1874

Foreclosure
Proceedings
1830

3430

F. 11.

At a Court of the Poligaree Division

Present,

Saturday, 2nd January, 1830 — F. A. Grant Esqre 1st Puisne Judge
James Cochrane Esqre 2nd Puisne Judge
William Oliver Esqre 3rd Puisne Judge

Read letter dated the 11th Ultimo from the Acting Judge on Circuit in the Southern Division, submitting copy of the Calendar of persons committed for trial at the Second Sessions of 1829 at Coimbatore —

(Vide enclosure No 727)

1. In each of the two cases No 3, and No 8, a second future should have been taken under clause third Section II Regulation XV 1803 — and if the wounds inflicted by the prisoners in the case No 5, were of a nature to endanger life, that case ought to have been referred to this Court —

2 The Calendar calls for no further remark —

Ordered that extract of these proceedings be transmitted for the information of the Acting Judge of Circuit in the Southern Division —

(Sgd to following letter No 1)

W. Johnson

At a Court of the Fouzdaree Adalat.

Present

Thursday, 7th January 1830.

J. A. Grant Esqre 1st Puisne Judge

James Cochrane Esqre 2d Puisne Judge

William Oliver Esqre 3d Puisne Judge

Read letter dated the 13th November last from the Acting Judge on Circuit in the Southern Division submitting the record of the Trial in case No 1 of the Calendar of the Auxiliary Court of Salem for the 2d Sessions of 1829.

(Here enter No 078 of 1829.)

The First Second and Third Puisne Judges on a deliberate consideration of the circumstances of this case in evidence before them are of opinion that the proof against the prisoner,

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is sufficient to convict him of the crime of Murder - and under the authority with which they are vested by clause first Section II Regulation I of 1818, they convict him thereof and adjudge the said prisoner

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to suffer death at the usual place and time of Execution -

The grounds upon which the Law Officers of this Court have, in their futwa, rejected the evidence of the 2d and 3d witnesses appears

7th Jany 1830.-

appear to the Judges to be untenable. They were eye witnesses of the Murder and gave clear and consistent evidence to the fact, the trifling discrepancies in their evidence being exactly what may be expected after such a lapse of time.-

Ordered that Extract from these proceedings be sent to the Acting Judge on Circuit in the Southern Division for his information.-

(Sent following letter No 4)

Read petition presented by Goorroo oppen and Vencatachellum of Terovoulloor in the Zillah of Chingleput.-

(Here enter M. Pets. No 27 of 1829.)

This is a Petition praying the Court to order the remission of a fine of 80 Rupees adjudged against the Petitioners on a charge of Assault, by the Assistant Magistrate of Chingleput, and further, to direct that the complaint preferred by themselves, in the first instance as they allege, against the opposite parties, may be taken cognizance of and their witnesses examined.-

The petitioners deliver an original Petition presented by them to the Judge on Circuit at Chingleput at the first Sessions of 1829, bearing two indorsements dated respectively the 30th May and 19th October last, by which it appears that a reference having been made to the Magistrate on the subject, a report was received

7th January 1830. from that Officer in consequence of which the Judge on Circuit did not consider any further investigation of the complaint necessary.-

Ordered that the Petitioners be informed that the Court see no ground for their interference.-

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Exd. W. Johnston

At a Court of the Foujdaree Udalut,

Present,

Thursday 14th January 1830 } L. A. Grant Esquire, James Cochrane Esquire, William Oliver Esquire, } Judges.

Read Miscellaneous Petition from Vauley in the Zillah of Madura.-

/Here enter No. 29 of 1829./

The Petitioner states that she was an eye-witness to the murder of her husband, and complains of the offenders having been released on security.-

This case appears to be No. 25, contained in the Supplemental report of the Criminal Judge of Madura for the month of June 1829.-

Ordered that this petition be forwarded to the Provincial Court of Circuit for the Southern Division, with directions to call for the proceedings of the Criminal Court in this case, and to pass such orders thereon as they may deem proper.- precept returnable without delay:- /Sent following Precept No

Ordered that the same be communicated to the Petitioner.-

Read Miscellaneous Petition from Soobaroya Moodely in the Zillah of Chingleput.-

/Here enter No. 28 of 1829/

The Petitioner complains that, although he rendered eminent service to the public, in apprehending and convicting the prisoners in the Case No. 18 of the Chingleput calendar for the first Sessions of 1826.- and although Mr. Newnham the Circuit Judge, who tried

tried that case, directed the Magistrate of Chingleput to pay him a reward of 300 Rupees, he has in vain attended the Magistracy and the Judges of Circuit without receiving any reward.-

Ordered that, with reference to Mr. Newnhams proceedings in this case, the Provincial Court of Circuit in the Centre Division be called upon to report whether any precept was issued by Mr. Newnham for any payment to Soobroy Moodely to be made by the Magistracy - and if so what has been the result of such order - Precept returnable without delay.-

/Sent following precept No 7/

Read letter dated the 23d. ultimo from the Provincial Court of Circuit in the Centre Division, submitting the Reports required by Section XXXV Regulation X. of 1816 from the Several Criminal and Joint Criminal Judges in the Division for the month of November last together with their proceedings thereon.-

/Here enter No 3/

1.

The same remark that was made by the Sujdaree Adalut in their proceedings dated the 27th ultimo on Case No. 163 of the Report No. 5 for the month of October submitted by the Acting Criminal Judge is applicable to Case No. 175 of the Report now under review: the Judges therefore desire that the Magistrate in the Zillah of Chittoor be directed to issue orders to his Police Officers to prevent the detention of prisoners in future upon such pleas as those assigned in the Case No. 175.-

2.

With reference to the remark on the Case No. 167 of the Supplemental Report the Judges desire the Acting Criminal Judge will

14th January 1830.

will in future enter in this [illegible] of the Dates & names duly of those persons who have been actually received by him the Report purporting to be a Statement of persons "apprehended and delivered to the Criminal "Judge".-

3.

The Provincial Court in the Centre Division will call the attention of the 2d Judge now on Circuit to the great number of cases dismissed, and prisoners released at Bellari during the month, under review, in order that, under the recent orders of Government, he may ascertain the causes thereof.-

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division desiring them to make the necessary communication to the Magistrate and the Acting Criminal Judge in the Zillah of Chittoor. precept returnable within 6 days from and after its receipt.

/Sent following precept No/

Read letter dated 24th December last from the Provincial Court of Circuit in the Southern Division forwarding the reports prescribed by Section XXXV Regulation X of 1816 for November last.-

/Here enter No 9/

Read return dated 30th December last from the Second Judge on Circuit in the Southern Division to precept dated the 30th ultimo calling for the records of Cases Nos. 1. 2. 5. 8. and 10 of the Guntoor Calendars.-

/Here enter No 13/

Read return dated 7th Instant from the Third Judge of Circuit in the Centre Division to precept dated 30th ultimo directing the 3d Judge of Circuit to suspend the sentence passed on the prisoners in Case No 11 of the Calendar for the 4th Quarterly Sessions of 1829 & to refer the trial to the Sudder Adalut.

/Here enter No 15/

14th Janr 1830.

Read return dated 6th Instant from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated 28th Ultimo containing the observations of the Tongdaree Adalut on the Criminal Reports for October last.-

Here enter No 17 /S

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Ep. W. Johnston

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At a Court of the Tongdaree Adalut.

Present,

Friday, 15th January, 1830.- F. A. Grant Esqre, James Cochrane Esqre, William Oliver Esqre } Judges.

Read return received from the Third Judge late on Circuit in the Centre Division, under date the 20th November to this Courts precept of the 7th September 1829 with the entire record of the trial in the case No 10 of the Cuddapah Calendar for the 1st Sessions of 1829.-

(Here enter No 704.)

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On due consideration of the record forwarded by the 3rd Judge, the Court of Tongdaree Adalut are of opinion that the prisoners

1st Chinna Reddee,
2nd Cotta Vencatarandaz,
3rd Hummantoo,
4th Potrauz Soobaiah
and
5th Parmisetty Chinna Chellum-

were rightly acquitted, at the same time, the Court cannot avoid remarking the very irregular manner in which the Prisoners were arraigned - The charge was thus worded "You Chinna Reddee

15th January 1830

in the latter part of which he inserted
the particulars to be comprized in
an indictment for perjury.

Ordered that extract of
these proceedings be sent to the Third
Judge late on Circuit in the Centre Division
for his information

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(Sent following letter No 11 AS

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2 January

"Reddee, Cottay Vincatarayadoo, Kummumtay,
"Pootoorayy Soobanah, and Paramsetty
"Chinna Chellum stand there accused
"by the Government of having maliciously
"charged the prisoners Reddee Reddee,
"Cunnum Vincatarayadoo, Vincataramee
"Reddee and Rasayyadoo, the Prisoners
"in Criminal case No 82 of 1828 - With
"the crime of having at 12 o'clock of
"the night of the 27th June 1828, set fire
"to the stock of Straw of the 1st Prisoner
"Chelma Reddee, at Naggaramgottah
"near the Town of Cuddapah, which
"destroyed the houses of the prisoners
"and that of some others to the value
"of Rupees 1,343 Annas 10 - with intent
"to procure their conviction and
"punishment for that offence before
"the Criminal Court - How say you, are
"you guilty or not guilty ? -

2. In framing and in placing the prisoners on trial, under such a charge, the third Judge late on Circuit as well as the Criminal Judge appears to have entirely overlooked the Circular order of the Court of Foujdaree Udalut under date the 31st January 1820 -

Ex. J. J. Desires

At a Court of the Zoujdaree Adalut.

Present

Thursday 21st January 1830. J. A. Grant Esqre 1st Puisne Judge
James Cochrane Esqre 2d Puisne Judge
William Oliver Esqre 3d Puisne Judge

Read letter dated the 20th October last from the 3d Judge of the Court of Circuit in the Northern Division forwarding the record of the trial in Case No. 3 of the 1st Calendar, 3d Quarter Sessions of 1829.

(Here enter No. 642 of 1829)

The First, 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 Cogat and Mooftees of the Zoujdaree Adalut are of opinion that the prisoners,

1st Nundroo Cauteegaudoo
2d Poorna cuntee Chintadoo
3d Talpoola Poda Cauteegaudoo
and
4th Talpoola Chinna Cauteegadoo

are not convicted, on presumptive proof or on the evidence of credible witnesses, or on their own confession of the crime of murder and notwithstanding the futwa of their Law Officers, they under the provisions of Clause Sixth Section II Regulation XV of 1803, acquit them thereof and

21st January 1830

and direct that the prisoners

1st Nundroo Cauteegaudoo
2d Poma cunlee Chintadoo
3d Vallpoola Pedda Cauteegaudoo
4th Vallpoola and Chinna Cauteegaudoo

aforesaid be set at liberty.-

The first point for consideration in this case is whether the death of the persons charged to have been killed is proved, or may be collected from the circumstances - On the trial there does not appear any evidence to prove the death of those persons, nor a single circumstance from which it can be presumed that they are dead,- much less that they met with a violent death. There is evidence, such as it is,- to shew that certain articles were found upon the prisoners; but this is rendered perfectly nugatory by the total absence of proof that those articles belonged to the persons said to have been killed - Even if it had been proved that the articles belonged to those persons, the possession of them by the prisoners would not of itself have warranted the inference that they had been obtained by murder - Under these circumstances their confessions before the Joint Criminal Judge are altogether insufficient to found a conviction upon; and the prisoners are entitled to a full acquittal.-

According to the informations before the Police, the skull and bones were accidentally

21st January 1830.

accidentally discovered by the Vettyman of the Village, and the prisoners accompanied the Police officers with the other Villagers to the spot - They did not point out the spot; and in fact there is no evidence on the trial to prove the fact that a skull and bones were discovered at all - There is no evidence to prove "that the circumstances of the death of Baroogoo Pateer, his wife, and child, had transpired among the Villagers," nor is it apparent why the prisoners were taken into Custody,- unless indeed the reason assigned for it in their defence is true.

Ordered that Extract of these proceedings be sent for the information of the 3d Judge holding the 3d Sessions of 1829.-

Sent following letter No 15.

Ep. H. Johnston

Desires

At a Court of the Poydarree Adalut

Present,

Monday, 25th January 1830. F. A. Grant Esqre 1st Puisne Judge.
James Cochrane Esqre 2nd Puisne Judge.
William Oliver Esqre 3d Puisne Judge.

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Read letter dated the 17th January last, from the 2nd Judge of the Court of Circuit in the Northern Division submitting his remarks on the delivery of the Jail at Masulipatam for the 1st Quarterly Sessions of 1829.-

(Here enter No 65 of 1829.)

Read also letter, dated the 28th August last, from the 1st Judge of the Court of Circuit for the Northern Division submitting his report on the first half yearly Circuit of 1829.-

(Here enter No 537 of 1829.)

Also read letter, dated the 29th August last, from the 3d Judge of the Court of Circuit in the Northern Division submitting his remarks on the delivery of the Masulipatam Jail at the 3rd Quarterly Sessions of 1829.-

(Here enter No 552 of 1829)

The only prisoner brought before Mr Tod at the 1st Quarterly Sessions of 1829 was one charged with forgery, and he appears to have

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have been properly dismissed from the bar without trial.-

2. From the 5th paragraph of Mr. Sad's letter it would appear that in cases tried before him he is in the habit of having the previous depositions read in open Court before he enters on the trial. This leads to an unnecessary waste of time, and is otherwise objectionable, as affording to prosecutors and witnesses an opportunity of having the substance of their previous depositions repeated to them. It is also at variance with the spirit of the provision contained in the latter part of Clause sixth Section XVIII Regulation VII of 1802. It is no doubt proper that previously to entering on the trial the Judge, as well as the Mohummudan Law Officer, should make himself acquainted with the informations taken in each case, but this should be done in private.-

Ordered that extract of para 1 and 2 of these proceedings be sent for the information and guidance of Mr. Sad.-

3. Mr. Garrow in the 9th paragraph of his report refers to the subject of his communication to this Court dated the

the 3rd March 1829 respecting the insecurity of the places in which for want of a jail prisoners are confined at Guntoor. His communication was submitted to Government on the 12th of the same month. In the same paragraph he mentions the insufficiency of the allowance granted to the prisoners at Guntoor, and his having authorized an increased allowance in money pending the high price of Grain.-

4. For the purpose of checking the abuses noticed in these proceedings of the 8th March 1825 it appears to the Court to be desirable that the allowance to all prisoners in the criminal Jails should be issued in grain exclusively instead of money. It is also of importance to the discipline of the jails that no luxuries, such as betel, tobacco, and opium should be issued to the prisoners except on the requisition of the Medical Officer, and it is accordingly resolved that the four Criminal Courts be directed to circulate the necessary instructions to all the Officers in charge of Jails within their respective Divisions.-

5. It also appears to the Court

Decided

25th January 1850.

Court to be requisite that as far as circumstances will permit one uniform system should be observed in furnishing the necessary supplies of all kinds to the Jails, and to effect this object the Court resolve to direct the several Provincial Courts to investigate the system of supply observed in the several Jails within their respective Divisions, to ascertain, by a comparison of the charges for a series of years, in which jail the prisoners are most cheaply fed, and in reporting the result of their inquiries to suggest for general adoption such a mode of supply as may appear to them most advantageous.-

6. It is further requisite that the charges incurred by Government on account of the subsistence of prisoners should be subjected to more effective supervision and control than they are at present. The several Provincial Courts will give this point their best consideration, and will suggest such rules as may appear to them most expedient for the purpose of checking and preventing irregularities and abuses in this department.-

Ordered that the foregoing

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25th January 1850.

paragraphs 4, 5, and 6 be circulated to the four Provincial Courts with directions to transmit the required reports with as little delay as possible.

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7. In the 14th paragraph of his report Mr. Garrow intimates a doubt whether the people generally or even the Heads of Police themselves know the penalties attached to the commission of crimes; and in the following paragraph he suggests that a copy of the statement of crimes and punishments should be exposed in the Cutcherries of the respective Heads of Police. The Court believe that in most countries the great mass of the population possess but a very imperfect knowledge of the specific penalties attached to particular offences, but there seems no reason to suppose that in this country a much greater ignorance prevails than elsewhere on this point. It is no doubt desirable that every practicable facility should be afforded to the people generally of obtaining information on a subject in which they are all so deeply interested; and the measure suggested by Mr. Garrow appears well calculated

calculated to serve that purpose. Each of the Magistrates, under the orders of Government, have been supplied with a copy of the statement referred to by Mr. Garrow; and if the Right Honorable the Governor in Council see no objection the Court will direct the several Magistrates to furnish a translation thereof to each of the District Police Officers under them respectively with instructions to leave it open for the perusal of all persons who attend their Cucheries.-

8. In the 16th paragraph of his report Mr. Garrow alludes to the little regard paid by the uninformed Natives to the solemn obligation of an oath. It is unhappily too true that this vice is prevalent not only among the ignorant but also, as is shewn by every days experience, among the better informed portion of the Native Community; and therefore it cannot be rightly attributed to mere want of knowledge. It is possible that many discriminate themselves by some sort of mental reservation, but Mr. Garrow errs in supposing that any thing like mental reservation is admitted in Section VII. Regulation III of 1802. It is quite true that in a mixed population like that of India, professing many different creeds, one man will be bound by one sort of oath which another will not consider himself bound by, and the object of the provision was no more than that the oath administered to a witness should be that which is prescribed for persons of his particular religious persuasion and considered legal and binding on his conscience. It has, indeed, been questioned whether the oaths usually administered are in all cases held to be sufficiently binding; and it is well known that there are others considered of stronger obligation, but of these some partake of the nature of an ordeal, and others could not be administered in the Courts. Upon the whole the Court are not prepared, - for the present at least, - to recommend any alteration in the forms of oath usually administered, and it appears to them that the provisions of Clause Fifth, Section XVIII, Regulation VIII of 1802, if properly conformed to, embrace all that is requisite or practicable for impressing upon the minds of witnesses the nature of the obligation which they undertake.-

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9. In the 18th and the three following paragraphs of his report Mr Garrow remarks upon the general misconduct or incapacity of the Police Officers in the Northern Division; and the Court regret to state that the truth of his observations in all their main points is but too well confirmed by the trials referred from this Division. Mr Garrow alludes to a sett of instructions prepared by the late Magistrate of Tanjore for the guidance of the Police Officers in that Province, and observes that if similar instructions were circulated in the Northern Division, the Police would be brought to understand and perform their duty better. The Court are informed by their Register that the rules in question were issued by him when Principal Collector and Magistrate of Tanjore, and were similar to those which he submitted to this Court when formerly a Judge of Circuit in the Centre Division. In their proceedings of the 8th March 1825, the Court of Tanjore did not express a doubt as to the expediency of their circulating rules, such as those then before them, but they intimated their opinion that, the Police Officers being

being supplied with the Regulations, the issue to them by the Magistrates of instructions founded thereupon, or explanatory of provisions which may have been misunderstood, might be beneficial. It must no doubt greatly aid the Native Police Officers to have at all times before them a compact manual containing the substance of the rules established for their guidance by the Government, and of the orders issued subsidiary thereto; and if the Government see no objection the rules prepared by Mr Campbell may be revised and circulated to the Magistrates with instructions to them to furnish each of the District Police Officers with a translation thereof.

10. In the 22nd paragraph of his report Mr Garrow objects to the provisions of Section XIV Regulation IX of 1816 as vesting Police Officers with a power and giving them an opportunity of suppressing a charge that a Magistrate may refer to them for previous inquiry and report, and in the 23rd paragraph he notices the practise which appears to prevail among the Police Officers in the Northern Division of referring cases to the Magistrate for instructions. It appears to the Court that whether a charge is brought before the Police Officer himself, or is referred to him by the Magistrate for

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for previous inquiry, he has the same opportunity of suppressing it, and Mr. Garrow's objections to the provisions of Section XIV Regulation IX of 1816 if well founded, would go to show the inexpediency of trusting natives at all with the power of investigating complaints. In both cases, however, it is open to the party who conceives himself aggrieved by the conduct of the Police Officer to complain to the Magistrate, and it is the duty of the Magistrate to scrutinize minutely the proceedings of the Police Officer complained against. It is further open to the aggrieved party to represent his case to the Judge on Circuit, who has full powers, under clause second Section XL Regulation IX of 1816 to remedy any wrong that may appear to have been committed. The Court are not aware that any further remarks are necessary on this part of Mr. Garrow's report (Paragraphs 22 to 35) except that Police Officers have been repeatedly prohibited from unnecessarily referring cases to the Magistrate for instructions, and that Mr. Garrow appears to have overlooked the latter addressed to the Provincial

Court

Court of Circuit in the Northern Division dated the 30th September 1824, in reference to which he will find that Police officers are competent to discharge accused persons after completing the requisite investigation.—

11. In the 41st paragraph Mr. Garrow mentions that at Chittagong he received several petitions from Revenue Defaulters, one of whom has been in Jail for 7 years, urging their inability to liquidate the balances due by them. The Court are not aware of any objection against extending to Revenue defaulters the provisions of Section XI Regulation II of 1811, but previously to any decision upon this point the Government may consider it proper to consult their Officers in the Revenue Department.

12. In paragraphs 43 to 46 Mr. Garrow alludes to the attentions originally directed to be shown to the Judge on Circuit in his progress, as having been allowed to fall into desuetude in the Northern Division. It appears to the Court to be proper that the several District Police Officers should be in readiness, if called for, to attend the Circuit Judge on his passage through their respective Jurisdictions, and that on

on his arrival at the Sudr station of the Zillah, the Criminal Judge, and the Magistrate if on the spot, should wait upon him at his residence with the Superior Officers of their respective establishments. The Court do not think that any thing more is requisite to mark the respect due to the Office of Circuit Judge, and if the Right Honorable the Governor in Council should concur in this opinion, they will issue the requisite orders.

13. In the conclusion of his report Mr. Garrow mentions that he suffered inconvenience from the want of qualified interpreters, and of translations of the proceedings in the cases committed for trial. It is no doubt requisite that a Judge proceeding on Circuit should be able to command the services of a well qualified interpreter, and the Provincial Court will take measures to render their establishment more efficient in this respect. In regard to translations the Court are not aware that any instructions are necessary in addition to those contained in their proceedings dated the 9th April and 9th October 1823 —

Ordered

Ordered that extract of these proceedings (Paragraphs 7 to 13) be sent for Mr. Garrow's information.

14. In the 3rd Paragraph of his report Mr. Money suggests the expediency of rendering the sittings of the Quarterly Sessions permanent. The same suggestion is made by Mr. Vaughan, the 2nd Judge in the Western Division in a report which will shortly be submitted to Government, and the Court are inclined to think that for the reasons stated by these Gentlemen the measure would be attended with considerable advantages. No modification of any of the Regulations in force will be necessary to legalize this arrangement which has indeed been carried into effect on several occasions in the Western Division, and if the Right Honorable the Governor in Council see no objection the Court will issue the requisite instructions. In the event of this suggestion being approved, Mr. Money proposes that the Criminal Jurisdiction of the Ancillary Court should be enlarged by including in it several other Talooks — leaving the

the Civil Jurisdiction as it stands at present. Upon this point however the Right Honorable the Governor in Council will probably deem it proper to call for the opinions of the local authorities.-

15. In the 9th paragraph of his report Mr. Money represents the danger to be apprehended from a too rigorous infliction of punishment upon witnesses who give contradictory depositions. In the Northern Division the committals for perjury under Regulation III of 1826 have been comparatively few, but in the other Divisions they have been much more numerous, and no small proportion of them has been manifestly improper, - in some cases because the contradiction was not direct and positive, or was on a matter not material to the issue, and in others, because although the contradiction did appear to be direct and positive, circumstances existed to warrant strong doubts as to the corrupt intention of the party or witness. The Court have all along considered this Regulation open to great abuses, and they have given

given a proportionate degree of attention to its operation, issuing the requisite instructions in all cases in which its provisions seemed to be improperly applied.-

16. In the 10th paragraph Mr. Money intimates a doubt whether "the prosecuting occasionally a case "of perjury at each station to conviction "would stop the evil." The Court however are satisfied that some severe examples are necessary to check the prevalence of this heinous offence both in Civil and Criminal Cases, and in several communications to the Judges of Circuit in the Northern Division they have intimated their regret that the proper measures had not been taken to bring to conviction and punishment parties and witnesses who have come forward in support of charges which were manifestly false and malicious. It is obvious that whether examples may or may not be of efficacy to suppress the evil entirely, absolute impunity must operate to increase it.-

17. The Court concur generally in

in the observations contained in the 12th paragraph of Mr Money's Report. The proceedings of the Criminal Judges ought to be as public as possible, and held in a place to which all persons feeling an interest in them can have access.— The Court resolve to call the attention of the several Criminal Judges to this point and to desire that they will hold all their proceedings in open Court, and that they certify all depositions of prosecutors and witnesses as having been taken in oath before them in open Court.— The examinations of prisoners must be similarly certified, omitting the words "on oath."

Ordered that extract of para 17 of these proceedings be sent to the Provincial Courts of Circuit for the guidance of the several Criminal Courts.—

(Sent following letter No 19)

The Court do not think it necessary as recommended by Mr Money in the following paragraph, that the words above stated should be in the hand writing of the Criminal Judge.—

Ordered that extract of these proceedings together with copies of the reports be sent to the Secretary to Government

F. H.

25th January 1830.

Ans. 5th March No 151.

Int. 22d " 1830

Government in the Judicial Department to be laid before the Right Honorable the Governor in Council.—

(Sent following letter No 20)

Read letter dated 14th Instant from the Acting first Judge on Circuit in the Southern Division reporting the commencement of the Sessions at Madura.—

(Here enter No 32)

Read letter dated 15th Instant from the Second Judge late on Circuit in the Northern Division notifying his intention to proceed to Masulipatam.—

(Here enter No 45)

Cap. W. Johnston—

F. C.

At a Court of the Foujdaree Adalut

Present,

Thursday. 27th January 1820. F. A. Grant Esqre 1st Puisne Judge
James Cochrane Esqre 2nd Puisne Judge
William Oliver Esqre 3rd Puisne Judge.

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Read petition presented by Malayala Ammaneammah of Teroanullore in the Zillah of Chingleput.—

(Hereinafter F. C. Jurisdn. Petn. No. 25 of 1820)

This is a petition complaining of the Magistrate of Chingleput for having afforded her no redress though directed by Mr. Oakes the then Judge on Circuit to enquire into the circumstances of a Robbery which the Petitioner alleged had been committed in her house by certain persons.

The Petitioner states that the Magistrate on receipt of the orders of the Circuit Judge commenced an enquiry into the Robbery, but that her opponents, being opulent men, gave a bribe and obtained their release.—

The Petition being unaccompanied by any copy of the order passed either by the Magistrate or by the Judge of Circuit, the Court are unable to form any opinion on the petitioner's case.

Ordered

Ordered therefore that the same be communicated to the petitioner on her application.—

Read petition presented by Armoogapadiachy of the Zillah of Chingleput.—

(Hereunto F.M. Miss Pets. No 2 of 1830.)

On the 2nd of July 1829 Armogapadiachy presented a petition to this Court praying, for the reasons therein stated, that his son the prisoner in case No 2 on the Chingleput Supplemental Calendar at the 1st Sessions of 1829 might be released, and was informed on the 17th of December last that the Court had passed a sentence of acquittal in the case in question and had ordered his discharge.

The petitioner now states that in order to defray the expences incurred by him in defending the above case No 2 he was obliged to lay out the produce of certain of his lands, and is in consequence unable to pay the Circar Revenue: he therefore prays this Court to pass an order to enable him to recover, by a Civil suit, damages from the prosecutors in the above case.—

The Court being unable to pass any such order, direct that the prayer

28th January 1830.

prayer of the petition be rejected and that the same be communicated to the petitioner. But the petitioner may himself file a suit before the proper Court on this subject if he deems it proper.—

Read Petition presented by Ammany and her younger Brother Soondaram of Chedumberum Talook, Zillah of Chingleput.—

(Hereunto F.M. Miss Pet. No 30 of 1829)

On the Additional Judge on Circuit in the Centre Division forwarding the Calendar of persons committed for trial at the 2nd Sessions of 1829 at Chingleput, the Conjeveram Talook under date the 21st December last, requesting to call for an English Translation of the whole of the trial in No 1 of the Calendar, to which case the present petition relates— No return has yet been made to this order, but as soon as the required translation shall be received the present petition will be taken into consideration.

Ordered that the same be communicated to the Petitioner.—

Read petition from the retail dealers in the town of Vellajahpet in the Zillah of Chittoor.—

(Hereunto F.M. Miss Pet. No 1 of 1830)

&c.

4th January 1830.

The petitioners represent that the weights used in the town of Killaye have been altered, contrary to long established usage, to their prejudice - and that the parties against whom they complain have defrauded them by false weights - that, on complaining to the Magistrate he has decided the weights used by the opposite party to be correct, and that on appealing to the Circuit Judge, he has referred them to the Board of Revenue -

The Judges of the Longford Westmeath are of opinion that the Third Judge of Circuit in the Centre Division has erred in referring the Petitioners to the Board of Revenue - The complaint comes within the provisions of Section LIV Regulation XI 1816, - and he might to have called on the Magistrate for an explanation of his proceedings in the case which he will now do, reporting the result to this Court -

Ordered that the same be communicated to the Petitioners -

Ordered that the Third Judge of Circuit be required by precept to comply with the above order - return to be made within three weeks -

(Sent following Precept No 25

Read.

Wm. Johnson -

Pl. 11

28th January 1830.

Read letter, dated the 24th Ultimo from the First Judge of the Provincial Court of Circuit in the Western Division forwarding copy of the Calendar of the Auxiliary Court Gillah Malahar for the 4th Quarterly Sessions of 1829 -

(Bercenter No 2 of 1830)

Read letter dated the 19th Instant, from the First Judge of the Court of Circuit in the Northern Division forwarding the Calendar of prisoners committed to take their Trial before the Court of Circuit at the 1st Quarterly Sessions of 1830 together with copies of the Outwarks -

2 Pl. 20

(Bercenter No 55 of 1830)

F. H.

At a Court of the Foujdaree Adalut

Present

Saturday 30th January 1830. J. A. Grant, Esqre. 1st Puisne Judge
William Oliver, Esqre 3d Puisne Judge

Read letter dated the 8th October last from the Second Judge of the Court of Circuit in the Centre Division forwarding the proceedings in case No 5 of the Calendar of the Zillah of Chittoor for the 3d Quarterly Sessions of 1829.-

(Here enter No 624 of 1829)

The First and Third Puisne Judges of the Foujdaree Adalut having maturely considered the proceedings held before the Judge of Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee ool Cozat and Mooftee of the Foujdaree Adalut, acquit all the prisoners in this case, and direct that the,

16th Tencatee and
17th Pounee

be set at liberty.-

But considering strong suspicion though not amounting to conviction to attach to all the other prisoners they direct that each of them be required to find two Sureties to the extent of the Sums below specified placed opposite to their respective names, for his good behaviour and appearance when required, within three years, or in default thereof that each of them be severally

retained

of the evidence against the prisoners.

2 The alleged confessions of the prisoners must therefore be thrown wholly out of consideration, and the remaining evidence goes chiefly to affect the 5th, 7th, 8th, 14th, 16th and 17th prisoners, upon whom it is sworn a part of the plundered property was found. But the evidence to this finding, is intitled to very little credit, for all or at least the principal witnesses to the fact are the Peons who acted under the orders of the Police Officer, whose misconduct is noticed above, and the witnesses who swear that the articles found are the property of the prosecutor cannot safely be believed; for it is quite clear that some of the articles could not possibly be identified, and yet they are sworn to with as much confidence as the others.

3 The Court are clear that the evidence on the record is not sufficient to warrant a conviction but upon the whole they think there are grounds to suspect that all the prisoners were concerned more or less in the robbery; and it has therefore been deemed proper to direct that they be not released without security - with the exception of the 16th and 17th prisoners, who are the wives or concubines of the 1st prisoner.

Ordered that Extract of these proceedings be sent to the 2d Judge of the Court of Circuit in the Centre Division for his information.

(Sent following letter No)

Read

Geo. W. Johnson

retained for three years in confinement Viz.t

		Rs.
1st	Muctaser Moneyapa Bodian	200.
2d	Tondarayen	200.
3d	Emam	100.
4th	Baubah	100.
5th	Poovun	100.
6th	Nunnoo Madar	100.
7th	Poligar Vencatachellum	100.
8th	Maula Vencataramdoo	100.
9th	Tatakan Mottoo	100.
11th	Moorogamungalum Sorbum	100.
12th	Aroomachellum	100
14th	Moorogamungalum Ramen and	100.
15th	Mulic	100.

4 The alleged confessions of the prisoners before the Police Officer bear, upon the face of them, the strongest marks of fabrication; and were it otherwise, they would not be intitled to the smallest notice - It is clear that these men, some of them at least, had been in custody for months before these confessions were extracted from them; and the circumstance noticed in the 3d paragraph of Mr Oakes's letter - to say the least of it - shews that every proceeding of the Police Officer in this case must be viewed with the strongest distrust. In fact the gross falsehood of the Police Officer, and the irregularity of his proceedings throughout have tended to throw discredit upon the whole of

Read return dated 14th Instant from the Additional Judge on Circuit in the Centre Division to precept dated 3d Ultimo, commanding transmission within 20 days of the records of the trials held by him at Cuddapah in all cases set down for reference and explaining delay.-

(Here enter No 27)

Read return dated the 15th instant from the 3d Judge late on Circuit in the Southern Division to precept dated the 28th Ultimo requiring further explanation regarding the circumstances which led to the examination of the female prisoner in case No 7 of the Salem Calendar 2d Sessions of 1829.-

(Here enter No 35)

Read return dated the 8th Instant from the Provincial Court of Circuit in the Centre Division to precept dated 21st Ultimo stating that the required instructions and information have been sent to the Criminal Judge of Bellary and the Magistrate of Chittoor respectively.-

(Here enter No 40)

Read return dated 19th Instant from the 3d Judge late on Circuit in the Centre Division to precept dated 31st Ultimo regarding forfeiture of the recognizance of Cundapen 4th witness in case No 44 Chingleput Calendar 1st Sessions of 1829.-

(Here enter No 41)

ZK

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Z 11.

At a Court of the Foujdaree Adaulut,

Present,

Monday, 8th February 1830. F. A Grant Esqre 1st Puisne Judge
James Cochrane Esqre 2nd Puisne Judge
William Oliver Esqre 3rd Puisne Judge

Mr Grant and Mr Cochrane. ZK

Read again letter dated the 15th October last, from the Third Judge late on Circuit in the Centre Division, with record of the trial in case No 3 Chingleput Supplemental Calendar 1st Sessions 1829.-

(Here enter No 36 of 1829.)

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

The First and Second 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 Adaulut are of opinion that the proof against the prisoners

1st Veerun, and
2nd Thirth Dawod

is sufficient to convict each of them of the crime of theft, and under Clause first, Section II Regulation I of 1818 convicting them thereof, do under Section XXI Regulation VII of 1802 sentence them severally to be imprisoned and kept to

to hard labour in irons on the public roads or other public works for the period of seven years.-

In this case it appears that of five prisoners originally sent up for trial before the Court of Circuit two (3d and 4th) charged with receiving part of the property, knowing it to be stolen and one (the 5th) with having melted a part with the same knowledge, were discharged, the guilty knowledge not being proved. There is ample evidence in the declarations of the 1st and 2nd prisoners before the Police and Criminal Judge and in the Depositions of the 4th 7th and 8th witnesses before the Criminal Judge and Circuit Court to convict the 1st and 2nd Prisoners, but the Judges cannot avoid noticing that the examination of some of the Prisoners seems to have been imperfectly witnessed. One of the Witnesses to that of the 5th prisoner before the Police says he was not present when he dictated it nor did he see him affix his signature and in the examination of the Prisoners before the Criminal Judge there are no witnesses to the deposition of the 1st Prisoner, only one to that of the 3d and none to that of the 4th. The 1st and 2nd prisoners each accuses the other of having brought the property to his house, it

appears however that the account which the 4th witness asserts that the 1st Prisoner Veerin gave, when brought before him, is true, Viz.t, that he and the 2nd prisoner went together to the house and brought away the trunk, which being heavy could not easily have been moved by one person - The manner in which the property has been traced to the 1st and 2nd Prisoners combined with their own declarations and the evidence of witnesses against them does not leave a doubt of their guilt in the mind of the Judges.-

Ordered that extract from these proceedings be sent to the Third Judge late on Circuit in the Centre Division for his information.-

Court following letter

Mr Grant. and Mr Oliver

Read letter dated the 11th December last from the 3rd Judge of the Court of Circuit in the Centre Division, forwarding the proceedings in case No 12 of the Chittoor Calendar 4th Quarterly Sessions of 1829.-

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(Here enter No 738 of 1829)

The First and Third Puisne Judges having maturely considered the proceedings held before the Judge on Circuit, the future of the Provincial Law Officer

8th February 1830.

Officer and the futwa of the Cazee-col Cozat and Mooftees of the Zuydaree Udalut concur in opinion with their Law Officers that the crime of perjury is not established against the prisoner

"Dundoo Gooroovadoo"

and direct that he be forthwith set at liberty.-

(Sent following letter

Mr Cochrane and Mr Oliver.

Read letter dated the 11th December last from the 3rd Judge of the Court of Circuit for the Centre Division, submitting the proceedings in case No 16 Chittoor Calendar 4th Quarterly Sessions of 1829.-

(Here enter No 133 of 1829)

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 col Cozat and Mooftee of the Zuydaree Udalut, are of opinion that the prisoners,

1st Ramdoo
2nd Mootealgandoo
and
3rd Soobiah,

are not convicted on presumptive proof, or on the evidence of credible witnesses or on their own confession of the crimes with which they are respectively charged, and notwithstanding the futwa of their Law

F 11.

8th February 1830.

Law Officers, under the authority vested in them by Clause sixth Section II Regulation XV of 1803 acquit them thereof and direct that the said prisoners,

1st Ramdoo,
2nd Mootealgundoo,
and
3rd Soobiah,

aforesaid, be set at liberty.-

The Court have been led to the above decision as regards the first prisoner by the absence of all evidence against him save his own alleged verbal confession to the Villagers against which there is evidence on his behalf that during the night in question he was at another Village. With respect to the second prisoner there is no evidence against him corroborative of his alleged verbal confession when seized and subsequent declaration before the Police Officer, for the Notch on his stick cannot be considered such without some evidence to show that it was not there previous to the transaction in question. The bare existence of such a mark on a stick, which might have been made

in

9th February 1830.

in so many other ways, cannot by itself be considered as proof of the second prisoners participation in the alleged crime - The Judges further remark that the record does not shew the grounds on which the prosecutors suspicians first fell on this prisoner. The third prisoner, as nephew of the Prosecutor would appear to be the most unlikely person for the others to fix on to shew them the house of his uncle and his confession before the Criminal Judge cannot singly be considered as a sufficient ground of conviction while there exists, as there does, strong doubts as to the sanity of his intellects - Besides it is difficult to believe that Kistniah and Venkatappa, who are alleged to have been of the party, were ignorant of the house where their enemy the prosecutor resided.

Ordered that extract of these proceedings be sent to the 2nd Judge of the Court of Circuit in the Centre Division for his information

(Sent following letter &c.

Read letter from the Provincial Court of Circuit in the Centre Division, submitting a reference from the Magistrate in Cuddapah, as to the propriety of the European Magistrate explaining to the Criminal Courts the causes of delay

9th February 1830.

in forwarding cases transmitted by themselves.-

(Here enter No 745 of 1829)

Although the Regulations do not require the European Magistracy to give an explanation of every delay exceeding 48 hours in the transmission of prisoners, as they require the native Heads of Police, yet it is obvious that any unusual detention of the accused even by the Magistracy, must operate in favor of the prisoners, unless its necessity appears on the face of the proceedings or is explained by those with whom it originated - It is not from any want of confidence in the Magistracy that this is required - but for the ends of justice - and every Magistrate should be anxious to afford it to prevent the accused from misrepresenting his proceedings, or placing in a false light the delay which may have occurred - If the cause of delay is not obvious on the face of the proceedings a short note in the paper forwarding the case to the Criminal Court might lead the tribunal which tries the case to a correct view of the subject, whilst

the

the silence of the Magistracy might render them open to erroneous representations by the accused.-

2. On this account, the Judges consider it proper to direct that, in all cases of delay exceeding five days, the Magistracy explain its cause in forwarding the case to the Criminal Court, by a note to be appended to the paper sent with the prisoner.-

Ordered that the same be communicated to the four Provincial Courts for the guidance of the Magistracy in their respective divisions.-

(Sent following circular letters No. 39)

Ordered also that extract from these proceedings be sent to the Secretary to Government in the Judicial Department to be laid before the Right Honorable the Governor in Council agreeably to the orders of Government dated 17th March 1826.-

(Sent following letter No. 40)

Read return of the Provincial Court of Circuit in the Centre Division to this Court's precept of the 14th January last.-

(Here enter No. 65)

The Court direct that the Provincial Court in the Centre Division do

L 11

8th February 1880 do call upon the Magistrate of Chinglepet, for any information he can furnish on the subject alluded to in this return, and that they transmit the same to this Court.-

Ordered also that the Provincial Court in the Centre Division be informed that they ought not to have sent any of the original records of their Court to Mr. Newnham, but only copies of such as he may have required; and that they be instructed to recall the originals without delay- precept returnable in one week-

(Sent following precept No. 41)

Read letter dated the 4th ultimo from the Provincial Court of Circuit for the Centre Division forwarding copy of a return from the Acting Criminal Judge of Cuddapah explaining the delay in disposing of certain cases in the Supplemental Calendar of the Criminal Reports for the month of October last.-

(Here enter No. 66)

Read return dated the 25th ultimo from the Provincial Court of Circuit in the Northern Division to precept dated the 31st December last directing the Joint Criminal Judge

of

of Masulipatam to release on bail the prisoner named Veerapah committed on a charge of Manslaughter.-

(Here enter No 57.)

Read letter stated the 30th ultimo from the 3rd Judge of the Court of Circuit for the Centre Division with copy of Chittoor Calendar for the 1st quarterly Sessions 1830.-

(Here enter No 58)

Read return dated the 25th ultimo from the Provincial Court of Circuit in the Centre Division to precept dated the 14th ultimo containing the remarks of the Foujdaree Adalut on the Criminal Reports for the month of November last.-

(Here enter No 59.)

Read letter stated the 15th ultimo from the Second Judge late on Circuit in the Northern Division forwarding copy of the Chicacole Calendar for the 2nd Sessions of 1829.-

(Here enter No 62.)

Eyre M Johnston

J. A. !

At a Court of the Foujdaree Adalut.

Present

Thursday, 11th February, 1830.- J. A. Grant Esqre 1st Puisne Judge
William Oliver Esqre 3d Puisne Judge

Read letter dated the 20th Decem-
-ber last from the First Judge of the Provincial
Court of Circuit in the Northern Division, forward-
-ing the record of the trial in case No 1 on the Ca-
-lendar of the Zillah of Masulipatam for the
4th quarterly Sessions of 1829.-

(Here enter No 7.)

The First and Third Puisne Judges having maturely considered the proceedings held before the Court of Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee ool Cozat and Mooftee of the Foujdaree Adalut concur in opinion with their Law Officers that the prisoners,

1st "Shaik Saul Mahomed"
2d "Coodarut Allee"
and
3d "Saul Khan"

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confession of the crime laid to their charge and acquitting them thereof direct that the prisoners aforesaid be set at liberty.-

(Seal following letter No)

Read

11th February 1830.

Read letter dated the 21st December last from the 1st Judge of the Provincial Court of Circuit in the Western Division forwarding the proceedings in case No 4 on the Calender of the Auxiliary Court Billah Malabar for the 4th Quarterly Sessions of 1829.-

(Here enter No 4)

The First and Third Puisne Judges, having maturely considered the proceedings held before the Court of Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee ool Cozat and Mooftees of the Zillah Adalut confirm the futwa of the Law Officers finding the prisoner

Coonhy Poorail Matty Cootty

guilty of wilful murder and declaring him liable to Kissaas; but being of opinion that the punishment of death would in this instance be too severe they under the authority vested in them by Clause second Section VI Regulation I 1825 adjudge the prisoner,

Coonhy Poorail Matty Cootty

to receive one hundred and fifty lashes with a cat of nine tails and to be transported beyond sea to such place 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 & during the period of his natural life.-

Sent following letter &c

2 Ltr

Ex. W. Johnston

11th February 1830.

Read letter from the 2d Judge of Circuit for the Northern Division.-

(Here enter No 22.-)

In a case of Perjury the Second Judge has sentenced the prisoner "to receive 30 stripes with the corah," in conformity with Clause first Section III Regulation VI 1811. But on the ground that the Corah is unknown in the Zillah of Chicacole as an instrument of punishment, and that under Regulation VIII of 1828, the Cat of nine tails has been substituted for the rattan alone, the Criminal Judge of Chicacole requests further orders, as to the mode of inflicting the corporal punishment.-

The word "Corah" in Regulation VI 1811 is derived from Regulation II 1807 of the Bengal Code, whence that enactment is taken - The stripes inflicted by it were in Bengal considered equivalent to those of the rattan; for Regulation XII of 1825, which altogether abolishes in the Bengal province the punishment of the Corah, substitutes for it the rattan.-

In framing Regulation VIII of 1828 of the Madras Code, provision was not made for the abolition of the punishment of the "Corah" - This oversight it is resolved to bring to the notice of Government; and to submit, for their approval, the accompanying draft

17th February 1830.

draft of

A Regulation for abolishing the use of the Corah as an instrument of punishment, and substituting, in lieu thereof, the Cat of nine tails.

Preamble

Whereas by clause first Section III Regulation VI 1811, "thirty stripes with a Corah" forms part of the sentence which a Judge of Circuit is authorized to pass on persons convicted of perjury, subornation of perjury, or forgery; & whereas it is desirable that one uniform instrument of punishment should be used, by the Criminal tribunals, for inflicting stripes in all cases, throughout the territories under the Presidency of Fort St. George - wherefore the Right Honorable the Governor in Council has enacted this Regulation, to be in force from the date of its promulgation.-

Such part of clause first Sec. III Reg.n VI 1811, as regards stripes with the Corah rescinded - Its use abolished; and 5 stripes with a cat of nine tails substituted for one with a corah.-

So much of clause first Section III Regulation VI 1811 as relates to the infliction of stripes with a Corah is hereby rescinded - The use of the Corah as an instrument of punishment is abolished - Persons who under the provisions of the said clause, would have been sentenced to receive stripes with a Corah, shall, in lieu thereof, be sentenced to receive lashes with the cat of nine tails described in Regulation VIII 1828; five lashes with such cat of nine tails being considered equivalent to one stripe with a Corah.-

Ordered that Extract from these proceedings

F.L.

17th February 1830.

proceedings be communicated to the Second Judge of Circuit in the Northern Division; and that, under the doubts which might arise as to the nature of the instrument described in the existing Regulations as the "Corah", he be directed to recall such part of his warrant, in the case in question, as directs the infliction of stripes.-

(Sent following letter No)

Resolved that Extract from these proceedings be submitted for the consideration and orders, of the Right Honorable the Governor in Council.-

(Sent following letter No)

Ens
H. Johnson

Z. 11.

At a Court of the Faujdaree Adalut.

Present,

Thursday, 18th February 1830. — F. A. Grant Esqre. } Judges.
William Oliver Esqre. }

Read petition presented by Chanaly Veerappah of the Zillah of Guntoor (Here enter Misc Petn No 3 of 1830)

This is a petition complaining of failure of redress on applications made to the Judges who presided at the 1st and 2nd Sessions of 1829, on the subject of certain proceedings of the Magistrate in the Zillah of Guntoor.—

The Petitioner states that, in consequence of a dispute with certain members of his Caste, (30 in number and all named in his petition) his house was broken into on the 21st June 1825, himself beaten and his Mother killed: that on the 3rd of May 1826 when he was absent from home his "second wife was tied "up to a Tree, and his house plundered" and that on the 2nd November 1827 the 30 persons named in his petition "formed themselves into a Gang, beat him severely and took away a Brass Pot which was buried in the ground and continued

"500 Pagodas"-

3. The Petitioner further states that he "lodged his complaint before the "Magistrate and Police Ameen of Guntoor" but that some of the Defendants being employed in the Collector's Cutcherry" and others "men of property his complaint "was put aside."- Upon this he presented a petition to the Right Honorable the Governor who on the 20th of March 1828 directed him to prefer his Complaint to the Zillah Court, which he accordingly did but was informed by the Criminal Judge on the 13th October 1828 "that he could "not take cognizance of his complaint "unless it was brought before him by "a Magistrate to whom it should be "preferred in the first instance under "Section VIII Regulation X. of 1816"- This order, together with the petition, the Petitioner states he "presented to the Magistrate "on the 18th of the same month" but that "that Officer rejected them and passed an "order that he should go to the Civil "Court because he was rather late "in coming before him"- Thereupon the Petitioner applied to the Acting 1st Judge "who presiding at the 1st Sessions of 1829

by whom his petition was endorsed to the following effect- "the Criminal Judge "informs the Acting 1st Judge that the "case here stated is under enquiry by "the Magistrate- the Petitioner is referred "to that Authority."-

On the 2nd of September 1829 the

4. Petitioner presented a petition to the 2nd Judge on Circuit requesting that "the pro- "ceedings of the Magistrate and Head of "Police might be called for and considered" but it was rejected the 2nd Judge being of opinion that "he had no power to "comply with the request."-

The several attempts of the

5. Petitioner to obtain redress being thus baffled, he proceeded to Madras and presented a second petition to the Right Honorable the Governor when he was again referred "to the Courts of Justice."-

The originals of these Memorials

6. the Petitioner submits with his present petition and from them it appears to the Judges that his case has not yet been properly investigated- The 1st and 2nd Judges ought to have called for the proceedings of the Magistracy in this case and the Court direct the Petitioner to proceed to Guntoor without delay and to represent his case personally to the Judge on Circuit, now at that Station

18th February 1830.

Station to whom it is mean time resolved to transmit the whole of the papers laid before this Court and to require him by precept to call for the proceedings of the Magistrate, and to pass such orders thereon as to him may appear requisite.—

Ordered that extract from these proceedings be furnished to the Petitioner on his application; and that copy of the same be forwarded to the 2nd Judge now on Circuit in the Northern Division for his information and guidance.—

(Sent following letter No. 52

Read Petition presented on the 28th ultimo by Agathedwara Moodely of the Zillah of Chinglaput.—

(Hereunto Misc. Petn. No 6 of 1830.)

1. The Petitioner represents himself to be the Zemindar of the two Mootahs of Ponnary and Paroovail in the Zillah of Chinglaput and to have sustained a heavy loss in consequence of the falsification of the village accounts by one Mastoo Moodely, Maaniff of the Village of Paroovail, and one Sawmy Pillay his Cumum,— and states that upon preferring his complaint to the Magistrate that Officer dismissed the case and directed him to seek redress in the Civil Court.—

2/ E. H.
18th February 1830. 2

Dissatisfied with this decision of the Magistrate, the petitioner, it appears, applied to the then Judge on Circuit, Mr. Newnham, who, having some doubts "whether a Judge of Circuit in point "of law ought in such a case to pay "attention to the supplicant and require "any information from the department "of the Magistrate in which the charge "of forged accounts was first investigated "referred the petition together with a letter, dated the 24th of December 1827 detailing the circumstances of the case for the consideration of the Court of Enquiry to which letter as it contained much "irrelevant" matter was returned to the 2nd Judge for correction.—

3. The original of this communication the Petitioner files with his petition, and states that it was given to his Gomastah by the Provincial Court in the Centre Division. Ten it is an endorsement in the hand writing of their Register dated the 18th February 1829 and to the following effect.— "The Petitioner requiring a copy of this document the original is given to him it forming no part of the record of this or any other Court.— It can therefore be of no use to the petitioner ten — given to him at

"at his request." If this endorsement was written and the letter returned by order of the Provincial Court the Judges are of opinion that they have acted very irregularly as the letter should undoubtedly have been retained among the records of the 2nd Judge.-

4. The Court accordingly direct that copy of this petition be forwarded with the original letter from Mr. Newnham the late 2nd Judge to the Provincial Court in the Centre Division and that the Judge holding the Sessions after its receipt be desired to inquire into the Petitioners case, and to ascertain whether he has suffered any injury which ought to be redressed by a Criminal prosecution. If in his opinion he has sustained such injury, the Judge holding the Sessions will point out to the Magistracy the proper course to be pursued by them.-

Ordered that extract from these Proceedings together with copy of the Petition and the original letter of Mr. Newnham be forwarded to the Provincial Court in the Centre Division for their information and guidance.-

(Sent following letter No 53)

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28
Ens
W Johnson

18th February 1830.

Read letter dated 11th Instant from the Third Judge on Circuit in the Northern Division reporting his intention to quit Nellore for Guntoor.-

(Here enter No 90 of)

Read letter dated the 29th ultimo from the Third Judge on Circuit in the Northern Division, reporting his arrival at Nellore and the commencement of the Sessions at that Station.-

(Here enter No 64)

15th February 1830

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C. 11

At a Court of the Foujdaree Udalut.

Present,

Thursday, 25th February 1830. Francis Alexander Grant Esqre 1st Puisne Judge
William Oliver Esqre ... 2nd Puisne Judge
Charles May Lushington Esqre 3rd Puisne Judge

24
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Ch. A

Read letter dated the 23rd Ultimo from the 3rd Judge on Circuit in the Western Division submitting a correspondence with the Magistrate in the Zillah of Malabar arising out of a precept issued to the Magistrate noticing the deficient and unsatisfactory Report transmitted by a Police Officer with his proceedings in case No 12 on the Malabar Calendar for the 1st Sessions of 1830.

(Here enter No 7/4)

From the return of the Magistrate to the Precept of the Judge on Circuit, it appears that at the suggestion of the Criminal Judge of Malabar the Magistrate issued Circular Orders to his Police Officers directing them "in forwarding their proceedings "to the Criminal Court merely to mention "at the foot of the Report prescribed by "Clause fourth Section XXVII Regulation XI "of 1816 the cause of delay in transmitting "the same beyond 48 hours and if the prisoner "has ever undergone any punishment

for

"for former offences and nothing else" the
"Criminal Judge being of opinion "that by
"Clause 4th Section XXVII Regulation XI of 1816
"no remark or statement is sanctioned
"in any record or paper sent with an accused
"party to the Criminal Judge excepting a
"note at the bottom of the Police Report stating
"the cause of any delay in forwarding such
"case after 48 hours detention and that
"the prisoner is an old offender whenever
"this may be the case."—

2. Although no urzee should be addressed by the Heads of Police to the Criminal Court, containing any summary of the case, or any commentary upon it, both being unnecessary, yet in the report accompanying the prisoners, a statement of any circumstances not explained by the evidence connected with the proceedings of the Police Officer may be essentially necessary for the due administration of Justice. In the Circular orders of this Court dated the 28th of July 1825 the attention of the several Magistrates was called to the great importance of requiring their Police Officers to transmit together with their proceedings to the Criminal Court a record of the charge and the circumstances attending it previously

previously to the apprehension of the prisoner.—

3. The Court of Sudder Adalut are of opinion that the Report of a Police Officer should contain any essential information not included in the evidence, especially respecting the grounds upon which the accused were originally suspected, or apprehended by the Police the individuals first designated, when the charge was preferred the time when and the place where the charge was made, the nature and value of the property stolen in cases of theft or robbery, and in cases of murder the appearance of the body the number and description of the wounds the nature of the instrument wherewith these wounds appear to have been inflicted, and the length of time which from the condition of the corpse it is supposed has elapsed since the murder was committed. In the event of any bloody cloths or weapons or generally any stolen property being discovered the Police Officer should carefully ascertain and record the particular

particular articles which may be found and also on whom, at what place, by whom, and in whose presence they were discovered. stating at the same time whether the prisoners are of notoriously bad character, or have been before convicted of any offence.—

4. The Court accordingly direct the Magistrate in the Zillah of Malabar to cancel the circular orders issued by him to his Police Officers in consequence of the two communications from the Criminal Judge and to desire them to enter in the Report directed to be sent in Clause fourth Section XXVIII Regulation XI of 1816 any information they may have obtained on the above heads or any other circumstances which they may deem of importance to bring to the notice of the Criminal Judge.—

Ordered that extract from these proceedings be forwarded to the Third Judge on Circuit in the Western Division desiring him to furnish the Magistrate and the Criminal Judge in the Zillah of Malabar with copies of the same for their information and guidance.—

(Sent following Precpt No 55)

Read petition presented by Annadana pattah Pungien of the Zillah of Chingleput.—

(Here enter Mise Rte No 10 of 1830.)

F. U.

25th February 1830.

The prayer of this Petition is that the Court will issue orders for the release of his Brother-in-law named Chetumbara mmittee who has been confined in the Jail at Chingleput by order of the Criminal Judge.—

Ordered that this petition be rejected and that the Petitioner be informed that the Court cannot interfere in such a case.—

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24

Ch

Ens. Nicholson

F. W.

At a Court of the Foujdaree Adalut.

Present,

Friday,
26th February, 1830. Francis Alexander Grant Esqre 1st Puisne Judge.
William Oliver Esqre 2nd Puisne Judge.
Charles May Lushington Esqre 3rd Puisne Judge.

24
20
A L

Read letter dated the 9th instant from the Provincial Court of Circuit in the Centre Division submitting the Reports required by Section XXXV Regulation X of 1816 from the several Criminal and Joint Criminal Judges in the Division for the month of December last, together with their proceedings thereon.—

(Here enter No 95)

Cuddapah. 1. The prisoner in case No 1 of the Report No 5 submitted by the Acting Criminal Judge of Cuddapah is charged with "having allowed the two prisoners "Vencatesgadoo and Gungoolooguddoo who "escaped from Jail on the 25th of October 1829 "to be lodged in his house." This is the first intimation which the Foujdaree Adalut have received from the Criminal Court of the escape of these prisoners from the Jail at Cuddapah— they accordingly

accordingly desire that the Acting Criminal Judge be called upon to submit without delay an account of the transaction and to account for his not having submitted it at an earlier period.—

2. The Judges likewise desire the Acting Criminal Judge will state his reasons for not having reported to the Foujdaree Adalut the escape of the prisoner named Baya Gungoolee concerned in Case № 13 of the Report № 5.—

3. No reason having been assigned by the Police Officer for the detention, in the Lalook, of the prisoner in case № 7 for 15 days, the Judges desire that the Magistrate in the Zillah of Cuddapah be called upon for an explanation of the delay in forwarding the case to the Criminal Court.—

4. The Criminal Judges of Chingleput and Chittoor should be informed that the Report № 12 required to be forwarded by Section XXXVII Regulation X 1816 is no longer necessary— The Section in question is rescinded by Regulation IX 1828, and the monthly and half yearly returns afford all the information required

F. R.

required by this Court for the present.—

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division desiring them to make the necessary communications to the Criminal Judges in the Zillahs of Chingleput, Bellary, Cuddapah and Chittoor— precept returnable within ten days from and after its receipt.—

(Sent following precepts)

Read letter dated the 15th Instant, from the Provincial Court of Circuit in the Centre Division, stating that the instructions of the Foujdaree Adalut of the 8th Instant have been obeyed and that a further return will be made on the receipt of the required information from the Acting Magistrate of Chingleput.

(Here enter № 10.)

Read letter dated the 1st Instant, from the Provincial Court of Circuit in the Centre Division, forwarding the returns of the Acting Magistrate in the Zillah of Chingleput to the Precepts of the Provincial Court in the Centre Division calling for explanations

of

of the delay in certain cases of the Criminal Reports for the month of November last.

(Here enter No. 108)

Read letter dated the 17th Instant from the Provincial Court of Circuit in the Southern Division, transmitting the returns received from the different authorities in the Division in reply to the communications made to them regarding the Criminal Reports for the month of December last.—

(Here enter No. 113)

Read letter dated the 20th Instant from the 2nd Judge on Circuit in the Northern Division reporting the arrival of the Court of Circuit at Guntoor on the 18th instant and the opening of the Sessions of 1830 on the 20th.—

(Here enter No. 117.)

Read letter dated the 18th Instant from the 2nd Judge on Circuit in the Western Division, reporting his intention to proceed to Canara.—

(Here enter No. 120.)

Exd H. Johnston

At a Court of the Foujdaree Adalut

Present,

Thursday, 4th March, 1830.

Francis Alexander Grant Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge
Charles May Lushington Esqre 3rd Puisne Judge

Read petition presented by Vadee Runganaikloo of the Zilla of Masulipatam.

(Here enter F. Enisc. Petn No. 9 of 1830.)

This is a petition complaining of the Magistrate in the Zillah of Masulipatam having afforded no redress on representations which were made to that Officer on the 19th of March and 8th of June 1829, of Petitioner's house having in his absence from home been broken into by one Birjee Mohun Dass and 5 others and property plundered therefrom to the value of Rupees 4000.—

2. The Petitioner stated that both of the complaints preferred by him to the Magistrate were fully proved by the evidence of his Witnesses, and among the number of those called to substantiate the charge preferred on the 8th of June he includes the names of four Gentlemen viz Adjutant Weir, Quarter Master Neele, Lieutenant Clerke, and Ensign Renard then stationed at Masulipatam

Masulipatam, and urges that notwithstanding their testimony the Magistrate dismissed his case.-

3. The Petitioner further states that being unable to obtain redress from the Magistrate he presented two petitions to the Court of Circuit in the Northern Division one on the 16th and another of the 24th July 1829 but that they confirmed the proceedings of the Magistrate without any investigation of the evidence in the case.-

4. Under these circumstances the Petitioner prays the Court to call for the proceedings of the Magistrate and to cause his property to be restored to him.-

5. The Court are of opinion that it is requisite, for the ends of justice, to ascertain what grounds exist for such allegations- and accordingly order that an extract from these proceedings, be transmitted to the Provincial Court of Circuit in the Northern Division desiring them to call for an English translation of all the proceedings of the Magistrate in this case- with any explanation he may deem requisite to forward in elucidation

elucidation of his decision- and that the Provincial Court submit the same with their opinion thereon to this Court, with as little delay as possible.-

(Sent following precept No. 59.

Read petition presented by Gujjula Yerrumreddy of the Zilla of Cuddapa.-

(Here enter P. Misc. Pet. No. 22 of 1829)

The Petitioner represents himself to be the Fatherinlaw of Yarracala and Venkata the prisoners in Case No. 1 Cuddapa Calendar 2nd Sessions of 1829, the trial in which case has been referred to this Court by the Additional Judge late on Circuit, and the prayer of his petition is, that for the reasons and under the circumstances therein stated, his said sons-in-law may be ordered to be released.-

The Court having passed a sentence of acquittal in the case in question and directed the unconditional release of the prisoners, ordered that the same be communicated to the Petitioner.-

Read letter dated the 15th ultimo

ultima from the 1st Judge on Circuit
in the Southern Division recommending
under the provisions of Section III Regu-
lation I of 1825 a mitigation of punishment
in the case of two prisoners convicted
in Case No 12 of the Tinnevelly Calendar
for the 1st Sessions of 1880.-

(Here enter No 153)

The Court of Sunjdaree Adalut
having attentively considered the grounds
upon which the 1st Judge has recom-
mended that the punishment of the
two prisoners referred to in his letter
should be mitigated to 195 stripes and
seven years imprisonment with hard
labour in irons, resolve to sanction
the mitigation of punishment pro-
posed.-

Ordered that extract from
these proceedings be forwarded to the
1st Judge on Circuit in the Southern
Division for his information.-

(Sent following letter No 60

Read letter from the 3rd Judge
of Circuit in the Western Division,
forwarding copy of his precept to
the Assistant Criminal Judge in
charge

charge of Malabar, with that officers
return.-

(Here enter No 139 of 1880.)

1. The question submitted at the
instance of the Assistant Judge, for the
decision of this Court, is whether, in
criminal cases, where the prosecution
is by a third party, against a husband
or wife, either of them is a competent
witness against the other.-

2. The Court have duly considered
all the cases in Bengal, bearing on
this subject, contained in Pages 7, 145
and 182 of Vol: 1, and in page 149 Vol: 2nd
of the reported trials at that Presidency

3. It does not appear to the
Court that the question before them
can be decided according to the techni-
calities of either the Mahomedan, or
the English law. The various social
ties existing in every country may
require a modification of the general
principle which discredits the testimony
of such as are directly interested in
the issue; but, as noticed by the Assistant
Judge, the interest between husband and
wife amongst the natives of India, is
very different from that existing in
European countries, or even in those
where

4th March 1830.

where the Mahomedan faith is prevalent, especially where, as in Malabar, there exists a plurality of "husbands among some classes, and of wives amongst others."

The Court are inclined to think that, in the existing state of society in India, the safest general rule will be not altogether to exclude the testimony of either, whether for or against the other, but to let the objection go to the credit, rather than to the competency of such evidence. Where other sufficient evidence exists, it would be obviously very objectionable to make use of the testimony of parties thus situated. The Court accordingly direct that the above observations be transmitted to the four Provincial Courts of Circuit, for the guidance of themselves, and of the tribunals under them in similar cases.

Sent following letters No 61.

Ordered also that extract from these proceedings be sent to the Secretary to Government in the Judicial Department agreeably to the orders of Government dated the 17th March 1826.

Sent following letter No 62

Read

4th March 1830.

Mr Grant. and Mr Cleaver.

Read letter dated the 30th January last from the Additional Judge late on Circuit in the Centre Division with record of the trial in case No 1 Cuddapah Calendar 2nd Sessions 1829.

(Here enter No 73 of 1830)

The First and Second 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 Adalut, confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid, and acquitting the prisoners,

1st "Yarcoola,"

and

2nd Venkatareddy,"

direct that they be set at liberty.

In this case, the inquest on the body was very loosely conducted, as appears by the evidence of the persons who signed the certificate. The conviction of the prisoners depends mainly on the credit due to the evidence of the prosecutor and the two first witnesses. The Judges do not think that implicit credit can be given to them, for there is strong reason to suspect them to be actuated by malice; and they have certainly greatly

greatly exaggerated the matter - But the deceased himself was mainly the cause of the calamity that eventually befel him, and by interrupting unlawfully the prisoners whilst cultivating the field, led to the mutual irritation and blows which caused his death.-

Under these circumstances, the case is one of manslaughter only, and considering the imprisonment which the prisoners have already undergone, the Judges are of opinion that they ought to be released.-

Ordered that extract from these proceedings be sent to the Additional Judge late on Circuit in the Centre Division for his information.-

(Sent following letter &c

Mr Oliver and Mr Cushington

Read letter dated the 30th January last from the Additional Judge late on Circuit in the Centre Division, transmitting the English and Persian Record of Case No 16 Cuddapah Calendar 2nd Sessions 1829.-

(Here enter No 7 of 1830)

The Second and Third Puisne Judges having maturely considered the proceedings held before the Court of Circuit

Circuit, the Jurors of the Provincial Court Officer and the Jurors of the Cazee adaulut and Moofties of the Pundarum Adaulut convict the prisoner,

Venkatapah,

of the crime of returning without permission from transportation to Prince of Wales Island, and sentence him to be again transported to such place beyond Sea, as the Right Honorable 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.-

Although the Judges see no objection to the Question put to the prisoner by the Additional Judge late on Circuit, with the object mentioned by him in the 3d para of his letter accompanying this case they are of opinion that some of the others were ill calculated for the exculpation of the prisoner at the same time, the motive for putting them was they do not doubt the same as actuated the Additional

th March 1830.

Additional Judge in the rest of the examination.—

Ordered that extract from these proceedings be sent to the additional Judge late on Circuit in the Centre Division for his information.—

(Sent following letter No 5

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Ent N Johnston

At a Court of the Foujdaree Adalut.

Present

Tuesday 9th March 1830.

Francis Alexander Grant Esqre 1st Puisne Judge,
William Oliver Esqre ——— 2d Puisne Judge,
Charles May Lushington Esqre 3d Puisne Judge.

DM

20

Read letter dated the 29th of Janry. last from the Provincial Court of Circuit in the Southern Division submitting the reports required by Section XXXV Regulation X of 1810 from the several Criminal and Assistant Criminal Judges in the Division for the month of December last together with their proceedings thereon.—

(Here enter No 81.)

Salem

1 With reference to the remark contained in the 12th para of the proceedings of the Provincial Court of Circuit under date the 29th of January last, wherein the Criminal Judge of Salem has been directed in cases where the delay is considerable to call upon the Magistrate for an explanation, the Court of Foujdaree Adalut desire the attention of the Judges of the Circuit Court to their Circular orders dated the 13th September 1824, which modify those of the 3d of November 1823, and have assigned to the Provincial Court of Circuit the duty of calling upon the Magistrates for the necessary explanation in cases of the detention of prisoners by the Native

Talook

9th March 1830 Talook Officers of District police for 14 days or more whereby abstaining from remark to the Criminal Court the Magistrate intimates his approval of the police proceedings.-

Tinnevelly 2 With reference to para 18 of the proceedings of the Court of Circuit, the Judges direct that the prisoners therein alluded to may be released. The Judges concur in the opinion submitted by the Circuit Court in their letter of the 9th November last, that a breach of the provisions of Regulation I 1805, is not punishable criminally, under the existing law; but a new Regulation has been lately submitted to Government rendering a breach of the Salt and Tobacco laws punishable by the Criminal tribunals.-

Madura 3. The Judges desire that the Criminal Judge in the Zilla of Madura be directed to amend the sentence passed by him on the prisoners in case №114 of the Report №5, agreeably to the Circular Order of this Court dated the 31st October 1828, wherein it is declared "that the term for which "security is to be given and the term for which "a prisoner may be detained in confinement in "default of giving security should be the same".-

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division desiring them to make the necessary communications to

Exd W. Johnston

9th March 1830 to the Criminal Judge of Salem and the Criminal and Joint Criminal Judges in the Zillah of Madura - precept returnable within 10 days from and after its receipt.-

24 20 (Sent following precept &c.)

Exd W. Johnston

F.16.

At a Court of the Foujdaree Udalut,
Present,

Thursday 11th March 1830 } F. A. Grant Esquire, -- First Puisne Judge
William Oliver Esquire, -- Second Puisne Judge
C. M. Lushington Esquire, Third Puisne Judge

Read petition presented by Arjoonun and Nagauttal of the Zillah of Chingleput.- (Vide enter Misc. Pet. 911 of 1830)

The Petitioners were the 5th and 7th prisoners in case No. 4 of the Chingleput Calendar for the first Sessions of 1829 and were charged with having received part of the property stolen in case No. 13 of the Chingleput Calendar for the 2d Sessions of 1828 knowing it to have been stolen - The trial in the above case was referred by the 2d Judge then presiding at the first Sessions of 1829 for the final sentence of the Foujdaree Udalut and this Court having maturely considered the proceedings held before the Judge on Circuit acquitted the petitioners and directed that they should be set at liberty.-

The Petitioners Arjoonun and Nagauttal state that they were accordingly released by the Criminal Judge of Chingleput but that that Officer returned to them only a part of the property which was sequestered, on their apprehension, by Mr. Vincash the then Magistrate in the Zillah of Chingleput, and that upon their application for the remainder of the property the Criminal Judge enjoined

ined

fined them 10 Rupees.-

3. They therefore pray the Court will be pleased to direct the Criminal Judge to restore to them the remainder of their property according to the list which they submit with their petition.-

4. The Court of Foujdaree Adawlut see no reason that copy of this petition be forwarded to the 3d Judge of the Provincial Court of Circuit in the Centre Division and that he be directed to call upon the Criminal Judge of Chingleput to state whether a fine of 10 Rupees was actually imposed on the Petitioners and in that case to shew upon what grounds the order was passed, as also to report how the property sent up with the prisoners Anjooman and Nagattal concerned in Case No. 4 of the Chingleput Calendar for the first Sessions of 1829 has been disposed of.-

Ordered that extract from these proceedings be forwarded to the Third Judge of the Provincial Court of Circuit in the Centre Division by pre= sent following precept No. 69 /.....

Read petition presented by Moottia Kinan of the Zillah of Chingle= put.-

/Here enter M. P. No. 12 of 1830/

The Petitioner states that in consequence of a false charge of theft pre= ferred against him by one Gopalyen, the Puttamanean of his Village, he was imprisoned

11th March 1830. imprisoned in the Criminal Jail, and that during his confinement in the prison this Gopalyen in conjunction with certain others entered his house and carried away pro= perty to the value of 210 Rupees- The Petit= oner further states that upon his release from the Jail he preferred his complaint on the 30th December 1829 to the Magistrate but that that Officer rejected it after the examination of two or three of the 4 witnesses produced by him- and that upon this he presented a petition on the subject to the Criminal Judge who informed him that he had no authority to issue an order to the Magistrate directing him to examine his case and that he should apply to the Court of Circuit.-

The Petitioner represents that he is unable to proceed to Bellary where the Judge is now on Circuit, and therefore pray this Court will direct the Magistrate to examine his case and recover for him his property.-

Ordered that the Petitioner be informed that the Court do not inter= fere in such cases, and that he be desired to represent his case to the Judge now on Circuit, when about to proceed to Chingle= put, who will call for the proceedings of the Magistrate and pass such orders as thereon as to him may appear necessary.-

Ordered that Extract from these proceedings be furnished to the Petiti= oner on his application.-

Read return dated the 22d ultimo to this Courts precept dated the 28th of January last directing the 3d Judge of the Court of Circuit for the Centre Divisio

11th March 1830.

