15th April 1833. The G

J. Dr.

Hilla Court of the Fouzidaree Adalut.

Present,

Wednesday 16th April, 1833.

Charles Hay Sheppard, Esqre 1st Puisne Judge,
Thomas Hill Oakes, Esqre Actg 2d Puisne Judge,
William Middleton, Esqre 3d Puisne Judge.

Read letter, dated the 15th Instant, from the 2d Judge late in Circuit in the Southern Division, forwarding the Report required by Section XXXVII Regulation VII of 1862 for the 2d Sessions of 1832.

(See entry No. 257)

Mr. Dickinson having been directed to complete the second Circuit of last year, in the room of Mr. Taylor, whose departure for Europe was stated in the Court's Proceedings dated the 3d ult. which was performed — the foregoing Report thereon was received & laid that gentleman.

Salem and Coimbatore the only two districts entitled

The Court are happy to observe the favorable mention made by the 2d Judge of the health and cleanly appearance of the Prisoners in the Jail at Salem.

In these terms the 2d Judge reports that he proceeded to inspect the prisoners placed under charge of the Magistrate of Salem by the orders of Government dated the 12th January 28th September 1830. He states that at

11 In reference to these observations, the Court have to remark that none but Prisoners are admissible into a Jail. They in consequence desire that the practice which is stated to have hitherto prevailed at Coimbatore, may be immediately discontinued, and that application be made thro' the usual Channel, for such accommodation as may be necessary for the sick under the charge of the Medical Officer at Coimbatore.

12 In the case of the Lascar too how this Application arises, the Acting Joint Criminal Judge, to whose special charge the Jail is confided should under the circumstances represented, have represented the omission of the Name, and should then have reported the case thro' the Provincial Court of Circuit, for the information and instructions of this Court.

17 to 23 13. The 2d Judge proceeded to visit the convicts under charge of the Officer Commanding on the Neilgherries. He reports that he found them "in a perfect state of subordination" and "determined to have every thing their own way" and he states that he considers it absolutely necessary that the Officer in charge of them "should be empowered to flog them if they evince insubordination or he will never be able to manage them".

14. The refractory conduct of the convicts stationed on the Neilgherries has already been brought to the notice of the Right Honorable the

16th April 1833. the Governor in Council, on whom it rests under Section III Regulation I of the present Year to confer on the Commanding Officer in charge of them such powers as he may think proper for the maintenance of due discipline and for the punishment of offences.

15 The Court have likewise addressed Government in regard to the alleged indecency of the building allotted for the accommodation of these Prisoners.

24 to 26. 16. The 2d Judge in these papers suggests that Criminal Judges should be enjoined to greater care than is usually observed in drawing out the charges of the cases which are entered in the Calendars submitted to the Judges on Circuit, which he remarks are for the most part framed on the exaggerated representations of the Prosecutors.

17. The Court of Foujdaree Adaulut have frequently had occasion to observe the laxity with which the charges in the Calendars are worded, notwithstanding their standing orders requiring that the indictment should be drawn up by the Criminal Judge himself, in strict accordance with the evidence adduced on the trial.

18 The Court in consequence think it proper to direct that Extract from these proceedings together with Extract from that part of the 2d Judge's letter to which they refer

regar, be sent to the 4 Provincial Courts of Circuit by precept, requiring them to call the particular attention of the several Criminal Judges in their respective divisions, to the necessity of framing the charges in cases submitted to the Court of Circuit with greater care and circumspection in future.

27 & 28 19. The Court approve highly of the suggestions contained in these paras, and in consequence resolve to transmit copies thereof to the 4 Provincial Courts of Circuit by precept, directing them to issue the necessary instructions to the several Criminal Judges in their respective divisions for carrying into effect the arrangement proposed by Mr. Dickinson.

29 & 30 20 The Court have to observe in reference to the remarks of the 2d Judge in these paras, that they consider highly inexpedient any such alteration as is therein suggested of the system under which Criminal Justice is at present administered in the provinces subject to this Presidency.

Ordered, that Extract from these Proceedings together with copy of the report, 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. 229)

Ordered also, that Extract of

3 No. 16,
16th April 1833.

of these proceedings be sent to the 2d Judge late on Circuit in the Southern Division, for his information.

(Sent following letter No. 230)

Ordered also, that copies of paras 10, 17 and 18 of these proceedings be sent to the 4 Provincial Courts of Circuit by precepts returnable without delay.

(Sent following precepts No. 231)

Ordered likewise, that copy of para 19 of these proceedings be sent to the 4 Provincial Courts of Circuit by precepts returnable without delay.

(Sent following precepts No. 232)

Read letter, dated the 20th ultimo from the 3d Judge on Circuit in the Northern Division, recommending a mitigation of the punishment to which the Prisoners convicted in No. 20 of the Calcutta Calendar 4th Sessions of 1833 of Highway robbery have rendered themselves liable.

(Recorded No. 271.)

The Court of Sudder Dewanny Adawlut having maturely considered the circumstances of the case represented in the above letter, sanctioned under Clause third, Section II Regulation II of 1825, the mitigated punishment recommended by the 3d Judge on Circuit in the Northern Division and accordingly direct that the Prisoners,

1st Gunhadoo,
2d Horlongadoo,
3d Anhadoo, and
4th Sashongadoo,

be

be imprisoned and Kept to hard Labour in irons on the public roads or other public works for the period of (7) Seven years and that the Prisoners,

5th Pelohegadoo, and

6th Naugadoo,

be imprisoned and Kept to hard labor in irons on the public roads or other public works for the period of (3) three years.

Ordered, that Extract from these Proceedings be sent to the 3d Judge on Circuit in the Northern Division, for his information and guidance by precept returnable in seven days.

(Sent following precept No 233)

Read Returns dated the 26th Ultimo, from the 2d Judge late on Circuit in the Northern Division, to precept dated the 25th Ultimo, requiring the speedy transmission of the records of the referible trials in the last Cuttack Calendar.

(Hereunto No 304)

It appears by the foregoing Returns, that the transmission of the records of the trials in question, is delayed for want of translations of the Criminal Courts proceedings, which leads the Court to observe that there must be something defective in the System pursued in the Northern Division.

2. In the Southern and Western Divisions referible trials are dispatched from each station by the Judge on Circuit, and it seems to the Court most desirable that this practice, which is evidently contemplated by the Regulations, should be generally observed.

16th April 1833. 3

Should any difficulty be experienced in carrying this instruction into effect, owing to inability on the part of the Criminal Courts establishment to prepare the translations of their proceedings in sufficient time, the Court desire that application may be made for such increase as may be necessary to prevent the great and objectionable delay which has generally occurred in the transmission of trials from the Northern Division.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division, for their information and guidance by precept, returnable in ten days.

(Sent following precept No 234)

Read Letter from the Provincial Court of Circuit in the Western Division, transmitting the Criminal Reports in the form prescribed by Section XXXV Regulation X of 1810 for the month of February last.

(Hereunto No 310)

Prahalcar Report V. Case 32.

The Prisoner convicted of theft has been punished under Clause fourth, Section IV Regulation VI of 1822. It should be explained how this case fell under the provisions of the Section quoted which does not provide for

Case 38.

2. The acting Criminal Judge has quoted the Clause with reference to which the Prisoners in this case have been punished. The Clause cited does not authorize any punishment

At a Court of the Tonjadore Malabar.

Present.

Friday 12th April 1833.

Thomas Hart Baker Esqre Acting 2d Puisne Judge.
William Hudleston Esqre 3d Puisne Judge.

Read letter dated the 30th Ultimo from the 3d Judge on Circuit in the Western Division, recommending a mitigation of the punishment to which the Prisoner committed by No 1 of the Mangalore Supplemental Calendar 1st Sessions of 1833, has rendered himself liable.

(Vide entries No 323.)

On a due consideration of all the circumstances of the case represented in the above letter, the Court of Tonjadore coincur in opinion that the mitigated sentence of one year's imprisonment proposed by the 3d Judge is quite insufficient for the punishment of the prisoner in question, and they accordingly resolved to direct that the Prisoner,

Donna,

in No 1 of the Mangalore Supplemental Calendar 1st Sessions of 1833, be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (3) three years.

Ordered that a Extract from these proceedings be sent to the 3d Judge on Circuit in the Western Division, for his information and guidance by precept returnable in ten days.—

(Vide following precept No 240.)—

Read

Criminal Side 10 April 1833

punishment.

Case 10. 3

His case according to the charge mentioned in the report does not fall under the Section of the Regulation quoted by the Acting Criminal Judge.

Ordered, that a Extract of these proceedings be forwarded to the Criminal Court of Circuit in the Western Division, for their information and guidance by precept returnable without delay.

(Vide following precept No 238.)—

J. M.

Read return, dated the 30th March 1833, from the Provincial Court of Circuit in the Southern Division, to the Courts precept dated 18th February last.

(Herewith No. 337.)

The Register in charge at Tinnevelly in answer to the Precept of the Court of Foujdaree Adawlut requiring him to explain whether or not the Prisoners in cases 135 and 136 Report V charged with having committed Perjury, were forwarded in conformity with the provisions of Clause first, Section III Regulation VIII of 1829, states, that they were forwarded by the Assistant Magistrate under Section II Regulation IX of 1832.

It should be pointed out to the Assistant Magistrate that this Section does not apply to a charge of Perjury, or any charge before a Magistrate.

Ordered, that a Extract of these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, for their information and guidance, by precept, returnable without delay.

(Sent following precept No. 241.)

Read letter dated the 2d Instant from the 3d Judge on Circuit in the Western Division with Copy of Canara Calendar 1st Sessions 1833.

(Herewith No. 339.)

Read letter dated the 25th Ultimo, from the 2d Judge Eastern Circuit in the Southern Division, transmitting Copy of a letter from the Acting

Acting Magistrate of Guntoor, stating that he had publicly confined upon "Veeraya" the reward bestowed upon him by Government of Rupees 400, with a Shawl, the mark of honor chosen by the said "Veeraya".

(Herewith No. 325.)

Read return, dated the 1st Instant, from the Third Judge on Circuit in the Western Division, to precept dated 21st March, with observations and orders upon the Copies of the Malabar Calendar for the 1st Sessions 1833.

(Herewith No. 329.)

Read letter, dated the 1st Instant, from the 3d Judge on Circuit in the Western Division, with returned warrant for the execution of the Prisoner in case No. 6 on the Calendar of the Zillah of Malabar for the 1st Sessions of 1833.

(Herewith No. 331.)

Read letter, dated the 8th Instant, from the Acting 3d Judge of the Court of Circuit in the Centre Division, reporting that he has fixed on the 18th Proximo for opening the 1st Sessions at Palamcottah.

(Herewith No. 344.)

At a Court of the Toujdaree Adalut.

Present

Monday 15th April 1833.

Charles May Lushington Esqre 1st Judge
Thomas Alexander Oakes Esqre acting 2d Judge

Mr Lushington & Mr Oakes.

Read letter, dated the 8th instant, from the 2d Judge late on circuit in the Southern Division, transmitting Case No 1 Coimbatore Supplemental Calendar 2d Session 1832.

(Vide enter No 234)

The Court of Toujdaree Adalut, on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion, that the proof against the prisoners,

1st Annamalay Goundan
2d Latchma Goundan
3d Pareya Goundan and
13th Pulicha Goundan

is sufficient to convict them of the crime of Manslaughter, do 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 Clause second Section II Regulation I of 1818, they direct their Law Officer to declare by a second futwa, to what punishment they would be liable if convicted of that crime.

Ordered that Extract of the proceedings be translated and delivered to the Cazeed Cozat and Mooftee of the Toujdaree Adalut.

J. Ll Read

15th April 1833

Read Return, dated the 1st Instant, from the 2d Judge Cape Breton in the Southern Division, to precept dated 15th Ultimo, directing the Mitigation of the punishment in No. 25 Salem Calendar 22d September 1832.

(Execution No. 307)

Read Letter, dated the 9th Instant, from the Provincial Court of Circuit in the Southern Division, transmitting Copy of the Return from the Criminal Judges of Common upon the Criminal Reports for December last.

(Execution No. 357)

Read Return, dated the 8th Instant from the 3d Judge on Circuit in the Northern Division, to precept dated 30th Ultimo, directing the Mitigation of the punishment in No. 94 of Hillsborough Calendar 1st September 1833.

(Execution No. 302)

Read Return, dated the 8th Instant, from the 3d Judge on Circuit in the Northern Division, to precept dated 30th Ultimo, directing the Mitigation of the punishment in No. 21 Hillsborough Calendar 1st September 1833.

(Execution No. 303)

Read Return, dated the 8th Instant from the 3d Judge on Circuit in the Northern Division, to precept dated 30th Ultimo, directing the Mitigation of the punishment in No. 20 Hillsborough Calendar 1st September 1833.

(Execution No. 364)

Read Return, dated the 8th Instant from the 3d Judge on Circuit in the Northern Division

15th April 1833

to precept dated 30th Ultimo, directing the Mitigation of the punishment in No. 23 Hillsborough Calendar 1st September 1833.

(Execution No. 305)

Read return, dated the 8th Instant, from the 3d Judge on Circuit in the Northern Division, to precept dated 30th Ultimo, directing the Mitigation of the punishment in No. 28 on the Hillsborough Calendar 1st September 1833.

(Execution No. 366)

Read Return, dated the 8th Instant, from the 3d Judge on Circuit in the Northern Division, to precept dated 30th Ultimo, directing the Mitigation of the punishment in No. 32 Supplemental Calendar 1st Sept. 1833. Hillsborough

(Execution No. 367)

Read return, dated the 8th Instant from the 3d Judge on Circuit in the Northern Division, to precept dated 3d Instant, directing the Mitigation of the punishment in No. 34 Hillsborough Supplemental Calendar 1st September 1833.

(Execution No. 308)

Read Letter dated the 9th Instant from the Provincial Court of Circuit in the Northern Division submitting 2 revised Copies of the proceedings on the Criminal Reports for December 1832.

(Execution No. 373)

At a Court of the Tangipahoa District.

Present

Friday 19th. April 1833.

Charles May Washington Esqr. 1st. Puisne Judge
Thomas Blair Baker Esqr. Acting 2d. Puisne Judge
William Hudleston Esqr. 3d. Puisne Judge

Read letter, dated the 5th. Instno. from the Acting Judge on Circuit in the Centre Division, transmitting the Trial in No. 5 of the Cuddapah Calendar for the final decision of the Judges of the Tangipahoa District.

(See entry No. 289)

1 The Court observe that there does not appear to be any satisfactory evidence of the Prisoners in this case.

2 In respect to the Murder the evidence is correctly recapitulated in the letter of the Acting Judge opening the trial; and strong as it is, the Court are unable without further inquiry to concur in convicting the prisoners upon it.

3 It is the testimony of certain alleged eye witnesses who swear that they had long known the prisoners.

4 The Crime was committed on the 22d. June, and the first examinations contained in the record are dated the 8th. of the Month, and as usual were taken after the apprehension of the prisoners.

Hutchinson

19th April 1833.

5

Kristnarow the Tahsildar, in his report to the Criminal Judge of Cuddapah, dated the 9th June, stated, that the villagers having sent letters, reporting the transaction, he dispatched Sirdars Sheikh Mahmood Peer Sahib and Pedda Pullen Gowd and some Peons, to discover the offenders; that the said Sirdars discovered the offenders, and brought them to him (the Tahsildar) when he made a regular inquiry.

6

It appears to the Court to be very extraordinary that the villagers who reported the robbery and murder, did not (if they did not) learn at the same time the names of the offenders from the perpetrators, who now swear that they saw them.

7

But without taking this part of the question into consideration, the Court deem it necessary previous to coming to any decision upon the case, to have the evidence of Sheikh Mohammed, and Pedda Pullen Gowd, for the purpose of shewing the information on which they apprehended the Prisoners.

8

The Court order accordingly to return the Record of the Proceedings in this case, to the Acting Judge on Circuit, and to direct that officer to issue a Precept to the Criminal Judge requiring him to obtain the attendance of the said two persons, and in the presence of the Prisoners examine them as to whether or not the first Prosecutrix, and the 1st, 2d, 3d and 4th witnesses, or any of them, gave to them information to the same effect as their subsequent depositions; the Criminal Judge will allow the Prisoners to cross examine, if they take

down any thing which they may afterwards have to repeat.

Ordered, that the English and Persian translations of the record of the above trial be sent to the Acting Judge on Circuit in the Centre Division by precept enjoining him to issue the necessary instructions to the Criminal Judge of Cuddapah and to annex to the record English and Persian translations of the additional evidence, and transmit the same to this Court with as little delay as possible.

(Sent following precept Rs 252)

Mr Sullivan & Mr Baker.

Read again letter, dated the 8th Ultimo, from the 2d Judge late on Circuit in the Southern Division transmitting Case No 1 on the Coimbatore Calendar 2d Sessions 1832.

(Here enter No 234.)

Read also second future delivered in this case by the Cazee of Cogat and Proctor of the Company Adalut.

In commutation of the penalty of Death declared in the foregoing future, the Court of Sessions do sentence the Prisoners

1st Amanalay Gownden

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

2d Sutchima Gownden

3d Parega Gownden and

13th Putaka Gownden

to

19th April 1833.

to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of two years. And further concurring in opinion that strong suspicion, the act amounting to conviction attached to the Prisoner

5th Chinna Tscheri,

they under Clause Fifth Section II Regulation XV of 1803 direct that he be required to find two sureties of 150 Pagodas each, for his good behaviour and appearance when required within three years, or that in default thereof, he be detained three years in confinement.

And the Court further acquitting the prisoners

17th Davida Mootloo,

direct that he be set at Liberty.

(Sent following Letter No. 253.)

(to Baker & Ruthertoon.)

Read letter, dated the 1st Instant, from the Acting Judge on Circuit in the Centre Division, transmitting Calendar No. 4 on the Cumbum Calendar 1st Sessions 1833.

(Here enter No. 311.)

The Court of Foujdaree Adawlut having maturely considered the proceedings held before the Judge on Circuit, the futwas of the Provincial Law Officer, and the futwas of the Cazee and Mooftee of the Foujdaree Adawlut, confirm the said futwas of the Cazee and Mooftees aforesaid, convicting the prisoner

2

Ft.
19th April 1833.

of murder, and awarding Kistna, under the provisions of Section X Regulation VIII of 1802, adjudge the Prisoner

"Atched"

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

(Sent following Letter No. 254.)

Read letter, dated the 6th Instant, from the Acting 1st Judge of the Court of Circuit in the Centre Division, submitting his report on the 4th Quarter Sessions of 1832 and the 1st Quarter Sessions of 1833.

(Here enter No. 340.)

The foregoing Report does not appear to the Court of Foujdaree Adawlut to require any further remark, than that no mention is therein made of the state of the Police in the Northern Division of Arcot, a subject of the highest importance, and which should never be omitted in a Report of this nature.

Ordered, that Extract from these proceedings, together with copy of the Report to which they refer, 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. 255.)

Ordered

At a Court of the Foujdaree Adaulut.

Present

Monday 22d April, 1833.

Charles May Lushington Esqre 1st Puisne Judge.
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge.
William Huddleston Esqre 3d Puisne Judge.

Read petition presented on the 18th instant by Tolaty Appiah Vattelon on behalf of Venkapathy Vedela Chinna son of the Zilla of Masulipatam.

(Sessions No. 306 of 1833)

The Petitioner complains that his daughter has not been restored to him, as he had reason to expect would have been the case from the Court's order of the 31st October last, and prays that fresh instructions may be issued to the Zillah Judge of Masulipatam on the subject.

It appears to the Court that, under the circumstances represented in the extract from the Zilla Court Proceedings dated the 9th February 1833, which accompanies this Petition, the proper course of proceeding in the case is this. The Zillah Judge should send a deputation to the house of Chintapudda Venkatrow for the purpose of ascertaining whether the Petitioner's daughter remains under her grand father's protection by her own consent, or by restraint. If by the former, the Court think that she should be allowed to continue, and that there is no occasion for the interference

6th April 1833.

Ordered likewise, that a Extract of these proceedings be sent to the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division for his information and future guidance.

(Sent following Letter No. 256)

J. M.

Read Letter dated the 9th instant from the Late Officiating Additional Judge of the Court of Circuit in the Centre Division, transmitting the original Warrant in Case No. 1 on the Principal Calendar, and No. 1 on the 2d Supplemental Calendar, Special Sessions of 1832 for the Zilla of Cuddapah, together with the Returns made thereto by the Acting Criminal Judge of that Zilla.

(Sessions No. 378)

interference of the tribunals of the country, but should the latter prove the case, they are of opinion that there can be no question that the Court has authority to cause her to be delivered to her natural guardians.

Ordered, that a Extract from these proceedings be sent to the Provincial Court in the Northern Division by precept commanding them to issue the necessary instructions acting therein to the Acting Judge of Rajahmundry. Precept returnable in Six weeks.

(Sent following precept No. 257)

Ordered, that a Extract from these proceedings be furnished to the Petitioner on his application.

Read petition presented on the 8th April 1833, by Sadasiv Ammaul of the Zillah of Cuddalore.

(Here enter M.P. No. 43 of 1833.)

1. The Petitioner complains that she cannot recover certain property, belonging to her, which, upon the committal of a theft in the Porto-pollam Village, was taken from her hands, and was afterwards ordered to be restored to her by the Judge on Circuit who tried the case, but which the Tahsildar, and Head of Police, will never the less not give up.

2. The Petitioner is informed, that any complaint which she has to prefer against the Police Officers, should be addressed to the Magistrate, and that if dissatisfied with his decision, she must apply to the Judge on Circuit.

Ordered

Ordered, that the prayer of this Petition be rejected, and that a Extract from these proceedings be furnished to the Petitioner on her application.

J. M

Read Return, dated the 15th Inst. from the 2d Judge on Circuit in the Northern Div. to precept dated 10th Instant, directing the investigation of punishment in No. 20 Bellore 1st Calendar 1st Session 1833.

(Here enter No. 395)

Read Return, dated the 15th Inst. from the Judges of the Provincial Court on Circuit in the Central Division, to precept dated 10th Instant, requiring them to call the particular attention of the Several Criminal Judges to the necessity of framing the charges in cases submitted to the Circuit Court with greater care and circumspection in future.

(Here enter No. 396)

Read Return, dated the 15th Instant, from the Judges of the Provincial Court of Circuit in the Central Division, to precept dated 10th Instant, directing that the necessary instructions may be issued to the Several Criminal Judges for carrying into effect the arrangement proposed by the 2d Judge of the Southern Provincial Court in his reference of the 15th March 1833.

(Here enter No. 397)

Read

22d April 1833

Read letter, dated the 15th Instant from the Acting Surgeon Circuit in the Southern Division reporting the dispatch of cause No 17 on the Pleading Calendar 1st Sessions 1833.

(Here enter No 397)

Read letter, dated the 15th Instt. from the Acting 3d Judge on Circuit in the Southern Division, with the returned warrant for the execution of the Prisoner in Cause No 2 Pleading Calendar 1st Sessions 1833.

(Here enter No 398)

Read return dated 15th Instant from the Acting 2d Judge on Circuit in the Central Division, ordering the mitigation of punishment in case No 20 Pillory Calendar 1st Sessions 1833.

(Here enter No 401)

Read further return dated 12th Instant to precept dated 11th February last from the Circuit Reports for November 1832.

(Here enter No 400)

J. 86.

At a Court of the Soujdaree Adalut.

Present

Wednesday 24th April 1833.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexander Oakes Esqre Acting 2d Puisne Judge
William Haddleston Esqre 3d Puisne Judge

Read return from the 2d Judge late on Circuit in the Southern Division, to precept of this Court, dated the 21st Ultimo, calling upon him to transmit the English and Persian transcripts of the proceedings held in each of such cases as were set down, as under reference to the Soujdaree Adalut.

(Here enter No 315.)

It appears from the above return that the English establishment of the Judge on Circuit in the Southern Division, is one translator and one writer.

Considering that the early transmission of cases under reference to the Soujdaree Adalut from the Courts of Circuit is of great importance, and as this desirable object may be effected within a much shorter time than is now practicable, by allowing to the Judge on Circuit a slight increase to their public establishment

The Court direct the Provincial Court of Circuit in the Southern Division to forward thro' the usual channel, an application for sanction for the addition of one

Mond

more English writer to the present establish-
ment attached to the Judge on Circuit.

The Court cannot conclude these
proceedings, without expressing their marked
approbation of the exertions of the late Judge
on Circuit in the Southern Division and of his
native establishment in the early transmission
of this referrible cases.

Ordered, that Extract from these
proceedings be furnished to the Provincial
Court of Circuit in the Southern Division by
precept returnable without delay.

(Sent following precept No. 284)

And the Court observing to the
great delay which is observable in the transmission
of referrible trials beyond what is contemplated
by the Regulations, direct that the Provincial
Courts in the Western, Northern and Central Divisions
do submit a list of the establishment in the
English Department attached to the Judge on
Circuit in each of those divisions.

Ordered, that Extract from these
proceedings be sent to the Provincial Courts in
the Western, Northern and Central Divisions by
precept, returnable in two days.

(Sent following precept No. 285)

Read letter, dated the 27th Ultimo,
from the 2d Judge late on Circuit in the Southern
Division, transmitting the Record of trial in

Mc Carthy
&
Mc Houlston.

(Here enter No. 310.)

The Court of Sessions Adjutation on
deliberate consideration of the circumstances of
the case in evidence before them, concurring in
opinion that the proof against the Prisoners

1st Nungen
2d Voltagen
5th Hoolance and
8th Mullen

is sufficient to convict them of the crime of Robbery
by open violence attended with aggravating cir-
cumstances, do under the authority with which
they are vested by Clause first Section II Regu-
lation I of 1818 convict them thereof, and under
the provisions of Clause second, Section IV Regu-
lation XV of 1803, sentence the said Prisoners,

1st Gungen
2d Voltagen
5th Hoolance and
8th Mullen.

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 No. 286)

Read letter, dated 30th March 1833
from the Provincial Court of Circuit in the Southern
Division, transmitting the Criminal Reports in
the

24th April 1833.

the forms prescribed by Section XXXV Regulation X of 1816, for the Month of February last.

(Herewith Dc 356)

Salem Asstt Report V Case 25.

1 The Prisoners in this case have been convicted solely upon the deposition of witnesses that they voluntarily confessed the crime before the Head of Police. The Court of Sessions however remark that their evidence is insufficient for their conviction. The sentence should be cancelled.

20

2 The sentence against the 5th Prisoner should also for the same reason be cancelled.

Salem Report V Case 52.

3 The Court of Sessions however remark in the remarks contained in paras 20 and 27 of the Provincial Court's Proceedings. It has repeatedly been ruled that an uncorroborated confession before a Police Officer is insufficient for conviction. The sentence against the 4th Prisoner in this case must be cancelled and his release ordered.

Combaconum case 273.

4 The Court of Sessions however remark that this case did not come under the jurisdiction of the Criminal Judge at Combaconum, as it appears that the crime the prisoner is charged with was committed at Coimbatore. The sentence should be cancelled, and the Criminal Judge be directed to make over the Prisoner to the Criminal Judge at Coimbatore.

Timerelly Case 13.

5 The officiating Criminal Judge should be required to explain for what he considered the prisoners in this case convicted and under which provisions of the Regulations

F.H.

24th April 1833.

2

the Sentences on the 1st, 2d, 3d, 4th, 5th and 6th prisoners were passed.

Ordered that a Extract of these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance by precept, returnable without delay.

(Sent following precept Dc 267)

J.M.

Read letter dated the 15th Instant, from the 1st Judge of the Provincial Court of Circuit in the Northern Division, reporting that it is his intention to hold a separate Court during the Sittings of the Court of 2d Quarterly Sessions about to be held by the 2d Judge, and stating that he has applied to Government to be informed where it is intended that the trials shall be held, which are to be brought before the Special Court at which he is deputed to preside.

(Herewith Dc 408)

Read letter dated the 15th Instant from the 3d Judge on Circuit in the Western Division, with returned warrant for execution of a prisoner in case Dc 3 Malabar Calendar of 1st Sessions 1833.

(Herewith Dc 413)

Read letter dated the 15th Instant from the 3d Judge on Circuit in the Western Division reporting his having commenced the 1st Sessions at Tellicherry on the above date.

(Herewith Dc 414)

Read

24th April 1833.

the forms prescribed by Section XXXV Regulation X of 1816, for the Month of February last.

(Vide enter Vol. 356)

Salem Auxiliary Report V Case 25. 1 The Prisoner in this case have been committed solely upon the depositions of witnesses that they voluntarily confessed the crime before the head of Police. The Court of Sunjaum remark that this evidence is insufficient for their conviction. The sentence should be cancelled.

20 2 The sentence against the 2d Prisoner should also for the same reason be cancelled.

Salem Report V Case 52. 3 The Court of Sunjaum remark in the remarks contained in para 20 and 27 of the Provincial Courts Proceedings. It has repeatedly been ruled that an uncorroborated confession before a Police Officer is insufficient for conviction. The sentence against the 4th Prisoner in this case must be cancelled and his release ordered.

Combaconum case 273. 4 The Court of Sunjaum remark that this case did not come under the jurisdiction of the Criminal Judge at Combaconum, as it appears that the crime the prisoner is charged with was committed at Coimbatore. The sentence should be cancelled, and the Criminal Judge be directed to make over the Prisoner to the Joint Criminal Judge at Coimbatore.

Jumaverly Case 13. 5 The officiating Joint Criminal Judge should be required to explain for what he considered the prisoners in this case convicted and under what provisions of the Regulations

Exd.

2

F.H.

24th April 1833.

the Sentences on the 1st 2d, 3d, 4th, 5th and 6th prisoners were passed.

Ordered that extract of these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance by precept, returnable without delay.

(Sent following precept No. 267)

J.M.

Read letter dated the 15th Instant, from the 1st Judge of the Provincial Court of Circuit in the Northern Division, reporting that it is his intention to hold a separate Court during the sittings of the Court of 2d Quarterly Session about to be held by the 2d Judge, and stating that he has applied to Government to be informed where it is intended that the trials shall be held, which are to be brought before the Special Court at which he is deputed to preside.

(Vide enter No. 408)

Read letter dated the 15th Instant, from the 3d Judge on Circuit in the Western Division, with returned warrant for execution of a prisoner in case No. 3 Palakar Calendar 1st Session 1833.

(Vide enter No. 413)

Read letter dated the 15th Instant from the 3d Judge on Circuit in the Western Division reporting his having commenced the 1st Session at Darore on the above date.

(Vide enter No. 414)

Read

Read returns dated the 15th Instant from the Judges of the Provincial Court of Circuit in the Western Division to precept dated 10th Instant directing that in cases of wounding the Criminal Judge should personally examine the parties and make in his own hand writing a statement of the nature and extent of the injury and that in severe cases the Medical Officer be sent for.

(Here enter No. 415)

Read returns dated the 15th Instant from the Provincial Court of Circuit in the Western Division to precept dated 18th April last certifying that Extracts from the proceedings of the Tongaree Adalut have been circulated to the Criminal & Joint Criminal Judges and Native Criminal Judge of Canara

(Here enter No. 416)

At a Court of the Tongaree Adalut.

Present

Friday 20th April 1833.

Charles May Lushington, Esqre 1st Puisne Judge
Thomas Alexander Oakes Esqre Acting 2d Puisne Judge
William Handleston Esqre 3d Puisne Judge.

Read return dated 20th February 1833, from the Provincial Court of Circuit in the Southern Division, to the precept of the Court of Tongaree Adalut, dated 15th February last.

(Here enter No. 312)

No. 16

The Provincial Court of Circuit in answer to the Precept of the Court of Tongaree Adalut dated 15th February last requiring explanation of the 3d & 4th Prisoners in case No. 96 Madura Report V for November 1832 having been inserted when reported not to have been apprehended, were led to suppose that some mistake had been made by the Court of Tongaree Adalut. The Report agrees with what was stated in their proceedings of 15th February 1833. The Court of Tongaree Adalut decree that the explanation called for in their precept of that date may be furnished. The Report is herewith returned for the perusal of the Provincial Court.

Ordered, that Extract of these proceedings be forwarded to the Provincial Court

Court of Circuit in the Southern Division for their information and guidance by precept returnable without delay.

(Sent following precept No. 272)

Read letter dated the 3d Instant, from the 2d Judge of the Court of Circuit in the Western Division, transmitting copies of the Calendar of the 1st Talliskary Quarter Sessions 1833.

(Here enter No 340.)

No. 1

The Clause cited in support of the Sentence which has been passed in this case does not apply. A second petition should have been taken under Clause fourth Section II Regulation XV of 1803. The Court do not however consider it necessary to disturb the Sentence.

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

(Sent following letter No. 273)

140

J. C. C.

Read return, dated the 18th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 10th Instant, requiring them to call the particular attention of the several Criminal Judges to the necessity of framing the charges in cases submitted to the Circuit Court with greater care and circumspection in future.

(Here enter No. 420)

Read

Read return dated the 18th Instant from the Judges of the Provincial Court of Circuit in the Northern Division to precept dated 16th Instant directing them that Extract from Mr. Dickenson's letter relative to the mode of proceeding to be observed by the Criminal Courts on persons brought before them who have received wounds and hurts be circulated to the several Criminal Judges in their division.

(Here enter No. 422)

Read letter dated the 1st Instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division transmitting the 1st and Supplemental Calendars of the Auxiliary Court of Batticaloa for the 1st Quarterly Sessions of 1833.

(Here enter No. 384)

Read letter dated the 16th Instant from the Provincial Court of Circuit in the Northern Division transmitting copy of the explanation furnished by the Magistrate of Jaffna required in the 13th para of the Courts proceedings dated 27th December 1832 on printed Statements.

(Here enter No. 419)

At a Court of the Foujdaree Adalut.

Present,

Monday 29th April 1833.

C. M. Lushington Esqre. 1st Puisne Judge.
Thomas J. Oakes Esqre. Acting 2nd Puisne Judge.
William Huddleston Esqre. 3rd Puisne Judge.

Read Petition presented on the 25th ultimo: by Kristnummaul of the Zillah of Chingleput.

(Now enter No. 61 of 1833.)

The Petitioner represents that her son the 1st prisoner in Case No. 1 Chingleput Calendar 2nd Sessions 1832, was falsely accused of robbery by certain persons, whose enmity he had incurred, and has been unjustly sentenced to fourteen years' imprisonment by the Judge on Circuit, and prays the Court to call for the record of the case, and issue orders for her son's release.

There is no Appeal from the sentence of the Court of Circuit, and moreover on reference to the Calendar, there does not appear to the Court to be any reason to question the propriety of the conviction and sentence of the Prisoner in question.

Ordered in consequence, that the prayer of this Petition be rejected, and that Extract from these proceedings be granted to the Petitioner on her application.

Read Petition presented on the 6th April 18[illegible] by

29th April 1833.

A. R. Courts of Circuit by

by Appasawmy pillay of South Arcot

(Here enter Mis. Pet. No. 62 of 1833.)

1

The Petitioner states that his father Appasawmy pillay, the Prisoner in Case No 6 on the Calendar of the Auxiliary Court of Chingleput 2d Sessions of 1832, was sentenced by the Judge on Circuit to 14 years imprisonment with hard labor &c., and to be banished to the Zillah of Masulipatam.

2

The Petitioner prays the Court to issue orders for the detention in the Zillah of South Arcot of the said Prisoner, until certain "money dealings" in which the latter and himself are concerned, shall be adjusted.

3

There is no Appeal from the Sentence of a Court of Circuit.

4

It appears moreover to the Court, from a reference to the Calendar that the said Prisoner was duly convicted.

Ordered therefore, that the prayer of the Petition be rejected, and that Extract from these proceedings be furnished to the Petitioner on his application.

The serious attention of the Court of Foujdaree Adaulut has been attracted by the almost universal practice adopted by the Heads of District Police, of entering in their Reports transmitted to the Criminal Judge under the provisions of Clause fourth Section XXVII Regulation XI of 1816. the date of examinations, taken from prosecutors after the apprehension of the prisoners, as the "date of charge"; whereas it is the

29th April 1833.

manifest intention of the Regulation, that this date should be that of the original informations by the complainant.

2

The Court of Foujdaree Adaulut observe also, that the Officers of Police empowered to receive complaints of crimes, appear not to take such complaints down in writing at the time of their being preferred, as ought always to be done, and they direct that this be invariably done in future.

3

In estimating the credit due to the evidence of prosecutors, it is of the greatest importance that a record should be kept of their statement in the first instance, to the officers of police; and the Court of Foujdaree Adaulut direct that this part of the proceedings of the police Officer be in future always included among the papers transmitted with trials, referred to them by the Courts of Circuit.

Ordered, that Extract of these proceedings be sent to the four Provincial Courts of Circuit by precept, enjoining them to communicate the same to the several Judges on Circuit, and to require the several Magistrates to give peremptory directions to the Officers of Police empowered to receive complaints of crimes to attend to the above instructions.

(Sent following Precept No 276)

Read letter, dated the 26th Ultimo,

from the Provincial Court of Circuit in the Southern Division

by Appasawmy pillay of South Arcot.

(Here enter Miss. Pet: No 42 of 1833.)

1 The Petitioner states that his father Appasawmy pillay, the Prisoner in Case No 6 on the Calendar of the Auxiliary Court of Chingleput 2d Sessions of 1832, was sentenced by the Judge on Circuit to 14 years imprisonment with hard labor &c, and to be banished to the Zillah of Masulipatam.

2 The Petitioner prays the Court to issue order for the detention in the Zillah of South Arcot of the said Prisoner, until certain "money dealings" in which the latter and himself are concerned, shall be adjusted.

3 There is no Appeal from the Sentence of a Court of Circuit.

4 It appears moreover to the Court, from a reference to the Calendar that the said Prisoner was duly convicted.

Ordered therefore, that the prayer of the Petition be rejected, and that Extract from these proceedings be furnished to the Petitioner on his application.

The serious attention of the Court of Foujdaree Udalut has been attracted by the almost universal practice adopted by the Heads of District Police, of entering in their Reports transmitted to the Criminal Judge under the provisions of Clause fourth Section XXVII Regulation XI of 1816, the date of examinations, taken from prosecutors after the apprehension of the prisoners, as the "date of charge;" whereas it is the manifest intention of the Regulation, that this date should be that of the original informations by the complainant.

2 The Court of Foujdaree Udalut observe also, that the Officers of Police empowered to receive complaints of crimes, appear not to take such complaints down in writing at the time of their being preferred, as ought always to be done, and they direct that this be invariably done in future.

3 In estimating the credit due to the evidence of prosecutors, it is of the greatest importance that a record should be kept of their statements in the first instance, to the officers of police; and the Court of Foujdaree Udalut direct that this part of the proceedings of the police Officer be in future always included among the papers transmitted with trials, referred to them by the Courts of Circuit.

Ordered, that Extract of these proceedings be sent to the four Provincial Courts of Circuit by precept, enjoining them to communicate the same to the several Judges on Circuit, and to require the several Magistrates to give peremptory directions to the Officers of Police empowered to receive complaints of crimes to attend to the above instructions.

(Sent following Precept No 276)

Read letter, dated the 26th Ultimo, from the Provincial Court of Circuit in the Southern Division

29th April 1833.

Division, forwarding the explanation called for in the Court's letter of the 4th Ultimo, from the 1st Judge, of the ground of his departure from the usual practice in directing the labor "without irons" in Case № 4 Tinnevelly Calendar 1st Sessions 1832.

(Here enter № 371.)

1.

The first Judge in the Minute which accompanies the foregoing letter, explains that the Magistrate "in reporting the escape of the Prisoner, did not mean to state that he was specifically sentenced to labor "without irons"; but that his sentence did not provide for his being kept to labor "in irons" and Mr. Garrow proceeds to justify his own omission to particularize to that effect on the ground that it was not warranted by law.

2.

Considering that the Sentences of the Court of Foujdaree Udalut have, since its establishment, invariably adjudged labor in irons, and that a similar practice, founded thereon, has almost universally prevailed in the several Divisions subordinate to this Presidency, the Court cannot but regard the explanation and reasoning of the 1st Judge as entirely irrelevant.

3.

The first Judge states that on a former occasion a doubt was intimated to him as to the intention of a Warrant worded similarly to that under consideration, which the Court would imagine should have prompted him to have had

F.U.
29th April 1833.

recourse to the general practice, to which the Special Rule at the end of Clause first Section XIII Regulation XI of 1827, in cases of persons, held to security, particularly points.

4.

The Court desire that for the future all Sentences to labor may particularly specify "in irons"; subject of course to the discretion vested in the several Criminal Judges by the Jail Rules circulated by this Court under date the 8th October 1821.

Ordered, that Extract from these proceedings be sent to the Provincial Court in the Southern Division for the information and future guidance of the 1st Judge.

(Sent following letter № 277)

Read letter, dated the 8th Instant, from the Acting 3d Judge on Circuit in the Southern Division, recommending a mitigation of the punishment to which the Prisoners convicted in № 25 of the Tinnevelly Calendar 1st Sessions 1833 of Gang Robbery, have rendered themselves liable.

(Here enter № 372.)

The Court of Foujdaree Udalut having maturely considered the circumstances of the case represented in the above Letter, sanction under Clause third Section III Regulation I of 1825, the mitigated punishment recommended by the Acting 3d Judge on Circuit in the Southern Division, and accordingly direct, that the said Prisoners be imprisoned and

and kept to hard labor in irons on the public roads or other public works, for the period of (7) seven years.

Ordered, that Extract of these proceedings be sent to the Acting 3d Judge on Circuit in the Southern Division for his information and guidance by precept, returnable without delay.

(Sent following Precept No. 278)

L. M

Read letter, dated the 23d Instant, from the Acting 3d Judge on Circuit in the Southern Division, Reporting that notice was sent to the Criminal Judge of Salem that the 1st Sessions will be holden on the 16th inst 1833.

(Here enter No. 432)

Read return, dated the 22d Instant, from the Provincial Court of Circuit in the Western Division, to precept dated 10th Instant, communicating the Courts observations on the Criminal Reports for February last.

(Here enter No. 434)

Read Return, dated the 30th Instant, from the Judges of the Provincial Court of Circuit in the Northern Division, to precept dated the 10th Instant, stating it to be most desirable that the practice of the Southern and Western Divisions of dispatching referrible trials from each station, should be observed.

(Here enter No. 430)

Read Return, dated the 20th Instant, from the 3d Judge on Circuit in the Western Division, to precept dated 12th Instant, certifying that a warrant has been issued to the Criminal Judge of Canara for the punishment of the Prisoner convicted in Case No. 1 on the Mangalore Supplemental Calendar for the late Sessions.

(Here enter No. 435)

P. 6c

At a Court of the Foujdaree Udalut.

Present,

Tuesday
30th April 1833.

Thomas A. Oakes Esqre Acting 2d Puisne Judge

William Sandilands Esqre 3d Puisne Judge

Read letter from the Provincial Court
of Circuit in the Northern Division, dated 9th April
1833, transmitting the Criminal Reports in the forms
prescribed by Section XXIV Regulation X of 1816, for the
month of December last.

(Here enter No 374.)

The Court of Foujdaree Udalut

Chicacole Report V Case 132. 1. concur in the remarks of the Provincial Court in this case. They are led to suspect that the Police Ameen must have forwarded the Prisoners without any investigation of the case.

Vizagapatam Report V Case 4. 2. This appears to be a case of "Robbery by open violence". The Clause and Section quoted are not applicable.

12 3. The same Clause and Section have been quoted in this case, which also appears to be one of "Robbery by open violence".

Supplemental Report Case 12. Report V Case 1. 4. The Section and Regulation quoted, under which the Prisoners have been committed, do not apply, as has been observed by the Provincial Court. The Court of Foujdaree Udalut observe that the Native Criminal Judge quotes improperly all

all through the Report. In these Cases, Clause third Section IX Regulation X of 1816, should be quoted.

Cases 117. 132. 135. 5 These cases were not examined at the end of December. In case 117 a delay of 44 days, in 132 a delay of 38 days, and in 135 a delay of 37 days has occurred in the Criminal Court. All this should have been fully explained.

Case 143. 6 An explanation of the 34 days delay in this case is required.

Rajahmundry Case 146. 7 The explanation of the delay in this case the Court remark to be insufficient.

Report V Case 146. 8 In this case there has been a delay of 28 days in the Criminal Court totally unexplained.

147. 9 The Prisoners arrived on the 3d December and the case was decided on the 24th of the same month. The Court desire to be informed why 21 days were occupied in the disposal of this case.

Cases 148. 149. 150. 151. 152. 10. In all these Cases, there has been a delay of 18 days in the Criminal Court. The Criminal Judge will be called upon for an explanation.

153. 154. 11. Twenty eight days were occupied in deciding these cases. The cause of this tediousness must be explained.

155. 156. 12. Neither of these cases were disposed of at the end of December. the prisoners in both having arrived on the 3d of the same month. The Court of Foujdaree Udalut desire to be informed why they were unexamined for 28 days.

30th April 1833.

Cases 157, 158, 159. 13. In these cases a delay of 27 days has occurred in the Criminal Court.

14. In Case 160 there has been a delay of 26 days, in 161 of 23 days, in 162 and 163 of 24 days, in 164 and 165 of 22 days. The Criminal Judge has made his first attempt at an explanation for the delay in this last case, but the Court of Foujdaree Udalut remark that it is quite unsatisfactory. In all the remaining cases there has been a delay gradually decreasing towards the close of the month of December.

15. The Court of Foujdaree Udalut observe that in this Report there are 36 cases and 294 Prisoners, of whom a great part reached on the 3d and 4th December, not examined on the 31st of that month. This obvious want of exertion on the part of the Acting Criminal Judge is by no means creditable, and has caused the serious notice and animadversion of the Court of Foujdaree Udalut, who resolve to call for an immediate explanation of this culpable remissness, and desire that he may be exhorted to further zeal and exertion for the future. In the statement shewing the manner in which the prisoners were employed, 12 are reported to be exempt from work. The Court of Foujdaree Udalut require an explanation of this.

Nellore Report V Case 171. 16. The Court of Foujdaree Udalut observe that the reasons assigned for the delay in this Case viz "reference to the Magistrate are frequently

frequently made use of as an excuse - and insufficient -

17. The Court of Foujdaree Udalut observe that out of 44 Cases in this Report, 38 remain under examination - The Criminal Judge will be called upon to explain the cause of so great a proportion of cases remaining undisposed of - He must be exhorted to further exertion -

Sellon Supplemental Report - 120 - 18. The Sentence passed against the Prisoners in this case was considered illegal, the crime they were charged with of "stabbing and killing Oxen" not being reckoned a Criminal offence - The act of maliciously maiming or killing Cattle was not a Criminal offence before the promulgation of Regulation XIII of 1832 As the offence was committed previous to the enactment of this Regulation, the Sentence should be cancelled and the prisoners be discharged -

19. The Court of Foujdaree Udalut approve of the Provincial Courts' instructing the other Criminal Courts to observe the mode of drawing up the Sellon Report -

Guntoor Report V. Cases 203, 204, 205, 207, 208, 209, 210 - 20. In all these cases there has been a delay in the Criminal Court of not less than 26 days - and almost all the remaining cases throughout the Reports remain also undisposed of at the end of December - It should be explained why these cases remained unexamined, particularly those that arrived at the commencement of the month, in which the Report

Report shews that considerable delay has occurred -

217. 21. The crime the Prisoners are charged with in this case is under the provision of Section VIII Regulation XIII of 1832, a criminal offence, they should however be discharged as the offence was committed previous to the promulgation of that Regulation -

224. 22. This case was not decided for 12 days - An explanation of the delay is required -

23. The Court of Foujdaree Udalut observe with regret that out of 58 cases and 536 prisoners in this Report, there are 51 Cases and 499 prisoners not examined - This is most unsatisfactory and by no means reflects credit on the zeal and exertion of the Criminal Judge - The Criminal Judge will be called upon for an immediate explanation of his almost total neglect of duty -

Guntoor Supplemental 63 - 73. 24. The delay in both these cases is most unsatisfactory -

Cases 120 - 126. 25. The same prisoner is concerned in both these cases - It appears that he has been detained from the 20th September to the 31st December, because the Magistrate has neglected to send the evidence applied for - This must not be permitted - If evidence in such a case be not produced in a reasonable time - or explanation given, the accused should be released - An explanation from the Magistrate

J

of his not having sent the evidence applied for is required-

120. 26. The explanation given of the 3 months and 14 days delay in this case is most unsatisfactory-

150. 27. The Court of Foujdaree Udalut observe that the opinion quoted of the Law Officer regarding the punishment to be awarded to the prisoner in this case, is at variance with the law as stated by the Cazee-ool-Cozat-

153. 28 Almost insufficient explanation of the two months and 11 days delay in this case has been given-

164. 29. This case remains undecided in consequence of the non-arrival of some material witnesses- The Court of Foujdaree Udalut desire to be informed when these witnesses were applied for, and why they have not been forwarded to the Criminal Court- Prisoners must not be detained for months for the reason assigned-

30. In the Statement shewing the expence incurred for the Prisoners in Jail for the month of December, a charge of Rupees 4,002 for 1197 prisoners, greatly exceeding that of any other district in proportion to the number of Prisoners has been entered- The charge for Nellore for 1216 prisoners is only 2041 Rupees In Masulipatam the charge for 650 Prisoners is Rupees 1611. The Court of Foujdaree Udalut desire to be informed

informed of the cause of the difference in the rate of expence-

Masulipatam Joint Criminal Court Report V 92.

74. 31. Section VII Regulation X of 1810 has been quoted by the Provincial Court as the one under which the Prisoner ought to have been sentenced The Court of Foujdaree Udalut remark that no case of Robbery can fall within the provisions of this Section.

32. According to the wording of the charge, this case would appear to have fallen under Section III Regulation XV of 1803, and not under the Section and Regulation quoted by the Provincial Court-

Ordered that Extract of these proceedings be forwarded to the Provincial Court in the Northern Division for their information and guidance by precept returnable without delay-

(Sent following Precept &c)-

Wednesday
1st May, 1833.

At a Court of the Foujdaree Adalut
Present
Charles May Lushington Esqre 1st Judge
Thomas Alexr Oakes Esq 2d Acting 2d Judge
William Hendleston Esqre 3d Judge

Read letter, dated the 23d March
last, from the Acting Judge on Circuit in the
Cuttack Division, transmitting the record of trial
in Case No. 20 of the Bellasore Calendar 1st Sessions
1833.

(Vide enter No. 355)

The Court of Foujdaree Adalut having
maturely considered the proceedings held before
the Judge on Circuit, the futwa of the Principal
Law Officer, and the futwa of the Cazee col Cozat
and Mooftees of the Foujdaree Adalut, confirm the
said futwa of the Cazee col Cozat and Mooftees
aforesaid, convicting the prisoner,

Bheemah

of wilful Murder, and awarding Kissaas; and
under the provisions of Section X Regulation VIII
of 1802, sentenced the said Prisoner

Bheemah

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

(Last following letter No. 286)

LAO
Mr Lushington
Mr Hendleston

1st May 1833

Read letter, dated the 4th April 1833 from the Provincial Court in the Centre Division transmitting the Criminal Reports for the Month of February last in the forms prescribed by Section XXXV Regulation X of 1816.

(Vide enter Pge 375)

Chilaw Report Case 39.

1 The Provincial Court were of opinion that the Sentence passed upon the Prisoner was too lenient, and that he should have been punished under Clauses 1 and 6 of Section II Regulation VI of 1822. The Court of Zoujdaree however remark that that depends on whether or not there was house breaking - It is not charged in the report.

42 2 The Criminal Judge in assigning reasons for this case being undisposed of states, that the Police Ameen at Pulicat had omitted to forward the attesting witnesses to the Prisoners confession, and also evidence relating to the ornaments stolen - The Court of Zoujdaree however desire to be informed why the Criminal Judge's application to the Magistrate was delayed from the 11th (the day on which the Prisoners arrived) till the 23d February.

Supt's Report 203

3 It appears to the Court of Zoujdaree however that the conviction of the three Prisoners in this case rests upon their confession before the Police Officer - If so the Sentence should be cancelled. The Court of Zoujdaree however direct the Provincial Court

1st May 1833.

Court to call for the proceedings and pass such orders as may appear proper on the case of these Prisoners.

202 4 It should be ascertained and reported whether the property delivered up was proved to be stolen - A confession to a Taliary is no corroboration of a confession before the Head of Police.

23 24 5 The same Prisoner was concerned in both these cases, and in each he has been sentenced to one Months imprisonment with labour. The Court of Zoujdaree however observe that it is irregular to pass two Sentences on the same Prisoner.

Cuddapa Report 5. 6 A blank Extract being again submitted from both the Judicial Officers, and an increase of 29 Cases and 122 Prisoners to the previous heavy arrears in the Criminal file (as has been observed by the Provincial Court) is very unsatisfactory - The Criminal Judge must be desired to use his best endeavours in conjunction with the Assistant Criminal Judge to dispose of this great arrear of business.

Supt's Report 98 - 104 7 The Court of Zoujdaree however concur in the remarks of the Provincial Court in these cases.

155 - 158 8 The Prisoners in these cases as well as those in 98 concerned in highway robbery have been sentenced, instead of being committed for trial before the Court of Circuit. The

Court

1st May 1833

Court of Toujdaree Adaulut remark that the acting Criminal Judge has acted most improperly in thus disposing of these three cases.

9 The Criminal Justices the Court of Toujdaree Adaulut observe to be in a very dis-=creditable state.

Cuniham Supplt Report 7

10 The Court of Toujdaree Adaulut do not concur in the remarks of the Provincial Court, with reference to the Sentence passed against the first 7 prisoners being excessive, and under a wrong Regulation. The Court are of opinion that this case falls under the Sections and Regulations quoted by the Native Criminal Judge.

8

11 The Court of Toujdaree Adaulut are of the same opinion as the Provincial Court, with reference to their remarks in this case.

12-13-15

12 The Provincial Court were of opinion that the Sentences passed in these cases, as well as in 7 and 8, were too severe, and have directed the corporal punishment to be suspended, pending a reference on the subject to the Court of Toujdaree Adaulut. The Court of Toujdaree Adaulut do not see any sufficient grounds for remitting the Corporal punishment in any of these cases - excepting No. 8.

13 The Provincial Court are directed to supply an abstract of cases according to the forms adopted in the Criminal Courts to the Native Criminal Judge, in order that his reports may appear more uniform - and shew the

number

2

F.H.
1st May, 1833.

number of cases as well as the number of persons disposed of.

Report V

14 The Native Criminal Judge must be required to use greater diligence. His having only disposed of 3 cases out of 16 in this report is very dis-=creditable.

Bellary Report V

15 The Court of Toujdaree Adaulut observe that out of 18 cases in this report 12 remained unexamined at the end of February. The Acting Criminal Judge must be appointed to use greater exertion and diligence in disposing of cases before him.

Chingleput Report V 32.

16 The imprisonment adjudged in this case seemed to the Provincial Court sufficient for the offence committed without resorting to the cor-=poral punishment which was directed to be suspended, pending a reference on the subject to the Court of Toujdaree Adaulut. The Court of Toujdaree Adaulut do not see any reasons for remitting the corporal punishment in this case.

Ordered that extract of these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance by precept returnable without delay.

(Sent following precept No. 287)

Read letter dated the 15th April from the Acting Judge on Circuit in the Centre Division transmitting copy of the Bellary Calendar 1st Sessions 1833.

(Received No. 403)

The

1st May 1833.

The foregoing Calendar does not appear to call for any remark from the Court, who cannot in consequence refrain from recording their satisfaction at the very creditable manner in which the duties of the Circuit would appear to have been performed by Mr. Nelson.

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

(Sent following letter No. 288)

L. C. M

Sept.

Ord

Pd

J. 16.

Friday 3rd May 1833.

At a Court of the Supreme Judicature.

Present,

Charles May Lushington Esqre 1st Puisne Judge

Thomas Alexander Oakes Esqre Acting 2nd Puisne Judge

William Hendleston Esqre 3rd Puisne Judge

Ord

Pd

Read letter, dated the 3rd April from the Acting 3rd Judge on Circuit in the Southern Division, transmitting copy of the Tinnevelly Calendar 2nd Session 1833.

(Here enter No. 385)

215

The Jurors in this case declared the prisoners convicted of theft on Jun. Eighth. The Acting Judge of Circuit should in consequence have taken a Second Jurors according to the provisions of Clause third, Section II Regulation XV of 1803, which he will now be pleased to do, and should he consider the prescribed penalty under the second Jurors of that too severe, he will make application for a Mitigation of punishment in the usual manner.

Ordered that Extract from these proceedings be sent to the Acting 3rd Judge on Circuit in the Southern Division by precept returnable in three weeks.

Ord

Pd

(Sent following precept No. 289)

L. C. M.

Read

3d May 1833.

Read letter dated the 30th Ultimo from the Acting 3d Judge on Circuit in the Southern Division reporting the commencement of the 1st Sessions 1833 at Combaconum.

(Herewith No. 1448)

F. 16.

At a Court of the Tonjidaroo Adalut.

Present

Monday 6th May 1833. Charles May Washington Esqre 1st Puisne Judge

Thomas Alexander Oakes Esqre 2d Puisne Judge

William Hudleston Esqre 3d Puisne Judge

Read petition presented on the 22d April by Nagarada pillay Vakeel on behalf of Hareeomara boyee widow of the late Bala Krishna pradaud of Tinnevelly.

(Herewith No. P. 44 of 1833)

The Petitioner represents that her husbands' house was attacked by Robbers in the month of September 1830, his Son the Murdered and property plundered to the value of Rupees 954; that her husband used his utmost endeavours to bring the delinquents to justice, and died of grief at his ill success; that two persons were tried at the 2d Tinnevelly Sessions for having been concerned in the robbery, and were sentenced to transportation for life; and she prays the Court to issue orders for the apprehension of other parties who on the statements to have been equally concerned, and to direct that the Stolen property found on the persons above alluded to, may be restored to her.

2 The only part of this Petition which appears to the Court to be deserving of notice is the application for the recovered property

but

but there is nothing to shew that the Criminal Court have refused to give it up to the right owner, and if there is this ground of complaint, it should be preferred to the Provincial Court of Circuit.

Ordered in consequence, that the prayer of this Petition be rejected, and that leave from these proceedings be granted to Petitioner on her application.

Read Petition presented on the 22d ult by Chellapilley of the Zilla of Chingleput.

(Here enter M.P. No 45 of 1833.)

The Petitioner complains that a certain person to whom he entrusted a number of cattle refuses to restore them to him. He states that he has complained to the Magistrate, who has issued orders on the subject, which thro the machinations of the Tahsildar of Chingleput, have not been carried into effect, and he prays the Court to issue orders for the restoration of his property.

The Petitioner must address the Judge on Circuit who will issue such orders as the case may appear to him to require.

Ordered in consequence, that the prayer of this petition be rejected, and that leave from these proceedings be granted to the petitioner on his application.

Read letter dated the 26th Ultimo from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, transmitting copies of

of the Chittoor Calendar 2d Quarter Sessions of 18

(Here enter No 4444.)

Case 3 1 The objections urged by the Law Offic in this case to the evidence of the 1st witness were not merely personal objections, but had reference likewise to contradictions in her evidence, with respect to the recognition of the prisoner, and it is further observable that neither Section VIII Regulation I of 1825 nor Section II Regu lation VII of 1829 apply, as the Acting 2d Judge appears to have supposed, to confessions before Police Officers. Under these circumstances the case must be referred to the Foujdaree Adawlut, according to the provisions of Clause Second Section II Regulation VII of 1829, and the Acting 2d Judge will in consequence be pleased to submit the proceedings of the trial in English and Persian without delay.

No 7. 2 The 2d question in this case regarding the 5th prisoner is irregular, in as much as Sec tion II Regulation VII of 1829 does not apply to Police confessions. There appears to the Court to be nothing against the prisoner in question but his confession, and if this should prove to be the case, he ought not to have been committed. To enable them however to determine the point, they desire that an English translation of the case may be submitted to them.

The

6th May 1833.

3 8

The remark in the foregoing case applies likewise to the second question put in respect to the 4th Prisoner in this case, but as he is convicted in No 7, the translation of this trial need not be furnished.

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept returnable in ten days.

Cert

Sent following precept No 2924

L. M

Read Return dated the 3d Instant from the Judges of the Provincial Court of Circuit in the Centre Division to precept dated 25th March last conveying the Courts observations and orders on the Criminal Reports for January last.

(Here enter No 459)

J. 16.

At a Court of the Foujdaree Adaulut.

Present

Wednesday 8th May, 1833.

Charles Mary Lushington Esqre 1st Puisne Judge

Thomas Alexander Baker Esqre Acting 2d Puisne Judge

William Houldsworth Esqre 3d Puisne Judge

Cert

Read letter, dated the 12th Instant, from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, recommending mitigation of the punishment to which the Prisoner convicted in No 4 Chittoor Calendar 2d Quarter Sessions 1833 of Robbery, has rendered himself liable.

(Here enter No 382)

The Court of Foujdaree Adaulut having maturely considered the circumstances of the case represented in the above letter, sanctions under Clause third Section III Regulation I of 1825, the mitigated punishment recommended by the Acting 2d Judge, and accordingly direct that the said Prisoner

Colla Drullapah,

be imprisoned and kept to hard labor in irons on the public roads, or other public works, for the period of seven (7) years.

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge in the Centre Division for his information and guidance by precept, returnable without delay.

(Sent following precept No 297)

8th May 1833.

Read letter, dated the 10th Ultimo, from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, recommending mitigation of the punishment to which the Prisoner convicted in No 8 of the Chitlon 1st Supplemental Calendar 2d Quarter Sessions 1833 of Highway robbery, has rendered himself liable.

(Here enter No 398)

On a due consideration of all the circumstances of the case, the Court of Sujawal Sudalut are of opinion, that the Mitigated Sentence of four years' imprisonment proposed by the Acting 2d Judge is quite insufficient for the punishment of the crime of which the prisoner has been convicted, and they accordingly resolve to direct that the said Prisoner

Bacha Khan

be imprisoned and Kept to hard labor in irons on the public roads or other public works, for and during the period of seven (7) years.

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge in the Centre Division for his information and guidance by precept, returnable without delay

(Sent following precept No 298)

J. M

According to the Law of England "the deposition of a witness taken upon oath in "the presence of a prisoner, who has been brought "before the Magistrate on a charge of felony

may

8th May 1833

"may be given in evidence on the trial of "an indictment for the same felony if it be "proved on oath to the satisfaction of the "Court, that the informant is dead, or "prevented by sickness from attending, "or that he is kept away by the means and "contrivance of the prisoner, provided also "that the deposition, offered in evidence is proved "to be the same, as was sworn before the justice "without any alteration."

It appearing to the Court of Sujawal Sudalut, that the provisions of section 2 Regulation XIII of 1832 remove any objection which might previously have existed to the adoption of the above rule, with reference to depositions before the Criminal Judge, under the circumstances described, and the Court being further of opinion that its introduction is not opposed by any provision of the Regulations in force.

Ordered, that Extract of these proceedings be sent to the several Judges on Circuit and to the 4 Provincial Courts of Circuit by precept enjoining them to observe the rule above recited, in reference to depositions taken by the Criminal Judge, Joint Criminal, or Native Criminal Judge, in cases where a witness's attendance before the Court of Circuit may be prevented

by

8th May 1833.

by the causes there stated.

(Sent following Circular precepts Nos 299)

Read letter dated the 4th Instant from the 3d Judge on Circuit in the Northern Division reporting that he has issued the usual orders for the opening of the 1st Sessions at Rajahmundry on the 25th Instant.

(Secretary No. 460)

Read letter dated the 25th March last from the third (late Acting) Judge on Circuit in the Western Division transmitting Case No. 3 on the Additional Calendar 1st Sessions 1833.

(Secretary No. 320)

The Court of Foujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the proof against the prisoner

"Pritatatib Conirauw"

is sufficient to convict him of the crime of Manslaughter under the authority with which they are vested by Clause first Section III Regulation I of 1818 convict him thereof, and in conformity with the provisions of Clause second of the said Section, do hereby require their Law Officer to declare by a second futwa to what punishment the prisoner would be liable by the Mohummedan Law, if convicted of that crime.

Ordered that Extract from the proceedings be translated and delivered to the Cazee ool Cozat and Mooftees of the Foujdaree Adalut.

Friday 10th May 1833.

At a Court of the Foujdaree Adalut.

Present

Charles May Luchington Esqre 1st Puisne Judge

Thomas Alexander Oakes Esqre Actg 2d Puisne Judge

William Houldetton Esqre 3d Puisne Judge

Ans

140

Read again letter dated the 25th March last from the third (late Acting) Judge on Circuit in the Western Division, transmitting the record of trial in Case No. 3 on the Additional Calendar of the Zilla of Malabar 1st Sessions 1833.

(Secretary No. 320)

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

In commutation of the penalty of Death declared in the foregoing futwa, the Court Sentenced the prisoner

"Pritatatib Conirauw"

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

(Sent following letter No. 302)

Read letter dated the 12th Ultimo, from the Acting 2d Judge of the Provincial Court of Circuit in the Central Division, recommending a Mitigation of the punishment to which the Prisoner convicted in Case No. 5 Chittoor Calendar 2d Quarter Sessions

10th May 1833

Sessions 1833 of Burglary, have rendered themselves liable.

(Recorder No 383)

On a due consideration of all the circumstances of the case represented in the above letter, the Court of Vizagapatam Zillah are of opinion that as other property besides grain was taken by the Prisoners, the mitigated punishment of one years imprisonment proposed by the Acting 2d Judge is quite insufficient for their punishment, and they accordingly resolve to direct that the said prisoners

1st Soobadoo
2d Venkatramdoo
3d Valoogoo Venkatramdoo
4th Jolly Gungadoo
5th Mootegadoo
8th Veeradoo
9th Chinna Rootadoo
10th Challadoo
11th Mootegalgandoo
12th Lutchegandoo
13th Chinna Gangadoo
14th Cunnumbaddi Venkatramdoo

and
15th Veera Raganadoo

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.

Ordered, that extract from these proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance

by

10th May 1833. by precept, return all to without delay.
(Sent following precept No 303)

Ans
Ld

J. M

At a Court of the Foujdaree Adalut.

Present,

Monday 13th May 1833. C. M. Lushington Esqre 1st Puisne Judge
Thomas A. Oakes Esqre Acting 2d Puisne Judge
William Huddleston Esqre 3d Puisne Judge

Read letter, dated the 12th April from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, recommending a mitigation of the punishment to which the Prisoners convicted in Cases Nos 7 and 8. of the Chittoor Calendar 2d Quarter Sessions 1833. of Burglary, have rendered themselves liable.

(Vide entry Nos 379 and 381.)

1 The Court of Foujdaree Adalut having maturely considered the circumstances of the cases represented in the above letter, sanction under Clause third Section III Regulation I of 1825, the mitigated punishment recommended, as far as the 1st and 2d Prisoners in Case No 8, are concerned and accordingly direct that the said Prisoners

Jonda Peloogandoo.
and
S. Naureegandoo.

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

2 The 3d 4th 5th and 6th Prisoners

in

in N°8. being likewise convicted of the same crime in N°7. of the Calendar, the Court are of opinion that one years imprisonment would be quite insufficient for their punishment, and they accordingly resolve to direct that the said Prisoners

Boodavadoo.

V. Siddoogandoo

T. Banlagaroovadoo

and

Poodoo Gooroovadoo.

be imprisoned and kept to hard labor in irons on the public roads or other public works, for the period of seven (7) years.

3 The Court are further of opinion that as the other Prisoners in N°7. were convicted of taking other property besides grain, the mitigated sentence of one years imprisonment proposed by the Acting 2nd Judge is insufficient for their punishment, and they in consequence resolve to direct that the said Prisoners.

2nd V. Lutchegundoo

3d. V. Vencatagandoo

7th Vencatagandoo

8th P. Paupadoo

9th P. Chinna Paupadoo

11th N. Chundegundoo

12th Cigala Banlados.

13th Dula Mula Lutchegaroo

14th Paulayatagaroo

15th Dyala Moolegala.

18th

16th Dyala Chinnavadoo.

17th Vembaka Lutchegandoo

18th Mahala Lingapah

19th Mahala Paupadoo

20th Sheerana Gooroovadoo.

21st G. Vencatiah

and

22nd Cheetaty Lingapah.

be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of three (3) years.

An English translation of the proceedings of the trial N°7. having been called for, in reference to the case of the 5th Prisoner the Court do not pass any orders with regard to him.

Ordered that Extract from these Proceedings be sent to the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept, returnable without delay.

(Sent following Precept N° 310)

Read Return, dated the 20th April from the Provincial Court of Circuit in the Northern Division to precept dated the 10th April.-

(Here enter N°430.)

1 From the foregoing Return it appears that the system which obtains in the Southern and Western Divisions of dispatching the records of appealable cases from the stations at which the trials have taken place, is rendered impracticable in the Northern Division from the circumstance of no translations being made

made of the proceedings of the Criminal Courts except in appealable cases, and from their never being commenced until the trials are completed.

2 The system prevailing in the Southern and Western Divisions having been found to answer remarkably well, and to contribute greatly to the early dispatch of the trials to the Presidency, the Court consider it highly advisable that it should be adopted in the Northern and Centre Divisions. They in consequence direct that the Provincial Courts in those Divisions will issue instructions to the Several Criminal Judges and Joint Criminal Judges within their respective jurisdictions to prepare translations of all Cases committed by them which are to be submitted to the Court of Circuit with the Calendars.

Ordered, that Extract from these Proceedings be sent to the Provincial Courts of Circuit in the Northern and Centre Divisions for their information and guidance by precept, returnable in ten days.

(Sent following Precept No. 311)

Read letter, dated the 15th ultimo, from the Provincial Court of Circuit in the Western Division, Submitting the explanation from the Magistrate of Malabar called for in the proceedings of the Foujdaree Adalut under date the 27th December 1832 and 19th February 1833.

(Here enter No. 410.)

From the explanation of the Magistrate of

of Malabar it appears that the Heads of District Police receive charges against persons for not conforming to the Tahsildars decision in Revenue matters, and for acting in opposition to a Moonsiff's decree, — in neither of which cases has a Police Officer any authority by the Regulations to receive a Criminal charge or act upon it.

2 The late Magistrate appears to have punished a person for not obeying an order to make an enquiry before searching a house, and another for disobeying the Magistrate's order that no one should beat tom-toms after ten o'clock at night.

3 The Court are not aware of any provision in the Regulations, which authorizes these Sentences.

4 The punishments inflicted by Mr. Neave, the late Joint Magistrate, appear to the Court to have been equally unwarranted, and to be interpositions of the Magistrates authority in furtherance of the Collectors directions.

5 The late Assistant Magistrate, Mr. Anderson appears to the Judges of the Foujdaree Adalut to have in like manner exceeded his powers.

6 The proceedings reported in the Magistrates return of the 22nd March appear to the Court to have been also irregular.

7 The Court are not aware of any provision of the Regulations authorizing the Magistrate to

made of the proceedings of the Criminal Courts except in appealable cases, and from their never being commenced until the trials are completed.

2 The system prevailing in the Southern and Western Divisions having been found to answer remarkably well, and to contribute greatly to the early dispatch of the trials to the Presidency, the Court consider it highly advisable that it should be adopted in the Northern and Centre Divisions. They in consequence direct that the Provincial Courts in those Divisions will issue instructions to the several Criminal Judges and Joint Criminal Judges within their respective jurisdictions to prepare translations of all Cases committed by them which are to be submitted to the Court of Circuit with the Calendars.

Ordered, that Extract from these Proceedings be sent to the Provincial Courts of Circuit in the Northern and Centre Divisions for their information and guidance by precept, returnable in ten days.

(Sent following Precept No. 311)

Read letter, dated the 15th Ultimo, from the Provincial Court of Circuit in the Western Division, submitting the explanation from the Magistrate of Malabar called for in the proceedings of the Foujdaree Adalut under date the 27th December 1832 and 19th February 1833.

(Here enter No. 610.)

1 From the explanation of the Magistrate of

No. 16.

13th May 1833.

of Malabar it appears that the Heads of District Police receive charges against persons for not conforming to the Tahsildar's decision in Revenue matters, and for acting in opposition to a Moonsif's decree, — in neither of which cases has a Police Officer any authority by the Regulations to receive a Criminal charge or act upon it.

2 The late Magistrate appears to have punished a person for not obeying an order to make an enquiry before searching a house, and another for disobeying the Magistrate's order that no one should beat tom-tom after ten o'clock at night.

3 The Court are not aware of any provision in the Regulations, which authorizes these Sentences.

4 The punishments inflicted by Mr. Neave, the late Joint Magistrate, appear to the Court to have been equally unwarranted, and to be interpositions of the Magistrate authority in furtherance of the Collectors directions.

5 The late Assistant Magistrate, Mr Anderson appears to the Judges of the Foujdaree Adalut to have in like manner exceeded his powers.

6 The proceedings reported in the Magistrate's return of the 23rd March appear to the Court to have been also irregular.

7 The Court are not aware of any provision of the Regulations authorizing the Magistrate to

Forwarded

to confine for 15 days a person for cutting a crop which he had been forbidden by the Collector to do;- the assault of course was to punishable-

8 In the Magistrate's statement the particular act for which punishment has been awarded should be set forth, and not a general charge of "disobedience of orders"-

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, requiring them to make the necessary communication to the several Officers whom it may concern-

(Sent following letter No. 312)-

Read letter, dated the 23d March 1833 from the Acting Judge on Circuit in the Centre Division, transmitting the record of trial in Case No. 13 Bellary Calendar 1st Sessions 1833-

(Here enter No. 388)

Question-

The demand of Kistnaas by the heirs of the deceased, and the non relinquishment thereof by the father of the deceased, the original prosecutor, being assumed, as provided by Section XI Regulation VIII of 1802, you are required to state to what punishment the prisoner "Mudanalapah" would, under these circumstances, be liable according to the Mohummudan Law.

Ordered, that Extract from the proceedings be translated and delivered to the Cazee and Coorah

15th May 1833.

and Mooftee of the Fouzdaree Adalut-

Cnl

DO

J. C. M

At a Court of the Fouzdaree Adaulut.

Present

Thursday 10th Octr 1833.

Charles Mary Lushington Esqre 1st Puisne Judge

Thomas Alexander Oakes Esqre Acting 2d Puisne Judge

William Hindleston Esqre 3d Puisne Judge

Read a gum letter, dated the 23d Ult.

Ult / 111 / 140

March last, from the Acting Judge in Circuit in the Centre Division, transmitting case No. 13 of the Bellary Calendar 1st Session 1833.

(Here enter No. 388.)

Mr. Oakes & Mr. Hindleston.

Read also the second futwa delivered in this case by the Cazee ool Cozat and Mooftee of the Fouzdaree Adaulut.

In conformity with the sentence of Kissaas declared in the foregoing futwa, the Court sentence the Prisoner

1841

"Madanalapah"

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

(Sent following letter No. 315)

Read letter dated the 1st Instant from the 2d Judge of the Provincial Court of Circuit in the Western Division explaining the grounds on which he omitted to take a second futwa in case No. 1 of the Calendar 1st Jellicherry Quarter Sessions 1833.

(Here enter No. 403)

16th May 1833.

The Court consider it necessary to explain to the 2d Judge that their proceedings of the 21st October 1828 to which he refers, apply only to cases specifically provided for by the Regulations, which is not the case with that under consideration.

As there was no corresponding Clause fourth Section II Regulation VII of 1822 is not applicable, but according to the proceedings of the 22d October 1832 the case falls under Clause fourth Section II Regulation XV of 1803.

Ordered that extract from these Proceedings be sent to the 2d Judge of the Provincial Court of Circuit in the Western Division for his information and guidance.

(Sent following letter No 316)

Read letter, dated the 25th Ultimo, from the Provincial Court of Circuit in the Centre Division, submitting the reports prescribed by Section XXXV Regulation X of 1816 from the several Criminal and Joint Criminal Judges in the Division and the Native Criminal Judge of Cumbum for the Month of March last, together with an Extract from their proceedings thereon.

