter No 528)

Read return, dated 11th Instant from the 2d Judge of the Court of Circuit in the Northern Division, to precept dated 15th ultimo ordering communication to the Assistant Criminal Judge of Masulipatam and the Assistant Magistrate of Rajahmundry of the Court's observations on case No 1 Masulipatam Calendar 1st Quarterly Sessions 1824.

(Here enter No 542)

Read letter, dated 7th Instant, from the 2d Judge of the Court of Circuit in the Western Division, forwarding

18th August 1824

a communication from the Assistant [illegible] reporting [illegible] case No 19 [illegible] 1823 Calendar [illegible] Sessions.

Seal of the Court of Circuit

To The Criminal Judge in the Zilla of

Whereas at a General Gaol Delivery for the Zilla of holden at on the day of A.D. AB. Sanger with having been tried by the Court of Circuit has been convicted and finally sentenced by the Court of Circuit to receive 39 stripes with a rattan, and to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.

It is hereby ordered, that in execution of the said sentence and in conformity with the provisions of Section XXXV Regulation VII of 1802, you do cause the said AB to be corporally punished with 39 stripes of a rattan, and the particulars specified in the said Section to be inscribed upon this Warrant.

(Here enter No 541)

Sessions 184 [illegible] on the Calendar [illegible] 1823 [illegible] case [illegible] Quarterly [illegible] 4th Instant, [illegible] Circuit in [illegible] precept dated [illegible] communication [illegible] Seringapatam [illegible] Calendar 1st

Read letter, dated 3rd Ultimo, from the 2d Judge late on Circuit in the Western Division

forehead by the precept termed Gooma that you do warn the said **AB** of the penalty which under the provisions of Clause Second Section IX Regulation XV of 1803 he will incur by returning without permission from the place to which he may be transported, and cause the said **AB** to be lodged in the Gail of the Zilla of Chinglepute there to remain until the orders of the Governor in Council may be given for his transportation beyond sea agreeably to the terms of the sentence passed upon him: and that you do return this warrant to me with an endorsement attested by your official Seal and Signature certifying the manner in which the same has been executed as prescribed by Section XIII Regulation VIII of 1802

Given under my hand and the Seal of the Court this day of in the year of Our Lord One thousand eight hundred and

C.D

Judge

from the [illegible]
in the Western Division, forwarding a

a communication from the Assistant [illegible] reporting
- case No 19
- 1823 and-
-ife.-

17th Instant,
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17th Instant,
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case No 7
Quarterly

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-der 11th

Here enter No 341

18th August 1824.

Read letter, dated 31st Ultimo, from the 2d Judge late on Circuit in the Western Division

in the Western Division, - forwarding a

18th August 1824.

a communication from the Assistant Criminal Judge of Malabar reporting the death of the 1st prisoner in case 11 of Malabar Calendar 2d Sessions 1823 sentenced to transportation for life.-

(Here enter No. 538)

Read letter, dated 11th Instant, from the 2d Judge on Circuit in the Northern Division, - reporting the completion of the Sessions at Nellore.-

(Here enter No. 539)

Read return, dated 11th Instant, from the 2d Judge of the Court of Circuit in the Northern Division, - to precept dated 12th ultimo ordering communication to the Criminal Judge of Masulipatam of the Court's observations in case No. 7 Masulipatam Calendar 1st Quarterly Sessions 1824-

(Here enter No. 540.)

Read return, dated 11th Instant, from the 2d Judge of the Court of Circuit in the Northern Division, - to precept dated 24th ultimo ordering communication to the Criminal Judge of Masulipatam and the Assistant Magistrate of Rajahmundry of the Court's observations on case No. 4 Masulipatam Calendar 1st Quarterly Sessions 1824-

(Here enter No. 541)

F. C.

At a Court of the Penjdaree Wakut

Present,

Friday,
20th August,
1824.-

F. A. Grant Esqre
James Cochrane Esqre
George Gowan Esqre
} Judges.

Read return, dated 12th Instant, from the 2d Judge late on Circuit in the Centre Division, - to precept dated 16th Ultimo directing transmission of copies and translations of the futwas delivered in cases Nos 1 and 21 and a remission of the orders passed in case No 1. Ballance Calendar 1st Sessions AD 1824.-
(Here enter No 553.)

In respect to case No 8 of the Calendar, wherein the 1st prisoner was declared convicted upon Tuzkeea of Sarakat, the 2d Judge intimated a doubt as to the legality of taking a second futwa as required by the orders of the Court of Penjdaree Wakut from a Law Officer who was not present at the trial, the Cazee of the Court of Circuit having quitted his station on the leave of absence granted by the Court, and he offers an explanation of the circumstances of the case, tending to the inference that grounds existed for a remission of the specific penalty of the nature described in Clause 1st 6th Regulation

20th August 1824.

Section II Regulation XV of 1803.-

2 The Court do not concur with the 2d Judge in respect to there being any valid objection in Law to the requisition of a second futwa from a Law Officer, who was not present at the trial and by whom the original futwa was not delivered: but as it appears that the conviction of the 1st prisoner in this case was declared by the futwa to rest upon the statement made by her on her defence, which described the transaction as attended by circumstances which altered the nature and diminished the criminality of the offence, of which had distinct and specific reference been made by the Law Officer agreeably to the standing orders of the Court, it would have been competent to the 2d Judge to pass a mitigated sentence, the Court of Foujdaree Adalut are of opinion, that a liberal construction of the Law will admit of their allowing the judgment passed upon this prisoner to remain undisturbed.-

3 The Court having referred to the futwa delivered in cases Nos 14 and 21 of the Calendar find that the conviction of the prisoners therein pronounced was made to rest upon the hypothesis stated in Section XXV Regulation VII of 1802,

and

20th August 1824.

and it is therefore incompetent to the Court to dispense with the reference of those cases for their final judgment which is prescribed by that Section.-

4 The Court have recommended to the Government the rescindment of the provisions of the Section in question, and the application of the rule contained in Clause third Section II Regulation XV of 1803 to the cases therein contemplated: it is the intention of the Court again to bring this subject under the consideration of the Government, whose adoption of their recommendation will render unnecessary the precaution suggested by the 2d Judge in the 2d paragraph of the return.-

5 Ordered, that a extract of these proceedings be sent to the 2d Judge late on Circuit in the Centre Division by precept requiring him to submit English and Persian translations of the proceedings held in cases Nos 14 and 21 of the Calendar with as little delay as possible.-

Sent following precept No 354.

Read letter, dated 16th Instant, from the 1st Judge of the Court of Circuit in

20th August 1824 in the Centre Division, explaining certain cases noticed in the proceedings of the Foujdaree Adalut dated 12th Instant.

(Here enter No. 561.)

F. A.

At a Court of the Foujdaree Adalut

Present

Monday 23d August 1824. F. S. Grant Esquire
James Cochrane Esquire
George Gowan Esquire
} Judges

2 L 5 K

C. L.

Read letter dated 17th Instant from the Secretary to Government in the Judicial Department, communicating the sentiments of the Honorable the Governor in Council upon the proceedings of the Court which accompanied the report of the 1st Judge of the Provincial Court of Circuit in the Centre Division on the 1st Quarterly Sessions of Jail Delivery at Chittoor for 1824.

(Here enter No. 571.)

Ordered, that extract of the Court's proceedings under date 28th Ultimo with copy of the foregoing letter be transmitted to the First Judge of the Provincial Court of Circuit in the Centre Division by precept requiring him to communicate the same to the Criminal Judge in the Zilla of Chittoor for his information

Ans.d ... 1.d L.o N.o 595.
to Sec.o ... 21.st S.r ... 1824.

information & guidance.-

Sent 24th

Extract following Precept No. 355.

W.G.

W.H.

F. 11.

At a Court of the Zoydaree Adalut,

Present,

Wednesday 25th August 1824 } F. S. Grant Esquire, James Cochrane Esquire, George Gowan Esquire } Judges

Read letter, dated 2d instant, from the First Judge late on Circuit in the Northern Division, submitting case No. 30 of Nallore Calendar 1st Sessions 1824.-

W.H.

W.G.

W.H.

Here enter No. 543

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 Zoydaree Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid and under the provisions of Section III Regulation I of 1822 adjudge the prisoners,

1st P. Lumboogandoo,
2d P. Canjaadoo
3d P. Camoobogandoo,
4th R. Goorroovaadoo,
5th P. Lenkagandoo
6th P. Pollogandoo,
7th M. Venkatanandoo,
8th Lumalagandoo,
9th Rangadoo,

25th August 1824

10th Ramasogandoo,
11th Vencataramogandoo,
12th Nangooloogandoo,
and
13th Govindoogandoo,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of six months and then be released.

/Sent following letter No 359

Sent 26th

Read return, dated 13th Instant, from the 2d Judge late on Circuit in the Western Division, - to precept dated 5th Instant ordering communication to the Magistrate of Malabar of the 9th and 10th Paras of the Court's proceedings on his late Circuit report.

(Here enter No 566)

Read return, dated 13th Instant, from the 1st Judge late on Circuit in the Western Division, - to precept dated 4th Instant, calling for copies and English translations of the futwas delivered in cases No 5 and 26 Malabar Calendar 1st Sessions AD 1824.

(Here enter No 567)

Read letter, dated 20th Instant from

25th August 1824 from the 2d Judge late on Circuit in the Northern Division, - with return of warrant for execution of prisoner in case No 1 of Chicacole Supplemental Calendar 2d Sessions 1823.

(Here enter No 570)

F. C.

At a Court of the Foujdaree Adalat
Present,

Thursday 26th August 1824 — W. A. Grant Esqre, James Cochrane Esqre, George Gowan Esqre } Judges.

The report prescribed by Section XXXV Regulation X of 1816 not having been received for the Zillas of Chingleput, Chittoor, Cuddapa, and Bellary for the last quarter.-

Ordered, that the Provincial Court in the Centre Division be by precept directed to forward the said reports without further delay.-

Sent following precept No. 360.

The report prescribed by Section XXXV Regulation X of 1816 not having been received for the Zillas of Nellore, Masulipatam, and Chicacole for the last quarter.-

Ordered, that the Provincial Court in the Northern Division be by precept directed to forward the said reports without further delay.-

Sent following precept No. 361.

At a Court of the Foujdaree Adaulut.

Present,

Friday, 27th August, 1824.

J. A. Grant Esqre.
James Cochrane Esqre. } Judges.
George Gowan Esqre.

Read letter, dated 7th Instant from the 1st Judge of the Court of Circuit in the Centre Division, - submitting case No 4 Chittoor Calendar 3d Quarterly Sessions 1824.

(Here enters No. 546)

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 Mooftees of the Foujdaree Adaulut confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid and in commutation of the penalty of Dyut adjudge the prisoners-

Chinnee,

to be imprisoned and transported to such place or places beyond Sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of her natural life.-

(Sent following letter No 362)

Read letter, dated 10th Instant, from

At a Court of the Poujdaree Adalut.
Present,

Tuesday,
31st August, 1824.

C. A. Grant Esqre
James Cochrane Esqre
George Gowan Esqre
} Judges.

Read again letter, dated 16th Instant
from the 2d Judge of the Court of Circuit in
the Western Division, submitting case No 82
Seringapatam Calendar 2d Sessions No. 1823.
(Here enter No. 478)

Read also return, dated 23d Instant,
from the 2d Judge of the Court of Circuit in
the Western Division, forwarding copy of a
communication from the Assistant Criminal
Judge in charge of the Zilla Court at Seringapatam
whereby it appears that the late acting
Criminal Judge neglected to obtain the
permission of the Governor in Council for
bringing to trial the prisoner Linguy.
(Here enter No. 588)

The Court of Poujdaree Adalut
adverting to the circumstances of the case
of the prisoner Linguy, as exhibited in the
record of the above trial, and to the confinement
to which she has already been subjected
without warrant of Law, resolve to
submit the case with reference to the
provisions of Regulation XI of 1809, for
the consideration and orders of the Honorable
the Governor in Council with their
recommend-

27th August 1824 from the 2d Judge Calicut Circuit in the Centre Division, submitting case No 32 Cuddapah Calendar 1st Sessions 1824.
(Here enter No 557)

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 Poujdaree Adalut being of opinion that the proof against the prisoner Conapooly Soobadoo, is sufficient to convict him of the crime of robbery by open violence for which a penalty is specially prescribed in Section III Regulation I of 1822 do under the authority vested in them by Clause first Section II Regulation I of 1818 and in exercise of the discretion given by Section III Regulation I of 1822 adjudge the said prisoner,

Conapooly Soobadoo,

to receive 24 stripes with a rattan and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of nine years and then be released.
(Sent following letter No 363)

Sent 30th

recommendation, that authority may be
given for her release.-

Ordered, that the foregoing
letters with Extract of these proceedings
and extract of the proceedings of the
Court of Poojaree Adalut under date 6th
Instant be transmitted to the Secretary
to Government in the Judicial Department
for the consideration and orders of the
Honorable the Governor in Council.

(But following letter No 365/

Read return, dated 25th Instant
from the Judges of the Provincial Court of
Circuit in the Southern Division, to precept
dated 18th instant ordering communication
to the Judge on Circuit of the Court's instruc-
tions in respect to the form of warrant
for the execution of sentences of trans-
portation.-

(Here enter No 587/

Read return dated 25th Instant
from the Judges of the Provincial Court of
Circuit in the Western Division, to precept
dated 18th Instant ordering communication
to the Judge on Circuit of the Court's instructions
relative to warrants for execution of
sentences of transportation.-

(Here enter No 590/

7. 11.

At a Court of the Poojaree Adalut

Present.

Wednesday 1st September, 1824. — J. A. Grant Esqre } Judges.
George Gowan Esqre }

Read letter, dated 5th Ultimo,
from the 2d Judge late on Circuit in the
Centre Division, - submitting case No 38,
Cuddapa Calendar 1st Sessions 1824.-

(Here enter No 547/

The 1st and 3d Puisne Judges of
the Poojaree Adalut on a deliberate consid-
=eration of the circumstances of the case
in evidence before them having of opinion
that the proof against the prisoner 1st
Nagadoo, is sufficient to convict him of
wilfully putting to death the deceased
Madhanjee and that the proof against the
2d prisoner Shekmohadeen, is sufficient
to convict him of aiding in the murder,
deline under the provisions of clause se-
cond Section II Regulation I of 1818,
that their Law Officers will declare by a
second futwa to what punishment the
prisoners would have been liable under
the Mohummudan Law if they had
been convicted by full legal evidence
of the above crimes respectively.-

Ordered, that extract of these
proceedings be translated and delivered to the
Cazee ool Coozat and Mooftees of the Poojaree
Adalut.-

Read

1st September 1824

Read letter, dated 11th ultimo from the late Acting Judge of the Court of Circuit in the Centre Division, - submitting case No 9 Chittoor Calendar 2d Quarterly Sessions A.D. 1824.

(Here enters No 544)

The 1st and 3d Puisne Judges 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 Sudder Udalut being of opinion that the proof against the prisoners 1st and 2d is sufficient to convict them of the crime of robbery by open violence for which a penalty is specially denounced in Section III Regulation I of 1818 and in exercise of the discretion given by Section III Regulation I of 1822 adjudge the said prisoners,

1st Ramoogadoo, and

2d Banladoo,

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

(But following letter No 369.

F. A.

At a Court of the Sudder Udalut,

Present,

Thursday 2d September 1824 } F. A. Grant Esquire, George Gowan Esquire } Judges

Read again letter, dated 5th Ultimo, from the second Judge late on Circuit in the Centre Division, - submitting case No 38 Cuddapah Calendar 1st Sessions 1824.-

(Here enter No 547)

Read the second futwa delivered in this case by the Cazee-ool Cozat and Mooftees of the Sudder Udalut.-

The 1st and 3d Puisne Judges 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 Sudder Udalut confirm the said futwa of the Cazee-ool Cozat and Mooftees aforesaid, and under the sentence of Kysas declared in the futwa adjudge the prisoner, 1st "Nagadoo",

to suffer death by being hanged at the

2d September 1824

the usual time and place of execution.—

And under the sentence of Cokoobut declared against the prisoner,

2d "Chekmohoseen"

adjudge him to receive 30 stripes with a rattan and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of seven years and then be discharged.—

Sent following letter No. 370.

Read letter, dated 10th ultimo from the 1st Judge of the Court of Circuit in the Cuttack Division; submitting case No. 14 Chittoo— Calendar 3d Quarterly Sessions A.D. 1824.—

Here enter No. 565

The 1st & 3d Assistant Judges having maturely considered the proceedings held before the Judge on Circuit the futwa of the Principal Law Officer, and the futwa of the Cazee-ool-Coozat and Mooftees of the Sudder Adalut confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid

2d September 1824

aforesaid and under the provisions of clause third Section III Regulation XV of 1803,

adjudge the prisoner,

"Ganaser Gungadoo,"

to receive 30 stripes with a rattan and to be removed to the Jail in the Zilla of Juchinopoly there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of fourteen years and then be released.—

Sent following letter No. 371

At a Court of the Foujdaree Adalut

Present,

Wednesday, 8th September, 1824. } F. A. Grant Esqre. George Gowan Esqre. } Judges.

Read letter, dated 11th Ultimo,

24 from the late Acting Judge of the Court of Circuit in the Centre Division,— submitting case No 6 Chittoor Calendar 2d Quarterly Sessions A.D. 1824.—

(Here enter No 562)

66 The 1st and 2d Puisne Judges 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 Adalut confirm the said futwa of the Cazee ool Cozat and Mooftee aforesaid so far as it respects the several prisoners in this case, excepting the 15th prisoner, and under the provisions of Section III. Regulation I of 1822 adjudge the prisoners,

1st Naradoogandoo,
2d Poloogandoo,
3d Chindregadoo,
4th Goorroovadoo,
5th Yelloogandoo,
6th Leeyar Poloogandoo,
7th Naugadoo,
8th Maralapauk Poloogandoo,

8. September 1824

9th Yamooloogandoo,
10th Naradoogandoo,
11th Paupadoo,
12th Bungaroogandoo,
13th Poloogandoo,
14th Venkategandoo,
16th Loovadoo,
17th Poleegandoo,
18th Lutcheegandoo,
19th Aloogadoo,
20th Chengadoo,
21st Paradadegandoo,
22d Venkategandoo,
23d Varee Paupadoo,
24th Kitchegandoo,
25th Vengadoo,
26th Poloogandoo,
27th Naradoogandoo
28th Bungaroogandoo,
29th Paupadoo, and
30th Venkategandoo,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of six months and then be released.—

And the Judges being of opinion that the proof against the prisoner,

15th Chengadoo,

is sufficient to convict him of robbery by open violence for which a penalty is specially denounced in Section III Regulation I of 1822 do under the authority vested

28th September 1824.

vested in them by Clause first Section II Regulation I of 1818 adjudge the said prisoner,

15th Chengadoo,

to receive 6 stripes with a rattan and then be admonished and released.—

(sent following letter No. 379.

Read letter, dated 10th ultimo, from the Judges of the Provincial Court in the Southern Division,— forwarding Case No 3 Salem Supplemental Calendar 1st Session 1824 tried by the late 1st Judge on Circuit.—

(Here enter No 550.)

The 1st and 2d Puisne Judges having maturely considered the proceedings held before the Judge on Circuit the Jurors of the Provincial Law Officers and the Jurors of the Cazee cool Cozat and Mooftees of the Tanjore Adalut confirm the said Jurors of the Cazee cool Cozat and Mooftees aforesaid and acquitting the prisoners,

1st Ponnu, and

2d Veeramalay,

direct that they be set at liberty.—

(sent following letter No. 380 intimating

In discharging the release

of the prisoners in this case the Court of Tanjore Adalut deem it proper to direct that the articles taken from them,

8th September 1824. them, with the exception of the Cloths marked from 20 to 25 inclusive, which were proved on the trial to belong to the prosecutor, be restored to them.

2. Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division by precept enjoining them to communicate the same to the acting Criminal Judge in the Zilla of Salem for his information and guidance.—

Sent following Precept No. 381.

Sent 10th

Read letter, dated 6th instant, from the Judges of the Provincial Court in the Southern Division, forwarding case No. 5 Salem Calendar 1st Sessions 1824 tried by the late 1st Judge on Circuit.—

(Here enter No. 551.)

The 1st and 3d Puisne Judges 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 Poojdaree Adawlut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and acquitting the prisoners,

1st Sunmutty Saroovacauron,

2d Saunmen,

F. H.

8th September 1824.

3d Sungun,

4th Ponnum,

5th Chinnaveroodoo,

6th Coolien

7th Chukkauroo Mookun,

8th Vunnarre Peodien,

9th Cauttan, and

10th Moottanave harry,

direct that they be set at liberty.—

Sent following letter No. 382.

In ordering the release of the prisoners in this case the Court of Foujdaree Adawlut direct that the property taken from them be at the same time restored to their possession.—

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division by precept requiring them to communicate the same to the Criminal Judge in the Zilla of Salem for his information and guidance.—

Sent following precept No. 383.

F. 14

At a Court of the Foujdaree Adalut

Present,

Friday
10th September
1824.

F. A. Grant Esquire
James Cochrane Esquire
George Gowan Esquire
} Judges

24
U
—
14

Read again return, dated 4th 23d Ultimo from the Second Judge of the Court of Circuit in the Western Division to precept dated 6th Ultimo, calling upon him to certify the authority of the Governor in Council for the trial of Lingay prisoner in Case No. 2 Seringapatam Calendar 2d Sessions A.D. 1823.

Here enter No. 588

Read also letter, dated 4th Instant from the Secretary to Government in the Judicial Department, stating that the Governor in Council authorizes the release of the said prisoner.

Here enter No. 616

Ordered, that Extract of the proceedings of the Court of Foujdaree Adalut dated 31st Ultimo, with copy of the foregoing letter and extract of these proceedings be sent

7 A.

At a Court of the Foujdaree Adalut

Present,

Saturday, 11th September 1824 — W. A. Grant Esqre. } Judges.
George Gowan Esqre. }

Read letter, dated 20th Ultimo from the 2d Judge late on Circuit in the Centre Division, - submitting case No 2 Bellary Calendar 1st Sessions 1824 -

(Here enter No 575)

The 1st and 2d Puisne Judges 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 Adalut confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid and under the provisions of Clause sixth Section II Regulation XV of 1803 direct that the prisoners

1st Coorchee Nagadoo, and

2d Coorchee Timmoogadoo,

be released on producing good and sufficient security for their future good behaviour and appearance when required. -

(Sent following letter No 389.

10th September 1824 Sent to the Second Judge of the Court of Circuit in the Western Division by precept directing him to issue the requisite instructions to the Assistant Criminal Judge in charge of the Zilla Court at Seringapatam. -

(Sent following precept No. 387.

Read letter, dated 4th Instant, from the Criminal Judge in the Zilla of Madura forwarding for the orders of the Foujdaree Adalut copy of a warrant by the 1st Judge on Circuit for the banishment of two convicts -

(Here enter No 612)

The Court of Foujdaree Adalut direct that the prisoners,

Carooparen, otherwise called
Perumal and
Carpanen,

be removed to the Jail in the Zilla of Chittoor there to be imprisoned agreeably to the tenor of their respective Sentences. -

Ordered, that extract of these proceedings be sent to the Criminal Judge in the Zilla of Madura, and to the Criminal Judge of Chittoor for the information and guidance of those officers respectively. -

(Sent following letters No. 388

Read letter, dated 9th Ultimo from the 2d Judge late on Circuit in the Centre Division, - Submitting case No 3 Cuddapah Calendar 1st Sessions 1824.-

/Here enter No 555/

The 1st & 3d Puisne Judges having maturely considered the proceedings held before the Judge on Circuit the futwa of the Prosecutor Law Officer and the futwa of the Cazee-ool-Cozat and Mooftees of the Sudder Dewanny Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees of aforesaid, and under the provisions of Section III Regulation I of 1822 adjudge the prisoners

1st Yerecalingadoo,
2d Boya Papadoo,
3d C. Sungiavoo,
4th C. Ankamah,
5th B. Gungaloo,
6th Loopakoola Gungaloo,
7th Amoola akalasoo,
8th Mala Naiegandoo,
9th Mala Yallaiagadoo,
10th Gatoor Gungadoo,
11th G. Ankaloo,
12th Maiega Chuckiegadoo, and
13th Limmadoo,

to

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives respectively.-

/Sent following letter No 390/
16th

Last 14

F. C.

At a Court of the Foujdaree Udalut

Present

Monday 13th September 1824 } James Cochrane Esquire, George Gowan Esquire } Judges

Read letter, dated 30th June last from the Second Judge late on Circuit in the Western Division, Submitting case No 46 Malabar Calendar Second Sessions 1823.

C. C.
G. G.

/Here enter No 461/

Read also letter, dated 9th July last from the Second Judge late on Circuit in the Western Division, Reporting the death of the 5th prisoner in case No 46 Malabar Calendar 2d Sessions 1823.

/Here enter No 468/

The 2d and 3d Puisne Judges of the Court of Foujdaree Udalut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner 3d Cellukoota Nanen, is sufficient to convict him of having aided in the murder of the deceased Ittyrachen, desire under the provisions of clause Second Section II Regulation I of 1818 that their Law Officers will declare by a second fetwa to what punishment

punishment the said prisoner would have been liable under the Mohummudan Law if he had been convicted by full legal evidence of the above crime.-

Ordered, that extract of these proceedings be translated and delivered to the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut.-

Read letter, dated 19th Ultimo from the First Judge of the Court of Circuit in the Centre Division,- submitting case No 7 Chittore Calendar 3d Quarterly Sessions 1824.-

/Here enter No 681/

The 2d and 3d Puisne Judges 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 Udalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, in exercise of the discretion given by Section III Regulation I of 1822 adjudge the prisoners,

1st "Moosaliah",
and
2d "Goonnadoo",

to receive 24 stripes with a rattan and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of two years and (all) then

then be released.-

/Sent following letter No 397/

Vol 15

All.

F. A.

At a Court of the Foujdaree Adalut

Present

Tuesday
14th September 1824

James Cochrane Esquire
George Gowan Esquire } Judges

Read again letter, dated 30th June last from the 2d Judge late on Circuit in the Western Division, submitting case No 46 Malabar Calendar 2d Sessions 1823.

Hene enter No 461

Read again letter, dated 9th July last from the Second Judge late on Circuit in the Western Division, Reporting the death of the 5th prisoner in case No 46 Malabar Calendar 2d Sessions 1823.

Hen enter No 469

Read the second futwa of Deliverance in this case by the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut.-

The 2d and 3d Punsee Judges of 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 Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid and under the provisions of Section XVII Regulation

14th September 1824 Regulation VIII of 1802, adjudge the prisoner,

1st "Pallikare Teyoony,"

to suffer death by being hanged and his body to be suspended in chains at a spot to be selected by the Criminal Judge in the immediate vicinity of the scene of the Murders.

And under the sentence of Cohoobut declared against the prisoners,

2d "Cellutedata Kuistnen,"

3d "Cellutedata and Kamen,"

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

Sent following letter No. 398.

Sent 17th.

F. C.

At a Court of the Zillah Adalut.

Present,

Friday 17th September, 1824. James Cochrane Esqre } Judges.
George Gowan Esqre }

Read letter, dated 11th Ultimo, from the late acting Judge of the Court of Circuit in the Centre Division, - submitting case No. 7 Chittoor Calendar 2d Quarter of Sessions A.D. 1824 -

(Here enter No. 563.)