Division to call upon the Magistrate in the Northern Division of Arcot for an explanation of his proceedings in altering the weights used in the Town of Wallajapettah.-

/Here enter No. 124/

Read also further return to the above precept forwarding the returns received from the Magistrate in the Northern Division of Arcot relative to the Weights used in the Town of Wallajapettah.-

/Here enter No. 128/

Also read again Petition presented to this Court on the 7th of January last from the retail dealers in the Town of Wallajapettah, representing that the weights used in that Town have been altered, contrary to long established usage, to their prejudice.-

/Here enter M. P. No 1 of 1830/

From the return of the Magistrate it appears that the weights in use in the Town of Wallajapettah are according to the Standard proposed in the year 1823 by his predecessor Mr. Cooke and that having failed in his endeavours to effect a standard that would be more generally recognised, and seeing no reason to alter the Original one, he, on the 14th of October last, directed that the weights should continue to be regulated by the standard proposed in the year 1823 and for this purpose supplied the Head of Police with a set of Weights with which those of the Town of Wallajapettah were ordered to accord, retaining one set in the Huzoor Cutcherry as a check.-

The Court accordingly seeing no reason for their interference direct that the petition be rejected and that extract from these proceedings be furnished to the petitioners on their application.-

Read

F. 16:

11th March 1830.

Read letter dated the 15th No= =vember 1829 from the Third Judge late on Circuit in the Centre Division, accompanying the record of the Trials in cases Nos 283 of the Chingleput Calendar 1st Sessions of 1829.-

/Here enter No. 702/

Read letter of this Court in reply to the above dated 18th December 1829 directing the examination of certain further witnesses.-

In same cases.

/Here enter No. 434/

Read letter dated 4th February 1830 from the Third Judge late on Circuit in the Centre Division forwarding the evidence called for in the above letter.-

In same cases.

/Here enter No 87/

The First and Second 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 Udalut confirm the said futwa of the Cazee=ool= Coozat and Mooftees aforesaid, and acquitting the prisoners,

1st Savoorie Mootoo,
3d Moottoogan,
4th Veerasamy,
5th Comarasamy,
6th Coollayeekara Rungapen,
7th Oydealingam,
8th Ylungum,
9th Sheeramy,
10th Yakambaram,
11th Sabaputty,
12th Doreatumby,
and
13th Mungatoyee,

direct that they be set at liberty.-

The

11th March 1830.
Case N3

The First and Second 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 Fouzdaree Udalut confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid and do acquitting the prisoners,

1st Savoorie Moottoo,
2d Moottoogan,
3d Veerasawmy,
4th Comarasawmy,
5th Coollayacara Rungapa Naiken,
6th Oydelingum,
7th Gungun,
8th Abheram,
9th Yakambaram,
10th Sabapatty,
11th Parayatomby,
and
12th Mungatoye,

direct that they be set at liberty.-

The Court do not consider the evidence in these two trials sufficient to warrant the conviction of the prisoners. It is true that in the case N2 there are most particular confessions of the prisoners before the Police Officer, supported by evidence of a certain description to shew that upon them were found articles which are sworn to belong to the prosecutor. Some of the prisoners are also sworn to as forming part of the gang; but none of the witnesses pretend to have seen the prisoners before and the Judges do not think their evidence on this point is

11th March 1830.

is worthy of credit. Neither do they think that the evidence to the property is by any means satisfactory, either as to its discovery, some of it at least upon the prisoners, or as to its belonging to the prosecutor. The first and tenth prisoners with another person since deceased, were first taken into custody; and on their information the others were seized.- They were taken at Veerapermanelloor, three days after the robbery at Yarengee, (case N2); but the Judges have not been able to discover the distance between those places, a point which it was of great importance to ascertain and which the 3d Judge of Circuit ought to have inquired into. From several papages in the record the Judges gather that Veerapermanelloor is not beyond a days journey from Simmumcoopum where the robbery in the case N3 took place on the 3d February and if the evidence is to be believed the tenth prisoner was then openly using an Umbrella which had been obtained at Simmumcoopum, and wearing some of the ornaments which he had obtained at the robbery three days before at Yerrungee (see folge 195 of N2). This appears to the Judges extremely improbable; and there are several other circumstances in these cases which raise great doubts in their minds as to the credit due to the witnesses. They have therefore ordered the unconditional release of the prisoners, who have already been confined for three years.-

Ordered

11th March 1830.

Ordered that extract of these proceedings be sent to the Third Judge late on Circuit in the Centre Division for his information.-

/Sent following letter No 70/

Read letter from the Second Judge of Circuit in the Centre Division with the Cuddapah Calendar for the first Sessions of 1830.-

/Here enter No 126/

With reference to the Second Judge having omitted to take the evidence of the first witness in the Case No 7, in consequence of his being a child ignorant of the nature and obligation of an oath, the Court desire that he will call the attention of the Criminal Court, to the Circular orders of this Court of the 13th July 1825, respecting the previous instruction to be given to such persons.-

2. The Court request that the Second Judge will fully explain the grounds of his proceedings in the Case No 15.- The Crime charged, if proved, would have rendered the prisoners liable to transportation; and it is not understood under what Regulation, or construction of the code, the Second Judge has passed the sentence pronounced on the first prisoner - nor is it evident of what crime he considered that person to be convicted.-

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

/Sent following letter No 71/

Read

3/ F.16.

11th March 1830.

Read letter from the Second Judge on Circuit in the Western Division forwarding the Malabar Calendar for the first Sessions of 1830.-

/Here enter No 119/

The Judges entertain considerable doubt of the propriety of the acquittal in the Case No 12 on this Calendar and accordingly direct that the Second Judge transmit an English translation of the whole of the proceedings in that very extraordinary case.-

Ordered that Extract of these proceedings be sent to the Second Judge on Circuit in the Western Division for his information and guidance.

/Sent following letter No 72/

Read letter, dated 11th February from the Third Judge on Circuit in the Northern Division accompanying the Nellore Calendar for the first Quarterly Sessions of 1830, with copy of a correspondence between himself and the Zillah Judge of Nellore regarding case No 9 of the said Calendar.-

/Here enter No 97/

On a deliberate consideration of the above case the Court are of opinion that if the prisoner, when examined in the original suit from which the Appeal was made to the Zillah Court, had sworn that he had mortgaged the jewels, he might have been charged with perjury under Regulation III 1826, or he might have been charged with that crime in the ordinary manner, assigning the perjury on his deposition in the lower

lower Court. But in the Zillah Court, though he swore falsely at first, he retracted the falsehood; and can be considered guilty of prevarication only.- Regulation III 1826 does not apply to such contradictions in the same deposition; but in two separate and distinct examinations only. In the present instance there is but one continued deposition, differing it is true in one part from another, but this difference is corrected on the deponent being cautioned by the Zillah Judge to speak the truth, so that the document can be considered only as a single deposition amended, in which the falsehood is corrected owning its progress, and it must be taken as a whole, not in separate parts.-

2. In the Case No.2 the third Judge on Circuit considers the youth of the prisoner, the probability of this being his first offence, and the little personal injury inflicted, sufficient grounds for mitigating the punishment specified in the Regulations for high way robbery - and recommends that the period of the prisoner's confinement do not exceed 7 or at the most 10 years.- In the case No. 4 the 3d Judge proposes to restrict the punishment to 7 years as the prisoner, taken in the fact of burglary, struck the prosecutor only one blow and then absconded.-

3. In No. 11 of the same Calendar the 3d Judge submits the propriety of a mitigation of punishment in the case of the prisoner Maykolah Cheekoloogandoo (who was accused also in Nos 12- 13- and 14) on the ground of his having suffered very severe indisposition, since he has been in Jail.- the 3d Judge adds the

"the Court of Fouzdaree Udalut may be of opinion "that the punishment the Criminal Judge "can inflict may be sufficient."-

4. The Court remark that the Criminal Judge has no power to punish in cases of high way robbery; and, as regards cases in which a Circuit Judge may consider a prisoner or Prisoners deserving, from any circumstances, of having the specific punishment due to his or their crimes mitigated, the regular mode is immediately to state such circumstances in a short letter to the Fouzdaree Udalut; and not to make the Columns of the Calendar the Medium of such recommendation.-

5. To avoid delay, the Judges consent, on the present occasion, to sanction the mitigation of the sentence in Case No.2 to 10, and in Case No.4 to 7 years imprisonment.- The prisoner in the former case was accompanied by others - and a distinction must be maintained between the punishment for highway robbery and burglary - As to No. 11 the Circuit Judge ought to have known that subsequent illness though a ground to defer trial, or the infliction of punishment, can be none for mitigation; and the trial of the prisoner in that case, implicated also in others, must accordingly stand over for the Judge next on Circuit.-

6. In the Case No. 15 of the same Calendar, the Court agree with the 3d Judge on Circuit that in a case where a prisoner had previously been so repeatedly brought under the arm of Justice as the Prisoner in No. 26 of the Second Quarter of 1826, the late

11th March 1830.

late Criminal Judge ought to have committed him for trial before the Court of Circuit instead of punishing him himself.-

Ordered that extract of these proceedings be sent to the Third Judge on Circuit in the Northern Division by precept returnable without delay.-

/Sent following precept No. 73/

Read letter dated 2d January last from the Third Judge of Circuit in the Centre Division forwarding the proceedings in Case No. 18 of the Chittoor Calendar for the 4th Quarterly Sessions of 1829.-

/Here enter No. 23/

Mr. Oliver & Mr Lushington.

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

Veeraswamy,
Sonachallum,
Chengamal,
and
Poodrapah Maistry

direct that they be set at liberty.-

/Sent following letter No. 74./

Read letter dated 9th January last from the Third Judge on Circuit in the Western Division forwarding the proceedings in Case No. 4 of the Canara Calendar for the Second Sessions of 1829.-

/Here enter No. 35/

Read letter dated 2d Ultimo from the 3d Judge on Circuit in the Western Division reporting the death of "Nannana" the 2d Prisoner in Case No. 4 Canara Calendar

4

F. C.
11th March 1830.
Mr. Oliver
Mr. Lushington

Calendar 2d Sessions 1829.- /Here enter No. 82/

The Second and Third Puisne Judges on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner,

"Anantaya",

is sufficient to convict him of the Crime of Murder, so under the authority with which they are vested by Clause first section II Regulation I of 1818 convict him of thereof and sentence him to be transported to such place beyond Sea as the Right Honorable 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. 75./

Read letter dated 9th January last from the Third Judge on Circuit in the Western Division transmitting the proceedings in Case No. 11 on the Calendar of the Auxiliary Court at Honore, Zillah of Canara for the Second Sessions of 1829.-

/Here enter No. 30/

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-Coozat and Mooftees of the Foujdaree Adalut, are of opinion that the Prisoner,

Ourbutta,

is not convicted, on presumptive proof, or on the evidence of credible witnesses, or on his own confession, and notwithstanding the futwa of their Law Officers,

do

do accordingly acquit him of the crime with which he stands charged; and do under the powers vested in them by section VI Regulation I 1825 they remit the punishment declared in the futwa of their Law Officers and direct that the Prisoner,

Oenkutta,

aforesaid be set at liberty.-

The Court have come to the above decision on the following grounds. The proof against the prisoner consists 1st of the evidence of the Prosecutor who swore that on observing the prisoner come out of the unoccupied house his suspicion was raised, and that he entered the house and found the body of his child 2dly of the evidence of the Prisoners Brother Kristnaya who swore that he saw the prisoner conduct the child into the unoccupied house and 3dly of evidence to prove the verbal confession of the Prisoner while he was in custody of the Village People - there is also the evidence of the 4th witness who swore that he saw the prisoner come out of the unoccupied house at about 3- or at about 5 P.M, it does not appear to signify much which, since at all events, if the evidence is to be believed, the Prisoner entered the house a second time and the second time was after the Prosecutor had made enquiries of him respecting his lost child- This appears to the Judges to be quite incredible

incredible, and equally so that the prisoner should have stood quietly near the house; altho', if he were guilty, he must have known that his guilt was then about to be detected - There are many parts of the evidence for the Prosecution which appear inconsistent, and the conduct of the Prisoner throughout makes strongly in his favour. The evidence of the first witness, the Prisoners brother Kristnaya is quite uncorroborated, and there is too much reason to fear it was the price of his release from confinement -; while that to the alleged confession of the Prisoner seems on many accounts unworthy of credit.- What is said by Timmiah another brother of the Prisoners stated to be about 8 years old, in his deposition before the Police, confirms in a remarkable manner the account there given by the Prisoner; and as it is quite clear that there had been no communication between them, credit cannot be refused to it. That he gave this deposition therefore may safely be believed, and this fact warrants in the opinion of the Judges a strong inference in favour of the Prisoner.-

Ordered that extract from these proceedings be sent for the information and guidance of the Third Judge on Circuit in the Western Division.-

Sent following letter No 76.

Read letter dated 9th December last from the Second Judge of the Court of Circuit for the Centre Division forwarding the proceedings in Case No 1 of the Supplemental Calendar of the third Quarterly Sessions of

of 1829.-

/Here enter No. 722/

The First and Second 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; and acquitting the 3 prisoners,

1st "Narrainsawmy Moodely",
2d "Roovapa Maistry",
and
3d "Lookramaneya pillay alias Coobramaneya pillay",

direct that they be set at liberty.-

1. On reading the depositions made by the prisoners when examined as witnesses before the Criminal Judge, the Court do not doubt that the whole of their story is a tissue of falsehoods; but the question which they have to consider is whether the facts to which they deposed have been legally disproved by the evidence on this trial; and they are of opinion that they have not.-

2. The charge drawn up in the Criminal Court is extremely loose and confused, and the arraignment on the trial is still more so, and quite at variance with the form prescribed by the Circular Orders of the 31st January 1820. But putting this out of consideration, the main fact in issue on the trial was whether Comarasamy Moodely, Rungasamy, and Yakambra Moodely were at Chittoor on the 25th May 1828 as sworn by the three prisoners, when examined as witnesses by the Criminal Judge.-

To

3. To disprove the fact sworn as above-mentioned four witnesses examined for the prosecution, viz the 3d 4th 7th and 9th swear that on the 25th May 1828 the marriage of Comarasamy Moodely took place at Madras, and that Rungasamy was present at it; and two witnesses, the 10th and 11th swear that on the day stated Yakambra Moodely was at his own village Vallavoor, distant between 70 and 80 miles from Chittoor. But on behalf of the first prisoner four witnesses were examined who swore that Comarasamy Moodely's marriage took place on the 30th April 1828. There was another witness, the 5th called to swear to the same fact; but he was not questioned as to the day of the marriage; and therefore his evidence on this point goes for nothing.-

4. It is quite plain that the whole question hinges upon the date of Comarasamy's marriage; but the evidence of the four witnesses for the prosecution on that point is opposed by the evidence of the same number on the other side, to which also must be added the oaths of the three prisoners when examined as witnesses; for of course, if, as they swore, Comarasamy was at Chittoor on the 25th May, his marriage could not be celebrated on that day at Madras. As far as relates to Yakambra Moodely, the depositions of the three prisoners when examined as witnesses are opposed only by the evidence of two witnesses on the part of the prosecution in this Case.-

5. Then looking to the situation in

in life of the witnesses, and to the matter of their evidence, the Court cannot discover any thing that would warrant them in believing those on one side rather than the other; and in truth they strongly suspect that in point of fact Comaraasamy's marriage took place on the 30th April, although they do not think there is the slightest reason to believe that he and the two others committed the robbery sworn to by these prisoners.-

6. It is hardly possible to conceive a case treated more incorrectly by the lower tribunals than this has been. The Criminal Judge had before him the joint affidavit, sworn before Mr. Byrne, of four persons in the Office of the Military Auditor General, to which Comaraasamy also belongs, to the fact that his marriage took place on the 15th May, and that except for two or three days on that occasion he regularly attended at the office during the whole month of May; and yet not one of these persons was summoned to give evidence on the trial. To receive their affidavit as evidence would be a violation of all principle.-

7. The prisoners under these circumstances have been acquitted; and the Court deeply regret that this is the conclusion to which they are obliged to come on the evidence adduced.-

Ordered that extract from these proceedings be forwarded for the information of the Judge who tried this case, with orders to communicate the same to the Criminal Court.-

/ Sent following letter No 77. /

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Exo " H. Johnson "

At a Court of the Fujdaree Adalut,
Present,

Thursday,
18th March 1830. Francis Alexander Grant Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge
24 Charles May Lushington Esqre 3rd Puisne Judge

Read letter from the First Judge on Circuit in the Southern Division with the Sinnenalty Calendar for the 1st Sessions of 1830.

(Vide enter No. 137)

In the case No 13, the Court is inclined to doubt the propriety of the sentence passed. If, as stated in the charge, the prisoner beat the prosecutor and wounded him on the leg, the crime would appear to be robbery not simple theft. A similar remark is applicable to the case No 17. The Court conclude that the allusion to more than one prisoner in the remarks appended to the case No 13 is a clerical error. On this, as on the other point it is resolved to call for an explanation.

2. The Court observe that the prisoner in No 14 was an old offender repeatedly punished under this view of the case the Court desire explanation as

8th March 1830.

as to the grounds of so cement a sentence as that passed by the first Judge.-

Ordered that extract from these proceedings be sent to the First Judge on Circuit in the Southern Division for his information.-

(Sent following letter No. 81.)

Read further return from the Provincial Court of Circuit in the Centre Division dated the 1st Instant, to this Courts precept of the 8th ultimo, directing that the Magistrate of Chingleput be called upon for any information he can furnish regarding an alleged order by Mr. Newnham, to the then Magistrate, to pay to one Sooharay Moodely a reward of 300 Rupees, transmitting copy of the return made by the Magistrate and of its enclosures.-

(Here enter No. 136.)

The Court on referring to the former proceedings in this Case, and taking into consideration the present return with its enclosures, perceive that tho' the specific sum of 300 Rupees stated by the Claimant in his petition to this Court of the 24th December 829, is not mentioned in any precept to the Magistrate of Chingleput, yet it was evidently the intention of Mr. Newnham to reward to some extent conduct which he

18th March 1830.

expresses himself as considering highly meritorious.- To ascertain to what amount he should sanction such reward.- It appears that he called on the Magistrate of Chingleput to inform him whether any reward had been offered by proclamation for the apprehension of the prisoners in the case in question but he should inadvertently have ordered a second reward to be paid. The Magistrate in his reply states that none to his knowledge was ever offered and from Mr. Newnham's subsequent removal here the matter seems to have remained unsettled.- No final order having been passed by Mr. Newnham, nor any reference made to this Court under Section XXIII Regulation IX of 816.- This omission can be attributed only to Mr. Newnham having been removed to another situation, and as it is manifest that Sooharay Moodely is deserving of reward for his perseverance, and public service rendered in the apprehension of the offenders in No. 13 of 1826, the delay in the conferring of which is attributable only to accidental circumstances, the Court bearing in mind the length of time during which he has been

kept

18th March 1830.

kept out of the remuneration resolve under Section XXIII Regulation IX 1816 to sanction the payment to him of Rupees 300, and to direct the Provincial Court of Circuit in the Centre Division to convey their instructions to that effect, to the Magistrate of Chinglepute.-

Ordered that extract of these proceedings be sent to the Judges of the Provincial Court of Circuit in the Centre Division by precept returnable without delay.-

(Sent following precept No. 82.)

Read letter dated the 6th instant, from the 1st Judge on Circuit in the Southern Division recommending under the provisions of Section III Regulation I of 1825, a mitigation of punishment in the case of the prisoner convicted in No. 11 of the Combaconum Calendar for the 1st Sessions of 1830.-

(Here enter No. 146.)

The Court of Sunjutaree Adalut having attentively considered the grounds upon which the 1st Judge has recommended that the punishment of the prisoner referred to in his letter should be mitigated to 3 years imprisonment with hard labor in irons resolve to sanction the mitigation of punishment proposed.-

Ordered

F. H.

18th March 1830.

Ordered that extract from these proceedings be forwarded to the 1st Judge on Circuit in the Southern Division for his information.-

(Sent following letter No. 83.

Read letter, dated the 17th instant from the acting 1st Judge on Circuit in the Southern Division, forwarding copy of Madura Calendar for 1st Sessions of 1830.-

Here enter No. 96.)

24

30.

E. C.

E. C. M. Johnson-

Russell

F. H.

At a Court of the Poojdaree Udalut,
Present,

Monday,
22nd March, 1830.

Francis Alexander Grant Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge
Charles May Lushington Esqre 3rd Puisne Judge

Read letter from the Secretary to Government in the Judicial Department —
(Here enter No. 57.)

Of the Minutes of Council inclosed in the foregoing letter, ordered that copy of para 1st be sent for the information of the Provincial Court of Circuit in the Northern Division. — 87

With reference to para 6th of the Minutes of Council, it is ordered that the Statement of crimes and punishments already furnished to each of the Magistrates be translated into the current language of the district, and furnished to each of the heads of District police, as directed by Government, with instructions to expose it in his Cutcherry for public information.

Ordered that the four Provincial Courts be by precept required to inforce this measure. —

Ordered that copies of para 7 and 8 be forwarded to the four Provincial Courts with directions to circulate

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Decisions

the same for the information and future guidance of the Magistracy in their respective divisions.

88.

Ordered that copy of para 84 of this Court's proceedings of the 25th January last, and of para 9 of the Minutes of Council in reply, be forwarded to the four Provincial Courts for the guidance of the Judges holding the quarterly Sessions, and of the Criminal Courts whose jails are delivered quarterly. The quarterly Sessions will continue to be held as hitherto, by the Judges in rotation, as already established, but the Sessions are to be permanent throughout the quarter. Supplemental Calendars being furnished as cases are committed, and the trials are to follow the committals as speedily as possible, so as to prevent the unnecessary detention of witnesses and prosecutors. The Provincial Court in the Northern Division in communication with the Criminal Judge and Joint Criminal Judge of Masulipatam will report on the propriety of modifying the jurisdiction of the Joint Criminal Court.

(Sent following letters No 87.88.89.

Read letter, dated the 27th ultimo, from

Ed W Johnson

from the Third Judge on Circuit in the Northern Division reporting his intention to proceed to Rajahmundry.

(Here enter No 152)

Read letter dated the 17th ultimo from the Second Judge of the Court of Circuit in the Northern Division reporting that he arrived at Masulipatam on the 5th ultimo but that sickness prevented him from resuming his seat in the Provincial Court before the 15th instant.

(Here enter No 114)

Read letter dated the 6th instant, from the First Judge on Circuit in the Southern Division reporting the commencement of the Sessions at Combaconum.

(Here enter No 145)

Read letter dated the 27th ultimo from the Provincial Court of Circuit in the Western Division with report prescribed by Section XXXV Regulation X of 1816 for January last.

(Here enter No 146)

Read return, dated the 6th instant

Decrees

instant from the 2nd Judge on Circuit in the Western Division, to precept dated the 25th ultimo directing the Magistrate in the Zillah of Malabar to cancel certain circular orders issued by him to his Police Officers.-

(Here enter No. 154)

Read letter dated the 12th instant from the Criminal Judge in the Zillah of Bellary- transmitting the report prescribed in Section XXXVII Regulation X 1816.-

(Here enter No. 160)

Read return dated the 8th instant from the Provincial Court of Circuit in the Centre Division to precept dated the 27th ultimo containing the remarks of the Superintendant on the Criminal Reports for the month of December last.-

(Here enter No. 165)

Read letter dated the 1st instant from the Provincial Court of Circuit in the Centre Division with reference to their proceedings of the 5th ultimo transmitting copy of a return from the Magistrate in the Zillah of Chingleput.-

(Here enter No. 169)

Read letter dated the 3rd instant, from

from the Provincial Court of Circuit in the Centre Division, with reference to their proceedings of the 8th ultimo forwarding returns received from the Magistrate of Cuddapah and the Criminal Judge of Bellary.-

(Here enter No. 167)

Read letter dated the 2nd Instant, from the Provincial Court of Circuit in the Centre Division with reference to this Court's proceedings of the 24th December last transmitting a return from the Magistrate of Cuddapah.-

(Here enter No. 168)

At a Court of the Tongdaree Adalut.

Present,

Wednesday, 24th March, 1830. F. A. Grant Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge
24 Charles May Lushington Esqre 3rd Puisne Judge
20

Read letter dated the 17th ultimo from the Provincial Court of Circuit in the Northern Division, submitting the Reports required by Section XXXV Regulation X of 1816, from the several Criminal and Joint Criminal Judges in the Division for the month of December last, together with their proceedings thereon.—

(Here enter No. 127)

Nellore — The Court of Tongdaree Adalut have remarked that a delay of 17 days has taken place in the transmission of the prisoners in case No. 14 of the Report No. 5 submitted by the Criminal Judge of Nellore to the Criminal Court, and the detention appears to have been occasioned by a reference being made to the Magistrate; the irregularity of this proceeding has been

Nellore

been repeatedly pointed out to the Magistrates by the Court of Foujdaree Adalut and specially brought to the notice of the Magistrate in the Zillah of Nellore in this Court's proceedings of the 21st of May last.- The Foujdaree Adalut therefore desire that the Provincial Court of Circuit will direct the Magistrate of Nellore to compel his Tahsildars to attend more strictly to their duty in sending cases to the Criminal Court without reference to his authority.

Rajahmundry. 2. The same remark is applicable to case No 8 of the Report No 5 submitted by the Criminal Judge of Rajahmundry the prisoner in this number having been detained in the Talook for 25 days in consequence of a reference having been made to the Magistrate.-

3. The Court desire that the Magistrate of Rajahmundry be called upon for an explanation of the delay in the transmission of the prisoners in case No 10 of the Report No 5 to the Criminal Court.-

4. With reference to the remark entered in case No 1 of the Report No 5 the Foujdaree Adalut desire the Provincial Court of Circuit will intimate to the Magistrate of Rajahmundry that he is not authorized to refer to the Head

Head of Police cases forwarded to him for investigation.-

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division, desiring them to make the necessary communication to the Magistrates of Nellore and Rajahmundry - precept returnable within ten days from and after its receipt.-

(Court following Precept No 90)

Read letter dated the 17th instant, from the Second Judge on Circuit in the Western Division, reporting his having commenced the Sessions at Mangalore.-

(Here enter No 173)

Read letter dated the 18th instant, from the Provincial Court of Circuit for the Northern Division, transmitting copies of explanations from Criminal Judge of Chicacole, Joint Criminal Judge of Masulipatam and Magistrates of Vizagapatam and Masulipatam relative to Criminal reports for November 1829.-

(Here enter No 175)

Read letter, dated the 19th instant from the Provincial Court of Circuit

Ent. W. Johnson

24th March 1830.

Circuit in the Northern Division, transmitting copy of a letter from the Magistrate of Masulipatam relative to the reports and Statements of the Criminal Judges and Magistrates for the half year ending June 1829 with explanation.

(Here enter No. 189)

Read letter dated the 18th instant from the Provincial Court of Circuit for the Northern Division, transmitting copy of an explanation from the Magistrate of Nellore relative to Criminal reports for December 1829.

(Here enter No. 174)

Read letter dated the 20th January last from the 2d Judge on Circuit in the Centre Division forwarding the proceedings in case No. 20 of the Cuddapah Calendar for the 1st Sessions of 1830.

(Here enter No. 59)

The first second and third Puisne Judges on a deliberate consideration of the circumstances of the case in evidence before them are of opinion that the proof against the prisoner

Aiwoola Ramoodoo

is sufficient to convict him of murder, and convicting him thereof they under the authority

Exd. W. Johnson

J. U.

24th March 1830.

authority with which they are vested by Clause first Section II Regulation I 1818, do sentence him the said

Aiwoola Ramoodoo

to suffer death as prescribed by Section X Regulation VIII 1802 by being hanged at the usual time and place of execution.

(Sent following letter No.)

Read letter dated the 5th February last from the Additional Judge late on Circuit in the Centre Division forwarding the proceedings in case No. 17 of the Cuddapah Calendar 2d Session of 1829.

(Here enter No. 84)

The first and second 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 Sudder Adalut Confirm the said futwa of the Cazee ool Cozat and Mooftee aforesaid and under the provisions of Section X Regulation VIII of 1802 adjudge the prisoner

Saul Mahomed

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

(Sent following letter No.)

Exd. W. Johnson

Sessions

At a Court of the Bujdaree Adalut

Present,

Saturday,
27th March 1830.

Francis Alexander Grant Esqr. 1st Puisne Judge
William Oliver Esqr. 2nd Puisne Judge
Charles May Lushington Esqr. 3rd Puisne Judge.

Read letter from the Third Judge on Circuit in the Northern Division transmitting the Calendar of prisoners committed or held to Bail by the Criminal Judge of Guntoor to take their trial before the Court of Circuit at the 1st Sessions of 1830.

(Here enter No. 153.)

The Court observe that in Case No. 7 in which the prisoner is convicted of attempted House-breaking and actual wounding and is sentenced to 14 years imprisonment and labor in banishment the Circuit Judge has fixed the place of banishment which he was not competent to do. Clause fourth Section II Regulation VI 1832, and Clause third Section VIII Regulation XV of 1803, only provide for the Judge of Circuit adjudging the banishment of a prisoner "beyond the district where he may have resided" but it rests with the Bujdaree Adalut to name the Zillah to which he shall be

Dessides

be banished, on the Criminal Judge forwarding to them copy of the warrant of the Judge of Circuit for his banishment, as explained in their Circular order of the 6th January 1837.

2. In No. 9 of the same Calendar the Judge on Circuit recommends that the punishment of Cotaneerapoo Paupadoo for Gang Robbery should be restricted to five years imprisonment and labour on account of his great age and infirmity, and this Court under the circumstances of the case resolve to comply with this recommendation.

Ordered that extract from these proceedings be sent for the information of the Third Judge on Circuit in the Northern Division.

(Sent following letter No. 93.)

Read return stated the 27th December last from the Third Judge of the Court of Circuit in the Southern Division to precept stated 21st December last, desiring the 3rd Judge of Circuit to make further report in reference to the petition presented by Mottoocumpen.

(Here enter No. 6)

Read return, stated the 12th instant

instant from the Third Judge on Circuit in the Northern Division, to precept dated the 18th ultimo directing the Judge on Circuit to call for the proceedings of the Magistrate on the charges preferred to that officer by Chavaly Veerapah of the Zillah of Guntoor.

(Here enter No. 184)

Read return dated the 27th instant from the Judges of the Provincial Court of Circuit for the Northern Division, to precept dated 4th instant, stating that copy of extract from the proceedings of the Conjeveram Adawlut have been forwarded to the Magistrate of Masulipatam and providing a further return.

(Here enter No. 185)

Read return dated the 23rd instant from the Third Judge on Circuit in the Northern Division, to precept of the 18th instant regarding certain cases in the Nellore Calendar 1st Sessions of 1830.

(Here enter No. 186)

F. 16.

At a Court of the Foujdaree Udalut,
Present,

Monday 29th March 1830 } F. A. Grant Esqre First Puisne Judge
William Oliver Esqre Second Puisne Judge
C. M. Lushington Esqre Third Puisne Judge

Read letter dated 29th January last from the Acting First Judge on Circuit in the Southern Division forwarding the proceedings in Case No. 6 of the Madura Calendar for the first Sessions of 1830.-

/Here enter No. 70./

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-Cozat and Mooftees of the Foujdaree Udalut are of opinion that the Prisoner,

Ramee Reddy

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession; and under the provisions of Clause sixth Section II. Regulation XV of 1803- they direct that the Prisoner, "Ramee Reddy,"

aforesaid be set at liberty.-

/Sent following letter No. 100/

Read letter dated 16th January last from the Second Judge on Circuit in the Centre Division with record of trial

Dessins

29th March 1830. trial in Case No. 8 Cuddapah Calendar first Sessions 1830.-

/Here enter No. 38./

The First Second and Third Puisne Judges on a deliberate considera=tion of the circumstances of the case in evi=dence before them are of opinion that the act with which the prisoner,

Kristnadoo,

stands charged was committed by him; but seeing reason to doubt the sanity of his intellects at the time he committed such act the Court under the power with=which they are vested by clause Second Section VI Regulation I 1825, remit all punishment.-

1. In communicating the fore=going sentence to the Second Judge of the Circuit in the Centre Division, the Court resolve to call his special attention to the embarrassment in which he placed them by his irregular proceedings in this case.- In the 12 para: of his letter, he states his conviction that, during the trial, the prisoner was labouring under a separation of reason.- Now the circu=lar orders of this Court, under date the 1st June 1829, in para 7, most clearly & prohibited a Circuit Judge proceeding with the trial of a prisoner in this state of mind -; and had the Court been satis=fied that the act charged had been committed in a state of sanity, they would have

29th March 1830. have been still more embarrassed to pass sentence, in a case where a prisoner, from insanity during the trial, was in=competent to a proper defence.-

There is nothing in the record itself to establish insanity at the period when the act charged was committed, but the Court in cases of this description are bound to give the prisoner the benefit of the opinion of the Judge presiding at the trial, whose personal impressions are, under such circumstances, entitled to great weight.- It is on this account solely that the Court have remitted all punishment instead of quashing the whole proceedings on the trial, and directing the prisoner to be tried when he should recover his rea=son.-

The Court however direct that the Judge of Circuit do issue orders to the Criminal Judge, directing him to detain the prisoner in this case in custody, sub=ject to the further orders of this Court, and that he report direct to this Court the opinion of the Medical Officer as to whe=ther the prisoner is a fit subject for confinement in the Lunatic Hospital at Madras - and generally on the pre=sent state of mind of this individual.-

The Court desire that the attention of the Second Judge be called to the slovenly translation of the proceedings forwarded in this case.- It is the duty of the Circuit Judge, in every trial, to revise and correct the translations; but it is specially incumbent on him to do so, in a case involving the penalty of death -

Decision

29th March 1830

29th March 1830.-

death - The Court also observe that, although the deposition of one of the witnesses before the Police differed materially from that given by him before the Criminal Court, the former was not forwarded with the trial - In all cases of well variation, the Police depositions should be transmitted to this Court.-

Ordered that extract from these proceedings be sent to the second Judge on Circuit in the Centre Division for his information.-

2dy

/ Sent following letter No. 101. /

20

Read return dated 26th Instant from the 3d Judge of the Provincial Court of Circuit for the Centre Division to precept of 11th March regarding a petition presented by Arzooniem & Nagattal of Chingleput farther returned unexecuted.-

/ Here enter No. 187 /

Ed. P. Johnson

T. U.

At a Court of the Foujdaree Udalut.

Present,

Thursday, 1st April 1830.

Francis Alexander Grant Esqre 1st Puisne Judge
William Oliver Esqre ——— 2nd Puisne Judge
Charles May Lushington Esqre 3rd Puisne Judge.

2dy

20

Read Miscellaneous Petition on behalf of Vinoata Soobien of the Zilla of Chingleput.-

(Here enter No. 13 of 1830.)

1. This is a petition complaining of the Assistant Criminal Judge in the Zilla of Chingleput having dismissed a criminal charge, without examining the whole of the evidence which the prosecutor stated to be forthcoming.-

2. The Court, with reference to their circular orders of the 9th June and 15th November 1824 - and to the provisions of Sections IV and V Regulation X 1816, are of opinion that it was competent to a Criminal Judge to cause his assistant to examine every witness named for the prosecution before he dismissed the charge in question - They accordingly direct that copy of this petition be forwarded to the Provincial Court of Circuit for the Centre Division, with directions to call for the record in this case,

Decides

29th 1st April 1830.

case, and to pass such order thereon as they may deem proper - They will inform the Assistant Judge in the Zilla of Chingleput that in no case is he at liberty to dismiss a charge without examining every witness named for the prosecution if forthcoming. Ordered that the same be communicated to the Petitioner -

(sent following Letter No 102.)

Read petition dated 11th ultimo presented by Malayala Ammany of Seroonullore in the Zilla of Chingleput -

(Here enter Misc. Petn No 16 of 1830.)

The petitioner complains of having suffered severe injury by a number of persons having robbed her of property and otherwise maltreated him, and that having presented a petition on the subject to Mr Oakes the Judge on Circuit and obtained from him an order to the Magistrate of Chingleput to investigate the case the Magistrate refused to entertain her complaint -

The same petitioner addressed this Court on the 17th December 1829 - but her petition was then rejected owing to her having failed to present with it any documents whereby to enable the Court to form a judgment on her case.

On this occasion she has presented several intended to remedy the

1st April 1830.

former deficiency but it is plain from an endorsement of the Assistant Magistrate on the petition which she presented to Mr Oakes and which he referred for the consideration of the Magistrate, that the case has been unsupported by evidence and the Court accordingly resolve to reject the petition and to return the enclosures on the Petitioner's application -

Read petition presented by Ghoolam Hussain -

(Here enter Misc. Petn No 7 of 1830.)

This is a petition complaining of the Magistrate in the Northern Division of Arcot having dismissed a complaint preferred before him by the Petitioner against one Chendoo for having caused his property to the value of 200 Rupees to be stolen - The Petitioner further states that subsequently to the dismissal of his complaint by the Magistrate the abovesaid Chendoo encouraged certain persons to assault and ill treat him and that upon his complaining of it to the Tahsildar, he without enquiry directed a Peon to take him to the Cutwal Chowky and drive him out of the limits of Arcot -

The Court desire that the Petitioner

Dismiss

Petitioner be informed that if he has any grounds of complaint against the proceedings of the Magistrate he must represent his case to the Judge on Circuit.-

Ordered that extract from these proceedings be furnished to the Petitioner on his application.-

Read letter dated the 19th ultimo from the Second Judge on Circuit in the Centre Division, forwarding copy of the Bellary Calendar for the 1st Sessions of 1830.-

(Hereunto № 183)

The Court observe that the finding in case №3 of this Calendar has not been sent tho' the prisoner is stated to have been convicted and to have received sentence.- The same is observable in case №7, and they resolve to call for the findings in each of these two cases. With regard to the former of these cases, the Circuit Judge appears to anticipate the probability of the sentence therein passed, being, on his intended reference of №4, merged in the heavier punishment to which this Court may in that №4 sentence the same prisoner, the finding however ought to have been sent.-

2 The Court with reference to

to the cases №s 6 and 12 of the same Calendar, remark that the crimes in both instances are expressly stated to have been committed within the Mysore Territory.- They were not therefore within the ordinary Jurisdiction of the Criminal Court of Bellary, or of the Court of Circuit.- It is necessary therefore that the 2nd Judge should explain whether the prisoners in these cases were British subjects or not.- If not the Circular orders of the Sudder Court of the 12th April 1817 explain the course which should have been pursued.- If on the other hand the prisoners are British subjects, Section IV Regulation II. 1829 renders an order of the Government necessary to enable the Court of Circuit to exercise jurisdiction over them.- The second Judge will explain whether such order was obtained.-

3. With regard to №8 of the same Calendar the Court do not feel satisfied that the crime of Perjury, under Regulation III of 1828, is brought home to the prisoner and resolve therefore to call for an English translation of the trial in this case.- The Judges also observe that in how prisoners are

Decided

are convicted of perjury, if the Circuit Judge is of opinion that the ignominious part of the sentence prescribed in Section III. Regulation VI. 1811, ought not to be inflicted, the reasons for exempting the prisoner from it should be explained in the Calendar.-

4. In No. 11 the Court resolve to direct that the sentence be suspended and an English translation of the trial in this case, forwarded to the Foujdaree Court.-

5. In the cases No. 12 and 14, the Second Judge has stated that the trials will be referred to this Court - He will hereafter be pleased to explain in the Calendar whether such references are resolved on because he disapproves of the future - or because the Regulations require the trial to be so referred.-

Ordered that extract from these proceedings be sent to the Second Judge on Circuit in the Centre Division by precept, returnable without delay.-

(Sent following precepts No. 103)

Read letter dated the 28th February last from the Secretary to Government in the Judicial Department acknowledging the receipt of this Court's

Court's letter dated the 8th of February last.-

(Here enter No. 129)

In explanation of the Circular orders of this Court dated the 8th of February last directing "that in all cases of delay "exceeding five days the Magistracy explain "its cause in forwarding the case to the "Criminal Court, by a note to be appended "to the paper sent with the prisoner" - the Judges desire that the Provincial Courts of Circuit will intimate to the Criminal and Joint Criminal Judges in their respective jurisdictions that in the event of a Magistrate omitting to furnish the required information, or in the event of the information when furnished not being deemed satisfactory, the Criminal Judge is not authorized to call for any explanation from the Magistrate that power being alone vested in the Provincial Court of Circuit.-

Ordered that extract from these proceedings be forwarded to the four Provincial Courts of Circuit desiring them to furnish the several Criminal and Joint Criminal Judges in their respective Divisions with a copy of

of the same for their information and future guidance.-

(Sent following letters No 1045

Read letter dated the 16th ultimo from the Provincial Court of Circuit in the Southern Division, submitting reports required by Section XXXV Regulation X of 1816 for January 1830 with papers connected therewith.-

(Here enter No 161)

At a Court of the Foujdaree Adalut,

Present,

Tuesday 6th April 1830 } F. A. Grant Esquire, First Puisne Judge
William Oliver Esquire, Second Puisne Judge
C. M. Lushington Esquire, Third Puisne Judge

Read letter from the First Judge of Circuit in the Southern Divisional (Here enter No 189 of 1830)

The first Judge, in this communication, requests to know the light in which this Court "consider the "stealing of grain by a number of per= "sons, from an open field, when there "are no circumstances of considerable "aggravation." He remarks that this offence is committed generally for the sake of food; and in numbers, rather with the view of carrying off the grain, than of support in case of resistance; though, on an alarm being given, the sticks are frequently used to beat the watchers.-

In such cases, the material point to be decided is, whether the crime was committed secretly, when it would be merely common theft - or openly by "force or intimi= =dation" so as to bring it within the defini= =tion of robbery by open violence, contained in clause first section III Regulation XV 1816. The Court, on this point, remark, that numbers alone, if they proceed openly to attack, may intimidate and overawe, even

Resists

even when manned;- and that a stick taken by the secret thief may, when detected, be so used, as to change the offence into robbery by open violence; especially if such an attack is made by many, on the few watchers stationed to guard grain, an article particularly liable to depredation; and the more so as long as it remains exposed, on the threshing floor.-

Whilst open attack, opposed to secret theft, will certainly bring this offence within robbery by open violence, the Court admit that circumstances may frequently justify a recommendation for a mitigation of punishment - where hunger alone has been the inducement to crime, and the violence used has, though open, been attended by no material personal injury - But Judges of Circuit should bear in mind, particularly in seasons of scarcity when this offence is the most frequent, that the evils of a general scarcity of food are liable to be greatly aggravated by such offences, usually terminating in a wanton waste of the means of subsistence, the regular distribution of which is checked, and often entirely prevented by them, and ought therefore to discriminate carefully between the two description of cases abovementioned.-

Ordered that extract from these proceedings be sent to the Hon'ble Provincial Courts of Circuit, for their information and future guidance.-

/Sent following letter No. 105/

Attested

Ordered also that extract from these proceedings be sent to the Secretary to Government in the Judicial Department agreeably to the orders of Government dated the 17th March 1826.-

/Sent following letter No. 106./

Read return dated 27th ult. March last from the Judges of the Provincial Court of Circuit for the Southern Division to precept dated the 9th Ultimo containing the remarks of the Tauplance Adalut on the Criminal Reports for the month of December last.-

/Here enter No. 203./

Read letter dated 31st Ultimo from the Second Judge on Circuit in the Western Division forwarding copy of Mangalore Calendar for the first Sessions of 1830 with the original putwas.-

/Here enter No. 207./

Attested

W. Johnson
Secy

F. H.

At a Court of the Foujdaree Adalut,

Present

Thursday 8th April, 1830.- Francis Alexander Grant Esqre. 1st Puisne Judge
William Oliver Esqre. ------ 2d Puisne Judge
Charles May Lushington Esqre. 3d Puisne Judge,

Read miscellaneous petition on behalf of Comary Annengar-

(See enter Dis: Pet: No 15 of 1830)

Read miscellaneous petition on behalf of Paraya Nargun-

(See enter Dis: pet: No 19 of 1830.)

Ordered that copies of these petitions be transmitted to the Provincial Court of Circuit for the Southern Division with directions to forward the same to the Magistrate of Tanjore, in order that he may furnish such explanation as he may consider requisite, regarding the complaints therein contained.-

(Sent following precept No 113.)

Read letter from the Provincial Court of Circuit in the Centre Division referring a question raised by the Magistrate of Cuddalapah as to the power of Magistrates to modify or annul sentences passed by a Joint Magistrate under him-

(See enter No 190.)

Regulation II 1827, which confers upon Subordinate Collectors the new designation of "Joint Magistrates," whilst it grants to them, in

Clauses

clauses first and second of Section V, the powers of Magistrates in the portion of the district under their charge, or generally throughout the District, or specially in any part of it, as may be delegated by the Principal Magistrate, & expressly declared in clause third that the powers thus to be exercised by them in either case shall not supersede or exclude the authority of the Magistrate over the entire province, but shall be "subordinate thereto", as far as occasion may require.-

The Sovereign & Council are of opinion that under this express enactment, it is perfectly competent to a Magistrate to interfere in any stage of a proceeding before his subordinate that he may deem proper, to stop his proceedings, call up the case before himself, or, if the subordinate has proceeded to judgment, to suspend its execution, and finally to modify or annul it as he may consider requisite.- To give a contrary construction to the law, merely because it vests the subordinate with the full powers of the Magisthacy, where the Principal does not interfere, or because the term joint Magisthate is used, would be at variance with the rest of the Regulation, which is to vest full powers in the joint Magistrate, always subordinate to the Principal, as occasion may render his interference necessary.

As the construction of the Regulation in

in this respect involves an important point, on which it is desirable that a uniform practice should prevail, the Court order that extract from these proceedings be sent to the 4 Provincial Courts for the information and guidance of the Magistracy in their respective divisions.-

(Sent following Circular No 114)

Ordered also that with reference to the instructions of Government under date the 9th October 1824 extract therefrom be submitted for their information.-

(Sent following letter No 115.)

Read letter from the Provincial Court of Circuit for the Centre Division, forwarding copy of one from the 2d Judge on Circuit, respecting the number of acquittals by the Criminal Court of Bellary, in the month of November 1829.-

(Here enter No 193.)

With reference to the remarks of the 2d Judge, the Collective Court of Circuit, under the provisions of Section XXIV Regulation X 1816, will be pleased to call for the records in the cases which appear to require revision, and will pass such order thereon as they deem proper. They will also explain the date of the orders of this Court alluded to in the 5th para of Mr Bushby's letter of the 15th December 1829, which seem to have been so strangely misunderstood by him.

Ordered

Desires

8th April 1830.

Ordered that extract from these proceedings be furnished by precept to the Provincial Court of Circuit for the Centre Division requiring immediate compliance therewith - return to be made without delay -

(Sent following precept No 110)

Read letter dated the 22d January last from the 2d Judge on Circuit in the Centre Division, forwarding the proceedings in case No 13 of the Cuddapah Calendar 1st Session 1830.

Mr Grant
&
Mr Lushington

(Here enter No 53)

2d

The first and third Puisne Judges, on a deliberate consideration of the circumstances of the case in evidence before them, are of opinion that the proof against the prisoner

Sheikh Mohammud

is sufficient to convict him of the crime of Robbery - and under the authority vested in them by Section II Regulation I 1818, they convict him thereof - But being of opinion that the punishment prescribed in the Regulations will in this instance be too severe they under the provisions of Clause fifth Section IV Regulation XV 1810, sentence the said prisoner

Sheikh Mahummud

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 to be released. -

2d

(Sent following Letter &c)

Evd
W. Johnston

J.C.

At a Court of the Foujdaree Adalut.

Present

Monday, 12th April, 1830 - J. A. Grant Esqre 1st Puisne Judge
William Oliver Esqre 2d Puisne Judge -

Read letter dated the 19th Ultimo from the Provincial Court of Circuit in the Western Division transmitting the reports required by Section XXXV Regulation X of 1810, received from the several Criminal Judges and Joint Criminal Judges of the Division for the month of February last, with copy of an extract from the Circuit Courts proceedings

2d

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(Here enter No 198)

Auxiliary Court of Canara

1 In the report from the Auxiliary Court of Canara Case No 13 of 1830 the Court notice a great delay in forwarding the prisoner for trial, the date of his apprehension being stated as the 25th November 1829 and that of his leaving the Talook as the 5th February 1830 - They desire that the Circuit Court will bring it to the notice of the Magistrate and procure an explanation of such detention -

2 In No 8 of the supplemental Report from the same Court it appears to the Foujdaree Adalut that the acting Joint Criminal Judge had not authority to punish; the amount stolen being above 100 Rupees; - and the

Desires

12th April 1830.

the circumstances of the case, so far as they appear on the face of the report, bringing in within the nature of those offences mentioned in clause first Section II Regulation VII of 1822.

3 In Nº 10 of the same Report the punishment inflicted appears too lenient, breaking and entering a house in the night time, maltreating the owner and committing theft called for a more marked punishment than 3 Months imprisonment tho' the value of the property stolen was trifling.-

Malabar 4. In Nº 36 of the report from this Court, the Joydary Adalut do not understand why a fine of 5 Rupees or one Months imprisonment was adjudged against the 3d prisoner- By the Criminal Judges own shewing, all that he did was to endeavour to prevent a person liable to insanity from doing injury to himself or others, and this could be no crime. There may however be circumstances which do not yet appear and may have rendered the punishment proper.-

5 In Nº 12 and 13 of the Supplemental report from the same Court the punishment seems inadequate to the crime as stated in the report "House breaking" is the offence therein specified and that not breaking into one house only Two different walls were perforated, in the night time, and property taken from both houses amounting in the aggregate to 24½ Rupees.-

6 Some notice also requires to be taken of Nº 23 of the same report where, tho the breaking was by day, it appears to have been very forcible, and the Prisoner has been too leniently dealt with especially as the Criminal Judge expressly states his character to be bad.-

7 The prisoner in Nº 27 should be held to bail.-

8 In Nº 32 of the report the offence charged is forcible Housebreaking and theft in the night time by two prisoners the 1st of whom is stated to be a bad character, and the 2d an incorrigible one, circumstances of aggravation sufficient to bring the case under clause second section II Regulation VI of 1822- and the Prisoners ought to have been committed for trial before the Court of Circuit-

9 The Reports furnished by the Criminal Judge of Canara and the Joint Criminal Judge of Malabar require no comment.-

10 The Court observe that the Provincial Court do not appear to have revised the sentences, passed in some of the returns

Desires

returns, upon which they have considered it their duty to remark.-

11 Ordered that Extract of these proceedings be forwarded to the Provincial Court of Circuit by precept requiring them to communicate such parts as concern them to the Criminal Judge of Malabar and the Acting Joint Criminal Judge of Canara respectively- Returnable without delay-

(Sent following precept No 118)

Read letter from the Provincial Court of Circuit in the Northern Division dated the 19th Ultimo submitting the reports required by Section XXXV Regulation X of 1816, from the several Criminal and Joint Criminal Judges in the Division for the month of January last together with their proceedings thereon-

(Here enter No 184)

Chicacole

The prisoners in case No 1 of the report No 5 submitted by the Criminal Judge of Chicacole having been detained in the Talook for 22 days and no reason having been assigned for the delay, the Court of Foujdaree Adaulut desire that the Magistrate of Vizagapatam be called upon by the Provincial

F. C.
12th April 1830-
Nellore

Provincial Court for an explanation--

2 With reference to the remark of the Provincial Court of Circuit contained in the 2d Para of their letter wherein they doubt the correctness of the Criminal Judge's proceeding in releasing the prisoner in case No 1 of the Nellore Criminal Report, who tho' he did not commit arson is considered by them to have intended to commit that crime, the Court of Foujdaree Adaulut are of opinion that Criminal intent is to be inferred only from some overt act evincing it- If proof to that effect was forthcoming against the prisoner the proper course for the Criminal Judge to have pursued would have been to have required the Mohummedan Law Officer of his Court to state whether such overt act was or was not punishable under the Mohummedan Law and to have proceeded as directed by the Circular orders of this Court dated the 28th of January 1828.-

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division desiring to make the necessary communication to the Criminal Judge of Bellary, and the Magistrate in the District

of

Bellary

12th April 1830 — of Vizagapatam — precept returnable within 1 week from and after its receipt. —

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(Sent following precept No 119.) S

20

J. H.

Sir Court of the Foujdaree Adawlut.

Present,

Thursday 15th April 1830. J. H. Grant Esqre 1st Puisne Judge.

William Oliver Esqre 2d Puisne Judge,

24

20

Read letter dated the 20th February last from the Third Judge of the Court of Circuit in the Centre Division, with the records of the trials of Nos 7 and 8 Chittoor Calendar 1st Quarterly Sessions 1830.

(Vide entry No 138.)

Nos 7 and 8

The first and second Puisne Judges having maturely considered the proceedings held in these two cases, before the Judge on Circuit the futwa of the Provincial Law Officer and the futwa of the Cazee ool Cozat and Mooftees of the Foujdary Adawlut are of opinion that the prisoner,

Ragadoo,

is not convicted on presumptive proof, or on the evidence of credible witnesses or on his own confession, notwithstanding the futwa of the Law officers and under the provisions of Clause 2d 5th Section II Regulation XV of 1803 they acquit the prisoner.

Ragadoo

aforesaid and direct that he be set at liberty.

Read letter dated the 12th February last from the Third Judge of the Court of Circuit in the Centre Division, stating that the

Desires

Evc W. Johnson

15th April 1830 - the Sentence passed on the prisoner in case
No 11 of the Calendar for the 4th Quarterly
Sessions 1829 at Chittoor has been suspended
and transmitting the proceedings for final decision.
(Vide entry No 100.)

The first and second 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 Sooddur
Dewanut are of opinion that the prisoners -

1st Tippadoo,
and
2d Ramapah Naidoo,

are not convicted on presumptive proof, or on the
evidence of credible witnesses or on their own
confessions notwithstanding the futwa of their
Law Officers and under the provisions of
Clause Sixth, Section II Regulation XV of 1823
they acquit the prisoners

1st Tippadoo
and
2d Ramapah Naidoo

aforesaid and direct that they be set at liberty.

The evidence in these cases is
totally insufficient for the conviction of the
prisoners; and the Court are surprized that they
were put upon their trials, seeing that there is
not a tittle of proof that the robberies with

which

15th April 1830 - which the prisoners are charged were ever actually committed - There is nothing on the proceedings to shew why the prisoners were taken into custody: upon two of them, Ramapa Naidoo, and Pagadoo, not a single article was found, supposed to have been obtained by robbery; and the articles found upon Tippadoo the other prisoners are not only such as he might very well possess, but are actually proved to have been his own property - The only grounds upon which the Judge who presided at these trials considered the prisoners convicted, are their alleged confessions but to give effect to a confession, even when there may be no reason to suspect that it was influenced by fear or otherwise improperly obtained, it is indispensably necessary that there should be presumptive evidence at least that the crime itself was actually committed.-

The Court direct that Extract of these proceedings be sent for the information and future guidance of Mr Saunders.-

(Sent following letter No 122.)

Read letter dated the 10th Febru-
-ary last from the Additional Judge late on
Circuit in the Centra Division submitting the
proceedings in case No 1 on the Cumbum &
Calendar

Desires

15th April 1830.

Calendar Zilla Cuddapah 2d Sessions 1829.
(Here enter No 92)

The first and second Punisudgers having maturely considered the proceedings held before the Judge of Circuit, the futwa of the Provincial Law Officers, and the futwa of the Cazee ool Coozat and Mooftees of the Foujdaree Adalut convicting of murder and adjudging Elias confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid. But being of opinion that the punishment decreed in the futwa of their Law Officers would in this instance be too severe, under the powers vested in them by Section VI Regulation I 1825 they adjudge the prisoner

Gare Kala Vencatee gaundoo

to be imprisoned and kept to hard labor on the public roads or other public works, for and during the term of five years.-

(Sent following letter No 123)

Read letter dated the 5th February last from the Additional Judge late on Circuit in the Centre Division submitting the proceedings in case No 28 of the Cuddapah Calendar 2d Sessions of 1829.-

(Here enter No 80)

The first and second Punisudgers Judges having maturely considered the proceedings held before the Judge of Circuit and the futwa of the Cazee ool Coozat and Mooftees of the Foujdaree

2/

F.C.
15th April 1830. Foujdaree Adalut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and acquitting the prisoner

Naaree

direct that she be set at liberty.-

(Sent following letter No 124)

2d

80

Geo W. Johnston

Secretary

S.C.

At a Court of the Toupidarre Adaulut

Monday 19th April, 1830

Present,

J. A. Grant Esqre 1st Puisne Judge,
William Oliver Esqre 2d Puisne Judge,

Read letter dated the 31st December 1829 from the 2d Judge of the Court of Circuit for the Centre Division forwarding the proceedings in cases Nos. 6, 7, 8, 9, and 11 of the Chittoor Calendar 3d Quarterly Sessions of 1829.-

(Vide entry No. 14.)

The first and second Puisne Judges, having maturely considered the proceedings held before the Judge presiding at the Sessions and the futwah of the Cazee wol Cozat and Mooftee of the Toupidary Adaulut are of opinion that the prisoners

1st Mooneapah Odian,
2d Tondavarayen
3d Emauen
4th Baupah,
5th Poovun
6th Nunnoo Madar
7th Hupsun
8th Gudaputt Hasein
9th Verasamy the arrack Seller
10th Rungeen, the arrack Seller
11th Moraga Rungalum Soobem
12th Arlachelluen
13th Naraynen, the Shanar
14th Morooga Rungalum Ramen
15th Malice

16th

Decided

19th April 1830.

10th Narayanen, the arrack seller
17th Vencataramen
18th Sawmy the gold Smith
19th Venkatee
and
20th Nunjie

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions, of the crime charged against them, and, acquitting them thereof, they direct that, so far as regards the said charge, they be set at liberty.-

No 7

The first and second Puisne Judges, having maturely considered the proceedings held before the Judge presiding at the Sessions and the futwa of the Cazee ool Cozat and Mooftees of the Foujdaree Adalut are of opinion that the prisoners

1st Moonyapah Odian
2d Tandavarayen
3d Soobun, the relation of Tumboosan
4th Bala
and
5th Tumuttoo Odian, alias Rootoo Odian

are not convicted, on presumptive proof, or on the evidence of credible witnesses, or on their own confessions, of the crime charged against them; and acquitting them thereof, they direct that, so far as regards the said charge, they be set at liberty.-

No 8

The first and second Puisne Judges, having maturely considered the proceedings

19th April 1830.

held before the Judge presiding at the Sessions, and the futwa of the Cazee ool Cozat and Mooftees of the Foujdaree Adalut are of opinion that the prisoners

1st Mooneapah Odian
2d Emaum
3d Baupah
4th Poovun
5th Tondavarayen
6th Nunnoo Madar
7th Mooraga Mungalum Soobum
8th Arnachellum
9th Narayanen, the arrack seller
10th Mooroga Mungalum Ramun
11th Narayanen the Shanar
and
12th Poonee

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions, of the crime charged against them; and, acquitting them thereof, they direct that, so far as regards the said charge, they be set at liberty.-

No 9

The first and second Puisne Judges having maturely considered the proceedings held before the Judge presiding at the Sessions, and the futwa of the Cazee ool Cozat and Mooftees of the Foujdaree Adalut, are of opinion that the prisoners

1st Mooneapah Odian
2d Tandavarayen

3d

Dessein

19th April 1830.

3d Emaum
4th Baupah
5th Poonen
6th Perumpauk Soobien
7th Mooraga Mungalum Soobien
8th Arnachellum
9th Naraynen the Shanar
10th Mooroga Mungalum Ramen
11th Naraynen, the Arrack Seller

and

12th Sawmy, the Gold Smith

are not convicted, on presumptive proof, or on the evidence of credible witnesses, or on their own confessions, of the crime charged against them; and, acquitting them thereof, they direct that, so far as regards the said charge, they be set at liberty.

No 11

The first and second Puisne Judges having maturely considered the proceedings held before the Judge presiding at the Sessions - and the futwa of the Cazee ool Cozat and Mooftee of the Foujdaree Adaulut are of opinion that the prisoners

1st Jetput Hasim
2d Veerasamy

and

3d Rungadoo

are not convicted, on presumptive proofs or on the evidence of credible witnesses, or on their own confessions, of the crime charged against them, and, acquitting them thereof, they direct

F. C.

19th April 1830.

direct that, so far as regards the said charge they be set at liberty.-

The observations recorded by this Court on the trial No 5 of the Chittoor Calendar for the 3d Quarterly Sessions of 1829, apply generally to the cases Nos 6, 7, 8, 9 and 11 of the same Calendar - On the decision of that case, the Court held to security, for future good behaviour, all the prisoners in the five last mentioned cases, except the 7th 8th 9th 10th 17th 18th and 20th prisoners in No 6; - the 3d and 5th prisoners in No 7 the 4th prisoner in No 8; the 6th 11th and 12th prisoners in No 9; and the 1st 2d and 3d prisoners in No 11, whom the Court resolve to release unconditionally, no admissible evidence existing against them - The 13th and 16th prisoners in No 6 are noted at the commencement of that trial as "dead"; but these prisoners pleaded not guilty; and if it was the intention of the Court to have acquitted them, on that charge, as in Nos 5, 6, 8, and 9, a special warrant for their release, in that case also, should have been issued by him - In his letter accompanying the trial No 6 he states these two prisoners to have been "released" and the Court conclude that the word "dead" affixed

Desires

19th April 1830

affixed to their names at the beginning of that trial, is a mere clerical error; but, on that point, they resolve to call for explanation.

Ordered that Extract of these proceedings be sent to the 2d Judge of the Court of Circuit in the Centre Division for his information.-

(Sent following letter No 127)

Read letter dated the 20th Janu=ary last from the 3d Judge of the Court of Cir=cuit in the Centre Division forwarding the proceedings in case No 14 of the Chittoor Calendar for the 4th Quarterly Sessions of 1829.-

(Here enter No 60.)

The first and second Puisne Judges having maturely considered the proceed=ings held before the Judge on Circuit, and the futwa of the Cazee ool Cozat and Mooftee of the Zoujdaree Adalut confirm the said futwa and acquitting the prisoners

1st Sorbroya Moodely

and

2d Tunga Moottoo

direct that they be set at liberty.-

The Court are of opinion that the Mother of the deceased should have been examined, for the purpose of ascertaining whether or not her daughter was pregnant-

a

19th April 1830

a point left doubtful as the evidence now stands,- and which, combined with the apparent tampering of the prosecutor or 1st prisoner, or both, with the witnesses, has obliged them to acquit the prisoners in this case- The Third Judge will point out to the Magis=trate that in cases of this kind, the police ought to trace out the person who originally furnished the drugs, so that their precise nature and quantity may be known-

Ordered that the same be communicated to the Third Judge for his guidance-

(Sent following letter No 128.)

Read letter dated the 16th Febru=ary last from the Additional Judge late on Circuit in the Centre Division submitting the proceedings in case No 8 on the Calendar of the Zilla of Cuddapa 2d Sessions 1829.-

(Here enter No 93.)

The first and second Puisne Judges having maturely considered the proceed=ings before the Judge on Circuit and the futwa of the Cazee ool Cozat and Mooftee of the Zoujdary Adalut confirm the said futwa and acquitting the prisoner

Ratsenah

direct that he be set at liberty-

In the 13th para of his letter accompanying

Dessoles

19th April 1830.

accompanying this trial, Mr. Waters seems to consider the Code to have authorized his demanding security from the prisoner in this case instead of referring the trial - But as he did not concur in the futwa of the law officer, convicting the prisoner, it was imperative on him, under Section XXII Regulation VII 1802 to refer the trial, and wait the Sentence of this Court - The Regulation in such a case do not authorize the Circuit Judge holding the accused to Security -

Ordered that Extract of these proceedings be sent to the Additional Judge late on Circuit in the Centre Division for his information -

(Sent following letter No 129)

Read letter dated the 13th Febuary last from the Acting first Judge on Circuit in the Southern Division submitting the proceedings in case No 19 Madura Calendar 1st Sessions 1830 -

(Here enter No 102)

The first and second Puisne Judges, on a deliberate consideration of the circumstances of the case in evidence before them, are of opinion that the proof against the prisoner

Sadayen

is

3/

F. C.

19th April 1830.

is sufficient to convict him of the crime of murder; - and, convicting him thereof, they, under the provisions of Section XVIII Regulation VIII 1802, adjudge the said prisoner

Sadayen

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

(Sent following letter No 130)

Read letter dated the 2d Instant from the Provincial Court of Circuit for the Centre Division transmitting copy of a return from the Magistrate of Cuddapah regarding a case of delay on the part of a Tahsildar explanation of which was called for on the 20th February last -

(Here enter No 224)

Read return dated the 14th Instant from the Provincial Court of Circuit in the Centre Division to precept dated the 8th Instant stating that the records mentioned in this Courts proceedings have been called for from the Judge of Bellary -

(Here enter No 234) 5

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20

Geo. H. Johnson

Desires

At a Court of the Toydaree Adalut.

Present

Thursday 22d April 1830.

F. A. Grant Esqr 1st Puisne Judge
William Oliver Esqr 2d Puisne Judge

Read letter dated the 31st Ultimo from the Criminal Judge in the Zilla of Canara, requesting instructions regarding a prisoner who has been sentenced to imprisonment and hard labor for 7 years and to be banished to such Zillah as the Toydaree Adalut may direct.-

(Here enter No 208)

The Court of Toydaree Adalut direct that the prisoner "Narraina" be removed to the Jail in the Zillah of Trichinopoly there to be imprisoned agreeably to the terms of her Sentence.-

Ordered that extract of these proceedings be sent to the Criminal Judge in the Zilla of Canara and to the Magistrate in the Zillah of Trichinopoly for their respective information and guidance.-

(Sent usual letters No 131.

Read letter dated the 3d February last from the Acting 3d Judge late on Circuit in the Southern Division with a returned warrant for the execution of a prisoner in Case No 1 Coimbatoor Cal. 2d Sept. 1829.

(Here enter No 80)

Read

Resolved

22d April 1830

Read letter dated the 29th March last from the Provincial Court of Circuit for the Centre Division, transmitting copy of a return from the Magistrate of Cuddapah relative to a delay in Chittoor Talook into which enquiry had been ordered by this Court.

(Here enter No 213)

Read further return dated 29th Ultimo from the Provincial Court of Circuit in the Centre Division to precept dated 20th February last, submitting copy of a return from the Acting Criminal Judge in Cuddapah regarding a part of the Criminal Reports for December last.-

(Here enter No 215)

Read letter dated the 3d instant from the 2d Judge on Circuit in the Western Division stating that he has finished the Sessions at Mangalore and was about proceeding to Honore.-

(Here enter No 216)

Read letter dated the 5th instant from the 2d Judge on Circuit in the Western Division notifying his arrival and having commenced the Sessions at Honore.-

(Here enter No 217)

Read return dated the 5th instant to precept dated the 22d Ultimo from the Judges of the Provincial Court of Circuit for the Northern Division stating that copies of Extracts of their Courts proceedings requiring translation of certain Criminal Statements to be exposed in the Cutcheries of the District Heads of Police, have been furnished to the several Magistrates.-

(Here enter No 219)

Read letter dated the 5th Instant from the Provincial Court of Circuit for the Southern Division with a report prescribed by Section XXXV Regulation X of 1810 for February last.-

(Here enter No 220)

Read letter dated the 14th Instant from the 2d Judge on Circuit in the Centre Division reporting that Avoola Ramoodoo convicted of wounding and Murder had been executed according to his Sentence.-

(Here enter No 222)

Read letter dated the 9th Instant from the Acting Judge of the Court of Circuit for the Centre Division notifying the commencement of the 2d Quarterly Sessions at Chittoor.-

(Here enter No 223)

Read letter dated the 13th Instant from the 1st Judge on Circuit in the Southern Division forwarding the Combeconum Calendar for the 1st Sessions of 1830.-

(Here enter No 232)

Read letter dated the 13th Instant from the 3d Judge on Circuit for the Northern Division reporting his quitting Masulipatam for Rajahmundry.-

(Here enter No 230)

Read

Ld W. Johnson

Desires

22nd April 1830.

Read letter dated the 17th Instant from the Third Judge of Circuit in the Northern Division reporting the arrival of the Circuit Court at Rajahmundry.

(Here enter No. 240.)

Read letter dated the 15th Instant from the 2d Judge on Circuit in the Western Division reporting his intention of quitting Dowlaishwaram for the Sudder Station as soon as possible.

(Here enter No. 2483/5)

Ltr " W. L. "

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[illegible]

240

C. C.

At a Court of the Foujdaree Udalut.

Present,

Thursday, 29th April, 1830. F. A. Grant Esqre 1st Puisne Judge.
William Oliver Esqre 2nd Puisne Judge.

Read letter dated the 6th ultimo, from the Second Judge on Circuit in the Centre Division, forwarding the proceedings in Case No. 3 of the Cuddapah Calendar for the 1st Sessions of 1830.

(Here enter No. 89 of 1830.)

The First and Second 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 Muftee and Soozat and Moofties of the Foujdaree Udalut are of opinion that the prisoners

1st "Comara Vincatigadoo,"
and
2nd "Vincatroydoo,"

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confession - and accordingly notwithstanding the futwa of their Law Officers, under the provisions of clause second Section VII, and clause sixth Section II Regulation XV 1803, they direct that the

Decision

the said prisoners,

1st Comara Vencatygadoo,

and

2nd Vencatroydoo,

aforesaid be set at liberty.-

The Court are of opinion that the circumstances in this case deprive the evidence for the prosecution of any credit, and some of the most material of these are noticed by the Judge who presided at the trial, in his letter accompanying it.- It is admitted that the two prisoners well known to the prosecutor, and his omission to accuse them instantly, is conclusive against his subsequent evidence, a conclusion confirmed by the fact noticed in the 15th para of the Judge's letter, which is incompatible with the second prisoner's guilt.- Under these circumstances, the Judge think it is matter for regret that the prosecutor and his witnesses were allowed to leave the Court, without being cross-questioned respecting the facts alleged in their depositions, which are so improbable and so full of inconsistency.-

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

(Sent following letter No 133. a

Read letter from the Provincial Court of Circuit for the Centre Division, forwarding the Reports prescribed by Section XXXV. Regulation X 1816, for the month of February last, as furnished by the Criminal Judges and Joint Criminal Judges of the Division, together with extract of the Provincial Court's proceedings thereon, dated the 8th Instant.-

(Here enter No 239.-)

The Court observe that most of the irregularities appearing on the face of these Reports have been noticed in the above proceedings, but the Court of Circuit have omitted to point out to the acting Criminal Judge of Chittoor, that he has overlooked this Court's Circular order of the 27th November 1827, in regard to the numbering the Prisoners in Form No 5.- It is explicitly laid down in the 9th Para of that order that, in cases wherein there shall be more Prisoners than one the first in each case shall be numbered "1"- Instead of which Mr Bruere in the report No 5. and in the supplement furnished under this Courts orders of 27th September 1824 has continued the numbers consecutively throughout all the cases.-

Bellary. 2 The Court agree with the Court of

Deside

29th April 1830.

of Circuit that the Criminal Judge of Pallay was not justified in a case of such aggravation as No 11 of the Statement, No 5 in allowing the prisoners to go at large on security, or otherwise, while it was thought advisable to send for further witnesses, whose evidence might convert suspicion into proof.—

Ordered that extract of these proceedings be sent to the Provincial Court of Circuit for the Centre Division for their information.—

(Sent following letter, No 134.

Read letter dated the 14th Instant, from the Provincial Court of Circuit in the Northern Division, with reports prescribed by Section XXXV Regulation X of 1816 and extract of Circuit Courts proceedings thereon.—

(Here enter No 245.) 5

Eyo
J Johnson

F. H.

At a Court of the Foujdaree Adalut.

Present,

Friday.
30th April, 1830.

D. A. Grant Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge.

Read letter from the Second Judge on Circuit in the Western Division, with the Banque Calendar for the first Sessions of 1830.—

(Here enter No 245.)

1 In case No IV on the Calendar the prisoners have been convicted of Gang Robbery attended with circumstances of a highly aggravating nature, and such as render them liable to transportation for life, under Clause Second Section IV Regulation XV of 1803. It was therefore clearly imperative on the Judge presiding at the trial to refer the case for the sentence of the Foujdaree Adalut, and he was not competent to pass the mitigated sentence of 14 years imprisonment.—

2 The Court therefore direct that the Second Judge do suspend the execution of the sentence passed by him, and refer the trial for their determination.—

3 The Court also observe that it was not necessary to require a second Return in this case, the prisoners being convicted

30th April 1830.

convicted, and the penalty for the offence being specifically provided for in the Regulations.-

Ordered that extract of these proceedings be sent to the Second Judge on Circuit for the Western Division for his information and guidance.-

(Sent following letter No 137

Read letter from the Secretary to Government in the Judicial Department, forwarding the opinion of the present Advocate General, that the Slave trade Act of the 57th George the 3rd Cap. 133 does not extend to the "removal of a person from "one part of India to another, in order "that such person should be there dealt "with as a slave."-

(See enter No 210)

Ordered that copies of this Courts letter to Government of the 27th February last, and of the foregoing reply, be circulated to the four Provincial Courts, for the guidance of the several criminal tribunals, until further orders, and in modification of the circular orders of this Court of the 23rd September 1825.- The instructions in question should be circulated to the Magistrates, as well as to the Criminal Courts, and the first Judge of Circuit in the Western Division will now cause the prisoners, whom he admitted to bail, to be brought to

30th April, 1830.

to trial at the next Sessions.-

Under Mr. Norton's construction of the act, the removal of a free person, from one part of India to another, to be dealt with there as a slave, without reference to any traffic by sea, is an offence not cognizable by the Supreme Court, but by the established criminal tribunals in the interior.- Persons accused of such a crime should accordingly be committed for trial before the Court of Circuit.-

(Sent following letters No 138

114

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Esqr. W. Johnson

Dessides

At a Court of the Poojdaree Adalut.
Present,

Monday
2nd May, 1836. F. A. Grant Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge.