(Here enter No 452)

Chittoor 1 With reference to the remark of the Provincial Court of Circuit on the sentence of 6 Months' imprisonment passed upon the 1st prisoner in cases Nos 57 and 58 of the Report No 5, the Court of Sudder Adawlut would remark that from the wording of the record the case would appear

16th May 1833.

appear to fall within the provisions contained in Clause 4th Section II of the Regulation quoted by the Provincial Court.

2 In case No 59 of this Report the Acting Criminal Judge states that most of the persons concerned in that Dacoity were forwarded to the Court "on totally insufficient grounds" the Provincial Court of Circuit will therefore direct the Magistrate of Chittoor to call the attention of the Head of Police of Vandavash to the Circular Orders of this Court of the 28th of June and 30th of September 1824 and to the provisions contained in Section XXVII Regulation XI of 1816 wherein it is declared that the apprehensions of individuals by the Heads of Police should not take place until by the previous investigations, prescribed in Clause first of that Section, the Police Officer may be satisfied that credit is due to the accusation.

3 The 5th Prisoner in this case upon whose person "marks of violence" were observed stated before the Acting Criminal Judge that the confession made by him in the Talook was extorted from him while in custody of the Head of Police: 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 Chittoor be directed to institute an enquiry into the conduct of the Police Officer who took the confessions, and that

R Terry

that the result there of be submitted to this Court without delay.

4 The 2d and 3d Prisoners in case No 61 of the Report No 5 are stated to have been released "there being nothing adduced against them" this entry is however at variance with that in the preceding column, which contains an abstract of the evidence, wherein it is stated that the prosecutor and third witness deposed that the 2d prisoner plundered them; and the Acting Criminal Judge should also be required to explain why the evidence against the 1st prisoner was considered insufficient for conviction.

5 The Court of Enquete resolut pursuant that the 1st 2d 3d 4th and 7th Prisoners in case No 62 were not committed to take their trial before the Court of Appeal, fearing lest the evidence forthcoming would be found insufficient for their conviction before that Tribunal, in which case the Court trusts that the Acting Criminal Judge has taken the necessary steps for procuring additional evidence as required by the Circular vide para 2 order of the Enquete resolut under date the 20th July 1829.

The Acting Criminal Judge should be required to explain why the application to the Magistrate for the appearance of the prosecutor and witnesses in cases No 70 and 72 was not made at an earlier period than the 16th of April; and the Court of Enquete resolut expect that in both instances the Magistrate

16th May 1833.

Magistrate of Chittoor will be duly noticed of the neglect of the Native officers of Police.

7 Cases Nos 37 and 45 should have been entered in the Supplemental Report, the Report No 5 designating to show merely the prisoners actually apprehended and delivered to the Criminal Judge, during the month for which the Report is prepared.

8 Case No 134 of the Supplemental Report in which Sentence has been "postponed "until the Suit filed on the Bond in question "be decided," the Judges desire may be forthwith disposed of, the Court of Enquete resolut having on a former occasion ruled that a Criminal Judge is bound to take cognizance and dispose of a charge for the forgery of a document, the validity of which is a matter then under the consideration of a Civil Court, and upon the principle that if the Civil Suit should proceed to a termination before the charge of forgery is received and acted upon, and the evidence to prove the forgery should thus be disclosed to the party charged with it, the danger is that on his trial for it he will be prepared to meet that evidence by Subomed witnesses and to escape the punishment which the interests of justice require should be inflicted upon him. Another consequence to be apprehended from delaying the investigation of the Criminal Charge until the termination of the Civil Suit

Robbery

suit, is that it might in many cases lead to a compromise between the parties. The Authors of the Report finding that he had little chance of establishing the debt would willingly consent to withdraw the claim founded upon it, and the other party would too often be well enough satisfied in being relieved from the demand. In both instances the interests of public justice are in danger of being defeated.

9 Without further explanation the Court of Sessions Statute are disposed to consider the Security demanded from the prisoners in case No. 43 of the same Report excessive, both as respects the amount in which the Sureties are to be held responsible and the period for which the prisoner is declared liable to be detained in default of finding the Security.

10 The Court gather from the Records that the amount Stolen was even less than 17 Rupees, and if there was no proof of the case having been attended with any circumstances of aggravation the prisoners would have been liable to but 6 Months' imprisonment, and a Criminal Judge is in no case authorized to demand Security from a prisoner in default of finding which he is made liable to detention for a longer period than that to which he would have rendered himself subject had he been fully convicted of the Specific Offence.

11 The Provincial Court of Circuit in the Central Division will bring to the notice of the Acting Criminal Judge of Chittoor that the technical

technical terms of English Law used throughout this Report are improper. Crimes should be described as in the Regulations.

12 From the Statement shewing the number of prisoners confined in the Jail at Chittoor and the manner in which they have been employed it appears from Column 9 that during the Month under Review the cost for the Subsistence of 344 prisoners amounted to Rupees 1931. 4. 8, being 13 a. 9 p. in excess of the average cost of the Subsistence of each prisoner during the preceding Month (February). The Court conclude that the high price of grain must have been the principal cause of this excess, but if so large an increase in the Amount be necessary to maintain a prisoner the Acting Criminal Judge should have appended some explanation, and the Judges desire that that information may be now submitted.

Cuddapah 13 From the light Sentence passed on the prisoner in case No. 17 of the Supplemental Report, the Judges of the Court of Sessions Statute conclude that the crime for which the party was punished differed, in respect to the Amount of the property Stolen from that with which he was originally charged, in which case a note of the circumstance should have been entered in the Column exhibiting the punishment, as required by the Circular order of the Sessions Statute under date the 4th July 1820.

14 In cases Nos. 32. 33 & 43 the Assistant Criminal

Robbery

16th May 1833.

Criminal Judge has quoted Sections XXXII and XXXIII Regulation IX of 1810 as the authority under which he proceeded to pass sentence on the prisoners concerned in those cases respectively. The Provincial Court of Circuit will explain to this Officer that petty cases of theft are made punishable by the Criminal Court by Section VII Regulation X of 1810, and that the Regulation quoted by the Assistant Criminal Judge provides for the punishment by the Magistracy under certain restrictions of persons brought before them for petty thefts.

15 The Acting Criminal Judge should be required to explain under what Regulation he considered himself authorized to pass sentence on the 1st and 3d prisoners concerned in case No 39, the Regulation quoted in the column of the Supplemental Report being obviously incorrect.

16 An error also has been committed by the Acting Criminal Judge in quoting Clause fourth Section III Regulation XII of 1822, instead of Clause Eighth Section II of the enactment as the authority under which he proceeded to pass sentence on the 1st 2d 3d 5th 6th and 7th prisoners in case No 53 of the same report.

17 The same remarks is applicable to the sentences passed on the prisoners concerned in case No 80.

18 With reference to the remark of the Provincial Court of Circuit contained in the 10th para of their proceedings, the Court of Sonjanee Sudder Dewanny Adawlut desire that the Acting Criminal Judge

be

J. H.
16th May 1833.

be directed to carry into execution the sentence passed by him on the prisoners concerned in Case No 72, of the Report No 5, for though the offence with which they were charged was obviously not cognizable by the Criminal Court, yet a prisoner tried cannot again be brought forward for the same offence.

19 The Criminal Judge should be directed in future to abstain from passing sentence on prisoners charged with offences altogether beyond his jurisdiction.

20 If the crimes with which the prisoners in case No 80 are charged were fully proved, the Court of Sonjanee Sudder Dewanny Adawlut are of opinion that too lenient a sentence has been passed by the Acting Criminal Judge on the 1st & 2d prisoners. From the abstract of the charge the case would appear to fall within the provisions of Clause Eighth Section II Regulation VII of 1822.

21 The same remarks applies to the sentence passed on the prisoner in Case No 104.

Cumberlege
Acting Judge

22 The Court of Sonjanee Sudder Dewanny Adawlut have remarked that No 10 of the Supplemental report submitted by the Acting Judge at Cuttack, the prisoners in which case were forwarded to this Court to be put back at the 25th of January last, are still reported under examination, the delay originating in a letter received from the Joint Magistrate stating that the Head of Police informed him

"him that the witnesses will not be permitted
"to attend the Court as they are Cumbered and
"the Revenue Settlements are in hand". This might
have been considered an excuse for their not
having appeared at the exact time the first
summons was issued, but none for their having
failed to appear even at this protracted
period - it is so essentially necessary for the ends
of public justice that Criminal Prosecutions should
be disposed of as soon after their arrival at the
Criminal Court as practicable that none but Spe-
cial Circumstances and such as would materially
impede the public Service should hinder the
attendance of the Revenue officers at a period
other than that designated by the Criminal Court
in the present instance the Court of Zillah would
desire that immediate application be made
to the Magistrate of Cuddalore for the attendance
before the Native Judge's Court of the Coromandel
in question.

23 With reference to the nature of the
Crime with which the prisoner is charged in
Case No. 23, the Court of Zillah would do not
concur in opinion with the Provincial Court
as to propriety of omitting the stripes, and
direct therefore that the full measure of
punishment awarded by the Native Criminal
Judge be carried into execution.

24 If the theft with which the prisoner
in case No. 24 is charged was attended with
house breaking which the Sentence passed
under

under Regulation Sixth Section II Regulation VII
of 1822, would imply, the Court of Zillah would
do not consider the Sentence awarded by the
Native Criminal Judge too severe - Under
other circumstances the provision cited by
the Native Criminal Judge would not apply.

25 The Judge's remark that out of 25
cases containing 101 prisoners apprehended
and delivered to the Native Criminal Judge
during the month under review only 9 cases
containing 33 prisoners have been disposed
of by this officer in the same period -
leaving 16 cases containing 68 prisoners to
be examined - The Judge's state that to
large a proportion of cases undisposed of
will not be apparent in the Reports about
to be received for the month of April last.

Bellary 26 The prisoner in case No. 10 of the
Supplemental Report submitted by the
Acting Criminal Judge of Bellary, charged
with having murdered his wife and wounded
the Prosecutrix, was apprehended on the
24th of January last but still remains
undisposed of, the Prosecutrix being
"detained in the Talook from the wounds
"received" - The Judge's desire the Acting
Criminal Judge of Bellary will ascertain
the extent of the wounds on the injury the
Prosecutrix has sustained by the assault
made upon her by the prisoner Jangum
Siddee Ramiah, - and should there be

no

16 16th May 1833

no prospect of her early attendance at the Criminal Court and the woman not likely to prove fatal; the Judges decide that the Government Fiscal be directed to conduct the prosecution and the case be disposed of accordingly.

27 The Court of Jaffna resolve in also of opinion that the Government Fiscal should be directed to conduct the prosecution in case No 24 of the same report, unless the "Heir" of the deceased prosecutor can depose to the facts of the case.

28 The Judges of the Court of Jaffna resolve to not approve of the order issued by the Court of Circuit to the Acting Criminal Judge of Bellary in case No 29 of the Supplemental Report, and they declare that the case may stand as committed for trial before the Court of Circuit. Prosecutors are in all cases competent witnesses, and as explained in the Circular Order of this Court of the 25th February 1829 cases may occur in which "when even a single prosecutor of good "character is corroborated by the immediate "pursuit accusation and arrest of the party "more especially by part of the stolen property "being traced to the accused sufficient circum- "stantial evidence may be declared to be "conviction, notwithstanding the prosecutor "may be the sole eye witness of the crime."

29 The Crime (Highway Robbery) for which the prisoners in the present instance have committed, and in the opinion of the Court properly, to take their trial before the

Fiscal.

16th May 1833 the Court of Circuit is of that peculiar nature in which, in many cases, none but the injured party might have a knowledge of the fact.

Cuddalore 30 If the prisoner in case No 68 of the Report No 5 submitted by the Acting Joint Criminal Judge at Cuddalore was not fully convicted of the robbery, the sentence of 7 years "imprisonment with irons and labor on the "Roads and 25 Stripes" must be cancelled; a sentence of punishment on strong suspicion being illegal.

Chingleput 31 The Jaffna Court decide that the Magistrate of Chingleput may be called upon to report through the Provincial Court of Circuit what notice has been taken of the conduct of the Police Affair who forwarded the prisoner in case No 50 to the Criminal Court without taking any evidence or witness in support of the charge.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division by precept, requiring them to make the necessary communication to the Criminal Judge of Bellary Fiscal &c.

Precept returnable within 10 days from and after its receipt.

(Sent following precept No 317)

Read return dated the 6th instant from the 3rd Judge of Circuit in the Southern Division to precept dated 29th ultimo, desi- -ring the mitigation of punishment in

case

Case No 25. Tinnevelly Calendar 1st Sessions 1833.

(Here enter No 488)

Read letter dated the 7th Instant, from the Provincial Court in the Northern Division, transmitting the explanations furnished by the Magistrates of Guntoor and Nellore as required by the 13th para of the Court's proceedings of the 19th February 1833 on printed Statements.

(Here enter No 485)

Read letter, dated the 9th May from the Acting 3d Judge on Circuit in the Southern Division, transmitting copy of Combaconum Calendar with remarks and copies of Fatwas for 1st Sessions 1833.

(Here enter No 490)

Read Return, dated the 13th Instant from the Acting 3d Judge on Circuit in the Southern Division, to precept dated 8th Instant, desiring him to observe the rule prescribed for the deposition of witnesses prevented from attending before the Court of Circuit.

(Here enter No 505)

Read letter, dated the 6th Instant, from the late officiating Additional Judge of the Centre Provincial Court of Circuit, transmitting copy of a warrant issued in No 1 on the Principal Calendar, and No 1 on the 2d Supplemental Calendar Special Sessions of 1832 for the Zillah of Cuddapah, so far as regards the 3d, 24th, 46th, 53d and 55th Prisoners in that number, and of the return made thereto by the Criminal Judge of that Zillah.

(Here enter No 477)

Read

Read Return, dated the 9th Instant, from the Acting 3d Judge on Circuit in the Southern Division, to precept dated 3d Instant, directing him to take a second Future in Case No 13, Tinnevelly Calendar 1st Sessions of 1833.

(Here enter No 492)

Read Return, dated the 10th Instant, from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, to precept of the 8th Instant, declaring that the mitigated punishment of 4 years imprisonment recommended by the Acting 2nd Judge in favor of prisoner in No 8 Chittoor 1st Supplemental Calendar 2d Quarter Sessions of 1833, was not sufficient, and directing him to be imprisoned &c for 7 years.

(Here enter No 493)

Read Return, dated the 10th Instant, from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, to precepts of the 8th Instant, sentencing the Prisoner Colla Imullapah in Case No 4 Chittoor Calendar 2d Quarter Sessions of 1833, to 7 years imprisonment with hard labor &c &c &c

(Here enter No 494)

Read letter, dated the 10th Instant, from the Acting Judge of Circuit in the Centre Division, transmitting original warrant in Case No 4 Cumbum Calendar, executed and returned by the Criminal Judge of Cuddapah.

(Here enter No 495)

Read

10th May 1833.

Read return, dated 6th Instant, from the Judges of the Provincial Court of Circuit in the Western Division, to precept of the 29th Ultimo, remarking on the practise adopted by Heads of District Police of entering in their Reports, transmitted to the Criminal Courts, the dates of examination taken from Prosecutors after the apprehension of the Prisoners as the date of charge.

(Here enter No 497.)

Read letter, dated the 11th Instant, from the 3d Judge on Circuit in the Northern Division, stating his intention of leaving on date of this letter for Madras, according to leave granted by the Right Honorable the Governor in Council.

(Here enter No 500.)

No 16.

At a Court of the Foujdaree Udalut.

Present,

Monday 20th May 1833. C. M. Lushington Esqr 1st Puisne Judge
Thomas A. Oakes Esqr Acting 2d Puisne Judge
William Rudleston Esqr 3d Puisne Judge.

Read Petition presented on the 4th Instant by Narrain Padiachy of Cuddalore.

(Here enter Mis Petn No 46 of 1833.)

The Petitioner complains of the Sentence which has been passed on his son, the Prisoner in Case No 8 of the Cuddalore Calendar 2d Sessions of 1832, and prays the Court to call up the trial and issue orders for his release.

2 There is no appeal from the sentence of the Court of Circuit, and moreover on reference to the Calendar, it appears to the Court that the prisoner in question was properly convicted.

Ordered in consequence, that the prayer of this petition be rejected, and that Extract from these proceedings be granted to the Petitioner on his application.

Read letter, dated the 30th Ultimo, from the 3d Judge on Circuit in the Western Division, recommending a mitigation of the punishment to which the Prisoners, convicted in No 3 on the Native Criminal Judge's Calendar 1st Sessions 1833 of Gang Robbery

Robbery, have rendered themselves liable

(Here enter № 472)

The Court of Foujdaree Adalut having maturely considered the circumstances of the case represented in the above letter, Sanction under Clause third Section III Regulation I of 1825 the mitigated punishment recommended by the 3d Judge on Circuit in the Western Division, and accordingly direct that the prisoner

1st Sorbah

be imprisoned and kept to hard labor in irons on the public roads or other public works, for the period of (4) four years.- and that the Prisoner

2d Ramah

be imprisoned and kept to hard labor in irons on the public roads or other public works, for the period of (7) seven years.

Ordered, that Extract from these proceedings be sent to the 3d Judge on Circuit in the Western Division for his information and guidance by precis returnable without delay.

(Sent following Precept № 325)

Read letter, from the Acting 3d Judge on Circuit in the Southern Division, dated the 26th April 1833, transmitting the Proceedings held in Case № 17 Madura Calendar 1st Sessions 1833.

(Here enter № 462)

It has been noted by the Foujdaree Adalut

in their Proceedings of the 19th April 1828, as well as on other occasions, that unless there is proof that the crime charged was committed, the Prisoner's confession cannot be admitted to convict.

In the record of the proceedings

2

held in this case, there is nothing to shew that the woman said to be murdered is dead; no inquest is held, nor is there a single witness produced who saw the body, and can speak either to its identity or condition

The Court observe that the Criminal Judge

3

neglected altogether the provision contained in the latter part of Section X Regulation X of 1810, and that the Acting Judge on Circuit has not caused the omission to be supplied.

The Court resolve therefore to

4

return the Record to the Acting Judge on Circuit, and direct him to instruct the Criminal Judge to procure the attendance of such persons as can depose to the identification of the body, as that of the deceased Olagoye, and the wounds upon it- and they desire that the Mettoor peon Curpana Moodely, mentioned in the Report to Anavigeon Head of Police of the Mettoor Taluck and Canayur the person who made that report, be in particular examined, as to what they know of the Transaction.

The Court direct that the examina-

5

tions be taken in the presence of the prisoner, that the

the latter be allowed to cross examine the witnesses, and that any thing which he may subsequently wish to state, be taken down.

The Court further direct that English and Persian translations of the additional evidence so taken be annexed to the record, and that the same be retransmitted to them.

Ordered, that Extract from these proceedings be forwarded to the Acting 3d Judge on Circuit in the Southern Division by precept, returnable without delay.

(Sent following Precept No. 326)

Read letter, dated the 16th Instant, from the 2d Judge of the Provincial Court of Circuit in the Northern Division, transmitting the record of proceedings in Case No. 6 General Calendar 2d Sessions 1832

(Here enter No. 407.)

1 The proceedings on the trial of this case before the Court of Circuit shew, that certain declarations purporting to be confessions delivered by the prisoner before the Head of Police, were read at the trial and deposed to by the 7th 8th 9th and 18th witnesses.

2 In a note at page 13 of the record it is stated that "the prosecutor's charge with the list of "stolen property and the report of the Head of Police being "the only parts of the police proceedings, that were consi- "dered necessary, the other papers enumerated in this report" among which are the said declarations of the prisoner, are

J. 46.

30 May 1833.

omitted."

These declarations, which the 2d Judge of Circuit has thus omitted as unnecessary, are most material documents, and without them it appears to the Court that the trial cannot be disposed of.

They direct therefore that the record be returned to the 2d Judge, and that he be by Precept directed to cause English and Persian translations of the declarations in question to be annexed to the record, and to retransmit the same to this Court without delay.

Precept returnable without delay.

(Sent following Precept No. 327)

Read letter, dated the 16th Instant from the Judges of the Provincial Court of Circuit in the Centre Division, to precept dated the 6th Instant, conveying the following rules viz "The deposition of a witness taken upon oath in the presence of a Prisoner who has been brought before the Magistrate on a charge of Felony may be given in evidence on the trial of an Indictment for the same felony, if it be proved on oath to the satisfaction of the Court, that the informant is dead, or prevented by sickness from attending, or that he is kept away by the means and contrivance of the Prisoner, provided also that the deposition offered in evidence is proved to be the same as was sworn before the Justice without any alteration.

(Here enter No. 510.)

Read

Read letter, dated the 10th Instant, from the Provincial Court of Circuit in the Western Division, with reference to the last para of his letter of the 29th Ultimo, annexing copy of a return from the Joint Magistrates of Canara in charge.

(Here enter No. 512.)

Read letter, dated the 16th Instant, from the Acting 3d Judge on Circuit in the Centre Division, Reporting his having proceeded to the Presidency to qualify as Justice of the Peace, and subjoining copy of a letter addressed by him to the Criminal Judge of Chingleput, directing him to detain the parties and witnesses engaged in the present Circuit till the 31st Instant as he is about to proceed to Chittoor to administer the oaths to Mr. Gahagan.

(Here enter No. 513.)

Read letter, dated the 7th Instant, from the 3d Judge on Circuit in the Western Division, transmitting Copies of Calendars from the Joint Criminal and Native Criminal Judges of Canara for the 1st Sessions of 1833.

(Here enter No. 506.)

At a Court of the Foujdaree Adalut.

Present,

Wednesday 22d May 1833.

C. M. Lushington Esqr. 1st Puisne Judge.
Thomas A. Oakes Esqr. Acting 2nd Puisne Judge
William Huddleston Esqr. 3d Puisne Judge.

Read letter, dated the 15th April from the 3d Judge on Circuit in the Northern Division transmitting copy of the Cuddapah Calendar 1st Sessions 1833.

(Here enter No. 433.)

The 3d Judge will be pleased to explain the cause which prevented the attendance of the Prosecutor and 1st Witness in this case, and thus rendered it necessary to postpone the trial a second time.

2. If the alleged extraction of the confessions in this case was satisfactorily proved, the Head of Police should be dismissed under the provisions of Section III Regulation XIII of 1832, and the 3d Judge will be pleased to issue the necessary orders accordingly.

3. With reference to the remarks of the 3d Judge in this case, the Court desire that Mr. Angelo may be advised of the inutility and impropriety of committing a Prisoner for trial upon a bare uncorroborated confession before a Police Officer.

In

22nd May 1833.

22. 4. In disposing of this case, the 3d Judge appears to have lost sight of the Court's Circular orders of the 15th May 1833, wherein it is expressly declared, that Regulation VI of 1822, does not apply to the crime of "Robbery by open violence". Those instructions likewise require that the precise extent of injury proved on the trial should be specified, to enable the Court to judge whether or not, the case falls within the scope of clause Second Section IV Regulation XV of 1803. The 3d Judge will now be pleased to furnish the required information on this point.

23. 5 The Court on the principle laid down in their Circular order of the 6th April 1830, do not see cause for a mitigation of the punishment which has been awarded to the Prisoners in this case.

Ordered, that Extract from these Proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information and guidance by precept, returnable without delay.

(Sent following Precept No 329).

J. C. M.

Read Return, dated the 13th Instant, from the Provincial Court of Circuit in the Northern Division, to precept dated the 29th Ultimo, relative to the date of charge to be entered in the Reports prescribed by Clause fourth Section XXVII Regulation VI of 1816, and containing other instructions.

(New enter No 321)

No. 16.

At a Court of the Foujdaree Adaulut.

Present,

Thursday 23d May 1833.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexander Oakes Esqre Actg 2d Puisne Judge
William Hudleston Esqre 3d Puisne Judge

Read letter, dated 27th Ultimo from the Provincial Court of Circuit in the Western Division, submitting the Criminal Reports in the form prescribed by Section XXXV Regn. Section X of 1816, for the month of January last.

(Recorded No 219)

Malabar Reports Case 6 1 The explanation given by the Jahsildar for his having detained the prisoners in this case for one month - the Court of Foujdaree Adaulut remark to be most insufficient.

Cases 10-11 2 The Police Officer has not assigned any reasons for the delay in forwarding these cases to the Criminal Court, an explanation is required.

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 330).

J. C. M.

Read

23rd May 1833.

Read Return, dated the 15th Instant, from the Judges of the Provincial Court of Circuit in the Western Division, to precept of the 8th May, directing them to observe the rule prescribed for the depositions of witnesses prevented from attending before the Court of Circuit.

(Here enter No 531.)

Read letter, dated the 20th Instant from the Acting Judge on Circuit in the Centre Division, with copy of a returned warrant for the execution of the prisoner in Case No 26 Bellary Calendar 1st Sessions 1833.

(Here enter No 530.)

No 16

At a Court of the Foujdaree Adalut.

Present,

Friday 24th May 1833. C. M. Lushington Esqre 1st Puisne Judge
Thomas A. Oakes Esqre Acting 3d Puisne Judge
William Hudleston Esqre 3d Puisne Judge.

Read letter, dated the 8th Instant, from the Acting 3d Judge on Circuit in the South ern Division, recommending a mitigation of the punishment to which the 1st prisoner convicted in No 8. on the Combaconum Calendar 1st Sessions 1833 of Gang Robbery, has rendered himself liable.

(Here enter No 480.)

The Court of Foujdaree Adalut having maturely considered the circumstances of the case represented in the above letter, sanction under Clause third Section III Regulation I of 1825 the mitigated punishment recommended by the Acting 3d Judge on Circuit in the Southern Division, and accordingly direct that the said 1st Prisoner be imprisoned and kept to hard labour in irons on the public roads, or other public works, for the period of (10) ten years.

Ordered, that Extract of these proceedings be sent to the Acting 3d Judge on Circuit in the Southern Division for his information and guidance by Precept, returnable without delay.

(Sent following Precept No 335)

Read

Read Return dated the 13th Ultimo, made by the Provincial Court of Circuit in the Southern Division, to the Precept of the Court of the 6th Ultimo, containing the remarks of the Foujdaree Adalut on the several Reports received from the Criminal and Joint Criminal Judges within that Division, for the months of November last.

(Here enter No 484)

The transmission of Case No 155 of the Combatoor Report for the month of November last, in the first instance to the Criminal Court was irregular, and the practice has been prohibited by the Circular Order of the Foujdaree Adalut of the 31st December 1829; but the case having been forwarded to the Auxiliary Court, the Judges are of opinion that the Acting Joint Criminal Judge had jurisdiction.

2. With reference to para 3 of the above Return wherein "the sentiments of the Foujdaree Adalut" are solicited "as to how cases "under similar circumstances ought hereafter to "be disposed of," the Court would remark that cases under circumstances altogether similar they expect will not occur, their orders of the 6th of April last having been issued with the view of preventing the occurrence of such irregularities.

3. In conclusion the Court deem it necessary

necessary to observe that the Provincial Court have not made that full and perfect return to the precept issued under date the 6th April last required by the Standing orders of the Foujdaree Adalut inasmuch as "no report" is subjoined "as "to how far execution may have been done" as directed in their orders circulated under date the 6th of September 1820.

Ordered, that Extract from these Proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and future guidance.

(Sent following letter No. 336)

Read Return, dated the 16th Instant, from the Provincial Court of Circuit in the Northern Division, to precept dated 8th Instant, directing them to observe the rule prescribed for the depositions of witnesses prevented from attending before the Court of Circuit.

(Here enter No 532.)

Read Return, dated the 20th Instant, from the Judges of the Provincial Court of Circuit in the Centre Division, to precept dated 13th Instant, directing them to issue instructions to the Several Criminal Judges in the division, to prepare translations of all cases committed by them, which are to be submitted to the Court of Circuit, with the Calendars.

(Here enter No 533)

At a Court of the Foujdaree Udalut.

Present,

Saturday 25th May 1833.

Charles May Lushington Esqre 1st Puisne Judge
Thomas A. Oakes Esqre Acting 2d Puisne Judge
William Houdleston Esqre 3d Puisne Judge

Read letter dated the 1st April last from the 2d Judge Cuttack Circuit in the Southern Division, transmitting the record of trial in case of Gunton Calendar 2d Sessions 1832.

(Here enter No. 330.)

Mr. Lushington
Mr. Houdleston

The Court of Foujdaree Udalut having maturely considered the proceedings of the Court of Circuit, the futwa of the Crown and Law Officers, and the futwa of the Cazee ool Cozat and the Mooftee of the Foujdaree Adawlut, confirm the said futwa of the Cazee ool Cozat and Mooftee aforesaid and acquitting the prisoner,

"Gorramoottoo Cotadoo,"

direct that he be set at liberty.

(Enter following Letter No. 337)

The first observation which the Court of Foujdaree Udalut has to make upon the proceedings, which have been held in this case, is that their Circular Order under date the 31st January 1822, prescribing the form in which indictments for perjury under the provisions

provisions of Regulation VI of 1811, as to be known up, have been neglected altogether.

2 The indictment would appear to have been framed by the late Native Criminal Judge of Jessore, whose attention must be particularly called to the Circular order in question; - it ought not however to have been adopted by the 2d Judge of Circuit at the arraignment: the countenance which has thus been given to the irregularity of the late Native Criminal Judge, precludes the Court of Foujdaree Adaulut from noticing with greater severity his departure from the instructions issued for his guidance.

3 According to the imperfect and informal indictment in this case, all that is charged amounts to constructive perjury, not in strictness of law indictable, and for which a conviction of the crime of perjury could not be had: there is nothing moreover in the record to shew that the prisoner's statement that G. Bonga Teraon slept in his (prisoner's) house for one year before the time he came to Jessore, was a wilful and deliberate falsehood, nor if inference were admissible as proof in a case of this description, could such falsehood be inferred from his subsequent statement that G. Bonga Teraon was brought to Jessore from Comilla before the time of his (prisoner) giving the deposition before the Court of Circuit, because upon referring to the examination of the 22d March 1832, the Court of Foujdaree Adaulut

Adaulut observe, that in answer to previous questions by the Court of Circuit the prisoner distinctly stated that he did not know up "to what period" or "until what Month" that person slept in his house.

4 The prisoner, who appears to be a person in the lowest state of ignorance would indeed seem to have been confused by the cross examination to which he was subjected before he deposed in the words recited in his arraignment for perjury. His previous disavowal of a knowledge of the precise period, to which he was required to depose, makes against the probability of his intending immediately after, wilfully and deliberately to swear falsely on that very point: in the opinion of the Court of Foujdaree Adaulut the 1st Judge ought not to have directed his commitment for perjury, in doing which he overlooked altogether the observations of this Court, in their proceedings of the 31st January 1814, that "no person "should be made the object of a prosecution for "perjury who has not been cautioned against "committing himself on his oath, and has subsequently persisted in maintaining falsehood "for truth."

Ordered, that an extract from these proceedings be sent to the 2d Judge late on Circuit in the Northern Division by precept, returnable in five days from and after its receipt.

(Sent following precept No. 338)

Ordered also, that an extract from these

25th May 1833.

their proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Northern Division for his information and future guidance.

(Sent following letter No 339)

Read letter, dated the 25th February last from the Acting Judge on Circuit in the Central Division, transmitting the record of proceedings in case No 2 Caddapa Calendar 1st Sessions 1833.

(Here enter No 347)

Mr Lushington & Mr Hudleston.

The Court of Foujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the future of the Provincial Law Officer, and the future of the Cazee ool Cozat and Moofties of the Foujdaree Adalut, confirm the said future of the Cazee ool Cozat and Moofties proceedings and under the Sentence of Corporal declared in the future, and in conformity with the provisions of Clause Second Section IX Regulation XV of 1803, sentenced the prisoner 1st "Chinta Rungapah"

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

And the Court acquitting the prisoner

2d "Soga Rogapah"

direct, that he be set at liberty.

(Sent following letter No 340)

DO

Mad

J. 16

At a Court of the Foujdaree Adalut.

Present

Monday 27th May, 1833.

Charles May Lushington Esqre 1st Puisne Judge
Thomas N. Oakes Esqre Acting 2d Puisne Judge
William Hudleston Esqre 3d Puisne Judge

Read letter, dated the 29th ultimo, from the Provincial Court of Circuit in the Western Division, submitting the Reports required by Section XXXV Regulation X of 1810, from the several Criminal, Joint Criminal and Station Criminal Judges in the Division, for the Month of March last, together with an Extract from their proceedings thereon.

(Here enter No 473)

Tellicherry.

1 The Sentence passed on the two prisoners concerned in case No 20 of the Supplemental Report submitted by the Joint Criminal Judge of Tellicherry is not warranted by the Section and Regulation quoted in the Report, and from the nature of the charge such as it was not competent to the Criminal Judge to order.

2 The impropriety of the proceedings of the Joint Criminal Judge in passing Sentence in cases of Highway Robbery is manifest; but as Sentence has been declared and the Corporal punishment in all probability carried into effect, the Court allow the prisoners the benefit

benefit of the irregularity, but direct that the Joint Criminal Judge be strongly cautioned against disposing of cases of this description in future.

3 In the following case (No. 21) in which the same persons are concerned, the prisoners are inaccurately reported to have been "released, the charge not having been proved". It should in such cases be stated that the charge was dismissed.

Canara

4 With reference to the 1st para of the return made by the Criminal Judge of Canara to the precept of the Provincial Court dated the 13th of April last the Court of Sudder Adawlut desire that the sentence passed on the prisoner in case No. 22 be revised, agreeably to the provision contained in Section VIII Regulation X of 1816, under which an absolute sentence of one year's imprisonment is not authorized.

5 The Court conclude that the prisoner this "once before arraigned on a Criminal Charge" has not been before convicted of theft, Burglary, Robbery or other heinous offence, This however should have been explained by the Criminal Judge.

6 The sentence passed on the prisoner in case No. 23 the Sudder Adawlut are of opinion should be allowed to stand; the same person being concerned in two cases, and being also an old offender are circumstances in the opinion

opinion of the Court sufficient to bring the case within the provisions contained in Clause fourth Section III Regulation VI of 1822.

7 The proceedings held by the Criminal Judge of Canara in case No. 1 of the report No. 5 are irregular, and such as it was not competent to the Criminal Judge to hold.

8 The reasons assigned for deviating in this case from Section VIII Regulation X of 1810 are considered insufficient, as Section VIII Regulation X of 1816 has not been modified with regard to offences of this description.

Moreover the Court of Sudder Adawlut observe that a Criminal Judge has authority only to demand Security "for future good behaviour and appearance when required", and this must be done in conformity with the provisions of Clause first Section IV Regulation II of 1822, or of Clause third Section VIII Regulation VI of 1827.

10 The charge as entered in case No. 25 involves no offence, and the Head of Police should be instructed that a person is not liable to punishment for having stolen property in his possession unless it can be proved that he knew that such property had been obtained by theft or robbery.

Honore

11. If, as stated in the abstract of the evidence given in cases Nos. 20 and 21 of the Supplemental Report submitted by the Joint Criminal Judge at Honore, the 4th prisoner confessed the charge

27th May 1833

charge before the Acting Assistant Commissioner the prisoner should have been committed for trial before the Court of Circuit, and the Sanguine Court desire that the Joint Criminal Judge be directed in the present instance to observe this mode of proceeding and that the prisoner be reapprehended and the Bail Bonds entered into by the Sureties be cancelled in the event of the security required by the Regulation Court having been furnished.

Criminal Judges 12 With reference to case No 10 of the Report No 5 submitted by the Native Criminal Judge in Canara, the Court of Sanguine doubt desire that the attention of that officer be called to the orders circulated under date the 28th January 1828 wherein a mode of proceeding is directed to be observed in cases where a prisoner may be charged before a Criminal Judge with an offence for which the Regulations do not prescribe that any specific penalty should be inflicted, & the prisoner committed for trial before the Court of Circuit.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, requiring them to communicate the same to the several officers whom it may concern for their information and future guidance by precept returnable in 10 days from and after its receipt.

(Sent following precept No)

2

J. No.
27th May 1833.

Read letter, dated the 13th Instant from the 2d Judge of the Court of Circuit in the Centre Division, submitting copies of the Chittoor 2d & 3d Supplemental Calendars for the 2d quarterly Sessions of 1833.

(Vide enter No 514)

Case No 2. 1 It appears from the futwa delivered in this case that it does not appear that the stolen property amounted to the Nisab.

2 With reference therefore to the Sentence of seven years imprisonment with hard labour in irons passed by the Acting 2d Judge under the provisions of Section XXI Regulation VII of 1802. on the 1st 3d 5th and 8th prisoners the Judges of the Sanguine Court deem it proper to apprize Mr Davis that it has been determined by this Court that if the stolen property does not amount to the Nisab (in the value of 3 Rupees) the crime does not fall within the Technical definitions of Sirka in the Mahommedan Law.

3 Cases of this description therefore do not fall under clause fourth, but under clause seventh Section II Regulation XII of 1803, and a second futwa should not have been taken.

4 The Court however will not disturb the Sentence passed in this case.

Ordered, that extract from these proceedings be forwarded to the Acting 2d Judge of the Court of Circuit in the Centre Division for

27th May 1833.

for his information and future guidance.

(Sent following letter 6th)

Read return, dated the 13th Instant from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 26th Ultimo, requiring them to explain how it happened that witnesses were summoned in behalf of the 3d and 4th prisoners in No. 96 of the Criminal Report for November last, though the prisoners themselves had not been apprehended.

(Here enter No. 544)

Read return, dated the 13th Instant from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 12th Instant, directing them to point out to the Assistant Magistrate of Tinnevelly that Section 11 Regulation IX of 1832 does not apply to a charge of Perjury or any charge before a Magistrate.

(Here enter No. 540).

L & O

J. M

Read letter, dated the 20th Instant, from the Acting 3d Judge on Circuit in the Southern Division, reporting that notice was sent to the Joint Criminal Judge of Coimbatore, that the 1st Sessions will be holden on the 15th Proximo.

(Here enter No. 535)

Read letter, dated the 20th Instant, from the Acting 3d Judge on Circuit in the Southern Division

27th May 1833. Division, reporting the commencement of the 4th Sessions of 1833 at Salem.

(Here enter No. 536)

Read return, dated the 23d Instant, from the Acting 3d Judge on Circuit in the Central Division, to precept of the 8th Instant, directing him to observe the rule prescribed for the depositions of witnesses prevented from attending before the Court of Circuit.

(Here enter No. 541)

Read letter, dated the 20th Instant, from the 3d Judge on Circuit in the Western Division, forwarding the death warrant in case No. 2 on the Palakkad Calendar 1st Sessions 1833.

(Here enter No. 543)

Read return, dated the 20th Instant, from the 3d Judge on Circuit in the Western Division, to precept dated 8th Instant, directing him to observe the rule prescribed for the depositions of witnesses prevented from attending before the Court of Circuit.

(Here enter No. 545)

Read return, dated the 13th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 5th Instant, directing them to observe the rule prescribed for the depositions of witnesses prevented from attending before the Court of Circuit.

(Here enter No. 547)

Read

29th May 1833.

Read letter dated the 3d
Instant, from the Judges of the Provincial Court
of Circuit in the Southern Division, to precept
dated 10th Instant, directing that the Extract of
the Letter from the 2d Judge on Circuit in the
Southern Division, which accompanied it,
relative to the mode of proceeding to be observed
by the Criminal Courts on persons brought before
them who have received wounds and hurts be
circulated to the several Subordinate Courts.

(Secretary's No. 548)

J. H.

At a Court of the Zillah Jessore Adalut.

Present,

Wednesday
29th May 1833.

Charles May Lushington Esqr. 1st Puisne Judge
Thomas Alexander Oakes Esqr. Actg 2d Puisne Judge
William Houdleston Esqr. 3d Puisne Judge

Read letter, dated the 3d Instant
from the 2d Judge late on Circuit in the
Southern Division, transmitting Calendar No. 6
Gunton Calendar 2d Sessions 1832.

(Secretary's No. 332)

Mr. Baker
&
Mr. Houdleston

The Court of Zillah Jessore Adalut on
a deliberate consideration of the circumstances
of the case in evidence before them, concurring
in opinion that the proof against the prisoner
"Sudday Shaikhamah" is sufficient to convict
her of the crime of Perjury, do under the authority
with which they are vested by Clause first Section
II Regulation I of 1818 commit her thereof, and under
the provisions of Clauses first and third, Section
III Regulation VI of 1811 sentence her to be impri-
soned and kept to hard labor in irons on the
public roads or other public works, for and during
the period of three years, and then be released.

(Sent following letter No. 350)

Read letter, dated the 3d Instant,
from the 2d Judge of the Provincial Court of
Circuit

29th May 1833

Circuit in the Northern Division, transmitting Case No 7 Quinton Calendar 2d Septr 1832.

(Here enter No 356)

Mr Baker
Mr Hutchinson

The Court of Enquiry Constituted to deliberate & consider of the circumstances of the case in evidence before them, concerning in opinion that the proof against the prisoner

Common Shark Salaw

is sufficient to convict him of the crime of Perjury, do under the authority with which they are vested by Clause first Section II Regn. Nation I of 1818 convict him thereof, and under the provisions of Clause first Section III Regn. Nation VI of 1811 Sentence him to be imprisoned and Kept to hard Labor in irons on the public roads or other public works, for, and during the period of four years with Fasthens, and then to be released.

(Sent following letter No 351)

Read letter, dated the 4th Instant, from the Acting Judge on Circuit in the Central Division, Submitting case No 28 Bellary Calendar 2d Septr 1833.

(Here enter No 357)

Mr Baker
Mr Hutchinson

The Court of Enquiry Constituted as to deliberate consideration of the circumstances of the case in evidence before them, concerning in opinion that the proof against the prisoners

29th May 1833

the prisoners

1st Rayadoo
2d Monteelgandoo and
3d Monegandoo

is sufficient to convict them of the crime of Robbery by violence attended with aggravating circumstances, do 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 Clause second Section IV Regulation XV of 1803, Sentenced the said prisoners

1st Rayadoo
2d Monteelgandoo and
3d Monegandoo

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

(Sent following letter No 352)

End

L&O

At a Court of the Zoujdaree Adaulut.

Present,

Thursday 30th May 1833. Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexander Oakes Esqre 2d Puisne Judge
William Houdleston Esqre 3d Puisne Judge

Read letter dated the 29th September last from the 1st Judge of the Court of Circuit in the Centre Division, submitting case sent on the Petition of 2d Supplemental Calendar 2d quarterly Sessions 1832.

(Here enter No. 819 of 1832)

Mr Lushington. & Mr Houdleston.

The Court of Zoujdaree Adaulut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftees of the Zoujdaree Adaulut, confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid, and acquit the Prisoner

3d Narayanun,

but considering that he is of a character notoriously bad, as to render his release without substantial security evidently unsafe and improper; they under the provisions of Clause Second, Section X Regulation VI of 1827 direct that he be required to find two Sureties in 300 Rupees each Surety, and that in default thereof he be detained for an indefinite period in confinement.

And

And under the provisions of Clause Second Section IV Regulation XX of 1803 they sentenced the prisoners,

1st Suit Meyah and

2d Moothien alias Chinnapien

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 the public works, for, and during the period of their natural lives.

(Sent following letter No 355)

Read letter, dated the 25th April last, from the Acting 3d Judge on Circuit in the Southern Division, submitting case No 4 Records Calendar 1st Sessions 1833.

(Case entered No 441)

The Court of Sessions took out on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the proof against the prisoners

1st Paremanen pojary and

2d Chellapoodian alias Chella

Permal Podyann

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 sentence the said prisoners

1st Paremanen pojary and

2d Chellapoodian alias

Chella permal Podyann

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

(Sent following letter No 356)

Ord

At a Court of the Foujdaree Adalut.

Present,

Friday 31st May 1833

C. M. Lushington. Esqr 1o 1st Puisne Judge.
Thomas A. Oakes. Esqr 2o acting 2d Puisne Judge
William Huddleston Esqr 3d Puisne Judge

Read letter, dated the 6th Instno,

from the 2nd Judge of the Provincial Court of Circuit in the Northern Division, submitting the English and Persian Translation of the Record of the trial in Case No 9 of the Guntoor Calendar for the 2nd Sessions of 1833.

(Here enter No 360.)

Mr Lushington and Mr Huddleston.

The Judge of the Court of Foujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial law Officer, and the futwa of the Cazee-ool-Cozat and Mooftee of the Foujdaree Adalut, confirm such part of the futwa of the Cazee-ool-Cozat and Mooftee aforesaid, as acquits the prisoner

"Ganorgola Venkoo,"

and they accordingly direct that he be set at liberty.

According to a note in the hand writing of the 2nd Judge of Circuit at page 56. of the proceedings before that Court - the prisoners statement in his defence, has by some oversight been omitted

omitted to be recorded-

2. This, in the opinion of the Court is utterly fatal to the prosecution, and the prisoner who, but for this essential defect in the record, must have been convicted, has been directed to be let at liberty.

Ordered, that Extract from these proceedings be forwarded to the 2nd Judge of the Provincial Court of Circuit in the Northern Division for his information and future guidance.

(Sent following letter No. 360)

Read letter dated 6th Instant from the Acting 3d Judge on Circuit in the Southern Division forwarding the record of the trial in Case No. 4 Tinnevelly Calendar 1st Sessions of 1833-

(Here enter No. 467)

The Acting 3d Judge has omitted to forward with the record in this case as required by the Circular orders of the Sudder Adalut issued on the promulgation of Regulation IV of 1821, a certificate that Sadasiva designated as "Muzoomdar of the Nellyumbalum Talook" is an officer specially appointed by the Magistrate under the provisions of Section III of that Regulation.

Ordered in consequence that the Acting 3d Judge be called upon to certify without delay whether or not the person in question was legally

legally empowered to take the prisoners confession-

Ordered that Extract from these proceedings be sent to Acting 3d Judge on Circuit in the Southern Division by precept returnable without delay.

(Sent following Precept No. 361)

Read letter, dated the 9th Instant, from the Acting Judge on Circuit in the Southern Division, recommending a mitigation of the punishment to which the prisoners convicted in Case No. 13 of the Tinnevelly Calendar 1st Sessions 1833 of theft have rendered themselves liable-

(Here enter No. 491)

The Court of Sudder Adalut having taken the circumstances represented in the above letter into consideration, do not think proper to sanction the mitigation of punishment recommended in behalf of the said prisoners, who it appears went in a gang prepared for violence, and are in consequence in their opinion deserving of the punishment of seven years' imprisonment prescribed by Section XXI Regulation VII of 1802-

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

(Sent following letter No. 362)

Read

31st May 1833.

Read letter, dated the 1st Instant, from the Provincial Court of Circuit in the Southern Division, Submitting the Reports required by Section XXXIV Regulation X of 1816, from the Several Criminal and Joint Criminal Judges in the Division, for the months of March last, together with an extract from their proceedings thereon.

(Here enter No 815.)

Tinnevelly. 1 The Court perceive that the 1st prisoner in Nos 9 of the Tinnevelly Supplemental Report has been "acquitted" in that case by order of the Provincial Court of Circuit, for the purpose of his being admitted as a witness in the preceding number.

2. For the exercise of this authority by the Provincial Court, no warrant exists in the Regulations, and the proceeding is moreover tantamount to a Supersession of the operation of Section XX Regulation VIII of 1802, and Section XII Regulation XIII of 1832.

3 The Court of Foujdaree Adalut resolve therefore to require an explanation from the Provincial Court of Circuit in the Southern Division, and to desire that a copy of their Answer to the reference of the Register in charge of the Auxiliary Court may be submitted without delay.

4 The Provincial Court of Circuit will intimate to the Magistrate of Tinnevelly, that the reason assigned by the Head of Police for the detention

3/ No 16.
31st May 1833

of the Prisoner, in Case No 27, in the Calacaud Talook from the 7th to the 21st of March last is considered unsatisfactory.

5. With reference to case No 28 of the Report No 5, and to the correspondence referred to in the 5th para of the proceedings of the Provincial Court of Circuit on review of the Tinnevelly Criminal Reports, the Judges of the Foujdaree Adalut will remark that whether the offence with which the prisoner concerned in that No was or was not perjury must depend upon whether or not the proceeding was one, in which false evidence before the Officer who conducted it has been made perjury by the Regulations.

6. The Court conclude that the "civil enquiry" was held by the Collector, and not the "Magistrate," as entered in the report, but of the nature of this enquiry, further explanation is necessary.

7. The Provincial Court of Circuit in the Southern Division will require the Magistrate of Tinnevelly to call upon the Head of Police in the Bromminadasom Talook to explain in whose custody the prisoners concerned in Case No 29 were from the 16th to the 24th of March last, the day on which they arrived at the Talook Cutcherry, and at the same time the Provincial Court of Circuit will point out to the Magistrate that the reasons assigned

assigned by the Head of Police for the detention of the same persons from the 24th to the 30th of the same month are considered by the Court of Tongalane Udalut most unsatisfactory.

Combaconum. 8. The Court perceive that the date of the apprehension of the prisoner in Case No 57 has been omitted to be entered in the Supplemental Report submitted by the Criminal Judge of Combaconum. it is not usual to require the dates of a prisoner's apprehension and that of his arrival at the Criminal Court to be entered again in the Supplemental Report, but the date of the prisoner's apprehension in this case not having been given in the Report of the previous month (February) this information should have been supplied in the Supplemental Report for March, and the Judges of the Tongalane Udalut desire that the Assistant Magistrate of Trichinopoly be required to supply the omission in the event of no report on the subject having been made by that Officer to the Criminal Judge of Combaconum.

9. From the Abstract of the evidence given in Case No 55 of the Report No 5, the whole proceeding of the "Zillah Court" appears to have been irregular and illegal:- the charge of Robbery would seem to have been preferred to the Magistrate, and if so, must have been on oath, and could not under such circumstances have fallen under Section

Section II Regulation IX of 1832; moreover no modification of Section VIII Regulation X of 1816 having taken place under the Section and Regulation above quoted, it was not competent to the Criminal Judge to exercise original jurisdiction in the case.

10. With reference to Case No 65, the Court would remark that Section XI Regulation XIII of 1832, applies only to "Peons", and is moreover inapplicable in this Case, the prisoner having been forwarded to the Criminal Court by the Head of Police of Arealore.

11. If the prisoner was a Peon, the Criminal Judge should have proceeded as directed in the Circular order of this Court of the 13th of July 1829, wherein it is explained that Guards having charge of Prisoners who may escape from their Custody whether before or after conviction, are by Clause first Section VII Regulation I of 1810, liable under the provisions of Section XXIII Regulation VIII of 1802, for wilful neglect to dismissal, and for connivance or further criminality to trial before the Court of Circuit.

Salem. 12. With reference to Case No 70 of the Report No 5 submitted by the Criminal Judge of Salem, the Provincial Court of Circuit will point out to that Officer, that if a breaking into the Pagoda was proved (which by the remarks in the Column

The 1st prisoner convicted of the theft and burglary.

* Rupees 109 - 7 - 4.

column shewing the manner in which the prisoners were furnished, the Court conclude was established and properly stolen to the value * stated in the charge; the case was not cognizable by the Criminal Judge, with reference to Clause second Section II Regulation VI of 1822.

13. To constitute the offence of Burglary the breaking must have been committed during the night; and the Court would further remark that on a former occasion the opinion of the Foujdaree Adalut was intimated to the Criminal Judge of Salem through the Provincial Court of Circuit in the Southern Division, that in cases of House breaking if the prosecutor swear that the value of the property stolen exceed 100 Rupees, the prisoner should be brought to trial before the Court of Circuit.

Vide letter to the Provincial Court in the Southern Division dated the 12 July 1824.

Coimbatoor

14. With reference to the remarks made by the Provincial Court of Circuit in the 32d para of their proceedings on the sentence passed by the Acting Joint Criminal Judge on the prisoner concerned in Case No 46, the Magistrate of Coimbatoor should be required to apprize the Head of Police that he should have himself have disposed of the case under the provisions of Section V Regulation XIII of 1832.

15. The prisoners in Case No 55 it appears now forwarded to the Criminal Court with "no other evidence against them beyond the

J.C.
31st May 1833.

"assertion of the 1st prisoner in Criminal case No 17 of 1833" this should be brought to the notice of the Magistrate of Coimbatoor, and the attention of the Police Officer of the Pollachy Talook called to the provisions of Section XXVIII Regulation XI of 1816, whereby a Tahsildar is required to forward to the Criminal Court a person criminated by a prisoner in his confession made before him, only when "the accusation be "corroborated by any persons who may appear or be "brought by summons before the Tahsildar".

Madura

16. The Provincial Court of Circuit should have required the Acting Criminal Judge of Madura to explain how Case No 17 of the Report No 5 fell under Clause fourth Section III Regulation VI of 1822. If it was proved that the prisoner broke into the Granary, the sentence was warranted by clause sixth Section II of the same Regulation.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, requiring them to make the necessary communications to the Criminal Judges of Madura, Combaconum and Salem, the Joint Criminal Judges at Tinnevelly and Coimbatoor, and the Magistrate of Coimbatoor, Tinnevelly and Tuticorin by precept returnable within ten days from and after its receipt.

(Sent following Precept No 363)

Read

Read letter, dated the 10th Instant, from the 3d Judge on Circuit in the Northern Division, transmitting copy of the Guntoor Supplemental Calendar 1st Sessions of 1833.

(Here enter № 516)

№ 3. 1 The Court see no reason to object to the sentences which have been passed on the several prisoners in this case, and approve of the banishment of the 6th prisoner to the Zillah of Cuddapah.

№ 4. 2 As the 3d Judge proposed to recommend a mitigation of punishment in behalf of the prisoner in this case, a conditional sentence should have been passed according to the Court's Circular orders of the 6th December 1830.

№ 24. 3 The Court of Foujdaree Adalut observe that the indictment in this case is not framed in accordance with their Circular orders on this subject, an irregularity which the 3d Judge should have noticed and caused to be ~~corrected~~ amended.

Ordered, that Extract from these proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information and guidance.

(Sent following letter № 364)

Read Return, dated the 27th Instant from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, to precept dated the 15th Instant directing the mitigation of the punishment

of certain prisoners in Cases №s 7 and 8 Chittoor Calendar 2d Quarterly Sessions 1833.

(Here enter № 557.)

Read Return, dated the 27th Instant from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, to precept dated 10th Instant, ordering the mitigation of the punishment of the prisoners in № 5 Chittoor Calendar 2d Quarterly Sessions 1833.

(Here enter № 558.)

L. M

J. Co.

At a Court of the Zoojdaree Adalut.

Present,

Friday, 7th June, 1833.

Charles May Lushington Esqr. 1st Puisne Judge
Thomas Nicol Oakes Esqr. 2d Puisne Judge
William Hudleston Esqr. 3d Puisne Judge

Read letter dated the 27th Instant from the Acting Criminal Judge in the Zilla of Bellary, transmitting copy of the warrant issued in Case No. 27 of the Bellary Calendar for the 1st Sessions of 1833, for the banishment of the prisoner Concerned in that case to a Zilla, to be selected by the Zoojdaree Adalut.

(Here enter No. 502.)

The Court of Zoojdaree Adalut direct that the prisoner

1st "Gatrall Tippagaudoo"

be removed to the Jail at Trichinopoly, there to be imprisoned agreeably to the terms of his Sentence.

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge in the Zilla of Bellary, and to the Magistrate in charge of the Jail at Trichinopoly that the Provincial Court of Circuit in the Southern Division for their respective information and guidance.

(Sent following letter No. 371.)

Read

Read return, dated the 23d Ultimo, from the Provincial Court of Circuit in the Northern Division, in precept of the 13th Ultimo, directing them to issue instructions to the several Criminal Judges in the division, to prepare translations of all cases committed by them which are to be submitted to the Court of Circuit with the Calendars.

(Herewith No 563.)

Read letter, dated the 31st Ultimo, from the Acting 3d Judge on Circuit in the Centre Division, reporting his arrival, and having commenced the Sessions at Chingleput.

(Herewith No 570.)

Read letter, dated the 3d Instant, from the Acting Judge on Circuit in the Centre Division, with returned warrant for the execution of the prisoner in case No 13 Bellary Calendar 1st Sessions 1833.

(Herewith No 579)

Read return, dated the 1st Instant, from the Acting Judge on Circuit in the Southern Division, in precept dated 24th Ultimo, directing the mitigation of punishment in case No 8 Combaconum Calendar 1st Sessions 1833.

(Herewith No 574.)

Read return, dated the 30th Ultimo, from the 2d Judge on Circuit in the Western Division, in precept dated 20th Ultimo, requiring him to carry into effect the sentence passed on the 1st & 2d Prisoners in No 3 Salem Calendar 1st Sessions 1833.

(Herewith No 575.)

Read letter, dated the 1st Instant, from the 2d Judge late on Circuit in the Southern Division, forwarding the explanation required from the Joint Criminal Judge of Coimbatore, relative to the delay in executing the sentence in case No 3 Coimbatore Calendar 2d Sessions 1832.

(Herewith No 570.)

Read letter, dated the 3d Instant, from the 1st Judge of the Provincial Court of Circuit in the Southern Division, reporting that notice was sent to the Criminal Judge of Madura that the Sessions will be holden on the 8th Instant.

(Herewith No 580.)

Read letter, dated the 1st Instant, from the 3d Judge on Circuit in the Northern Division, reporting his arrival on the 30th Ultimo, and his opening the 1st Sessions 1833 at Rajamundry on the 1st Instant.

(Herewith No 581.)

At a Court of the Foujdaree Adalut

Present,

Saturday
8th June 1833. C. M. Lushington Esqre 1st Puisne Judge
Thomas A. Oakes Esqre Acting 2nd Puisne Judge
William Hudleston Esqre — 3d Puisne Judge.

Read letter, dated the 23d March last,
from the Acting Judge on Circuit in the Centre
Division, transmitting the Record of trial in Case
№ 16 Bellary Calendar 1st Sessions 1833.

(Here enter № 389)

Mr Lushington
and
Mr Hudleston

The Court of Foujdaree Adalut having
maturely considered the proceedings held before the
Judge on Circuit, the futwa of the Provincial Law
Officer, and the futwa of the Cazee-ool-Cozat and
Mooftee of the Foujdaree Adalut, confirm the said
futwa of the Cazee-ool-Cozat and Mooftee aforesaid,
and under the sentence of Hissaar declared in the
futwa, and under the provisions of Section X Regu-
lation VIII of 1802, adjudge the Prisoner

Narasimmalu

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

(Sent following letter №)

Read letter, dated 20th April last, from
the 2d Judge of the Provincial Court of Circuit in the
Northern Division submitting record of trial in Case
№ 8 Guntoor Calendar 2d Sessions 1832.

(Here enter № 431)

The

5th June 1838.

Mr Oakes Cand
Mr Huddleston.

The Court of Foujdaree Udalut ——
on a deliberate consideration of the circumstances of the
case in evidence before them, concurring in opinion that
the proof against the Prisoner

"Mohummud Ghalub"

is sufficient to convict him of the crime of Perjury,
do under the authority with which they are vested by
Clause first Section II Regulation I of 1818 convict
him thereof, and under the provisions of Clause third
Section III Regulation VI of 1811, adjudge the Prisoner

"Mohummud Ghalub"

to be imprisoned and kept to hard labor in irons on the
public roads or other public works, for, and during the
period of four years, with Fasheen

(Sent following letter No. 373.)

Read letter, dated 11th April last, from
the Acting Judge in Circuit in the Centre Division,
submitting the Record of trial in Case No. 8. Bellary
Calendar 1st Sessions 1838.

(Here enter No. 182.)

Mr Oakes Cand
Mr Huddleston

The Court of Foujdaree Udalut
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 Foujdaree Udalut, confirm the said
futwa of the Cazee-ul-Coozat and Mooftees aforesaid, &c.
under the sentence of Fokoobut declared in the
futwa, and under the provisions of Clause third
Section

5th June 1838.

Section VII Regulation XV of 1803, adjudge the
prisoners

2nd Boopalum Timmapah
and
3rd Nanummah

to be transported beyond the seas, to such place as
the Governor in Council may 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 No. 374.)

J. M.

At a Court of the Foujdaree Udalut.

Present,

Monday, 10th June 1833.— C. M: Lushington Esqre 1st Puisne Judge.
Thomas A: Oakes Esqre Acting 2nd Puisne Judge.
William Hudleston Esqre 3d Puisne Judge.

Read Petition presented on the 13th May by Chellaperoomaul of Chingleput.—

(Here enter Mis: Pet: No 47 of 1833.—)

The Petitioner repeats the prayer of his former Petition, presented on the 22nd April, that the Court will issue orders for the restoration of certain cattle which he states are withheld by a person to whom they were entrusted.

The Petitioner is referred to the order of the Court passed on the 8th May on his former Petition, in which they do not see cause to make any alteration.

Ordered, that the prayer of this Petition be rejected, and that extract of these proceedings be granted to the Petitioner on his application.—

Read again letter, dated 8th April last, from the acting 3rd Judge on Circuit in the Southern Division, submitting copy of the Tinnevelly Calendar Sessions of 1833.—

(Here enter No 385)

The Court of Foujdaree Udalut, deeming it proper that the proceedings held on Cote No 17 of the above Calendar should be laid before them,—

Ordered

6th June 1833.

Ordered that the acting 3d Judge on Circuit in the Southern Division be by precept commanded to transmit English translations of these proceedings without delay.

/ Sent following Precept No. 375 /

Read again letter dated the 29th of April last from the Provincial Court of Circuit in the Western 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 March last, together with an Extract from their proceedings thereon.

/ Here enter No. 473 /

Malabar. With reference to case No. 146 of the Malabar Supplemental Report, and to the 3d para of the return made by the Provincial Court of Circuit to the precept of this Court of the 13th of December last, the Judges of the Court of Foujdaree Adalut desire that orders may be issued to the Acting Criminal Judge of Malabar, requiring that Officer to dispose of the case in question without delay and agreeably to the Regulations; the detention of the Prisoners in Jail without any proceedings being held against them being altogether illegal.

No. 164. Malabar Supplemental Report.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, requiring them to communicate the above to the Acting Criminal Judge of Malabar for his information and guidance.

/ Sent following letter No. 376 /

J. C. M.

290

J. 66.

At a Court of the Foujdaree Adalut

Present.

Tuesday 11th June 1833.

C. M. Lushington Esqre 1st Puisne Judge
William Hudleston Esqre 3d Puisne Judge

Read letter, dated the 25th April last, from the 3d Judge on Circuit in the Western Division forwarding the Record of trial in Case No. 5 on the Calendar of the Zillah of Canara 1st Division 1833.

(Here enter No. 451.)

The Court of Foujdaree Adalut having

Mr Lushington and Mr Hudleston.

maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwas of the Cazee-ool-Cozat and Mofstees of the Foujdaree Adalut, confirm the said futwa of the Cazee-ool-Cozat and Mofstees aforesaid, and under the sentence of Ockoobut declared in the futwa, and under the provisions of Clause third Section VII Regulation XV of 1803, adjudge the Prisoners

1st Sabooan

2d Appaya

to be transported beyond the seas, 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, and during the period of their natural lives.

(Sent following letter No. 380).

J. C. M.

J.M.

At a Court of the Poygdaree Udalut.

Present,

Wednesday
12th June 1833

C. M. Lushington Esqre 1st Puisne Judge
Thomas A. Oakes Esqr Acting 2d Puisne Judge
William Hudleston Esqre — 3d Puisne Judge

Read letter, dated the 6th April last,
from the Acting Judge on Circuit in the Centre
Division, transmitting the record of Proceedings in
Case No 32. Bellary Calendar first Sessions 1833.
(Here enter No 503.)

The Court of Foujdaree Udalut

Mr Oakes and
Mr Hudleston.

on a deliberate consideration of the circumstances
of the case in evidence before them, concurring in
opinion that the proof against the Prisoners

1st Ramoodoo.
2d Sunjeevoo
3d Nuneegandoo
4th Soonkadoo
5th Hunmah
6th Sakeergandoo
7th Sippagandoo and
8d Mulloogandoo.

is sufficient to commit them of the crime of Gang
Robbery attended with aggravating circumstances,
do under the authority with which they are vested by
Clause first Section II Regulation I of 1818, commit
them thereof, and under the provisions of Clause Secon
Section

Section IV. Regulation XV of 1803, adjudge the said Prisoners to be transported beyond the sea, to such place as the Governor in Council may appoint, there to be imprisoned and kept to hard labour in Iron on the public roads or other public works, for, and during the period of their natural lives.-

/ Sent following letter No. 381. /

Read letter, dated the 22nd Ultimo, from the Provincial Court of Circuit in the Southern Division, submitting the explanations received from the Joint Criminal Judge at Coimbatore, and the Register in charge of the Auxiliary Court at Tinnevelly, relative to the Criminal Reports received from those officers for the Month of February last.-

/ Here enter No. 535. /

1. The transmission of the explanations of the Lower Courts in the above form is irregular. The Provincial Court of Circuit in the Southern Division should have made a regular return to their Precept of the 24th of April last which should have been accompanied by the above Communications. The Courts of Zuzolaree Adalut however will proceed to record their observations thereon.-

Coimbatore. 2 Having referred to the Criminal Reports submitted by the Joint Criminal Judge at Coimbatore, the Judges perceive that in the 2nd para. of their proceedings under date the 24th of April last, Case No. 26 instead of No. 27 has been by mistake inserted, and the Joint Criminal Judge is authorized to correct the error.-

With

Tinnevelly. 3. With reference to the return made by the Register in charge of the Auxiliary Court at Tinnevelly, the Judges desire that the Provincial Court of Circuit in the Southern Division will explain to Mr. Goodwyn that Section III. Regulation VI of 1822 is of course restricted in its application to the offences specifically designated in it.-

4. The sentences passed by the Register in charge, in case No. 13 are illegal, and must be cancelled.-

5. The offence not having been specially provided for by the Regulations, the Assistant Criminal Judge should have proceeded as directed in the Circular Order issued by the Zuzolaree Adalut under date the 28th of January 1828, putting the question to the Law Officer in the mode prescribed in Clause first Section VIII Regulation I of 1827.

6. Upon the offence being declared punishable under the Mahommedan Law, which the Court entertain no doubt would have been the result of a reference to the Law Officer, the Assistant Criminal Judge should have proceeded to commit the prisoners to take their trial before the Court of Circuit if he considered the punishment which he is empowered to inflict by Section VIII. Regulation X. of 1816 inadequate to the offence.-

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, requiring them to communicate the

above

12th June 1833.-

above to the Joint Criminal Judge of Salem and the Regis-
ter in charge of the Auxiliary Court at Tinnivelly for their
respective information and future guidance.

/ Sent following letter No. 382 /

Read letter, dated the 15th April last, from
the 1st Judge late on Circuit in the Western Division, sub-
mitting the Circuit Report required by Section XXXVII
Regulation VII of 1802 for the 2nd Sessions of 1832.-

/ Key enter No. 427 /

5 & 6. 1 The Court are happy to observe from
the remarks of the 1st Judge in these paras, that crimes
of a serious nature are on the decline in Malabar, and
more especially that those which might be traced to
the custom of all Classes indiscriminately wearing the
weapons termed Pichunkuttys, have of late greatly decreas-
ed.-

7 2. The Court see no reason to alter the view
they took in their Proceedings of the 5th October 1832 of
the case of the Prisoner referred to by the 1st Judge in
this para- The dictates of humanity appeared sufficient
to require that in consequence of his advanced age
he should be relieved from working in irons, as
that the period of his confinement should be reduced,
while for the ends of public justice a sentence of imprison-
ment for less than half the period prescribed by law
for the offence would have been insufficient.-

9 3. The 1st Judge in the 17th para of his
Circuit Report dated the 3rd April 1832 suggested certain
alterations which appeared to him calculated to adopt to

12th June 1833.- the security and accommodation of the Calicut Jail at
a trifling expense, and he now strongly urges the adoption
of the measures then recommended by him. The Court con-
der the suggestions of the 1st Judge to be extremely judicious
and in consequence desire that an estimate and particu-
culars of the expense of the proposed alterations may be
laid before Govt in the usual manner-

15 to 18 4. The 1st Judge in allusion to orders
which have recently been issued by the Court of Sudder
dawee Adalut positively prohibiting Police Officers from
having recourse to force or persuasive means of any
kind for the purpose of obtaining confessions from
Prisoners, states that he considers it desirable that Peitals
should abstain from resorting to such means, altho' the
confession be but a verbal one- The Court point out to
the 1st Judge that Peitals are prohibited altogether from
taking any confession, either verbally or in writing,
except in trivial cases determinable by themselves by
Clause 2nd Section V Regulation XI of 1816. It would
appear from the remarks of the 1st Judge that the
foregoing Regulation has not in Canara been made
known to the persons for whose guidance it was enact-
ed- The Court desire that the attention of the Magis-
trate may be again called to the subject, and that
he be directed to use all the means in his power to
effect the promulgation of the Regulation in question,
and obedience to its provisions. No rules can, as sug-
gested by the 1st Judge, be promulgated, but there

enacted by Regulation, and instructions to the Village Po-
lice about taking confessions would be in violation of
Clause Second Section V Regulation XI of 1816.-

23. 5 The 1st Judge should have directed the
infliction of some penalty in the two Case of dereliction
of duty on the part of the Tahsildar of Coondapoor to
which reference is made in this para-

25 and 26. 6. In these paras the 1st Judge advert
to the disproportionate strength of the Jail establishment
at Honore to the number of persons in confinement
and suggests that the Joint Criminal Judge should
be directed to reduce the strength of his guard from
time to time, keeping only one Peon to three Prisoners.

7. The Government on the occasion of a
reference from the Criminal Judge at Nellore have
fixed under date the 30th January 1824. the proportion
of Peons at one to four Prisoners, and thus the Courts
of opinion is amply sufficient for the establishment at
Honore, more especially when it is considered that a
Military guard is posted for the security of the Jail.
They in consequence desire that the Joint Criminal
Judge be directed for the future to regulate his establish-
ment by the number of Prisoners according to the
above proportion.

27. 8. The respite from labor of the Convicts
in the Honore Jail is much too long and in direct
violation of the 38th para of the Jail Rules circulated
on the 8th October 1821, which directs that a "reasonable

time shall be allowed to the Convicts to take their
meals. The Court desire that the respite from labor in
the middle of the day be reduced to two hours-

34 to 37. 9. The Court have lately had particular
occasion to notice the discrepancy between the report
of crime submitted to the Judge on Circuit in the
Western Division, and that contained in the half yearly
Statements forwarded to this Court. They desire that for
the future, the Statements submitted to the Judge on
Circuit and to the Provincial Court of Circuit for trans-
mission to them, may be drawn up in precisely the
same form, and they can see no reason for the slightest
difference in their contents-

10. The suggestions of the 1st Judge in
the 38th para of his letter, will be attended to, when the
next set of Statements are printed.

39 11 The Magistrates of Malabar and
Canara have already afforded explanation in regard to
the difference between the half yearly Statements for
the last half of 1832 and those submitted to the Judge
on Circuit for the same period, and the Court direct that
extract from Mr. Shakespear's report be sent to those offi-
cers, and that they be called upon to furnish similar
explanation in respect to the discrepancies pointed out
by him- The Court likewise direct that copy of para
41 of the Report be sent to the same officers, and that
they be strictly enjoined to use their utmost exertions
in enforcing the provisions of Regulation XI of 1816-

12th June 1833.- 42. 12 The 1st Judge in this para animad-
verts strongly on the hardship entailed on Prisoners in
general, and more especially on those tried for their life
by the authority granted to a Criminal Judge "if he
see proper to summon only two Witnesses" to each point.
"for (he remarks) it may so happen that one by death
or otherwise, may not be forthcoming or the recollection
of one of the two, may not serve him to corroborate the
statement of the other;" and he suggests in consequence
even should a new enactment be necessary, that the
number should be increased.

13 The Court of Sudder Adalut in their
Proceedings of the 30th June 1830, fully expressed their
sentiments on this subject, in reference to certain obser-
vations from the 1st Judge late on Circuit in the
Centre Division, and they now consider it proper to
subjoin those remarks for the information of the 1st
Judge, who will, should he deem it necessary, commu-
nicate the same for the guidance of the several
subordinate Judicial authorities in the Western Divi-
sion.-

14 "The discretion given to Criminal
Judge by Regulation II of 1822 to limit the 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 privilege of summoning Witnesses on their behalf,
and the most general defence of an alibi can be as

12th June 1833.- -cubly proved by two or by twenty Witnesses. The Criminal
Judge previously had no option. He was bound to
cause the attendance before the Court of Circuit of ea-
person named by the Prisoner without knowing an
without having the means of knowing whether their
evidence was, or could be material to the Prisoner.
The discretion thus given to the Criminal Judge was
not, and could not be meant to deprive the Prisoner
of any just means of defence; and if a Prisoner
were to name ten Witnesses to a fact clearly mate-
rial to his defence the Criminal Judge would impro-
perly exercise the discretion vested in him, were he
to reduce the number summoned to two or three;
for altho' 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. Inde-
pendently of the general rule that the best and
fullest evidence should be obtained, in fact in every
case there would be here a complete failure of jus-
tice".-

15. The Court beg to request the parti-
cular attention of Government to the observations
of the 1st Judge in the 43rd para of his Report, in
regard to the bad state of the high public road
leading from Tellicherry to Cannanore, Mangalore
Vza Dza and the protracted delay that has taken place
in the erection of a bridge in lieu of one that fell
in during 1827, and which was commenced so far

12th June 1833.-

back as 1829, and to suggest that directions may be given in the proper Department for remedying the evils represented.

Ordered, that extract from these Proceedings, together with Copy of the Report to which they have reference, 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. 383)

Ordered likewise, that extract from these Proceedings be sent to the 1st Judge late on Circuit in the Western Division, for his information and

(Sent following letter No.)

× × ×

A period of nearly 4 Months having elapsed since the close of the trials in Cases Nos. 27. 29. and 31 of the Nellore Supplemental Calendar for the 1st Sessions of 1833, and an unusual delay having also taken place in the transmission of the record of the proceedings in Cases Nos. 6. and 15. of the Guntoor Calendar for the same Sessions, the trials in which cases were closed, the former on the 6th of April and the latter on the 25th of March last, all of which Trials together with Case No. 19 of the Guntoor Supplemental Calendar the proceedings in which were closed on the 6th Ultimo, are set down for reference to the Court of Sinjdaree Adalut.-

Ordered

× Ordered likewise that Cases 12. 13 and 16 be sent to the 4 Provincial Courts of Circuit directing them to calculate the Same for the information and guidance of the several Provincial Judges, Joint Provincial Judges and Native Provincial Judges in their respective Provinces

(Sent following letter No. on the 7th August 1833.-

Trials closed.
Case No. 27 — 13th Feb.
" 29 — 9th Feb.
" 31 — 12th Feb.

12th June 1833.-

Ordered, that the 3d Judge on Circuit in the Northern Division be by precept commanded to submit the records of the proceedings held in the above Cases within 10 days, or shew good and sufficient reason for not doing so.-

(Sent following precept No. 385)

J. C. M.

DC

At a Court of Fouzdaree Udalut.

Friday
14th June 1833.

Present,

C. M. Lushington, Esqre 1st Puisne Judge.
Thomas A. Oakes Esqre, Acting 2d Puisne Judge
William Nuddleston Esqre 3d Puisne Judge.

Read letter, dated 30th April last,
from the 3d Judge on Circuit in the Western Division,
forwarding the trial in No. 1 Canara Second Supplemental Calendar for the 1st Sessions of 1833.

(Here enter No. 471.)

Mr. Lushington
Mr. Nuddleston

The Court of Fouzdaree Udalut
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 Fouzdaree Udalut, confirm the said futwa of the Cazee-ool Coozat and Mooftee aforesaid, and under the sentence of Hissaar declared in the futwa, and under the provisions of Section X Regulation VIII of 1802, adjudge the Prisoner

"Damoodar"

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

(Sent following letter No. 392.)

1. At page 48 of the proceedings before the Court of Circuit, it is stated that the fifth witness being about 8 Years of age was not examined

examined on oath, but verbally interrogated and a statement made without oath by him has been entered. The Court of Faujdaree Udalut observe that this proceeding is irregular. The statement of this description can regularly be recorded. If it appeared that the boy was incapable of comprehending the nature and obligation of an oath, and the consequences of Perjury, no question should have been put to him.