The 2d and 3d Puisne Judges 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 Mooftee of the Pundaree Adalut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid so far as it respects the 4th 6th and 12th prisoners and under the provisions of Section III Regulation I of 1822 adjudge the said prisoners,

4th Chinna Poloogadoo,

6th Nareegadoo, and

12th Narayadoo,

to receive 30 stripes with a rattan and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of ten years and then be released. -

And there-

17. September 1824

And the Court being of opinion that the proof against the prisoner Pt. Lungamien, is sufficient to convict him of the crime of robbery by open violence for which a penalty is specially denounced in Section III. Regulation I of 1822 as under the authority vested in them by clause first Section II Regulation I of 1818 adjudge the said prisoner,

Pt. Lungamien,

to receive 36 stripes with a rattan and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of ten years and then be released.—

And under the provisions of Clause sixth Section II Regulation XV of 1803 the Court direct that the prisoners,

2d. Kistnadoo,
5th. Cochon Poloogadoo,
7th. Yanoloogadoo,
8th. Ramdoo,
9th. Yalloogandoo,
10th. Naugaloogadoo,
11th. Gooroovapah, and
13th. Looradoo,

be released on producing good and sufficient security for their future good behaviour and appearance when required.—

And the Court acquitting the

17. September 1824 the prisoner,

3d. Lauka Venkatah,

direct that he be set at liberty—

(sent following letter No. 399 1824

Encl 20

At a Court of the Toydaree Wadalt

Present,

Saturday 18th September 1824 — P. A. Grant Esqre. } Judges.
George Gowan Esqre. }

Read letter, dated 7th instant from the 2d Judge late on Circuit in the Centre Division, submitting case No 4 Cuddapa Calendar 1st Session 1824 — (Here enter No 556.)

The 1st and 3d Puisne Judges 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 Coozat and Mooftees of the Toydaree Wadalut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and under the provisions of Section III Regulation I of 1822 adjudge the prisoners,

1st C. Gurvegadoo,
2d Condoo Gurvapah,
4th D. Gurvegadoo,
5th M. Pedda Gurvegadoo, and
6th Langaly Gurvapah,

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint

thro

there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives respectively.—

Sent following letter No 402

1 Nagala Condiah, the 2d Prosecutor in this case, in his complaint which is recorded in the proceedings of the police officer, bearing date 27th May 1823, speaks of a complaint, delivered by him on the 24th, or the day after the robbery.—

2 Under the standing orders of the Court of Sudder Adawlut this original complaint should have been made matter of record, and forwarded with the prisoners to the Criminal Judge.—

3 This person in his deposition before the officer of police, and before the Criminal Judge, made no mention of his previous acquaintance with the robbers or of his recognizing them at the time of the robbery.—

4 On his examination at the trial before the Court of Circuit he deposed to such previous acquaintance with the prisoners, and to his recognition of them when in the act of robbing him: but the 2d Judge omitted to question him as to the length of his acquaintance with the prisoners agreeably to the orders of

of the Court of Sudder Adawlut on this subject, or to point out to him the discrepancy between his evidence on the trial, and that which he had previously given.—

5 The complaint of the 2d prosecutor before the Police, dated 24th May 1823, contains mention of the recovery of certain articles of his property by the Police officers, by whose depositions on the trial before the Court of Circuit it is shewn, that they obtained possession of the property in question after the apprehension of the prisoners: and yet the 28th May is given in the Calendar as the date of the prisoners apprehension, an entry palpably incorrect, which should be noticed to the Criminal Judge by the 2d Judge late on Circuit.—

6 The 6th witness Gungaloo a police peon, deposed before the Court of Circuit, that encouragement was given to the 2d prisoner to confess what he knew by a promise that he "should be an informer."—

7 This proceeding being wholly unauthorized and irregular,

the

18th September 1824 the Court of Foujdaree Adaulut direct the Magistrate be instructed to notice it and to prohibit the practice in future.-

Ordered, that extract of these proceedings be sent to the 2d Judge late on Circuit in the Centre Division by precept requiring him to make the necessary communication to the acting Criminal Judge and the Magistrate in the Zilla of Cuddapa for their information and guidance respectively.-

(Sent following precept No 403)

W. H.

F. A.

At a Court of the Foujdaree Adaulet

Present,

Monday, 20th September 1824. F. A. Grant Esqre } Judges
George Gowan Esqre }

Read letter, dated 3d Ultimo from the 1st Judge late on Circuit in the Western Division, - submitting case No 23 Malabar Calendar 1st Sessions 1824.-

(Here enter No 545.)

The 1st and 3d Puisne Judges 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 Mooftee of the Foujdaree Adaulut being of opinion that the proof against the prisoner, Teyan Edavalata Koran, is sufficient to convict him of passing counterfeited coin knowing the same to be counterfeit for which a penalty is specially announced in Clause first section VI Regulation II of 1822 do under the authority vested in them by Clause first section II Regulation I of 1818 adjudge the said prisoner,

1st Teyan Edavalata Koran,

to be imprisoned and kept to hard labor in irons on the public roads

or

20th September 1824

or other public works for and during the period of four years and then be released.-

And the Court acquitting the prisoner,

P. Pootalata Cheryacoo,

direct that he be set at liberty.-

(Sent following letter No 1105)

Sent 23.

Tuesday 27th September 1824.

At a Court of the Zoujdaree Adaulut

Present,

P. A. Grant Esqre.
James Cochrane Esqre.
George Gowan Esqre.
} Judges.

Read letter, dated 6th Ultimo from the 1st Judge late on Circuit in the Western Division.- submitting case No 28 Malabar Calendar 1st Sessions 1824.-

(Here enter No 554)

The exception declared in the foregoing futwa in lieu of a sentence for the specific penalty being of the nature described in Clause fourth Section II Regulation XV of 1803 the Court direct that their Law Officers do deliver a second futwa declaring to what punishment the prisoner would have been liable under the Mohummedan Law if he had not denied the charge before the Court of Circuit.-

Ordered, that extract of these proceedings be translated and delivered to the Cazee and Coozat and Mooftee of the Zoujdaree Adaulut.-

The reports prescribed by Section XXXVI Regulation X of 1816 not having been received from the Zilla of Malabar after the conclusion of the 2d Sessions of Jail delivery for 1823 and the 1st for 1824.-

Ordered, that the acting

Criminal

21st September 1824

Criminal Judge in the Zilla of Malabar be by precept commanded to send up the said reports without further delay and to explain the circumstances that may have occurred to prevent their having been dispatched in conformity with the provisions of Section XXXVI Regulation X of 1816.

Return to the precept to be made within fifteen days from the date of its receipt.

(Sent following precept. No. 406.

Read return, dated 23d Ultimo, from the Judges of the Provincial Court of Circuit in the Centre Division, to precept dated 18th Ultimo ordering communication of the Court's instructions relative to the form of warrant in cases of transportation.

(Here enter No. 594)

Read letter, dated 30th Ultimo, from the Acting Judge on Circuit in the Western Division, reporting his arrival at Mangalore.

(Here enter No. 602)

Read return, dated 30th Ultimo, from the Judges of the Provincial Court of Circuit in the Northern Division, to precept dated 18th Instant ordering communication to the Judge on Circuit of the Court's instructions regarding the form of warrant for execution of sentences of transportation.

(Here enter No. 608)

21st September 1824

Read return, dated 6th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 12th July last ordering communication to the Magistrate of Tuchinopoly of the Court's observations on case No. 26 Combaconum Calendar 1st Sessions 1824.

(Here enter No. 614)

Read letter, dated 1st Instant, from the 1st Judge on Circuit in the Southern Division, with copy of Madura Calendar 2d Sessions 1824.

(Here enter 636)

Read letter, dated 15th Instant, from the 1st Judge on Circuit in the Southern Division, reporting his arrival at Combaconum.

(Here enter No. 642)

Read letter, dated 16th Instant, from the 2d Judge late on Circuit in the Centre Division forwarding report of the death of the prisoner in case No. 13. Chingleput Calendar 1st Sessions 1824.

(Here enter No. 645)

Read return, dated 16th Instant, from the 2d Judge late on Circuit in the Centre Division to precept dated 2d Ultimo ordering transmission of several referrible cases in Cuddapah Calendar 1st Sessions 1824.

(Here enter No. 652)

Read return, dated 1st Instant, from the 1st Judge of the Court of Circuit in the

21st September 1824

the Centre Division,- to precept dated 23d
ultimo ordering communication to the Criminal
Judge of Chittoor of the Court's observations
and those of the Government upon his
report on the 1st Quarterly Sessions
for 1824.-

(Here enter No 565) p.5

F. 6

At a Court of the Foujdaree Adalut.

Present,

Wednesday
22d September
1824. } J. A Grant Esqre
James Cochrane Esqre
George Gowan Esqre } Judges.-

Read again letters dated 6th
ultimo from the 1st Judge late on Circuit
in the Western Division,- submitting
case No 28 Malabar Calendar 1st Sessions
1824.-

(Here enter No 554)

Read the second futwa delivered
in this case by the Cazee ool Cozat and Mooftee
of the Foujdaree Adalut.-

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 Adalut confirm the
said futwa of the Cazee ool Cozat
and Mooftee aforesaid and under
the provisions of Section XXI Regulation
VII of 1802 adjudge the prisoner,

Potacatta Rama Panikan,

to be imprisoned and kept to hard labor
in irons on the public roads or other
public

21st September 1824
22d September 1824

24th

public works for and during the period
of seven years and then be released -
(vide following letter No 307)

W.H.

W.H.

J. H.

At a Court of the Zoujdaree Adalut -
Present,

Thursday,
23d September,
1824 -

James Cochrane Esqre
George Gowan Esqre
} Judges.

Read letter, dated 10th Ultimo,
from the Judges of the Provincial Court
in the Southern Division, - transmitting
the record of case No 12 Salem Calendar
1st Session 1824 tried by the late 1st Judge
on Circuit. -

(Here enter No 552)

The 2d and 3d Puisne Judges 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 Zoujdaree Adalut confirm the said
futwa of the Cazee ool Cozat and Mooftee
aforesaid and acquitting the prisoner,
Ist Arnachellum,
direct that he be set at liberty. -

(Sent following letter No 611.

dated 28th

W.H.

W.H.

X

F. C.

At a Court of the Toujdaree Adalut

Present,

Friday, 24th September 1824. James Cochrane Esqre. } Judges
George Gowan Esqre. }

Read letter, dated 11th Ultimo, from the 2d Judge late on Circuit in the Western Division - submitting case No 26 Malabar Calendar 2d Sessions 1823.

(Here enter No 574)

The 2d and 3d Puisne Judges 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 Toujdaree Adalut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and acquitting the prisoner,

3d Palliatil Ally,

direct that he be set at liberty. -

Sent 28th

(Sent following letter No 412.

In the letter of the 2d Judge accompanying the trial the grounds of the reference are declared to be, that the prisoners cannot "be held to be wholly exempted from blame for having "in the first instance brought these "men to their uncle, and subsequently

"for

"for countenancing his mortal vengeance
"against the deceased Conamen, which they
"partially witnessed."-

2 And in a note appended to
the record of the trial it is stated, that
the Judge "being of opinion, that the
"prisoner deserve punishment as accessary,
"the trial is referred to the Court of Foujdaree
"Adawlut."-

3 The Law Officers of the Court
of Foujdaree Adawlut have declared in
their futwa, that "although the prosecutor
"complains that they (his father and
"himself) were bound and taken by force
"to the 1st prisoner's; yet as there is no
"evidence in this case that the 3d prisoner
"so took the prosecutor and his father,
"without their consent, he should be
"set at liberty."-

4 Had the arraignment of the
prisoner on his trial before the Court of
Circuit set forth, that he "countenanced"
the atrocious proceeding of the 1st prisoner,
or that he forcibly conveyed, or assisted
in so conveying, the prosecutor and the
deceased to the house of the 1st prisoner,
knowing that mischief was intended,
or that by any act of his, therein alleged,
he had been accessary to the murder
perpetrated

perpetrated by the 1st prisoner, although
not an accomplice in the crime, - it
would then have been competent to
the Court of Foujdaree Adawlut under the
provisions of Section II Regulation I
of 1818 to require their Law Officers
to declare by a second futwa to what
sentence the prisoner would have
been liable under the Mohummudan
Law, if he had been convicted by
full legal evidence of "the whole or
"any part of the charge preferred
"against him:" and in this case the Court
are of opinion, that the prisoner
is proved to have assisted in conveying
the prosecutor and the deceased against
their will, to the 1st prisoner's house, an
act for which he would be liable to
punishment according to the Mohummudan
Law.-

5 But the arraignment, to
which the prisoner was called upon
to plead at the trial, sets forth merely
that he and the deceased "prisoner,
Mongat Sodjil Hoonjooree, stand
accused of having taken the prosecutor
and his father from their house to
that of Maideem, the 1st prisoner, and detained them over
latter's
absence charge: and it proceeds to set
forth,

forth, what is altogether irrelevant
shaped at the charge is, the manner
in which the said 1st prisoner maltreated
them, and put to death the prosecutor's
father.-

6 The words "tulleedah koondeh,"
used in the persian translation of the
arraignment, and rendered "having taken"
in the English translation, convey the
sense of summoning and accompanying
and exclude the notion of force, and as
above remarked the arraignment does
not close with any allegation, that
the prisoner was accessary to the atrocities
described therein, as having been perpe-
-trated by the 1st prisoner.

7 The Court of Poojaree Adawlut
considering, therefore, that the arraign-
-ment is defective, and that the prisoner
must be deemed entitled to the benefit
of this flaw in the proceedings, have
confirmed the futwa of their Law Officers
and acquitted the prisoner.-

8 Ordered, that a extract of these
proceedings be sent to the 2d Judge late
on Circuit in the Western Division
for his information

Sent following letter No. 413.

Saturday, 25th September 1824.

At a Court of the Poojaree Adawlut

Present,

T. A. Grant Esqre
James Cochrane Esqre
George Gowan Esqre
} Judges.

Read letter, dated 10th Instant,
from the 1st Judge on Circuit in the Southern
Division, - submitting case No 2 Madura
Calendar Second Sessions 1824.
(Reference No 637)

The Judges of the Court of
Poojaree Adawlut on a deliberate Considera-
-tion of the circumstances of the case
in evidence before them being of
opinion, that the proof against the
prisoner, 3d Vanacara Soobramanien,
is sufficient to convict him of having
put to death the deceased Talanyayee,
and that the proof against the
the prisoner, 4th Soobra-
-manien, is sufficient to convict
him of having aided in the murder,
desire that their Law Officers will
declare by a second futwa to what
punishment the said prisoners
would have been liable, respectively,
had they been convicted by full
legal

legal evidence of the crimes laid to their charge.

Ordered, that extract of these proceedings be translated and delivered to the Cazee ool Coozat and Mooftees of the Foujdaree Adalut.-

Read letter, dated 20th Instant, from the 2d Judge of the Court of Circuit in the Centre Division, - with returned warrant for execution of prisoner in case No 38 Cuddapa Calendar 1st Sessions 1824.-

(Here enter No 654)

Read return, dated 16th Instant, from the 2d Judge of the Court of Circuit in the Western Division, - to precept dated 10th Instant ordering communication to the Assistant Criminal Judge at Seringapatam of the Courts orders for the release of Lingay prisoner in case No 2 Seringapatam Calendar 2d Sessions 1823.-

(Here enter No 653)

Read return, dated 20th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division, - to precept dated 20th Instant ordering them to cause restoration of the property taken from the prisoners in case

No 3 Salem Calendar 1st Sessions 1824.-

(Here enter No 657)

Read letter, dated 20th Instant, from the Judges of the Provincial Court in the Southern Division, return to precept dated 8th Instant ordering them to cause restoration of the property taken from the prisoner in case No 3 Salem Supplemental Calendar 1st Sessions 1824.-

(Here enter No 658)

F. M.

At a Court of the Puysdarree Adalut
Present,

Mondays
27th September
1824.

F. A. Grant Esqre
George Gowan Esqre
} Judges.

Read letter, dated 17th ultimo,
from the 2d Judge late on Circuit in the
Centre Division, - submitting case No. 5
Criminal Calendar 1st Sessions A.D. 1824.
(Here enter No. 580.)

24

W.

The 1st and 3d Native Judges
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 Mooftee
of the Poyaurree Adalut confirm the
said futwa of the Cazee ool Coozat and
Mooftee aforesaid and under the
provisions of Section III. Regulation I of
1822 adjudge the prisoners,
2d Condra Chenoo,
3d Condra Lomanah,
4th Nagapah, and
5th Yerra Timmagoodoo,
to receive 39 stripes with a rattan and
to be imprisoned and transported to
such place or places beyond Sea as the
Governor in Council shall appoint
there to be imprisoned and kept to
hard labor in irons on the public
roads

roads or other public works for and during the period of their natural lives respectively.

And under the provisions of Clause sixth Section II Regulation XV of 1803 the Court direct that the prisoner

7th "Narrainreddy,"

be released on producing good and sufficient security for his future good behaviour and appearance when required.

The Court do not pass any sentence upon the 1st and 5th prisoners they having been sentenced to transportation for life, under date 11th Instant, in case No 3 of the Calendar.-

Sent to

(Sent following letter No 414.)

1 Certain of the prisoners in this case in the confessions delivered by them before the Assistant Criminal Judge specified articles of the plundered property which fell to their share, respectively, and were delivered up by them after their apprehension: and the witnesses, Rashedoo, and Appiah identified certain of those articles as the property of the prosecutor, but the instructions contained in the circular orders of the Court of Foujdaree Adalut, dated 16th May 1822, in respect to

to numbering the Articles of stolen property, produced before the Criminal Court, have not been observed; and the omission to specify the number of each Article referred to, throughout the examinations before the Assistant Criminal Judge, and the Court of Circuit, has followed as a necessary consequence of this departure from the orders of the Court.

2 The Court of Foujdaree Adalut, adverting to similar omissions which have occurred in other cases referred to them, deem it proper to take the present opportunity, of notifying by a circular order, that they consider it to be the duty of the Judge of Circuit invariably to call the attention of the Criminal Judges to any departure observable in their proceedings from the standing orders of the Court of Foujdaree Adalut.-

3 The Court direct, that the list of property, which in cases of theft or robbery may be alleged by the prosecutor to have been stolen

27th September 1824

stolen or plundered from him be in future drawn up in the following form.-

Articles stolen or plundered	Value	No. of Articles recovered	Value of recovered Articles	On which persons found	Remarks
Watch	Rs. a. P. 200				
Seal	52. 8.	1	52. 8.	2 Pr. Mattoo	
Buckles	11. 4. 6.				
Coat	53.	2	53.	4 Pr. Ramen	
Pearl Necklace	250.	3	60.	5 Pr. Canara	Ten pearls of the Necklace recovered
Total	566. 12. 6.	3.	165. 8.		

4

The List of the prosecutors witnesses (No 6) is in future to be drawn out in the mode designated by the following form according as it may be applicable to each particular case.-

Names	What points called to prove.
1 Vencatachellum 2 Ramasoo	To the prisoners confession before the Police Officer, Magistrate, or Criminal Judge.
3 Sanny Naick 4 Timulgadoo	To be evidence of Stolen property in the houses, or on the person of the prisoners.-
5. Coopacharry	To the identification of property recovered, as belonging to the Prosecutor
6. Ramakutten	
7. Sheva Moneyer	To the deceased having come by his death from the wound on his person.
8 Ramasamy	To recognition of the Corpse, as being that of the murdered, Gungoo.-
9 Vencatasamy	

N.B. The 4th and 6th Witnesses are reported to be dead and the others are all present and in attendance.-

2

Z. M.

27th September 1824

In the list No 8 of the prisoners Witnesses the points, which they may be respectively called to prove, are to be specified, when more than two witnesses are summoned by desire of the same prisoners.-

6 The Court of Foujdaree Adalut direct also, that in cases referred the pages of the English translation of the record be all numbered, as well as the questions put in the examinations held before the Criminal Judge, and the Court of Circuit respectively.-

7 Ordered, that extract of these proceedings be sent to the four Commercial Courts of Circuit by precept enjoining them to communicate the same to the several Criminal Judges within their jurisdiction respectively, for their information, and future guidance.-

Sent following precepts Nos. 415

Read letter, dated 2d Ultimo from the First Judge late on Circuit in the Western Division,- Submitting Case No 16 Canara Calendar 1st Sessions 1824.-

Here enter No 535

The

27th September 1824.

The 1st and 3d Puisne Judges 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 Zeylanee Adalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and under the sentence of Coffeekullut declared in the futwa adjudge the prisoners,

1st "Asseo," and
2d "Allee,"

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of six months, and then be released.-

Sent following letter No 416

Lin 30

1 By the record of the proceedings of the Criminal Judge in this case the Court of Zeylanee Adalut observe, that previously to taking a deposition from the witness Hanibut, the Criminal Judge examined him as to his knowledge of the nature of an oath; and the witness having stated that he did not understand it his deposition was taken without Oath.-

27th September 1824.

2 A like proceeding was observed on the examination of this person by the 1st Judge presiding at the trial.-

3 The circular orders of the Court of Zeylanee Adalut, dated 15th April 1819, direct that "whenever a person of "tender age may be brought before the Court "of Circuit as a witness, the Judge presiding "at the trial do satisfy himself by "personal examination, whether or not "the party be sensible of the nature and "obligation of an Oath, and of the "consequences of perjury, - by the result "of which examination he will be "guided in the admission or rejection of "the evidence of the witness.-

4 The Court direct, that the attention of the Criminal Judge be called to the irregularity of taking any deposition except upon Oath.-

5 These observations apply equally to the proceeding of the 1st Judge on the trial.-

6 In the letter of the 1st Judge accompanying the trial it is stated that

27th September 1824

that the witnesses "cited by the 1st prisoner "being his owners were declared inadmissible "by the Law Officer and their examinations "not continued beyond the ascertainment "of that fact."

This proceeding on the part of the 1st Judge was directly at variance with that part of the circular orders of the Foujdaree Adalut above cited, which requires that evidence shall not be rejected by the Courts of Circuit in consequence of objections taken thereto by the Mohummudan Law Officers.

Ordered, that extract of these proceedings be sent to the 1st Judge late on Circuit in the Western Division, by precept, commanding him to make the necessary communication to the Criminal Judge for his information and guidance.

Sent following precept No. 417

W. H.

F. H.

At a Court of the Foujdaree Adalut

Present,

Tuesday 28th September 1824

J. A. Grant Esqre
James Cochrane Esqre
George Gowan Esqre
} Judges

Read again letter, dated 10th Instant from the 1st Judge on Circuit in the Southern Division, submitting case No 2 Mofussil Calendar 2d Sessions 1824.

(Here enter No 637)

Read the second futwa delivered in this case by the Cazee ool Cozat and Mooftys of the Foujdaree Adalut.

The Court having maturely considered the proceedings held before the Judge on Circuit the futwa of the Provincial Law Officers and the futwas of the Cazee ool Cozat and Mooftee of the Foujdaree Adalut confirm the said futwas of the Cazee ool Cozat and Mooftee aforesaid and under the sentence of Kisas declared against the prisoner,

Sy Vanacara Soobramanien,

adjudge him to suffer death by being hanged and his body to be suspended in irons at a spot to be selected by the Criminal Judge in the immediate vicinity of the scene of the murder.

And

28th September 1824

And under the provisions
of Section XVII Regulation VIII of 1802 the
Court adjudge the prisoners,
1st "Pulliaur," and
2d "Madathy"
to suffer death by being hanged, and
their bodies to be suspended in irons
at the same time and place, as the 3d
prisoner.

And under the latitude
given by the sentence of Echootut
the Court adjudge the prisoner,
4th "Cooramanien"
to receive 39 stripes with a rattan and
to be imprisoned and transported to
such place or places beyond Sea as
the Governor in Council shall appoint
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 29th (Sent following letter No. 418)

1 In the letter accompanying
the trial the 1st Judge notices the number
of objectionable papers, contained in
the record of the police proceedings, "consisting
"of attachies, purporting to be addressed
"to the Darkan by the Prosecutor, two of
"the prisoners and Sundry of the witnesses."

28th September 1824. 2

The Court of Foujdaree Udalut
entirely concur with the 1st Judge in the
opinion, that no officer under a head
of police, or a person authorized to act
as such, is competent to receive con-
fessions, except in the trivial cases
specified in Clause first Section X
Regulation XI of 1816.-

3 It would appear, that in this
case the Curnum and Ratumgars of the
village on receiving information of
the discovery of the body of the deceased,
Pulanyayee repaired to the spot; and
"on seeing the dead body sent persons
"to Mohomed Rupsa, Police Peon," who
came in consequence to the spot, and
proceeded to investigate the circumstances
of the case.-

4 Under the provisions of
Section XIII Regulation XI of 1816 it was
the duty of the Head of the Village to
have himself held an inquest on the
body in the mode therein prescribed,
and instead of sending for a police peon,
who could have no authority to hold
any proceedings in the case, to have
made an immediate communication
to the Police Officer of the District, who
under the provisions of Section XXXVI of
the Regulation should if possible have
proceeded

28th September 1824 proceeded to the spot and conducted the enquiry.-

5 Inasmuch as it is provided by Clause third Section XIII of the Regulation, that "if the Police Officer should not "appear to conduct the enquiry, the "Head of the village shall cause the "Cummum to take down in writing "the evidence of the persons who may "be examined, and to record any necessary "particulars respecting the appearance "of the body, and to frame a report of "the whole proceedings;" the Court of Sudder Adalut consider, that the 1st Judge's opinion in respect to the impropriety of allowing any officer under a head of police, or a person authorized to act as such, to take attachees from prosecutors, or witnesses, does not hold good in respect to cases of murder. In other cases authority to take such examinations is not given to Heads of villages, who by Clause first Section V Regulation XI of 1816 are required merely to apprehend all persons charged with crimes, and forward them with the accusers, and witnesses, to the Police Officer of the district.-

6 Since the enactment of the Clause

F. H.

28th September 1824.

Clause last cited provision has been made by Section III Regulation IV of 1821 for multiplying at the discretion of the Magistrate the number of officers authorized to hold preliminary enquiry in all criminal cases; and when one of the persons so specially appointed may be in the immediate vicinity of the village, the Court consider it to be intended, that he should superintend the original local investigation.-

The Court consider it to be

7 of importance, that the original complaint which a prosecutor may deliver should always be made matter of record, in order to the prevention of a practice, which they believe to prevail very generally, of framing the charge after the apprehension of the persons suspected in such a manner as to tally with facts, that may be elicited on their examination, or may by other means have come to the knowledge of the complainant, subsequently to his originally preferring his charge.-

In respect to complaints

8 preferred under the provisions of Section XXVII Regulation XI of 1816 the Court of Sudder Adalut have directed by repeated circular orders, that an immediate record shall be made, and a

copy

copy of the complaint forwarded on the same day to the Magistrate, the original being sent with the parties to the Criminal Court, and in cases wherein the original complaint may have been taken by an officer specially appointed under the provisions of Section III Regulation IV of 1821, it should in like manner be recorded and forwarded by the Sahseedar to the Criminal Court, a copy being immediately transmitted to the Magistrate.—

9 The Court of Foujdaree Adawlut may be instructed to call the attention of the Head of the village of Cadambour to the provisions of Clause second Section XIII Regulation XI of 1816, and to point out the irregularity of calling in a police from 10 to hold an inquest in a case of murder.—

The person Mohamed Rufeq should also be admonished of the impropriety of his conduct in holding proceedings unwarranted by Law.—

~~The Court of Foujdaree Adawlut decide that it may be optional whether or not, the parties who prosecute before the Criminal Court, be apprized by the Magistrate~~

~~the proceedings of Section III Regulation IV of 1821 in the manner directed by the preceding Clause, and whether or not the parties who prosecute before the Criminal Court, be apprized by the Magistrate~~

The attached, forwarded to the Criminal Court, are improperly headed "given before the Honorable Company's Circuit," instead of having prefixed to them a specification of the Nayar and Tiel of the person who took them, whose signature should have been also affixed to each examination in attestation of it's having been held before him.—

Ordered, that extract of these proceedings be sent to the 1st Judge on Circuit in the Southern Division by precept, enjoining him to make the necessary communication to the Magistrate of Madura, ~~and to obtain information for the information of the Foujdaree Adawlut thereupon~~

Sent following precept No 419

28th September 1824.