20 24

In order that capital punishments may make a stronger impression on the public mind, it is desirable that they should be solemnly and publicly announced, and, to form a correct judgement of the result of such examples, it is desirable that a record should be made of the impression, not only on the spectators, but on the convict himself - of these necessary acts of justice - The Court of Poojdaree Adalut accordingly direct that, as soon as can be, after the receipt of death warrants, the final sentence be communicated to the convict, in open Court; and that in making returns to death warrants, besides stating, as at present, the estimated number of spectators attending the execution, and the apparent impression made upon them by it, the Criminal and Joint Criminal Judges do specify the date and hour when the final sentence was communicated to the convict, and certify

Besides

certify that the same took place in open Court and that, in these returns, they do further specify, in a particular manner, the effect on the convict of such communication, and his conduct thenceforward until his execution, reporting, whether he expresses contrition for the offence for which he suffers, denies his guilt, or makes any confession of it,- and his behaviour on the scaffold, and conversation there.-

Ordered that the foregoing order be communicated to the four Provincial Courts, by precept, requiring them to circulate it for the guidance of the Criminal and Joint Criminal Judges under them respectively.-

(Sent following precepts No. 142.

Read return from the Provincial Court in the Western Division to this Court's precept of the 22nd March last.-

(Here enter No. 257.)

Read also letter from the Provincial Court in the Northern Division on the same subject.-

(Here enter No. 237.)

The Statement which, by this Court's orders of the 22nd March last, it was proposed that Magistrates should communicate to the Heads of District police under them, was that circulated by this, to the subordinate Courts,

Courts, under date the 29th December 1829.- There are now no copies thereof, sufficient for the use of the Magistrates remaining in this office. But as 3 copies were sent to each of the Provincial, and 2 to each of the Zillah Courts, the Provincial Courts, by calling for one of these last mentioned copies, and retaining a single one for their own use, may easily obtain a number sufficient, to enable them to furnish one to each of the Magistrates under them. Ordered that the four Provincial Courts be directed to adopt this course.-

(Sent following Precepts No. 142.

Read letter dated the 15th March last from the Additional Judge late on Circuit in the Centre Division, submitting for final sentence a case of Highway Robbery, with the proceedings of the Cuddapah Calendar 2nd Sessions of 1829.-

(Here enter No. 176.)

The First and Second Puisne Judges having maturely considered the proceedings held before the Judge of Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee cul Coozat and Mooftees of the Sudder Adalut, are of opinion that the prisoner,

Narrain Reddy,

is not convicted on presumptive proof or on the evidence of credible witnesses or

Decrees

Ed. W. Johnson

3rd May 1830.

T. H.

man his own confession, and accordingly under the provisions of clause second Section VII and clause sixth Section II Regulation XV 1803 direct that the prisoner

Warrain Reddy

aforesaid be set at liberty.-

The Judges regret exceedingly that the evidence for the prosecution required any credence from the Provincial Law Officer, and that this obliged the Additional Judge to refer this trial.- But they still more regret that the Additional Judge should have deferred the reference of the above case, from the 18th August 1829, when the trial closed, until the 15th March 1830; and thus most unnecessarily detained an innocent and respectable person for seven months in jail.- If the prosecutrix was bound over to attend the Court of Circuit, as she should have been, the Circuit Judge will cause her recognizance to be forfeited.-

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

(Sent following letter No 143 /

Saturday,
15th May, 1830.

At a Court of the Poojdaree Adalut.-

Present,

J. A. Grant Esqre 1st Puisne Judge.-
William Oliver Esqre 2nd Puisne Judge.-

Read letter dated the 5th March last from the Additional Judge late on Circuit in the Centre Division, with record of the trial in case of Chungilpal Calendar 2nd Sessions 1829.-

/Here enter No 58./

The First and Second Puisne Judges, having maturely considered the proceedings held before the Judge on Circuit, the finding of the Provincial Law Officer, and the finding of the Cazee col Coozat and Moofties of the Poojdaree Adalut, convicting of murder and awarding sixpence, confirm the said finding of the Cazee col Coozat and Moofties aforesaid: But being of opinion that the punishment of death, stated in Section X Regulation VIII 1832, would in this instance be too severe, under the power vested in them by Section VII Regulation I 1825, they adjudge the prisoner

Sheikh Meyan,

to be transported to such place beyond Sea as the Governor in Council shall appoint

Besides

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.-

The Court consider this trial to have been defectively conducted. The Acting Circuit Judge ought to have taken every possible means to ascertain the prisoners motive for the crime which he committed, but not a single question appears to have been put to the witnesses for this end. The translation also of this trial has been prepared in a manner which reflects no credit on the Acting Judge. Under the doubt existing as to the motive of the prisoner, and the continual provocation which he pleads to have received from the deceased, the Judges have not considered themselves justified in carrying into effect the extreme sentence of the law, and have therefore sentenced the prisoner to a mitigated punishment.

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

(Extract following letter &c 134.

Read letter dated the 20th February last from the Third Judge of the Court of Circuit in the Centre Division, submitting for final decision and sentence the proceedings in Case No. 1 of the Calendar of the Zillah of Chittoor for the 1st Quarterly Sessions of 1850.-

(Here enter No 134.)

The First and Second Puisne Judges having maturely considered the proceedings held before the Judge on Circuit, the opinion of the Provincial Law Officer and the opinion of the Cazee al Coozat and Mooftees of the Faujdaree Adalut, confirm the said opinion of the Cazee al Coozat and Mooftees aforesaid, and acquitting the prisoner.

Mooneehy

direct that she be set at liberty.

Though the Court have not considered the crime of perjury so brought home to the prisoner as to render her liable to the punishment prescribed for that offence, they yet view with considerable disapprobation the disregard of precision apparent in her two contradictory statements and resolve to cancel the Judge on Circuit, before the order is issued

Decided

15th May, 1830.

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.-

The Court consider this trial to have been defectively conducted. The Acting Circuit Judge ought to have taken every possible means to ascertain the prisoners motive for the crime which he committed, but not a single question appears to have been put to the witnesses for this end. The translation also of this trial has been prepared in a manner which reflects no credit on the Acting Judge. Under the doubt existing as to the motive of the prisoner, and the continuance from action which he pleads to have received from the deceased, the Judges have not considered themselves justified in carrying into effect the extreme sentence of the law, and have therefore sentenced the prisoner to a mitigated punishment.

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

(Sent following letter &c 10th

15th May, 1830.

Read letter dated the 20th February last from the Third Judge of the Court of Circuit in the Centre Division, submitting for final decision and sentence the proceedings in Case No. 1 of the Calendar of the Zillah of Chittoor for the 1st Quarterly Sessions of 1830.-

(Here enter No 134.)

The First and Second 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 and Cozzat and Mooftees of the Punjdaree Adawlut, confirm the said Futwa of the Cazee and Cozzat and Mooftees aforesaid, and acquitting the prisoner.

Mooneehy

direct that she be set at liberty.

Though the Court have not considered the crime of perjury so brought home to the prisoner as to render her liable to the punishment prescribed for that offence, they get view with considerable disapprobation the disregard of precision apparent in her two contradictory Statements and resolve to cancel the Judge on Circuit, before the order is issued

Desires

15th May 1830.

issued for her release, to direct the Criminal Judge to caution her to be more particular in giving her evidence in future.-

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

(Sent following letter No 147.

Read letter dated the 22d March last from the First Judge late on Circuit in the Southern Division, with the record of trial in case No 9 on the Calendar of the Ancillary Court at Tinnevelly for the 1st Sessions 1830.-

(Here enter No 182)

The First and Second Puisne Judges having maturely considered the proceedings held before the Judge on Circuit, the opinion of the Provincial Law Officer and the opinion of the Cazee al Cozat and Moofties of the Sudder Adawlut, confirm the said opinion of the Cazee al Cozat and Moofties aforesaid, and acquit the prisoner,

Ramasawmy Reddy

but considering that suspicion, though not amounting to conviction attaches to him, they, under Clause sixth Section II Regulation XV of 1809 direct that he be required to find two sureties in Rupees

Fo. W. Sheldon

F. W.
15th May 1830.

Rupees each, for his good behaviour and appearance when required within six months or in default thereof that he be detained for six months in confinement.-

(Sent following letter No 148.

Read letter dated the 19th ultimo, from the First Judge on Circuit in the Southern Division, notifying the commencement of the 1st Sessions at Salem for 1830.-

(Here enter No 247)

Read return dated the 15th ultimo, from the Judges of the Provincial Court of Circuit in the Northern Division, to precept dated 24th March last, stating that the required communications relative to the Criminal reports for December last have been made to the Magistrates of Nellore and Rajahmundry.

(Here enter No 248)

Read letter dated the 25th Feby last, from the Judges of the Provincial Court of Circuit in the Centre Division, forwarding copy of a letter from the Criminal Judge of Bellary reporting the death of Nallee the prisoner in case No 8 of the Bellary Calendar 2nd Sessions of 1827.-

(Here enter No 165)

Read return dated the 20th ultimo, from

Fo. W. Sheldon

Resides

15th May, 1830.

from the Judges of the Provincial Court of Circuit in the Western Division, to precept dated 12th ultimo, with reference to the Criminal reports for February last, certifying that such parts of the proceedings of the Court of the above date as concerned the Criminal Courts in that Division have been forwarded to them respectively.

(Here enter No. 252.)

Read letter, dated the 21st ultimo, from the Acting Judge last on Circuit in the Centre Division, enclosing returned warrant for the execution of Land Mahomed Prisoner in No. 7 Cuddapah Calendar. 2d Sessions 1829.

(Here enter No. 253)

Read letter, dated the 1st instant, from the 3rd Judge on Circuit in the Northern Division, reporting his departure from Rajahmundry to Chicacole.

(Here enter No. 254.)

Read return, dated the 30th March last, from the Provincial Court of Circuit in the Centre Division, to precept dated 22d March last, stating that the statement of Crimes and punishments furnished to the several Magistrates has, as directed, been translated into the current language of the district and sent to each of the

Heads

15th May, 1830.

Heads of District Police.

(Here enter No. 262)

Read return, dated the 3d ultimo, from the Judges of the Provincial Court for the Northern Division, to precept dated the 12th ultimo, stating that the required communications have been made to the Criminal Judge of Nellore and the Magistrate of Vizagapatam, relative to the Criminal Reports for January last.

(Here enter No. 278)

Read letter, dated the 23d ultimo, from the First Judge of the Court of Circuit in the Western Division, transmitting copies of the Calendars of the Auxiliary Court of the Zillah of Malabar for the 1st Quarterly Sessions of 1830.

(Here enter No. 256)

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Besides

F. Cs.

At a Court of the Zoujdaree Adalaut.

Present,

Thursday 20th May, 1830.

Francis Alexander Grant Esqre. 1st Puisne Judge
William Oliver Esqre. 2nd Puisne Judge.

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Read letter dated the 17th January last, from the Third Judge of the Court of Circuit for the Centre Division, transmitting the proceedings in case No. 15 of the Chittoor Calendar 4th Quarterly Sessions of 1829.—

(Here enter No. 52.)

Read also letter dated the 22nd February last, from the Third Judge of the Court of Circuit in the Centre Division forwarding a return from the Magistrate in the Zillah of Chittoor respecting the detention and ill treatment of some of the prisoners in case No. 15 of the Calendar for the 4th Quarterly Sessions of 1829.—

(Here enter No. 121)

The First and Second Puisne Judges, having maturely considered the proceedings held before the Judge on Circuit, the Pundits of the Provincial Law Officers and the Pundits of the Sudder and Moofftees of the Zoujdaree Adalaut are of opinion that

Besides

that the prisoners,

1st Pucklooram Tewantagandoo,
2nd Chingadoo,
3rd Chinna Chengadoo,
4th Cadiriengadoo
5th Moottoo,
6th Rebola Chengadoo
7th Poojoory Chengadoo
8th Boojjingadoo
9th Kistnadoo
10th Venaupa Naidoo
11th S. Chengadoo
12th N. Narrengadoo
13th Erandadoo
14th N. Moonsegadoo
and
15th N. Narrengadoo

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confession of the crime with which they stand charged and acquitting them thereof direct that they be set at liberty.-

1. The Court, after an attentive consideration of all the proceedings in this case, hence acquitted the prisoners and discharge their recognizances, the gross irregularities of the Police, and the manifest perjury of the prosecutor, and some of his principal witnesses having deprived the whole of the evidence for the prosecution of all title to credit.-

It appears from the report of the District Police Officer, if any reliance whatever can be placed upon it, that the prisoners were taken into custody on different dates from the 14th July to the 4th August 1829, and that they were all brought before him on the 5th August. By him they were detained till the 21st August, when they were sent up to the Criminal Court. The reasons which he gives for their long detention, as far at least as they are intelligible, have been repeatedly denounced as altogether inadmissible, and he assigns no reasons whatever for their detention by his subordinate agents. It is but too probable that the interval between their apprehension and delivery to him was employed as stated and partly framed by the prisoners, in attempts to extort confessions from them; and at all events it appears from the evidence of the Police Duffadars and Peons that some of the prisoners were most unwarrantably confined for several days, at Velloor and Nundingaroyapettah, where they are alleged to have made confessions.-

3. It is perfectly clear that none

Dedutes

20th May 1830.

none of the prisoners were recognized at the time of the alleged robbery, although the prosecutor and some of his witnesses pretend to identify all of them. The prosecutor, on his examination by the Acting Criminal Judge, said that he was previously acquainted with the 1st 10th and 13th prisoners; that he had known the 10th prisoner for four or five years; and that he the prisoner, had been in the habit of frequenting his house. Now it is impossible to believe for a moment that if the prosecutor had recognized these persons among the robbers he would have omitted to name them expressly to the Police Peon who it appears was sent to him by the Sukkeedar immediately after the robbery; but this Peon the 5th witness Sheik Goosyn, on his examination before the Court of Circuit swears that the prosecutor told him he could not identify any of the robbers, but that he suspected the 1st prisoner from Vencatagoodoo; and the prosecutor himself, on his examination by the Acting Criminal Judge, being questioned why he did not mention to any body

P. C.
20th May 1830.

at the time the name of the 13th prisoner with whom he was well acquainted and who lived at the distance only of a mile and half from his house, admits that he never mentioned his name until he gave his written complaint in the Sadder Cutchery, which was on the 20th August, or forty two days after the robbery. It is plain, indeed, from the manner in which the prisoners were taken into custody that the Police Officers proceeded upon no distinct information as to the persons concerned in the robbery, a fact which is altogether inconsistent with the supposition that all or any of them were recognized at the time, and there can hardly be a doubt that the prosecutor and such of his witnesses as have sworn to such recognition have grossly perjured themselves.

4. The robbery is alleged to have been committed on the night of the 9th July 1829, and the 10th prisoner Vencatapah Naig called twelve witnesses to prove that on the 2nd or 3rd of July he set out from Cuttamunakee, driving on his laden ox a Narahunse Boy to Madras; and that he did not leave Madras till

Bes

20th May 1830.

till the 15th or 16th of July. Of these witnesses four only were examined before the Court of Circuit; but their evidence satisfactorily established the defence set up by the prisoner. The prosecutor and his first five witnesses swear that they recognized this man among the robbers, but the 2nd 3rd 4th and 5th witnesses have not positively and distinctly stated that they were well acquainted with him before the robbery; and it is possible, though not probable, that they may have mistaken some other person for him; and therefore that their evidence is not wilfully and deliberately false. This suggestion, however, is totally inapplicable to the prosecutor and the 1st witness, who distinctly admit a long previous acquaintance both with the name and the person of the 10th prisoner, and if their evidence in respect to him is false, it is impossible from the tenor of their depositions before the Acting Criminal Judge to award the conclusion that they have committed wilful and deliberate perjury.—

5. The Court, therefore, direct that the 3rd Judge, who presided at this trial, be required immediately to order the

20th May 1830.

the commitment of Vencata Kistnamachariar, the prosecutor, and Sreenevasachariar, the 1st witness in this case, for perjury—the perjury to be assigned on those parts of their respective depositions before the Acting Criminal Judge, in which they swore to their recognition of the 10th prisoner Vencatapah Naid at the robbery of the prosecutor's house on the night of the 9th July 1829. The Criminal Judge will be careful to have satisfactory proof of the depositions given by the prosecutor and the 1st witness on the 24th and 28th of August, and the 15th September 1829; and will summon and examine all the witnesses named by the 10th prisoner for his defence, binding over to give evidence on the trial all such as appear capable of speaking from their own knowledge to facts tending to prove the journey of the 10th prisoner to Madras, his stay there, and his return to his own village or the neighbourhood.

6. The examinations before the Judge of Circuit are too vague, loose, and defective to admit of perjury being assigned upon them, and it is on this account that the Court have directed the perjury to be laid upon the depositions

in

20th May 1830.

in the Criminal Court.—

7. It would appear from the prosecutor's deposition on the trial that a part of the property alleged to have been found upon the prisoners was delivered to him by the acting Criminal Judge.—It is necessary that this circumstance should be explained and the acting Criminal Judge will specify what articles, if any, were delivered to the prosecutor, and state whether any of them were claimed by the prisoners.—

8. The Court cannot pass over unnoticed the omission of the Magistrate to make an earlier return to the precept issued to him by the Judge of Circuit on the 12th November 1829. It was clearly his duty, immediately on the receipt of the precept, to institute a strict inquiry into the proceedings of his Police Officers, and there can be little doubt that such inquiry, if properly conducted, would have satisfied the Magistrate that the District Police Officer and his subordinate agents had been guilty of a gross abuse of authority in their treatment of the prisoners after they were taken into custody. His return dated the 20th February last is by no means satisfactory as far as can be gathered from it. The Magistrate

F. H.
20th May 1830.

Magistrate did nothing more than require an explanation from the Police Officers, whose conduct was brought into question, and they, as was naturally to be expected, denied that they had been guilty of the irregularities imputed to them. The Court have recently had before them no less than six trials, viz. Nos. 5, 6, 7, 8, 9 and 11 on the Chittoor Calendar for the 3rd Quarterly Sessions of 1829—in which they have found themselves compelled to acquit the prisoners, chiefly in consequence of the discredit thrown upon the whole of the evidence for the prosecution by the gross irregularities in the proceedings of the Police Officers in the Northern Division of Arcot. In these cases there was too much reason to believe that many of the prisoners were guilty of the offences charged against them, and the ends of justice were but too manifestly defeated by their acquittals, which, however, was rendered unavoidable by the cause above stated. The Court trust that the Magistrate will see the necessity of exercising a strict control over the conduct of his Police Officers, and of punishing them whenever they may be found guilty of irregularities similar to those which are apparent in the proceedings now under consideration.

The

20th May 1830.

The Court direct that the 3rd Judge will transmit to the Magistrate copy of the 1st 2nd and 8th paragraphs of these proceedings for his information and future guidance.-

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

(Sent following letter No 152

Read letter dated the 15th March last from the Additional Judge late on Circuit in the Centre Division, submitting for final sentence a case of Murder, No 13 of the Chingleput Calendar 2nd Sessions of 1829.-

(Here enter No 177).

The First and Second 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 Adawlut, confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and acquitting the prisoners

1st Ramasamy Nainan,
2nd Kanakatty Nainan,
3rd Annachellum,
and
4th Iyenperumal,

direct that they be set at liberty.-

(Sent following letter No 151)

20th May, 1830.

Read letter, dated the 15th Ultimo, from the Acting Judge late on Circuit in the Centre Division, transmitting for final sentence records of case No 20 of the Cuddapah Calendar 2nd Sessions of 1829.

(Here enter No 235)

The First and Second 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 Adawlut, confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and acquitting the prisoners

1st Doddacoola Chinna Enanna
2nd Perlola Enanna
and
3rd Venkatapadoo,

direct that they be set at liberty.-

(Sent following letter No 150

24

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Esqr W. Johnston

At a Court of the Foujdaree Udalut.

Present,

Monday,
25th May, 1830.

Francis Alexander Grant Esqre 1st Puisne Judge
William Oliver Esqre 2d Puisne Judge.

24

Read letter, dated the 13th Ultimo,
from the First Judge on Circuit in the
Southern Division, with record of the trial
in case of No 20 of Tinnevelly Calendar 1st Sessions
of 1830.

(Here enter No 231.)

The First and Second Puisne
Judges, having maturely considered the
proceedings of the Judge of Circuit, the
futwa of the Provincial Law Officer,
and the futwa of the Cazee and Coozat
and Mooftees of the Foujdaree Udalut,
convicting of murder and awarding
Coheerut, against the prisoners,

1st "Chickadoo Chitty alias Chickoo Chitty"

and

2d "Mootoosawmy"

confirm the said futwa of the Cazee
and Coozat and Mooftees aforesaid
so far as regards the said two prisoners,
and under the provisions of Section XV
Regulation VIII 1802, they acquit the said
two prisoners

1st "Chickadoo Chitty alias Chickoo Chitty"

and

2d "Mootoosawmy"

to suffer death, by being hanged, as soon as conveniently can be after the receipt of this warrant, at a spot in the vicinity, but not in view, of the village of Annapetty, to be selected by the Criminal Judge, and their bodies to be there suspended in chains.-

The First and Second Puisne Judges, on a deliberate consideration of the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

2nd "Rungun,"

is sufficient to convict him of the crime of murder, do, under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict him thereof, and sentence him to be transported to such place 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 158.)

Read return dated the 12th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated 3rd Instant, stating that instructions

Evo "N. Johnson"

instructions have been furnished to the several Criminal and Joint Criminal Judges in the Division relative to the mode of making Executions most impressive on the public mind.-

(Here enter No 286)

Read letter dated the 1st Instant, from the Provincial Court of Circuit in the Southern Division, forwarding copies of returns from the different authorities in the Division to the communications made to them relative to the Criminal Reports for February last.-

(Here enter No 287)

Read return dated the 12th Instant, from the Judges of the Provincial Court of Circuit in the Western Division, to precept dated the 3rd Instant, certifying that the Criminal and Joint Criminal Judges in the Division have been instructed as to the making public executions as impressive as possible on the public mind.-

(Here enter No 288)

Read letter dated the 17th Instant, from the Provincial Court of Circuit

24th May 1830.

of Circuit in the Western Division, for-
=warding copies of explanations from
the Assistant Criminal Judge of Malabar
and the Magistrate of Canara on points
noticed by the Foujdaree Adalut in
the report of prisoners apprehended
in February last.-

(Here enter No 293)5

F. A.

At a Court of the Foujdaree Adalut

Present,

Monday 7th June, 1830. — T. A. Grant Esqr 1st Puisne Judge
William Oliver Esqr 2d Puisne Judge

Read letter from the Court of
Circuit in the Southern Division submitting
the reports required by Section XXXV Regulation
X 1816 for March last.-

(Here enter No 295.)

In No 12 of this statement the
Court observe that the punishment is not at all
commensurate with the charge as it stands -
that 3 persons (the three prisoners and two others)
should assemble together, violently assault one
person, and one of the party inflict a wound
on him, and forcibly dispossess another of property
to the value of Rs 103-4, and the punishment be
confined to 1 Months imprisonment and a fine
of 20 Rupees, as regards the 1st prisoner, and to
15 days imprisonment and 3 Rupees fine each,
as regards the other two, such fines commutable
the one to 1 Months imprisonment, and the others
to 6 days each, appears an insufficient pu-
-nishment, but the Criminal Judge may have
the means of explaining this lenity and he should
be called on hereafter to enter the causes of it
fully in his returns.-

Madura Supplementary Statement.

In No 13 of this report a delay
appears of 18 days in forwarding the case to
the Criminal Court, unaccounted for by the

Combaconum --

Jun 6

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Salem
Auxiliary Court.

Joint Magistrate - He should be called on to explain the reason of it -

No 25 - The Court do not approve of the unconditional release of the 2d Prisoner - In a case of murder, it is admitted, that he prevented the brother in law of the deceased arresting the accused at the time when the crime was committed and his not having done so a second time when the Circar Servants went to seize the 1st Prisoner, does not exonerate him from the blame incurred by his first improper interference.

Ordered that Extract of these proceedings be sent to the Circuit Court in the Southern Division by precept returnable without delay - directing them to furnish the inferior authorities respectively with copies of such part as concerns them -

(Sent following precept No 159.)

Read letter from the 3d Judge on Circuit, in the Northern Division, transmitting copies of the original and supplemental Calendars for Rajahmundry at the 1st Sessions of 1830 -

(Here enter No 279)

The Court observe, with much regret, the instances of irregularity, mentioned in the Judge's remarks on the Calendar, in the conduct of the Native heads of Police in this district -

In No 3 a witness is stated to have attested the confessions of the Prisoners by order of the Head of Police, when the Prisoners were not present -

In No 5 the Judge on Circuit stated

7th June 1830-

stated his conviction that other depositions had been substituted, for those which the witnesses had attested before the Head of Police -

In No 9 it is stated that the confessions of the Prisoners before the Head of Police are considered to have been extorted, and the length of time during which they were detained by the Police is also adverted to -

In No 12 one of the witnesses deposes to his having signed the Prisoners confessions without being present when they were written, and without knowing whether they were given voluntarily -

These instances are sufficient to prove a grossly lax system of Native police in the District of Rajahmundry and the Court desire that the 3d Judge on Circuit do furnish the Magistrate with a copy of this remarks on these trials, and the names of the District Police officers by whom these cases were sent on to the Criminal Court in order that the Magistrate may issue such instructions to, and adopt such measures respecting the Heads of Police under him, as may effectually check such proceedings for the future -

Ordered that Extract from these proceedings be sent to the 3d Judge on Circuit in the Southern Division by precept requiring in conformity thereto returnable without delay -

(Sent following precept No 160.)

Read letter dated the 29th Ultimo from the 1st Judge on Circuit in the Southern Division with copies of the 1st and Supplemental Salem Calendars 1st Sessions 1830 -

(Here enter No 312)

Read

Geo W. Johnson

7th June 1830.

Read letter dated the 22d Ultimo from the 1st Judge on Circuit in the Southern Division reporting the commencement of the 1st Sessions at Coimbatoor on the above date.

(Here enter No. 297)

Read letter dated the 19th Ultimo from the 3d Judge on Circuit in the Northern Division reporting his arrival and opening of the Sessions at Chicacole on this date.

(Here enter No. 298)

Read letter dated the 21st Ultimo from the 1st Judge on Circuit in the Southern Division with returned warrant for the execution of the prisoner in case No. 13 Madura Calendar 1st Sessions 1830.

(Here enter No 299)

Read letter dated the 21st Ultimo from the 1st Judge on Circuit in the Southern Division reporting the death of the 2d Prisoner in case No. 26 Madura Calendar 1st Sessions 1830.

(Here enter No. 300)

Read letter dated the 17th Ultimo from the Provincial Court of Circuit in the Southern Division with Statement from the Magistrate of Tanjore explaining delays noticed in Criminal report No. 5 for February last.

(Here enter No. 307)

Read letter dated the 22d Ultimo from the Provincial Court of Circuit in the Western Division forwarding the prescribed Criminal Returns for March last, with proceedings thereon.

(Here enter No. 315)

7. 11

At a Court of the Foujdaree Adalut.

Present,

Thursday, 17th June, 1830.

Francis Alexander Grant Esqre 1st Puisne Judge
William Oliver Esqre — 2nd Puisne Judge
Charles May Lushington Esqre 3rd Puisne Judge.

Read Miscellaneous Petition from W. S. Dr Samy Naidoo Shrotriemdar of Cotoo Candoor in the Zillah of Chittoor.

(Here enter No. 7 of 1830.)

1. The Petitioner states that the Tahsildar of Caurery Pank, with the Surdar Appoo Pillay, and a large assembly of other persons, amounting to about 150, having entered his house, forcibly broken into a room therein and plundered him of property to the amount of Rupees 572-0-0, consisting of Silver and brass articles, money, cloths and Ropes, he represented the matter to the Magistrate of Chittoor, who referred it for examination to his Assistant; but that it having appeared during the investigation that the Defendants supported the act of entering his house, on the ground of taken issued by the Magistrate to the Tahsildar, to take possession of the Ropes as belonging to the Church of the

the Village Goodeep Yellummah, illegally detained by the Shrotrimdar, the said assistant Magistrate dismissed the case, stating that the Defendants had acted by order of the Circar in taking the ropes, and that there was no proof of the silver Tea having been taken.-

2 The Petitioner declares that these ropes were his own property, he having built the Church, and provided the Vehicles, Jewels, Cloths and every thing belonging to it, and he urges, that under any circumstances, nothing could justify so large a mob entering his premises, provided with Carpenters and Smiths' tools, to force open places of security.-

3. He further states that he represented the case once to the Circuit Judge presiding at the 3rd Quarter Sessions, and again to the Judge presiding at the 4th Quarter Sessions of 1829. but that the former refused to take any steps in it as it was not among the cases on the Magistrate's Calendars submitted to him; and the latter confirmed the Assistant Magistrate's decision without going into a proper investigation of the case.-

4. Under these circumstances,

the Petitioner prays the Court to order the Magistrate to forward the case for examination to the Criminal Court, and to cause his property to be restored to him.-

5. The Court are of opinion that it is requisite, for the ends of Justice, to ascertain what grounds exist for such allegations; and accordingly order that an extract from these Proceedings be transmitted to the Provincial Court of Circuit in the Centre Division, desiring them to call for an english translation of all the proceedings of the Magistracy of Chittoor in this Case, with any explanation the Magistrate may deem requisite to furnish, in elucidation of the decision passed by his Assistant and that the Provincial Court submit the same, with their opinion thereon, to this Court, with as little delay as possible.-

(Sent following Precept No. 64.

Read further return from the Provincial Court of Circuit for the Northern Division to this Court's precept of the 1st April 1830, forwarding the explanation afforded, in conformity thereto, by the Zillah Judge of Nellore, with reference to a petition from certain

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certain Duffadars and Peons complaining of having been dismissed by that Officer, without good and sufficient cause.-

(Here enter No. 279.)

The Court have attentively considered all that has been stated by the Judge of Vellore in explanation, and far from considering that there exists any ground of complaint on the part of the Petitioners, they are of opinion that the conduct of the Zillah Judge has been throughout strictly correct and praise worthy and they resolve to direct the Provincial Court in the Northern Division to communicate to him their sense of his judicious conduct on the emergency which he has described and their approbation of the course of conduct he proposes to follow respecting the Mutinous Peons.-

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit for the Northern Division, by precept, requiring conformity thereto, returnable without delay.-

(Sent following letter No. 165.

Read Miscellaneous Petition on behalf of Ramanjooloo Chitty and others of Chittoor Zillah.-

(Here enter Misc. Pet. No. 18 of 1830.)

F. C.
7th June 1830.

The Court, with reference to the orders passed by them on Miscellaneous Petition No. 3 of 1830, under date the 17th March last, see no reason to disturb the order then given on this subject, and accordingly direct that the prayer of this petition be rejected.-

Read further return from the 3rd Judge of Circuit in the Centre Division to this Court's precept of the 24th December last.-

(Here enter No. 200 of 1830.)

Read also again Miscellaneous Petition from Tanapilly of Sittamoor in the Zillah of Chingleput.-

(Here enter Misc. Pet. No. 2 of 1829)

This Petitioner stated that the Tahsildar of Carangooly declined investigating several acts of ill usage by individuals against him, and that on his appeal to the European Magistracy, he was by them referred to the same Tahsildar.-

The petition was taken into consideration on the 24th December 1829 and it was ordered that a translation thereof should be sent to the 3rd Judge of Circuit in the Centre Division with a

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a precept requiring him to call on the Magistrate of Chingleput personally to investigate the Charge.-

From the return to this precept with its enclosures, it appears that the alleged offence having been committed in South Arcot, a precept was issued to the Magistrate of that District, who took every proper measure towards going into the investigation, but that, after the parties connected with the case had been detained for several days, the prosecutor failed to appear.-

It further appears that no complaint ever was made to the Sahsildar of Carroongoody, as stated in the Petition to this Court.-

The Court therefore resolve to dismiss the petition.-

Read petition presented by Basavien Chitty, Parrapanpaden and 2 others praying this Court to take into consideration the case of one of the Head men of their tribe Chichiak Chitty and two others of the same tribe, who were tried for murder and

wounding

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wounding by the 1st Judge on Circuit, in the Southern Division, in case No. 26 of the Madura Calendar for the 1st Sessions of 1830, and whose trial was referred to this Court for sentence.-

(Here enter Misc: Pet. No. 14 of 1830.)

The Court having, after the most mature consideration passed their sentence awarding death as the punishment of Chichiak Chitty and Mootoosamy the 1st and 2nd Prisoners, and transportation for life as that of the 3rd Prisoner Rungun, it is ordered that the petitioners be informed that the prayer of their petition is rejected.-

Read Miscellaneous Petition, presented by Satagopah Ramanoo-jachary of Treeperoombadoor in the Zillah of Chingleput.-

(Here enter Misc. Pet. No. 20 of 1830.)

This petitioner states that in the year 1827 he was violently assaulted by the inhabitants of Tree-peroombadoor, and the Sahsildar of the Nuncemungalum Taluk, that in the year 1828 he presented a petition

to

19th June 1880.

to the First Judge on Circuit at Chinglepat who referred the case for enquiry to the Magistrate, that no enquiry was gone into by the then Magistrate, but his successor deputed his assistant to examine into it, that he having taken no written depositions in the case the Petitioner brought it to the notice of the 2nd Judge on Circuit at Chinglepat who by endorsement on his petition referred it back to the Magistrate, that not satisfied herewith, he addressed the Collective Court of Circuit who referred him by endorsement on his petition to the Magistrate, and ultimately to the Judge on Circuit, and that this Judge mistaking the case of another person which the Petitioner had brought forward to prove the Munsemungalum Sahsildar's general ill conduct for that of the Petitioner himself declared it had already been examined and declined any interference in it. He prays therefore that this Court will pass a just decision on the case.

The Court on consideration of the Petition and the documents which accompany it are not disposed to attach

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F. H.
19th June 1880.

attach credit to the allegations it contains. The Petitioner has by no means explained satisfactorily the cause of the great delay which took place in his preferring his original complaint, and if the last order of the Judge of Circuit was founded on an obvious error, the Petitioner had only to explain this to the judge, to obtain its revision. The Judge, on these grounds, reject the prayer of this petition.

1. The Register lays before the Court the following statements, drawn up in his office, from the returns received thro' the Provincial Courts of Circuit, exhibiting the operations of the Village and District Police and the Magistracy, of the Criminal Courts, and of the Courts of Circuit respectively, and he submits also an abstract of the operations of this Court, during the last six months of the fourth year, or from the 1st July to the 31st December 1829, according to the new forms approved by Government.

(Here enter Nos 1 to 4.)

2. The statement No 1 with the details in No 2, exhibits those minor offences only which are punishable by the Native Police and the Magistracy, including petty thefts, trifling assaults, &c., which seem to have been more numerous than in the previous half year.

The Co

3. The persons charged with "petty theft" punishable by the village police were only 58, by the district police, 3,246, and by the Magistracy 813, making a total of 4,317, whilst those charged with trifling "assaults," punishable by the village police were 622, by the district police 5,275, and by the Magistracy 5,792, making a total of 57,689 or nearly 10,000 more than in the previous half year.-

4. There were brought before the Heads of Village Police for offences punishable by them, during the above period, 680 persons, of whom 289, or less than one half, were acquitted or dismissed, and 391 convicted and punished, 185 by confinement in the Village Chauttry, and 206 in the Stocks.-

5. There were brought before the Heads of District Police, for offences punishable by them, during the same period, 5,988 persons, besides 2,763 whose cases were not disposed of at the date of the last report, making a total of 54,751 persons.- Of these, the number acquitted is 36,724, or nearly two thirds, against 2,315 of whom the charge was false and malicious, whilst the total number punished and convicted is only 15,640, 14,380, without reference to the Magistracy, and 1,260 after reference to them; besides these, 2881 are returned as under examination at the close of this report. Of the persons punished by the District police, 11,619 were fined, 1,964 confined in the choultry, 334 in the stocks, and 1,733 flogged.-

Before

6. Before the Magistrates, there were brought, for petty offences in the same period 6,911 persons, and 509 were also before them, whose cases were not disposed of at the close of the last Report, making together 7,120. of whom 4,820, or more than half, were acquitted, against 336 of whom the charge was false and malicious, 2052 were convicted and punished, 1260 by fine, 639 by imprisonment, and 153 by flogging, 248 being under examination at the close of these reports.-

7. When it is observed that nearly 10,000 more persons have been summoned in this, than in the previous half year, to answer such petty charges, - and that before the Magistracy more than half, and before the District police nearly two thirds of the number accused have been acquitted, there can be no doubt that the vexations calling away of persons from their homes, to answer frivolous complaints of this minor description, continues greatly on the increase. The Judges apprehend that this evil may arise partly from the village police not duly exercising the powers vested in them, for the punishment of such offences on the spot; for it is remarked that in the districts of Chingleput, Combaconum, Tanjore, Madura, Chandelpatam

Masulipatam, and Trichinopoly, the village police during the six months under notice, has in no one instance, punished a single offence, nor have the Magistrates in these districts accounted, for the littleness of the village Police in this respect.- On the whole, the convictions by the village police exceed the acquittals by them; but this appears to have arisen from many of their acquittals having been omitted from the returns, for in Bellary, Chittoor, Coimbatore, Cuddapah, Rajahmundry, Salem, Tinnevelly and Verdachellum, not a single acquittal by them is entered, whilst in Guntoor and Malabar, they on the contrary, exceed the convictions beyond all reasonable proportion, and to an extent which, if it recur, will demand explanation from the Magistrates.-

8. Before the District Police, the acquittals have been more than double the convictions, shewing more than two out of three, complaints to have been unfounded- It is the duty of the Magistrates to take effectual measures for repressing the unnecessary summoning by their

Taloor police of parties charged with such minor offences. No less than 30,724 persons appear to have been unnecessarily summoned by the District police, during the half year under consideration.- Of these the greatest number has been 4437 in Vizagapatam, 4170 in Guntoor, 4081 in Masulipatam, and 3692 in Nellore.- The evil therefore seems greatest in the Northern Division- In the extensive District of Bellari, there have been only 55, whilst in the neighbouring district of Cuddapah, there are no less than 2,224, and in the densely populated Zilla of Combaconum only 294- The acquittals in Tinnevelly by the taloor police bear to the convictions by them the unusual proportion of 35 to 568.-

9. With reference to these results, the Judges resolve to direct the four Provincial Courts, to instruct the Magistrates in whose districts the acquittals have been most numerous, to caution their district police officers against summoning parties before them, under Section XXXIII Regulation XI 1816, unless they see reason to consider the complaint preferred to be well grounded;- and to desire the Provincial Courts

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Masulipatam, and Trichinopoly, the village police during the six months under notice, has in no one instance, punished a single offence, nor have the Magistrates in these districts accounted for the listlessness of the village Police in this respect. On the whole, the convictions by the village police exceed the acquittals by them, but this appears to have arisen from many of their acquittals having been omitted from the returns, for in Bellari, Chittoor, Coimbatore, Cuddapah, Rajahmundry, Salem, Tinnevelly and Verdachellum, not a single acquittal by them is entered, whilst in Guntoor and Malabar, they, on the contrary, exceed the convictions beyond all reasonable proportion, and to an extent which, if it recurs, will demand explanation from the Magistrates.

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Taluk police of parties charged with such minor offences. No less than 36,724 persons appear to have been unnecessarily summoned by the District police, during the half year under consideration. Of these the greatest number has been 4637 in Vizagapatam, 4,570 in Guntoor, 4081 in Masulipatam, and 3692 in Nellore. This evil therefore seems greatest in the Northern Division. In the extensive District of Bellari, there have been only 50, whilst in the neighbouring district of Cuddapah, there are no less than 2,221, and in the tinnevelly or peopled Zilla of Combaconum only 294. The acquittals in Tinnevelly by the taluk police bear to the convictions by them the unusual proportion of 35 to 568.

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Courts

County, in future, to compare the number of acquittals by the District police in one Zilla, with those in another, in order to trace the causes of the different results in this respect observable. - It is observed that in Masulipatam, and possibly elsewhere, the Magistrate erroneously considers it imperative on his police officers, to summon all accused of such petty offences, whether he sees reason to believe the complaint or not. -

10. In Chittoor 3rd in particular and also in Cuddapah 25th and Verdachellum 7th, the number of prisoners, for petty offences, whose cases were referred to the Magistrate, previously to the infliction of punishment, by the district police, is unusually great. - The Provincial Court in the Centre Division ought to ascertain the cause of such numerous references.

11. The number of persons fined in Madura by the Talook police is no less than 1872, or double the number in any other district. the Provincial Court in the Southern Division will endeavour to trace the cause of this, and the Provincial Courts generally will direct the Magistrates for the future, to enter under column A in Statement No. 1, the total amount of

of fines remitted to them by the District police, during the six months under review they should also take precautions, to prevent such fines, where numerous, from being converted into a source of personal emolument by the native police officers. -

12. The prisoners brought before the Magistracy, for minor crimes, during the half year under notice, in no district exceed 500, except in the provinces noted below, where their numbers are as follow. -

	Total.	acquitted.	Convicted.
Chittoor	566	377	146.
Ganjam	1089	882	217.
Verdachellum	1178	950	214.
Cuddapah	1183	899	161.

13. From the numerous cases brought before the Magistracy in these districts under the heads of "Petty theft" and "Petty assault" the Contrary apprehension that many offences of this description cognizable by the Native police are forwarded to the Local Magistracy who are diverted from their proper duty of general supervision, and search after offenders in the more serious crimes, to decide on many cases of minor offence, in which

which it must be no small aggravation of the punishment that the accused is forwarded to the Magistrate. This is the more to be lamented, when it is perceived that it is in these very districts acquittals before the Magistracy, in such minor offences, have been the most frequent, bearing generally the proportion of 4 to 1, so that four persons in five were unnecessarily forwarded to the Magistracy for petty offences in most of these districts. The Provincial Courts ought to cause this matter to be speedily investigated and if the apprehensions entertained should be realized the evil ought to be remedied soon.

Crimes and Misdemeanours.

14. The statement No. 3. and its details No. 4, exhibit the crimes of a serious nature, committed during the six months under review. They are in number 4,283, in which 20,394 persons are estimated to have been concerned, exceeding those in the previous six months, by 801 cases, and 5,435 persons.

15. It is to be regretted that this lamentable increase of crime has taken place, principally under the head of the grossest offences.

The

× Note. No great dependence is placed on the estimate of persons concerned but it is as correct as those of the previous half year, and the comparison between the two may be therefore relied on, as a fair result.

16. The increase in murder is 22 cases, and the increase in those estimated to be concerned no less than 1,123 persons. which arises principally from 1,139 persons being estimated as implicated in 13 cases of murder in Ganjam alone, of whom none have been yet discovered, and from 16 cases, in which 39 persons are implicated, who remain undiscovered in the Vizagapatam district. The Magistrate in Ganjam attributes the former, to the incursions of the Hill tribes, and the Magistrate in Vizagapatam attributes the latter, to the facility which the hills afford to criminals for refuge and concealment.

17. In Gang Robbery there is an increase of 138 cases and of no less than 1,149 persons estimated to be implicated therein. The following are the districts in which this crime has been the most frequent.

	Cases	Persons	Not yet apprehended Cases	Persons
Vizagapatam	129	1227	53	810
Rajahmundry	108	705	85	563
Ganjam	103	2280	84	2,155
Coimbatore	61	229	44	156
Bellari	58	403	33	283
Verdachellum	51	458	36	352

In

18. In Robbery by a single individual, there is an increase of 36 cases, and 47 persons. This crime is most prevalent in Coimbatore, Vadachellum, and Chingleput.

19. In house-breaking by day, there is an increase of 33 cases and 71 persons; it prevails chiefly in Ganjam, Cuddapah, and Canara. In house-breaking by night, there is an increase of 291 cases and 539 persons. This crime has been most prevalent in the following districts:-

	Cases.	Persons	Not yet apprehended cases.	Persons.
Cuddapah	349	758	256	462
Rajahmundry	198	364	182	299
Malabar	124	276	43	62

20. In thefts of a considerable amount there has been an increase of 253 cases, and 1078 individuals. This crime prevails principally in

	Cases	Persons	Not yet apprehended Cases	Persons
Coimbatore	189	278	120	183
Bellari	138	306	69	174
Salem	120	299	44	130
Chittoor	113	803	44	698
Malabar	79	177	7	8

21. In Rape, there is an increase of 10 cases and 21 persons. In forgery of 14 cases and 29 persons, and in Maiming

Maiming and Wounding an increase of 23 cases, but a decrease of 57 persons.-

22. The only unusual crime in the list for the six months under review is a case in Malabar, for "confining a person under ground "for 2 years."-

23. In 2,239 crimes, or more than one half of the entire number (4283) before mentioned, the offenders were unknown; and in 2,328 cases, involving an estimated number of 13742 persons, no one concerned had been apprehended. These included 99 cases of house-breaking by night, 487 of theft, and 459 of gang robbery, 43 of robbery by a single individual, 46 of arson, 61 of house-breaking by day, and 36 of Murder.-

24. The cases of graver crimes before the district police undisposed of at the date of the last report were 58 including 209 persons, the number brought before them during the period under consideration, for crimes committed before its commencement, were 168 cases, including 495 persons, while there were brought before them, in the same period, for crimes committed within it, 1717 cases, including 5,264 persons.-

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the whole forming in the aggregate 1943 cases, including altogether 5,948 persons, of whom the District Police Officers released 2,107, or little more than one third, against 415 of whom the accusations appeared to be wilfully false and malicious, they sent to the Criminal Judges 1,318 cases including 3713 persons, and 49 cases including 125 persons, remained undisposed of at the close of these reports.-

25. The cases of serious crime before the Magistrates undisposed of at the close of the last report, amounted to 57 including 246 persons, while there were brought before them during the period under review, for crimes committed before its commencement, 78 cases including 411 persons, and for crimes committed within it 265 cases, including 1,109 persons, making altogether 400 cases and 1766 persons, of whom 987, or more than one half, were released by the Magistrates, against 141, of whom the accusations appeared to have been wilfully false and malicious, 700 included in 180 cases, were sent to the Criminal Judges, and 83, in 10 cases, remained undisposed of.-

Cuddapah

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26. Cuddapah continues to be the District in which the greatest number of serious crimes and misdemeanours is committed, there having been in it 522 cases, but in Coimbatore there were 414, and 361 in Malabar. In no other district does the number exceed 350.- But the number of persons implicated in these offences was by far the greatest in Ganjam, being no less than 5074 in 301 cases.- It was also great in Vizagapatam being 1,604 in 259 cases, and in Tinnevelly being 1,542 in only 135 cases, whilst in Cuddapah there were only 1155 persons implicated in the 522 cases before mentioned.-

27. Of the 2,107 persons accused of serious crimes released by the District Police, 404 were released in Malabar, out of 846 who were brought before the District Police officers of that Zillah; 264 in Canara out of 575, 249 out of 387 in Vizagapatam, 203 out of 578 in Cuddapah, and 177 out of 324 in Madura. The only Districts in which any considerable number of these serious accusations were considered malicious are Vizagapatam Madura and Cuddapah.-

28. Malabar 394 Cuddapah 365 Tinnevelly 292 Bellary, 250. Coimbatore, 241. and Chittoor 253. are the Zillahs

Villahs in which the cases sent by the District Police Officers to the Criminal Judges are the most numerous.-

29. The Magistrates before whom there were the greatest number of serious crimes during the same period, were those of the following districts.-

	No of cases	No of persons
Vizagapatam	92	402
Chittoor	43	142
Madura	39	186
Malabar	28	140
Canara	28	75
Tinnevelly	25	109
Bellari	24	121

30. The Districts of Coimbatore and Guntoor continue distinguished, by the extraordinary paucity of important cases brought before the Magistracy. In the extensive District of Coimbatore, in which, after Cuddapah, the greatest number of heinous crimes continued to be committed, during the half year embraced in these reports, not one case appears to have been brought before the Magistracy; and in Guntoor also, there appears to have been only one case of serious crime before the Magistracy, being an offence committed antecedent to

to that period.-

31 Of the 987 persons released by the Magistracy, 319 out of 402, were released by the Magistrate of Vizagapatam, 114 out of 186, by the Magistracy of Madura, and 110 out of 142 by the Magistrate of Chittoor.-

32. Of the 2239 serious crimes of which the perpetrators were unknown, 324 were in Cuddapah, 285 in Coimbatore, 279 in Rajahmundry, 250 in Ganjam, 180 in Bellari, and 180 in Chittoor. In Combaconum there were only 35, and in Madura 13.-

No 5 and 6.

33. The Statements No 5 and 6 exhibit the operations of the Criminal Courts, for the same period.-

34 The total cases before those Courts, during the six months under review, including those not disposed of at the close of the last reports, was 1,982, including 5525 persons, an increase above the previous six months of 283 cases and 901 prisoners. Of the cases thus before the Criminal Courts, 99 were Murders, 11 Cases of Culpable Homicide, 20 of Robbery and Murder, 335 Gang Robberies, 52 Robberies by

by single individuals, 312 cases of House-breaking by night, 495 Theefts, 155 Cases of receiving stolen goods, 41 of Arson, 21 of Forgery, 36 of Perjury, 121 cases of Maiming and Wounding, 60 Breaches of Revenue laws and 72 Affrays &c. &c.

35. Of the persons so brought before the Criminal Courts, in cases determinable by them, 1263, being little more than one fourth, were released unconditionally, 117 were released on security, and 362 were detained on demand of security. The number convicted and punished is 987, of whom 472 were imprisoned, 133 fined, 20 flogged, 49 both imprisoned and fined, and 313 both imprisoned and flogged. Of 2,530 persons, in cases punishable by the Circuit Courts, the Criminal Courts released 869 persons, or about one third, for want of evidence. The persons committed by them for trial before the Courts of Circuit, amounted to 1,225, included in 428 cases, and there remained undisposed of by the Criminal Courts, at the close of the reports, 137 cases including 137 persons, being 2 cases and 80 more persons than at the close of the previous half year.

36. By the Statement No 6, shewing the particulars for each Zillah, it appears that by far the greatest number of cases brought before the Criminal

Criminal Courts continued to be at Salem, which had altogether 298, including 758 persons. The next largest number was before the Cuddapah Criminal Court, viz. 224 Cases including 639 persons. The Malabar Criminal Court had 133 cases with 304 persons, and that of Bellari 133 cases including 266 persons.

37. Of the prisoners released by the Criminal Courts, the greatest number was 217 out of 441 in Chicacole, and 117 out of 226 in Nellore. In the other Zillahs the unconditional acquittals bear a comparatively small proportion to the number received.

Nos 7 and 8.

38. These Statements exhibit the operations of the Courts of Circuit, for the same period.

39. The cases of every description which came before those Courts during the six months under review were 385, including 1069 persons, being an increase above the six previous months of 86 cases, and 279 prisoners. Of these, 48 were Murders, 5 cases of Culpable Homicide, 17 of Robbery and Murder, 181 Gang Robberies including 563 persons, 44 cases of House-breaking by night, including 74 persons, and 18 of maiming and

and wounding, &c &c.—

40. Of the persons acquitted by the Courts of Circuit, 474, or less than one half, were released unconditionally; against 95 of whom the accusations appeared to be wilfully false and malicious; and 139 were ordered to be released on security.—

41. The number convicted and sentenced to punishment by the same Courts was 207, of whom 42 were flogged and imprisoned for a term exceeding 7 years, 36 similarly sentenced for a term not exceeding 7 years, 57 imprisoned for 7 years and upwards without flogging and 66 for 7 years and under.—

42. There were 74 Trials, including 255 persons ordered to be referred to the Loujdaree Udalut during this period, in 37 of which the Futwas were concurred in by the Courts of Circuit, but the nature of the offences made the trials of necessity referible; and the remaining 37 were referred, because the Courts of Circuit did not approve of the Futwas.—In Cases, including 36 persons, were postponed by the Courts of Circuit, to the next Sessions.—

43. The Statement for each Division shews, that there were before the Central

Circuit Court 104 Cases, including 289 persons, of whom 77 were released unconditionally, and 14 on security; 66 sentenced to punishment; 120, in 42 cases, whose trials were ordered to be referred to the Loujdaree Udalut and 9 in 4 cases, whose trials were postponed.—

44. Before the Northern Circuit Court there were 117 cases, including 316 persons, of whom 162 were released unconditionally, and 22 on security; 46 were sentenced to punishment; there were 80 in 23 cases whose trials were ordered to be referred, and 6 in 3 Cases, had their trials postponed.—

45. Before the Southern Circuit Court there came only 97 cases, including 287 persons, of whom 125 were released unconditionally, the accusations against 73 of them appeared to be wilfully false and malicious; 86 were held to security; 62 were sentenced to punishment; 3 in 3 cases, had their trials referred; and 11 in 4 cases had their trials postponed.—

46. Before the Western Circuit Court there came only 67 cases including 177 persons, of whom 110 were released unconditionally, and 17 on security; 27 sentenced to punishment, 12 in—

in 6 cases, whose trials were referred;
and 10, in 3 cases whose trials were postponed.

No 9.

47. The last Statement exhibits the operations of the Vujdaree Adalut for the same period of six months.

48 It shews that, at the state of the last report, the number of trials not disposed of amounted to 29 including 57 persons; and that there were received during the half year 39 more, including 137 persons; making together 68 cases, including 194 persons; whereof 30 were murders, 2 cases of Robbery and Murder, and 17 Gang Robberies, 5 house-breaking by night, 2 Thefts, 2 Perjuries, and 5 maiming and wounding. - Of these trials, 59, including 141 persons, were disposed of, leaving only 9 cases including 53 prisoners, on hand at the close of the year 1829.

49. Of the said 141 persons whose cases were disposed of by this Court within the last half year, 77 or more than one half were released unconditionally; the accusations against 15 of them appeared to be wilfully false

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false and malicious. 14 were ordered to be released on Security; and 48 were committed and sentenced to punishment; of whom, 11 were sentenced to death, 1 to be flogged and transported, 5 to be transported without flogging, 9 to be flogged and imprisoned for more than 7, and not more than 14 years, 1 to similar imprisonment without flogging, 11 to be flogged and imprisoned for 7 years and under, and 15 to similar imprisonment without flogging. -

50. The number of trials disposed of under Section II Regulation I of 1818 (overruling the Futwas of acquittal) was 13, including 18 persons, in 7 of which the futwas of acquittal were founded on personal exceptions to the witnesses, and in the remaining 6 on the insufficiency of the evidence. In these cases, the prisoners were sentenced as follows, to death 3, transportation without flogging 3, flogging and imprisonment for more than 7 years and under 14 years 2, to imprisonment for more than 7 years and under

Acquitted

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under 14 years, without flogging 1; flog-
=ging and imprisonment for 7 years
and under 6, imprisonment for 7 years
and under, without flogging, 3.-

57. The grounds on which the
Futwas were overruled in the said 6
cases, will be found detailed in an
appendix to these proceedings.-

52 Reviewing the criminal State-
=ments, the general substance of which has
been above recited, the Right Honorable the
Governor in Council cannot fail to remark
that the increase of serious crimes, affecting
life and property, has been very great
during the half year under consideration,
whilst not one half of those ascertained
to have been committed has been traced
to any one, and many more than one half
of those estimated to be concerned continue
undetected.-

53. On this, the most important
branch of the police, the Magistrates in
forwarding the Statements under review
at the suggestion of this Court, were called
on to submit an annual report, in conformity
with the orders of Government under date
the 27th October 1829.-

54. In the Southern Division
these

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these reports have been forwarded by the
Provincial Court, without remark- The
Judges hope that they will not again
be deprived of the benefit of the experience
of the Judges of that Court, on so import-
=ant a subject.-

55. The Magistrates in Coimbatore
and Salem have excused themselves
from submitting the report in question,
the former, on account of his recent
appointment; and the latter, in conse-
=quence of his approaching departure.-
The Magistrate in Madura promised
to forward his report within ten
days, but it has not yet been received.-

56. In the Southern Division,
therefore, the reports are confined
to those from the Magistrates of
Tanjore, Trichinopoly, and the Joint
Magistrate in charge of Tinnevelly.

57. The Magistrate in Tanjore
states that Gang robbery, burglary,
and theft, have much increased in
his district; and, though his police
have been more successful than
usual in tracing some of the first
mentioned offences, he admits that of
burglary

burglary. Few detections have occurred - he attributes this principally to the want of a village police; for the introduction of which, into his district, he, at the suggestion of this Court, has been called on by the Government to submit a plan, which he states to be under preparation.

58. The Magistrate in Trichinopoly states that "not a single robbery is ever discovered through the instrumentality of the village watch;" and that he is "convinced of its utter uselessness as now "constituted." But he writes as if the old Canal system were still in operation in Trichinopoly; and the practice which he states to be occasionally resorted to, of stopping the canal fees and calling on the watch to make "good the value of the property stolen, "or produce the thieves," seems contrary to Section XV Regulation XI 1816.

59. Mr Ball the joint Magistrate in charge of Tinnevelly has submitted a very able report on the police of that district, which the Judges recommend to the special consideration of the Right Honorable the Governor in Council.

Although

60. Although in Tinnevelly murder is seldom committed with a view to plunder, Mr Ball observes that "Robbery "in its various forms of gang robbery, "robbery by torchlight, and highway "robbery, is undoubtedly the crime of "most frequent occurrence in Tinnevelly, "and its commission also is confined "almost exclusively to the Maravars."

61. Mr Ball gives some account of this tribe; and explains that, although the Desh Cavil, under the Poligars, has been abolished, the Ulla Cavil continues in the hands of the Maravars, who are the hereditary village watchers of Tinnevelly. He notices some unsuccessful attempts of the local authorities to control this tribe, by restrictions, unauthorized by law, adopted since the Regulations of 1816 did away their liability to make good the amount of undiscovered depredations on property, and dwells on the nullity of their dismissal by the Magistracy, so long as the law requires "the heir of the dismissed person "to be appointed as his successor;" because "so long as the fees are received "in their families, the Maravars will

care

"care little whether the name of the father,
"the son, or the Nephew be entered on the
"Circar accounts." He then proceeds as
follows- The Village Police, therefore, in this
District now presents an anomaly which
cannot fail, from its evil consequences,
to be highly objectionable- The Marawars
continue as formerly to be paid for
protecting the property of the people, yet
they are eventually released from all
responsibility for its safety- The Marawars
are held in greater fear generally than
the Magistrate, and they continue but
too successfully to maintain the terror
of their name, by selecting, as the subjects
of their depredations, all such as may
have exposed themselves to their resent-
=ment. It is not the richest or most
defenceless houses which are plundered,
but those whose inhabitants have in
any way offended the Marawar, or
assisted in bringing him to justice;
For instance, among the houses in which
robberies have been committed during
the last year, will be found those
of the Police Rayasom of Tidiyagramam,
the Jemadar of the Magistrate's guard,

and

and of several Peons who have given
evidence against Marawars. The outrages
at Padukkyputtoo which will come before
the Court at the ensuing Sessions (a case
in which 509 Marawars were accused)
appear to have been committed, on the
Shanars, in revenge of the assistance which
they had afforded to the Talook Peons in
the apprehension of some of their tribe."-

62. "The most effectual way of
"securing an entire reform would be to
"assume the whole of the Cavil fees, and,
"commuting them into a fixed Monthly
"pay, either in grain or in money, to
"establish, in each village, a competent
"Police establishment, consisting of one head
"Cavilgar and a sufficient number of
"subordinates, to be selected from such
"Marawars as may be deemed worthy
"of confidence- The whole would be
"put under the superintendence, of course,
"of the village Moonsif, who should be called
"on to make periodical reports of their
"general behaviour and diligence, to
"the Talook authorities, for the information
"of the Magistrate and his subordinates-
"This plan I am induced to recommend
"strongly- According to the present system
"of remunerating the Cavilgar they
"necessarily receive their fees twice
"only

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"only in the twelve months, Viz: at the conclusion
"of the Carr and Peshanam harvest; and thus,
"they have the means of disposing, in a short
"period of time, of that which is intended
"for the support of a whole year. This from
"their want of foresight, or from other
"causes, they seldom fail to do; and they are
"soon left without any means of livelihood,
"besides that which presents itself to them
"in the shape of hearty or exactions; a
"circumstance which, in addition to other
"evils, while it suggests to them the custom
"of demanding large additional fees from
"the inhabitants, tends to make them for-
"get, more than ever, that they are Police
"Servants, and at the disposal of, and under
"the control of, the Magistrate."

63. In conclusion, Mr Hall directs attention to "the most perplexing and "prevalent of the difficulties with which "the Police in Jinnelly has at present "to contend viz.t The practice of making "false complaints, and the attempt to sub-"stantiate those which have foundation "by false testimony. If a person is "robbed of his property, he thinks only "of recovering it, and hopes to do this "by intimidation, or by subjecting the "parties whom he may suspect, to incon-"venience. Therefore, in nine cases out

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"out of ten, he learns up the names of
"the Cavilgars of his own and the neigh-
"bouring villages, accuses them of having
"robbed him; and, in order to carry his
"point, procures a number of people to
"give positive evidence to the fact.
"In consequence of this many guilty
"persons escape, and reason is afforded
"why many innocent ones are appre-
"hended, and why therefore so many
"persons who are sent to Court by the
"Magistracy are afterwards released."
He terminates his report by recommend-
ing the establishment of "a good and
"active village Police."

64. A partial remedy to some of the defects on which Mr Hall dwells, had been provided in the draft of two Regulations, submitted to the Government by this Court on 23rd July 1829, and 28th January 1830, for the prevention and punishment of malicious accusations of heinous crimes, and the greater efficiency of the Police establishments, including the rescission of Sections XIX and XX Regulation XII 1816.

65. The Provincial Court in the Northern Division have entered into

such

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such full and satisfactory remarks on the reports received from the Sessional authorities in their divisions, as to leave to this Court little occasion for observation.-

66. With reference to the case of "culpable homicide" punished by the Criminal Judge of Nellore, the Judges direct the Provincial Court to point out to that officer, that all homicide, even by misadventure, is to be tried by the Circuit Court alone, as is evident from clause fourth Section IV Regulation I 1818.-

67. Reports on the police have been submitted by all the Magistrates in the Northern Division, except the Magistrate of Nellore, - who has only recently joined his district.-

68. From the report of the Magistrate of Ganjam, that province appears to be in an unsettled state.- The Magistrate in Vizagapatam declares that "those who "are plundered are generally ready to "compromise for the return of a part of "their lost property, and in some cases "will deny all knowledge of goods which "are well known to belong to them."- This he attributes chiefly to "the great "distance at which the Criminal Court

"of Chicacole is situated, from many "parts of the district" - and the Judges are of opinion "that this subject deserves the "serious consideration of the Government."

69. The Provincial Court for the Northern Division, at the conclusion of their letter to this Court, support the recommendation of the Magistrate of Masulipatam that "the provisions of Section XXXVIII Regula- "tion IX 1816, which allows batta to prisoners, "should be extended to witnesses who "stand in need of such aid, from the "time they leave their houses until per- "mitted to return." - Mr Andrew Bodlston the Joint Magistrate in Canara also states that it is "a general practice "for prosecutors, who can afford it, "to pay and maintain their evidence, "independant of the allowance received "by the latter from the Court, not with "the view to bias their testimony "but to prevent them denying all know- "ledge of the matter that they may the "sooner get back to their homes." "This" he adds "is a serious additional "tax on a prosecutor and measures "ought to be adopted for remunerating "witnesses at the public expence in

reference

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"reference to their condition in life."—
The Judges entirely concur in the necessity
of a liberal distribution of Salt to
prosecutors and witnesses with reference
to their respective situations in life both
by the Circuit and Criminal Courts and
the Magistracy— more especially to those
who attest the confessions of prisoners,
and who in general are persons dependant
for subsistence on their daily labour
unwilling to absent themselves from their
homes for the furtherance of the ends of
Justice— The Judges accordingly direct that
the four Provincial Courts do call the attention
of the several Magistrates and Courts in
their respective divisions to the circular
orders of this Court of the 9th and 23rd August
1824 on this subject and that they cause a
liberal construction to be given to the directions
therein contained.—

7th. The Provincial Court in the
Northern Division notice the complaint
of the Magistrate of Masulipatam, of
the unwillingness and unfitness of the heads
of villages to act as police officers— and
support the proposal made by him, and
the Magistrate of Guntoor for attaching
some pecuniary emolument to these
offices— The suggestion of the last men-
tioned officer, for the remission of the
Moturpha

Moturpha tax in favor of the heads of
village police, will come before the Govern-
ment, though the Board of Revenue, to whom
it has been submitted— But if the heads
of villages in the two provinces in question
have no emolument attached to their hereditary
office, they must be in a very different
situation from the heads of villages in
most of the provinces, to whom it is
desirable they should be assimilated.—

7th The Provincial Court in the
Northern Division also support the
recommendation of the Magistrates
in Vizagapatam and Guntoor for
increased pay to the Heads of Talook
police, whose existing allowances and
establishment seem inadequate to the
important duties entrusted to them, and
greatly below what is usual in other
districts. The Judges conclude that the
Right Honorable the Governor in Council
will communicate his orders on this head
to the Board of Revenue, under whom
these establishments are placed— At the
same time the Judges cannot anticipate
any great improvement in the police of
the Northern Division, where crime
seems now so common, until this
important branch of the police is,

in

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"reference to their condition in life."-
The Judges entirely concur in the necessity of a liberal distribution of batta to prosecutors and witnesses with reference to their respective situations in life both by the Circuit and Criminal Courts and the Magistracy- more especially to those who attest the confessions of prisoners, and who in general are persons dependant for subsistence on their daily labour unwilling to absent themselves from their homes for the furtherance of the ends of Justice- The Judges accordingly direct that the four Provincial Courts do call the attention of the several Magistrates and Courts in their respective divisions to the circular orders of this Court of the 9th and 23rd August 1824 on this subject and that they cause a liberal construction to be given to the directions therein contained.-

7th. The Provincial Court in the Northern Division notice the complaint of the Magistrate of Masulipatam, of the unwillingness and unfitness of the heads of villages to act as police officers- and support the proposal made by him, and the Magistrate of Guntoor for attaching some pecuniary emolument to these offices- The suggestion of the last mentioned officer, for the remission of the Mokturfa

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Mokturfa tax in favor of the heads of village police, will come before the Government, though the Board of Revenue, to whom it has been submitted- But if the heads of villages in the two provinces in question have no emolument attached to their hereditary office, they must be in a very different situation from the heads of villages in most of the provinces, to whom it is desirable they should be assimilated.-

7th The Provincial Court in the Northern Division also support the recommendation of the Magistrates in Vizagapatam and Guntoor for increased pay to the Heads of Talook police, whose existing allowances and establishment seem inadequate to the important duties entrusted to them, and greatly below what is usual in other districts. The Judges conclude that the Right Honorable the Governor in Council will communicate his orders on this head to the Board of Revenue, under whom these establishments are placed- At the same time the Judges cannot anticipate any great improvement in the police of the Northern Division, where crime seems now so common, until this important branch of the police is,

in

is, in some degree at least, placed on the respectable footing it has long attained in the other unsettled districts.-

72. With reference to the six cases referred to by the Magistrate of Guntoor, in which the prisoners, who confessed before the Police, have been acquitted by the Criminal Court, the Judges of the Provincial Court, under Section XXIV Regulation X 1816, will be pleased to call for the record of these cases, and will pass such orders thereon as may be proper. The attesting witnesses appear to have been very insufficiently examined in some of these cases; and if the Magistrate's abstract of the evidence given before the Court is correct, it seems difficult to reconcile it with the acquittal of some of the prisoners, especially where the property stolen was given up to the prosecutors. These cases appear to be the ground of the Magistrate's denunciation, to the Board of Revenue of the "inefficiency of the Courts" and ought therefore to be strictly investigated.-

73. The Provincial Court in the Centre Division have forwarded reports from the Magistrates of Cuddapah, the Southern Division of Arcot, and the Northern Division of Arcot. The Magistrate of Chingleput pleads his recent appointment and the Magistrate

of Bellari his want of information, as the causes for their not furnishing the required report; the former appears a valid excuse, but the Judges concur in opinion with the Provincial Court, that Mr. Robertson, after four years experience in Bellari, ought to have possessed sufficient information on the subject, had it occupied a due portion of his attention.-

74. In the reports which have been forwarded from this division, there is little requiring remark from this Court. Mr. Dalzell alludes to a communication submitted by him to the Board of Revenue, in favor of restrictions against the too minute subdivision or undue alienation of official emoluments, which the draft of a Regulation forwarded by this Court to Government under date the 28th January last, seems calculated to effect.- He also proposes to extend, in a limited degree to the Criminal Judges, the provisions of Section XXIII Regulation IX 1816; and the Judges are inclined to think that this would be a measure of a beneficial tendency, by empowering the inferior local authorities, to encourage more generally meritorious conduct on the part of the police or others, in the apprehension of offenders, which at present passes without reward.-

75. The Provincial Court in the Centre Division have suggested that the Judge on Circuit might deliver the Jail at Cuddapah once before he proceeds to Bellari as at present, and a second time

time on his return there, and as this district is the one in the Centre Division in which crime is for the most serious and frequent. The Judges consider the arrangement worthy of trial. It would throw a very arduous duty on the Judge who for the first time undertook it. But one of his colleagues might relieve him, by delivering the Zillah Charge, and the business of the Circuit subsequently would not be more heavy than usual.

76. The only reports from the Western Division, are those from the Magistrate in Canara, and his Subordinates, which the Provincial Court have forwarded without remark. There is nothing contained in these papers which calls for further observation from this Court, in addition to what has been already offered, in the former part of these proceedings.

Ordered that the Statements referred to with extract from these proceedings, and copies of the communications from the Provincial Courts with the reports of the Magistrates on the police be submitted to the Right Honble the Governor in Council for his orders thro' the Secretary to Government in the Judicial Department.

(Sent following letter No 165)

Ordered also that extract from these proceedings be sent to the

four Provincial Courts, for their information and guidance as follows.-

Para 1 to 64 inclusive to the Southern Division
" 1 " 53 and 65 to 72 to the Northern Division
" 1 " 53 " 73, 74 and 75 to the Centre Division
" 1 " 53 " 69 and 76 to the Western Division

(Sent following letters No 167)

Appendix.

The following is an abstract of the grounds of conviction in the 6 Trials disposed of by the Zillah Adalut under Section II Regulation I of 1818 from 1st July to 31st December 1829.-

No. 1. Nellore Supplemental Calendar 1st Sessions 1829

Prisoner Soomanter Venkatagandoo

This prisoner was charged with having murdered Salloory Kasanamah the daughter of the prosecutor and robbed her of gold and silver jewels to the value of 78 Rs 2 As. Of 12 witnesses examined 5 deposed to the Prisoner having confessed the crime before the Police but the same officers both of the Circuit Court and of the Zillah Adalut considered their evidence inadmissible, because they were Police Peons, and, not thinking the evidence of the remaining witnesses sufficient to bring home the crime to the prisoner acquitted him.-

The

The Judge on Circuit considered
the crime fully proved against the Prisoner.
after a long summary of the evidence
he said "the whole chain agrees in certain
"facts, that the deceased was in the habit
"of employing the prisoner in weaving
"cloth - that on a certain day she quitted
"home, that on that same day she was
"seen, a little more than an hour before
"sun set walking with the prisoner to-
"wards Padmapooram the village of the latter;
"that she was afterwards seen alone an
"hour after sun set at the entrance of the
"Chuckler and Pariar Village in which
"the prisoner lived, by a person who
"knew her - and who declares that she
"said she had business and was waiting
"for a person, that she was seen again
"by another whom she requested to go
"and call the prisoner, and that he did
"so, and that he saw the prisoner and
"deceased go away together from the
"village - the prisoner himself at the
"denying the charge before the Criminal
"Judge, distinctly admits the fact of the
"woman being there, of this witness or
"calling him at the desire of the deceased
"of the conversation that passed between
"him and witness as to the object of her
"wanting him, altho he pleads it as
"taking place subsequent to his leaving the deceased

that

19th June 1838. "that he accompanied the deceased to the gate of the village,
"the deceased is also seen by the Potmaker
"waiting on the spot stated by the other
"witnesses that he saw the prisoner
"and the preceding witness approach and
"saw the deceased and prisoner go together
"out of the village - the prisoner admits
"the circumstance of the deceased being
"at the Potmakers house. The evidence
"of these people falls in together without
"the least variation, supported by the
"admission of that one important fact
"by the prisoner himself as above quoted.
"this brings the prisoner and deceased
"to the confine of the village, but another
"witness proves them to have been
"completely clear of the village and going
"along the road, and he over heard what
"passed between them - the deceased
"remonstrating against detention and the
"prisoner urging her to delay" and
again "from this period the deceased
"Basavanmah is lost sight of, until
"her body is found in the Sujjapoor
"Tank, situated off the road which she
"was seen to follow with the prisoner"

The Court concurred in
the view taken by the Judge on
Circuit. They considered that the fact
of the deceased having come to a

violent

violent end was unquestionable, and that her having been seen for the last time in the company of the Prisoner coupled with the fact that he was possessed of and delivered up the ornaments she had on her person when last seen left no doubt of his guilt.-

Under these circumstances the Judges sentenced the prisoner to suffer death as prescribed by Section X Regulation VIII of 1802, by being hanged at the usual time and place of execution.-

No 9 Malabar Calendar 1st Sessions 1829.