2. It appears by an Extract of the Proceedings of the Court of Circuit dated the 1st April 1833, that the prisoner when examined by the Criminal Judge, gave a detailed statement of the transaction but that his simple admission of the Robbery and Murder was recorded.

3. The Criminal Judge's explanation of this proceeding shows a false impression in regard to a most important part of his duty.

4. The Confessions of a Prisoner "must all be taken together, and not by parcels". The whole confession is evidence as well for, as against him. and consequently when a prisoner is examined under the provisions of Clause first Section IX Regn XVII of 1816, the whole of his statement is required to be recorded and in the words used by him.

5. This should be communicated to the 3d Judge for the information and future guidance of the Criminal Judge at Canara.

Ordered, that Extract from these proceedings

proceedings be forwarded to the 3d Judge on Circuit in the Western Division by precept, returnable without delay.

(Sent following Precept No. 393.)

Read letter, dated the 31st Ultimo, from the Secretary to Government in the Judicial Department, transmitting copy of a letter with its enclosures from Mr. Drury, and desiring the Court to examine the proceedings to which they have reference, and to communicate the result to Government.

(Here enter No. 871.)

The Court of Faujdaree Udalut deeming it necessary with a view to the investigation directed in the above letter, that all the proceedings held, up to the present time, by the Police Officers, the Magistrate and the Joint Criminal Judge in Cases Nos. 92 and 99. in the Report No. 5 of persons apprehended and delivered to the Joint Criminal Judge of Tinnevelly in October 1839, should be laid before them.

Ordered, that the Provincial Court of Circuit in the Southern Division be by precept commanded to call for and transmit English translations of these proceedings without delay.

(Sent following Precept No. 394. &c.

Read.

Read Return, dated the 29th Ulto. from the Provincial Court of Circuit in the Western Division, to precept dated 23rd ulto. last, containing the Courts observations on the Criminal Reports for January last.

(Here enter No 583.)

Read Return, dated the 5th Instant, from the Provincial Court of Circuit in the Northern Division, to precept dated 27th March last, containing the Courts orders on the Criminal Reports for November last.

(Here enter No 584.)

Read Return, dated the 5th Instant, from the Judges of the Provincial Court of Circuit for the Southern Division, to precept dated 16th April 1833, requiring that the Indictment should be drawn up by the Criminal Judge himself in strict accordance with the evidence to be adduced on the trial in cases submitted to the Court of Circuit.

(Here enter No 585.)

J. 16.

At a Court of the Zoyidaree Adalut.

Monday 17th June 1833.

Present
Charles Mayo Lushington Esqr. 1st Puisne Judge
Thomas Alexr. Oakes Esqre. acting 2d Puisne Judge
William Hudleston Esqre. 3d Puisne Judge

Read letter, dated the 29th March last, from the acting 1st Judge of the Court of Circuit in the Centre Division, submitting case No 1 Chittoor Calendar 1st quarterly Sessions 1833.

(Here enter No 322.)

Mr. Baker
Mr. Hudleston.

The Court of Zoyidaree Adalut 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 Zoyidaree Adalut, confirm the futwa of the futwa of the Cazee ool Cozat and Mooftees aforesaid, as convicts the Prisoners.

1st Cogary Venkatun
2d Para Vatun
4th T. Dasary and
5th Para Dasary

and acquits the prisoners,

6th Cundeen
7th Poodoor Mottay and
8th Narrain Chetty

and further concurring in opinion that the proof against the prisoner

3d Chinna Moonegan

17th June, 1833.

is sufficient to convict him of the crime of Sang Robbery attended with aggravating circumstances as under the authority with which they are vested by Clause first Section II Regulation I of 1818 convict him thereof, and under the provisions of Clause 2nd Section IV Regulation XV of 1803 sentence the prisoner

1st Coopay Tewaten
2d Para Vatan
3d Chinna Moongan
4th T. Dasay
and
5th Para Dasay

to be transported beyond the seas, to such place as the Governor in Council may 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. And considering that strong suspicion though not amounting to convic-tion is established against the prisoner,

8th Narrain Chetty

they under the provisions of Clause Sixth Section II Regulation XV of 1803 direct that he be required to find two Sureties in three hundred Rupees each for his good behaviour and appearance when required within three years, or in default thereof to be detained for that period in confinement.

And the Court direct that the prisoners

6th Cundan and
7th Poodoo Mottay

be set at liberty.

(Vide following letter No 399.)

17th June 1833.

Mr Lushington
&
Mr Huddleston.

Read letter, dated the 24th April last, from the 2d Judge late on Circuit in the Northern Division, transmitting case No 24 Guntoor Calendar 2d Sessions 1832.

(Here enter No 445.)

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftees of the Foujdaree Udalut, do confirm such part of the said futwa of the Cazee ool Cozat and Mooftees of the Foujdaree Udalut as convicts of theft the Prisoners

2d Cherroo Koor Dikkadoo
and
3d Jonnalagadda Caumaragadoo,

and convict them thereof, and under the provisions of Clause fourth Section II Regulation XV of 1803 they direct their Law Officer to declare by a second futwa, to what punishment they would have been liable, if the special exception by which Hadis barred had not existed.

And further concurring in opinion that the proof against the prisoner

4th Chodaghery Vollado

is sufficient to convict him of the crime of theft, they do under the authority with which they are vested by clause first Section II Regulation I of 1818 convict him thereof, and

under

17th June 1833.

under the provisions of Claude Second Section II Regulation I of 1818 direct their Law Officers to declare by a second futwa, to what punishment he would be liable if convicted of that crime.

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

Read letter, dated the 13th April last, from the Acting Judge in Circuit in the Cuttack Division, transmitting Calendar Bellary Calendar 1st Sessions 1833.

(Here enter No 1483)

Mr Baker
Mr Rind Cotton

The Court of Zoojaree Adalut 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 Zoojaree Adalut, confirm such part of the futwa of the Cazee ool Cozat and Mooftees aforesaid, as convicts the prisoners

2d Hoofsinee,

and under the provisions of Claude fourth Section II Regulation XV of 1803. they call upon their Law Officer to declare by a second futwa, to what punishment the said prisoner would have been liable had Hud not been barred for the reason stated in their futwa.

And further concurring in opinion that the proof against the Prisoners

1st Khatarba
3d Sontoogandoo
&
4th Bhumadoo

J. G.
17th June 1833.

is sufficient to convict them of the crime of Robbery, do under the authority with which they are vested by Claude first Section II Regulation I of 1818 convict them thereof. and under the provisions of Claude Second Section II Regulation I of 1818, call upon their Law Officers to declare by a second futwa, to what punishment the said prisoners would have been liable, had they been convicted of the said crime.

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

J. M

At a Court of the Foujdaree Udalut—

Present,

Tuesday 18th June 1833. C. M. Lushington Esqre 1st Puisne Judge
Thomas A. Oakes Esqr Acting 2nd Puisne Judge.
William Audleston Esqre 3d Puisne Judge.

Read letter, dated the 6th Ultimo from the Acting Judge in Circuit in the Centre Division, Transmitting Record of trial in Case No. 18 Bellary Calendar 1st Sessions 1833

(Here enter No. 476.)

The Court of Foujdaree Udalut on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the proof against the Prisoner

Kochar Nagadoo

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 the seas as the Governor in Council may 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. 400)

Read letter, dated the 23d Ultimo from the Provincial Court of Circuit in the Western Division

DPO

Mr. Lushington
and
Mr. Oakes.

Division submitting the Reports required by Section XXXV Regulation X of 1816, from the several Criminal and Joint Criminal Judges, and the Native Judge at Tiree, for the month of April last, together with an Extract from their proceedings thereon.

(Here enter No 559)

Cannore

1 The Court of Foujdaree Udalut upon consideration of the explanation given in Case No 39 of the Report No 5, do not consider that the Criminal Judge was warranted in his requisition of Security from the prisoner "Lenthra", and they desire therefore if the prisoner be in custody that he be forthwith released, or in the event of the Security having been furnished, that the bonds entered into by the Sureties be immediately cancelled.

Honore.

2 In Case No 39 of the Report No 5 Submitted by the Joint Criminal Judge at Honore it is observed that "the witnesses sent up to the Court in this case "have not been examined in consequence of the admission of the Prisoner". This is an improper proceeding without other proof that the crime was actually committed. a prisoner ought not to be convicted on his own confession notwithstanding such admission, evidence to the facts of the case should have been taken.

3 The Court of Foujdaree Udalut conclude that the prisoners concerned in Cases (the Supplemental No 19, 25 and 26 were committed to take their trial before the Court of Circuit as habitual receivers of stolen property under the provisions of Clause third Section IV Regulation VII of 1822, but the Joint Criminal Judge should have explained why these cases were not punishable by the Criminal Court.

4 The Prisoners named "Bomayo" "Annayo" and "Shaik Imam" having been committed to take their trial before the Court of Circuit, it would have been more accurate had the Joint Criminal Judge stated that the charge against them in Case No 27 had been dismissed.

No 27 the prisoners mentioned above.

Malabar.

5 Under all the circumstances of the case it is to be regretted that the 1st 2nd 3rd and 4th prisoners in No 60 of the Supplemental Report submitted by the Acting Criminal Judge of Malabar were not committed for trial by the Court of Circuit.

The Magistrate of Malabar should be called upon to explain why neither Prosecutor nor any of the witnesses were forwarded along with the prisoner in Case No 87 of the Report No 5 to the Criminal Court.

7 The circumstances connected with Case No 93, wherein it is asserted "that the confession" made by the Prisoner "was extorted by the Duffadar and some others by order of the Tahsildar" having been "brought to the notice of the Magistrate" the Court of Foujdaree Udalut desire that the result of the Magistrate's inquiry may be submitted for their information.

The

Sirsee
Native Judge.

5

The Native Criminal Judge would appear from the record of the charge in Case No 19 to have disposed of a Case not punishable by the Criminal Judge, his proceeding therefore in passing sentence upon the 1st 2d 3d 4th and 5th Prisoners, requires explanation.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, requiring them to furnish the Criminal Judge of Canara and Malabar, the Joint Criminal Judge at Honore, the Magistrate of Malabar, and the Native Judge at Sirsee with copies of such parts of the above proceedings, as concerns those Officers respectively by precept returnable in 10 days from and after its receipt.

(Sent following Precepts No 401.)

Read letter, dated the 8th Instant, from the Acting 3d Judge in Circuit in the Centre Division, recommending a remission of the punishment to which the 3d prisoner convicted in No 1. Chingleput Calendar 1st Sessions 1833 of robbery, has rendered himself liable.

(Here enter No 591.)

1

The Court desire to point out to the Acting 3d Judge, that Clause Sixth Section IV Regulation XV of 1803, applies only to cases referred to the Sunnudee Adalut, and that the present reference is not in the regular form.

2

The Acting 3d Judge has however in this case passed Sentence of fourteen years imprisonment under Clause Second Section IV Regulation XV

18th June 1833

of 1803, which it was not competent to him to do.

3

The Prosecutor having been burnt the case falls under the provisions of that Clause, and must in consequence be referred for the final judgment of the Sunnudee Adalut.

4

Ordered therefore, that the Acting 3d Judge be directed to submit the proceedings of the trial in question in English and Persian with as little delay as possible.

Ordered, that Extract from these proceedings be sent to the Acting 3d Judge in Circuit in the Centre Division for his information and guidance.

(Sent following letter No 402.)

J. M

Read letter, dated the 5th Instant, from the Provincial Court of Circuit in the Western Division, forwarding translation of a communication from the Native Criminal Judge of Canara, stating that he has misquoted the Section and Regulation in Case No 19 of his Report No 5 for April last.

(Here enter No 606.)

Read Return, dated the 5th Instant from the Judges of the Provincial Court in the Southern Division, to precept dated 29th April 1833, respecting the entry of the date of the charges of the complainants in the reports made by the Heads of the District Police.

(Here enter No 588.)

Read Return, dated the 8th Instant, from the 3d Judge on Circuit in the Northern Division, to precept dated 22d May, containing the remarks of the Court of Foujdaree Udalut on the proceedings of the 3d Judge on Circuit in the Northern Division in Guntoor Calendar 1st Sessions 1833.

(Here enter No. 613.)

Read further Return, dated the 12th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 6th April last, directing that cases cognizable under Clause Second Section III Regulation III of 1819, should be sent up to the Magistrate of Coimbatoor in the first instance.

(Here enter No. 615.)

Read letter dated the 11th Instant from the Acting 3d Judge on Circuit in the Centre Division stating that the copy of the translated futwa submitted with his letter of the 8th Instant was imperfect and enclosing the abstract thereof as inserted in the Calendar.

(Here enter No. 600.)

At a Court of the Foujdaree Udalut.

Present,

Thursday 20th June 1833. C. M. Lushington, Esq.re 1st Puisne Judge
Thomas A. Oakes, Esq.re Acting 2nd Puisne Judge
William Hudleston, Esq.re 3d Puisne Judge.

Read letter, dated 30th March last, from the Acting 3rd Judge of Circuit in the Southern Division, transmitting the record of trial in Case No. 3 on the Madura Calendar 1st Sessions 1833.

(Here enter No. 326.)

Mr. Lushington and Mr. Hudleston.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the Prisoners

2nd Sevalinganaik

3rd Sutchoomy patty Naik and

4th Bodey Naik

of the crime of wilful murder, and under the provisions of Section X and XVII Regulation VIII of 1802, adjudge the said Prisoners

2nd Sevalinga Naik

3d Sutchoomy patty Naik and

4th Bodey Naik

to suffer death by being hanged, and their bodies to be suspended in irons at a place to be selected by the Criminal

Criminal Judge in the immediate vicinity of the Scene of the murder.

(Sent following letter No. 405)

Read letter, dated the 6th Ultimo from the Acting Second Judge of the Court of Circuit in the Centre Division, transmitting the record of trial in Case No. 2 Chittoor Calendar for the 2nd Quarterly Sessions of 1833.

(Here enter No. 469.)

Mr. Oakes and Mr. Huddleston

The Court of Faujdaree Udalut 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 Faujdaree Udalut, confirm such part of the said futwa of the Cazee-ool-Cozat and Mooftee aforesaid, as acquits the Prisoners

1st D. Imam.

2d Sepoy and

4th Boodee.

and direct that the Prisoner

5th Brodie

be set at liberty. But considering that strong suspicion though not amounting to conviction is attached to the Prisoners

1st D Imam and

3d Sepoy.

they under Clause Sixth Section II Regulation XV of 1803 direct that they be required to find two Sureties in 250 Rupees each for their good behaviour and appearance

when required within the period of three years, or in default thereof that they be detained for that period in confinement.

(Sent following letter No. 406)

Read Return, dated 6th Instant, from the Acting 3d Judge on Circuit in the Southern Division, to precept dated 31st May 1833 directing the 3d Judge to certify whether Soobarow Muzoomdar was legally empowered and appointed by the Magistrate under Section III Regulation IV of 1821 to take the confession of a prisoner in the trial of case No. 4 Tinnevelly Calendar 1st Sessions of 1833.

(Here enter No. 590.)

Read again letter, dated the 6th Ultimo, from the Acting 3d Judge on Circuit in the Southern Division, forwarding the Record of Trial in Case No. 4 of the Tinnevelly Calendar 1st Sessions of 1833.

(Here enter No. 467.)

Mr. Oakes and Mr. Huddleston.

The Court of Faujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftees of the Faujdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the sentence of Kissaas declared in the futwa, and under the provisions of Section X Regulation VIII of 1802, Sentence the prisoner

"Sureemootoo"

to

5th June 18

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

Clerk

WQ

(Sent following letter No 407)

J. M

Fol 46

At a Court of the Foujdaree Udalut,

Present

Saturday 22d June 1833.

C. M. Lushington Esqre 1st Puisne Judge

Thomas A. Oakes Esqre acting 2d Puisne Judge

William Hudleston Esqre 3d Puisne Judge

Read again letter, dated 25th April last from the 2d Judge late on Circuit in the Northern Division, transmitting the Record of trial in Case No 24 Guntoor Calendar 2d Sessions 1833.

(Here enter No 445)

Clerk

Read also recommendations delivered in this case by the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut.

Mr Lushington and Mr Hudleston

In commutation of the Sentence of Hud declared in the foregoing future, the Court of Foujdaree Udalut do Sentence the Prisoners

2d Cherroocan Ukkadoo

3d Sonnalagudda Cannegandoo

and

4th Chodagherry Volladoo.

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 there to be released.

(Sent following letter No 408.)

Read again letter, dated 13th April last, from the Acting Judge on Circuit in the Centre Division transmitting Case No 7 Bellary Calendar 1st Sessions 1833.

(Here enter No 483.)

Read

Read also second futwa delivered in this Case by the Cazee ool Cozzat and Mooftee of the Tuyjdaree Udalut.

In commutation of the sentence of death Had declared in the foregoing futwa, the Court of Tuyjdaree Udalut sentence the Prisoners

1st Katarakee
2nd Hoosainee and
3rd Somtegaudoo

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 further sentence the prisoner

4th Bheemadoo

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

(Vide following letter No 409)

J. M

No 16.

At a Court of the Tuyjdaree Udalut.

Present,

Tuesday 25th June 1833. C. M. Lushington Esqre 1st Puisne Judge.
Thomas A. Oakes Esqre Acting 2nd Puisne Judge.
William Hudleston Esqre 3rd Puisne Judge.

Read letter, dated 11th April last from the Acting Judge on Circuit in the Centre Division, transmitting Case No 19, Bellary Calendar 1st Sessions 1833.

(Here enter No 475)

Read also letter, dated 14th Ultimo, from the Acting Judge on Circuit in the Centre Division, transmitting copy of a letter received from the Acting Criminal Judge, reporting the death of the eighth Prisoner in No 19 Bellary Calendar 1st Sessions 1833.

(Here enter No 507.)

Mr. Oakes
Mr. Hudleston

The Court of Tuyjdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozzat and Mooftees of the Tuyjdaree Udalut, confirm such part of the said futwa of the Cazee ool Cozzat and Mooftees aforesaid, as convicts the Prisoners

1st Mordakah
2nd Bheema
17th Sk Hummah
18th Geereyah

20th

19th Goller Bussuah and

21st Mankha

and acquits the Prisoners,

5th Ramah

6th Kumplegah and

18th Seerogah,

and further concurring in opinion that the proof against the Prisoner

2d Simmergah

is sufficient to convict him of the crime of Gang Robbery attended with aggravating circumstances, do under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict him thereof and under the provisions of Clause second Section IV Regulation XV of 1808 [illegible] the said Prisoner

1st Mowlakah

2d Simmergah

7th Bheemah

17th Ka Hummah

18th Geeregah

20th Goller Bussuah and

21st Mankha

to be transported to such place beyond the seas, as the Governor in Council may 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.

And considering that Strong suspicion though not amounting to conviction attached to the

the Prisoner

15th Seerogah,

they, under Clause Sixth Section II Regulation XV of 1803, direct that he be required to find two Sureties in 50 (fifty) Rupees each for his good behaviour and appearance when required within 3 years. And the Court being of opinion that the Prisoner

5th Purrapah

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, do accordingly under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that the said Prisoner

5th Purrapah

be let at liberty.

(Sent following letter No. 413)

Read Report from Mr. Newnham, late 1st Judge of the Provincial Court of Circuit in the Eastern Division, dated the 14th September 1831, but received together with another Report, described as "an Appendix" to it, on the 5th February 1833.

(Here enter No. 120.)

The Court regret that Mr. Newnham should in the foregoing communications have so completely set at nought the exhortations of the Sunjdaree Adalut in their proceedings of the 15th July 1830, and other proceedings, as well as those of Government in the Minutes of Consultation under

under date the 7th September 1830, that he should study "brevity" in his public Reports.

The Court have attentively perused and considered the observations and suggestions contained in these communications, which do not appear to them to require particular notice or remark.

3 Mr. Newnham chiefly argues the expediency of introducing into the Madras code the rules in the Bombay Regulations of 1827, respecting the crime of conspiracy, and certain Police enactments of the same Regulations, of conferring on Criminal Judges power to issue orders directly to the Officers of Police, and other alterations of the existing Systems, in respect to which the sentiments of the Sudr and Foujdaree Adalut have been repeatedly recorded, particularly in the Sudr Adalut's proceedings of the 28th April 1829, and the Reports therein mentioned.

4 The Court do not feel justified in putting the Government to the expence of making duplicate copies of these communications, and in reference to their needless and objectionable length, they resolve, under the discretionary power vested in them by Mr. Secretary Macleod's letter of the 9th August 1828, to forward the originals to Government, with a request that they will be pleased to determine whether or not copies of these Reports shall be submitted in the usual manner.

Ordered, that Extract from these Proceedings, together with the original Reports referred,

to

to therein, 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. 614.)

Read Return, dated the 8th Instant from the 3rd Judge on Circuit in the Northern Division, to Precept dated 8th Ultimo, conveying the instructions of the Court relative to depositions taken by the Criminal, Joint Criminal, or Native Criminal Judge, in cases where a Witness's attendance before the Court of Circuit may be prevented under certain circumstances.

(Here enter No. 614.)

1 The 3rd Judge in the foregoing Return requests to be informed whether in cases in which evidence admitted under the directions contained in the Court's precept should be rejected by the Law Officer, it is proper to put a second Question to him to remove such objections.

2 The Court observe that in a case such as that alluded to by the 3rd Judge, it is necessary that the trial should be referred to them, if the Judge of Circuit and the Mohummedan Law Officer differ in their appreciation of the evidence.

3 The 3rd Judge further desires instructions whether or not the rules laid down by the Court in respect to the depositions of Witnesses are likewise applicable to the deposition of a Prosecutor

in reply to which the Court informs him, that the late contemplates no distinctions between a Prosecutor and a witness.

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

(Sent following letter No 415)

Read letter, dated the 15th Instant, from the 1st Judge of the Provincial Court of Circuit in the Southern Division, submitting copy of correspondence with the Officer Commanding the Southern Division, and the Magistrate of Vizagapatam, relative to the cases to be brought before the Special Court at which he is appointed to preside, and requesting the instructions of the Court, whether or not it is necessary that the usual preliminary inquiry should be made by the Magistrate and the Prisoners be committed for trial by the Criminal Court under the provisions of the General Regulations.

(Here enter No 634)

1. In ordinary cases the intervention of the Criminal Judge before the trial of the Prisoners could not be dispensed with. Here however martial law has been proclaimed and that of necessity abrogates all established forms not essentially requisite to the fair trial of the Prisoners.

2. The Court are of opinion that under

Regulations XX of 1802, even the intervention of the Magistrate may be dispensed with. Section VI enjoins Magistrates to give their utmost assistance in expediting the trial of all persons charged &c and when persons are charged before them in the first instance they are to give an immediate report to Government. This supposes persons to be charged in the first instance before authorities other than the Magistrate, and then he is to give his utmost assistance in expediting the trial. The executive Government are empowered to order the trial to take place before any Court, which they may please to constitute for that purpose.

All question, however, as to the necessity for previous examinations being taken by the Magistrate in these cases, is set at rest by the Proceedings of the Foujdaree Adalut in 1807 in the cases of persons charged with being concerned in the Vellore Mutiny.

In those cases the Foujdaree

4. Adalut particularly insisted upon such preliminary proceedings in the first instance, but the point was subsequently abandoned and the Prisoners were convicted and finally sentenced on the proceedings before the Special Commission alone without any formal commitment, or depositions before any other authority whatever.

5. The Court are therefore of opinion that Mr Paske should proceed at once to the trial of the Prisoners referred to by him, and they direct

direct that he be instructed accordingly.

The Court further direct that the first Judge will, on the Prisoners appearing before him ascertain whether or not they wish any Witnesses to be called on their behalf and obtain their attendance through the Magistrate.

Ordered, that Extract from these Proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance.

(Court following letter No 1816)

Read letter, dated the 13th Instant, from the 3d Judge on Circuit in the Northern Division stating his inability to complete the Sessions at Rajahmundry before the half year, and suggesting that Mr Parker may be requested to detain the Jail at Vizagapatam.

(Here enter No 620)

Read letter, dated the 17th Instant, from the 2d Judge of the Court of Circuit in the Northern Division Reporting that he has issued Orders for opening the 3d Sessions at Nellore on the 20th July next.

(Here enter No 635)

Read letter, dated the 18th Instant, from the Acting 3d Judge on Circuit in the Southern Division, Reporting the commencement of the 1st Sessions 1833 at Coimbatore.

(Here enter No 638.)

Read letter, dated the 17th Instant, from the 2d Judge of the Court of Circuit in the Western Division, Reporting that the 2d Sessions will be opened at Calicut on the 17th July next.

(Here enter No 639)

Read letter, dated the 19th Instant, from the 1st Judge of the Court of Circuit in the Northern Division at Bimlipatam transmitting copies of the documents referred to in his letter of the 15th Instant respecting the cases for trial before the Special Court.

(Here enter No 647)

No. 16.

At a Court of the Foujdaree Udalut.

Present,

Wednesday, 26th June, 1833.

C. M. Lushington Esqre 1st Puisne Judge.
Thomas A. Oakes Esqr Acting 2nd Puisne Judge.
William Hudleston Esqre 3d Puisne Judge.

Read return, dated the 8th Ultimo, made by the Provincial Court of Circuit in the Southern Division to the precept of this Court of the 24th of April last, directing the Provincial Court of Circuit to forward an application for the addition of one more English Writer to the present establishment attached to the Judge on Circuit, and in reply thereto transmitting copy of letter which the Provincial Court of Circuit had addressed direct to the Government on the subject.

(Here enter No 522.)

Read also letter, dated the 3d Instant, from the Provincial Court of Circuit in Southern Division, stating with reference to their return of the 8th Ultimo, that they have been instructed by the Government to submit the application through the Judges of the Foujdaree Udalut.

(Here enter No 554.)

Read return, dated the 1st Ultimo, made by the Provincial Court of Circuit in the Western Division, to the precept of this Court of the 24th of April last, wherein the Court of Foujdaree Udalut

26 June 1833.

Udalut, adverting to the great delay which is observable in the transmission of referible trials beyond what is contemplated by the Regulations, directed the Provincial Courts in the Western, Northern and Centre Divisions to submit a list of the establishment in the English Department attached to the Judge on Circuit in each of those Divisions.

(Here enter №461.)

Read also Returns, made by the Provincial Courts of Circuit in the Northern and Centre Divisions, dated respectively the 6th and 2d Ultimo, submitting in compliance with the above precept a list of the establishment attached to the Judge on Circuit in their respective Divisions.

(Here enter Nos. 479 and 458.)

1. It having been brought to the notice of the Court of Foujdaree Udalut that the English establishment of the Judge on Circuit in the Southern Division consisted of one translator and only one writer, and the Court of Foujdaree Udalut considering the early transmission of cases under reference to the Foujdaree Udalut from the Courts of Circuit to be of great importance, the Provincial Court in the Southern Division was directed to apply for sanction for the addition of one more English Writer, to be attached to the Judge on Circuit.

2. In directing the Provincial Court to make this application, the Judges did not contemplate the Government being addressed direct on

J. 16.

26 June 1833.

the subject. they intended that the application should be forwarded through the Foujdaree Udalut the channel prescribed in the order published in the Fort St. George Gazette of the 23d of March last.

3. In the 2d para: of their letter the Provincial Court state that the business before their Court requires "the employment of an additional English Writer on the Circuit establishment of each of the three Judges of the Court on salaries of 10 Pagodas per Month each."

4 The establishment of the Provincial Court in the Southern Division as at present fixed by Government has always been considered by the Foujdaree Udalut the most efficient of either of the Provincial Courts under this Presidency, and the employment of one additional Writer on a salary of 10 Pags. per month appears to the Foujdaree Udalut to be all that is required in this Division.

5. For the permanent employment of one additional English Writer the Court of Foujdaree Udalut resolve therefore to solicit the sanction of the Right Honorable the Governor in Council, the object being to supply the Judge who is on Circuit with two English writers instead of one, and the Regulations do not contemplate there being at the same time two Judges on a Circuit.

Western Division. 6. In the Western Division the establishment attached to the Judge on Circuit

is reported to be-

1 Head writer and Translator

1 Assistant Do.

The Court conclude that this Assistant, is the Gomashta for whose permanent employment on the establishment of the Judge on Circuit the Sanction of the Government was communicated to this Court under date the 8th of January last. And if this Gomashta be employed as an English Copyist, the establishment, with the addition of a second English Writer, will be complete; but as the Court of Foujdaree Adaulut entertain some doubts on the subject they propose, previous to submitting any final application for an increase, to make a further reference to the Provincial Court.

Northern Division. From the return made by the Provincial Court in the Northern Division it would appear that the establishment of that Court as now fixed affords ample means of attaching to the Judge on Circuit an adequate English establishment-

8 One Translator and two English writers, as proposed for the other Divisions, will be ample if the translations of the preliminary proceedings are duly prepared by the Criminal Judges as directed in the orders circulated by the Foujdaree Adaulut under date the 13th of May 1833.-

Provincial Court Centre Division. In this Court the permanent establishment attached to the Judge on Circuit amounts

20th June 1833.- to that proposed for the Southern Division viz: One Translator and 2 English Writers.

10. Under the late orders above alluded to regarding the preparation of translations by the Criminal Judges, it is expected that the extra establishment of "three or four" Writers said to be ascertained by "each Circuit Judge" will not in future be required, and the Judges propose issuing instructions to the Provincial Court of Circuit in the Centre Division directing their discontinuance.

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

/Sent following letter No. 422/

Ordered also, that paras. 1 to 5 be forwarded to the Provincial Court of Circuit in the Southern Division, para. 6 to the Provincial Court in the Western Division, paras 7 and 8 to the Provincial Court of Circuit in the Northern Division, and paras 9 and 10 to the Provincial Court of Circuit in the Centre Division, for the information and guidance of those Courts respectively.-

/Sent following letters No. 423/424-425/426

Read letter, dated the 10th Instant, from the Chicacole Special Commission, submitting the

26th June 1833.

the record of trial No. 1

(Here enter No.)

Mr Lushington and Mr Huddleston. The Court of Foujdaree Udalut concurring in opinion that the proof against the Prisoners.

2d Gopenadoo patnaik

4th Chatraly Ramachendradoo, and

7th Ramachendramaikoo,

is sufficient to convict them of the Crime, with which they are charged, do, in conformity with the provisions of Clause Second, Section II Regulation I of 1818 require their Law officers to declare by a second Futwah what sentence the said Prisoners would have been liable under the Mohummedan law had they been convicted thereof by full legal evidence.

Ordered that Extract from these proceedings be translated and delivered to the Cazee-col-Coozat and Mooftees of the Foujdaree Udalut.

J. H.

J. H.

In the Court of the Foujdaree Udalut.

Present,

Friday, 28th June, 1833.

C. M. Lushington Esqre 1st Puisne Judge
William Huddleston Esqre 2d Puisne Judge

Read a letter, dated the 10th Instant from the Chicacole Special Commission, submitting the record of Trial No. 1.

(Here enter No. 607)

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

Mr Lushington and Mr Huddleston. The Court of Foujdaree Udalut, having maturely considered the proceedings of the Special Commission, the futwa of the Provincial law Officer, and the futwas of the Cazee-col-Coozat and Mooftees of the Foujdaree Udalut, confirm the said futwas of the Cazee-col-Coozat and Mooftees aforesaid, and under the Sentence of Pokoobut and Kerasut declared in the futwas, and under the provisions of Clause third, Section VII Regulation XV of 1803, Sentence the Prisoners,

1st Ratnanah Chendradoo,

2d Gopenadoo-patnaik,

3d Nursingaranze,

4th Chatraly Ramachendradoo,

5th Chatraly Damadaroodoo,

6th Charanoo,

7th Ramachendramaike,
8th Juskorla Veerabadroodoo,
9th Veeramarauze,
14th Bonanda Hanmadoss Pantroodoo,
15th Chatraly Chartand,
and
16th Ramachendra Dorah,

to be transported beyond the seas to such place as the Governor in Council may 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, and acquitting the Prisoners,

10th Surpandra por Dandilloodoo,
11th Bankary Putnaik,
12th Sowdapor Chedingoo,
and
13th Putty Sagalundony,

they direct that they be let at liberty.

Last following Letter Re

1

Having passed sentence on the above Prisoners, the Court of Foujdaree Adalut consider it proper to record the following observations in regard to the recommendation of the Special Commission, that several of the convicted Prisoners should suffer death.

2

It appears by a note in Mr. Harrington's Analyses of the Regulations, that according to the Mohummedan Law the Crime of rebellion or treason is punishable only by imprisonment, and that the Governor General in Council having in consequence directed the Nizamut Adalut to prepare the draft of a Regulation, "conforming as far as the circumstances would admit to the principles of the English Law with regard to the crime of "treason," the draft of a Regulation, "to supply the "defects of the Mohummedan Law in the definition and punishment of crimes, against the "State," was submitted by the Court of Nizamut Adalut on the 12th October 1803, which however was never enacted, but in lieu of it was passed the Regulation, from which was taken Madras Regulation VII of 1808, vesting in "Courts Martial" power of Capital punishment in Cases of this description.

3.

By a note of Mr. Harrington's, immediately following that above quoted, it appears that in 1799 the Nizamut Adalut were of opinion, that a Sentence of Capital punishment might be passed on a Prisoner convicted of a crime of this nature under a futwah, which declared him liable to severe punishment at the discretion of the Ruler of the country; which precisely corresponds with the ordinary futwah of "Tazeerut," and in this last allusion is made to the power, extending as elsewhere observed to Capital punishment, vested in the

28th June 1833.

the Hakim "on the General principles of Seeasut"

4. But this doctrine has since been abandoned by the Nizamut Adalut, and that Court on the 24th September 1825, as shewn in Macnaghten's Reports vol. 2d. page 418, ruled that "under the Mohummedan Law a futwah of death by Seeasut "cannot be given except for murder, though since "authorities recognize in abstract terms the right "of the ruling power to extirpate evil doers generally"

5 Clause third Section VII Regulation XV of 1803 has distinctly taken away the power if it ever existed by the Mohummedan Law of passing Sentence of death under a Futwah of discretionary punishment (Tukroobut) and it is to the Court sufficiently obvious, that the Foujdaree Adalut cannot found such a sentence upon the provisions of Regulation VIII of 1808, giving the power to a Court Martial.

* Tukroobut, tazeer, or Seeasut. See Clause first Section II.

6 The Court further consider it proper to notice several irregularities, which appear in the proceedings in the trial.

7 In the first place the prescribed forms for drawing up the record have been departed from altogether.

8 The Prisoners were not formally arraigned, when put to the bar.

9. The "reading over" of the evidence

2/. 28th June 1833.-

which had been taken, when the 16th Prisoner was put to the bar was irregular and improper. The witnesses should have been reexamined in his presence.

10. The Court have likewise to observe, that the Special commission have in their letter made mistakes in respect to the evidence against certain of the Prisoners.

The Court direct, that their sentence on the trial No. 1 from the Chicacole Special Commission, together with the whole of the Proceedings held in the Case be transmitted to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may, in conformity with the provisions of Section V Regulation XX of 1802. receive the orders of Government before they direct their Sentence to be carried into execution.

Sent following letter No. 628/

78

40

At a Court of the Foujdaree Udalut.

Present,

Saturday,
29th June, 1833.

C. M. Lushington Esqre 1st Puisne Judge.
Thomas A. Oakes Esqr Acting 2d Puisne Judge.
William Audleston, Esqre 3d Puisne Judge.

Read Return, dated the 12th Instant, made by the Provincial Court of Circuit in the Southern Division, to the precept of this Court of the 30th of April last, containing the observations of the Court of Foujdaree Udalut on the Criminal Reports for the month of December last.

(Here enter No 619.)

1 It appears from the 3d para of the return made by the Native Criminal Judge of Vizagapatam that the Provincial Court of Circuit have by mistake required the Native Judge to explain the delay in disposing of certain cases included in the Rajahmundry Report.

2 The Provincial Court of Circuit are therefore required to explain if paras 5. and 6 of the proceedings of the Court of Foujdaree Udalut of the 30th of April last, were also furnished to the Criminal Judge of Rajahmundry.

3. The Substitution of Jamma grain for rice as the diet of the prisoners confined in the Jail at Guntoor, as suggested in the return made by the Acting Joint Criminal Judge, the Court consider

consider a judicious arrangement, and they desire therefore that the Provincial Court will issue the necessary instructions for carrying the measure into effect-

4. With reference to the Statement annexed to the return made by the Acting Joint Criminal Judge of Guntoor, the Court of Sajidaree Adalut trust that money is not paid to the prisoners confined at Guntoor for the purchase of Curry Stuff &c. the orders circulated under date the 3rd of June 1831, requiring that these Articles be supplied under the orders of the Officer in charge of the Jail.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division, requiring them to make the necessary communication to the Joint Criminal Judge at Guntoor.

(Sent following letter No 431.)

Et 7th

L.P.C.

Read return, dated the 31st Instant, from the 3rd Judge on Circuit in the Western Division, to precept dated 11th Instant, directing him to communicate paras 2 and 4 of the Court's proceedings to the Criminal Judge of Canara-

(Here enter No 648.)

Read

Read Return, dated 18th Instant, from the Provincial Court of Circuit in the Northern Division, to precept dated 22d April last, pointing out the course to be pursued by the Zillah Judge of Rajahmundry, in regard to the daughter of Enoogunty Pedda Chinna Row-

(Here enter No 649.)

Read return, dated the 26th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated 29th April last, ordering communication to the several Judges on Circuit, and to require several Magistrates to give peremptory directions to the Officers of Police to receive complaints in the first instance from the Prosecutors, the dates of which are in future to be entered as the dates of charge-

(Here enter No 654.)

Read letter dated 25th Instant from the 1st Judge of Circuit in the Southern Division, reporting that the 2d Sessions of 1833 will be opened at Tinnevelly on the 20th July next-

(Here enter No 652.)

June 1833.

At a Court of the Toujdaree Adaulut.

Present,

Monday, 1st July, 1833.

Charles May Lushington Esqre. 1st Puisne Judge.
Thomas Alexr. Baker Esqre. Acting 2d Puisne Judge.
William Hudleston Esqre. 3d Puisne Judge.

Read Petition presented on the 10th June by Hoolsum beebee.

(Here enter N.P. No. 54 of 1833)

Read also Petition presented on the same date by Boor Brahomed.

(Here enter N.P. No. 50 of 1833)

The Petitioners complain of the Sentences that have been passed on their Brothers who have been convicted of having been concerned in the Murder of the late Mr. Macdonald and Sentenced to transportation and they pray the Court to call for the trial and issue orders for their release.

The case to which the Petitioners refer, has already been investigated by the Court, and petitions against the execution of the Sentences of the Toujdaree Adaulut are inadmissible.

Ordered in consequence, that the prayer of these Petitions be rejected and that Extract from these Proceedings be furnished to the Petitioners on application.

Read Return dated the 7th Ultimo from the Acting 2d Judge of the Provincial Court

of

1st July 1833

of Circuit in the Central Division to precept dated 5th May last calling for the Records in cases Nos 3 and 7 Chittoor Calendar 2d quarter Sessions 1833.

(Vide entry No. 598)

Mr. Baker
Mr. Hutchinson

The Court of Foujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them concurring in opinion that the proof against the prisoners,

1st "Ramadoo,"
2d "Timmadoo,"
3d "Chengadoo,"
4th "Vencatum," and
5th "Chinna Chenguw"

is sufficient to convict them of the crime of Robbery by open violence, do 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 Clauses third and fifth Section IV Regulation XV of 1803 Sentence them 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.

(Sent following letter No. 435)

Read return to the Court's precept dated 5th May 1833, directing the Acting 2d Judge on Circuit in the Central Division to submit an English translation of the proceedings in case No. 7 Chittoor Calendar 2d Quarterly Sessions of 1833.

(Vide entry No. 598)

An English translation of the proceedings

1st July 1833.

proceedings in this case was called for to enable the Court to determine whether or not there was sufficient evidence for the conviction of the 5th prisoner - The Acting 2d Judge has by mistake sent a Persian translation also.

A mitigation of punishment as regards the other prisoners in this case has already been sanctioned.

As the record contains no evidence against the 5th prisoner but his alleged confession before the Police Officer - the Court of Foujdaree Adalut direct that he be released

Ordered, that Extract of these proceedings be forwarded to the 2d Judge on Circuit in the Central Division, for his information and guidance by precept, returnable without delay.

(Sent following precept No. 436)

Read return, dated the 28th May last, made by the Provincial Court of Circuit in the Southern Division, to the precept of this Court of the 21st of March last, containing the observations of the Court of Foujdaree Adalut upon the Criminal Reports for the Month of January last.

(Vide entry No. 550)

With reference to the return made by the Acting Joint Criminal Judge at Coimbatore the Judges desire that the Provincial

Court

1st July 1833.

Court of Circuit will point out to that officer that under Clause first Section XIII Regulation VII of 1827 the Criminal Judge is required to put to "Compulsory Labor" all prisoners confined on a requisition of Security whether the same be demanded under Clause first Section III Regulation II of 1822, and under Section VIII, IX & X of Regulation VII of 1827, the "Kind and degree" being alone left to the discretion of the Criminal Judge.

2 And as explained in the order of this Court of the 16th of October 1831, all prisoners from whom Security may be required under Section X of the above Regulation must be put to labour in or about the Jail except in cases where the warrant directing their detention in default may contain a Specification to the Contrary.

3 With reference to paras 2, 3, 4, 5 & 6, of the return from the Criminal Judge of Combaconum forwarded by the Provincial Court an opinion has been taken from the Cazee mol Coget and Mooftee of the Zillah Court who declare that the offence of instigating the institution of groundless and litigious suits and aiding the plaintiff in such suits, is punishable Criminally under the provisions of the Mohommedan Law & the Criminal Judge has consequently jurisdiction when such

2

F.H.
1st July 1833.

such a charge may be brought regularly before him.

Question

According to the Mohummedan Law is a person punishable for instigating another to institute a groundless and litigious suit in a Civil Court, and aiding the plaintiff in maintaining such suit?

Answer.

Should a person thus instigate a party and after the institution of the suit aid the plaintiff he would be liable to Tazeer and Corporal.

4 As intimated in the remarks of the Zoydaree Adalut, in their proceedings of the 21st March last upon Cases Nos 12 and 13 of the Combaconum Report No 5 for January last, - it is perfectly clear that under Section VIII Regulation X of 1816 a Criminal Judge is incompetent to receive or take cognizance of, any criminal charge or information, not brought before him by a Magistrate, or Police Officer, except in cases which have since been specially provided for.

5 The offence of instigating the institution of groundless and litigious suits and of aiding in the prosecution

of

1st July 1833

of such Suits is not one of the exciptted cases: and the offender must therefore, in the first instance be sent to the Magistrate, it is not by any means necessary for the Magistrate to determine that the Suit, which the prisoner is charged with having instigated the Plaintiff to institute, was false and groundless - It will be enough for him to satisfy himself that the prisoner officiously intermeddled in the matter, and that there are circumstances which lead to the presumption, that he was actuated by improper motives - The actual groundlessness of the Suit, or otherwise, will be the subject of consideration on the trial.

6 With reference to para 7 of the Criminal Judge's return the Court will observe that a Criminal Judge is authorized under the provisions of Section XI Regulation X of 1810 to apply for the sanction of the Court of Circuit to release on bail any prisoner who may be considered an improper subject for confinement in the Gillo Jail.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, requiring them to make the necessary communication to the Criminal Judge of Combaconum and the Acting Joint Criminal Judge of Coimbatore, for their information and future guidance.

(Sent following letter No 437)

Read

1st July 1833.

Read letter, dated the 8th April last from the Acting 2d Judge of the Court of Circuit in the Centre Division, requesting Sanction for the mitigation of the punishment in Case No 3 Chittoor Calendar 2d Quarterly Sessions 1833.

(Here enter No 345 for

Ord
No

1833.

J. 16.

At a Court of the Fouzdaree Udalut.

Present,

Tuesday
2d. July, 1833.

Charles Mayl Lushington Esqre. 1st. Puisne Judge.
Thomas Alexr. Oakes Esqre. Acting 2d. Puisne Judge
William Hudleston Esqre. 3d. Puisne Judge.

Read letter, dated the 31st. May, from the 2d. Judge of the Provincial Court of Circuit on the Western Division, submitting his report on the 1st. quarter Sessions at Tellicherry for 1833.

(Vide entry No. 594)

In the 4th. para. of this report, Mr. Vaughan states his opinion that improvement might be effected in the working of the prisons at Cannanore, if authority over them were given to the Commanding Officer — The Court have already in their proceedings of the 27th. October 1830 and 7th. July 1831, expressed their disapproval of any change in the system at present observed in regard to the Prisoners in question and they do not see cause to alter the sentiments therein recorded. Considering the shortness of the distance between Cannanore and Tellicherry and the contingent facility of forwarding refractory Prisoners to the Joint Criminal Judge for punishment, the Court can see no necessity for committing the Commanding officer with the powers suggested.

In

5 to 11

2 In these paras the 2d. Judge refers to a correspondence with the Magistrate of Malabar relating to great delay which has been detected in the disposal of cases brought before the Tahsildars of Cotiote and the Police Ameen of Tellicherry - The cases quoted by Mr. Vaughan certainly evince a degree of culpable negligence on the part of these officers, and as the Court cannot but apprehend that the tardiness displayed by them in the performance of their Police duties may be general throughout the District, they desire that the particular attention of the Magistrate may be drawn to the subject, and that he be directed to take the necessary measures for enforcing the observance, on the part of the Heads of District Police, of the evident intention of the Regulations in regard to the avoidance of delay, as well in respect to cases disposed of by themselves, as to those referred to superior authority.

3 The Court consider the measure suggested by Mr. Vaughan in the 12th para of his report calculated to operate as a salutary check in preventing delay in the disposal of cases by the Heads of District Police and they would propose with the sanction of Government that those officers may be required to transmit to the Magistrate monthly statements of all complaints received by them, shewing how and when they were disposed

disposed of, and that these statements be submitted by the Magistrate to the Court of Circuit for inspection together with the Calendar which he is required to furnish according to Clause first Section XL. Regulation IX of 1816.

4 The Court of Sudder Adawlut have ruled that the extended powers given to Heads of District Police by Section IV Regulation IV of 1821 cannot be exercised even by the officers specially appointed under Section III of the Regulation, whilst the Magistrate of Malabar in the Circular order which accompanies his return dated the 18th May 1833 notifies to the Police "Gomasthahs," that it is their duty to transact Police matters with respect to the "trivial charges adjudicable at the Talooks."

5 The Court desire that the error into which he has fallen may be pointed out to the Magistrate, and that he be informed that if the Revenue duties of the Tahsildars will not admit of their devoting sufficient attention to matters of Police to ensure the performance of all the duties devolving on them under the Regulations, those duties should not be left to Police Gomasthas but that competent subordinate officers should be selected under the provisions of Section III Regulation IV of 1821 for the performance of the duties therein specified.

Ordered

1833.

2d July 1833.

Ordered, that Extract from this proceedings, together with a Copy of the Report to which they refer 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 442)

Ordered likewise, that Extract from these proceedings be sent to the 2d Judge of the Provincial Court of Circuit in the Western Division for his information and guidance.

(Sent following letter No 443)

Read letter, dated the 29th Ultimo, from the Acting Judge on Circuit in the Centre Division, with returned warrant for execution of a Prisoner in case No 16 Bellary Calendar 1st Sessions 1833.

(Here enter No 603)

J. C. M

10

J. 16.

At a Court of the Zoujdaree Adalut.

Present,

Wednesday. 3d July, 1833.

Thomas Alexr Oakes Esqr Acting 2d Puisne Judge.
William Hudleston Esqr 3d Puisne Judge.

Read letter, dated the 6th Ultimo from the Acting 3d Judge on Circuit in the Southern Division, submitting case No 23 Tinnevelly Calendar 1st Sessions 1833.

(Here enter No 599.)

Mr Oakes
Mr Hudleston

The Court of Zoujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the proof against the Prisoner,

"Chinna punneymaudew"

is sufficient to convict him of the crime of having put to death the deceased Maudew. 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 the seas as the Governor in Council may 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 444)

J. C. M

At a Court of the Tongjdaree Adalut.

Present,

Thursday 4th July 1833.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Abbott Oakes Esqre acting 2d Puisne Judge
William Hudleston Esqre 3d Puisne Judge

Read letter, dated the 1st 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 April last.

1811

Madura

Ordered that the Court of Tongjdaree Adalut perceive
1 that the trial of 3 cases included in the Report
No 5 was postponed, in consequence of leave granted
" to the Court Servants on the 30th of April."

The Court of Tongjdaree Adalut are aware
2 that the Zilla Court of Madura was adjourned
from the 1st of April to the 11th of May last, but
as observed by the Judges of the Tongjdaree Adalut
on a previous occasion, the endeavours of the
Criminal Judge should be directed during the
recess to the reduction of the Criminal file and
any arrear that may have accumulated
in the Criminal Department of the Court, and
the leave granted to the Servants should be

So

June 1833.

4th July 1833.

so managed by the Judge, as not to cause any obstruction in the performance of the Criminal duties of his office.

Tinnevelly — 3 The Provincial Court of Circuit will point out to the Register late in charge of the auxiliary Court at Tinnevelly that Security is not demandable by the Criminal Judge, unless strong suspicion of the offence charged be established against a prisoner, and the Court of Foujdaree Adaulut desire that instructions may be issued to the Acting Joint Criminal Judge enjoining him to cancel the Security Bonds, should any have been entered into by the parties in Case No. 30 of the Report at p. 5, and to release the prisoners from confinement if detained in Jail for default.

4 The Judges of the Foujdaree Adaulut entirely approve of the orders issued by the Provincial Court of Circuit to Magistracy of Tinnevelly, requiring from them a more strict observance of their duties.

Salem — 5 With reference to the reasons assigned for the delay in disposing of cases Nos. 56 and 57 of the Supplemental Report submitted by the Criminal Judge of Salem, the Court of Foujdaree Adaulut resolve to furnish the Provincial Court of Circuit in the Centre Division with an Extract from this Report and to desire

4th July 1833.

desire that the Magistrate of North Arcot be called upon to explain why no answer has been made to the applications made by the Magistrate of Salem for the attendance of the witnesses required in the two cases above alluded to.

The Section and Regulation quoted by the Criminal Judge, under which he proceeded to pass Sentence in Case No. 109, are altogether inapplicable.

6 It would appear from the record of the case that the crime charged was highway robbery, the prisoner as observed by the Provincial Court of Circuit, should have been committed to take his trial before the Court of Circuit; if on the other hand the prisoner was punished for an offence different from that originally charged, the Criminal Judge should have entered a note of the circumstance in the Column exhibiting the punishment as required by the orders circulated under date the 4th of July 1820.

8 According to the charge as entered in case No. 118, it would appear that there was no breaking; the Sentence therefore is not warranted by the provision quoted by the Criminal Judge. The case appears to fall under Section VII Regulation X of 1816, and the Sentence must be revised accordingly.

Pitt

4th July 1833.

Combaconum

9 With reference to the remarks by the Criminal Judge in case No. 84 of the Report No. 5, the Court desire that the Magisthate of Trichinopoly be directed to investigate the conduct of the Peshcar, under whose orders, it is alleged, the prisoners confessions were "forced from them by torture."

10 The remarks of the Criminal Court on case No. 87 the Court of Tanjore do what desire may be intimated to the Magisthate of Tanjore, who should be required to report to this Court what notice he may take of the conduct of the Police Officers of the Combaconum Talook.

11 The Judges of the Tanjore do what do not consider the offence with which the prisoner in case No. 90 is charged, punishable by the Criminal Court. If the false evidence was given before the Collector, it must have been on oath: if before the Tahsildar, provision is not made for its punishment.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, requiring them to make the necessary communication to the officers whom it may concern by precept returnable within 6 days from and after its receipt.

(Sent following precept No. 452)

Ordered further, that para 5 of these proceedings be furnished to the Provincial

2/

4th July 1833.

Provincial Court of Circuit in the Centre Division for their information and guidance by precept returnable in 6 days from and after its receipt.

(Sent following precept No. 453/)

L. C. M.

Sent.

1/6

At a Court of the Foujdaree Udalut.

Present,

Friday 5th July 1833. C. M. Lushington Esqr. 1st Puisne Judge

Thomas A. Oakes Esqr. Acting 2d Puisne Judge.

William Hudleston Esqr. 3d Puisne Judge.

Read letter, dated the 30th April last, from the 1st Judge of the Provincial Court of Circuit in the Northern Division, transmitting the record of trial in Case No 19, Masulipatam Calendar 1st Quarterly Sessions 1833.

Cal 710

(Here enter No. 519.)

The Court of Foujdaree Udalut 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 Udalut, confirm such part of the said futwas of the Cazee ool Coozat and Mooftees aforesaid, as accords to the Prisoner

Mr. Oakes and Mr. Hudleston

8th Valeekena Lakeerogaudoo.

but considering that strong suspicion though not amounting to conviction is established against him, they, under Clause Sixth Section II Regulation XV of 1803, direct that he be required to find two Sureties in 50 Rupees each for his good behaviour and appearance when required within

two

two years, or in default thereof, that he be detained for that period in confinement.

And further concurring in opinion that the Prisoners

1st Caitharavadoo Soobbadoo
2d Letah Veerasawmy (and)
3d Payala Boocheegandoo.

are not convicted on strong presumptive proof, or on the evidence of credible witnesses, or on their own confessions, notwithstanding the futwa of their Law Officers, acquit them accordingly. But considering that strong suspicion though not amounting to conviction is established against them, the Court direct that under Clause Sixth Section II Regulation XV of 1803, the Prisoners

1st Caitharavadoo Soobbadoo (and)
2d Letah Veerasawmy

be required to find two Sureties in 50 Rupees each for their good behaviour and appearance when required within three years, or in default thereof, that they be detained for three years in confinement and that the prisoner

3d Payala Boocheegandoo.

be required to find two Sureties in 50 Rupees each for his good behaviour and appearance when required within two years, or in default thereof, that he be detained for that period in confinement.

(Sent following letter No. 454)

5th July 1833.

Read letter, dated the 13th May last, from the 2d Judge of the Provincial Court of Circuit in the Northern Division, transmitting the record of trial in Case No. 6 Masulipatam Calendar 2d Quarterly Sessions 1833.

(Here enter No. 520.)

Mr. Oakes and Mr. Hudleston.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial law Officer, and the futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the sentence of Pokoobut declared in the futwa, and under the provisions of Clause third, Section IV Regulation XV of 1803, adjudge the Prisoners

3d Candaboyenna Ramoodoo (and)
4th Sooreeboyenna Veerapa

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

And further they acquit the prisoners

1st Daygala Nursoo (and)
2d Sheik Boodeen.

but considering that strong suspicion, though not amounting to conviction is attached to them, they

5th July 1833.

they under Clause Sixth Section II Regulation XV of 1803 direct that they be required to find two Sureties in one hundred (100) Rupees each, for their good behaviour and appearance when required within three years, or in default thereof, that they be detained for that period in confinement.-

(Sent following letter No. 455)

Read letter, dated the 12th April last, from the Acting Judge on Circuit in the Centre Division, Submitting Case No. 25 Bellary Calendar 1st Sessions 1833.

(Here enter No. 528)

Mr Lushington and Mr Hudleston

The Court of Foujdaree Udalut on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the proof against the Prisoner

Ist Naugah.

is sufficient to convict him of the crime of Gang Robbery, attended with aggravating circumstances, do under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict him thereof, and under the provisions of Clause Second Section IV Regulation XV of 1803, Sentence the said Prisoner to be transported to such place beyond the Seas, as the Governor in Council may appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of his natural life.-

And

And further being of opinion, that the prisoner

5th Sungeevah

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, they, under the provisions of Clause Sixth Section II Regulation XV of 1803, acquit him, and direct that he be let at liberty.

(Sent following letter No. 456)

Read letter, dated the 30th April last, from the 1st Judge of the Court of Circuit in the Northern Division- Submitting case No. 15 of the Masulipatam Calendar 1st Quarterly Sessions 1833.

(Here enter No. 539.)

Mr Oakes and Mr Hudleston

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial law Officer, and the Futwa of the Cazee-ool Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool Cozat and Mooftees aforesaid, and under the Sentence of Ashoobut declared in the Futwa, and under the provisions of Clauses third and fifth Section IV Regulation XV of 1803, Sentence the prisoners

1st Jakory Dausareegaudoo

2d Lunkabuttoola Goravadoo.

4th Pakoory Venkadoo

5th ditto Gungadoo.

6th Sydoola Sobbadoo and

7th Nullamootoo Chinna Venkatanaikoodoo.

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of 5 years, and then to be released.

And the Court sentence the prisoner

9th Sheeretoty Raumoodoo.

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

(Sent following letter No. 457)

Read letter, dated the 25th Ultimo, from the 3d Judge on Circuit in the Northern Division, requesting instructions as to the mode in which he should proceed when the futwa of the Mohummedan Law Officer may declare, that the Specific penalty of Hud is barred by the prisoner's denial of the charge before the Court of Circuit.

(Vide enter No. 659)

1. The Court of Fouzdaree Udalut have perused this letter with the utmost astonishment.

2 The plea of not guilty, put in by a prisoner, when constituting under the provisions of the Mohummedan law, a bar to

the Specific penalty of Hud or Kissaas is one of those "Special exceptions" described in Clause fourth Section II Regulation XV of 1803, which has ever since the enactment of that Regulation invariably been over-ruled, in the manner directed in that Clause, and suggested to the 3d Judge on the present occasion by the Mohummedan Law Officer.

3 The Court of Fouzdaree Udalut did not suppose it possible, that a judicial Officer of Mr. Waters' experience could have been so utterly ignorant of his duty, as the present reference has shewn him to be; and they deem it their duty to apprize him, that any future instance of a similar unacquaintance with the plainest provisions of the law enacted for his guidance, will form the subject of a representation to the Government with a view to his removal from office.

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

(Sent following letter No. 458)

Read letter, dated the 21st Ultimo, from the Provincial Court of Circuit in the Western Division, transmitting copy of a letter and its inclosure from the Acting Criminal Judge of Malabar

5th July 1833

Malabar, requesting further instructions, with reference to this Courts proceedings of the 10th Ultimo, regarding the disposal of Case No 140 on his Supplemental Report-

(Here enter No 657-)

Under the circumstances represented in the Acting Criminal Judge's letter of the 19th Ultimo, the above case should be no longer continued in the periodical returns-

Ordered, that Extracts from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, to be communicated by them to the Acting Criminal Judge of Malabar for his information and future guidance-

(Sent following letter No 459)

Read Return, dated the 14th Ultimo, made by the Provincial Court of Circuit in the Western Division, to the precept of this Court of the 27th of May last, and submitting copy of a return made by the Joint Criminal Judge of Tellicherry, explaining his reasons for having passed sentence on the two prisoners concerned in Case No 20 of the Supplemental Report for the month of March last, charged with Robbery by open violence-

(Here enter No 630-)

In this Return the Joint Criminal Judge explains that he considered

3) S.C.
5th July 1833-

himself authorized to pass sentence in the case alluded to, as the circumstances under which the offence was perpetrated were not such as in his opinion to constitute "Surica-i-kobra," and from the manner in which the Robbery was committed the prisoners could not be said to have gone forth "with any offensive weapon with the Criminal intent of committing Robbery

2 Whatever however may have been the "intent" the crime committed was Robbery by violence, and as the Criminal Judge has no jurisdiction in any case of this nature, the prisoners should have been committed to take their trial before the Court of Circuit-

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, to be by them communicated to the Joint Criminal Judge at Tellicherry for his information and future guidance-

(Sent following letter No 460)

Read letter, dated the 20th Ultimo, from the Acting 3d Judge on Circuit in the Southern Division, transmitting copies of the Salem Calendar 1st Sessions 1833.

(Here enter No 646-)

The Court point out to the Acting

Case No 9. 1

3d Judge that in this case it should have been

expressly

expressly stated in the column of remarks that the 1st 3rd 4th 6th 7th 8th and 9th Prisoners were sentenced to 14 years' imprisonment.

19. 2 The futwa in this case declares the prisoners convicted on Zun-i-Ghulub as respects the 6th prisoner therefore it is necessary that a second futwa should be taken under the provisions of Clause third Section II Regulation XV of 1803, and if the Acting 3d Judge considers the prescribed punishment too severe, he will make application for sanction of a mitigation thereof.

3 The provisions of the Regulations under which sentence was passed on the 2d prisoner in this case should have been specified.

23. 4 In this case likewise the regulation authorizing the sentence is not quoted.

Ordered, that Extract from these proceedings be sent to the 3d Judge on Circuit in the Southern Division, for his information and guidance by precept, returnable in ten days.

(Sent following precept No 461)

Read letter, dated the 23d May last, from the Acting 3d Judge on Circuit in the Southern Division, recommending a Mitigation of the punishment to which certain Prisoners convicted in No 8 of the Salem Calendar 1st Sessions 1833 of Gang Robbery have rendered themselves liable.

(Here enter No 552)

5th July 1833.

The Court of Foujdaree Udalut having maturely considered the circumstances of the case represented in the above letter, sanction under clause third Section III Regulation I of 1825 the mitigated punishment recommended by the Acting 3d Judge on Circuit in the Southern Division, and accordingly direct that the prisoners

1st Carpen, Son of Marooden.
6th Nallam, Son of Coolly
7th Marooden, Son of Nandhan
8th Nallan, Son of Pasoopully Coonden
9th Carpen, Son of Salem.
10th Carapen, Son of Maury.
11th Dompen
12th Raunen
13th Doroonun.
15th Caroopen Son of Nandhan.
16th Rankun Son of Coolly.
17th Caroopen Son of Chinnanu
18th Caroopen Son of Marooduun.
19th Cauley.
20th Marooduun Son of Sellum
21st Caroopen Son of Mauruppa Coonden.
22d Maunun Son of Rankun
23d Veneatan.
24th Chinnanu
25th Maunen Son of Carpen
26th Caroopen Son of Cauly (and
27th Rungun Son of Rungund.

he

be imprisoned and kept to hard labor in irons on the public roads or other public works, for the period of (7) Seven years.

Ordered, that Extract of these proceedings be sent to the Acting 3rd Judge on Circuit in the Southern Division, for his information and guidance by precept, returnable without delay.

(Sent following precept No. 462)

Read letter dated the 1st 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 months of January last together with an Extract from their proceedings thereon.

(New enter No. 602.)

1. The Court regret to observe that in the Provincial Court of Circuit in the Northern Division, a delay takes place in the transmission of the monthly Criminal Reports, altogether unusual in the Provincial Courts of Circuit in the other Divisions.

2. The period prescribed for the transmission of these Reports to the Court of Foujdaree Udalut is within the month after they are due, and the Circular Orders of this Court of the 23d January 1832 require that whenever a Criminal

Criminal Judge shall not dispatch his Criminal Reports to the Provincial Court of Circuit on or before the 15th of the month succeeding that for which the Report is furnished, he shall invariably state the circumstances which have occasioned the delay.

3. The Court of Foujdaree Udalut approve of the Circular instructions that have been issued by the Provincial Court of Circuit to the several Criminal Courts in the Division, but upon the present occasion however it would appear that the great delay in the transmission of these Reports is attributable to the Provincial Court of Circuit.

4. The Reports from Chicacole, Vizagapatam and Masulipatam were all dispatched to the Provincial Court of Circuit by the 22d of February last, those from Guntoor and Masulipatam on the 9th and 15th of March, and tho' the Rajahmundry Criminal Reports were not forwarded till the 15th of April, still the Provincial Court of Circuit appear to have held no proceedings on these Returns previous to the 1st of the present month.

5. The reasons assigned by the Provincial Court of Circuit for this omission are not considered by the Court of Foujdaree Udalut satisfactory, and the Judges must

observe

observe that in consequence of the delay which has taken place in the transmission of these Returns, their orders requiring that Corporal punishment be not inflicted in certain cases until 2 months, has in this Division been rendered of no avail.

Chicacole. 6. The Court desire with reference to case No 1 of the Chicacole Report No 3 that the Acting Criminal Judge be informed that the Circular orders of this Court of the 6th February 1832 directing that in cases of Perjury a copy of the indictment be entered in the Column designed to shew the abstract of the charge, has reference only to the Calendars to be laid before the Court of Circuit. In the Monthly Criminal Reports it is not necessary that charges of this description should be entered at length.

7. The Court of Foujdaree Udalut have remarked with concern the many cases entered in the Supplemental Report in which the examinations of the prisoners has been obstructed in consequence of the delays on the part of the Magistracy in obtaining evidence, and in three cases the Acting Criminal Judge appears to have found it necessary to make a second application to the Magistrate for their appearance.

8. The Provincial Court of Circuit will call upon the Magistrate of Vizagapatam to

report the causes which prevented their earlier transmission to the Criminal Court.

Vizagapatam. 9. Cases Nos 4 and 5 of the Report No 5. are clearly cases of Robbery by open violence provided for in Sections III and IV Regulation XV of 1803, and the Regulation quoted by the Native Criminal Judge under which he proceeded to commit the cases for trial before the Court of Circuit are inapplicable.

10. The same remark applies to Case No 13, of the Supplemental Report in which case also Clause third Section IX Regulation X of 1816 should be substituted for that quoted by the Native Criminal Judge.

11. With reference to Case No 9. of this Report and para 9 of the proceedings of the Provincial Court, it appears to the Judges of the Foujdaree Udalut that the question put by that Court to their law Officer is not in point, because as the Officers of Police do not take evidence upon Oath, perjury cannot be committed before them.

12. In the present case however the charge against the prisoners must have been dismissed even had the depositions been given before an Authority competent to administer an Oath, the Court of Foujdaree Udalut having ruled that subornation of perjury

perjury cannot be unless perjury be committed.

Rajahmundry 13. From these reports it appears that out of 28 Cases containing 94 prisoners brought before the Criminal Court in the months of January, 22 Cases containing 80 prisoners remained to be examined at the close of the Report, and in the Supplemental Report 21 Cases containing 187 prisoners are reported to be under examination.

14. The Court of Foujdaree Udalut had occasion in their proceedings of the 10th September 1829. to Animadvert Strongly on the want of exertion manifested by Mr Robison both in the Civil and Criminal Departments of his Court when Judge in the Zillah of Guntoor, and the Court at the same time observed that if such conduct were "repeated it would have an effect "very prejudicial to his Character for efficiency "in the Office" he then held.

15. The exhortation having failed in producing the desired effect the Court of Foujdaree Udalut will consider it their duty to bring any future neglect on the part of this Officer to the notice of the Right Honorable the Governor in Council.

Guntoor 16. The Court remark that much delay has taken place in the decision of cases brought before the Joint Criminal Court at Guntoor in consequence of the defective state in which

which many cases were sent up to the Court by the Heads of District Police- and it would appear that Sufficient attention had not been given by the Magistracy to the repeated applications on the part of the Joint Criminal Judge for the attendance of material witnesses.

17. With reference to case No 169 of the Supplemental Report and to the remarks of the Provincial Court of Circuit contained in the 31st para of their proceedings, the Sentence passed by the Joint Criminal Judge on the prisoners convicted in the above Number of Cattle Stealing is in the opinion of the Court legal, the case comes under the provisions of Clause fourth Section III Regulation VI of 1822 which is explained by Section III Regulation VI of 1827.

18. The Provincial Court of Circuit will point out to the Joint Criminal Judge that he should have abstained from taking the declaration of the prosecutor in Case No 228. as no deposition, not given upon oath, can be received as evidence in a Criminal Court.

19. The Court of Foujdaree Udalut desire to be informed if, in case No 232, a question was put to the Law Officer of the Zillah Court of Nellore, as the Judges entertain

entertain some doubts as to the act charged being
punishable under the Mahummedan law.

Nellore.

30. Upon receipt of the explanation required from the Criminal Judge of Nellore by the Provincial Court of Circuit in the 32nd para of their proceedings, the Judges of the Sooj-dawee Udalut desire that orders may be issued to the Criminal Judge directing him to cancel the Sentence passed upon the 4th prisoner in Case No 4, Should it appear, as anticipated that the 4th prisoner was not present when the witnesses against him were examined.

21. If the charge in Case No 20 of the Report No 5 is correctly designated "Gang Robbery" the case was not punishable by the Criminal Judge if the theft only was proved, the Criminal Judge should have entered a note of the circumstance in the Column exhibiting the punishment as is required by the Circular orders of this Court of the 6th of July 1826 whenever the crime for which a party may be punished by the Criminal Judge differs from that with which he is originally charged.

22. The same remark applies to Case No 322 of the Supplemental Report.

23. In Case No 171 of the Supplemental Report it is not stated that the prisoners were Sentenced "on the sole ground of their

5th July 1833

their Police confessions" the Judges of the Sooj-dawee Udalut conclude that they confessed before the Criminal Judge previous thereto to sanctioning the recommendation of the Provincial Court of Circuit contained in the 36th para of their proceedings that the prisoners be discharged, the Judges desire that this point may be ascertained by a reference to the Criminal Judge.

24. The Judges are of opinion that a much larger number of prisoners were allowed to be in attendance on the sick than could possibly have been required; and the employment of so large a number on this duty was injudicious as the disease somewhich the prisoners were suffering was contagious.

80 Sick
53 attending on the sick

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division requiring them to make the necessary communication to the several Officers whom it may concern by precept returnable in ten days from and after its receipt.

(Sent following Precept No 463)

Read letter dated 25th Ultimo from the 1st Judge on Circuit in the Western Division With Copies of Malabar Calendars 2nd Quarterly Sessions 1833.

(Here enter No 668)

Read

5th July 1833.

Read Return dated 26th Ultimo
from the Provincial Court of Circuit in the
Centre Division to precept dated 16th May last
containing the Court's remarks and orders on the
Criminal Reports for March last
(Vide enter No. 669)

J. H.

J. H.

At a Court of the Tinjidaree Adalut.

Present

Monday 8th July 1833.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre acting 2d Puisne Judge
William Hudleston Esqre 3d Puisne Judge

Read Petition presented on the 10th
June by Ponnivanna Veeramanna Taven of the
Zilla of Tinnevelly.

(Vide enter N.P. No. 50 of 1833)

The Petitioner complains that his
Son and Son-in-law the Prisoners in case No. 18 Tinnevelly
Calendar 1st Sessions 1833, have been sentenced to 14
years imprisonment on a false charge preferred
against them, at the instigation of the Zemindar of
Ettaporam, who was at Enmity with them, and prays
the Court to call for the case and issue orders for
their release.

2 There is no appeal from the Sentence
of the Court of Circuit, and moreover it appears to
the Court, on reference to the Calendar, that the
Prisoners in question were properly convicted.

Ordered therefore, that the prayer
of this Petition be rejected, and that extract from
the proceedings be furnished to the Petitioner
on his application.

Read Petition presented on the 10th
June by Nulla Cumon Tavey of the Zilla of Tinnevelly.

(Vide enter N.P. No. 51 of 1833)

The

8th July 1833

The Petitioner, who is the 18th Prisoner in case No 3 of the Tinnevelly Calendar 1st Sessions 1833, complains of the Sentence which has been passed on him and other Prisoners in the case in question, and prays the Court to call for the trial and issue orders for his release.

2 The prayer of this Petition is inadmissible, there being no appeal from the Sentence of the Court of Circuit. The Prisoners in the case in question appear by the Calendar to have been duly convicted.

3 Ordered that the prayer of the Petition be rejected.

4 The Court remark that the Petition professed to have been presented by the party petitioning the Court, whereas he is at the present time under confinement at Tinnevelly.

Ordered that Extract of these proceedings be furnished to the Petitioner on his application.

Read petition presented on the 10th June by Sawmy Adyal of the Zilla of Tinnevelly.

(Here enter No. P. No 52 of 1833.)

Read also petition presented on the 17th June by Soodala Shootaren of the Zilla of Tinnevelly.

(Here enter No. P. No 54 of 1833.)

1 The Petitioners in the above petitions complain of the Sentences which have, as they state, unjustly been passed against their Relatives, being respectively the 13th and 4th Prisoners in case

No

&c.

8th July 1833.

No 3, of the Tinnevelly Calendar 1st Sessions 1833, and pray the Court to issue orders for their release.

2 There is no appeal from the Sentences of the Court of Circuit, and moreover the Court on reference to the Calendar, are of opinion that the Prisoners referred to in the foregoing petitions were properly convicted.

Ordered in consequence that the prayer of these Petitions be rejected, and that Extract from these proceedings be furnished to the Petitioners on application.

Read Petition presented on the 15th June by Angummaul of the Zilla of Tinnevelly.

(Here enter No. P. No 53 of 1833.)

1 The Petitioner appeals to the Court in behalf of her relatives the 2d 3d 5th 7th 8th 9th 10th and 11th Prisoners in case No 3 of the Tinnevelly Calendar 1st Sessions 1833, who she states, have been unjustly sentenced to 14 years' imprisonment, and prays that they will annul the Sentences and issue orders for their release.

2 There is no appeal from the Sentences of the Court of Circuit, and the Prisoners in the case in question appear by the Calendar to have been properly convicted.

Ordered in consequence that the prayer of this Petition be rejected, and that Extract from these proceedings be furnished to the Petitioner on application.

Read

8th July 1833.

Read Petition presented on the 11th June by Ally Rajah and Paramanday Coundan of the Zilla of Salem.

(Here enter N.P. No 57 of 1833.)

The Petitioner complains of the sentence of 14 years imprisonment which has been passed on him Calatchee, the Prisoner in No 19 of the Salem Calendar 2d Sessions of 1832, and prays the Court to call for the proceedings in the case and issue orders annulling the sentence.

There is no appeal from the sentence of the Court of Circuit, and the Court are moreover of opinion, in reference to the Calendar that the Prisoner in question were duly convicted.

Ordered in consequence that the prayer of this Petition be rejected, and that extract from these proceedings be granted to the Petitioner on application.

Read Petition presented on the 18th June by Annaniya Amma, Zilla of Chingleput.

(Here enter N.P. No 58 of 1833.)

The Petitioner complains of the sentence which has been passed on her son, the 2d Prisoner in No 4 Chingleput Calendar 1st Sessions 1831, and prays that the Court will issue orders for his release.

There is no appeal from the sentence of the Court of Circuit, and on reference to the Calendar, the Court see no ground for doubting the propriety of the conviction of the Prisoner referred to

F. C.
8th July 1833.

to in this Petition.

Ordered in consequence that the prayer of this Petition be rejected, and that Extract from these proceedings be furnished to Petitioner on application.

Read Petition presented on the 17th June by O. Tobiah, late Vakeel of the Zilla Court of Cuddapah.

(Here enter N.P. No 61 of 1833.)

The Petitioner complains that he was unjustly sentenced to six weeks' imprisonment and to pay a fine of Rupees 100 by the late Acting Criminal Judge of Cuddapah, on a false charge preferred against him of having instigated certain persons to apprehend a person named Rungoobhottlo on the plea that he had robbed him of the sum of Rupees 200, and he prays the Court to call for the proceedings in the case and issue orders for the remission of the fine imposed on him.

The Petitioner's application to this Court in the first instance is irregular. He must address the Provincial Court of Circuit.

Ordered that the prayer of this Petition be rejected & that Extract of these proceedings be furnished to the Petitioner on application.

Read

8th

8th July 1833.

Read Petition presented on the 17th Ultimo, by Tadumma of the Zilla of Chittoor.

(Here enter M.P. No 102 of 1833.)

The prayer of this Petition is, that the Court will issue orders for the release of the Petitioner's Son, the 1st Prisoner in case No 1 of the Chittoor 3d Supplemental Calendar 4th quarter Sessions 1832, who has, the States, been unjustly sentenced to transportation. She also complains of his having been wounded on the ground that he was attempting to escape from the Gaol at Chingleput.

This Petition for the remission of a Sentence of the Foujdaree Adawlut is totally inadmissible

Ordered in consequence, that the prayer of this Petition be rejected, and that extract from these proceedings be furnished to the Petitioner on her application.

Read Petition presented on the 17th June by Gungoorajah.

(Here enter Mis. P. No 63 of 1833.)