The cases having recently been brought to the notice of the Court of Foujdara Adalut wherein the circular orders of the Court dated 7th February 1820 were construed to authorize the imposition of labor in commutation of fines adjudged by the Magistrate under the provisions of sec. tions XXXII and XXXV Regulation IX of 1816 the Court direct that it be notified to the several Magistrates and Criminal Judges that nothing contained in the circular orders above cited is intended to sanction the imposition of labor in cases of inconsiderable breach of the peace or other slight misdemeanor, of which (1) description are the offences punishable by a Magistrate under the provisions of section XXXII of the Regulation; & that as the penalty adjudicable under section XXXV is required to fall within "the limitations and restrictions prescribed for the punishment of the offences specified in section XXXII," a sentence to labor is considered to be unauthorized in the cases provided for in that section also.-

Ordered, that extract of these proceedings be sent to the several Provincial Courts of Circuit by precept enjoining them to communicate the same to the several Criminal Judges and Magistrates for their respective information and guidance.-

Precept returnable in ten days from and after its' receipt.-

Sent following precepts 30th Sept. 1824

3/ 716.
28th Sept. 1824

Read letter, dated 20th Instant from the Criminal Judge in the Zilla of Canara, with copy of a warrant for the banishment of a convict to any Zilla which may be selected by the Foujdaree Adalut.-

Here enter No 664

The Court of Foujdaree Adalut direct that the prisoner,

Soobadoah,

be removed to the Jail in the Zilla of Chittoor there to be imprisoned agreeably to the tenor of his sentence.-

Ordered, that extract of these proceedings be sent to the Criminal Judge in the Zilla of Canara, and to the Criminal Judge of Chittoor for the information and guidance of those officers respectively.

Sent following letters No. 421.

F. 11.

At a Court of the Foujdaree Adalut

Present,

Wednesday 29th September 1824. } James Cochrane Esquire } Judges
George Gowan Esquire }

Read letter, dated 15th Inst.
= mo, from the 2d Judge late on Circuit
in the Centre Division, submitting case
No. 22 Cuddapa Calendar 1st Sessions of
1824.- Here enter No. 576

The 2d and 3d Puisne Judges having
maturely considered the proceedings held before
the Judge on Circuit the futwa of the Crimin=
=cial Law Officer, and the futwa of the Cazee
-ool-Cozat and Mooftee of the Foujdaree Adalut
concurring in opinion that the proof against
the prisoners 1st "Mala Bala Obegadoo",
6th "Boya Poolugadoo",
7th "Danem Balegadoo",
8th "R. Mala Obegadoo",
13th "Doodacoola Sunjeevoogadoo",
14th "J. Dasa Obegadoo", and
15th "C. Mala Balagadoo",
is sufficient to convict them of the crime of
robbery by open violence for which a
penalty is specially denounced in Section III
Regulation

Regulation I of 1822 do under the authority vested in them by clause first section II Regulation I of 1818 adjudge the prisoners,

7th "Canem Balagadoo,
8th "R. Mala Cobegadoo,
13th "Doodacoola Amyreevagadoo,
14th "T. Dora Cobegadoo," and
15th "C. Mala Bdlagadoo,

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives respectively.-

And under the sentence of Adcoobut declared in the futwa the Court adjudge the prisoner,

21st "Bulja Ragapah,"

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of six months and on the expiration of that term to be released on procuring good and sufficient security for his future good behaviour and appearance when required.-

And

And under the provisions of clause sixth section II Regulation XV of 1803 the Court direct that the prisoners,

2d "Cumum Soobiah,
3d "Taliany Peroomalagadoo,
9th "Lumboocurra Cencategadoo,
10th "Malalumboo Gitta Cobegadoo,
11th "Mala Cooda Moodenum Cobbogadoo,
12th "Daste Bozzegadoo,
16th "Mala Mudderala Cenkategadoo,
17th "Mala Camanoor Categadoo,
18th "L. Mala Camalagadoo,
19th "Mala Chondoo Dibalagadoo
and
20th "Nullapotoola Taliary Ramoodoo,

be released on procuring good and sufficient security for their future good behaviour and appearance when required.

The 2d and 3d Judges of the Court of Foujdaree Adalut concur in the conviction of the 4th and 5th prisoners declared in the futwa; and consider that these two prisoners as well as the 1st and 6th prisoners are deserving of 39 stripes and transportation beyond sea for life; sentence against them is however suspended as they are included in cases Nos 26, 27, and 46 of the Calendar about to be referred to the Court of Foujdaree

Adalut

29th September 1824

Adalut.-

Sent T. Sub.

(Sent following letter No. 422)

F. A.

F. A.

F. A.

At a Court of the Foujdaree Adalut,

Present,

Thursday 30th September 1824 } F. A. Grant Esquire, George Gowan Esquire } Judges

Read letter, dated 30th Ultimo from the First Judge of the Court of Circuit for the Centre Division, Submitting case No 2 Chittoor Calendar 3d Quarterly Sessions 1824.- /Here enter No 631/

The 1st and 3d Prisne Judges 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 Adalut confirm the said futwa of the Cazee-ool Cozat and Mooftees aforesaid, and under the provisions of Section III Regulation I of 1822 adjudge the prisoners,

1st "Vencataredy,"

and

2d Lidoogandoo,

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond sea as the Governm

30th September 1824

Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives respectively.-

Sent 5th

/Sent following letter No 423./

Read letter, dated 20th Instant from the First Judge on Circuit in the Southern Division, submitting case No. 18 Madura Calendar Second Sessions 1824.-

/Vera enter No 655/

The 1st and 3d Puisne Judges having maturely considered the proceedings held before the Judge on Circuit the futwa of the Provincial Law Officer and the futwa of the Cazee-al-Cozat and Mooftees of the Faujdaree Adalut, confirm the said futwa of the Cazee-al Cozat and Mooftees aforesaid, and in exercise of the discretion vested in them by Section III Regulation I of 1822 adjudge the prisoners,

Periaun

30th September 1824.

"Periaun,"

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the term of seven years and then be released.-

Sent 5th

/Sent following letter No 424/

At a Court of Foujdaree Udalut.

Present

Tuesday 5th October 1824. James Cochrane Esqr 1st / George Gowan Esqr 2d } Judges

Read letter, dated 23d July last from the Third Judge on Circuit in the Western Division, - submitting case No. 3 Canara Calendar Second Sessions 1824.-

(Here enter No. 568)

The 2d and 3d Puisne Judges of the Court of Foujdaree Udalut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoners 3d Angarah and 4th Kootah is sufficient to convict them of aiding in beating the deceased Moodarah in consequence of which he died; desire under the provisions of Clause Second Section II Regulation I of 1818 that their Law Officers will declare by a second futwa to what punishment those prisoners would have been liable under the Mohummedan Law if they had been convicted of that offence.-

Ordered, that Extract of these proceedings be translated and delivered

5 October 1824

delivered to the Cazee-ool Coojat and
Mooftees of the Foujdaree Adalut.-

Ll

Ll

Ll

6th October 1824

to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.-

And the prisoner,

2d "Omanah,"

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of seven years and then be released.-

And under the sentence of the Cokoobut declared against the prisoners 3d and 4th the Court adjudge the prisoners,

3d "Anganah,"

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of one year, and then be released.-

And the prisoner,

4th "Kookah,"

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of seven years and then be released.-

Sent following letter No. 437.

Sent 11th

F. C.

At a Court of the Foujdaree Udalut

Present,

Thursday — 14th October 1824

James Cochrane Esq.re
George Gowan Esq.re
} Judges

The Court of Suor and Foujdaree Udalut deeming it proper, that the several Magistrates should be furnished with their orders of 4th August 1814 regarding the issue of process of arrest to be executed within the limits of the Supreme Court.-

Ordered, that extract of the proceedings of the Suor Udalut dated 4th August 1814 be transmitted to the 4 Provincial Courts of Circuit by precept, commanding them to communicate the same to the several Magistrates within their respective Jurisdictions for their information and future guidance.-

Sent following precepts No. 454

with 4 Cir. Orders.

C. D. 7th January 1824.
with the 21st Oct. 1825.

Sent 16th

At a Court of the Wynaad Adalut.

Present,

Friday,
15th October, 1824. James Cochrane Esqre } Judges.
George Gowan Esqre }

Read letter, dated 10th Ultimo from the 2d Judge late on Circuit in the Centre Division,- submitting case No 27 Bellary Calendar 1st Sessions A.D. 1824.-

(Here enter No 630)

The 2d and 3d Puisne Judges 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 Zillah Adalut confirm the said futwa of the Cazee ool Cozat and Mooftee aforesaid and acquitting the prisoner,

Chinna Sadalavadoo,

direct that he be set at liberty.-

(Ent following letter No 459)

The record of proceedings in the case contains a copy of the report forwarded by Sheenavarow, Sahseldar of the talook of Anuntapoor, under the provisions of Clause fourth Section XXVII Regulation XI of 1816, from which it appears that the prisoner was detained by that Officer for nine days after the

15 October 1824

the examinations were concluded.-

2. For this detention no cause is assigned, as required by the provision above citid. and the Court direct therefore that the Magistrate be required to obtain an explanation thereof from the Tahseeldar for the information of the Court.-

Ordered, that extract of these proceedings be sent to the 2d Judge late on Circuit in the Centre Division by precept enjoining him to obtain from the Magistrate the explanation herein required.-

Precept returnable in fourteen days from and after its receipt.-

(Sent following precept No 460)

Read letter dated 6th Octbr from the Second Judge late on Circuit in the Centre Division, submitting case No 9 Bellary Calendar 1st Sessions 1824.-

(Here enter No 621)

The 2d and 3d Puisne Judges of the Foujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner Gooty Busawah is

15. October 1824

sufficient to convict him of having put to death the deceased Busawah, desire under the provisions of clause second Section II of Regulation I of 1818 that their Law Officer will declare by a second futwa to what punishment the prisoner would have been liable under the Mohummedan law if he had been convicted of that offence.-

Ordered, that extract of these proceedings be translated and delivered to the Cazee-ool-Cozat and Mooftee of the Foujdaree Adalut.-

F. H.

At a Court of the Foujdaree Adalut

Present,

Saturday 16th October 1824 } James Cochrane Esquire
George Gowan Esquire - - } Judges

Read again letter, dated 6th Ultimo, from the Second Judge late on Circuit in the Centre Division, submitting case No. 9 Bellary Calendar 1st Sessions 1824.-

Here enter No 621

Read the second futwa delivered in this case by the Cazee-ool-Coozat and Mooftees of the Foujdaree Adalut.-

The 2d and 3d Puisne Judges 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, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and under the sentence of Hibaïas declared in the futwa, adjudge the prisoner,

"Gooey Bussawah,"

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

sent 25th

sent following letter No. 461.

F. C.

At a Court of the Zoujdaree Adaulut.

Monday,
25th October, 1824

Present,
C. S. Grant Esqre
George Gowan Esqre } Judges.

Read letter, dated 16th August
last, from the 2d Judge of the Court of Circuit
in the Western Division, - submitting case
№ 24 Malabar Calendar 2d Sessions for 1823
(Here enter № 581)

The 1st and 3d Puisne Judges of
the Court of Zoujdaree Adaulut on a deliberate
consideration of the circumstances of
the case in evidence before them being
of opinion that the proof against
the prisoner, Paloly Chandoo, is sufficient
to convict him of having put to death
the deceased, Satady, desire under the
provisions of Clause second Section III
Regulation I of 1818 that their Law
Officers will declare by a second futwa
to what specific punishment the
prisoner would have been liable under
the Mohummudan Law if he had
been convicted by full legal evidence
of the above crime.-

Ordered, that extract of these
proceedings be translated and delivered
to

to the Cazeeool Coozat and Mooftees of the Foujdaree Adawlut.

Read letter, dated 25th August last, from the 2d Judge latwon Circuit in the Centre Division, submitting case No 13 Cuddapah Calendar 1st Sessions 1824.

(Here enter No 600)

The 1st and 3d Puisne Judges having maturely considered the proceedings held before the Judge on Circuit the future of the Provincial Law Officer and the future of the Cazeeool Coozat and Mooftees of the Foujdaree Adawlut confirm the said future of the Cazeeool Coozat and Mooftees aforesaid, and under the provisions of Section III. Regulation I of 1822 adjudge the prisoners,

1st "Hadagadoo"
2d "Alum Khan"
3d "Chinna Abby"
4th "Puroogadoo"
5th "E. Gungaloogadoo"
6th "Yelloogadoo"
7th "Ba Legadoo"
8th "N. Chendoogadoo" and
9th Yelloogadoo,

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond Sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in

irons on the public roads or other public works for and during the period of their natural lives respectively.

And under the provisions of clause sixth Section II Regulation XV of 1803, the Court direct that the prisoner,

10th Erecalagadoo,

be released on producing good and sufficient security for his future good behaviour and appearance when required.

(Sent following letter No 465)

Last 28

In the letter accompanying the trial the 2d Judge notices the irregularity of the Assistant Criminal Judge in restoring to the prosecutrix certain articles identified as stolen property which ought to have been detained for production at the trial.

2 The Court of Foujdaree Adawlut direct that the Assistant Criminal Judge be admonished of the impropriety of this proceeding.

3 The 2d Judge notices in the IIth paragraph of the above letter the circumstance of "the prisoners having been before apprehended for this offence" "and released on security by the Tahseeldar".

4 For this proceeding there is no warrant in the Regulations, and the Court direct that the Magistrate be ~~instructed~~ strictly to prohibit it in

25th October 1824

in future.-

5 Ordered, that extract of these proceedings be sent to the 2d Judge late on Circuit in the Centre Division by precept injoining him to make the necessary communication to the Criminal Judge and the Magistrate for their respective information and guidance.-

(sent 27. following precept No 466)

W.

F. A.

At a Court of the Foujdaree Adalut

Present,

Tuesday,
28th October, 1824. F. A. Grant Esqre
George Gowan Esqre } Judges.

Read again letter dated 16th August last, from the 2d Judge of the Court of Circuit in the Western Division,- Submitting case No 24 Malabar Calendar 2d Sessions AD. 1823.-

(Here enter No 581)

Read the second futwa delivered in this case by the Cazee ool Coozat and Mooftees of the Foujdaree Adalut.

The 1st and 2d Puisne Judges 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 Coozat and Mooftees of the Foujdaree Adalut confirm the said futwas of the Cazee ool Coozat and Mooftees aforesaid and under the provisions of Section XV Regulation VIII. of 1802 adjudge the prisoner,

"Paloly Chandoo,"

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

(sent 28th following letter No 467.

W.

F. 11.

At a Court of the Zoujdaree Adaulut

Present.

Wednesday 27th October 1824 — J. A. Grant Esqre. / George Gowan Esqre. } Judges.

Read letter, dated 31st August last, from the 1st Judge late on Circuit in the Northern Division, — submitting case No 6 Nellore Supplimental Calendar 1st Sessions 1824 —

(Here enter No 603)

Read also letter, dated 1st Instant, from the 1st Judge late on Circuit in the Northern Division, — submitting case No 11 Nellore Supplemental Calendar 1st Sessions 1824 —

(Here enter No 610)

The 1st and 3d Puisne Judges 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 Zoujdaree Adaulut confirm the said futwas of the Cazee ool Cozat and Mooftee aforesaid and under the provisions of Clause sixth Section II Regulation XV of 1803 direct that the prisoners,

1st Dooda hoola Lutchoo,

2d Ramem Chetty Kadavoloo,

2d

3d Bovanum Parmereddy, and
4th Maurebayana Chinniah,
be released on producing good and sufficient
security for their future good behaviour
and appearance when required.-

Sent Trial Bal.

(Sent following letter No 468.

1 In case No 6 of the foregoing
Calendar the prosecutrix and the prisoners,
who by the last quarterly report from the
Criminal Judge for 1823 appear to have
reached the Zilla station on 10th December
1823, were examined by that officer on
15th January 1824.-

2 In case No 11 their examination
is stated to have taken place on 10th
December.-

3 The Court of Foujdaree Adalut
desire, that it may be explained why
the examinations in case No 6 were
postponed until 15th January, and why
that case was placed five numbers
higher on the Calendar than No 11, previously
examined.-

4 The Court consider the trial
to have been loosely and carelessly con-
-ducted by the 1st Judge. His examination
respecting the stolen property, which
was recovered is most unsatisfactory
and

and at variance with repeated orders of
the Court of Foujdaree Adalut upon this
subject: and in neither of these cases
is there a statement in the nature of
an indictment, appended to the proceedings
of the Criminal Judge, as prescribed by
the standing orders of the Foujdaree
Adalut, an observation which applies
to other cases before the Court, referred
by the 1st Judge.

5 The Court hope, that it will
not again be necessary for them to
notice in the 1st Judge's proceedings a
departure from their orders.-

Ordered, that extract of
these proceedings be sent to the 1st
Judge late on Circuit in the Northern
Division by precept commanding
him to obtain the explanation herein
called for from the Criminal Judge
of Nellore.-

Precept returnable in
fifteen days from and after its
receipt.-

Sent Trial Bal.

(Sent following precept No 469.

Read letter, dated 7th Ultimo
from the 1st Judge late on Circuit in the
Northern Division, submitting case
No 12 Nellore Supplemental Calendar
1st Sessions 1824.-

(Vide enter No 632)

The

The 1st and 2d Puisne Judges having maturely considered the proceedings held before the Sudgeon Circuit the Letters of the Provincial Law Officer and the Letters of the Cazee ool Coozat and Moofties of the Foujdaree Adalut confirm the said Sentence of the Cazee ool Coozat and Moofties aforesaid and under the discretion vested by Section III Regulation I of 1822 adjudge the prisoners,

1st L. Naregandoo,
2d B. Balmoogandoo,
3d B. Padda Nurseygandoo,
4th A. Nauregandoo,
5th G. Chinnoogandoo,
6th G. Ramgandoo,
7th B. Nurseygandoo,
8th B. Tungadoo,
9th B Paradoo,
10th M. Paladoo,
11th B. Papadoo,
12th A. Moortygandoo
13th M. Cotygandoo,
14th P. Paupadoo,
15th B. Tungadoo, and
16th B. Goonadoo,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of six months and then be released.

Sent following letter No. 470

T. L.

Sent 28th

W

F. U.

At a Court of the Foujdaree Adalut.

Present,

Thursday, 28th October, 1824. — W. A. Grant Esqre. / James Cochrane Esqre. / George Gowan Esqre. } Judges.

The Court of Foujdaree Adalut, considering it proper, that their decision, under date 15th January 1821, upon a reference from the Magistrate of Masulipatam, as to "whether a warrant can be legal, if not made out "according to the form prescribed in Clause "second Section XII Regulation IX of 1816, and "whether it be necessary, that a warrant "issued by a Magistrate should in all "cases be served by person on his own "establishment" should be circulated for the information and guidance of the Magistrates generally,-

Ordered, that extract of the proceedings of the Court of Foujdaree Adalut, dated 15th January 1821, and extract of these proceedings be transmitted to the four Provincial Courts of Circuit by precept, commanding them to communicate the same to the several Magistrates within their respective jurisdictions for their information and

and

and future guidance.—

Precept returnable in five days from and after its receipt.—

Sent 30th

(Sent following precept No 471.

Read letter, dated 1st Instant, from the 2d Judge late on Circuit in the Western Division,— with returned warrant for execution of prisoners in case No 46 Malabar Calendar 2d Sessions 1823.—

(Here enter No 684)

Read return, dated 4th Instant, from the Provincial Court of Circuit in the Centre Division,— to precept dated 28th ultimo ordering communication to the Criminal Judges and Magistrates that sentence of labor is illegal in the cases described in Sections XXXII and XXXV Regulation IX of 1816.—

(Here enter No 698)

Read letter, dated 7th Instant, from the acting Judge on Circuit in the Western Division, reporting the completion of the Jail delivery at Mangalore—

(Here enter No 703.)

Read return, dated 8th Instant from the 1st Judge late on Circuit in the Western Division, to precept dated 27th ultimo ordering communication to the Criminal Judge in the Zilla of Canara of the Courts observations on his taking the examination of a witness without oath.—

(Here enter No 706.)

Read letter, dated 9th Instant, from the 3d Judge on Circuit in the Centre Division reporting his arrival at Bellary—

(Here enter No 707.)

Read return, dated 11th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 27th ultimo ordering communication to the Criminal Judges of the Courts directions regarding lists of witnesses on trials—

(Here enter No 711.)

Read return, dated 11th Instant, from the Judges of the Provincial Court of Circuit in the Northern Division, to precept dated 28th ultimo ordering communication to the Criminal Judges and Magistrates of the Courts instructions relative to the imposition of labor in certain cases—

(Here enter No 720.)

Read return, dated 11th Instant from the Provincial Court of Circuit in the Northern Division, to precept dated 27th ultimo ordering communication to the Criminal Judges of the Courts directions regarding lists of witnesses on trials—

(Here enter No 721.)

Read letter, dated 12th Instant, from the 2d Judge of the Court of Circuit in the Western Division, with returned warrant for execution of a prisoner in case No 66 Malabar Calendar 2d Sessions 1823.—

(Here enter No 726.)

Read return, dated 16th Instant, from the 2d Judge of the Court of Circuit in the Northern Division, to precept dated 12th July last, ordering communication to

to the Head Assistant Magistrate of Matalifatam of the Court's observations on his explanation of certain cases in the Calendar of prisoners submitted by him at the 1st Quarterly Sessions of 1824.-

(Here enter No 732)

Read letter, dated 22d Instant, from the 1st Judge on Circuit in the Southern Division,- reporting his intention to proceed to Salem on 28th Instant.-

(Here enter No 733)

Read return, dated 19th Instant from the Judges of the Provincial Court of Circuit in the Western Division,- to precept dated 28th ultimo ordering communication to the Criminal Judges and Magistrates of the Court's explanation of the circular orders dated 7th February 1820 regarding sentences to labor.-

(Here enter No 734)

Read return, dated 19th Instant, from the Judges of the Provincial Court of Circuit in the Western Division,- to precept dated 27th ultimo ordering communication to the Criminal Judges of the Court's orders respecting the forms of lists of witnesses and stolen property.-

(Here enter No 735)

At a Court of the Poydaree Adalut.

Present,

Friday 29th October 1824.

F. A. Grant Esqre
George Gowan Esqre
} Judges.

Read letter, dated 15th Ultimo, from the 2d Judge late on Circuit in the Western Division,- submitting case No 14 Malabar Calendar 2d Sessions 1823.-

(Here enter No 661)

The 1st and 3d Puisne Judges having maturely considered the proceedings held before the Judge on Circuit the Putwa of the Provincial Law Officer and the Putwas of the Cazee ool Coozat and Mooftee of the Poujdaree Adalut confirm the said Putwa of the Cazee ool Coozat and Mooftee aforesaid and under the sentence of Pohoobut declared against the prisoner Nº Jachara Vallapil Bonince Nair, Kolkar, adjudge him to receive 39 stripes with a rattan and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of seven years and then be released.-

And the Court acquitting the prisoner, Cº Plakat Govinden, Talook Kolkar, direct that his bail be discharged.-

(Vide following letter No 472.

Asst Reg.

1 It is proved in this case by abundant evidence, that the deceased Pungah met his death from the atrocious cruelties exercised on his person by Perambrayoora Eretha Menon, the 3d prisoner, late Peishcar of the Kartinaad taluck, for the purpose of extorting a confession.—

2 The Court of Foujdaree Adalut have adjudged the 10th prisoner, a Kollan, who bound the deceased, and so took part in the execution of the Peishcar's orders to receive 39 stripes and to be imprisoned and kept to hard labor in irons for seven years, and they direct that proclamation of this sentence be made by the Magistrate throughout the province of Malabar, as a warning to peons of police against carrying into execution illegal orders of the superior Police Officers, for the maltreatment of prisoners or the performance of any acts, contrary to law.—

3 The Court direct, that it be notified in the proclamation, that but for the death of the late Peishcar, the principal offender in this case, he would have been unquestionably adjudged to suffer capital punishment by the Court of Foujdaree Adalut for this barbarous murder.—

4 The Court of Foujdaree Adalut observe with deep regret, that practices of this atrocious description, not only involving

involving in themselves the most aggravated criminality, but calculated utterly to subvert the administration of criminal Justice, continue to prevail among the native Officers of the Police. The proceedings on the trials referred from the several divisions too clearly shew, that these practices are not limited to particular districts, but in a greater, or less, degree are universally prevalent.—

5 The Court deem it proper on the present occasion to circulate these observations for the information of the Magistrates generally, upon whom it is incumbent to use every exertion to check, and if possible put a stop to all acts of oppression on the part of the officers under their authority towards persons apprehended on criminal charges.—

6 Examples have not been wanting of the infliction of severe punishment on Police officers, convicted of treating prisoners with violence for the purpose of extorting confessions.

7 As declared in the foregoing observations, the Court of Foujdaree Adalut would unquestionably have condemned the Peishcar to suffer death, had he lived to make that satisfaction to the laws, which he so atrociously outraged.

It

29th October 1824.

it occurs on this occasion to the Court, that a proclamation of the result of a trial, which issues in the capital punishment of an officer, vested with the powers of a Head of District Police, for mattreating a prisoner in order to extort a confession, may be productive of advantage generally, and they accordingly direct, that the several Magistrates do notify by a proclamation, to be carefully published in all parts of the districts under their charge, in such manner and at such times as may give to the proclamation the greatest notoriety, that on the 11th December 1820 Hussen Khan, Police Ameen of Auttoor in the Zilla of Salem, was convicted by the Court of Foujdaree Adawlut of having beaten and caused to be bound by the hands and feet, and in that condition cruelly mattreated Moottan, a prisoner apprehended by him on a charge of theft, in consequence of which ill-treatment the said Moottan died; and that the aforesaid Hussen Khan was adjudged to suffer capital punishment, which sentence was duly carried into execution.—

Ordered, that extract of these proceedings be sent to the 2d Judge late on Circuit in the Western Division by precept enjoining him to issue the necessary

2/ F. C.
29th October 1824.

necessary instructions to the Magistrate of Malabar forwarding to this Court the return of that officer, shewing that he has conformed thereto.—

Precept returnable in one month from and after its receipt.—

Sent following precept No. 473.

Sent 4 Nov.

Ordered, also that extract of these proceedings be sent to the four Provincial Courts of Circuit by precept enjoining them to communicate the same to the several Magistrates under their authority with instructions to publish by proclamation in the mode therein directed the case of Hussen Khan late Police Ameen of Auttoor in the Zilla of Salem, as a warning to all officers of Police, declaring at the same time, that police peons and other inferior officers of police will in no wise be exempt from punishment in such cases on the ground of their acting under the orders of their superiors. The Provincial Courts will forward to this Court the returns of the Magistrates, shewing that these orders have been duly conformed to.—

N. Dr. Ans.d 29th Dec.r No. 18.
entered on the 11th January 1825.
C. Dr. Ans.d 18th February No. 158
entered as the 9th March 1825.

Precepts returnable in two months from and after its receipt.—

Sent 3d. Sent following Precepts No. 474.

Read letter, dated 1st Ultimo, from the 2d Judge late on Circuit in the Western Division,— submitting case No. 16 Malabar Calendar

29th October 1824

Calendar 2d Sessions A.D. 1823.-

(Here enter No. 626.)

The 1st and 3d Puisne Judges 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 Sudder Adawlut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and under the provisions of Clause sixth Section II. Regulation XV of 1803 direct that the prisoner,

1st Anjikadan Koonjy Comah,

be released on producing good and sufficient security for his future good behaviour and appearance when required.-

Sent following letter No. 475.

Sent 8 Rmc

Read letter, dated 8th ultimo from the 1st Judge late on Circuit in the Northern Division, - submitting case No 13 Nellore Supplemental Calendar 1st Sessions 1824.