Prisoner. Pallil Moideen Coutty

The prisoner was charged with having murdered two persons, the nephews of the two first prosecutors (of whom there were three in this case) and severely wounded the third. The Law Officer of the Court of Circuit did not consider the evidence sufficient to bring home the crime to the prisoner, one of the witnesses being a Zimmi, 3 others having given only hearsay evidence and the depositions of the remaining two who witnessed his confession in the Tahook not being

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being admissible because taken before a Police Officer. In this opinion the Law Officers of the Foujdaree Adalut concurred. The Judge on Circuit on the contrary considered that there was evidence sufficient to prove that the two deceased came by their death by being stabbed by the prisoner and that the third prosecutor received his wound from his hand. After recapitulating the evidence he states that it appeared that the two deceased went to the prisoner's house to demand a certain sum of money alleged to be due by him, that they were very violent towards him and used every means to irritate him, that their loud voices attracted the 3rd prosecutor to the spot, that the prisoner had retreated within his house and was unwilling to come out and that to force him to do so one of the deceased beat his child a boy of 2 years or 2½ years old, and that on this violence being repeated and his child crying he was unable to restrain his

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his temper, and, rushing out under that
feelings of irritation, made the attack
on those who were on the spot by which
the two deceased met their death and
the 3rd prosecutor was wounded - He
proceeded to remark that, under this
circumstances, which he considered
palliative of the Prisoner's guilt, that it
could not excuse it, he thought the ends
of justice would be attained by imprison-
ment and that not of great length.
The Court agreed with the Judge on
Circuit that, tho' no doubt existed of
the prisoner's having killed the two
deceased persons and wounded the
3rd prosecutor, it was evident from
the depositions of the 3rd prosecutor
and the first witness that he was
goaded on to these acts by grass
provocation -

Under these circumstances
they were of opinion that he was
guilty of culpable Homicide and
under a second finding declaring
him liable to pay 2,000 Dirms in
3 years to the heirs of the deceased
as the price of blood the Judges
committed

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committed this penalty Dejut and
sentenced the prisoner to imprison-
ment and hard labor on the public
roads or other public works for and
during the period of one year -

No 3 Salem Calendar 1st Sessions of 1829.

Prisoner Alavandamoottoo

The Prisoner was charged
with having killed the Prosecutor's
son 25 years of age, by beating him
with a Bamboo in the road near
the village of Coollumpitty - The law
officer of the Court of Circuit declared
the crime not fully proved because,
of the two witnesses who saw the
blows struck by which the deceased
died, one (the second) was a woman and
her evidence inadmissible and the
other witness standing alone was
not sufficient to bring home the
crime to the prisoner - The Law Officer
of the Zoujdaree Adalut considered
the evidence of the 1st and 2nd witnesses
undeserving of credit, because they
contradicted one another in several
particulars, and were of opinion
that suspicion of falsehood attached

to

to them in consequence of the testimony
of the 2d and 4th witnesses. The Judge
on Circuit did not entertain a doubt
of the prisoner's guilt, he observed, "the
"testimony of the 1st and 2nd witnesses
"is so clear and consistent in respect
"to the manner in which the deceased
"was killed by the prisoner that even
"if it were not supported by collateral
"evidence I should have no hesitation
"in giving credit to their statement.
"The Prisoner however himself has
"admitted, and the fact is established
"by the testimony of the Witnesses Conary
"and Annamalay, whose evidence to
"other points is not to be depended
"upon, that the party left the village
"Coollumpatty, close to which the murder
"was committed, about the middle of
"the day in question, in a state of
"intoxication. The Prisoner further
"admitted that instead of returning to
"Yaadalapaddy with the rest of the
"people who were with him, he
"proceeded across the country to Pulliam-
"palliam, and absented himself from
"the village, visiting Madura and
"other

"other places and not returning for a period
"of six weeks. In confirmation of the
"truth of the statement of the 1st and 2nd
"witnesses the prosecutor has further
"shewn that at about noon on the day
"in question the said witnesses came
"to his house at Yeddapaddy and reported
"to him the main facts of the case as
"subsequently deposed by them before
"the different authorities.

"The witness Conary also con-
"firmed the statements of the 1st and 2nd
"witnesses in many particulars, excepting
"that he will not admit that he was
"present at the time when the deceased
"was killed by the prisoner, tho' he
"does not hesitate to say that he carried
"away the stick from very near the
"spot described, and gave a very lame
"account of the manner in which he
"received it from the prisoners hands.
It seemed to the Judge on Circuit "quite
"evident that Conary was actually
"present at the time and that tho' the
"evidence of the 1st and 2nd witnesses al-
"oluded him from participation in
"the crime, he denied the fact from
"the fear of being considered implicated
"in the deed.

"The witness Annamalay
denied

"denied also having been present at the
"time of the Murder - altho' from his own
"statement it was clear that he was
"with the party - The Circuit Judge was
"not quite satisfied that the witness was
"actually present at the time the blows
"were struck - tho' he doubted not the
"witness knew of the Catastrophe and
"made his escape" In conclusion the
Judge on Circuit stated his conviction
that the act was unpremeditated and
perpetrated in the frenzy of the moment
and in consideration of the youth of
the delinquent (he was only 20 years old)
recommended that he should be imprisoned
or transported for life -

The Court were of the same
opinion with the Judge on Circuit as
to the guilt of the prisoner being clearly
established, but considering that the
punishment of death or even the period
of imprisonment recommended by the
Judge on Circuit would under the
circumstances of the case be too severe,
sentenced him to be imprisoned and
kept to hard labor in Irons in the
public roads or other public works
for and during the period of ten years -

No 1 of the Calendar of Auxiliary Court of Salem
1st Sessions of 1829 -

Prisoner Chinnia Gownden

The Prisoner was charged
with having at 6 o'clock in the Evening
of Wednesday the 27th August 1828 killed
Salabum the brother of the Prosecutor
and thrown his body into a well -
The Law Officer of the Court of Circuit
declared that the crime was not proved
by sufficient evidence, that the 1st and
2nd witnesses who were stated to have
been concerned in the murder were
unworthy of credit from the one con-
tradicting the other and the 2nd witness
having at two examinations given
different and contradictory depositions,
that the 3rd and 7th witnesses did not
agree in their evidence, that the 4th
witness deposed to having seen the
1st and 2nd witnesses pulling the deceased
along by the hair and that the 5th
6th and 9th only gave evidence to having
seen the body floating in a well -
and that there was no evidence by
which legally to convict the prisoner -
The Law Officers of the Faujdaree Adalut
were of the same opinion, considering
the whole of the evidence as of too
contradictory

contradictary a nature to be relied on. The two first witnesses were so deeply implicated in the crime, that in order to admit their testimony it was necessary to procure the authority of the Government to offer them pardon on condition of their declaring all they knew, which offer of pardon was subsequently ratified. The Judge on Circuit on a review of the whole of the evidence observed that notwithstanding the depositions of Nunjan and Tonne (the 1st and 2nd witnesses) were in some respects contradictary, and that it appeared that they had not at all events spoken the whole truth, yet that there were points and those very material ones on which it was impossible to reject their evidence it being supported by the 4th and the 3rd and the witnesses whose testimony there was no reason whatever to doubt.

The Court of Sanjdarree Adalut perfectly agreed with the Judge on Circuit as to the guilt of the prisoner and even considered that without the evidence of the two first witnesses the proof against him of his having been an accomplice in the murder could hardly

have been resisted, while, with it, the proof was conclusive. They did not however see any reason to believe him to have been actuated by premeditated malice, or to think that he intended to put the deceased to death.

Under these circumstances, being of opinion that capital punishment would be too severe in this case, they sentenced him to be transported

No. Malabar Auxiliary Court Calendar
3rd Quarterly Sessions 1829.

Prisoner. Mottile Varail Sahan Cannen
alias Koonjamboo.

This prisoner was charged with having murdered the Prosecutor's elder brother Ambooty alias Koonjamboo by striking him with a Puttiwaal. The Law Officer of the Court of Circuit on the ground of evidence having been adduced to the Prisoner having been formerly insane, entertained a suspicion that he was not of sane mind at the time of committing the act and the Law Officers of the Sanjdarree Adalut declared that Hidayat failed in this case owing to the incoherence of expression evident in the Prisoners Talook declaration.

After adverting to the 1st and

and 5th witnesses dispositions wherein they state that they saw the deceased lying wounded in the prisoners house, that they heard him (the deceased) declare before the Sahseeldar that he had been wounded by the prisoner, which declaration was taken down and attested by them, and that he had been deranged about a year or two before; to the testimony of the 3rd and 4th witnesses who deposed to the prisoners voluntary confession of the crime before the Sahseeldar; to the depositions of the 8th and 9th witnesses who gave evidence to his having admitted that confession before the Joint Criminal Judge; and to the evidence of the 9th 9th 10th and 11th witnesses who deposed to the sanity of the Prisoner, the Judge on Circuit added "It will be observed, that the 8th "and 5th witnesses on behalf of the Prosecution, have deposed, to the prisoners "having been one, or two years before the "act was committed, in a wandering mood "whereas the 8th 9th 10th and 11th witnesses "examined, and who appear to be his "neighbours, have asserted, that they "were constantly in the habit of seeing "him (the Prisoner), and with the greatest confidence

"confidence have deposed, to his general "behaviour, and department, having "been that, of a person perfectly sane "in mind." He then concluded by saying that he was of opinion that the prisoner was guilty, which he conceived was fully established by his own confession and the testimony of the witnesses in corroboration of the account given by the deceased previous to his death. At the same time he recommended the Prisoner to mercy on the ground of there having been evidence to his former insanity and of his having himself gone and delivered himself up at the Talook directly after he had committed the crime.

The Court of Sunjolaree Mahal were of opinion that no doubt existed as to the Prisoners guilt as confessed by him before the Police and Joint Criminal Judge, and that whatever might have been the case a year or two previously, there was no evidence of insanity when he committed the act. Still on the grounds mentioned by the Judge on Circuit they thought that they might mitigate the

17th June 1830.

the capital punishmant, and under Section II Regulation I 1818 they accordingly sentenced the prisoner to be transported-

No 4 Chittoor Calendar 3d Quarterly Sessions 1829.

Prisoner Andiagadoo

This prisoner was charged with having stabbed the prosecutor with a dagger on the back on the 6th March 1829.-

The prosecutor before the Court of Circuit deposed that while in the act of driving his Bullock from the house of the prisoner he twice wounded him on the back- The prisoner on the contrary asserted that while lying asleep with his wife after having drunk arrack, and being in a state of intoxication somebody came and carried her away and that he being awoke took a dagger and, not knowing whom, wounded the aggressor- The Law Officer of the Court of Circuit declared the crime charged not proved, inasmuch as the 1st 2d and 3d witnesses corroborated this statement of the Prisoner and the 4th 5th and 6th witnesses neither saw the prisoner commit the crime nor heard him confess it- The Law

16/

17th June 1830.

Law Officers of the Zillah Adalut also acquitted the Prisoner on the ground of acknowledged adultery by the Prosecutor with the Prisoner's wife excusing the deed, and the prisoner not having confessed that it was the Prosecutor whom he struck, whence by Law no crime was established against him- The Judge on Circuit considered that what the Prisoner had stated was tantamount to an acknowledgment of his guilt and it appeared to him that the circumstance of the Prisoners intoxication was rather an aggravation than an extenuation of his crime- He added that the witness for the prosecution having heard the prisoner acknowledge having twice stabbed some person unknown and having immediately afterwards seen the Prosecutor wounded was alone a violent presumption of guilt. He however noticed as a mitigating circumstance that the Prosecutor had before the Police given a contrary statement of parts of the transaction, from that which he gave before the

Deputies

17th June 1830.

the Court of Circuit, before the former tribunal having acknowledged that he had had intercourse with the Prisoner concubine (so designated by him) for two years and that on the night on which he was wounded she came to him and requested him to receive her husband into his house as he was lying intoxicated outside, which he did, and that it was while sitting on the Pial close to the woman he received his wounds. The Circuit Judge suggested five years' imprisonment with hard labour as a fitting punishment, but the Court of Zanzibar Udalut, taking into consideration the very contradictory evidence given by the Prosecutor, the provocation received by the Prisoner, and the time he had already been in custody (6 months) thought that a lighter punishment than that proposed by the Judge on Circuit would be sufficient to answer the ends of justice, and accordingly sentenced the Prisoner to be imprisoned and kept to hard labor in irons for the period of six months.—

Ramanjeelaa

17th June 1830.

Ramanjeelaa Chetty and others retail dealers in the town of Wallajahpetta move the Court to return the enclosures in their Miscellaneous Petition Nos 1 and 18 of 1830.—

Ordered accordingly.—

Dedinha

J. A.

At a Court of the Foujdaree Udalut

Present

Thursday, 24th June, 1830. J. A. Grant Esqre 1st Puisne Judge
William Oliver Esqre 2d Puisne Judge
C. M. Lushington Esqre 3d Puisne Judge

24

Read letter from the 3d Judge on Circuit in the Northern Division transmitting the Chicacole Calendar and Supplemental Calendar for the 1st Sessions of 1830. with remarks thereon.

(Here enter Pp. 330.)

The Judge on Circuit mentions that owing to the length of some of his remarks he was unable to enter them all in the Column intended for them, and he has therefore sent them separately. This the Court think objectionable, inasmuch as it prevents, what is desirable, the whole case coming at one view before them, and they conceive that by a little arrangement in drawing out the form of the Calendar a sufficiently large space may be left for the remarks in the allotted Column, care being taken when they are long to have them written as small and as close as may be consistent with their being perfectly legible.

2 As regards the point referred by the Judge on Circuit, viz: whether the Magistrate of Vizagapatam exceeded his authority in taking personal recognizances, and security from offenders, whom he had fined for a breach of the peace, the Court are of opinion that Mr. Gardener was fully authorized to take the measures he did, in the

Besides

24th June 1830.

instance in Question; the effect of Section V Regulation VI. of 1827 being expressly "the due maintenance of the peace within their" (the Magistrates) "respective Jurisdictions" and this without interfering in any respect with the punishment prescribed by Section XXXII Regulation IX of 1810 for a breach of it already committed.

3 In the Circuit Judge's remarks on No. 13, he observes that owing to 2 only, of 6 witnesses having attended he had been compelled to defer the trial to the next Session - This is to be regretted, as the period of imprisonment before conviction is thereby much extended; and in cases wherein an eventual conviction endures, the hardship of such prolonged detention is particularly great. To guard against this, the recognizances of all non attending witnesses (unless a sufficient cause is shewn) should be declared forfeited - The Court notice this because it is not mentioned whether this Course was taken in the present case -

Ordered that Extract from the proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information -

(Sent following letter No. 168)

24th June 1830.

Monthly Reports from the Criminal Courts for March last -

(Here enter No. 292)

Read letter from the Acting Civil Judge of Balasore dated 26th May last with Report No. 11 of the Appendix to Regulation X of 1810.

(Here enter No. 309)

24th

Read letter dated 19th Ult. from the Provincial Court of Circuit for Centre Division transmitting extract proceedings of the 17th Instant

On

7th

At a Court of the Fujdaree Adalut.

Present,

Monday, 28th June 1830.

Francis Alexander Grant Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge
Charles May Lushington Esqre 3rd Puisne Judge.

Read letter dated the 31st April last from the Second Judge late on Circuit in the Northern Division, with record of the trial in case No 5 Guntoor Calendar 2nd Sessions 1829.-

(Here enter No 277.)

The First, Second and Third Puisne Judges, having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Peshnicial Law Officer and the futwa of the Cazee ool Coozat and Mooftees of the Fujdaree Adalut confirm such part of the said futwa of the Cazee ool Coozat and Mooftees aforesaid as acquits the

prisoners

2nd Nooralah Veeriah
and
3rd Imaum Sahib,

and direct that they be set at liberty.-

and being of opinion that the Prisoner

1st Gopaw Cotiah

is not convicted on presumptive proof

25th June 1830.

or on the evidence of credible witnesses, or on his own confession, notwithstanding the futwa of their law officers, do under the provisions of Clause 4th, Section VI. Regulation XV of 1803, direct that the prisoner

1st Gopee Cotiah,

aforesaid be also set at liberty:-

(Sent following letter No 174.

Read letter dated the 4th May

Mr Grant and Mr Oliver

last from the Second Judge late on Circuit in the Northern Division, transmitting proceedings of the Court of Circuit in a case of Murder No 10 on the Grant on Calendar Second Sessions 1829.-

(Here enter No 284.)

The First and Second 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 Moofties of the Tanjolare Moolut confirm the said futwa of the Cazee ool Coozat and Moofties aforesaid and convicting the prisoner

Yattoocoonee Baaskee

of murder sentence her, under the provisions of Clause Second Section VI Regulation I of 1825, to be transported to such place beyond sea as the Governor in Council shall

28th June 1830.

shall appoint, there to be imprisoned and kept to hard labour on the public roads or other public works for and during the period of her natural life.-

(Sent following letter No 175.

Read letter dated the 8th

Mr Grant and Mr Lushington

May last, from the Second Judge late on Circuit in the Northern Division transmitting proceedings of the Court of Circuit in case No 8 of the Guntoor Calendar 2nd Sessions 1829.-

(Here enter No 284)

The First 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 Coozat and Moofties of the Tanjolare Moolut, confirm the said futwa of the Cazee ool Coozat and Moofties aforesaid and convict the 1st Prisoner

Cantay Pagneer,

of the crime laid to his charge, but in consideration of his having been sentenced to eleven years imprisonment and hard labour by the Judge on Circuit, for a similar offence in the case No 9 of the same Calendar, they under clause Second Section VI Regulation I of 1825 remit

28th June 1830.

remit all punishment as regards the said first prisoner,

Contay Tagneer.

But the said Judges confirming the futwa of their Law Officers aforesaid as respects the prisoners

2nd Veecharum Veerayah

and

3rd Vankah Veerayah

under their sentence of Corhaulent adjudge the said prisoners

2nd Veecharum Veerayah

and

3rd Vankah Veerayah

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 as provided in Clause third Section IV Regulation VII 1832.-

(Sent following letter No. 176.

Read letter dated the 18th May last from the Second Judge late on Circuit in the Northern Division transmitting proceedings of the Court of Circuit in a case of maiming and wounding No 10 Rajahmundry Calendar 2nd Sessions 1829.-

(Here enter No 305.)

The First and Third Puisne Judges

2/ 28th June, 1830.

Judges on a deliberate consideration of the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

Soottadah Poollayah,

is sufficient to convict him of the crime of robbery attended with severe maiming, do under the authority with which they are vested by Clause first Section II Regulation I of 1814 convict him thereof and under clause second Section IV Regulation XV 1803 and Clause third Section II Regulation I of 1825 sentence him to receive 195 stripes with a cat of nine tails, and to be transported to such place 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. 177.

Read letter dated the 15th May last from the Second Judge late on Circuit in the Northern Division submitting proceedings of the Court of Circuit in a case of Highway Robbery No. 1 of the Rajahmundry Calendar 2nd Sessions 1829

(Here enter No. 294)

The

Decision

The First and Third Puisne Judges on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner

Kotary Soobarayaloo,

is sufficient to convict him of the crime of robbery by open violence do under the authority with which they are vested by Clause first Section II Regulation I 1818 convict him thereof and sentence him the said

Kotary Soobarayaloo,

to receive 195 stripes with a cat of nine tails 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 fourteen years.-

(Court following letter No. 178.

Read letter from the Provincial Court of Circuit in the Southern Division submitting the prescribed Criminal reports for the month of April last, with their proceedings thereon.-

(Here enter No. 319.)

1. The observations made by the Court of Circuit are in general satisfactory but there are a few cases not

not noticed by them which seem to require remarks.-

2. In cases Nos. 48 and No. 55 of the Combaconum Report, a great delay has occurred in disposing of the case, in the former 15 and in the latter 17 days.- It may not be possible to avoid such delays but where they are so considerable a short explanation should be afforded.-

3. In the Supplemental Report of the same Court the delay which occurred in disposing of the case No. 40 is accounted for but a delay of 18 days in forwarding it from the Taluk is left unexplained.-

4. This Court observe also that in Combaconum and in the other Criminal and Joint Criminal Courts in the Southern Division it is not usual to mention the police authority by whom prisoners are forwarded to the Criminal Court, unless where an explanation of delay is afforded.- It would be an advantage if in all cases in the column of remarks this information were afforded.-

5. In No. 85 of the report from Salem a prisoner convicted of Cattle Stealing

Decides

28th June 1880.

stealing who is stated to be "an old offender" before punished by the Court of Circuit with 39 stripes and 7 years imprisonment is only sentenced to two years imprisonment, with hard labor in Irons.

6. In consideration of the habitual crimes of the Prisoner the Judges think that he ought to have been committed.

7. In Nos 49, 50 and 51 a delay of 26 days occurred in disposing of the cases, which ought to have been explained by the Criminal Court.

Ordered that extract of these proceedings be forwarded to the Court of Circuit for the Southern Division, by precept requiring them to communicate such parts as concern the respective tribunals- return to be made without delay.

(Sent following Precept No 179.

Read return dated the 2nd Instant, from the Provincial Court of Circuit in the Southern Division, to precept of the 3rd ult.o forwarding copies of returns from the Criminal and Joint Criminal Judges in the district stating that this Court's

F.H.

28th June 1880. Courts orders regarding the execution of death warrants will be obeyed.

(Here enter No 318)

Read letter dated the 5th Instant, from the Provincial Court of Circuit in the Centre Division, forwarding an explanation from the Magistrate of Chinglepet relative to the delay in forwarding a prisoner to the Criminal Court.

(Here enter No 342)

Read letter dated the 2nd Instant, from the First Judge of Circuit in the Southern Division reporting the execution of Chickoo Chitty, alias Chickoo Chitty with the circumstances attendant thereon.

(Here enter No 338.)

Read letter dated the 5th Instant, from the Provincial Court of Circuit in the Centre Division, forwarding an explanation from the Criminal Judge of Chinglepet relative to the delay in disposing of certain cases in the Criminal Reports for the Month of March last.

(Here enter No 341)

Read letter dated the 5th Instant from the Provincial Court of Circuit in

Desires

in the Centre Division, forwarding an explanation from the Magistrate of Bellary relative to the delay in forwarding certain prisoners to the Criminal Court.—

(Here enter № 343)

Read letter dated the 5th Instant from the Provincial Court of Circuit in the Centre Division, forwarding explanations received from the Criminal Judges of Cuddapah and Bellary relative to the Criminal Reports for the month of March last.—

(Here enter № 345)

Read letter dated the 5th Instant from the Provincial Court of Circuit in the Centre Division, forwarding an explanation from the Acting Criminal Judge of Chingleput relative to the Criminal Reports for the Month of February last.—

(Here enter № 346)

Read letter dated the 5th Instant from the Provincial Court of Circuit in the Centre Division, forwarding an explanation from the Magistrate of Cuddapah relative to the delay in forwarding certain prisoners to the Criminal Court.—

(Here enter № 348.)

Read letter, dated the 21st Instant, from the Provincial Court of Circuit in

in the Southern Division transmitting copies of returns from the several authorities in the division regarding the Criminal Reports for April last.—

(Here enter № 351)

24 50

Ent

Exd W. Johnstone

Recorded

F. U.

At a Court of the Foujdaree Adalut-

Present,

Wednesday, 30th June, 1830. Francis Alexander Grant Esqre 1st Puisne Judge
William Oliver Esqre 2d Puisne Judge
Charles May Lushington Esqre 3d Puisne Judge.

Read letter, dated the 21st May 1829, from the 1st Judge of the Court of Circuit in the Centre Division, transmitting his report on the first half yearly Trial of 1828, and on the jail deliveries at Chittoor for the fourth Quarterly Sessions of 1828, and the first Quarterly Sessions of 1829.

(Here enter No 295 of 1829.)

In the 2nd paragraph of his report Mr Boaris notices the great disproportion between the number of persons released by the Magistrates and the Criminal Judges, and the number convicted and punished, and he details the causes to which in his opinion this result is to be attributed. They are. 1st the indiscriminate seizure by the Police of all persons to whom suspicion, however slight, is supposed to attach. 2nd the frequency of false and malicious charges: 3d the frequent difficulty of procuring evidence in support of charges, however true: 4th false evidence occasionally

Besides

occasionally given to procure the release of the guilty; and 5th the corrupt release of the guilty by the Police Officers, and their unwarrantable seizure of others who are innocent.-

2. There can be no doubt that each of these causes operates in a greater or less degree to produce the evil noticed by Mr Harris; but the Court are satisfied that the first and the last are by far the most influential, and it is of the highest importance that some effectual method should be devised for checking the irregularities and abuses which seem to prevail almost universally among the lower Agents of the Police, and too generally, it is to be feared, among the higher. Experience has shewn that the instructions issued by the Judges of Circuit and the Court of Conjadaree would have not produced material amendment in the conduct of the Police Officers. A reprimand or trifling fine is, with few exceptions, the chief penalty inflicted on a Police Officer, whose irregularities are brought to the notice of the Magistrate under the orders of the superior tribunals; and Regulation III of 1819 which

was intended to provide more effectually for the punishment of oppression or other abuse of authority on the part of the Police Officers, has remained almost, if not altogether, a dead letter. The reason is pretty clear. An action, civil or Criminal, by the party aggrieved, seems hopeless so long as the Police Officer retains his influence, which would always be exerted, and too often successfully, to keep back the evidence necessary to establish his delinquency; and the consequence is that for the most flagrant abuse of their authority, as well as for minor violations of duty, Police Officers practically enjoy a degree of impunity, which it never could be the intention of the Government to extend to them.-

3. The Court are fully sensible of the difficulty of devising a remedy for these evils- such at least as is not open to objections. Any direct authoritative interference of the superior Courts with the establishments under the immediate superintendance of the Magistrates might be opposed on the ground that however it might serve to check the irregularities of

Police

of the Police it would be liable, unless jus-
=ciously used, to weaken the efficiency
of the Revenue Department, and to throw
it into confusion; but it seems deserving
of consideration whether the several
Collective Courts of Circuit and the individual
Judges on Circuit might not safely and
advantageously be entrusted with larger
powers than they at present possess,
to restrain the abuses of the Police - 4th
present their authority is limited to the
mere formal act of bringing to the
notice of the Magistrate the misconduct
of his subordinate Officers, and they
have no control over his proceedings
upon the receipt of this communication,
which is seldom followed up by ef-
fectual measures for preventing the
recurrence of the same irregularities,
or for bringing to punishment the
individuals guilty of them. The commu-
nication, therefore, is hardly ever
attended with any other effect than
to bring the Superior tribunals into
contempt, and to confirm the Police
Officers in the impression that they risk
little by the neglect or violation of the
rules prescribed for their guidance. —

4. Instances are still frequent

and

and several have recently come under
the observation of the Court, in which
prisoners are detained in the custody
of the inferior Agents of the Police or of
the District Police Officers for weeks and
even months before they are sent up
to the Criminal Court, and the reasons
most commonly assigned for this
irregularity are either false upon
the face of them, or such as have
been repeatedly declared inadmissible.
It is surely not too much to infer
that the unwarrantable detention
of the prisoners is the least of the
irregularities committed in these
cases, and that in all or nearly all
of them the Police Officers have been
guilty of acts which ought to subject
them to a much more severe punish-
ment than the Magistrate is authorized
to inflict. - But frequent as these
instances are it hardly ever happens
that a Police Officer of the higher class
is brought before the Criminal Court,
and the unavoidable conclusion
seems to be either that there is a
failure of justice in these cases,
or that the delinquency of the Police
Officers is inadequately punished. —

There

Besides

5. There can hardly be a doubt that the real or supposed influence of the Police Officer with his immediate Superior operates with other causes to prevent witnesses from coming forward in these Cases; and thus at the outset a serious obstacle is opposed to the complete and satisfactory investigation of them by the Magistrate. It appears, therefore, to the Court to be desirable that the primary cognizance of all cases in which there may be strong grounds to believe that a Native Police Officer has been guilty of a substantive offence, such as extortion, oppression, or other abuse of authority, should under certain restrictions, be transferred to the Criminal Judge. The Court do not see any material objection to this measure; and they are satisfied that some expedient of this sort is indispensably requisite to the establishment of an efficient control over the Native Police Officers.

6. The Court would not propose that the Criminal Judge should be empowered of his own authority to take cognizance of these cases; but that the power to be vested in him should be exercised only upon specific instructions from the Superior tribunals. This restriction would afford a sufficient check upon hasty and inconsiderate proceedings against

against Police Officers, and prevent the inconveniences which would arise from their liability to be called to account for their conduct on the mere accusation of interested persons. It would be the duty of the Superior Courts, before the institution of any proceeding against a Police Officer is authorized, to satisfy themselves that there is a strong prima facie case against him, and that upon the whole circumstances a strict investigation of his conduct is requisite for the ends of justice.

7. The Court beg leave most earnestly to recommend this measure to the consideration of the Right Honorable the Governor in Council; and if it should meet with his approval, they will submit a draft of a Regulation for carrying it into effect. The Court entirely concur in the opinion expressed by Mr. Harris at the conclusion of the 3d paragraph of his report that Police Officers on conviction of the grave misdemeanors in the discharge of their duty should be subject to removal from office, as servants of the Government, in addition to fine and imprisonment; and they think that

that such dismissal from office should not be left, as it now is, to the discretion of the Magistrates, but should form a part of the sentence passed upon them.

8. The 3d and the following six paragraphs of Mr. Harris report contain remarks upon the loose and confused prolixity of the pleadings in civil cases, and the quantity of useless evidence which swell the records both of Civil and Criminal trials. There can be no doubt that the pleadings in Civil Suits are often more prolix than they need to be; that they are not drawn up with the accuracy which is desirable; and that a great deal of useless evidence parol and documentary, is often admitted; but whenever this happens the Courts themselves are to blame fully as much, if not more than the parties, pleaders, or witnesses. Under the provisions of Sections IX and X Regulation XV and Section X Regulation XV of 1816. the Courts have full power to check the introduction of useless and irrelevant matter into the pleadings, and to restrict the issues between the parties and confine the evidence to what is really necessary to the just determination of the suit; but

but great judgement and discrimination are requisite to the proper exercise of this power; and although the Court of Sudr Dewanny have often occasion to regret that the records in Civil Suits contain a vast deal of useless and irrelevant matter, instances are not uncommon in which they find themselves obliged to send back cases for evidence which the Courts below have refused or omitted to take, as unnecessary and useless. The propensity of witnesses to enter into a long and confused detail of immaterial circumstances it is also within the power of the Courts to control; and in general it may be said that if a witness is able of his own knowledge to speak to the real facts of the case, it depends upon the mode of examination whether his deposition contains much that is irrelevant. If witnesses are left to tell their story in their own way, their depositions no doubt will often contain a great deal that is irrelevant and a great deal that is totally false; but it is frequently the only means by which the more ignorant can convey their meaning and the generality of European Witnesses; if left to themselves, would tell their story

story in much the same manner, except perhaps that they would not mix up so large a proportion of gratuitous falsehood with the truth.

9. The Court of Foujdaree Adalut, in the Criminal trials referred to them have occasion to regret the scarcity much more frequently than the superabundance or uselessness of the evidence. In Criminal trials there is seldom much that could be dispensed with, and there is often wanting a great deal that is absolutely requisite, to a correct judgement upon the guilt or innocence of the prisoners. Defects of this nature often lead to the acquittal of prisoners, who most probably are guilty; and the Court apprehend that the evil would be greatly increased, if as proposed by Mr. Harris the witnesses for the prosecution were limited to a given number for each particular point. In the opinion of the Court any attempt of this sort is strongly to be deprecated, as having the most mischievous tendency. The discretion given to Criminal Judges by Regulation II of 1822 to limit the number

number of witnesses for the defence was rendered necessary by the manner in which, either from ignorance or design, persons committed for trial had abused the previlege of summoning witnesses on their behalf and the most general defence of an alibi can be as easily proved by two as by 20 witnesses. The Criminal Judge previously had no option. He was bound to cause the attendance before the Court of Circuit of every person named by the prisoner without knowing and without having the means of knowing whether their evidence was, or could be material to the prisoner. The discretion thus given to the Criminal Judges was not, and could not, be meant to deprive the prisoners of any just means of defence: and if a prisoner were to name ten witnesses to a fact clearly material to his defence, the Criminal Judge would improperly exercise the discretion vested in him, were he to reduce the number summoned to two or three; for although the ten might not be necessary to prove the fact, the evidence of the two or three might from various causes be insufficient to establish it. Independently of the general rule that the best

best and fullest evidence should be obtained in fact in every case there would be here a complete failure of justice; and the same would happen if the witnesses for the prosecution were positively limited to a given number. Besides a prosecutor has not the means, which a prisoner formerly had, of dragging a host of useless witnesses before the Courts. To the Magistrate and to the Police Officer, indeed, he may name as witnesses numerous persons who know nothing material to the case; but the Magistrate or Police Officer is to blame if any useless witness is sent up to the Criminal Court, and the Criminal Judge if any is bound over to attend the Court of Circuit, and the correction of these errors, when they occur, rests with the Superior tribunals. As far as appears from the trials referred to the Court of Foujdaree Adalut it is not an error very frequently committed by the Criminal Judges; but as according to Mr. Harris's report it would seem to be more prevalent than the Court had reason to believe, they will take an early opportunity of issuing some general instructions on this head.—

Paragraphs

10. Paragraphs 10 to 86 of Mr. Harris's report which contain his remarks upon the several Calendars presented to him, and upon some of the trials held by him, do not appear to require any particular observation from the Court — except that in Paragraph 49 he records his opinion that Chingleput being the union of two Zillahs into one "seems to furnish considerably more "business than the Judge is able to perform".

11. The Judges regret to state that crime, particularly Gang robbery appears to have greatly increased in the Zillah of Verdachellum since its union with Chingleput — next to Canara and Malabar it is the Zillah in which the Civil file is also the most heavily in arrear 44 Appeals of 1826, 46 of 1827 and 43 of 1828 remaining undecided, at the close of 1829, besides the suits of that year then pending. The Judge observes that independently of the usual number of Civil Suits and Criminal Cases 771 Miscellaneous petitions were filed in the Civil Court alone during 1829 — and the vicinity of this Zillah to the Presidency; where, from the dense population crime is necessarily heavy; as well as the circumstance of all Criminal offences at Madras against revenues of the Presidency being cognizable at

To Government 17th June 1830.

From Prov. Court Centre Division 10th Feby. 1830.

at Chingleput alone, has rendered the duties there more then a single Judge, with the aid of a Register, is competent to perform, since the union of that Zillah with Verdachellum.

12 The Judges have hitherto refrained from addressing the Government on this subject. But the evil has became so serious that they do not consider themselves longer at liberty to withhold their recommendation that the extent of this Zillahs jurisdiction be reduced. The Judges are of opinion that the most economical arrangement for this purpose would be to establish an auxiliary Court at Cuddalore. where public buildings could no doubt be appropriated for this purpose without any new expense - and to which the more populous Talooks of the Southern Division of arcot might with great advantage be transferred. The situation would also be more convenient to the people than Verdachellum situated in the most secluded and thinly peopled portion of the Province.

13. The remaining portion of Mr. Harriss report contains his observations upon

upon the system established by the Regulations of 1816. for the administration of the Police and of Civil and Criminal justice in the Provinces, and his suggestions for remedying the defects of that System.

14 The Court entirely concur with Mr. Harris in thinking that the present System of village Police is imperfect. Regulation XI 1816 remedied in a great degree the important office of Hereditary village watcher, the best and surest foundation of any efficient police in India, but in some districts it has been only nominally in operation. A sufficient enquiry has been instituted to ascertain that in every village persons have been nominated to discharge this duty - or that the emoluments annexed to it are adequate to the support of the incumbents in the discharge of it; and in Tanjore; and the Court believe in some other districts also, this class of men require to be restored to their proper situation as public officers of the state. The Court beg leave to recommend that the attention of the General Magistrates be called to these points, in order that the office

× See this Courts pro: of the 20th July last.

office of Village Watcher may universally be esta-
-blished on an efficient footing.-

15. But, as justly observed by Mr. Harris, the re-establishment of this office alone is an insufficient protection to any village, and only a partial adoption of that system which "sub-
-sisted during the Native Governments as well "as the early part of the Company's administration", and has now fallen into disuse. So long as the village watcher continues active in the honest discharge of his duty, his superior local know-
-ledge and hereditary influence render him more capable than any other person to benefit the public by the prevention and detection of crime-; but the very profession of these qualities renders him the more dangerous and hurtful to the com-
-munity, when they are perverted, as is too generally the case, to the promotion and concealment of offences: and it may have been experienced of this that suggested to the Native Governments the night patrol of some of the inhabitants of the village itself- both as a check on the village watcher, and as a necessary aid to him in case of attack.- The re-establishment of these village patrols, as suggested by Mr. Harris, is considered by the Court to be well calculated to stimulate the

energy

energy of the police generally, and to control, whilst it will combine and strengthen, their exertions.-

16. The night patrol in addition to one of the village watchers might consist according to the size of each village, of three or more "young and strong inhabitants carrying "swords or matchlocks" as proposed by Mr. Harris. "Here should be" he adds "two patrols of this "strength in every village, and they should go "three rounds- each patrol to go the first and "third round one night and the second the next- "In case of alarm the patrol on guard could "call upon the other- The rounds should be "performed not always at the same hours- The "three inhabitants may be changed- Patrols of "neighbouring villages should assist each other- "In case of attack or resistance they should be "authorized to use their arms- Such" he concludes "is the terror inspired by any thing like a regular "protection established by the Circar, that a weak "patrol of this description would be sufficient "to keep or drive off the largest gangs- such "an institution would be, I think, an essential "benefit to the country, and no innovation".-

17. With the permission of the Right Honorable the Governor in Council the Judges

Judges propose to direct the 4 Provincial Courts to consult the respective Magistrates in their divisions, as to the expediency of adopting Mr. Harris suggestions to this extent. In the event of their adoption it will of course be requisite that the inhabitants of each village either personally, or by finding a substitute, should take this duty in turn and that those declining the duty should be liable to a fine. Large towns might be divided into sections, having separate patrols to each.

18. Independently of this, it occurs to the Judges that it would aid the apprehension of offenders, and the repression of attacks by open violence, were all villages surrounded by a bamboo hedge, wall or ditch, as was usually the case under the native Governments, so as to confine to a single route all access to it, or egress from it. Under orders from Government, the Magistracy, it is concluded could gradually effect this, at the charge of the inhabitants, for whose benefit and security the work would be undertaken.

19. Mr. Harris also suggests that the

heads of villages, the Tahseeldars and the Collectors should be relieved from the charge of the Police; that their Police duties should be transferred to a new set of village Moonsiffs, to the present District Moonsiffs, (their number being increased) and to the Criminal Judges, and that the Collectors should also be relieved from Magisterial duties. The transfer of the Police and of the Magistracy from the Judicial to the Revenue department having been carried into effect under the Special orders of the authorities in England, it is presumed that no alteration in that arrangement can be made without their sanction. The opinion of the Court upon the general effect of the arrangement was submitted to Government in their proceedings of the 23d April 1829; and they do not consider it necessary upon this occasion to enter into a further discussion of the subject.

20. The Court do not think it would be advisable to make any change either in the persons or in the jurisdiction of the village Moonsiffs. If this office were

were transferred to another set of men, it would become necessary to remunerate them by a fixed salary; for it is clear that even with the extended jurisdiction proposed by Mr. Harris, a fee of one anna in the rupee would not afford them a sufficient maintenance. To give them one with another 10 Rupees per mensem it would be necessary that the value of the property at stake in the suits instituted before them annually should exceed 6 Crores of Rupees - which at the very lowest estimate would require the institution of upwards of 6 Lacks of suits annually; and a fixed salary, even so low as 3 Rupees per mensem, would involve a charge of Government of upwards of 11 and a half Lakhs of Rupees per annum. The Court consider this part of Mr. Harris's scheme to be impracticable.

Moonsiffs in Number 32328
about per mensem 3,20,000 / 12 Rs
being per annum 38,40,000 / 16
6,14,40,000

32,000 / 3 / 96000 / 12 / 11,52,000.

21. The Court intirely concur with Mr. Harris in opinion that the number of District Moonsiffs should be increased; and that the standard of claims cognigable by them should be raised but not so high as proposed by him. It appears to the Court that the object of relieving the Zillah Courts will be sufficiently attained by extending the

the jurisdiction of the District Moonsiffs to claims for 1000 Rupees, which is double the present standard. It is probable, however, that Mr. Harris's proposition on this point was made with a view to the abolition of the office of Sudr Ameen; but the Court consider it of the highest importance that this office should be upheld, as explained in their Register's letter of the 13th July last. It has been for some years the policy of the Government to extend, as far as is practicable and safe, the agency of the Natives in the administration of justice; and it seems requisite to the full efficiency of any scheme, having this object in view, that there should be a gradation of tribunals, in order that appellate as well as original jurisdiction should be entrusted to Natives. The services of the Sudr Ameens in disposing of appeals from the decisions of the District Moonsiffs have been eminently useful; and if they were withdrawn the Court think it very questionable whether it would not soon be found necessary to appoint another European Judicial Officer to most of the Zillah Courts.

22. If, as the Court earnestly recommend

=mend both for the purpose of extending the agency of the Natives in the administration of justice and with a view to relieve the Zillah Courts, the standard of claims cognizable by District Moonsiffs be raised to 1000 Rupees, it will be necessary to raise also the jurisdiction of the Sudr Ameens and Registers. The Court would propose to fix the former at 1500, and the latter at 2000 Rupees, being double the present amount.-

23. An increase to the number of the District Moonsiffs appears to the Court to be desirable principally because the limits assigned to the local jurisdiction of some of them are too extensive. The distance of the farthest boundary village from the station of the District Moonsiff varies from 10 to 12 miles, which the Court think should be reduced to 50 Miles in every instance in which it is practicable. With the infor=
=mation at present before them the Court cannot determine the precise number to which the District Moonsiffs would be increased, if the limits of their local juris=
=diction were adjusted on this principle, but they

do not think it probable that an addition of more than 15 or 20 at the utmost would be requisite.-

24 Mr. Harris proposes that the District Moonsiffs should be paid by a fixed salary instead of being remunerated as they now are partly by a fixed salary and partly by fees on the value of the suits instituted before them. There can be no doubt, as observed by the Honorable the Court of Directors in the 43d Para=
=graph of their dispatch dated the 11th April 1820. that the allowance of fees is open to the objection that it may conduce rather to the quick dispatch than the satisfactory adjustment of business; but it seems equally clear that it is calculated to act as a powerful stimulus to exertion on the part of the District Moonsiffs. The Court have considered the subject with some atten=
=tion; but they feel themselves unable to express a decided opinion upon it as

as a question of policy; but upon the whole they are strongly inclined to think that it would be better to continue the present system for some time longer at least.

Ordered, that Copy of the above report with extract of these proceedings be sent to the Secretary to Government in the Judicial Department to be laid before the Right Honorable the Governor in Council.

Sent following letter No. 183/5.

At a Court of the Zillah Adalut

Present:

Thursday, 8th July 1830. Francis Alexander Grant Esqre 1st Puisne Judge
William Oliver Esqre —— 2nd Puisne Judge
Charles May Luthington Esqre 3rd Puisne Judge

Read letter dated the 12th March last from the Additional Judge late on Circuit in the Centre Division, submitting for the consideration and final sentence of this Court a case of Murder, No. 1 of the Bellary Supplemental Calendar 2nd Sessions of 1829.

(Here enter No. 162.)

The First, Second and Third Puisne Judges, on a deliberate consideration of the circumstances in evidence before them, being of opinion that the proof against the Prisoners

1st Rayapah
2nd Ecchereegah
3rd Cullooyah
and
4th Gudaleeyah

is sufficient to convict them of the crime of murder, do under the authority with which they are vested by Clause first Section II Regulation I of 1818 convict them thereof, and a Judge

8th July 1830.

adjudge the Prisoners
1st Ragapah
and
4th Gnilduegah
to suffer death, by being hanged at the usual time and place of execution. and the Prisoners
2nd Luchuneegah
and
3rd Cullaagah
to be transported to such place 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.

Sent following letter.

Mr Grant and Mr Lushington

Read letter dated the 31st April last from the acting Judge late on Circuit in the Centre Division, with record of trial in case № 2 Cumbum Calendar 2nd Sessions 1829.-

(Here enter № 265)

The First and Third Puisne Judges on a deliberate consideration of the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners
1st Siddapah
2nd Nagupapah
and
3rd Venkatagadoo

8th July 1830.

is sufficient to convict them of the crime of Highway Robbery, do under the powers vested in them by Claude first Section II Regulation I of 1818 convict them thereof, and sentence them to be imprisoned and kept to hard labor in Irons on the public roads or other public works, for fourteen years, as prescribed by Clause third Section IV Regulation XV of 1803.-

Sent following letter №

Read letter dated the 31st April last from the acting Judge late on Circuit in the Centre Division - with record of trial in case №37 Endalapah Calendar 2nd Sessions 1829.-

(Here enter № 266)

The First and Third Puisne Judges, on a deliberate consideration of the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoners
1st Siddoogadoo
and
2nd Nagadoo
is sufficient to convict them of the crime of highway Robbery, do under the power vested in them by Claude first Section II Regulation I of 1818 convict them thereof, and sentence them to be imprisoned and kept to hard

8th July 1830. hard labor in irons on the Public roads or other public works for fourteen years as prescribed by Clause third Section IV Regulation XV of 1803, and being of opinion that strong suspicion attaches to the prisoner

2nd Poolengadoo

they direct, under Section X Regulation VII 1827 and Clause sixth Section II Regulation XV of 1803 that he be detained in Custody for three years unless he find two sureties in 20 Rupees each for his future good behaviour and appearance when required.—

(Sent following letter No

Read letter dated the 5th May last from the Acting Judge late on Circuit in the Centre Division with the record of trial in case No 6 of the Addapah Calendar 2nd Sessions 1829.—

(Here enter No 269)

The First and Third Puisne Judges on a deliberate consideration of the circumstances of the case in evidence before being of opinion that the proof against the prisoners

1st Puttu Gumgadoo
2nd Golla Condadoo
and
3rd Yerchala Chinnoogadoo

is

F. H.

8th July 1830. is sufficient to convict them of the crime of Highway Robbery, do under the powers vested in them by Clause first Section II Regulation I of 1818 convict them thereof, and sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for fourteen years as prescribed by Clause third Section IV Regulation XV of 1803.—

(Sent following letter No

Read letter dated the 30th April last from the Acting Judge late on Circuit in the Centre Division, with the record of trial in case No 7 of Addapah Calendar 2nd Sessions 1829.—

(Here enter No 264)

The First 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 Coozat and Mooftees of the Fouzdaree Adalut confirm such part of the said futwa of the Cazee ool Coozat and Mooftees aforesaid as acquits the Prisoners

1st Sahala Vencatadroogadoo
2nd Sahasinda Sahala Vencatadroogadoo
3rd Yahavemmadem Vencategadoo
4th Mandega Paulategadoo
5th Dyala and Peddapah

and

8th July 1830.

and direct that they be set at liberty-
and being of opinion that the Prisoners
6th Kanegadoo
7th Nanegadoo
and
8th Soobadoo
are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confession, notwithstanding the futwa of their Law Officers, do acquit them and under the provisions of Clause second Section VII and Clause sixth Section II Regulation XV of 1803 direct that the prisoners
1th Kanegadoo
7th Nanegadoo
and
8th Soobadoo
aforesaid be set at liberty-
(Sent following letter &c

Mr Oliver and Mr Lushington

Read letter stated the 19th May last from the Second Judge late on Circuit in the Northern Division transmitting proceedings of the Court of Circuit in a case of wounding No 13 of the Rajahmundry Calendar 2nd Sessions 1829-
(Here enter No 302)
The Second and Third Puisne Judges having maturely considered the proceedings held before the Judge on

8th July 1830.

on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee ool Cazzat and Mooftee of the Punjdaree Adawlut are of opinion that the Prisoner
1st Korrokonda Rungaputteeraze
is not convicted on presumptive proof, or on the evidence of credible witnesses or on his own confession, notwithstanding the futwa of their Law Officers, and acquitting him accordingly they under the provisions of Clause sixth Section II Regulation XV of 1803 direct that the prisoner
1st Korrokonda Rungaputteeraze
aforesaid be set at liberty-
(Sent following letter &c

Mr Grant Mr Oliver and Mr Lushington

Read petition presented by Chawaly Veerunnah of the Zillah of Guntoor-
(Here enter Misc. Pet. No 24 of 1830.)
This petition has reference to one before presented by the same party on the 11th January 1830- he there represented that the Magistrate had not properly gone into a charge of violent affronting against the Petitioner of the plunder of his property to a large amount, and the

Besides

8th July 1830.

the killing of his Mother, which charge was preferred by him against 30 of his caste people, and that on his stating this fact to the 1st and subsequently to the 2nd Judge on Circuit he failed of procuring redress. This Court considering the complaint to require proper investigation desired the petitioner to apply to the Judge then on Circuit, whom they, by precept, required to call on the Magistrate for explanation. It is to the return made by the 2nd Judge then on Circuit, in which he states that on an examination of the circumstances proceedings in the case he is of opinion that the Magistrate's disposal of the case was proper, that the Petitioner now objects. The Court do not think it necessary to direct any further proceedings in this case. It has already been referred to the only competent authority to afford redress, and it is stated that it was regularly inquired into and disposed of, they therefore reject the prayer of the petition.

Read petition presented by Narrain Sastry Vakeel, on behalf of Comaty Chennareddy of the Zilla of Bellary.

(Here enter No. 23 of 1830.)

The object of this petition is to procure the interference of this Court for the release of Moosaly reddy (the Nephew of Comaty Chenna reddy) 8th prisoner in a trial for murder at the 2nd Sessions for 1829 at Bellary, who was found guilty of Manslaughter, and sentenced by the Judge presiding to 10 years imprisonment.

The petitioner states various circumstances connected with the Headmanship of the Village of which during their life times the elder uncle and father of the Prisoner were chief reddies, and endeavours to ground on them a charge of ill-will and conspiracy against the Prisoner in consequence of his having succeeded to the Management of the Circar business which he endeavours to shew has caused the charge of Murder brought against him, for which he is now under punishment.

The Court see nothing whatever in the petition to induce their interference in favor of the prisoner, and the prayer thereof is rejected accordingly.

Read

8th July 1830.

Read letter dated the 26th Ultimo from the 1st late 2nd Judge of the Court of Circuit in the Centre Division recommending under the provisions of Section III Regulation I of 1825 a mitigation of punishment in the case of the prisoner in case No1 of the Cumlum Supplemental Calendar for the 2nd Sessions of 1829 forwarded to this Court in his letter of the 21st February last.

(Here enter No 357.)

The Court of Sunjdarce [illegible] having attentively considered the grounds upon which the late 2nd Judge has recommended that the punishment of the Prisoner referred to in his Report should be mitigated to twelve months imprisonment with labour, resolve to sanction the mitigation of punishment proposed. But resolve to point out to the late 2nd Judge that a period of nearly 4 months intervened between his transmission of the calendar, and his letter recommending mitigation of punishment. Such references should be made as soon as possible.—

Ordered that a extract of these proceedings be sent to the 1st Judge of the

8th July 1830.

the Court of Circuit in the Centre Division for his information.—

(Sent following letter No 191.)

Read petition presented by Ramanjaolu Chitty and others by their Gomastah Casaviah,—praying that they may be furnished with a copy of a report made by the Provincial Court in the Centre Division on the 22nd February last, regarding certain irregularities in the weights and measures used at Vellajahpettah.—

(Here enter Misc Petn No 27 of 1830)

Ordered that the copy so applied for be furnished to the petitioners.

Read also petition presented by the same parties praying this Court to issue a precept to the Court of Circuit in the Centre Division directing them to call on the Magistrate to furnish copies of certain documents for which they have already ineffectually applied.—

(Here enter No 28 of 1830.)

The Court see no cause for their interference in this case.—

The prayer of the petition is therefore rejected.—

Satyapah Ramanujacharry of

Besides

8th July 1830.

of Sreeperumadoor in the Zillah of Chin-
glepat moves the Court to return the
enclosures in his Miscellaneous Petition
№ 20 of 1830.

Ordered accordingly.-

Chavaly Veerunnah of the
Zillah of Guntoor moves the Court to
return the Original petition № 24 of 1830
presented by him.-

Ordered accordingly.-

Read letter dated the 24th
ultimo from the late 2nd Judge of the
Court of Circuit in the Centre Division
recommending under the provisions
of Section III Regulation I of 1825 a
mitigation of punishment in the case
of the Second prisoner concerned in
case № 4 of the Cuddapah Calendar
for the 1st Sessions of 1830.

(Here enter № 353.)

The Second futwa of the Law
Officer in this case declared all the
prisoners to be guilty of Gharectgheree
and liable to Cohaatut.- The Judge
however passed sentence on only three
of the prisoners and has recommended
that the punishment of the 2nd may be
mitigated

F. H.
8th July 1830.

mitigated.-

From the letter of the Circuit
Judge now under consideration it
does not appear that there are any
particular circumstances of alleviation
in favor of the 2nd prisoner. The insuf-
ficiency of the evidence against him
alone is noticed and it is thence to be
inferred that the Circuit Judge did
not concur in the Law officers second
futwa of conviction against that
prisoner in particular.-

In such a case of non-
concurrence in the futwa- the Circuit
Judge ought to have referred the
trial under Section XXII Regulation VII
of 1802 which prescribes the reference
of all trials in which the Judge of Circuit
may dissent from the futwa,- and
sentence on the other prisoners should
have been suspended as when the
case of one prisoner is referred that
of the others must be referred also.-

Ordered that extract from
these proceedings be forwarded to the
late 2nd Judge of Circuit in the Centre
Division desiring him to submit
with

8th July 1830.

of Sreeperoomadoor in the Zillah of Chin-
glepút moves the Court to return the
enclosures in his Miscellaneous Petition
№ 20 of 1830.

Ordered accordingly.-

Chavaly Veerunnah of the
Zillah of Guntoor moves the Court to
return the Original petition № 24 of 1830
presented by him.-

Ordered accordingly.-

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however passed sentence on only three
of the prisoners and has recommended
that the punishment of the 2nd may be
mitigated

F. U.
8th July 1830.

mitigated.-

From the letter of the Circuit
Judge now under consideration it
does not appear that there are any
particular circumstances of alleviation
in favor of the 2nd prisoner. The insuf-
ficiency of the evidence against him
alone is noticed and it is thence to be
inferred that the Circuit Judge did
not concur in the Law officers second
Futwa of conviction against that
prisoner in particular.-

In such a case of non-
concurrence in the Futwa- the Circuit
Judge ought to have referred the
trial under Section XXII Regulation VII
of 1802 which prescribes the reference
of all trials in which the Judge of Circuit
may dissent from the Futwa,- and
Sentence on the other prisoners should
have been suspended as when the
case of one prisoner is referred that
of the others must be referred also.-

Ordered that extract from
these proceedings be forwarded to the
late 2nd Judge of Circuit in the Centre
Division desiring him to submit
with

8th July 1830

with as little delay as possible the Record of the Trial in case No 4 of the Cudapah Calendar for the first Sessions of 1830; and meanwhile to suspend the sentence passed on the 1st 2nd and 4th prisoners.-

(Sent following Precept No 192)

Read petition presented by Narrainsamy Moodely of the Zillah of Chittoor, praying that this Court will issue an order for the restitution of him of certain property of which he furnishes a list, said to lie in the Custody of the Criminal Court at Chittoor, and which he states is part of property to the amount of Rs 3000 stolen from him, which theft was made the subject of a trial in the Criminal Court.-

(Here enter F. M. Miscellaneous No 29 of 1830)

The Court do not consider it necessary to interfere in this matter. The trial for the theft was conducted before the Criminal Court, and the Acting Judge, pending the examination, considering the persons by whom the charge was made and suspected to lie guilty of conspiracy and perjury, committed

8th July 1830.

committed them for trial before the Court of Circuit,- by which Court it was tried as No 1 of the Chittoor Supplemental Calendar for the third Quarterly Sessions of 1829 and referred to this Court.- This last is the only case in which this Court tried the Petitioner, and they have nothing whatever to do with the disposal of the property in question.-

They therefore reject the prayer of the petition, but direct that the acting Criminal Judge of Chittoor be instructed by precept to issue orders for the restitution of the property in question to the owner of it.-

(Sent following Precept No

Read return dated the 27th ultimo, from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated the 22nd of March last directing that the Magistrates do furnish translations of the Statement of crimes and punishments to each of the Heads of District Police.-

(Here enter No 306.)

Read

8th July 1838.

Read return dated the 6th Instant, from the late 2nd Judge late on Circuit in the Centre Division, to this Court's precept of 1st April 1838 forwarding the missing Returns in Nos 3 and 17 of Bellary Calendar 1st Sessions 1838 and affording explanation on some points noticed by this Court in said Calendar.

(Here enter No 384.)

Read return dated the 24th Ultimo, from the Judges of the Provincial Court of Circuit in the Northern Division to this Court's precept of the 3rd of May 1838 stating that copies of the extract of proceedings which accompanied it relative to death warrants and the final sentences to be communicated to convicts, have been furnished to the several Criminal and Joint Criminal Judges in the division.

(Here enter No 385.)

Read return dated the 2nd Instant, from the 3rd Judge on Circuit in the Northern Division, to this Court's precept of 7th June 1838 stating that the 3rd Judge has furnished copies of his remarks regarding the conduct of his police in some cases in the Calendar

5 F. U.
8th July, 1838

Calendar at the last Session, to the Magistrate of Rajahmundry.

(Here enter No 387.)

Read letter dated the 17th Instant, from the Provincial Court of Circuit in the Centre Division, transmitting copy of a return from the Criminal Judge of Bellary forwarding certain proceedings stated by this Court to require revision for the ultimate decision of the Collective Court of Circuit.

(Here enter No 388.)

Read letter dated the 25th Ultimo, from the 2nd Judge of Circuit in the Centre Division, transmitting copy of acting Criminal Judge's explanation of the circumstance referred to in the 7th para of this Court's proceedings of 20th May last.

(Here enter No 389.)

Read letter dated the 29th Ultimo, from the Judges of the Provincial Court of Circuit in the Southern Division, forwarding copies of the returns received from the different authorities in the division regarding

8th July 1830.

regarding the Criminal Reports for the month of March last.-

(Here enter No. 363.)

Read letter dated the 6th ultimo from the 2nd Judge on Circuit in the Northern Division, stating his intention of starting for Masulipatam.-

(Here enter No. 331.)

Read letter dated the 29th ultimo, from the Acting Judge of Circuit in the Centre Division, submitting the Calendars for the 2nd Quarterly Sessions of 1830.-

2H

20.

(Here enter No. 376.)

Read letter dated 26th Ultimo, from the late 2d. Judge on Circuit in the Centre Division transmitting Chingleput regular and Supplemental Calendar 1st Sessions of 1830.-

GM

(Here enter No. 355.)

Read letter dated 25th Ultimo from the Judges of the Provincial Court in the Southern Division, forwarding copy of a letter from the Criminal Judge of Madura reporting that an unsuccessful attempt had been made by a party of 55 prisoners to escape and that in the conflict between them and the Peons the whole of the Prisoners were wounded.-

(Here enter No. 364.)

E. W.

F. 11.

At a Court of the Foujdaree Adaulut.

Present,

Monday, 12th July, 1830. F. A. Grant Esqre. 1st Puisne Judge.
William Oliver Esqre. 2nd Puisne Judge.
C. M. Lushington Esqre. 3rd Puisne Judge.

2H

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Read letter, dated the 24th August last, from the 1st Judge of Circuit in the Western Division,- submitting his report on the 1st Sessions of 1829.-

(Here enter No. 353 of 1829.)

Also read letter, dated the 31st August last, from the 2nd Judge of Circuit in the Western Division,- submitting his report on the jail delivery at Tellicherry at the 1st Quarterly Sessions of 1829, and on the jail delivery at Calicut in the 2nd Sessions of 1829.-

(Here enter No. 354 of 1829.)

Read also letter, dated the 28th September last, from the 3rd Judge of Circuit in the Western Division,- submitting his report on the jail-delivery at Tellicherry at the 3rd Quarterly Sessions of 1829.-

(Here enter No. 1006 of 1829.)

The report which Mr. Newnham the first Judge in the Western Division, has

Besides

has submitted on his Circuit during the first half yearly Sessions of 1829 has swelled into a volume of 250 pages. The Court regret that this zealous officer has not paid more regard to their repeated exhortations to brevity in his public communications, the loose prolixity of which so materially detracts from their merit.—

2. In the trials in Malabar recited at the commencement of Mr Strahan's report, the Judges lament to observe numerous false and malicious accusations to which he remarks "the inhabitants of Malabar are prone to resort for purposes of revengefulness" he mentions one case (No 22) in which seven persons were tried for a murder, which proved to be a mere fiction. After a long trial, he "hastened to release those who had "so long confined, and sent those who had "caused their confinement to jail, to be tried "for a conspiracy against the lives of the "accused" an endeavour to commit murder "through the agency of the law" which he justly stigmatizes as a crime of "horrid "malignity and extraordinary audacity." Another (No 32) was a case in which the widow of a deceased Seer and her brother had been unsuccessfully prosecuted in

in the Civil Court for the property of the deceased, by his nephew, who claimed under the law of succession existing on the other coast. and who retaliated on those whom he had in vain attempted to rob of their property, by means of the Civil Court, by endeavouring to make the Criminal tribunals the tools of his vengeance. falsely accusing them of murdering the deceased. A third (No 3) was an alleged burglary to the extent of Rupees 80,000, but proved a mere fiction, arising from a quarrel as to the succession between the sons and nephews of a deceased Moplia of the Mahomedan creed; the latter adopting the Hindoo law of succession peculiar to the other Coast, exclusively in favor of the nephews, very generally followed by the Mussulmans of Arabian descent there, but one or more of the sons of the deceased adhering to the more orthodox and natural succession in favor of their children. With reference to these cases the Judges solicit the attention of Government to their proceedings of the 23rd July last, submitting draft of an enactment to check false and malicious accusations.

M.

Ord. 12th July 1830

3. Mr. Newnham remarks that the Criminal prosecutions occasioned by disputed successions in Malabar subject the Police to receive too easily charges of this description, instead of referring the party to the Civil remedy provided in Section XVI Regulation III 1802. Ordered that the Provincial Court in the Western Division do call the attention of the Magistrate to this point, in order that he may issue instructions respecting it to the police under him, - to repress their interference in such cases - By causing such complaints to be referred directly to the European Magistracy, and refraining from interference except when absolutely necessary to repress violence or to keep the peace, this mischief may be materially checked -

4. Paras 58 to 59 of Mr. Newnham's report and the enclosures No 1 to 4 refer to the complaint of a Native subject of the British Government in Malabar against the Cochin Government, for having forcibly carried off 105 head of cattle belonging to him, from what is certified by the Magistracy to be within the Company's limits, though objected

F. C. 12th July 1830.

objected by the Cochin Government to be within theirs - he also expresses an apprehension that two slaves, who accompanied them, are slain - The Judges conclude that steps will be taken by Government to maintain the respect due by the dependant state to the Company's authority, by the restoration of all that was taken away, if the spot in question prove to be within the British limits, and that the most diligent enquiries will be instituted as to the fate of the two slaves -

5 In Para 90 to 111 inclusive of his report Mr. Newnham enters into a discussion connected with this Court's proceedings under date the 2th July last, already before the Government, distinguishing suspicion sufficient to justify the demand of security from strong presumption sufficient for conviction, and he refers to three cases in Canara, in which he is of opinion that the parties instead of being released on security should have been committed for trial -

6. Mr. Newnham in this part of

Desires

of his report, appears to desire a better definition of the limits at which, what this Court have termed "suspicion sufficient "to justify the demand of security," may attain that growth and strength to constitute "strong presumption sufficient "for conviction." It is very difficult to lay down any general rule on this point, to meet the varying circumstances of every particular case - In their Circular Order of the 25th February 1829, the Judges particularly pointed out that a single eye witness, or a single prosecutor, is "sufficient for committal" and ongoing after further corroborative evidence, of some kind or other, which, unless rebutted in the defence they stated would justify conviction - In their subsequent orders of the 25th July, they by no means retracted those instructions, but merely stated that where the evidence obtained might fall below this standard, and amount to mere suspicion, in cases where further evidence may be forthcoming, the committal should be deferred until it is obtained, the party being mean time held to security. This order by

no means justifies the holding to bail or security persons accused of offences not bailable by law as seems inferred by Mr. Newnham when proof sufficient for committal exists, but only when the proof against the accused is so weak as to fall below the above standard, - and therefore is insufficient not only for conviction but to justify committal for trial. -

7. In a subsequent part of his report (para 163) Mr. Newnham, resuming this subject, observes that if an accused person held to security "strongly professes a desire to stand his trial, in order to clear himself from such an attaint, such a prayer should in equity be generally granted." As a general rule this seems to be unobjectionable, but it admits of many exceptions; for a trial may be properly refused, or deferred, when circumstances shew material evidence to be forthcoming, which may be temporarily, unattainable, or purposely withheld. -

8. Of the three cases in Canara, in which Mr. Newnham thinks

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thinks that the accused ought not to have been released on security, the first according to his report of it, is one of great and daring atrocity; and certainly the evidence before the Criminal Judge would seem to have been such as to warrant their commitment for trial. It appears, however, that the case was referred for the opinion of the Collective Court, who in their construction of the precept of the Tanjore Udalut above mentioned, considered the evidence insufficient for the commitment of the prisoners, and directed that further evidence should be sought for. On reference to the Canara Calendars subsequently received it does not appear that these men have been committed for trial, and as the Court see reason to doubt the correctness of the view taken of this case by the Collective Court of Circuit they resolve, under Section XXV, Regulation X, of 1816, to call for the whole of the proceedings.

Ordered that extract

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of these proceedings be sent to the Provincial Court of Circuit in the Western Division by precept returnable without delay.-

Sent following precept No 1947

9. With reference to para 112 of Mr. Newnham's report, it is ordered that the Criminal Judge in Canara be instructed invariably to give up the best room in the Court house for the accommodation of the Judge of Circuit, himself occupying a secondary apartment, during the sitting of the higher tribunal.-

10. Mr. Newnham observes that, of 88 cases of gang robbery in Canara, punishment has been the lot of part of 4 gangs, but "impunity hitherto and enjoyment of the spoil "the lot of 84- The contrast in Malabar "is great: there these robberies are "few, and few of the perpetrators "have escaped." The Judges resolve, through the Provincial Court in the Western Division, to call the particular attention of the Magistrate in Canara to this most important subject- and to desire that he will report

Decisions

report thereon, in forwarding his next half yearly returns.-

11. Before the appointment of the present Magistrate, it had become a practice in Canara for the Magistracy to authorize the Native Police under them to require certain suspected persons to confine themselves to particular limits, or spots, especially at night, so as to be more immediately under the surveillance of the police.- "A measure" says "Mr. Newnham that if it could "be legalized by its popularity" "enjoyed "that support in a great degree."- On reference of the principal case to this Court, the Judges were obliged to declare that the Magistracy must either release, or confine, such persons; and were not authorized by law to place them under such partial restraint- But there can be no doubt that such restraint is more mild, than actual confinement; and if it were secured from abuse, and placed under due control, by means similar to those adopted, for the same purposes, in regard to persons now confined in default of security, the Judges incline to think that

that it would be as effectual in a police point of view, whilst the parties placed under such restraint would be no longer subject to the contamination of a jail, and would be able to enjoy the produce of their own labour.-

12. Mr. Newnham remarks that "drunkenness appears to be a com- "mon vice in Malabar and Canara, "owing to the comparatively great "cheapness of arrack and toddy." The Judges are of opinion that the attention of the revenue authorities should be called to this point. There can be no doubt that, by the authorized sale of these liquors under the British rule, this vice has very much increased, throughout our territories; nor is it perhaps now possible to reduce the sale of them, as under the native governments- But the tax on these articles can always be raised, to such a standard as to render the vice expensive, and not easily within command of the lower classes; an object highly important in every country, for the repression of crime in general.-

13. It is stated that many respectable persons in Canara complained to the Circuit Judge

of

Assistant

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13. It is stated that many respectable persons in Canara complained to the Circuit Judge

of

of the establishment of a new tax under the name of "Kanuck" added to the shop tax. Mr Newnham very properly referred them to the institution of a civil suit, if they disputed the legality of this demand; but the Government may possibly deem the subject to deserve inquiry in the revenue Department.

14. From para 186 to 190 of his report, Mr Newnham dwells on the condition of the slaves in Malabar, to which the Judges alluded in their proceedings of the 20th July last, wherein they submitted for the consideration of the Right Honorable the Governor in Council, whether the future progeny of the slaves might not be declared free.

15. The number of enslaved peasants "after excluding domestic slaves" is according to Mr Newnham 160 or 170 thousand in the Western Division; and in Malabar alone about 100 thousand, or a tenth of the whole population. He expresses a natural repugnance "at a demand made in a civil suit of 20 Moola Munishers value 50 Pagodas, without

"without individual specification" "immediately followed by a like sum "many demand for brute animals" and at the "practice of thus suing without "name or individual description for "so many sentient creatures of God" he objects to this degraded race being confounded by name with the "Dhers" or Paniars, many of whom are free, or at least only ostensible" and "reputed" not actual slaves. he remarks that the slaves are not like cattle, exempted from distraint in certain cases, and states the Magistracy in Canara to have informed him that "the Courts in Canara "daily put up slaves for sale, as they "would any other moveable property" and that even men who are free occasionally dispose of their liberty by crying out to the purchaser "I am thy slave for ever". He questions the legality of such a proceeding, urges that it never could be the intention of the Regulations, especially those for the protection of the under cultivators and ryots that there should be "one of every nine inhabitants "of

"of the land whose lot was not ameliorated, nor intended
"to be ameliorated, nor could be ameliorated
"by the philanthropy of that mode of
"legislation?" and he finally adds "If the
"assertion of the Magistrate about the
"sale of slaves, like other personal property,
"by the officers of justice, in execution of
"decrees of Court, be altogether true, it would
"be time to drop the style of language by
"which slavery is still in this the thirtieth
"year of the British rule over Canara,
"and thirty eighth year of the rule over
"Malabar stated to be only tolerated: for
"every sale thus publicly made under
"the warrants of the Courts of law, or
"any distress made of the same article for
"arrears of revenue, or transfer of slaves
"by process of the Magistracy, or constructive
"grant of them by revenue authorities
"when they grant to old servants or others
"the ground on which the regardant
"villains live, or exercise of power
"over slaves during an Amanee manage-
"ment of attached estates, may be accounted
"an overt act, in public confirmation
"of the practice." Mr Newnham, in this
part of his report, branches out into
a devious line of reasoning, which it
is not easy to follow, and to comment
on

which would extend these proceedings
beyond all moderate limits.

16. The Judges concur in opinion
with Mr Newnham that when slaves
become the subject of public proceedings,
they ought never, in name, to be confounded,
by the Judicial tribunals, with the Others,
or other free classes of the people, but
should invariably be distinguished
by the native term equivalent to
"slave;" and that when sued for, each
should be distinguished by his particular
name, and the specific sum at which
the owner values him, under penalty
of non suit. But under the orders
conveyed in the 5th para of the Minutes
of Council of the 27th October 1829, the
Court abstain from any remark on
the general subject of slavery in
Malabar as the Government have
stated their intention to wait for
orders from England, before they
disturb "the existing state of things
"in Malabar."

17. Mr Newnham closes his
report by noticing the indigent and
distressed state of the Native Christians
on the Western Coast, who are chiefly
of the Roman Catholic persuasion,

and

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and form a considerable portion of the community there.- The ignorance and debased morality unhappily prevalent amongst them is evinced by several having come before him for trial,- and the Judges are of opinion that the improvement of their moral instruction, the gradual repair of their churches, and the restoration and due support of a respectable clergy amongst them, are objects highly deserving of encouragement by a liberal Government, who have ever evinced an interest in the moral improvement of their subjects, without particular regard to their religious creed.-

18. Mr Vaughan refers to a former report of his to Government, which never was before this Court, on the subject of the knife usually worn by the inhabitants of Malabar, and of the supply of coolies for troops marching. The Judges regret to observe that he considers the latest orders of Government on this important subject to be a mere "dead letter" as they "throw out strong hints that, if villagers "will not voluntarily come forward, "they will be made to do so." It will ever be difficult to reconcile the due supply of

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of the troops with the comfort and free labour of the people,- and until the supply of the Native troops is conducted by the Commissariat, on a footing similar to that under which they supply the European troops, the Judges fear that these two great public objects will never be found entirely compatible with each other.-

19. Mr Vaughan justly remarks that a greater control should be given to the police over the desertion or misconduct of servants under Europeans, and to enforce the due performance of engagements on the part of those petty traders who supply the daily wants of Europeans, and whose misconduct often, in emergency, exposes them to serious inconvenience.-

20. The sentiments of the Judges on the subject discussed in the 24th para of Mr Vaughan's report were submitted to Government on the 13th July 1829.-

21. The difficulty of ensuring lenience to sick persons proceeding to the Neilgherry Hills is mentioned by Mr Vaughan, who suggests the employment of a detachment from the

Besides

the dooly carpt for this purpose.—

22. Mr Vaughan mentions that any woman of the Nair cast, though generally permitted to go abroad unveiled, intirely loses her cast by appearing publicly in any Court of justice—where a European presides, and adds the lamentable fact that respectable females of this description have been compelled to appear before our Courts, which inevitably outcasts them; and, to as great a certainty, as if the female had been detected in holding improper intercourse with a man of inferior cast." he mentions instances of our civil tribunals interfering to reinstate them as regards public ceremonies—but that they have never succeeded in restoring them to the highly prized privileges of society or to the endearing intercourse of private life.—

23. On the 5th October 1829, the Government remarked that "with regard to the appearance of females in Courts of justice, "the Governor in Council does not look "upon it as a point to be determined by "the texts of law writers but by the judge- "ment and feelings of society as evinced in

"in the usages of any particular part of "the country—To distrub such usages "and do violence to the feelings on which "they are founded would be unjustifiable, "whatever the opinions of text writers "on the abstract question may be, and "it can seldom, if ever, happen that "any amelioration of the customs of a "country can atone for an outrage on "public feeling and moral principle."—

24. The Judges entirely concur with these sentiments, which they direct to be circulated to the 4 Provincial Courts for the guidance of the tribunals under them— In Malabar, they desire that the succedaneum suggested by Mr Vaughan, to obviate the evil above noticed may be adopted— "It is to adjourn "the Court to some unobjectionable "place, viz: to the house of a respectable "Nair, the porch of a Pagoda, or Chaultry "within the precints of some sacred "ground &c. when although the Court "of justice is presided at by a European, "all prejudices and objections vanish."—

25. Mr Shakespeare, the third Judge in the Western Division, in his report on the third quarterly Sessions for 1829, recommends that the

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that the Criminal Courts should affix in a conspicuous part of the Court House, a list of all persons confined in default of security to which they may have been held, specifying their names place of abode, amount of security demanded, and term of imprisonment awarded in default thereof - Such list to be renewed at the expiration of each jail delivery - The Judges approve of this suggestion and direct that orders be issued to the four Provincial Courts to give effect to the same. -

Ordered that extract of paras 22, 23, 24 and 25 of these proceedings be sent to the four Provincial Courts of Circuit directing them to circulate the same for the guidance of the tribunals under them, by precept returnable without delay. -

(Sent following Precept No 198)

26. In reference to the 25th para of Mr Shakespeare's report, the Judges remark that the Saint Magistrate did not decline to give the information requested - but only respectfully submitted, for the consideration of the Circuit Judge, whether it would not be an objectionable precedent for him to take cognizance of what occurred

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12th July 1880. occurred long antecedent to the Sessions which he was then holding - The Judges are of opinion that complaints against any act of the Magistracy should be made to the Judge holding the Sessions next after the act complained of - They do not intend to prohibit a Judge holding a subsequent Sessions from interfering therein, but are of opinion that he should abstain from doing so in general, except on satisfactory cause being shown for the delay, in not sooner making the complaint. -

Ordered that extract of these proceedings (from para 9 to 25 and para 26) be sent to the Provincial Court of Circuit in the Western Division for their information. -

(Sent following letter No 199)

Ordered also that copies of the reports, together with extract of these proceedings be sent to the Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council. -

(Sent following letter No 200)

Read letter dated the 29th ultimo from the 2nd Judge of the Provincial Court of Circuit in the Northern Division, submitting

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submitting copy of the Masulipatam Calendar for the 2nd Quarterly Sessions of 1830.-

(Recorder's No. 374)

No. 2.
Government
Versus
Goorgoo Narsegoon.