The Petitioner represents that whilst performing his duty as a Peon in the Supply Department he was unjustly accused of having been concerned in a robbery and that this Court having investigated the case which was referred to them by the Court of Quarter Sessions, declared that strong suspicion attached

8th July 1833.

attached to him and required him to give security to the amount of Pd 100 which he has done accordingly, and he now prays the Court to grant him an endorsement on his petition, directing the Collector of Chingleput to restore him to his situation.

The Petitioner has been declared by the Sentence of this Court in No 1 Chittoor 3d Supplemental Calendar 4th Quarter Sessions 1832, to lie under strong suspicion of robbery, and the prayer of his Petition is totally inadmissible.

Ordered, that the prayer of this Petition be rejected, and that extract from these Proceedings be granted to the Petitioner on application.

Tobiah late Vakeel of the Zilla Court of Cuddapah moves the Court to return the enclosures in his Miscellaneous petition No 61 of 1833.

Ordered accordingly.

Read return, dated the 10th Ultimo, from the Provincial Court of Circuit in the Southern Division, to the precept of this Court of the 31st of May last, requiring that Court to transmit a copy of their answer to the reference of the Register in charge of the Auxiliary Court at Tinnevelly, and to explain their reasons for having no consequence of such communication directed

the

8th July 1833. the discharge of a prisoner in a certain case for the purpose of his being admitted as a witness in another Number.

(Here enter No. 590)

1 Upon consideration of the papers referred to in this return, the Judges of the Tongpaw Cwatut dissent from the opinion expressed in the 3d para of the Provincial Court's return viz: that "no grounds existed for charging the prisoner as "a Criminal," because it appears clear to the Court of Tongpaw Cwatut that the 3d prisoner received the money, knowing it to have been stolen.

2 In reply to para 4, the Judges will observe that in such a case as this, referred to the Tongpaw Cwatut would be most expedient to prevent various interpretations of the Law, and the Circular orders of this Court of the 11th December 1824, moreover require that all references from the subordinate officers regarding the construction of the Regulations should be laid before this Court for determination.

Ordered, that the papers be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance.

(Sent following letter No. 471)

Read letter, dated the 3d Instant, from the Provincial Court of Circuit in the Central Division, submitting the reports required by Section XXXV Regulation X of 1816, from the several Criminal Joint Criminal and Native Criminal Judges in the Division, for the month of April last, together with an Extract from their proceedings thereon.

(Here enter No. 597)

Chittoor 1 Throughout the Supplemental Report submitted by the Criminal Judge of Chittoor the cause of the delay in the disposal of many cases is stated to be the neglect of the Police Officers in forwarding to the Criminal Court the prosecutor and the witnesses.

2 Such delays are very improper, and the Court expect that the negligence of the officers of Police will meet with due punishment by the Magistrate.

3 With reference to the remarks by the Criminal Judge on Case No. 79 of the Report No. 5, the Court of Tongpaw Cwatut will observe that if the prisoners "feloniously and burglariously" entered the Prosecutor's dwelling house as stated in the Charge, the case was properly transmitted to the Criminal Court.

4 In describing offences however the English Law terms should be avoided.

The

8 8th July 1833

Case No 87

5th The prisoner named "Chengan" having been committed to take his trial before the Court of Circuit for Burglary to the extent of Rupees 1,348-0-5, was improperly sentenced by the Criminal Judge to "one months hard labour in irons" for the offence described in Case No 86.

6 The Criminal Judge will perceive that the Court of Foujdaree Adalut in their proceedings dated the 4th of September 1824 have declared "that an individual against whom "charges may be preferred and sufficient evidence "adduced of the commission of two or more offences, "one of which is cognizable only by a Court of "Circuit, cannot regularly be tried for one offence "by the Criminal Judge and by the Court of Circuit "for the other or others; but that he should be brought "to trial before the same tribunal upon the "several charges preferred against him."

7 The same remark applies to the sentence passed on the prisoners in case No 110- the same persons being also committed to take their trial in No 107.

8 The Judges desire that the Criminal Judge be called upon to report whether the sanction of Government was obtained for the trial of the prisoner in case No 115 charged with Burglary and Robbery to the extent of Rupees

8th July 1833.

Bellary

9 Rupees 815 committed in the Mysore territory. If the offence charged against the prisoner in case No 8 of the Report No 5 was not committed within the limits of the Zilla, the Criminal Judge of Bellary had no jurisdiction.

Chingleput

10 If evidence is not produced within a reasonable period against the prisoners in case No 91, the Court desire that they may be discharged.

Cumbum Native Judge

11 The Court of Foujdaree Adalut are inclined to doubt whether or not Case No 40 of the Supplemental report submitted by the Native Judge of Cumbum falls within the scope of clause first section VIII Regulation XIII of 1832- If the animal died from being over driven after drinking, and was not violently put to death, the sentence should in the opinion of the Court be cancelled; the Judges however resolve to direct the Provincial Court of Circuit to call for the proceedings in the case, and to pass such orders thereon, as to them may appear proper.

12 In the Report No 5 a sufficient explanation is given of a months delay in disposing of case No 57- on the prosecutor signifying his inability to attend the Court, the Government Vakeel should have been directed to conduct the prosecution on his behalf.

Section

8th July 1833.

13

Section VII Regulation X of 1810
should have been cited as the provision under
which the sentence in Case No 65 was passed.

14 The Court of Sowdaree Adalut
desire that the Native Criminal Judge of
Cuttack be required to explain the reasons
for cases Nos 66, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80,
81, 82, 83 and 84 being undisposed of: no explan-
ation is given in the report.

Cuddapah 15 In the Supplemental Report sub-
mitted by the Criminal Judge of Cuddapa,
the proportion of cases under examination
is very large, and it is not explained why the
evidence wanting was not applied for at a much
earlier period. In two cases Nos 87 and 110.
Summonses for the attendance of further
witnesses were not issued till the 1st of May last.

16 No 5 is also a most unsatisfactory
Report, 20 Cases out of 28 forwarded to the
Criminal Court during the month of April being
reported under examination.

Ordered, that Extracts from these
proceedings be forwarded to the Provincial Court
of Circuit in the Centre Division, requiring them
to make the necessary communication to the
officers whom it may concern by precept
requiring conformity thereto within 5 days
from and after its receipt.

(Sent following precept No 472).

J. H.

J. H.

At a Court of the Sowdaree Adalut.

Present,

Tuesday, 9th July 1833. Charles May Lushington Esqr 1st Puisne Judge
Thomas Alexr Oakes Esqr Acting 2d Puisne Judge
William Hendleston Esqr 3d Puisne Judge

Read letter dated the 27th May
last from the Acting 3d Judge on Circuit in the
Southern Division, recommending a mitigation
of the punishment to which the prisoners convicted
in No 17 of the Salem Calendar 1st Session 1833
of Gang Robbery have rendered themselves liable.

(Here enter No 560.)

The Court of Sowdaree Adalut
having maturely considered the circumstances
of the case represented in the above letter, sanction
under clause third Section III Regulation I
of 1825, the mitigated punishment recommended
by the Acting 3d Judge on Circuit in the
Southern Division, and accordingly direct
that the said prisoners

1st Cautun
2d Coloundy
3d Peetaun and
4th Chinnapyen

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

for

9th July 1833.

for the period of (7) seven years.

Ordered, that extract of these proceedings be sent to the Acting 3d Judge on Circuit in the Southern Division for his information and guidance by precept, returnable without delay.-

(Sent following precept No. 473)

Read letter, dated the 27th May last from the Acting 3d Judge on Circuit in the Southern Division, recommending a mitigation of the punishment to which the prisoners convicted in No. 10 of the Salem Calendar 1st Session 1833 of theft, have rendered themselves liable.

(Here enter No. 501)

The Court of Sudder Adawlut having maturely considered the circumstances of the case represented in the above letter, sanction under Clause third Section III Regulation VI of 1825 the mitigated punishment recommended by the Acting 3d Judge on Circuit in the Southern Division, and accordingly direct that the said prisoners

1st Candhuru
3d Sangodhuru
5th Chinnan
6th Sengaully
7th Soo Rien
8th Palany
9th Cundee

9th July, 1833.

10th Mootoosamy and
11th Comaren

be imprisoned and kept to hard labour in irons on the public roads or other public works, for the period of (3) three years.

Ordered, that extract of these proceedings be sent to the Acting 3d Judge on Circuit in the Southern Division for his information and guidance by precept, returnable without delay.

(Sent following precept No. 474)

J. M

Read return dated the 1st Instant from the 3d Judge on Circuit in the Southern Division to precept dated the 12th June last directing him to send up the records in cases Nos. 27, 29 and 31 Pollon Supplemental Calendar 1st Session 1833 and Nos. 6, 15 and 19 Guntoor Supplemental Calendar 1st Session 1833.-

(Here enter No. 684)

Read letter dated the 29th ultimo from the Additional Judge of the Southern Provincial Court reporting that he has issued a precept for the opening of the Court of Circuit at Vizagapatam on the 25th Instant.-

(Here enter No. 688)

9.

F. G.

At a Court of the Foujdaree Adalut.

Present

Wednesday 10th July, 1833. Charles May Lushington Esqre 1st Puisne Judge
Thomas Alex.r Oakes Esqre acting 2d Puisne Judge
William Headleston Esqre 3d Puisne Judge

Read letter, dated the 25th Ultimo, from the 3d Judge on Circuit in the Northern Division, recommending a Mitigation of the punishment to which the Prisoners convicted in No 1 of the Primary Calendar of the Zilla of Guntoor 1st Sessions 1833 of plundering grain, have rendered themselves liable.

(Here enter No 602)

The Court of Foujdaree Adalut having maturely considered the circumstances of the case represented in the above letter, sanction under Claude third Section III Regulation I of 1825, the mitigated punishment recommended by the 3d Judge on Circuit in the Northern Division, and accordingly direct that the said prisoners

2d Condapanty Venkatadagadoo
3d Condapanty Veeradoo
4th Goonjary Peddadoo
5th Guddey Cautadoo
7th Dandary Garatadoo and
8th Surry Paradoo

be imprisoned and kept to hard labor in irons

sions on the public roads or other public works,
for the period of (7) Seven years.

Ordered, that by Extract of these
proceedings be sent to the 3d Judge on Circuit
in the Northern Division for his information
and guidance, by precept, returnable without
delay.—

(Sent following precept No. 475)

Read letter, dated the 25th Ultimo,
from the 3d Judge on Circuit in the Northern
Division, recommending a Mitigation of the
punishment to which the prisoners convicted
in No 3 of the Supplemental Calendar of the
Zilla of Jaffna 1st September 1833 of Gang Robbery,
have rendered themselves liable.

(Vide entry No 663)

The Court of Foujdaree Adalut
having maturely considered the circumstances
of the case represented in the above letter, Sanction
under Clause third Section III Regulation I of 1825
the Mitigated punishment recommended by the
3d Judge on Circuit in the Northern Division,
and accordingly direct that the said prisoners

1st Mulla Cauden
2d Chankala Nyinnala Hoofdaw
3d Nundapanty Sobbanyah
4th Cunlacunty Cotanyah and
5th Rodrapagoo Paupeagadoo

be imprisoned and kept to hard Labor in irons

on

on the public roads or other public works,
for the period of (7) Seven years.

Ordered, that by Extract of these
proceedings be sent to the 3d Judge on Circuit
in the Northern Division for his information
and guidance by precept returnable without
delay.—

(Sent following precept No. 476)

Read letter, dated the 25th Ultimo,
from the 3d Judge on Circuit in the Northern
Division, recommending a Mitigation of the
punishment to which the prisoners convicted
in No 14 on the Primary Calendar of the Zilla of
Jaffna 1st September 1833 of Highway Robbery have
rendered themselves liable

(Vide entry No 664)

The Court of Foujdaree Adalut having
maturely considered the circumstances of the
Case represented in the above letter, Sanction under
Clause third Section III Regulation I of 1825, the
mitigated punishment recommended by the
3d Judge on Circuit in the Northern Division, and
accordingly direct that the said prisoners

1st Somalagudda Tenkannia and
2d Moorookatteah Tenkanah

be imprisoned and kept to hard labor in irons
on the public roads, or other public works, for
the period of (7) Seven years.

Ordered, that by Extract of these
proceedings

10th July 1833.

proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information and guidance by precept returnable without delay.—

(Sent following precept No 477)

Read letter, dated the 25th ultimo, from the 3d Judge on Circuit in the Northern Division recommending a mitigation of the punishment to which the prisoner convicted in No 4 of the Supplemental Calendar of the Zilla of Guntoor 1st Sessions 1833 of Highway Robbery has rendered himself liable.

(Here enter No 500)

The Court of Foujdaree Udalut having maturely considered the circumstances of the case represented in the above letter, sanction under Clause third Section III Regulation I of 1825 the mitigated punishment recommended by the 3d Judge on Circuit in the Northern Division, and accordingly direct that the said Prisoner

Mulla Timmadoo

be imprisoned and kept to hard labor in irons on the public roads or other public works, for the period of (7) Seven years.

Ordered, that Extract of these proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information and guidance by precept returnable without delay.

(Sent following precept No 478)

J. C. M.

F. 11.

At a Court of the Foujdaree Udalut

Present,

Thursday 11th July 1833.

C. M. Lushington Esqre 1st Puisne Judge.
Thomas A. Oakes Esqr 2nd Acting 2nd Puisne Judge
William Hudleston Esqre 3rd Puisne Judge.

Read letter, dated the 10th May last, from the Acting Judge late on Circuit in the Centre Division, submitting his Report on the completion of the Jail Deliveries at Cuddapah and Bellary for the 1st Sessions of 1833.

(Here enter No 499.)

Read also letter, dated the 7th May last, from the Acting Judge late on Circuit in the Centre Division, in reply to communications from this Court under dates the 9th and 25th of February last, requiring Mr Nelson to report whether or not he considered the sheds for which Mr Boileau made application in a letter addressed to the Secretary to Government in the Judicial Department under date the 28th January last were absolutely requisite, and also to state whether any objection exists to the permanent closure of one or more of the principal Gateways of the Bellary Jail.

(Here enter No 502.)

1. Paragraphs from 2 to 10. of the Report are occupied in describing in detail

General

Several suppposed defects in the Jail at Cuddapah, and in the 8th para. Mr. Nelson states his opinion that "nothing short of a new Prison would remedy the "defects of the present building or enable the Regu- "lations of Government to be fully administered."

2. The sentiment of the Court of Foujdaree Udalut on the state of the Jail at Cud- dapah are already in the possession of Government, and will be found in the 20th 21st 22d and 23d paras of their Register's letter addressed to the Chief Se- cretary to Government under date the 4th of Janu- ary 1825.

3. Upon this occasion a new Jail was proposed to be built at Cuddapah, and upon the Subject being again brought to the notice of Government by the Court of Foujdaree Udalut in the 2nd para of their proceedings dated the 8th of March 1825, (upon Review of the Report by the 3d Judge of the Court of Circuit in the Centre Division upon the completion of the 2nd Sessions of 1824) the Sanction of the Right Honorable the Governor in Council for the erection of a new Jail at Cuddapah was intimated to the Court of Foujdaree Udalut by the Secretary to Government in the Judicial Department by letter dated the 21st of May 1825.

4. The additional Judge who pre- sided at the 2nd Sessions of 1825 having however

repeated to the Foujdaree Udalut that up to the period of his addressing the Court, nothing had been done towards the construction of a new Jail at that Station, the Judges again addressed the Government on the Subject and in reply were informed that "the attention of the Military "Board had been called to the Subject of erecting "a new Jail at Cuddapah."

* letter dated 1st October.

Vide letter to the Secretary to Government in the Judicial Department dated the 1st November 1825.

Vide letter from Secretary to Government Judicial Department dated 11th Novem- ber 1825.

5. No new Jail however has been built at Cuddapah and the causes which pre- vented the commencement of the work are not known to the Foujdaree Udalut, but as no serious objections have been made to this Jail since the above period and up to the date of Mr. Nelson's Report, the Judges do not consider that a new Prison is absolutely necessary, and are therefore not prepared to re- commend for the Sanction of the Right Honorable the Governor in Council the dis- bursement at this particular period of so large a sum as the erection of a new Jail capable of containing 1,500 prisoners would entail upon the Government.

6. It appears moreover (para 11) that "no complaints of any moment" were preferred to Mr. Nelson on his inspection of the prisoners confined in this Jail.

7. With reference to the objections urged

urged by Mr. Nelson in the 5th para: of his report against the Jail Hospital, the Court would remark that it is within the knowledge of the Acting 2nd Judge of this Court who has had frequent opportunities of visiting the Jail at Cuddapah that this building, which was originally the Court House and now occupied as a Hospital, is a most excellent building, and was thus described by the Zillah Surgeon in a letter addressed to the Acting Criminal Judge of Cuddapah under date the 24th September 1824. "The Jail "Hospital is a lofty and airy building which was "formerly used as a Court House and has been "lately granted for its present purpose: with "very slight improvements which are at present "in progress it appears to me to be well adapted "for the use to which it is applied as well "in respect of size as in healthiness of site and "mode of construction".

8. In the 6th para Mr. Nelson represents the facility with which an escape from this Jail might be effected were the prisoners "disposed to rise". It is only necessary however for the Court to observe that since 1826 the period at which a new Jail was proposed to be built, no violent attempt has been made to escape from this Jail; in the year 1827 20 convicts out of 33 employed in repairing the public

public roads effected their escape from the guards under whose charge they were at work, (all of whom however were re apprehended the same night,) and in the year 1830 the conduct of the prisoners were reported by the Criminal Judge to be mutinous and refractory, in consequence of the alteration in their diet which took place at that period under the orders of the Court of Foujdaree Adalut of the 25th of January 1830; and these are the only instances of insubordination on the part of the prisoners confined in the Jail at Cuddapah which have been brought to the notice of the Foujdaree Adalut.

9. In the 11th para Mr. Nelson states that "some of the Convicts" in confinement at Cuddapah "whose period of imprisonment was "near its close had been omitted in the distribu"tion" of Cumblies. No prisoner, as the Court observed on a former occasion, should be without a Cumbly, and the attention of the Criminal Judges of Cuddapah will be called to the orders circulated under date the 2nd of June 1831, whereby Officers in charge of Jails are required to supply Cumblies to the prisoners "when necessary".

Bellary. 10. In the 12th para of the Report Mr. Nelson refers "to certain alterations" suggested in his letter dated the 7th of May "tending to im"prove the security of the Bellary Jail and the

"the classification of the prisoners."

11. The letter here alluded to by Mr. Nelson was in answer to a communication from this Office requiring the Acting Judge on Circuit to ascertain and report to the Sunderbunnee Adalut whether any objection exists to the permanent closure of one or more of the principal gateways of the Bellary Jail with the view of rendering the aid of troops unnecessary in guarding the Jail at that Station and also to report after personal inspection of the Jail whether or not the Sheds for which Mr. Boileau made application in his letter to Government of the 28th of January last are absolutely necessary.

12. Accompanying the letter from the Acting Judge of Circuit are two ground plans of the prison, the one representing the Jail as it now stands, and the second exhibiting the alterations which Mr. Nelson suggests should be made in it.

13 Referring to the first of these plans the Court approve of the alterations suggested in the 4th para of his letter viz that the gateways marked **A**, **B**. and **C** be built up- that the projections at **B** and **C** be removed- that a new Gateway be opened at the point **D** marked in the 2nd plan, and that internal doors of communication be opened at **E** and **F** leaving **D** the principal

principal and only entrance into the Jail-

These alterations being completed

14. a fewer number of Peons will be required to guard the Jail, and the Judges of the Sunderunnee Adalut feel persuaded that the employment of troops on this duty will, under these arrangements, be unnecessary-

The Court approve also of the

15. removal of the Cooking Sheds marked **G. G.** built against the outer wall of the Jail of the Cooking Shed marked **K**, and the exterior buildings **H.H.** and the Judges therefore beg leave to suggest that instructions may be given in the proper department for carring these alterations into effect, and also for the opening of 5 new windows which from the 13th para: of Mr. Nelson's letter would appear to have been suggested to him by the Superintending Surgeon as necessary for the better ventilation of the Jail Hospital-

The Court see no objection to

16. small cooking Sheds being constructed out of the old materials in such of the wards as may at present have none, provided they are not built against the outer wall; and with reference to para: 9 of Mr. Nelson's letter the Judges propose issuing instructions to the Criminal Judge of Bellary directing that the

Judges

11th July 1833

the prisoners be divided into messes of 20 or 25, one man being allowed to remain at home to cook for each party.

17. In the Jail of Bellary it would appear that the orders of the Foujdaree Adalut of the 25th January 1832, regarding the apportioning the quantity of rice allowed to Prisoners generally has been disregarded. The Acting Judge of Circuit states in the 12th para of his Report that a disease called "Beriberi" has carried off many of the prisoners committed to take their trial before the Court of Circuit. The exciting causes of the disease being in the opinion of the Medical Officer want of exercise, (prisoners of this description being wholly exempt from labor of any kind) coupled with the fact of their being allowed the same diet allowance of the working convicts. The Court perceive that the Criminal Judge of Bellary has been directed to "use the discretion "entrusted" to him in dominishing the allowance "of this Class." The Court of Foujdaree Adalut will repeat this injunction and desire that the opinion of the Medical Officer on this point may be attended to.

*4 out of 17.

Vide C.C. dated 25th January 1832.

18. The Suggestion offered by Mr. Nelson that persons not employed in the Jail "should "be supplied with grain in the husk and required "to beat it out for themselves" the Judges consider unobjectionable

No. 16.
11th July 1833.

unobjectionable, and they propose issuing orders to this effect to the several Officers in charge of Jails.

19. With reference to the number of hours of the day during which the prisoners confined in the Cuddapah and Bellary Jails are required to work, and which in the opinion of the Acting Judge "is not more than half that of the "free labourer," the Judges of the Foujdaree Adalut will call the special attention of the Officers in charge of these Jails to the 36th para: of the Jail Rules circulated under date the 8th October 1821, wherein the period to be assigned to work is expressly laid down and to the 3d para of the further Rules circulated under date the 19th January 1831, wherein it is pointed out that Convicts should be employed in labor "such as may cause the more "depraved classes to dread confinement in our Jails "and not to look upon them as places of relief and "repose from the exertions common to the poorer "classes of the community."

20. The several Rules and the orders connected therewith which have issued from this Court under the dates noted in the margin do contain "a general System for the management "of the Jails" and no further orders on the subject appear to the Court to be at present requisite.

21. "Discretionary power to set "aside fundamental Rules" has on no occasion been

Judges

Foujdaree.
Sp. 5th October 1821.
Pro 23d June 1822
Pro 23d October 1823
Pro 1st March 1824
Pro 8th March 1825
Sp. 1st August 1827
Sp. 26th April 1828
Sp. 6th June 1828
Pro 25th January 1830
Pro 12th July 1830.
Pro 27th October 1830.
Pro 19th January 1831
Pro 4th March 1831
Pro 11th May 1831
Sp. 2d June 1831
Pro 18th June 1831
Pro 23d July 1831
Pro 25th January 1832
Pro 8th March 1832
Pro 16th May 1832
Pro 5th June 1832.

been entrusted to the Criminal Judges by the Court of Foujdaree Udalut, the only point on which the Criminal Judges have been permitted to exercise a "sound discretion" is in respect to the employment of the convicts, the Court observing in their proceedings of the 19th January 1831, that "the localities "of one station require arrangements different from "those well suited to others" any "general rules" therefore on this subject the Foujdaree Udalut feared might "hamper the local authorities," and they considered it "sufficient to state the object in view" viz. the employment of the convicts in the manner most useful and profitable to the public, and "to "explain a few of the general principles to be "observed in attaining it, leaving it to the officers "on the spot to adopt and carry into execution the "plan best suited to local circumstances."

22 Allusion is made in the 18th para: to the circumstance of no decrees having been passed in the Zillah Court of Cuddapah during the last half year of 1832.

23 In the Civil Returns submitted Quarterly to the Foujdaree Udalut and exhibiting the operations of the several Courts during the same period, the Judge in the Zillah of Cuddapah explained that he "was prevented from the pursuit "of Criminal and Miscellaneous business" and by "Severe indisposition" from passing any Decree during

during the 3d Quarter of the past year, in the 4th Quarter it is explained that the Acting Judge took charge of the Court on the 25th of October, and that "the Civil Court was adjourned from the 12th "of November to the 23d of December." The Register it appears joined his Station only on the 16th of November last.

24. Referring to the 3 cases of Cattle Stealing punished by the Magistrate of Bellary and alluded to in the 18th para of Mr Nelson's Report, the Judges upon consideration of the descriptions of the Animals stolen on three occasions concur in opinion with the Acting Judge that they should have been forwarded to the Criminal Court.

25. It is true as observed by Mr Nelson that in Section III Regulation VI of 1827 the petty cases of Cattle Stealing punishable by the Magistrate and the Heads of Police are not defined, but the Court of Foujdaree Udalut have long considered this offence to consist in the Stealing of one or two of the minor beasts of Pasture such as Sheep, goats &c.

26. The theft of one or more Horses oxen, Buffaloes or other beast of burden or of three or more Sheep, goats, or other minor beasts of pasture, the Judges have considered punishable only by the Criminal Court, and this distinction

distinction is obviously recognized in Clauses first and second Section VIII Regulation XIII of 1832 whereby the "poisoning or maliciously killing maiming or wounding one or more Horses, Asses, Cows, Buffaloes or other Cattle" is made punishable by the Criminal Court & "Petty cases of this description" being by Clause second of the same Section and Regulation declared punishable by the Magistrate and the Heads of District Police.

27. In para 20 is a comparative Statement of the number of Serious crimes committed in the Zillahs of Bellary and Cuddapah that for Cuddapah from January to June inclusive, the Judges upon examination of the Half yearly Criminal Reports for the same period, find to be correct; but of the accuracy of either the Cuddapah or Bellary Statement for the 2nd half year of 1832 the Judges are unable to form an opinion as the Reports for this period have not yet been transmitted to the Court of Foujdaree Udalut.

28. In the Bellary Statement prepared by Mr. Nelson for the 1st Half year of 1832 the entries do not correspond with the result of the Statements transmitted to this Office for the same period - for instance

In the Statement kept in the Foujdaree Udalut the number of Crimes committed to ..... — 124

Computed No. of persons concerned — 638.

Apprehended and delivered to the Criminal Judge ..... — 241

No. of Cases in which apprehended persons were concerned ..... — 72.

But though this result as compared with that entered in the Statement prepared by Mr. Nelson will in some degree lessen the disproportion between the number of serious offences committed in the Districts of Bellary and Cuddapah still the above presents an unfavourable view of the State of crime in the latter District.

29. The Court of Foujdaree Udalut however should observe that for many years back (since 1820, previous to which period the Criminal Returns transmitted to this Office cannot be depended upon) Cuddapah has been distinguished for the Commission of the largest number of serious crimes and misdemeanors.

30. But on referring to the Criminal Statements for the first half of the year 1832 which were submitted to Government under date the 19th of February last, the Judges of the Foujdaree Udalut, have been struck with the very small number of serious offences brought before the Magistracy in this District, and the same circumstance the Judges perceive attracted

Vide para 36 of the Proceedings of the Foujdaree Udalut under date 21st December 1829.

Vide para 30 of the Proceedings of the Foujdaree Udalut of the 30th June 1830.

attracted the notice of the Foujdaree Udalut on review of the Criminal Statements for the first and Second half year of 1829.

31. In the Statements for the first half of 1832, lately submitted to Government, it will be seen that during that period only 13 cases of crimes and misdemeanours were brought before the Magistracy, whilst the number of offences of this description brought before the District Police amounted to 215, and from the circumstance of 239 persons having been released by this authority charged with such offences, the Judges of the Foujdaree Udalut are apprehensive that the enquiry directed to be made by Section XXVII Regulation XI of 1816, previous to the apprehension of parties has not been duly attended to by the District Police in this Zillah.

32. The difference between the result of the number of crimes committed as exhibited in the half yearly Statements and the "list of "cases received in the Criminal Courts as shewn "in the Petty Calendars", to which allusion is made by Mr. Nelson in the 20th para: of his Report, is to be accounted for partly by the circumstance of Receivers of Stolen property being required to be entered in the Criminal Reports and the Calendars furnished to the Courts of Circuit in the same case with the principals whereas the half yearly

yearly Statements, as explained in the 4th para of the proceedings of the Foujdaree Udalut of the 19th July 1830, are 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."

33. The Magistrates moreover in the preparation of the printed Statement frequently enter under an additional heading cases which might with great propriety be included under the printed heading- the correction is made in this office and the Statement is condensed as far as practicable.

34. As regards the difference in the number of persons committed as exhibited in the Monthly Returns and the entries to be found in the Statements prepared for each half year, the discrepancy has arisen in many instances from persons who are concerned in many offences being entered in the half yearly Statement, under but one head; this error was pointed out to the Provincial Court in the Centre Division in the proceedings of this Court above alluded to, and the Judges are fearful that the error in the calculation of the aggregate number of individuals actually brought before the Court of Circuit is in many instances to

to be attributed to the omission of a note at the foot of the Report wherein a deduction should be made of the persons repeatedly entered as concerned in more cases than one.

35. Paragraphs from 21 to 25 contain statements of the operations of the Criminal Courts, the Courts of Circuit and the Foujdaree Udalut wherein Mr Nelson contrasts the number of persons released with the number punished and committed to trial before the Court of Circuit, and in para 26 will be found a Statement wherein the results exhibited in the preceding Statements are compared with those of the Criminal Tribunals in Europe.

36. From such comparison the Judges do not consider that a correct judgment can be formed in respect to the efficiency or otherwise of our present System of Police, and the causes which have mainly attributed to render the convictions so disproportionate to the commitments was explained, and the subject so fully discussed in the 67th 68th 69th 70th and 71st pards of the proceedings of the Foujdaree Udalut of the 23d of April 1829, submitted to Government under the same date that the Judges, with reference to the 26th para of Mr Nelson's Report, consider any further observations from them on this subject unnecessary.

37. The Court however must observe that

that in these calculations made by Mr Nelson the proportion of convictions to the acquittals are, from the circumstance of the "prisoners required to give Security" "being considered as released", not accurately exhibited; and the Court will point out to Mr Nelson that an order requiring the detention of a prisoner in default of Security is by no means "in practice a virtual acquittal" a Criminal Judge having authority only to demand Security "where adequate proof for conviction of a specific offence may not be adduced "against a prisoner but he shall appear to be "under strong suspicion of any act of criminality." And with reference to the latter part of the 23d para: the Acting Judge will be further informed that the Standing orders of this Court of the 20th July 1829, require, in cases punishable by the Court of Circuit that prisoners ordered to be released on Security for want of sufficient evidence be re-apprehended and forwarded to the Criminal Court whenever additional evidence against them may be procurable; and the Court of Foujdaree Udalut have repeatedly ruled that the examination held by the Criminal Judge in cases punishable by the Superior Court is not of the nature of a trial, but simply an investigation of the case.

38. In the 26th para is a Statement shewing the number convicted and acquitted compared to

to the number of persons tried in England, Wales, France, Denmark, Canton de vaud, Ireland and the Madras Presidency, and though the Court as before observed feel persuaded that no useful purpose will be gained by comparing the Criminal Jurisprudence of this Country with that practised in England, Wales, Ireland and other European Countries, still the Court are unable to discover in what respect "this last Statement" so clearly evinces "that a considerable defect exists in our "administration of justice".

39. The Court by no means agree with Mr. Nelson in thinking, that this Statement even supposing it to be correct, is a fair criterion of the working of our judicial System. The prevention of crime rather than the punishment of it is the desideratum in Criminal jurisprudence. The Reports do not enable the Court to give with any degree of accuracy the number of crimes committed annually previous to 1829, but thinking it will be satisfactory to the Right Honorable the Governor in Council to perceive that crime is on the decrease, the Court beg to subjoin a comparative Statement of crimes committed during the years 1829, 1830 and 1831 together with a Statement of crimes committed in England and Wales from 1825 to 1831 inclusive.

Number of persons charged with Criminal offences under the Madras Presidency.

In 1829	144,850
1830	141,063
1831	126,649

Number

Number of persons charged with Criminal Offences in England and Wales.

From 1817 to 1824 inclusive — 92,848.

From 1824 to 1831 ——do—— 121,518.

From the above comparison it will

40. be perceived that while in England during the seven years ending with 1831, the number of Criminals in England having increased nearly one third. there is a decrease under the Madras Presidency during the last three years of somewhat more than 14 per Cent.

In the 2d para Mr. Nelson suggests

41 that the Criminal Courts should have the privilege of sending direct to the heads of Police a memorandum or paper containing the names of any parties they may require as witnesses:- the Criminal Courts already possess authority under Section II Regulation I of 1824 to issue direct a Summons for any witness in a Case sent in by the Police, and the Judges do not consider that any good effect would attend the adoption of Mr. Nelson's Suggestion so long as the Criminal Judge is precluded from giving an order to a Police Officer. The sentiments of the Judges on this point are already before the Government, and will be found in the 7th para of their proceedings of the 23d of April 1829.

At the conclusion of his Report Mr.

42 Nelson suggests that Batta should be paid as well to prosecutors and witnesses attending at the Criminal Courts as those in attendance on the Court of Circuit.

On a reference to the orders of Go-

43. vernment of the 17th of August 1824 and to the Circular Order

11th July 1833.

Order of this Court of the 23d of the same month Mr Nelson will perceive that the Governor in Council has authorized "the Criminal Judges, in cases of necessity to "pay Batta at the usual rate to Prosecutors and witnesses "during the whole period of their absence from their homes, "in attendance upon the Criminal Courts"

4th. No further remarks upon Mr Nelson's Report appearing to the Court to be requisite.

Ordered, that the Report and Extract from these proceedings be forwarded 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 482)

Ordered also, that Extract from these proceedings be forwarded to the Acting Judge late on Circuit in the Centre Division for his information.

(Sent following letter No 483)

Read letter, dated the 6th Instant, from the Acting 1st Judge on Circuit in the Centre Division, reporting his arrival and opening the 2d Sessions 1833 at Cuddalore.

(Here enter No 694)

Read letter, dated the 3d Instant, from the 1st Judge Presiding at the Special Session at Honore. Reporting his arrival at Honore and commencing the Special Sessions.

(Here enter No 695)

J. M

Ent

W W

F. 66.

At a Court of the Foujdaree Adalut.

Present.

Friday 12th July 1833. Charles May Lushington Esqre 1st Puisne Judge.
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge.
William Huddleston Esqre 3d Puisne Judge.

Read letter, dated the 5th Instant, from the Acting 3d Judge on Circuit in the Southern Division, submitting case No 11 Tinnevelly Calendar 1st Sessions of 1833.

(Here enter No 595)

The Court of Foujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the proof against the prisoners,

1st "Syemparoomal," and
2d "Moopelemanden,"

is sufficient to convict them of the crime of "Murder" as charged in the Calendar, do, 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 them to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No 484)

The Court of Foujdaree Adalut having convicted the prisoners,

1st

Mr Oakes & Mr Huddleston.

1st "Tyemparoomah, and
2d "Moopelemandew"

of the crime of Murder with which they are charged, deem it necessary for the ends of justice to direct that Sodalamoolooa and Sirbramonyew, the two witnesses brought to establish the alibi attempted to be set up by the prisoners be apprehended and committed to take their trials for perjury.

2. The serious attention of the Court of Foujdaree Adaulut has been attracted by the general prevalence of attempts to establish a defence of this nature, supported by perjury, and they deem it proper to direct, by a Circular order, the attention of the Judges of the four Provincial Courts of Circuit to this subject, and to desire that in all such cases the witnesses appearing to have sworn falsely be committed to take their trial for perjury, if there shall be evidence attainable to establish the charge against them.

Ordered, that Extract of the Proceedings be sent to the Acting 3d Judge on Circuit in the Southern Division by precept returnable in ten days from and after its receipt.

(Sent following precept No 485)

Ordered also, that Extract of these proceedings be sent to the four Provincial Courts

Courts of Circuit by precept, enjoining them to communicate the same to the several Judges on Circuit for their information and future guidance.

(Sent following Circular precept No 486)

J Ll

June 1833.-

12th July.

F. 16.

At a Court of the Foujdaree Adalut.

Present,

Saturday, 13th July 1833. Charles May Lushington Esqr. 1st Puisne Judge
Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge
William Houdleston Esqr. 3d Puisne Judge

Read letter, dated the 5th Instant,
from the Acting 3d Judge on Circuit in the Centre
Division, transmitting copy of the Chittagong Deputy
Calendar 1st Sessions 1833.

(Here enter No. 678.)

The objection of the Law Officer
to the evidence of the 1st and 3d witnesses in this
case was not merely personal, but had reference
likewise to certain discrepancies in their evidence
before the Criminal and Circuit Courts respectively,
which renders it necessary, under the provisions
of Clause Second Section II Regulation VI of 1824,
that the trial should be referred to the Court
of Foujdaree Adalut - Moreover it is not com-
petent to the Court of Circuit to dispose of
any case falling under the provisions of
Clause Second Section IV Regulation XV of 1803.

2 The Court in consequence direct
that English and Persian translations of the
proceedings of this trial be submitted
to them without delay.

3

18 3 The Court desire to point out to the Acting 3d Judge, that his Sentence in this case, calling upon the Prisoner to furnish Security in the Sum of 50 Rupees "by one or more Sureties" is at variance with the provisions of Clause first Section VII Regulation VI of 1827, which requires that the Number of Sureties "shall be fixed and determined".

4 The Acting 3d Judge will be pleased to amend his order accordingly.

23 5 The order in this case likewise appears to the Court to be irregular. The Acting 3d Judge should either have Sentenced the Prisoner, on default of Security, to three years imprisonment under Clause first Section X Regulation VI of 1827, or if from the evidence adduced on the trial he appeared to be of "a character so notoriously bad and dangerous as to render his release "without substantial Security evidently unsafe "and improper," he should have directed his indefinite confinement under Clause second of the same Section.

The Court in consequence direct that the Sentence may be amended in conformity with these instructions.

32 7 The Law Officer should in this case have been required to amend his answer to the second question and to state whether or

13th July 1833. not the Prisoners would have been committed had the Prosecutors deposition been admissible as legal evidence.

Ordered, that Extract from these Proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division, for his information and guidance by precept returnable in 10 days from and after its receipt.

Ord
240

(Sent following precept 8th 487)

J. Ch

Read letter dated the 8th Instant from the 1st Judge on Circuit in the Southern Division reporting the commencement of the 2d Sessions of 1833 at Madura.

(Here enter No 702)

Read return dated the 6th Instant from the Acting 2d Judge of the Court of Circuit in the Centre Division to precept dated 1st Instant ordering the 5th prisoner in case No 7 Chittoor Calendar 2d Quarterly Sessions 1833 to be set at liberty.

(Here enter No 707)

At a Court of the Foujdaree Udalut.

Present,

Monday 15th July 1833.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre officiating 2d Puisne Judge
William Houdleston Esqre 3d Puisne Judge

Ch. A. 710 111

Read petition presented on the 24th June by Veerasamy Naiken, Soobaroya Battey and Tuncatachella Gauttew of the Zilla of Chingleput.

(Here enter N.P. No 66 of 1833)

The Petitioners complain of the sentence which has been passed by the Court of Circuit on their Relatives the three Prisoners convicted in No 1 Chingleput Calendar 1st Sessions 1833, and pray the Court to call for the trial and issue orders for their release.

The trial in question has been already called for, and will be taken into consideration in due course.

Ordered, that Extract from the Proceedings be furnished to the Petitioners on application.

Read letter, dated the 19th Ultimo, from the Provincial Court of Circuit in the Southern Division, transmitting copies of the Returns made by the several Criminal, & Sessions Criminal Judges

Judges, and Magistrates in the Division to the precepts issued by the Provincial Court of Circuit on review of the Criminal Reports for the month of January last.

(Recorded No. 643)

Gudena

1 Under the explanation given by the late Acting Criminal Judge of Madura, the Court of Foujdaree Adaulut desire that orders may be issued for the immediate release of the 2d prisoner in case No. 3 of the Report No. 5, for the month of January last.

Timevelly

2. The explanation given by the Assistant Criminal Judge late in charge of the Auxiliary Court at Timevelly of the grounds upon which Security was demanded from the 4th prisoner in case No. 132, is considered by the Judges of the Foujdaree Adaulut sufficient.

3 The Sentences passed in cases Nos. 135 and 136 are irregular and must be cancelled, in compliance with the orders of the Foujdaree Adaulut contained in the 8th para of their proceedings under date the 21st of March last.

Combaconum

4 The question discussed in the 6th 7th 8th 9th 10th and 11th paras of the return by the Criminal Judge of Combaconum, has been disposed of by the Foujdaree Adaulut in their proceedings of the 12th instant, and their instructions in that point must be attended to.

5 With reference to para 12 the Criminal Judge of Combaconum will perceive that in the 7th para of the proceedings above alluded to, the Foujdaree Adaulut have explained that a Criminal Judge is authorized "under the provisions of Section XI Regulation "X of 1816 to apply for the Sanction of the Court "of Circuit to release on Bail any prisoner "who may be considered an improper subject "for confinement in the Jail."

Salem

6 The Provincial Court of Circuit will point out to the Criminal Judge of Salem that the criminations of one prisoner by another is no evidence at all; Mr. Bannerman appears to consider such accusation unsupported by other evidence, "insufficient proof."

Coimbatore

7 It does not appear that the prisoners in case Nos. 17 and 18 had been before convicted of theft, neither did the total amount of the property stolen in both cases exceed the sum of 50 Rupees; the Sentence passed by the Acting Joint Criminal Judge was therefore irregular; and the Court of Foujdaree Adaulut in a reference from the Criminal Judge of Nellore cited under date the 24th of November 1823, "that a prisoner convicted before the "Criminal Judge of two or more petty thefts, neither

15th July 1833. "neither of which may have been attended with
"any of the circumstances of aggravation specified
"in Clause fourth Section III Regulation VI of 1822
"cannot legally be sentenced by that officer
"to a punishment exceeding the limitations
"prescribed in Section VIII Regulation X of 1816."

8 The Judges however observed on
that occasion "that they would be disposed to
"consider a prisoner who may have committed
"several petty thefts at different times to be a
"fit object for commitment for trial before the
"Court of Circuit under the general provision
"contained in the latter part of Clause second
"Section III Regulation VI of 1822."

9 With reference to the observations
contained in the 9th para of the Acting Joint
Criminal Judge's return, the Court of Foujdaree
Adalut desire that Mr Popham may be informed
that no confession before a Police Officer can of
itself be, under any circumstances, sufficient
for conviction or even commitment.

Ordered, that Extract from these
proceedings be forwarded to the Provincial
Court of Circuit in the Southern Division to be
by them communicated to the several officers
whom it may concern by precept returnable
in 5 days from and after its receipt.

(Sent following precept № 488)

JAB MM

Jud

JAB MM

J.16

At a Court of the Foujdaree Adalut.

Present.

Wednesday 17th July 1833. C. M. Lushington Esqre 1st Puisne Judge.
Thomas A. Oakes Esqre Acting 2d Puisne Judge.
William Hudleston Esqre 3d Puisne Judge.

Read letter, dated the 14th Ultimo, from the 2nd Judge late on Circuit in the Northern Division, submitting case № 25 Guntoor Calendar 2nd Sessions 1832.

(Here enter № 642.)

Mr Oakes and Mr Hudleston.

The Court of Foujdaree Adalut 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 Cozat and Mooftees of the Foujdaree Adalut, confirm the said futwa of the Cazee-ul-Cozat and Mooftees aforesaid, acquitting the Prisoner

1st Cole Karagudda Chinnadoo.

and direct that he be set at liberty.

(Sent following letter № 490)

Read letter, dated the 26th Ultimo, from the 3rd Judge on Circuit in the Northern Division, submitting Case № 31. Nellore Supplemental Calendar 1st Sessions 1833.

(Here enter № 670.)

Mr Lushington & Mr Hudleston

The Court of Foujdaree Adalut having

having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the sentences of Dokoobut and Tazeer declared in the futwa, adjudge the Prisoners

1st Saudapully Syeegandoo
2d Couragony Soobbadoo
3d Saudapully Nangadoo (and)
4th Doorlakoola Yakeerah.

to be transported beyond the seas to such place as the Governor in Council may 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 No 491)

Read letter, dated the 6th Instant, from the Acting 3d Judge late on Circuit in the Southern Division, transmitting Copy of the Coimbatoor Calendar, with remarks and copies of futwas for the 1st Sessions 1833.

(Here enter No 718)

Read letter, dated the 22d Ultimo, from the Chicacole Special Commission, submitting the Record of trial No 5

(Here enter No 650)

The Court of Foujdaree Udalut having maturely considered the proceedings of the Special Commission, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the sentence of Dokoobut declared in the futwa, and under the provisions of Clause third Section VII Regulation XV of 1803, sentence the Prisoners

1st Somogundy Sutchana
2d Kesavjodoo Summoodoah
3d Pydesetty Appiah
4th Poorshottamah Putnaikoodoo
5th Gungadara Putnaikoodoo
6th Banaulah Linganah
7th Garoogoo Gungiah (and)
8th Cherala Poolyalias Cherala Pully Ramanah.

to be transported beyond the seas, to such place as the Governor in Council may 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.

The Court having passed sentence on the above prisoners, consider it proper to record the following observations in respect to the proceedings held in the case.

They deem it necessary to remark in the first place that the Special Commission have not assigned to the case any number in the

the Calendar, but being the fifth in the order of reference, it has been so designated-

In the 3rd para of their letter, the Special Commission state the charge against the prisoners in this case to have involved the act of "firing upon the troops of Government", but from what appears to the Court a culpable negligence, this important part of the accusation was omitted in the charge preferred when the prisoners were put to the bar and of course, the fact though deposed to by several witnesses can not be taken into consideration by the Court-

The Court direct that their sentence on the trial No 5 from the Chicacole Special Commission, together with the whole of the Proceedings held in the case, be transmitted to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may in conformity with the provisions of Section V Regulation XX of 1802 receive the orders of Government before they direct their sentence to be carried into execution-

(Sent following letter No 492)-

I. M

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J. M

110

At a Court of the Foujdaree Adalut,

Present,

Friday 19th July 1833.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge
William Hudleston Esqre 3d Puisne Judge

Read letter from the 3d Judge on Circuit in the Northern Division dated the 22d Ultimo, transmitting the record of Trial of 27 Ryotts Supplemental Calendar 1st Septr 1833.

(Here enter No 653)

Mr Oakes & Mr Hudleston-

The Court of Foujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftees of the Foujdaree Adalut, confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid, and under the Sentence of Cokoohut declared in the futwa, and under the provisions of Section X Regulation VIII of 1802 sentence the Prisoner

1st Doggerala Venkiah

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

1 The Court having passed Sentence on the Prisoner, consider it necessary to record the following observations on the case.

2 It appears to them unquestionable from the evidence in the record that the prisoner

gave

gave the importunate deceased three severe blows with an axe and killed him - and no provocation beyond the intrusion of the deceased's sheep into the prisoner's field is established.

3 How the 3d Judge under such circumstances as these, can think "that no "malice can be imputed to the prisoner" is inexplicable to the Court.

4 They deem it proper to refer Mr Waters to pages 199, 200 and 201 Blackstone Volume IV for the law in this point, in a case like the present he will find, that the law implies malice. The doctrine of the Mohummedan Law and of the Regulations is the same. But all Mr Waters would appear to know of no species of Malice except that technically termed "express Malice" viz.t: "when one with a sedate deliberate mind and "formed design doth kill another."

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

(Sent following letter No 499)

Read letter, dated the 24th Ultimo, from the 3d Judge on Circuit in the Northern Division, transmitting Cause No 29 on the Yellow Supplemental Calendar 1st Session 1833.

(Recorded No 007)

Mr Baker & Mr Bud Station

The Court of Sudder Dewanny Adawlut having maturely considered the proceedings held before the

19th July 1833.

the Judge on Circuit - the futwa of the Provincial Law Officer, and the futwa of the Cazee col Cogat and Mooftee of the Zillah Zoujdaree Adawlut, confirm such part of the said futwa of the Cazee col Cogat and Mooftee aforesaid as convicts the prisoner

2d Bundy Veerasoo

and under the provisions of clauses third and fifth - Section IV Regulation XV of 1803 sentenced him to be imprisoned and kept to hard labor in irons on the public roads or other public works for, and during the period of eight years, and then to be released - And further concurring in opinion that the proof against the prisoner

1st Pinnekay Chenchoogandoo

is sufficient to convict him of the crime of Gang Robbery attended with aggravating circumstances, they under the authority with which they are vested by Clause first Section II Regulation I of 1818 convict him thereof, and under the provisions of Clause third Section IV Regulation XV of 1803, sentence him to be transported beyond the seas to such place as the Governor in Council may 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 500)

Read

19th July 1833.

Read letter dated the 29th Ultimo from the Provincial Court of Circuit in the Western Division, Submitting the Reports required by Section XXXV Regulation X of 1816 from the several Criminal Joint Criminal and Native Criminal Judges in the Division for the month of May last, together with an Extract from their proceedings thereon.

(Here enter No. 682)

Honble

1 It appears from the proceedings of the Provincial Court of Circuit that in case No 41 of the Report No 5 there were two witnesses "to the fact of the Robbery" - the Judges of the Jowpaw Zillah are therefore of opinion that the 2d prisoner, if released on Security, should be apprehended and committed for trial before the Court of Circuit on his confession before the Assistant Magistrate

2 It does not appear to the Court of Jowpaw Zillah that the declarations of the prisoners in cases from Nos 42 to 47 inclusive contain confessions of Knowingly receiving Stolen Salt, and the entry that they "pleaded guilty" before the Joint Criminal Court, would seem therefore to be incorrect.

3 The Court of Jowpaw Zillah are of opinion that a very insufficient punishment has been awarded to the prisoner in case No. 48 the prisoner having been before convicted of several thefts committed at different periods Should have been committed for trial before the Court of Circuit under the general provision contained in the latter part of Clause Second

Section III Regulation XI of 1822.

2/ J. M. 19th July 1833.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division to be communicated to the Joint Criminal Judge at Honor for his information and guidance by precept returnable in 5 days from and after its receipt.

(Sent following precept No 501)

Read letter dated the 8th Instant from the Provincial Court of Circuit in the Northern Division, respecting the Criminal Reports for December 1832.

(Here enter No 730)

Read Return, dated the 8th Instant from the Judges of the Provincial Court of Circuit in the Western Division, to precept dated 15th Ultimo, conveying the Court's remarks on the Criminal reports for April last.

(Here enter No 733)

J. M

Synd

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At a Court of the Foujdaree Udalut-

Present,

Monday
22nd July 1833.

C. M. Lushington Esqre 1st Puisne Judge.
Thomas A. Oakes Esqre Acting 2nd Puisne Judge.
William Huddleston Esqre 3rd Puisne Judge.

Read petition presented on the 10th June by Syed Emaum, late Sailor of the Zillah Court at Cuddapah.

(Here enter Mis. Pet. No. 49 of 1833.)

The Petitioner complains of having been removed from his Office of Sailor without good and sufficient cause, and prays the Court to issue orders for his restoration.

The Petitioner is referred to the Provincial Court of Circuit in the Centre Division, who, under the orders of Government dated the 25th February 1830, are invested with the power to control, in the first instance, the Zillah Courts in respect to the removal of their Servants.

Ordered, that Extract of these proceedings be furnished to the Petitioner on his application.

J. R.

Read Return, dated the 18th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated 12th Instant, directing that in

in all cases in which the witness appearing to have sworn falsely to establish a defence be committed to take their trial for perjury, if there shall be evidence obtainable to establish the charge against them.

(Here enter No 748.)

Read Return, dated the 18th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated 4th Instant, directing them to call upon the Magistrate of South Arcot to explain why no answer has been made to the applications of the Magistrate of Salem for the attendance of witnesses required in Cases No 56 and 57 of the Supplemental Repeat, submitted by the Criminal Judge of Salem.

(Here enter No 749.)

Read return, dated the 18th Instant, from the Acting 3d Judge on Circuit in the Southern Division, to precept dated 6th Instant, sanctioning the mitigation of punishment in Case No 8 Salem Calendar 1st Sessions 1833.

(Here enter No 753.)

Read Return, dated the 19th Instant, from the Acting third Judge on Circuit in the Southern Division, to precept dated 9th Instant, sanctioning the mitigation of punishment in Case No 17 Salem Calendar 1st Sessions 1833.

(Here enter No 754.)

Read return, dated the 19th Instant,

from the Acting 3d Judge late on Circuit in the Southern Division, to precept dated 9th Instant, sanctioning the mitigation of punishment in Case No 10. Salem Calendar 1st Sessions 1833.

(Here enter No 755.)

Read letter, dated the 19th Instant, from the Acting 3d Judge late on Circuit in the Southern Division, transmitting Warrant issued to the Joint Criminal Judge of Tinnevelly for the execution of the Prisoner in Case No 4. of the Tinnevelly Calendar 1st Sessions 1833 with that Officer's Return and letter on the same subject.

(Here enter No 760.)

Read letter dated the 18th Instant from the Acting 3d Judge on Circuit in the Centre Division Reporting his arrival at Cuddalore and opening the Sessions

(Here enter No 746.)

22d July 1833.

F.16.

At a Court of the Foujdaree Udalut

Present,

Wednesday 24th July 1833. Thomas A. Oakes Esq.re Acting 2d Puisne Judge.

William Hudleston Esq.re 3d Puisne Judge

Read letter, dated the 28th Ultimo,

from the Acting Judge on Circuit in the Centre

Division, returning the futwa of the Foujdaree

Udalut in Case No.19 Bellary Calendar 1st

Sessions 1833, for the purpose of passing Sentence on

the 9th prisoner in the case.

(Here enter No.661.)

Read also letter, from the Acting Judge

on Circuit in the Centre Division dated the 27th

Ultimo, reporting the death of the second prisoner in

Case No.19 of the Bellary Calendar for the 1st

Sessions 1833

(Here enter No.687.)

Also read letter, dated the 5th Instant,

from the late Acting Judge on Circuit in the

Centre Division, reporting the death of the third

prisoner in Case No.19 Bellary Calendar 1st

Sessions 1833.

(Here enter No.681.)

Mr. Oakes and Mr. Hudleston

The Court of Foujdaree Udalut

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 Fouzdaree Udalut confirm such part of the said fatwa of the Cazee-ool-Cozat and Mooftees aforesaid, as convicts the Prisoners

1st Moodakah

7th Bheemah

9th Wolegah

17th K. Hannah

18th Geereyah

20th Goller Buswah (and

21st Mashtee.

and acquits the prisoners

4th Kumplegah (and

14th Seevoogah.

and under the provisions of Clause second Section IV Regulation XV of 1803, Sentence the said Prisoners

1st Moodakah

7th Bheemah

9th Wolegah

17th K. Hannah

18th Geereyah

20th Goller Buswah (and

21st Mashtee

to be transported to such place beyond the seas, as the Governor in Council may appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for, and during the period of their natural lives.

And the Court direct that the

the prisoner

4th Kumplegah

be set at liberty.

And further considering that strong suspicions, though not amounting to conviction is attached to the Prisoner

14th Seevoogah,

they, under Clause Sixth Section II Regulation XV of 1803, direct that he be required to find two Sureties in 50 (fifty) Rupees each for his good behaviour and appearance when required within three years. And the Court being of opinion, that the prisoner

5th Purrapah

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession, notwithstanding the fatwa of their Law Officers, do accordingly, under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that the said Prisoner

5th Purrapah

be set at liberty.

(Sent following letter No 513).

J C M

Read letter dated the 19th Instant from the Acting 3d Judge late on Circuit in the Southern Division to precept dated 12th July last, directing that in all cases in which the witnesses

24th July 1833.

witnesses appearing to have sworn falsely to establish a defence be committed to trial for perjury if there shall be evidence attainable to establish the charge against them.

(Here enter No. 750.)

At a Court of the Inferior Adalut.

Present,

Friday 26th July 1833. C. M. Lushington Esqre 1st Puisne Judge
Thomas A. Oakes Esqre Acting 2nd Puisne Judge
William Huddleston Esqre 3rd Puisne Judge

Read letter, dated the 13th Instant, from the 1st Judge on Circuit in the Southern Division, transmitting the Moodeen Calendar 2nd Sessions 1833.

(Here enter No. 727.)

No 3. It appears to the Court, that the opinion the 1st Judge has expressed, as to the insufficiency and unsatisfactory nature of the evidence in this case, amounts to a dissent from the conviction, and they in consequence are of opinion, that the trial should be referred to them which they direct may be done accordingly.

Ordered, that Extract from these proceedings be sent to the 1st Judge on Circuit in the Southern Division by precept, returnable without delay.

(Sent following Precept No. 526.)

Read letter, dated the 8th Instant, from the Provincial Court of Circuit in the Western Division explaining with reference to para 6

of the proceedings of this Court of the 26th Ultimo, that the "Assistant Writer and Translator" reported to be on the establishment attached to the Judge on Circuit in the Western Division, is not the extra Ganashta whose permanent employment on that establishment was sanctioned by the Government under date the 8th January last.

(Here enter No. 724.)

Under the above explanation the Court of Foujdaree Udalut resolve, with reference to their proceedings of the 26th Ultimo, submitted to Government under the same date, to solicit the sanction of the Right Honorable the Governor in Council for the permanent employment of one additional English Writer on the establishment attached to the Judge on Circuit in the Western Division.

2. With this addition the Circuit establishment of the Provincial Court in the Western Division, on the scale proposed by the Court of Foujdaree Udalut, will be complete.

Ordered, that Extract from these proceedings be forwarded to the Officiating Secretary to Government in the Judicial Department, for the purpose of their being laid before the Right Honorable the Governor in Council.

(Sent following Letter No. 857.)

Read letter, dated the 20th Instant from

from the Acting 2nd Judge of the Court of Circuit in the Centre Division, transmitting copies of the 4th and 5th Supplemental Calendars for Chittoor 2nd Quarter Sessions 1833.

(Here enter No. 769.)

Read return, dated the 19th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 4th July last, containing the Court's observations and orders on the Criminal Reports for April last.

(Here enter No. 768.)

Read letter, dated the 23rd Instant, from the Acting 2nd Judge of Circuit in the Centre Division, with copy of Chittoor 1st Supplemental Calendar, 3rd Quarterly Sessions 1833.

(Here enter No. 780.)

Read letter, dated the 9th Instant, from the Acting 1st Judge on Circuit in the Centre Division, representing "that the State of business at Cuddapah connected with the Second Sessions of 1833, being unusually great the ordinary Establishment of English Writers is found to be quite inadequate for the timely preparation of the proceedings requisite to be transmitted to the Foujdaree Udalut" and requesting in consequence sanction "for the employment of two English Writers each upon a Monthly Salary of 14 Pagodas."

(Here enter No. 701.)

The

26 July 1833.

1. The Court of Inquiry Adalut having referred to the list of the establishment of the Provincial Court in the Centre Division as prepared by that Court on the 30th of April last, and transmitted to the Office of the Civil Auditor, perceive that upon their present Establishment there are nine English Writers and Six translators whilst the Provincial Courts in the Southern and Northern Divisions (according to the latest Statement in the Registrar's Office have only (3) three English Writers each.

2. Under these circumstances the Judges of the Inquiry Adalut are of opinion, that if Mr. Gahagan requires more Writers, they should be sent to him from Chittoor, and that the grounds for so large an Establishment of English Writers should be explained.

3. Moreover the Provincial Court in the Centre Division has omitted, as required by the 3d para: of the proceedings of this Court of the 12th of January last, to submit the particulars of the disbursement Amounting to Rupees 2,182-0-5. for "additional Writers" entertained on Circuit during the fusly 1241, and the Judges of the Inquiry Adalut desire that an explanations of this charge as also

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J.C.
26 July 1833.

of the two other charges noted in the Margin of the proceedings above alluded to, may be submitted to this Court without further delay.

Ordered accordingly, that Extract from these proceedings be forwarded to the Provincial Court in the Centre Division by precept requiring in conformity thereto within 3 days from and after its receipt, and further requiring them to furnish the Acting 1st Judge on Circuit in the Centre Division with a copy of these proceedings for his information and guidance (Sent following Precept No. 528).

Read letter dated the 20th Instant from the 1st Judge on Circuit in the Southern Division Reporting the commencement of the 2d Session of 1833 at Tinnevelly.

(Here enter No. 777.)

Read letter dated the 18th Instant from the 2d Judge on Circuit in the Western Division Reporting the opening of the 2d Session for 1833 at Calicut.

(Here enter No. 781.)

Read letter dated the 18th Instant from the Provincial Court of Circuit in the Northern Division Stating reasons for forwarding the Criminal Reports for February and March without Revision.

(Here enter No. 775.)

J. H.

At a Court of the Fouzdaree Adawlut.

Present,

Monday 29th July 1833.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge
William Hendleston Esqre 3d Puisne Judge

Read petition presented on the 15th June by Shah Lee.

[Here enter No. 55 of 1833.]

The petitioner prays that she may be allowed to accompany her husband, who has been sentenced to transportation beyond Seas, to the place of his banishment.

The petitioner is informed that the Government have not deemed it expedient to permit her to accompany her husband to his place of destination.

Ordered in consequence that the prayer of this Petition be rejected, and that Extract from these proceedings be granted to the Petitioner on her application.

Read again letter dated the 25th April last, from the Acting 3d Judge on Circuit in the Southern Division, submitting case No. 17 Madura Calendar 1st Sessions 1833.

[Here enter No. 442.]

Read also return dated the 29th

29th July 1833

Supt

Mr. Sullivan
&
Mr. Bustamante

Last from the Acting 3d Judge in Circuit in the Southern Division, to precept dated the 25th May last, directing him to procure and forward additional evidence in the above case.

(Here enter № 694)

The Court of Enquiry this day having maturely considered the proceedings held before the Judge in Circuit, the notes of the Provincial Law Officer, and the notes of the Cazee ool Cozat and Mooftee of the Enquiry Court, confirm the said notes of the Cazee ool Cozat and Mooftee aforesaid, and under the sentence of Rejam declared in the notes and under the provisions of Section X Regulation VIII of 1802, sentenced the prisoner,

Soobramaneyan

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

(Sent following letter № 529)

Read letter, dated the 1st instant 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 months of May last, together with an Extract from their proceedings thereon.

(Here enter № 692)

29th July 1833

Madura.

The Provincial Court of Circuit in remarking on the delay in disposing of Case № 24 of the Madura Supplemental Report, observe in the 6th para of their proceedings "that it is not sufficient that a witness giving "evidence before a Court shall be merely sus- "pected of committing Perjury to warrant his "being taken into custody on the charge, "leaving it to be decided by the subsequent "examination of witnesses whether he did com- "mit it or not. The proof of the crime having "been committed ought to be quite complete "to warrant the officer before whom the false "evidence may have been given in proceeding "against the deponent."

2 This doctrine however must be received with some limitation; for it is very possible that the Court may be satisfied that perjury has been committed and yet require witnesses. moreover there is nothing to shew that the witnesses in this case are not on behalf of the accused, and the Court therefore resolve to require an explanation from the Criminal Judge of Madura.

Combaconum

3 The proceeding of the Criminal Judge of Combaconum in ordering the prisoner in Case № 117 to pay the fine he was

29th July 1833.

was first sentenced to pay" by the Head Assistant Magistrate of Tanjore for having preferred a false and malicious complaint before the Head of Police of Tritory. Poondy, was altogether irregular. The Sentence alluded to having been passed without warrant of Law, the prisoner should have been discharged by the Criminal Judge.

Salem

4 It does not appear that the prisoner in case No. 275 of the Supplemental Report was charged with guilty knowledge of the manner in which the property found in his possession was procured, and the charge as it stands in the Report involves no offence punishable under the Regulations.

5 The Judges of the Tanjore Court concur in opinion with the Provincial Court that the 1st prisoner concerned in case No. 133 should be committed to take his trial before the Court of Circuit; and the Judges are further of opinion, that the Criminal Judge of Salem exceeded his authority in passing Sentence on the prisoners in case No. 139.

6 The Court of Tanjore have also desired that the illegality of the Sentence passed upon the prisoners in case No. 145 be pointed out to the Criminal Judge of Salem.

7 Section VII Regulation X of 1816 distinctly restricts corporal punishment of

2/

29th July 1833.

T. Mc.

of stripes to cases of Theft.

8 The Criminal Judge of Salem was not warranted in passing Sentence on the prisoner in case No. 139 under the Section quoted.

9 Neither was the Sentence passed on the prisoner in case No. 102 legal, if the prisoner did not steal the sheep; the Criminal Judge should therefore be required to cancel the Sentence passed in this case, and to award the prisoner a punishment for the assault, which appears to have been proved.

Coimbatore

10 From the Sentence passed by the Joint Criminal Judge on the prisoner in case No. 105, the Court conclude that a door of the house was opened, but breaking should have been charged.

11 It should be brought to the notice of the Head of Police of the Chuckra-geary Talook, that the Magistrate of Coimbatore, that the 2d prisoner in case No. 114, against whom there was nothing except "the crimination of the 1st" prisoner, should not have been sent up to the Criminal Court.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, requiring them to communicate

the

29th July 1833.

the above to the several officers whom it may concern by precept, returnable in ten days from and after its receipt.

(Sent following precept No 530)

Read return, dated the 20th Instant, from the 3d Judge on Circuit in the Southern Division, to precept dated 18th Instant, ordering the mitigation of punishment in Case No 14 Gantoon 1st Calendar 1st Sessions 1833

(Here enter No 788)

Read return, dated the 20th Instant, from the 3d Judge on Circuit in the Northern Division, to precept dated 10th Instant, ordering the mitigation of punishment in Case No 1 Gantoon 1st Calendar 1st Sessions 1833

(Here enter No 789)

Read Return, dated 20th Instant, from the 3d Judge on Circuit in the Northern Division, to precept dated 18th Instant, sanctioning the mitigation of punishment in Case No 6 Gantoon Supplemental Calendar 1st Sessions 1833.

(Here enter No 790)

(Read return, dated the 20th Instant from the 3d Judge on Circuit in the Northern Division to precept dated 11th Instant, ordering the mitigation of punishment in Case No 3 Gantoon Supplemental Calendar 1st Sessions 1833

(Here enter No 791)

29th July 1833.

Read return, dated the 20th Instant, from the Acting 3d Judge on Circuit in the Centre Division, to precept dated 13th Instant, calling for the English and Persian translations of the proceedings in Case No 8 Chingleput Calendar 1st Sessions 1833, and directing him to amend the sentences in Cases Nos 18 and 23

(Here enter No 792)

Read return, dated 19th Instant, from the Judges of the Provincial Court in the Southern Division, to precept of the 12th Instant, directing that in all cases in which the witnesses appearing to have sworn falsely to establish a defence, be committed to take their trial for perjury, if there shall be evidence obtainable to establish the charge against them.

(Here enter No 774)

Read letter, dated the 19th Instant, from the acting 3d Judge late on Circuit in the Southern Division, recommending a mitigation of the punishment to which the 1st Prisoner convicted in Case No 19 Salem Calendar 1st Sessions 1833 of theft, has rendered himself liable.

(Here enter No 758)

The Court of Foujdaree Adaulut having maturely considered the circumstances of the case represented in the above letter, are of opinion that the

29th July 1833.

"Sentenced to pay" by the Head

the mitigated sentence of three years imprisonment proposed by the acting 3d Judge is insufficient for the punishment of the Prisoner, who was the servant of the Prosecutor, and whose crime is in consequence aggravated by his having robbed his own Master, and they direct that the said Prisoner

Caroopen

be imprisoned and kept to hard Labor in irons on the Public roads, or other Public works, for the Period of five [5] years.—

Ordered, that extract from these Proceedings be sent to the acting 3d Judge late on Circuit in the Southern Division for his information and guidance by Precept, returnable without delay—

[Sent following Precept No. 531]

Read letter dated 25th Instant from the 3d Judge on Circuit in the Southern Division reporting the completion of the Session at Tanjaimundry and his intention to repair to the next station on the 22d Instant on which day the Circuit Establishment will also proceed to join the additional Judge on Circuit at Vizagapatam—

[Here enter No. 754]

J. 66.

A Court of the Foujdaree Adalut.

Present,

Wednesday 31st July, 1833.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre acting 2d Puisne Judge
William Sudleston Esqre 3d Puisne Judge

Read letter, dated the 8th Instant from the acting 3d Judge on Circuit in the Southern Division, submitting case No. 20 Criminally Calendar 1st Session 1833.

(Here enter No. 719.)

Mr. Oakes, and Mr. Sudleston,

The Court of Foujdaree Adalut 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, acquitting the Prisoner

Madar Khan,

but considering that strong suspicion, though not amounting to conviction is attached to him, they, under Clause Sixth, Section II Regulation XV of 1803, direct that he be required to find two sureties in 35 Rupees each for his good behaviour and appearance when required within one year, or in default thereof that he be detained for that period in confinement.—

(Sent following letter No. 543)

Read letter, dated the 29th Ultimo, from the 2d Judge of the Provincial Court of Circuit in the Northern Division, submitting Case No. 23 Masulipatam Calendar 2d Quarterly Sessions 1833.—

(Here enter No. 723.)

Mr. Oakes, and Mr. Sudleston,

The Court of Foujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the Futwah of the Cazee-ool-Coozat and Mooftees of the Foujdaree

Foujdaree Adalut, confirm the said sentence of the Cayaool Corgat and Mopplah aforesaid - and under the sentence of Corbar declared in the Sentence and under the provisions of Clause second Section IV Regulation XI of 1803, sentence the Prisoners

1st Vattiyprolos Komaren, and
3d Kundegany Kooyonnoyadon,

to be transported to such place beyond the Seas as the Governor in Council may 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.-

And the Court under the provisions of Clause fifth Section IV Regulation XI of 1803, sentence the Prisoners

2d Coros Chintadoo,
4th Kunay Kanjeyadon,
5th Vomay Kanjeyadon,
7th Vomay Kurrasoo,
8th Vembaty Korbayah,
9th Vembaty Thatiah,
10th Kasany Cotadoo,
11th Undoongala Cotadoo,
12th Vattiyprolos Chintadoo
13th Coros Kurrasoo, and
14th Kungathe Kurrasoo,

to be imprisoned and kept to Hard Labor in Irons on the public roads or other public works, for, and during the period of 14 years.-

The Court of Foujdaree Adalut observe that the 2d Judge of Circuit on the present, as on a former occasion, has rejected the confessions of all the Prisoners, excepting the 1st, 3d and 7th before the Criminal Judge; stating his opinion that they were "very probably made in order to get the Evil allowance"

2

This is altogether a gratuitous assumption, and is not even sustained by any thing advanced by the accused themselves.-

3

It has been always ruled by the Foujdaree Adalut, that when there is other evidence to prove that the crime charged was actually committed, a confession before the Criminal Judge is sufficient for conviction.-

4

The rule is in perfect accordance with the law of England respecting a confession before a Magistrate.-

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

(Sent following letter No. 544)

Read letter, dated the 5th Instant, from the 1st Judge of the Provincial Court of Circuit in the Western Division, submitting his report on the 2d Tellicherry Quarter Sessions for 1833.-

(Here enter No. 734)

Read also letters from the 1st Judge of the Court of Circuit in the Western Division dated 11th and 24th Instant forwarding copies of a return and letter from the Magistrate of Malabar.-

(Here enter Nos. 743 and 816)

The Court of Foujdaree Adalut do not consider it necessary to offer any further remarks or observations in regard to the foregoing report, than

1st July 1833.

than that they fully concur in the opinion expressed by Mr. Shakespear in the 6th para, that it is extremely desirable that an European officer of the Magisterial Department should be stationed at the large and populous town of Tellicherry, and they would in consequence beg respectfully to solicit the attention of Government to that Gentleman's observations on the subject.—

Ordered, that extract from these Proceedings, together with copy of the Report of the Jr Judge, and of his subsequent letters in reference thereto be sent to the officiating 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. 545)

Ordered likewise, that extract from these proceedings be sent to the Jr Judge of the Provincial Court of Circuit in the Western Division for his information.

(Sent following letter No. 546)

Read letter, dated the 8th Instant, from the Magistrate of Tanjore, submitting copy of a precept issued to him by the Jr Judge on Circuit in the Southern Division, and of his return thereto, and stating his doubt of the authority of a Judge on Circuit "to take cognizance "of the proceedings of a Magistrate previous to "his opening the Sessions in the Zilla, in which the

F. 11.

34th July 1833.

"the Magistrate exercises his functions," and further requesting instructions as to "whether the fact of previous "cognizance of a complaint, which ought to have been "instituted before the Magistrate, having been illegally "taken by the Zilla Judge and the sentence passed thereon "therefore cancelled, after partial execution, is to bar "the Magistrate from taking cognizance of it when "brought before him."

(Here enter No. 698 of 1833.)

Read also letter dated the 13th Instant from the Jr Judge on Circuit in the Southern Division, submitting the translation of a petition, addressed to him by one Ramooreen, an extract of his proceedings thereon, and a copy of the return made by the Magistrate of Tanjore to his precept calling for the Magistrates proceedings in the case of the petitioner, and directing further proceedings to be stayed.—

(Here enter No. 728 of 1833)

1. The first observation which the Court of Foujdaree Adaulut have to make on the foregoing papers is, that the reference from the Magistrate was altogether irregular and improper; Section II Regulation XXII of 1802 prescribes the course which this officer should have observed upon the present occasion.—

2. On referring to the provisions of that

that section, the Magistrate will find, that he was not warranted in disobeying the order, contained in the precept issued to him by the 1st Judge, that he should forward the proceedings held in the case for the 1st Judge's inspection.—

3 In respect to the question of the competency of a Judge on Circuit to receive and pass orders upon petitions, complaining of a Magistrate's proceedings previously to such Judge's arrival within the limits of the Magistrate's jurisdiction, the Court of Foujdaree Adalut entirely concur with the 1st Judge, that he does possess that power, and is competent to exercise a similar power at any period of his Circuit. As observed by Mr Garrow "if it were otherwise there could be "little or no protection for the people" from "irregular or improper proceedings of a Magistrate, as they are not subject to the revision of the "Provincial Court of Circuit."—

4. Upon the remaining question, involved in the present reference, the Court of Foujdaree Adalut are likewise of opinion that the 1st Judge has arrived at a correct conclusion: and that the rule "that a man shall not "be tried and punished twice for the same "offence" is strictly applicable to the case of the petitioner, Ramoonlin.—

Ordered, that extract from these proceedings be sent to the 1st Judge on Circuit in the Southern Division by precept enjoining him to communicate the same to the Magistrate of Tanjore for his information and future guidance.—

(Sent following letter № 1254)

Ordered also, that a copy of para: 3 of these proceedings be sent to the 4 Provincial Courts of Circuit by precept, directing them to communicate the same to the several Judges on Circuit and the Magistrates within their respective jurisdictions, and that a copy of that para: be transmitted to the Officiating Secretary to Government in the Judicial Department, with reference to the orders of Government dated the 19th October 1824.—

(Sent following letters № 1254 & 1254)

Read letter, dated 27th Instant, from the Acting 3d Judge late on Circuit in the Southern Division, transmitting Warrant issued to the Joint Criminal Judge of Tinnevelly, for the execution of the Prisoners in Case № 11 of his Calendar 1st Session 1833, with that Officer's Return and letter on the same subject.—

(Here enter № 811)

Read

31st July 1833.

Read letter, dated the 27th Instant, from the acting 3d Judge late on Circuit in the Southern Division, transmitting Warrant issued to the Criminal Judge of Madura for the execution of the Prisoners in Case № 3 of his Calendar 1st Sessions 1832 with that officer's Return and letter on the same subject.—

(Here enter № 812)

Read letter, dated the 29th Instant, from the acting 2d Judge of the Court of Circuit in the Centre Division, Reporting the death of the 1st Prisoner in Case № 19 Kellany Calendar 1st Sessions of 1833.—

(Here enter № 798)

Read letter, dated the 24th Instant, from the 1st Judge on Circuit in the Southern Division, reporting the opening of the 2d Sessions 1833 at Combaconum on the 31st August 1833.—

(Here enter № 799.)