(Here enter No. 633.)

The 1st and 3d Puisne Judges having maturely considered the proceedings held before the Judge on Circuit the futwas of the Provincial Law Officer and the futwa of the Cazee ool Coozat and Mooftees of the Sudder Adawlut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and under the provisions of Clause second Section XV Regulation VII of

29th October 1824

of 1802 adjudge the prisoner,

Conoory Lyavoor,

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

Sent following letter No. 476.

Sent 8 Rmc

X

Fll.

At a Court of the Foujdaree Adalut

Present,

Monday 1st November 1824 } James Cochrane Esquire, George Gowan Esquire } Judges

Read letter, dated 13th Septr. last from the Third Judge and Circuit in the Centre Division, submitting case No. 8 Cuddapa Calendar 2d Sessions 1824.-

Fll. 64.

/Here enter No. 639/

The Second and Third Puisne Judges 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 Adalut, confirm the said futwa of the Cazee-ool-Coogat and Mooftees aforesaid, and under the provisions of Section III Regulation I of 1822, adjudge the prisoner

1st "Gungooloogandoo",

to be removed to the Jail in the Zilla of Chittoor, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of fourteen years and then be released.-

And

1st November 1824

And the Court adjudge the prisoner,

2d "Oncatteegandoo,"

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.-

Sent following letter No. 480.

Read letter, dated 15th September last from the 3d Judge on Circuit in the Centre Division, submitting case No. 19 Cuddapa Calendar Second Sessions 1824.-

Vide letter No. 646

The 2d and 3d Puisne Judges 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 Sudder Adalat being of opinion that the proof against the prisoners 1st Cumbegadoo, 2d Gungadoo, 3d Nulla Tummagadoo & 4th Munchalleegandoo, is sufficient to convict them of the crime of robbery by open violence for which a penalty is specially denounced in section III Regulation I of 1822 as under the authority vested in them

1st November 1824 them by clause first section II Regulation I of 1818 adjudge the said prisoners

1st "Cumbegadoo,"
2d "Gungadoo,"
3d "Nulla Tummagadoo,"
and
4th "Munchalleegadoo,"

to be remanded to the Jail in the Zilla of Chittoor there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of fourteen years and then be released.-

Sent following letter No. 481.

At a Court of the Bonjdaree Adalut

Present,

Tuesday, 22 November, 1836. — W. A. Grant Esqre. / James Cochrane Esqre. / George Gowan Esqre. } Judges.

The Court of Bonjdaree Adalut deeming it to be of importance in order to a clear understanding of evidence in Criminal trials, touching the distance between places and measurement generally, that in the English translations of criminal records a note should always be inserted of such distance, or measurement, in feet and inches, direct that this practice be observed in future.—

2. The Court, observing that their standing orders, prescribing the insertion of the English date on all occasions when reference is made to a native date, are not always observed, take the present opportunity of calling the attention of the Courts of Circuit to those orders and to direct, that the several Judges of Circuit and Criminal Judges be careful in future, whenever a native date is mentioned in examinations

examinations before them to enter a note of the corresponding English date.

Ordered, that extract of these proceedings be sent to the four Provincial Courts of Circuit by precept enjoining them to communicate the same to the several Judges on Circuit and to the Criminal Judges for their information and future guidance respectively.

Sent to Lt B. Sent following precepts 1482.

Read letter, dated 25th ultimo from the Criminal Judge in the Zilla of Canara, with copies of warrants for the banishment of four convicts to any Zilla which may be selected by the Court of Foujdaree Adawlut.

(Here enter No 753)

The Court of Foujdaree Adawlut direct that the prisoners,

1st Moondah,
2d Aavanah,
3d Rangah and
4th Naraina,

be removed to the Jail in the Zilla of Chittoor there to be imprisoned agreeably to the tenor of their respective sentences

Ordered, that extract of these proceedings be sent to the Criminal Judge in the Zilla of Canara and to the Criminal Judge of Chittoor for the information and

guidance of those officers respectively.

Sent following letters No 1483.

Read return, dated 18th ultimo from the Provincial Court of Circuit in the Southern Division, to precept dated 28th September last ordering them to communicate to the several Criminal Judges and Magistrates the opinion of the Court that the imposition of labor in commutation of fines imposed by the Magistrates under the provisions of Sections XXXII and XXXV Regulation IX of 1816 is not authorized.

(Here enter No 728.)

The Provincial Court send up with the foregoing return copies of the precepts issued by them to the several Criminal Judges and Magistrates respectively, as well as copies of their returns thereto.

2. The returns only should be laid before the Court of Foujdaree Adawlut on such occasions.

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

Sent following letter No 1484.

At a Court of the Poojdaree Adalut.

Present,

Wednesday 3d November 1824

F. A Grant Esqre. } Judges
George Gowan Esqre. }

Read letter, dated 25th August last from the 3d Judge on Circuit in the Western Division, submitting case No. 2. Canara Calendar 2d Sessions 1824.

(Here entered No. 598.)

The 1st and 3d Puisne Judges having maturely considered the proceedings held before the Judge on Circuit the futwa of the Provincial Law Officer and the futwa of the Cazee cool Coozat and Mooftees of the Poojdaree Adalut being of opinion that the proof against the prisoners, 1st Meerally, 2d Kedney, 3d Salloo, 4th Boodoo, and 5th Roodra, is sufficient to convict them of the crime of robbery by open violence for which a penalty is specially denounced in Section III Regulation I of 1822 do under the authority vested in them by Clause first Section II Regulation I of 1818 adjudge the said prisoners,

1st Meerally,
2d Kedney,
3d Salloo,
4th Boodoo, and
5th Roodra,

to receive 39 stripes with a rattan,

and

and to be imprisoned and transported to such place or places beyond Seas as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives respectively.-

(Sent following letter No 485.)

1. In a report recorded on the Police proceedings in this case, addressed to the Tahseeldar of the Buxtwall Taluk by Soohojee, a Police Daffadar, and Sunkaya, Shambog of Pootigny, it is stated, that the Potail of the village of Marnad Kelopootighy did not afford assistance in searching the houses of the prisoners.-

2. This report should be brought to the notice of the Magistrate, in order that the conduct of the Potail may be visited with such penalty, as may appear proper.-

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division by precept requiring them to communicate the same to the Magistrate in the Zilla of Canara for his information and guidance.-

Sent following precept No 486

Read letter, dated 17th September last, from the 3d Judge on Circuit in the Centre Division, - submitting case No 22 Cuddapah Calendar 2d Session 1824.-

(Here enter No 650)

The 1st and 3d Puisne Judges 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 Coozat and Mooftees of the Foujdaree Adawlut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and under the provisions of Section III. Regulation I of 1822 adjudge the prisoner

Teroomala,

to receive 30 stripes with a rattan and to be removed to the Jail in the Zilla of Chittoor there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of fourteen years and then be released.-

Sent following letter No 487

F. U.

At a Court of the Poydaree Udalut

Present,

Saturday, 6th November, 1824. F. A. Grant Esqre
James Cochrane Esqre } Judges
George Gowan Esqre

Read letter, dated 29th Ultimo,
242 from the Criminal Judge in the Zilla of
Bellary,- with copy of a warrant for the
banishment of four convicts to any Zilla
which may be selected by the Poydaree Udalut
(Hereunto No 762)

The Court of Poydaree Udalut direct
that the prisoners,
1st "Seeniah,"
2d "Gyandoo"
3d "Condadoo," and
4th Vencategah,
be removed to the Jail in the Zilla of Chittoor
there to be imprisoned agreeably to the
tenor of their respective sentences.-

Ordered, that extract of these
proceedings be sent to the Criminal Judge
in the Zilla of Bellary and to the Criminal
Judge of Chittoor for the information and
guidance of those officers respectively.-

Sent following letters No 493

F. C.

At a Court of the Foujdaree Adalut

Present,

Monday 8th November 1824 } F. A. Grant Esquire, James Cochrane Esquire, George Gowan Esquire } Judges

24

Read return, dated 31st August last, from the second Judge late on Circuit in the Centre Division to precept, dated 4th August last, ordering the revision of the sentences passed by him in certain cases on the Chinglaput Calendar 1st Session and A.D. 1824.—

Here enter No. 634.—

With reference to case No 6 of the Calendar, wherein the futwa declared the penalty of Hud to be barred "because of the prisoners' plea of not guilty;" and the 2d Judge was directed eventually to revise the sentence under the provisions of clause 3 fourth section II Regulation XV of 1803, that officer has in the foregoing return gone into an elaborate examination of the state of the law as applicable to the case in question; and would appear to have arrived at the conclusion that the provision of

of a specific penalty in clause sixth Section II Regulation VII of 1822 for the crime of house breaking, unattended with any of the circumstances of aggravation specified in clause second of that Section, will in the event of it's appearing that a prisoner has erroneously been put on his trial before the Court of Circuit for such offence, or for a simple theft under the discretion vested in the Criminal Judge by clause second section III of the Regulation, bring the case within the scope of the provisions of clause second Section II Regulation XV of 1803, or in other words, that in such cases the provisions of clause sixth section II and of clause fourth Section III Regulation VII of 1822, apply to the Court of Circuit, as well as to the Criminal Judge.

The Court of Foujdaree Adalut are unable to follow the 2d Judge to the above conclusion: they are of opinion, that trials before the Court of Circuit are to be conducted in the same manner as before the enactment of Regulation VII of 1822, as far as this question is concerned; and it appears to the Court, that according to the reasoning of the 2d Judge a Court of Circuit must in 1824 have possessed the authority

authority to pass, in a case of theft, sentence for the punishment, prescribed in section IX Regulation VII of 1802, an interpretation of the law, which would have removed all such cases from the operation of clauses third and fourth Section II Regulation XV of 1803.- As illustrative of their opinion on this question the Court resolve to communicate to the 2d Judge an extract of their proceedings, under date 6th June 1823, on a report from the 2d Judge of the Provincial Court of Circuit in the Western Division.-

3 The Court of Foujdaree Adalut concur with the 2d Judge in opinion, that the Criminal Judge in committing a prisoner for trial under the provisions of clause second Section II, or of clause second section III Regulation VII of 1822, ought invariably to record the particular facts of aggravation, or the "peculiar circumstances of the case," in reference to which the prisoner is committed for trial; and that when it may appear to the Judge of Circuit, on inspection of the preliminary proceedings, that the case ought properly to be disposed of by the Criminal Judge, it should be sent back to him for that purpose.

The

4

The same course ought in the opinion of the Court of Foujdaree Adalut to be adopted in cases, where after going into the trial it may be found that no aggravating circumstances, such as should have taken it out of the cognizance of the Criminal Judge, did in fact exist: the Court of Foujdaree Adalut see no objection to the remanding of the case, in this stage of the proceedings, to the Criminal Judge, as it might be immediately disposed of by him, the parties and witnesses being necessarily in attendance.—

5

And as this course of proceeding would appear by the second Judge's explanation to have been applicable to case No 6 of the Chingleput Calendar of 1st Sessions AD 1824, the Court of Foujdaree Adalut resolve not to disturb the sentence which the 2d Judge irregularly passed on the prisoner.—

6

Ordered, that extract of these proceedings and of the proceedings of the Court of Foujdaree Adalut dated 6th June 1823, be sent to the 2d Judge late on Circuit in the Centre Division for his information and future guidance.—

Sent following letters &c

Attg. C.P.M.

Read return, dated 23d September last from the 2d Judge late on Circuit in the Centre Division, to precept dated 18th September ordering communication to the acting Criminal Judge and Magistrates of Cuddapa of the Court's observations in case No 4 Cuddapa Calendar 1st Sessions 1824.

(Here enter No 670)

Read return, dated 25th ultimo, from the Judges of the Provincial Court of Circuit in the Western Division, to precept dated 14th Instant ordering communication to the Magistrates of the Court's instructions regarding execution of precepts of arrest within the limits of the Jurisdiction of the Supreme Court.—

(Here enter No 757)

Read letter, dated 18th ultimo from the acting Judge on Circuit in the Western Division,— reporting his arrival at Calicut.—

(Here enter No 758)

Read return, dated 18th ultimo from the acting Criminal Judge in the Zillah of Malabar,— to precept dated 21st September last calling for reports prescribed by Section XXXVI Regulation X. of 1816 omitted to be sent.—

(Here enter No 759)

Read return, dated 1st instant, from the 1st Judge on Circuit in the Southern Division,— to precept dated 28th September last

8th November 1824 last ordering communication to the Magistrates of the Courts observations on case No 2 Madura Calendar 2d Sessions 1824.-

(Here enter No 766)

Read letter, dated 1st Instant, from the 1st Judge on Circuit in the Southern Division,- with copy of Conbaconum Calendar 2d Sessions 1824

(Here enter No 767)

Read letter, dated 2d Instant from the Judges of the Provincial Court of Circuit in the Southern Division,- reporting their having communicated to the Criminal Judges and Magistrates the Courts construction of Section XXVII Regulation XI of 1816.-

(Here enter No 773)

Read return dated 2d Instant, from the Judges of the Provincial Court of Circuit in the Southern Division,- to precept dated 11th Ultimo ordering communication to the Magistrates of the Courts instructions regarding the execution of process of arrest within the limits of the Supreme Court.-

(Here enter No 774)

Read return, dated 1st Instant, from the Judges of the Provincial Court of Circuit in the Southern Division,- to precept dated 11th Ultimo ordering communication to the Magistrates of the Courts

8th November 1824 Courts instructions regarding execution of process of arrest within the limits of the Jurisdiction of the Supreme Court.

(Here enter No 775)

Read return, dated 4th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 28th Ultimo ordering communication to the Magistrates of the Courts opinion regarding the legality of certain warrants.-

(Here enter No 781)

F. C.

At a Court of the Bijdaree Adalut

Present.

Wednesday, 10th November, 1824 — F. A. Grant Esqre. / James Cochrane Esqre. / George Gowan Esqre. } Judges.

The reports prescribed by Section XXXVIII Regulation VII. of 1802 for the 1st Sessions of 1824 not having been received from the Judges late on Circuit in the Northern, Western, and Centre Divisions.

The Court direct, that the 1st Judge late on Circuit in the Northern and Western Divisions and the 2d Judge late on Circuit in the Centre Division be by precept commanded to send up the prescribed report, containing their observations made during the Circuit within three weeks from the date of the receipt of the precept.

Last following precepts No. 497.

C. Dr. Amt. of Stamps 4:30
entered on Pa. 14 of 1825.

At a Court of the Foujdaree Adalut

Present,

Thursday 11th November 1824 } F. A. Grant Esquire, George Gowan Esquire } Judges

Read letter, dated 8th Septem-
ber last from the Third Judge late on
Circuit in the Northern Division, submitting
cases Nos 26 & 27 Chicacole Calendar Second
Sessions 1823.-

/Here enter No 637/

Read also letter, dated 13th September last from the Third Judge late on Circuit in the Northern Division reporting the death of certain prisoners in the cases Nos 26 & 27 of the Chicacole Calendar of Second Sessions 1823.-

/Here enter No 643/

The 1st and 3d Puisne Judges 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, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid,

and

and acquitting the prisoners,

1st "Radimpilly Woopankarauze",
2d "Dantla Setaramarauze",
3d "Rungeany Ramdas",
9th "Gundam Ramarayadas",
10th "Gundam Suggapah",
15th "Dundy Kittapah",
17th "Gumpah Yenkavadas",
18th "Addapah and Appadas",

direct that they be set at liberty.-

Sent 13th

/sent following letter No 498./

1 The record of the proceedings of the Head Assistant Magistrate contains a warrant, bearing date 13th May 1823, addressed to the Head of Police of Chadavarum for the apprehension of 11 of the prisoners upon the prosecutor's charge against them.-

2 Gancheotta Venkatrow, the Police Officer, in his return to the above warrant, dated 1st June 1823, reported "that the whole of the prisoners mentioned "in this warrant "had made their escape.-

3 A Report, however, accepted by this Police Officer to the Head Assistant Magistrate, dated 26th May 1823, stated that "a part of the property and one robber had been seized under the said warrant.-

4 The Court of Foujdaree Adawlut direct

11th November 1824

direct, that the Magistrate be required to obtain an explanation of the inconsistency observable between these two reports.-

After the examination of the

5 witness, Lunka Appanah, in chief before the Head Assistant Magistrate, the 3d prisoner was permitted to cross examine.-

This is an irregularity, which

6 the Head Assistant Magistrate will be careful not to repeat; in cases where the prisoners are not punishable by the Magistrate he should not permit the witnesses to be cross examined by the accuser, or the accused.-

7 The Head Assistant Magistrate has introduced into the examination of the prisoners Edanapoo Appiah, and Boodoo Kunniah questions to the prosecutors regarding their ownership in certain Articles, produced before the Court. And in the examination of the latter prisoner appears the following extraordinary entry viz.

"Questions put to Iangoo Veerasemi's people.

2. Look at the Articles now in the office and say whether or not they belong to Iagoo Veerasemi.-

A. The thread bundles and Cunchums belong to Veerasemi we know it and we can swear to this effect thus Alamoory Appiah, Chintapoody Dolupah and Ganooga Sadasevarayadu related

11th November 1824 related."

8 The Court of Foujdaree Adalut do not recollect having ever had before them an instance of such preposterous irregularity and impropriety of proceedings as this.-

9 In violation of the expres provi=sion on this subject contained in Section 4th XXVIII Regulation IX of 1816, the Head Assistant Magistrate has here taken down on the same paper examinations and depositions of various individuals, which are not only not signed by the deponents, but even the names of the deponents are not given; an indefinite number of individuals are described as delivering a statement in the first person plural, which they express themselves ready to verify on oath; in violation of the pro=visions of clause first section XXIV Regula=tion IX. of 1816 no oath is required from them, and these irregular and illegal examinations appear in the body of the examination of a prisoner!-

10 The examination of the 7th prisoner before the Head Assistant Magistrate is attested by the 11th & 12th witnesses, who on their examination before the Court of Circuit 4th deposed, that they were not present when the prisoners' declaration was taken.-

11 The Court of Foujdaree Adalut have

11th November 1824. have repeatedly had occasion to animadvert on the irregularity of the proceedings of the Heads of District Police in this particular. The Assistant Magistrates' neglect of the pro=visions of Section XXVI Regulation IX of 1816 is greatly aggravated by this circumstance, and the Court of Foujdaree Adalut must observe, that when the Superi=or Officer manifests such a disregard of the laws which he is solemnly bound to observe, it is in vain for the Court of Foujdaree Adalut to expect, that succes will attend their efforts to induce re=gularity and legality of proceding on the part of the officers subordinate to the 4th Magistrate, for whose misconduct that officer becomes personally responsible.-

12 Of the 19 prisoners in this 4th case 2 only appear to have been examined by the Head Assistant Magistrate. Of this proceeding the Court direct that an explanation be obtained from that 4th Officer.-

13 The records of the Court of Foujdaree Adalut exhibit former instances of gross irregularity of proceeding on the part of Mr. Montgomerie, Assistant Magistrate of Vizagapatam, and the Court deem it proper on the present occasion to direct, that it be notified to that officer that any

future

11th November 1824

future instance of a similar disregard for the provisions of the Regulations enacted for his guidance, which may come under the notice of the Court, will form the subject of a representation to the Government.

14 Ordered, that extract of these proceedings be sent to the 3d Judge late on Circuit in the Northern Division by precept enjoining him to communicate the same to the Magistrate of Vizagapatam for the information and guidance of the Head Assistant, whose explanations on the above points are to be laid before the Court.

15. Precept returnable in three weeks from and after its receipt.

WL

Sent following precept No. 499.

WL

WL

Sent 13.

P. C.

At a Court of the Foujdaree Adaulut.

Present,

Friday, 12th November, 1824.

P. A. Grant Esqre
James Cochrane Esqre
George Gowan Esqre
} Judges.

284

WL

WL

Read letter, dated 22d September last, from the 3d Judge on Circuit in the Centre Division, with copy of Cudalapah Calendar 2d Sessions AD 1824.

(Here enter No. 782)

In case No 63 of the Calendar sentence is stated to have been pronounced upon the 1st 2d and 3d prisoners "as directed "in Regulation I of 1822," and that the trial as "regards them will be referred," the 4th prisoner being under Section IV Regulation VI of 1822, sentenced to receive 18 stripes and "to be imprisoned at hard labor in irons for "four years."

2 Clause second Section VI Regulation XV of 1803 declares, that "whenever the "trial of a principal may be referred for the "sentence or confirmation of the Foujdaree Adaulut "and an accomplice in the same crime shall "have been brought on trial and convicted "at the same time with the principal, the "Courts of Circuit shall not carry into execution "their sentence upon the accomplice so convicted, "but shall wait the confirmation or final "sentence of the Foujdaree Adaulut as well "respecting the accomplice as the principal."

Notwithstanding

11.

3 Notwithstanding that the offence established against the 5th prisoner in this case bears a denomination different from that of the offence, of which the 1st 2d and 3d prisoners were convicted, yet it appears to the Court of Foujdaree Adalut, that his case falls clearly within the scope of the provisions and above recited; and they direct therefore that the 3d Judge do recall his warrant for execution of the sentence passed on the 5th prisoner, Cullapanaidoo, in case No 65 of the Calendar, and direct the acting Criminal Judge to retain him in custody until the final sentence of the Court of Foujdaree Adalut shall be received regarding him.

4 Ordered, that extract of these proceedings be sent to the 3d Judge on Circuit in the Centre Division by precept enjoining him to proceed as herein directed, making return in five days from and after its receipt.-

Sent 14th

(Sent following precept No 503.

Read letter, dated 22d Ultimo from the acting Judge on Circuit in the Western Division,- with copy of Canarese Calendar 2d Sessions 1824.-

(Seventeen No 760)

1 In case No 8 of the Calendar it is stated, that "the prisoners were found "guilty the first on his own confession "and the 2d on the evidence of witnesses and "awarded Cokoolut."-

2 The offence, of which the prisoners were convicted, being one specially provided for by the Mohummudan Law, the futwa should have declared the exceptions in lieu of the adjudication of the specific penalty, and under the standing orders of the Court of Foujdaree Adalut an abstract of the grounds of the futwa of Cokoolut should have appeared in the Calendar.-

3 The same observation applies to case No 10; and as in this case certain of the prisoners have been sentenced to be imprisoned for periods shorter than that adjudicable in commutation of a sentence for amputation of one limb, the Court of Foujdaree Adalut direct, that a copy and English translation of the futwa be submitted for their consideration.-

4 In a note appended to this case it is stated, that certain of the prisoners had been previously convicted of theft before the Criminal Court and sentenced to imprisonment and fine.-

5 Of the sentences here referred to the Court of Foujdaree Adalut desire, that an explanation may be obtained from the Criminal Judge.-

6 The Court of Foujdaree Adalut desire, that the acting Judge will lay before them copy and English translation of the futwa, delivered in case No 11 of the Calendar, explaining at the same time the grounds for his considering the offence

offence not to fall within the scope of the provisions of Section III. Regulation XV of 1803.

7 Referring to case No 23, on which it would appear that a second futwa was taken, the Court desire, that the grounds on which the 5th prisoner was exempted from the specific penalty of Sud may be reported for their information.-

8 The Court of Foujdaree Adawlut desire, that it may be explained what circumstances in case No 26 of the Calendar brought it within the scope of the provisions of clause fourth Section II Regulation VI of 1822.-

9 The Court desire to have before them copy and English translation of the futwa, delivered in case No 27 of the Calendar, wherein the prisoner was convicted of theft and sentenced under Cohoolut to 6 years' imprisonment.-

10 Ordered, that extract of these proceedings be sent to the Acting Judge on Circuit in the Western Division by precept enjoining him to transmit copies and English translations of the futwas above mentioned with the explanations hereby required.-

Precept returnable in one month from and after its receipt.

(Sent following precept No 514)

Read.

2/ F.H.

13th November 1824.

Read letter, dated 3d ultimo, from the 3d Judge of the Court of Circuit in the Northern Division,- with copy of Masulipatam Calendar 3d Quarterly Sessions 1824.-

(Hereunto No 717)

1 With the foregoing letter the 3d Judge has transmitted the copy of a paper containing the view taken by him of the case No 3 of the Calendar, and his reasons for doing so are stated to be, 1st that the conduct of the late Assistant Magistrate and the present Assistant Criminal Judge of Masulipatam in respect to this case appears so extraordinary that the 3d Judge does not think that he would be held justified were he to omit bringing it to the notice of the Foujdaree Adawlut; 2dly that the 3d Judge wishes to submit a question as to the manner of disposing of similar cases in future; and 3dly that he thinks it desirable, that the Court should be in possession of some information respecting a case, which is likely to become the subject of immediate complaint.-

Upon those points in the

2 conduct of the late Assistant Magistrate, and of the Assistant Criminal Judge, which are considered by the 3d Judge to be extraordinary, the Court of Foujdaree Adawlut

(Woalut direct, that the 3d Judge do require from those officers respectively an immediate explanation, and submit the same to the Court with such observations, as may appear proper.-

3 In respect to the point, wherein the 3d Judge solicits information in the above letter, the Court of Foujdaree Woalut refer him to their circular order, bearing date 26th November 1824, wherein it is declared that "whenever it may "appear to a Judge on Circuit, that any "persons brought before him for trial "have been committed on insufficient "grounds it will be proper, that the Judge "should call the trial, and having declared "that there were not sufficient grounds "for proceeding to trial should order the "discharge of the parties."

4 Ordered, that extract of these proceedings be sent to the 3d Judge of the Court of Circuit in the Northern Division by precept commanding him to obtain and forward the explanations above mentioned from the late Assistant Magistrate, and the Assistant Criminal Judge of Masulipatam without delay.-

(Sent following precept No. 505.)

Read

Read letter, dated 8th Instant, from the 3d Judge of the Provincial Court of Circuit in the Northern Division, reporting on the 3d Quarterly Sessions of Gaol delivery at Masulipatam for 1824.-

(Here enter No. 705)

1 The foregoing report does not call for any observations from the Court of Foujdaree Woalut.-

2 Ordered, that the Report and extract of these proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Honorable the Governor in Council.-

(Sent following letter No. 506.

No 89 / Sent 15th

Read letter, dated 1st Instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division, with copy of Masulipatam Calendar 4th Quarterly Sessions of 1824.-

(Here enter No. 784)

Read return, dated 5th Instant, from the Judges of the Provincial Court of Circuit in the Western Division, to precept dated 28th Ultimo ordering communication to the Magistrates of the Court's opinion in regard to the contents of warrants and the mode of serving them.-

(Here enter No. 794.)

Read

Read return, dated 9th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division, - to precept dated 2d Instant ordering communication to the Criminal Judges of the Courts instructions respecting entries of Nature dates and measurement in Criminal trials -

(Here enter No 795.)

Read return, dated 8th Instant from the Judges of the Provincial Court of Circuit in the Centre Division, - to precept dated 28th Ultimo ordering communication to the Magistrates of the Courts opinion regarding the legality of certain warrants.