The Robbery in this case was committed in the Nizam's Territory, but it is not stated whether under the provisions of Regulation II of 1829 the requisite authority for the trial of the prisoner was obtained from the Right Honorable the Governor in Council.-

2. Besides, so far as can be collected from the Calendar it does not appear that there was any evidence to prove the actual commission of the Robbery with which the prisoner was charged- The Court therefore desire the 2nd Judge will refer this trial, and in the mean time direct that the sentence which he has passed on the prisoner be suspended.-

Ordered that extract from these proceedings be transmitted to the Judges of the Provincial Court of Circuit in the Northern Division by precept returnable without delay.-

(Sent following Precept No. 201.

Read Petition presented on the 1st of April last by Dwala Ramaah of the Zilla of Cuddapah.-

(Here enter Misc Pets. No. 21) This

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is a petition praying, for reasons detailed, that his son the prisoner in case No. 7 of the Cuddapah Calendar for the 2nd Sessions of 1829 may be released.-

Ordered that the Petitioner be informed that the Court have passed a sentence of acquittal in the case in question and have directed that his son be set at liberty.-

Ordered further that a copy of these proceedings be furnished to the Petitioner on his application.-

Read letter from the Secretary to Government in the Judicial Department dated the 22nd December last, forwarding copies of paras 34 and 61 from the Judicial dispatch from England, of the 5th May 1830.

(Here enter No. 1 of 1830)

1. The Court direct that the four Provincial Courts of Circuit be by precept required to issue orders to the several officers under them in charge of jails, to make an immediate special report in every case when, from too great an accumulation of prisoners, or any unusual mortality amongst the prisoners confined, the jails become more crowded than usual, or unhealthy, in order that no

no time may be lost in making suitable arrangements for the accommodation of the additional prisoners confined, or for the improved salubrity of the jail.—

2. In the 8th Paragraph of the General letter from England above mentioned the Court are called upon to explain their apparent neglect in not bringing sooner to the notice of Government the mortality which occurred in the jail at Salem in the years 1825 and 1826. The mortality commenced in July 1825. The report of casualties in the Quarter ending on the 30th September 1825 was received from the Provincial Court for the Southern Division on the 26th December following; and on the 7th January was received the report of the 3rd Judge of Circuit dated the 3rd January 1826. The remark in the 12th Paragraph that on the 31st October there were only 11 individuals on the sick list led to the belief that the mortality had greatly abated, if it had not ceased altogether; for although in the preceding Paragraph, the Circuit Judge observed that he apprehended it would shortly be found expedient to relieve the jail at Salem by the removal of a portion of the prisoners, this

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observation was understood to refer, not to the continuance of the mortality, but to the probability that the jail would soon become overcrowded. The report of casualties in the Quarter ending on the 31st December 1825 was received on the 6th March 1826, and showed that in the months of November and December only 11 deaths had taken place, the great mortality in that Quarter having occurred in the month of October, which was included in the period to which the report of the 3rd Judge of Circuit referred. Under these circumstances it certainly did not appear to the Court to be necessary to bring the subject to the immediate notice of the Government. Finding, however, from the report of the acting Judge on Circuit dated the 30th June and received on the 7th July 1826 that the mortality had again broken out with increased violence, - 70 deaths having occurred since the preceding jail delivery, - the Court resolved to bring the matter to the

consideration

consideration of Government, and the special report dated the 5th August was accordingly prepared and submitted. The Court trust that the foregoing explanation will be considered satisfactory.

3. In the 6th paragraph of the same letter the Honorable Court refer to the cases of two heads of villages in the Bellary District who were convicted of robbery in the year 1825, and the forfeiture of whose Inams was declared by the Government under date the 14th February 1826. The Honorable Court express their opinion that, if the lands in question are now long usage become a sort of hereditary private property, the family of the offender should not be deprived of them, and the Government refer the subject for the consideration and report of this Court.

4 It appears to the Court that the restoration of the Inams to the families of the two convicts in question would be a measure of dangerous policy. The crimes of which these men were convicted were attended by circumstances of a very aggravating nature; and the extent of their influence, even after they had been taken into custody, was manifested by their rescuing the Peons, in whose charge they had been placed by the Assistant Magistrate, to take them to a village out of the direct road to the Court, when they grossly insulted the witnesses who had been the chief instruments of their detection. There can hardly be a doubt that they derived a great part of this influence from the prevailing impression that, whatever might be their fate individually, the means of revenge would still be left in the hands of their families, and the example afforded by the forfeiture of their Inams was calculated not only to deter others holding similar situations from engaging in the commission of crimes, which it is their special duty to suppress, but, what seems of equal importance, to remove the apprehension which there is too much reason to believe the inferior agents of Police as well as others entertain of the danger to which they are exposed by assisting in the detection of criminals of this description.

It

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It is also well known to the Government that official Inams of this description in the Ceded Districts are not to be confounded with private property. They are in fact alienations of the Government revenues granted, in lieu of wages, to the support of the servants of the State. They are enjoyed by united Hindoo families in common, the members of them performing the service in turn; and it is well understood that the misconduct of the incumbent, acting on behalf of the whole, involves the forfeiture of the grant. Indeed were the incumbent alone removed, the Government would be unable to maintain the efficiency of their public establishments, which would soon fall into corrupt and incompetent hands, for where the head of the family is corrupted, there can be little doubt that the corruption extends to the subordinate branches of it over whom he exercises an hereditary influence.

Ordered that extract of para 1st of these proceedings be transmitted by precept to the four Provincial Courts requiring conformity thereto; return to be made within one week from

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from the receipt of the precept.

Sent following Precept No. 202

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

(Sent following letter No. 203

Read letter from the Magistrate in the Zilla of Tanjore, forwarding a petition from certain Mercadidars in the Mayaveram division, and correspondence between the 1st Judge on Circuit in the Southern Division, the Joint Magistrate of Tanjore, and himself, relative to the inexpediency of releasing, on the security given by the Tanjorees Udalut, a prisoner named Coolan or Coolapadayatchy.

(Here enter No. 205)

The first and most material question, which is raised by the reference from the Magistrate of Tanjore is whether the specific charge against a prisoner having been disposed of in the ordinary course, the Courts are legally competent, under any circumstances, to revise the sentence.

Decided

sentence; and to modify, against him, the conditions upon which he has been pronounced intitled to his liberty.

It is clear to the Court that they are not competent to modify a sentence formally pronounced, whether by themselves or by their predecessors. Even if they had condemned a man, of whose guilt upon circumstances afterwards discovered they had reason to doubt, they could not amend the sentence. - All that they could do would be to apply to Government for a pardon to the prisoner. And as they cannot modify a sentence in favor of a prisoner, they certainly cannot modify it against him. -

If as is stated in the petition forwarded by the Magistrate the prisoner referred to is a notorious robber, it will of course be proper that his conduct after his release should be narrowly watched by the Police; but for the reasons above stated the Court cannot manufacture his discharge on his finding the security required, or on the

expiration of the period limited by the sentence. -

Under these circumstances it is unnecessary to inquire whether the petition forwarded by the Magistrate would justify the Court in altering their sentence to the prejudice of the prisoner, but the Court are persuaded that the Magistrate on reflection will himself see the extreme danger of allowing the people to suppose that representations of this sort can have any effect in influencing the judgment of a Court of final jurisdiction. It is not admissible as evidence, and it is only upon evidence adduced on the trial that a Judge on Circuit or the Court of Enquiry [illegible] can exercise the powers vested in them by Clause second Section X Regulation VII of 1827. -

The Court do not attach any blame to the Magistrate for transmitting the petition to them. His view of the case, and the circumstances under which it was brought to his notice fully justify him in the course which he has pursued. -

Ordered that extract of these proceedings be sent for the information

Messrs

information of the Magistrate of Tanjore—

(Sent following letter No 204.
The Third Puisne Judge,
dissenting from this decision, records
the grounds of his dissent in the following
Minute—

1

It is with the greatest re-
-gret that I feel myself compelled
to enter my unqualified dissent to
the proceedings of this Court, in directing
the release of Cootun Pudiachee— and
should my Colleagues adhere to their
opinion on this subject, I beg my dissent
to that measure may be recorded—

2

I have read with the greatest
attention the trial in question, together
with all the proceedings connected with
the case— It is not now my province
to declare upon the guilt or innocence
of the parties accused— suffice it to
observe that their non conviction
was declared by a competent Court—

3.

The Prisoners were condi-
-tionally directed to be released on
finding 2 Sureties for 50 Rupees each—
But they been so released I of course
could have had nothing to do with—

the

No 10 1st Sessions Combaconum 1829

12th July 1830.

the case— but in consequence of a
further reference from the Magistrate
of Tanjore, I am now called upon to
give my opinion as to the course to be
adopted, in consequence of a Petition from
the Inhabitants of Tanjore, praying,
that the Prisoner in question may
not be released till he finds more
adequate security—

Cootun Pudiachee

The Tanjorees Natives are well
aware that of late years there daring gang
Robberies by Torch light attended with
torture have been most frequent both
in Tanjore and Trichinopoly— In both
these districts the crimes are generally
organized by Heads of Gangs, who usually
keep out of the robberies themselves, but
who plan the robbery originally, and
subsequently dispose of the plundered
property— It is notorious in both these
districts that Cootun Pudiachy is one of
these Heads, and this will account to
the Tanjorees Natives for the petition
now sent, as well as the fears expressed
at the prospect of his release— It is
certainly very much to be regretted
that the proof against this individual
and his gang was deemed insufficient.

for

Dessais

12th July 1830.

for most assuredly some example both in Tricheinopoly and Tanjore is absolutely requisite.-

I am of opinion that the petition from the body of the people and the opinion of the Magistrate has considerably changed the features of this case, I mean so far as relates to the expediency of releasing the Prisoners.- If not it follows that neither the opinion of the Magistrate, nor the voice of the people are of any avail? but with the greatest deference for the opinions of my Colleagues I would say, that in releasing such men as the one complained against- They individually incur a most fearful responsibility and absolutely endanger the tranquillity of the province- I know by experience, the great mischief such ill timed as lenity produces, and I protest against the measure not only as unjust to the Magistrate and inhabitants of Tanjore, but I protest against the measure also, as one positively calculated to encourage crime.-

22nd June 1830.

The First Puisne Judge

records

12th July 1830.

records the following minute.-

Case No 10 of the Combaconum Calendar having been disposed of in the regular course of Judicial Proceedings, it appears to me that the revival of any discussion upon the subject of it, is both improper and unavailing: and I hope the 3rd Judge will excuse me for asking him, upon what Principle he has considered it to be his duty to advert, in Terms of dissent, to the issue of a Trial at the deliberation upon which he was not present and could, therefore, have taken no part in the sentence pronounced upon it by a Competent Court? That sentence was formally passed after the most deliberate and mature consideration of all the circumstances brought to the notice of the Court: and the Evidence for the Prosecution, though it might be considered to attach suspicion to the Prisoner Coeten, was held by the Judges, and, in my opinion, very properly to be insufficient to convict him of the crime with which he stood charged! The 3rd Judge would seem however, to think otherwise:

but

Besides

12th July 1830.

but his interference is now too late, and the whole tenor of his Minute, in that respect, is therefore clearly gratuitous! That gang Robberies occur frequently in the Talooks of Tanjore, and Trichinopoly may possibly be very true; and the prevalence of such excesses is certainly an Evil which is greatly to be deplored: but I am at the same time unable to discover, that any Evidence has been under the review of this Court, which could legally or satisfactorily establish the fact, that Coolen was Personally concerned in the commission of those Atrocities! As to the voice of the People, and the apprehensions of the Magistrate, there are no doubt circumstances which ought, and will I hope, induce an encreased degree of vigilance and activity on the part of the Police: but surely they can never be allowed, upon any just Principle of construction, to have any influence whatever in establishing the Guilt of a Prisoner! This is certainly a Doctrine to which I never can subscribe, whatever be the nature of the Responsibility I shall incur by disavowing it. The Court in

12th July 1830.

in the exercise of the discretion with which it is invested, ordered the prisoner Coolen to be released on security; and, in my opinion, upon grounds both just and legal: and having done so, I apprehend that we have not the power, even if it were expedient, either to annul or modify that Sentence! This is, indeed, the only Question before the Court, and to which alone the 3rd Judge was required to give his attention. Upon this point however, the 3rd Judge has wholly abstained from giving any opinion, while he has virtually arraigned the opinions recorded by the 1st and 2nd Judges! This is the more to be regretted, as the 3rd Judge might possibly be able to suggest some alternative, which could be legally adopted, with a view to avert the evil Consequences he apprehends from the Resolution of the Court as it now stands: and even now, I hope he will either do so, or withdraw his Minute.-

2nd July 1830.

The Third Judge replies in the following Minute:-

The First Judge must have read my dissent to the release of Coolen Pudiachy with very little attention

Deliv

attention, or he would have discovered that I did not advert to the issue of the Trial, inasmuch as I distinctly stated, in referring to the case itself "It is not now my province to declare "upon the guilt or innocence of the parties "accused." and to prevent the possibility of any mistake on this subject I raised at the suggestion of the 2nd Judge the passage which even referred to the result of that Trial. I distinctly confined my dissent to the release of the 1st prisoner to the subsequent proceedings held in the case namely to the letter of the Magistrate of Tanjore and the Petition of the people.

Vide para 3. underlined.

Called upon however as I now am to avow upon what principle I have thought it my duty to dissent, I have not the slightest hesitation in saying, that after an attentive perusal of the trial in question, I entirely concur with the presiding Judge and the Law Officers of both Courts in thinking the 1st Prisoner guilty. I state this merely because I am called upon to justify my dissent to his release.

It would appear from the Doctrine laid down, that even if the

the Tanjore Court itself were convinced of erroneous judgment, its infallibility must not be impugned, and that no revision of its Sentence, or reconsideration of the case could be allowed, and that even when circumstances not in the knowledge of the Court at the time of trial are subsequently revealed previously to the release of the Prisoner, no attention whatever is to be given to them!! I, this Doctrine I entirely dissent and I am prepared with several cases to prove, that not only have criminals been tried twice for the same offence but that on the 2nd trial they have been executed. If such a power exists in England where the liberty of the subject is the ring basis of the constitution, surely a question of precautionary security may be raised here with the greatest possible advantage.

The case as I understand it is this. The Tanjore Court did not receive information that a man whom they have ordered to be released on a trifling security is a notorious robber, and they receive a Petition from the inhabitants of a District backed by the recommendation of the Magistracy

12th July 1830.

Magistracy praying, that a more adequate security may be taken from the offender

If Laws are framed for the welfare and security of society, I know no principle either of equity or justice upon which the prayer of such a Petition can be rejected. If Coten Padiachee be released, without farther security, he is released in defiance of the well founded fears of the Community, and in defiance of the precautions of the Magistracy. So far from agreeing with the 1st Judge, I not only think that the prayer of the Petition ought to be complied with and that moreover the Court have the power of doing so, but I also think that if the Court conceives itself restricted by the letter of the Regulations from granting redress, an application ought to be made to Government for leave to provide for the present case, and which, with all due deference he it stated is by no means an uncommon one.

With respect to the recommendation of the 1st Judge that I should withdraw my Minute I must beg leave to decline it.

3d July 1830.

the

F. 61.

12th July 1830.

The First and second Puisne Judges record the following Minutes.

2d page

I have read the 3d Judges Minute of this date with great pain. From the Spirit in which it is written I am satisfied that no good can possibly result from protracting the discussion, and I shall content myself with proposing that the answer be despatched to the Magistrate of Tanjore without farther delay.

1st page

Sentirely concur in these sentiments let the answer be despatched to the Magistrate forthwith.

3d July 1830.

The Third Puisne Judge on reading the above minutes, requires the papers connected with the case, and the trial alluded to, to be submitted for the consideration of the Chief Judge, who records the following Minute.

In this case, I am of opinion that the information from the Magistrate, and the petition from the Inhabitants of Myaveram came too late. It is to be regretted that, according to the Regulations, if Coten lee of a notoriously bad character, he was not so described in the original proceedings. The Court of Vaydaree must decide on the evidence

evidence before them and surely cannot alter their sentence on a mere clamour out of doors. If the objection of a certain number of people to a sentence of the highest tribunal could be endured in one case, it should in every other, and a cat of the lowest Rabble might complain of the acquittal of the Innocent or punishment of the Guilty- Coxton may have committed the crime laid to his charge and the petition against him may be true, but the evidence against him on the trial has been finally pronounced to be insufficient, and the present representation is new matter which should remain with the Magistrate as auxiliary ground for future decision in case the same person may be accused of another offence. If a man be convicted and after the trial he discovered to be innocent, he is released by the Government, but if he be acquitted and after the trial he discovered to be guilty, he is allowed to remain unmolested. Certainly, then, a punishment or demand of security once awarded by the highest Court cannot subsequently be increased. The trial

12th July 1830. of Coxton having been closed, and final sentence passed upon him, ground has been discovered to believe him to be of notoriously bad character, but as the regulations provide for such cases if brought to notice by the Magistrate or Criminal Judge in a proper time, no new enactment appears to me to be desirable.- S

9th July 1830. 24 25.

Read the trial № 9 of the Bellary Calendar for the second Sessions of 1829.-

(Here enter № 149 of 1830.)

1. The crime for which the prisoner stood indicted in this case was in fact the same as that for which two other prisoners were tried and acquitted in № 12 of the Bellary Calendar for the first Sessions of 1829.-

2. The Judges remark that in the first of these two cases- the prosecutor before the police stated that he did not know what sum of money the deceased took with him- but that he would be able to find it out from the accounts the deceased had left at home- Before the Criminal Court he says "by the account found among his

12th July 1830.

his baggage" it was 936 Rupees 6 Annas in value, he adds that the value of the money now in Court recovered on the first trial was Rupees 399.. 14 the amount not forth coming wants therefore be in value Rupees 536.. 8-, and accordingly in both indictments the value of the stolen property was stated to be Rupees 537- Before the Circuit Court he detailed the recovered money to the value of Rupees 399.. 14 to consist of Rupees 159.. 5 annas 25/2 doo dies and 60 Strony Pagodas.-

+ Criminal Court and Circuit Do.

3 In the present trial, the same prosecutor before the Criminal Court states that the 183 Pagodas found on the prisoner was the money stolen from the deceased- it is entered as of the value of Rupees 781-8- before the Circuit Court he says "I gave into the "hands of my brother 186 Pagodas"- he subsequently explains that "he took "with him 194 Pagodas, of which there "are now 183-11 Pagodas are wanting"

4 Before deciding on this latter case, the Court are desirous that further evidence should be taken as to the precise sum of money the deceased had in his possession at the time

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F. U.

12th July 1830.

of his murder- the number and value of each coin- and the sources whence this information is derived- If from the "account found among his baggage" that account should be produced- The Judges are surprized that in the same case, both the Circuit and Criminal Courts should have overlooked the inconsistency of charging different sums in the indictments as stolen- and of omitting from the former case the money recovered, as if it had not been part of the stolen property.-

5. It is also desirable that the words translated in the last trial "I gave into the hands of my brother" should be given in the original language; that the prosecutor should be desired to reconcile this, with his previous statement of his ignorance personally of the amount taken by the deceased- and with his subsequent statement that he took 194 Pagodas.-

Ordered that the additional Judge of Circuit be by precept directed to cause the Criminal Judge in the Zilla of Bellari to re-examine the prosecutor on the above points

and

and to take any further evidence which may be forthcoming on them in the presence of the prisoner allowing him to cross examine the witnesses and that he transmit the same to this Court without delay.-

(Sent following Precept № 202)

Read petition presented on the 17th Ultimo by Narraina Reddy of the Zillah of Chingleput.-

(Here enter Misc Petition № 26 of 1830)

The Petitioner appears to be the prosecutor in Case № 4 of the Chingleput Calendar for the 1st Sessions of 1830 wherein 8 persons are charged "with robbery and an attempt to kill," and he complains that the Judge who presided at the Sessions has upon insufficient grounds directed their release upon security.

2. Upon reference to the Chingleput Calendar submitted with the late 2nd Judge's letter of the 26th Ultimo, the Court are inclined to doubt the propriety of the sentence of acquittal passed in the above case, and they resolve therefore to call for an English translation of the trial.-

Ordered that extract from

these

proceedings be forwarded to the 1st late 2nd Judge of the Provincial Court of Circuit in the Centre Division desiring him to transmit with as little delay as possible an English translation of the Trial in Case № 4 of the Chingleput Calendar for the 1st Sessions of 1830.-

(Sent following letter № 227)

Ordered also that the above be communicated to the Petitioner.-

Rec'd

At a Court of the Tanjore Adalut—

Present

Thursday, 15th July 1830.

Francis Alexander Grant Esqre 1st Puisne Judge
William Oliver Esqre ——— 2nd Puisne Judge
Charles May Lushington Esqre 3rd Puisne Judge

Mr. Grant. and Mr. Oliver.

Read letter dated the 31st March last, from the 2nd Judge on Circuit in the Northern Division, with records of the trial in case No 3 of Nellore Calendar First Sessions 1830.—

(Here enter No 206.)

The First and Second Puisne Judges, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Examinal Law Officer and the Futwa of the Cazee ool Coozat and Mooftees of the Tanjore Adalut, are of opinion that the Prisoners

1st Ramjee Son of Luchmah
2nd Lutchmah Son of Bheemah
3rd Lutchmah Son of Luchmah
4th Chinna Ramjee Son of Bheemah
5th Banangadoo Son of Ramnah
and
6th Rajee Son of Dheemah

are not convicted on presumptive proof, or on the evidence of credible witnesses, or

July 1830.

or on their own confessions, notwithstanding the provisions of clause sixth

and acquitting them accordingly, they

under the provisions of clause sixth

Section II Regulation XV of 1803, direct

that the prisoners

1st Ramjee Son of Luckmah

2nd Lutchmah Son of Bheemah

3rd Lutchmah Son of Luckmah

4th Chuna Ramjee Son of Bheemah

5th Banaugadoo Son of Nunmah

and

6th Ramjee Son of Dhurmah

aforesaid be set at liberty.-

(Sent following letter No

Mr Oliver and Mr Lushington

Read letter dated the 27th March last from the First Judge on Circuit in the Southern Division transmitting for final sentence case No 4 of the Calendar of the Auxiliary Court of Timmerelly 1st Sessions of 1830.-

(Here enter No 192)

The Second and Third Judges having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Crown Law Officer and the Futwa of the Cazee cal Cozgat and Mooftees of the Zujdaree Adalut, confirm the said

13th July 1830.

said Futwa of the Cazee cal Cozgat and Mooftees aforesaid, and acquitting the prisoners

1st Mooken

and

2nd Vunnien

direct that they be set at liberty.-

(Sent following letter No

In disposing of some recent criminal trials, the Judges of the Zujdaree Adalut have been considerably embarrassed by the omission of more than one Circuit Judge to take the evidence of witnesses for the prosecution, whose testimony the Circuit Judge considered himself at liberty to dispense with, but whose evidence was deemed by the Zujdaree Adalut of material consequence to the trial. Where, on reference to the examinations before the lower tribunals, a witness is found entirely ignorant of the matter at issue in the trial, the witness should not be examined and the Criminal Court should be admonished of the impropriety of binding over such a witness to appear before the Court of Circuit.- But where, on reference to the depositions taken before

or on their own confessions, notwithstanding the futwah of their Law officers; and acquitting them accordingly, they, under the provisions of clause 1st Section II Regulation XV of 1803, direct that the prisoners

1st Ramjee Son of Luckmah
2nd Lutchmah Son of Bheemah
3rd Lutchmah Son of Luckmah
4th China Ramjee Son of Bheemah
5th Banangadoo Son of Nunmah
and
6th Ramjee Son of Dhurmah

aforesaid be set at liberty.-

(Sent following letter No.

Mr. Oliver and Mr. Lushington

Read letter dated the 27th March last from the First Judge on Circuit in the Southern Division transmitting for final sentence case No. 4 of the Calendar of the Auxiliary Court of Simmenelly 1st Sessions of 1830.-

(Here enter No. 192)

The Second and Third Puisne Judges having maturely considered the proceedings had 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

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

1st Mooken
and
2nd Tunnien

direct that they be set at liberty.-

(Sent following letter No.

In disposing of some recent criminal trials, the Judges of the Foujdaree Adalut have been considerably embarrassed by the omission of more than one Circuit Judge to take the evidence of witnesses for the prosecution, whose testimony the Circuit Judge considered himself at liberty to dispense with, but whose evidence was deemed by the Foujdaree Adalut of material consequence to the trial. Where, on reference to the examinations before the lower tribunals, a witness is found entirely ignorant of the matter at issue in the trial, the witness should not be examined and the Criminal Court should be admonished of the impropriety of binding over such a witness to appear before the Court of Circuit.- But where, on reference to the depositions before

15th July, 1830.

in the Southern Division who will
shortly there appear sufficient ground
call upon the Magistrate for his pro-
=ceedings and pass such orders thereon
as to him may appear necessary -

Ordered that the above
be communicated to the Petitioners -

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Tho[illegible]

Ed. W. S.

F. 11.

At a Court of the Foujdarree Adalut.

Present,

Monday, 19th July, 1830. Francis Alexander Grant Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge
Charles May Lushington Esqre 3rd Puisne Judge

24

25 All

Mr Grant and Mr Lushington

Read letter, dated the 6th March last, from the Second Judge late on Circuit in the Northern Division, with record of the trial in case No 1 Guntoor Calendar Second Sessions 1829.-

(Here enter No 205.)

The First 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 Coozat and Mooftees of the Foujdarree Adalut confirm such part of the said futwa of the Cazee ool Coozat and Mooftees aforesaid as acquits the prisoners

1st Baya Ramdoo

2nd Candoola Banliah

4th Sappagla Moottyaloo

and

5th Ganzoola alias Aula Soobiah,

but considering that strong suspicion, though not amounting to conviction attaches

15th July 1838.

before the Criminal Court or the police a witness appears capable of speaking to material facts, although other witnesses may have spoken to the same facts, his evidence ought never to be dispensed with; for the presiding Judge, or even the prisoner, by cross examination, may drawn from him matter highly corroborative of the evidence of the other witnesses, or such as may tend greatly to invalidate their testimony, much less should a Circuit Judge dispense with the examination of a witness, who before the Criminal Court or the police, has spoken to material facts, not deposed to by other forthcoming witnesses.-

2. The Court of Enquiry do not deem it proper to call the special attention of the Courts of Circuit to this subject.-

Ordered that extract from these proceedings be by precept sent to the four Provincial Courts requiring conformity thereto and communication of them to the Judges on Circuit.-

(Sent following Precepts &c

Ordered also that extract of

F. H.

15th July 1838.

of these proceedings be sent to the Secretary to Government in the Judicial Department agreeably to the orders of Government dated 9th March 1826.-

(Sent following letter &c

Read again Miscellaneous Petition presented on the 11th of March last by Canary Ammengar of the Gillah of Combaconum.-

(Here enter Misc. Petr. No. 15 of 1838.)

Also read again Miscellaneous Petition presented on the 19th of March last by Pareyanangum of the Gillah of Combaconum.-

(Here enter Misc. Petr. No. 19 of 1838.)

Read also return from the Provincial Court in the Southern Division to this Courts precept of the 8th of April last, calling upon the Magistrate of Tanjore for an explanation regarding the complaint of Canary Ammengar and Pareyanangum of the Gillah of Combaconum.-

(Here enter No. 362.)

The Court refer the Petitioners to the Judge on Circuit in

19th July 1830

15th July, 1830.

in the Southern Division who will
should there appear sufficient ground,
call upon the Magistrate for his pro-
=ceedings and pass such orders thereon
as to him may appear necessary –

Ordered that the above
be communicated to the Petitioners –

24 20

Fwd

F. 41.

At a Court of the Foujdaree Adalut.

Present,

Monday, 19th July, 1830. Francis Alexander Grant Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge
Charles May Lushington Esqre 3rd Puisne Judge

24

28 Mr Grant and Mr Lushington

Read letter, dated the 6th March last, from the Second Judge late on Circuit in the Northern Division, with record of the trial in case No 1 Guntoor Calendar Second Sessions 1829.–

(Here enter No 295.)

The First and Third Puisne Judge having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Examinical Law Officer and the futwa of the Cazee-ool Coozat and Mooftees of the Foujdaree Adalut confirm such part of the said futwa of the Cazee-ool Coozat and Mooftees aforesaid as acquits the prisoners

1st Baya Bundoo
2nd Candoola Bauliah
4th Tuppayla Moottyaloo
and
5th Ganzoola alias Aula Soobiah,

but considering that strong suspicion, though not amounting to conviction attaches

Decides

19th & 20th

15th 19th July 1830.

attaches to them they under the provisions of Clause sixth Section II Regulation XV. of 1803 and Section X Regulation VII of 1827 direct that they be severally required to find two sureties in fifty Rupees each for three years for their good behaviour and appearance when required or in default thereof that they be detained for three years in confinement- They farther are of opinion that the prisoner

2nd Chinnapanty Narraidoo

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his confession, notwithstanding the futwa of their Law Officers and acquit him accordingly, but considering that strong suspicion though not amounting to conviction, attaches to him they direct that under the provisions of Clause sixth Section II Regulation XV. of 1803- and Section X Regulation VII of 1827 he be required to find two sureties in fifty Rupees each for his good behaviour and appearance within three years, or in default thereof that he be detained for three years in confinement.-

(Sent following letter No 216.

19th July, 1830.

Read letter dated the 30th March last from the Second Judge late on Circuit in the Northern Division transmitting proceedings in Trial No 2 of the Guntoor Calendar 2nd Sessions 1829.-

(Here enter No 211.)

The First 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 Coozat and Mooftees of the Sudder Adawlut, confirm such part of the said futwa of the Cazee ool Coozat and Mooftees aforesaid as acquits the prisoners,

1st Baya Ramaadoo
2nd Cundoola Banliah
4th Goojerlapoodee Nagadoo
5th Pullatoty Pairadoo
6th Banpatla Nurday
7th Goojerlapoody Anthadoo
8th Canapanty Pairadoo
and
11th Gunjoola Soobiah alias Dulla Soobiah

but considering that strong suspicion though not amounting to conviction attaches to them, they under the provisions of Clause sixth Section II Regulation XV of 1803 and Section X Regulation

15th July, 1830.

16th July 1830.

Regulation VI of 1827 direct that they be severally required to find two sureties in Fifty Rupees each for their good behaviour and appearance when required for three years or in default thereof that they be detained for three years in confinement - They further are of opinion that the Prisoners

2nd Chanapanty Narrainden

and

9th Ingpala Marttayalen

are not convicted on presumptive proof, or on the evidence of credible witnesses or on their own confession, notwithstanding the opinion of their Law Officers, and acquit them accordingly; but considering that strong Suspicion, though not amounting to conviction, attaches to them the Court direct that under the provisions of Clause sixth Section II Regulation XV. of 1803, and Section X Regulation VI. of 1827 they be required to find two sureties in Fifty Rupees each for their good behaviour and appearance when required for three years or in default thereof that they be detained for three years in confinement. -

(Sent following letter No 217.

Read

S. C.

21 S. C.

16th July 1830

Read letter dated the 3d March last, from the First Judge in Circuit in the Southern Division, submitting the proceedings in Case No 8 of the Madura Calendar for the 1st Sessions of 1830. -

(Here enter No 141.)

The First and Third Puisne Judges, on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoners

1st Alagan, alias Carpen

and

2nd Veerarayen

is sufficient to convict them of the crime of murder, convict them thereof and under the provisions of Section X Regulation VIII of 1802, sentence them to suffer death by being hanged at the usual time and place of execution. -

(Sent following letter No 218

Read letter dated the 1st March last, from the First Judge of the Court of Circuit in the Western Division transmitting record of trial in case No 6 Malabar Calendar 4th Quarter Sessions of 1830. -

(Here enter No 158)

The First and Third Puisne Judges

Desires

19th July 1830.

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 Adalut, are of opinion that the prisoner

1st Seeyarat Ryroo,

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession, notwithstanding the futwa of their Law Officers and acquitting him accordingly they, under the provisions of Clause sixth Section II. Regulation XV of 1803 direct that the prisoner

1st Seeyarat Ryroo

aforesaid be set at liberty.-

(Sent following letter No 219.

Mr Grant
Mr Oliver
and
Mr Lushington

Read letter dated the 16th February last, from the Third Judge on Circuit in the Western Division, with record of trial in case No 12 on the Calendar of the Zilla of Cuttack for the Second Sessions of 1829.-

(Here enter No 118.)

The First Second and Third Puisne Judges, on a deliberate consideration of the circumstances of the case in evidence before them being of opinion

opinion that the proof against the prisoners

1st Bufsuppa alias Buswa
2nd Doomu
3rd Kantana
and
4th Syempa.

is sufficient to convict each of them of the crime of murder, under the authority with which they are vested by Clause first Section II Regulation I of 1818 convict them thereof, and under the provisions of Section X. Regulation VIII of 1802 sentence each of them to suffer death by being hanged so soon as conveniently may be after the receipt of this warrant, at a spot to be selected by the Criminal Judge, in the immediate vicinity of the place where the murder was committed, their bodies to be subsequently suspended in Chains on a high Gibbet, to be erected on the said spot.-

The said Judges confirm such part of the futwa of the Cazee ool Coozat and Mooftees of the Foujdaree Adalut as acquits the prisoner

5th Bogupppoo

and direct that she be set at liberty.-

(Sent following letter No 220.

Read

Dessoles

19th P. L. 1834
15th P. L. 1842
19th July 1880.

Read letter dated the 27th ultimo from the Provincial Court of Circuit in the Centre Division in explanation of the errors which appeared in the half yearly printed Statements submitted with their letter of the 7th of April last.-

(Here enter No 354)

1. In the 4th paragraph of the above letter the Judges of the Provincial Court of Circuit explain that no prisoners were entered in Column 3 of the Statement No 4 as having been committed for trial for the offences of Robbery by a single Individual "and for uttering base "and counterfeit Coin" because the prisoner concerned in these two cases was likewise concerned in two other cases and that "to avoid "individual repetition involving "an ultimate numerical error and "the necessity of explanation the "prisoners was not entered in the 3rd "Column more than once." the Court however desire that this prisoner be entered as often as he has been concerned in distinct cases- the object of Column 3 of this

3/ 19th July 1880.

this Statement is not to show how many prisoners in the aggregate for all offences have been brought before the Court of Circuit, but how many persons were "committed for trial "for each offence."- There ought to be individual repetition" whenever crime has been repeated by the same individual. The Court however do not object to a note being entered at the bottom of the Report, explanatory of the aggregate number of individuals actually brought before the Court of Circuit during the half year, for all offences.- This may be done as follows "Deduct persons repeatedly entered "as concerned in more cases than one" "Remains actual number of individuals."-

2. The same remark is applicable to the 2 cases entered in the Statement as referred to this Court but in which there appeared to be no prisoners.-

3. With reference to the 6th para of the letter from the Provincial Court of Circuit the Judges have to observe that the number of cases in

Dessoles

in which the 7 prisoners were concerned as receivers of stolen goods, whose trials are reported to have been referred to this Court, must be entered in the 1st Division of Column 7.-

4. Receivers of Stolen goods must be entered in the Calendars furnished to the Courts of Circuit in the same case with the principals. because the evidence against both being the same they are always tried together, but the Half yearly Statement should be prepared with reference to the Calendars but not in correspondence strictly with them because these returns require the crime of "receiving stolen goods" to be classed distinctly from the principal offence - By deducting from the aggregate "cases not referred separately but included in others referred," the actual number of references will appear, without the incongruity of prisoners being entered without the specification of any cases.-

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre

Centre Division by precept enjoining conformity thereto and returnable without delay.-

(Sent following Precept No 221.)

Read letter dated the 25th ultimo from the 1st Judge of the Provincial Court of Circuit in the Southern Division, submitting copy of the Coimbatore Calendars for the 1st Sessions of 1880.-

(Here enter No 352.)

Case No 7.

Soobramanya Iyah
Govt Prosecutor.

Versus

Pallyandi Manickam
and 13 others.

The Prisoners in this case appear to have confessed themselves, before the Police Officer, guilty of an offence which, upon reference to the remarks of the 1st Judge on the case, appears never to have been committed. The Court therefore with a view to the enforcement of the provisions contained in the Regulations for the punishment of the atrocious practice of extorting confessions, deem it proper, on this occasion to desire that the Magistrate of Coimbatore be directed personally to institute a strict enquiry into the conduct of the Police Officer who took the alleged confessions;

and

Desires

and that the result thereof be submitted to this Court without delay.-

Ordered that extract from these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Southern Division, by precept, desiring him to communicate the same to the Magistrate of Coimbatore, for his information and guidance Return to be made without delay.-

(Sent following Precept No 222)

Read letter dated the 5th instant from the Provincial Court of Circuit in the Centre Division submitting the Reports required by Section XXXX Regulation X of 1816 from the several Criminal and Joint Criminal Judges in the Division for the month of April last together with their proceedings thereon.-

(Vide enter No 388)

Bellary.

The Court conclude that the prisoners concerned in case No 14 of the Supplemental Report submitted by the Criminal Judge of Bellary, are British subjects, and that the Provincial Court in the 7th paragraph of

4/ F. C.
19th July 1830.

their Proceedings intended that the Criminal Judge should be required to explain whether under the provisions of Section IV Regulation II of 1829 the requisite authority for their trial had been obtained from the Right Honorable the Governor in Council.-

Chittoor

The prisoner in case No 54 of the Report No 5 submitted by the acting Criminal Judge of Chittoor is charged "with having effected his escape from a working party by breaking his Irons" and it appears further that "this is the second time the prisoner has effected his escape from the Jail of Chittoor." This is the first intimation which the Court have received from the Criminal Court of the escape of this prisoner from the Jail at Chittoor, they accordingly desire that the acting Criminal Judge be called upon to submit without delay an account of the transaction and to state his reasons for not having reported it at an earlier period.-

Ordered that extract of these proceedings be sent to the Provincial

Desires

19th July 1880

19th July 1880.

Provincial Court of Circuit in the Centre Division directing them to communicate the same to the acting Criminal Judge of Chittoor by precept returnable without delay.-

(Sent following Precept #323)

Read return dated the 6th Instant from the Provincial Court of Circuit in the Northern Division, to precept dated the 17th ultimo directing them to furnish the Criminal Judge of Nellore with the extract from the proceedings of this Court relative to the Duffadars and Peons who complained of having been dismissed by him.-

(Here enter No 399)

Read letter dated the 12th Instant, from the Third Judge on Circuit in the Centre Division, reporting the commencement of the Sessions at Cuddapah.-

(Here enter No 401)

Read letter dated the 10th Instant, from the First Judge on Circuit in the Western Division, reporting the commencement of the Sessions at Calicut.-

(Here enter No 403)

19th July 1880.

Read letter dated the 12th Instant from the Second Judge on Circuit in the Southern Division, reporting the commencement of the Sessions at Tinnevelly.-

(Here enter No 409)

24

20

F. U.

At a Court of the Tongdaree Malahat.

Present.

Thursday, 29th July 1830. Francis Alexander Grant Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge
Charles May Luxhington Esqre 3rd Puisne Judge.

28th

Read letter dated the 28th ult.

Mr Grant and Mr Oliver

Ultimo from the late 2nd Judge late on Circuit in the Centre Division submitting the proceedings in case No 1 of the Cuddapah Supplemental Calendar for the 1st Sessions of 1830.

(Here enter No 373)

The First and Second 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 Tongdaree Malahat confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and acquitting the Prisoner

Soobah

direct that she be set at liberty.

The Court have acquitted the prisoner Soobah because there is no evidence whatever to prove that

Deceased

that she was duly sworn before she gave either of her depositions, or that the contents of her depositions were distinctly read over to her before she signed them, proof of both which facts, is indispensable under Clause second Section II Regulation III of 1826. Such omissions were in this case proved, and must on all occasions prove fatal to the conviction of a prisoner charged with the crime of Perjury under the Regulation above quoted and the late 2nd Judge's attention is particularly called to the provisions of the above Regulation that he may avoid again falling into a similar error.-

Ordered that extract of these proceedings be sent to the late 2nd Judge late on Circuit in the Centre Division for his information.-

(Sent following letter No.

Read letter dated the 17th Ultimo from the Second Judge late on Circuit in the Northern Division transmitting proceedings of the Court of Circuit in case No 19 Chiracole Calendar 2nd Sessions 1829.-

(Here enter No 336)

The First and Second 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 Zillah Moolut, confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid and under the sentence of Cahaohut declared in the futwa do adjudge the prisoner

Wallee Soordhotum

to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the period of fourteen years.-

(Sent following letter No.

Read letter dated the 27th May last from the Second Judge late on Circuit in the Northern Division with record of trial in case of Rajah, Mundry Calendar 2nd Sessions 1829.-

(Here enter No 313)

Mr. Grant and Mr. Lushington

The First and Third Puisne Judges on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the Prisoner

Ist. Nonna Sahiah

is sufficient to convict him of the crime

22nd July 1830.

crime of murder, do under the authority with which they are vested by Clause first Section II Regulation I of 1818 convict him thereof and sentence him to suffer death as prescribed by Section X Regulation VIII of 1802 by being hanged at the usual time and place of execution.

The said Judges confirm such part of the futwa of the Cazee ool Coozat and Mooftees of the Tanjore Adalut as acquits the prisoner

2nd Cunchenla Soobiah

but considering that strong suspicion though not amounting to conviction attaches to him they direct that under clause sixth Section II Regulation XV of 1803 and Section X Regulation VI of 1827 he be required to find two sureties in Rupees fifty each for his good behaviour and appearance when required within three years or in default thereof that he be detained for three years in confinement.

(Sent following letter No

Mr Grant and Mr Oliver

Read letter dated the 29th ultimo from the late 2nd Judge late on Circuit in the Centre Division submitting

F. C.

22nd July 1830. Submitting the proceedings in case No 2 of the Bellary Calendar for the 1st Sessions of 1830.—

(Here enter No 371.)

The First and Second 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 Tanjore Adalut, are of opinion that the prisoner

Swoogadoo

is not convicted on presumptive proof, or on the existence of credible witnesses, or on his own confession, notwithstanding the futwa of their Law Officers, and acquit him accordingly. but considering that strong suspicion though not amounting to conviction attaches to him, the Court direct that under clause sixth Section II Regulation XV of 1803 and Section X Regulation VI of 1827 he be required to find one surety in fifty Rupees, for his good behaviour and appearance when required within six months, or in default thereof that he be detained six months in confinement.—

Ordered

Dissolved

Ordered that in communicating the above sentence to the Judge of Circuit he be informed that it is one of which he was quite competent himself to dispose. The effect of his referring the trial has been to detain the accused unnecessarily in confinement.—

Sent following letter No.

Read letter dated the 18th ultimo from the Second Judge late on Circuit in the Northern Division forwarding the proceedings in case No. 22 of the Chicacole Calendar for the 2nd Sessions of 1829.—

(Here enter No. 344.)

The First and Second 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 oal Coozat and Mooftees of the Sudder Adawlut, confirm the said futwa of the Cazee oal Coozat and Mooftees aforesaid and convict the prisoner

Cottapilly Lutsmoodoo

of the crime of murder but being of opinion that the punishment stated in Section X Regulation VIII of 1802 would in this instance be too severe they under the provisions of Clause Fifth

Fifth Section IV Regulation XV of 1809 and Clause second Section VI Regulation I of 1825, adjudge the prisoner

Cottapilly Lutsmoodoo

to be transported to such place 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.

Read letter dated the 30th ultimo from the late Second Judge late on Circuit in the Centre Division, submitting the proceedings in case No. 18 of the Bellary Calendar for the 1st Sessions of 1830.—

(Here enter No. 372.)

The First and Second 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 oal Coozat and Mooftees of the Sudder Adawlut, confirm the said futwa of the Cazee oal Coozat and Mooftees aforesaid, and acquitting the prisoner

Chennee Lingapah

direct that he be set at liberty.—

(Sent following letter No.

Read letter

22nd July 1830.

Read petition presented on the 30th ultimo by Vadak Rungamaikaloo of the Zillah of Masulipatam

(Here enter Misc. Petn No 30 of 1830.)

This is nearly a repetition of a former Petition No 9 of 1830 presented by the same Person on the 4th of February last wherein he complained of the Magistrate of Masulipatam having afforded him no redress on representations which were made to that Officer on the 17th of March and 8th of June 1829 of his house having been broken into and property to a large amount stolen therefrom, and the Court of Fonjdaree Adalut having been of opinion that it was requisite for the ends of Justice to ascertain what grounds existed for such allegations, directed the Provincial Court of Circuit in the Northern Division, by precept, to call upon the Magistrate for an English translation of all his proceedings in the case, with any explanation he might deem requisite to forward in elucidation of his decision.—

In the return of the Provincial Court of Circuit dated the 19th of March last—a supplamantal return was promised

8/ F. A.

22nd July 1830. promised on the receipt of the Magistrates proceedings, but these not having as yet been submitted to the Court of Fonjdaree Adalut they desire that the orders contained in their Precept of the 4th of March last may be conformed to without delay.—

In the latter part of the present Petition the petitioner solicits the Court will direct the Assistant Judge to suspend the trial of a suit which has been filed in the Auxiliary Court at Masulipatam, against himself his father and his younger brothers for the recovery of the house in question until the final orders of this Court shall have been passed on his Petition, but with this request the Court decline compliance.—

Ordered that the same be communicated to the Petitioner.—

Ordered further that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division by precept, desiring conformity thereto without delay.—

(Sent following Precept &c

Read

22nd July 1830.

Read return dated the 12th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated the 28th ultimo calling for explanation in certain cases of the Criminal Reports for the month of April last.-

(Here enter No. 413)

Read return dated the 16th Instant from the Judges of the Provincial Court in the Southern Division, to precept dated 7th ultimo calling for explanation in certain cases in the Criminal Reports for the Months of March last.-

(Here enter No. 419.)

Read letter, dated the 9th Instant from the First Judge of the Provincial Court of Circuit in the Northern Division reporting his intention to proceed to Nellore.-

(Here enter No. 420.)

Read letter dated the 30th Ultimo. from the Crcuit. Court of Circuit in the W. Dn. Transmitting the Crim. Reports for the Month of May last.

(Here enter No. 416.)

Esqre W. Johnson

F. H.

F. H.

At a Court of the Foujdaree Adalut.

Present.

Thursday, 29th July, 1830. F. A. Grant Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge
C. M. Lushington Esqre 3rd Puisne Judge.

Mr Grant and Mr Oliver. 24 20

Read letter dated the 31st May last from the Acting Judge late on Circuit in the Centre Division, forwarding record of a case of Gang Robbery No. 14 Chinglepat Calendar 2nd Sessions of 1829.-

(Here enter No. 314.)

The First and Second 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 such part of the said futwa of the Cazee ool Coozat and Mooftees aforesaid as acquits the prisoners

1st Andy alias Coopoo Pundarum
2nd Ramasawmy
3rd Pootterum
and
4th Sandragen

and direct that they be set at liberty.- And being of opinion that

29th Daly 1830.

that the prisoners

5th Vencatavayen

6th Soury Mootoo

7th Pillian

and

8th Cunjamaly

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confession, notwithstanding the futwa of their Law Officers they acquit them accordingly and direct that they also be set at liberty.-

(Sent following letter No 236)

Mr Grant and Mr Livingston

Read letter dated the 22d Ultimo, from the acting Judge late on Circuit in the Centre Division, with record of trial in case No 18 Chingleput Calendar 2nd Sessions 1829.-

24

(Here enter No 323)

The First 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 ul Coozat and Mooftees of the Fanjdaree Adalut confirm such part of the said futwa of the Cazee ul Coozat and Mooftees aforesaid

29th Daly 1830.

aforesaid as acquits the prisoner

1st Venkatrayen

and direct that as regards this case he be set at liberty- And concurring in opinion that the prisoners

2nd Soorce Mootoo

3rd Pellian

and

4th Cunjamaloy

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession, notwithstanding the futwa of their Law Officers, they under the provisions of Clause sixth Section II Regulation XV of 1803 direct that as regards this case the prisoners

2nd Soorce Mootoo

3rd Pellian

and

4th Cunjamaloy

aforesaid be also set at liberty.-

(Sent following letter No 237)

Mr Grant and Mr Oliver

Read letter dated the 24th Ultimo from the 2nd Judge late on Circuit in the Northern Division, submitting the proceedings in case No 30 on the Chicacole Calendar for the 2nd Sessions of 1829.-

20

(Here enter No 387)

The

29th Daly 1830.

that the prisoners

5th Vencatarayen

6th Lowry Marthoo

7th Pillian

and

8th Canjamaly

are not convicted on presumptive proof, or on the evidence of credible witnesses or on their own confession, notwithstanding the futwa of their Law Officers they acquit them accordingly and direct that they also be set at liberty.-

(Sent following letter No 236)

Read letter dated the 3rd Ultimo, from the Acting Judge late on Circuit in the Centre Division, with record of trial in case No 18 Chinglaput Calendar 2nd Sessions 1829.-

(Here enter No 328)

The First 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 ul Coozat and Mooftees of the Fanjdaree Adalut confirm such part of the said futwa of the Cazee ul Coozat and Mooftees aforesaid

Mr Grant and Mr Lushington

24

29th Daly. 1830.

aforesaid as acquits the prisoner

1st Venkatrayen

and direct that as regards this case he be set at liberty- And concurring in opinion that the prisoners

2nd Lowry Marthoo

3rd Pillian

and

4th Canjamalay

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession, notwithstanding the futwa of their Law Officers, they under the provisions of Clause sixth Section II Regulation XV of 1803 direct that as regards this case the prisoners

2nd Lowry Marthoo

3rd Pillian

and

4th Canjamalay

aforesaid be also set at liberty.-

(Sent following letter No 237)

Read letter dated the 29th Ultimo from the 2nd Judge late on Circuit in the Northern Division, submitting the proceedings in case No 30 on the Chicacole Calendar for the 2nd Sessions of 1829.-

(Here enter No 387)

Mr Grant and Mr Oliver

20

The

29th July 1830.

29th

The First and Second 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 and Mauftees of the Zeyglang Adawlut, are of opinion that the prisoner

Rungala Suttegadoo

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession, notwithstanding the futwa of their Law Officers, and accordingly, under the provisions of clause sixth Section II Regulation XV of 1803, they direct that the prisoner

Rungala Suttegadoo

aforesaid be set at liberty.—

(Sent following letter No. 238)

Read letter dated the 29th ultimo from the Second Judge late on Circuit in the Northern Division, submitting the proceedings in case No. 26 of the Chicacole Calendar for the 2nd Sessions of 1829.—

(Here enter No. 375.)

The First and Second 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

F. R.

2/ F. R.
29th July 1830.

-ool Cazee and Mauftees of the Zeyglang Adawlut, are of opinion that the prisoners

1st Isandary Venkatasamee
2nd Gooreejella Rungiah
and
3rd Cunnum Raspah

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions, notwithstanding the futwa of their Law Officers, and accordingly, under the provisions of clause sixth Section II Regulation XV of 1803, they direct that the prisoners

1st Isandary Venkatasamee
2nd Gooreejella Rungiah
and
3rd Cunnum Raspah

aforesaid, be set at liberty.—

(Sent following letter No. 239)

Mr Grant and Mr Lushington

Read letter dated the 8th May last from the First Judge on Circuit in the Southern Division with record of trial in case No. 12 Salem Calendar 1st Sessions 1830.—

(Here enter No. 276.)

The First 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

29th July 1830.

oal Coozat and Mooftees of the Tanjore Udalut confirm the said futwa of the Cazee oal Coozat and Mooftees aforesaid convicting of murder and awarding Kisseas; and under the provisions of Section X Regulation VIII of 1802, adjudge the prisoner

Nutty Caimden

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

(Vide following letter No 240)

Mr Grant and Mr Oliver

Read letter dated the 6th Instant from the Second Judge late on Circuit in the Northern Division, submitting the Record of proceedings in case No 32 of the Chicacole Calendar for the 2nd Sessions 1829.—

(Here enter No 396)

The First and Second 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 oal Coozat and Mooftees of the Tanjore Udalut, confirm such part of the said futwa of the Cazee oal Coozat and Mooftees aforesaid as acquits the prisoners

1st Bhagato
2nd Gannapathy
3rd Lawanya

29th July 1830.

4th Rayoo Patro
5th Jaroonee Naiko
6th Baiko Pradhan
7th Coodoonoo Pradhan
8th Poonee Dass
9th Poddamoo Dolaee
10th Loohooroo Naiko
11th Coorooptee Dolaee
12th Cheytunneeah Pradhan
13th Puttabhitta Kristnamah
14th Pozaree Venkapah
15th Coodoonoo Naiko
16th Lotchanah Bhayra
17th Mukhala Jaysing
18th Woodhavapanee
19th Connaee Pradhana
20th Sarandhee Jenaka
21st Cheytunneeya
22nd Nadho Naiko
and
23rd Sadhoo Dholaee

and direct that they be set at liberty. And being of opinion that the prisoner

24th Ninda Gowdoo,

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession, notwithstanding the Futwa of their

their Law Officers, they under the provisions of Clause sixth Section II Regulation XV of 1803, direct that the prisoner

25th Nunda Gowdar

aforesaid, be also detat liberty.—

(Sent following letter No 244)

Mr Grant and Mr Cushington

Read letter dated the 27th May last from the 1st Judge on Circuit in the Southern Division, transmitting record of a trial for Fratricide, No 18 Salem Calendar 1st Sessions 1830.—

(Here enter No 304.)

The First 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 Coozat and Moofties of the Zillah Court, confirm the said futwa of the Cazee ool Coozat and Moofties aforesaid, convicting of Murder and awarding Kissaas and under the provisions of Section X Regulation VIII of 1802, adjudge the prisoner

Cauley

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

(Sent following letter No 245)

Read

F. H.

29th July 1830

3/

Mr Oliver and Mr Cushington

Read letter dated the 15th April last from the Second Judge on Circuit in the Western Division, submitting a case of Rape, No 1 of the Canara Calendar for 1830 1st Sessions.—

(Here enter No 254.)

The Second and Third Puisne Judges on a deliberate consideration of the circumstances of the case in evidence before them being of opinion that the proof against the prisoner

Ecoliny

is sufficient to convict him of an assault with intent to commit rape, under the sentence of Rohoot pronounced by their Law Officers according to the provisions of Clause third Section VII Regulation XV of 1803, adjudge him to receive fifty lashes with a cat of nine tails and to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of one year.—

(Sent following letter No 246)

Mr Grant and Mr Oliver

Read letter dated the 10th April last, from the Second Judge on Circuit in the Western Division, with record of trial in case No 2 Malabar

29th July 1830.

their Law Books

Batticaloa Calendar 1st Sessions 1830

(Here enter No 23.)

The First and Second Puisne Judges on a deliberate consideration of the circumstances of the case, in evidence before them being of opinion that the proof against the prisoner

Mulucettil Peringalen Chenoo

is sufficient to convict him of the crime of culpable homicide, convict him thereof. But considering the imprisonment he has already undergone to be sufficient, they remit all further punishment, and direct that he be set at liberty.-

(Vide following letter No 24.)

Read petition presented on the 8th April last by A. Rungiah Nimsen of the Gillah of Chinglepet.-

(Here enter Misc. Pet. No 22 of 1830.)

This is a petition praying, for reasons detailed, that his brother in-law Cheetumbara Chunmatter the prisoner in case No 17 of the Chinglepet Calendar for the 2nd Sessions of 1829 may be released.-

Ordered that the Petitioner be informed that the Court have passed a sentence of acquittal in the case in question, and have directed that his brother in-law be set at liberty.-

Ordered further that a copy of these proceedings be furnished to the Petitioner on his application.-

Read Petition presented on the 21st of January last by Chinniah Gownden of the Gillah of Chinglepet.-

(Here enter Misc Pet. No 4 of 1830.)

This is a Petition praying, for reasons detailed that his son Pootlum, his maternal uncle Son Ramasawmy, his elder uncle Son Tandavarayen and his Sister Son Caspan Prisoners in case No 14 of the Chinglepet Calendar 2nd Sessions of 1829 may be released.-

Ordered that the Petitioner be informed that the Court have passed a sentance of acquittal in the case in question, and have directed that the Prisoners aforesaid be set at liberty.-

Ordered further that a copy of these proceedings be furnished to the Petitioner on his application.-

Read letter dated the 1st instant from

Ed W. Johnson

Malabar Calendar 1st Sessions 1830.

(Here enter No 239)

The First and Second Puisne Judges on a deliberate consideration of the circumstances of the case, in evidence before them being of opinion that the proof against the prisoner

Melweetil Peringolen Chenoo

is sufficient to convict him of the crime of culpable homicide, convict him thereof. But considering the imprisonment he has already undergone to be sufficient, they remit all further punishment, and direct that he be set at liberty.-

(Cont following letter No 244)

Read petition presented on the 8th April last by A Runjiah Nimar of the Zillah of Chingleput.-

(Here enter Misc. Pet. No 22 of 1830)

This is a petition praying, for reasons detailed, that his brother in-law Cheetumbara Chummetta the prisoner in case No 17 of the Chingleput Calendar for the 2nd Sessions of 1829 may be released.-

Ordered that the Petitioner be informed that the Court have passed a sentence of acquittal in the

Edn W. Johnson

the case in question, and have directed that his brother in-law be set at liberty.-

Ordered further that a copy of these proceedings be furnished to the Petitioner on his application.-

Read Petition presented on the 21st of January last by Chinniah Gownden of the Zillah of Chingleputt.-

(Here enter Misc Pet. No 4 of 1830)

This is a Petition praying, for reasons detailed that his son Bottrum, his maternal uncle Son Ramasawmy, his elder Uncle Son Sandavarayen and his Sister Son Coopan Prisoners in case No 14 of the Chingleput Calendar 2nd Sessions of 1829 may be released.-

Ordered that the Petitioner be informed that the Court have passed a sentence of acquittal in the case in question, and have directed that the Prisoners aforesaid be set at liberty.-

Ordered further that a copy of these proceedings be furnished to the Petitioner on his application.-

Read letter dated the 1st instant from

from the Provincial Court of Circuit in the Northern Division, submitting the Reports required by Section XXXV Regulation X of 1816 from the several Criminal and Joint Criminal Judges in the Division for the month of April last, together with their proceedings thereon.-

(Vide enter No 389.)

Chicacole

The prisoner in case No 9 of the Repeat No 5 submitted by the Criminal Judge of Chicacole is "charged with having "in the Jail of Chicacole uttered a bad "Rupee knowing that it was counterfeit" The Court require some explanation of the manner in which the prisoner became possessed of this money - and they direct that if the practice enjoined in their orders of the 8th of March 1825, "of strictly searching the prisoners and "their cells twice daily, on the opening "the cells in the morning, and in the "Evening when they are locked up," - with a view to prevent the prisoners hoarding either their grain or money, has been discontinued in the Jail at Chicacole, that it be immediately resumed.-

Rajahmundry

The Court desire that the Criminal

Criminal Judge of Masulipatam be directed in future to specify in the Report No 5 whether the prisoners were forwarded to the Criminal Court by the Magistracy or the Native Officers of Police.-

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division desiring them to make the necessary communication to the Criminal Judges of Chicacole and Masulipatam.

Prepare returnable without delay.-

(Vide following Precept No 1457)

Read again letter dated 30th April last from the Provincial Court in the Northern Division submitting the Criminal Statements required from the several Criminal Judges, Joint Criminal Judges and Magistrates in the Division for the half year ending with December 1829 together with their proceedings thereon.-

(Vide enter No 285.)

Read also letters dated respectively the 16th and 30th ultimo from the Provincial Court of Circuit in the Northern Division submitting extracts

extracts from their proceedings under the same dates relative to the half yearly printed Statements furnished by the Magistrates and correcting an error which occurred in their proceedings of the 30th of April last.-

(See enter Nos 337 & 377)

Referring to the proceedings of the Provincial Court of Circuit of the 30th of April last the Court perceive that the instructions issued to the several Criminal Judges, Joint Criminal Judges and Magistrates in the Division regarding the entries to be made in the several Columns of the printed Statements Nos 1, 2, and 3 are in several points erroneous.-

2 The Court did not consider it requisite, in submitting to Government the Statements recently forwarded by the Provincial Court, to comment on the instructions issued by them for their preparation prospectively but it is now necessary to bring these errors to the notice of the Judges of the Provincial Court of Circuit.-

3 In the 2nd para of their proceedings

proceedings the Provincial Court remark "that" when the number of persons in Columns 6. A, B, C and D Columns 7 and Columns 10 and 11 are added up the total must correspond exactly with the total of persons in Column 5" the Provincial Court will however upon reference to the printed Statements perceive that should the person entered under the letter B in Column 6 be included, the result of Columns 6, 7, 9 (which last Column the Provincial Court by mistake have omitted) 10 and 11 could not correspond with the total of persons entered in Column 5 because Column B is only a re-entry of that portion of the persons included in Column A against whom the accusation appeared to be wilfully false and malicious.-

4 In the same paragraph the Provincial Court remark that "Column A ought to exhibit all the persons released unconditionally whether they are or are not punishable by the Court of Circuit; out of this number those punishable by the

29th July 1880.

"the Court of Orient are to be re-entered
"in Column 9." a reference to the printed
Statement will at once convince the Pro-
vincial Court that Column 6 is allotted
exclusively to cases "determinable by the
Criminal Court itself and that those
punishable by the Court of Orient, who
are released by the Criminal Court are
to be entered in Column 9 only the total
of Columns 6-7-9-10 and 11 could not otherwise
possibly agree with the number of
persons entered in Column 5.-

5 In the 28th 28th 29th 31st 32nd and
42nd paragraphs of the proceedings
of the Provincial Court the Magistrates
have been informed with reference
to Statement No 2 "that the difference
"between the entries in Columns 2 and 4
"must correspond with the total of
"Column 7" this error the Provincial
Court have corrected in their proceed-
ings dated the 16th of June last by
explaining "that the difference between
"Columns 2 and 4 is to form the total
"of Columns 7 and 15 or in other words
"the numbers in Columns 7 and 15
"being added the total should
correspond

F. 6.

F. 6.
29th July 1880. "correspond with the said difference
"because that difference is the aggregate
"number of persons apprehended
"within the half year for crimes
"committed within that period."-

6 In reference to the Statement
No 2, the Provincial Court will perceive
that the total of Columns 7 and 15 will
exhibit the aggregate number of persons
who have appeared before the Police
or the Magistracy but this has no
connexion with Column 2 exhibiting
the number of persons supposed to
have been concerned in the cases
ascertained to have occurred during
the half year- for even in cases
where some of the parties concerned
may have been arrested, many may
still remain unapprehended; and the
Columns above noticed (7 and 15) have
still less connexion with Column No 4
containing the number of persons
supposed to have been concerned
in the cases ascertained to have
occurred during that period, but in
which no one party concerned has
as yet been apprehended.-

The

7. The difference of these two columns therefore could not possibly give the actual number apprehended for as above stated. №2 expressly includes all supposed to be concerned whether apprehended or not, and №4 includes that portion only of those entered in №2 who are concerned in cases in which no single individual has yet been taken up. the difference will include those concerned in cases in which some have been taken up, but it will include all concerned in such cases whether apprehended or not.—

Ordered that a extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division directing them to modify their orders of the 30th of April and 18th of June last in conformity to these proceedings.—

(Sent following precepts)

Read letter from the 2nd Judge of Circuit in the Centre Division, submitting his report on the 2nd and 3rd Quarter Sessions of 1829, for the delivery of the jail at Chittoor.—

Here enter №732

1. Mr Cabes noticed the case №1 of the Supplemental and №5 of the regular Calendar. The first as illustrating "the machinations the natives are capable "of, to gratify their revenge" the latter as evincing the evils resulting to the community from "inattention of the "police to Regulations and orders."—

2. The Judges direct, with reference to the remarks of the Judge of Circuit on these trials, that copies of the notes accompanying the judgments passed by them upon the prisoners in these two cases be forwarded to government, with his report. It will thence be perceived that the prisoners in both instances were acquitted; but in the latter trial they were held to high security. The Judges recorded in that instance a censure on the police in the Northern Division of Arcot, and on passing, on the 30th of May 1829, judgment in a subsequent case, they pointedly drew the notice of the Magistrate to the misconduct of his police in the following words.

№1. 16th March 1830.

№5. 31st January 1830

(Here enter para 8 on the trial №15 of the 4th Quarter Session of 1829.)

The communication of the above

29th July 1858

29th July 1858.

above remarks to the Magistrate in the Northern Division of Arcot, made subsequent to the receipt of Mr Oakes report, renders it unnecessary to take further notice in this place of the irregularities of the native police in that district, commented on by that officer.

4. Ordered, with reference to para 22 of Mr Oakes report, that the attention of the Criminal Judge at Chittoor be called, through the Provincial Court in the Centre Division, to the propriety of providing more commodious accommodation for female vagrants, and of repairing the watch towers round the jail, and that he be directed to submit his sentiments on these points through that channel.

5. In reference to Mr Oakes' suggestion that "short rules might "with advantage be circulated to the "police for their general guidance". The Court observe that this subject was referred for the consideration of Government in para 9 of their proceedings of the 25th January last, and that in the Minutes of Council of the 5th March last, the Government directed

&c.

6/ Fd.
29th July 1858.

the expediency of furnishing to the native officers of police any manual which in practice may supersede the text of the law.

Ordered that copy of the above report with extract of these proceedings be sent to the Secretary to Government in the Judicial Department to be laid before the Right Honorable the Governor in Council.

(Sent following letter No 2247)

Ordered also that copy of paras 4 and 5 of the Minutes of Council dated the 5th March last with extract of these proceedings be sent to the 2nd Judge of Circuit in the Centre Division for his information.

(Sent following letter No 2248)

SD.

Read letter dated the 21st July last from the 1st Judge on Circuit in the Northern Division reporting his arrival at Bellary and the commencement of the Sessions at that station.

(Here enter No 4231)

Encl Nos

At a Court of the Fujdaree Adalut.

Present,

Saturday, 31st July 1830.

F. A. Grant Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge
C. M. Lushington Esqre 3rd Puisne Judge.

Read letter dated the 30th April last, from the First Judge of Circuit in the Western Division with record of trial in case No. 1 Supplemental Calendar Zilla Midnapore 1st Quarterly Sessions 1830.

Mr Grant
Mr Oliver
and
Mr Lushington

(Here enter No 270)

24

D

Th 4

The First, Second and Third Puisne Judges, on a deliberate consideration of the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

1st Poonahandy Roongee

is sufficient to convict him of the crime of manslaughter only - convict him thereof; and sentence him to be imprisoned for the period of one month; but, being of opinion that the prisoner

2nd Kanien

is not convicted on presumptive proof or on the evidence of credible witnesses

witnesses or on his own confession, notwithstanding the futwa of their Law Officers they acquit him, and direct that he be set at liberty.—

(Sent following letter &c

Mr Oliver and Mr Lushington

Read letter dated the 17th ultimo, from the First Judge on Circuit in the Southern Division submitting record of a case of Gang Robbery by open violence No 11 Salem Calendar 1st Sessions 1830.—

(Here enter No 334)

The Second and Third 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 Sunjdaree Adalut, are of opinion that the prisoner

Areyah

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession, notwithstanding the futwa of their Law Officers; and accordingly, under the provisions of Clause Sixth Section II Regulation XV of 1803, they acquit him

him of the crime laid to his charge, and direct that the prisoner

Areyah

aforesaid be set at liberty.—

(Sent following letter &c

Mr Grant and Mr Lushington.

Read letter dated the 9th ultimo, from the Second Judge late on Circuit in the Northern Division transmitting proceedings of the Court of Circuit in case No 15 Chingleput Calendar 2nd Sessions of 1829.—

(Here enter No 335.)

The First and Third 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 Sunjdaree Adalut, confirm such part of the said futwa of the Cazee ool Coozat and Mooftees aforesaid, as convicts the prisoners

2nd Nudolemmy Goorniah

and

6th Tippana Yerrapah

and, under the provisions of Clause third, Section IV Regulation XV of 1803, adjudge them to be imprisoned and kept to hard labor in irons on

Wednesday

31st July 1830.

on the public roads, or other public works, for the period of fourteen years. The said Judges being of opinion that the prisoners

1st Nuddeemuty Ramsenaidoo
2nd Nuddeemuty Chinniah
4th Nuddeemuty Kittadoo
5th Mahuntee Rogoonauth
and
7th Gayadallah Soundaree

are not convicted on presumptive proof, or on the evidence of credible witnesses or on their own confession, notwithstanding the finding of their Law Officers, acquit them accordingly; but considering that strong suspicion, though not amounting to conviction, attaches to them, they direct that under the provisions of Clause sixth Section II Regulation XV of 1803, and Section X Regulation VI of 1827, they be required to find two sureties in one hundred Rupees each, for their good behaviour and appearance when required for three years, or in default thereof, that they be detained for three years in confinement.

(Vide following letter No

Read

P. C.

31st July 1830.

Mr Oliver
and
Mr Lushington.

Read letter dated the 21st May last, from the Acting Judge late on Circuit in the Centre Division, transmitting for sentence a case of Murder No 2 Second Sessions 1829 Bellary Calendar.

(Here enter No 311.)

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

1st Nunneegandoo
2nd Nullegadoo
and
3rd Lutchegandoo

direct that they be set at liberty.

(Vide following letter No

The Judges propose to issue further orders on this case to Mr Waters, the Acting Judge who presided at the trial. But they consider it necessary first to have before them both the original and an English translation of

of the whole of the Proceedings in this case- Ordered accordingly that the same be called for, by a precept, returnable without delay.-

Mr Grant
Mr Oliver
and
Mr Lushington.

(Sent following precept)

Read letter dated the 9th Instant from the First Judge on Circuit in the Southern Division with record of trial in case No 15 of the Coimbatore Calendar for the 1st Sessions of 1830.

(Here enter No 328)

The First, Second and Third Puisne Judges, having maturely considered the proceedings held before the Judge on Circuit the Futtwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftees of the Zujdaree Adalut, convicting of murder and awarding Kissas, confirming the said futwa of the Cazee ool Cozat and Mooftees aforesaid, and under the provisions of Section X Regulation VIII of 1802, adjudge the prisoner Basavan to suffer death, by being hanged at the usual time and place of execution.-

(Sent following letter &c

Read

Read letter from the First Judge of Circuit in the Western Division, submitting his report on the jail delivery at Tellicherry, for the fourth Quarter Sessions of 1829.-

(Here enter No 26 of 1830)

In the 8th and following paragraphs of his report, Mr Newnham refers to the attempt to sell a free female as a slave, which led to the circulation to the Courts of the enclosures contained in the letters from the Secretary to Government in the Judicial Department under date the 6th April and 4th May last, explaining that the Statute of the 37th Geo. 3rd Cap: 23 applies to the traffic in slaves by sea exclusively, and that the removal of a free person from one part of India to another, to be dealt with as a slave, is a crime cognizable by the established tribunals in the interior of the Country, not by His Majesty's Supreme Courts of Judicature at the Presidencies- The persons engaged in that attempt were accordingly directed to be brought to trial before the local Courts- The Judges do not consider the other subjects discussed in

in this report to call for any remark from them.-

Ordered that copy of the above report with extract of these proceedings, be sent to the Secretary to Government in the Judicial Department, to be laid before the Right Honorable the Governor in Council.-

(Sent following letter &c.

Ordered also that extract of these proceedings be sent to the First Judge of Circuit in the Western Division, for his information.-

(Sent following letter &c.

Read return dated the 15th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated the 12th instant transmitting orders for the guidance of the Officers in charge of jails in the Southern Division in certain cases.-

(Here enter No. 426.)