Read letter, dated the 27th Instant, from the 2d Judge on Circuit in the Southern Division, reporting that he arrived at Trichinopoly on the 18th, and opened the Sessions on the 27th Instant.—

(Here enter № 797)

J. H.

J. H.

At a Court of the Foujdaree Adalut.

Present,

Thursday 1st August 1833.

Thomas Alex.r Oakes Esq.re acting 2d Circuit Judge
William Hudleston Esq.re 3d Circuit Judge

Read again letters dated the 14th June from the Chicacole Special Commission, transmitting the record of trials № 3 and 4 held before them.

(Here enter № 636 and 637.)

The two prisoners in these two cases are respectively the 1st and 2d prisoners in case № 1 from the same Commission, whose sentence of transportation for life in the latter case, has received the confirmation of the Government.

According to the exposition of the law given by the Foujdaree Adalut upon the occasion of submitting, under the provisions of Section V Regulation XX of 1802, the case № 1, to Government, no severer sentence than has already been passed upon these two prisoners can, in the event of their conviction in these cases, be passed upon them.

Under these circumstances, there does not appear to the Court of Foujdaree Adalut to be any necessity for them to go into a consideration of these two cases, but with reference to

1st Augt 1833.

to the above Section, they consider to submit the records to Government, stating the foregoing reason in explanation of the Courts not proceeding to judgment.

Ordered therefore, that Extract from these proceedings, together with the record of trials Nos. 3 and 4 of the Chicacole Special Commission be sent to the officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent for allowing letter No. 554/)

J. H. M

2nd

Ch. J

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J.66.

At a Court of the Zillah Zoojarree Adalut.

Present,

Monday, 5th August, 1833.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge
William Houlderston Esqre 3d Puisne Judge

Read petition presented on the 15th July by Rayem Khan of Cuddalore.

(Vide enter No. 468 of 1833)

The Petitioner prays the Court to issue speedy orders in regard to the case of his Brother the 1st prisoner in No. 4 of the Chittoor 2d Supplemental Calendar 2d quarter Sessions 1833.

The Petitioner is informed that the Prisoner in question was sentenced by the Court of Zoojarree Adalut on the 30th May last, to transportation for life.

Ordered, that Extract from these proceedings be granted to Petitioner, on his application.

Read again letter dated 8th April last, from the Acting 3d Judge on Circuit in the Southern Division, submitting copy of the Tinnevelly Calendar 1st Sessions of 1833.

(Vide enter No. 385)

Read also return dated the 18th Ultimo from the Acting 3d Judge late on

5th Augt 1833.

on Circuit in the Southern Division, to precept dated the 10th May, directing him to transmit the English translation of the proceedings held in case № 17 Temerelly Calendar 1st Sessions 1833.

(Here enter № 765.)

1 The Court do not consider the evidence against the prisoner in this case deserving of credit.

2 It appears that the testimony of the two alleged eye witnesses of the robbery has been rejected in case № 10 of this Calendar, and in № 13 of the Calendar 2d Sessions of 1832. This case appears to the Court to be no better supported than those: the two charges are most improbable and the whole affair has the appearance of a conspiracy. The witnesses to the prisoners defence, though not perhaps worth much, are in opinion of the Court entitled, under all the circumstances, to as much credit as those for the prosecution.

3 The Court therefore resolves to direct the unconditional release of the prisoner.

Ordered that Extract from these proceedings be sent to the Acting 3d Judge late on Circuit in the Southern Division by precept returnable in 5 days.

(Sent following precept № 555)

Read

5th Augt 1833.

Read letter, dated the 1st Instant, from the Provincial Court of Circuit in the Central Division, submitting the Reports required by Section XXXV Regulation X of 1816, from the Several Criminal, Joint Criminal and Native Criminal Judges in the Divisions for the months of May last, together with an Extract from their proceedings thereon.

(Here enter № 799.)

Chittoor 1 The late Acting Criminal Judge of Chittoor erred in dismissing case № 117 of the Supplemental Report, in which the prisoner was charged with having effected his escape from the custody of the Village Talliar, on the grounds that the Regulations "do not require an escape from a guard of "this inferior kind to be punished."

2 In clause third Section V Regulation VI of 1822, which provides for the punishment of prisoners who may effect their escape while detained in custody under examination, no particular kind of guard is mentioned, and the case was accordingly cognizable by the Criminal Judge.

Cuddapah 3 The Court of Foujdaree do not desire

5th Augt 1833.

desire that the Assistant Criminal Judge of Cuddapah be called upon to explain why in case No 130 of the Supplemental Report application for the attendance of the prosecutor and witnesses was not made to the Magisthate at an earlier period than the 5th of June; the prisoner having arrived at the Criminal Court during the month of April last.

4 Referring to the extraordinary delay (69 days) which took place in the transmission of cases Nos 144 and 145 of the Report No 5 to the Criminal Court, the Judges of the Zillah Adalut are of opinion that the Head of Police justly merits dismissal, and they desire that the Magisthate be required to report what notice he may have taken of the conduct of this Police Officer in so unjustifiably detaining prisoners in the Jail.

5 The delay in these cases is the more to be regretted, since the prisoners concerned in the 1st number were charged with no offence punishable under the Regulations, and those concerned in the second number convicted of merely a petty assault.

6 The Provincial Court of Circuit will require the Magisthate of Cuddapah to ascertain and report the date of the apprehention of the 3rd prisoner concerned in Case No 152.

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J. C.
5th August 1833.

Cumbum

7 The Provincial Court of Circuit will point out to the Native Criminal Judge of Cumbum, that if there was nothing to corroborate the confession alleged to have been given before the Police Officer in case No 91, the conviction of the prisoner without other testimony was improper.

8 The Native Criminal Judge should be directed to send the persons entered in the report No VIII and committed to take their trial before the Court of Circuit, to the Criminal Judge of the Zilla in conformity with the provisions of Section VII Regulation VIII of 1827.

9 The large number of cases entered in the report No 5 as under examination before the Native Criminal Judge should have attracted the notice of the Provincial Court of Circuit, and they are now required to call the attention of that Officer to the heavy arrears remaining on his file.

Bellary

10 The Acting Criminal Judge of Bellary should be required to explain why 13 days were suffered to elapse before the additional evidence required in case No 80 of the Report No 5 was applied for.

11 The Acting Criminal Judge has omitted to quote the Regulation under which the sentence in case No 87 was passed, as required by the standing orders of the Zillah Judges.

The

5th Augt 1833

12 The Provincial Court of Circuit will intimate to the Acting Criminal Judge, that in case № 60 the entry made in the Column designed to shew the Abstract of the charge is irregular, and that whenever prisoners are received by the Criminal Judge, the charge on which they were forwarded to the Court should be stated.

13 The date on which the prisoners in case № 104 were apprehended must be ascertained by a reference to the Magistrate. the result to be reported to the Tongpaw Woatus.

Chingleput. 14 The prisoners in case № 170 of the Report № 5 appear to have been detained in the Talook from the 29th of April to the 11th of May waiting for the attendance of two witnesses. the Court of Tongpaw Woatus in their orders circulated under date the 21st of May 1829 particularly explained that a Talookdar after he has taken evidence sufficient to satisfy himself of the prisoners guilt, notwithstanding other prisoners remain to be apprehended or other witnesses to be examined, the prisoner of whose guilt he is satisfied, and the witnesses already examined should be sent off at once to the Criminal Court with a report stating that the others will be afterwards forwarded.

15 The Criminal Judge has in the above case omitted to quote the Regulation under which he passed the Sentence awarded against the 2d prisoner.

5th Augt 1833.

16 The Provincial Court of Circuit will bring to the notice of the Magistrate of Chingleput that upon enquiry made by the Criminal Judge, there was "neither charge nor evidence against the prisoners" forwarded to the Court in case № 193.

17 The Magistrate of Chingleput must also be required to explain why the application made by the Criminal Judge for the attendance of the witnesses required for the attendance of the Supplemental Report in case № 107 of the Sessions was not attended to: the Criminal Judge reports that the Magistrate was again addressed on the subject on the 28th of May last.

18 The Court perceive that the prisoners in case № 115 of the report № 5 submitted by the Acting Joint Criminal Judge at Cuddalore have been released as there was "nothing but the "assertion of the Prosecutor against the three "first prisoners."

19 The Court conclude that the Acting Joint Criminal Judge is aware that in all Criminal cases prosecutors are considered witnesses perfectly competent, and the opinion of the Judges of the Tongpaw Woatus as to the Credence due to the evidence of prosecutors will be found detailed in their orders circulated under date the 25th of February 1829. when the Court observed that though in the

5th Augt 1833

"this country it would be unsafe generally to
"found on it alone, uncorroborated by circum-
"-stantial evidence of some kind or other,
"the conviction of the accused" yet "it seems
"sufficient for committal and inquiry
"after such further evidence; - and where more
"than one prosecutor perfectly unconnected
"with each other - whom there may be no reason
"to suspect of preconcerted evidence, give
"clear and consistent testimony, the Judges
"will not take upon themselves to say that
"peculiar cases may not occur to justify
"conviction thereon. but when even a
"single prosecutor of good character, is
"corroborated by the immediate pursuit,
"accusation and arrest of the party, more
"especially by part of the stolen property
"being traced to the accused ample circum-
"-stantial evidence may be elicited to
"his conviction, notwithstanding the prosecutor
"may be the sole eye witness of the crime."

2d In the case alluded to in the
Acting Joint Criminal Judge's Report, there
appear to have been two prosecutors and
the crime charged against the prisoners
(Highway Robbery) is of that peculiar nature
in which in many cases none but the
injured party might have a knowledge of the fact.

The

3/

5th Augt 1833.

The fact of suspicion attaching to the
2d, 3d 4th and 5th prisoners of having committed
the crime charged against them in case No. 118 of
the same Report should be brought to the
notice of the Judge of Circuit, who in passing
sentence in the former case, (No. 117) in which
the same persons are committed, will take this
circumstance also into his consideration.

Ordered that Extract from
these proceedings be forwarded to the Provincial
Court of Circuit in the Centre Division, to be
communicated to the several officers whom
it may concern by precept, returnable in 10 days,
from and after its receipt.

(Sent following precept No. 556)

Read letter dated the 11th Ultimo
from the Judges of the Chiefcole Special
Commission, submitting the Record of the Trial
in case No. 0.

(Here enter No. 757)

1 In the Calendar sent with this trial
the case is numbered 5 - but as this is the 6th in the
order of reference, and as the last case sent up to Go-
vernment was numbered 5, this must be
designated No. 6.

2 Upon reference to the records of
the trials from this Commission numbered
respectively 1 and 5, the Court of Enquiry directed
see no reason to doubt that the Pte Rakanah
Chendroo is the 1st prisoner in No. 1 the 2d

Gopenada

Gopenada Putnaikoodoo the 2d also in No 1 - the 3d Gundingaraujo the 3d in No 1 - the 4th Ekamanaujo the 9th in No 1, - the 5th Sowdapoo Gundingoo the 13th in No 1, the 6th Chaukaly Chin= =tumoo the 15th in No 1, - the 7th Chakala Dams= =adoo the 5th in No 1, - the 8th Chakala Rama= =chendradoo the 4th in No 1, - the 10th Suckorla Veera Ladroodoo the 8th in No 1, - the 11th Bickary Putnaikoodoo the 11th in No 1, - the 12th Boradah Karedalopathoodoo the 14th in No 1, - the 13th Rama= =chendradah the 16th in No 1, the 15th Somagondy Lutchmanah Doah the 1st in No 5, - the 16th Heeda ajee Jummoo Doah the 2d in No 5, - the 17th Oyladelly Apiah the 3d in No 5, - the 18th Poorushottama putnaikoodoo the 4th in No 5, - the 20th Banala Linganah the 6th in No 5, - the 14th Cuttee Suggalundoo ay 21st Broondadoo and 22d Ramapautroodoo

prisoners being the only new prisoners before the Court.

3 The Judges of the Special Commission have however omitted to state that the Several prisoners enumerated above, are the same individuals as the Court of Enquiry desired that have supposed them to be, and in the cases of one or two of them there is a slight difference in the Name, assigned in that Record and in the Records of No 1 and 5 to the father of the individual, although in all other points the descriptions tally exactly -

4 Under these circumstances and with the

view of preventing the confusion which would attend any mistake in this matter, the Court of Enquiry deem it proper to direct the Judges of the Special Commission at Chicacole, commanding them to certify within 24 hours, whether or not the above named prisoners in this case are the same individuals as the several prisoners above specified in the cases 1 and 5 -

5 The Court deem it proper on this occasion to direct that the Special Commission do, on any future references of trials, state whether, or not, any of the prisoners are concerned in other cases, either previously referred, or under investigation.

Ordered accordingly, that a Copy of this proceeding be forwarded with a Copy from these proceedings be forwarded to the Judges of the Special Commission at Chicacole by precept, requiring compliance therewith within 24 hours, from and after its receipt.

(Sent following precept No 557)

J. C. M.

Read letter dated the 29th June last from the 3d Judge on Circuit in the Western Division forwarding the death warrant in case No 1 on the 2d Supplemental Calendar Zilla Canara 1st September 1833.

(Recorded No 676)

Read

5th Augt 1833.

Read returns dated the 23d Ulto from the Provincial Court of Circuit in the Western Division to precept dated 12th Ulto directing that in all cases in which the witnesses appearing to have sworn falsely to establish a defence be committed to trial for perjury if there shall be evidence attainable to establish the charge against them.

(Reference No. 823)

Read return dated the 29th Ulto from the Provincial Court of Circuit in the Northern Division to precept dated 5th Ulto conveying the Courts remarks on the Criminal Reports for the months of January last.

(Here enter No. 824)

J.16.

At a Court of the Foujdaree Adalut

Present,

Tuesday 6th August 1833.

Thomas A. Oakes Esqr Acting 2nd Puisne Judge.

William Hudleston Esqr 3rd Puisne Judge.

Read letter, dated the 23d July from the 1st Judge of the Provincial Court of Circuit in the Northern Division, soliciting further instructions in respect to the cases to be brought before the Special Court at which he is appointed to preside.

(Here enter No. 817.)

1. With reference to paras 3 and 4 of the proceedings of the Foujdaree Adalut dated the 25th June last, the Court consider it necessary to point out to the 1st Judge, in reply to the observations contained in the 3d para of his letter, that the proclamation of Martial law, tho' adverted in para 1 of those proceedings, is not essential to the legality of the mode of proceeding pointed out.

2. The Vellore cases have been taken by the Foujdaree Adalut as precedents, and Martial Law was not proclaimed on that occasion.

3. The Court do not consider the objection urged by the 1st Judge in the 5th para of

5.

of his letter against the Officer Commanding the Northern Division executing the Vakalutnamahs to the Government Vakeel, in consequence of the proclamation of Martial Law having been posterior to the commission of the offences charged, to be material. It appears to them, that the Officer representing Government has, under all circumstances, full authority to execute the Vakalutnamahs in question.

6. The Court are further of opinion that the 1st Judge has no concern with the question mooted in the 6th para of his letter. It is to be presumed that "the intention of Government" is known to the Officer by whom the accused are made over to the Civil Court, and Section IV Regulation VII of 1808 empowers the Governor in Council to cause "persons charged with any of "the offences described in "that" Regulation to be "brought to trial at any time before the ordinary "Court of judicature or before any Special Court "appointed" as in this instance, under Regulation XX of 1802.

Ordered, that Extract from these Proceedings be sent to the 1st Judge in the Northern Division for his information and guidance.

(Sent following letter No. 566.)

J. Hall

Encl 210

Read Return, dated the 2d Instant, from the Acting 3rd Judge of the Provincial Court of Circuit in the Centre Division, to precept dated 31st Ultimo, ordering mitigation of punishment in Case No. 5 Chittoor 5th Supplemental Calendar 2d Quarter Sessions 1833.

(Here enter No. 829.)

Read Return, dated the 2d Instant, from the Acting 3d Judge late on Circuit in the Southern Division, to precept dated the 29th Ultimo, sanctioning the mitigation of the punishment of the 1st prisoner in Case No. 19 Salem Calendar 1st Sessions 1833.

(Here enter No. 834.)

Read Return, dated the 18th Ultimo, from the Acting 3d Judge late on Circuit in the Southern Division, to precept dated 5th Ultimo, containing the Courts observations and orders on the Salem Calendar 1st Sessions 1833.

(Here enter No. 835.)

At a Court of the Foujdaree Adalut.

Present,

Wednesday 7th August 1833. Thomas A. Oakes Esq.re Acting 2nd Puisne Judge.
William Hudleston Esq.re 3d Puisne Judge.

Read letter, dated 29th June from the 2nd Judge of the Provincial Court of Circuit in the Northern Division, transmitting copy of the Masulipatam Calendar for the 2nd Quarter Sessions 1833.

(Here enter No.s 7/22.)

No 11. 1 As the future in this case convicted the Prisoner of breach of trust, and the 2nd Judge did not consider the offence "complete," it was incumbent on him to refer the trial to the Foujdaree Adalut. Under all the circumstances however, more especially as the period of sentence has expired, the Court do not consider it necessary to interfere in the case.

12. 2 The Clause quoted in support of the sentence passed in this number, does not apply to a case in which there is no wounding. Moreover, a second future of Hud was legularly taken in this Case, under Clause fourth Section II Regulation XV of 1803, and the sentence passed is in consequence illegal, with reference to the provisions of Section XXI Regulation VII of 1802.

3 The 2nd Judge will therefore be pleased

August 1833.

pleased to revise his sentence, and should he consider 7 years' imprisonment too severe, he will make the requisite application for mitigation of punishment, under the provisions of Section IV Regulation I of 1825.

Ordered, that Extract from these proceedings be sent to the 2d Judge, late presiding at the Masulipatam Quarter Sessions, for his information and guidance by precpt, returnable in ten days.

(Sent following precpt No. 56)

J. H

Ltd

F.16.

At a Court of the Foujdaree Adalut.

Present,

Thursday 8th August 1833.

Thomas A. Oakes Esq.re Acting 2d Puisne Judge.

William Hudleston Esq.re 3d Puisne Judge.

Read letter, dated the 26th June last, from the Provincial Court of Circuit in the Centre Division, transmitting the several printed Statements for the half year ending the 31st of December 1832.

(Here enter No. 705.)

Ant Ltd

Chittoor and Chingleput.

The printed Statements No. 2 prepared by the Magistrates of Chittoor and Chingleput, the Judges of the Foujdaree Adalut resolve to return to these Officers for correction, as the total of Columns 15 - 7 - and 3 do not correspond, as required, with the entry to be found in Column 1 exhibiting the total number of cases ascertained to have occurred during the period for which the Report is prepared.

2. The entry of the additional heading "mixing drugs in the food" appears to have been unnecessary in the preparation of the statement No. 2 by the Magistrate of Chittoor, no offence of this description having occurred during the last half of the year 1832.

Cuddapah.

3. The Provincial Court of Circuit will call upon the Magistrate of Cuddapah to explain why the 2 cases of "House breaking by night" containing 4 prisoners, and the 3 Cases of Theft

8th August 1833.

"Theft" containing 9 Prisoners entered in Column 6 of the Statement No 2, were not entered in the Report for the 1st half of 1832, as being under examination.

4. In the Statement No 1 the number of persons punishable by the District Police whose cases were not disposed of at the date of the last Report, amounted to 169. The number of persons under examination was stated in the last report to be 110:- this requires explanation.

vide Column 6.

Chingleput. 5. The Magistrate of Chingleput has omitted to enter under Column A in Statement No 1. The amount of the fines remitted to him by the District Police as required by the 11th para of their orders circulated under date the 17th of June 1830. and the Judges of the Foujdaree Adalut desire that the Magistrate of Chingleput be required to furnish this information thro' the Provincial Court of Circuit in the Centre Division.

Native Judge Cumbum. 6. In the translation of the statement No 3 prepared by the Native Judge at Cumbum, it is stated in Column 2 under the head of "Maiming and wounding" that 2 cases containing only one prisoner remained undisposed of at the close of the last Report; referring to the statement No 3 for the previous half year it appears that 2 Cases of this description containing 2 prisoners remained to be examined at its close.

5th August 1833.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division, requiring them to communicate the same to the Officers whom it may concern by precept, requiring conformity thereto within six days from and after its receipt.

(Sent following Precept No 578)

J. M

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At a Court of the Fouzdaree Udalut.

Present,

Saturday 10th August 1833. Thomas A. Oakes Esqre Acting 2nd Puisne Judge

William Huddleston Esqre 3d Puisne Judge

Read letter, dated the 20th Ultimo,

from the 1st Judge on Circuit in the Southern Division, submitting for the determination of the Court of Fouzdaree Udalut the following question viz: "in a matter wherein before a Criminal Judge there may be sufficient evidence to implicate another person not apprehended, is it competent for the Criminal Judge or a Judge on Circuit to require the Magistrate to issue his warrant to apprehend and send up the individual to implicated for trial before either jurisdiction?"

(Here enter No. 778 of 1833.)

The Court of Fouzdaree Udalut

have no difficulty in deciding the foregoing question in the affirmative with this qualification only, that the application of the Criminal Judge in such a case should be in the form of a request, while that of the Court of Circuit should be an authoritative requisition: in either case, a non-compliance on the part of the Magistrate should form the subject of a reference to the Court of Fouzdaree Udalut.

Ordered, that Extract from these

these proceedings be sent to the 1st Judge on Circuit in the Southern Division for his information and guidance.

(Sent following letter No. 579)

Ordered also, that Extract from these proceedings be sent to the Provincial Court of Agent in the Southern Division by precept enjoining them to communicate the same to the several Criminal Judges Joint Criminal Judges and Magistrates in their Divisions.

(Sent following Precept No. 580.)

Ordered further, that Extract from these proceedings be sent to the Provincial Courts of Circuit in the Western, Centre and Northern Divisions by precept, enjoining them to communicate the same to the several Judges on Circuit, and to the Criminal Judges, Joint Criminal Judges, Native Criminal Judges and Magistrates in their respective Divisions.

(Sent following Precept No. 581)

Ordered likewise, that Extract from these proceedings be sent to the Secretary to Government in the Judicial Department, under the orders dated 19th October 1824.

(Sent following letter No. 582.)

Read letter, dated the 30th July from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, transmitting the record

10th August 1833.

Mr. Oakes and Mr. Hudleston

record of the proceedings in Case No. 2. of the Chittoor 3rd Supplemental Calendar 2nd Quarterly Sessions 1833.

(Have enter No. 762.)

The Court of Foujdaree Adalut 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 futwas of the Cazee-ool-Coozat and Mooftees aforesaid as acquits the prisoner

1st Bandy Ramasaumy alias Comarappah, and direct that he be set at liberty.

And further concurring in opinion that the prisoner

2nd Appavoo, alias Body-

is not convicted on presumptive proof, or on the evidence of credible witnesses - or on his own confession, notwithstanding the futwas of their Law Officers - do accordingly, under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that the Prisoner

2nd & Appavoo alias Body-

aforesaid, be set at liberty.

The Court having passed sentence of acquittal in the foregoing case, deem it proper to observe that they were necessitated to

10th August 1833.

to direct the Release of the Prisoners in question, in consequence of the Acting 3rd Judge having proceeded to trial in the absence of the Prosecutor and of their having been no evidence whatever adduced before the Court of Quarterly Sessions, that the robbery with which they are charged ever took place.

Ordered, that Extract from these Proceedings be sent to the Acting 3rd Judge for his information and future guidance.

(Sent following letter No. 583)

Read letter, dated the 22nd Ultimo, from the Acting 3rd Judge late on Circuit in the Southern Division, Submitting the record of trial in case No. 24 Salem Calendar 1st Sessions 1833.

(Here enter No. 584.)

The Court of Sudder Adalut 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 the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the Sentence of Hiffaaz declared in the futwa, and under the provisions of Section X Regulation VIII of 1802, adjudge the prisoner

"Rauky."

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

(Sent following letter No. 584)

J. Ms

At a Court of the Sudder Adalut.

Present,

Monday, 19th August, 1833.

Charles Mag. Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge
William Rouldeston Esqre 3d Puisne Judge

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Read letter, dated the 29th June, from the 3d Judge late on Circuit in the Western Division, Submitting the Report required by Section XXXVII Regulation VII of 1802 for the 1st Sessions of 1833.

(Here enter No. 589)

1 From para 3 to 11 of the report is occupied with such remarks as the 3d Judge considered it necessary to offer in regard to the several cases brought before him for trial in Malabar.

2 The Calicut Calendar contained Eighteen cases, of which it is gratifying to the Court to observe that not one was for gang robbery. The prisoner in a case of Homicide was under the circumstances represented, very properly ordered to be released by the 3d Judge. The remaining 17 cases were tried, - and it is important to notice, with a view to shew the efficiency of the present system of trial, when properly conducted, that in 14 cases the prisoners were duly convicted.

One

3 One of the cases which ended in the acquittal of the Prisoner is particularly noticed in the 9th para of the Report, and the Court envies the perseverance and judgment which appear to have been displayed in its investigation greatly to Mr Anderson's credit.

para 10 4 That Gentleman observes in reference to this case "I cannot conclude my remarks on "this case without bearing testimony to the valuable "assistance which was rendered to me in the investigation of it by the Law Officer of the Cazee's Court "who associated with me on the trial. It must be "obvious that the trial of such a case, in which all "the evidence has been fabricated, and the true "character of which evidence instead of being "detected and exposed as it unquestionably ought "to be by the Officer who first investigates it, "is by him represented as worthy of credit, cannot "but be attended with much labour and difficulty."

5 This favorable testimony to the present system of trial by the Court of Circuit has the unqualified concurrence of the Court of Foujdaree Adalut, who are persuaded that every experienced Judge of Circuit will appreciate equally highly the valuable assistance, afforded by the Mahommedan Law Officers.

12 to 15 6 The Mangalore Calendar was unusually light, there being only nine cases committed for trial, of which one for an assault was returned to

15th August 1833.

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to the Criminal Judge.

7 None of the cases appear to call for any observations from the Court.

8 With reference to the observations of the 3d Judge in paras from 17 to 21 inclusive respecting the general non observance by the Heads of District Police of the provision in Clause first Section XXVII Regulation XI of 1816, which directs that previously to the adoption of measures for the apprehension of persons accused of heinous offences, the Tahsildar shall "make such enquiries as may be necessary "to ascertain whether any credit be due to the "accusation" &c., the Court of Foujdaree Adalut deem it proper to direct that the Magistrates of Malabar and Canara be instructed to point out to the several Heads of District Police and officers appointed under the provisions of Section III Regulation IV of 1821, that it is only when an accusation may "appear to be worthy of credit," that they are empowered to take accused persons into custody. The repeated orders of the Foujdaree Adalut prohibiting the detention of persons after apprehension, in the custody of the Native Officers of Police, are in accordance with the provisions of Clause fourth Section XXVIII Regulation XI of 1816, and in no respect interfere with the due observance of

12

the rule in Clause first of the Section which is here referred to.

25 9 In this para the 3d Judge animadverts on certain practices prevalent in some of the Criminal Courts which appear to him liable to objection. He states that in one Court, in the summoning of witnesses for the defence, in cases committed for trial before the Circuit Courts, if a prisoner on being committed, should name only one witness, that witness is not summoned and even his name is sometimes not recorded, it being considered that two witnesses are indispensable.

10 The Court have to observe that nothing can be more improper or unjust than to deprive a prisoner of the benefit of any testimony that can be adduced on his behalf, and they desire that wherever the practice above described may have prevailed, instant orders may be issued for its abolition.

26 11 The Court observe with satisfaction that the 3d Judge reports favorably of the state of the Jails, and the conditions of the Prisoners throughout the Western Division.

12 In reference to his observation that he had directed an order of the late Acting Criminal Judge at Mangalore putting certain prisoners to labour on the roads or to be manacled in consequence of "hard labour" not having formed any part of their sentences according to the warrant issued to the Criminal Judge

2 J. C.

12th August, 1833.

the Court deem it proper to bring to Mr Anderson's notice, that it has been frequently ruled by them, that a sentence of imprisonment involves a liability to labor, unless a specific direction to the contrary is contained in the warrant. The Court in consequence desire that he will recal his order to the Criminal Judge at Mangalore unless it shall appear on reference to the officer by whom the Prisoners were sentenced that his omission to specify labor in the warrant was intended to exempt them from it.

29 to 32 13 In the concluding paras of his letter the 3d Judge bears extremely favorable, and the Court doubt not well deserved, testimony to the merits and services of the two Law Officers of the Provincial Court in the Western Division, to which the Court beg leave to bring to the notice of Government, more especially in respect to the concluding observations of the 31st para.

14 It appears from Mr Anderson's observations, that the Inspector of the Western Provincial Court has gone three consecutive Circuits, and as Government were pleased on the Courts recommendation dated the 17th August 1831, to grant batta at the rate of 2 Rupees per diem to the Law Officers in the Southern Division under precisely similar

similar circumstances, the Court beg to recommend that an extra allowance to the same amount may be granted to Roopte Tapseevood-deen from the date on which he started on his present Circuit.

Ordered, that extract of these proceedings together with a copy of the Report to which they refer, be sent to the officiating Secretary to Government in the Judicial Department for the purpose of placing the same before the Right Honorable the Governor in Council.

(Sent following letter No. 586)

Ordered likewise that an extract be sent to the 3d Judge late on Circuit in the Western Division by precept returnable in 10 days.

(Sent following precept No. 587)

Read letter dated the 11th July last from the 3d Judge of the Court of Circuit in the Western Division, recommending a Mitigation of the punishment to which the 4th Prisoner convicted in No. 1 of the Auxiliary Court Malabar Calendar 3d Quarterly Sessions 1833 of House breaking and theft has rendered himself liable.

(Sent No. 740)

The Court of Foujdaree Adalut having maturely considered the circumstances

of the case represented in the above letter sanction under Clause third Section III Regulation I of 1825, the mitigated punishment recommended by the 3d Judge of the Court of Circuit in the Western Division, and accordingly direct that the said prisoner

4th Cattoor Vallapil Cherria Koopy

be imprisoned and kept to hard labor in irons on the public roads or other public works, for the period of (3) three years.

Ordered, that extract of these proceedings be sent to the 3d Judge of the Court of Circuit in the Western Division for his information and guidance by precept, returnable without delay.

(Sent following precept No. 588)

Read letter dated the 3d Instant from the 3d Judge late on Circuit in the Western Division, transmitting copy of a letter recommending a Mitigation of the punishment to which the Prisoner convicted in No. 2 of the Nellore Criminal Calendar of Highway Robbery has rendered himself liable.

(Sent No. 840)

The Court of Foujdaree Adalut having maturely considered the circumstances of the case represented in the above letter, sanction under Clause third Section III Regulation I of 1825, the mitigated punishment

12th Augt 1833.

punishment recommended by the 3d Judge Circuit in the Northern Division, and accordingly direct that the said prisoner

Chellum cherla Venkatarady

be imprisoned and kept to hard labor in irons on the public roads or other public works, for the period of (3) three years.

Ordered, that Extract of this proceedings be sent to the 3d Judge Circuit in the Northern Division for his information and guidance by precept, returnable without delay.-

Sent following precept No. 589 /-

15th August 1833.

F. 66.

At a Court of the Foujdaree Adalut.

Present:

Thursday 15th August 1833. C. M. Lushington Esqre 1st Puisne Judge.

Thomas A. Oakes Esqre Acting 2d Puisne Judge

William Cruddeston Esqre 3d Puisne Judge.

Read letter, dated the 26th Ultimo, from the Officiating Secretary to Government in the Judicial Department, stating that the Right Honorable the Governor in Council does not see any reason why the Sentence passed by the Court in Case No. 1, of the Chicacole Special Commission should not be carried into execution.

/Here enter No. 796/

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the prisoners

1st Rakanah Chendradoo.

2d Gopenauda puttnaick

3d Nursingarauze

4th Chakaly Ramachendradoo.

5th Chakaly Damadaradoo.

6th Charanoo

7th Ramachendranaiko.

8th Suckoola Veerabadroodoo.

9th Veeramarauze

14th Boorada Narredoss Pautroodoo.

15th Chakaly Chaitanoo (and

16th Ramachendra Dorah-

the

be transported beyond the seas, to such place as the Governor in Council may 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, and acquitting the prisoners

10th Surpavarapoo Daulebundoo.
11th Beckary Putnaik
12th Sowdapoo Nursingoo (and)
13th/a Putty Sagabundoory.

they direct that they be set at liberty

The Court likewise direct that Extract from their proceedings under date the 28th June be sent for the information and future guidance of the Judges of the Chicacole Special Commission.

(Sent following letter No 594)

Read letter, dated the 26th Ultimo from the Officiating Secretary to Government in the Judicial Department, Stating that the Right Honorable the Governor in Council does not see any reason why the sentence passed by the Court in case No 5 of the Chicacole Special Commission should not be carried into execution.

(Here enter No 794.)

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

1st Somodundy Sulchanah

2nd

2nd Kesarajoodoo Jummoordorah
3d Pydasetty Appiah
4th/a Poonshottamah Putnaikoodoo
5th/a Gungadara Putnaikoodoo
6th/a Banaulah Linganah
7th/a Garoogoo Gungiah (and)
8th/a Cherala Poolly alias Cherala Pully-Ramanah.

be transported beyond the seas, to such place as the Governor in Council may 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.

The Court likewise direct that Extract from their proceedings under date the 17th July be sent for the information and future guidance of the Judges of the Chicacole Special Commission.

(Sent following letter No 595)

Read letter, dated the 23d July last from the Acting 2nd Judge of the Provincial Court of Circuit in the Ceded Division, recommending a mitigation of the punishment to which the Prisoner convicted in No 2 of the Chittoor 2nd Supplemental Calendar for the 3d Quarter Sessions of 1833 of being an accessary in a case of Gang Robbery has rendered himself liable.

(Here enter No 881.)

The

15th August 1833.

15th August 1833.

The Court of Enquiry Colombo having maturely considered the circumstances of the case represented in the above letter, sanction under Clause third Section III Regulation I of 1825 the mitigated punishment recommended by the Acting 2nd Judge of the Court of Circuit in the Centre Division, and accordingly direct that the said Prisoner

Ramayannan Savony

be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (5) five years.

Ordered, that Extract of these proceedings be sent to the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept, returnable without delay.

(Sent following Precept No. 596)

Read letter, dated the 2d Instant from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, recommending a mitigation of the punishment to which the prisoners enumerated in No. 3 of the Chittoor 3d Supplemental Calendar for the 3d Quarter Sessions of 1833 of Highway Robbery have rendered themselves liable.

(Here enter No. 852.)

The Court of Enquiry Colombo having maturely considered the circumstances of the case represented in the above letter, sanction

15th August 1833.

All.

15th August 1833.

under Clause third Section III Regulation I of 1825 the mitigated punishment recommended by the Acting 2nd Judge of the Court of Circuit in the Centre Division, and accordingly direct that the said prisoners

1st Seelachee Cam

2d Banganegaudoo.

be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (7) Seven Years.

Ordered, that Extract from these proceedings be sent to the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept, returnable without delay.

(Sent following Precept No. 597)

Read letter, dated the 16th Ultimo, from the Provincial Court of Circuit in the Northern Division, submitting the Report required by Section XXXV Regulation X of 1816 from the Several Criminal and Joint Criminal Judges and the Native Criminal Judge in the Division for the month of February last.

(Here enter No. 782.)

Gantoor.

1. The prisoner having arrived at the Auxiliary Court on the 29th of January last case No. 41 of the Report No. 5 should have been entered in the Supplemental Report and the 29th of January should have been stated as the day of arrival.

2.

The Magistrate of Guntoor the Judge of the Foujdaree Udalut desire may be called upon to account for the detention of the prisoners in Case No 40 in the Zedook for 12 days.

3.

The Court of Foujdaree Udalut do not understand what is meant by an application having been made "to the Joint Criminal Judge" at Cumbum "for the attendance of a Principal "witness" - the Magistrate is the authority to whom the application should have been addressed, and the Acting Joint Criminal Judge is required to explain why 4 months were allowed to elapse previous to any attempt being made to procure the attendance of the witness.

4.

The Acting Joint Criminal Judge is also required to report what steps he may have taken to procure the attendance of the witnesses on behalf of the prisoner in case No 146, as also the witnesses required in Cases Nos 161, 209 and 231.

5.

In cases Nos 168 and 185 the Acting Joint Criminal Judge has quoted the wrong section and Clause under which security was demanded from the prisoners in those cases. Clause first Section VIII should have been quoted.

6.

It would have been satisfactory had the Acting Joint Criminal Judge stated upon what evidence the prisoners in case No 191 were convicted.

7.

The Acting Joint Criminal Judge should have quoted the Regulation under which he proceeded to pass sentence in case No 257, as required by the Standing orders of the Foujdaree Udalut.

8.

The Provincial Court of Circuit will bring to the notice of the Magistrate of Guntoor that as there was nothing against the 10th 11th and 12th prisoners in No 6 "but the uncorroborated accusation of some of the other prisoners" neither they nor the 9th prisoner against whom the Acting Joint Criminal Judge states there was "no evidence whatever" should have been forwarded to the Criminal Court.

9.

The Judges perceive that the 1st prisoner in Case No 9, who has been committed to take his trial before the Court of Circuit for the offences charged against him in Case No 6, has been sentenced in this case to 9 months imprisonment with hard labor and 50 lashes - the sentence "to be suspended until he has "been sentenced by the Court of Circuit."

10.

This proceeding is irregular, the Court of Foujdaree Udalut having stated in a letter dated 4th September 1824, addressed to the 3rd Judge of the Provincial Court of Circuit in the Centre Division "that an individual "against whom charges may be preferred and "sufficient evidence adduced of the commission "of two or more offences, one of which is cognizable only

"only by a Court of Circuit, cannot regularly be tried
"for one offence by the Criminal Judge and by the
"Court of Circuit for the other or others; but that
"he should be brought to trial before the same tribunal
"upon the several charges preferred against him."

Masulipatam. 11. The Provincial Court of Circuit will call upon the Magistrate of Guntoor particularly to explain why the witnesses required in Case №. 30. and for whose attendance repeated applications were made to him by the Acting Joint Criminal Judge, have not been forwarded to the Auxiliary Court.

Native Criminal Judge Vizagapatam. 12. The disposal of cases №. 11 and 6 of the Supplemental Report submitted by the Native Criminal Judge is stated to be delayed in consequence of the absence of certain witnesses.

13. The Magistrate of the Zillah it appears has been twice addressed on the subject by the Native Judge, and the Court of Foujdaree Adalut, desire that the former Officer be required to report whether it is probable that their attendance can be procured at an early period.

14. The same remark applies to the recognizances assigned by the Native Judge for Cases №s 1. 2. and 3 of the Report №. 5 being reported under examination.

Nellore. 15. The Judges of the Foujdaree Adalut desire that an Extract from the Report №. 5 submitted by the Criminal Judge of Nellore may

J 11.
15th August 1833.

be furnished to the Magistrate of the District in order that he may be apprized upon what insufficient grounds the prisoners in Case №. 31 was forwarded to the Criminal Court.

Chicacole. 16. With reference to cases №s 6 and 7 of the Report №. 5, the Judges of the Foujdaree Adalut observe that the Magistrate of Vizagapatam be directed to adopt measures to prevent his Native Officers of Police forwarding prisoners to the Criminal Court without either prosecutors or witnesses.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division to be by them communicated to the several Officers whom it may concern by precept returnable in 7 days from and after its receipt.

(Sent following precept №. 598)

Read letter, dated the 16th 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, Joint Criminal and Native Criminal Judges in the Division for the month of March last.

(Here enter №. 783.)

The Court of Foujdaree Adalut

Chicacole. 1. on examination of the Reports submitted by the Acting

Acting Criminal Judge of Chicacole, having observed that the prisoner in Case N.o 3 of the Supplemental Report, charged "with having discharged a loaded "gun the contents of which entered into the right "temple of the Prosecuters brother who died thereby "and also wounded one Pinala Kristanna on his "left Arm", has been released by the Acting Criminal Judge on the grounds that "there was nothing in "the evidence to lead the Court to suppose that the "gun was discharged with a felonious intent or "even that it was discharged wilfully" desire that the Provincial Court of Circuit in the Northern Division will intimate to this Officer, that all Criminal charges not punishable by the inferior tribunals must be brought before the Court of Circuit if sufficient proof of the crime charged be adduced to warrant the commitment of the party, and on reference to the provisions of Clause Second Section XV Regulation VII of 1802, and Clause fourth Section IV Regulation I of 1818 it will be seen that a special mode of proceeding is prescribed to the Courts of Circuit in cases of accidental Homicide-

2. Under the provisions of Section X Regulation IX of 1816, the accused party should have been admitted to Bail, and the case committed to be disposed of by the Higher Court-

Rajahmundry 3. The Provincial Court of Circuit will point out to the Acting Crimi-

15 August 1833.

of Rajahmundry, that the prisoners having been committed to take their trial before the Court of Circuit Sentence should not have been passed upon them for the offence charged in Case N.o 7- the Court of Foujdaree Adawlut having ruled that an individual charged with the commission of two or more offences, one of which is cognizable only by the Court of Circuit, cannot regularly be tried for one offence by the Criminal Judge, and by the Court of Circuit for the other or others, but that he should be brought to trial before the same tribunal upon the several charges preferred against him-

Masulipatam 4. With reference to the Sentence passed on the 2.d prisoner in Case N.o 55 and the 1.st and 2.d prisoners in Case N.o 76 of the Report N.o 5, the Acting Joint Criminal Judge of Masulipatam should be informed that "slight suspicion" is not a legal ground for the requisition of security- Clause first Section IV Regulation II of 1822, authorizes Criminal Judges to require security only from persons "under strong suspicion of any act of criminality"-

5. With reference to the remark of the Acting Joint Criminal Judge of Masulipatam on Case N.o 84 the Provincial Court of Circuit will intimate to this Officer that the Sentence of imprisonment awarded against a prisoner for escaping from Custody should

Vide para 2 of the Circular Order dated the 13.th of July 1829-

should always be considered in addition to any punishment he may be sentenced to undergo for the specific offence for which he was originally apprehended.

Nellore. 6. The remark contained in the 1st para of these proceedings is applicable to case No 93 of the Report submitted by the Criminal Judge of Nellore, also a case of accidental Homicide.

7. The Court of Foujdaree Adalut are of opinion that 33 prisoners is much too large a proportion to be allowed to attend on the sick amounting in number to 40,- neither do the Judges consider that "in cleaning the Jail" sufficient employment can be found for 16 prisoners.

Guntoor 8. The Judges of the Court of Foujdaree Adalut cannot close their observations on these Reports, without expressing their regret that the returns submitted by the Acting Joint Criminal Judge of Guntoor should exhibit so large a number of cases undisposed of, and the Judges trust that the best endeavours of the presiding Officer will be directed to the reduction of the Criminal file.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division, to be by them communicated to the Several Officers whom it may concern by precept, returnable in six days from and after its receipt.

(Send following Precept No 599)

4 F.16.

13th August 1833.

Read letter, dated the 29th Ultimo from the Provincial Court of Circuit in the Northern Division, transmitting copy of a letter from the Acting Criminal Judge of Rajahmundry in reply to paras 5 and 6, of the proceedings of the Court of Foujdaree Adalut dated 30th April 1833. relative to the Criminal Reports for December 1832.

(Here enter No 848.)

Read return, dated the 5th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated 31st July last, stating that the Court's concurrence with the 1st Judge on Circuit that he is authorized to pass orders upon petitions complaining of a Magistrate's proceedings during any period of his Circuit, has been communicated to the Judges on Circuit and to the Several Magistrates in the Division.

(Here enter No 855.)

Read letter, dated the 6th Instant, from the 3d Judge of the Court of Circuit in the Western Division, with copy of Malabar Calendar for 3d Quarterly Sessions 1833.

(Here enter No 856.)

Read return, dated the 2d Instant, from the Provincial Court of Circuit in the Western Division, to precept dated the 29th Ultimo, conveying the remarks of the Court on the Criminal Reports for the months of May last.

(Here enter No 858.)

Read

Read return, dated the 5th Instant, from the Provincial Court of Circuit in the Northern Division, to precept of the 12th Ultimo, directing that in all cases in which the witnesses appearing to have sworn falsely to establish a defence be committed to take their trial for perjury if there shall be evidence obtainable to establish the charge against them.

(Here enter No 868.)

Read return, dated the 8th Instant, from the Provincial Court of Circuit in the Western Division, to precept dated 31st July last, declaring the competency of a Judge on Circuit to take cognizance of the proceedings of a Magistrate, previously to his arrival within the limits of the Magistrates jurisdiction, and at any period of his Circuit.

(Here enter No 885.)

Read return dated the 8th Instant from the Acting 3d Judge late on Circuit in the Southern Division to precept dated 5th Instant, ordering the unconditional release of the prisoner in Case No 7 Tinnevelly Calendar 1st Sessions 1833.

(Here enter No 869.)

Read letter, dated the 12th Instant from the Acting 3d Judge late on Circuit in the Southern Division, transmitting Warrant issued to the Criminal Judge of Madura for the execution of the Prisoner in Case No 17 of the Madura Calendar

Calendar 1st Sessions 1833, with that Officer's return and letter on the same subject.

(Here enter No 888.)

J. C. M.

Read further return dated the 5th Instant from the Provincial Court of Circuit in the Northern Division, to the Courts precept of the 5th of July last, relative to the Criminal Reports for the months of January 1833, transmitting copies of communications from the Subordinate Courts in their Division.

(Here enter No 876.)

Read return dated the 5th Instant from the Provincial Court of Circuit in the Northern Division to precept dated 30th January last directing the heads of District police to be warned of the consequences which will for the future attend their negligence of the duty prescribed to them of holding inquests when practicable.

(Here enter No 878.)

At a Court of the Foujdaree Udalut

Present,

Friday 16th August 1833. C. M. Lushington Esqre 1st Puisne Judge.

Thomas A. Oakes Esqre Acting 2d Puisne Judge

William Rudleston Esqre 3d Puisne Judge

Read letter, dated the 17th Ultimo from the Acting 3d Judge late on Circuit in the Southern Division, submitting the record of trial in Case No 7 Tinnevelly Calendar 1st Sessions 1833.

(Here enter No 763.)

Mr Lushington and Mr Rudleston.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool. Cozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool. Coozat and Mooftees aforesaid- convicting the prisoners

1st Soovampoote poordavit.

2d Pitchandy

3d Soodalimootu

4th Sembooliingom

5th Vinnamootee

6th Vagoolaponnian

7th Soodaliempen

8th Chinnasemboolingom

9th Mootee and

10th Palavasem.

and under the provisions of Clause third Section II Regulation

Regulation XV of 1803 require their Law Officers to declare by a second fatwa, to what specific punishment the said prisoner would have been liable under the Mehummedan Law, had they been convicted by full legal evidence.

Ordered, that Extract of these proceedings be translated and delivered to the Cazee-ool-Cozat and Mooftees of the Zoujdaree Udalut.

Read letter, dated the 15th Ultimo, from the Acting 3d Judge late on Circuit in the Southern Division, submitting the record of trial in Cazee's No. 22 of the Salem Calendar 1st Sessions 1833.

(Here enter No. 764.)

Mr Lushington and Mr Oakes.

The Court of Zoujdaree Udalut on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the proof against the prisoner

"Ramsy."

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 adjudge him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of Seven years - at the expiration of which to receive thirty nine stripes with a rattan, or one hundred and ninety five stripes with a Cat of nine-tails and then to be released.

(Sent following letter No. 603)

Read

Read letter, dated the 25th Ultimo, from the 2d Judge on Circuit in the Western Division, submitting the record of trial in Case No. 17 Malabar Calendar 2d Sessions 1833.

(Here enter No. 815.)

Mr Oakes and Mr Hudleston.

The Court of Zoujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the fatwa of the Provincial Law Officer, and the fatwa of the Cazee-ool-Cozat and Mooftees of the Zoujdaree Udalut, confirm the said fatwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the prisoner

Payakonata Otainan

of murder, and awarding hisaas, and under the provisions of Section X Regulation VIII of 1802, sentence the prisoner

Payakonata Otainan

to suffer death by being hanged 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 irons on a high gibbet to be erected on the said spot.

With reference to the suggestion of the 2d Judge on Circuit, that the punishment prescribed by the Regulations for the crime the prisoner is charged with, should in this case be commuted to transportation for life. the Court have to observe that according to the

16th August 1833.

the existing Law, the latter punishment is always considered and applied as a mitigation of the penalty of death - and that whatever may be the individual opinion of the 2d Judge, the Foujdaree Udalut cannot under the provisions of Clause Second Section VI Regulation I of 1825 alter the Sentence applicable to the future of Murders, except upon the Specific grounds stated in that Clause.

Ordered, that Extract from these Proceedings be forwarded to the 2d Judge on Circuit for his information and guidance.

(Sent following letter No 604)

J. M.

Read letter dated the 3d Instant from the Additional Judge on Circuit in the Southern Division reporting the commencement of the 1st Sessions at Vizagapatam -

(Here enter No 872 -)

J. M.

At a Court of the Foujdaree Udalut.

Present,

Saturday 17th August 1833. The Honble William Oliver Esq. Chief Judge.

C. M. Lushington Esq. 1st Puisne Judge.

Thomas A. Oakes Esq. Acting 2d Puisne Judge.

William Huddleston Esq. 3d Puisne Judge.

Read Miscellaneous Petitions presented by Badracaly Nadaby, Carroltaccumno Nadeo, Vada theeha Nauttan and Teen Valevo in the Zillah of Tinnevelly.

(Here enter this: Pets No 48, 59 & 60 of 1833.)

The Petitioners complain that "Irmorganadan" prisoner in case No 17 Tinnevelly Calendar 1st Sessions of 1833 has been unjustly imprisoned and sentenced to 14 Years' imprisonment with hard labor in irons. They pray the Court will call for and consider the record in the above case.

The Court of Foujdaree Udalut having ordered the release of the prisoner in question in the said case, no orders on these Petitions is necessary.

Ordered, that Extract from these proceedings be granted to the Petitioners on their application.

Read Petition presented on the 15th July by P Veeramara Savey of the Zillah of Tinnevelly.

(Here enter this Pet No 67 of 1833.)

Read

Read also Petition presented on the 29th July by the same person.

(Here enter Mis: Pet: No 71 of 1833.)

The Petitioner presents a Makazer-namah executed by a number of persons declaration of the innocence of his Son and Son-in-law, the prisoners in Case No 18 Tinnevelly Calendar 1st Sessions of 1833, and prays the Court to subject the Prosecutor and Witnesses in the case, to certain Ordeals with the view to establish the same fact--

The prayer of these Petitions is inadmissible, and the Petitioner is referred to the order on his former petition dated the 5th Ultimo-

Ordered, that the prayer of these Petitions be rejected, and that Extract from these Proceedings be granted to Petitioner on application-

Read Petition presented by Syasaumy Pillay of Trichinopoly-

(Here enter Mis: Pet: No 69 of 1833)

The object of this Petition is scarcely intelligible to the Court, but if the Petitioner means to complain against the proceedings of the Magistrate, he must address the Judge on Circuit- Ordered therefore, that the Petitioner be referred to that authority, and that Extract from these proceedings be granted to him on his application-

Read Petition presented on the 15th Ultimo by Nagoor Meerah-

(Here enter this Pet: No 70 of 1833.)

The Petitioner states that a charge of Robbery preferred by his Mother-in-law against one Mahadeen Pillay (Case No 11 of the Tinnevelly Report No 5 for the Month of January) was not properly investigated by the Joint Criminal Judge, and prays in consequence that this Court will call for and consider the proceedings held before the Magistracy and the Head of Police-

Ordered, that the Petitioner be informed, that if he has any complaint to prefer against the proceedings of the Joint Criminal Judge, that it should be addressed in the first instance to the Provincial Court of Circuit-

Ordered further, that Extract from these proceedings be furnished to the Petitioner on his application-

Read Petition presented on the 5th August by Rungammal-

(Here enter this Pet: No 72 of 1833)

The Petitioner states that her husband has been falsely accused of setting fire to a House, and as the trial has been referred to the Court by the Judge of Circuit, prays that they will grant him redress by directing his release-

Petitions respecting trials referred to

to the Foujdaree Udalut are altogether irregular and inadmissible.

Ordered in consequence that the prayer of this Petition be rejected, and that Extract from these Proceedings be furnished to the Petitioner on her application.

Read Return, dated the 15th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated the 5th Instant, conveying the observations of the Foujdaree Udalut on the Criminal Reports for the month of May last.

(Here enter No. 900.)

J. M.

J. M.

At a Court of the Foujdaree Udalut.

Present,

Monday, 19th August, 1833. C. M. Lushington Esqre. 1st Puisne Judge.
Thomas A. Oakes Esqre. Acting 2d Puisne Judge.
William Hudleston Esqre. 3d Puisne Judge.

Read letter, dated the 23d Ultimo, from the Provincial Court of Circuit in the Western Division, submitting the Reports required by Section XXXV Regulation X of 1816 from the several Criminal, Joint Criminal, and Native Criminal Judges in the Division for the month of June last, together with an Extract from their proceedings thereon.

(Here enter No. 822.)

Malabar. 1. The Provincial Court of Circuit will point out to the Acting Criminal Judge with reference to case No. 128 of the Supplemental Report that to bring the case under Clause Sixth Section II Regulation VI of 1822 "breaking" should have been charged.

Honore. 2. The irregularity of the proceedings on the part of the Joint Criminal Judge at Honore in not examining "the witnesses sent up to the Court" in Case No. 54 of the Report No. 5 "in consequence of the admission made" by the Prisoner, will also be brought to the notice of this Officer by the Provincial Court of Circuit, informing

informing him at the same time that the witnesses ought to have been examined in the same manner as if the prisoner had not confessed.

3. Section IX Regulation X of 1810 in which the course to be pursued by the Criminal Judge in the investigation of cases brought before him is prescribed, declares that the Criminal Judge shall "upon a prisoner being brought before" him, "examine the prisoner" and also "such other persons "as are stated to have any knowledge of the "crime Misdemeanor alleged against the prisoner "and commit their respective depositions to writing."

Canara. 4 Of the 18 Cases forwarded to the Criminal Court of Canara during the months of June last the Court of Foujdaree Adalut perceive that only 7 Cases have been disposed of during the same period, 8 Cases being reported "under examination" and "not examined". Considering that a Register is attached to this Court the proportion of cases thus lying over is very large. An unusual circumstance in this Court.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division requiring them to communicate para 1 to the Acting Criminal Judge of Cellalabar paras 2 and 3 to the Joint Criminal Judge at Honore, and para 4 to the Criminal Judge of Canara by precept, returnable in six days from and after its receipt.

(Sent following Precept No. 616)

Read.

Read letter dated the 10th Instant from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, transmitting the Chittoor, 2d 3d and 4th Supplemental Calendars 3d Quarter Sessions 1833.

(Here enter No. 877)

The Acting 2d Judge has, in this

Second Supplemental Calendar No. 23. case, omitted to quote the Regulation under which Sentence was passed, which the Court observe should always be done.

The Court desire to point out to

Fourth Supplemental Calendar No. 1. the Acting 2d Judge that the mode in which the second question was put in regard to the 1st prisoner in this case was irregular. The future of the Law Officer did not, as the Acting 2d Judge supposed, declare that "the Sirkah is not proved by full "legal evidence" but pronounced it to be barred "because all the conditions of Sirkah are not "established" and this Special exception is liable to be set aside under Clause fourth Section II Regulation XV of 1803.

The Sentence however is legal and need not be disturbed.

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, for his information and future guidance.

(Sent following letter No. 617)

Read Return, dated the 9th Instant, from

19th August 1833.

from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 29th Ultimo containing the observations of the Foujdaree Udalut on the Criminal Reports for the month of May last-

(Here enter No. 897.)

Read return, dated the 9th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated the 31st Ultimo containing the opinion of the Foujdaree Udalut that a Judge on Circuit is competent to receive and pass orders upon Petitions complaining of a Magistrate's proceedings previously to such Judge's arrival within the Magistrate's jurisdiction-

(Here enter No. 898-)

Read Return, dated the 15th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated the 8th Instant conveying the orders of the Foujdaree Udalut on the Half yearly Criminal Statements for the Half year ending 31st December 1832-

(Here enter No. 901.)

Read return, dated the 13th Instant, from the Provincial Court of Circuit in the Northern Division, to precept dated 31st Ultimo, containing the opinion of the Foujdaree Udalut that a Judge on Circuit is competent to receive and pass orders upon Petitions complaining of a Magistrate's proceedings previously to such Judge's arrival within the Magistrate's jurisdiction-

(Here enter No. 903.)

Read letter, dated the 10th Instant, from the 1st Judge on Circuit in the Western Division, with copies of the Calendars laid before the Court of Special Sessions by the Joint Criminal Judge and Native Criminal Judges of Canara-

(Here enter No. 906.)

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At a Court of the Foujdaree Udalut-

Present;

Wednesday, 21st August, 1833- The Honble William Oliver Esqr. Chief Judge.

C. M. Lushington Esqre 1st Puisne Judge.

Thomas A. Oakes Esqre Acting 2d Puisne Judge.

William Rudleston Esqre 3d Puisne Judge.

Vyahsawmy Pillay of Tuchinopoly moves the Court to return the enclosures in his Miscellaneous Petition No. 69 of 1833-

Ordered accordingly-

Read again letter dated the 17th Ultimo from the Acting 3d Judge late on Circuit in the Southern Division, submitting the record of trial in Case No. 7. Juniee. evelly Calendar 1st Sessions 1833.

(Here enter No. 763.)

Read also second futwa delivered in the above case by the Cazee. ool Cozat and Moofteers of the Foujdaree Udalut-

In commutation of the Sentence of Hud declared in the foregoing futwa - the Court of Foujdaree Udalut adjudge the Prisoners,

1st Goovampoole Poodiarit,

2d Pitchandy,

3d Soodalimootoo,

4th Sembooliguan,

5th Vunnamootoo,

6th Vagoolapunniun,

7th

7th Soodalicunpeo,

8th Chinnasambooliyen,

9th Mootu, and

10th Palaneisen,

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.

(Sent following letter No. 623)

1.

A case has lately come under the consideration of the Court of Soujdaree Udalut, in which the Judge of Circuit proceeded to the trial of a prisoner committed by himself in the capacity of Criminal Judge.

2.

The Court of Soujdaree Udalut deem it proper, on this occasion to direct by a Circular, that whenever the Calendar of prisoners to be tried by a Judge of Circuit may contain a case, or cases, committed by himself, as Criminal Judge, he do — call before him in open Court the prisoner or prisoners and ascertain from them by personal enquiry whether, or not, all or any of them are willing to be tried by him: and in the event of any prisoner declining so to be tried, the Judge on Circuit will post-pone his trial until the next Sessions of Jail Delivery.

Ordered, that Extract from these Proceedings be sent to the 4 Provincial Courts of Circuit by precept enjoining them to communicate the same to the several Judges of Circuit for their information and guidance.

(Sent following Circular precepts No. 624)

Ordered also, that Extract from these proceedings be sent to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council, under the order of the 17th March 1826.

(Sent following letter No. 625)

J. C. M.

Read letter dated the 12th Instant from the 1st Judge of the Provincial Court of Circuit in the Western Division reporting his having completed the Special Sessions at Honore.

(Here enter Reg 15)

Read letter dated the 12th Instant from the Acting 2d Judge of the Court of Circuit in the Centre Division with Copy of the Chittoor Fifth Supplemental Calendar for 3d Quarter Sessions 1833.

(Here enter No. 905.)

At a Court of the Toujdaree Adalut.

Present,

Friday, 23d August, 1833. C. M. Lushington Esqre 1st Puisne Judge.
Thomas A. Oakes Esqre Acting 2d Puisne Judge.
William Hudleston Esqre 3d Puisne Judge.

Read again letter, dated the 1st February from the Provincial Court of Circuit in the Centre Division, to Precept dated the 30th January 1833, directing them to call upon the several Magistrates in their division to state what measures appear to them best calculated to effect the due performance of the duty assigned to the Heads of Villages by Section XIII Regulation XI of 1816.

(Here enter 8th 133.)

The Provincial Court of Circuit in the foregoing return state that the necessary communication has been made to the several Magistrates with reference to the Courts precept, but up to the present period no further return has been received and the Court have not yet been furnished with the sentiments of the Magistrates in the Centre Division on the point to which it was considered necessary to call their attention.

Ordered in consequence that the Provincial Court of Circuit in the Centre Division be required to submit the reports of the Magistrates in

in their Division without further delay, by Precept, returnable in one week.

(Sent following Precept № 626)

Read return, dated the 13th Instant, from the 2d Judge late on Circuit in the Northern Division, to precept dated the 25th May, transmitting Extract from the Court's proceedings of the same date, animadverting on the departure from the prescribed form of indictments for perjury under the provisions of Regulation VI of 1811. apparent in Case № 10 Guntoor Calendar 2d Sessions 1832.

(Here enter № 889.)

Under the circumstances mentioned in the above return, it will not of course be necessary to make the communication directed in the Court's Proceedings of the 25th ult. to the Native Criminal Judge, but the Court desire that the observations intended for the Native Judge may be communicated to the Officer by whom the indictments were drawn up for his information and future guidance.

Ordered that Extract from these Proceedings be sent to the 2d Judge on Circuit in the Northern Division, by Precept, returnable in one week.

(Sent following Precept № 627).

J. C. M.

Read letter, dated the 28th Ultimo, from

from the Acting 3d Judge late on Circuit in the Southern Division transmitting the record of trial in Case № 5 of the Salem Calendar 1st Sessions 1833.

(Here enter № 821.)

1. It has been ruled by the Foujdaree Adalut that where a prisoner may be brought to trial before a Judge of Circuit by whom the preliminary proceedings in the case may have been held - it is essential to the validity of the trial that the said prisoner should give his consent to be tried by such Judge, and that if he does not so consent, the trial must be post-poned.

2. In the case now under the consideration of the Court the Acting 3d Judge on Circuit in the Southern Division who held the preliminary investigation, as Acting Criminal Judge of Salem, and committed the prisoner for trial - has unaccountably proceeded to try him without the essential preliminary of obtaining the consent of the prisoner, without which according to all precedent the trial is vicious and invalid - and in fact tantamount to no trial at all.

3. The Court in consequence resolve to direct that the proceedings held by the Acting 3d Judge be quashed, as ipso facto null and void and that the prisoner be put on

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his trial at the ensuing Sessions before the 1st Judge.

Ordered, that the record of trial No 5 of the Salem Calendar 1st Sessions of 1833 be returned to the Acting 3d Judge as null and void, and that Extract from these proceedings be sent to the 1st Judge on Circuit in the Southern Division for his information and guidance by precept, returnable in one week.

Sent following Precepts Nos 628/629

Ed Mc.

Read return dated the 16th Instant from the Provincial Court of Circuit in the Western Division to precept dated 10th Instant declaring that when there may be sufficient evidence in a case before a Criminal Judge to implicate a person not apprehended, it is competent both to the Criminal Judge and to the Court of Circuit to call upon the Magistrate for the apprehension of the individual so implicated, for trial before either jurisdiction.

(Here enter No 921)

Read letter dated the 19th Instant from the Acting 1st Judge on Circuit in the Centre Division, reporting that the Sessions at Bellary will commence on the 14th Proximo.

(Here enter No 922)

Read letter dated the 16th Instant from the Provincial Court of Circuit in the Northern Division transmitting copy of a letter from the Joint Criminal Judge at Masulipatam reporting that the Jail under his charge will not admit of more prisoners.

(Here enter No 927)

Mai Court of the Fouzdaree Udalut.

Present,

Monday, 26th August, 1833. The Honble William Oliver Esqre Chief Judge
C. M. Lushington Esqre 1st Puisne Judge.
Thomas A. Oakes Esqre Acting 2d Puisne Judge.
William Maddleston Esqre 3d Puisne Judge.

Nanjoor Meeran moves the Court to return the enclosures in his Miscellaneous Petition No 70 of 1833.

Ordered accordingly.

Read letter, dated the 29th Ultimo, from the Provincial Court of Circuit in the Northern Division, submitting the explanations of the several Criminal Joint Criminal and Native Criminal Judges and Magistrates in the Division in reference to the remarks of the Provincial Court of Circuit on the Criminal Reports for the month of January last.

(Here enter No 866.)

With reference to the 3d para of the return of the Acting Criminal Judge of Chicacole the Judges desire that Mr Paternoster be directed to discontinue the practice of granting the use of the prisoners to the Shopkeepers and Banians, who supply the Jail with Bazar Articles for Cooly hire the Court having on a former occasion ruled that though no objection existed to the

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Criminal Judge occasionally granting the aid of Convicts in the Repair of Water courses and other works of real public utility" yet that "on no account should compensation for their Services be demanded"

Masulipatam 2 The practice of detaining prisoners in the Talook waiting for the "apprehension of some "other persons who were also implicated in the same "case" has been denounced by the Foujdaree Udalut in their proceedings of the 21st of May 1829 and the Magistrate of Masulipatam is required with reference to the 1st para of his Return to call the attention of the Head of Police of Goondoogalavoo to the repeated orders of this Court on the subject.

3 With reference to para 2 of the same Return the Magistrate of Masulipatam should be required to explain to the Head of Police of Vinnacottah and Goodewadah that persons criminated by a prisoner in his confession should be forwarded to the Criminal Court provided only that "the accusation be corroborated by any "persons who may appear or be brought by Summons before the Tahsildar"

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division requiring them to communicate the above to the Acting Criminal Judge of Chicacole and Magistrate of Masulipatam by precepts returnable in five days

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days from and after its receipt.

(Send following Precept No 643)

Read Return, dated the 15th Instant, made by the Provincial Court of Circuit in the Centre Division, to the precept of this Court of 10th Instant, which was accompanied by an extract from the proceedings of the Foujdaree Udalut declaring that "in a matter wherein "before a Criminal Judge there may be sufficient "evidence to implicate another person not appre- "hended it is competent for the Criminal Judge "or a Judge on Circuit to require the Magistrate "to issue his warrant to apprehend and send up "the individual so implicated for trial before "either jurisdiction"

(Here enter No 902.)

1 In this Return the Provincial Court of Circuit have omitted to recite the substance of the orders contained in the extract of the pro- ceedings which accompanied the precept as required by the orders of the Foujdaree Udalut of the 6th of September 1820.

2 The form prescribed in those orders the Judges desire may be observed in the prepa- ration of all future returns made by the Provin- cial Court of Circuit in the Centre Division.

3. The Court of Foujdaree Udalut take this opportunity of noticing another omission on the part of the Provincial Court in conducting their

their correspondence with the Foujdaree Adalut.

4 The letters received from the Provincial Court in this Division have latterly been unaccompanied by an Abstract of their contents as required by the standing orders of this Court of the 9th and 30th of September 1830.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division, for their information and future guidance.

(Sent following letter No. 644)

Read letter, dated the 16th Instant, from the 2d Judge of the Provincial Court of Circuit in the Northern Division, in reply to the Foujdaree Adalut's Proceedings under date the 31st Ultimo conveying the observations of the Court on the Sentence passed in Case No. 3 of the 2d Quarterly Sessions at Masulipatam for 1833.

(Here enter No. 912.)

1. With reference to the 2d para. of the foregoing letter the Court of Foujdaree Adalut consider it necessary and proper to point out to the 2d Judge, that in "administering justice according "to the Regulations to the best of his ability, knowledge "and judgment," his judgment is by those very Regulations placed under subjection to that of the Superior Court, appointed to revise his proceedings, and the Court believe the present is the first instance in which the Foujdaree Adalut's Construction of the

Regulations has been disputed by a Judge of Circuit.

2 The Court observe that it was not of course intended by their Proceedings of the 31st Ultimo to declare that a confession before a Criminal Judge, though supported by proof of the actual commission of the crime, is sufficient for conviction, if there should be strong grounds to presume, that such confession did not originate from a consciousness of guilt, but from a very different motive, for instance such a motive as that suggested by the 2d Judge in reference to the cases of which he speaks in his letter under consideration.

3 In case No. 3 Masulipatam Calendar 2d Quarterly Sessions 1833, however, there was nothing on the record to support such an assumption and the mere fancy of the Judge presiding that such may have been the motive of the declarant is no judicial ground of proceeding.

4. The Court cannot refrain from remarking that the argument urged by the 2d Judge goes to invalidate all confessions, where the presiding Judge may imagine that the confession had any other motive than a sense of guilt. The English law recognizes confessions as the highest species of evidence and the Court would inform the 2d Judge that he is bound to recognize it as such, provided it is not proved to have been obtained by means that render it illegal.

Ordered, that Extract from these proceedings be sent to the 2d Judge of the Northern Provincial

Provincial Court for his information and guidance.

(Sent following letter No 645)

Read letter, dated the 31st Ultimo, from the 1st Judge of the Provincial Court of Circuit in the Western Division, transmitting the Calendar of the Honore Special Sessions.

(Here enter No 860.)

1

Under the circumstances stated, the Court are of opinion that the 1st Judge acted very properly in receiving and disposing of the additional cases referred to in the Joint Criminal Judge's letter of the 22d July.

2

The Calendar does not appear to call for any remarks from the Court.

Ordered, that Extract from these proceedings be sent for the information of the 1st Judge late presiding at the Special Sessions at Hansse.

(Sent following letter No 646)

Read letter, dated the 5th Instant, from the Provincial Court of Circuit in the Northern Division, submitting the Reports from the several authorities in charge of Jails within their Division respecting the strength of their present Jail establishments.

(Here enter No 875.)

Read also letters, from the Provincial Courts of Circuit in the Centre, Southern and Western Divisions, dated respectively the 2d of August, the

2d Instant, and the 31st of July last, submitting similar Reports from the several Authorities in charge of Jails within their respective Divisions.

(Here enter Nos 839, 838 and 850.)

To enable the Court of Foujdaree Adalut to report "what would be the probable "increase of expense to Government from the addition "of Peons on the present Jail Establishments on the "Scale of one Peon to four convicts" the several Criminal Judges, Joint Criminal Judges, Native Criminal Judges and Magistrates in charge of Jails were required to report, through the Provincial Courts of Circuit, what proportion their present Jail Establishments bear to the number of prisoners now in confinement in their respective Jails; and the following paragraphs exhibit the information required in Mr Secretary Wheatley's letter dated the 18th of June 1833, as collected from those Returns.

1st and 2d Paras to be sent to the Sudr Court

Southern Division 2.

Guntoor.

The Acting Assistant Criminal Judge of Guntoor reports that the number of prisoners of all descriptions confined in the Jail under his charge amounts to 1524, and in the 10th Column of the Statement prepared by Mr Prendergast it is stated that 270 additional Peons would be required to complete the establishment on the Scale proposed by the Foujdaree Adalut; it was not however the intention of this Court, nor the Judges conclude of the Government.

Government, that one Peon should be entertained for every four Prisoners of whatever description, it was intended that the rule should be applicable only to "Convicts" and those liable to labor on the roads or other public works, as Revenue and other Defaulters prisoners under examination and those committed for trial before the Court of Circuit being within the Jail and not liable to labour do not necessarily require the same proportion of Peons, and the Judges of the Fouzdaree Adalut are of opinion that the jailer with a suitable jail guard is all that is required for the performance of this duty. Under this view of the case only 13 Additional Peons on a Salary of 65 Rupees per Mensem would be required for the purpose of guarding the Convicts and others liable to labour at present in confinement in the Jail at Guntoor.

3. One hundred prisoners are under charge of the Magistrate at this Station, to guard whom 20 Peons 2 Duffadars and 1 Naique are entertained: the Court of Fouzdaree Adalut propose to desire that the number of Peons be reduced to 25, the proportion of Peons for 100 prisoners on the scale proposed by the Fouzdaree Adalut by which arrangement 75 Rupees per Mensem will be saved to Government.

4. The Magistrate in the 2d para of his letter states that these Peons are also "available for the security of the Town," but the Court of Fouzdaree Adalut are of opinion that the Peons to guard

497 Convicts.
111. Peons at present entertained
13 Additional Peons required to complete the Establishment on the scale of 1 to 4.

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guard the prisoners when at work should be kept distinct from those employed on the general duties of the Police, and should the Magistrate consider the establishment as proposed to be reduced insufficient the Court of Fouzdaree Adalut would be induced to question the propriety of the prisoners being longer retained under this authority as the proportion of 1 Peon to 4 Convicts has been found elsewhere amply sufficient for the safe custody of prisoners when at labor.

Masulipatam. 5. The Joint Criminal Judge of Masulipatam has reported that the number of prisoners in the Jail at Masulipatam is 866, and the number of Peons 160.

Of these prisoners however only 556 are liable to labor, and to guard this number, 139 Peons would be required. the remaining 21 Peons the Judge proposes should be employed under the Jailer to guard the prisoners within the Jail; a slight increase to this number will no doubt be requisite but considering that 4 Peons are already employed on such duty at this Station, the Court of Fouzdaree Adalut are of opinion that so large an increase as 36 Peons on a Salary of 280 Rupees per Mensem, as proposed by the Joint Criminal Judge, cannot be necessary.

160 Peons
139
21.

Rajahmundry. 7. In the Jail at Rajahmundry there are 500 prisoners and 2 Duffadars, 2 Naiques and 99 Peons entertained to guard them. The Act for the Crimin[illegible] estody

Criminal Judge has omitted to report the number of these Prisoners liable to labour, but from the average in other Jails the Judges conclude that after allowing 1 Peon for every 4 Prisoners liable to work, a very slight increase, if any, would be found to provide a suitable guard to attend the Jail.

Chicacole. 8. In the Jail at Chicacole there are 96 Convicts and prisoners liable to labour, and 204 prisoners if the Judges rightly understand the Acting Criminal Judge's letter, not liable to work. the Court however entertain some doubts from the wording of the Acting Criminal Judge's Report whether this latter number be the actual or "the average" number of prisoners simply confined within its walls.

9. The number of Peons however is stated to be 57. an establishment sufficiently large, after appropriating 24 peons for the custody of the 96 prisoners liable to work, to provide a sufficient guard for the Jail.

10. The Acting Criminal Judge moreover reports that no increase to the establishment of Peons is at present required.

Contre Division Chittoor. 11. The Criminal Judge of Chittoor in his return states that the number of prisoners at present confined in the Jail is 411. the number of Peons however entertained is not stated neither has the Criminal Judge reported the number of Convicts liable to labor.

12. Without this information the Court

of Foujdaree Adalut are unable to judge of the probable expence that would attend carrying their proposition into effect.

13. At Arnee the Criminal Judge reports there are 28 prisoners, with 1 Duffadar and 8 Peons:- to guard this number of prisoners only 7 Peons should be entertained,- a Reduction in the expence at present incurred on this account of 5 Rupees 4 Annas per Mensem.

14. At Arcot there are 97 Convicts under the charge of the Commanding Officer and guarded by 1 Jemedar 2 Duffadars and 19 Peons. to complete this establishment on the Scale proposed by the Foujdaree Adalut 5 Additional peons should be entertained, an increase of expence to the amount of 26 Rupees 4 Annas per Mensem.

15. At Vellore there are 113 Convicts with one Jemedar, 2 Duffadars and 32 Peons:- 28 Peons is the proportion proposed for 113 Convicts, which if carried into effect a reduction of 4 Peons composing the present guard will take place; and 21 Rupees per Mensem will be saved to Government.

16. These 4 Peons should be transferred to Arnee, where as shewn above an additional number is required.

Cuddapah. 17. As before explained it was not the intention of the Foujdaree Adalut to recommend that 1 Peon should be entertained for the custody

custody of every 4 prisoners of all descriptions and the Judges are of opinion that the present establishment will be found ample to furnish 1 peon to 4 Convicts when at labor and also a suitable guard at the Jail, to assist in guarding which the Court of Foujdaree Udalut have reason to believe that Several Sepoys are employed.

Bellary 18. In the Jail at Bellary the Acting Criminal Judge reports there are 819 prisoners and 263 Peons.

19 As with many of the Criminal Judges in this and the Northern Division so with the Acting Criminal Judge of Bellary, no distinction has been made between the number of Convicts and those confined within the Jail without labor.