(Here enter No 785)

Read letter dated 6th Instant, from the 1st Judge on Circuit in the Southern Division, - reporting his intention to proceed to Salem on the 8th Instant -

(Here enter No 787)

F. M.

At a Court of the Foujdaree Udalut

Present

Monday 15th November 1824. } F. B. Grant Esquire, George Gowan Esquire } Judges

Read letter, dated 6th Ultimo, from the Acting Judge on Circuit in the Western Division, - Submitting case No 15 Canara Calendar Second Sessions 1824. -

(Here enter No 704)

Read also letter dated 9th 28th Ultimo from the Acting Judge on Circuit in the Western Division Reporting the death of the 3d and 4th prisoners in case No 15 Canara Calendar Second Sessions 1824. -

(Here enter No 764)

The 1st and 3d Puisne Judges having maturely considered the proceedings held before the Judge on Circuit the futwa of the Provincial Law Officer, and the 4th futwa of the Cazeeoodeen Coozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the Cazeeoodeen Coozat and Mooftees aforesaid so far as it respects the 1st and 5th prisoners and under the provisions of Section III Regulation I of 1822 adjudge the said prisoners,

1st

1st "Hantara", and
5th "Matt Kooka",

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of their natural lives respectively.-

And the Court being of opinion that the proof against the prisoner 8th Lingah is sufficient to convict him of receiving plundered property knowing at the time of receiving the same that such property had been obtained in the perpetration of robbery by open violence for which a penalty is specially denounced in clause second Section IV Regulation VII of 1822, do under the authority vested in them by clause first Section II Regulation I of 1818 adjudge the said prisoner,

8th "Lingah",

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of 3 years to be computed from 6th October 1824 and then to be released.-

/Sent following letter No 507./

18 Lot

Mr Grant
Mr Cochrane
Mr Gowan

Read letter, dated 26th Ultimo from the 3d Judge on Circuit in the Centre Division,- submitting translation of a petition presented to him regarding a case disposed of by the Assistant Criminal Judge in the Zilla of Bellaree; and stating his opinion that the Courts' orders of 9th June last were not intended to prohibit a Criminal Judge's correction of an illegal sentence passed by his Assistant.-

/Here enter No 750/

The Court of Foujdaree Adalut recognize, with the 3d Judge, the expediency of the Criminal Judges' correcting any illegal sentence, passed by his Assistant awarding a punishment contrary to law; and they do not consider, that his interference in these cases would be contrary to the provisions of the Regulations, or to the intention of the observations recorded in the proceedings of the Court, under date 9th June last; which have immediate reference to the decision upon the question of the guilt or innocence of the accused, and are not considered to require, that when the stripes passed fine may be illegally adjudged by an Assistant Criminal Judge, the party can obtain redress only by application to the Court of Circuit in these cases the general controuling power of the Criminal

15th November 1824 Criminal Judge over the proceedings of his
assistant can be applied with advantage,
and as far as the Court see without any
material objection.—

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

Sent 18th / sent the following letter No 507.

Ordered also, that extract
of these proceedings be sent to the four
Provincial Courts of Circuit by precept
enjoining them to communicate the same
to the several Criminal Judges for their
information and future guidance.—

Sent 18th / sent following precepts No 508

J. R.

At a Court of Zoujdaree Adaulut.

Present

Wednesday 17th November 1824 — Present: J. A. Grant, Esqr.; James Cochrane, Esqr.; George Gowan, Esqr. — Judges

Read letter dated 10th Instant,
from the Provincial Court of Circuit in the Centre
Division, transmitting copy of a letter from
the Magistrate in the Southern Division of
Orcot whereby it appears that he has not pub-
lished for the guidance of the Heads of District
Police under his authority, Sections IV and
V Regulation IX of 1821.—

(Here enter No 790)

1 The Magistrate accounts for
his having suppressed an enactment of the
Legislature by a reference to the provision
of the Regulations, which vests him with
authority to delegate to his European As-
sistants such parts of his own duties
as he may deem proper.—

2 It would be a waste of words
for the Court of Zoujdaree Adaulut to enter into
a grave refutation of such an argument

as

as that, by which the Magistrate would vindicate his authority to limit the operation of the Regulations, to which he, and all the officers subordinate to him, are bound fully and strictly to conform.- The attention of the Government will be drawn to this proceeding on the part of the Magistrate, and in the mean time the Court of Faujdaree Adalut direct, that this officer be by precept commanded forthwith to publish for general information the provisions of Sections IV & V Regulation IV of 1824, and to enjoin upon the Heads of District Police under his authority a strict obseervance thereof.-

3. Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Centre Division by precept enjoining them forthwith to communicate the same to the Magistrate in the Southern Division of Circuit, requiring that officer to make return in ten days, certifying that he has duly conformed to these orders of the Court of Faujdaree Adalut.-

Precept returnable in twenty days from and after its' receipt

Sent following Precept No 570.

W. C.

Read

Read letter, dated 4th Instant, from the 1st Judge on Circuit in the Southern Division,- reporting his arrival at Salem.-

(Here enter No 789)

Read letter, dated 4th Instant, from the 2d Judge late on Circuit in the Western Division,- with returned warrant for execution of prisoner in case No 24 Malabar Calendar 2d Sessions 1825.-

(Here enter No 799)

Read return, dated 8th Instant, from the Judges of the Provincial Court of Circuit in the Western Division,- to precept dated 2d Instant ordering communication to the Criminal Judges of the Courts orders regarding entries of dates and measurement in Criminal trials.-

(Here enter No 802)

Read letter, dated 8th Instant, from the 2d Judge on Circuit in the Northern Division, reporting the commencement of the Sessions at Chicacole.-

(Here enter No 801.)

Read return, dated 10th Instant, from the Judges of the Provincial Court of Circuit in the Western Division,- to precept dated 8th Instant ordering communication to the Magistrate of Canara of the Courts observations on case No 2 Canara Calendar 2d Sessions 1824.-

(Here enter No 803.)

At a Court of Faujdaree Udalut.

Present

Thursday, 18th November, 1824. — F. A. Grant Esqre. ... James Cochrane Esqre. } Judges
George Gowan Esqre. ... }

Read report, dated 24th Septem-
ber last, from the 1st Judge of the Provincial
Court of Circuit in the Centre Division on the
3d Quarterly Sessions for 1824 at Chittoor.—
(Here enter Rs 687)

Read also letter, dated 25th
Ultimo, from the Criminal Judge in the Zilla
of Chittoor, submitting copy of certain receipts,
issued to him by the 1st Judge, receiving in
Sessions and of his returns thereto, regarding cer-
tain arrangements in the interior economy
of the Jail.—
(Here enter Rs 743)

In the 8th paragraph of the
foregoing report the 1st Judge expresses his dis-
approbation of certain trenches, ordered by the
Criminal Judge "to be dug to serve as necessaries
"for the use of the prisoners," and in the conclu-
sion of this paragraph it is stated, that the
Surgeon having in his report on the prison
strongly objected to them, the 1st Judge has
thought it his duty "to give directions forthwith
"to the Criminal Judge to level them; and to form

thers

"others at a proper distance on the outside en-
"tirely of the compound or outer wall."-

2 The Criminal Judge in his return, dated 18th to the precept of the 1st Judge, dated 1st of September last, observes upon this sub-ject, that "trench necessaries in the jail yard "are no innovation, as the 1st Judge has suppos-ed, "but that they have been the only sort of ne-cessaries "ever made use of since the Jail was built;" that "in the opinion of the Criminal Judge they "are the best sort of necessaries for the purpose "that could be devised:" that "they have moreover "been approved by many Surgeons attached to the "station, and" that "the present Surgeon has never "expressed the smallest hint, that they were in "the least degree objectionable."-

3 The opinion which the Surgeon is represented to have given on this subject in his "report on the prisons," will be laid before the Government, and eventually come under the consideration of the Medical Board, as soon as replies shall have been received from the Pro-vincial Court of Circuit in the Centre Division to the Circular letter of the Foujdaree Adalut, transmitting copies of the letter from the Chief Secretary to Government, under date 6th August last, and of the letter from the Medical Board therein mentioned - The Court of Foujdaree Ada-lut will upon the present occasion merely ob-

serve, that in their opinion the order of the 1st Judge for the discontinuance of the use of neces-saries within the Jail compound is improper: the provision of necessaries within the walls of the Jails is, the Court believe, universal; and it appears to them, that very serious objection would attend the practice of sending prisoners outside the Jail for the relief of nature.-

4 In the 4th paragraph of the report the 1st Judge observes, that "there have been constructed on the outside of this compound "wall, and close to the eastern side of it, certain "sheds or pandals, substantially roofed and "raised sufficiently to overlook the compound "formed on that side of the outward wall; they "may be used," the 1st Judge observes, "as water-towers, though not exactly of the proper shape; but in that case" he asks "why "are there not any formed near the opposite "wall"? "Perhaps," he then observes, "they "may have been intended for the reading "and expounding of the Allahs lately reported "upon; but "this," he states in conclusion, "not a point not made the subject of spe-cific enquiry at the visit made to the "Jail."-

5 The Court of Foujdaree Adalut do not understand the intent or meaning of the remarks contained in this paragraph.

7th

of the report, regarding certain buildings outside of the Jail compound - The 1st Judge does not allege any objection against them; but avows an ignorance of their use, or object; the declaration of which does not appear to be fitly introduced into a report, made under the provisions of Section XXXVIII Regulation VII of 1802, to the Court of Judicature Westab; and upon the conjecture, thrown out by the 1st Judge in the latter part of the paragraph, the Court deem it proper to remark, that inasmuch as it would seem to rest on no foundation, and as it was in the power of the 1st Judge to obtain any explanations on the subject, which he might think necessary from the Criminal Judge, it bears an appearance of gratuitous flippancy, inconsistent with the gravity of the 1st Judge's office, and with the observance of becoming respect towards his superiors.-

6 In the 10th paragraph of the report the 1st Judge states, that "on the "present visit to the Jail complaints were made "and they appear by the Surgeons report to have "reached him at other times, that converted Chris- "tians were admitted into the Jail with articles "of provision for sale, intended for the use of "prisoners:" and "that the prisoners complained "that though they wished for the indulgence of "purchasing these articles it was out of their power

18th November 1824.- "power to do so, from a repugnance to the caste "of the people who were appointed to sell them."-

7 In the 11th paragraph of the report the 1st Judge, after mentioning that he "found two "women of this description," who "confirmed the re- "presentation of the prisoners", states "that he fi- "nally urged the Criminal Judge to exclude "these Christian sellers altogether, and leave "the Jail free from objections on the delicate "question of the scruples and prejudices of the "caste."-

8 The Criminal Judge in the 4th paragraph of his return, of which a copy ac- companies his letter, dated 18th to the precept of the 1st Judge dated 8th September last, states, that "the Jail is supplied with the articles of provision "necessary for the diet of the prisoners by dealers "of different descriptions, Christians, Brahmenes, "and Hindoos; and "that "the most particular "attention is paid by the Criminal Judge, by giving "almost daily attendance at the Bazar himself, "and causing the Cutwall to send weekly price "currents thereof of every article supplied to "the prisoners; and to see that no abuses on the "part of the bazar exist, and to prevent any "that may be attempted to be introduced."-

9 And in his return, dated 5th Octbr to a precept from the 1st Judge dated 23d September containing the injunctions cited

By

by the 1st Judge in his report for the expulsion of "Christian tellers," the Criminal Judge declared, that he "has no hesitation in stating, that the "allege complaints on the subject either to him- "self, the 1st Judge of Circuit, or to the Surgeon, are totally unfounded;" that "above a dozen persons "are engaged in supplying the Gaol with articles "of food," and "that if there were any disinclination "on the part of the prisoners to purchase the arti- "cles exposed for sale by any one of the two or "three Christians, who are allowed in common "with others to expose their articles for sale therein, "they could purchase what they require from "the other dealers, who constantly frequent the "Gaol."

10 Upon the first perusal of the 10th and 11th paras of the 1st Judge's report, the Court of Foujdaree Adaulut were disposed to think that some exclusive privileges, or extraordinary encouragement, were afforded to native dealers, converts to Christianity, in vending provisions to the prisoners in the Gaol - Under the explanation, given by the Criminal Judge in his return above cited, which the 1st Judge ought himself to have laid before the Court, the Court of Foujdaree Adaulut are of opinion, that the practice, to which the 1st Judge has here so strongly objected, is entirely free from all rational objection: in their judgment to no distinction

distinction whatever is necessary, or desirable, and all persons, whether of the Christian, Mohum- =medan, or Hindoo profession should be alike admitted to dispose of such articles, as the Criminal Judge may, under the discretion in that behalf vested in him, permit to be sold to the prisoners under his charge.-

11. In the 12th paragraph of the report the 1st Judge observes, that he is "concern- =ed to state that the orders given to the acting "Criminal Judge at the last Sessions regarding "the furnishing of mats for the prisoners to "sleep upon, have been entirely evaded, or wholly "neglected by him:" that he, the 1st Judge, "found "scarcely more than one dozen tattered, filthy "remnants of mats, which had the appearance "of being the refuse from former supplies, "long prior to the 1st Sessions of the year, "and none that bore the test of any recent "supply;" that "the servants of the jail informed" him "of supplies of mats having been ordered "since the Criminal Judge, Mr. Dacre, took "charge again of his office" and the 1st Judge concludes, he finds that "a quantity of them "have been now furnished."-

12. In the 3d paragraph of the Criminal Judge's return, dated 18th to the 1st Judge's precept dated 1st September last, he reported, that "subsequently to the "acting Judge's receiving the orders of the "1st Judge, referred to, on the subject of the "supply of mats, he the acting Judge supplied

the

18. November 1824.

"the prisoners with above 600 more mats."

13. By the extract from the proceedings of the Court of Circuit under date 21st September last, a copy of which accompanies the Criminal Judges letter of 25th ultimo, it is shewn that the foregoing return of 18th September was received by the 1st Judge three days before the date of his report.

14. Under these circumstances the Court of Foujdaree Adawlut deem it necessary to call upon the 1st Judge for an explanation of the charge, which he has brought against the late Acting Criminal Judge, of having "evaded or wholly neglected" his orders for supplying the prisoners with mats.

15. In the 11th paragraph of the report the 1st Judge remarks, that "how "the Criminal Judge can provide room to "lodge the number of prisoners at present "under his charge, which is said to be not "less than twelve hundred individuals re "remains for him to explain:" and the 1st Judge proceeds to state, that "nearly three "hundred have been received from Cuddapa" since his visit to the Jail: that he must "however observe that it can never be "said technically speaking, that the Crimi= "=nal Judge has prison room for such an "addition; and to suppose it is a most "fallacious ground to go upon;" and he concludes this paragraph with an assertion, that

3 F. R.

18th November 1824.

that so large a number of individuals cannot be sheltered in a secure manner from the inclemency of the weather "within the walls of the present Chittoor Jail."

16 It does not appear that the 1st Judge has, as it was clearly incumbent upon him to do before he addressed the foregoing observations to the Foujdaree Adawlut, called on the Criminal Judge "to explain" how he could provide room for the number of prisoners under his charge: in this as in other parts of his report the 1st Judge deals in general assertions, to the accuracy of which he brings no proof whatever, and speaks of matters as needing explanation, whereon, if explanation were necessary, he should have obtained it. The Court of Foujdaree Adawlut have before them a letter, dated 3d September last, from the Criminal Judge reporting the arrival of the 293 convicts from Cuddapa, alluded to in the report of the 1st Judge.

17. In that letter the Criminal Judge states, that "by the arrangements which "have been made in the disposition of the "apartments in the Jail of Chittoor, heretofore "occupied as guard, granary, Cook, and various "store rooms, and for which other adequate "provision had been made, the Jail has "been rendered fully capable of accommo= "=dating at this moment with safety, and "attention to the provisions of Section XXIX "Regulation X A.D. 1816, and to the convenience "and health of the prisoners, between three "and four hundred more convicts than"

"it at present contains; and "that "as soon as
"the whole of the improvements, enlargements,
"and arrangements, "which" he is "making within
"the extensive yard of the jail, with the sole
"aid of the prisoners shall be completed, and
"which it is expected they will be very shortly,
"the jail will afford accommodation (should
"it ever be necessary to apply it to that
(purpose) for at least one thousand more
"convicts than are now in" his "charge.—

16. As has been observed above, the subject of the accommodation and salubrity of the jails, generally is about to be brought under the particular consideration of the Government: and with this statement from the Criminal Judge in their possession it does not appear to the Court of Sudder Adawlut to be necessary to call for any further information on the subject in consequence of the remarks which are offered thereupon in the 1st Judge's report.—

19. In the 15th paragraph of the report the 1st Judge calls the attention of the Court of Sudder Adawlut to a list of persons "who have crowded into the Jail on various "accusations of robbery since the Sessions "commenced, and whose examinations had "not been gone through so late as the latter "end of August."

20. This description of the list of prisoners, forwarded by the 1st Judge with his report, does not appear to be correct, for

for 43 of the prisoners are certified to have entered the prison, prior to 15th July 1824, the day on which the Sessions commenced; of the remaining 197 prisoners more had been more than seventeen days before the Criminal Court, and there appears to the Court of Sudder Adawlut to be nothing remarkable in the circumstance of their being still under examination.—

Ordered, that extract of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Centre Division by precept commanding him to communicate paragraph 1, 2, 3, 6, 7, 8, 9, and 10 to the Criminal Judge in the Zilla of Chittoor for his information and guidance, and to furnish to the Court of Sudder Adawlut, for the information of the Honorable the Governor in Council, the explanation required in para 16.—

Precept returnable in ten days from and after its receipt.—

(Sent following precept No. 514)

Ordered also, that the report and the foregoing letter from the Criminal Judge in the Zilla of Chittoor with extract of these proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Honorable the Governor in Council.—

(Sent following letter No. 515)

Ans.d 10th Dec.r No. 387
In the 24th d.o 1824.

Sent 22d.

Ans.d 7th Dec.r No. 867
In the 13th d.o 1824

No 71. Sent 22.

F. C.

At a Court of the Foujdaree Adalut

Present,

Friday 19th November 1824 } F. A. Grant Esquire, George Gowan Esquire } Judges

Read again letter, dated 15th May last, from the Second Judge late on Circuit in the Western Division, transmitting case No. 2 Malabar Calendar second Sessions A. D. 1823.

Here enter No. 353

Read also letter, dated 12th Instant, from the Secretary to Government in the Judicial Department, transmitting the "copy of an opinion "of the Advocate General to the effect, that the "assault committed at sea off the port of "Cochin occurred within the Admiralty Jurisdic- "tion of the Supreme Court, and ought not to "have been tried by the Judge on Circuit," and directing the release of the prisoners in the above case.

Here enter No. 806

The Court of Foujdaree Adalut accordingly direct, that the prisoners,

1. Domingos,
2. Anove,
3. Wyahan, &
4. China Anove.

be set at liberty.

The Court of Foujdaree Adalut, having in conformity with the orders of the Governor in

18. November 1824.

the Assistant in Malabar

19. November 1824.

in Council on this case directed the release of
the prisoners dum it proper, in order to obviate
"any imprepion on the part of those individuals
"or of the community at large, that there is no
"tribunal by which offences committed at sea
"are cognizable," to direct, that the Acting
Criminal Judge do, in communicating to the
prisoners the order for their release, inform
them, that any future instance of their committing
an offence of this, or any other description,
on the seas will subject them to due punish-
ment upon conviction before the Court of
Admiralty at the Presidency.-

3. And the Court of Foujdaree
Udalut do further direct, that the Magistrates
of Malabar Canara do notify by a public
proclamation, that all manner of persons, who
may commit any crime, or misdemeanour,
on the high seas, will be brought to trial
for the same before His Majesty's Court of
Admiralty at the Presidency; and on conviction
will suffer such punishment, as may be
by law provided for the same.-

4 Ordered, that copy of the
foregoing letter from the Secretary to Govern-
ment in the Judicial Department with
extract of the proceedings of the Court of
Foujdaree Udalut, under date 5th July last,
and

19. November 1824 P. C.

and extract of
Second Judge late
Division by precept, in
-nicate such parts thereof,
Acting Criminal Judge in the Zilla
and the Magistrates of Malabar Canara,
the information and guidance of those officers
respectively.-

Sent 22 /Sent following precept No. 516./

Read letter, dated 4th September
last from the Third Judge on Circuit in the
Western Division,- Submitting case No. 5 Canara
Calendar Second Sessions A.D. 1824.-

/Here enter No 628/

The 1st and 3d Puisne Judges 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,
confirm the said futwa of the Cazee-ool-Cozat
and Mooftees aforesaid, and acquitting the
prisoner, "Ephanah"
direct that he be set at liberty;-

Sent 22. /Sent following letter No. 517.

W.K.

19

Fo 11

At a Court of Foujdaree Adalut

Present

Saturday 20th November 1824

F. A. Grant Esqr.
James Cochrane Esqr.
George Gowan Esqr. } Judges

Read letter, dated 8th Instant, from the 3d Judge on Circuit in the Centre Division, forwarding English Translations of the Futwas delivered in Cases Nos 19, 20, 24, and 31 Bellary Calendar 2d Session 1824 with copies of the warrants for execution of the Sentences, passed by him thereon, whereof the 3d Judge considers the legality to be doubtful, with reference to the provisions of Regulation VI of 1822.-

(Here enter No 796)

Concurring in the opinion offered by the 3d Judge in the 4th paragraph of his proceedings, bearing date 6th Instant, that in clause second Section III Regulation VI of 1822, the words, between "enduing Session," and "such persons," must be taken to be parenthetical, and that clause fifth of the preceding Section is directly opposed to any construction of clause second Section III, which would go to authorize an enhancement of the penalties, declared by the Regulations in force for simple Burglary, or theft in any case, "not accompanied with "wounding, or other corporal injury, nor with

an attempt to commit murder," the Court of
Foujdara Adalut do not deem it necessary to
follow the 3d Judge through the argument,
maintained in the preceding paragraphs of those
proceedings, for the purpose of upholding the op-
posite construction and will observe only, that
they do not concur in the distinction, supposed by
the 3d Judge, to be intended to be made, between
house breaking with the intent to steal, and
actual stealing.-

2 In respect to the sentences passed
by the 3d Judge on the prisoners in Cases Nos
19, 20, and 24 of the Calendar, wherein it would
appear that the 2d prisoner was declared con-
victed of Sawkah, and the remaining prisoners
to be liable to Tahmut-i Sawkah, the Court
of Foujdaree Adalut are of opinion, that if none
of the circumstances of aggravation, specified
in clauses third and fourth Section II Regulation
VI of 1822 were established, the 2d prisoner should
should be disposed of under a second futwa, ac-
cordably to Section XXI Regulation VII of 1802,
on which section it is here proper to observe,
that the Foujdaree Adalut have ruled, generally,
"that the reference therein made to the Mohum-
"medan Law in cases of theft is not intended to
"preclude the Courts of Circuit from adjudging thieves
"not exceeding 39 in addition to imprisonment
"not exceeding seven years, when such punish-
"ment

No. 11

"ment in aggravated cases may appear just
"and proper."

In the cases of the remaining pri-
3 soners, who are stated to have been declared by the
Futwa liable to Tahmut-i-Sawkah, or suspicion
of theft, the Court of Foujdaree Adalut have to ob-
serve, that the adjudication of any punishment
would be at variance with the provisions of clause
4th Section II Regulation XV. of 1803.-

The crime of theft being one,
4 for which a stated penalty is provided by the
Mohummudan Law, the cases of these prisoners does
not fall within the scope of the provisions of clause
seventh of the last mentioned section, and unless
the presumption of their guilt amounts to the de-
gree of strong presumption, mentioned in clause
third and sixth of that section of the Regulation, their cases must
under the provisions of Section XXII Regulation
VII of 1802 be referred to the Foujdaree Adalut, if
they are considered by the 3d Judge to be fully convicted.-

Ordered, that Extract of these
5 proceedings be sent to the 3d Judge on Circuit
in the Centre Division for his information and
guidance.-

Sent following letter No. 522.

At a Court of the Foujdaree Adalut.

Present.

Monday,
22d November 1824 — P. A. Grant Esqre. } Judges
James Cochrane Esqre. } Judges
George Gowan Esqre. } Judges

Read letter, dated 4th August last from the 1st Judge of the Court of Circuit in the Centre Division, submitting case No. 12 in the Chittoor Calendar 3d Quarterly Sessions 1824.

(Here enter No. 628)

The Court having maturely considered the proceedings held before the Judge on Circuit the futwas of the Provincial Law Officer and the futwa of the Cazee ool Coozat and Mooftees of the Foujdaree Adalut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and under the provisions of Section III. Regulation I. of 1822 adjudge the prisoners,

1st. Erra Vanca tadoo, and

2d. Mady Chinna Pajadoo,

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in

22d November 1824 in irons on the public roads or other public works for and during the period of their natural lives respectively.—

And under the provisions of Clause sixth Section II. Regulation XV of 1803 the Court direct that the prisoners,

2d Kathra Pauparoo, and

4th Nagadoo,

be released on producing good and sufficient security for their future good behaviour and appearance when required.—

Sent following letter No 525/

Sent 24th

F. 11.

At a Court of the Toyidaree Adalut

Present

Tuesday 23d November 1824 } F. A. Grant Esquire, James Cochrane Esquire, George Gowan Esquire } Judges

Read letter, dated 2d September last from the First Judge late on Circuit in the Western Division, submitting case No 13 Malabar Calendar first Sessions A.D 1824.—

/Here enter No 627/

The Judges of the Court of Adawlut Toyidaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them, being of opinion that the proof against the 4th prisoner "Poolikel Kuttuen," is sufficient to convict him of having aided in the murder of the deceased Kandan & Kooamoony, decree under the provisions of clause second Section II Regulation I of 1818 that their Law Officers will declare by a second futwa to what punishment the prisoner would have been liable under the Mohummudan Law, if he had been convicted of that offence.—

Ordered that extract of these proceedings be translated and delivered to

18.11 1821

23rd November 1824

22 to the Cazeroal Cozat and Mooftees of the Foujdaree Adalut.

F. A.

At a Court of the Foujdaree Adalut

Present

Wednesday 24th November 1824 } F. A. Grant Esquire, James Cochrane Esquire, George Gowan Esquire, } Judges

Read again letter, dated 4th 2d September last from the first Judge late on circuit in the Western Division, submitting case No. 13 Malabar Calendar first Sessions A.D. 1824.-

Here enter No 627/

Read the second futwa delivered in this case by the Cazee-aal Cozat and Mooftees of the Foujdaree Adalut

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 Cazeeaal Cozat, and Mooftees of the Foujdaree Adalut confirm the said futwa of the Cazeeaal Cozat and Mooftees aforesaid, and order the sentence of Cokoolut declared in the futwa, adjudge the prisoners,

4th "Poolikel Kristnen," and

6th "Arumbara, alias Paniarata Kadoongoony Panikar."

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

And

24th November 1824

And under the provisions of
clause sixth section III Regulation XV of
1803 the Court direct that the prisoner,

1st Periarata alias Haskavil
Koattan Moattan Panikar

to be released on producing good and sufficient security for his future good behaviour
and appearance when required.

Sent following letter No. 526.

At a Court of Foujdaree Adaulut

Present

Thursday 25th November 1824. — F. A. Grant Esqre. — James Cochrane Esqre. — George Govan Esqre. — } Judges

Read petitions presented by the Vakeel appearing on behalf of Enoogunty Lepchiah of Tobaccoboo, in the Zilla of Masulipatam.

(Here enter Mist. Petns No. 608 of 1824)

This is an application praying the Court of Foujdaree Adaulut will call up the record of Trial No 3 on the Calendar of the Zilla of Masulipatam for the 3d quarterly Sessions of 1824, record the proceedings thereof, punish the offenders Sunka Sathiah - Cantayloo Narsiah, and Bapparanga Mullah, against whom the petitioner thro' Vakeel preferred a charge for abuse of authority and extorting from him money and Bonds to the amount of 4000 Rupees, and restore 700 rupees and 2 Bonds to the petitioner that were recovered from the 2d of the above delinquents.

Read also letter dated 3d Ultimo from the 3d Judge of the Court of Circuit in the Northern Division forwarding copy of the Masulipatam Calendar for the 3d quarterly Sessions of 1824.

(Here enter No 717)

It appears that the above named Sunkah Sathiah is the Police Darogah of the Division of Bozjed - that the second person accused

accused or Cuntayten Narsiah, of Cheristadar of the Minor Zemindar of Nogeed, and that Baspa Badawarayer Mullah is Curnum of the Town or Village of Nogeed.-

A theft or robbery having been committed at Tookaloor within the Police Jurisdiction of Nogeed, and it having been represented during the course of the investigation that the Petitioner had received some of the stolen property, the Police Daroga of Nogeed under Section XXXV Regulation XI of 1816, appear to have pursued the accomplices into the adjoining Police Jurisdiction of Mylaveram and to have apprehended the petitioner and his Nephew Cayamnah about the 2d of december 1823.