Read return dated the 20th Instant from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated the 15th instant directing that all material witnesses should be examined on trials before the Courts of Circuit.-

(Here enter No. 427.)

Read

Read return dated the 21st Instant, from the Judges of the Provincial Court of Circuit in the Western Division, to precept dated the 12th instant directing officers in charge of Jails to make an immediate report whenever their Jails become more crowded or unhealthy than usual.-

(Here enter No. 428.)

Read return dated the 17th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated the 15th instant containing rules for the guidance of Circuit Judges in admitting or rejecting the evidence of witnesses.-

(Here enter No. 429.)

204

Rec'd

Rec'd

F. G.

At a Court of the Fouydaree Adalut,

Present,

Monday 2d August 1830. F. C. A. Grant Esqre 1st Puisne Judge.
William Oliver Esqre 2d Puisne Judge.
C. M. Lushington Esqre 3d Puisne Judge.

Mr. Grant.
Mr. Lushington.

Read letter dated the 1st May last, from the 1st Judge on Circuit in the Southern Division, submitting for final sentence, record of the trial of two Prisoners in Case No. 15 of the Combaconum Calendar 1st session of 1830. charged with Gang Robbery by open violence and roasting the Father of the Prosecutor so as to cause his death.—

/Here enter No. 207./

The First 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-Coozat and Mooftees of the Fouydaree Adalut, convicting of aiding in robbery by open violence attended with murder, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid; and under the provisions of Clause second Section IV Regulation XV of 1813,

adjudge

F. 6.

At a Court of the Fouzdaree Adalut,

Present,

Monday 2d August 1830. F. C. Grant Esqre 1st Puisne Judge.
William Oliver Esqre 2d Puisne Judge.
C. M. Lushington Esqre 3d Puisne Judge.

Read letter dated the 1st May last, from the 1st Judge on Circuit in the Southern Division, submitting for final sentence, record of the trial of two Prisoners in Case No 10 of the Comillacoonum Calendar 1st Sessions of 1830. charged with Gang Robbery by open violence and roasting the Father of the Prosecutor so as to cause his death.—

Mr Grant.
Mr Lushington.

/Here enter No 207/

The First 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 Coozat and Mooftees of the Fouzdaree Adalut, convicting of aiding in robbery by open violence attended with murder, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid; and under the provisions of Clause Second Section IV Regulation XV of 1803,

adjudge

31st July 1830.

4th August 1830.

adjudge the prisoners

1st Ranken and

2d Maroodu Veeren

to receive one hundred and fifty stripes with a cat of nine tails and to be transported to such place 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 &c./

Read petition presented on the 8th Ultimo, by Sanapillay of the Zillah of Chingleput.-

/Here enter M.P. No. 31 of 1830./

This is merely a repetition of a former petition presented to this Court on the 29th of November last, which was rejected on the 17th Ultimo, it appearing to the Court, from the explanation submitted by the Magistrate in the Southern Division of Arcot, that that officer had taken every proper measure towards going into the investigation of the complaint preferred by the Petitioner, but that after the parties connected with the case had been detained for several days the Prosecutor failed to appear.-

From

2d August 1830.

From the return of the Magistrate it appeared moreover that no complaint ever was made to the Tahsildar of Caroongoly as stated in the former petition to this Court.-

Ordered therefore that the prayer of this Petition be rejected and that the Petitioner be referred to their orders of the 17th Ultimo, Copy of which will be furnished to him on his application.-

Read petition presented on the 8th Ultimo, by C. Rungaiah of the Zillah of Chittoor.-

/Here enter M.P. No. 32 of 1830./

The Petitioner complains of having obtained no redress on applications made by him to the Joint Magistrate of Chittoor and Mr. Saunders the Judge then on Circuit for the recovery of certain property stated to have been stolen from him.-

Ordered that the Petitioner be informed that the Court cannot pass any final order in the case until the orders passed on his Petition presented to the Judge on Circuit be produced.-

Read petition presented on the 12th Ultimo by Moottoosawmy Sastry Vakeel on behalf

Dessikes

2d August 1830.-

behalf of Gooday Sooreaiah Narrain Row and 3 others of Vizagapatam in the Zillah of Chicacole.-

(Here enter M. P. No. 33 of 1830)

The Petitioners, it appears, have been fined by the Magistrate of Vizagapatam for a breach of the peace and security has been required from them for the maintenance of it for the space of one year. and the prayer of this petition is that the Court will, for reasons detailed direct the Magistrate to remit the fines and cancel the Security Bonds taken from them on that occasion.-

The petitioners file with their petition, an authenticated Copy of the proceedings of the Circuit Court on a similar application made by them to the 3d Judge who presided at the 1st Sessions of 1830; in which Mr Money upon consideration of the proceedings of the Magistrate was of opinion that that Officer had not exceeded the powers vested in him by Section XXXII Regulation IX of 1810.-

The Judges see no reason to doubt the correctness of this opinion ordered therefore that the prayer of this Petition be rejected - and that the same be communicated to the Vakeel.-

Read petition presented by Shaikh ... of

P. C.

2d August 1830. of the Zillah of Chingleput.-

(Here enter M. P. No. 34 of 1830)

The prayer of this Petition is that the Court will direct the Zillah Judge of Chingleput to suspend the execution of two Decrees passed against the petitioner by the District Moonsiff of Cheram = bum in Suits Nos. 50 and 94. on the file of his Court - the grounds of which the Petitioner states to be false and alleges the Suits to have been instituted at the instigation of the District Moonsiff himself in consequence of the petitioners refusal to give false evidence.-

The Court see no grounds for their interference and direct that the Petition be rejected. The Petitioner can appeal from the decisions of the District Moonsiff; and if the latter has been guilty of misconduct the Collector or Judge can investigate it.-

Ordered that the same be com = municated to the Petitioner.-

Read petition presented on the 15th Ultimo. by Ramaslamoney Lumbardar of the Zillah of Chingleput.-

(Here enter M. P. No. 35 of 1830)

This is a petition complaining of the Magistrate in the Southern Division of Arcot having refused him redress he sought by the Judge who presided at the 1st Sessions of the present year

Decided

year to institute an enquiry into the charges preferred by Sumi against the Talook Monsiff of Chedumbaram.-

The orders of the Judge on Circuit appear to have been passed in consequence of a representation made to Sumi by the Petitioner on the 10th of April last, but without their production the Court can not interfere in the Case.-

Ordered that the same be communicated to the Petitioner.-

Read letter dated the 9th Instant, from the Provincial Court of Circuit in the Centre Division submitting the Reports required by Section XXXV Regulation X of 1816 from the several Criminal and Joint Criminal Judges in the Division for the month of May last together with their proceedings thereon.

(Here enter No. 402.)

Singlepur- 1. With reference to the reason assigned by the Tahsildar of the Erroomaloor Talook for the long detention of the 8 and 9 Prisoners in the Talook in Case No. 42 of the Report No. 5 submitted by the Acting Criminal Judge in the Zillah of Chingleput the Court desire that an extract from the Criminal Report be sent by the Provincial Court to the Magistrate of Chingleput and that he be directed

directed to ascertain and report under whose charge the Prisoners were after their apprehension till they were forwarded to the Tahsildar.- The 8 and 9 Prisoners appear to have been apprehended on the 11th of April last and they are stated not to have appeared before the Police Officer until the 24th of the same month. This practice of detaining the Prisoners so long in Custody before forwarding them to the Head Police Officer the Magistrate should be instructed to use his utmost exertions to suppress.-

The same remark is applicable to the detention of certain of the Prisoners in Case Nos. 88 90 and 105 of this Report.-

Bellary- The Court desire that the Criminal Judge of Bellary be directed to explain whether the Prisoner Jacob McCowan who has been sentenced by a Military Court Martial at Cumptee and confined in Gaol of Bellary is a European and a British Subject.-

The Court are of opinion that the Provincial Court of Circuit have erred in directing the Criminal Judge of Bellary to discontinue the practice of committing some Prisoners to take their trial before the Court of Circuit and sentencing others in the same Case to be released on Security.-

In

Dessoles

2d August 1830.

In the Circular orders of this Court dated the 20th of July last the Judges explained that a Criminal Judge is competent to exercise in Cases of every discription the powers vested in him by Clause first Section IV Regulation II of 1822 whether the original charge involves a crime punishable by himself or only by the Higher Tribunals,- and that a Prisoner should never be committed for Trial unless there are reasonable grounds to believe that the evidence forthcoming will be found sufficient for his conviction.-

The Court are further of opinion that a Criminal Judge is also competent in Cases not punishable by himself to commit those Prisoners against whoms there is sufficient evidence to take their trial before the Court of Circuit and to order the release of others on Security should the evidence against them appear insufficient for commitment. If at the trial the evidence forthcoming against the latter is viewed by the Judge of Circuit in a different light he can order the Criminal Judge to refer his proceedings respecting them to the Collective Court, who can issue such orders as they deem proper.

Ordered

J. U.

2d August 1830.-

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division desiring them to make the necessary communication to the Magistrate of Chingleput and the Criminal Judge in the Zillah of Bellary.- Precept returnable without delay.-

Sent following Precepts &c

Ordered

P. 16.

At a Court of the Fouzdaree Adaulut.

Present,

Thursday, 3rd August, 1830. E. A. Grant Esqr. 1st Puisne Judge
William Oliver Esqr. 2nd Puisne Judge
C. M. Lushington Esqr. 3rd Puisne Judge.

Read two reports received from the late Third Judge of Circuit in the Centre Division, submitting the result of his half yearly delivery of the jails in that division for the 2nd Sessions of 1829, and of his delivery of the jail at Chittoor for the 4th Quarter Sessions of that year.

(Here enter Nos 578 & 720.)

In the 15th para of the first of these reports, it is stated that, in the Criminal Jail at Cuddapah, all the convicts, except 88, who were building the wall of the paper manufactory were employed inside of the jail, in the manufacture of paper, cloth, &c. and not on hard labour upon the roads, the repairs of which, as well as of the bridges, about Cuddapa, have been neglected. The employment of the convicts on the duties in question is approved by this Court as beneficial, and economical, but it seems objectionable that those convicted of the graver crimes

Decisions

crimes should be exempted from hard labour in irons according to the express terms of their sentences. On this subject the Judges have recently submitted to Government, for sanction, a circular order proposed to be issued to the several Provincial Courts. Ordered accordingly that the Provincial Court in the Centre Division be directed to call the attention of the Criminal Court at Cuddapa to this point; in order that the roads and bridges at Cuddapa may be restored to, and kept, in a good state of repair, and that none of the convicts sentenced to labour for 7 years, or more, may be employed outside the Jail, except such as, from special good conduct, or weak state of body, deserve this indulgence.

2. At the close of the last report the late 3rd Judge submits, that prisoners "should be liable to severer punishment "for the commission of repeated offences "than that which they have to undergo "when they are convicted of one."

3 Where a previous conviction has once taken place, the Regulations already provide for increased punishment, in cases of theft by clause fourth Section III Regulation VI 1822, in cases of

of breaking into habitations or places for the custody of property, by clause second Section II Regulation VI 1822, and in cases of robbery by Sections II and III Regulation XV 1803. But this does not apply to several crimes of the same nature, perpetrated by a person not yet convicted of a similar crime. The law, in this case treats the criminal with the leniency due to a new offender, and with respect to burglary or theft in particular, Clause fifth Section II Regulation VI 1822 expressly provides that, when unaccompanied by bodily injury, no greater punishment shall be inflicted than is declared by the previous Regulations, which, under the commutation of the sentence of the Mahomedan law for the amputation of one limb, is according to Section XXI Regulation VII 1832 seven years imprisonment, when the case is tried by the Circuit Court.

Ordered, that copies of the above reports, with extract of these proceedings be sent to the Secretary to Government in the Judicial Department, to be laid before the Right Honorable the Governor in Council.

(Sent following letter No 269)

Ordered also that extract of

35th August 1830.

of these proceedings be sent to the Judges of the Court of Circuit in the Centre Division for their information and guidance.-

(Sent following letter No 279)

Read letter from the first Judge of Circuit in the Northern Division, reporting the result of his delivery of the jail at Masulipatam, at the 4th Quarter Sessions of 1829 and 1st Quarter Sessions of 1830.

(Here enter No 163)

Mr Garrow, in para 11 of his report, remarks on the orders of this Court of the 20th July 1829, exempting the Criminal Courts from transmitting in English the Calendars of cases decided by them. But the Judge on Circuit is still at liberty to call for English translations of these documents if he requires them, - and for any other record kept of the proceedings of the Criminal Court. It is not however usual for the diary of the Criminal Court to be kept in English. The Circuit Judge's personal examination of the record of cases decided by the Criminal Court is the test, on which this Court principally depends for a revision of their correctness; and the calendars are intended to be used as indexes thereto, to enable him to select those cases, which chiefly demand examination.

F. U.
5th August 1830.

2. The Provincial Court will transmit to the joint Criminal Judge copy of para 13 of Mr Garrow's letter, with orders to report on the expediency of increasing the partitions in the cells of the jail at Masulipatam.-

3. With reference to para 14, it is to be remarked, that the establishment of the Joint Criminal Judge at Masulipatam was recently encreased, and ought now to be fully sufficient for the duties required of it.-

From Govt 19th June 1830.

4. Mr Garrow, observing that it is impracticable for a Circuit Judge on visiting the jails to hear or remember every complaint made by several hundred prisoners, adds "I have at "every Zilla, when on Circuit, given "notice that I would receive their petitions "in writing." This practise seems to have given rise to a dissension between him and the late Joint Criminal Judge at Masulipatam, remarks on which occupy from para 15 to 19 of his report.-

5. The Court of Foujdaree Adalut are of opinion, that it is not necessary to invite prisoners to complain; they are sufficiently prone of themselves to state their real grievances; and

it would occupy too much time unnecessarily, to record every unfounded representation. The Judge of Circuit, on visiting the jail, should take down the names of those who complain to him; he can subsequently call them before him; and, after verbal inquiry, if he deems it requisite, he can cause one of the Gomashtas of the Criminal Court in attendance on him to record the substance of their complaints.

6. "The whole of the complaints "now under discussion," says Mr. Garrow, "may be unfounded, but it was not in "my power to discover the truth, if true, "it was equally beyond my competency "to afford relief." The Court of Sangdare violated remark, that the Circuit Judge appears to have mistaken his duty in this respect. It consisted in ascertaining the truth of the complaints made by the prisoners, and in causing redress to be afforded by the subordinate tribunal, where they were well founded. The observance of the course before noticed will obviate the record of any but complaints *prima facie* well founded, and, though a reference for explanation to the Criminal Court may occasionally be requisite, redress when due, should be finally enforced by precept of the Circuit Judge. On reference to the Circular orders of this Court of the 8th October 1821, it will be perceived that the Criminal Judge is bound to visit his jail weekly, and not monthly as supposed by Mr. Garrow.

7. The Court direct, that the prisoner alluded to in the 25th para of Mr Garrow's report, if still in confinement, be released forthwith, by an order to be issued by the Provincial Court in the Northern Division.

8. The Court propose to address the Government separately, on the general subject of the mode, nature, and extent of the supply of provisions to the prisoners in the several jails. Meantime, with reference to the remarks of Mr Garrow, and the previous observations of Mr Sad, it is resolved to call the particular attention of the present Assistant Judge at Masulipatam to the great impropriety of allowing any one individual to have a monopoly of the supply to the jail.

9. The Judges recommend that the Right Honorable the Governor in

5th August 1830.

in Council may be pleased to refer for the consideration and report of the Board of Revenue, and of the Medical Board, the remarks of Mr Garrow, from para 21 to 24 inclusive on the subject of the quality of the Salt manufactured, and sold as a monopoly on account of Government, which, in the neighbourhood of Masulipatam he states to contain 50 per Cent of "insoluble earthy matter." There is no doubt, that the purity of the Salt produced varies at different pans - the Medical officers, in several Zillahs, might be supplied by Collectors with Specimens of the manufacture at each, and might report to the Medical Board on their comparative purity, and the Board of Revenue might then restrict the manufacture to those pans, where the article is most purely produced, extending it there, if requisite, to cover the loss of supply at the pans producing an inferior quality, where the manufacture should be suppressed, as injurious to the health of the people.

Ordered, that copy of the above report with extract of these proceedings be sent to the Secretary to Government in the Judicial Department to be laid before the Right Honorable the

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5th August 1830 Governor in Council -

(Sent following letter No 271)

Ordered also, that extracts of these proceedings be sent to the First Judge of Circuit in the Northern Division with precept directing that he issue the necessary orders to give effect to paras 2, 7 and 8 thereof -

(Sent following precept No 272)

J. C.

Friday 6th August 1830.

At a Court of the Tavydaree Adalut.

Present,

J. A. Grant Esqre 1st Puisne Judge.

William Oliver Esqre 2d Puisne Judge.

C. M. Lushington Esqre 3d Puisne Judge.

Read letter dated the 28th Ultimo from the Provincial Court of Circuit in the Southern Division submitting the Reports required by Section XXXV Regulation X of 1816 from the several Criminal and Joint Criminal Judges in the Division for the month of May last together with their proceedings thereon.

(Here enter Cs. 394.)

1. With reference to the remark contained in the 16th paragraph of the proceedings of the Provincial Court of Circuit the Court of Tavydaree Adalut are of opinion that the Criminal Judge of Salem was justified, under the orders of this Court of the 7th of February 1820, in sentencing the prisoner concerned in Case Cs. 97 of the Report Cs. 5 to hard labour during the period of his imprisonment.

The

At a Court of the Foujdaree Adalut.

Present

Monday 9th August 1830. F. A. Grant Esqre 1st Puisne Judge.

William Oliver Esqre 2d Puisne Judge.

C. M. Lushington Esqre 3d Puisne Judge.

Read further return dated the 10th Ultimo, made by the Provincial Court of Circuit in the Northern Division to this Court's precept of the 4th of March last submitting the proceedings of the Magistrate of Masulipatam in the Case of Vada Runga Raickoloo..

/Here enter No. 424/

Read again Petition presented on the 4th of February last, by Vada Runga Raickoloo of the Zilla of Masulipatam..

/Here enter Mis. Pet. No. 9 of 1830/

1. The Court having carefully considered the proceedings of the Magistrate of Masulipatam in the Case of Vada Runga Raickoloo are of opinion that the Charge of Gang Robbery made by the Complainant against Birjee mohundoss and others was altogether misapprehended..

2. But Birjeemohundoss, without the authority of the Law, appears to have endeavoured

2.

The Court of Foujdaree Adalut approve of the order issued by the 2d Judge of the Provincial Court to the Acting Criminal Judge of Salem directing the release of the Prisoner in Case No. 107 of the same Report..

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

/Sent following letter No. 273/

The Petitioner states that he served as a Dalayet in the Zillah Court of Guntoor until its abolition in 1818, and that on its re-establishment in 1828 the Zillah Judge refused to restore him to his former situation until the suit which he had instituted in the Zillah Court against Chanaly Iyamaroo and others had been decided; and he concludes by praying that the Court will, notwithstanding, direct the Zillah Judge to restore him to his former employment.-

The Court are unable to issue the order required, and direct that the Petition be rejected, and the same communicated to the Petitioner.-

Read report received from the 2d Judge of Circuit in the Northern Division, reporting the result of his delivery of the Jail in that Division for the 2d Sessions of 1829.-

/Here enter pt 233/

Mr Lee, in conformity with the orders of Government of the 27th October 1829, has inquired into the circumstances of the great number of persons acquitted and released by the Criminal Courts, and states his opinion that "by far the greater number of "these

"these acquittals are to be ascribed to the discovery "on investigation, that the original Complaints "are either frivolous and groundless, or gross "exaggerations of trifling brawls or scuffles, "in which it is often impossible to ascertain "which party was the aggressor".-

2. The defective state of the Police in the Rajahmundry district is particularly noticed by Mr Lee.- he mentions a person robbed and wounded to have been brought to his tent in the morning- an attack made on his own tents on the same night, in which his Sepoy guard exchanged weapons with the assailants, and the robbery on the following morning of a female, who was left by the robbers in a state of nudity.- such daring attacks on a high public officer, and on the people in open day, upon a frequented route, argue a most inefficient state of the police.- and the Right Honorable the Governor in Council may perhaps deem it advisable to call the attention of the

Besides

endeavoured by a forcible entry to get possession of the House occupied by the Complainant and thereby made himself liable to fine and the Court are of opinion that the Magistrate erred in not fining him and also in not binding him over to keep the peace.-

3. It is the duty of the Magistrate to repress violence and preserve all property in peaceable possession until the Law interferes to charge it and he ought to have seen, that the Complainant, who was in actual possession of the House, was not forcibly ejected, until Burjeemohundoss had in due course of law established a better right.-

4. The Court desire that it be intimated to the Magistrate of Masulipatam that in future he should be guided by the principles above inculcated.-

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division desiring them to furnish the Magistrate of Masulipatam with a Copy of the same for his information and future guidance

guidance.-

/Sent following letter No. 275/

Ordered also that the Petitioner be informed that the Court consider any further interference unnecessary.-

Read petition presented in person by Narrainsawmy Moodely of the Zillah of Chittoor.-

/Here enter M.P. No. 36 of 1830/

The Petitioner was the 1st. Petitioner in Case No. 1 of the Chittoor Calendar for the 3d. Quarterly Sessions of 1829, and he requests the Court will grant him a Copy of their Sentence in the case.-

It is not customary to grant to individuals Copies of the Sentences passed by the Court of Sanguarce Adalut and in this instance it would be inexpedient to do so they therefore direct that the prayer of the Petition be rejected.-

Ordered that the same be communicated to the Petitioner.-

Read petition presented in person by Chauly Veerapah of the Zillah of Guntoor.-

/Here enter M.P. No. 38 of 1830/

The

The Petitioner states that he served as a Dalayet in the Zillah Court of Guntoor until its abolition in 1818, and that on its re-establishment in 1828 the Zillah Judge refused to restore him to his former situation until the suit which he had instituted in the Zillah Court against Chanaly Iyanauroo and others had been decided; and he concludes by praying that the Court will, notwithstanding, direct the Zillah Judge to restore him to his former employment.

The Court are unable to issue the order required, and direct that the Petition be rejected, and the same communicated to the Petitioner.

Read report received from the 2d Judge of Circuit in the Northern Division, reporting the result of his delivery of the Jails in that Division for the 2d Sessions of 1829.

/Here enter pp 233/

Mr Lodi, in conformity with the orders of Government of the 27th October 1829, has inquired into the circumstance of the great number of persons acquitted and released by the Criminal Courts, and states his opinion that "by far the greater number of

"these acquittals are to be ascribed to the discovery, "on investigation, that the original Complaints "are either frivolous and groundless, or gross "exaggerations of trifling brawls or scuffles, "in which it is often impossible to ascertain "which party was the aggressor".-

2. The defective state of the Police in the Rajahmundry District is particularly noticed by Mr Lodi. He mentions a person robbed and wounded to have been brought to his tent in the morning, an attack made on his own tents on the same night, in which his Sepoy guard crossed weapons with the assailants, and the robbery on the following morning of a female, who was left by the robbers in a state of nudity. Such daring attacks on a high Public officer, and on the people in open day, upon a frequented route, argue a most inefficient state of the Police - and the Right Honorable the Governor in Council may perhaps deem it advisable to call the attention of the

Besides

the Magistrate of Rajahmundry to the improvement of the Police in that district.

3. Mr. Dod mentions that, in the town of Vizianagaram in the Vizagapatam district, an irregular police establishment is entertained, at the expense of the inhabitants, under a chief selected by themselves, who receive complaints, apprehend persons without a Warrant, and the peons who seize the accused perform the part of witnesses. Six prisoners in two cases of the Chicacole Calendar were apprehended by peons of this irregular police who in both cases produced but a very small part of the plundered property, and it is not difficult to conjecture what became of the rest.

4. It appears to the Court of Sudder Adalut that the establishment above mentioned exercises powers which can be legally exercised only by the persons entrusted with Police duties under Regulation XI of 1816 Indeed it appears to be unauthorized and illegal. The Magistrate was not competent to authorize it without the sanction of the Government, and the Government could not vest it with the powers which it exercises, and which are requisite to make it at all useful, except by a Legislative

Legislative enactment. The Court accordingly resolve to submit to Government their recommendation that orders be issued for its abolition.

5. With reference to the 5th para of Mr. Dod's report, it is resolved to direct the Provincial Court of Appeal in the Northern Division to call upon the Judge of Vellore to report, whether there are any such turbulent characters in his Jail as to render it expedient that they should be removed to other Zillahs.

6. The Court of Sudder Adalut propose to address the Government separately, on the subject of the Jail at Guntoor, referred for their consideration on the 11th June last.

Order that Copy of the above report, with extract of these proceedings, be sent to the Secretary to Government in the Judicial Department to be laid before the Right Honorable the Governor in Council.

/Sent following letter No 276/

Ordered also that extract of these proceedings be sent to the Court of Circuit

Besides

9t. August 1830.

Circuit in the Northern Division by precept requiring them to give effect to the orders contained in para 5.-

/Sent following letter No 277/

Mr. Clinch & Mr. Lushington

Read letter dated the 5t. Ultimo, from the late 2d. Judge on Circuit in the Batticaloa Division, submitting the proceedings in Case No 5 of the Cumbrum Calendar for the 1st Sessions of 1830.-

/Here enter No 280/

The Second and Third Cussie 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 Mooftie of the Cazee-ool Adalut concur in opinion that the prisoner 1st. Pedda Baulegandoo is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession, notwithstanding the futwa of the Law officers, and accordingly under the provisions of Clause Sixth Section II Regulation XV of 1803, they direct that the prisoner 1st. Pedda Baulegandoo aforesaid be set at liberty.-

Mr. Grant and Mr. Oliver

(Sent following letter No 278)

Read letter dated 25t. June last from the late 2d. Judge late on Circuit in the Centre

9t. August 1830.

Centre Division, submitting Courts proceedings in a Case of Rape No 23 Cuddapah Calendar 1st. Sessions of 1830.-

/Here enter No 356/

The First and Second Cussie Judges, on a deliberate consideration of the circumstances of the Case in evidence before them, being of opinion that the proof against the prisoner Tobelasoo is sufficient to convict him of the crime of an aggravated assault, with intent to commit Rape, do under the authority with which they are vested, by Clause first Section II Regulation I of 1818, convict him thereof and Sentence him to receive one hundered and ninety lashes with a Cat of nine tails, and to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for the period of seven years.-

(Sent following letter No 279)

Mr. Oliver and Mr. Lushington

Read letter dated 28th. May last, from the 2d. Judge on Circuit in the Western Division, with record of trial in Case No 7 Honore Calendar 1st. Sessions 1830.-

/Here enter No 322/

The Second and third Cussie Judges having maturely considered the proceedings held before the Judge on Circuit the futwa of the Provincial Law

Decides

9th August 1830.

Law Officer and the futwa of the Cazeel ool Coozat and Mooftees of the Soudaree Adalut confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid and acquitting the prisoner

Kattanamany Timmah

direct that he be set at liberty.-

(Sent following letter No. 280)

Mr. Elmer and Mr. Lushington

Read letter dated 12th May last from the first Judge on Circuit in the Southern Division, transmitting Record of the Trial of Boodadoo Prisoner in Case No. 7 Salem Calendar 1st Sessions of 1830.- for Murder.-

/Here enter No. 283/

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-Coozat and Mooftees of the Soudaree Adalut, concur in opinion that the prisoner

Boodadoo

is not convicted on presumptive proof, or on the evidence of credible witnesses or on his own confession notwithstanding the futwa of their Law officers and accordingly under the provisions of Clause Sixth Section II Regulation XV of 1803 they direct that the prisoner

Boodadoo

aforesaid be set at liberty.-

(Sent following letter No. 281)

9th August 1830.

Read letter dated 19th Ultimo, from the Provincial Court of Circuit in the Centre Division, submitting the explanations received from the Criminal Judges of Chingleput and Chittoor relative to the Criminal Reports for the Month of April last.

/Here enter No. 457/

Read letter dated 4th Instant, from the 1st Judge on Circuit in the Northern Division, Reporting his intention to proceed to Guntoor.-

/Here enter No. 465/

Read return dated 28th Ultimo from the Provincial Court of Circuit in the Northern Division, to precept dated the 15th Ultimo directing the Judges on Circuit not to dispense with the examination of a witness who is capable of speaking to facts material to the issue of a trial.-

/Here enter No. 466/

Read return dated 28th Ultimo, from the Provincial Court of Circuit in the Northern Division, to precept dated the 12th Ultimo, directing officers in charge of Jails to report whenever they become more crowded or unhealthy than usual.-

/Here enter No. 467/

Read.

Sessions

9th August 1830.

Read return dated 28th Ultimo.
from the Judges of the Provincial Court of
Circuit in the Northern Division, to precept
dated 22d Ultimo calling for the proceedings
of the Magistrate of Masulipatam in the
Case of Vada Runga Raickoolo.-
(Here enter No 409)

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F. H.

F. H.

At a Court of the Foujdaree Adawlut.
Present,

Thursday.
12th August 1830 T. A. Grant Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge
C. M. Lushington Esqre 3rd Puisne Judge

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Read petition presented
in person by Mottien Chitty of the
Zilla of Madura.-
(Entered Misc. Petn No 40 of 1830.)

The Petitioner states that a
person named Soobramanya Chitty
preferred a false charge of arson
against him for which he was
tried by the Court of Circuit and that
in consequence of his being about
to prosecute him for damages,
the above named Soobramanya
Chitty has threatened to prefer other
false charges against him - and
he prays therefore that the Court
will order him to be punished.-

The petition contains
nothing requiring the interference
of the Court, and the prayer of it is
accordingly rejected.-

Read petition presented
on

on the 29th ultimo by Pon Chedumbara Cadavarayen of the Zillah of Combaconum

(Here enter Misc. Pet. No 43 of 1830.)

The Petitioner complains of the Magistrate of Tanjore having refused to investigate a complaint preferred by him against Iyatsamy Pillay and others mentioned in his Petition for having broken into his house, illtreated the inmates, and plundered property therefrom to a large amount.-

Ordered that the Petitioner be informed that he should represent his case to the Judge now on Circuit in the Southern Division, who will, should he think fit, call for the proceedings of the Magistrate, and pass such orders thereon as to him may appear requisite.-

Ordered that extract from these proceedings be furnished to the Petitioner on his application.-

Read petition presented on the 22nd ultimo by Narrainsawmy Moodely of the Zillah of Chittoor.-

(Here enter Misc. Pet. No 37 of 1830.)

The Petitioner prays that an

order may be issued to the Court of Circuit in the Centre Division directing them to cause to be restored to him certain stolen property stated to be in the custody of the Criminal Court at Chittoor which the Petitioner avers was on the trial of the Theft proved to belong to him.

The Petitioner made a similar application to this Court on the 25th of June last, when the acting Criminal Judge of Chittoor was directed to restore the property in question to the owner of it.-

From the return made by the acting Criminal Judge, dated the 27th ultimo, it appears that the property was proved during the examination of the case to belong to different Individuals therein concerned and that the acting Criminal Judge had issued orders to them requiring their attendance in Court to receive the property, and that as soon as they appeared the property would, as directed, be restored to them.-

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9[illegible]
12th August 1830.

The Court therefore consider any further orders in the case unnecessary and direct that the prayer of the Petition be rejected.-

Ordered that the same be communicated to the Petitioner.-

Read petition presented in person by Arunachella Moodely an inhabitant of Madras.

(Here enter Miscl Petn No 41 of 1830.)

The Petitioner claims certain of the property which was stolen from the house of Narrainsawmy Moodeliar and is now in the custody of the Criminal Court at Chittoor, and he prays therefore that the Court will in consideration of his not being able to proceed to Chittoor direct the Criminal Judge at that Station to delay the delivery of the property until he is enabled to appear before his Court or to deliver it to Narrainsawmy Moodely in the presence of a Gomastah to be deputed by him.-

+ on the 8th July last.

The Court have already issued orders to the Criminal Judge to

F. C.
12th August 1830.

to restore the property in question to the owners of it, and they therefore refer the Petitioner to that authority.-

Ordered that the same be communicated to the Petitioner.-

Read letter dated the 15th of May last, from the 2nd Judge in Circuit in the Western Division, submitting an English translation of the whole of the proceedings held in case No 12 on the Malabar Calendar for the 1st Sessions of 1830.-

(Here enter No 301.)

The Court having carefully considered the proceedings in the above case, concur in the propriety of the sentence of acquittal passed on the three prisoners by the 2nd Judge late on Circuit in the Western Division.

Ordered that extract from those proceedings be forwarded to the 2nd Judge of the Provincial Court of Circuit in the Western Division for his information.-

(Sent following letter No

Read return, dated the 28th ultimo from the Acting Criminal Judge in the Zillah of Chittoor, to

preceptt

Records

12th August 1880.

precept dated the 8th ittimo directing that the property referred to in the petition of Narayanaksawmy Iravedy be returned to the owner of it.-

(Here enter No 422)

Read return, dated the 3rd ittimo from the Judges of the Provincial Court in the Western Division to precept dated the 15th ittimo directing the Judges on Circuit not to dispense with the examination of a witness who is capable of speaking to facts material to the issue of a trial.-

(Here enter No 456)

Read letter dated the 2nd Instant, from the Second Judge on Circuit in the Southern Division, reporting the commencement of the Sessions at Madura.-

(Here enter No 460)

Read letter dated the 5th Instant, from the First Judge late on Circuit in the Southern Division, transmitting the warrant issued for the execution of the two prisoners in case No 8 of the Madura Calendar for the 1st Sessions of 1880, with the report of the Criminal Judge respecting the demeanour of the prisoners at and previous to the execution

(Here enter No 471) Read

12th August 1880.

Read letter dated the 28th ultimo from the Provincial Court of Circuit in the Centre Division, transmitting copy of a letter from the Acting Criminal Judge of Chingleput submitting an explanation relative to certain cases in the Criminal Reports for the Month of May last.-

(Here enter No 479)

Read letter dated the 28th ultimo from the Provincial Court of Circuit in the Centre Division submitting a return from the Criminal Judge of Bellary relative to the Criminal reports for the Month of April last.-

(Here enter No 480)

Read return dated the 6th Instant, from the Judges of the Provincial Court of Circuit in the Western Division, to precept dated the 12th ultimo pointing out the mode to be observed by the Lower Courts when the evidence of respectable females is required.-

(Here enter No 482)

Read return dated the 6th Instant,

9. 12th August 1830.

Instant, from the Judges of the Provincial Court of Circuit in the Western Division to precept dated the 12th ultimo directing them to furnish the Magistrate of Malabar with the orders of this Court respecting the Criminal prosecutions occasioned by disputed successions in Malabar.-

(Here enter № 482.)

Read return, dated the 6th Instant, from the Judges of the Provincial Court of Circuit, in the Southern Division, to precept dated the 14th January last directing the Court of Circuit to call for the proceedings of the Criminal Court of Madura in case №21 for the month of June last and to pass such order thereon as they may deem proper.-

(Here enter № 483.)

Era Vn W. Johnson

F. H.

At a Court of the Foujdaree Adalut

Present,

Thursday 19th August 1830. F. C. Grant Esquire 1st Puisne Judge.

William Rees Esquire 2d Puisne Judge.

C. M. Lushington Esquire 3d Puisne Judge.

Read petition presented by Arogee of Chinglepute.-

(Here enter № 45 of 1830.)

The Petitioner complains against the dismissal, by the Criminal Court of Chinglepute, of a charge of rape and robbery, preferred by her against one named Connen.-

The 3d Judge of Circuit states that all her witnesses were examined in as but that their testimony was very contradictory, and recorded his opinion that there was no necessity for further enquiry.-

The Court observe that the crime is stated to have been committed, in the presence of many persons, in open day

Dessides

day - This is far from probable, and under the opinion recorded by the Circuit Judge, the Court see no reason to interfere in a matter, which it would require the most undubitable and satisfactory evidence to establish..

Ordered accordingly that the prayer of the petition be rejected and the enclosures returned on application..

Read petition from J. Raugy of Cuddapah..

/Here enter M. P. No. 44 of 1830./

The petitioner complains against the Magistrate, for dismissing her charge of rape against Balasherooo Narasimmadoo..

The petitioner is referred to the Judge of Circuit, as the proper authority to redress such complaints against the Magistracy..

Read report of the first Judge of Circuit in the Southern Division, on the delivery of the several jails in that Division at the first sessions

 sessions of the present year, 1830..

/Here enter at No. 406/

1. Mr. Bird notices a horrid case, of the murder, in open day, of no less than 19 persons, in cold blood, committed in the presence of several thousand persons, by the leader of one of the parties, in a dispute between the right and left hand caste, for which this Court directed the principal offender to be executed and hung in Chains; and also a sentence of corporal punishment and public exposure, passed by himself, on a Brahmin who, by perjury, endeavoured to take away the lives of two innocent persons, falsely accused by him of murder. He then mentions a general complaint against the native police officers in Tanjore, of permitting violence to be used towards prisoners, which he had brought to the notice of the Magistrate.. and he brings before the Court the case of a person named Appiah in the following words..

16. "I consider it my duty to bring to the notice of the Judges of the Foujdaree Adalut the case of Appiah from whom I received a Petition during the Sessions of Salem..

Vide appendix

The Petitioner in question had been Imabrenedes in the office of the late Magistrate of Salem and it appears from the return of the Magistrate under date the 12th. of May to my precept of the 4th. of the same month, that he had been

placed

placed in confinement on the 15th of August last by order of the late Commissioner Mr. MacDonell, and that recent orders had been received by the Collector from the Board of Revenue to bring him to trial under Regulation IX of 1822, for receiving bribes.-

17. Thus it appears that the individual in question had been in confinement from the 15th of August to the 12th of May a period of nearly 9 months without trial, or as far as can be seen without any investigation into the truth of the charge under which he was incarcerated, a proceeding which I conceive to be unauthorized and unjustifiable under any circumstances, and to require the interference of superior authority to prevent the recurrence of what must be considered an act of injustice."-

2. The Sudder Adalut concur in opinion with the Judge on Circuit that the incarceration of this individual, for nearly nine months, not only without trial, but without any investigation of the charge against him is both illegal and oppressive and it seems desirable that the recurrence of such injustice should be prevented by an express enactment to meet similar cases. The Judges also cannot but regret that, without any specific charge against this person, the present Collector should have declined to release him except he gave security to the excessive amount of 30,000 Rupees. It is stated that the Board of Revenue have recently directed this man to be brought

J. M:

19th August 1830.

brought to trial under Regulation IX 1822.-

3. Ordered that the Provincial Court in the Southern Division in their collective capacity do communicate with the Joint Criminal Judge in Coimbatore, on the subject of para 19 of Mr. Bird's report, and that they submit their joint sentiments on the subject to this Court.-

4. With reference to the orders of Government of the 27th October 1829, the first Judge reports that his scrutiny of the proceedings of the several Criminal Courts shews that no fault is to be found either with the Criminal Courts, or with the Police, respecting the cases sent up by the latter, in which the prisoners have been acquitted by the higher tribunal.-

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

/Sent following letter No. 291/

Ordered also that Copy of the Report and Extract of these proceedings be sent to the Secretary to Government in the Judicial Department to be laid before the Right Honorable the Governor in Council.-

/Sent following letter No. 290/

15th August 1838.-

Read letter from the Acting Judge of Circuit in the Centre Division, transmitting the return of the Criminal Judge of Bellari, to the warrant issued by him for the capital punishment of the first and fourth prisoners, in Case No 1 of the Bellari Supplemental Calendar, for the 2d Sessions of 1838.-

/Here enter No 452/

With reference to the remark of the Criminal Judge that these prisoners "declined to receive any Rites of mercy or consolation which religion offorded," the Court resolve to call upon him for a full explanation of the circumstances thereby alluded to. by a precept to be issued through the Acting Judge of Circuit return to be made within 5 days after its receipt.-

/Sent following Precept No 292/

Read letter dated 9th July last from the late 2d Judge on Circuit in the Centre Division submitting the proceedings in Case No 1 of the Bellari Calendar for the 1st Sessions of 1838.-

/Here enter No 397/

The First and Third Puisne Judges having maturely considered the proceedings held before the Judge on Circuit, the futwa of the

15th August 1838.- the Provincial Law Officer and the futwa of the Cazee-ool-Coozat and Mooftees of the Sudder Dewanny Adawlut, confirm such part of the futwa of their Law officers as acquits the Prisoner.-

3d Cottegadoo

and direct that he be set at liberty.-

The said Judges being of opinion that the prisoners

1st Madadoo, and

2d Chennoogandoo,

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions, notwithstanding the futwa of their law officers, do accordingly under the provisions of Clause 5th Section II Regulation XV of 1803 direct that the prisoners aforesaid be also set at liberty.-

The mode of conducting this trial through its different stages appears to have been very defective. The confession alleged to have been made before the Police never proved to have been voluntarily given. The fact of the Prosecutrix stating in her original deposition before the Police that she

19th August 1830

she recognized the first Prisoner only - and afterwards swearing, that she recognized in the dark the second Prisoner also, though she had never before the trial seen him, throws a doubt over, the other part of her evidence. This irreconcilable difference has escaped the observation of both the Criminal and the Circuit Judges. It is also doubtful whether the 2d and 3d Witnesses were not originally accused of the Robbery and it would have been advisable to have made enquiry into this part.-

Sent following letter No 293A

Read Letter dated 24th Ultimo, from the late 2d Judge late on Circuit in the Centre Division, Transmitting the proceedings in Case No 2 of the Chingleput Supplemental Calendar for the 1st Session of 1830.-

Vide entry No 432

The First and Third Puisne Judges, on a deliberate consideration of the circumstances of the case in evidence before them, being of opinion, that the proof against

F. M.

19th August 1830.- against the Prisoners

1st Moorty,

2d Govroomin, and

3d Ringin,

is sufficient to convict them of the crime of Highway Robbery & under Clause first Section II Regulation I of 1816, convict them thereof, and sentence them severally to be imprisoned and kept to hard labour in irons on the public roads, or other public works, for the period of fourteen years, as prescribed by Clause third Section IV Regulation XV of 1803.-

It appears that Mr Paske the Criminal Judge commenced the trial of this Case in November and December 1829 and that it was subsequently completed by Mr S. Smith in April 1830.-

No explanation of the reasons for so great a delay having been allowed to intervene, accompanies the trial forwarded to the Foujdaree Adalut; and the Court accordingly resolve to call on the Acting Criminal Judge in the Zillah of Chingleput for an explanation of this circumstance, by a precept

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19th August 1830 precept, addressed to the first Judge of Circuit in the Centre Division, return to be made without delay.-

/Sent following Precept No. 293B/

Read letter dated 3d June last, from the Acting Judge late on Circuit in the Centre Division with record of the trial in Case No. 17 Chingleput Calendar 2d Sessions 1829.-

/Here enter No. 320/

The First 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-Coozat and Mooftees of the Sudder Adalut, confirm such part of the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid as acquits the prisoners

1st Saura Mootoo,
2d Venkatarayen,
3d Vullen,
4th Cunjamulla,
5th Canagasabay,
and
6th Chittumbala Semmaty,

and direct that as regards this case they be set at liberty.- And being of opinion that the prisoner

7th Balagooroonun

is not convicted on presumptive proof, or on the

19th August 1830 the evidence of credible witnesses, or on his own confession, notwithstanding the futwa of their Law Officers, they under the provisions of Clause Sixth Section II Regulation XV of 1803 direct that the prisoner

7th Balagooroonun

aforesaid be also set at liberty.-

/Sent following letter No. 293C/

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F. N.

At a Court of the Foujdaree Udalut

Present,

Thursday
26th August 1830.

F. A. Grant Esquire. 1st Puisne Judge.
William Oliver Esquire. 2d Puisne Judge.
C. M. Lushington Esquire. 3d Puisne Judge.

Read Petitions presented by Seetarama Cuntoolon Vakeel of Senoodoo Vencatamah of the Zillah of Nellore.—

/Here enter N. Dist. No. 11648 of 1830/

The Petitioner Vencatamah states that she was robbed of property of the value of 111½ Pagodas, by a Gang of 195 Persons at Cadoor on the 27th May 1829. that she presented 34 Arzees: (17 to the Magistrate; 2 to the Criminal Judge; 6 to Mr. Fox, and Mr. Money Judges of the Provincial Court; 1 to the Board of Revenue; 3 to Government; and 5 to Mr. Thompson Collector of Nellore) none of which have been taken due notice of. She requests that the Court may direct Mr. Thompson to furnish her with Copies of the Documents she requires which she affirms are proofs of the Robbery having been committed at the instigation of his Servants. She also states that she formerly presented a Petition by Dispal from Nellore on the 28th May last to the Sudr and Foujdaree Udalut and requests, that her case may be

he enquired into directly before the Toupasaree Moolut or by the Criminal Judge.-

The Court observe that the Case of the Petitioner was referred by the 2d Judge on Circuit for the report of the Magistrate. The result of this reference must be communicated to the Court who will then be enabled to judge whether any and what measures are to be adopted for the purposes of justice.-

Ordered therefore that the Petitioner be referred to the Provincial Court in the Northern Division, whom it is resolved, by precept to call on to report the said result - return to be made without delay.-

/Sent following Precept No. 330A/

Read Miscellaneous Petition from Mungattat of Pasonady Coil in the Pungamanar =sem Valook Zillah of Combaconum.-

/Here enter No. 47 of 1830/

The Petitioner prays that the sentence of 14 years imprisonment and hard labor passed on her son Marooden Casnarayen may be remitted, as two other persons of the same name were in the same Village but were not apprehended, and she affirms her son is not the individual guilty of the crime laid to his charge.- The Court having considered the purport of the depositions in the Combaconum Calendar in Case No. 22 of 2d Sessions of 1829 wherein one

one Marooden Cadamarayen charged with having been engaged in Gang Robbery was committed by the Law Officer and the Judge of Circuit, see no reason to doubt the guilt of a person of that name, but deem it prudent that a reference of the above Petition should be made to the said Judge of Circuit, in order that he may state whether he has any reason to doubt the identity of the 2d prisoner, connected by him as the Marooden Cadamarayen engaged in the Gang Robbery in question, or whether the crime may not possibly have been committed by one of the other two persons bearing the same name, and living in the same Village. This will mainly depend on the credence taken by the said Judge to the identity of the 2d prisoner, on which point no information is before this Court.-

Ordered accordingly that Mr. Nicholls the 2d Judge in Southern Division be by precept called upon to furnish the required information - returnable without delay.-

/Sent following precept No. 330B/

Read return from the Provincial Court of Circuit in the Centre Division to precept dated 17th June last relative to a Petition presented by Cawmy Raudoo Mootremdar of

the 2d Sessions of 1829 and

be enquired into directly before the Provincial Court or by the Criminal Judge.-

The Court observe that the Case of the Petitioner was referred by the 2d Judge on Circuit for the report of the Magistrate. The result of this reference must be communicated to the Court who will then be enabled to judge whether any and what measures are to be adopted for the purposes of justice.-

Ordered therefore that the Petitioner be referred to the Provincial Court in the Northern Division, whom it is resolved, by precept, to call on to report the said result - return to be made without delay.-

/Sent following precept No. 299A/

Read Miscellaneous Petition from Mungattal of Pasonagy Coil in the Pangamianas =sem Calook zillah of Combaconum.-

/Here enter No. 47 of 1830/

The Petitioner prays that the sentence of 14 years imprisonment and hard labor passed on her son Marooden Casanarayen may be remitted, as two other persons of the same name were in the same Village but were not apprehended, and she affirms her son is not the individual guilty of the Crime laid to his charge.- The Court having considered the purport of the depositions in the Combaconum Calendar in Case No. 22 of 2d Sessions of 1829 wherein one

one Marooden Casanarayen charged with having been engaged in Gang Robbery was convicted by the Law officer and the Judge of Circuit, see no reason to doubt the guilt of a person of that name; but deem it prudent that a reference of the above petition should be made to the said Judge of Circuit, in order that he may state whether he has any reason to doubt the identity of the 3d prisoner, connected by Sum as the Marooden Casanarayen engaged in the Gang Robbery in question, or whether the crime may not possibly have been committed by one of the other two persons bearing the same name, and living in the same Village. This will mainly depend on the evidence taken by the said Judge to the identity of the 3d prisoner, on which point no information is before this Court.-

Ordered accordingly that Mr. Nicholls the 2d Judge in Southern Division be by precept called upon to furnish the required information - returnable without delay.-

/Sent following precept No. 300B/

Read return from the Provincial Court of Circuit in the Centre Division to precept dated 17th June last relative to a Petition presented by Sawmy Nadoo Mottremdar of

of Coimbatore in Chittoor Zillah, requesting the opinion of the Sujdaree Adalut on the validity of the objections of the Magistrate to conform to the orders issued by it.-

/Here enter No 490 of 1830/

The Court having considered the explanations offered by the Magistrate are of opinion that the most expeditious mode of acquiring the requisite translations will be from the Provincial Court, whom it accordingly is resolved shall be directed to cause the said translations to be made.-

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable without delay.-

/Sent following Precept No 300.C/

2 Ans. 20

Ent 40

Ent Mad

F. 61

F. A.

At a Court of the Sujdaree Adalut.

Present,

Tuesday, 3rd day August, 1830. F. A. Grant Esqre 1st Puisne Judge.
William Oliver Esqre 2nd Puisne Judge.
C. M. Lushington Esqre 3rd Puisne Judge.

24

20

Ent.

Read return to precept of the Sujdaree Adalut of the 17th ultimo from the 1st Judge late on Circuit in the Southern Division under date 16th Instant inclosing copy of the proceedings of the Southern Circuit Court together with the return of the Magistrate of Coimbatore shewing that the confessions in case No 7 of the Coimbatore Calendar for the last Sessions were not taken before a Police Officer of his District.-

(Here enter No 501)

Case No 7.
Sooramanny Sept. Govt Prosecutor.
Versus.
Pathyankil Mammoo and 15 others.

" The prisoners in this case appear to have confessed themselves before the Police Officer, guilty of an offence which, upon reference to the remarks of the 1st Judge on the case, appears never to have been committed. The Court therefore with a view to the enforcement of the provisions contained in

in the Regulations for the punishment of the atrocious practice of extorting confessions, deem it proper, on this occasion to desire that the authorities in Malabar be directed personally to institute a strict enquiry into the conduct of the Police officer who took the alleged confessions, and that the results thereof be submitted to this Court without delay."

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, by precept, desiring them to communicate the same to the Magistrate in Malabar for his information and guidance. Return to be made without delay.

(Sent following precept No 304)

Mr. Grant and Mr. Lushington

Read letter dated the 22nd ultimo from the late Second Judge late on Circuit in the Centre Division, transmitting the proceedings in case No 2 of the Chingleput Calendar for the 1st Sessions of 1830.

(Here enter No 429)

The First 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 and Coozat and Moofties of the Zillah Court confirm the said futwa of the Cazee and Coozat and Moofties aforesaid and acquitting the prisoners,

1st Vencatarayen
and
2nd Sawaramoothoo

direct that they be set at liberty.-

(Sent following letter No 305)

Read return dated the 21st ultimo from the Provincial Court of Circuit in the Centre Division to precept dated 12th ultimo directing officers in charge of Jails to report whenever they become more crowded or unhealthy than usual.-

(Here enter No 488.)

Read letter dated the 14th Instant, from the 2nd Judge late on Circuit in the Western Division, with returned warrant for the execution of the prisoners in case No 12 Canara Calendar 2nd Sessions 829.-

(Here enter No 494)

Read letter dated the 13th Instant, from the 1st Judge on Circuit in

in the Northern Division, reporting his arrival at Guntoor.-

(Here enter No. 595.)

Read letter dated the 18th Instant from the Provincial Court of Circuit in the Southern Division, enclosing copies of returns regarding the Criminal Reports for May last from the authorities in the Southern Division.-

(Here enter No. 592.)

Read letter dated the 6th Instant, from the Provincial Court of Circuit in the Centre Division, forwarding copy of a return from the Magistrate of Cuddapah in reference to the Courts' proceedings of the 9th ultimo.-

(Here enter No. 595.)

Read letter dated the 9th Instant from the Judge of the Provincial Court of Circuit in the Centre Division referring to the Courts proceedings of the 19th ultimo and forwarding copy of return of the acting Criminal Judge of Chittoor explanatory of the circumstances which caused the remarks of the Judge to appear in case No. 54 of the Report No. 5 for

2/ F. 61.

31st August 1830. for April last.-

(Here enter No. 576.)

Read return dated the 2nd Instant, from the Provincial Court of Circuit in the Centre Division, in pursuance of the 12th ultimo regarding the mode of examining Women of the Native Caste and issuing instructions to the Criminal Judges relative to persons confined in default of security.-

(Here enter No. 509.)

Read letter dated the 22nd Instant, from the 1st Judge on Circuit in the Northern Division, reporting his intention of leaving Guntoor on the 22nd for Masulipatam.-

(Here enter No. 574.)

Read letter dated the 26th Instant from the 2nd Judge of the Court of Circuit for the Centre Division, reporting his departure to Cuddapa on Circuit on the 26th Instant.-

(Here enter No. 521.)

Read letter dated the 27th Instant, from the First Judge of the Provincial Court of Circuit in the Northern Division reporting his return

31st August 1830.

return to his station at Masulipatam.-

(Here enter No 522.)

Read letter dated the 24th Instant, from the late 2nd Judge of the Court of Circuit in the Centre Division reporting the death of Pundla Gungu the prisoner in case No 5 Bellary Calendar for Sessions 1830.-

(Here enter No 573.)

F. C.

At a Court of the Foujdaree Adalut

Present,

Thursday 2d September 1830.- The Hon.ble C. A. Grant Esquire 1st Puisne Judge.

William Rivers Esquire 2d Puisne Judge.

C. M. Lushington Esquire 3d Puisne Judge.

Read petition presented by C. Kristnamachariar, Streenevasacharriar and other Brahmins of the Vengala Sect of Teroovumdapooram, and by Deesay Guzzala Gopaula Chitty, and other Chitties of Teropolegon.

(Here enter M. P. C. No 39 of 1830)

2. Read also two petitions subsequently presented by the same parties.-

(Here enter M. P. C. Nos 50 & 51 of 1830.)

3. Read likewise a petition presented by Sachachella Naick.-

(Here enter M. P. C. No 52 of 1830)

4. Of these four petitions, the first is presented by certain Brahmins of the Vengala Sect, and certain Chitties, in conjunction with them, and commences by alluding to a dispute between the Vengala and Vadagala Sects in the year 1826, originally brought before the Joint Magistrate Mr. Drury, respecting which are filed extract from the proceedings of the Circuit Judge Mr. Newnham of

of the 22d December 1827, and thus endorsements by the Circuit Judge Mr Baker of the 11th November and the 27th December 1828. The petitioners represent that, in consequence, the Padagala sect instituted a suit against the Jengala sect, in the Zillah Court of Chingleput, and file an extract from the Proceedings of that Court of the 13th February 1830, to shew that the Jengala sect to which the petitioners belong, have appealed from the decree of the Zillah Court, to the Provincial Court at Chittoor.

5. The said first petition then proceeds to state that, subsequently to this period, or in April 1830, the petitioners lodged a new complaint against the Padagala sect before the Assistant Magistrate Mr Davis, who decided contrary to Mr Drury's decision in 1828 that the Magistrate Mr Cunliffe, to whom they appealed, gave an endorsement confirming Mr Davis' decision, and that they thereupon addressed the Provincial Court of Chittoor. But of these new complaints in the Criminal Department or of the decisions passed by the three authorities above mentioned thereon, not a single one is filed with this first petition; which goes on to complain against the Magistracy, for the most of the persons of the right hand sect, the mannikiyam of 2 of them, the inflictions of 30 strokes and 2 fines

2d September 1830.

and the loss of property by one of the Petitioners. On these points, it is added that a petition was presented to the Magistrate, but it also is not filed, nor do the petitioners appear to have waited for his decision on it. The petitioners conclude by complaining against the Magistracy for subsequently fining numerous persons in both their villages - and they add that in some cases the fines were commuted for imprisonment, in others enforced by the sale of property.

6. The second petition, from the same persons, states that, whilst waiting on the Zillah Court, for a decision on a complaint preferred by them against the Collector, his officers, on the expiration of the time specified in a notice affixed to their doors, attached their houses, and the property and temple of the idol, representing the chief of their sect.

7. The third petition, from the same parties, encloses copies of their petitions to the Joint Magistrate and to the Magistrate, omitted to be presented with the first petition as noticed at the commencement of para 5; with Copies of the endorsements thereon. The decision of the Magistrate is stated to be at variance with

with that of Mr. Drury in 1826, enclosed in the first petition; and is attributed to the influence of one of the opposite sect a Servant in the Magistrates Office..

8. The fourth petition is presented by a separate individual, Sashachella Paick, who states himself to have been falsely accused of an assault on the Vadangaly sect on the 9th of Vyasy in the present year, and that a notice was in consequence fixed on his House, that he represented to the Tahsildar, and the Magistrate, by petitions sent by tappal, his absence at the time in question - but that his House has notwithstanding been attacked..

9. The whole of these petitions appear to originate in a dispute between the Tengala and Vadangala sects, respecting the festival of Ramanuja Mahamoony, the Chief of the sect of the Tengala, to which all the petitioners belong..

10. It appears, from the proceedings of Mr. Newnham, and the endorsement of Mr. Dains, that the Zillah Court of Verdachellum passed a decree against the celebration of this festival in the Pagoda; and, from the talks of Mr. Drury, and Mr. Newnhams proceedings, that the petitioners claimed a right to erect the idol in their own houses and to celebrate the festival

festival outside - Mr. Dains states that, on this last point, the Vadangaly sect instituted the suit in the Zillah of Chingleput, where a decree has been given against the petitioners, as admitted by themselves.-

11 Pending their appeal against this decree to the Provincial Court in the Centre Division the petitioners on the 1st May last complained to Mr. Dains the Joint Magistrate against the other sect, for obstructing the very ceremony forbidden by the Civil Courts. That officer properly declined to enforce its celebration. They then applied to his superior Mr. Cunliffe, the Magistrate, under Section XIV Regulation IV 1816, which has been rescinded by Regulation IX 1816, and clause fifth Section XII Regulation IV of 1802, which has reference exclusively to the process of the Civil Courts. That gentleman, with equal propriety, informed them, that the dispute being under appeal to the Civil Courts, he would obey any precept from them..

12. The result of the reference of the petitioners to the Provincial Court in the Centre Division is not stated But that tribunal could hardly fail to repress the attempt of the petitioners to establish by force that right, to maintain which they had appealed against the decree of the Zillah

being adduced of his having the same to have been stolen.-

/Sent following Precept No. 30/

Read return dated the 21st. Ultimo from the 2d. Judge of the Court of Circuit in the Northern Division calling upon him for an explanation on the subject of the Petition presented to this Court by Codunda Ramasaumy of the Zillah of Vizagapatam

/Here enter No. 437/

Read again Petition presented by Codunda Ramasamy of the Zillah of Vizagapatam.-

/Here enter M. P. No. 25 of 1830/

From the return of the 2d. Judge of the Northern Provincial Court it appears that Erichinapoly Sooharaya Pillah the Head of Police of Amuntapilly, who was charged by the Petitioner with having on the 15th. April 1829 fraudulently taken and appropriated to his own use some Gold Mohurs and a Diamond to the value of more than 630 Rupees discovered upon certain Prisoners brought before him in his capacity of Head of Police who on the 31st. of March 1829 committed an extensive Robbery in the Petitioners House at Venkatagheree in the Nellore District, was tried by him at Rajahmundry in Case No. 11 on the 1st.

Calendar

2d. September 1830. Calendar for the 2d. Sessions of 1829 and

acquitted. The Futwah of the Law Officer having declared the charge to be not proved and there being no legal credible evidence of his guilt.-

Of the property, which the Petitioner prayed this Court would direct to be restored to him, the 2d. Judge states that the Diamond was caused to be returned to the Head of Police because there was not sufficient proof that it belonged to the Petitioner, but that the Gold Mohurs which were deposited in the Treasury at Masulipatam not having been produced in Court he gave no order whatever respecting their disposal.-

The Court therefore reject the prayer of the Petition but direct that the Magistrate of Masulipatam be instructed by Precept to issue orders for the restitution of the Gold Mohurs in question deposited in his Treasury to the owner of them.-

Ordered that the same be communicated to the Petitioner.-

Read Letter, dated the 13th. August, from the 2d. Judge on Circuit in the Southern Division transmitting Copy of the Madura Calendar for the 2d. Sessions of 1830.-

/Here enter No. 493/

In the Case No. 2 the Prisoner Madoora Mottoo charged with having broken through

Besides

2d September 1830

through the mall of the Prosecutor's House and robbed property to the value of 83 1/2 Rupees, is sentenced "to receive 150 stripes with a Cat o' "nine tails and to be imprisoned and kept to hard "labor in irons for the term of 5 years."

2. It appears that the 2d Judge on Circuit called on the Mahomedan Law officer for a second Futwa under Clause III Section II Regulation XV of 1803. By this 2d futwa, it was declared that the Penalty of Hud would not have been barred except in consequence of the property found on the Prisoner not amounting to the Nisab, a case coming within the scrupulous distinctions alluded to in clause IV Section II of Regulation XV. of 1803 under which the 2d Judge should have sentenced the Prisoner, agreeably to Section XXI of Regulation VII of 1802, to be imprisoned for 7 years with hard labor; but in this instance the Court are unwilling to disturb the sentence already passed.-

3. The Court further observe that the 2d Judge has omitted in many instances to cite the Regulations under which the sentences were passed on the prisoners: and as inconvenience is experienced from this omission generally they resolve, by Precept, to call the attention of the 4 Courts of Circuit to this

2d September 1830- this subject, and to desire that under the column for the remarks of the Judges, the Judge of Circuit do invariably insert in his Calendar the Clause Section and Regulation under which his sentence may be passed, or on which the decision for reference, or otherwise, may be founded.-

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

/Sent following letter No. 308/

Ordered also that Copy of para 3 of these Proceedings be forwarded to the 4 Provincial Courts for the information and guidance of the Judges on Circuit.-

/Sent following letter No. 309/

Read letter dated the 21st Ultimo from the 1st Judge on Circuit in the Northern Division recommending a mitigation of punishment in the Case of the Prisoners in Case No. 2 of the Nellore Calendar, for the 2d Sessions 1830 forwarded to this Court in his letter of the 21st Ultimo.-

/Here enter No. 515/

The Court of Foujdaree Adalut having attentively considered the grounds upon which the 1st Judge on Circuit in the Northern Division has recommended that

2d September 1830

2d September 1830

that the punishment of the Prisoners so referred to in this report should be mitigated to "five years imprisonment and labor "in some distant Province", resolved under the provisions of Clause 3d Section III Regulation I of 1825 to sanction the mitigation of punishment proposed.-

2d

They therefore direct that the sentence on the said Prisoners be commuted to five years imprisonment and labor in the Jail of Combaconum to which they are to be early forwarded under a sufficient escort.-

3d

Ordered that Extract of these proceedings be sent to the 1st Judge of the Court of Circuit in the Northern Division for his information.-

/Sent following letter No. 310/

Read letter dated 30th Ultimo. from the 1st Judge late on Circuit in the Southern Division, forwarding the warrant issued to the Joint Criminal Judge of Salem for the execution of Rasanna the prisoner in Case No. 15 of the Calendar of the

No. 6.

2d September 1830. the Auxiliary Court at Coimbatore for 1st Session of 1830.-

/Here enter No. 537/

Read letter dated 30th Ultimo, from the 2d Judge on Circuit in the Centre Division stating that the Circuit Sessions have been resumed.-

/Here enter No. 528/

Read return dated 25th Ultimo, from the Judges of the Provincial Court of Circuit in the Southern Division to precept of the 12th July respecting the appearance of Females in Courts of Justice and directing the Criminal Judges to affix a list of persons confined in Jail in default of security in a conspicuous part of their Court House the lists to be renewed at each Jail delivery.-

/Here enter No. 525/

Read letter dated 28th July last, from the Provincial Court of Circuit in the Southern Division, submitting the Reports required by Section XXXV Regulation X of 1816 for the Month of June last.-

/Here enter No. 468/

Read letter dated 19th Ultimo, from the Provincial Court of Circuit in the Centre Division, submitting the Reports required by Section XXXV Regulation X of 1816 for the Month of June last.-

/Here enter No. 518/

At a Court of the Gongdaree Circuit

Present,

Wednesday 8th September 1830

J. A. Grant Esquire 1st Puisne Judge.
William Olivier Esquire 2d Puisne Judge.
C. McL. Lushington Esquire 3d Puisne Judge.

Read letter dated 7th July last, from the late 2d Judge of the Court of Circuit in the Centre Division, submitting the proceedings in Case at No. 16 of the Bellary Calendar for the 1st Sessions of 1830.--

/Here enter at No. 421/

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-Cozat and Mooftees of the Gongdaree Circuit, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and acquitting the prisoners

1st Callingah Mulliah
and
2d Stagamah.

direct that they be set at liberty

This

F. H.

2d September 1830.

This case appears to have been very insufficiently examined, the evidence is wholly circumstantial and considerably defective. The Criminal Judge examined Witnesses for the 1st Prisoner, the Criminal Judge omitted to do so. In the opinion of the Court it seems very probable that the deceased committed suicide and thereupon give notice to the commission of the murder. the deceased moreover was generally known to be in the habit of leaving her Husbands House who had chastised her for so doing. note to mention the discrepancies in the testimony, the prosecution bears the appearance of being malicious, the jury in favor of the Prisoners have remanded unnoticed; and the whole of the examination of the Criminal Judge both in perspicuity and arrangement are far inferior to that of the Police Officer.

/Sent following letter No. 311/

Read letter dated 12th Ultimo, from the Acting Judge of Circuit in the Centre Division, with record of trial in

8th September 1830.

Case No. 1 on the Supplemental Calendar filed Chingleput 2d Sessions 1829.

/Here enter No. 498/

Mr. Grant. and Mr. Lushington.

The First 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-Coozat and Mooftees of the Sudder Adalut are of opinion that the Prisoners

1st Colacaurum,
2d Velleri,
3d Maurcamoottoo,
4th Canagapa Samoottu
and
5th Caramanundum,

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confession; and notwithstanding the futwa of their Law Officers they accordingly under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that the Prisoners

1st Colacaurum,
2d Velleri,
3d Maurcamoottoo,
4th Canagapa Samoottu
and
5th Caramanundum,

aforesaid be set at liberty.

The mode of conducting this Trial is considered defective and open to objection.

The

8th September 1830.

This case appears to have been very insufficiently examined, the evidence is wholly circumstantial and considerably defective. The Criminal Judge examined Witnesses for the 1st Prisoner, the Criminal Judge omitted to do so. In the opinion of the Court it seems very probable that the deceased committed Suicide and therefore no interference to the commission of the murder. The deceased moreover was proved to be in the habit of leaving her Husbands House who had chastised her for so doing, not to mention the discrepancies in the testimony, the prosecution bears the appearance of being malicious, the favor in favor of the Prisoners have remained unnoticed; and the whole of the examination of the Criminal Judge both in perspicuity and arrangement are far inferior to that of the Tolei officer.

/Sent following letter No 311/

Read letter dated 12th Ulto. from the Acting Judge of Circuit in the Centre Division, with record of trial in

8th September 1830.

Case No 1 on the Supplemental Calendar Zillah Chingleput 2d Sessions 1829.

/Here enter No 498/

Mr Grant.
and
Mr Lushington.

The First 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-Cozat and Mooftees of the Sudder Dewanny Adalut are of opinion that the Prisoners

1st Colacaurum,
2d Vellein,
3d Maureemoottoo,
4th Canagapa Samoottee
and
5th Paramanundum,

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confession; and notwithstanding the futwa of their Law Officers they accordingly under the provisions of Clause 3d 4th Section II Regulation XV of 1803, direct that the Prisoners

1st Colacaurum,
2d Vellein,
3d Maureemoottoo,
4th Canagapa Samoottee
and
5th Paramanundum,

aforesaid be set at liberty.

The mode of conducting this Trial is considered defective and open to objection.

The

2d September 1830.

8th September 1830.

have been escorted, or the property have been placed by others where it was found.

/ Sent following letter No. 312 /

Read letter dated 7th Ultimo from the late 2d Judge late on Circuit in the Centre Division forwarding the record of trial in Case No. 14 Ballary Calendar 1st Session 1830 called for on the 22d Ultimo.

/ Vide entry No. 487 /

Mr. Oliver
&
Mr. Lushington

The second and third Puisne Judges having maturely considered the proceedings held before the Judge on Circuit the finding of the Provincial Law Officer and the finding of the Cazee or Cozjat and Mooftee of the Zillah Adalut confirming the said finding of the Cazee or Cozjat and Mooftee aforesaid and acquitting the prisoners

1st Gomsapah,

and

2d Moollah,

direct that they be set at liberty.

/ Sent following Letter No. 313 /

J. U.

J. U.

At a Court of the Zillah Adalut

Present,

Thursday,
9th September, 1830.

F. A. Grant Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge
C. M. Lushington Esqre 3rd Puisne Judge.

Read letter from the Provincial Court of Circuit in the Centre Division submitting a reference from the Commissariat Officer at Ballari, "first as to the legality, or illegality, of taking up prostitutes"; and secondly as to the punishment of contempt before him, when committed by persons under the civil authorities.

(Vide entry No. 476 A of 1830.)

The Commissariat Officer, under Regulation VII 1821, possesses no authority except subject to the Commanding Officer of the station." The letter in question does not purport to be under that officers instructions, but it is presumed that it was written under his orders, and the Court therefore proceed to decide on the questions referred in it.

2. By Section II Regulation I 1802 it is enacted that all rules regarding the

6th Sept. 1830.

the administration of justice, or affecting in any respect the rights, persons, or property of the native subjects of this Government shall be framed into a Regulation in the Judicial Department, and printed and published as therein directed; and by Section XIII of the same law it is enacted that the civil and criminal Courts of Justice are to be guided by these Regulations alone "and by no other."

3. Notwithstanding therefore that the Government, in their executive capacity, may, by Orders to the Army, have authorized the arrest of prostitutes, and their confinement in lock hospitals, yet as such restraint on this class of natives has not yet been sanctioned by a regular enactment, in their legislative capacity, the Court of Sudr and Foujdaree Adalut are constrained to declare it unauthorized by law.

4. If this measure would be illegal by the Civil Magistrate, it would be much more so by the Superintendent of general Bazar police, under Regulation VI 1821, who, by

6th Sept. 1830.

by Section VIII, it is declared "shall have "no authority in any case to inflict "or order the infliction of any punishment" and who, to whatever bounds the limits of the Military cantonment may have been extended, has a right to arrest no one beyond the general Military bazar, except those liable to Martial law, which the civil inhabitants are not in any case, with the single exception of that specified in Section IX Regulation IV 1827.

5. The Court of Sudr and Foujdaree Adalut at the same time are satisfied, that where European troops are stationed, it may be matter of great importance to their health, that restraint should be imposed by law upon diseased prostitutes; and for this end, they resolve to submit the correspondence in question for the consideration of the Right Honorable the Governor in Council.

6. The Court concur with the Provincial Court in thinking that to leave such restraint to be exercised, as at Bellari, by any native officer whatever, would render the feelings

of

of the natives liable to be "outraged to a "degree scarcely admitting of reparation"; and that no woman ought to be confined in a lock hospital, except on information upon oath, and under a warrant to be signed by a European Officer. The Court are also of opinion, with reference to para 9 of their Registers letter to Government of the 12th April last, that persons so confined should have the benefit of an appeal against the justice of their confinement to the established civil tribunals.-

7. The Court further submit that the proceedings in this instance evince the propriety of their former suggestion that the officers in the Commissariat Department in charge of the Police be placed under some due control.-

8. The Commissariat Officer not being at present vested with any power to punish contempt, by witnesses examined before him, it remains for the Government to determine, with reference to the powers proposed newly to be granted to them, whether

F. H.
9th Septr 1880.

whether any provision in this respect is necessary. Mean time, it is resolved to direct the Judge of Bellari to inquire into the alleged misconduct of his peon, and to proceed against him, in the same manner as if a similar complaint had been made by any other public officer.

Ordered that extract from these proceedings be forwarded to the Provincial Court in the Centre Division for the guidance of the judge and the information of the Commissariat Officer at Bellari.-

Sent following letter to

Ordered also that with reference to the draft of the Military Bazar Regulation on which this Court addressed the Government on the 12th April last, that copy of the foregoing letter from the Provincial Court and of its enclosures be submitted to the Right Honorable the Governor in Council through the Secretary to Government in the Judicial Department.-

Sent following letter No

Read

Read letter, dated the 27th July last, from the Acting Judge late on Circuit in the Centre Division, submitting the proceedings in Case No 15 of the Chingleput Calendar for the 2nd Sessions of 1829.-

(Here enter No 163)

The First and Second 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 Sudder Adawlut, confirm the said futwa of the Cazee ool Coozat, and Mooftees aforesaid, and acquitting the prisoners,

1st Andy alias Nimon,

and

2nd Nurrainu Naidoo,

direct that they be set at liberty.-

(Sent following letter No

Read letter, dated the 12th ultimo, from the Acting Judge of Circuit in the Centre Division, with record of trial in case No 2 Supplemental Calendar of the Zillah of Chingleput 2nd Sessions 1829.-

(Here enter No 164)

The First and Third Puisne Judges, having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law

9th Septr 1830

Law Officers, and the futwa of the Cazee ool Coozat, and Mooftees of the Sudder Adawlut, confirm such part of the said futwa of the Cazee ool Coozat, and Mooftees aforesaid, as acquits the prisoner,

2nd Vullian,

and direct, that he be set at liberty; and being of opinion, that the prisoners,

1st Colakaunun,

and

2nd Canakapa Sunnaty,

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession, notwithstanding the futwa of their Law Officers, do accordingly under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that the prisoners be set at liberty.-

(Sent following letter No

Read letter dated the 1st Instant from the 2nd Judge of Circuit in the Southern Division reporting the commencement of the Sessions at Combaconum-

(Here enter No 544)

Read letter dated 30th July last from the Hon'ble Court of Circuit in the Western Division transmitting the Reports required by Section XXXV Regulation X of 1816 for the months of June last.