20. For the custody of 819 prisoners only 205 peons should be entertained even supposing them to be all Convicts - which would be a reduction of 58 Peons and a saving of 290 Rupees per Mensem.

21. As it is impossible however that all the persons in confinement at Bellary can be liable to labour a much larger reduction may be anticipated.

22. The number of entrances to this Jail was formerly stated to be the cause of requiring so large an establishment of Peons at Bellary, and the Judges of the Foujdaree Udalut on review of Mr Nelson's Circuit Report lately submitted to Government

Government recommended that all the entrances to this Jail but the principal Gateway should be closed up which suggestion has been adopted.

Chingleput. 23. The Criminal Judge of Chingleput though called upon by the Provincial Court of Circuit for a further return exhibiting all the information required by the Foujdaree Udalut, has stated omitted to report the number of convicts and persons liable to labour in confinement in his Jail, whether any, and what increase to the present establishment will be necessary, the Court are in consequence unable to form an opinion.

24. The Style in which the further return to the precept of Provincial Court of Circuit is written, is considered by the Judges of the Foujdaree Udalut disrespectful.

Cuddalore. 25. The Acting Court Criminal Judge of Cuddalore has reported that there are 316 prisoners in confinement in his Jail, this however is inclusive of Civil Debtors amounting in No to 7 and a large proportion of the remaining 309 persons must necessarily be composed of persons not liable to labour - viz. prisoners under examination and those committed for trial before the Court of Circuit.

26. Three Duffadars and 38 Peons and a Jailer and a Deputy is the present Jail Establishment, which on an average the Court of Foujdaree Udalut are of opinion will be found sufficient to provide 1 Peon for every 4 working prisoners

and

and at the same time furnish a suitable guard for the Jail.

Southern Division 27

Madura.

In the Jail at Madura there are 367 persons of whom 257 are Convicts and persons required to work. the number of Peons amount to 104; an establishment which after deducting 64 peons required to attend upon 257 Convicts would leave 40 Peons available for a Jail Guard, a much larger number than can possibly be required to guard the Jail containing 110 persons during the day but as the night guards would require some change the Court of Foujdaree Udalut will not at present recommend any reduction proposing as the Judges do to suggest that the Jail guards be regulated on a scale of 1 peon to every 8 prisoners.

257 Convicts
110 within the Jail
367

28. The Judge perceives from the Criminal Judge's letter that Jail peons are stationed "at the 2 Court Houses" this is in the opinion of the Foujdaree Udalut improper and the Criminal Judge will be directed to discontinue the practice as the authorized establishment of 2 Chobdars 13 Delayets and 20 Coast Peons must be ample for the performance of this and the other general duties of the Court.

Tinnevelly.

29. The Court of Foujdaree Udalut conclude that no addition to the Jail establishment at Tinnevelly will be required as there are but 82 persons of all descriptions in confinement there and 40 peons employed to guard them; and the prisoners sentenced by the Joint Criminal Judge and

the Court of Circuit to long periods of confinement are periodically transferred to the Jail at Madura.

Combaconum.

30. To carry the proposition of the Foujdaree Udalut into effect an increase to the Jail establishment at Combaconum would not appear to be necessary. the number of prisoners of all descriptions confined in this Jail is 302, and the number of Peons entertained 62 exclusive of a Jailer 3 Havildars and 6 Naiques.

Negapatam

31. No increase to the number of Peons employed to guard the prisoners under the charge of the Magistrate of Tanjore appears to be necessary.

Trichinopoly

32. The prisoners in confinement in the Jail at Trichinopoly under the charge of the Magistrate are already guarded by Peons in the proportion of 1 to 4 Convicts.

Salem.

33. The Judges of the Foujdaree Udalut do not anticipate that any increase will be necessary to the Jail Establishment at Salem. But as the Criminal Judge has omitted to distinguish the prisoners liable to work from those under examination and committed the Court have it not in their power to speak positively on this point.

34. The Magistrate of Salem reports that there are 60 prisoners under his charge and states that he has "applied to Government for 30 more "being transferred" to him.

35. Since the date of Mr Orr's letter the

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Vide letter from the Officiating Secretary to Government in the Judl Dept. dated the 26th Instant.

the Right Honorable the Governor in Council has been pleased to direct in compliance with the recommendation of this Court that 130 additional prisoners be transferred to the charge of the Magistrate of Salem; the number of Peons who accompanied these prisoners has not been reported to the Foujdaree Adalut.

Western Division Tellicherry

36. At Tellicherry there are 65 Convicts and 26 confined "in default of security and under examination," total 91 prisoners under the charge of the Joint Criminal Judge. to guard these persons 1 Jemadar 4 Duffadars and 46 peons are employed.

37. For the custody of 65 Convicts when at labour 16 peons is the proportion proposed by the Foujdaree Adalut and after allowing the proper proportion of peons to those of the Security prisoners required to labour and a sufficient number to compose a Jail Guard, a considerable reduction may be made in the number of Jail Peons at this Station.

Cannanore.

38. At Cannanore under the charge of the Commanding Officer there are 45 Convicts, and 1 Havildar, 2 Duffadars and 16 Peons.

39. On the scale proposed by the Foujdaree Adalut only 11 peons would be required to guard 45 Convicts and the Judges are of opinion that one Duffadar might with propriety be reduced; the sum saved to Government would thus amount to 32 Rupees per Mensem.

1 Peon @ 8 Rupees — 8 Rupees
1 Duffadar — 7
Total 32 — 38

Canara

40. Reductions also in the expence of the Jail

No.

26th August 1833

Jail Establishment at Canara will take place under the arrangement contemplated by the Foujdaree Adalut, as the authorized number of Peons is at present in proportion of 1 peon to 4 prisoners of every description - the Judges are unable to state what would be the exact amount saved monthly to Government as the various descriptions of Prisoners have not been specified.

Honore.

41. At Honore the Joint Criminal Judge states that the Jail Establishment has been reduced "to the scale of 1 Peon to four Convicts" by order of the 1st Judge late on Circuit in the Western Division.

Sirsy

42. It is not quite intelligible from the Native Judge's letter of what number of peons his Jail establishment is composed, but if it is meant that there are 20 peons to 23 prisoners the number must be reduced to 6 peons, provided the prisoners be all Convicts, retaining only a few peons to guard the Jail.

Malabar

43. To complete the Jail Establishment at present entertained at Malabar on the scale of 1 peon to 4 Convicts it will be necessary to employ 5 Additional Peons at an expense of 20 Rupees per Mensem:- and as only 51 peons is the strength of the present Jail Establishment at Calicut an additional number of peons will be required to form a Jail Guard.

223 Prisoners liable to Labour.
56 Peons required to guard the same.

The Court of Foujdaree Adalut

44. consider

consider it proper to observe that under any circumstances the Judges would have considered it necessary with reference to the present state of the Jail, to recommend an increase to the Jail establishment at this Station.

45. The perusal of these returns has suggested to the Judges of the Foujdaree Adalut the propriety of revising the establishments at present attached to the several Jails under this Presidency and the Court feel persuaded that by far the most economical plan compatible with the safe custody of the prisoners would be to authorize the Criminal Judges generally to entertain 1 peon for every 4 Convicts and prisoners required to labor; the Jail Guard to be composed of a fixed number of Peons to be determined in the reference either to the size of the Jail or the number of its inmates (in the proportion suggested in the 27th para of these proceedings) as on a further reference to the lower Courts may appear most expedient.

46. The Judges further think it desirable that one uniform System should be observed in regard to the number of Superior Peons (Jemedars, Duffadars &c.) retained on the several Jail Establishments. At present the proportion of Peons to a Duffadar varies in almost every Zillah.

47. In the opinion of the Foujdaree Adalut, a Jailor, a Jemedar, and 1 Duffadar for every 25 Peons would be a sufficient proportion in six only 6 Zillahs viz: Combaconum, Chingleput, Cuddapah and Salem, a Deputy Jailer is entertained, but the services of these Officers the Court think might be dispensed with, as the employment of a similar Officer has not been found necessary in the other Zillahs where, with the exception of Cuddapah, as large and in many cases a larger number of prisoners are in confinement.

Extract from letter to the officiating Secretary to Govt in the Judicial Department dated 12th June 1833.

"It seems desirable that the several Establishments "should be put as nearly as "possible on the same footing."

48. Upon the same principle that the Court of Foujdaree Adalut in their Acting Registers letter to the Officiating Secretary to Government in the Judicial Department dated the 12th of June last, recommended that the pay of the several Jail Peons at Guntoor should be raised to 5 Rupees per mensem, would the Judges suggest that the pay of the several Jailers be more nearly assimilated. At present the pay of these Officers varies from 14 to 35 Rupees per mensem as will be seen below.

Jailers		R.	A.	P.
Rajahmundry	1 at	14	—	—
Nellore	1 "	21	—	—
Chicacole	1 "	35	—	—
Cuddapah	2 {	1 17	—	8
		1 14	—	—
Bellary	1 "	17	—	8
Chingleput	2 " {	1 21	—	—
		1 12	—	4
Madura	1 "	14	—	—
Salem	2 " {	1 21	—	—
		1 10	—	8
Combaconum	2 " {	1 17	—	8
		1 14	—	—
Malabar	1 "	21	—	—

49. The Judges are surprised that the pay of the Jailer at Chicacole should be so high as 35 Rupees per Mensem "where all wages are remarkably low" the number of prisoners in confinement in the Jail at this Station is moreover on an average very limited.

50. The Judges would propose that the pay of a Jailer be fixed at 20 Rupees per Mensem.

Ordered that Extract from these proceedings together with copies of the Returns received thro' the Provincial Courts of Circuit in the Northern Centre, Southern and Western Divisions be forwarded to the Officiating Secretary to Government in the Judicial Department for the purpose of their being laid before the Right Honorable the Governor in Council.

(Sent following letter No 647)

Vide Letter from Provl Court Southern Division dated 27th May 1838.

F.C.

At a Court of the Zoujdaree Adalut.

Present,

Wednesday 28th August, 1833.

Charles May Lushington Esqr Chief Judge
Thomas Hotchkis Esqr Acting 2d Judge
William Haddleston Esqr 3d Puisne Judge

49

Read letter, dated the 13th Instant from the Provincial Court of Circuit in the Southern Division, transmitting copy of a letter from the Acting Joint Criminal Judge at Guntoor, representing the Crowded State of the Jail under his charge - suggesting the transfer of a portion of the prisoners to the neighbouring Jails, and requesting that Sanction may be obtained for the Employment of 30 Additional Peons on a Monthly Salary of Rupees 5 each whom for reasons detailed the Acting Joint Criminal Judge states he has found it necessary to entertain.

(Vide enter No 41.)

By the Returns lately received from the Criminal Judge of Chittoor, and the Acting Criminal Judge of Chicacole, shewing the proportion their respective Jail Establishments bear to the Number of Prisoners in confinement in those Jails, it appears that at these Stations ample accommodation

28th August 1833

accommodation can be provided for the
whole of the prisoners for whom shelter cannot
be provided in the buildings at present occupied
as Jails at Cuntoor. Resolved therefore that
the Provincial Court of Circuit in the Southern
Division be directed to issue orders to the Acting
Joint Criminal Judge at Cuntoor to transfer
to the Jail at Chicacole as many convicts
sentenced to one years imprisonment and upwards,
as the Acting Criminal Judge may report there
is due and convenient accommodation. The
remainder of the Convicts sentenced to such
periods of imprisonment to be transferred
to the Jail at Chittoor.

Ordered accordingly that extract from these proceedings be forwarded to the Provincial Courts of Circuit in the Centre and Northern Divisions, who after communicating with the local authorities as to the state of accommodation in the Jails of Chittoor and Chicacole, will issue the requisite orders for giving them effect, reporting the final arrangements adopted for the information of this Court.

(Sent following letters Nos 648 & 649)

J. M

Ent

Ent

Fol 6.

At a Court of the Fouzdaree Adalut.

Present.

Thursday 29th August 1833. C. M. Lushington Esqr 1st Puisne Judge
Thomas A. Oakes Esqr Acting 2d Puisne Judge
William Hudleston Esqr 3d Puisne Judge

No return having been received from the Provincial Court of Circuit in the Southern Division to the precept of the Court of Fouzdaree Adalut dated 11th June last calling for the English translations of the proceedings held by the Police Officers the Magistrate, and the Joint Criminal Judge in Cases Nos 92 and 99 in the Report No 6 of persons apprehended and delivered to the Criminal Judge of Tinnevelly in October 1830.

Ordered that the Provincial Court of Circuit in the Southern Division be enjoined by precept returnable in four days from and after its receipt to make return to the said precept of the 11th June last.

(Sent following Precept No 651)

Read letter dated the 2d 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 June last.

(Here enter No 840)

Ent

Cuddapah.

1. Out of 51 Cases forwarded to the Criminal Court at Cuddapah during the month of June last only 4 Cases have been disposed viz^t. two Cases by the Criminal Judge, and two cases by the Assistant Criminal Judge - if a satisfactory explanation of this extraordinary delay be not given by the Criminal Judge of Cuddapah, the Judges of the Court of Foujdaree Adalut will consider it their duty to bring the circumstance to the notice of the Right Honorable the Governor in Council.

2. In Cases Nos. 173 and 176 Clause Sixth Section II Regulation VI of 1822 should have been quoted as the authority under which the Criminal Judge passed Sentence on the prisoners.

3. The conviction of the prisoners in Case No. 135 on a mere alleged Police Confession being improper, the Judges desire that the Sentence passed by the Native Criminal Judge be annulled, and the prisoners forthwith set at liberty.

4. The large number of cases reported by the Native Criminal Judge to be under examination should have attracted the notice of the Provincial Court of Circuit, and the Native Criminal Judge should have been instructed to prevent the accumulation of any arrears in the Criminal Department of his Court.

Bellary

5. The Magistrate of Bellary should be directed to instruct the Head of Police of Gooty with

with reference to case No. 131 that no person criminated by another should be forwarded to the Criminal Court under the provisions of Section XXVIII Regulation XI of 1816, unless "the accusation be corroborated by any person who "may appear or be brought by Summons before "the Tahsildar".

Chingleput

6. The Abstract at the foot of the Report No. 5 is incorrect as regards the number of persons "unexamined" entered in the last column - the Criminal Judge having omitted to include the number of persons contained in the 7 Cases reported to be "not examined".

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division requiring them to communicate the same to the several Officers whom it may concern by precept returnable in one week from and after its receipt.

(Sent following Precept No. 652)

Read Return dated the 19th Instant to precept dated the 10th Instant declaring that where there may be sufficient evidence in a case before a Criminal Judge to implicate a person not apprehended it is competent both to the Criminal Judge and to the Court of Circuit to call upon the Magistrate for the apprehension of the individual so implicated for trial before other jurisdiction.

(Here enter No. 933.)

Read

29th August 1833.

Read Return dated the 19th Instant from the 1st Judge on Circuit in the Southern Division to precept dated 31st Ultimo declaring the competency of a Judge on Circuit to review and pass orders upon petitions complaining of a Magistrates proceedings previously to such Judges arrival within the limits of the Magistrates jurisdictions.

(Here enter No 934.)

Read Return dated the 21st Instant from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division to precept dated the 13th Instant Sanctioning the mitigation of punishment in Case No 2 Chittoor 2d Supplemental Calendar 3d Quarter Sessions 1833.

(Here enter No 938.)

Read Return dated the 21st Instant from the 2d Judge of the Provincial Court in the Centre Division to precept dated 15th Instant, Sanctioning the mitigation of punishment in Case No 3 Chittoor 3d Supplemental Calendar 3d Quarter Sessions 1833.

(Here enter No 939.)

Read Return dated the 19th Ultimo from the Judges of the Provincial Court in the Southern Division to precept of the 12th Instant directing that in all cases in which the witnesses appearing to have sworn falsely to establish a defence he committed to take their trial for perjury, if there shall be evidence obtainable to establish the charge against them.

(Here enter No 776.)

Read

HH.

29th August 1833.

Read letter dated the 21st Instant from the 3d Judge of the Court of Circuit in the Northern Division reporting the commencement of the 3d Quarterly Sessions.

(Here enter No 943.)

Read Return dated the 20th Instant from the 3d Judge of the Court of Circuit in the Western Division to precept dated the 12th Instant directing him to issue orders to the Joint Criminal Judge of Malabar for carrying into effect the Sentence passed on the 5th Prisoner in Case No 1 on the Calendar of the Auxiliary Court at Malabar 3d Quarter Sessions 1833.

(Here enter No 947.)

Read Return dated the 21st Instant from the 3d Judge late on Circuit in the Northern Division to precept dated 12th Instant ordering the mitigations of punishment in Case No 2 Nellore 1st Calendar 1st Sessions 1833.

(Here enter No 948.)

Read letter dated the 24th Instant from the Acting 3d Judge late on Circuit in the Southern Division transmitting Warrant issued to the Criminal Judge of Salem for the execution of the Prisoner in Case No 24 of the Salem Calendar 1st Sessions 1833. with that Officers return and letter on the same subject.

(Here enter Nos 951.)

J. H

F. 16.

At a Court of the Supreme Tribunal.

Present,

Saturday 31st August 1833.

Charles May Lushington Esq.re 1st Puisne Judge
Thomas Alex.r Arkes Esq.re Acting 2d Puisne Judge
William Hendleston Esq.re 3d Puisne Judge

Read letters dated respectively the 23rd February 11th and 23rd March and 29th July from the Provincial Courts of Circuit in the Southern, Western, Central and Northern Divisions, in reply to the Circular letter of the Court dated the 13th February calling for their sentiments as to the expediency of adopting the arrangements described in the 9th, 10th & 11th paras of the Circuit Report of the 2d Judge of Circuit in the Western Division dated the 31st December 1832.

(Records Nos 200, 248, 279 & 847)

Upon the fullest consideration of the sentiments expressed in the foregoing letters the Court are of opinion that inconvenience would in all probability result from directing the universal observance of the practice described by Mr Vaughan.

So much must be left to the discretion of the Criminal Judges, and to circumstances, as might occasion

occasion difficulty in carrying into effect a new rule of this sort at one place, which might with comparative facility be observed at another, that the Court think it would be inexpedient to lay down Mr. Vaughan's proposed instructions for universal observance.

3 They desire however in communicating these sentiments to the Provincial Courts of Circuit to impress on them, that, altho' it is not deemed expedient to lay down specific rules on the subject, it is nevertheless incumbent on them to use their utmost endeavours to prevent the needless attendance of prosecutors and witnesses in Criminal Trials.

Ordered, that Extract from these proceedings be sent to the 4 Provincial Courts of Circuit for their information and guidance.

(Sent following Circular Letter No. 660)

Read letter, dated the 31st Ultimo, 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 Joint Criminal Judges in the Division for the month of June last, together with an Extract from their proceedings thereon.

(Seventeen Nos 803)

Madura Calendar No 37 Report No 5.

1 The Judges of the Foujdaree Adalut concur in opinion with the Provincial Court of Circuit that the security in this case should be discharged, and the prisoner unconditionally released

F. 16.

At a Court of the Foujdaree Adalut.

Present,

Monday 2nd September 1833. The Honble William Oliver Esqr Chief Judge
C. M. Lushington Esqr 1st Puisne Judge
Thomas A. Oakes Esqr Acting 2d Puisne Judge
William Huddleston Esqr 3d Puisne Judge

Read Petition presented on the 17th Instant by Abdool Hufeen.

(Here enter Miss. Pet. No 73 of 1833.)

The Petitioner states that he has been robbed and otherwise maltreated by his Mother in law, and that he has complained without effect to the Magistrates of Madura and North Arcot, and he now prays the Court to grant him redress.

2 If the Petitioner has any complaint to make against the Magistrate of North Arcot, he must address the Judge presiding at the Chittoor Quarterly Sessions.

Ordered therefore, that the prayer of this Petition be rejected, and that Extract from these Proceedings be granted to the Petitioner on Application

Read Petition presented on the 17th Instant by Soodalay Mortoatanoo of Tinnevelly.

(Here enter Miss. Pet. No 74 of 1833.)

1 The Petitioner presents a Mahazer drawn up by the inhabitants of his village

village in favor of one Vannamaunala Saven, who has been sentenced to 14 Years' imprisonment, and prays the Court to issue orders for his release.

2 The Petitioner is referred to the order passed under date the 8th Ultimo, on his former petition to the above effect.

Ordered, that the prayer of this petition be rejected, and that Extract from these proceedings be granted to the petitioner on his application.

J. C. M

Ltd

140

No.

At a Court of the Toopasee Cadatt.

Thursday 5th September 1833.

Present,
Charles May Lushington Esqr 1st Puisne Judge
Thomas Alex. Baker Esqr Acting 2d Puisne Judge

Read letter, dated the 3d Ultimo, from the Acting 1st Judge on Circuit in the Centre Division, submitting case No. 22 Cuddapah Calendar 2d September 1833.

(Seria enter No. 851)

Mr Lushington & Mr Baker.

The Court of Toopasee Cadatt having maturely considered the proceedings held before the Judge on Circuit the futwas of the Principal Law Officers, and the futwa of the Cazee ool Cogat and Mooftee of the Toopasee Cadatt, confirm the said futwas of the Cazee ool Cogat and Mooftee aforesaid, and acquitting the prisoners

1st Buttoola pottee Nundagadoo
2d Buttoola Chenna Panchoolagadoo
and
3d Metrocoolla Nundagadoo

direct that they be set at liberty.

(And following letter No. 685)

J. C. M

Ltd

140

9th October 1833

F. C.

At a Court of the Forjudace Statute

Present

Saturday 7th September 1833.

Charles May Sushington Esqr. 1st Puisne Judge
Thomas Alexr. Baker Esqre. acting 2d Puisne Judge
William Houdleston Esqr. 3d Puisne Judge

Read Letter, dated the 2d Instant, from the 3d Judge late on Circuit in the Southern Division, submitting Case No. 15 on the Quarter Calendar 1st September 1833.

(Here enter No. 844)

Read also Letter, dated the 3d Instant, from the 3d Judge late on Circuit in the Northern Division, reporting the death of the 20th, 22d, 32d, 35th and 44th Prisoners in the above mentioned case.

(Here enter No. 845)

The Court of Forjudace Statute having maturely considered the proceedings held before the Judge on Circuit, the fiatus of the Provincial Law Officer, and the fiatus of the Cayze vel Cogat and Prosecutor of the Forjudace Statute, confirm the said fiatus of the Cayze vel Cogat and Prosecutor aforesaid, and acquitting the Prisoners

2d Mundoory Potadoo,
3d Colla Veeradoo
4th Coommara Veeradoo

Mr. Sushington
Mr. Baker.

Also Read Letter dated 10th Instant from 3d Judge late on Circuit in the Northern Division, reporting the death of the 46th Prisoner in Case No. 15 on the 1st Quarter Calendar 1st Sessions of 1833. (Here enter No. 904)

7th Sept. 1833.

5th Collepara Chintadoo
6th Golla Potadoo
7th Collepara Vallaroo
8th Canky Camadoo
9th Collepara Atchengadoo
10th Pilly Mantagadoo
11th Goollah Naneegadoo
14th Goollah Padda Paupadoo
15th Goollah Potadoo
16th Aura Lomadoo
17th Tumpoocala Veeradoo
18th Mocharla Goravadoo
19th Canoopurty Mootladoo
21st Pilly Bonchengadoo
23d Canky Potadoo
25th Collepara Veeradoo
27th Golla Veeradoo
28th Collepara Gaulelgaudoo
29th Pilly Goravadoo
31st Caunary Veeradoo
33d Curry Veeradoo
36th Canoopurty Tautegadoo
37th Dully Veeradoo
39th Coola Tenkedoo
40th Gundapenty Soobbadoo
41st Collepar Potadoo
42d Curry Tenkedoo
43d Collepara Veeradoo
45th Golla Chintadoo
47th Collepara Potadoo
48th Collepara Chamchadoo and
49th Collepara Goravadoo

direct that they be set at liberty

Tho

9th Sept. 1833

The Prisoners 1st, 12th, 13th, 20th, 22d, 24th, 26th, 30th, 32d, 34th, 35th, 38th, 44th and 46th are reported to have died in jail.

In the 3d para of the letter from the 3d Judge late on Circuit in the Southern Division which accompanied this trial, We Waters States that the proof against the prisoners he considers "to be complete" and in opposition to the opinion of his Law Officer would convict the whole of them.

The Court of Foujdaree Adaulut however having attentively considered the proceedings in this case are of opinion that the depositions of the Prosecutors and their witnesses are inconsistent and incredible, and the commitment of the prisoners upon such evidence is considered by the Judges improper.

Ordered, that Extract from these proceedings be forwarded to the 3d Judge late on Circuit in the Southern Division for his information.

(Sent following letter No. 587)

Read letter, dated the 23d Septr from the 1st Judge on Circuit in the Southern Division, submitting copy of the Tinnevelly Calendars for the 2d Sessions of 1833.

(Vide enter No. 955)

Neither of the Jurwas transmitted in Cases Nos 8 and 9 make mention of the 1st, 2d, 3d or 4th prisoners, who are stated to have been

been convicted by "the Justices of the Law Affair"
"of the charge brought against them in Vol 9, and of
Promise in Vol 8. The 1st Judge is therefore required
to explain the omissions.

Cade Vol 17 2 The Judges being of opinion that the
prosecutor's testimony to the fact of burning is
sufficient, direct that English and Persian Trans-
lations of the record of the trial in case Vol 17 be
prepared and submitted to the Zillah Court,
and that in the meantime the sentence passed by
the 1st Judge be suspended.

Ordered, that extract from this
proceedings be forwarded to the 1st Judge on
Circuit in the Southern Division by precept
returnable in 6 days from and after its receipt.

(Sent following precept No 688)

Ct. L. Ct.

Vol III. Read return dated the 28th Ult.
from the Provincial Court of Circuit in
the Northern Division to precept dated 15th
Ultimo containing Remarks on the Criminal
Reports for the Month of February last.

(See entry No 1017)

F. Ct.

At a Court of the Zillah Adalut

Monday 9th September 1833. Present,

The Honble William Oliver Esqre Chief Judge
Charles May Lushington Esqre 1st Puisne Judge
Thomas Alex.r Ogilvie Esqre acting 2d Puisne Judge
William Houlditch Esqre 3d Puisne Judge

Vol 20 Read again Petitions presented
in person by Atmarams of the Zillah of Cuddapa.
Vol 148 (See entry No.s 85 & 88 of 1832 & No 4 of 1833)

These are petitions for the release
of Ramprasad, the father of the Petitioners
convicted in case No 7 of the Cuddapah
Calendar for the 2d Session of 1832.

2 Under the existing Regulations
there is no appeal from a sentence passed
by a Court of Circuit, and the prayer of these
petitions, as observed by the Court in their
proceedings of the 16th October last, is not
admissible, but having recently had occasion
to refer to the Calendar, the Court of Foujdaree
Adawlut after an attentive examination of
the abstract of the evidence as contained
in the Calendar, seeing reason to doubt
the sufficiency of the evidence for the convic-
tion of the Prisoner, resolve to call for an
English Translation of the record of the trial
and in the meantime to direct that the
sentence

Sentence passed by the late Acting Judge Mr. Buckley be suspended.

Ordered accordingly, that extract from these proceedings be transmitted to the Judges of the Provincial Court of Circuit in the Centre Division for their information and guidance by precept, returnable in 15 days from and after its receipt.

(Sent following Letter No. 689)

Read again letters dated respectively the 23d, and 27th March, the 22d April & 13th August from the Provincial Courts of Circuit in the Centre, Southern, Western and Northern Divisions

(Here enter Nos. 280, 321, 436 & 914)

The Court of Sunjaun resolut in reviewing the Criminal Returns for the last half year of 1831 in their proceedings dated the 27th December 1832 expressed their opinion, in reference to a suggestion of the Magistrate of Cuddapah that Heads of Villages should be empowered to take cognizance of complaints respecting losses sustained from depredations of cattle" as matters of Police by the imposition of fines never exceeding one Rupee, "allowing either party dissatisfied to appeal "to the district Head of Police: that they considered "such an increase of the powers of Heads "of Villages open to many objections" and "that it would in all probability lead to "innumerable false complaints and to much

9th Sept.r 1833

"abuse of authority."

2 The Court were informed in the reply to the above proceedings dated the 12th February that the Right Honorable the Governor in Council did not coincide in the views of the subject taken by them and they were directed unless aware of some "objection, not hitherto apparent, to suggest "the course which ought to be pursued "for investing Heads of Village Police, with "the authority recommended by Mr. Lacon."

3 Before proceeding to adopt any further measure on the subject, the Court considered it advisable to call upon the several Provincial Courts of Circuit to furnish them with their sentiments in respect to the proposed arrangement and they now proceed to take into consideration the replies that have been received from them respectively.

Centre Division 4 The Judges of this Court state their opinion, that the proposed powers should be given to the Potails or Heads of Villages, and that any abuse of the authority can very easily be detected.

Southern Division 5 This Provincial Court also are in favour of the adoption of the proposed measure and suggest, that the fine of one Rupee, proposed by the Magistrate of Cuddapah in his letter of the 31st January 1832, to be inflicted in such cases, should be commutable to Hours

confinement in the Village Choultry.

In para 3 of this letter the Judges of the Provincial Court observe, that the only objections to giving this power to Village Moonsiffs are "that they would often be judges in their "own causes, that they would themselves be "secure against punishment if their own cattle "should commit trespass, and that they might "occasionally be enabled to vent their ill will "against an individual by fining him unjustly "on the plea of trespass."

Western Division 7 The Judges of this Provincial Court approve of the proposed measure and recommend an appeal to the Tahsildar or District Moonsiffs with authority for him to "appoint village Punchayet" to decide, the Court suppose on such appeal.

Northern Division 8 The Provincial Court in the Northern Division have called for the opinions of the several Magistrates subordinate to them, which are submitted together with their own.

9 The Magistrate of Bellary is decidedly opposed to any change in the existing system, which he considers to be endeared to the people by long and well defined usage.

10 The Magistrate of Guntoor on the contrary is prepared his "opinion of the great advantages "that will be derived from the proposed measure "being carried into effect."

11 The system of levying fines in cases

F/C.

6th Sept. 1833.

of trespass, and carrying the amount to the credit of Government, described by both these officers to prevail in their respective districts, the Court have no hesitation in declaring to be illegal, and totally unwarranted by the Regulations.

12 The Magistrate of Nellore is not aware of any objection to the measure proposed by Mr. Lascelles.

13 The Magistrate of Rajahmundry is of opinion that the arrangement would be beneficial altho he thinks that the damage should be appraised by two or more of the village officers in conjunction with the Moonsiff thereby clearly intimating his apprehension of partiality on the part of the latter officer.

14 The Magistrate of Vizagapatam thinks that advantage may attend the proposed arrangement. He suggests that Heads of Villages should be invested with authority to assess damages "for actual loss sustained in addition to any "punishment they may otherwise be empowered "to inflict."

15 The Magistrate of Ganjam thinks that Heads of Villages are quite able to "dispose of Complaints of so trifling a nature "as losses from the trespassing of cattle", and that "if they are impartial in their decisions, "they are decidedly the fittest persons to assess "redress from their local knowledge.

The

16

The 3d Judge presiding in the Provincial Court is in favor of the proposed measure "the expediency of which," he states, "is undeniable and in the opinion of the Provincial Court of Cuttack calculated to effect much good."

17 It appears to the Court that the observations of the Provincial Court in the Southern Division in para 3 of their letter, are strongly corroborative of the opinions stated by them at the conclusion of para 7 of their report, dated the 27th December 1832 and they do not see how the abuses specified by the Provincial Court can be effectually provided against by any legislative enactment.

18 They are constrained therefore after having given their best consideration to the opinions of the several Provincial Courts above recorded to state that they still continue that the injurious consequences to be apprehended from the proposed measure appear to outweigh any advantages to be expected from it.

Ordered, that an extract from these Proceedings together with copies of the letters to which they refer, be sent to the officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent following letter Rs 690)

9th Septr 1833

9th Septr 1833

Read again letters dated respectively the 8th May, 14th and 20th June and 5th July from the Provincial Courts of Cuttack in the Northern, Southern, Central and Western Divisions.

(Documents Nos 488, 624, 660 & 696)

1 The Court on the receipt of the letter from the Secretary to Government in the Judicial Department dated the 12th February last, directed the four Provincial Courts of Cuttack, with reference to the observations contained in the 8th para thereof, to call upon the several Magistrates in their respective divisions to state whether any and what measures are necessary for giving full effect to the intentions of Government, for placing the Ameens of Police upon a respectable footing.

2 The Court now proceed to take into consideration the replies that have been received.

Northern Division 3 The Court have received no further communications from the Provincial Court in this Division, than that contained in their letter of the 8th May, transmitting copy of a letter from the Magistrate of Balasore, reporting on the state of the Village Police in his District which does not appear to require any particular notice.

4 The Provincial Court have been

directed to submit the opinions of the other Magistrates in their Division without further delay.

Southern Division
Trichinopoly.

5 It appears to the Court that the arrangement represented by the Magistrate of Trichinopoly to obtain in that Zillah of making up, by a deduction of a portion of the pay of Police peons, the allowed Salary of a Police Ameen to the sum of 35 Rupees per mensem, is most objectionable in principle, and they cannot believe that the Board of Revenue or the Government would have given their sanction to it. The Court resolve to recommend to Government, with reference to para 6 of their letter of the 12th February 1833, that the pay of these Ameens should be raised to 35 Rupees a month from 1st 1/2, - the allowances now sanctioned

6 Referring to the distinctions made between the functions assigned to the two Police Ameens in this Zillah, the Court observe that this arrangement must, wherever adopted, be regulated in strict conformity with the provisions of Section XLI Regulation XI of 1816, that is to say, that the Police Ameens must be vested either with the police powers of a Tahsildar or those of the heads of Villages.

Tanjore

7 The Court consider the recommendation of the Magistrate that both the Police Ameens of this Zillah should be allowed 36 Rupees a month to be

judicious

3 J. C.

judicious and in consequence resolve to recommend to Government that the pay of the Ameen of Pombetty be raised from 30 to 35 Rupees per mensem.

Salem

8 It appears that there are no Police Ameens in the Salem District.

Coimbatore.

9 The Court do not consider that any sufficient ground is stated for the alteration of the existing Law, proposed by the Magistrate of Coimbatore.

10 The change of designation seems to them to be quite uncalled for, and the measure of placing Ameens of Police on a level with the Tahsildars, appears calculated to induce inevitable collision of authority and to be at variance with one of the fundamental principles of the System of 1816.

11 The Court conceive that there can be but one "Head of Police" in each of the Districts mentioned in Clause first Section XXV Regulation XI of 1816, and that one must under the present System be the Tahsildar.

12 Mr. Drury's suggestion moreover goes to set aside Claus Second Section II Regulation IV of 1821, a provision enacted by Government after five years trial of Regulation XI of 1816.

13 For the above reasons the Court dissent

dependent altogether from the opinion of the Provincial Court on the propositions of the Magistrate of Coimbatoor.

Centre Division
Mr. Dist. of Arcot.

14 It appears that in this District there are three Police Ameens, those at Vellore and Ranneapet (Arcot Cantonment) on 30 Rupees a Month, and Mr. Mesppes the Master Attendant at Pulicat on 50 Rupees per Mensem. The Magistrate states that "the late orders, "by curtailing their authority have rendered "them almost useless." The Court are not aware to what "late orders" the Magistrate refers, but no orders can have been issued by them tending to "curtail" any authority given by the Regulations. The measure of making Police Ameens independent of the Tahsildar and giving them "jurisdiction and "power" exactly similar to those of the Tahsildar as suggested by the Magistrate is tantamount to that proposed by the Magistrate of Coimbatoor, and in the opinion of the Court inexpedient and indeed impracticable.

15 The Court resolve to recommend to Government that the Salaries of the Ameens of Vellore and Ranneapet be raised from 30 to 35 Rupees a Month, but they see no necessity for altering their powers, nor for doing away with their

subordination to the Heads of District Police.

16 The Pishcar and Turjdars, afterwards alluded to by the Magistrate, are the Court conclude, specially appointed under the provisions of Section III Regulation IV of 1821. The Government not having called on the Tonjdars' head Cutcherry for any opinion on the subject of the remuneration of these officers, it does not appear to them that they are called upon to notice this part of Mr. Roberts' letter further than to observe, that his suggestion seems merely to be that a certain number of additional Police Ameens should be added to the existing establishment.

Cuddalapah

17 There does not appear to the Court any necessity for making any alteration in the pay of the two Police Ameens in this District the Magistrate of which also touches upon the inadequate allowances of "other subordinate officers of police," a matter not relevant to the present reference.

Chingleput.

18 The Court concurs with the Magistrate of Chingleput in thinking that the pay of the Police Ameens in his District should be fixed at 35 Rupees a Month, and beg to recommend that sanction may be granted accordingly.

19 The suggestions offered by the Magistrate in paras 3 and 4 of this letter are irrelevant to

to the question under consideration, and the Court do not consider that it will be deemed expedient by Government, that they should submit any opinion on these suggestions upon this occasion.

20 The arrangement proposed by the Magistrate in para 5 appears to involve something more than is intended by Government when calling for recommendations to effect the desirable object of placing Ameens of Police on a respectable footing". The Court do not understand the meaning of Government to be that powers or functions of these offices should be altered - but that the offices should in respect to emolument, be increased, to render the offices more desirable.

Southern Division of Arcot.

21 The Magistrate in this District in the second para of his letter goes into the discussion of a matter foreign to the subject under consideration: what he proposes regarding "Peishcars" might, as it appears to the Court, be accomplished by a proper exercise of the powers vested in the Magistrate by the provisions of Section III Regulation IV of 1821.

22 It does not appear to the Court that they are called upon to offer any opinion upon the arrangement proposed in the 3d para of the Magistrate's letter, but that their observations should be limited to the particular

4. J. 16. particular point, upon which their opinion has been called for.

Western Division Malabar 23 The Court consider the recommendations of the Magistrate of Malabar, that the Police Ameens of Calicut, Tellicherry and Cannanore should be vested with the highest powers authorized by Section XII Regulation XI of 1816, and that their Salary should be fixed at 35 Rupees a month to be decreasing of support, and they in consequence beg to suggest that the arrangement may receive the sanction of Government.

24 The Court in conclusion would observe that it does not appear to them to be necessary to give full effect to the intentions of Government that the Ameens of Police should be placed on a respectable footing, to make any alteration in the powers already vested in them - All that seems to be required is, that the Salary of the offices should be fixed at a rate calculated to endure the services of men of talents and experience, and this they think would be sufficiently effected by the adoption of the recommendations offered in these proceedings.

Ordered, that extract from these proceedings, together with copies of the letters towhich they refer, be sent to the officiating Secretary to Government

in

in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council.—

(Sent following letter No. 591)

Read letter, dated the 24th Ultimo from the Acting 1st Judge on Circuit in the Centre Division, submitting copy of the Cuddapah Calendar for the 2d Sessions of 1833.

(Here enter No. 969.)

Case No. 5 1 There being no provision of the Regulations which empowers the Judge of Circuit to over-rule objections to a confession on the ground of its being taken before a Police Officer, the 2d Question put to the Law Officer, must therefore be revised,— if the Law Officer, admitting the evidence of the 1st and 2d witnesses to the confession, still declares the prisoners not convicted, the Trial must be referred to the Sudder Adalut, as the 1st Judge convicts them.

Case No. 11 2 In case No. 11 also the second question put to the Law Officer is irregular, and must be revised,— the Judge of Circuit is empowered only to over-rule certain personal exceptions to witnesses, but not such an objection as that made by the Law Officer to the admission of the confession made before the Police Officer.— If the Law Officer admitting the

preamble

9th Sept. 1833. the evidence of the 2d, 3d, 6th & 7th witnesses still declare the prisoners not convicted, the trial must be referred to the Sudder Adalut as the Judge convicts them.

Case No. 16 3 The same remarks are applicable to No. 16, in which case also the 2d question put to the Law Officer must be revised, and the same course of proceeding as indicated above, observed also in this case.

Case No. 17 4 In No. 17 the Acting 1st Judge reports that no sentence has been passed against the prisoners, as they have been sentenced in case No. 16 of the Calendar, the Court of Sudder Adalut however desire that Sentence be passed on the prisoners in case No. 17, which the Acting 1st Judge will carry into effect, should the prisoners be eventually acquitted in case No. 16.

Case No. 18 5 The Court conclude that the wounding in case No. 18 was "trifling" but it should have been so stated in the Calendar.

Case No. 22 6 The second question put to the Law Officer in case No. 22 is also irregular, and for the same reason as stated above, must be revised.

Case No. 25 7 The Acting 1st Judge must also revise the 2d question put to the Law Officer in No. 25, and the trial eventually referred to the Sudder Adalut as the Gahagan convicts the prisoner.

Ordered

9th Septr 1833.

in the Judicial Department, for the purpose
of being laid before the Right Honorable

9th Septr 1833.

Ordered, that extract
this proceedings be forwarded to the
2d Judge or Circuit in the Central D
for his information and guidance by
returnable in six days from and a
its receipt.

Case No 3

(Sent following precept No 695.
Read letter, dated the 3d
from the Acting 2d Judge of the Provincial C
of Circuit in the Central Division, transmitt
copy of the Calendar 3d Criminal Quarter Ses
for 1833.

Nos 3 & 4.

(Here enter No 981.)
In both these cases the Acting
Judge should have over ruled the objection
urged against the witnesses on the ground
of their being Police Officers, under the pro
visions of Section II Regulation VI of 182
2 In the former number the evidence
according to the abstract does not appear to
have been sufficient for the conviction of the
Prisoners, but this does not seem to have
been the case with the latter. The Court is
consequence desirous to call for an English
translation of the proceedings in this case
and direct that the Acting 2d Judge be
by precept commanded to transmit the
Precept returnable in ten days.

(Sent following precept No 693 /

I. H.
9th September 1833.

Read supplemental return dated
the 29th Ultimo made by the Provincial Court
of Circuit in the Central Division, transmitting
the corrected Statements Nos 2, received from
the Magistrates of Ponditton and Chingleput,
together with Copies of the returns made by
those Officers, and by the Magistrate of
Cuddapah.

(Recentered No 981.)

The explanation contained in the
last para of the return made by the Magis-
trate in the Zilla of Cuddapah, relative to the
excess of 59 persons in Column 6 of the State-
ment No 1 is not considered sufficient to
account for the deficiency of those persons from the details of the Statement
No 1, without being made acquainted with
the manner in which those persons were dis-
posed of by the Assistant Magistrate.

Ordered accordingly, that the
printed Statement No 1 received from the
Magistrate of Cuddapah be returned to
that Officer, with directions to exclude from
the several Columns in the Statement, those
persons included in the list of the Assistant
Magistrate who have been by mistake
entered twice in the Report.

Ordered, that extract from these
proceedings

...ct. 1833. ...the Judicial Department, for the purpose

9th Sept. 1833. proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance by precept, returnable in one week, from and after its receipt.—

(Sent following precept No. 694)

Read return, dated the 26th Ultimo, from the Judges of the Provincial Court of Circuit in the Western Division to precept dated 19th Ultimo, containing the remarks of the Grand Jurors contained in the Criminal Reports for the month of June last.

(Here enter No. 991)

Read letter, dated the 31st Ultimo, from the 1st Judge on Circuit in the Southern Division, reporting the commencement of the 2d Sessions of 1833 at Combaconum.

(Here enter No. 993)

Read letter, dated the 31st Ultimo, from the 1st Judge on Circuit in the Southern Division, reporting that the 2d Sessions of 1833 will open at Salem on the 5th October next.

(Here enter No. 994)

Read return, dated the 2d Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated the 29th Ultimo, containing the observations of the Court on the Criminal Reports for the month of June last.

(Here enter No. 1001)

Read return, dated the 28th Ultimo, from the Judges of the Provincial Court of Circuit in the Western Division to precept of the 21st Ultimo, directing the course to be pursued by a Circuit Judge in the trial of a prisoner committed by himself in the capacity of Criminal Judge.

(Here enter No. 1002)

Read letter, dated the 30th Ultimo, from the 2d Judge on Circuit in the Western Division, reporting the day fixed for the opening of the 2d Sessions of 1833 at Mangalore.

(Here enter No. 1004)

Read letter, dated the 4th Instant, from the Acting 2d Judge of the Court of Circuit in the Centre Division, transmitting copy of Chittoor 4th Supplemental Calendar for the 3d quarter Sessions of 1833.

(Here enter No. 1005)

Read return, dated the 28th Ultimo, from the Provincial Court of Circuit in the Northern Division, to precept dated 10th Ultimo, declaring it competent to a Criminal Judge or a Judge on Circuit, to require a Magistrate to issue his warrant to apprehend and send up for trial before either

the 1823

9th Septr 1833.

either jurisdiction, a person whom in a matter before a Criminal Judge there may be sufficient evidence to implicate.

(Here enter No 1016)

Read return dated the 28th Ultimo, from the Provincial Court in the Northern Division, to precept dated 15th Ultimo containing remarks on the Criminal Reports for March last.-

(Here enter No 1018)

Read return, dated the 6th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated 31st Ultimo, ordering communications to the lower Courts, of the Courts orders that a sentence of imprisonment must be wholly negatory, unless accompanied with hard labor and irons during the term of imprisonment.

(Here enter No 1021)

Read letter dated the 3d Instant, from the 3d Judge of the Provincial Court of Circuit in the Northern Division, with returned warrant for the execution of the prisoner in Case No 27 on the Supplemental Calendar of the Zilla of Nellore 1st Sessions 1833.

(Here enter No 1022)-

Sd

J.M.

At a Court of the Zoujdaree Adawlut

Present.

Thursday 12th September 1833. C. M. Lushington Esq. 1st Judge

Thomas A. Oakes Esq. Acting 2d Judge

Read letter, dated the 15th Ultimo from the Acting 2d Judge of the Court of C. in the Centre Division, recommending a mitigation of the punishment to which the prisoners convicted in No 3 of the Chittoor 7th Supplemental Calendar 3d Quarterly Sessions of 1833 of Gang Robbery, rendered themselves liable.

(Here enter No 1008)

The Court of Zoujdaree Adawlut having maturely considered the circumstances of the case represented in the above letter, sanction under Clause third Section III Regulation I of 1825 the mitigated punishment recommended by the Acting 2d Judge of Circuit in the Centre Division, and accordingly direct that the said Prisoners

1st Chellum

2d Pareya Chellum

3d Moollum

4th Andy and

5th Pommen.

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

the

the period of (5) five years.

Ordered, that Extract of these Proceedings be sent to the Acting 2d Judge of the Court of Circuit in the Centre Division for his information and guidance by precept, returnable without delay.

(Sent following Precept No. 700)

J. M

J. M.

At a Court of the Foujdaree Adalut.

Present

Monday, 16th September, 1833. The Honble William Oliver Esqre Chief Judge.

Charles May Lushington Esqre 1st Puisne Judge.

Thomas Alexander Oakes Esqre Acting 2d Puisne Judge.

William Mudleston Esqre 3d Puisne Judge.

Read petition presented on the 2d September, by Krishnama Naik.

(Vide enter Mis. Pet. No. 76 of 1833.)

This Petitioner's complaint would appear to be that the Assistant Magistrate of North Arcot refused to give him a copy of the proceedings held by him on a charge preferred against the petitioner by Mr Lascelles, the Judge of Chittoor.

The Court do not consider the Petitioner entitled to a copy of the proceedings in question.

The other matters represented in this Petition do not fall within the cognizance of the Foujdaree Adalut.

Ordered in consequence that the prayer of this Petition be rejected, and that Extract from these proceedings be granted to the Petitioner on his application.

J. M

Read

23d August 1833

16th September 1833

Read letter, dated the 30th Ultimo
from the Acting 3d Judge late on Circuit in the Southern Division.

(Here enter No 1007)

From the foregoing letter it appears that the Acting 3d Judge previously to proceeding to trial in Case No 5 of the Salem Calendar 1st Sessions 1833 did adopt the necessary measures of ascertaining that the Prisoner did not object to be tried by him in consequence of his having held the preliminary proceedings in the case when Acting as Criminal Judge of Salem and the Acting 3d Judges omission to notify the fact to the Foujdaree Adalut was highly reprehensible.

2 The Court in consequence resolve to cancel their orders of the 23d Ultimo directing the 1st Judge now on Circuit in the Southern Division to try the case at the second Sessions and will dispose of the case in the usual course.

Ordered, that Extract from these Proceedings be sent to the 1st Judge and Acting 3d Judge in the Southern Division for their information and guidance.

(Sent following letter No 716 & 717)

Read letter, dated the 7th Instant from the Acting 3d Judge on Circuit in the Centre Division recommending a mitigation of the punishment to which the prisoners in No 39 of the Chingleput Auxiliary Court Calendar 1st Sessions 1833 of Gang Robbery have rendered themselves liable.

(Here enter No 1027)

The Court of Foujdaree Adalut having maturely considered the circumstances of the case represented in the above letter sanction under Clause third Section III Regulation I of 1825 the mitigated punishment recommended by the Acting 3d Judge on Circuit in the Centre Division and accordingly direct that the said prisoners

1st Kaulan
2d Chinna Kaulan
3d Podeyan
4th Chinna Podeyan
5th Chellumbrun
6th Chinnapien
7th Koolleen
8th Moonepen and
10th Kolundien

be imprisoned and kept to hard labor in irons on the Public roads or other public works for the period of (7) seven years.

Ordered that Extract from these proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division for his information and guidance by precept returnable without

without delay.

(Sent following Precept No 718)

Read letter dated the 6th Instant from the Additional Judge on Circuit in the Northern Division, repeating his intention to open the Sessions at Chicacole on the 9th proximo.

(Here enter Rs 1540.)

Read return dated the 11th Instant from the Provincial Court of Circuit in the Southern Division to precept dated 31st Ultimo ordering, communication to the lower Courts of the Courts orders that a Sentence of imprisonment must be wholly Rigatory unless accompanied with hard labor in irons during the term of imprisonment.

(Here enter No 1042.)

No return having been received from the Provincial Court of Circuit in the Southern Division to the precept of the Court of Foujdaree Udalut of the 24th April last containing the Courts remarks and orders on the Criminal Reports from that Division for February last.

Ordered that the Provincial Court of Circuit in the Southern Division be enjoined by precept returnable in seven days from and after its receipt to make return to the said precept of the 24th April last.

(Sent following precept No 719)

No return having been received from the Provincial Court of Circuit in the Southern Division to the precept of the Court of Foujdaree Udalut of the 31st May last, containing the Courts remarks and orders on the Criminal Reports from their Division for March last.

Ordered that the Provincial Court of Circuit in the Southern Division be enjoined by precept returnable within seven days from and after its receipt to make return to the said precept of the 31st May last.

(Sent following Precept No 720)

No return having been received from the Provincial Court of Circuit in the Centre Division to the precept of the Court of Foujdaree Udalut of the 8th July last containing the Courts remarks and orders on the Criminal Reports from their Division for April last.

Ordered that the Provincial Court of Circuit in the Centre Division be enjoined by precept returnable in seven days from and after its receipt to make return to the said precept of the 8th July last.

Ct R
240

(Sent following Precept No 721)

Read return, dated the 11th Instant, from the Provincial Court of Circuit in the Southern

Southern Division, to precept dated 31st Ultimo, conveying their observations and orders on the Criminal Reports for the month of June last.

(Here enter No 1041.)

Read letter, dated the 12th Instant, from the Provincial Court in the Southern Division Submitting the explanations received from the Local authorities in the Southern Division, relative to the Criminal Reports for the month of April 1833.

(Here enter No 1052.)

Read letter dated the 9th Instant, from the Provincial Court of Circuit in the Western Division, transmitting Copy of a letter from the Criminal Judge of Canara, forwarding the explanation required by the Courts proceedings of the 19th Ultimo, on the Criminal Reports for June last.

Sep. 11. (Here enter No 1056.)

Read letter dated the 11th Instant from the Provincial Court of Circuit in the Centre Division to precept dated 22d February last conveying their observations and orders on the Criminal Reports for the month of December 1832.

(Here enter No 1032.)

17

At a Court of the Foujdaree Adalut.

Present,

Wednesday 18th September 1833. Charles May Lushington Esqr 1st Puisne Judge.

Thomas Alexander Oakes Esqr Acting 2d Puisne Judge.

William Hudleston Esqr 3d Puisne Judge.

Read letter, dated the 22d Ultimo, from the 3d Judge late on Circuit in the Northern Division, Submitting the Rajahmundy Calendar of 1st Sessions 1833.

Sep. 11 (Here enter No 985.)

Nos. 14 and 19. 1 The futwa of Oakoobut on Jum. i. Shalib in these cases, which were of theft, should have been over ruled in the mode prescribed in Clause third Section II Regulations XV of 1803, and if the Law Officer in his futwa omits to notice any bar to Hud, he should, under the Circular orders of the Foujdaree Adalut be required to do so.

2 The 3d Judge will be pleased to revise his Sentences in these cases accordingly.

3. The Court point out to him that the Clauses quoted by him in support of his Sentences do not apply.

46. 4. If in this case there was, as would seem to have been the case, any "robbery" the Clause cited is inapplicable. The Case appears to the Court to fall under Clause Second Section IV Regulation

Regulation XV of 1803, and must in consequence be
referred to them, which they desire may be done accord-
ingly.

60. 5 The Court are not aware of any
provision of the Regulations which vests the Criminal
Judge with power to dispose of a case of this nature,
which appears to them to be one of robbery by open
violence.

6 The Judge will in consequence direct
the Criminal Judge to recommit the Prisoners for
trial at the next Sessions.

65. 7 It appears clear to the Court that
this case falls under Clause first Section III Regu-
lation XV of 1803, and must in consequence be
disposed of under Clause third Section IV of that
Regulation.

8 The 3d Judge will be pleased to
revise the Sentence passed by him accordingly.

9 The Court point out to him that
as there was a "gang", weapons were not necessary
and there was obviously an attack by open violence
on a house.

85. 10 In this case the 3d Judge has
omitted to notify that the Prisoners was ordered
to be released.

106. 11 The 3d Judge was not justified in
returning this case to the Criminal Judge who
is not empowered to dispose of Cases of Robbery.

The Court refer the third Judge to their Circular
Orders of the 6th April 1830, which he appears en-
tirely to have overlooked, wherein he will find
the Sentiments and instructions of the Sudder
Adalut clearly laid down with respect to cases
similar to that under review. The third Judge
will be pleased to direct the Criminal Judge
to recommit the Prisoners for trial at the
next Sessions.

Ordered, that Extract from these
Proceedings be sent to the 3d Judge late on
Circuit in the Northern Division for his inform-
ation and guidance by precept returnable
in ten days.

(Sent following Precept No 723)

Read return dated the 2d Instant
from the 3d Judge late on Circuit in the Western
Division to precept dated the 12th Ultimo trans-
mitting to him the Courts observations on his
Circuit Report for the 1st Sessions of 1833.

(Vide enter No 1033.)

1 The Court have attentively con-
sidered the foregoing Return, but they see no reason
from the observations therein contained, to depart
from the instructions communicated in the
12th paras of their proceedings of the 12th Ultimo,
directing the recal of the 3d Judge's order to the
Criminal Judge at Mangalore to exempt certain
Prisoners

Prisoners in the Jail at that Station from Labor, in consequence of "hard labor" not having formed part of their Sentence, more especially as it appears from a reference to the Officer by whom the Sentence was passed, that the omission was not intended to exempt them from it.

2 With reference to the observation of the 3d Judge in the 3d para of his Return, the Court remark that that Officer has apparently overlooked the Circular order issued by the Foujdaree Adalut under date the 19th October 1831, wherein it was explained that under the provisions of the existing Regulations, it is incumbent on the Criminal Judge to put all Prisoners detained on Requisition of Security to Labor, unless specially exempted therefrom by the warrant.

3 It is obvious to remark that if the necessity for labor exists in such cases, it is imperatively called for in cases where the parties have been duly convicted of a violation of the laws.

4 The 3d Judge will in consequence conform to the instructions communicated to him in the Court's proceedings of the 12th Ultimo.

Ordered, that Extract from these Proceedings be sent to the 3d Judge late on Circuit in the Western Division by precept, returnable in five days.

(Sent following Precept No. 724)

Read.

F.16.

18th September 1833.

Read letter, dated the 30th Ultimo, from the Provincial Court of Circuit in the Western Division, submitting the Reports required by Section XXXV Regulation X of 1810, from the Several Criminal, Joint Criminal and Native Criminal Judges in the Division, for the months of July last.

(Here enter Nos 1005.)

Canara. 1 The wording of the Sentence passed by the Criminal Judge of Canara in Case No 61 of the Supplemental Report should be revised; in the Return the Sentence runs thus "the prisoners are "bound over to give Security for their good behaviour "in the Sum of 12 Rupees each, commutable, if "not paid, to 6 Months' imprisonment."

Vide C.C. 31st Oct. 1828. 2 As the Standing Orders of the Foujdaree Adalut require 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 the Sentence should have been thus recorded: the prisoners ordered to give Security for their good behaviour in the Sum of 12 Rupees each for the period of 6 Months, and in default to be confined for the same period.

3 The same remark applies to the Sentence passed by the Criminal Judge in Case No 64 of the Report No 67, and the Judges will remark

remark that this case, as well as Case № 69 of the Report № 5 are incorrectly numbered, for though the Court admit that it would have been proper that Case № 69 of the Supplemental Report and Case № 69 of the Report № 5 should have been entered in the same number in the Calendar, had the prisoners been committed to take their trial before the Court of Circuit, yet cases forwarded to the Criminal Court must be numbered in the Monthly Report, as received by the Criminal Judge.

4 The Provincial Court of Circuit will point out to the Criminal Judge of Canara with reference to the Statement shewing the manner in which the prisoners under his charge have been employed, that 28 prisoners are considered too large a number to be employed in "sweeping and cleaning the Jail."

Malabar. 5 With reference to Case № 105, of the Malabar Report № 5, and to Case № 78 of the Tellicherry Report № 6, the Provincial Court of Circuit will direct the Magistrate of Malabar to point out to the respective Heads of Police that a person criminated by a prisoner should not be forwarded to the Criminal Court under the provisions of Section XXVIII Regulation XI of 1816, unless the accusation be corroborated by any persons who may "appear or be brought by Summons before the "Tahsildar."

6 Eighty one prisoners are stated to be employed "inside and in the neighbourhood of "the Jail" at Malabar, the Criminal Judge should have specified the kind of labor to which those prisoners had been put, and the Provincial Court of Circuit will direct this Officer in future to specify the manner in which such prisoners have been employed.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, requiring them to communicate the above to the several Officers whom it may concern by precept, returnable in one week from and after its receipt.

(Sent following Precept № 725)

Read return dated the 31st Ultimo from the Provincial Court of Circuit in the Southern Division, to precept dated the 14th June last, directing that the Joint Criminal Judge of Tinnevelly might be required to submit English translations of the proceedings held by the Police Officers, the Magistrate and the Joint Criminal Judge in Cases №s 92 and 99 in the Report № V. of persons apprehended and delivered to the Joint Criminal Court at Tinnevelly in October 1830.

(Here enter № 1014.)

The

The Court consider it necessary to enable them to carry into effect the instructions of Government communicated in the letter from the Secretary to Government dated the 31st May last, that they should be furnished with translations of the proceedings in the several other cases specified in the Memorandum annexed to the return of the Acting Joint Criminal Judge of Tinnevelly under date the 26th Ultimo.

Ordered, in consequence that the Provincial Court of Circuit in the Southern Division be by precept commanded to call upon the Acting Joint Criminal Judge of Tinnevelly to submit the same with as little delay as possible.

Precept returnable in one week.

(Sent following Precept No. 726)

Read return, dated the 5th Instant, from the Provincial Courts of Circuit in the Northern Division, to precept dated 26th Ultimo, containing orders on the explanations submitted by the several Criminal authorities in their Division, with reference to the Criminal Reports for January 1833.

(Here enter No. 1046.)

Read return, dated 3d September from the Provincial Court of Circuit in the Northern Division, to precept dated 21st Ultimo, directing the course to be pursued by a Circuit

Judge, whenever the Calendar of prisoners to be tried by him may contain a case or cases committed by himself as Criminal Judge.

(Here enter No. 1047.)

Read return, dated the 9th Instant, from the Provincial Court of Circuit in the Western Division, to precept dated 31st Ultimo, explaining that Sentences of imprisonment are considered generally to imply labor.

(Here enter No. 1058.)

Read return, dated 14th Instant, from the 1st Judge on Circuit in the Southern Division, to precept dated 7th Instant, calling for an explanation of the omission, why no mention was made of the 1st, 2d, 3d, and 4th prisoners in the Sentences transmitted in Case Nos. 8 and 9 of the Tinnevelly Calendar 2nd Sessions 1833.

(Here enter No. 1059.)

Read letter, dated the 7th Instant, from the 3d Judge of the Provincial Court in the Northern Division, reporting the death of the 36th and 40th prisoners in Case No. 15 - 1st Coimbatore Calendar 1st Sessions of 1833.

(Here enter No. 1048.)

3d August 1833

Monday,
23d September, 1833.

At a Court of the Foujdaree Udalut

Present,

The Honble William Oliver Esqre Chief Judge.
Charles May Lushington Esqre 1st Puisne Judge.
Thomas Alex: Oakes Esqre acting 2d Puisne Judge.

Read Petition presented on the 9th September by Narrainsawmy Naicken of the Zillah of Madura.

(Here enter Misc: Pet: No 77 of 1833.)

This Petition appears to the Court to be just as unintelligible and inadmissible as the Petition No 46 of 1832 which was returned to the Petitioner on the 2d May 1832.

The Petitioner appears to misap-
2 matters of a Civil and Criminal nature and produces nothing which can warrant the Court of Foujdaree Udalut in going into the case.

Ordered that the same be communicated to the Petitioner.

Narraunsamy Naiken of the Zillah of Madura, moves the Court to return the enclosures in his Miscellaneous Petition No 77 of 1833.

Ordered accordingly.

Read letter, dated 30th July last, from the 1st Judge on Circuit in the Southern Division, transmitting the record of trial in Case No

No 2 Madura Calendar 2d Sessions 1832.

(Here enter No 842.)

Mr Oliver and Mr Lushington.

The Court of Foujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them concurring in opinion that the proof against the prisoners,

1st Pullacalla Cupen,
2d Carottaveren,
3d Chinna Cupen,
4th Palany, and
5th Coopaun,

is sufficient to convict them of the crime of Murder committed in the prosecution of Robbery by open violence &c, notwithstanding the futwa of their Law Officers convicting them thereof, and under the authority with which they are vested by Clause first Section II Regulation I of 1818, and Clauses 1st and 8th Section IV Regulation XV of 1803 adjudge the prisoner,

1st Pallacalla Cupen,

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

And the prisoners,

2d Carottaveren,
3d Chinna Cupen,
4th Palany, and
8th Coopaun,

to receive severally one hundred and ninety five stripes with a Cat-o-nine tails and to be

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

They further direct, that the prisoners,

8th Mayandy,
9th Mackayan alias Calooaen,
and
10th Caroopanen alias Chinna Caroopen

be set at liberty.

(Sent following letter No 734)

Read return, dated the 19th Ultimo, from the 2d Judge of the Provincial Court of Circuit in the Northern Division, to precept of the 7th of the same month furnishing him with the remarks of the Court upon the Masulipatam Calendar 2d Quarter Sessions 1833.

(Here enter No 930.)

With reference to the observations of the 2d Judge in the 3d para of the above return, the Court are not aware of any instance in which a Sentence of less than seven years' imprisonment has been passed by him under Section II Regulation VI of 1822 in cases in which there was no bodily

bodily injury. It has been invariably ruled by the Foujdaree Udalut that the provisions of Section II Regulation XV of 1803 in respect to fuitwas of Hud are modified only in the cases specifically provided for in Clauses third and fourth Section II Regulation VI of 1822.

2 These Clauses do not provide that less than 7 years imprisonment shall not be adjudged under them, and therefore the Court of Foujdaree Udalut do not consider themselves authorized to direct it, altho' there can be no doubt that such is the intention of the legislature.

3 Cases falling under Clause fifth of the Section must be dealt with in strict conformity with Clauses third and fourth Section II Regulation XV of 1803, and the Court direct that Sentence may be passed accordingly in Case № 12 of the Masulipatam Calendar 2d Quarter Sessions 1833.

Ordered, that Extract from these proceedings be sent to the 2d Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance by precept, returnable in ten days.

(Sent following Precept № 735)

Read letter, dated the 27th Ultimo, from the Provincial Court of Circuit in the Southern Division, transmitting 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 July last, together with an Extract from their proceedings thereon.-

(Here enter № 1000.)

Salem. 1 The remarks of the Provincial Court of Circuit on Case № 218 of the Salem Supplemental Report are in accordance with the opinion of the Foujdaree Udalut and they desire that the 21st para of the Provincial Court's proceedings may be communicated to the Criminal Judge.-

2. The Provincial Court of Circuit with reference to the 22d paree: of their proceedings will point out to the Criminal Judge of Salem that he was not competent to award punishment in Case № 220, of the Supplemental Report.-

3. The proceedings of the Criminal Judge of Salem in awarding a Sentence of Stripes to be inflicted on the 1st and 2d prisoners in Case № 227 of the Report № 5 is much to be regretted and in communicating paras 23 and 24 of their proceedings to Mr Bannerman. the Provincial Court of Circuit will point out to the Criminal Judge that upon such evidence a requisition of security was all that the Criminal Judge was

was warranted in demanding from the 1st and 2d prisoners.

4.

The same remark applies to the Sentence passed in Case No 289.

5.

With reference to case No 240 of the same Report the Provincial Court of Circuit will intimate to the Criminal Judge that the prisoner having been fully convicted of the crime with which he was charged it was incompetent to him to direct his unconditional release.

6.

To sentence a prisoner to a specific punishment of imprisonment when not convicted but merely "suspected" of having committed the crime with which he is charged, is improper, and the Provincial Court of Circuit will bring this to the notice of the Criminal Judge with reference to the Sentence passed on the 2d prisoner in Case No 302 which they direct may be revised accordingly.

7.

The Court of Sovidaroe Modaliar are of opinion that all the Sentences for cattle stealing in this Report are contrary to the intention of the Legislature and calculated to encourage the crime.

8.

The Court would remark that in apportioning punishment to the offence of Cattle Stealing regard should be had not solely to the value of the property stolen but to the difficulty of preserving and the facility of stealing it.

The

"Charged with having shortly the day entered the Prosecutor's Shop by opening the Latter and taken therefrom a purse containing money and unascertained to the value of 23 12 1

23d September 1833.

Combaconum.

9

The best endeavours of the Criminal Judge and the Assistant Criminal Judge of Combaconum should be directed to the disposal of the cases included in Report No 6, and stated to be under examination.

10

The Court of Sovidaroe Modaliar concur in the Remarks of the Provincial Court of Cuttack contained in the 17th para. of their proceedings; and the Judges would observe that in their proceedings of the 21st of March 1833 it was pointed out to the Criminal Judge of Combaconum that he was incompetent to hold original jurisdiction in cases of Forgery as Section VIII Regulation X of 1816 has not been modified with regard to Offences of this description.

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 several Officers whom it may concern by precept, returnable in 6 days from and after its receipt.

(Sent following Precept No 736)

Read Letter, dated the 23d Ultimo, from the Provincial Court of Circuit in the Western Division, submitting copy of a letter from the Joint Criminal Judge of Malabar detailing certain instances of misconduct

on

on the part of the Sub Guard in charge of the Convicts at Cannanore, and suggesting the expediency of some more efficient controul over the Gaol at that Station being provided for, than at present exists.

(Here enter No 976.)

1. In the 2d para of his letter the Joint Criminal Judge states that "by a Criminal prose-cution against some individuals of the Guard" "it has been proved that a systematic course of "embezzlement has been persuaded for a considerable "period by overcharging the grain purchased for the "maintenance of the prisoners", and Mr Strange con-cludes the paragraph by stating that he has reason to hope that the measures adopted by him to check such frauds in future will be successful in preventing their recurrence.

2. The Joint Criminal Judge states that the most culpable laxity of discipline has prevailed in the working and Superintendance of the Convicts, and in the 4th para of his letter Mr Strange reports that "on entering and quitting "the Gaol the persons of the prisoners were not exposed "to any search, and that the introduction of whatever "articles they had the means of obtaining was openly "acquiesced in." appended to the Joint Criminal Judge's letter is a list of effects discovered by an unexpected search of the Gaol including articles the use of which has been expressly prohibited by the

the Foujdaree Adalut in their orders circulated under date the 27th of October 1830 and the prisoners are also reported to have been in the possession "of iron instruments with which they might have "attempted their escape at any moment their "sojourn in Gaol became disagreeable."

3. The gross neglect of the Gaoler or person authorized by the Joint Criminal Judge to perform the duties of that Officer in omitting personally to visit every part of the Gaol every morning and evening at the opening and shutting up of the Gaol and to make sufficient search to prevent the concealment of any weapon or im-plement about the persons of the prisoners or in the Gaol whereby the prisoners might injure one another or be enabled to effect their escape, is in direct violation of the Rules for the manage-ment of the public Gaols furnished to the several Criminal Judges under date the 8th of October 1821 and at variance with their orders circulated under date the 8th of March 1825.

4. By the 28th para of the Gaol rules above alluded to intoxicating liquors and drugs are expressly prohibited from being admitted into the Gaol. Notwithstanding however this prohibition which the Officers of the Gaol are required to be careful to enforce, the prisoners in confinement at Cannanore are reported to be in the habit of getting nightly intoxicated with Bang

*vide Extract 24. C.C. dated 5th October 1821.

*vide para 10.

*vide para 8.

Bang, and the guards so far from objecting to the introduction of prohibited articles, are reported to have "assisted" the prisoners "in concealing such "effects when the Sail was periodically inspected "by the Judge of Sessions"

5. In the 8th para: of his letter Mr Strange states that from some Cadjans discovered on Searching the Sail it is shewn that the prisoners "had free correspondence with their friends in "their villages and others exhibit an account of the "savings of Cumblies, cloths and money distributed "to them by Government, and transmitted to their homes, "and of money dealings with the Colkars (Peons) "and between themselves"

6. These practices have been strictly prohibited by the orders of the Foujdaree Udalut, and in the 29th para of the Sail Rules it is declared that prisoners shall not be permitted to give any money or to give, sell or exchange any property whatever, to or with any person attached to the Sail or any public Officer of whatever denomination: the Circular orders of this Court of the 2d June 1831, strictly prohibit all issues of money to prisoners, and in lieu thereof direct that grain and other Articles be supplied under the orders of the Officer in charge of the Sail; and by the 8th para: of the rules above alluded to the Cumblies or other Clothes annually allowed to the prisoners

are required to be served out at stated periods and an account rendered of the old ones, care also is required to be taken that the prisoners do not sell or dispose of them in any way.

7. In the 7th para: the Joint Criminal Judge states that it has been proved that the baskets furnished from Sellicherry "have been "Systematically reduced in depth from 10¾ to 6¾ "inches, and to be even then prest up in the Centre "so as to hold the least possible quantity of earth "when put upon the prisoners heads"

8. The baskets to be used by the prisoners when employed on the roads or other public works are required by the 15th para: of the Sail Rules to be of the Size used by Sauk Diggers, and neither the Sailor nor any one under his authority is to permit the use of different baskets unless under written authority from the Criminal Judge

9. For such highly disgraceful conduct on the part of the Peons and the Sailor, or person authorized to perform the duties of that Officer, the Court of Foujdaree Udalut propose to direct their immediate dismissal; and in order that the labor of the Convicts may be employed to the greatest public advantage, the Judges would recommend with reference to the 8th para of the Joint Criminal Judge's letter, that under the provisions of Regulation I of 1833 the Commissariat Officer should be vested with the powers given

given by Regulation X of 1832, over these convicts.

10. The original transfer of prisoners from the Jail at Tellicherry to the Fort at Cannanore now took place under date the 13th of November 1817, the Civil power, at the recommendation of the Foujdaree Udalut, retaining its authority over the parties detached, the Commanding Officer having authority only to point out the work to be done by the prisoners in the Cantonment.

11. In March 1828, these Convicts were withdrawn from Cannanore in order that they might be employed on certain public works then going on at Tellicherry, but in consequence of orders received from the Secretary to Government in the Judicial Department the Court of Foujdaree Udalut under date the 15th April 1830, directed that 50 Convicts should be again transferred to Cannanore to be placed at the disposal of the Officer Commanding Canara and Malabar.

Vide Letter from the Secretary to Government in the Judicial Department dated 2d April 1830.

12. This number has at various periods been encreased but as no orders have within the knowledge of the Judges of this Court, been issued to the Military Authorities respecting the management and discipline of those Convicts, the Court of Foujdaree Udalut have considered them still under the control of the Joint Criminal Judge.

13. Should however the recommendation of the Court contained in the 9th para of these proceedings

23d September 1833. proceedings be adopted by the Right Honorable the Governor in Council, the Judges would propose that the Commissariat Officer be peremptorily enjoined to enforce the rules issued by the Foujdaree Udalut respecting the management of Jails and diet of prisoners, to whom copies will be furnished by the Foujdaree Udalut, and the Judges further beg leave to recommend that the Judge of Circuit should periodically ascertains and report to the Foujdaree Udalut, how far these rules are attended to.

14. Under Clause fifth Section VIII Regulation XV of 1803 the Court of Foujdaree Udalut propose issuing instructions for the removal from Cannanore of all the Convicts now at that Station, to be substituted by a like number of others to be selected under the Circular Orders of this Court of the 11th of March 1830, who have not had experience of the laxity of discipline noticed in Mr Strange's letter.

Ordered, that Extract from these proceedings together with copy of the letter dated the 23d Ultimo from the Provincial Court of Circuit in the Western Division and of its enclosures be forwarded to the Officiating Secretary to Government in the Judicial Department to be laid before the Right Honorable the Governor in Council.

(Sent following letter 8th 7bre) nine sails

20

T.H.

T.H.

I. C.M.

Read return dated 16th Instant from the Judges of the Provl Court of Circuit in the Centre Divn to precept of the 7th Ult. dated the 9th Instant returning the Curoopah printed Statement No 1 for Correction.

(Here enter No 1075)

J. 16.

At a Court of the Zoujdaree Adalut.

Saturday 28th September 1833.

Present,

Charles Mary Lushington Esqre 1st Puisne Judge

Thomas Alexr Oakes Esqre acting 2d Puisne Judge

Read letter dated the 1st July last from the acting 3d Judge of the Court of Circuit in the Centre Division, submitting case No 21 of the Chingleput Calendar 1st Septr 1833.

Crl
160

(Here enter No 929.)

Mr Lushington
&
Mr Oakes.

The Court of Zoujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftees of the Zoujdaree Adalut, confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid, but being of opinion that the punishment stated in Claude Second Section III Regulation XV of 1803, with the addition of 39 stripes authorized by Claude third Section II Regulation I of 1825 would in this instance be too severe, they, under Claude fifth Section IV Regulation XV of 1803, adjudge the prisoner,

Narayana

to receive One hundred stripes with the Cat o nine tails

28th Septr 1833.

tails, and under clause third Section VIII Regulation XV of 1833, do further adjudge that the prisoner be removed to the Gail in the Zilla of Chittoor there to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of 14 years, and then to be released.

Sent Ord

Sent following letter No. 742 /—

J. M

Read further return, dated 20th Instant, from the Judges of the Provincial Court of Circuit in the Centre Division to precept dated 5th Ultimo, conveying the Courts observations and ordered on the Criminal Reports for May last.—

/Here enter No. 1081.—

Read letter, dated 16th Instant, from the 2d Judge on Circuit in the Western Division, forwarding the death Warrant in Case No. 17 on the Calicut Calendar 2d Sessions 1833, and the Report of the Criminal Judge.—

/Here enter No. 1084./

Read letter, dated 14th Instant, from the Provincial Court of Circuit in the Southern Division transmitting copies of Returns received from the different authorities in their Division, in reply to the communications made to them regarding the Criminal Reports for June 1833.—

/Here enter No. 1071/

28th September 1833.