The petitioner represents that the 2d prisoner by threats of procuring his conviction of the crime of Gang robbery, and by promises in consideration of a recompence to avert this calamity from him, extorted from him a Bribe of 1000 Rupees; 1100 rupees of which were paid in money on 19th December 1823 and that for the remainder he and his Coparceners on 24th December 1823 executed a Bond for 2000 Rupees secured by the Mortgage of his Morkpea Village, and that on the same day he executed a simple Bond payable in 2 months for the balance of 700 Rupees.- and that these Bonds were drawn out by the third prisoner Badawarayer Mullah, in the joint names Chintapatta Venkatawaniah and Dunnapanayne Venkiah.-

The petitioner having been liberated

liberated from confinement after the execution of these Bonds or about 24th December 1823 made a complaint of the above acts on 28th February 1824 to the Magistrate, which was rejected as informal, and on 26th March 1824 he finally prefers his charge forming the accusation in which Trial N23 aforesaid is grounded.

Subsequent to the complaint having been lodged before the Assistant Magistrate at Nadulipatam the Petitioner represents that the 2d prisoner Cuntayta Narsiah, on the morning of the 3d April 1824, restored the aforementioned two Bonds, and 700 Rupees in gold in part of the money paid by the petitioner for his release into the hands of a mediator named Yanamandrum Narsimmiah, for the purpose of inducing the petitioner to abandon his prosecution.-

In conclusion the petitioner represents that notwithstanding his witnesses had fully proved every count that he had charged against the prisoners the presiding Judge had acquitted and released the offenders, had ordered certain of the witnesses for the prosecution to be tried for perjury, had confiscated the 700 Rs restored by the 2d prisoner, and had lodged the two Bonds with the records of the Court of Circuit.

The Court of Foujdaree Adaulut, having maturely considered the allegations of the petitioner, and the proceedings held on the trial N23 aforesaid, forwarded by the 3d Judge of Circuit

Circuit for the Northern Division with the Ca-
-lendar for the 3d quarterly Sessions of 1824.
entirely concur in opinion with the Judge presiding
at that trial, that the charge is false and malici-
-ous; and they fully approve of his proceeding
in declaring the forfeiture of the 700 Rupees, which
it is manifest the Petitioner, or his abettor, had
fraudulently paid to the Witness Narasimmiah
in view to the conviction of the 2d prisoner: as far as
regards the 2 Bonds, the Court are of opinion that
as they have been fraudulently employed they should
not be returned, for it is manifest that they were
originally prepared in expectation of a loan, from the
persons in whose names they were drawn out, to the
Petitioner; but which loan was never made in con-
-sequence of the security offered by the petitioner not
being good and sufficient.-

The Court for the above reasons resolve
that the prayer of this petition be rejected, and that
copy of these proceedings be furnished to the petition-
-er on his application for the same.-

Read petition, presented by Jana-
-mundrum Narsimhia, Cuvella Permaul Naidoo,
Allum Bhagavantoo, Mahomed Ghalib, and
Hussen Ally.-

(Here enter Pet. No. 7 of 1824.)

The petitioners state, that they
appeared before the Court of Quarterly Sessions
at Masulipatam, lately presided by the 3d Judge,
as witnesses in case No. 3 Masulipatam Calen-
-dar 3d quarterly Sessions A.D. 1824; and that
after

F.C.

25th November 1824.- after the conclusion of the trial orders were issued by the 3d Judge, directing the Criminal Judge to commit them to take their trial for perjury; and to cause the attachment of their property in the event of their non-appearance.- The petitioners pray the Court to issue a precept to the 3d Judge, commanding him to revoke the order in question.-

2. The petitioners have quitted the jurisdiction of the Court of Circuit for the avowed purpose of avoiding a trial for perjury, ordered by the 3d Judge presiding at the 3d quarterly Sessions for 1824 at Masulipatam, under the provisions of Section VI Regulation VI of 1811.-

3 And the Court of Foujdaree Adaw-
-lut, being in possession of the 3d Judge's order for their commitment, direct that the petitioners be taken into custody, and made over to the Magistrate of Chingleput, and that the Magis-
-trate be by precept directed to take measures for transferring them to the custody of the Cri-
-minal Judge in the Zilla of Masulipatam to be by him committed for trial, agreeably to the orders of the 3d Judge, bearing date 18th septem-
-ber 1824.-

Ordered, that Extract of these proceedings be transmitted to the Magistrate in the Zilla of Chingleput by precept commanding him to receive charge of the prisoners.-

1st Janamundrum Narsimhia"
2d Cuvella Permaul Naidoo
3d Allum Bhagavantoo
4th Mahomed Calib and
5th Hasenallie"

and

and to forward them to the Criminal Judge in the Zilla of Masulipatam.-

Sent by Rum 25th

Sent following precept No 527.

Ordered also, that Extract of these proceedings be sent to the 3d Judge of the Provincial Court of Circuit in the Northern Division by precept enjoining him to communicate the same to the Criminal Judge in the Zilla of Masulipatam for his information and guidance.-

Sent 25th

Sent following precept No 528.

Read return, dated the 16th Instant from the Judges of the Provincial Court of Circuit in the Northern Division to precept dated 28th Ultimo, ordering communication to the Magistrates of the Courts' instructions relative to the legality of certain warrants.-

/Here enter No 815/

Read return, dated the 16th Instant from the 1st Judge late on Circuit in the Northern Division to precept dated 27th Ultimo calling for explanation of the Criminal Judges' proceedings in cases Nos 6 and 11 Millore Supplemental Calendar 1st Sessions 1824.-

/Here enter No 816/

Read returns dated 16th Instant from the Judges of the Provincial Court of Circuit in the Northern Division to precept dated 2d Instant ordering communication to the Judge on Circuit and the Criminal Judges of the Courts' instructions regarding the insertion of dates & distances in the records of Criminal Trials.-

/Here enter No 817/

P. C.

At a Court of Foujdaree Adalut

Present

Friday 26th November 1824 — F. A. Grant Esq.re ---- } Judges
George Cowan Esq.re --- }

Read letter dated 16th August last from the 1st Judge of the Provincial Court of Circuit in the Centre Division,- submitting cause No 11 Chittoor Calendar 3d Quarterly Session 1824.-

(Here enter No 585)

The 1st and 3d Puisne Judges 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 & Mooftee of the Foujdaree Adalut confirm the said futwa of the Cazee ool Cozat and Mooftee aforesaid, and acquitting the prisoners

1st "Tummunah"
2d "Gungadoo"
3d "Vencatasadoo" and
4th "Noroyedoo"

direct that they be set at liberty.-

Sent 29th

Sent following letter No 529.

The Witness Dhikum Sooba-roydoo, deposed before the Court of Quarterly Session, that the declarations of two of the prisoners were taken previously to his going to the Cutcherry of the Jahseeldar, that the other two were taken after his going there; and

and that he attested the four declarations.-

2 The irregularity and illegality of causing the declarations of prisoners to be attested by persons, not present at the time of their being reduced to writing, has been so repeatedly noticed by the Court of Zoujdaree Adaulut, that they cannot but regard the conduct of the Tahseeldar on this occasion, as deserving of severe punishment.-

3 The Court of Zoujdaree Adaulut direct, that the conduct of Meer Safir Alee, the district Police Officer, be brought to the notice of the Magistrate with an intimation of the Court's opinion, that he merits a severe fine.-

4 Orders, that Extract of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Centre Division by precept requiring him to communicate the same to the Magistrate of Chittoor for his information and guidance.-

Sent 29.

(Sent following precept No 530.

Read letter dated 9th October last from the 1st Judge on Circuit in the Southern Division submitting Case No 14 Madura Calendar 2d Sessions 1824.-

(Here enter No 699)

The 1st and 3d Puisne Judges having maturely considered the proceedings held before the Judge on Circuit the futwa of the Provincial Law Officer and the futwa of

of the Cazee ool Cozat and Mooftee of the Zoujdaree Adaulut confirm the said futwa of the Cazee ool Cozat and Mooftee aforesaid and under the provisions of Section III Regulation I of 1822 adjudge the prisoners

1st "Mookroopoory"
2d "Palany"
3d "Perea Curpen" and
4th "Pottyen"

to receive 39 stripes with a rattan and to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of seven years and then be released.-

Sent 29th

(Sent following letter No 531.

Read letter, dated 20th September last from the 2d Judge late on Circuit in the Centre Division,- submitting case No 2 Cuddapa Calendar 1st Sessions 1824.-

(Here enter No 662)

The 1st and 3d puisne Judges 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 Zoujdaree Adaulut confirm the said futwa of the Cazee ool Cozat and Mooftee aforesaid and under the provisions of Section III Regulation I of 1822 adjudge the prisoners,

1st "Kobanaick"
2d "Kurree"

13th " Auvoojie "
14th " Latchmiah "
15th " Buddoo "
16th " Heera "
17th " Jaganah "
18th " Purdoo "
19th " Ragoonad "
20th " Hasan "
21st " Ananda "
22nd " Ragah "
23rd " Shookoora "
24th " Gopah "
25th " Hako "
26th " Soka "
27th " Ramoo "
28th " Dumnah "
29th " Linga
30th " Grasura "
31st " Ravoojee "

to receive 39 stripes with a rattan, and to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives respectively.-

Sent 29th

Sent following letter No 532.

In the letter accompanying the trial the third Judge observes. "That the defence of the prisoners before the Court of Circuit is in Dekhinnee, or Hindoostanee, that "the confessions

26th November 1824.- "confessions of the prisoners before the Police and "the Criminal Court are in the Teloogoo;" and that "the prisoners profess to speak only the Hindoostanee, and dwell in Gentoos' having written "the declarations".-

2 Section XXVIII Regulation IX, and Section XVI Regulation X of 1816 prescribe, that all examinations and depositions taken before the Magistrates, and the Criminal Judges respectively, shall be "taken and written "in the language, in which the deponents may "desire to have the same recorded."

3 The same rule ought to be observed by the Heads of District Police in taking down depositions generally, but more especially confessions, delivered before them by prisoners.-

4 The Court of Foujdaree Adawlut remark, that the rule prescribed in Section XVI Regulation X of 1816 on this subject, is always observed by the Criminal Judge in the Zilla of Canara, whose examination of parties and witnesses invariably commences with a question, as to the language in which the deponent may wish his deposition to be taken down.- The Court are however satisfied that the rule is regularly observed by the Criminal Judges, and Magistrates generally, & they deem it therefore proper on the present occasion to direct, that the attention of the several Criminal Judges be particularly called to this subject, and that the Magistrates be directed

directed to instruct the Heads of District Police under their authority to attend to the rule above mentioned in their examinations of parties and witnesses, as far as may be in their power, recording in any instance wherein there may be no person at hand capable of writing the language wherein by the Deponent, that such was the case; and certifying in all such cases, that the translation of the deposition has been carefully explained to the said deponent, previously to his affixing his mark or signature thereto.

Ordered, that Extract of these proceedings be sent to the 2d Judge Circuit in the Centre Division for his information and guidance.

Sent 29th C.D. 7th February No 125 and further 21st ... 1825

(Sent following letter No 533.

Ordered also that Extract of these proceedings be sent to the four Provincial Courts of Circuit by precept requiring them to communicate the same to the several Criminal Judges and Magistrates for their information and guidance.

Sent 29th

(Sent following precept No 534.

Read letter, dated 22d September last, from the 3d Judge on Circuit in the Centre Division, submitting case of Cud da pa Rahwar 2d Sessions 1824.

(Vide enter No 865)

The 1st and 3d Puisne Judges having maturely

having maturely considered the proceedings held before the Judge on Circuit the Justices of the Provincial Law Officer and the Justices of the Cazee ool Cozzat and Mooftees of the Pongaree Adawlut confirm the said Justices of the Cazee ool Coozat and Mooftees aforesaid and under the provisions of Section III Regulation I of 1822 adjudge the prisoners said

1st "Mahommed Saket," and

2d Mala Cario Pooleyadoo,

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond Seas as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives respectively.

Sent following letter No 535.

Sent 1st Dis.

It appears by the record of the proceedings held before the Court of Circuit in this case, that the 3d Judge omitted to question the attesting witnesses to the declarations of the prisoners before the District Police, regarding the subject matter of those declarations, and to cause the said declarations to be read aloud.

The Court of Pongaree Adawlut deem it proper to notice these omissions to the 3d Judge, and to apprize him that in the opinion of the Court the regular mode of

26th November 1824

of proceeding in such cases is first to examine the attesting witnesses in respect to the subject matter of the prisoner's declaration, and afterwards to cause the declaration to be read aloud to the witnesses, entering a remark in the record of proceedings, that such has been done.

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 No. 536

Cert & Dw.

Ex Mp Ck

F 11

At a Court of Foujdaree Adaulut

Present

Saturday 27th November 1824.

J. A. Grant Esqre —
James Cochrane Esqre — } Judges
George Gowan Esqre —

Read again letter, dated 29th Ultimo from the Criminal Judge in the Zilla of Bellary transmitting copy of a warrant for the banishment of four convicts to any Zilla which may be selected by the Foujdaree Adaulut.-

(Vide entry No. 702)

Read also letter, dated 13th Instant from the Criminal Judge in the Zilla of Bellary forwarding copy of a precept from the 3d Judge on Circuit, directing him to suspend execution of the warrant issued for the banishment of the convicts aforesaid.-

(Vide entry No. 808)

The sentence of the 3d Judge, in execution of which the above warrant was issued, having been set aside by the Court of Foujdaree Adaulut as contrary to law;

Ordered that Extract of these proceedings be sent to the Criminal Judges of Bellary and Chittoor in order that they may be apprized that the Court's orders of the 6th Instant for the removal to Chittoor of the prisoners,

pro

27th November 1824

1st "Seeniah"
2d "Govindoo"
3d "Condaoo" and
4th "Veneategah"

is cancelled.—

Sent 30th

(Sent following letter & 537.

Mr Cochrane
Mr Cowan

Read letter dated 31st August last from the 2d Judge late on Circuit in the Centre Division, submitting case No 6 Cuddapa Calendar 1st Sessions 1824.—

(Here enter No 599)

Read letter dated 8th September last from the 2d Judge late on Circuit in the Centre Division, submitting case No 7 Cuddapa Calendar 1st Sessions 1824.—

(Here enter No 619)

The 2d and 3d Judges having maturely considered the proceedings in Cases Nos 6 & 7 before the Judge on Circuit the futwas of the Provincial Law officer and the futwas of the Cazee and Cozat and Mooftee of the Tuydaree Adawlut being of opinion that the proof against the prisoners

1st "Madega Govindoo"
3d "Mala Tiffadoo"
4th "Chinna Bala Goorwegadoo"
5th "Balegadoo"
6th "Soora Daffany Bhegadoo"
7th "M Balegadoo"

27th November 1824.

8th "Yerravadoo"
10th "Soobadoo"
11th "Machygadoo"
12th "Goorvegadoo"
13th "Vencata Naregadoo"
14th "G Guruvadoo"
15th "Peeda Naregadoo" and
16th "Vencate putty"

in case No 6 is sufficient to convict them of the crime of robbery by open violence for which a penalty is specially denounced in section III Regulation I of 1822 to under the authority vested in them by clause first section II Regulation I of 1818 adjudge the said prisoners

1st "Madega Govindoo"
3d "Mala Tiffadoo"
4th "Chinna Bala Goorwegadoo"
5th "Balegadoo"
6th "Soora Daffany Bhegadoo"
7th "M. Balegadoo"
8th "Yerravadoo"
10th "Soobadoo"
11th "Machygadoo"
12th "Goorvegadoo"
13th "Venkata Naregadoo"
14th "G Guruvadoo"
15th "Peeda Naregadoo" and
16th "Vencata putty"

to receive 30 Stripes with a rattan and to be remanded to the Jail in the Zilla of Chittoor there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during

27th November 1824.

during the period of 14 years.-

And under the provisions of clause sixth Section II Regulation XV of 1803 the Court direct that the prisoners

2d "Timmoojaroo"
9th "Mala Vabegaroo"
17th "Pindadegaroo" and
19th "Mala Cadagaroodoo"

in case No 6 and the prisoners

7th "M Nulla Venkatah" and
9th "Coparoo"

in case No 7 be released on producing good and sufficient security for their future good behaviour and appearance when required.-

(Sent following letter No 538.)

Read return dated 9th Instant from the 1st Judge late on circuit in the Northern Division to precept dated 10th Instant calling for the report prescribed by Section XXXVII Regulation VII of 1802.

(Here enter No 827)

The report of the 1st Judge submitted with the above return contains no matter which calls for observation from the Court of Tanjore Zillah.

Ordered, that the report and extract of these proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Honorable the Governor in Council.

(Sent following letter No 539.

Mr Grant
Mr Cochrane
Mr Cowan

No 741 Sent 30th

X

T. C.

At a Court of the Tanjore Zillah.

Present,

Tuesday 30th November 1824.

J. A. Grant Esqre } Judges.
George Cowan Esqre }

Read return, dated 16th Instt, from the 2d Judge on Circuit in the Northern Division, to precept dated 17th August last directing him to refer for the final Judgment of the Court of Tanjore Zillah in case No 11 Nellore Calendar 2d Sessions A.D. 1824 to take a second Juttwa in case No 12 and to explain the circumstances of cases Nos 17, 18, 19, 20, 21, 22, 37, 38, 39, 40, and 41.-

(Here enter No 730)

The 1st and 3d Puisne Judges having maturely considered the proceedings held before the Judge on Circuit the Juttwa of the Provincial Law Officer and the Juttwa of the Cazee ool Coozat and Mooftees of the Tanjore Zillah confirm the said Juttwa of the Cazee ool Coozat and Mooftees aforesaid and in commutation of the penalty of Dayut adjudge the prisoner,

Sumbajoo Kistnamah,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the

30th November 1824

the period of four years to be calculated from 10th August 1824 and then be released.-

Sent 2 Dec.

Sent following letter No 545/

In the foregoing return the 2d Judge states, that the cases Nos 17, 18, 19, 20, 21, 22, 37, 38, 39, 40, and 41 were not attended with wounding or other corporal injury; but that the 2d Judge at the time of passing sentence considered the crimes of Burglary and theft specifically provided for (in) Clause first Section II Regulation VI of 1822, and as the cases in the Calendar were aggravated by repetition and consequently beyond the power of the Criminal Judge to punish, he thought he was interpreting the Regulation correctly by sentencing the prisoners under Clause fourth Section II Regulation VI of 1822.-

2. Under the explanation here given by the 2d Judge it appears to the Court of Sudder adalut, that the several cases above enumerated fall under the provisions of Clause fifth Section II Regulation VI of 1822, no specific penalty being provided in that Section for any cases, excepting those described in Clauses third and fourth.-

3. In the sentence delivered on cases No 16, 17, 18, 19, 20, and 21 the exception in bar of a sentence for the specific penalty was of the nature described in

30th November 1824

Clause fourth Section II Regulation XV of 1803; and a second future ought therefore to have been taken.-

4 As, however, the sentence passed by the 2d Judge on the prisoner would have been legal under the provisions of Section XXI Regulation VIII of 1802. the Court do not deem it necessary to disturb it.-

5 For the same reason the sentence passed in case No 22 may stand.-

6. But inasmuch as the sentences on cases No 37, 38, 39, 40, and 41 are at variance with the provisions of Section XXI Regulation VIII of 1802, the Court direct, that the 2d Judge do take a second future from the Law Officer upon those cases, and pass sentence accordingly referring the trials should a mitigation of the punishment prescribed in that Section appear to him to be necessary.-

Ordered, that extract of these proceedings be sent to the 2d Judge on Circuit in the Northern Division by precept requiring him to proceed as herein directed, making return in fourteen days from and after its receipt.

Sent following precept No 546

Read letter, dated 14th ultimo from the 2d Judge on Circuit in the Northern

Ans. 29th Dec. Nos noted in pa 5th January 1825

2 Dec.

30 November 1824 Northern Division, submitting cases No 30 and 34 Nellore Calendar 2d Sessions AD 1824.-

(Here enter No 736)

1. In the letter accompanying the foregoing trial the 2d Judge observes, that the prisoner "was committed for trial "before the Court of Circuit in these numbers "as well as in Nos 29, 31, 32, 33, and 35;" that "the joint finding of the Law Officer convicts "the prisoner in Nos 29, 30, 33, 34 and 35 and "declares him liable to Accobat, and "acquits him in Nos 31 and 32."-

2. On reference to the Nellore Calendar for the 2d Sessions of 1824 the Court of Sunjdaree Adawlut observe, that case No 29 is set down for reference to the Sunjdaree Adawlut, and in Nos 31, 32 33, and 35 the Court are referred by a note to the order on case No 29, from which it would seem, that these cases also are intended to be referred for the final judgment of the Court of Sunjdaree Adawlut.

3. The Court nevertheless are doubtful whether, or not it be the intention of the 2d Judge to refer either of the cases mentioned in the preceding paragraph; the reference of which may not be necessary, if the prisoner should be sentenced to transportation for life in Nos 30 and 34, provided the finding had

2. F. H.

30th November 1824.

had the concurrence of the 2d Judge: on this point, however, it is necessary that information should be afforded.-

4. The Court of Sunjdaree Adawlut must here observe upon the extraordinary irregularity of taking one finding on several cases, in which the charges are of descriptions wholly dissimilar.-

5. It is only when a prisoner "may be brought to trial in two or more "cases on the same Calendar all of which "are described to be similarly circumstanced," that separate findings on each particular case can be dispensed with: the charge in No 29 is for robbery by night from a dwelling house; in No 30 for highway robbery by open violence; in No 31 for stabbing a police person; in No 32 for highway robbery by open violence; in No 33 for escaping from his guards; in No 34 for robbery by open violence; and in No 35 for breaking Jail.-

6. On Nos 30, 32 and 34 the requisition of a joint finding might not have been irregular; but on cases Nos 29. 31, 33, and 35 separate findings should have been taken.-

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

30th November 1824 Circuit in the Northern Division by precept requiring him to report whether cases Nos 29, 31, 32, 33, and 35 of the above Calendar are, or are not, preparing for reference.-

Precept returnable in two days from and after its receipt.-

Suit Dismd. (Suit following Precept No 547)

W.

P. C.

At a Court of the Adawlut Adalut.

Present,

Wednesday 1st December, 1824. J. A. Grant Esqre. James Cochrane Esqre. George Gowan Esqre. } Judges.-

Read letter, dated 13th October last, from the 2d Judge on Circuit in the Northern Division,- submitting case No. 9. Nellore Calendar 2d Sessions 1824.- (Hereunto No 733)

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 cal Coozat and Mooftees of the Adawlut confirm the said futwa of the Cazee cal Coozat and Mooftees aforesaid and under the provisions of Clause first Section IV Regulation XV of 1803 adjudge the prisoners,

2d "Mamneconda Boochegadoo," and

6th Namah Venkatasagadoo,

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

And under the provisions of Clause fifth Section IV Regulation XV of 1803 the Court adjudge the prisoners,

1st "Namah Bulladoo,"

3d "Mamneconda Veeradoo,"

4th

1st December 1824

4th "Namah Chintadoo," and
5th "Condamoory Venkadoo"

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond Goa as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives respectively.-

(Sent following Letter No 548)

The record of the proceeding in this case contains a report, signed by the Head of the village of Arramuna, and certain of the inhabitants, who assembled to view the body of the deceased, as required by the provisions of Section XIII Regulation XI of 1816.-

2

This report is dated "in the month of February 1824".-

3

The proceedings held by the Native officers of police, should always bear the Native date, which alone it is manifest can be correctly known to them.-

Ordered, that extract of this proceedings be sent to the 2d Judge on Circuit in the Northern Division by precept enjoining him to communicate the same to the Magistrate of Nellore for

1st Dec 1824

Sent

for the purpose of its being notified to the Head of the village aforesaid.-

(Sent following precept No 549)

Read return dated 23d Ultimo from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated 15th Instant ordering communication to the Criminal Judges of the Courts opinion that they have power to correct illegal sentences passed by their Assistants.-

(Here enter No 829)

Read return, dated 24th Ultimo from the Judges of the Provincial Court of Circuit in the Western Division to precept dated 15th Instant ordering communication to the Criminal Judges of the Courts opinion respecting the power of a Zilla Judge to over-rule an illegal sentence passed by his Assistant.-

(Here enter No 838)

Read return dated 29th Ultimo from the Magistrate in the Zilla of Chingleput to precept dated 25th Instant ordering him to receive and forward to Masulipatam certain prisoners charged with perjury.-

(Here enter No 841)

At a Court of the Foujdaree Adaulut

Present,

Monday 6th December 1824. — F. A. Grant Esqre. / George Gowan Esqre. } Judges.

Read letter dated 13th October last from the 2d Judge on Circuit in the Northern Division, submitting cases Nos 14 and 15 Nellore Calendar 2d Sessions 1824.—

(Here enter No. 735)

The 1st and 3d Puisne Judges having maturely considered the proceedings held in cases Nos 14 and 15 before the Judge on Circuit the futwas of the Provincial Law Officers and the futwas of the Cazee ool Coozat and Mooftees of the Foujdaree Adaulut confirm the said futwas of the Cazee ool Coozat and Mooftees aforesaid and acquitting the prisoners,

1st C. Dibbadoo,
2d S. Sashoo,
3d S. Condadoo, and
4th S. Nareegandoo,

direct that they be set at liberty.—

(Sent following letter No. 555)

1 to 19

The evidence in these cases against the prisoners is so essentially defective as to render their conviction of any part of the offences charged against them entirely

entirely out of the question, and it does not in the opinion of the Court of Foujdaree Adaulut warrant the requisition of security from them on the ground of suspicion.-

2

Of the defectiveness of the evidence the 2d Judge in the 4th para of his letter accompanying the trial avows his impression, but it does not appear, that he took any steps to cause the defects to be supplied.-

3

The Court are desirous of being informed whether any measures were taken by the Criminal Judge to obtain further evidence against the prisoners.-

4

There is nothing on the record to shew that Lutchmee Narsoo, the Police Officer before whom the confessions of the prisoners were taken, had authority to take them. The 2d Judge has not as required by the standing orders of the Foujdaree Adaulut, certified to his being an officer specially appointed under section III. Regulation IV of 1821. The statement in the nature of an indictment required by the orders of the Foujdaree Adaulut to be appended to the proceedings of the Criminal Judge, is omitted in these cases.-

5

The reason assigned by the

2d Judge for not examining the witnesses on behalf of the 2d and 4th prisoners is wholly insufficient, and at variance with the instructions of the Court, that objections to evidence founded on the provisions of the Mohummedan Law, are not to exclude such evidence from Criminal trials. It is open to the Court of Foujdaree Adaulut to give to the evidence of a single witness all the force, that is considered entitled to by the Law of England.-

6

In conclusion the Court of Foujdaree Adaulut have to remark, that the 2d Judge in referring these trials has not offered any distinct opinion as to the guilt, or innocence of the prisoners as required by the Regulations: his letter concludes with the observation, that "it is scarcely possible to give an opinion "whether they are, or are not guilty-because "it is impossible to say how the declarations "of the prisoners were obtained by the "Police Officer."-

7

Such being the sentiments of the 2d Judge, his reasons for referring the trial are not clear: being in possession of the recorded opinion of the Court of Foujdaree Adaulut, that here unsupported confessions before

a

6th December 1824

a native officer of Police are altogether insufficient for conviction; and knowing that the accused is entitled to the benefit of any doubt which after a full investigation of all the evidence against him may exist in respect to his guilt, the Court are at a loss to account for the 2d Judge's dissent from the future of acquittal after the trial had been brought to a conclusion.—

Ordered, that a extract of these proceedings be sent to the 2d Judge on Circuit in the Northern Division by precept enjoining him to make the necessary communication to the Criminal Judge and to forward his reply for the information of the Court of Fouzdaree Adalut.—

Act 4th ... 14th Sang 84 corrected by Reg 23d July 1825

Sent following precept No 556

Read letter, dated 9th October last from the 1st Judge late on Circuit in the Northern Division - submitting case No 2 Chicacole Calendar 1st Sessions 1824.—

(Hereunto No 714)

The 1st and 3d Puisne Judges having maturely considered the proceedings held before the Judge on Circuit the future of the Criminal Law Officer and the future of the Cazee ool Cozat and Mooftees of the Fouzdaree Adalut confirm

F. U.

6th December 1824

confirm the said future of the Cazee ool Cozat and Mooftees aforesaid and acquitting the prisoners,

1st Dummoo Mallegaudoo, and
2d "Buchah Appreegaudoo,"

direct that they be set at liberty.—

(Sent following letter No 557.