(Here enter No 472)

Read

1st August 1830

2d Septr 1830

9th Septr 1830.

Read letter dated 27th August last from the Provincial Court of Circuit in the Northern Division transmitting the criminal reports for the month of June last.

(Here enter No 530) 5

F. U.

At a Court of the Foujdaree Adalut.

Present.

Saturday, 11th September, 1830.

D. A. Grant Esqre 1st Puisne Judge.
William Oliver Esqre 2nd Puisne Judge.
C. M. Lushington Esqre 3rd Puisne Judge.

Read letter, dated the 28th ultimo, from the First Judge of the Provincial Court of Circuit in the Northern Division, requesting to be informed if he is to complete the record of five different cases of the Rajahmundry and Chicacole Calendars and to finish the 3rd Quarterly Sessions, neither having been concluded on the demise of Mr Money.-

(Here enter No 529.)

Mr Garrow reports that he has taken charge of the Provincial Court at Masulipatam, and requests instructions as to the completion of the third quarterly Sessions there, interrupted by the death of the late Mr Money, and the completion of the record of certain trials on the previous circuit of that officer, which remain to be referred to the Presidency.-

Besides

2. Besides these duties in the Criminal Department, there are many important precepts, on the civil side of the Provincial Court, which demand speedy returns to this Court, and the general superintendence over the subordinate tribunals will be suspended if Mr. Garrow quits Masulipatam.—

3. From the orders of Government under date the 4th Instant, it is obviously the intention of the Government that Mr. Garrow should proceed on his Circuit, and on the execution of the special duty therein confided to him. Ordered accordingly that he be directed to proceed thereon.—

4. But, with reference to the illness of Mr. Jod the 2nd Judge, absent on leave, the Judges resolve to recommend to the Right Honorable the Governor in Council that some officer be deputed, without delay, to act as Judge of the Provincial Court, with the view of conducting the current duties on the civil side, and of delivering the jail at Masulipatam, and completing

completing the duty left unfinished by Mr. Money's death.—

Ordered accordingly that extract from these proceedings be communicated to the East Judge in the Northern Division for his information and guidance.—

(Sent following letter No.

Ordered also that extract thereof from with copy of the foregoing letter be forwarded to the Secretary to Government in the Judicial Department for submission to the Right Honorable the Governor in Council.—

(Sent following letter No.

Read letter dated the 2nd Instant, from the 1st Judge late on Circuit in the Southern Division, forwarding warrant for the execution of Nutty Camden Prisoner in case No. 12 of the Salem Calendar 1st Sessions of 1830.—

(Here enter No. 548.)

24 20

Ch. L

Ch. W.

F. H.

Monday 13th September 1830.

At a Court of the Foujdaree Udalut.

Present,

F. A. Grant Esqre 1st Puisne Judge.
William Oliver Esqre 2nd Puisne Judge
C. M. Lushington Esqre 3rd Puisne Judge.

Read letter dated the 31st Ultimo from the acting Judge on Circuit in the Centre Division recommending a Mitigation of the prescribed punishment in the cases of the three first Prisoners.

1st Chinnapien.
2nd Samiah Lingum.
3rd Rapaniah.

Convicted of Larceny in case No. 6 of the Chittoor Calendar 2nd Quarterly Sessions of 1830.

(Here enter No. 539.)

The Court having taken into consideration the foregoing Report, authorize under the provisions of Clause 3d Section III Regulation I of 1825. the Mitigation of punishment recommended by the acting Judge.

Ordered that extract of these Proceedings be sent to the acting Judge of Circuit in the Centre Division for his information.

(Sent following letter No. 325.)

Read letter dated 31st Ultimo from the acting Judge of Circuit, in the Centre Division

13th September 1830. Division, recommending mitigation of the pun-
=ishment prescribed in the Case of the Prison-
=er.-

2d Mungala Sooradoo
in the case № 2 of the Cuddapah Calendar for
the 2d Sessions of 1829 - convicted of Highway Rob-
=bery.-

(Here enter № 540)

The Court of Foujdaree Uhadalut hav-
=ing taken into consideration the report of the
Acting Judge on Circuit, direct that an English
translation of the Trial № 2 be furnished to this
Court; and that the sentence passed by the Circuit
Judge be suspended till further orders.-

Ordered that Extract from these
proceedings be sent to the acting Judge of Circuit
in the Centre Division, by precept, returnable
without delay.-

(Sent following precept № 326.)

Read letter dated the 24th Ultimo
from the Provincial Court of Circuit in the
Northern Division Submitting the Reports
required by Section XXXV Regulation X of 1816
from the several Criminal and Joint Crimi-
=nal Judges in the Division for the Months
of May last, together with their proceedings
thereon.

(Here enter № 535.)

Masulipatam. Neither in the Report № 5 or

13th September 1830. in the Supplemental Report submitted by the
joint Criminal Judge of Masulipatam are
the grounds of the release of the prisoners re-
=corded, the Court desire that these entries may
be made in future.-

Chicacole 2 The Court perceive that one
person named Cunsah Gerkoo "Charged
"with having stolen a Box containing Jew-
="els to the amount of 532. Rupees" is at large
upon Bail - The Judges conclude that the sanc-
=tion of the Provincial Court of Circuit has been
obtained for this measure, in which case the
Criminal Judge should have stated that he
had acted under the provisions of Section XI.
Regulation X of 1816 - as without this information
it is obvious that the Court cannot determine
on the validity of the proceedings in reference
to Section X Regulation IX 1816.-

Ordered that extract from these
proceedings be forwarded by precept to the
Provincial Court of Circuit in the Northern
Division requiring them to make the nece-
=sary communication to the Criminal Judge
of Chicacole and the Joint Criminal Judge
of Masulipatam - precept returnable with-
=out delay.-

(Sent following precept № 327.)

Read letter from the Magistrate
of Vizagapatam, recommending the offer
of certain rewards for the apprehension of
particular

particular heads of Hill robbers; and that they be proclaimed, under Section III Regulation XIII 1809.-

(Here enter No. 530.)

1

Regulation XIII 1809 was rescinded by Section II Regulation IX 1816; the Court, therefore, cannot comply with the latter part of the request, contained in the foregoing letter. But, under Section XXI Regulation IX 1816, the Court sanction the offer of the rewards proposed by the magistrate; - except that for the apprehension of Moshey Veerabadraruzze which exceeds what they are authorized to sanction, but for which it is resolved to solicit the authority of the Government.-

2

The Right Honorable the Governor in Council has already upon record the arguments in favor of reviving the enactments contained in Regulation XIII 1809, and the present occurrence is, in the opinion of the Court, one of those instances evincing the expediency of that measure.-

Ordered that extract from these proceedings with copy of the letter from the Magistrate of Vizagapatam be submitted to the Right Honorable the Governor in Council through the Secretary to Government in the Judicial Department; and that, in the mean time, extract therefrom be also furnished for the information and guidance of that Magistrate.-

(Sent following letters No. 328 & 329.)

Read letter dated the 31st Ultimo from the Acting Judge on Circuit in the Centre Division recommending a mitigation of the punishment prescribed in the case of the Prisoner

Womabayana Yencata.

convicted of "Burglary & Theft & Highway Robbery" in cases of Nos. 23 and 24 of the Cuddapah Calendar for the 2nd Sessions of 1830.-

(Here enter of No. 538.)

The Court having taken into consideration the foregoing Report and recommendation of the Acting Judge direct under the provisions of Clause 3d Section III Regulation I of 1825 that the punishment prescribed in the case of the aforesaid Prisoner be mitigated to three years imprisonment with hard labor in irons.-

Ordered that extract of these Proceedings be sent to the Acting Judge on Circuit in the Centre Division for his information.-

(Sent following letter No. 320.)

Read letter dated 29th July last from the Acting Judge late on Circuit in the Centre Division, submitting the proceedings in case No. 12 of the Chingleput Calendar for the 2nd Sessions of 1829.-

(Here enter No. 461.)

The first and second Puisne Judges having maturely considered the Proceedings held before the Additional Judge on Circuit

the

13th Septr 1830. the futwa of the Provincial Law officer, and the futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Udalut, confirm such part of the futwa of their Law officers as acquits the Prisoners.-

2d Senkaralingum alias Sabhaputty or Mamkevansum or Ramasawmy-

and

3d Ramasawmy-

but considering that suspicion, though not amounting to conviction, attaches to them, the Court under Clause sixth Section II Regulation XV of 1803 and Clause first Section X Regulation VII 1827 direct that they each be required to find two sureties in 100 Rupees each, for their good behaviour and appearance when required, within two years, or in default thereof to be for that time confined and then released-

The said Judges confirm such part of the futwa of their Law officers as convicts the Prisoner-

5th Nainan alias Anagor Malogee

of the crime of receiving stolen property knowing at the time of receiving the same that such property had been obtained in the perpetration of robbery by open violence, and under the provisions of Clause second section IV Regulation VII of 1822 sentence him to receive 15 Lashes with a cat of nine Tails, and to be imprisoned and

13th Septr 1830- and kept to hard labor in irons on the public roads or other public works for fourteen years.

The said Judges being also of opinion that the proof against the Prisoner

1st Ramasawmy alias Paromaul,

is sufficient to convict him of Robbery by open violence; under Clause first Section II Regulation I of 1818 convict him thereof notwithstanding the futwa of their Law officers and sentence him to receive one hundred and fifty lashes with the Cat of nine Tails, and to be imprisoned and kept to hard labor in irons on the public roads or other public works for fourteen years, as prescribed by Clause third Section IV Regulation XV of 1803 and Clause fourth Section II Regulation I of 1825-

But the said Circuit Judges being further of opinion that the Prisoner

4th Vencatasawmy

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession, notwithstanding the futwa of their Law officers, acquitting him of the crime laid to his charge considering however that suspicion though not amounting to conviction attaches to him, the said Judges direct, under Clause sixth Section II Regulation XV of 1803 and

Clause

13th Septbr 1830. clause first section X Regulation VII 1827 that he be required to find two sureties in 200 Rupees each for his good behaviour and appearance when required, within three years, or in default thereof, that he be detained for three years in confinement.-

/Sent following letter No 331./

Read letter dated 2d July last from the late 2d Judge on Circuit in the Centre Division, Submitting the proceedings in case No 38 of the Cuddapah Calendar for the 1st Sessions of 1830.

/Here enter No 392./

The Second and Third Circuit 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 Moofties of the Foujdaree Adalut, confirm such part of the said futwa of the Cazee ool-Coozat and Moofties aforesaid as acquits the prisoners-

1st Mungalu Moushegadoo
and
4th Tatoolah Ereeah Dasseegadoo

and direct that they be set at liberty; and being of opinion that the prisoners-

2nd Atroola Ramdas
and
3d Hydergadoo.

13th September 1830. are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confessions, notwithstanding the futwa of their Law officers, do accordingly under the provisions of Clause sixth Section II Regulation XV of 1803 direct that the prisoners-

2nd Atroola Ramdas
and
3d Hydergadoo
aforesaid be set at liberty..

/Sent following letter No 332/

At a Court of the Faujdara Adalut,

Present,

Thursday 16th September 1830.

F. A. Grant Esquire, First Puisne Judge
William Oliver Esquire, Second Puisne Judge
C. M. Lushington Esqre. Third Puisne Judge

Read letter dated the 23d ultimo from the Second Judge on Circuit in the Southern Division, submitting copy of the Tinnevelly Calendar for the Second Sessions of 1830.

Here enter No. 517

In case No. 5 of the Calendar the Prisoner "Vencadachella reddy" was charged with "wilful and corrupt Perjury" under Regulation III. 1826.

It appears that the above charge was founded on the Prisoner having given in the latter part of his deposition an answer contradictory to what is contained in the former part of the same deposition. The Prosecution therefore was not authorized by Regulation III of 1826, under which it is provided that the party committed for trial must have given two distinct contradictory depositions on oath; and there can be no Prosecution for Perjury for contradictory swearing in the same deposition as this amounts to prevarication only; and the witness should be invariably required, in such cases, to explain, or reconcile the several parts of the same deposition.

In Case No. 7 the Prisoner Periatcroovady and in Case No. 8 the Prisoner Choodaleymoottoo

Shoodaleymootoo were respectively charged with wilful and corrupt Perjury, convicted by the Law Officer, and by the Second Judge, concurring in the conviction, were sentenced each to four years imprisonment and hard labor.-

The Court of Fojdaree Adawlut resolve that the Second Judge on Circuit be called upon to furnish English translation of the trials, in the above cases Nos 788; and that he be by precept required to suspend the sentences in the meantime.

Ordered that Extract of these Proceedings be sent to the Second Judge on Circuit in the Southern Division, by Precept, returnable without delay.

Sent following precept R 2336

Read letter from the Second Judge on Circuit in the Centre Division, under date the 4th ultimo submitting English translations of the trials Nos 811 of the Nillany Calendar for the first Sessions of 1830 as called for in this Courts proceedings of the 5th April 1830.

Here enter R 1462

The Court of Fojdaree Adawlut observe with regard to the case No 8 that there can be little doubt that the Prisoner Abdool Cureem has perjured himself, but the prosecution being under Regulation III of 1824; it was absolutely necessary for the legal conviction of the Prisoner, that proof should have been adduced of the contradictory depositions having been given upon

upon oath; that they were deliberately given, and read over to the Party before he signed them; and that the contradictions were direct and positive on their face. In this case, there is no proof whatever that the Prisoner was sworn to either of the two contradictory depositions, or that their contents were distinctly read over to him before he signed them. The only proof on the trial is, first, to his having given a declaration before the Criminal Judge on the 3d of December 1829 in which he acknowledges having given the contradictory depositions, with two others, (one dated the 30th of November, the other dated the 1st December 1829;) and 2dly to his having given the two depositions last mentioned, which are not those upon which the perjury is assigned. The Court accordingly direct that the conviction in the case No 8 be quashed, and that the Prisoner be released.-

With regard to No 11 of the same Calendar the Fojdaree Adawlut are of opinion that the conviction of the 1st Prisoner Dhurmanah whose confession before the Police Officer that he forged counterfeit Rupees is corroborated by the fact of the dies being found in his possession may be allowed to stand; but they direct that the conviction of the 2d Prisoner Oochoo Oonah in that case charged with having uttered counterfeit Rupees, and with having mortgaged some ornaments made of alloyed silver be also quashed and the 2d prisoner released. His confession before the

15th September 1830

the Police Officer was obtained from him by improper questions, and is totally uncorroborated. The persons to whom the counterfeit Rupees are alleged to have been uttered, and those to whom the alleged silver ornaments were mortgaged ought clearly to have been examined by the Circuit Judge.-

Ordered that extract of these Proceedings be sent to the late Second Judge on Circuit in the Centre Division for his information and guidance, by forecept, returnable without delay.-

/Sent following forecept No 337/

Read Petition presented on behalf of Chinnumah of Bellari.-

/Here enter No. 55 of 1830/

This is not a complaint of any matter in the Criminal Department- but evidently refers to some civil proceedings. Ordered therefore that it be returned to the Petitioner who can address the Court on the Civil side upon the Stamped paper prescribed by the Regulations.-

Read petition on behalf of Venkatakrishnama Naicken of Chingleput.-

/Here enter No. 59 of 1830/

This is a petition against the proceedings of the Magistrate in the Southern Division of Arcot and appears connected with the dispute between the Tengala and Vadangala sects on which proceedings were passed by this Court on the 20th Instant as communicated to the Provincial Court for the Centre Division.-

Ordered that, with reference to

15th September 1830. to these proceedings, the petitioner be referred to the Judge on Circuit; who, after calling for the proceedings in question, from the Provincial Court, can pass such orders as he may deem proper.-

Read letter dated 10th July last from the late 2d Judge of the Court of Circuit in the Centre Division submitting Case No. 4 Bellary Calendar 1st Sessions 1830.

/Here enter No. 405/

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-Coozat and Mooftee of the Foujdaree Adalut; are of opinion that the prisoner

Nagana Gowda

is not convicted on presumptive proof

or

or on the evidence of credible witnesses
or on his own confession, notwithstanding
the futwa of their Law officers and ~
accordingly under the provisions of Clause
sixth Section II Regulation XV of 1803, they
direct that the prisoner

Nagana Gounda

aforesaid be set at liberty --

/Sent following letter &c/

Read letter dated 15th July last
from the late 2d Judge late on Circuit
in the Centre Division submitting the
proceedings in Case No 9 of the Bellary
Calendar for the 1st Sessions of 1830 --

/Here enter No 417/

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-Coozat and Mooftee of the Faujdaree
Adalut, are of opinion that the ~
prisoner

prisoner

Gungadoo

is not convicted on presumptive proof
or on the evidence of credible witnesses
or on his own confession, notwithstanding
the futwa of their Law officers and
according under the provisions of
Clause sixth Section II Regulation XV
of 1803, they direct that the ~
prisoner

Gungadoo

aforesaid be set at liberty --

/Sent following letter &c/

Read letter dated 5th July
last, from the 1st Judge late on
Circuit in the Southern Division sub-
-mitting the record of proceedings in
Case No 3 of the Zillah of Salem at ~
Coimbatore 1st Sessions 1830 --

/Here enter No 395/

The First and Third Puisne
Judges on a deliberate consideration
of

16th September 1830

of the circumstances of the Case in
evidence before them being of opinion
that the proof against the Prisoners
1st Arnachella Camden
and
2d Ranchy
is sufficient to convict them of cul=
=pable Homicide only, do, under the
sentence of Aokohut in the Futwa of
their Mahomedan Law Officers against
the Prisoner
2d Ranchy
and in commutation of their sentence
of Deyat against the Prisoner
1st Arnachella Camden
sentence the said Prisoners
1st Arnachella Camden
and
2d Ranchy

to

F. C.
16th September 1830. to be imprisoned and kept to hard labor in
irons on the public roads or other public works
for the period of one year.-
/Sent following letter &c/
Read the following letter
from the Third Judge of Circuit in the Western
Division, submitting a correspondence
with Mr C. M. Whish the joint Criminal
Judge in Malabar.-
/Here enter No 325/
With reference to the resolu=
=tion of this Court, on the Civil side, under
this date, to recommend to Government the
removal of Mr Whish from Malabar the
Court do not consider it necessary to adopt
further proceedings on the foregoing repre=
=sentation, than to submit a copy of it
with the original enclosures for the in=
=formation of the Right Honorable the
Governor in Council through the Secretary
to Government in the Judicial Department,
and to acquaint the Provincial Court of
Circuit in the Western Division with
this proceedings.-
/Sent following letters No 338/339/
Read return dated 6th Instant
from the Provincial Court of Circuit in the
Northern Division to precept of the 9th Ultimo
and stating that the Criminal Judge at
Nellore has been called upon to state whether
there are any such turbulent characters in
his jail as to render their removal to other
Zillahs expedient.-
/Here enter No 366/
Read return dated 10th Instant
from

16th September 1830.

from the Provincial Court of Circuit in the Southern Division to precept of the 2d Instant directing the insertion by the Circuit Judges in their Calendars of the Clause Section and Regulation under which their Sentences are passed.-

//Here enter No 567//

Read letter dated 30th Ultimo from the Provincial Court of Circuit in the Centre Division referring to their Proceedings of the 12th June enclosing return of the Acting Criminal Judge at Chittoor stating that the Prisoner Bailum Khan attempted to stab the Prosecutor in No 74 on the 17th of April and he is not the same person as the Prosecutor in Case No 2 of the Supplemental Calendar referred to.-

//Here enter No 562//

Read letter dated 23d Ultimo from the Provincial Court of Circuit in the Centre Division referring to their proceedings of the 9th Ultimo and enclosing the return of the Acting Criminal Judge at Chittoor stating that the 2d Prisoner Gholam Kujjam had been before committed and that the 1st Prisoner Venkatachellum was apprehended on the 2d of May.-

//Here enter No 563//

Read return dated 7th Instant from the Judges of the Provincial Court of Circuit in the Northern Division to precept of the 15th July last relative to the appearance of females in Courts of Justice, and the affixing in the Court House a list of those persons who are confined in default of security.-

//Here enter No 576//

Read

16th September 1830.

Read return dated 7th Instant from the Judges of the Provincial Court of Circuit in the Northern Division to precept of the 29th July last, and stating that the Criminal Judges of Chicacole and Rajahmundry have been called upon to state how the Prisoner in Case No 9 of the Report No 5 for April last obtained the base Rupee he is said to have uttered in Chicacole Jail.-

//Here enter No 575//

Read return dated 7th Instant from the Judges of the Provincial Court of Circuit in the Northern Division to precept of the 9th Ultimo and stating that the orders of this Court relative to the case of Vada Ramanaikaloo have been furnished to the Magistrate of Masulipatam.-

//Here enter No 574//

Read return dated 10th Instant from the Magistrate in the Zillah of Masulipatam to precept of the 2d Instant and stating that the Gold Mohurs were delivered to Tichinopoly Soobanoy Pillay on the 15th March last.-

//Here enter No 572//

Read return dated 8th Instant from the late Second Judge late on Circuit in the Centre Division to precept of the 19th Ultimo requiring explanation of the delay apparent in the trial of No 2 of Chengleput Supplemental Calendar

//Here enter No 557//

2d

Enc Wd

F. C.

At a Court of the Foujdaree Adalat.

Present,

Monday, 20th September, 1830. F. A. Grant Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge
C. M. Lushington Esqre 3rd Puisne Judge.

Read letter from the First Judge on Circuit in the Southern Division, forwarding return from the Criminal Judge of Salem, to the death warrant in case No. 78 of the Salem Calendar for the first Sessions of 1830.

(Here enter No. 547.)

The Court in modification of their circular orders of the 3rd May last, direct that the new information therein required be hereafter furnished by the Criminal Courts, in a separate letter, to accompany their return of death warrants; and that the return to death warrants be confined, simply to certifying execution, - all other particulars are to be explained in the letter.-

Ordered that extract from these proceedings be circulated to the four Provincial Courts for the guidance of the Subordinate Criminal Tribunals.-

(Sent following letter No. 348) to

The First Judge in the Southern Division will acquaint the Criminal Judge of Salem that any opinions he may entertain regarding new modes of punishment should form the subject of a distinct communication.—

Ordered that extract from these proceedings be furnished for the guidance of the First Judge in the Southern Division.—

(Sent following letter No 369)

Read letter dated the 9th instant, from the 1st Judge of the Court of Circuit in the Northern Division, reporting the circumstances of the case No 2 of the Gunfoor Calendar for the 2nd Sessions of 1837 in which the Prisoners having been tried and convicted of Gang Robbery, are liable to a sentence of 14 years imprisonment and hard labor, under the provisions of Clause third Section IV Regulation XV of 1803, and recommending a mitigation of the punishment to two years imprisonment with hard labor.—

+ 1st Chinnasamy pas Pakiamoothoo
2d Do Sanpadoo
3d Pattoo Gungadoo
4th Pacoopagoo Venkadoo
5th Nagundra Cotadoo
6th Do Pungagadoo
7th Do Cotadoo
8th Cumbumbatty Govendoo

(Hereunto No 663)

The Court of Enquiry having attentively considered the above Report

Report and the grounds on which the recommendation is offered by the 1st Judge recline under the provisions of Clause third Section X Regulation I of 1825 to authorize the proposed mitigation of the prescribed penalty in the case of the above named Prisoners.—

The Court further direct that the omission by the 1st Judge on Circuit, in the Northern Division, of the names of the Prisoners in the letter, in which he recommends the mitigation of their punishment, and also, of the Sessions of the Gunfoor Calendar alluded to, be brought to his notice with an intimation of their wish that he should avoid such omissions in future cases of reference to them.—

Ordered that extract of these proceedings be sent to the 1st Judge on Circuit in the Northern Division for his information and guidance, by precept returnable without delay.—

(Sent following precept No 370)

Read letter dated the 21st instant, from the 1st Judge of Circuit in the Northern Division, submitting copies of the 1st and Supplemental

20th September 1850.

Supplemental Calendar of Nellore, for the 2nd Sessions of 1850.

(Here enter No 520)

1.

In the case No 6 it is stated in the Column of remarks that the prisoner Doravandoola Lutcheegundoo charged with Burglary, was sentenced to "the full measure of punishment". The 1st Judge on Circuit will be pleased to state the precise sentence passed on this Prisoner. With regard to cases No 9 and 10 it appears that the Circuit Judge differed in opinion from the Mahomedan Law Officer, who acquitted the Prisoner

Vandah Appiah

in both cases.

Under the provisions of Clause first Section VI Regulation XV of 1803 all trials wherein the Judges of the Courts of Circuit disapprove the futwa given by their Law Officers, should be transmitted to the Court of Foujdaree Udalut, it therefore was incumbent on the 1st Judge on Circuit to refer the Trials in question to this Court and his sentence of punishment by 40 days imprisonment was illegal. But as it has expired the

Court

2/

F. H.

20th September, 1850. Court will not now call for these trials.

From the remarks on the case of Perjury No 3 of the Supplemental Calendar, the grounds of a legal conviction under Regulation III 1826 do not appear to have been clearly understood. The Court of Foujdaree Udalut therefore bring to the notice of the 1st Judge on Circuit, that in a Prosecution for Perjury under Regulation III of 1826 all that is necessary for the legal conviction of the Prisoner is that proof should be adduced of the contradictory depositions having been given upon oath; that they were deliberately given, and read over to the party before he signed them, and that the contradictions upon the face of them were direct and positive and respected a matter material to the issue of the case.

It appears, however, in this case, on reference to the futwa, that the contradictory depositions were not proved, and also that the Criminal Judge did not point out the contradiction on

on the second examination.—

In the case No 1 as well as in the case No 2 of the supplemental calendar there was no proof of the commission of any crime, and the confessions of the prisoners before the police uncorroborated by any evidence as are quite insufficient to justify their committal for trial.—

Ordered that extract of these Proceedings be sent to the 1st Judge on Circuit in the Northern Division for his future information and guidance.—

(Sent following letter No 357.)

Ct Ld

Fol.

At a Court of the Faujdaree Adalut.

Present,

Wednesday 22d September 1830.

F. C. J. Grant Esquire 1st Puisne Judge

William Oliver Esquire 2d Puisne Judge

C. C. M. Pringle Esquire 3d Puisne Judge.

Read return dated 11th Ultimo,

from the late 2d Judge of Circuit in the Centre Division, to a Precept dated the 8th Ultimo, and stating that the sentences on the 1st, 3d and 4th Prisoners in the Cuseapah Calendar of the 1st Sessions of 1830 have been suspended

/Here enter at No 489/

Mr. Grant. and Mr. Oliver

The First and second Puisne Judge 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 Faujdaree Adalut confirm such part of the said futwa of the Cazee-ool-Coozat and Mooftee aforesaid, as acquits the prisoner

2d Peearoogadoo alias Narsingadoo

and direct that he be set at liberty — and being of opinion that the prisoners are not connected on presumptive proof or on the evidence

1st Mandemanee Yadeo 2 years — 3

2d Mandemanee Venkatey 2 years — 3

4th Bapatee Chittemdo guilty — 5

W.J.

sundence of credible witnesses, or on their own confessions, notwithstanding the futwa of their Law officers, do accordingly under the provisions of Clause sixth section II Regulation XV of 1803 direct that the prisoners

1st Mandemanee Shadagaar,
2d Mandemanee Venatapatty
and
4th Cogatala Kristnakon,

aforesaid be set at liberty.

/Sent following letter at No 356/

Read letter dated 6th Octbr,
from the late 2d Judge late on Circuit in the Centre Division, submitting the proceedings in Case No 5 of the Chingleput Calendar for the 1st Sessions of 1830.

/Here enter at No 470/

Mr Grant.
and
Mr Oliver.

The First and Second 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 = or. Cozat and Moofties of the Company's Adalut are of opinion that

the prisoners

1st Chinthony alias Soury,
2d Pooren,
3d Chinnapien, and
4th Valooran,

are not convicted on presumptive proof or on the sundence of credible witness, or on their own confessions, notwithstanding the futwa of their Law Officers, and accordingly under the provisions of Clause sixth Section II Regulation XV of 1803, they acquit them of the crimes laid to their charge and direct that the prisoners

1st Chinthony alias Soury,
2d Pooren,
3d Chinnapien, and
4th Valooran,

aforesaid be set at liberty.

/Sent following letter at No 357/

Read letter dated 26th July last, from the late 2d Judge late on Circuit in the Centre Division, transmitting the proceedings in Case No 15 of the Bellary Calendar for the 1st Session

on the Second ...

22nd September 1830.

of 1830.-

/Here enter No. 440/

Mr. Grant,
and
Mr. Clinie.

The First and Second Puisne Judges having maturely considered the proceedings held before the Judge on Circuit the fiatum of the Provincial Law Officer and the fiatum of the Cazee-ool-Coozat and Mooftee of the Dewaunee Ulaalut confirm the said fiatum of the Cazee-ool-Coozat and Mooftee aforesaid and acquitting the prisoners

1st Lokah Lodah,
2d Lodungoodah,
3d Rungah,
4th Goodah Ramah,
5th Caulla,
6th Hoka Hoolah,
7th Coorta Kunnah,
8th Hoolah,
9th Chunia Durah,
10th Lenna,
11th Tunnah Bheemah
and
12th Liegnah,

desist that they be set at liberty.-

/Sent following letter No. 358/

Read letter dated

22nd September 1830.

Mr. Clinie,
and
Mr. Lushington

Division submitting the proceedings in Case No. 1 of the Cuddapah Calendar for the 1st Session of 1830.-

/Here enter No. 391/

The Second and Third Puisne Judges having maturely considered the proceedings held before the Court of Circuit the fiatum of the Provincial Law Officer and fiatum of the Cazee-ool-Coozat and Mooftee of the Dewaunee Ulaalut confirm the said fiatum of the Cazee-ool-Coozat and Mooftee aforesaid, and acquitting the Prisoners

1st Mandiga Busseneyadoo
2d Yerreala Soonkadoo,
and
3d Yerreala Vencategadoo

desist that they be set at liberty and being of opinion that the proof against the Prisoner

4th Ramasala Danapah

is sufficient to convict him of the crime of receiving stolen goods knowing the same to have been obtained in the perpetration of robbery by open violence, do under the provisions of Clause Second

Section

on the Second recommitted

22nd September 1830.

Section IV Regulation VI of 1822 sentenced him to be imprisoned and kept to hard labor in irons on the high roads or other public works for the period of seven years.--

/Sent following letter No 339/

Read letter dated 9th July last from the 1st Judge late on Circuit in the Southern Division, submitting the proceedings in Case No 16 of the Coimbatore Calendar for the 1st Sessions of 1830.--

/Here enter No 400/

Mr Oliver and Mr Lushington

The second and third Puisne Judges having maturely considered the proceedings held before the Judge on Circuit the opinion of the Provincial Law Officer and the opinion of the Cazee and Cozat and Mooftee of the Faujdaree Adalut are of opinion that the prisoner

Mandasen

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession, notwithstanding the opinion of their law officers and accordingly under the provisions of Clause sixth Section VII Regulation XV of 1803

22d September 1830. and to his discharge and direct that he the prisoner

Mandasen

aforesaid be set at liberty.--

/Sent following letter No 360/

in the Second Session, &c

Fifth.

At a Court of the Fujdaree Adalut,

Present,

Thursday 30th September 1830 } F. A. Grant Esquire, First Puisne Judge
William Oliver Esquire, Second Puisne Judge
G. M. Lushington Esquire, Third Puisne Judge

Read Petition presented by Moottoosawmy Chetty of the Zillah of Chingleput:- Here enter No. 54

Read also petitions presented by Oonootamaul of the Zillah of Chingleput:- Here enter No. 55 and 57

Read also petition presented by Moottummaul of the Zillah of Chingleput Here enter No. 58

The first of these Petitioners complains that his younger Brother Veeraperumaul, was unjustly apprehended on a charge of a theft, and states that he was acquitted in Case No. 7 of Chingleput Calendar, and that an order was passed for his release; but that he was afterwards held to security. The Petitioner is unable to furnish the security for his brother, and he therefore prays that orders may be issued for his brother's release either on personal security, or unconditionally.

The second Petitioner complains of the unjust apprehension of her son Shanmoogum, and of her younger Brother Govinden who were afterwards sentenced in case No. 7 of the Chingleput Calendar for the first Sessions 1830 to 14 years imprisonment with stripes, and

and prays that her son and Mother may be released.

3. The third Petitioner also complains of the unjust apprehension of her Brother Oncatteramen and of his having been committed for trial- and afterwards sentenced in Case No 7 of the Chingleput Calendar for the first Sessions of 1830, to 14 years imprisonment with stripes, and prays for her Brothers' release.- The Court of Foujdaree Udalut resolve that the first Judge of Circuit in the Centre Division be called upon to furnish an English translation of the trial No 7 of the Chingleput Calendar for the first Sessions of 1830, with any remarks he may consider necessary in the reference to the above Petitions.-

Ordered that Extract of these proceedings be sent to the first Judge on Circuit in the Centre Division by precept returnable without delay.-

(Sent following precept No 266)

Read again Petitions of Pundits by Cottaramen Puntaloo Rahal of Chinnadoo Oncatatamah of the Zillah of Nellore.-

(Here enter Nos Petns Nos 464 & 465 of 1830)

Read also extra Petition from Cottaramen dated on the 6th instant by Puntaloo on behalf of Oncatamah of the Zillah of Nellore.-

(Here enter No Petn No 466 of 1830)

Read return dated the 6th instant to this Courts precept of the 26th Ultimo calling for a copy of the explanation furnished to the 2d Judge on Circuit by the Magistrate of Nellore respecting

proceedings on the complaint preferred to him by Doovoor Oncatamah.-

(Here enter No 369)

From the proceedings of the Magistrate of Nellore it appears that the Robbery which the Petitioner alleged in his former petition to this Court was committed in the house of Doovoor Oncatamah on the 27th of May 1829 by a Gang of 195 persons was merely a dispute between the two Widows of Doovoor Tegeracoy their respective Rahuls and Inale adherents respecting the property left by their mutual husband.-

The person who has presented these Petitions to the Court is the Rahul of Doovoor Oncatamah one of the above mentioned Widows, and from the proceedings of the Magistrate he appears to have been himself the origin of all the disputes and on more occasions than one to have committed a breach of the peace by endeavouring forcibly to eject the other Widow Lingamah from the house in which she and her relatives were residing.-

For his first offence Cottaramen Puntaloo was fined 4 Rupees, he appearing to the Magistrate to have been the ringleader in the affray, and for an attempt subsequently made by him to get possession of the House he was most properly held to bail by the Acting Joint Magistrate in the sum of 200 Rupees, and directed to institute a Civil suit should he have any claim on the property.-

The parties have thus sustained no injury which requires redress by a Criminal

on the Second examinate

30th September 1830. Criminal prosecution, and the Court therefore refer them to the Civil Courts and reject the prayer of the Petition.-

The Petition presented to this Court on the 6th instant by Sittarama Pantoolu states that only part of the property alleged to have been stolen is alluded to in the former order of this Court. This is true. But the amount does not affect that order nor the present decision whatever the amount may be, it is matter of Civil suit.

Ordered that the above be communicated to the Petitioner.-

Read petition presented on the 15th Ultimo by Sadasiva Sarmanarun of the Village of Combaconum.-

/Here enter R.D. No. 47 of 1830/

The Petitioner complains of a failure of justice on a representation made by him to the Magistrate of Tanjore of Petty house having been broken into on the night of the 5th of June last and of property consisting of Cloaths, money and Brass Utensils, stolen therefrom.

The Court refer the Petitioner to the Judge on Circuit, and now at Combaconum, who will, should he see fit, call for the Proceedings of the Magistrate and frame such orders thereon as to him may appear necessary.-

Ordered that the above be communicated to the Petitioner.-

Read again Petition presented on the 6th Ultimo by Ramgutty of the Village of Combaconum.-

/Here enter R.D. No. 47 of 1830/

Read also returns dated

F 16.

30th September 1830 the 11th instant to this Court's precept of the 26th Ultimo calling upon the 3d Judge late on Circuit in the Southern Division to state whether he has any reason to doubt the identity of the 3d prisoner convicted by him in Calendar No. 22 of the Combaconum Calendar for the 2d Sessions of 1829.-

/Here enter No. 577/

In the above return the third Judge late on Circuit in the Southern Division states that the identity of the prisoner in question was clearly ascertained on the trial by the evidence of two of the witnesses for the prosecution and that moreover it was proved by two others that he had voluntarily confessed the crime before the Police Officer in the talook and that consequently there are no grounds whatever for the complaint preferred by the Petitioner.-

Ordered therefore that the prayer of the Petition No. 47 of 1830 be rejected, and that the above be communicated to the Petitioner.-

Read letter from the first Judge on Circuit in the Northern Division, dated the 14th Instant, bringing to the notice of the Foujdaree Adalut the case of the Prisoners in No. 2 of the Guntoor Supplemental Calendar.

/Here enter No. 602/

The Judges of the Foujdaree Adalut on a due consideration of the circumstances explained in the above letter, authorize the immediate discharge of the Prisoners in the case No. 2 of the Guntoor Supplemental Calendar above referred to.-

Ordered that Extract of these Proceedings be

30th September 1830.

be forwarded to the First Judge on Circuit in the Northern Division for his information and guidance by Precept returnable without delay.-

/Sent following precept No 591/

Read return dated 20th Instant from the Provincial Court of Circuit in the Centre Division to precept of the 19th July, and returning the Criminal statement sent from this Court half year will be done out. The omission in those now returned having been provided out to the Criminal Courts.-

/Here enter No 609/

Read letter dated 13th Instant from the Provincial Court of Circuit in the Southern Division enclosing returns of the Criminal Reports for the months of June last.-

/Here enter No 583/

Read letter dated 13th Instant from the Provincial Court of Circuit in the Northern Division enclosing explanation of the Magistrate of Rajahmundry relative to the precept of the Bengal Court of the 24th of March last.-

/Here enter No 589/

Read letter dated the 13th Instant from the Provincial Court of Circuit in the Northern Division enclosing explanations by the Criminal Judge of Chicacole and the Magistrates of Ganjam Rajahmundry and Nellore relative to the Criminal Reports of February last.-

/Here enter No 590/

Read return dated 28th Instant

30th September 1830.

from the 1st late 2d Judge on Circuit in the Centre Division to Precept of the 16th Instant and stating that the Prisoner in No 8 of the Military Calendar 1st Sessions of 1830 has been released, and also the Prisoner Vochoo Veerah in No 11 of the same Calendar.-

/Here enter No 594/

Read letter dated 13th Instant from the first Judge late on Circuit in the Northern Division enclosing original warrant in case No 16 of 1st Calendar Rajahmundry 2d Sessions of 1829 with the return of the Criminal Judge of Rajahmundry.-

/Here enter No 593/

Read letter dated 13th Instant from the Provincial Court of Circuit in the Centre Division submitting Extract from the Proceedings of the Provincial Court of the 13th September on the Criminal Reports for the months of July 1830.-

/Here enter No 583/

Read letter dated 27th August from the Prov. Court of Circuit in the Western Division enclosing the prescribed Criminal Report for July last.-

/Here enter No 558/

Read letter dated 27th Instant from the Provincial Court of Circuit in the Southern Division submitting the several Criminal Reports of August 1830 as required by Section XXIV Regulation X of 1816.-

/Here enter No 609/

Read letter, dated 26th July last from the Second Judge of the Court of Circuit

on the Second Examination

30th September 1830.

Circuit in the Southern Division, submitting the proceedings in Case No 3 of the Beadle-patam Calendar 2d Quarterly Sessions of 1830.-

/Here enter No 364/

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-Coozat and Mooftees of the Sudder Adalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, as acquits the prisoner,

1st Geddey Nurrumanden,

and direct, that he be set at Liberty.-

and being of opinion, that the prisoners

1st Sonapunter Condiah.

2d Sonapunter Pandiah.

and

3d Moothemookoo Cannaoo,

are not convicted on presumptive proof; or on the evidence of credible witnesses; or on their own confession, notwithstanding the futwa of their Law Officer, acquit them of the crime laid to their charge, and under the provisions of Clause sixth Section II Regulation XV of 1803, direct that the prisoners

1st Sonapunter Condiah,

2d Sonapunter Pandiah,

and

3d Moothemookoo Cannaoo,

aforesaid, be set at Liberty.-

/Sent following letter No 368/

Read letter, dated 28th July last from the late Second Judge late Circuit in the Centre Division, transmitting the proceedings in Case No 8 of the Chingleput Calendar for the first Sessions of 1830.-

/Here enter No 439/

The First and Second 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 Adalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and under the provisions of Clause first Section VI Regulation VII of 1822 adjudge the prisoner,

"Mootien"

to be imprisoned and kept to hard labor in irons on the high roads, or other public works, for the period of three years.

/Sent following letter No 370/

Read

F. 16.

30th September 1830.

At a Court of Poojdarre Adawlut,

Present

Thursday 7th October 1830 } F. S. Grant Esquire ..... First Puisne Judge
William Oliver Esquire ... Second Puisne Judge
C. M. Pechington Esquire, Third Puisne Judge

Read petition presented in person by Chonchoogandoo of the Zillah of Cuddapah.

/Here enter N. P. N° 62 of 1830./

The Petitioner, who was the 1st Prosecutor in Case N° 5 of the Cumbum Calendar for the first Sessions of the present year, complains of the offenders who were charged with the Murder of his elder brother having been released by the Judge of Circuit, and prays that the Court will call for, and examine the record of the trial.-

Ordered that the Petitioner be informed that the record of the Trial in the above number was submitted to this Court by the First Judge late on Circuit in the Centre Division and that the first Prisoner named Pedda Baulegandoo was on the 9th of August last directed to be set at liberty the evidence against him not being considered sufficient for

Read letter, dated 15th July last from the late Second Judge of the Court of Circuit in the Centre Division submitting case N° 7 Bellary Calendar 1st Sessions 1830.-

/Here enter N° 404./

The First and Second 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 Poojdarre Adalut, confirm each part of the said futwa of the Cazee ool Coozat and Mooftees aforesaid, as regards the

1st Paithgah

and

2d Yelgar Pedda Bumnah

and direct, that they be set at liberty.

and being of opinion, that the prisoner

2d Bhurmah

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession, notwithstanding the futwa of their Law Officers, against him of the crime laid to his charge, and under the provisions of clause 1st Section II Regulation XV of 1803 direct, that the prisoner

2d Bhurmah

aforesaid, be set at liberty.-

/Next following Letter/

At a Court of the Tuipalave Adalat,

Present,

Monday
11th October 1830 } F. A. Grant Esquire, First Puisne Judge
William Oliver Esquire, Second Puisne Judge
C. M. Pilkington Esquire, Third Puisne Judge

Read letter from the third Judge of the Provincial Court of Appeal and Circuit in the Centre Division under date the 30th Ultimo reporting his arrival at his station.-

/Here enter R. 75/

The Judges of the Tuipalave Adalat direct that the 3d Judge of the Provincial Court in the Centre Division do hold the quarter Sessions at Chittoor until further orders and that the Second Judge of the above Court, with reference to the orders of the Tuipalave Adalat accepted to the Judges of the Provincial Court in the Centre Division under date the 16th August last, do complete the Circuit he is at present engaged in, and for this purpose proceed from Bellary to Ainglepoint.-

Ordered that Extract of these Proceedings be sent to the 2d and 3d Judges of the Provincial Court of Appeal and Circuit in the Centre Division for their respective information and guidance, by precept, returnable without delay.-

/Sent following precept/ 1836

Read

7th October 1830.- for his commission.-

For the same reason the 13 other prisoners, charged with having aided and abetted the 1st Prisoner in the commission of the above crime, were released by the Judge who presided at the Trial.-

The prayer of the Petition is therefore rejected.-

Ordered that extract of these proceedings be furnished to the Petitioner on his application.-

Read petition presented on the 8th Ultimo by Candasamah of Triplicane.-

/Here enter R. D. No 63 of 1830/

The Petitioner who is a resident of Triplicane complains of her husband having left her without having provided for her maintenance and prays that the Court will investigate her case and direct him either to restore to her the Jewels which he had with her on their marriage or order him to maintain her.-

Ordered that the Petitioner be informed that this Court cannot interfere in the case.-

Vinasta Nattamana Chetty of Chingleput moves the Court to return the enclosure in the Miscellaneous Petition No 59 of 1830.-

Ordered accordingly.

11th October 1830.

Read letter from the Secretary to Government in the Judicial Department inclosing Extract from the Minutes of Consultation under date the 24th ultimo expressing the resolution of Government that Mr Pinhey be removed from the Auxiliary Court of Tellicherry, and directing that all Circuit Judges be instructed to ascertain on their stay at the Stations of the Zillah and Auxiliary Courts, whether in the passing and the promulgating of Decrees strict attention has been paid to the orders of the Sudr Adalut of the 18th October 1814, and 9th of February 1826.-

/Here enter R.o 376/

Ordered that copy of Proceedings be transmitted to the Provincial Court in the Western Division for the information of Mr Pinhey-

/Sent following letter R.o 377/

Ordered also that Extract from Proc.s R.o 1 of this Court's proceedings of the 16th September last and copy of Read of the above Extract from the Minutes of Consultation, be circulated to the four Provincial Courts for their perpetual information and guidance, and for that of the Judges now on all future Circuit reports are to communicate the result of the inquiry now directed.-

/Sent following letter R.o 378/

Read again letter from the First Judge of the Provincial Court of Circuit

11th October 1830. Circuit in the Northern Division, dated the 27th August last, recommending the remission of all punishment in favor of the Prisoners in the case R.o 7 of the Nellore Calendar, for the 2d Sessions of 1830, as they were severely wounded in their attempt to escape from confinement.-

/Here enter R.o 532/

The Judges of the Sudr Adalut having called upon the Criminal Judge of Nellore for a full explanation of the circumstances attending the maiming of the prisoners in the above case, and having duly considered the particulars of the Criminal Judge's reply, are of opinion that this is a case in which no mitigation of punishment can be allowed. Under the provisions of clause fourth Section V Regulation VI 1822, the sentences of discretionary punishment awarded by the Law Officer, and clause seventh Section II Regulation XV 1803, each of the prisoners are liable to stripes not exceeding 30 with a rattan; and to imprisonment not exceeding 7 years- In many instances the exact extent of punishment must be fixed by the Circuit Judge, according to the degree of blame attributable to each individual but in no case should the imprisonment be less, than 2 years; the punishment for the minor offence, prescribed by clause second Section V Regulation VI 1802.- Ordered that extract of

11th October 1830.

of these proceedings be forwarded to the first Judge of Circuit in the Northern Division by precept - return to be made, without delay, shewing the sentence passed on each prisoner -

/Sent following precept N° 379/

Read return dated the 31st ult. August last, from the late Acting Judge of Circuit in the Centre Division, to the precept of this Court of the 31st of December 1829, submitting an English Translation of the two contradictory depositions on which the prisoner,

Mungah Paddatchy,

in case N°3 of the Chingleput Calendar for the 2d Sessions of 1829 was committed of Perjury -

/Here enter N° 543/

In a Prosecution for Perjury under Regulation III of 1826, it is absolutely necessary for the legal conviction of the Prisoner, that proof be adduced of the contradictory depositions, having been given upon oath; that they should be deliberately given, and recognized to the Party before he signed them, and that the contradictions should be direct positive and irreconcileable on their face -

The Judges of the Foujdaree Adalut having maturely considered the said Translations, and all the circumstances of the case as set forth in the Calendar are of opinion that the alleged contradictory depositions are reconcileable and that, if the prisoner has been duly examined before

tober 1830.

before the Assistant Criminal Judge, he would have given the same explanation that he did before the Circuit Court they therefore direct the conviction of the abovenamed Prisoner,

Munga Paddatchy

to be quashed, and that he be immediately released -

The Judges of the Foujdaree Adalut further direct that the Acting Judge of Circuit be informed that they have noticed with great displeasure his unaccountable delay, in having allowed a period of 8 months to elapse before he made his return to the above Precept and his having thus unnecessarily detained the prisoner in Jail, nor has he offered any explanation of the cause of the delay in his return -

Ordered that Extract of these Proceedings be forwarded to the late Acting Judge of Circuit in the Centre Division for his information and guidance Precept returnable without delay -

/Sent following precept N°380/

Read letter dated 1st Ultimo from the Provincial Court of Circuit in the Centre Division referring to the Proceedings of the Centre Provincial Court of the 12th August last & enclosing copy of the return of the Criminal Judge of Chingleput -

/Here enter N° 630/

Read letter dated 4th Instant from

on the Second Division [illegible]

11th October 1830

from the 2d Judge on Circuit in the Centre Division reporting his arrival at Vellore

//Here enter No 633//

Read return dated 5th Ultimo from the Provincial Court of Circuit in the Centre Division to precept of the 2d Ultimo and stating that the Provincial Court of Circuit will unavoidably insert in the Criminal Calendars the Clause section and Regulation under which their sentences may be passed.-

//Here enter No 634//

Read return dated 8th Ultimo from the Provincial Court of Circuit in the Centre Division to precept of the 2d Ultimo and stating that the late acting Criminal Judge of Chittoor has been accordingly directed to release the 5th Prisoner in case No 9 of the Report of Persons apprehended in April upon whom no final order has been passed pursuant to the end of that month.-

//Here enter No 636//

Read letter dated 5th Instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division referring to Proceedings of the Tongalore Court of the 20th September last and stating the Prisoner in Case No 5 of the Vellore Calendar sentenced to 7 years imprisonment under Section XXI Regulation VII of 1822.-

//Here enter No 626//

Read letter dated 1st Instant from the First Judge on Circuit in the Northern Division stating that he has finished the Jail Delivery at Cuddapah and is about to proceed to Canara.-

//Here enter No 628//

11th October 1830.

Read return dated 7th Instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division to precept of 20th September last stating that the omissions of the names of the Prisoners and Sessions in the recommendation for mitigation of their punishments in Case No 2, 5th Calendar of Guntoor 4th Sessions of 1830 were inadvertently made.-

//Here enter No 625//

Read letter dated 22d Ultimo from the Judges of the Provincial Court of Circuit for the Northern Division referring to their return to Tongalore Courts precept of the 9th of August last, and stating that there are no characters in the Villages of Vellore so turbulent as to render their removal to another Zillah necessary.-

//Here enter No 619//

Read return dated 28th Ultimo from the Judges of the Provincial Court of Circuit in the Northern Division to precept of the 2d Ultimo directing the insertion in the Criminal Calendars of the clause section & Regulation under which the sentence of the Judge may be passed.-

//Here enter No 620//

Read return dated 28th Ultimo from the Provincial Court of Circuit in the Northern Division to Precept of the 13th Ultimo stating that the Criminal Judge of Chicacole & the Joint Criminal Judge of Masulipatam have been furnished by

respectively

7th Octob

11th October 1830.

respectively with the remarks in the Proceedings of the Foujdaree Udalut.-

/Here enter No 641/

Read further return dated 29th Ultimo from the Provincial Court of Circuit in the Northern Division to precept of the Foujdaree Udalut of 29th July last and enclosing the return of the Criminal Judge of Chicacole stating that no information can be obtained as to the manner in which a forbearer became possessed of a Counterfeit Rupee.-

/Here enter No 639/

Read further return dated 4th Instant from the Provincial Court of Circuit in the Centre Division to precept of the 2d Ultimo and enclosing the explanation of the late Acting Criminal Judge of Cuddapah relative to the objectionable sentence passed on the 3d Prisoner in case No 9 of the Report of persons apprehended in April with respect to whom no final order has been passed previous to the end of that month.-

/Here enter No 642/

Read letter dated 2d Instant from the 3d Judge on Circuit in the Northern Division stating his intended immediate departure for Rajahmundry by which the Court at Masulipatam will be closed until the arrival of Mr Casamajor.-

/Here enter No 638/

Fl 6

At a Court of the Foujdaree Udalut,
Present,

Thursday 14th October 1830 } F. A. Grant Esquire, First Puisne Judge.
William Oliver Esquire, Second Puisne Judge
G. M. Lushington Esquire, Third Puisne Judge

Read petition presented by Comalieshunmareddy maternal uncle, and Nagamah mother, of Moosaliereddy the 5th prisoner in the case No 7 of the Bellary Calendar for the 2d Sessions of 1829.-

/Here enter Mr. P. No 64 of 1830/

The Judges of the Foujdaree Udalut having only considered the circumstances stated in the above petition direct that the Acting Judge of Circuit in the Centre Division be called upon to furnish an English translation of the said Trial, in the case No 7 of the Bellary Calendar for the 2d Sessions of 1829.-

Ordered that extract of these Proceedings be furnished to the late Acting Judge of Circuit in the Centre Division for his information and guidance, by precept returnable without delay.-

/Sent following precept No./

Read letter dated 8th Ultimo from the Provincial Court of Circuit in the Centre Division referring to the Centre Provincial Courts Proceedings of the 12th August last

14th October 1830

last, and transmitting copy of the return
dated the 2nd Instant from the Criminal Judge
in charge of the Cassapra Court.-

//Here enter No629//

Read letter dated 11th Ultimo
from the Provincial Court of Circuit in the
Centre Division forwarding information
from the Southern Division of Arcot and
Bellari called for respecting cases in
the criminal returns.-

//Here enter No644//

Read return dated 11th
Instant from the 1st Judge late on Circuit
in the Centre Division to present of the
30th Ultimo stating that the instructions
regarding the examination of Prisoners
by Magistrates have been furnished to
the Collector of S. Arcot.

//Here enter No652//

Read return dated 6th Instant
from the Judges of the Provincial Court
of Circuit in the Western Division to
present of the 20th Ultimo and stating that
the Judge on Circuit has been instructed
to place in the column of Remarks the
Clause Section and Regulation under which
his sentences may be passed.-

//Here enter No651//

Read return dated 11th Instant
from the Provincial Court of Circuit in the
Centre Division to present of the 19th July last
directing that the late Acting Criminal Judge
of Chittoor should explain his reasons for
not reporting at an earlier period than
he did the cases of the Prisoners in
case

14th October 1830. case No54 of the Report No5 submitted
by him for April last.-

//Here enter No663//

Read letter dated 6th Instant
from the Third Judge of the Provincial Court
of Circuit in the Centre Division requesting
to be informed if he is to conduct the Quarter
Sail Delivery at Chittoor in consequence
of the accident which has disabled the 1st
Judge from doing so.-

//Here enter No635//

EV

ZH

Chd

Exd No 8

J. M.

At a Court of the Inferior Local

Present

Monday 18th October 1830.

Charles Harris Esquire - Chief Judge

J. C. Grant Esquire - 1st Puisne Judge

C. C. M. Washington Esquire 3d Puisne Judge

Read letter dated 23d June last, from the late 2d Judge on Circuit in the Centre Division, transmitting Courts proceedings in a Case of Murder No. 25 Caddapak Calendar 1st Sessions 1830.

/Here enter at No. 357./

The Chief Judge, and the First and Third Puisne Judges having maturely considered the Proceedings held before the Judge on Circuit, the fiatum of the Provincial Law Officer, and the fiatum of the Cazee-ool-Coozat and Mooftee of the Inferior Local Court confirm such part of the said fiatum of the Cazee-ool-Coozat and Mooftees aforesaid as convicts the Prisoner

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of the crime of Murder and under Section X Regulation VIII 1803, sentence him to suffer death, by being hanged on

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soon as conveniently can be after the receipt of this warrant, at a spot to be selected by the Criminal Judge, in the immediate vicinity of the place where the murder was committed, his body to be subsequently suspended in Chains on a high Gibbet, to be erected on the said spot, and the said Judges being also of opinion that the proof against the prisoners

1st Moyee Tristmardengara Tamaskkara

and

2d Curreem Chamaskar

is sufficient to convict each of them of the crime of murder, under the authority with which they are vested by Section XIII Regulation VIII of 1832, commit them thereof, and under Section X Regulation VIII of 1832, sentence each of them to suffer death, by being hanged as soon as conveniently can be after the receipt of this warrant at a spot to be selected by the Criminal Judge, in the immediate vicinity of the place where the murder was committed, their bodies to be subsequently suspended in chains on a high Gibbet to be erected on the said spot. The said Judges being further of opinion that the proof against the prisoner

prisoner

4th Muddoory Tarnattygadda

is sufficient to convict him of the crime of murder, notwithstanding the futwa of their said Law Officers, under the power vested in them by Clause first Section II Regulation I 1813, convict him thereof, and under Section X Regulation VIII of 1832, sentence him to suffer death, by being hanged as soon as conveniently can be after the receipt of this warrant at a spot to be selected by the Criminal Judge, in the immediate vicinity of the place where the murder was committed, his body to be subsequently suspended in chains on a high gibbet to be erected on the said spot.

Sent following letter No. 386

F. 66.

At a Court of the Foujdaree Adalut,
Present,

Thursday, - - -
19th October 1830 } F. A. Grant Esquire, First Puisne Judge
William Oliver Esquire, Second Puisne Judge
C. M. Lushington Esquire Third Puisne Judge

Read letter from the First Judge of Circuit in the Northern Division dated the 17th ultimo stating his opinion that the 2d Prisoner in Case No. 11 of the Nellore Calendar, should be required to give two securities to the extent of 100 Rupees for his future good conduct for one year.-

Here enter No. 631

1. The Judges of the Foujdaree Adalut on a reference to the column of remarks in the above Calendar, observe that the First Judge on Circuit disapproved of the Futwa of his Law Officer. It was therefore incumbent upon him under clause first Section VI Regulation XV of 1803 to peruse the entire record of the Trial, and they therefore direct that the English Record accompanied by the usual Persian translation may be submitted for their consideration and orders.-

2. The First Judge on Circuit appears to have misunderstood the Futwa of his Law Officer, wherein it is stated that the Second Prisoner was convicted on Zann-i-ghalib, which is strong presumptive proof and not mere suspicion.-

Ordered that Extract of the

19th October 1830.- these Proceedings be sent to the First Judge on Circuit in the Northern Division for his information and guidance by Precept returnable without delay.-

/Sent following precept No 387./

Read letter dated 11th Instant from the First Judge of Circuit in the N. Division stating his arrival at Rajahmundry.-

/Here enter No. 656./

Read return dated 13th Instant from the Third Judge of the Provincial Court of Circuit in the Centre Division to precept of the 11th Instant and stating that the 3d Judge will accordingly hold the Quarter Sessions at Chittoor and the 2d Judge will conclude the Circuit in which he is at present engaged.-

/Here enter No 657/

Read letter dated 13th Instant from the Second Judge on Circuit in the Southern Division reporting the arrival of the Court of Circuit and the commencement of the Sessions.-

/Here enter No 659./

At a Court of the Foujdaree Adalut

Present

Thursday. 21st October, 1830

F. A. Grant Esquire 1st Puisne Judge.
William Oliver Esquire 2d Puisne Judge.
C. M. Lushington Esquire 3d Puisne Judge.

Read letter under date the 6th Ultimo from the first Judge of the Provincial Court of Circuit in the Northern Division, explaining the result of the investigation entered into, under instructions from this Court of the 13th of May last, regarding certain entries in the accounts of the Zemindar of Vizianagrum in the names of certain natives.

/Here enter No. 733/

The Judges of the Foujdaree Adalut, having duly considered the explanation of the First Judge in the Northern Provincial Court, regarding the first entry in the name of Vedamurty Macherange do not coincide in the view of his case taken by that officer. That person fully admits the payments alleged to have been made to him, whilst he was a public servant, and that they were presents from the Zemindar. The gift of the first sum of Rupees 500, at the time of the marriage of his son, shews its appropriation but is nothing

nothing in palliation of its acceptance, - and his allegation that the other of Rupees 100, was in return for a gift offered by himself, is no excuse for the traffic of a public servant in presents with a great Zemindar. - The Court therefore, direct that the Provincial Court in the Northern Division be, by Precept, required to cause the said Mahaunty Macherauge to be immediately removed from his situation of Native Register to the Zillah Court of Chicacole.

3. In the 8th Para of the First Judges letter, Calaburregala Creemenacaraw, in whose name the 5th Entry is made, is stated to have admitted that the sum of 100 Rupees was received by him from the Zumeendar, but to urge that it was paid to him when he was out of employ. - The accounts however shew that it was paid when he was Native Register: and the Judges of the Sudr Adalut are of opinion that he ought to be removed from his situation, on the Establishment at Cuddapah, where he is now employed. Ordered accordingly that the Provincial Court in the Centre Division be, by Precept, directed to cause his removal by the Acting Judge of Cuddapah, within 5 days from the receipt of these proceedings. -

Sent following Precept No 391 / The

4. The Judges of the Sudr Adalut have read with surprize the opinion of the First Judge in the Northern Provincial Court, expressed in the last Para of his letter, that, "those Items which the Parties acknowledge "to have received, cannot well be considered as "bribes for in the first place the individuals "were not in situations to have rendered any "service to the Zemindar inconsistent with "their public duty, and with the administration "of Justice, - presents on certain occasions from "one Native to another is a part of their Custom, "and cannot be judged with the same strictness "as if + received by those who are prohibited "by law". - The Judges of the Sudr and Fauzdaree Adalut are of opinion that any such transaction, which would be culpable in a European officer, would be equally culpable in a Native Servant, and that any laxity in maintaining this principle, on the part of the local superintending authorities, is calculated to encourage practices, amongst the native officers which cannot be too strictly suppressed. -

Ordered that a extract of these proceedings with a Copies of this Courts letter of the 13th May 1830, and of the First Judge's reply, be submitted for the consideration of the Right Honorable

21st October 1830.

Honorable the Governor in Council, with reference to the letter addressed to this Court by the Secretary to Government in the Judicial Department under date the 7th of May last.

7 June p. 56.

/Sent following letters No. 392

Ordered also that extract from these proceedings be forwarded to the Provincial Court for their information and guidance by Precept returnable without delay.-

/Sent following Precept at p. 393/

Read the report received from the late third Judge of Circuit in the Southern Division, on the result of the Jail deliveries during his Circuit, for the first Sessions of the present year.-

/Here enter No. 434 of 1830/

The sentence on the Prisoner Vencatapathy Naik, alluded to in para 2, ought to have been reckoned as commencing from the day when it was passed.- Ordered that the Provincial Court in the Southern Division be directed to call on the Criminal Judge of Nellore to report on this point, and to submit a copy of the warrant, under which that Prisoner is there confined.-

The

F. 11.

21st October 1830.

2. The Judges do not concur in the opinions expressed in paras 3. and 4. of this report.- The universal complaint of the increasing prevalence of perjury evinces the propriety of endeavoring to augment its popular odium, by continuing the infliction, on those convicted of this most dangerous offence, of the degrading punishment of Sussheer, so well calculated to brand it with public infamy.- The excellent effect of this punishment is shewn, in para 14 of the report from the first Judge on Circuit in the Southern Division, submitted to the Government on the 19th August last, referring, it is believed, to be the very case now noticed by the late Mr. Money; and the third Judge of Circuit in the Western Division, in a report recently received, even proposes to augment the punishment of this offence, by annexing to it the penalty of transportation.-

3. With reference to paras 5 to 7 the Court desire that the four Provincial Courts be, by precept, directed, to cause the several Criminal Courts under them to keep a descriptive roll of the several Prisoners received into their respective Jails according to the following form.-

Names of each Prisoner received into Jail.-	Caste	Age	Height	Colour	Particular marks features or defects.-	When received	How disposed of.-

The

21st October 1830.

4. The Court concur in opinion with the late third Judge that, in India, where clothing may be so easily dispensed with by a native, any particular Gaol dress would not facilitate the apprehension of convicts escaping from Gaol.

5 With reference to para 9 the Court desire that the four Provincial Courts be by precept required, to direct, that when a prisoner is sentenced by any of the Criminal Courts under them to corporal punishment and imprisonment exceeding three months, the corporal punishment be not inflicted until two months after the sentence has been passed in order that the higher Court may have time to consider the grounds upon which the sentence is awarded.

6. [Sent following Circular to Pmpts] The prevalence of Gang Robbery in the Northern Circars has induced the late third Judge to propose, that persons convicted of this offence should be banished to those parts of our territories, which are most distant from their homes; and he thinks that, if this is done, the period of

21st October 1830.

their confinement might be abridged. The Judges will submit their final opinion on this subject, in reporting on the proposed new Judicial arrangements — meantime they are inclined to concur in the propriety of the suggestion.

7. In para 10, the late third Judge notices a complaint in the Vizagapatam district, of the frequency of false imprisonment. The Proceedings of this Court alluded to by him, were laid before the Government on the day upon which they were passed.

8. The late third Judge concludes by mentioning the receipt of the Regulation for the abolition of Suttee, when he was at Guntoor: and adds his opinion that it has been unattended by the slightest dissatisfaction.

Ordered that a copy of the report with extract of these proceedings be sent to the Secretary to Government in the Judicial Department to be laid before the Right Honble the Governor in Council.

Sent following letter A 394/ ordered

21st October 1830.

Ordered also that extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance.-

/Sent following Letter No 395/

Read Letter dated 2d Instant, from the Provincial Court of Circuit in the Northern Division, forwarding Criminal reports for July.-

/Here enter No 640/

Read Letter dated the 4th Instant from the Provl. Court of Circuit in the W. Dn. Enclosing Crimal Reports for Augt. last. stating that there were no cases for b. & g. on the Assizes Court of Canada & No 6. in the Native Crimal Court.

(Here enter No 654)

F. 11.

At a Court of the Bayfaree District

Present,

Wednesday, 27th October, 1830. T. A. Grant Esqre 1st Puisne Judge.
William Oliver Esqre 2nd Puisne Judge.
C. M. Lushington Esqre 3rd Puisne Judge.

Read the following reports from the First and Third Judges of Circuit in the Western Division, submitting the result of their observations on the jail delivery at Tellicherry, for the first and second quarter Sessions, respectively, of the present year 1830.-

(Here enter Nos 523 & 580)

2 The Court direct that the third Judge be informed that his calendar should hereafter be forwarded in a communication separately from the report on the Jail delivery.-

3. The observations of the First Judge and the various remarks made by him on the same subject are scattered over his Report in such a confused manner, that it is difficult to collect the precise meaning he wishes to convey- The Court hope that the orders recently issued will induce him to compress the matter of his future correspondence.-

Circuit

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27th October 1830.

4. Paras 5 to 41 of Mr Newnham's report refer principally to the murder of a slave. As the case of the prisoners tried for this offence is still under consideration the Court abstain from any remark on it; further than that Mr Newnham has evinced a highly proper sense of duty, in endeavouring to overcome the difficulties, and local prejudices, opposed to the holding of due inquests in Malabar, on the bodies of this degraded class of the community - and in enforcing generally this important precaution, in all cases of suspicious death.-

5. In para 22 Mr Newnham alludes to the Regulations of the Government not having yet been promulgated in the Malayalum language the dialect peculiar to Malabar.- He resumes this subject from para 96 to 101, and again in para 124, and para 52 he mentions a case of murder adding (in para 54) that a knowledge of the law of distraint would greatly tend to prevent disputes similar to that which thus fatally terminated.- As it appears of the utmost importance, in early respect, that speedy measures should be adopted to facilitate the acquirement by

27th October 1830.

by the inhabitants of that distant province of a knowledge of the laws enacted by the Government for their protection, the Court resolve earnestly to solicit the attention of the Right Honorable the Governor in Council to this subject. A list of the only Regulations hitherto translated into Malayalum, is given by Mr Newnham in para 101 of his report.-

The Malabar regulations in print are 1 of 1802. 3, 4, 7 & 8 of 1806. 1 & 2 of 1807. 13, 15, 18 & 19 of 1809. and 1 & 5 of 1816. and the short manuscript translation in Malayalum of Regulation 4, 5, 7, 8, 11 & 12 of 1816 and 3 of 1817.

6. From para 42 to 48 Mr Newnham notices the prevalent defence of alibi, supported by false evidence, of which he gives instances, and, as one means of aiding the Judges on such occasions in ascertaining the truth, he recommends, in para 50, that all the Courts should be supplied with good maps.- It is understood that the Collectors have very generally been furnished with improved maps on a large scale; and it is submitted that it would be of great advantage to supply, at least the Judges of Circuit, with copies of them.-

7. The subsequent parts of Mr Newnham's report, become involved in so many intricate arguments and digressions that it is no easy matter to trace them.- In para 59 he mentions five cases

... by precept, to

cases of house-breaking, four of which were at first returned to the Assistant Criminal Judge, but were subsequently disposed of by the Judge of Circuit, to whom it was explained that the offenders were of notoriously bad character." Blame is justly attributed to the Joint Criminal Court, for its omission to call for proof of this aggravation, which alone brought the cases within the cognizance of the higher Court, and for assuming matter so material merely on the police report; also (para 72) for clubbing into one examination the evidence of the witnesses who attested the prisoners' police confessions, in so many distinct cases.-

8.

In para 87 Mr. Newnham notices that a particular prisoner, acquitted by him in these cases, pleaded maltreatment by the police, and displayed, in proof of it, his arm in a state of dislocation. Mr Newnham committed to trial for perjury the two persons who attested this prisoner's confession, who swore that before the police his arm was uninjured. Mr. Newnham notices that the prisoner was cruelly fettered by the police (para 86) in wooden hand-cuffs and (para 84) laments that though he was admitted into jail, on the 19th September

September, he was not examined by the Assistant Criminal Judge, until the 28th or 29th October following.- It does not appear that the state of the prisoner's arm was even then examined, nor in the jail does it appear to have attracted any attention (para 127,) though the head of Taluk police had himself questioned the prisoner as to the scars on his arms, (para 82), and there was evidence to prove that one of his arms was much swollen when before the police (para 83).-

9.

On this case, Mr. Newnham founds an argument against the Criminal Court being obliged to communicate with the police, through the Magistracy. But the real defect in this case seems to have been the total supineness of the Joint Criminal Judge who neglected altogether to communicate with the prisoner when sent in.- His situation, in consequence, altogether escaped observation, and, therefore, even if direct communication had been authorized, between the Court and the police, it would not in this instance have been resorted to.-

10.

To prevent such misconduct for the future, it is resolved to direct the four Provincial Courts, by precept,

to

to require the General Criminal Courts under them, invariably to cause each prisoner to be brought before it, as soon as he arrives or within 12 hours afterwards when any complaint he may make of mal-treatment by the police should be recorded. This will enable the Criminal Court instantly to obtain information, and to communicate to the Magistracy any complaint of mal-treatment made against the police—

11. The persons committed for perjury by order of Mr. Newnham, on account of the case above noticed, were released by Mr. Vaughan, at the subsequent Sessions, without being placed on their trial, for the reasons recorded in his calendar. Under the explanation there given, the Judges will not disturb this proceeding. But they direct that the Judges of the four Provincial Courts be, by precept, prohibited, from releasing, without trial any prisoner committed for perjury, by another Judge of Circuit, without first obtaining the sanction of this Court, on a special report to be made of the case—

12 From paras 105 to 117, Mr Newnham renews the subject of the unsatisfactory

of the condition of the slaves in Malabar which is also noticed in Mr Vaughan's report from para 38 to 42. The former officer proposes the adoption at this Presidency of the rules on this subject promulgated in Regulation XIV of the Bombay code— being chiefly against the import or export of slaves, or the sale, of those who are not registered, of an infant under 10 years separate from its mother, of any slave under 10 years or of any female for prostitution; and as these rules have been approved by the authorities at home, their adoption here seems free from objection. Mr Vaughan also advocates the registry of slaves;- but states objections against the emancipation of their offspring.- The Government having declined to discuss this subject, until the receipt of further orders from home, the Court refrain from any other remark, than the expression of their regret at the frequent quotation Mr Vaughan has indulged in, of so many expressions used, on this subject, by his respectable Senior on the bench.-

13. Mr Newnham (paras 120) remarks

remarks that the Calendars of the Magistracy in Malabar are entirely blanks for the first quarter of the present year; and Mr Vaughan, in the succeeding quarter, shews that they contain only two cases of acquittal. The Court however are happy to perceive that the state of the province continues tranquil.

14. Mr Newnham (para 125) observes that the Joint Criminal Court at Tellicherry requires improvement in the prevention of delays, and not "deferring examinations for sometimes "even scores of days" and Mr Vaughan (para 12) adds that the Assistant Criminal Judge had not visited his Jail for "several "months." The Court, having recently been obliged to recommend the removal of Mr Walsh from Tellicherry, hope that no similar neglect will occur in the Court to which he has been transferred. But the neglect noticed is so very culpable that a caution from the Government on this subject appears requisite.

15. Mr Vaughan, in the 3rd para of his report proposes that, in order to check the practice of subborning false

false evidence, to support even a true case, "every Tahsildar previously to "receiving any complaint for a heinous "offence should read a set warning "against naming any as witnesses but "those who actually can give true evidence, "and the probability of consequent failure "of conviction of the accused, and of punish- "ment to the party complaining, as well "as the chance that one good man's testimony "may be corroborated by circumstances, "and suffice to convict, should be clearly "pointed out. This should be repeated "when the parties come before the "Criminal Judges, and a similar warning "should be given by the Magistrates "and their subordinates when they "take the original proceedings."

16. It is highly desirable to realize the object Mr Vaughan has in view, but the Court apprehend that the warning he has suggested would be calculated to alarm the natives, already sufficiently backward in coming forward with testimony on criminal trials, and that it would therefore be inexpedient to adopt this suggestion.

In

27th October 1830.

17. In the 9th and 10th paras of his report, Mr Vaughan, with reference to the transfer to the Military at Cananore of some of the prisoners, proposes that these convicts should continue to be fed by the Commissariat Officer, and not by the Criminal Judge, as directed by Government under date the 20th March 1827. He also recommends that the Military authorities there be instructed to appropriate a separate ward for the accommodation of such of the convicts as are sick. The Court recommend that this last measure be adopted, as they attribute very great importance to the strictest observance of the rules on the subject of the food of the prisoners, issued by them on the 25th January last, they are of opinion that the supply of food to them, on one uniform system, can be safely intrusted only to the Officer who alone is responsible to them for the due performance of this duty.