Read letter, dated 17th Instant, from the 1st Judge on Circuit in the Southern Division, reporting the close of the Sessions at Combaconum, and his departure to Negapatam.—

/Here enter No. 1072/

Read return, dated 18th Instant, from the acting 2d Judge of the Court of Circuit in the Centre Division, to precept dated 12th Instant sanctioning the Gratigation of punishment in Case No. 3 of the Chittoor 1st Supplemental Calendar 3d Quarter Sessions 1833.—

/Here enter No. 1076./

Read letter, dated 12th Instant, from the 2d Judge on Circuit in the Western Division forwarding the death warrant in Case No. 3 on the Calendar, Zillah Malabar 2d Sessions 1833, and the Report of the Criminal Judge.—

Sent Ord

/Here enter No. 1067/

Monday 30th. September 1833. Do Do

At a Court of the Foujdaree Adalut.

Present,

The Honorable William Oliver Esqre. Chief Judge
Charles May Lushington Esqre. 1st. Puisne Judge
Thomas Alexander Pakes Esqre. Acting 2d. Puisne Judge

Read petition presented on the 20th. August by Rama Sookiah of the Zilla of Cuddapah.

(Calendar No. 78 of 1833)

The Petitioner prays the Court to issue orders for the release of his Brother, who has been unjustly accused of robbery, and whose case has been referred for the decision of the Court.

Petitions respecting trials under reference to the Court of Foujdaree Adalut are altogether irregular and inadmissible.

Ordered therefore, that the prayer of this Petition be rejected, and that Extract from these Proceedings be granted to the Petitioner on his application.

Read petition presented on the 10th. Instant by Alamala Ammal of Malumadday in the Zilla of Chingleput.

(Here enter No. 79 of 1833)

The object of this petition is to

obtain an order for the release of the Petitioner's son, who has, she states, been unjustly accused of robbery, and whose case is under reference to this Court.

2 Petition not relative to cases under reference to the Company's Court are irregular and inadmissible.

3 The case in question will when received be disposed of according to the Regulations.

Ordered, that the prayer of this Petition be rejected, and that extract from these proceedings be granted to Petitioner on her application.

Read letter, dated the 24th Instant from the Acting 1st Judge on Circuit in the Centre Division, recommending a mitigation of the punishment to which the Prisoners convicted in Cr. 10 of the Cumbum Calendar 2d Sessions 1833 of Gang Robbery have rendered themselves liable.

(Here enter Cr. 905.)

The Court of Foujdaree Adawlut having maturely considered the circumstances of the case represented in the above letter, sanctions under clause third Section III Regulation I of 1825, the mitigated punishment recommended by the Acting 1st Judge on Circuit in

the Centre Division, and accordingly direct that the said Prisoner

1st Gennem Paddadoo
2d Soodoola Paddadoo
3d Pillee Chenpadoo
4th Gaulum Worbaloogadoo
5th Goreejala Poloogadoo
6th Gotteemookoola Cunkadoo
7th Gotteemookoola Kaunegandoo
8th Woppara Ramoodoo
9th Garroo Sheyshoo
10th Gotteemookoola Condadoo
11th Moortana Poloogadoo
12th Boodaly Chinnadoo
13th Goreejala Cunkadoo
14th Boodaly Cheltiangadoo
15th Colalagane Lingadoo
16th Garroo Davadoola

& 17th Coonda Condadoo

be imprisoned and kept to hard labor in irons on the public roads, or other public works, for the period of (7) seven years.

Ordered, that extract of these proceedings be sent to the Acting 1st Judge on Circuit in the Centre Division, for his information and guidance by precept, returnable without delay.

(See following precept Cr. 743)

Read

30th Septr 1833.

Read return, dated the 11th instant, made by the Provincial Court of Circuit in the Centre Division, to the precept of this Court of the 18th of January last, communicating the remarks of the Court of Longford Sessions on the Criminal Reports for the Month of November 1832.

(Here enter No. 1033)

In this return it is explained that the delay in conforming to the exigency of the precept of the Longford Sessions, had been "occasioned by the non receipt of the returns of the Magistrate of Bellary;" the returns from the other officers should not however have been detained on this account, and the Provincial Court of Circuit in the Centre Division will in future be careful to make earlier return to the precepts of this Court.

Ordered, that by direct from the proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and future guidance.

(Sent following letter No. 744)

Read letter, dated the 31st Ultimo, from the 2d Judge on Circuit in the Western Division, submitting copies of the Crown Calendars for the 2d Sessions of 1833.

(Here enter No. 1035)

Case No. 1. 1 The reasons stated in the Calendars were insufficient to warrant a

I. C.
30th Septr 1833.

postponement of the trial in case No. 1 for the examination of James Menon, but not the discharge of the prisoner from the Bar without trial.

2 The Longford Court therefore desire that orders be issued for his reapprehension and eventual commitment, should James Menon's evidence corroborate the other evidence to the charge.

Case No. 4 3 The Court of Longford therefore further of opinion, with reference to the provisions contained in Regulation I of 1818 respecting cases of homicide, that sufficient reasons did not exist for discharging from the Bar without trial the prisoner concerned in case No. 4 of the same Calendar.

Case No. 13 4 In copying the remarks of the Presiding Judge on Case No. 13, some mistake must have occurred, for at the commencement of the Column the 2d prisoner is reported to have been discharged from the Bar, "there being no ground for putting him on trial;" the 2d and 3d prisoners are however stated to have been sentenced to 7 years imprisonment with hard labour in irons.

5 According to the charge, the 3d and 4th prisoners only could have been committed of theft and liable to trial, but in the Returns the 2d and 3d prisoners are

Criminal, Joint Criminal and Native Criminal Judges in the Division for the month of July last, together with an Extract from their proceedings thereon.

(Here enter No. 997)

Chittoo

The Court perceive that a person named Caroopoo Chitty charged with being an "accessary in receiving stolen property knowing it to be such" is at large upon bail. the Judges conclude that the sanction 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 1810 - as without this information it is obvious that the Court cannot determine on the validity of the proceeding in reference to Section X Regulations IX of 1810.

Chittoo

2 The Court of Foujdaree Adawlut require further explanation in case No. 223 of the Report No. 5, as it is not clear to the Judges that the offence with which the prisoners are charged in that number is punishable at all under the Regulations, certain however it is, that the Sentence passed is not warranted by the provisions of the Code cited by the Criminal Judge. The

x Charged with having removed the Seal affixed on the Paddy kept by the Sahukidars of Patna on account of arrears of revenue, & with having taken away the said Paddy valued at 175 Rupees.

x See XVII. Regn. XXVIII. of 1802 & Cl. 1st Sec. XII. Regn V of 1822.

The Court of Foujdaree Adawlut do not concur in the propriety of the proceeding on the part of the 2d Judge in discharging from the Bar without trial the prisoner concerned in case No. 3 of the Additional Calendar.

There appears to have been sufficient evidence that the deceased met his death in a conflict with the prisoner, and the justificatory matter should have been addduced on the defence.

8 The Circular orders of the Foujdaree Adawlut dated the 20th of November 1824, which authorize the Judge on Circuit in certain cases to discharge persons brought before him for trial, will not admit of the exercise of this authority in cases such as the present, but only when there may not "be sufficient grounds for proceeding to trial."

Ordered, that extract from these proceedings be forwarded to the 2d Judge on Circuit in the Western Division for his information and guidance by precept returnable in 6 days, from and after its receipt.

(Sent following precept No. 745)

Read letter, dated the 31st Ultimo, from the Provincial Court of Circuit in the Central Division, submitting the Reports required by Section XXXV Regulation X of 1810, from the several Criminal

if it were proved that the prisoners had been guilty of an "illegal exertion of judicial Authority" in their own cause, they were punishable under the rule contained in Section XXII Regulation III of 1802.

Cuddalore 3 From the record of the charge Case № 130 of the Report № 25 would appear to be a case of Burglary, and as the value of the property stolen was beyond the × jurisdiction of the Criminal Judge in such cases, the prisoners should have been committed to take their trials before the Court of Circuit.

× vide clause 2d Section II Regn VI 1822.

Cuddalore 4 The Court of Foujdaree Adawlut are of opinion that it was not competent to the Acting Joint Criminal Judge of Cuddalore to direct the Talook authority "to make over" the 3d, 4th, 7th, 9th and 13th prisoners in case № 140, boys of 11 and 12 years of age, "to persons in the village who are willing to be responsible for their future behaviour;- the Foujdaree Adawlut having ruled that the liability of a person to punishment, is not to be measured so much by years, as by the strength of the delinquents understanding and judgment and his ability to discern between right and wrong.

5 The Acting Joint Criminal Judge of Cuddalore should be required to explain the particular circumstances of aggravation

J. 66.
30th Sept 1833.

Billary 6 which brought case № 143 within the provisions of Clause fourth Section III Regulation VI of 1832. The Provincial Court of Circuit will point out to the Acting Criminal Judge of Billary that case № 172 should have been disposed of under Section VII Regulation X of 1816, as repetition of an offence to enhance punishment must be × after conviction.

× Vide C. 4th Sec III Reg: VI of 1822.

Cumbum Native Judge 7 In case № 138 of the Native Judge's Supplemental Report, it is stated that the Head of Police has reported to the Court that the prosecutor "is not to be found in the Village" and that the witnesses "have gone over the Country for want of food" under these circumstances, should the evidence not be produced previous to the receipt of these orders the Judges desire that the prisoner who was apprehended in June last be no longer detained.

8 The note by the Native Criminal Judge of Cumbum on case № 160 of the report № 5 not being intelligible to the Judges of the Foujdaree Adawlut, the Provincial Court of Circuit will call upon the Native Judge for further explanation on the case, and desire that officer at the same time to state under what provisions of the Regulations the prisoners have been brought before the Criminal Court.

30th. Sept. 1833.

in the Southern Division, to precept dated 31st ult.
stating, explaining that Sentences of imprisonment
are considered generally to imply Labour.

(Here enter No. 1093)

Read letter, dated 18th Instant,
from the Acting 1st Judge on Circuit in the
Centre Division, reporting the commence-
-ment of the Sessions at Bellary.

(Here enter No. 1094)

Read returns, dated the 20th
Instant, from the Judges of the Provincial
Court of Circuit in the Southern Division, to
precept dated 24th April last, containing
the Courts observations on the Criminal Reports
for the months of February last.-

(Here enter No. 1098)

Read further returns, dated the 16th
Instant, from the Provincial Court of Circuit
in the Northern Division, to precept dated 15th
stating, relative to the Criminal Reports
for February 1833.

(Here enter No. 1103)

Read returns, dated the 24th
Instant, from the Acting 3d Judge on
Circuit in the Centre Division, to precept
dated 16th Instant, sanctioning the
mitigation of punishment in case No. 39
Chingleput Zillah Court Calendar 1st Sept. 1833.

(Here enter No. 1105)

4

30th. Sept. 1833.

Read letter, dated 20th Instant,
from the 1st Judge on Circuit in the Southern
Division, transmitting copy of the Combaco-
-conum Calendar, with remarks for 2d Sept. 1833.

(Here enter No. 1121)

Read return, dated the 25th Instant from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 10th Instant, calling for a return to the Courts precept of the 24th April last, on the subject of the Criminal Reports for February last.-

(Here enter No. 1122)

J. A.

J. M.

At a Court of the Foujdaree Udalut

Present.

Wednesday 2d October 1833.

The Honble William Oliver Esqre Chief Judge

Charles May Lushington Esqre 1st Puisne Judge

Thomas Alexr Oakes Esqr Acting 2d Puisne Judge.

W
Mt
T.O.

Read letter from the Chicacole Special Commission dated the 16th August last submitting the record of trial No 8.—

(Here enter No 946.—)

The Court of Foujdaree Udalut having maturely considered the proceedings of the Special Commission the future of the Provincial law Officer and the future of the Cazee ool Cozat and Mooftee of the Foujdaree Udalut confirm the said future of the Cazee ool Cozat and Mooftee aforesaid and under the sentence of Ookoobut therein declared and under the provisions of Clause third Section VII Regulation XV of 1803 sentence the Prisoners

1st Jaoola Dora

and

2d Dasara Dora

to be transported beyond the seas to such place as the Right Honorable the Governor in Council may 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.—

The

The Court direct that their Sentence in trial No 8. from the Chicacole Special Commission together with the whole of the proceedings held in the case be transmitted to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council to the intent that the Court may in conformity with the provisions of the 5th Vict V Regulation XX of 1802 receive the orders of Government before they direct their Sentence to be carried into execution.

(Sent following letter No 762)

Read letter dated the 14th Ultimo from the Provincial Court of Circuit in the Southern Division transmitting Copies of the Returns received from the several authorities in the Southern Division relative to the Criminal Reports for the months of May last.

(Here enter No 1069)

Under the explanation given by the Head Assistant Magistrate in his letter to the address of the Magistrate of Tanjore dated the 18th of July last the Court of Foujdaree Udalut desire that orders may be issued directing the return to the prisoner in Case No 117, of the fine improperly levied by the Head of Police.

Ordered that Extract from these Proceedings be forwarded to the Provincial Court of

Circuit in the Southern Division to be by them communicated to the Magistrate of Tanjore for his information and guidance.

(Sent following letter No 760)

Read letter dated the 12th Ultimo from the Provincial Court of Circuit in the Southern Division submitting the explanations received from the several authorities in the Southern Division relative to the Criminal Reports for the month of March last.

(Here enter No 1051)

With reference to the explanation given by the Head Assistant Magistrate of Trichinopoly of the delay in forwarding Case No 57 to the Criminal Court, the Judges of the Foujdaree Udalut desire that the Provincial Court of Circuit will point out to the Magistrate of Trichinopoly that there should always be a duly authorized Police Officer at the principal Salook Station and that such is the intention of Section III Regulation IV of 1821.

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division to be communicated to the Magistrate of Trichinopoly for his information and future guidance.

(Sent following letter No 764)

Read further Return dated the 20th Ultimo made by the Provincial Court of Circuit

in

2d October 1833.

in the Southern Division to the precept of this Court of the 31st of May last, containing the observations of the Tongalane Udalut on the Criminal Reports for the month of March last.

(Here enter No 1099.)

Under the explanations given by the Acting Joint Criminal Judge of Tinnevelly, the Court of Tongalane Udalut are of opinion that the prisoner concerned in Case No 25 of the Report No 5 should not be put upon his trial for Perjury, and they desire therefore that the penalty Bonds entered into by the Sureties for the appearance of "Conpoovien" when required, may be cancelled.

2. The prisoner appears to the Judges of the Tongalane Udalut to have been improperly put upon his oath by the Magistrate of Tinnevelly.

3. With reference to the Returns made by the Assistant Criminal Judge of Salem the Provincial Court of Circuit will point out to Mr Richards that by the Circular Orders of this Court of the 25th of August 1828. it is meant that if the door is shut, it is a breaking under the Regulations. Entry therefore by "opening a door" is house breaking; and the property stolen in Case No 10 having been beyond the jurisdiction of the Criminal Court in such cases, the Assistant Criminal Judge erred in finally disposing of the prisoners.

Rs.

31st Augt 1833.

No 16.

2d October 1833.

4. As remarked by the Assistant Criminal Judge the word Burglary was erroneously entered, not however in consequence of the entrance having been effected "by opening the door" but because crimes should be designated as in the Regulations.

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division to be communicated to the Joint Criminal Judge of Madura and the Assistant Criminal Judge of Salem for their information and guidance respectively.

(Sent following letter No 765)

Read Return dated the 20th Ultimo made by the Provincial Court of Circuit in the Centre Division to the precept of this Court of the 1st of May last conveying the remarks of the Tongalane Udalut on the Criminal Reports for the month of February last.

(Here enter No 1079.)

The explanation afforded by the Acting Criminal Judge of Bellary in reference to the remarks contained in the 15th para of the proceedings of the Tongalane Udalut under date the 1st of May last is considered by the Judges of this Court satisfactory and they desire that the same be communicated to Mr Angelo this

the

the Provincial Court of Circuit in the Centre Division.

Ordered accordingly 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. 766)

Read letter dated the 6th Ultimo from the Provincial Court of Circuit in the Southern Division transmitting copies of the returns received from the several authorities in the Southern Division relative to the Criminal Reports for the month of February last.

(Here enter No. 1029)

With reference to the explanation given by the Magistrate of Salem in regard to Cases Nos. 86 and 87 the Provincial Court of Circuit will point out to Mr. Cox that the Regulations do not contemplate a Magistrate forwarding to a Police Officer persons charged with crimes brought before him for investigation.

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division to be by them communicated to the Magistrate of Salem for his information and future guidance.

(Sent following letter No. 767)

Read

31st August 1833.

2nd October 1833.

1st Vially
2nd Aromachellum
3rd Maudien &
4th Auny Chengaren

Read letter dated the 19th Ultimo from the Criminal Judge in the Zillah of Madura, requesting instructions with regard to the disposal of the four prisoners named in the margin convicted in Cases Nos. 8 and 9 of the Tinnevelly Calendar for the 2nd Sessions of 1833 and Sentenced to be imprisoned and kept to hard labor in irons for the term of 14 Years, in banishment.

(Here enter No. 1085)

The Court of Foujdaree Adalut direct that the Prisoners

1st Vially
2nd Aromachellum
3rd Maudien and
4th Auny Chengarew.

be removed to the Jail in the Zillah of Chittoor there to be imprisoned agreeably to the terms of their Sentence.

Ordered that Extract from these proceedings be transmitted to the Criminal Judge in the Zillah of Madura and the Criminal Judge in the Zillah of Chittoor for their information and guidance respectively.

(Sent following letter Nos. 768 & 769)

Read letter dated the 28th Ultimo from the Provincial Court of Circuit in the Centre Division transmitting for the information

2d October 1833.

of the Judges of the Court of Foujdaree Udalut the accompanying Copies of the Returns made by the Magistrates of Chittoor Cuddapah Bellary and Chingleput-

(Here enter No 1131-)

Read letter dated the 28th Ultimo from the Provincial Court of Circuit in the Centre Division, transmitting for the information of the Judges of the Court of Foujdaree Udalut the accompanying copies of the Return made by the Magistrates of Chittoor, Cuddapah, Bellary Chingleput and South Arcot, the Criminal Judge of Chingleput and the Native Criminal Judge at Conjeveram as also copy of a letter from the Acting Criminal Judge of Bellary.

(Here enter No 1132-)

Read letter dated the 28th Ultimo from the Provincial Court of Circuit in the Centre Division, transmitting for the information of the Judges of the Court of Foujdaree Udalut the accompanying copies of the Returns made by the Magistrates of Cuddapah and Bellary-

(Here enter No 1133-)

Read letter dated the 28th Ultimo from the Provincial Court of Circuit in the Centre Division transmitting for the information of the Judges of the Court of Foujdaree Udalut the accompanying copies of the Returns

2d October 1833.

31st August 1833.

No 16

made by the Magistrates of Chittoor, Cuddapah, Bellary and South Arcot relative to the Criminal Reports for the month of May last-

(Here enter No 1134-)

Read letter dated the 28th Ultimo from the Provincial Court of Circuit in the Centre Division transmitting for the information of the Judges of the Court of Foujdaree Udalut the accompanying copies of the Returns made by the Magistrates of Chittoor, Cuddapah, Bellary, Chingleput and South Arcot,- relative to the Criminal Reports for the month of January last-

(Here enter No 1138-)

Read letter dated the 27th Ultimo from the Judges of the Provincial Court of Circuit in the Southern Division. Further Return to precept of the 29th July last conveying the Courts orders on the Criminal Reports for May last-

(Here enter No 1143-)

Read Return dated the 28th Ultimo from the Provincial Court of Circuit in the Western Division to precept dated 18th Ultimo conveying the Courts remarks and orders on the Criminal Reports for July last-

(Here enter No 1145-)

Read Return dated the 31st Ultimo from the Acting 1st Judge on Circuit in the Centre

2nd October 1833.

2nd October 1833.

Division to precept dated 9th Instant conveying the observations of the Toujdaree Udalut on the Cuddapah Calendar 2d Sessions 1833.

(Here enter No 1115.)

Read letter dated the 26th Ultimo from the 1st Judge on Circuit in the Southern Division transmitting copy of the Combaconum Calendar 2nd Sessions 1833

(Here enter No 1121.)

31st Augt 1833.

J. Ub.

At a Court of the Toujdaree Udalut.

Present,

Friday 4th October 1833. Charles Mary Lushington Esqre 1st Judge

Thomas Alexr Oakes Esqre acting 2d Judge

Read letter dated the 22d July last from the 1st Judge on Circuit in the Southern Division, submitting a reference as to the degree of punishment in case No 3 Madura Calendar 2d Sessions 1833.

(Here enter No 802.)

Read also return, dated 9th Inst. from the 1st Judge on Circuit in the Southern Division to precept dated 26th July last, calling for the trials in the abovementioned case.

(Here enter No 1037.)

Read letter dated the 9th Instant from the 1st Judge on Circuit in the Southern Division, submitting the trials in the abovementioned case.

(Here enter No 1036.)

The Court of Toujdaree Udalut 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 Shroffeah of the Toujdaree Udalut, confirm the said futwa of the Cazee and Coozat

October 1833.

4th Octr 1823

Cooyat and Knoxfield aforesaid, and acquitting the prisoner,

Morton Hamem

direct that he be set at liberty.

(Sent following Letter No. 772)

Read Extract from the Minutes of Consultation of Government in the Judicial Department No. 750 dated the 17th September 1833.

(Received No. 1006)

1 The foregoing Extract from the Minutes of Consultation of Government contains the observations and orders of the Right Honorable the Governor in Council on a review of the Circuit Report from the 3d Judge Calicut Circuit in the Western Division for the 4th September 1833, and of the Court's proceedings thereon dated the 12th August last.

Para 5 2 The Court desire that the observations of Government contained in the 5th para of the Minutes of Consultation may be communicated by the 3d Judge to Mr. Maclean, the late Criminal Judge of Malabar, by whom the case referred to, was investigated and committed for trial.

3 With reference to the concluding part of the same para, the Court beg to observe that, as it was properly stated by the 3d Judge that in his opinion the acts imputed to the Assistant Rec

4th Octr 1823

Sheristadar of the Court were not susceptible of proof, they did not consider it necessary to direct that any further investigation should take place and in consequence restricted their proceedings in the case to an order for the immediate restoration of the injured party to the office he previously held in the Zilla Court.

4 The 3d Judge will be pleased to communicate the observations of Government contained in the 7th para of the Minutes of Consultation to the Magistrates in the Eastern Division, with the view more especially of preventing the premature transmission of persons accused to the Criminal Courts.

5 The Court have repeatedly directed that Heads of Police should be informed that when good and sufficient reason can be adduced, no blame will attach to them for delay in the transmission of cases within the period prescribed by the Regulations.

8 Circular orders have been issued to the several divisions prohibiting the practice adverted to in the 25th para of the 3d Judge's report, and in the 9th & 10th paras of the Court's proceedings thereon.

10 7 The Court beg to state that the necessary information has been called for from the several subordinate Courts to enable them to prepare a General

October 1833.

4th Octr 1833

Registers of all the Natives employed under this Presidency in Judicial offices and of the principal Officers of all the Courts.

8 The Extract from the Minutes of Consultation of Government under the Consideration of the Court, does not appear to call for any further remarks or observations from them.

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

Fulgt No 152

(Sent in No 773)

Ordered likewise, that Extract from these proceedings, together with Extract from the Minutes of Consultation of Government to which they have reference, be sent to the 3d Judge Cuttack on Circuit in the Western Division for his information and guidance.

(Sent following Letter No 774)

Read Letter, dated the 29th June from the 3d Judge Cuttack on Circuit in the Western Division, submitting the Report required by Section XXXVIII Regulation VIII of 1802, for the 1st Sessions of 1833.

(Here enter No 689)

25 9 In this para the 3d Judge examines
12th Augt 1833. -ments on certain practices prevalent in some of the Criminal Courts which appear to him

J. C.
4th October 1833

liable to objection. He states that "in one Court "in the summoning of witnesses for the defence, "in cases committed for trial before the "Circuit Courts, if a Prisoner on being committed, "should name only one witness, that witness "is not summoned and even his name "is sometimes not recorded, it being considered "that two witnesses are indispensable."

10 The Court have to observe that nothing can be more improper or unjust, than to deprive a prisoner of the benefit of any testimony that can be adduced on his behalf, and they desire that wherever the practice above described may have prevailed, instant orders may be issued for its abolition.

In fear the irregularity repre-
11 -sented by Mr Anderson may prevail more generally than is anticipated, the Court resolve to circulate the foregoing observations to the 4 Provincial Courts of Circuit, with instructions to communicate the same to the several Subordinate Courts in their respective Divisions.

Ordered, that Extract from these Proceedings be sent to the 4 Provincial Courts of Circuit by precepts returnable in ten days.

(Sent following precepts No 775)

J. C.

L.H.

At a Court of the Foujdaree Udalut.

Present.

Monday
7th October 1833.

The Honorable William Oliver Esqr. Chief Judge.
Charles May Lushington Esqr. 1st Puisne Judge.
Thomas Alex: Oakes Esqr. Acting 2d Puisne Judge.

20

Read letter, dated the 21st Ulto.
from the Acting 1st Judge on Circuit in the Centre
Division, transmitting the Cumbum Calendar 2d
Sessions 1833.

L.L.O.

(Here enter Nos 1101.)

No 1.

1. The Court point out to the Acting 1st Judge that the petition of the Law Officer in this case contains exceptions, other than those contemplated by Clauses third and fourth Section II Regulation XV of 1803, and Clause first Section II Regulation VI of 1829, and which cannot in consequence be overruled by a second question in the manner that has been adopted by him. The question must be amended and should the Law Officer after admitting the evidence of the 3d witness, not consider the evidence sufficient for conviction, the case must, as the Acting 1st Judge differs in opinion with him, be referred to the Foujdaree Udalut.

No 2.

2. In this case likewise the objections of the Law Officer were not confined to personal exception of the witnesses, and the form in which the question was put must be rectified.

The

3. The general manner in which the Second questions are worded throughout this Calendar are not only irregular, but highly improper, as tending to set at naught the opinion of the Law Officer, and to throw discredit on the administration of criminal Justice

4. Referring to the note appended to the Sentence, it appears to the Court that the exact nature of the injury said to have been sustained by the Prosecutrix wife, might easily have been ascertained by causing the witness to be examined by females.

No 4. 5. In this case also the Second question is irregular and must be cancelled; and should the Law Officer after the objections to certain of the witnesses have been removed, not consider the evidence sufficient for the conviction of the Prisoners, the case must be referred to the Sooddaree Udalut.

No 5. 6. In this case the Acting 1st Judge should under the provisions of Clause third Section II Regulation XV of 1803 have required the Law Officer to declare to what specific punishment the Prisoners would have been liable if he had been convicted by full legal evidence.

No 6. 7. The observations of the Court in the first para of these proceedings are equally applicable to this case, and the course therein indicated must be observed in regard to it.

No 9. 8. From the observations of the Acting 1st

1st Judge it appears to the Court that the Nazir was not to blame for the course adopted in regard to the 1st prisoner in this case. The Court however desire that the Criminal Judge may be required to report why the Zillah Surgeon allowed a prisoner suffering under an infectious disorder to quit the hospital.

Ordered that Extract from these proceedings be sent to the Acting 1st Judge on Circuit in the Centre Division for his information and guidance by precept, returnable in ten days.

(Sent following Precept No 7758.)

Read letter, dated the 26th Ultimo from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, transmitting the eighth Supplemental Calendar, Chittoor 3d Quarter Sessions 1833.

(Here enter No 1108.)

No 1. 1. As no objections were made to the testimony to the evidence of the 1st, 5th, 7th, and 8th witnesses, the form in which the second question in this case was put, is irregular, and must be cancelled and as the Law Officer objects to the conviction of the Prisoners on the ground of the insufficiency of the evidence generally the case must, as the 2d Judge differs in opinion with him, be referred for the decision of the Sooddaree Udalut.

2. The Acting 2d Judge will in consequence

7th October 1833.

consequence be pleased to transmit to the Court the proceedings of the trial in question in English and Persian and will pending their orders, direct the suspension of his sentence in the case.

No 2. 3. The Court presume that the alleged burning was not proved in this case, but the fact should have been stated, in conformity with the Court's orders

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept returnable in fifteen days.

(Sent following Precept No 772)

Read return dated the 28th Ultimo made by the Provincial Court of Circuit in the South Division, to the precept of this Court of the 16th Ultimo, calling upon the Provincial Court of Circuit to make return to the Precept of the Foujdaree Udalut of the 31st of May last, which contained the remarks and orders of this Court on the Criminal Reports for the month of March last.

(Here enter No 1123)

1. In the above return the Provincial Court of Circuit certify "that the return called for was sent to the Court of Foujdaree Udalut on the 20th Ultimo; the communication made by the Provincial Court of Circuit under that date was but of

7th October 1833.

the nature of a Supplemental Return, and the original precept of the Foujdaree Udalut not having been transmitted to the Foujdaree Udalut.

Ordered, that the Provincial Court

2. of Circuit in the Southern Division be required to transmit the same with the endorsement required by the 3d para of the Circular orders of the Foujdaree Udalut dated the 4th of September 1820.

Ordered accordingly, that Extract from these proceedings be transmitted to the Provincial Court of Circuit in the Southern Division for their information and guidance.

(Sent following letter No 780)

Mr Sudlington and Mr Baker.

Read again letter, dated the 28th July last, from the 3d Judge late on Circuit in the Southern Division, forwarding the record of trial in Case No 5 of the Salem Calendar of Sessions 1833.

(Here enter No 821)

The Court of Foujdaree Udalut 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-Cozaat and Mooftee of the Foujdaree Udalut, concurring in opinion that the prisoner

"Kuspa Hounden"

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

and accordingly under the provisions of Clause Sixth Section II Regulation XV of 1803, they direct that the prisoner

"Kurpa Kounden"

aforesaid be dis-ab-ab liberty.—

(Sent Gallowing letter № 781)

Read letter, dated the 2d Instant, from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, transmitting Copy of Chittoor Sixth Supplemental Calendar for 3d Quarter Sessions 1833.

(Here enter № 1166.)

Read letter, dated the 1st Instant, from the 3d Judge of the Provincial Court of Circuit in the Western Division, submitting copy of the additional Calendar of the Joint Criminal Judge of Malabar for the 3d Quarterly Sessions 1833.

(Here enter № 1176.)

J. C. M.

Read return, dated the 2d Instant from the Provincial Court of Circuit in the Southern Division to precept dated 23d Ultimo, conveying their observations on the Criminal Reports for July last.

(Here enter № 1159.)

Read letter, dated the 28th Ultimo, from the Provincial Court of Circuit in the Centre Division, transmitting for the information of the Judges of the Court of Foujdaree Adalut the accompanying copies of the returns made by the Criminal Judge and Magistrate of Bellary, and the Magistrates of Chittoor, Cuddapah, Chingleput and South Arcot and shewing cause for the delay in transmitting these papers.

(Here enter № 1130.)

Read letter, dated the 28th Ultimo, from the Provincial Court of Circuit in the Centre Division, transmitting for the information of the Judges of the Court of Foujdaree Adalut, the accompanying translation of a communication from the Native Criminal Judge at Cumbum, reporting the reapprehension of one of the two Prisoners who effected their escape on the 29th August last.

(Here enter № 1137.)

Read return, dated the 20th Ultimo, from the 3d Judge late on Circuit in the Western Division, to precept dated 18th September last, requiring him to conform to the orders communicated in the Court's proceedings of the 12th August last, directing him to seal his order to the Criminal Judge at Mangalore to exempt certain prisoners in the Jail at that Station from labor in consequence of "hard labor" not having formed part of their Sentence.

(Here enter № 1146.)

Read letter, dated the 26th Ultimo, from the Additional Judge on Circuit in the Northern

Northern Division, reporting his intentions to proceed to Chicacole.

(Here enter No 1157.)

Read letter, dated the 30th Ultimo, from the 2d Judge on Circuit in the Western Division, reporting the opening of the 2d Sessions for 1833 at Mangalore.

(Here enter No 1169.)

Read letter dated the 28th Ultimo from the Provincial Court of Circuit in the Centre Division transmitting for the information of the Judges of the Court of Zoujdaree Adaulut, the accompanying copies of the returns made by the Magistrates of Cuddapah and Bellary.

(Here enter No 1136.)

J. No.

At a Court of the Zoujdaree Adaulut.

Present,

Friday 11th October 1833.

Charles May Lushington Esqre 1st Puisne Judge.
Thomas Oldham Parker Esqre Acting 2d Puisne Judge.

Read letter, dated 10th August last from the 2d Judge on Circuit in the Western Division, transmitting Case No 14 Calendar 2d Sessions 1833.

L. & O.

(Here enter No 895.)

The Court of Zoujdaree Adaulut having maturely considered the proceedings held before the Judge of Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftees of the Zoujdaree Adaulut, confirm so much of the Sentence of the Cazee ool Cozat and Mooftees aforesaid as acquits the prisoner

6th Jean Calatoril Charappa.

and acquit him accordingly; but considering that strong suspicion, though not amounting to conviction attaches to him, they, under clause Sixth Section II Regulation XV of 1803, direct that he be required to find two sureties in one hundred rupees each for his good behaviour and appearance when required within 3 years, or that in default thereof, he be detained for

11th Octr 1833

for that period in confinement.

But on a deliberate consideration of the circumstances of the cases in evidence before them, the Court of Fojdaree Adalut being of opinion that the proof against the prisoners

1st Chettian Parapoor Chatappen

2d Manakat Govinen.

3d Tegan Tumbayate Ramony

4th Tumbayel Shangarachy Nair

and

5th Chaliam Cooty Appoo

is sufficient to convict them of the crime of Gang robbery attended with murder &c. under the authority vested in them by Clause first Section II Regulation I of 1818 convict them thereof, and under clauses first and fifth Section IV Regulation XV of 1803, sentence the prisoners

1st Chettian Parapoor Chatappen

and

2d Manakat Govinen

to be imprisoned and kept to hard labor in irons on the public roads or on other public works, for, and during the Space of Seven years, and then to be released.

And the prisoners

3d Tegan Tumbayate Ramony

4th Tumbayel Shangarachy Nair

and

5th Chaliam Cooty Appoo

11th Octr 1833.

to be transported to such place or places beyond the Sea, as the Right Honorable the Governor in Council may appoint, there to be imprisoned and kept to hard labor in irons on the public roads, or on other public works, for, and during the period of their natural lives.

(Sent following letter No. 789)

Read letter, dated the 7th Instant, from the Acting 3d Judge on Circuit in the Centre Division, forwarding copy of the Calendar of the Auxiliary Court at Chinglepat, 1st Session 1833.

(Here enter No. 1020.)

Read Supplemental return dated 30th Sept. last, to the Court's precept of the 9th Ult. returning the printed Statement No. 1 to the Mayte of Cuddapa for correction.

(Here enter No. 1162)

F. 66.

At a Court of the Soujdaree Adaulut.

Present,

Monday,
14th October, 1833.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Baker Esqre acting 2d Puisne Judge.

Read again letter, dated the 11th July
last, from the Special Commission at Chicacole
submitting the record of trial in case No. 6 —

(Here enter No. 757)

The Court of Soujdaree Adaulut on
a deliberate consideration of the circumstances
of the case in evidence before them being of
opinion, that the proof against the prisoners,
5th Soondampoo Narsingoo,
21st Broonda Dora,
and
22d Ramapantroodoo,
is sufficient to convict them of the crime of
rebellion against the State they do, under
the authority vested in them by clause first
Section II Regulation I of 1818 convict
them of the same, and under clause second
of the same Section and Regulation require
their Law Officers to declare by a second
futwa to what sentence the Prisoners
aforesaid would have been liable under
the Mahomedan Law, if they had been con-
victed of the said crime by full legal evidence.

Ordered

Ordered that Extract from the proceedings be translated and delivered to the Cazee vol Corgat and Mooftees of the Toujdaree Coalut.—

Read Letter dated the 17th August last, from the 2d Judge on Circuit in the Western Division, Submitting Case No 5 in the Calicut Calendar 2d Sessions 1833.

(Recentee No 945)

The Court of Toujdaree Coalut on a deliberate Consideration of the circumstances of the case in evidence before them concurring in opinion, that the proof against the prisoners,

1st Oday Mohiadeen Cotty,

and

2d Oday Veloo Ahmod

is sufficient to convict them of the crime of culpable homicide &c, under the provisions of Clause Second Section III Regulation I of 1818, require their Law Officers to declare by a second futwa to what Sentence the prisoners would have been liable under the Mohumedan Law, if they had been convicted of the said crime by full legal evidence

Ordered, that Extract from the proceedings be translated and delivered to the Cazee vol Corgat and Mooftees of the Toujdaree Coalut.—

The

14th Octr. 1833.

The Court of Toujdaree Coalut having in several recent instances of escape, had occasion to observe the injurious effects of a Sentence awarding labour without irons and being of opinion that no case can exist in which such a Sentence can be justifiable or necessary, resolve to issue instructions abolishing the practice and directing that for the future all Prisoners Sentenced to a term of imprisonment and labor shall be secured with irons in the usual manner.

Ordered, that Extract from the proceedings be sent to the 4 Provincial Courts of Circuit by precept, enjoining them to communicate the same for the information and guidance of the several subordinate Courts in their respective divisions.

(Sent following Circular precept No 795)

Read Letter dated the 13th Instno from the Magistrate of Malabar, transmitting Copies of Communications from the 2d Judge on Circuit in the Western Division and of his replies thereto, relative to a certain Murder, and Soliciting Sanction for the offer of a reward for the apprehension of the persons concerned therein.—

(Recentee No 1070)

Read

Read also letter, dated the 16th Ultimo from the Magistrate of Malabar forwarding further correspondence connected with the same case.

(Here enter No. 1087)

Read likewise letter, dated the 25th Ultimo, from the 2d Judge on Circuit in the Western Division, submitting remarks on the foregoing letters.

(Here enter No. 1155)

1 In the present stage of the proceedings, the Court do not consider it necessary or expedient to enter into the merits of the case, which forms the subject of the foregoing letters. There can be no question however as to the propriety of offering a handsome reward for information relative to the murder, and the Court in consequence, under the authority vested in them by Section XXI Regulation IX of 1810, sanction the offer of 500 Rupees for the discovery and apprehension of the leader, and 100 Rupees for each of the inferior offenders, concerned in the murder of a Man named Kellapen in the Coimbatore Talook.

2 In the 20th paragraph of his letter dated the 23th Ultimo the 2d Judge submits "whether the temporary superception of the present Magistrate" "is not operative for a due inquiry &c." The Court see no cause whatever for resorting to such an extraordinary proceeding; and they are satisfied that

2/ F.R.
14th October 1833.

that no exertion will be wanting on the part of the Magistrate to discover the real offenders in this Case, and to bring the inquiry to a satisfactory conclusion.

3 The Court observe with regret that the 2d Judge's communications to the Magistrate are marked by a Spirit of acrimony which is highly unbecoming and reprehensible in official correspondence.

Ordered, that Extract from these Proceedings be sent to the 2d Judge on Circuit in the Western Division, for his information and future guidance.

(Sent following Letter No. 796)

Ordered also, that Extract from these proceedings be sent to the Magistrate of Malabar, for his information and guidance.

(Sent following Letter No. 797)

Read Letter, dated the 16th Ultimo from the Provincial Court of Circuit in the Northern Division, transmitting copy of a letter with translations of depositions from the Acting Joint Criminal Judge of Guntoor relative to the escape of 2 prisoners.

(Here enter No. 1127)

Read Letter, dated 5th Instant from the Provincial Court of Circuit in the Central Division, transmitting copies of the returns made by the Criminal Judge and Magistrate of

14th Octr 1833.

of Chittoor, the Magistrates of Bellary and South Arcot, and the Acting Joint Criminal Judge at Cuddalore respecting the Criminal Reports for June last.

(Execution No. 1178)

Read Supplemental return dated 5th Instant, from the Judges of the Provincial Court of Circuit in the Centre Division to precept dated 29th August last, conveying their observations and orders on the Criminal Reports for June last - containing Mr. Thornton's explanation of the arrears in the Criminal Department of his Court.

(Execution No. 1179)

Read letter, dated the 7th Instant, from the 1st Judge on Circuit in the Southern Division, with the returned warrant for the execution of the Prisoner in case No. 2. Madura Calendar 2d Sessions 1833.

(Execution No. 1197)

Read letter, dated the 7th Instant, from the 1st Judge on Circuit in the Southern Division, reporting the Commencement of the 2d Sessions of 1833 at Salem.

(Execution No. 1198).

J. H.

L. J. C.

Ed. Mc

31st Augt 1833.

released.

Salem

2 With reference to the 2d para of the proceedings of the Provincial Court of Circuit wherein they observe "that the Section" (XI of Regulation XIII of 1832) "under which the Prisoner" in case No. 155 of the Supplemental Report "sentenced, does not specify labour and irons," the Judges of the Court of Foujdaree Adaulut would remark, that though in neither this provision, nor in Section VII Regulation X of 1816 "labor and irons" are specified, yet the Court of Foujdaree Adaulut have ruled so far back as the 3d of June 1819 that a sentence of imprisonment "must be wholly nugatory, unless accompanied "with hard labor and irons during the term of "imprisonment," and that a sentence of imprisonment without labour" must when considered "with reference to its general operation inevitably "tend rather to the encouragement than the "suppression of offences."

3 The Court at the same time observed that cases might occur, in which, considering the rank or circumstances of the person convicted, imprisonment may be held to be a sufficient punishment.

4 The Court of Foujdaree Adaulut having reason to believe that in other Divisions also Sentences of imprisonment are not considered generally

generally to imply labor; they resolve to circu-
*para 2d 3d & 4th. = late the above to the 4 Provincial Courts of
Circuit to be by them communicated to the
several Criminal, Joint Criminal and Native
Criminal Judges in their respective Divisions
for their information and future guidance.

5 Kept for following letter (No 661)
The Judges of the Court of Tongpaw
Resident do not agree with the Provincial Court
of Circuit in considering that the Security
demanded in case No 165 was improperly
required.

6 The Criminal Judge would not have
been justified in discharging the case though
the Prosecutor did "refuse to prosecute," for
in such cases no compromise can be allowed.

7 The Court doubt not that the Criminal
Judge of Salem would have directed the
Government Vakeel to conduct the prosecution,
had not all the witnesses been servants of the
Prosecutor.

8 The Judges concur in opinion with
the Provincial Court, that the Sentence
passed by the Criminal Court in the numerous
cases of cattle stealing "are not calculated
to deter persons from the Commission" of a
crime which has always been prevalent
in Salem.

9 The Provincial Court of Circuit

will intimate to the Criminal Judge that 6
cases Nos 127, 148, 149, 153, and 156 should all
have been disposed of, under clause fourth
Section III Regulation VII of 1822.

10 As remarked in the 33d para
of the Proceedings of the Provincial Court of
Circuit, Clause first Section VIII Regula-
tion XIII of 1832 applies only to persons con-
victed of poisoning or maliciously killing,
maiming or wounding cattle.

11 The Judges decline, with reference
to case No 208, that the explanation called
for in the 25th and 26th paras of the proceedings
of the Provincial Court of Circuit may be
forwarded to this Court when received.

Ordered, that extract from the
proceedings be forwarded to the Provincial
Court of Circuit in the Southern Division
to be communicated by them to the several
officers whom it may concern by precept
returnable in 6 days from and after its
receipt.—

(Sent following precept No 662)

Read letter, dated the 17th June
last, from the Acting 3d Judge in Circuit in
the Centre Division, submitting case No 1
Chingleput Calendar 1st Session 1833.

(Recorded No 804)

The

Mr Sudlington
&
Mr Oakes.

The Court of Foujdaree Adaulut 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 Adaulut, confirms such part of the said futwa of the Cazee ool Coozat and Mooftees aforesaid, as considers the 1st 2d and 6th prisoners, and under the sentence of Boborbut declared in the futwa, acquits them.

1st Rungun

2d Aroma chellum and

3d Vanie badeyan

to be transported to such place or places beyond sea, as the Governor General of India 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.

But concurring in opinion that the proof against the prisoner

3d Sadasevem

is sufficient to convict him of the crime of Gang Robbery, do, under clause first Section II Regulation I of 1818 convict him thereof, and sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of seven years, and on his release from Jail to become one

one hundred and eighty stripes with a cat of nine tails.-

Having passed sentence on the above prisoners, the Court of Foujdaree Adaulut consider it proper to record the following observations in regard to the question raised by the Acting 3d Judge in the 12th para of his letter, viz: "by what standard of years "the term adult used in clause second Section "III Regulation XV of 1803, and under which "provision every person is considered a proper "object of punishment, is to be determined; "and also whether it may be ascertained by "the aptitude of the delinquent to understanding "and judgment, and sentences of a mitigated "nature may be enforced on convictions without "reference."

2 The liability of a person to punishment for the commission of any crime is not to be measured so much by age, as by the strength of the delinquents understanding and judgment, and the part which the 3d prisoner took in the Robbery manifested a discretion to discern "between right and wrong."

3 With reference to the latter part of the question, the Court will observe that no sentences

31st Augt 1833.

"Sentenced of a mitigated nature" in cases not reputible to the Foujdaree Adalut, where the stated punishment may be considered too severe, can be enforced by the Court of Circuit without the previous sanction of the Foujdaree Adalut.

Ordered, that extract from these proceedings be forwarded to the Acting 3d Judge on Circuit in the Centre Division for his information and future guidance.

(Sent following Letter No. 663)

Read letter, dated the 17th June last from the Acting 3d Judge on Circuit in the Centre Division, submitting Case No. 11 Chingleput Calendar 1st Sessions 1833.

(Reverse No. 830)

The Court of Foujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the proof against the prisoners

1st Narrainen
2d Lawny Naik
3d Veera Lawny
4th Rungun
and
5th Vencatachellum

is sufficient to convict them of the crime of Gang robbery attended with aggravated

to Lushington
to Baker.

F. H.
31st August 1833.

circumstances, do under Clause first Section II Regulation I of 1818 convict them thereof, and under Clause second and fifth Section IV Regulation XV of 1803, sentence the prisoners

1st Narrainen
2d Lawny Naik
3d Veera Lawny
4th Rungun
and
5th Vencatachellum

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

The said Court confirm such part of the sentence of the Cazee and Coogat and Panchayet of the Foujdaree Adalut as acquits the prisoner

6th Chengalroyen

but considering that strong suspicion though not amounting to conviction attaches to him, they direct that under Clause fifth Section II Regulation XV of 1803, he be required to find security himself in 100 Rupees and two sureties in 50 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. 664)

Rea

31st Augt 1833.

Read letter, dated the 31st Instt from the 2d Judge on Circuit in the Western Division submitting case No 3 Circuit Calendar 2d Septr 1833.

(Here enter No 849)

Mr Luckington and Mr Oakes.

The Court of Sessions Quarter 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 Sessions Quarter, confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid, convicting the prisoner Roomayatoo Parangodew of the crime of Murder and awarding Kissas, and accordingly adjudge 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 665)

Read return, dated the 20th Instant from the 1st Judge on Circuit in the Southern Division, to precept dated 23d Instant, directing Mr Farrow to try the Prisoner concerned in Case No 5 of the Salem Calendar for the 1st Sessions of 1833, the prisoner having been improperly put upon his trial by the Acting 3d Judge late on Circuit.

(Here enter No 908)

31st August 1833.

Read return, dated the 27th Instant from the Provincial Court of Circuit in the Centre Division, to precept dated 23d Instant, requiring them to submit the Reports of the several Magistrates in their Division stating what measures appear to them best calculated to effect the due performance of the duty assigned to Heads of Villages by Section XIII Regulation XI of 1816, as amended by this Court's proceedings of the 30th January last.

(Here enter No 970)

Read returns dated the 27th Instant from the Provincial Courts of Circuit in the Centre & Southern Divisions, to precept dated 21st Instant, directing the Course to be pursued by a Circuit Judge on the trial of a prisoner committed by himself in the capacity of Criminal Judge.

(Here enter No 971 & 972)

J. C. M.

J. 16.

At a Court of the Judicature Adalut.

Present

Tuesday 3d September 1833.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Ake Oakes Esqre Actg 2d Puisne Judge
William Houlleston Esqre 3d Puisne Judge

Read letter, dated the 25th July last, from the Chicacole Special Commission, submitting the record of Trial in No 7.

(Execute Ex 836.)

The Court of Judicature Adalut having maturely considered the proceedings of the Special Commission, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftees of the Judicature Adalut, confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid, and acquitting the prisoners

1st Woolakah Pudmenaboodoo
2d Polonagoony Daulepsa
3d Rundungy Appiah
4th Aneka Nookdoo
5th Linaka Lavanya
6th Linaka Seetaya
7th Mangalah Appiah

and

8th Aneka Ramaya

direct, that they be set at liberty.

The

1 The Court having passed Sentence on the Prisoners, consider it necessary to record the following observations in regard to the case under consideration.

2 They remark that Mantry Pudoia who received the Prisoners confessions, and who prepared and submitted the preliminary proceedings to the Criminal Judge, is the identical person whom the prisoners are charged with having attacked and assaulted; it is also to be observed, that Mr. Paternoster is the Acting Criminal Judge who committed these Prisoners for trial before the Special Court at which he presided; so that in the persons of Mantry Pudoia and Mr. Paternoster are recognized the accuser, the witness, the committing officer and the Judge.

3 On a late occasion when a Judge on Circuit who had held the preliminary investigations as Acting Criminal Judge proceeded to try a prisoner without obtaining his previous consent the trial was declared, decisions and invalid and tantamount to no trial. This Court then directed the proceedings of the Judge on Circuit to be quashed as ipso facto null and void, and directed a new trial to be held at the ensuing Sessions.

4 On the present occasion as all the Prisoners have been directed to be released, the

the Court do not consider it necessary to adopt a similar course of proceeding, but they resolve to recommend to Government that in any future instance in which Mr. Paternoster may have held the preliminary proceedings, authority may be granted for transferring the case for trial to the Northern Provincial Court presiding at the Special Court at Vizagapatam.

5 It appears to the Court that in the case under review the Special Commissioners have taken too much for granted against the Prisoners, they should have entered into a very minute investigation as regarded the apprehension of these Prisoners by the witness Cunda Pudmanabha Karlo, who states that one of his peons discharged his gun which killed a man.

6 The Court desire that the Special Commissioners will call upon the Magistrate to report whether an inquest was held on the body, and the result of any subsequent inquiries that were made on the subject.

7 The Court direct that this sentence on the trial No.7 from the Chicacole Special Commission, together with the whole of the proceedings held in the case be transmitted to the Secretary to Government in the Judicial Department for the purpose of

3d Sept.r 1833.

of being laid before the Right Honorable the Governor in Council, to the intent that the Court may, in conformity with the provisions of Section V Regulation XX of 1802, receive the orders of Government, before they direct the Sentence to be carried into execution.

(Sent following letter No 666)

Read Return, dated the 30th Ultimo made by the Provincial Court of Circuit in the Centre Division to the precept of this Court of the 20th July last, calling upon them to explain the grounds for their having so large an establishment of English hunters, and requiring the Provincial Court at the same time to submit the particulars of the disbursement amounting to Rupees 3182-0-5 for "Additional Writers" entertained on Circuit during the Sicily 1241- as also of the two other charges noted in the Margin of the proceedings of this Court of the 12th of January last.

(Vide entries No 825)

In the above Return the Acting 2d Judge accounts for the disbursement of Rupees 302-15-7 incurred at the Sudder Station for additional writers and Peons entertained "to prepare copies of all Circular "orders &c for a Separate Court of Appeal and

2

F.C.

3d September 1833.

"and Circuit under the orders of the Higher "Court dated 22d December 1831," but states that he is unable to give any explanation regarding the remaining Sum as noted in the Margin, as the records of the Court contain no information for the disbursement of the same.

2 As the records of the Provincial Court however must furnish the information required by the Court of Foujdaree Adawlut, resolved that the Acting 2d Judge be called upon for an explanation of this return.

(Sent following letter No 667)

J. C. M

First Judge from July 1831 to Return 1832	363	12	0	1830	8-10
Second Judge from July 1831 to Return 1832	217	6	4	99	11-3	1828	10-9
Third Judge from July 1831 to Return 1832	377	12	8	"	"	"	"
Acting Judge from July 1831 to Return 1832	302	15	9	45	2	824	8
	2889	5	5	162	1	3	1655	8	9

2/ 16th October 1833.

2. With reference to the 1st para of the return made by the Criminal Judge of Combaconum, the Court of Foujdaree Udalut will observe, that the Criminal Judge was informed under date the 23d Ultimo, that the Criminal Court possesses no original jurisdiction in Cases of Forgery, as Section VIII Regulation X of 1816, has not been modified with regard to offences of this description.

3. The Criminal Court can exercise original jurisdiction only in cases of Perjury, and in the offences specified in Clause first Section II Regulation VIII of 1829, under the provisions of Section III Regulation IV of 1817, Section XI Regulation XIII of 1832, and Regulation X of 1832.

4. With reference to para 5 wherein the Criminal Judge observes "that the orders of "the Foujdaree Udalut directing the Criminal Court "to dispose of all Magistrates cases improperly sent "up to them, being imperative, there does not appear "any other mode of dealing with them, than to "apply the provisions of the code which relate to them" the Judges of the Foujdaree Udalut will remark that in disposing of cases brought before the Criminal Court the Criminal Judges must be guided by the Regulations enacted for their observance, and the Criminal Judge is no where authorized to demand Security to keep the peace.

(No 138.) 5 In the present case moreover the

Criminal Judge appears to have most unnecessarily cited the provisions of the Regulations under which the Magistrate is authorized to demand Security to keep the peace, inasmuch as the evidence, though not sufficient for conviction, having been considered sufficient to "afford "strong grounds for suspicion," the Criminal Judge was fully competent to demand Security for the prisoners good behaviour and appearance under the provisions of Clause first Section IV Regulation II of 1822, modified by Clause first Section VIII Regulation VI of 1827.

6. In the concluding paragraphs of Mr Thomas' letters he observes that "if it is not competent to the Courts to apply in cases punishable by the Magistracy, the provisions of the code applicable to them, "it is difficult to understand how they are "to take cognizance of them."

7. In the opinion of the Foujdaree Adalut no difficulty can be experienced by the Criminal Judge in disposing, under the provisions of the Regulations enacted for his guidance, of cases punishable by the Magistracy or the head of Police; because, as no minimum of punishment is assigned to the Criminal Court in disposing of the minor offences the Criminal Judge should award no greater punishment than the prisoner is considered deserving of; and in cases where it may be necessary to require from a prisoner brought before the Criminal Court

16th October 1833.

Court Security "to keep the peace," which the Court of Foujdaree Adalut are aware is of seldom occurrence, the Criminal Judge should, in the spirit of their orders circulated under date the 22d of December 1828, briefly communicate to the Magistrate the extent to which the proceedings before him may render such a measure expedient.

8. Under the explanation given by the Magistrate of Sarjore, it appears that the reference on the part of the Head of Police to the Magistrate in Case No 151. was not "unavoidable," but illegal, for the police Officer is required by Clauses first, second and fourth, Section XXVII Regulation XI of 1816, to apprehend and forward to the Criminal Court all persons who may be accused or "to whom suspicion may attach."

x "the reference made to the Magistrate was unavoidable, as the Head of Police "could not consider the "evidence against the "prisoner sufficient for his "committal, though at the "same time there were "good grounds for suspicion."

9. Neither do the Court consider that the delay in forwarding case No 157 to the Criminal Court has been satisfactorily accounted for, as the circumstance of the complainant having died during the investigation is not of itself a sufficient cause for the detention of the accused party at the Police Station, as the Police Officer previous to forwarding prisoners to the Criminal Court is not required to go further into the examinations than to satisfy himself that credit be due to the charge, and the circumstance of one of the prisoners having effected her

her escape during their detention in the Talook shews the necessity of the early transmission of prisoners to the Criminal Court.

Ordered, that Extract from these proceedings be forwarded by precept, returnable in six days to the Provincial Court of Circuit in the Southern Division, to be by them communicated to the Acting Magistrate of Madura, the Criminal Judge of Combaconum, and the Magistrate of Tanjore for their information and future guidance.

(And following Precept No. 807)

J.H.C.

Read return dated the 11th Ultimo from the Provincial Court of Circuit in the Centre Division to precept dated 22d February last conveying their observations and orders on the Criminal Reports for the month of December 1832.

(Here enter No. 1052.)

J. H.

At a Court of the Zillah Adalut

Present,

Friday 18th October 1833. } Charles May Lushington Esq. 1st Puisne Judge.
Thomas Alexr Oakes Esq. Acting 2d Puisne Judge.

Read letter, dated the 25th Ultimo, from the Provincial Court of Circuit in the Eastern Division, submitting the Reports required by section XXXV Regulation X of 1816, from the several Criminal, Joint Criminal and Native Criminal Judges in the Division for the month of August last.

(Here enter No. 1171)

Malabar

In Case No. 188. of the Supplemental Report in which the two first prisoners are charged with having during the night "entered the Prosecutors "House by perforating the wall thereof and "stolen therefrom Coins and sundry other articles to "the amount of 120 Rupees and odd", the Acting Criminal Judge has passed a sentence of 2 years imprisonment with hard labour in irons.

2 If the breaking was proved, the prisoners should have been committed to take their trial before the Court of Circuit as the amount of the property stolen was beyond the jurisdiction of the Criminal Court in cases of Housebreaking.

If

18th October 1833.

3 If the theft only was proved the same should have been specified in the Report, the standing orders of the Zoujdaree Udalut of the 4th of July 1826 requiring that, whenever the crime for which a party may be punished, differs from that with which he is originally charged, a note of the circumstance should be entered in the Column, exhibiting the punishment.—

4 The same remark applies to the sentence passed by the Acting Criminal Judge on the prisoner concerned in Cases Nos. 220, 221, 222, 223. and 224, in which the total amount of the property stolen exceeded one Hundred Rupees.—

Canara. 5 With reference to Cases Nos. 96 and 113 of the Report of No. 5, submitted by the Criminal Judge of Canara, the Court of Zoujdaree Udalut desire that the Provincial Court of Circuit will point out to that Officer, that an Abstract of the charge should always be entered in the Report, whenever a prisoner may be forwarded to the Criminal Court, and that the allusion to the crime specified in former Reports, as has been done in the cases above alluded to, is irregular.—

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, to be by them communicated

18th October 1833.

communicated to the Criminal Judges of Canara and Malabar for their information and guidance by precept, returnable in 6 days from and after its receipt

(Sent following precept No. 811.)

Read letter, dated the 27th August last, from the 1st Judge on Circuit in the Southern Division, transmitting the record of proceedings in Case No. 1 Tinnevelly Calendar 2d Sessions 1833.—

(Here enter No. 982.)

Mr. Lushington and Mr. Oakes,

The Court of Zoujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftee of the Zoujdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftee aforesaid, and acquitting the Prisoner Eandavatavan,

direct that he be set at liberty.—

1 There appears to have been no necessity whatever for the reference of this Trial. The Judge of Circuit, concurring in opinion with his Law Officer that the evidence was not sufficient for the conviction of the prisoner, was fully competent to direct his release, and by referring the Trial to the Court of Zoujdaree Udalut &

do

Mr. Garrow has subjected the prisonier to imprison=
=ment for nearly two months and a half longer
than he himself considered right.—

2 Under these circumstances, the warrant addressed to the Acting Joint Criminal Judge of Emmerelly, directing that the prisonier be detained in confinement "in irons" pending the reference to the Foujdaree Adalut is considered highly im=
=proper.—

Ordered, that extract from these proceedings be forwarded to the 1st Judge on Circuit in the Southern Division for his in=
=formation and future guidance.—

(Sent following letter № 813)

Read letter, dated the 1st July last, from the Acting 3d Judge on Circuit in the Centre Division, submitting the records of Case № 14 of the Chingleput Calendar 1st Sessions 1833.—

(Here enter № 987)

The Court of Foujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftee of the Foujdaree Adalut confirm the said futwa of the Cazee-ool=
=Cozat and Mooftee aforesaid, and adjudge the

Mr. Cushington and Mr. Oakes.

the prisoners

1st Ingunnaden,
2d Chinnapein,
3d Coollum, and
4th Chinniapein,

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 № 813)

Read again letter, dated 17th August last from the 2d Judge on Circuit in the Western Division, forwarding the record of trial № 5 Calicut Calendar 2d Sessions 1833.—

(Here enter № 946)

Read also the second futwa delivered in the above Case by the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut.—

Mr. Cushington, and Mr. Oakes,

In commutation of the sentence of Death declared in the foregoing futwa the Court of Foujdaree Adalut adjudge the Prisoners

1st A day Mohiadeen Coolly, and
2d A day Velo Ahmod,

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

for, and during the Period of seven /7/ years, and then to be released.-

(Cent following letter No. 814)

Read return, dated 8th Instant from the acting First Judge on Circuit in the Centre Division to precept dated 30th Ultimo, sanctioning mitigation of Punishment in case No. 10 Cumbum Calendar 2d Session 1833.-

(Here enter No. 1201)

Read letter, dated 7th Instant, from the Additional Judge on Circuit in the Northern Division, reporting his having opened the Court of Circuit at Cheraide on the 7th Instant.-

(Here enter No. 1204)

Read return dated 9th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated the 4th Instant, directing to discontinue the practice, if it exist in any of the Criminal Courts in their Division, of omitting to summon a witness on behalf of a prisoner, if but one be named on the plea that two witnesses are indispensable.-

/Here enter No. 1211/

Read return, dated 14th Instant, from the Judges of the Provincial Court of Circuit in the Centre Division, to precept dated 4th Instant conveying the Courts observations on the practice

18th October 1833.

Cent

L.P.

practice of depriving a prisoner of the benefit of any testimony that can be adduced in his behalf.-

/Here enter No. 1219/-

J. M.

F. 66.

At a Court of the Zoujdaree Adalat_

Present,

Saturday 19th October 1833. The Honorable William Oliver Esqr. Chief Judge

L.D. Thomas Alexr. Oakes Esqr. Acting 2d. Puisne Judge

Read Extract from the Proceedings of Consultation dated 11th October 1833. No. 813_

(Here enter No. 1234, A)

1. The Judges of the Court of Zoujdaree Adalut are of opinion, that the Magistrate is not competent to require from the Prisoners in this case, Security for their good behaviour, a Magistrate under the Regulations having no authority to require such security except from the persons, and under the circumstances described in Clause First, Section III Regulation II of 1822 within the provisions of which the Prisoners do not appear to come._

2. The Judges are of opinion that the Magistrate, having received authority for that purpose from the Governor in Council under Section IV Regulation II of 1829, should send the Prisoners in this case for trial before the Joint Criminal Judge at Masulipatam, who, if it should appear to him that there is not adequate proof for their conviction, but that there are strong grounds for suspecting

suspecting them to be guilty of the offence with which they are charged, will direct under clause first, Section IX Regulation II of 1822 that they be detained in custody until they shall give security for their future good behaviour and appearance when required.—

Ordered that extract from these proceedings be sent to the Officiating 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 887)

W

F.H.C.

Sent by post No 162.

Sd

H.C.H

F. H.

At a Court of the Foujdaree Adalut.

Present,

Tuesday 22nd October 1833.

The Honble William Oliver Esqr Chief Judge.
C. M. Lushington Esqr 1st Puisne Judge
T. A. Oakes Esqr Acting 3rd Puisne Judge.

W

Read letter, dated the 12th August last, from the Acting 3rd Judge on Circuit in the Centre Division, submitting the record of trials in Cases Nos 13 and 15 of the Chingleput Calendar 1st Sessions 1833.

Chd

F.H.C

(Vide enter No 883)

Mr Oliver and Mr Lushington.

The Court of Foujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the proof against the prisoners—

1st Cauttan
2nd Pully Vencatadeen
3rd Moottocholloo
4th Mundacunnen
5th Bungaroo Naik
6th Pounen
7th Samana Vencatadeen
and
8th Umbalatady.

is sufficient to convict them of the crime of Gang Robbery do under Clause first Section III Regulation I of 1818 convict them thereof, and under Clause second Section IV Regulation XV of 1803, Sentence them to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned.

imprisoned and kept to hard labor in irons on the public roads, or other public works, for, and during the period of their natural lives respectively-

(Sent following letter No. 825)

Read letter, dated the 8th Instant from the Officiating Secretary to Government in the Judicial Department stating that the Government see no objection to the Sentence passed by the Court on Cole No. 8. Chicacole Special Commission being carried into execution -

(Here enter No. 1185)

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the prisoners

1st Juvalee Dora
and
2d Dasara Dora.

be transported beyond the Seas to such place as the Governor in Council may 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.

The Court likewise direct that Extract from their proceedings under date the 2d Instant, be sent for the information and future guidance of the Judges of the Chicacole Special Commission-

(Sent following letter No. 826)

Read further return made by the Provincial Court of Circuit under date the 5th Instant

Salem.

Instant, to the precept of this Court of the 4th of July last, conveying the remarks of the Foujdaree Adalut on the several Criminal reports for the month of April last -

(Here enter No. 1194)

In the return made by the Criminal
1. Judge of Salem, it is not stated that in the perpetration of the theft "breaking" was committed, the Sentence therefore passed in Case No. 118, is illegal, and, as pointed out in the 8th para: of the proceedings of this Court of the 4th of July last, must be revised accordingly -

2. With reference to this return made by the Criminal Judge of Salem the Judges would remark that in Cases of theft where the value of the property stolen does not exceed 50 Rupees and is unaccompanied by any of the circumstances of aggravation, specified in Clause fourth Section III Regulation XI of 1822, the Criminal Judge is precluded from awarding a greater punishment than six months' imprisonment with stripes, or in other cases with a fine not exceeding 200 Rupees which alone is commutable if not paid to a further period of imprisonment not exceeding six months -

Vide Clause first Sec: III Regt. XI of 1822.

3. Adverting to the remark made by the Criminal Judge that "there is no other "provision which contemplates imprisonment of "more than six, and less than twelve months, though "more than six and less than twelve months imprisonment might be considered as the adequate "punishment" the Court of Foujdaree Adalut are surprised that they should have found it necessary

to point out that in all cases of theft when the property stolen may exceed 50 Rupees, as well as in all cases of theft below that value when accompanied by any of the circumstances of aggravation specified in Clause fourth Section III Regulation VII of 1822 the Criminal Judge is authorized to Sentence the prisoner to such period of imprisonment "as may appear proper" not exceeding two years with Stripes; and on reference to Section III Regulation VI of 1827 the Criminal Judge will perceive that therein it is expressly declared, that nothing contained in Clause fourth Section III Regulation VII of 1822 shall be construed to required that persons convicted before the Criminal Judge of any of the offences specified in that Clause shall in all cases be Sentenced to a severer punishment than he is empowered to inflict under Section VII Regulation X of 1816. But in all cases of conviction before the Criminal Judge of any of the offences specified in that Clause, he shall be competent to use his discretion in Sentencing the offender to any punishment which he may think proper, provided that the punishment shall in no case exceed imprisonment with hard labor for the term of two years with Stripes.

4. The Court of Trincomalee dated consider the explanation given by the Magistrate of Trincomalee relative to the conduct of the Peshcar of the Vittiently Talook Satisfactory.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of

Circuit in the Southern Division, para 4 to be by them communicated to the Magistrate of Trincomalee, and paras 1, 2, and 3 to the Criminal Judge of Jaffna for his information and future guidance.

(Send following letter No 827)

Read Return, dated the 14th Instant from the Judges of the Provincial Court of Circuit in the Centre Division, to precept of the 30th Ultimo, conveying the Courts observations and orders on the Criminal Reports for July last.

(Here enter No 1318.)

Read Return, dated the 10th Instant from the Provincial Court of Circuit in the Western Division to precept dated 4th Instant, conveying the Courts observations on the practice of depriving a prisoner of the benefit of any testimony that can be adduced in his behalf.

(Here enter No 1329.)

Read Return, dated the 15th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated 11th Instant, ordering communication to the several subordinate Courts, of the Courts instructions that all prisoners sentenced to a term of imprisonment and labor shall be secured with Irons in the usual manner.

(Here enter No 1340.)

Read letter, dated the 16th Instant from the 2d Judge on Circuit in the Western Division reporting the day fixed for the opening of the 2nd Sessions 1833 at Hambantotte.

(Here enter No 1261.)

Read

2nd October 1833

Read letter, dated the 16th Instant, from the 1st Judge on Circuit in the Southern Division, reporting the opening of the 2nd Sessions of 1833 at Coimbatore on the 11th November 1833.

(Here enter No. 1242.)

J. M.

20 Oct 1833

Recd

Entd

No. 240

J. M.

S. No.

28th October 1833.

"the crime on her first arrival but denies it on
"the succeeding days."

14. If the prisoner was "interrogated"
by the Criminal Judge with a view of obtaining
a confession of her guilt, such an interrogation
on the part of the Acting Criminal Judge was
highly improper; and with reference to the influ-
"ence often experienced by intercourse between a
"new prisoner" "and prisoners already convicted,"
the Provincial Court of Circuit will point out to
Mr. Angelo that the orders of this Court peremptorily
require that prisoners "under examination" should
be kept separate and distinct from "convicts."

15. The Judges of the Foujdaree Adalut
present that 42 prisoners were reported to be sick
in the Jail Hospital at Bellary during the month
of August last, the Judges conclude that during this
month the Jail was unusually unhealthy in which
case a report of the circumstances should have been
made to the Foujdaree Adalut under the Circular
order of this Court of the 12th July 1830.

Cumbum. 16. With reference to cases Nos. 177, 193,
195, 196, 207, 208, 209, 214 and 180 the Provincial Court
of Circuit will point out to the Native Criminal
Judge that Section VII Regulation X of 1816 is not
applicable to cases of Housebreaking; nor to cases

of cattle stealing with reference to Nos. 186, 188, 199 and 209 of the Supplemental Report, and Cases Nos. 221 and 223 of the Report No. 5.—

17. With reference to Case No. 238 of the Report No. 5 the Native Criminal Judge should be directed invariably to enter an abstract of the charge whenever a prisonier may be forwarded to his Court.—

18. The large number of cases reported to be under examination at the close of the monthly Criminal Reports submitted by the Native Criminal Judge at Cumbum has on a former occasion attracted the notice of the Court of Foujdaree Adalut, the Reports now submitted exhibit an equally unfavourable result and they desire therefore that it be intimated to this officer that the Judges of the Foujdaree Adalut will not be disposed to overlook any future similar neglect on the part of the Native Criminal Judge.—

19. The Provincial Court of Circuit are desired to recall their orders issued to the Native Criminal Judge of Cumbum and contained in the 25th para: of their proceedings as the Judges of the Foujdaree Adalut are by no means prepared to admit that no case of Theft forwarded to the Criminal Court can occur, in which a sentence of 15 days imprisonment can be considered adequate punishment.—

20. Adverting to the 28th para: of the Provincial Courts' proceedings the Judges of the Foujdaree Adalut are of opinion, that, as judgment has been declared in Case No. 223, the prisoner should have the benefit of the lenient sentence passed by the Native Criminal Judge.—

Chingleput 21. With reference to the recommendation contained in the 37th para: of the proceedings of the Court of Circuit the Judges of the Foujdaree Adalut will remark that circumstances of aggravation may have attended the Commission of the Theft of the sheep, in which case the Judges of the Foujdaree Adalut would not be disposed to consider the punishment awarded in Case No. 293 excessive.—

22. With reference to Case No. 279 the Court of Foujdaree Adalut desire that the Magistrate of Nellore be instructed to apply under the provisions of Section II Regulation III of 1827 for permission for the prisonier to be tried at Chingleput.—

Cuddalore 23. With reference to the remarks by the acting Joint Criminal Judge on Case No. 153, the Provincial Court of Circuit will instruct that officer to pass sentence on the prisoner concerned in that No. to be carried into effect in the event of their acquittal by the Court of Circuit in the preceding number.—

With

thereto within 6 days from and after its receipt.-

(Sent following Precept No 857)

Read letter dated the 20th July last from the Acting 3d Judge late on Circuit in the Centre Division, submitting Case No 17 of Cuddalore Calendar 1st Sessions 1833.-

(Here enter No 1139)

1. The Court are sorry to be under the necessity of remarking that this trial has been conducted most negligently, and in its present state, they are unable to give judgment upon it.-

2. In the first place the age of the Prisoner has not been at all ascertained with precision.- Before the Police she is described as 16 years of age,- Before the Criminal Judge as 13.- Thirteen.- and before the Presiding Circuit Judge, notwithstanding his allusion in Para 12 to her youth, the Prisoner is stated by him to be 20.!! vide page 29.

Secondly.- The conviction of the Prisoner mainly hinges upon her confession.- and which she alleges was obtained from her by promises.- This is in some measure borne out by the evidence of Lutchmana Roodeen in Pages 35 and 36.- and which evidence almost neutralises the evidence of the other witnesses.

Thirdly.- The Body has never been found.- and consequently, it is not proved that any murder has been committed.- This the Court consider of

24. With reference to the requisition of security from the 8th Prisoner in Case No 165 the Provincial Court of Circuit will explain to the Acting Joint Criminal Judge of Cuddalore that in no case is a Criminal Judge authorized to declare a person, in default of finding the requisite security, liable to be detained in confinement for a longer period than could have been adjudged against him under the Regulations, had he been fully convicted of the Crime, with which he originally stood charged.-

25. Breaking not having been charged, nor any circumstances of aggravation, the Prisoner had he been convicted, would not have been liable to a more severe sentence, than 6 months' imprisonment, the period however for which he is declared liable to be detained in confinement in default of finding the requisite security, is stated to be 12 months.-

26. The same remark applies to the requisition of security from the 2d and 3d Prisoners in Case No 170.-

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division, requiring them to communicate the above to the several officers whom it may concern by precept requiring conformity thereto.-

of Primary importance, and they therefore desire that further investigation may be made 1st, as to whether any subsequent search was made, and by whom on the following day. 2dly Whether any bones were found at, or near "the place where the fatal deed was done" and even supposing the body to have fallen "an early prey to prowling beasts", still it appears to the Court the bones ought to have been forthcoming.—

3. They are also of opinion that the precise age of the Prisoner should be ascertained more satisfactorily - and also that Lutchmana Poodeah should be more minutely questioned as to the nature of the Prisoner's confession.—

Ordered, that the trial in question be returned, and that extract from these proceedings be sent to the 3d Judge late on Circuit in the Centre Division by Precept, commanding him to take the necessary measures for obtaining and forwarding to the Court, the additional evidence therein required.—

Precept returnable without delay.—

(Sent following Precept No 858)

Read petition presented on the 23d Instant by Mootaloo Chetty and 3 others of the Zillah of Chingleput.—

(Here enter M. Pet: No 82 of 1833)

The Petitioners complain that they have been

been unjustly accused by certain persons of having set fire to their paddy heaps and they pray the Court to take the necessary measures for punishing their accusers.—

The prayer of this Petition is inadmissible. The Petitioners should represent their grievance to the Criminal Judge by whom the case was investigated and in the event of their not obtaining Justice, they should then address the Judge on Circuit.—

Ordered in consequence that the prayer of this Petition be rejected, and that extract from these Proceedings be granted to the Petitioners on application.—

Read Petition presented on the 23d Instant by Vencatachellum of the Zillah of Chittoor.—

(Here enter M. Pet: No 84 of 1833)

The Petitioner states that his son has been unjustly accused of theft and that the cases in which he is charged have been referred to this Court, and he prays the Court to issue orders for his release.—

Petitions relative to cases before the Tonjore Adalut are irregular and inadmissible. The cases in which the Petitioner's son is concerned will be disposed of in due course.—

Ordered, that the prayer of this Petition

28th October 1833.

Petition be rejected, and that extract from these Proceedings be granted to Petitioner on his application.-

Read Petition presented on the 7th October, by Eincatachella Raiken of the Zillah of Chingleput.-

(Here enter Pet: No. 86 of 1833.)