In this case the statement in the nature of an indictment, required by the orders of the Court of Fouzdaree Adalut to be appended to the proceedings of the Criminal Judge has been omitted.—

1

The Court having recently pointed out to the first Judge the irregularity of this omission, deem his continued negligence on this point to be very reprehensible.—

2

The only evidence against the prisoners is a confession alleged to have been given by him before an Officer of Police, which is not corroborated by any collateral evidence whatever.—

3

The Court of Fouzdaree Adalut think that the Criminal Judge of Chicacole be advised of their opinion, that it was incumbent upon him to have used endeavours to procure better evidence before he committed the prisoners for trial.—

4

To have uncorroborated confessions

5

6th December 1824

confessions before the native officers of Police the Court of Sunjarce Adalut have uniformly declared that credit is not to be given: the Court are, therefore, surprised that the 1st Judge should have grounded his dissent from the futwa of acquittal upon this evidence alone: and his reference of the trial under these circumstances is considered by them to be indicative of a culpable inattention to instructions, with which it is most palpable that he should be fully acquainted.

Ordered, that extract of these proceedings be sent to the 1st Judge late on Circuit in the Northern Division by precept commanding him to communicate to the Criminal Judge in the Chicacole Zillah of Chicacole such part thereof as concerns that officer for his information and future guidance.

Sent following precept No 559.

Read letter, dated 7th October last, from the 1st Judge late on Circuit in the Northern Division, submitting case No 1 Chicacole Calendar 1st Sessions 1824. (Vide enter 15th inst.)

The 1st and 3d Puisne Judges having maturely considered the proceedings held before

Ans.d 11th Dec.r No 389 to Zillah of Chicacole such part thereof &c entered in the 13th Jany 1825

6th December 1824

before the Judge on Circuit the futwa of the Provincial Law Officer and the futwa of the Cazee and Coogat and Mooftee of the Sunjarce Adalut confirm the said futwa of the Cazee and Coogat and Mooftee aforesaid and acquitting the prisoner,

Cundee Appiah,

direct that he be released at liberty.

(Sent following letter No 559.

P. C.

At a Court of the Bujdaree Udalut

Present,

Tuesday 7th December 1824. } P. A. Grant Esqre. } Judges.
James Cochrane Esqre. }
George Gowan Esqre. }

Read letter, dated 19th October last, from the 2d Judge on Circuit in the Northern Division, submitting case No. 36 Nellore Calendar 2d Sessions 1824.

(Here enter No. 737)

The Judges of the Court of Bujdaree Adaulut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner Sk. Rahim Saheb, is sufficient to convict him of Manslaughter de[illegible] under the provisions of Clause second Section II Regulation I of 1818 that their Law Officers will declare by a second futwa to what specific punishment the prisoner would have been liable under the Mohummedan law if he had been convicted by full legal evidence of the above crime.-

Ordered, that extract of these proceedings be translated and delivered to the Cazee ul Cozat and Mooftee of the Bujdaree Udalut.

F. C.

F. C.

At a Court of the Poojdaree Adalut.

Present,

Thursday, 9th December 1824. } W. A. Grant Esqre. James Cochrane Esqre. George Gowan Esqre. } Judges.

Read again letter, dated 1st October last from the 2d Judge on Circuit in the Northern Division, - submitting case No 36 Nellore Calendar 2d Sessions 1824 - (Here enter No 737)

Read the second futwa delivered in this case by the Cazee ool Coozat and Mooftees of the Poojdaree Adalut -

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 Coozat and Mooftees of the Poojdaree Adalut confirm the said futwas of the Cazee ool Coozat and Mooftees aforesaid and in commutation of the penalty of Degut adjudge the prisoner,

Ps Rahim Saheb,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of nine years and then be released -

Sent following letter No 562.

Read

Read letter, dated 8th Septr last, from the 1st Judge on Circuit in the Southern Division - submitting case No 6 Cannanore Calendar 2d Sessions 1824 -

/Here enter No 849./

The Court having maturely considered the proceedings held before the Judge on Circuit the futwa of the Criminal Law Officer and the futwa of the Cazee ul Cozat and Mooftees of the Tanjore Court but confirm the said futwa of the Cazee ul Cozat and Mooftees aforesaid and under the latitude given by the Sentence of Circuit direct that the prisoner Sheroungaren be set at liberty -

/Court following letter No 563.

Read letter dated the 16th Ultimo from the 1st Judge late on Circuit in the Centre Division - with returned warrant for execution of prisoner in case No 9 Bellary Calendar 1st Sessions 1824 -

/Here enter No 851./

Read letter, dated the 27th Ultimo from the 2d Judge on Circuit in the Northern Division - Reporting his intention to leave Chicacole on the 27th Ultimo -

/Here enter No 853./

Read return, dated 27th Ultimo from

from the 2d Judge late on Circuit in the Western Division to precept dated 19th Ultimo ordering communication to the Criminal Judges and the Magistrates of Malabar and Canara of the Courts instructions respecting case No 2 Malabar Calendar 2d Sessions 1823 -

/Here enter No 856./

Read return, dated 29th Ultimo from the Judges of the Provincial Court of Circuit in the Northern Division to precept dated 15th Ultimo ordering communication to the Criminal Judges of the Courts opinion relative to the power of a Criminal Judge to set aside an illegal sentence of his assistants -

/Here enter No 857./

At a Court of the Poydaree Adalut

Present,

Friday 10th December 1824. } F. A. Grant Esqre } Judges.
George Gowan Esqre }

Read letter, dated 4th October last, from the 3d Judge of the Provincial Court of Circuit in the Northern Division, - submitting case No. 1 Masulipatam Calendar 2d Quarterly Sessions AD 1824 -

(Here enter No. 715)

The 1st and 3d Puisne Judges having maturely considered the proceedings held before the Judge on Circuit the futwas of the Provincial Law Officers and the futwa of the Cazee and Coryat and Mooftee of the Poydaree Adalut confirm the said futwa of the Cazee and Coryat and Mooftees aforesaid and under the provisions of Section III Regulation I of 1822 adjudge the prisoners,

1st "Matta Nagoolao,"
2d "Poddapoody Suwadoo,"
3d "Dawarapilly Gungadoo,"
4th "Potoomoody Seshadoo," and
5th Yalah "Sattiegandoo,"

to be imprisoned and transported to such place or places beyond Sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of

of their natural lives respectively -

And under the sentence of
Cochoolut declared against the prisoner
6th Isakala Nadeyandoy
direct that he be set at liberty -

Sent following letter No 564.

Sent 14th

1
The prisoner in this case were
charged with having been part of a gang
that entered and plundered the house of
the prosecutor -

2
The Law Officers of the Court
of Poujdaree Adawlut have declared in their
futwa, that the 6th prisoner is convicted
of knowingly concealing the plundered
property: had this prisoner been arraigned
on this charge the Court would have adjudged
him to suffer such punishment as
might appear proper under the provisions
of Section IV Regulation VII of 1832, but as
there is no proof of his having been one of
the gang that entered and plundered the
prosecutor's house, the Court do not
consider that he can be adjudged to suffer
any punishment under that charge, and
have therefore directed his release -

Ordered, that extract of these
proceedings be sent to the 3d Judge of the
Provincial Court of Circuit in the Northern
Division for his information -

Sent following letter No 565.

Sent 12th

Read letter, dated 13th October last,
from the 3d Judge on Circuit in the Centre
Division - submitting case No 34 Cuddapa
Calendar 2d Sessions 1824 -
(Here enter No 76.)

The 1st and 3d Puisne Judges 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 Poujdaree
Adawlut being of opinion that the proof
against the prisoner, Yacary Yerrapah, is
sufficient to convict him of the crime of
robbery by open violence for which a
penalty is specially denounced in Section
III Regulation I of 1822 do under the provisions
of Clause first Section II Regulation I
of 1818 adjudge the said prisoner,

Yacary Yerrapah,

to be imprisoned and kept to hard labor
in irons on the public roads or other public
works for and during the period of nine
years and then be released -

Sent following letter No 566.

Sent 14th

Read letter, dated 16th October last,
from the 2d Judge on Circuit in the Northern
Division, - submitting case No 13 Nellore
Calendar 2d Sessions 1824 -
(Here enter No 74.)

The 1st and 3d Puisne Judges having
maturely considered the proceedings held
before

10th December 1824

before the Judge on Circuit the Justices of the Provincial Law Officers and the Justices of the Cazeeiool Bozgat and Moofties of the Sudder adawlut being of opinion that the proof against the prisoner Pt B Anundah, is sufficient to convict him of the crime of robbery by open violence for which a penalty is specially denounced in Section III Regulation I of 1822 do under the authority vested in them by Clause first Section II Regulation I of 1818 adjudge the said prisoner,

Pt B Anundah

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of nine years and then be released.-

And under the provisions of Clause sixth Section II Regulation XV of 1803 the Court direct that the prisoners,

2d B Beenah
3d B Khajmah and
4th B Holasy

be released on procuring good and sufficient Security for their future good behaviour and appearance when required.-

(Sent following letter No 587

2d
—
Wc

Sent No

W

J. H.

At a Court of Foujdaree Adawlut

Present:

Monday 13th December 1824.- J. A. Grant, Esqre ..... } Judges.
James Cochrane, Esqre }
George Gowan, Esqre ..... }

Read letter dated 7th Instant from the Secretary to Government in the Judicial Department.- stating that the Governor in Council entirely approves the observations recorded by the Court on the report of the 1st Judge Provincial Court of Circuit in the Centre Division on the 3d Quarterly Sessions Gaol Delivery at Chittoor for 1824.-

(Here enter No 807)

Ordered, that a copy of the foregoing letter be sent with Extract of the proceedings to the 1st Judge of the Provincial Court of Circuit in the Centre Division by precept commanding him to communicate the 3d paragraph of the above letter to the Criminal Judge of Chittoor for his information.-

(Sent following letter No 573

Wc

Read

1st ... 17th Dec.r No 892.
2d ... 24th ... 1824.
3d

13th December 1824

Read letter, dated 27th Ultimo
from the 2d Judge in Circuit in the Northern
Division, - submitting copy of Cheerah Cubbar
2d Sessions A.D. 1824.
(Serpentine Rs 867)
In case No 10 of the Calendar
the prisoner stood charged with having murdered
Sullyandoo, the son of the prosecutor aged 10
years by beating him with a stone on his temple
on the sand hills at Three Coormaun and
stealing his ornaments to the value of
6 Rupees. -

By the abstract of the examinations it appears, that several witnesses deposed that there was a wound on the left temple of the deceased, which appeared to have been inflicted with a stone; that certain ornaments, admitted by the prisoner to have belonged to the deceased, were found concealed in his possession, and that the pit into which the prisoner said, that the deceased had fallen and to met his death, was about two cubits deep, and had no stones but sand at the bottom. -

By the futwa the prisoner was declared to be not convicted, and the 2d Judge concurring in the futwa directed his discharge. -

The Court of Sujdanee Adalut direct that a copy and English translation of the futwa delivered in this case be laid before them, with a particular explanation from the 2d Judge of his grounds for concurring in the acquittal of the prisoner; and adverting to the ulterior instructions which they may eventually deem it their duty to issue thereupon the Court direct that the 2d Judge do issue a precept to the Magistrate to take Mylapie Day Veerapandoo into custody, and detain him until further orders. -

Precept returnable in five days from and after its receipt. -

(Sent following precept No 574.)

At a Court of the Foujdaree Adaulut

Present.

Wednesday 15th December 1824 — F. A. Grant Esqre. } Judges
George Gowan Esqre. }

Read letter, dated 27th October last, from the Acting Judge on Circuit in the Western Division, — submitting case No 2 Malabar Calendar 2d Sessions 1824.

(Here enter No 771.)

Read also remarks of the Cazee al Coozat and Mooftees of the Foujdaree Adaulut.

(Here enter Remarks)

The Court direct that the record of the proceedings held in this case be returned to the 3d Judge on Circuit in the Western Division, accompanied by the remarks of the Law Officers of the Foujdaree Adaulut, in order that the additional proceedings therein described may be held by the 3d Judge, or in the event of his having quitted the said station by the acting Criminal Judge under the 3d Judge's orders, and that authenticated translations in English and Persian of such additional proceedings may be annexed to the Record, on which the 3d Judge will thereupon retransmit for the final

to

15th December 1824

Final orders of the Court of Tayabas (Cabt

Precept returnable within one months from and after its receipt

Cont. following precept 1576.

Read return dated 4th Instant from the 3d Judge of the Court of Circuit in the Northern Division to precept dated 26th Ultimo ordering communication to the Criminal Judge in the Villa of Masulipatam of the Court's orders for the commitment of certain prisoners for perjury.-

Here enter No 866

Read return dated 6th Instant from the Judges of the Provincial Court of Circuit in the Western Division to precept D. dated 26th Ultimo ordering them to call the attention of the Criminal Judges and Magistrates to the provisions of Section XXVIII. Regulation IX and Sec. XVI Regulation X of 1816.-

Here enter No 871.

Read letter dated 13th Instant from the 3d Judge on Circuit in the Northern Division, Reporting his arrival at Chicacole

Here enter No 876

Read return, dated 13th Instant from the 3d Judge on Circuit in the Eastern Division to precept dated 5th Ultimo ordering him to recall the warrant issued for execution of the sentence passed on the 5th Prisoner in Cabt Nos 870 Cassapa Chinna, 2d Instant 1824.-

Here enter No 877

Fll.

Return for returning the record of proceedings in case No 2 Malabar Calunoor 2d Instant A.D. 1824.-

Although the prisoner Ruputa Peruguma Davi Mayah stated before the Criminal Judge, that she threw her son into the water, yet this statement does not convey a clear confession of having thrown him alive into the water, nor does it even raise a strong presumption that she did so; because in her defence she states that after the child died she threw the body into a tank.-

The prisoner's declaration before the Magistrate contained an explicit confession, that she threw her son alive into the water: but no evidence to the correctness of that declaration was taken.-

It is, therefore, requisite that the Judge of Circuit should cause the prisoner's declaration before the Magistrate to be read to her, and if she shall acknowledge it, it is well; if not the Judge should call for the attesting witnesses

Ordered, that extract of these proceedings be translated and delivered to the Cazee-ool: Cozat and Mooftee of the Tayabas Adawlut.-

Read

to.

15th December 1824

the Court of Exchequer (Scot

witnesses thereto; and in the presence of
the Magistrates or Cayzee take their evidence
and annex their depositions to the
record, returning the same in order
that a further may be given in the
cause on perusal thereof.—

Here enter No 877

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22d September last 22d

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of these

proceedings be translated and delivered to the
Cayze-ael: Cogat and Magistrates of the Tweeddale Boat.

to

15th Decemb

Cuddapa Calendar 2 Reference &c

Have enter No 87

F. A.

At a Court of the Foujdaree Adalut

Present

Thursday 16th December 1824 } F. A. Grant Esquire } Judges
George Gowan Esquire }

Read letter, dated 22d September 2d
last from the 3d Judge late on Circuit in the
Western Division, submitting case No 7 Canara
Calendar second Sessions 1824.

Here enter No 677

The Judges of the Court of Foujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners 1st Appana, 2d Narana & 3d Soobana is sufficient to convict them of Manslaughter desire under the provisions of clause second Section II Regulation I of 818 that their Law Officers will declare by a second futwa to what specific punishment the prisoners would have been liable under the Mohummudan law if they had been convicted by full legal evidence of the above crime.

Ordered that extract of these proceedings be translated and delivered to the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut.

Rees

to

16. December 1824

Reads petition, presented by Ramasawmy, styling himself "Agent for and on behalf of" Tevocaty Ramoodoo, and all the Pallee "caste Inhabitants of Pollavarum, and Rekapullee "in the Zillah of Rajahmundry:-

(Here enter the Petn dated 2nd of 1824)

The prayer of the foregoing petition is that the decision of the Assistant Magistrate in a case of a breach of the peace may be proclaimed throughout the Zillah by beat of Tom tom.-

The Court of Foujdaree Adalut see no reason whatever for complying with the application in the petition for an order to the Magistrate to the above effect: the general publication of the Regulations of the Government must be quite sufficient to apprize all persons of the penalties to which they are liable for acts of this nature; and the proclamation of the decision in a particular case is not calculated to answer any useful purpose.

But setting aside the foregoing considerations the petition must be rejected as being presented by a person who is not shewn to have any interest in the proceedings referred to, and not being accompanied by any answer of the Magistrate complained of as irregular, or in any respect

16. December 1824

respect improper:-

Ordered that the foregoing petition be rejected, and that Extract of these proceedings be furnished to the petitioner on his application.-

Ed.

to

At a Court of the Zoujdaree Adalut

Present

Friday 17th December 1824. — J. A Grant. Esqr. —— } Judges
George Cowan Esqre —— }

244 — Read again letter, dated 22d September last from the Third Judge late on circuit in the Western Division, - submitting case No 7 Canara Calendar 2d Sessions 1824.-

(Here enter No 7)

Read the second futwa delivered in this case by the Cazee and Mooftees of the Zoujdaree Adalut.-

The Court having maturely considered the proceedings held before the Judges on Circuit the futwa of the Provincial Law officers and the futwa of the Cazee and Cozgat and Mooftees of the Zoujdaree Adalut confirm the said futwa of the Cazee and Cozgat and Mooftees aforesaid and in commutation of the penalty of Deyut declared in the futwa adjudge the prisoners,

1st "Apana" and
3d "Soobana"

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of ten years and then to be released.-

And the prisoner,
2d "Naraina"

to.

17th December 1824

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 No 579)

Read letter, dated 28th October last from the 1st Judge Cote on Circuit in the Northern Division; submitting case No 1 Supplemental Calendar of Circuit sessions 1824.-

(Here enter No 709)

The Court having maturely considered the proceedings held before the Judge on Circuit the futwas of the Provincial Law officer and the futwa of the Cazee vol Cozat and Mooftee of the Tanjore Zeallut confirm the said futwas of the Cazee vol Cozat and Mooftee aforesaid; and acquitting the prisoner

"Serrepotoola Appiah"

direct that he be set at liberty.-

(Sent following letter No 580)

Read letter dated 13th Ultimo from the Acting Judge on Circuit in the Western Division,- submitting cases Nos 4 and 5 Malabar Calendar 2d Sessions 1824.-

Here enter No 814.-

The Court having maturely considered the proceedings held before the Judge on

17th December 1824

on Circuit the futwas of the Provincial Law officer and the futwa of the Cazee vol Cozat and Mooftees of the Tanjore Zeallut confirm the said futwas of the Cazee vol Cozat and Mooftees aforesaid, and under the provisions of Section III Regulation I of 1822 adjudge the prisoner

"Poolanmadakel Manny"

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond sea as the Governor in Council shall appoint, 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 No 581)

In the 6th para of the letter accompanying the trial the late acting Judge recommends, that "under Section XXIII "Regulation IX of 1816, independant of a "remuneration of 35 Rupees which each "of the prosecutors have already received the "payment of the sum of 500 Rupees be sanc- "tioned by the Tanjore Court to be distributed "in the proportion of 1/5 to each of the prose- "cutors, 1/5 to Deishadigary Ram Menon who "finally succeeded in securing the prisoner, "and the remainder to be divided by the Ma- gistrate

17th December 1824.

petitate among the party employed on Execution
as he may think fit the first instance. Inform
Mr Starkie receiving his Report and the other Hon.
Mr Hamilton Dick & Ramanhayaka Kongie
Mordeen, and Kottal Kongie Mootan to Pun-
-ish each for their share of the commutation.

2 The Court of Judicature Adaulut con-
-cur with the late Acting Judge in opinion to
the propriety of granting pecuniary remuneration
to the persons to whom he refers; but being of
opinion that under the provisions of the Section
above cited it is not competent to them to direct
the payment of more than 500 Rixdollars in any
case of this nature, they transmit the distribution
of the sum of Rupees 850 in such proportions
among the particular individuals mentioned in
the letter of the late Acting Judge, as may
appear to him proper, the balance being, as recom-
-mended by him, distributed among the other per-
-sons employed at the discretion of the Magistrate.

3 The 3d Judge will accordingly
issue the necessary instructions for this purpose.

4 In the case No 4 the prisoner
was charged with "Highway Plunder" and in
the case No 5 with "escape from confinement
"and cutting and wounding" and on the
conclusion of the trial one futwa was taken
from the Law officers on both cases.

5 This proceeding the Court of
Fougdaree Adaulut consider to be irregular

in law

No 6

17th December 1824.

where the same individual may be tried in
separate numbers of the Calendar for offences
different in their nature, and committed at
different times, separate futwas ought
always to be taken upon each case.

Ordered, that Extract of these
proceedings be sent to the 3d Judge on Cir-
-cuit in the Western Division for his infor-
-mation and guidance.

(Sent following letter No 582)

Read letter dated 29th Sep-
-tember last from the 2d Judge late on
Circuit in the Centre Division, submitting
Case No 9 Cuddapa Calendar 1st Sessions
1824.

(Here enter No 674)

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 Fougdaree Adaulut
confirm the said futwa of the Cazee ool
Cozat and Mooftees aforesaid, and under
the provisions of Section III Regulation I
of 1822 adjudge the prisoners,

1st "Fakeergadoo"
2d "Nullegadoo"
3d "Tunjeevoogadoo" and
4th "Kategadoo"

to receive 39 stripes with a rattan and
to be imprisoned and transported to such
place

place or places beyond sea as the Governor in Council shall appoint, 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 1873.

In the letter accompanying the trial the 2d Judge observes as follows.

"Some articles to which the prosecutrix alleges have been recovered: part of these has been restored to the prosecutrix by the Criminal Court, it is believed, on the cake being postponed.- It therefore was not available as proof on the trial.- The rule deviable from the other part was deviated because witnesses to identify the property were not called, and thus the proof at present depends on the assertions of the prosecutrix."

2 The restoration of recovered stolen property to the owners before trial is a manifest impropriety, which the Court of Foujdaree Adalut deem it proper to direct may be brought by the 2d Judge to the notice of the Officer by whose sanction the measure was adopted in this case.- And the Court direct that the omission to call witnesses to identify the property produced be in like manner pointed out to the Officer chargeable therewith.- And referring to certain rules of

the Court of Circuit, recorded in this case the Court of Foujdaree Adalut direct, that it be intimated to the Acting Criminal Judge in the Zilla of Cuddapa, that it is incumbent upon him invariably to make return to precepts from the superior Courts, within the time limited therein, certifying in the event of non-execution of the precept the reasons, why it may not have been executed.-

The Court deem it also proper to

3 direct, that the attention of the Acting Criminal Judge be called to the provisions of Section X Regulation X of 1810, which declare that notwithstanding a confession before the Criminal Judge that officer is required "invariably "to summon and bind over to attend at the "next Sessions the witnesses to the commission "of the crime or misdemeanor alleged against "the prisoner", in which description are included all witnesses capable of giving materials evidence for the prosecution.-

Notwithstanding the reite-

4 rated orders, which the Court of Foujdaree Adalut have issued for the purpose of enforcing a strict observance of the provisions of clause fourth Section XXVII Regulation XI of 1816, they observe, in the Zilla of Cuddapa the practice still obtains of forwarding prisoners charged with offences of the nature described in clause first of that Section to the Magistrate instead

17th December 1824

instead of sending them directly to the Criminal Judge.-

5 The Court of Foujdaree Adaulut deem it proper therefore to direct that the Magistrate be required to interdict the Lurs of District Police under his authority by a circular order from continuing this irregularity and the Court direct further that it be intimated to the Magistrate, that the Court expect that any future instance of a departure from the provisions of the Regulation in this respect will be visited with a severe fine.-

6. Ordered, that by extract of these proceedings be sent to the 2d Judge on Circuit in the Centre Division by precept enjoining him to communicate to the several officers herein referred to, such parts thereof as concern them respectively for their information and guidance.-

Sent 20

(Sent following precept 584)

Read letter dated 18th August last from the 2d Judge late on Circuit in the Western Division submitting case No. 42 Khalsa Calendar 2d Sessions 1820.-

(Here enter No. 569)

Read also letter dated 3d Instant from the 2d Judge late on Circuit in the Western Division Reporting the death of the 1st prisoner in case No. 42 Ona Caba Calcan

27

3.

17th December 1824.-

2d Sessions 1823.-

(Here enter No. 850)

The Judges of the Court of Foujdaree Adaulut on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner,

2d Chevovata Manil Do Ramos,

is sufficient to convict him of having aided in the murder of the deceased Patorina desire under the provisions of clause second section III Regulation I of 1818, that their Law officer will declare by a second futwa to what specific punishment the prisoner would have been liable under the Mohummudan Law if he had been convicted by full legal evidence of the above crime.-

Ordered, that by extract of these proceedings be translated and delivered to the Cazee ool Cozat and Mooftee of the Foujdaree Adaulut.-

F. A.

At a Court of the Foujdaree Adalut,

Present:

Monday 20th December 1824 } F. A. Grant Esquire } Judges
George Govan. Esquire }

Read again letter, dated 10th August last from the second Judge late on Circuit in the Western Division, - submitting case No. 42 Malabar Calendar Second Sessions 1823.-

44 Here enter No. 569

Also Read again letter, dated 27th November last from the second Judge late on Circuit in the Western Division, Reporting the death of the 1st prisoner in case No. 42 Malabar Calendar Second Sessions 1823.-

46 Here enter No. 850

Read the second futwa of the Law Officers delivered in this case by the Cazee-ool-Coozat and Mooftees of the Foujdaree Adalut.-

The Court having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of

of the Cazeecoal Coojat and Mooftees of the Poydarree Udalut confirm the said futwa of the Cazeecoal Coojat and Mooftees aforesaid and under the sentence of Cazee declared against the prisoner,

2d "Cheroomata Manil Cokamee"

adjudge him to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of 14 years and then be released.—

And acquitting the prisoners,

3d "Cheroomata Manil Attoly,"
4th "Hallataramel Coya," and
5th "Hallataramel Cheeka."

direct that they be set at liberty.—

Sent following letter No. 595.

Read letter, dated 12th October last from the Second Judge on Circuit in the Northern Division, submitting case No 10 of Nellore Calendar Second Sessions 1824.

(Here enter No 734)

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 Cazeecoal Coojat and Mooftees of the Poydarree Udalut confirm the said futwa of the Cazeecoal Coojat and Mooftees aforesaid and under the latitude given

given by the sentence of Ookoobut declared against the prisoner,

2d "P Verregandoo,"

direct that he be released on procuring good and sufficient security for his future good behaviour and appearance when required.—

And under the provisions of clause sixth section II Regulation XV of 1803

direct that the prisoner,

1st "S Veeriah"

be released on producing good and sufficient security for his future good behaviour and appearance when required.—

Sent following letter No. 586.