18. From para 13 to 21 Mr Vaughan submits information, accompanied by many valuable remarks, respecting the nature of the labour performed by the prisoners at Tellicherry, which has satisfied this Court that the rules for the

27th October 1830.

the management of the public jails, circulated by them under date the 8th October 1821, require to be modified, and that more detailed and distinct rules, for the employment of the prisoners, are required. The Court merely wait for a communication from the Provincial Court in the Centre Division, on the subject of the diet of the prisoners in the jails of that portion of our territories, to submit to the Government draft of a set of new general rules, for the management of the public jails under this Presidency, founded on those established in Bengal, of which a printed copy was transmitted to this Court by Government under date the 21st April 1829, with such modifications as the orders of Government conveyed in their letters of the 17th and 24th Instant, render necessary. The Court propose to incorporate therein such general rules respecting the diet of the prisoners as it may be resolved to establish, after full consideration of the sentiments of the Courts below, and also then to adopt such improvements, respecting the nature and the extent of labour to

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27th October 1830.

be performed by the prisoners, as the observations offered by Mr Vaughan obviously suggest.

19. Mr Vaughan reports (para 22) that, of the prisoners confined on a requisition of security at Tellicherry, "not one was put to labour." Ordered that the Provincial Court in the Western Division be directed to call the attention of the Joint Criminal Judge at that station to Section XIII Regulation VI 1827, which the Court understand as directing that such prisoners shall be subjected to compulsory labour, and leaving to the discretion of the Criminal Court only the selection of the particular description of labour on which they are to be employed.

20. Mr Vaughan proceeds from para 23 to 26 to recommend the abolition of the punishment of flogging by the native police officers, for petty theft; and suggests the propriety of defining what shall be considered petty theft "not attended with aggravating circumstances," as stated in Clause first Section IV Regulation IV 1821. The Right Honorable

4/ F 11.

27th October 1830. Honorable the Governor in Council, under date the 27th October 1829, at the recommendation of this Court, authorizing them to take an opportunity of introducing into the code a provision, empowering Native Heads of Police, in lieu of stripes, to sentence to "an equivalent "imprisonment with hard labour," and the changes about to take place in the judicial system will afford an appropriate occasion for this improvement and for at the same time defining the aggravation excluding petty theft from their cognizance.

21. Mr Vaughan goes on (para 27) to deprecate the too frequent exercise of the punishment of flogging even by the European Courts, and argues strongly against the indiscriminate infliction of it upon the whole of a gang, even when convicted of robbery by open violence. The Court are inclined to concur in the impolicy of inflicting this indelible punishment indiscriminately, especially on the younger members of gangs, of whose reformation there exists the greater probability. They are also willing to take into consideration the

the arguments used in favor of a defined and material remission of punishment in cases of confession, leading to the discovery and restoration of stolen property- But these points, as well as the proposed increase of punishment in cases of perjury and forgery (paras 31) and the expediency of opening more widely the door to appeals, (paras 32 to 37) particularly when all the tribunals below this Court are to be reduced to a single Judge, will best be considered when the Court proceed to the discussion of the late orders of Government under date the 14th September, on the subject of the proposed changes in the Judicial System generally.-

32. Mr Vaughan concludes his report, by requesting the opinion of this Court, whether, under Section XXXII Regulation VII of 1802, it is competent to a Judge of Circuit to issue orders for the marking of the prisoners. The Court have no doubt that it is intended that each Judge of Circuit should

issue such instructions on these subjects, in aid of those issued by the higher tribunal, as may appear best calculated to enforce the system prescribed by them, and to promote generally the public service.-

Ordered that copies of the reports above mentioned with extracts from these proceedings be sent to the Secretary to Government in the Judicial Department, to be laid before the Right Honorable the Governor in Council.-

(Sent following letter No 399)

Ordered also that extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division, for their information and guidance.-

(Sent following letter No 400)

Read letter from the Provincial Court in the Southern Division, on the subject of an increase in the jail establishment at Combaconum.-

(Here enter No 649)

The

the arguments used in favor of a defined and material remission of punishment in cases of confession, leading to the discovery and restoration of stolen property - But these points, as well as the proposed increase of punishment in cases of perjury and forgery (para 31) and the expediency of opening more widely the door to appeals, (paras 32 & 37) particularly when all the tribunals below this Court are to be reduced to a single Judge, will best be considered when the Court proceed to the discussion of the late orders of Government under date the 14th September, on the subject of the proposed changes in the Judicial System generally -

32. Mr Vaughan concludes his report, by requesting the opinion of this Court, whether, under Section XXXII Regulation VII of 1802, it is competent to a Judge of Circuit to issue orders for the working of the prisoners. The Court have no doubt that it is intended that each Judge of Circuit should

issue such instructions on these subjects, in aid of those issued by the higher tribunal, as may appear best calculated to enforce the system prescribed by them, and to promote generally the public service. -

Ordered that copies of the reports above mentioned with extract from these proceedings be sent to the Secretary to Government in the Judicial Department, to be laid before the Right Honorable the Governor in Council. -

(Sent following letter No 399)

Ordered also that extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division, for their information and guidance. -

(Sent following letter No 400)

Read letter from the Provincial Court in the Southern Division, on the subject of an increase in the jail establishment at Combaconum. -

(Here enter No 649)

The

27th October 1880

The Court of Exchequer Madras, on the 25th January last, issued circular orders on the subject of the subsistence of prisoners in the different Jails and only wait for a reply from the Provincial Court in the Centre Division, to prepare further general instructions, more in detail, on the subject of the diet and clothing of the prisoners. It will be sufficient at present to repeat these positive orders, for the strictest enforcement, throughout the country, of the prohibition against the use of Betle, Tobacco, Opium or other luxuries within the Criminal Jails, except on the requisition of the Medical Officer. This order must not be observed more at one jail than at another, but is to be rigidly enforced at all. Indeed recent orders from Government state that "the prevalence "of crime throughout the country may "in a great degree be ascribed, to the "circumstances of the punishment of "imprisonment being disarmed of its "terrors, by the comforts of the accommodation and

F. M.
27th October 1880.

and the abundance of food and clothing, which the inmates of the jails enjoy.-

The Government have also recently sanctioned certain proposed rules for the employment of the convicts, which, when completed, will be circulated for the guidance of the Courts. Meantime the Exchequer Madras are satisfied that, by congregating into large bodies, at one or two principal stations, the convicts upon whom sentence exceeding 12 months imprisonment has been passed, uniformity of jail discipline, and strict treatment of the prisoners will be promoted especially if treed mills should be established at the jails, as has been suggested by the Government. This measure will also contribute to the employment of the convicts in the manner most useful and profitable to the public, and prove economical, in reducing the jail establishments. the same number of peons which suffices for guarding a large body, being insufficient, when they are detached in small parties. Under this arrangement also it is

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cases of [illegible]

to be expected that, eventually, fewer jails will suffice, and those of an inferior description may thus be allowed to decay.

Ordered accordingly that the four Provincial Courts be directed to issue orders for transferring to the jails at Trichinopoly, Bellari, Masulipatam and Mangalore respectively, all the prisoners in the other jails of the division sentenced to more than two years imprisonment, for whom there may be due and convenient accommodation in these jails, giving the preference, on removal, to those prisoners whose sentences are longest continuance. The Provincial Courts will select the most most commodious jail, or jails, in their respective divisions for the confinement of the remainder and they will thus endeavour to collect all the prisoners in the division, on whom sentence may be passed exceeding one years imprisonment, into a few of the best jails in each division. The transfer from one jail to another can take place only gradually; and under due precautions for the custody of the prisoners against escape, whilst the due proportion of

of guards on peons must be transferred along with the prisoners.

The Provincial Courts will endeavour to diminish the jail establishments, when the transfer has been completed, by causing the convicts to be worked in bodies not detached, guarded by a strong but not over numerous guard. They will in no case allow any increase, as proposed at Coimbatore, but will collect, classify, and arrange the prisoners, and the existing establishments, so that the latter may suffice, and may be regulated on a scale of the strictest economy.

At the remaining jails in the division, the prisoners to be retained should be restricted to such as have not been tried, the sick, or infirm - those held to security, and those sentenced to confinement not exceeding one year. The jail establishments at such stations must be reduced to the lowest scale, and a due proportion of them transferred with the other prisoners.

It is not intended to withdraw the prisoners given over in

cases of [illegible]

27th October 1830.

in charge to the Military, or to the Magistracy, by order of Government, at certain stations. But the Magistracy should be consulted by the Provincial Courts, as to the practicability of their providing for the due custody of such prisoners, by means of their own police, and, in such event, the jail guards detached with them may be withdrawn.

On the receipt of these proceedings the Provincial Courts after communicating with the local authorities as to the state of accommodation in their several jails, will issue the requisite orders for giving them effect, reporting the final arrangements adopted for the information of this Court.

Ordered that extract from these proceedings be sent by precept to the four Provincial Courts with directions to issue the necessary orders for the information and guidance of the Criminal and Joint Criminal Judges in their respective divisions without delay - return to be made

F. U.

27th October 1830.

within three months after the receipt of this precept shewing the manner in which these orders have been carried into effect.

(Sent following Precepts No. 401A)

Ordered also that extract of these proceedings be sent to the Secretary to Government in the Judicial Department for the sanction of the Right Honorable the Governor in Council.

(Sent following letter No. 401.)

Clerk

At a Court of the Fuydaree Adalut,

Present,

Thursday 28th October 1830.

F. A. Grant Esqr. First Puisne Judge
William Oliver Esqr. Second Puisne Judge
G. M. Lushington Esqr. Third Puisne Judge

24 h

Read petition presented in person by Coopayee of the Zillah of Madura:— (Here enter M. P. No 67 of 1830.)

20 Oct

The Petitioner complains of the sentence of 5 years imprisonment with hard labour in irons passed by the Second Judge on Circuit in the Southern Division on his brother Rangalee Moopen concerned in case No 5 of the Madura Calendar and charged with shaving forged a Pazeemah and with having committed wilful and corrupt Perjury before the Zillah Court; and he prays that the Court will call for the record of the Trial and pass an order for his release.

The Court having referred to the Madura Calendar for the Second Sessions of the present year submitted by the Second Judge on Circuit with his letter of the 13th of August last see no grounds whatever for their interference.

Ordered therefore that the prayer of the Petition be rejected and that the same be communicated to the Petitioner—

Read letter from the Second Judge

28th October 1830. Judge on Circuit in the Southern Division under date the 6th Ultimo submitting copy of the Combaconum Calendar for the Second Sessions of 1830.-

/Here enter No 648/

The Judges of the Foujdaree Adalut having only considered the recommendation of the Second Judge on Circuit that the Prisoners in the case No 32 of the above Calendar

1st Caroopen,
2d Moottien son of Kylasem,
3d Letchoomanin,
4th Lunna Colundavalen,
5th Rajappen,
6th Moottoosamy Canoomoondan,
7th Maroosen Pyapooreddy,
and
8th Iyan,

who attempted to escape from the Peons who guarded them whilst at work on the High Roads should be removed to some other Jail not within the Southern Division, direct that their removal to the Jail of Bellary be effected as early as practicable, by a precept to be issued by the said Second Judge to the Criminal Judge of Combaconum.-

2.

With regard to the recommendation of the Jail Peons who escaped the said Prisoners, the Judges of the Foujdaree Adalut under date the 22d of July last notified to the Court of Circuit their coincidence in the opinion expressed by them that it should depend on the result of the trial before them. They now observe from the Calendar of Punishments of the present Calendar that much unnecessary severity in the Capture and

28th October 1830. was exercised by the Peons, and desire that the reward which the Acting Criminal Judge proposed might be given to them, be withheld.-

Ordered that Extract of these proceedings be sent to the Second Judge on Circuit in the Southern Division for his information and guidance.-

/Sent following letter No 402/

Read letter dated 13th Instant from the First Judge on Circuit in the Western Division reporting the commencement of the Sessions at Mangalore.-

/Here enter No 661/

Read return dated 19th Instant from the Second Judge on Circuit in the Centre Division to precept of the 11th Instant and stating that the Second Judge on Circuit in the Centre Division will accordingly finish the Circuit.-

/Here enter No 666/

Read letter dated 24th Instant from the First Judge on Circuit in the Northern Division reporting his intention to have Regalia in memory.-

/Here enter No 678/

Read return dated 25th Instant from the First Judge on Circuit in the Northern Division to precept dated the 11th Instant directing the 1st Judge of Circuit to pass sentence on the prisoners concerned in Case No 7 of the Nellore Calendar for the 2d Sessions of 1830.-

/Here enter No 677/

Read letter dated 23d Instant from the 3d Judge of the Provincial Court of Circuit Centre Division reporting that the 4th Quarterly Sessions for the year 1830 commences on the 23d October 1830.- /Here enter No 679/

Cadies &c. L

28th October 1830.

Read letter dated 13th ultimo from the Second Judge on Circuit in the Southern Division,- with record of trial in Case No. 9 Madura Auxiliary Court Calendar Second Sessions 1830.-

/Here enter No 573./

The First 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-Cozat and Mooftees of the Sudder Adalut, confirm such part of the said Futwa as convicts the prisoners

1st Alungamanien,
3d Verapooly,
4th Thodalaymoottoo,
5th Seven,
6th and Palavasum,

of Robbery, and under the sentence of Porobut, and the provisions of clause second section II and of clause second section VII Regulation XV of 1803 adjudge the said prisoners

1st Alungamanien,
3d Verapooly,
4th Thodalaymoottoo,
5th Seven,
6th and Palavasum,

severally to receive 150 lashes with a Cat of nine tails according to clause fourth section II Regulation I of 1825 and section IV Regulation VIII of 1828, and, under the provisions of clause third section IV Regulation XV of 1803, to be imprisoned and kept to hard labor in Irons on the high roads, or other public works, for the period of (14) fourteen years and although they are of opinion that the Prisoner,

2d Proluppen,

is convicted of the crime of Gang Robbery;

Ept

2) F.M.C.

28th October 1830. yet in consideration of his advanced age they direct under the provisions of clause sixth section IV Regulation XV of 1803 and section VI Regulation I 1825 that the punishment to which he has rendered himself liable be remitted and that he be released; provided that he find two sureties in 20 Rupees each for his good behaviour and appearance when required within one year, or in default thereof that he be detained in confinement for the same period.-

/Sent following letter No/

E. M. S.

At a Court of the Foujdaree Adalut,
Present,

Thursday 4th November 1830. } F.A. Grant Esquire, First Puisne Judge
William Oliver Esq^re. Second Puisne Judge
C.M. Lushington Esq^re. Third Puisne Judge

214

20

Read letter from the Second Judge on Circuit in the Southern Division under date the 16th ultimo recommending a mitigation of punishment in case N.^o 5 of the Salem Calendar for the Second Sessions of 1830 in which the prisoner was convicted of attacking the Prosecutor on the highway and robbing him of his money bag, containing property consisting of money and Jewels valued at Rupees 99. 12. —

/Here enter N.^o 662/

The Judges of the Foujdaree Adalut having only considered the grounds of the recommendation of the Second Judge on Circuit under clause third Section III Regulation I 1825 authorize the proposed mitigation and accordingly direct that the Prisoner, Mootaun, in the said case N.^o 5 of the Salem Calendar for the Second Sessions of 1830 be sentenced to 7 years imprisonment with hard labor in irons.—

Ordered that extract of these proceedings be sent to the Second Judge on Circuit in the Southern Division for his information.—

/Sent following letter N.^o 403/

Read

4th November 1830.

Read letter from the Second Judge on Circuit in the Southern Division under date the 8th Instant, recommending a mitigation of punishment in the case No 16 of the Salem Calendar for the Second Sessions of 1830 in which the prisoner was convicted of assaulting and robbing the Prosecutrix of a necklace of gold beads valued at Rupees 4.-

/Here enter No 663/

The Judges of the Foujdaree Udalut having duly considered the explanation under which the Second Judge on Circuit has recommended the mitigation of the punishment in the above case resolve under clause third section III Regulation I 1825 to authorize it and accordingly direct that the said prisoner,

Shellamoottoo

in the case No 16 of the Salem Calendar for the Second Sessions of 1830 be sentenced to five years imprisonment with hard labor in Irons.-

Ordered that extract of these Proceedings be sent to the Second Judge on Circuit in the Southern Division for his information.-

/Sent following letter No 404/

Read letter from the First Judge on Circuit in the Northern Division under date the 7th September last transmitting copies of the Guntoor Calendar and also of the Supplemental and additional Supplemental Calendar for the Second Sessions of 1830.-

/Here enter No 575/

4th November 1830.

In the above Calendar the 1st Judge on Circuit has omitted to record his concurrence in or disapproval of many of the Futwas of his Law Officer. The Judges of the Foujdaree Udalut direct that this omission be pointed out to the First Judge on Circuit in the Northern Division, for, however clear the Futwa may be as to the Law Officers conviction or acquittal of the Prisoners trial, it is incumbent on the Presiding Judge in all cases to notify in the most distinct manner his own concurrence, in or disapproval of it, in the "column of Remarks".

With regard to the case No 2. of the Additional Supplemental Calendar the Judges of the Foujdaree Udalut desire that the First Judge of Circuit in the Northern Division will intimate to the Magistrate that the conduct of the Police in apprehending the Prisoner,

Bawoolah Boochee,

seems to have been open to great objection as the evidence against her was quite insufficient either for her apprehension, or Committal.-

Ordered that Extract of these Proceedings be forwarded to the First Judge late on Circuit in the Northern Division for his information and guidance by Precept returnable without delay.-

/Sent following precept No 405/

Read letter from the First Judge on Circuit in the Northern Division dated the 11th September last recommending a mitigation of the Punishment to which the Prisoner in case No 1 of the Supplemental Calendar

4th November 1830.

Calendar of Jyntoor for the second Sessions of 1830 is liable.-

/Here enter No. 588/

1. The Judges of the Toydaree Adalut have in vain endeavoured to discover the grounds on which the First Judge on Circuit has recommended a mitigation of punishment in favor of the Prisoner,

Calapaula Nangadoo,

in the above case, from 7 years imprisonment, to the reduced period of four years.-

2. In his letter the first Judge merely refers to the calendar, and states that the prisoner was convicted entirely on his own confession.-

3. In the calendar the prisoner is charged with having, in company with 3 others, broken at midnight into a dwelling house, and stolen property of the value of Rupees 159- Part of the stolen property seems to have been recovered.- The Circuit Judge adds his opinion that the ends of justice may, in this instance, be satisfied, by a sentence less severe than 7 years imprisonment; but the grounds of this opinion are no where to be found. The Court will gladly take into consideration any circumstances in favor of a mitigation of punishment which the first Judge may have to offer, but he should not submit any references without explaining the grounds of his recommendations.-

Ordered that Extract of these Proceedings be forwarded to the First Judge on Circuit in the Northern Division for his information and guidance by Precept returnable without delay.-

/Sent following Precept No 406. Jno

2/ F/6.

4th November 1830.

Read letter from the First Judge of Circuit in the Northern Division under date the 18th September last, recommending the mitigation of the sentence to which the 1st 2d 3d and 4th Prisoners in Case No 5 of the Jyntoor Calendar for the second Sessions of 1830 are liables.-

/Here enter No 578/

On a reference to the Calendar and the futwa of the Provincial Law Officer the Judges of the Foydaree Adalut observe that the conviction of the Prisoners,

1st Mauroogolah Pudassygandoo,

and

3d Cuttalungadoo,

rests upon their own confession made before the Criminal Court as well as before the Police, and that the conviction of the Prisoners,

2d Madada Mukadoo,

and

4th Cutta Mukadoo,

in the said case No 5 of the Jyntoor Calendar rests upon their acknowledgment before the Criminal Court of their previous confession before Police; and having duly considered the grounds of the mitigation proposed by the first Judge on Circuit viz that no violence was offered by the Prisoners in the commission of the crime of Gang Robbery, of which they have been convicted, the Judges of the Foydaree Adalut sanction the mitigation recommended by the First Judge on Circuit, and accordingly under the provisions of clause third Section III Regulation I of 1825 direct that the said

Prisoners

4th November 1830. Prisoners, &c

1: Mamoogolah Pundaryyadoo,
2: Madada Unkadoo,
3: Cutta Lingadoo,
and
4th Cutta Unkadoo,

be imprisoned and kept to hard labor for one year.-

2d

The Judges of the Foujdaree Adalut are desirous to impress upon the First Judge of Circuit in the Northern Division that in cases of reference to them for mitigation of the punishments to which Prisoners may have rendered themselves liable, the specific grounds of his recommendation should be clearly stated distinct from any arguments relative to the validity or insufficiency of the Evidence for conviction which it is his province well to weigh before he records his conviction of the accused. In the letter under remark the First Judge has entered more into the conviction of the prisoners depending on their confessions than into the grounds of the recommended mitigation, in so much that the Court are not clear whether he does not entertain some doubt of the sufficiency of the evidence for the conviction of the Prisoners. If this is the case, the record of the trial must be referred, and the mitigated punishment to which the prisoners have been sentenced must be suspended.-

Ordered that extract of these

4th November 1830. these proceedings be forwarded to the First Judge on Circuit in the Northern Division for his information and guidance by precept returnable without delay.-

Sent following precept No 407

Read letter dated 20th Ultimo from the First Judge of the Court of Circuit in the Centre Division, transmitting three Supplemental Calendars of the 2d Quarterly Sessions and 5 regular and supplemental Calendars for 3d Quarterly Sessions of 1830.-

24

Here enter No. 665

20

Read letter dated the 25th Ultimo from the 3d Judge on Circuit in the Western Division, reporting his having commenced the Jail Delivery at Mangalore.-

(Here enter No 688.)

Read letter dated the 26th Ultimo from the 1st Judge on Circuit in the Western Division, reporting his departure from Mangalore.

(Here enter No 689)

Ent W.D.

At a Court of the Fouydaree Adalat

Present

Thursday 11th November 1830.

F. C. J. Grant Esquire 1st Puisne Judge.

William Rivers Esquire 2d Puisne Judge.

C. M. Lushington Esquire 3d Puisne Judge.

Read letter from the 1st Judge of Circuit in the Centre Division under date 30th Ultimo, recommending the mitigation of the punishment to which the Prisoners in the Case No 1 of the 4th Chittoor Supplemental Calendar for the 2d Quarterly Sessions of 1830 have rendered themselves liable.—

/Here enter No 691/

The Judges of the Fouydaree Adalut having duly considered the grounds of the recommendation of the 1st Judge of Circuit in the said Case No 1 of the 4th Chittoor Supplemental Calendar for the 2d Quarterly Sessions of 1830, viz. that the Prisoners in the above Case—

1st Vurdon,
2d Moorty,
3d Mummaroo, and
4th Morttum,

voluntarily

11th November 1830.-

voluntarily confessed the crime of Gang Robbery, and that it appeared evident that they had not before been guilty of such an offence, sanction the Mitigation proposed by the 1st Judge on Circuit and accordingly, under the provisions of Clause third Section III Regulation I of 1825 the Judges of the Sowdaree Adaulut direct that the said Prisoners

1st Wurdoo,
2d Monty,
3d Munnaroo, and
4th Mootun,

lie imprisoned and kept to hard labour on the high roads or other public works for the period of five years.-

/Sent following letter No. 211/.

Read letter dated 27th Ultimo, from the Provincial Court of Circuit in the Southern Division, enclosing returns from the different authorities in the Southern Division relative to the Criminal Reports of July last.-

/Here enter No. 695/

Read return dated 3d Instant, from the

17th December 1830.- the Provincial Court of Circuit Centre Division to a Precept of the 27th Ultimo, directing that Prisoners be brought before the Criminal Court within 12 hours after their arrival and that any complaint against the Police be recorded, in order that it may be communicated to the Magistrate and forbidding the Provincial Courts from releasing without trial any Prisoner or any Person committed for Perjury by another Judge of Circuit without the sanction of the Superior Court.-

/Here enter No. 696/

Read return dated 3d Instant, from the Judges of the Provincial Court of Circuit in the Southern Division to Precept of the 27th Ultimo and stating that the orders which accompanied it have been circulated Vizt Prisoners to be brought up before the Criminal Court within 12 hours after their arrival Persons committed for Perjury by a Judge on Circuit not to be released by another Judge previous to trial without reference to the Sowdaree Adaulut.-

/Here enter No. 706/

Read return dated 3d Instant, from the Judges of the Provincial Court of Circuit in the Southern Division to Precept of the 27th Ultimo and stating that the orders which accompanied

accompanied it have been circulated Viz.t that the Criminal Courts do keep a descriptive roll of the Prisoners received into their respective Jails and further respecting the period of inflicting corporal Punishment.-

/Here enter No. 705/

Read return dated 3d Instant, from the Provincial Court of Circuit in the Centre Division to precept dated 21st Ultimo and stating that the orders which accompanied it have been circulated Viz.t that the Criminal Courts do keep a descriptive roll of the Prisoners received into their respective Jails and further respecting the period of inflicting corporal Punishment.-

/Here enter No. 706/

Read return dated 4th Instant, from the Provincial Court of Circuit in the Northern Division to precept of the 21st Ultimo and stating that orders have been accordingly issued for the immediate removal of Madame Macherauge from his place as Native Register of the Zillah Court at Chicacole.--

/Here enter No. 712/

Read

Read return dated 4th Instant, from the Provincial Court of Circuit in the Northern Division to Precept of the 21st Ultimo and stating that the observations of the Paydarees dealt on the Circuit Report of the late 3d Judge for the 1st Sessions of 1830 have accordingly been circulated and that the Criminal Judge of Nellore has been called upon to give the information required by the 1st Para of the Proceedings which accompanied the above Precept.-

/Here enter No. 713/

Read return dated 5th Instant, from the Provincial Court of Circuit in the Western Division to Precept of the 21st Ultimo and stating that the Criminal Courts have accordingly been directed to keep a descriptive roll of the Prisoners received into the several Jails and that corporal Punishment is not inflicted until 2 months after sentence has been passed.-

/Here enter No. 714/

Read return dated 5th Instant, from the Provincial Court of Circuit in the Western Division to precept of the 27th Ultimo and stating that the orders which accompanied it have been circulated Viz.t that Prisoners be always brought before the Criminal Courts within

11th November 1830.

within 12 hours after their arrival and that any complaint against the Police be then recorded, also that no Prisoner committed for Perjury by one Circuit Judge be released untried by another without the sanction of the Foujdaree Udalut.-

/Here enter No. 715/

F.H.

At a Court of the Foujdaree Udalut,

Present,

Thursday 18th November 1830.

F.S. Grant Esq^re - - - - First Puisne Judge.
William Oliver Esq^re Second Puisne Judge
C.M. Lushington Esq^re Third Puisne Judge

Read letter from the First Judge on Circuit in the Western Division under date the 25th ultimo submitting copies of the Calendar, the additional and second additional Calendars of the Zillah of Malabar for the Second Sessions of 1830.-

/Here enter No. 690/

With regard to the case No 2 in the Additional Calendar the Judges of the Foujdaree Udalut observe that the First Judge on Circuit has directed the first and fifth Prisoners to be banished to Mangalore.-

On the 6th of January 1823 a Circular order directing reference to be made to the Foujdaree Udalut for instructions regarding the disposal of Prisoners sentenced to banishment appears to have been sent to the Courts of Circuit in the Centre Northern and Southern Divisions only, the Judges of the Foujdaree Udalut therefore direct that copy of the said Circular order be transmitted to the Court of Circuit in the Western Division for the information and guidance of that Court and of the tribunals under them. The Judges of the

the Poudaree Adalut however sanction the banishment of the Prisoners,

1st Vaptoo Demun,
and
2d Payel Koongan Markear,

to Mangalore in the case No 2 of the Additional Calendar under remark, as suggested by the first Judge on Circuit.

Ordered that Extract of these proceedings be forwarded to the Provincial Court of Circuit in the Western Division for their information and guidance by precept returnable without delay.-

/Sent following precept No 413/

Read letter from the first Judge of Circuit in the Western Division under date the 23d Ultimo submitting a Report, under the provisions of Section V Regulation 7 of 1825 of the circumstances attending a commitment for Perjury in the case No 4 of the Malabar Calendar for the second Sessions of 1830.-

/Here enter No 685/

1.

The prisoner in this case was duly committed by the Law Officer, as well as by the Judge of Circuit; and the opinion of the former, that he is not a fit subject for punishment, was entering into matter beyond his province, and for the consideration of the European tribunals exclusively.-

2.

The Judges of the Poudaree Adalut having only considered the circumstances detailed in the above report coincide in the opinion expressed by the first Judge on Circuit that the prisoner,

Cannen,

in the case under remark will have suffered

a punishment adequate to his offence by the time the orders of the Poudaree Adalut can be communicated to him, they therefore remit all further punishment and direct that the Provincial Court of Circuit in the Western Division upon the receipt of this Precept do cause the said prisoner,

Cannen,

to be set at liberty.-

Ordered that Extract of these Proceedings be forwarded to the Provincial Court of Circuit in the Western Division for their information and guidance by Precept returnable without delay.-

/Sent following precept No 414/

Read letter from the Provincial Court of Circuit in the Centre Division dated the 22d Ultimo submitting the Criminal Reports received from the Acting Joint Criminal Judge of Cumbum for August last and a copy of his letter dated the 16th Ultimo declining to make certain alterations, directed by the Provincial Court, in the heading of the Supplemental Report.-

/Here enter No 671/

The Court having referred to the Supplemental Report for the month of August submitted by the Acting Joint Criminal Judge at Cumbum concur in opinion with the Provincial Court that that statement is inconveniently headed.

The form of heading observed by the Acting Joint Criminal Judge in the statement above alluded to is as follows:-

"Report of persons apprehended in the "zillah of Cuddapah and delivered to "the Acting Joint Criminal Judge in the "month of August with respect to whom no

18th November 1830.

"no final orders had been issued previous
"to the 31st of July 1830." that this form
however is incorrect is sufficiently obvi=
ous, as the cases of persons returned to the
Joint Criminal Judge in August could
not possibly have been disposed of previ=
ous to the 31st of July 1830 - a period which
would in many cases be antecedent to
their apprehension but in all cases prior
to that of their annual at the Criminal
Court.-

The supplemental Report
required to be furnished by the several
Criminal Judges by the orders of this Court
of the 27th of September 1821 - should exhibit
the "mode in which the cases of all persons
"apprehended in the previous quarter, (since
directed to be transmitted Monthly) and "with
"respect to whom no final order may then
"passed, may have been disposed of;" - and
the form of heading most generally observed
by the Criminal Courts is.-

Supplemental Report of persons apprehended in
the Zillah of.——— and delivered to the Criminal Judge
with respect to whom no final order had been
passed at the date of the last Monthly (July)
report.-

Ordered that extract from
these proceedings be forwarded to the
Provincial Court of Circuit in the Centre
Division to be by them communicated
to the Acting Joint Criminal Judge at
Cumbum for his information and guidance
precept returnable without delay.-

/Sent following precept No 715./

Read

2/

No 16.

18th November 1830

Read letter dated 5th Instant
from the First Judge on Circuit in the Northern
Division reporting his arrival at Chicacole.-

/Here enter No 717/

Read letter dated 8th Instant
from the Provincial Court of Circuit in the
Southern Division enclosing certain returns
regarding the Criminal Reports of August
last.-

/Here enter No 720/

Read return dated 9th
11th Instant from the Provincial Court
of Circuit in the Centre Division to pre=
=cept of the 27th Ultimo and stating that
Calahunegay Streenivasa Row has
accordingly been removed from his situation
as Sheristadar of the Cuddapah Zillah Court.-

/Here enter No 719/

Read return dated 4th Instant
from the Provincial Court of Circuit in the
Northern Division to precept of the 25th Ultimo
and stating that orders have been
accordingly issued for the immediate re=
=moval of Madavenutty Machenauze from
his place as Native Register of the
Zillah Court at Chicacole.-

/Here enter No 718/

F.C.

At a Court of the Kildare Adalet,

Present,

Thursday 25th November 1830

F.A. Grant Esqre First Puisne Judge
William Oliver Esqre Second Puisne Judge
C.M. Washington Esqre Third Puisne Judge

No return having been received to the Courts precept of the 11th ultimo, issued to the late Acting Judge of Circuit in the Centre Division calling upon him to furnish an English translation of the trial 1807. of the Bellary Calendar for the Second Sessions of 1829. The Court order that a further precept be issued commanding him to obey the exigence of the said precept, and returnable within five days after the receipt of this precept.-

/Sent following precept/

Read letter dated 27th ultimo from the Provincial Court of Circuit for the Western Division submitting the Reports required by Section ~~XXXV~~ Regulation X of 1816 for the month of September last.-

/Here enter N°699/

Read letter dated 5th instant from the Provincial Court of Circuit in the Centre Division, transmitting copy of a letter from the Criminal Judge of Bellari forwarding the remarks for the cases in the Criminal reports N°5 for July and August last omitted to be entered in those reports.-

/Here enter N°700/

Read letter dated 1st instant from the Provincial Court of Circuit in the Western Division, referring to the 5th Para of

of their letter of the 27th Ultimo and inclosing return regarding it from the Joint Criminal Judge of Malabar.-

//Here enter No709//

Read letter dated 11th Instant from the Third Judge of the Court of Circuit in the Centre Division, transmitting copies of Chittoor 3d Supplemental Calendar for 3d Quarter Sessions and of the primary Calendar for the 4th Quarter Sessions 1830.-

//Here enter No728//

Read letter dated 10th Instant from the Second Judge on Circuit in the Southern Division, transmitting copy of Coimbatore Calendars with remarks and copies of Tuttuvas for 2d Sessions 1830.-

//Here enter No722//

Read letter dated 12th Instant from the 3d Judge of the Court of Circuit in the Western Division forwarding Calendars for 3d Quarter Sessions of 1830 held at Tellicherry.-

//Here enter No727//

Read letter dated 15th Instant from the Provincial Court of Circuit in the Western Division, forwarding copy of a return from the Criminal Judge of Malabar to the Courts' Precept of the 15th October last.-

//Here enter No731//

Read letter dated 17th Instant from the Provincial Court of Circuit in the Centre Division, forwarding an extract of this Court's proceedings with the monthly Criminal reports to which it refers.-

//Here enter No732//

At a Court of the Foujdaree Udalut,

Present,

Tuesday 30th November 1830 } J. F. Grant Esqr. / William Oliver Esqr. / C. M. Lushington Esqr. } Judges.

Read letter dated the 27th Ultimo from the Provincial Court of Circuit in the Southern Division submitting the Reports required by Section XXXV. Regulation X of 1816 from the several Criminal and Joint Criminal Judges in the Division for the month of September last together with their proceedings thereon.-

//Here enter No700//

The Court of Foujdaree Udalut concur with the Provincial Court of Circuit in considering the sentence of "2 years imprisonment with hand labour in iron" and 150 lashes with a Cato. nine-tails" passed on the three first prisoners concerned in Case No 65. of the Report No 5, such as it was not competent to the Criminal Judge to order.- The impropriety of the proceedings of the Criminal Judge in passing sentence in cases of Highway Robbery is manifest, but the Court are inclined to think that as sentence has been declared, and in part executed, that the prisoners should have the benefit of a decision already passed on their case and that they should not be put on their trial and called upon for their defence two

Madura

30th November 1830

for the same offence. The hardships which would now be imposed upon the prosecutor and witnesses in summoning them a second time to the Criminal Court in order to be bound over for appearance at the Court of Circuit is also matter deserving of consideration. The Court therefore, under these circumstances, will not disturb the sentence passed by the Criminal Judge but direct that he be strongly cautioned against disposing of cases of this description in future.-

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division requiring them to communicate the above to the Criminal Judge of Madura for his information and future guidance: precept returnable without delay.-

/Sent following precept No. 423/

Read letter dated 5th July last from the 2nd Judge late on Circuit in the Northern Division submitting the proceedings in Case No. 34 of the Chicacole Calendar for the second Sessions of 1829.-

/Here enter No. 408/

The Chief Judge and the first 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-Coozat and Mooftees of the Foujdaree Udalut, confirm the futwa of the Cazee-ool-Cozat and Mooftees aforesaid convicting the Prisoners

1st: Yellah Bauponiah
and
2d: Yellah Bapiah

of

30th November 1830.

of the crime of murder - and under the sentence of Kissass and Dookoobut respectively declared in the said futwa, in conformity with the provisions of Sections X and XVII Regulation VIII of 1802 adjudge the Prisoners,

1st Yellah Bauponiah,
and
2d Yellah Bapiah,

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

/Sent following letter No /

Read return dated 31st August last from the Acting Judge of Circuit in the Centre Division to precept dated the 15th July last calling for the original and English translations of the accounts and depositions given by the Prosecutor and two witnesses in Case No. 9 of the Bellary Calendar for the 2d Sessions of 1829.-

/Here enter No. 341/

The Chief Judge; and the first 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-Coozat and Mooftees of the Foujdaree Udalut are of opinion that the proof against the Prisoner,

Singah

is sufficient to convict him of the crime of Murder; and under clause first Section II Regulation I of 1818 convict him

30th November 1830. him thereof, and sentence him, the said Pri=
=soner,

Lingah,

to suffer death, as prescribed by section X Regulation VIII of 1802 by being hanged at the usual time and place of execution..

/Sent following letter R

Read letter from the Second Judge on Circuit in the Centre Division under date the 13th Instant recommending mitigation of the punishment to which the 2d and 3d Prisoners in the case R°. 17 of the Cuddapah Calendar for the 2d Sessions of 1830 have rendered themselves liable.-

/Here enter R°. 725/

The Judges of the Foujdaree Udalut have only considered the grounds of the above recommendation by the 2d Judge of Circuit and as it appears that the robbery was not attended with any aggravating circumstances, they sanction the proposed mitigation, agree=able to the provisions of clause third section III of Regulation I 1825, and ac=cordingly direct that the said prisoners

2d Munsoony Ruddereegadoo,

and

3d Nullootoony Goorawadoo,

be sentenced to imprisonment and hard labor on the high roads or other public works for the period of seven (7) years.-

Ordered that Extract of

2/

F. 16.

30th November 1830

of these Proceedings be forwarded to the Second Judge on Circuit in the Centre Division for his information and guidance by precept returnable from and within five days after its receipt.-

/Sent following precept R°. 425/

Read letter dated 27th Instant from the Third Judge of the Court of Circuit in the Centre Division, transmitting copies of the Cuttack second and third Supplemental Calendars of the Fourth Quarterly Sessions 1830.-

/Here enter R°. 749/

Read return dated 18th Instant from the First Judge late on Circuit in the Northern Division to precept of the 4th Instant and stating that the instructions regarding the insertion by the Judge on Circuit of his concurrence or disapproval of the Fetwa will be attended to.-

/Here enter R°. 739/

Read return dated 17th Instant from the Provincial Court of Circuit for the Northern Division to precept of 27th Ultimo and stating that the orders relative to the conduct of the Criminal Judges on the annual of prisoners, and of the Circuit Judges in regard to prisoners committed for Perjury by another Judge of Circuit have been circulated.-

/Here enter R°. 737/

Read return dated 22d Instant from the Provincial Court of Circuit for the Centre Division to precept of the 18th Instant and stating that the opinion of the Court Nizamut that the Supplemental Report for

30th November 1830

for August last from the Acting Joint Criminal Judge of Cumbum made incorrectly headed has been made known to him.-

/Here enter No 740/

Read letter dated 25th Instant from the First Judge on Circuit in the Northern Division reporting his departure from Chicacole.-

/Here enter No 745/

Read letter dated 22d Instant from the Provincial Court of Circuit in the Southern Division, transmitting copies of the Returns from the different authorities respecting Criminal Reports for September 1830.-

/Here enter No 748./

Read letter dated 29th Instant from the Provincial Court of Circuit in the Northern Division, transmitting copy of the Masulipatam Calendar for the 3d Quarterly Sessions of 1830.-

/Here enter No 743/

F. H.

At a Court of the Foujdaree Adalut.

Present.

Thursday. 2d December 1830. F. A. Grant Esqre 1st Puisne Judge.
William Oliver Esqre 2d Puisne Judge.
C. M. Lushington Esqre 3rd Puisne Judge.

Read letter dated the 29th ultimo from the Provincial Court of Circuit in the Centre Division submitting the Reports required by Section XXXV Regulation X of 1816 received from the several Criminal and Joint Criminal Judges in the Division for the Month of August last, together with an extract from their proceedings thereon.-

(Here enter No 664.)

Referring to case No 3 of the

Cuddapah. Report No 5 submitted by the Criminal Judge of Cuddapah the Court observe that the Prisoners charged with Poisoning "a Buffalo" have been committed to take their trial before the Court of Circuit though this offence has not been specially provided for by any Regulation yet the Court are of opinion the

2nd Decr 1830.

the degree of punishment which a Criminal Judge is under the Regulations authorized to inflict must be a sufficient penalty for the offence. Ordered therefore that the Criminal Judge of Cuddapah be directed finally to dispose of the case.

Chittoor

The Court having remarked that the Acting Criminal Judge of Chittoor has in two instances fined the Prosecutor for preferring a false complaint, they direct that that Officer be informed that this course of proceeding by the Criminal Court is no where authorized in the Regulations and they desire that he do abstain from it in future.

Ordered that extract from these proceedings be forwarded to the Criminal Court of Circuit in the Centre Division and that they be desired to make the necessary communications to the Acting Criminal Judges of Cuddapah and Chittoor.

(Sent following letter No 426
Read the English translation
of the Proceedings in the case No 4 of the

+ Case No 174 of the Report No 3 for July and Case No 189 of the Supplemental Report for August.

2nd Decr 1830.

the Chingleput Calendar for the 1st Sessn of 1830 submitted by the 1st Judge, late on Circuit in the Centre Division, in his return dated the 28th Ultimo, to the Precept of the Foujdaree Adalut under date the 12th July last.

(Here enter No 503)

1 The evidence in this case both direct and circumstantial tends in the opinion of the Judges of the Foujdaree Adalut very strongly to the conviction of the Prisoners.

2 These Prisoners eight in number were charged with having assaulted the Prosecutor, bandaged his eyes, and shot him with a musket, with intent to kill, and with having stolen from his person Rupees 9. & also a gold ring, and a Band and certain accounts.

3 The Prosecutor in his deposition before the Criminal Judge clearly stated the part taken in the assault by the said 8 Prisoners. In his further examination before the Criminal Court the Prosecutor declared, that upon his escape from the place where the Prisoners had thrown him, he pro-

to the house of one Anooka Gaindeo
to whom he related all the circumstances;
the Puttuk Manegar of the Village also
heard his story and took the Prosecutor
4 to his house for the night.

The Prisoner
3rd Pollak readily
was pointed out by the Prosecutor to
be the man who shot him. The whole
value of the Property taken by the
Prisoners appears to have been Rs
prees 118. 12. 9.

5 The direct evidence in this
case is as follows. There appears to be
no doubt but that the Prosecutor was
wounded on the 6th of December 1829 and
in the manner he stated in his deposi-
tion, for the 11th Witness was the person
who dressed the wounds and who de-
posed that one wound was in the palm
of the Prosecutors right hand and another
on the outside of his thigh — that the
wounds appeared to have been made
by slugs — and that he (the 11th Witness)
took out one slug.

6. The Circuit Court also on exa-
mining the wounds of the Prosecutor perceived

"a wound on the outer side of his thigh
"which was the size of a Rupee, it was
"not healed: a small scar was visible
"on the palm of the right hand."—

The bleeding wounds on the
7. hip and palm of the hand of the Pro-
secutor were seen by the sixth, eighth
and ninth Witnesses. Of these the two
latter deposed that the wounds appeared
to be "shot wounds"

The following evidence is to
8. the fact that the third Prisoner shot
the Prosecutor.—

The first and second Witnesses
9. deposed that they saw the second Prisoner
take a musket from the hand of a
hunter (the fifth Witness for the
Prosecution) and that the third Prisoner
being about two fathoms from
the Prosecutor shot him with the
said Musket at the decire of the second
Prisoner.—

The fourth and fifth Witnesses
10. deposed that the fifth Prisoner
called on the 6th of December 1829,
on the fifth Witness whom the fifth
Prisoner desired to accompany him
with his gun. The pretence used
to the fifth Witness, was that
the

2nd Dec. 1830.

was [illegible] commited to shoot a Wild Hog; but the fifth Witness according to his own deposition was conducted by the fifth Prisoner to the Bill of Vadapoondy, and his gun was there taken from him by the second Prisoner because he refused to shoot the Prosecutor.-

11. The circumstantial evidence in this case implicates all the eight Prisoners, although it appears that the third Prisoner committed the act of shooting at the Prosecutor with the intent to kill him.-

12. The first and second Witnesses deposed that they saw the Prisoners conduct the Prosecutor to the Bill of Vadapoondy on the 6th of December 1829 at about 6 O'Clock in the evening: they also corroborate the evidence of the fifth witness who they depose came to the said Bill with his Musket, and the first Witness deposed that the fifth witness was desired to shoot the Prosecutor, and that he refused.-

13. The third witness also deposed that he saw the Prisoners and Prosecutor together at about a Ghurree before Sunset at the distance of 20 Cawnies from the Vadapoondy Bill.-

14. The sixth Witness saw the five first Prisoners at Parapparay, which from the deposition of the fifth Witness, is only half a Ghurree's distance from the Bill of Vadapoondy, on the evening of the 6th December 1829 though he adds that the fourth Prisoner was talking with him from 6 to 8 O'Clock in the Evening of the said day.-

15. The sixth eighth and ninth Witnesses deposed to the declaration of the Prosecutor that he had been shot by the Prisoners.-

16. All the circumstances attending the Assault on the Prosecutor at the Vadapoondy Bill were reported the same Evening to the Village Moonsif of Kodayum, as the first, second, and seventh Witnesses depose and a letter was accordingly written to the Sabook Cutcherry at Tindevanum.

17. The fifth witness deposed that after his gun was taken from him by the 2nd Prisoner he descended the Vadapoondy Bill and sat under a tree at the foot of it and that he then heard the discharge of a gunned

18. The eighth, not

2nd Dec: 1830.

that the prosecutor mentioned the same Evening that the Prisoners took him away promising to pay him 15/- Pagoda's the price of paddy which they had purchased from him.-

19. The ninth Witness deposed to the Robbery of the purse and gold ring from the Prosecutor but the evidence of the tenth Witness is of no avail to the Prosecution. It remains to consider the Defence made by the Prisoners.-

20. The first prisoner called the fourth and fifth Prisoners as his Witnesses and denied the crime, but as these prisoners could not be admitted to give evidence he had no others to produce.-

21. The two Witnesses for the second and third Prisoners only deposed that they (four) were in company together on the 6th of December 1829 until sunset and that the second and third Prisoners then went to Parapanny.-

22. The first Witness for the fourth fifth and sixth Prisoners deposed that he was in company with the fourth Prisoner in his (4th Prisoners) house until 9 o'clock at night on the 6th [illegible]

F. U.

2nd Dec: 1830.

but this witness was a near relation of these three Prisoners and he does not mention the time when he went to the fourth prisoner's house, he merely deposed in a vague way that at 10 o'clock in the morning having heard that the fourth Prisoners wife was very ill, he went to the fourth Prisoner's house, that the fifth Prisoner was also there from 4 till 7 o'clock on that Evening and that the sixth Prisoner from Evening till 4 Gunnies after sunset was watering his field.-

23. The second Witness for the fourth Prisoner deposed that he (the 4th Prisoner) remained in his house till 8 o'clock in the evening of 6th December 1829 and that the fifth Prisoner was there with him. He does not depose to the fifth Prisoner being there till 8 o'clock also.-

24. The fifth Prisoner's second Witness deposed that from 4 P. M. till one Gunnie after sunset the fourth and fifth Prisoners were at the house of the fourth Prisoner.-

25. The sixth Prisoner's

2nd Dec. 1830.

Witness deposed that the sixth Prisoner was with him from morning till sunset and that they watered their Chilly Garden till 9 P. M. on the said day - He does not depose from what time till 9 o'clock P. M. they watered the Garden.

26. The two Witnesses for the seventh and eighth Prisoners are of no avail to them.

27. The Fiscal of the Provincial Court Officer acquitted all the Prisoners on account of the variance between the first second and fifth Witnesses for the Prosecution and the Witnesses for the Defence.

Whatever weight may be allowed to the Witnesses adduced for the other five Prisoners the first three Prisoners cannot in the opinion of the Fiscal Volatut be exculpated from having committed the crime - There is little or no variation in the evidence against them. The first Prisoner had no Witnesses but his two fellow Prisoners to bring forward in his defence and the Witness for the second and third Prisoners only depose to their being in company together till sunset.

The

2nd Dec. 1830.

29. The weak alibi attempted to be established in favor of the Prisoners cannot stand against the strong circumstantial evidence against the first, fourth, fifth sixth seventh and eighth Prisoners, and the direct evidence against the principal actors viz: the second and third Prisoners the Fiscal of the Fauxbarre Volatut are fully impressed by the record with the belief that the said Prisoners were guilty of the crime charged against them and they deeply regret the opposite conclusion at which the Judge of Orient arrived.

30. The Judge of Orient will direct the Magistrate, to whom he will furnish copy of these proceedings, to inquire into the circumstances of the three first prisoners, and if the Magistrate sees reason to consider the security already taken for their future good behaviour insufficient, he will demand further security, sufficient to guard the prosecutor from further harm.

Ordered that extract

2nd Dec. 1830.

these proceedings be sent to the first Judge take on Circuit in the Centre Division for his information by precept returnable without delay.-

(Sent following Precept No 427

Read petition presented on the 18th instant by Vencatah of the Gillah of Cuddapah.-

(Here enter Petn Misc Dist No 69 of 1830)

The Petitioner, who styles himself the Brother-in-law of Vurpoo Gungoolee the prisoner in case No 26 of the Cuddapah Calendar for the Second Sessions of 1828, represents that upon the application of the prisoner to Mr Saunders the late 2nd Judge of the Provincial Court of Circuit in the Centre Division who presided at Cuddapah at the 2nd Sessions of the present year, that Gentleman with reference to the orders of this Court of the 2nd of April 1829 and after due inquiry into the state of the prisoner's mind had resolved upon setting him at liberty but that in consequence of that Gentleman's death his orders were yet

4/ F. M.
2nd Dec. 1830.

ignored to the Criminal Judge directing the release of the prisoner from confinement.-

Ordered therefore that the Provincial Court of Circuit in the Centre Division be required to instruct the acting Criminal Judge of Cuddapah to procure the opinion of the Medical officer in charge of the jail regarding the general state of the prisoners mind, and at the same time that the acting Criminal Judge be required to report whether in his opinion the discharge of the Prisoner will be attended with any danger to the community.-

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance.-

(Sent following letter No 1228

2nd Dec

Ex M.D.

At a Court of the Poydarie Udalut,

Present,

Monday 6th December 1830. F. A. Grant Esqre
William Oliver Esqre
C. M. Lushington Esqre
} Judges.

Read letter dated the 9th Ultimo from the Third Judge on Circuit in the Western Division recommending under the provisions of section III. Regulation I. of 1825 a mitigation of punishment in the case of a prisoner, a youth named Daiwoo, convicted in Case No. 23 of the Canara Calendar for the 2d Sessions of 1830.-

Here enter No. 1723

1st The Court of Poydarie Udalut having attentively considered the grounds upon which the 3d Judge has recommended that the punishment of the prisoner referred to in his report should be mitigated to 2 months imprisonment with hard labour within the Jail, resolve to sanction the mitigation of punishment proposed.-

2d The Court approving of the Conditional Warrant issued by the 3d Judge on Circuit to the Criminal Judge of Canara for the infliction of the punishment of which he considers the prisoner deserving, pending the reference to this Court for a mitigation of the penalty to which the prisoner has by Law rendered himself liable

Resolved that copy of the above conditional Warrant be circulated to the 4 Provincial Courts of Circuit and that the

the Judge of Circuit be authorized to issue similar warrants to the Criminal Judges for the execution of the sentence proposed by them to be passed on a prisoner in any particular instance in which they may consider the full degree of the prescribed by Law too severe, pending a reference to the Court of Appeal Adalat.-

Ordered accordingly that extract from these proceedings be forwarded to the four Provincial Courts of Circuit for their information and future guidance.

Sent following letter No. 431.

F. N.

At a Court of the Foujdaree Adalut.

Present,

Monday 8th December 1830. F. A. Grant Esquire 1st Punsne Judge.
William Rees Esquire 2d Punsne Judge.
C. M. Lushington Esquire 3d Punsne Judge.

Read letter from the 2d Judge on Circuit in the Centre Division, dated the 15th Instant submitting Copy of the Calendar and Supplemental Calendar for the Zillah of Cuddapah for the 2d Sessions of 1830.

Here enter No. 725.

1. The Judges of the Foujdaree Adalut observe that the sentences passed by the late 3d Judge, and the 2d Judge on Circuit in the Cases Nos. 1, 11, 13, and 26 of the Calendar require remark although they do not intend that they should be disturbed.-

2. The late 3d Judge recorded his opinion that though there was no proof of murder, there was proof of "robbery" against the prisoner in the Case No. 1 the sentence of two years imprisonment is totally insufficient for such a crime, necessarily accompanied by violence, if it occurred during the life time of the deceased.-

3. In the Case No. 11, the prisoner is declared liable to discretionary punishment, merely

merely because the conviction is under "Zunjir hab" or strong presumptive proof; and under the provisions of Clause 3d Section II Regulation XV of 1803 a second Futwa should have been taken from the Mahomedan law officer declaratory of the specific punishment, in the event of the conviction of the Prisoners on full legal evidence of the crime charged against them the reply would then have been the amputation of one limb - With reference to which sentence of 7 years imprisonment should have been passed under Section XXI Regulation VII of 1802 the same remarks are also applicable to the sentences passed in Nos 13 and 26 respectively --

4 With regard to Case No 15 - the attention of the 2d Judge is requested to the Circular orders of the 29th June Realut under date 1st June 1829 - The Judge says that the Circuit Judge entertained no doubt of the Prisoners having committed the act charged; and that the orders passed by him had reference to his insanity at the time of the crime - and also it is concluded to the existing or future probable insanity of that person - The Judge of

of Circuit will explain whether the Prisoner was sane when tried --

5 The Court conclude that the 2d Judge on Circuit has directed the release of the 1st Prisoner in the Case No 17 altho he has not intimated in the Column of remarks either his approbation or disapproval of the futwa which acquitted the said 1st Prisoner of the crime of High way Robbery by open violence laid to his charge - The trial must otherwise be referred under the provisions of Section XXII Regulation VII of 1802, which requires a reference of the record of the trial in all cases of disapprobation of the Futwa by the Circuit Judge -

6 In Case No 24 the sentence passed upon the 1st Prisoner of 6 years imprisonment and of 5 years imprisonment on the 2d and 3d Prisoners is not consonant with the provisions of Section XXI Regulation VII of 1802 under which the 3 Prisoners ought to have been sentenced - to 7 years imprisonment each with hard labor in commutation of the penalty of amputation of one limb --

7 Adverting to the sentence passed by the 2d Judge, on Circuit, of six months imprisonment on the Prisoners in Case No 3 of the

the Supplemental Calendar now under remark,
who were convicted of adultery; the Court of Sudder
Adalut whilst they do not doubt that particular
circumstances may have justified so lenient a
sentence deem it proper to remind the Judge
of Circuit that a Criminal Prosecution being
the only satisfaction open to the injured
Party in such cases too great leniency towards
Persons convicted of this offence may be
productive of the most injurious consequences;
by driving the injured Party to despairing of
adequate public redress, to take the law
into his own Hands to the great injury of
the Prisoners as well as of public justice

Ordered that extract of these
Proceedings be forwarded to the 2d Judge
on Circuit in the Centre Division for
his information and guidance by Precept
returnable from and within 30 days after
its receipt.-

/Sent following Precept No 1435/

Read further return made by
the Northern Provincial Court under date
the 19th Ultimo to this Court's Precept dated the
21st October, submitting Copy of the return of the

the Acting Criminal Judge of Nellore, and of
the Warrant transmitted to him relative to
the Prisoner Venkatapaty Naick.-

/Here enter No 736/

There is an evident misapprehen-
sion on the part of the Acting Criminal Judge
of Nellore regarding the commencement of the
term of imprisonment to which the said
prisoner

Vencatapah Naick

convicted of Perjury in the Case No 10 of the
Salem Calendar for the 2d Sessions of 1828,
has been sentenced. In his return, Copy of
which is now submitted by the Northern
Provincial Court, he reports, that, accordin
"to the Warrant, the Prisoner's term of confine-
"ment was reckoned from the time of his
"arrival at the Zillah Gail of Nellore.-

2. The Judges of the Sudder
Adalut direct that the Northern Provincial
Court do point out to the Acting Criminal
Judge of Nellore, his misconception of
the Warrant, and instruct him that sentences
of imprisonment on Convicts are held to take
effect from the date of the sentences.-

Ordered that extract of these
proceedings be forwarded to the Northern
Provincial

Provincial Court, for their information and guidance, by Precept returnable within 15 days after its receipt.-

/ Sent following Precept et. 436. /.

Read letter from the 2d. Judge on Circuit in the Southern Division, under date the 23d. Ultimo transmitting Copy of the Salem Calendar for the 2d. Sessions of 1830.

(Here enter No. 142)

The Judges of the Sudder Dewanny Adalut observe that the Prisoner Mannaroo.

in Case Nos. 17 and 18 of the Calendar under remark, convicted in the former of burglary and in the latter of Gang Robbery by open violence, has been sentenced to receive 150 stripes with a Cat-o-nine tails and to be imprisoned and kept to hard labor in irons for the term of seven years.

2 The 2d. Judge on Circuit should have passed a sentence of 14 years imprisonment with hard labor and stripes under the provisions of Clause 3d. Section IV Regulation XV of 1803 upon the said Prisoner

Mannaroo

who also appears to have been an old offender. The Court will not however disturb the sentence, but direct that this error be pointed out to the 2d. Judge.-

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

/ Sent following letter No. 437. /

ZH LD

Ind

Pte W.J.

At a Court of the Fajdarce Adawlut.

Present;

Friday 10th December 1830. J. C. Grant Esquire -- 1st Puisne Judge.
William Ainsi Esquire -- 2d Puisne Judge.
C. M. Lushington Esquire 3d Puisne Judge.

244

20

Read letter from the First Judge on Circuit in the Northern Division transmitting the Rajahmundry Calendar for the 3d Sessions of 1830.

Ans

(Here enter Ct. 758)

"On an examination of the foregoing Calendar the Court observe that of 59 Prisoners brought up for trial before the 1st Judge on Circuit no less than 55 have been acquitted by him; In Nos. 3, 6, 8, and 13 the disposal of the prisoners is not clearly stated but it is to be inferred that they were released.

2 The exact disproportion between acquittals and convictions by the several Courts of Criminal judicature has of late been the frequent subject of remark both by this Court and the Government; and the extraordinary result exhibited in the foregoing Calendar obviously calls for a strict investigation of the causes to which it is

is attributable.-

3.

In most, if not all of the cases which have terminated in acquittals the evidence before the committing Officer, according to the abstract of it in the Calendar would appear, if uncontradicted, to be sufficient for the conviction of the prisoners, while, the Court regret to observe, there is hardly an instance in which the grounds assigned by the 1st Judge for his proceedings can be considered at all satisfactory.-

4.

In order that the Court may be enabled to arrive at a correct conclusion as to the cause or Causes which have led to a result, apparently so unaccountable and so calculated, in every view of it, to bring discredit upon the administration of Criminal justice, it is necessary that they should have before them the whole of the proceedings in the Cases referred to- The Court accordingly direct that the 1st Judge on Circuit be by precept required to transmit with as little delay as possible, English translations of all the documents laid before him

him by the Criminal Judge, and of the proceedings held by himself on the trial of Cases Nos 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15 and 16 on the Rajahmundry Calendar for the 2d Session of 1830."

/Sent following Precept No 439./

Read return dated 26th Ultimo, from the late Acting Judge of Circuit in the Centre Division to Precept of the 11th October last and shewing that the Prisoner therein referred to has been accordingly released by the Criminal Judge of Chingleput.-

/Here enter No 757/

Read return dated 26th Ultimo, from the Provincial Court of Circuit Western Division to Precept of the 15th Nov. and stating that the Criminal Judge of Malabar has been accordingly directed to release forthwith the Prisoner Cannoo.-

/Here enter No 761/

Read return dated 26th Ultimo from the Provincial Court of Circuit Western Division to Precept of the 18th November and stating that the Criminal Judges have accordingly been directed to forward to the Sessions

Ere W.P.

10th December 1830.

Tayparee Idealut copies of the warrants of Circuit Judges in cases where convicts have been sentenced to banishment from their districts, for orders.

/Here enter No 762./

Read return dated 1st instant from the late acting Judge late on Circuit in the Centre Division to Precept of the 25th Ultimo and stating that the English Translation of Trial No 7 of Bellara Calendar 2d Sessions of 1829 is now preparing and will be forwarded in 3 or 4 days.

/Here enter No 763/

Read return dated 6th Instant from the 2d Judge on Circuit in the Centre Division to Precept of the 30th Ultimo and stating that mitigated sentence has accordingly been passed on the 2d and 3d Prisoners in Case No 1 of the Cuddapah Calendar 2d Sessions of 1830.

/Here enter No 770/

Read return dated 6th Instant from the 1st Judge on Circuit in the Centre Division to Precept of the 2d Instant and Reporting that the commands of the Tayparee Idealut have accordingly been obeyed.

/Here enter No 772/

F.H.

In Court of the Tayparee Idealut

Present,

Monday 13th December 1830. F.C.A. Grant Esquire - 1st Puisne Judge.
William Oliver Esquire - 2d Puisne Judge.
C.M. Lushington Esquire 3d Puisne Judge.

Read letter from the 2d Judge on Circuit in the Centre Division under date the 13th Ultimo recommending mitigation of the punishment to which the prisoner in Case No 6 of the Cuddapah Calendar for the 2d Sessions of 1830, is stated to have rendered himself liable.

/Here enter No 774./

The Judges of the Tayparee Idealut having duly considered the grounds of the above recommendation of the 2d Judge on Circuit, and also the Abstract of the evidence; the Futwa and the sentiments of the 2d Judge as set forth in the Calendar itself respecting the said Prisoner Gorlamundala Mullapah direct that the 2d Judge on Circuit do issue orders for his unconditional and immediate release.

Ordered that extract of these Proceedings

10th Dec

13th December 1830.

Proceedings be formarded to the 2d Judge on Circuit in the Centre Division, for his information and guidance, by precept returnable within four days after its receipt.-

/Sent following Precept Nº 442/

Read letter dated 6th Instant, from the Provincial Court of Circuit in the Centre Division, transmitting Warrant under which the 4 Prisoners sentenced to death by the Grand Jurors Ordained were executed on the 26th Ultimo.-

/Here enter Nº 775/

Read return dated the 2d Instant, from the Judges of the Provincial Court of Circuit in the Southern Division to Precept of the 30th Ultimo and stating that the Criminal Judge of Madura has accordingly been furnished with extract of the Proceedings of the Grand Jurors Ordained relative to the contract passed by him in Case Nº 61 of the Criminal Report for September last.-

/Here enter Nº 776/

Read letter dated 10th Ultimo from the Provincial Court of Circuit in the Northern Division transmitting monthly Criminal

13th December 1830. Criminal Reports for the month of September 1830.-

/Here enter Nº 773/

At a Court of the Supreme Court Holden

Present,

Wednesday 15th December 1830 — F. C. Grant Esquire — 1st Puisne Judge.
William Nicol Esquire — 2d Puisne Judge.
C. M. Lushington Esquire — 3d Puisne Judge.

Read return made by C. M. Masters, the late acting Judge of Circuit in the Centre Division, under date the 4th Instant to this Court's precept of the 14th October last, calling for an English translation of the trial, in the case of [illegible] 1640 1830 of the Belliari Calendar, for the 2d Session of 1829.—

[illegible] 20 Oct

[illegible]

[illegible]

[illegible]

Judge of Circuit be by precept commanded to release the whole of the prisoners in this case and to recall and cancel the warrant issued by him for their punishment.

Ordered that extract from these proceedings be sent to the late acting Judge late on Circuit in the Centre Division by precept returnable within 5 days from the date of its receipt.

/Sent following Precept No 1149/

Read letter dated 21st July last from the 3d Judge of the Provincial Court of Circuit in the Northern Division transmitting the proceedings in Case No 16 of the Rajahmundry Calendar for the 1st Session of 1830.

/Here enter No 1135/

The Chief Judge and the First and Third 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, Mool. Coojat and Mooftees of the Sudder Adalut and being of opinion that the proof against the Prisoner Vulgala

Exd W.B.

Vulgala Pullegadoo.

is sufficient to convict him of murder, do under the authority with which they are vested by Clause 1st Section II Regulation I of 1818 convict him thereof, and sentence him to suffer death, as prescribed by Section X Regulation VIII of 1802 by being hanged at the usual time and place of execution.

/Sent following letter No 1150/

Exd W.B.

F. N.

At a Court of the Faujdaree Adalut

Monday
29th December 1830.

Present,
F. C. Grant Esquire 1st Assistant Judge
William Oliver Esquire 2d Assistant Judge
C. C. M. Lushington Esquire 3d Assistant Judge

Read Letter from the 1st Judge on Circuit in the Northern Division dated the 29th Ultimo transmitting Copy of the 1st Chucacole Calendar for the 2d Session of 1830.—

[Here enter Nº 771.]

With regard to case Nº 6 it appears that the 1st Judge on Circuit concurred in the Futwa of the Mahomedan Law Officer which acquitted both the Prisoners of the charge of Murder, "on the ground of "it's not being proved by reason of their "being strong suspicion that the evidence "was given in consequence of a cast dispute "between the Prisoners and Witnesses." If the deceased was murdered by the two prisoners, it is very immaterial which of them actually inflicted the fatal blow, and the declarations of the dying man

with

with other evidence taken premains to commit=
=itment, if not disproved in the defence,
would throw great doubt over the propriety
of the decision at which the first Judge
arrived in this instance. With regard also
to Cases Nos. 11 and 13, in the first of Prisoners
charged with Gang Robbery were released,
altho' there appear to have been the evidence
of the Prosecutor and 3 witnesses to the
fact of the Robbery; and in the latter
case, 7 Prisoners charged with Gang Robbery
were released altho' the verbal confession
of one of the Prisoners was corroborated by
the fact of the stolen property having
been found on four of the others.

2

The Judges of the Sanpaire
Adalat having duly considered the evidence
as set forth in the Calendar, do not
feel satisfied that the reasons given by
the first Judge are satisfactory for the
decisions at which he arrived in three
cases, they therefore direct that the first
Judge on Circuit do furnish them with
English

English Translations of the records of the
Trials in the said three Cases Nos. 6, 11 and 13,
for their consideration.

The Prisoner

Chikkala Venkiah

in the Case No. 7 charged with perjury
appears to have been erroneously put
upon his trial.

Ordered that extract of these
proceedings be forwarded to the 1st Judge
on Circuit in the Northern Division,
by precept requiring conformity thereto
returnable within 7 days after its
receipt.

Sent following Precept No. 455 pt

24 28

Ck L

E. W. D.

F.M.

At a Court of the Fauydaree Adalut.

Present,

Wednesday 25th December 1833. F. C. J. Grant Esquire 1st Puisne Judge.

William Morris Esquire 3d Puisne Judge.

C. M. Lushington Esquire 3d Puisne Judge.

20.

Read letter dated 24th Ultimo, from the Acting Judge late on Circuit in the Centre Division, submitting record of Case No. 1 of the 3d Supplemental Calendar of Chittoor for the 3d Quarterly Sessions of 1833.

/Here enter No. 750./

Mr. Oliver, and Mr. Lushington, 20.

The second and third Puisne Judges having maturely considered the proceedings held before the Acting Judge on Circuit the futwa of the Provincial Law officer and the futwa of the Cazee-ool-Cozat and Mooftees of the Fauydaree Adalut confirming the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and acquitting the Prisoner Nauranapah Raid

direct that he be set at liberty.

/Sent following letter No. 461./

Read letter from the 2d Judge of the Court of Appeal and Circuit in the Western

Western Division --

/Here enter No 765/

The Court are of opinion that, although the sentiments of the Advocate General on the subject excepted in the foregoing letter are entitle to the highest consideration, there is nothing before them to shew that His Majesty's Supreme Court of judicature at Madras has decided that the Case of perjury brought forward by Mr. Brown is excluded from their jurisdiction -- Until this question has been decided judicially, it would be premature for this Court, or the tribunals under it, to interfere --

2.

The Court, however, on its being shown that His Majesty's Supreme Court decline jurisdiction in the Case, will be prepared to give the subject further consideration --

Ordered that extract from these proceedings be forwarded for the information and guidance of the Provincial Court in the Western Division --

/Sent following letter No 462/

Read letter from the 3d Judge on Circuit in the Western Division under date the

the 20th Instant recommending mitigation of the punishment to which the prisoner named Bhickaree in Case No 2 on the Calendar of the Auxiliary Court of Canara convicted of Gang Robbery has rendered himself liable --

/Here enter No 795/

The Judges of the Sudder Dewanny Adawlut, having duly considered the representation of the 3d Judge on Circuit in favor of the said prisoner

Bhickaree,

by whom no great violence was committed, and who from his confession appears to have been seduced by others who are old offenders, sanction the proposed mitigation of punishment, and accordingly direct, agreeably to the Provisions of Clause third Section III Regulation I of 1825 that the said Prisoner

Bhickaree

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

Ordered that extract of these

Proceedings

29th December 1838.

Proceedings be forwarded to the 2d Judge in Circuit in the Western Division for his information and guidance:-

/Sent following letter No 1463/

Read letter from the Acting Criminal Judge of Cuddapah dated the 18th Instant, submitting, in obedience to the Court's order of the 2d and communicated thro' the Provincial Court in the Centre Division under date the 6th Instant, a medical Certificate to the effect that the Prisoner

Woopoo Gungoolon

in Case No 26 of the Cuddapah Calendar for the 2d Sessions of 1838 "is free from "every symptom of Insanity, and that there "is no probability of Insanity occurring "from any circumstance in the Prisoner's "present state of health as far as can be "observed;" and stating his own sentiments that no injury to the community is to be anticipated from the release of the said Prisoner:-

/Here enter No 791/

The Judges of the Sudr are Resolut

29th December 1838.

F. No

29th December 1838.

Resolut having duly considered the above letter of the Acting Criminal Judge of Cuddapah, his sentiments regarding the release of the Prisoner Woopoo Gungoolon, and the Medical Certificate relative to the state of the Prisoner's mind, direct that the said Prisoner

Woopoo Gungoolon

be immediately set at liberty:-

Ordered that extract from these Proceedings be forwarded to the Provincial Court of Circuit in the Centre Division, to be communicated to the Acting Criminal Judge of Cuddapah, for his information and guidance, by precept returnable within 10 days after its receipt:-

/Sent following letter No 1464/

Read Petition presented by Coopayee, Inhabitant of Condrapoorum in the Zillah of Madura:-

/Here enter Misc: Petn No 68 of 1838/

The Petitioner states that her Brother, Magaty Moopen, was committed for trial before the Court of Circuit in Case No 5 of the Madura

Madura Calendar for the 2d Sessions of 1838,
alleges that he was unjustly sentenced on the
15th August last to 5 years imprisonment with
hard labor, and prays the Court to call for
all the documents connected with the case, and
to take them into their consideration in order
that her Brother may be released &c

On a reference to the Calendar,
it appears that the said Magaly Mootien
was convicted, of having forged a Rangeenamah
agreement, to give certain lands to the
Plaintiff in Suit No. 131 of 1837 and also of
having committed wilful and corrupt Perjury
as a witness in the above suit, by his
deposing on oath that the above false
Rangeenamah agreement was a genuine
one.

The Judges of the Fauxdaree
Adaulut do not see that the sentence passed
on the said Prisoner

Magaly Mootien

is open to any objections; and the Petitioner
having advanced no sufficient reason
to justify their calling for the record of the
above trial which appears to have been
satisfactorily

satisfactorily
the prayer of
that at the time
Petitioner Read
Division to precept of
and stating that a Warran
been issued to release Gorlam
Mudiapah Prisonier in No 6 of
Calendar for the 2d Sessions of 1838 &c &c

/Here enter No. 801/

Read return dated 15th Instant
from the Judges of the Provincial Court
of Circuit in the Northern Division, to
precept of the 8th December, and stating
that the communication required by it
has been made to the Acting Criminal
Judge of Nellore with reference to his return
relative to Prisonier Vencatapaty Naicker

/Here enter No. 803/

Read return dated 22d Instant
from the late Acting Judge late on Circuit
Centre Division, to precept of the 15th Instant and

Madura Calr [illegible] Order [illegible] been according
alleges the [illegible] of the Calr [illegible] the Prisoner in
1st August [illegible] 1829 [illegible] iary Calendar for
Hard labor [illegible] for life [illegible] for the reversal of
all the [illegible] arrangements [illegible] to take [illegible] it may be [illegible] the

/Here enter No. 807/

Read return dated 3d. Instant,
from the Judges of the Provincial Court
of Circuit in the Southern Division, to
precept of the 30th Ultimo, and stating that
the Criminal Judge of Madura has
accordingly been furnished with extract
of the Proceedings of the Dysaria Court
relative to the sentence passed by them in
Case No. 61 of the Criminal Report for
September last.-

/Here enter No. 776/

Read letter dated 17th Instant
from the 1st Judge on Circuit in the
Northern Division Reporting his arrival
at Masulipatam.-

/Here enter No. 870/

[illegible] [illegible]