Read letter, dated 5th October last, from the 2d Judge late on Circuit in the Western Division, submitting case No 44 Malabar Calendar 2d Sessions 1823.—

(Here enter No 725)

Read also letters, dated respectively the 18th, 22d and 29th October last, from the 2d Judge late on Circuit in the Western Division, reporting the deaths of the 2d, 4th, 16th, 10th and 8th prisoners in case No 44 Malabar Calendar 2d Sessions 1823.—

(Here enter Nos 725, 732, 761, and 776)

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 Cazeecoal Coojat and Mooftees of the Poydarree Udalut confirm the said futwa of the Cazeecoal Coojat and Mooftees aforesaid and under

20th December 1824 under the sentence of Cohoobut declared against the prisoners

1st "Kollalangel Yeman" and

2d "Neldunkaddy alias Koonakel Kandy Catchy"

adjudge them to receive 39 stripes with a cotton and to be imprisoned and transported to such place or places beyond Seas as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives respectively

And under the provisions of Clause sixth Section II Regulation XV of 1803 the Court direct that the prisoners

5th "Mottel Addukatta Changara Nambi"

6th "Wattakandy Gouriom"

7th "Wattakandy Kanaran"

9th "Kuttiamparambatta Chatoo" and

15th "Anhalatth Narrana Nambi"

be released on producing good and sufficient security for their future good behaviour and appearance when required

And the Court acquitting the prisoners

12th "Mangalakatta Ittyara Jenmi"

15th "Chelam Pattary Kattoo" and

17th "Koorolly Kanaran"

direct that they be set at liberty

(Sent following letter No 587.

Requisition dated 8th Instant from the 3d Judge on Circuit in the Western Division, to forward dated 12th Instant calling for

2/ F. R.

20th December 1824. for copies and English translations of the futwas delivered in certain cases on the Canara Calendar 2d Session of 1824 and explanations of the sentences passed in certain cases.

(Here enter No 879)

In regard to case No 8 of the Calendar it is stated in the foregoing return that the futwa declared that Bud was "barred, in consequence of the 2d prisoner on having denied the charge, and the abstract to "grounds of the sentence to Cohoobut were as "the 1st prisoner having confessed, and the "2d prisoner having been proved by "witnesses guilty of the charge"

The exception here stated in the bar of a sentence for the specific penalty of the nature described in Clause being of the nature described in Clause 4th Section II Regulation XV of 1803 a second futwa should have been taken from the Mohummedan Law Officer and sentence passed accordingly

The sentences passed in this case by the late 3d Judge being however adjudicable under the provisions of Section XXI Regulation VIII of 1802, the Court of Foujdaree Adalut allow them to stand

In case No 11 the prisoner was declared convicted of robbery by the futwa of the Law Officers and liable to Cohoobut but the grounds existing in lieu of a sentence of Bud

the Honorable the Governor

in this case were not stated in the petition.

5 The 3d Judge should have required the Mohummedan Law Officer to specify the ground on which the prisoner was declared liable to discretionary punishment according to the orders of the Court of Foujdaree Adawlut on this subject.

6 In the opinion of the Court, when there may be evidence to acts of violence attending a robbery and the person accused of such robbery may confess the same, denying the violence, such denial cannot be allowed to counteract the effect of the positive testimony

7 In explanation of the sentence of 6 years imprisonment in this case the 3d Judge states, that the other prisoner had on a previous occasion been convicted as parties to this robbery, against whom, under the Law as it stood at the date of the commission of the offence was adjudicable by a Court of Circuit in a case of robbery by open violence.

8 Adverting to this last mentioned fact, the Court of Foujdaree Adawlut, the view above mentioned of the case, the prisoner, are of opinion, that the sentence, which has been passed upon him, should not be disturbed.

9 In respect to case No 2 it is stated to be presumed, that the conviction of the offenders was considered as

bringing that case within the scope of the provisions of Clause fourth Section II Regulation VII of 1822.

10 The Court of Foujdaree Adawlut observe, that in the Calendar the sentence is described as having been passed by the late 3d Judge under the provisions of Clause second Section III and Clause fourth Section II Regulation VII of 1822. The Court deem it proper therefore to apprize the 3d Judge, that the words in Clause second Section III between "ensuing Session," and "such persons" are considered by the Court to be parenthetical, and that Clause fifth of the preceding Section is directly opposed to any construction of Clause second Section III, which would go to authorize an enhancement of the penalties declared by the Regulations in force for simple burglary, or theft, in any case "not accompanied with wounding or other corporal injury, nor with an attempt to commit murder."

11 The sentence passed in this case by the late 3d Judge, being adjudicable under the provision of Section XXI Regulation VII of 1802, the Court of Foujdaree Adawlut allow it to stand.

Ordered, that extract of these proceedings be sent to the 3d Judge on

20th December 1824

on Circuit in the Western Division for his information and guidance.-

Cutler

(Sent following letter No 581)

Read return, dated 10th Instant, from the 3d Judge late on Circuit in the Northern Division to precept dated 11th Ultimo ordering him to communicate to the Magistrate of Vizagapatam for the information and guidance of the Head Assistant Magistrate the observation of the Court on certain irregularities in the proceedings in cases Nos 26 and 27 Chicacole Calendar 2d Sessions A.D. 1824.

(Here enter No 886)

The Head Assistant Magistrate accounts for the most reprehensible part of the proceedings above referred to by the ignorance of the Gomashtah employed in taking down the depositions, the irregularities in which the Head Assistant being at the time otherwise "laboriously employed" did not discover.-

2 So far from considering this explanation in any way satisfactory, the Court of Sudder Adawlut must remark, that involving as it does, the admission that the Assistant Magistrate, while employed on a different duty allowed the examinations in a criminal case to be taken by a Gomashtah, it affords a further instance of impropriety of proceeding on the part of this officer, deserving of severe censure.-

3 The Court direct that the attention of the Head Assistant Magistrate be

3/ F. R.
20th December 1824

be called to the provisions of Section XXIV Regulation IX of 1816, and that he be cautioned to avoid the repetition of a proceeding so unwarrantable, as the delegation to a native servant of his establishment of the duty of examining prisoners brought before him.-

Ordered, that extract of these proceedings be sent to the 3d Judge late on Circuit in the Northern Division by precept enjoining him to communicate the same to the Magistrate of Vizagapatam for the information and future guidance of the Assistant Magistrate.-

Act ... 27th January 1824
Regulation ... 1st July 1825

(Sent following precept No 589)

Cutler

W. R.

Read return, dated 10th Instant from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated 29th October last ordering communication to the Magistrates of the Courts instructions for making proclamation of the issue of certain trials for cruelty on the part of the officers of Police.-

(Here enter No 884)

Read letter, dated 13th Instant from the 1st Judge late on Circuit in the Western Division, with returned warrant for execution of prisoners in case No 13 Malabar Calendar 1st Sessions A.D. 1824.-

(Here enter No 891)

Read return dated 10th Instant from the Judges of the Provincial Court of Circuit in the Centre Division, to precept dated 26th Ultimo ordering communication to the Criminal Judge and

20. D 20. December 1824

ains Magistrates of the Courts instructions
relative to the observance of the provisions of
Section XXVIII Regulation IX and that XXII of
Regulation X of 1816.

/Here enter N.896/

Friday
24th December
1824.

X

Present,

At a Court of the Poydaree Adawlut

F. Grant Esq.re } Judges
George Govan Esq.re }

Read return, dated 10th Instant,
from the 1st Judge of the Provincial Court of
Circuit in the Centre Division to precept dated
15th ultimo, ordering him to communicate
to the Criminal Judge paragraphs 1, 2, 3, 6, 7, 8,
9 and 10 of the proceedings of the Court of
Poydaree Adawlut, under date 18th ultimo
and to furnish the explanation called
for in the 11th paragraph of those proceedings.

(Here enter N.887)

In the foregoing return the
1st Judge offers certain observations in
support of the objections urged in his
report on the 3d Quarterly Sessions of Jail
Delivery for 1824 at Chittoor against certain
necessaries within the Jail; in the 6th
paragraph he states his opinion that
it were better excepting for those required
for the use of the sick that they were
put outside and close to the prison or
"Compound walls; and that this would
"be very advisable to all the prisons:" and
in the 8th paragraph he states, that "under
"the impression that the Judges of the
"Zuor Court may view the subject in a
"different light after the explanations

which

"which have now been afforded the Pt Judge
"has ventured to suspend their directions
"for furnishing the Criminal Judge with
"paragraphs 1, 2 and 3 of their proceedings
"on this head until further orders."

2 The Court of Inquiance see no reason whatever to alter the opinion, expressed in the 1st 2d and 3d paras of their proceedings under date 16th Instant, which they direct the Pt Judge forthwith to communicate to the Criminal Judge. The Court still consider, that "many serious "objection would attend the practice of "sending prisoners out side the Jail for "the relief of nature:" and by the return of the Pt Judge it is shewn, that the necessaries, of which he complained, "had never been used" at the period of the Pt Judge's report; so that his objections to them would seem to have been purely theoretical.-

3 In the 10th paragraph of the return the Pt Judge speaks of what he terms "the strange proceedings of the Criminal "Judge in matters of religion, and especially "in converting the natives to Christianity"

4 The Court of Inquiance cannot regret to observe in this part of the return the same disposition to advance vague and general imputations against the conduct of a public Officer, which they have noticed in other communications from

from the Pt Judge. If any proceeding on the part of the Criminal Judge at variance with the due discharge of the functions of his office has come under the notice of the Pt Judge, it is open to him to make it the subject of a representation to the Court: the vague insinuation of an imputatory matter, unsupported by any instance of misconduct, does no credit, in the opinion of the Court, to the judgment or the feeling of the Pt Judge.-

5 In the 17th paragraph of the return the Pt Judge, after stating that he has obtained from the Assistant Criminal Judge information, that a supply of mats was ordered into the Jail in the month of March, states that it is a justice due to the late acting Criminal Judge to say, that the remark of his having entirely evaded and neglected the orders given to him for the supply of mats was inadvertently introduced into the Pt Judge's report."

Upon this part of the return

6 the Court of Inquiance think it will merely observe, that the information, which the Pt Judge reports to having now received from the Assistant Criminal Judge, was in the Pt Judge's possession, when he brought against the late acting Criminal Judge the charge of evading or neglecting his orders.-

The

21st December 1824

7. The suggestions of the 1st Judge which immediately follow, in respect to the adoption of measures for the due preservation of the mats supplied to the prisoners, might have been communicated by him to the Criminal Judge. The Court of Vouzdaree Adaulut deem the present to be a fit opportunity of remarking upon the practice, stated by the Criminal Judge to be observed by the 1st Judge of visiting the Jail, unaccompanied by that officer.—

8 For the purpose of hearing any complaint, which the prisoners may have to make to the Judge in Sessions, this practice is not open to objection: but the Court of Vouzdaree Adaulut are of opinion, that the visit of the Judge in Sessions for the purpose of inspecting the jail, and making enquiry regarding matters of internal economy, should be made in company with the Criminal Judge, whose explanations on the spot might in many cases render unnecessary a lengthy correspondence, occasioning interruption of the duties of the Court of Circuit, and the Criminal Judge.—

9 On the next point discussed in the return, namely the sufficiency of the accommodations of the Jail at Chittoor, the Court deem it unnecessary to make any observation in this place, being about to lay before the Government a general report on the several Jails.—

Ried

2/ F. A.

21st December 1824.

Read return, dated 17th Instant, from the 1st Judge of the Provincial Court of Circuit in the Centre Division, to precept dated 13th Instant, ordering him to communicate to the Criminal Judge in the Zillah of Chittoor of the 3d paragraph of a letter from the Secretary to Government in the Judicial Department, dated 7th Instant.

Received 21st Dec. 1824

1 The orders of the Court upon the 1st Judge's return, dated 10th Instant to their precept of 18th ultimo, render unnecessary any additional instructions in reference to this return.—

2 As such appears to be the expectation and wish of the 1st Judge, the Court resolve to lay both returns before the Honorable the Governor in Council, but are wholly unable to concur in the opinion which this officer declares, that his proceedings on this occasion have been marked throughout by "delicacy and consideration toward the Criminal Judge."—

Ordered, that extract of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Centre Division for his information.—

Sent following letter No 600/

Ordered also, 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 Honorable the Governor

28th

Ans: 25th Jany No 60.
Lr 27 26th do 1825.

Governor in Council.-

9382/Sent 28th

(Sent following letter N.601)

Read return, dated 22 Instant from the 1st Judge taken Circuit in the Western Division, to precept, dated 10th Instant, calling for the report prescribed by Section XXXVII Regulation VII of 1822.-

(Recorded N.869.-

1 In the 1st paragraph of the report mentioned is made of a case in which a party in a Civil Suit pending in a Moonsiff's Court, lodged a complaint before the Tahseeldar for forgery against six persons, two of whom were parties in the suit, and had filed a receipt passed by the prosecutor for a sum of money advanced to him, which he denied having received. The Prosecutor charged one of the parties with having forged the receipt, the other with having written it, two others with having attested it as witnesses, and the other two with having falsely deposed, that they saw the amount paid to the Prosecutor.

2 The case was forwarded with the prisoners to the Criminal Judge, who dismissed the charge the 1st Judge observes that the complaint was made to the Tahseeldar on the 15th of May 1823 and disposed of by the Criminal Judge on the 23d of the following so that the suit was stopped for upwards of five months, and the accused parties subjected to a very long and harassing journey and no doubt to some loss from not being able to attend to their own affairs

the season for which had just then commenced.-

3 In the 19th paragraph of the report the 1st Judge observes, that the provisions of Section XXIX Regulation IX of 1816 restrict the Magistrates from receiving prosecutions against parties and witnesses in Civil Courts for perjury and subornation of Perjury, unless the officers presiding in those Courts shall be of opinion there are grounds for such prosecution; but makes no mention in regard to charges of Forgery; and the 1st Judge submits with reference to the case above noticed "whether it would not be advisable to extend the restriction to charges of forgery, where they may relate to deeds under investigation in any Civil Court, as from the instance above stated, there appears to be a door open to great abuse by a litigious, or revengeful Party having the power of procrastinating his suit, and wreaking vengeance against his opponents and their witnesses, by preferring a false charge of Forgery against them before a Police authority."

The Court of Sudder Dewanny Adawlut

4 are by no means satisfied of the expediency of the provision here recommended. It does not appear to the Court, that the reasons for the rule

rule prescribed in Section XXIX Regulation IX of 1816, adopted from Section VIII Regulation I of 1810, which are given in the preamble to the last mentioned Regulation, apply to charges of forgery and it is obvious to remark, that the prosecutor in the instance above cited might have accomplished his purpose so far as respected the delay of the suit and the annoyance of the parties by bringing against them any other charge of the nature specified in Clause first Section XXVIII Regulation XI of 1816.—

5 It is observable, that the charge brought before the Head of Police against certain of the individuals here referred to was for perjury. The opinion of the Judges of the Cognizance whether in respect to the cognizance by the Magistrates and Officers of Police of charges of perjury committed before the Judicatories Subordinate to the Zillah Court, has been submitted to the Government, whose opinion that a sufficient case had not been made out to call for an alteration of the law in this respect was communicated in a letter from the Secretary to Government in the Judicial Department, 10th dated 22d February 1822.—

Ordered

5 F. U.

24th December 1824

Ordered, that an extract of these proceedings be sent to the 1st Judge late on Circuit in the Western Division for his information.—

Sent following letter No. 602.

Sent 28th

Ordered also, that the report and extract of these proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Honorable the Governor in Council.—

Sent following letter No. 603.

Sent 28th

W. M.

At a Court of the Poujdaree Udalut

Present

Monday, 27th December, 1824. — H. A. Grant Esqre. / George Gowan Esqre. } Judges.

Read letter, dated 9th instant from the 3d Judge on Circuit in the Centre Division, submitting cases Nos 31 and 32 Cuddapa Calendar 2d Sessions 1824.

(Here enter No. 798)

The Court having maturely considered the proceedings held in cases Nos 31 and 32 before the Judge on Circuit the futwas of the Provincial Law Officer and the futwas of the Cazee o'l Coozat and Mooftees of the Poujdaree Udalut confirm the said futwas of the Cazee o'l Coozat and Mooftees aforesaid and under the provisions of Section III Regulation I of 1822 adjudge the prisoners,

1st Setty Cootanda Dassery,
2d Setty Pedda Cootandoo,
3d Setty Gungaloo,
4th Gocolamoodie Venkatayandoo,
5th Gulla Luckayandoo,
6th Muddoola Cudirayandoo, and
7th Manchoonone Nanchoogadoo,

to receive 36 stripes with a rattan and to be removed to the Jail at Rajahmundry there to be imprisoned and kept to hard labor

27th December 1824.

labor in irons on the public roads or other public works for and during the period of 14 years and then be released.—

And the prisoners,

8th Nainaguandoo,
9th Sippana Veenaguandoo,
10th Pollatee Condoo,
11th Koinagoonda Yenaguandoo, and
12th Sippana Chinna Sippadoo,

to receive 24 stripes with a rattan and to be removed to the Jail at Rajahmundry there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 7 years and then be released.—

Sent 30th

(Sent following letter No 614)

The Court of Foujdaree Adawlut under the circumstances represented by the 3d Judge in the postscript to his letter accompanying the foregoing trial, Resolve to dispense with the attestation of the Moofties of the Zillah Courts of Bellary and Cuddapa, to the fair copies of the Persian translation of the proceedings in the cases under reference.—

Ordered that extracts of these proceedings be sent to the 3d Judge on Circuit in the Centre Division

for his information

(Sent following letter No 605.

F. H.

At a Court of the Foujdaree Adalut.

Present,

Wednesday
29th December
1824. } F. A. Grant Esqre. } Judges.
George Gowan Esqre.

Read letter, dated 25th Ultimo from the 1st Judge late on Circuit in the Northern Division, - submitting cases Nos 4 and 5 Chicacole Calendar 1st Sessions 1824 -

Dth

Ath

(Here enter No 846)

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 Coozat and Mooftees of the Foujdaree Adalut being of opinion that the proof against the prisoner, 1st Dundasee Lutchmoneya, is sufficient to convict him of the crime of robbery by open violence for which a penalty is specially denounced in Section III. Regulation I of 1822 do under the authority vested in them by Clause first Section II. Regulation I of 1818 adjudge the said prisoner,

1st Dundasee Lutchmoneya,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 8 years and then be released. -

And the Court acquitting the

29th December 1824. The prisoners

2d Obinapa Chendroya and

3d Dombapa Dombaroy

Lt 30th Lt directed that they be retained in Custody

Wk Wk (Sent for Warning Letters 6/8

Fl.

At a Court of the Foujdaree Adalut

Present

Thursday 30th December 1824 } F. A. Grant Esquire, George Govan Esquire } Judges

Read letter, dated 19th ultimo from the 3d Judge of the Court of Circuit in the Northern Division, submitting a case No 2 Masulipatam Calendar 3d Quarterly Sessions A.D. 1824. / Here enter No 8447 /

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 Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the provisions of Section III Regulation I of 1822 adjudge the prisoners,

1st "Madoonooy Anammatanay",

2d "Rygapoolah Karoidoo",

and

3d "Chinnah Nunnigandoo",

to be removed to the Jail in the Zillah of Bellary there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period

30 December 1824

Sent 5 Jany

period of 14 years and then be released.-

/Sent following letter No 611/

Read letter, dated 11th October last from the Second Judge on Circuit in the Northern Division, submitting cases Nos 34 & 34 Mallore Calendar Second Sessions 1824:-

/Here enter No 736/

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 Toujdaree Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid in Case No 30 and are also of opinion that the prisoner is convicted of robbery by open violence in case No 34 and do therefore adjudge the prisoner,

"Chenchoogandoo",

to receive 39 stripes with a rattan and to be imprisoned and transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.-

Sent 5

/Sent following letter No 612./

Read letter, dated 20th Ultimo from the 1st Judge late on Circuit in the Northern Division

30 December 1824 Division,- submitting case No 3 Chicacole Calendar 1st Session 1824.-

/Here enter No 845/

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 Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid and acquitting the prisoner, Dantenavula Appiah, direct that he be set at liberty.-

/Sent following letter No 613./

Sent 5

Read letter, dated 22d Ultimo from the 3d Judge of the Court of Circuit in the Northern Division,- submitting case No 4 Masulipatam Calendar 3d Quarterly Sessions 1824.-

/Here enter No 862/

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 Adalut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the provisions of Section III Regulation I of 1822 adjudge the prisoners,

1st "Goommadee Rambegandoo",
2d "Goommadee Rambegandoo",
3d "Doottaga Moosladoo," and
4th "Mussala Bhogjadoo,"

to receive 39 stripes with a rattan and to be imprisoned

imprisoned and transported to such place or
places beyond seas as the Governor in Council
shall appoint there to be imprisoned and kept
to hard labor in irons on the public roads
or other public works for and during the
period of their natural lives respectively:-

And the Court enjoins the
prisoner

5th Dayindayk Karunishagaee,
to be imprisoned and transported to such
place or places beyond sea as the Governor in
Council shall appoint there to be imprisoned
and kept to hard labor in irons on the public
roads or other public works for and during the
period of his natural life.-

Sent following letter No. 614.

The plea of the 2d 3d 4th & 5th
prisoners to the indictment before the Court
of Circuit is recorded collectively in the
first person plural.-

This, the Court of Vavdaree
Wolalut considers to be irregular.-

Ordered, that extract of the
proceedings be sent to the 3d Judge of the Court
of Circuit for the Northern Division for his
information and future guidance.-

Sent following letter No. 615.

Read return dated 24th Instant
from the 2d Judge of the Provincial Court of
Circuit in the Northern Division to precept

dated

dated 28th Ultimo calling upon him to
report whether or not cases Nos. 29, 31, 32, 33,
& 35 Native Calendar 2d Sessions A.D. 1824 are
prepared for reference.-

Here enter No. 923.

The 2d Judge states in the
foregoing return that the prisoner in
cases Nos. 30 & 34 having been sentenced to
imprisonment & transportation for life the
records of those cases only have been pre-
pared for reference.-

And the Court of Vavdaree
Wolalut having adjudged the prisoner to
suffer the full penalty denounced in Section
III Regulation I of 1822 do not deem it
requisite that the other cases should be
referred to them.-

Ordered, that extract of
these proceedings be sent to the 2d Judge of
the Provincial Court of Circuit for the
Northern Division for his information
and guidance.-

Sent following letter No. 616.

Read return, dated 24th Instant,
from the Second Judge of the Provincial
Court of Circuit for the Northern Division
to precept dated 8th Instant calling for
copy and English translation of the Sentence
delivered

30th December 1824

delivered in case No 10 Chiacole Calendar
Sessions A.D. 1824 and explanation
of the grounds of the Judges' concurrence
in the acquittal of the prisoners.

/ Here inter D.o 22 /

The Judge certifies, that in
conformity to the exigence of the foregoing
precept the Magistrate has been directed
to take Millapully prisoners into custody
and detain them until further ordered.

2 The Court of Sudder Adalut
having attentively considered the opinion
delivered in this case, and the explanation
given by the Judge of his reasons for
concurring therein, deem it proper in exer-
cise of the authority vested in them by
Section XXV Regulation X of 1816 to direct,
that English and Persian translations of the
proceedings held in this case be submitted
for their consideration & final orders, and
that pending the reference the prisoners
be lodged in the Gillah Jail.

Ordered, that extract of
these proceedings be sent to the Judge of
the Provincial Court of Circuit for the
Northern Division by precept enjoining
him to issue the necessary orders to the
Magistrate & the Criminal Judge and
to prepare and transmit with all little
delay

30th December 1824

delay as possible English & Persian transla-
tations of the proceedings held in case
No 10 Chiacole Calendar Sessions A.D. 1824.

2d / Sent following precept 18th /

1st

F. C.

At a Court of the Foujdaree Adalut,

Present:

Friday 3d December 1824 } F. S. Grant Esquire, } Judges
George Gowan Esquire, }

Read letter, dated 6th Ultimo from the Acting Judge on Circuit in the Western Division, submitting case No 18 Canara Calendar 2d Sessions 1824.

24
44

Here enter No 792

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 and Mooftee of the Foujdaree Adalut vol. Cozgat and Mooftees of the Cazee vol. Cozgat and Mooftees aforesaid, and acquitting the prisoner, 1st "Doogah," and 2d "Kantarah," direct that they be set at liberty.

Sent following letter No 618

Read letter, dated 28th October last from the 1st Judge late on Circuit in the Southern Division, submitting case No 3 Chicacole Supplemental Calendar first Sessions 1824.

(Here enter No 770)

The Court having maturely considered the

the proceedings held before the Judge on Circuit the futwa of the Provincial Law Officer and the futwa of the Cazee ool Cozat and Moofties of the Fouzdaree Adalaut confirm the said futwa of the Cazee ool Cozat and Moofties aforesaid and under the sanctions of Cobenant declare in the futwa as regards the prisoner "Dawud alias Dunniah"

to receive 30 stripes with a rattan & to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 14 years and then be released.

/Sent following letter No 419.

Read letter, dated 30th October last from the Acting Judge on Circuit in the Western Division submitting Case No 6 Anara Calendar Second Sessions 1824.

/Here enter No 778/

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 Moofties of the Fouzdaree Adalaut being of opinion that the proof against the prisoner Chinabapea is sufficient to convict him of the crime of forgery for which a punishment is specially denounced in Section III Regulation VII of 1811 do under the authority vested in them by clause first Section II Regulation I of 1818 adjudge the said prisoner,

"Chinabapea"

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 3 years and then be released.

/Sent following letter No 420/

1824

Read return, dated the 18th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division to precept dated 2d Ultimo ordering communication to the Magistrate in the Northern Division of Arcot of the Court's observations on case No 11 Chittore Calendar 3d Quarterly Sessions 1824.

/Here enter No 898/

Read letter, dated 17th Instant from the 1st Judge on Circuit in the Southern Division reporting his intention to leave Salem on the 18th Instant.

/Here enter No 899/

Read return, dated 18th Instant from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated 20th Ultimo ordering communication to the Criminal Judges and Magistrates of the Courts instructions regarding the observance of Section XVI Regulation X and Section XXVIII Regulation IX of 1816.

/Here enter No 906/

Read return, dated 22d Instant from the Judges of the Provincial Court of Circuit for the Centre Division to precept dated 9th Ultimo ordering communication to the Criminal Judges and Magistrates of the Courts instructions regarding the specification of dates and measurement in criminal trials.

/Here enter No 913/

Read return, dated 14th Instant from the Judges of the Provincial Court of Circuit in the Centre Division to precept dated 17th Ultimo ordering them to instruct the Magistrate in the Southern Division of Arcot to publish Regulation IV of 1825.

/Here enter No 912/

24th Dec

31st

31 December 1824

Read return, dated 23d Inst.
from the Judge of the Provincial Court of Circuit
for the Centre Division to precept date 15th Oct.
ordering communication to the Criminal Judges of
the Court's opinion that it is important to the
Criminal Judge to annul an illegal sentence of
his Assistant.

/Here enter No 915/

Read return, dated 20th Inst.
from the second Judge late on Circuit in the
Western Division to precept, date 27th October
last ordering that the Courts proceedings in
certain trials for cruelty by the officers of Police
be published on a proclamation.

/Here enter No 916/

Read return, dated 22d Inst.
from the Judges of the Provincial Court of Circuit
for the Centre Division to precept dated 27th
27th September last ordering communication to
the Criminal Judges and the Magistrates of the
Counties orders regarding forms for lists of stolen
property.

/Here enter No 917/

Read return dated the 20th Inst.
from the Judges of the Provincial Court of Cir-
cuit in the Western Division to precept dated
20th October last ordering them to direct the
Magistrates to publish the case of Hufsan
Khawn convicted of putting to death a [illegible]
prisoner under examination.

/Here enter No 918/