The Petitioner renews the prayer of his former Petition that orders may be issued for the release of his son, who, he states has been unjustly accused of robbery.-

The Petitioner's son was sentenced on the 31st of August last by the Sessions Adalut to transportation for life, from which decision there is no appeal.-

Ordered, that the prayer of this Petition be rejected, and that extract from these Proceedings be granted to the Petitioner on his application.-

Read Petition presented on the 7th October, by Moodala Mootoo Eaven.-

(Here enter Pet: No. 87 of 1833)

The Petitioner renews the prayer of his former Petition that orders may be issued for the release of one Eannamgumala Eaven, who has been sentenced to 14 years' imprisonment.-

The

J. H.

28th October 1833.

The Petitioner is referred to the Courts orders under date the 8th July and 2d September last, wherein they stated their opinion that the Prisoner in question had been properly convicted by the Circuit Court, from whose sentence there is no appeal.-

Ordered, that the prayer of this Petition be rejected, and that extract from these Proceedings be granted to the Petitioner on application.-

J. H

T. C.

At a Court of the Foujdaree Udalut

Present,

Tuesday 29th October 1833.

T. P. C.

Charles May Lushington Esqre 1st Puisne Judge

Thomas Alex. Ardes Esqre Acting 2d Puisne Judge

Read again letter, dated 24th August last from the Acting 1st Judge on Circuit in the Centre Division, submitting copy of the Cuddapah Calendar 2d Sessions 1833.

(Vide entry No. 909.)

The Court of Foujdaree Udalut deeming it proper that the proceedings held in case No. 28 of the above Calendar should be laid before them,

Ordered, that the Acting 1st Judge on Circuit in the Centre Division, be by precept commanded to transmit English translations of these proceedings without delay, and to suspend the sentence pending the orders of this Court.

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge on Circuit in the Centre Division by precept returnable without delay.

(Sent following precept No. 859)

Read letter, dated the 23d August last, from the Acting 3d Judge late on Circuit in the Southern Division, submitting case

of

29th Octr 1833.

No 485 Trinitator's Calendar 14th September 1833.

(Vide Vol 95 B)

The Court of Foujdaree Adaulut having maturely considered the proceedings held before the Judge in Circuit, the futwas of the Provincial Law Officer, and the futwas of the Cazee ool Cozat and Mooftees of the Foujdaree Adaulut, confirm such part of the said futwas of the Cazee ool Cozat and Mooftees aforesaid as convicts the prisoners

1st Coopen alias Sadien
2d Catoobavah and
3d Samandy Taragan,

and under the provisions of Claude third Section IV Regulation XV of 1803, adjudge the prisoners

1st Coopen alias Sadien

to be imprisoned and 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. And the prisoners

2d Catoobavah and
3d Samandy Taragan,

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

The

29th Octr. 1833.

The Court of Foujdaree Adaulut further confirm such part of the futwas of the Law Officers as acquits the prisoner

4th Sutchoomun,

but considering that strong suspicions tho' not amounting to conviction attached to him, direct under Claude Fifth Section II Regulation XV of 1803, that he be required to find Security in the sum of 150 Rupees in two Sureties in 75 Rupees each for his good behaviour and appearance when required within 3 years, or in default thereof that he be detained for that period in confinement.

And concurring in opinion that the prisoners

5th Tuttammaub and
6th Chinnal

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession, notwithstanding the futwas of their Law Officers, but considering that strong suspicions tho' not amounting to conviction attaches to them, do under Claude Fifth Section II Regulation XV of 1803 require each of them to find Security in 10 Rupees for their good behaviour and appearance when required within 6 months or in default thereof that they be detained for that period in confinement.

(Sent following Letter No 860)

Read

29th Oct. 1833.

Read letter, dated the 11th Instant from the 2d Judge of the Court of Circuit in the Northern Division, transmitting case No. 5 Mudulipatam Calendar 2d quarterly Sessions 1833.

(Here enter No. 1038.)

The Court of Foujdaree Udalut 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 Udalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftee aforesaid, and acquitting the prisoners

1st Kogady Sunsiah
2d Parla Rammiah
3d Parla Ackkiah
11th Canaly Tungadoo
12th Lamabuttony Tomadoo
13th Canaly Veeradoo and
14th Chatragudda Cotadoo

direct that they be set at liberty.

(Sent following Letter No. 861.)

L.P.O.

J. C. C.

J. U.

At a Court of the Foujdaree Udalut

Present,

Wednesday 16th October 1833.

Charles May Lushington Esqr. 1st Puisne Judge
Thomas Alex. Oakes Esqr. Acting 2d Puisne Judge

L.P.O.

Read again letter dated the 10th July last, from the Judges of the Chicacole Special Commission, submitting the record of trial in No. 6.

(Here enter No. 757.)

Read also return, dated the 14th August last, from the Judges of the Special Commission held at Chicacole, to precept dated 5th Instant ordering them to certify whether or not certain prisoners in Cases No. 1, 5, and 6 are the same individuals.

(Here enter No. 925.)

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

Of the 32 prisoners in this Case, the ninth and nineteenth have died since the conclusion of the trial, and the 1st, 2d, 3d, 4th, 6th, 7th, 8th, 10th, 12th, 13th, 15th, 16th, 17th, 18th, and 20th have been sentenced to transportation for life in Nos. 1 and 5.

Mr. Lushington and Mr. Oakes.

The Court of Foujdaree Udalut having maturely considered the proceedings of the Special Commission, the futwa of the Provincial Law Officer, and the futwas of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said

said fuiwas of the Cazee-ool Coozah and Mooftee aforesaid, and under the sentence of Corbobah declared in the fuiwas, and under the provisions of Clause third Section VIII Regulation XV of 1803, sentence the prisoners

3d. Soondapoo Narsingoo

21st. Broondaundoo

and

22d. Ramapaulroodoo,

to be transported beyond seas, 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, and during the period of their natural lives- and acquitting the prisoners

11th Burkay Putnaikdoo

and

14th Dully Jagabondooroya.

they direct that they be set at liberty.

The Court direct that their sentence in trial No 6 from the Chicacole Special Commission, together with the whole of the proceedings held in the case be transmitted to the Officiating Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may in conformity with the provisions of Section V Regulation XX of 1802, receive the orders of Government before they direct their sentence to be carried into execution-

Sent to Jail 20th Oct 1833

(Sent following letter No 805)

Read letter, dated the 24th August last,

from

16 October 1833-

from the 3d Judge Cuttack on Circuit in the Northern Division, transmitting the record of trial in Case No 6 of the Quarter 1st Calendar 1st Session 1833-

(Here enter No 980-)

Mr Lushington
Mr Oakes.

The Court of Foujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

Ramoony Andeppa

is sufficient to convict him of the crime of wilful 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 by the neck at the usual time and place of execution-

The Court having passed sentence in this Case, consider it necessary to draw the attention of the 3d Judge to their Circular orders of the 26th November 1832, wherein it was pointed out that, "in order to the admission of a dying "declaration in evidence, it should be satisfactorily "proved, that the deceased at the time of making "the declaration was conscious of his danger, and "had given up all hope of recovery" and the several Judges of Circuit and Criminal Judges were advised of the importance of duly investigating this fact, whenever such declarations may be in evidence in in a case of homicide-

In

2. In the trial under consideration, the presiding Judge appears to have overlooked these instructions, in as much as no questions were asked by him, with the view of establishing the fact that the deceased at the time he identified his murderer was fully aware of his danger, and the Court in consequence consider it necessary to point out his error to him, and to direct a strict observance of their order in question for the future.

Ordered, that Extract from these proceedings be sent to the 3d Judge late on Circuit in the Northern Division for his information and future guidance by precept, returnable in five days.

(Sent following Precept No 806)

Read letter, dated the 27th Ultimo, from the Provincial Court of Circuit in the Southern Division, submitting copies of the returns made by the several authorities in the Southern Division, in reply to the observations made by the Provincial Court of Circuit on the several Criminal Reports for the months of July last.

(Here enter No 1154)

1. With reference to the return made by the Acting Magistrate of Madura, the Provincial Court of Circuit will point out to that Officer, that the Standing orders of the Fouzdaree Adalut expressly prohibit the detention of prisoners in the Talook waiting the attendance of further witnesses.

With

28th October 1833.

"in the Supreme Court" the sentence however which the prisoners are to undergo in the event of their acquittal by the Court of Circuit should have been recorded in the Report.—

11. In Cases Nos 175, 176 and 177 it is stated that the prisoners concerned in those numbers, though apprehended on the 16th and 17th of July, did not reach the Police Officer until the 25th of the same month. the Magistrate of Bellary is therefore required to report in whose custody the prisoners were up to the period of their arrival at the Talook Cutcherry.—

12. If the entrance into the prosecutor's house was effected by making a hole in the wall as stated in the charge the amount of the property stolen* would take the case out of the jurisdiction of the Criminal Court:— the Provincial Court of Circuit is therefore required to direct the commitment of the prisoners in the event of their having been convicted of Housebreaking to the extent of Rupees 119-13-3.—

a. C.
* Rupees 119-13-3

13. In Case No 196 it is stated that "to prevent the influence so often experienced by intercourse between a new prisoner and prisoners and prisoners already convicted," the prisoner in this case "was interrogated and voluntarily confessed the

2. In the trial under consideration, the presiding Judge appears to have overlooked these instructions, in as much as no questions were asked by him, with the view of establishing the fact that the deceased at the time he identified his murderer, was fully aware of his danger, and the Court in consequence consider it necessary to point out his error to him, and to direct a strict observance of their order in question for the future.

Ordered, that Extract from these proceedings be sent to the 3d Judge late on Circuit in the Northern Division for his information and future guidance by precept, returnable in four days.

(Sent following Precept No 806)

Read letter, dated the 27th Ultimo, from the Provincial Court of Circuit in the Southern Division, submitting copies of the Returns made by the several authorities in the Southern Division, in reply to the observations made by the Provincial Court of Circuit on the several Criminal Reports for the month of July last.

(Here enter No 1154)

1. With reference to the Return made by the Acting Magistrate of Madura, the Provincial Court of Circuit will point out to that Officer, that the Standing orders of the Faujdaree Adalut expressly prohibit the detention of prisoners in the Talook watching the attendance of further witnesses.

With

J. C.

V. A.

In Court of the Foujdaree Adalut.

Present:

Thursday, 24th October, 1833. Charles May Lushington Esqre 1st Puisne Judge.
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge.

Read letter, dated the 16th Ultimo, from the Acting 3d Judge late on Circuit in the Southern Division, submitting the report required by Section XXXVII Regulation VII of 1802 for the 1st Semestre 1833.

(Here enter No 1074)

3. 1. The aggregate of cases tried by the Commissioner Harrington during his Circuit was 99, including 428 Prisoners, of whom only 72 were unconditionally released, the remainder having been either sentenced to various periods of imprisonment, required to find security for their future good behaviour or their cases referred for the final decision of this Court.

5. 2. The Court are happy to observe that the Acting 3d Judge makes favorable mention of the efficient state of the Police in the District of Madura and also reports that the Jail at that station "was in admirable order in every "respect."

6. 3. The Acting 3d Judge in this para draws the attention of the Court to the dreadful "system of false evidence existing" at Tinnevelly and

"those set in authority over them."—

10 In a populous fertile district like Tanjore where thousands of idle Brahmins reside and have no occupation but to consume its never failing and unvarying produce the inclination to fabricate unfounded petitions, must of necessity exist in an eminent degree.—

11. It appears however to the Court that this pernicious system might be effectually checked if not entirely eradicated by the judicious exercise of the powers vested in the Magisterial and Judicial functionaries of punishing persons making false frivolous or vexatious complaints. The law is clear and precise and it does not seem to the Court that any further "remedy" is necessary or practicable.—

12. The Acting 3d Judge reports that the Jail at Combaconum "was in very good order and "the Prisoners generally well contented."—

9. 13. The Acting 3d Judge in reporting on the Zillah of Salem states that "if the paucity of "Miscellaneous petitions presented to the Court of Circuit "may be received as evidence of satisfaction on the "part of the people and contentment with the measures "of those at our then, at this station in a particular "manner, may it be inferred that they are generally "happy and from no other circumstance that I reason "to augur unfavorably of the manner in which the

"Police

24th October 1838.

"Police duties were conducted, if I except one instance "where there was reason to suspect that torture had "been resorted to, to extort confession."—

14. The Acting 3d Judge acted very properly in calling the particular attention of the Magistrate to the case in question.—

15. The Acting 3d Judge makes favorable mention of the state of the Jail, and the condition of the Prisoners at Salem. The course adopted by him in respect to the complaint made by a revenue defaulter named Cafeer Chitty was perfectly correct.—

9. 16. The Acting 3d Judge states that "nothing "could excel the state of the Jail at Coimbatore in "which there was not a murmur, a state of things" the Court concur with him in thinking "highly "creditable to the Joint Criminal Judge all who form one"

10 and 11. 17. The acting 3d Judge reports favorably of the Jails at Negapatam, Cotaramund and Trichinopoly. He states however that "in nearly all the Jails "visited by him, the Prisoners were loud in their "complaints of want of meat, butter and tobacco."—

12. 18. Complaints of this nature were to be expected, but are by no means to be regretted, for if prison discipline were unattended with privations and inconveniences, imprisonment would soon lose its terrors. The only fear the Court have on this subject is that in some Jails the prison

discipline

discipline may possibly be too lenient, and consequently encourage crime.—

16. 19. As Government have recently determined not to increase the number of convicts employed in keeping the roads in repair in the Neilgherry Hills, it does not appear to the Court to be necessary to enter at present upon the consideration of the comparative expence of maintaining Prisoners in the Hills and in the adjoining districts.—

Ordered, that extract from these Proceedings be sent to the Officiating Secretary to Government in the Judicial Department, together with copy of the Report to which they refer, for the purpose of being laid before the Right Honorable the Governor in Council.—

Sent to Govt No 163. (Sent following letter No 828)

Ordered likewise, that extract from these proceedings be sent to the acting 3d Judge of the Circuit in the Southern Division for his information and guidance.—

(Sent following letter No 829)

Ordered also, that paras 3, 4, 5 and 6 of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance.—

(Sent following letter No 830)

Read

24th October 1833.

Read letter, dated the 5th Instant 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 August last, together with an extract from their proceedings thereon.—

(Here enter No 1184)

In communicating para 5. of their proceedings to the Criminal Judge of Madura, the Provincial Court of Circuit will direct that officer to cancel the sentence passed upon the prisoner concerned in Case of No 50. of the Supplemental Report—

2 If the prisoners concerned in Case No 54. were Police Officers, which from the record of the charge, the Judges of the Foujdaree Adalut conclude was the case, the Magistrate of Madura should be required to instruct the Head of Police of the Nellore Talook that he is precluded by the Regulations from taking cognizance of charges of extortion, oppression, or other abuse of authority by Native Officers of Police, and that charges of this nature should be preferred before the Magistrate or his Assistant.— vide Reg. IV of 1819.

3. The Court of Foujdaree Adalut remark that throughout this Report the Criminal Judge

Judge of Bradma has entered the abstract of the evidence in inconvenient detail.—

Tinnevelly. 4. The evidence not being sufficient for the probable conviction of the prisoners in Case No. 76, of committed to take their trial before the Court of Circuit, the Judges of the Fouzdaree Adalut are of opinion that the Acting Joint Criminal Judge exercised a proper discretion in holding the prisoners to security; the Acting Joint Criminal Judge in the mean time taking the necessary steps for procuring additional evidence as required by the vide para: 2. Circular order of this Court of the 20th of July 1829.—

5. The Provincial Court of Circuit will also point out to the Acting Joint Criminal Judge of Tinnevelly that in preparing the monthly Criminal Reports it is not desirable that the evidence adduced before the Criminal Court should be entered so much in detail as is observable in many of the cases entered in the Reports No. 5 prepared for the month under review.—

Combaconum 6. The Provincial Court of Circuit will direct the Criminal Judge of Combaconum to complete the sentence passed upon the 1st and 2d prisoners in Case No. 167 by recording the period for which they will be liable to be detained in confinement

confinement in default of furnishing the requisite security.—

7. With reference to Case No. 175 and the remarks of the Provincial Court of Circuit contained in the 16th and 17th paras: of their proceedings, the Judges of the Fouzdaree Adalut desire that the explanation to be received from the Criminal Judge of Combaconum be submitted to this Court for their information.—

8. With reference to the 18th para: of the Proceedings of the Provincial Court of Circuit the Judges of the Fouzdaree Adalut will remark that by the 45th rule of the instructions issued by this Court under date the 2d of August 1821 for the guidance of Criminal Judges on all occasions of corporal punishment, the Criminal Judge is directed in cases where the full punishment would endanger life to postpone the remainder of the stripes until the Surgeon considers the prisoner capable of sustaining them.—

9. The Criminal Judge of Combaconum should be directed to release on Bail, under the provisions of Section X Regulation IX of 1816, the prisoner named "Eboorama K." committed in Case No. 207 to take his trial before the Court of Circuit for unintentional homicide.—

Salem. 10. With reference to Case No. 319 of the Salem

Salem Supplemental Report the Provincial Court of Circuit will point out to the Assistant Criminal Judge of Salem that entering a House "by untying the rope of the door" constitutes house breaking and that consequently the Section and Regulation quoted by the Assistant Criminal Judge as the authority under which he passed sentence does not apply. Clause 2nd Section III Regulation VI of 1822 should have been cited by Mr. Pickard &c.

Sect: VII Reg: X 1816

11. With reference to Case No. 384 the Provincial Court of Circuit will point out to the Criminal Judge of Salem that he is not competent to release Prisoners convicted of accidental Homicide, a Special mode of proceeding in such cases being prescribed to the Courts of Circuit in the provisions of Clause 2d Section XI Regulation VII of 1802, and Clause fourth Section IV Regulation I of 1818.

12. Under the provisions of Section X Regulation IX of 1816 the accused Party should have been admitted to Bail, and the Case committed to be disposed of by the Higher Court.

13. With reference to Case No. 365 and to the 4th para: of the proceedings of the Provincial Court of Circuit the Judges of the Sonpore Adalut would remark that though the 5th prisoner was not liable to be punished under

under Section XI Regulation XIII of 1832, yet under the provisions of Section XXIII Regulation VIII of 1802 it was competent to the Criminal Judge to commit the person to take his trial before the Court of Circuit "for his connivance at the prisoners escape".

14. There does not appear to have been any necessity for the Criminal Judge to over-rule the Sentence passed by the Sudr Ameen in Case No. 390. it was certainly not an illegal sentence, and under the circumstances of the case it does not appear that the punishment was excessive, considering that at the period at which the crime was committed property of the description

* grain

stolen required the protection of the Law, which a sentence of so lenient a nature as that passed by the Criminal Judge, on revision of the case, would not be likely to ensure.

15 Neither do the Court consider that the sentence passed by the Pundit Sudr Ameen in Case No. 391. should have been over-ruled by the Criminal Judge the punishment awarded by the Sudr Ameen was in the opinion of the Court a very proper one, with reference to the prevalence of cattle stealing in this District; the Regulation under which the Sudr Ameen proceeded to pass sentence was wrongly quoted, and this in the opinion of the Court was the only correction which should

should have been made in the sentence.—

16. The Court of Enquiry Adalut in reviewing the Criminal Reports for the month of July last pointed out to the Criminal Judge of Salem that all the sentences for cattle stealing exhibited in that Report were considered too lenient and calculated to encourage the Crime. The Court at the same time remarked that in apportioning punishment to the offence of Cattle stealing, regard should be had not solely to the value of the property stolen, but to the difficulty of preserving and the facility of stealing it.—

17. The Court of Enquiry Adalut coincide in the opinion expressed by the Provincial Court of Circuit in the 4th Para: of their proceedings, that the number of persons concerned in the Commission of the Offences specified № 411 to 415. was sufficient to constitute the offence of Robbery by open violence.—

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division requiring them to furnish copies of the same to such Officers as it may concern by precept returnable in 6 days from and after its receipt.—

(Sent following precept № 631)

Read

Read a letter dated the 14th Instant from the Magistrate of Chingleput transmitting copies of certain orders issued to him by the Acting 3d Judge when on Circuit and objecting to the language in which those orders are couched.—

(Here enter № 1215)

The Court of Enquiry Adalut are sorry to observe, from a perusal of the papers which accompany the foregoing letter, that both the Acting 3d Judge of the Provincial Court of Circuit Centre Division and the Magistrate of Chingleput have rendered themselves liable to censure.—

2. The Acting 3d Judge was perfectly warranted in attributing "invention" to the Magistrate, and his last order throughout is couched in language unnecessarily authoritative and irritating.—

3. The Magistrate was in error in not replying, as common courtesy demanded, to the letter he received from the Acting 3d Judge, and an Officer of Mr Maclean's standing should have known that accidental rumour could never be received as an excuse for disobeying the instructions that had been communicated to him by superior authority.

4. The Court of Enquiry Adalut trust that both these Gentlemen will in future adopt a more courteous style of writing and that the public service will not again be impeded by disagreements

disagreements as useless as they are improper.—

Ordered, that extract from these proceedings be sent to the Acting 3d Judge late on Circuit in the Centre Division and to the Magistrate of Chingleput for their information and guidance respectively.—

(Sent following letters 8 Nos 832/833)

Read letter dated the 8th Instant from the 1st Judge on Circuit in the Southern Division submitting for the instructions of the Court, an extract from his Proceedings and Return from the Criminal Judge of Combaconum relative to further investigation directed to be made in Case №. 154 of the Calendar of persons discharged in that Zillah.—

(Here enter № 1200)

The Criminal Judges of this country have no parallel in English jurisprudence. but in a case like that referred to in the foregoing letter, they must be looked upon merely as the committing Officers. The simple question therefore which arises out of the present reference is whether there exists any bar to a second investigation in cases, which have once been gone into, and where the evidence in the original investigation was insufficient for the committal of the accused.—

2. The Court are of opinion that no such bar

bar exists, that every case is liable to reinvestigation on new evidence being produced, and that so far from the discharge of a Prisoner by the Criminal Judge being final, a second inquiry is neither contrary to the spirit nor letter of the Regulations.—

3. The Court of Sudder Adalut in consequence consider that the Criminal Judge at Combaconum has no option but to pursue the investigation directed by the 1st Judge on Circuit and to communicate the result of that additional inquiry to the Judges of the Court of Circuit collectively for their orders on the case, should the Judges of the Collective Court consider the evidence sufficient to put the accused on their trial, they will be pleased to issue their instructions to the Criminal Judge.—

Ordered, that extract from these proceedings be sent to the 1st Judge on Circuit and to the Provincial Court of Circuit in the Southern Division for their information and guidance respectively.—

(Sent following letters 8 Nos 834/835)

Read letter dated the 2d Ultimo from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, recommending mitigation of the punishment to which the Prisoners in Case №. 6 of the Chittoor 9th Supplemental Calendar 3d Quarter

quarter Sessions 1833 have rendered themselves liable.—

(Here enter № 1221)

On a due consideration of all the circumstances of this case the Court of Foujdaree Adalut are of opinion that the mitigated Sentence of three years imprisonment proposed by the Acting 2d Judge of the Court of Circuit is quite insufficient for the punishment of the prisoner in question, and they accordingly resolve to direct that the said prisoner

1st Siddadoo,
2d Murugandoo,
3d Cudhrugandoo,
4th Venkatugandoo,
5th Eminkdoo,
6th Amagara pully Cudrugadoo,
7th Ramadoo,
8th Chinna Venkatugadoo,
9th Chennadoo,
10th Narasimmadoo,
11th Nulla Venkatugadoo,
12th Nimjadoo, and
13th Ranjadoo,

in case № 6 of the Chittoor 9th Supplemental Calendar 3d Quarter Sessions 1833, be imprisoned and kept to hard labor in irons on the public roads or other public works for, and during the period of (7) seven years.—

Ordered that extract from these proceedings

24th October 1833.

proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept returnable without delay.—

(Sent following Precept № 836)

Read letter dated the 11th Instant from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division recommending anticipation of the punishment to which the Prisoners in case № 8 of the Chittoor 9th Supplemental Calendar 3d Quarter Sessions 1833 have rendered themselves liable.—

(Here enter № 1226)

On a due consideration of all the circumstances of this case the Court of Foujdaree Adalut are of opinion that the mitigated sentence of three years imprisonment proposed by the Acting 2d Judge of the Court of Circuit is quite insufficient for the punishment of the prisoners in question, and they accordingly direct that the said prisoners

1st Condereddy,
2d Chinna Nagadoo,
3d Pedda Chengadoo,
4th Chinna Chengadoo,
5th Rudegandoo,
6th Padmvola Venkatugadoo,
7th Lutchegadoo,
8th Rangadoo,

9th

9th Abberontoo,
10th Horsedair,
11th & 12th Malinjagadoo,
12th Debda Mootkadoo,
13th Chunia Mootkadoo,
14th Chennoojadoo, and
16th Kulloogadoo,

in Case No. 8 of the Chittoor 9th Supplemental Calendar 3d Quarter Sessions 1833, be imprisoned and kept to hard Labor in irons on the public roads or other public works for and during the period of (7) seven years.—

Ordered that extract from these proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by praecept returnable without delay.—

(Sent following Praecept No. 837)

Read letter dated the 11th Instant from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division recommending a mitigation of the punishment to which the Prisoners convicted in No. 1 of the 9th Supplemental Calendar 3d Quarter Sessions 1833 of Highway robbery have rendered themselves liable.—

(Here enter No. 1223)

The Court of Enquiry Adalut having maturely considered the circumstances of the case represented in the above letter sanctions under clause

third Section III Regulation I of 1825, the mitigated punishment recommended by the Acting 2d Judge of the Court of Circuit in the Centre Division and accordingly direct that the said Prisoners

2d Chemegan,
3d Boodun, and
4th Kulloogan,

be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (7) seven years.—

Ordered, that extract of these proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by praecept returnable without delay.—

(Sent following Praecept No. 838).

Encd. L.P.C. J.M

Read letter dated 11th Instant from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division transmitting a Copy of the 9th Supplemental Calendar of Chittoor 3d Quarter Sessions 1833.—

(Here enter No. 1220)

F. 46.

At a Court of the Toupdance Adalut

Present,

Saturday 50
26th October 1833. The Honble William Oliver Esqre Chief Judge.
Charles May Lushington Esqre 1st Puisne Judge.
Thomas Mer: Oakes Esqre Acting 2d Puisne Judge

740 Read again letter dated the 16th April last from the 2d Judge of the Court of Circuit in the Northern Division, transmitting the record of trial in Case No. 4 Guntoor Calendar 2d Sessions 1832

(Here enter No. 407.)

Read also return dated the 6th June last from the 2d Judge of the Provincial Court of Circuit in the Northern Division, to precept dated the 20th ultimo, ordering him to send the translations of the prisoner's declarations in Case No. 4 Guntoor Calendar 2d Sessions 1832.

(Here enter No. 601.)

Read letter dated the 27th January last from the 3d Judge of the Court of Circuit in the Northern Division transmitting copy of a letter from the Joint Criminal Judge Guntoor reporting the death of the 1st Prisoner in Case No. 4 Guntoor Calendar 2d Sessions 1832.

(Here enter No. 109.)

Mr. Lushington
Mr. Oakes.

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

1st Gramootoo Addelunky gandoo.
2d Eadara Akkadoo
3d Polloo Boochegandoo
and
3d Edara Chinna Veeradoo.

direct

5th October 1833.

direct that they be set at liberty.

(Sent following letter No 851)

Read again letter, dated the 9th March last from the Acting Judge on Circuit in the Centre Division, transmitting the record of trial in Case No 5 Cuddapah Calendar 1st Sessions 1833.

(Here enter No 289.)

Read also letter, dated the 22d August last from the Provincial Court of Circuit in the Centre Division, to precept dated 19th April last, ordering to take further evidence in Case No 5 Cuddapah Calendar 1st Sessions 1833.

(Here enter No 959.)

Mr Oliver
& Mr Baker.

The Court of Foujdaree Adalut 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-Cozat and Mooftee of the Foujdaree Adalut, concur in opinion that the prisoners

1st Cotacanda Pedda Soonkadoo.

2d Nutty Chinna Soonkadoo

and

3d Poola Goreneyandoo.

are not convicted of the crime of Gang Robbery and Murder charged against them, on strong presumptive proof or on the evidence of credible witnesses, or on their own Confessions, notwithstanding the futwa of their Law Officers, acquit them thereof, and accordingly direct under the provisions of Clause Sixth Section

26 October 1833.

Section II Regulation XX of 1803, that the said prisoners

1st Cotacanda Pedda Soonkadoo

2d Nutty Chinna Soonkadoo

and

3d Poola Goreneyandoo.

be set at liberty.

(Sent following letter No 852)

Read letter, dated the 11th Instant, from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, recommending mitigation of punishment to which the prisoners in Case No 7 of the 9th Chittoor Supplemental Calendar 3d Quarter Sessions 1833 have rendered themselves liable.

(Here enter No 1222.)

On a due consideration of all the circumstances of this case the Court of Foujdaree Adalut are of opinion that the mitigated Sentence of one year's imprisonment proposed by the Acting 2d Judge is quite insufficient for the punishment of the Prisoners in question, and they accordingly resolve to direct that the said prisoners,

1st Pedda Saudadoo,

2d Chinna Saudadoo,

3d Canama Vencatayadoo,

4th Raucha Moonegadoo,

5th Vencatapreyapah,

6th Rungapah,

7th Kaveyadoo,

8th Tippadoo,

9th

6th October 1833.

9th Seagados,

10th Bowden Saib,

and

11th G. Simmados,

in case No 7 of the 9th Chitton Supplemental Calendar 3d Quarter Sessions 1833 be imprisoned and kept to hard labor in irons on the public roads & other public works for and during the period of three years.

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, for his information and guidance by precpt, returnable without delay.

(Sent following Precept No 853).

J. M.

Read further Return dated the 17th Instant from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated 31st August last conveying the Courts observations and orders on the Criminal Reports for June last.

(Here enter No 1264.)

J. M.

Court of the Conjoree Adalut.

Present

The Honorable William Oliver Esqre Chief Judge.

Charles May Lushington Esqre 1st Puisne Judge

Thomas & Alexr. Oakes Esqre Acting 2d Puisne Judge

Monday 28th October 1833.

20 Wt

J. M.

Read letter, dated the 15th Instant, from the 1st Judge on Circuit in the Southern Division, transmitting for the orders of the Court, copy of a correspondence with the Criminal Judge of Salem, relative to case No 11 of the Salem Calendar 2d Sessions 1833.

(Here enter No 1234)

Read also letter dated the 18th Instant from the Provincial Court of Circuit in the Southern Division, submitting for the consideration of the Court, copy of a letter from the Criminal Judge of Salem, forwarding correspondence with the 1st Judge on Circuit on the same subject.

(Here enter No 1246)

1. The Court of Conjoree Adalut have perused with the greatest regret the letters addressed by the Criminal Judge to the 1st Judge on Circuit, which are in their opinion highly reprehensible and improper.

2. The Criminal Judge has in fact assumed the powers of the Conjoree Adalut, and his conduct, not only in this, but in other cases,

at

at present before the Court, has issued a contumacious course of opposition to the Judge on Circuit, as unbecoming and the station he fills, as it is likely to prove injurious to the public service.—

3. The Court will take the case in question into consideration, on receipt of the Calendar, and they deem it proper in the mean time to warn the Criminal Judge, that in the event of a repetition of the subordination he has evinced on the present occasion, they will feel it their duty to bring his conduct to the particular notice of Government.—

Ordered, that extract from these Proceedings be sent to the 1st Judge on Circuit in the Southern Division, with instructions to communicate the same for the information and future guidance of the Criminal Judge of Salem.—

(Sent following letter № 854).

Read letter, dated the 17th Instant, from the Criminal Judge of Salem, submitting for the consideration of the Court, copy of the sentence passed by the 1st Judge on Circuit in Case № 10 of the Salem Calendar 2d Session 1833.—

(Here enter № 1236)

As far as the Court can form a judgment of the case in question, from the fatwah of the Law officer, the sentence passed by the 1st Judge on Circuit appears to them to be perfectly correct and proper, and they cannot therefore but consider the present reference from the Criminal Judge highly unbecoming.—

2. The Court only consider it necessary further to call the attention of the Criminal Judge to their Proceedings of this date, copy of which will be furnished to him by the Circuit Judge, wherein he will find that a persistence in the system of opposition he has hitherto evinced towards his immediate superior, will render it imperative upon them to report his conduct to Government.

Ordered, that extract from these proceedings be sent to the Criminal Judge of Salem for his information and future guidance.—

(Sent following letter № 855)

Read return, dated the 10th Instant, from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, to precept dated 9th Instant, calling for the English translation of the trial in № 4 Chittoor 3d Quarter Session 1833.—

(Here enter № 1289)

The proceedings on this trial were ordered to be sent up in consequence of it appearing that

Oct.r 1833

28th October 1833.

that the Acting 2d Judge of the Centre Court of Circuit had released the Prisoner on security, while there was evidence sufficient on which to have convicted them:—

2. The circumstances alluded to by the 1st and 2d witnesses Chengama Naidoo and Krom Raid and which led the second Prisoner to acknowledge the robbery of the Prosecutor's house, confirm in the opinion of the Court the truth of the confessions made by the two prisoners before the Head of Police, while they consider the property delivered by the prisoners after the declaration of the prosecutor and the evidence of the 3d and 4th witnesses sufficient to convict the crime of Gang Robbery against all the Prisoners. They in consequence desire that a second question may be taken from the Law Officer, when the declaration of the Prosecutor being admitted as evidence against the Prisoners they will be found guilty: and the sentence of fourteen years imprisonment with hard labor must, under the Regulations, be passed on them:—

Ordered that extract from these

J. Cl.

28th October 1833.

proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, by precept, directing conformity to the instructions therein contained.—

Precept returnable without delay.—

(Sent following precept No. 1856)

Read letter, dated the 30th 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 Court & Criminal and Native Criminal Judges in the Division for the month of August last.—

(Here enter No. 1196)

Chittoor. 1 The prisoner concerned in Case No. 263 of the Report No. 5 submitted by the Criminal Judge of Chittoor, who is charged with having wilfully released a prisoner who was committed to his charge and "found guilty of neglect of duty" has it appears been "released" but "recommended to be dismissed from service" the Provincial Court of Circuit will point out to the Criminal Judge of Chittoor, that the Police Cases were specially by the Criminal Judge under the provisions of Regulation XI Section XI Regulation XIII of 1832.—

It would appear from the explanation given in Case No. 270. that the 1st 2d and 3d prisoners

prisoners "admitted" the crime with which they were charged before the Criminal Court, if this be the case, a specific punishment should have been passed upon the prisoners, as security is demandable by a Criminal Judge only, when adequate proof for conviction of a specific offence may not be adduced against a prisoner.

3. The prisoner concerned in Case No. 314, a Talian, is charged and convicted of having wilfully released a prisonier named Paradaramen, for which he has been sentenced by the Criminal Judge to 2 months' imprisonment and labour.

4. The Provincial Court of Circuit will point out to the Criminal Judge of Chittoor that the Regulations* require that persons guilty of connivance or further criminality shall be committed for trial before the Court of Circuit.

5. The "Nair Shirestadar attached to the "Principal Collector" having no authority to hold Police proceedings, the original investigation of Case No. 319, would appear to have been irregularly conducted.

6. The Court of Zoujdaree Adalut do not consider that the detention of the prisoner concerned in Case No. 329 for 18 days in the Cutcherry has been satisfactorily accounted for by the Acting Head of Police.

* vide Sect: XXIII Reg: VIII of 1802 extended by Clause 1st Sect: XIII Reg: I of 1810.

Police of Penmore, and they desire that the same be intimated to the Magistrate of Chittoor.

Cuddapah 7. The Court of Zoujdaree Adalut, on reference to the Supplemental Report submitted by the Criminal Judge of Cuddapah, perceive that the prisoner concerned in Case No. 230 charged with "Highway Robbery attended with open violence "by day on the 21st June 1833 to the amount of Rupees 6. "13 3/4." has been sentenced to "one years imprisonment "with hard labour in irons". an explanation of this sentence the Criminal Judge of Cuddapah must be required to submit as the case would appear to have been altogether beyond his jurisdiction.

8. If the crime proved differed from that originally charged against the prisoner, a note of the circumstance should have been entered in the Report as required by the standing orders of the Zoujdaree Adalut.

9. The same remark applies to the sentence passed upon the prisoner in Case No. 248 in which the crime charged against the prisoner would appear to amount to Highway Robbery.

Bellary. 10. In Case No. 175 of the Report to No. 5 submitted by the Acting Criminal Judge of Bellary it is stated that "the 18th, 20th, 21st, 22nd and 24th prisoners having been committed in another number "their sentence is spending their acquittal or conviction in

28th October 1833.

"in the higher Court" the sentence however which the prisoners are to undergo in the event of their acquittal by the Court of Circuit should have been recorded in the Report.—

11. In Cases Nos 175, 176 and 177 it is stated that the prisoners concerned in those numbers, though apprehended on the 16th and 17th of July, did not reach the Police Officer until the 25th of the same month. the Magistrate of Bellary is therefore required to report in whose custody the prisoners were up to the period of their arrival at the Talook Cutcherry.—

12. If the entrance into the prosecutor house was effected by making a hole in the wall as stated in the charge the amount of Chittoor that stolen would take the case out of the Criminal Court's cognizance

a. 3
* Rufees 119-13-3

of the Criminal Court's cognizance the Provincial Ct for trial Circuit is therefore required to direct the commitment of the prisoners in the event of their having been committed of Housebreaking to the exclusion

as B
of Rufees 119-13-3.—

13. In Case No 196 it is stated that to "prevent the influence so often experienced by "intercourse between a new prisoner and former "and prisoners already convicted" the prisoner in this case "was interrogated and voluntarily confessed

F. 4a.

At a Court of the Foujdaree Udalut

Wednesday 30th October 1833.

Present,

Charles May Lushington Esqr 1st Puisne Judge

Thomas Alex. Oakes Esqr 1st Acting 2d Puisne Judge

Read letter, dated the 4th Ultimo, from the 3d Judge late on Circuit in the Northern Division, transmitting the Record of trial in Case No 3 Rajahmundry Calendar 1st Sessions 1833.

(Here enter No 1030.)

The Court of Foujdaree Udalut, on a deliberate consideration of the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

Coopparlee Soobbadoo.

is sufficient to convict him of the crime of Rape, do under the authority with which they are vested by Clause first Section II Regulation I of 1818. commit him thereof, and under Clause Second Section II of the same Regulation, deem their Law Officers to declare by a Second futwa to what Sentence the prisoner would have been liable under the Mahomedan Law, if he had been convicted of that crime by full legal evidence.

Ordered, that Extract of these proceedings be translated and delivered to the Cazee-ool Cozaat and Mooftee of the Foujdaree Udalut.—

Read.

Read letter, dated the 4th Ultimo from the Second Judge on Circuit in the Western Division, forwarding trial No. 4 on the Additional Calendar for the Zillah of Malabar 2d Sessions 1833.

(Here enter No. 1039.)

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee cul Corzat and Mooftee of the Foujdaree Udalut, are in opinion that the Prisoner

Neilamkite Rayen.

is not convicted on strong presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of murder notwithstanding the failure of the Law Officers and accordingly under the provisions of Clause Sixth, Section II Regulation XX of 1803 acquit him of the said crime of murder, but being of opinion that the proof against him is sufficient to convict the Prisoner of the crime of Culpable Homicide, they under Clause Second Section VI Regulation I of 1825 Sentence the prisoner

Neitamoottah Rayen.

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.

(See following Letter No. 863)

Read Returns, dated respectively the 5th

and

and 18th of March last, made by the Provincial Courts of Circuit in the Western and Southern Divisions to the precept of this Court of the 30th of January last, calling upon the several Magistrates to state what measures appear to them best calculated to effect the due performance of the duty assigned to the Heads of Villages by Section XIII Regulation XI of 1816.

(Here enter No. 237 & 293.)

Read also further Returns dated respectively the 15th of August and 20th Ultimo made by the Provincial Courts of Circuit in the Northern and Centre Divisions, to the precept of this Court of the 30th of January last, and submitting the opinions on the same subject of the several Magistrates within their respective jurisdictions.

(Here enter No. 917 & 1080.)

The serious attention of the Court of Foujdaree Udalut having been attracted by the almost universal neglect of the important provisions contained in Sections XIII and XXXVI Regulation XI of 1816, on the part of the Officers to whom by those Sections, and by Section III Regulation IV of 1821 the duty of conducting inquests on the bodies of all persons supposed to have been murdered is assigned, and the endeavours of the Court to ensure the observance of the provisions of the Law on this subject having hitherto failed to produce any effect, the

Judges

Judges of the Foujdaree Udalut deemed it incumbent on them to call the particular attention of the Courts of Circuit to this matter, and to call upon the several Magistrates to state what measures appeared to them best calculated to effect the due performance of the important duty assigned to the Heads of Villages by Section XIII Regulation XI of 1816.

2. The opinions of the several Magistrates on this subject are contained in the returns above alluded to, and the Judges of the Foujdaree Udalut will proceed to notice the several suggestions made by those Officers, premising however that the Heads of District Police and the Officers specially appointed under the provisions of Section III Regulation IV of 1821, have been distinctly warned that future neglect on their part of the duty prescribed to them of holding inquests when practicable will be visited with dismissal from Office under the provisions of Section III Regulation XIII of 1827.

Northern Division
Nellore

3. The Magistrate of Nellore states that "the measure best calculated" in his opinion "to effect the due performance of the duty assigned to the Heads of Villages by Section III Regulation XI of 1816, is a perseverance in the Magistrate to see that the provisions of the aforesaid enactment are strictly attended to in all possible cases."

Guntoor
Masulipatam
and
Rajahmundry

4. The Acting Magistrate of Guntoor and the Magistrates of Masulipatam and Rajahmundry appear to be of the same opinion, and that greater exertion on the part of the Heads of Village Police cannot be expected, until some emolument be attached to the Office, and the Magistrate authorized to punish by fine or other penalty, Officers of this description convicted of neglect of duty.

Vizagapatam

5. The Magistrate of Vizagapatam states that "the lawless habits of most of the Heads "of Villages in the Hill Countries renders them unfit "for the duties allotted them to perform - and as they "are the servants of Chiefs who are nearly independent "of the Government, it is impossible for the Magistrate "to control their acts. The rest of the District" Mr. Mason observes "has been till lately in the hands "of farmers of large tracts of country, the Heads "of whose villages have been in the habit of "looking up to them instead of the Circar for orders, "whom they are fearful of offending by obeying the "orders of the Police."

6. The Magistrate under these circumstances states that "he feels it impossible to "give any correct opinion as to the measure best "calculated to effect the due performance of their "duties especially at the present moment when "the District is under Martial Law."

Ganjam

7. The little use that Heads of Villages have hitherto proved to be is attributed by the Magistrate of Ganjam to the fact of there

there being but "few people to be found" in that District "holding the situation of Head of a Village who can "either read or write."

8. "In the Zumindaries" Mr. Ogilvie states "the immediate Servants of the Rajah could, "if they wished, be of the utmost service in detecting "crime, and performing the general duties of Police, "but they will not act, and it is almost out of our "power to force this duty upon them."

9. "If a murder is committed" observes Mr. Ogilvie "in a Zumindary no person will go "near the spot where the body lies; I have" continues the Magistrate of Ganjam, "repeatedly tried to "impress upon them the necessity of this investiga- "tion (to detect the murderer) but without the "slightest success. They will not even report it to "the Head of Police, that he may proceed to the Spot "to enquire into the circumstances himself, because "they know their evidence will be required, and that "their time will be taken up travelling to the Police "Office and to the Criminal Court a duty of ale "others they detest."

Centre Division
Chittoor. 10. The Magistrate of Chittoor has not offered any Suggestion in respect to the best mode of inducing on the part of the Heads of Villages a strict observance of that most important duty, committed to them of holding inquests on the bodies of those who may appear to have met their

death by violence, but states in his returns "that in "all cases of neglect the Magistrate has invariably fined the Monigff. "and in cases of extreme delateriness or inattention "to their Police duties has dismissed them"

11. The Court of Foujdaree Adalut however would here remark that the Magistrate cannot legally enforce the payment of any fine imposed for neglect of duty, until the penalty of fine shall have been duly legalized in such cases.

Cuddapah. 12. The Magistrate of Cuddapah suggests with the view "of enforcing attention to the "rules laid down in Sections XIII and XXXVI Regulation "XI of 1816, that the Magistrates be empowered to notice "neglect in the same way as abuse of authority; and "that whenever the Monigff Reddy may be called "away on other business from his village he should "notify to the Head of Police the person whether "joint Reddy or Cumum, on whom he has devolved "the Police duties during his absence."

Bellary. 13. The Magistrate of Bellary states that "he is not aware of any better remedy for the correction of the evil" than the imposition of a moderate fine, which it is the practice in his District to levy in cases of neglect of duty.

Chingleput. 14. The Magistrate of Chingleput suggests two modes of enforcing the provisions of Section XIII and XXXVI Regulation XI of 1816. "The first is that of vesting Magistrates with power

"power to impose on Heads of Villages a fine not
"exceeding 10 Rupees in cases of neglect of duty, or
"ordinary inattention, not involving the compromise
"or concealment of any particular crime. The other
"and most efficacious mode of ensuring the Services
"of these public Officers is to render their situations
"more valuable, in a lucrative point of view when
"the fear of losing them would produce that effect
"which all other means hitherto resorted to, have
"failed, in bringing about." In the Zillah of Chingle-
put the Magistrate observes, "there are many Villages
"in which the emoluments of the person performing
"the duties of Village Moonsiff are nil; and the conse-
"quence is that the duties expected from them are
"most imperfectly performed. In seasons of scarcity"
Mr Maclean states "it is quite common for Heads
"of Villages to absent themselves from their villages
"without informing the District Police of their
"having done so."

Cuddalore South Arcot.

15. The Magistrate in the Southern Division of Arcot states that the Heads of Villages in his District are "generally either Moonsiffs "or Puttahmunigars in many cases both and both Offices are "much sought after, and the penalty of removing "from Office the Magistrate is of opinion will be "sufficient to ensure attention on their part."

16. From the circumstance of the Office of Head of a Village being "much sought after" in this District, the Judges conclude that some emolument is already attached to this Office in the Southern Division of Arcot.

Southern Division Tinchinopoly.

17. The Magistrate of Tinchinopoly states "that as the Heads of Villages" in his District "at present receive no Remuneration whatever for their "services, and are not liable to punishment by any "Tribunal for failure in the duties expected from them "it can scarcely be matter of surprize that they have "hitherto been so remiss in the discharge of the im- "portant duties assigned to them by the Regulations "more especially when it is considered that a strict "performance of their duty would often subject "them to considerable inconvenience and probably "some expence, in having to attend the Criminal "Court as evidences."

18. The Magistrate therefore states it to be his opinion, "that to ensure the willing "performance of the duty expected from the Heads "of Villages it is necessary that a certain allowance "in land proportioned to the size of the village, "and which might be taken from the waste "should be allotted to the Office of each Head of "Village Police; and that a Regulation should be "enacted declaring that Heads of Villages who may "hereafter fail in conducting inquests on the bodies "of persons supposed to have been murdered as pre- "scribed by Regulation XI of 1816 shall on conviction

before the Criminal Court, be liable to a fine of 100 Rupees or to imprisonment for a period not exceeding six months.

19. The Suggestion of the Magistrate of Trichinopoly that a certain allowance in land should be allotted to the Office of each head of Village Police, is in the opinion of the Judges of the Foujdaree Adalut worthy the serious consideration of Government, and it may perhaps be proper here to notice that in the 11th para of the Minutes of consultation dated the 24th of September 1830 it was intimated to the Court of Foujdaree Adalut that this important subject was brought to the notice of the Board of Revenue by the Government so far back as the 2d of February 1827 with instruction to report on the means of making a suitable provision for the Heads of Village Police and that on the 17th April 1827 the subject had been again urged on the attention of that Board.

20. Whether any, and what communication have been received by the Government from the Board in pursuance of these instructions, is not known to the Court of Foujdaree Adalut, but with reference to the 6th para of the Minutes of Consultation under date the 10th of February 1832, the Judges conclude that up to that period no communication had been received.

Tanjore. 21. In Tanjore the Magistrate states that the Heads of Villages "have no remuneration

of any kind" and that "the Office is therefore merely nominal;" and he agrees in the opinion expressed by the Magistrate of Trichinopoly that some kind of remuneration for the trouble and responsibility which they must incur in the exercise of the Office should be granted to the Heads of Village Police.

Salem. 22. When Village Moonsiffs may be lax in the performance of their Police duties, the Magistrate of Salem thinks "that the best mode "of stimulating them to exertion is by having them "brought before himself and personally explaining "to them the importance of their observing the provi-"sions" of Sections XIII and XXXVI Regulation XI of 1816 "and at the same time to require the Tahsildars and other Police Officers to be vigilant in "bringing to his notice all cases of remissness on the "part of the Village Moonsiffs." This practice as detailed by the Principal Collector, the Foujdaree Adalut deems of the utmost importance.

Coimbatoor. 23. From the return made by the Magistrate of Coimbatoor it appears that the Heads of Villages in this District have already some remuneration, and therefore their attention to the Regulations can be enforced by fine, whenever a legislative enactment to this effect may be sanctioned by the Right Honorable the Governor in Council.

Madura and Tinnevelly 24. The Magistrates of Madura and Tinnevelly have omitted in their returns to offer any

any Suggestions as to the best mode of inducing, on the part of the Heads of Villages, a strict observance of their important Police duties, the Judges of the Fouzdaree Udalut will therefore proceed to review the several returns on this Subject received from the Magistrates in the Western Division.

Western Division Canara. 25. The Magistrate of Canara states that the provisions of Sections XIII and XXXVI Regulation XI of 1816 are invariably attended to in his District, and has therefore not offered any Suggestions as to the best mode of enforcing the due performance of the duties assigned to Heads of Villages.

Malabar. 26. Neither has any opinion on this subject been expressed by the Magistrate of Malabar, where Mr Clementson reports "the duty assigned to Heads "of Villages appears to be generally attended to".

27. The only feasible mode of obliging the Heads of villages to the performance of the functions presented to them, appears to the Court of Fouzdaree Udalut to be the annexation of emolument in some shape or other to the Office, and the enactment of provisions for fining them for neglect of duty. To the Court of Fouzdaree Udalut it is perfectly obvious that the imposition of any duty by a legislative enactment, the neglect of which can be visited by no penalty, is worse that nugatory.

28. This Subordinate Department of the

the existing Police System might by these means, in the opinion of the Court, be rendered eminently useful, at present, notwithstanding the enactment of Regulations IV and VI of 1831 the proclamation issued to Heads of Villages notifying the provisions of those Regulations and the orders of Government under date the 25th of September 1830 directing the several Magistrates to require the Heads of Villages to take cognizance on the Spot of every case within the limits assigned to their power by the Regulations and to prohibit the Tahsildars from entertaining any complaint cognizable by a Head of a Village except during his stay at the village in his tours of duty, - as far as appears from the records of the Fouzdaree Udalut, no benefit is derived from their Services, and, as observed in the proceedings of this Court Submitted to Government under date the 30th of May 1831 until some emolument or other advantage is allowed to the Heads of Villages to induce them to act in their Police capacity, the Court cannot anticipate a more favorable result.

Ordered accordingly, that Extract from these proceedings, together with copies of the returns and Enclosures from the four Provincial Courts of Circuit be transmitted to the Officiating Secretary to Government in the Judicial Department, with the recommendations of the Court of

Fouzdaree

30th October 1833.

Soujdaree Adaulut, that the subject may meet with the early consideration of the Right Honorable the Governor in Council-

(Sent following letter No 864)

Read letter, dated the 23d Instant, from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 16th Instant, conveying the Courts remarks on the Returns submitted by them on the 27th Ultimo, on the subject of the Criminal Reports for the months of July last-

(Here enter No 1262-)

Read letter, dated 22d Instant, from the Judges of the Provincial Court of Circuit in the Western Division, to precept dated 11th Instant, ordering them to communicate to the several Subordinate Courts, this Courts instructions abolishing the present practice hitherto observed directing for the future all prisoners sentenced to a term of imprisonment and labor shall be seemed in irons in the usual manner-

(Here enter No 1263-)

Read letter dated the 23d Instant from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 11th Instant, ordering them to communicate to the several Subordinate Courts, this Courts instructions abolishing the present practice hitherto observed directing

30th October 1833.

directing for the future all prisoners sentenced to a term of imprisonment and labor shall be seemed in irons in the usual manner-

(Here enter No 1264-)

Tuk

Secd

L.T.O.

H.M.

At a Court of the Foujdaree Udalut

Present.

Thursday 31st October 1833.

Charles May Lushington Esqre 1st Puisne Judge

Thomas Alex: Oakes Esqre Acting 2d Puisne Judge

Read letter, dated the 9th Instt from the Acting 3d Judge late on Circuit in the Southern Division, transmitting the record of trial in Case No 21 of the Salem Calendar 1st Sessions 1833

(Here enter No 1043)

Mr Lushington
Mr Oakes

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under Clause second Section IV Regulation XV of 1803 adjudge the prisoners

1st Marorden and

2d Paryanen

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

3

3d Enoluppen
4s Balagand
5s Carroppa Dauen
6s Donieu
7s Calaven
8s Payaeaumpppen
and
9s Varanad.

direct that they be set at liberty.

(Sent following letter No 867)

Read further return, dated the 17th Instant made by the Provincial Court of Circuit in the Southern Division to the precept of this Court of the 23d Ultimo, containing the observations and orders of the Foujdaree Udalut on the Criminal Reports for the month of July last.

(Here enter No 1243.)

From the date of the return made by the Criminal Judge of Combaconum, the Judges of the Foujdaree Udalut perceive that their orders of the 18th Instant, pointing out in what cases a Criminal Judge is competent to exercise Original jurisdiction, could not have been received by Mr Thomas when this return was prepared, but with reference to the 2nd para, the Court of Foujdaree Udalut will remark that there is no necessity to take a retrospective view of the cases alluded to in para 4, but they desire that the Criminal Judge do in future abstain from

exercising original jurisdiction in cases of Forgery—

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 Combaconum for the information and future guidance of that Officer.

(Sent following letter No 868)

Read again letter, dated the 16th Ultimo, from the 3d Judge late on Circuit in the Northern Division, transmitting the record of trial in Case No 3 of the Rajahmundry Calendar 1st Sessions 1833.

(Here enter No 1030.)

Read also second future delivered in the above case by the Cazee ul Cozat and Mofsulees of the Foujdaree Udalut—

Under the sentence of Acknowledgment declared in the above future and under the provisions of Clause third Section VII Regulation XV of 1803 the Court of Foujdaree Udalut sentence the prisoner,

Coppartee Soobbadoo,

to receive 100 lashes with a Cat-o-nine-tails, and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (7) Seven years and then to be released—

(Sent following letter No 869)

Read Extract from the Minutes

J

of Consultation dated the 22d Instant.

(Here enter No 1250)

The Court of Foujdaree Adalut see no objection whatever to a compliance with the request of the Magistrate of Tanjore, that fifty convicts may be placed at the disposal of the Joint Magistrate, for the purpose of keeping in repair the roads in the vicinity of Mayaveram, and that the number of two hundred convicts formerly placed under his own charge may be completed from the Jails at Combaconum or Tuticherinopoly, and they will, should such be the pleasure of Government, issue the necessary instructions to the Provincial Court of Circuit in the Southern Division to carry these measures into effect.

L.H.O.

Sent to Govt. 22/10/7

(Sent in No 870)—

J. Cl.

J. C.

Monday 4th November 1833.

Present,

The Honble William Oliver Esqre Chief Judge
Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge

Read petition presented on the 30th ultimo by B. Kaunacka and two others of the Zilla of Cuddapah.

(Here enter M.P. No 85 of 1833)

The Petitioners complain of the sentences which have been passed upon their relatives the prisoners in case No 28 of the Cuddapah Calendar 2d Session, and pray the Court to issue orders for their release.

2. The trial in question has been called up by the Foujdaree Adalut, and will be disposed of according to the Regulations, and pending the final orders of the Court, the operation of the sentence has been suspended.

Ordered, that Extract from this Proceedings be granted to the Petitioners on application.

Read Letter dated the 25th September last from the 2d Judge on Circuit in the Northern Division, submitting Case No 1 of Masulipatam Calendar 2d Quarter Session 1833.—

(Here enter No 1140)

Jus

30th October 1833.
31st October 1833

to

Mr Carver

The Court of Soujaum Vcalut 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 Soujaum Vcalut, confirms the said futwa of the Cazee ool Cozat and Mooftees aforesaid, and under Clause Second Section IV Regulation XV of 1813, adjudge the prisoner

1st Bollarapoo Vankadoo

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. And under the provisions of Clause third Section IV Regulation XV of 1813, adjudge the prisoner

12th Muddu Soobbadoo

&

15th Rotowy Vankadoo

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

(Sent following Letter No 875)

Read letter, dated the 15th Ultimo, from the Criminal Judge of Salem, appealing from the orders of the 1st Judge on Circuit in the Southern Division, directing the release of the prisoner charged with perjury and forgery in No 12 of the Salem Calendar 2d Session 1833.

(Recorded No 1235)

4th Nov. 1833.

1. The Court of Soujaum Vcalut have no hesitation in deciding that the Criminal Judge is quite wrong in supposing that he possesses authority to supercede original jurisdiction in cases of forgery, and they consider him liable to censure, in pertinaciously maintaining that opinion in opposition to the instructions of his immediate superior.

2. All cases of forgery must in the first instance be brought before the Magistrate, and as it appears to the Court to be necessary to the ends of justice that that course should be adopted with regard to the Prisoner in the case under review, they direct that the 1st Judge on Circuit in the Southern Division will recall his order of the 10th Ultimo, and will instruct the Magistrate to reapprehend the prisoner and dispose of the case according to the Regulations.

Ordered, that by track from these proceedings be sent to the 1st Judge on Circuit in the Southern Division, and to the Criminal Judge of Salem for their information and guidance respectively.

(Sent in No 876 to 877)

Read letter, dated the 12th Ultimo, from the Criminal Judge of Salem, transmitting an Extract from the proceedings of the Court of Circuit dated the 10th Ultimo, directing the release of the Prisoner charged with forgery in No 8 of the Salem Calendar 2d Session 1833.

(Recorded No 1227)

The

4th Decr 1833.

1 The Court of Sowdawn do not think it necessary to hesitate in stating their opinion that the crime of which the prisoner in this case was convicted, falls within the definition of forgery as declared in Clause third Section IV Regulation VII of 1811, and that he should not have been released by the Circuit Judge, and they in consequence resolve to direct the 1st Judge on Circuit to cancel his order of the 10th Ultimo, and to issue the necessary instructions for the re apprehension of the Prisoner and the investigation of the case by the Magistracy, in whom primary cognizance, in all cases of forgery is vested. The Moniegar of Bodiar Chetty should be produced as a witness in support of the charge, which should properly be preferred by the Tahsildar of the Talook of Congayim.

2 The Court consider it necessary to apprize the Criminal Judge that his appeal from the decision and order of the Judge on Circuit should have been addressed to the Sowdawn Adawlut by letter, and not thro' the Government Packet.

Ordered, that Extract from these proceedings be sent to the 1st Judge on Circuit in the Southern Division, and to the Criminal Judge of Salem for their information and guidance respectively.

(Sent in Dr 5/1879)

Read

2

D. 66.

4th December 1833.

Read return, dated the 24th Ultimo from the Provincial Court of Circuit in the Western Division, to precept dated the 18th Ultimo, conveying the Court's observations and orders on the Criminal Reports for August last.

(Here enter No 1274.)

Read return, dated the 28th Ultimo, from the acting 2d Judge of the Provincial Court of Circuit in the Centre Division, to precept dated 21st Ultimo, sanctioning the mitigation of punishment in case No 8 Chittoor 9th Supplemental Calendar 3d Quarter Sessions 1833.

(Here enter No 1275.)

Read return dated the 28th Ultimo, from the acting 2d Judge of the Provincial Court of Circuit in the Centre Division, to precept dated 24th Ultimo, sanctioning the mitigation of punishment in case No 6 Chittoor 9th Supplemental Calendar 3d Quarter Sessions 1833.

(Here enter No 1276.)

Read return dated the 28th Ultimo, from the acting 2d Judge of the Provincial Court of Circuit in the Centre Division, to precept dated 24th Ultimo, sanctioning the mitigation of punishment in case No 1 Chittoor 9th Supplemental Calendar 3d Quarter Sessions 1833.

(Here enter No 1277.)

Read

4th Novr 1833.

Read Return, dated the 28th
Ultimo, from the Acting 2d Judge of the Provincial
Court of Circuit in the Centre Division, to
precept dated 20th Ultimo, sanctioning the
Mitigation of punishment in case of No 7 Chittoor
9th Supplemental Calendar 3d Quarter Sessions
1833.

(Hereunto No. 1278.)

J. H.

Ltd
Fwd.

L.t.O

J. H.

At a Court of the Trinidad Adalut.

Present

Tuesday 5th November 1833.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge

Ctd
140

Read letter dated the 21st September last, 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, Joint Criminal, and Circuit Criminal Judges in the Division for the months of April last.

(Hereunto No 1180)

With reference to the 13th and 14th paras of the proceedings of the Provincial Court of Circuit, the Judges of the Trinidad Adalut direct that the Magistrate of Pellow be informed, that for any future similar neglect of duty on the part of the Head of Police of Tavon and Tara-gontapaud, the Judges will require his dismissal.

1

With reference to the Statement shewing the manner in which the prisoners confined in the Jail at Pellow were employed during the Months under review, the Judges desire that the Criminal Judge be called upon to explain, why so many as 42 prisoners were required to clean the Jails.

2

J. H.

2d

3 The proportion of prisoners permitted to attend on the sick, is also in the opinion of the Court much too large.

Guntoor

4 If it was proved that the amount of the property stolen in case N: 23 exceeded one hundred rupees, the Prisoner should have been committed to take his trial before the Court of Circuit, as house breaking to the extent charged in Ct: 23 is beyond the jurisdiction of the Criminal Court.

Masulipatam

5 The Provincial Court of Circuit will point out to the Acting Joint Criminal Judge at Masulipatam, that as there was only "a slight degree of suspicion against the prisoner" in case Ct: 79 of the Supplemental Report, the requisition of Security was unauthorized Clause first Section IX Regulation II of 1822 permitting the requisition of Security only in cases where the prisoner may "appear to be under strong suspicion of any act of Criminality"

6 With reference to paras 45 and 53 of the proceedings of the Provincial Court of Circuit, the Judges of the Sudder Adalut will remark that as Regulation VIII of 1831 does not apply to the Provincial Court of Circuit, a single Judge of that Court possesses no authority to call for the proceedings of the lower Court.

7 Adverting to para 6 of the Provincial Court's proceedings, the 3d Judge will perceive that maliciously killing "a Goat"

is

is made punishable by the Magisthate and Head of Police by Clause second Section VIII Regulation XIII of 1832.

8 The practice of permitting prisoners "to assist the Keepers" has on a former occasion been prohibited by the Sudder Adalut. But the Provincial Court of Circuit possesses no authority to direct that none of the "Security prisoners" should be worked "as Black Smiths," the "kind and degree" of Compulsory labor being, by Clause first Section XIII Regulation VI of 1827, left entirely "at the discretion of the Criminal Judge"

9 And the Court of Sudder Adalut are of opinion if the profession of these prisoners was that of a "Black Smith, that they could not have been more advantageously employed.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division, requiring them to make the necessary communication to the several Officers whom it may concern for their information and future guidance.

Sent in a/c N: 880

Read Extract from the Minutes of Consultation dated 29th Ultimo stating that the Government see no objection to the Sentence passed

28

5th Nov.r 1833.

passed by the Court on trial of Nos 6 Chicacole Special Commission being carried into execution

(Here enter No. 1271)

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the prisoners

5th Soubapoo Kandingoo
21st Bronda Dora and
22d Ramapantulloo

be transported beyond seas, 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, and during the period of their natural lives, and acquitting the prisoners

11th Bakary Putnaik
and
14th Putty Jaggabundoorya,

they direct that they be set at Liberty.

The Court likewise direct that a extract from their proceedings under date the 16th ultimo be sent for the information and future guidance of the Judges of the Chicacole Special Commission.

(Sent following letter No. 881)

J. C. M.

L.t.O.

J.H.

At a Court of the Zoujdaree Adalut.

Present,

Friday 8th November 1833.

Charles May Lushington Esq.re 1st Puisne Judge
Thomas Alex.r Oakes Esq.re officiating 2d Puisne Judge

Read return dated the 12th Ultimo, made by the 2d Judge on Circuit in the Nellore Division, to the precept of this Court of the 30th September last, conveying the remarks and orders of the Zoujdaree Adalut on the Malabar Calendars for the 2d Sessions of 1833.

(Here enter No. 1939)

1 With reference to the 2d para of this return, the Judges of the Zoujdaree Adalut see no reason to revise their order for the apprehension of the prisoner concerned in Case No. 1, and they desire therefore that their instructions in this respect be immediately attended to.

2 Neither has any thing that has been urged by the 2d Judge in the 3d, 5th & 6th paras of this return tended to alter the opinion expressed by the Zoujdaree Adalut in the 3d, 6th, 7th and 8th paras of their proceedings of the 30th of September last, as regards the propriety of the proceeding on the part of the 2d Judge in discharging from the bar without trial the prisoners concerned in cases Nos 3 and 4, and as the observations recorded by the Court of Zoujdaree Adalut in respect to the disposal of those cases were intended for the information and future guidance of the

2d

L.B.

8th Nov. 1833.

2d Judge, the remarks contained in the 3d and 5th paras of his return are considered disrespectful and improper.

Ordered, that a Extract from these proceedings be forwarded to the 2d Judge on Circuit in the Western Division for his information and guidance.

(Sent in No. 885).

L.H.C.

I.C.M

Read further return dated 31st Octr last from the Provincial Court of Circuit in the Centre Division to precept dated 30th September conveying the Courts observations and orders on the Criminal Reports for July last.

(Recorded No. 1290).

At a Court of the Zillah Adalut

Present,

Monday 11th November 1833. The Honble William Oliver Esqr. Chief Judge.
Charles May Lushington Esqr. 1st Puisne Judge
Thomas Alex. Oakes Esqr. Acting 2d Puisne Judge.

Ch. L

Read Petition presented on the 10th September by Veerasawmy Naicken, Vakeel of Davany Ammal of the zillah of Chingleput.

L. O

(Here enter Mil. No 80 of 1833.)

1. The Petitioner states that she preferred a charge of Robbery against certain persons who were apprehended by the Police and forwarded to the Criminal Judge of Chingleput, who restored the Stolen property to her, but released the Prisoners; that she then Petitioned the 1st Judge on Circuit, who directed the Criminal Judge to reapprehend the persons in question, and after instituting a fresh examination of the case, to report his proceedings to the Collective Court of Circuit in the Centre Division; that the Criminal Judge having acted accordingly the Collective Court directed that the Prisoners should be committed for trial, but that the Acting 3d Judge who presided at the recent Sessions instead of proceeding to the trial of the case, issued orders for the release of the Prisoners, and she prays the Court

on

on a consideration of the papers submitted by her to order their apprehension and trial of the Individuals in question.

2. The Court have perused the several documents submitted by the Petitioner and they are perfectly satisfied that there were no sufficient grounds for putting the Prisoners in the case in question on their trial, and they see no reason for ordering a re-investigation of the case.

Ordered in consequence that the prayer of this Petition be rejected, and that Extract from these proceedings be granted to the Petitioner on application.

3. The Court as stated above are of opinion that there were no sufficient grounds for putting the Prisoners on their trial, and had the case been committed by the Criminal Judge in the usual manner, the Acting 3d Judge would have acted very properly in directing their immediate release under the Circular orders of the Foujdaree Udalut dated the 26th November 1831. The Prisoners however were committed for trial under the Special orders of the Collective Court of Circuit and by discharging them from the bar without trial the Acting 3d Judge in effect superseded the order of the Collective Court, which it was not competent to him to do.

The Court of Foujdaree Udalut

4. have ruled in their orders of the 27th October 1830 that

that a Judge of Circuit cannot discharge from the bar without trial a Prisoner ordered by another Judge of Circuit to be committed and it follows a fortiori that he cannot on his own authority dispense with a trial when the commitment has been ordered by the Collective Court but should in such a case if he considers there is no reasonable expectation of a conviction refer the case for the orders of the Foujdaree Udalut.

Ordered that Extract from these proceedings be sent to the Acting 3d Judge late on Circuit in the Centre Division for his information and future guidance.

(Sent in No. 894)

Read Petition presented on the 28th Ultimo by Mohammed Sheriff late Sailor of the Auxiliary Court at Cuddalore

(Here enter Extra Instl. Dy. No. 2 of 1833.)

1. The Petitioner states that he was dismissed from his situation of Sailor of the Auxiliary Court at Cuddalore in consequence of the escape of certain prisoners and prays the Court on consideration of the explanation afforded by him of his conduct on the occasion and of the documents he submits, to issue orders for his restoration to Office.

2. The Court having attentively reconsidered the Petitioner's case, are pleased to cancel their orders of the 13th October 1832 and to direct

direct that he be reinstated in the Office from which he was removed.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance.

(Sent in Nº 895)

Ordered also that Extract from these proceedings be granted to the Petitioner on his application.

Davany Ammal by her Vakeel Veerasawmy Naiken moves the Court to return the enclosures in Miscellaneous Petition Nº 80 of 1833.

Ordered accordingly.

Read return, dated the 28th Ultimo made by the Acting 1st Judge on Circuit in the Centre Division, to the precept of this Court of the 7th Ultimo conveying the observations of the Foujdaree Adalut on the Cumbum Calendar for the 2d Sessions of 1833.

(Here enter Nº 1282.)

The Court of Foujdaree Adalut being of opinion that the prisoners in Case Nº 4 of the Cumbum Calendar have been convicted on insufficient grounds, the Judges desire that an English and Persian Translation of the Record of the trial be prepared and submitted to the Foujdaree Adalut without delay, and that in the mean time the Sentence passed by the Judge of Circuit be suspended.

Ordered

Ordered, that Extract from these proceedings be forwarded to the Acting 1st Judge on Circuit in the Centre Division, for his information and guidance by precept, returnable in ten days from and after its receipt.

(Sent following Precept Nº 896)

Read return, dated 4th Instant from the Acting 2d Judge of the Court of Circuit in the Centre Division to precept dated 28th Ultimo directing to take a second question from the Law Officer and to pass the Sentence of 14 Years imprisonment with hard labor on the prisoners in Case Nº 4 Chittoor Calendar 3d Quarter Sessions 1833.

(Here enter Nº 1296.)

Read letter, dated the 31st Ultimo from the 3d Judge of the Provincial Court of Circuit in the Western Division, forwarding 2 Calendars for the 4th Quarterly Sessions 1833.

(Here enter Nº 1303.)

Read return, dated the 19th Ultimo from the 2d Judge of the Provincial Court of Circuit in the Northern Division, to precept dated 23d September last, ordering to pass a Sentence of seven years imprisonment with hard labor in irons in Case Nº 12 Masulipatam Calendar 2d Quarter Sessions 1833.

(Here enter Nº 1307.)

Read return, dated the 8th Instant,

from the Provincial Court of Circuit in the Centre Division, to precept dated the 28th Ultimo, conveying the Courts observations and orders on the Criminal Reports for August last.

(Here enter No. 1310)

Read return, dated the 4th Instant, from the 3d Judge late on Circuit in the Northern Division, to precept dated 16th Ultimo, directing a strict observance of the Circular orders of the 26th November 1832 regarding the dying declaration of a murdered person.

(Here enter No. 1314.)

Read return, dated the 5th Instant, from the 3d Judge late on Circuit in the Southern Division, to precept dated 18th September last, conveying the Courts observations and orders on the Rajahmundry Calendar 1st Sessions 1833.

(Here enter No. 1315.)

Read return, dated the 12th Ultimo, from the Provincial Court of Circuit in the Southern Division, to precept of the 6th Ultimo, conveying the Courts observations on the practice of depriving a prisoner of the benefit of any testimony that can be adduced in his behalf.

(Here enter No. 1316.)

L.C.

Read.

J. C.

L.C.

F. C.

At a Court of the Foujdaree Adalut.

Present,

Monday 18th November 1833.

The Honble William Oliver Esqr 1st Chief Judge.

Charles May Lushington Esqr 1st Puisne Judge.

Thomas Alex. Oakes Esqr 1st Acting 2d Puisne Judge.

Read Petition presented on the 4th Instant by Mr. Ramiah of the Zillah of Cuddapah.

(Here enter Miscl. Petn. No. 88 of 1833.)

The object of this Petition is to obtain the release of the Petitioners sons, the first and second Prisoners in Case No. 27 of the Cuddapah Calendar 2d Sessions 1833, which is under reference to this Court.

The case of the Prisoners in question will be taken into consideration, on receipt of the trial. Petitions relative to cases before the Foujdaree Adalut are however irregular and improper.

Ordered in consequence, that this Petition be rejected, and that extract from these Proceedings be granted to the Petitioner on application.

Read Petition presented on the 4th Instant by Soobramoneya Aushary of the Zillah of Tinnevelly.

(Here enter Miscl. Petn. No. 90 of 1833.)

The object of this Petition is to obtain an order for the release of Vaniamanalay

Sawen

18th November 1833.

Taven the 4th Prisoner in No. 3 of the Tinnevelly Calendar 1st Sessions 1833 who has been sentenced to 14 years' imprisonment with hard labor in irons on the public roads.

2 There is no Appeal from the Sentence of the Court of Circuit, and moreover on reference to the Calendar, the Prisoner in question appears to have been properly convicted.

Ordered therefore that the prayer of this Petition be rejected, and that Extract from these Proceedings be granted to the Petitioner on application.

Read letter, dated the 23d September last from the Acting 1st Judge on Circuit in the Centre Division, Submitting Case No. 7 Cuddalapah Calendar 2d Sessions 1833.

(Here enter No. 1118.)

Mr. Lushington
& Mr. Oakes.

The Court of Foujdaree Udalut 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, concur in opinion that the prisoner

Kuntee Wuddenmah-

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 direct, that he be set at liberty.

(Sent following letter No. 910)

18th November 1833.

Read letter, dated the 5th Instant, from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, transmitting Copy of the tenth Supplemental Calender 3d Quarter Sessions 1833.

(Here enter No. 1301.)

The Sessions being permanent, the

No. 1. Acting 2d Judge should not have returned this case to the Criminal Judge, but should have required the attendance of the witnesses for the defence, with as little delay as possible.

This being a case of Gang Robbery

2. was not cognizable by the Criminal Judge, and

3. the Acting 2d Judge should not have returned it to him. The Court consider it necessary to point out to the Acting 2d Judge that the amount of property stolen only constitutes one of the circumstances, which in itself renders a trial referible to the Court of Circuit.

The same remark applies to

3.

Nos. 4 and 5.

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept returnable in ten days.

(Sent following Precept No. 911)

Read Return, dated the 30th Ultimo, made

made by the Provincial Court of Circuit in the Southern Division, to the Precept of this Court of the 25th Ultimo, conveying the observations and orders of the Foujdaree Adalut on the Criminal Reports for the month of August last.

(Here enter No. 1295.)

With reference to the 5th para of the above Return, the Judges of the Foujdaree Adalut are of opinion, that the Criminal Judge is not answerable in awarding a Sentence of Stripes to direct that it be carried into execution at separate periods; when corporal punishment is awarded by the Criminal Court, the Stripes must be inflicted as the Surgeon may consider the prisoner capable of sustaining them.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, to be communicated to the Criminal Judge of Salem for his information and future guidance.

(Sent in No. 912.)

Read letter, dated the 31st Ultimo, from the 1st Judge of Circuit for the Western Division, transmitting for the consideration of the Court, copy of a letter from the Joint Criminal Judge of Malabar and copies of the depositions therein referred to, relative to a case of perjury.

(Here enter No. 1302.)

Our an attentive consideration of

2/ FR.
15th November 1838.

the papers transmitted by the 1st Judge, it appears to the Court that the only material question for their decision is, whether certain persons named Peedigaid Hoopeain, Odey otte Thundy Copy, and Vary Thollinde Kodatte Coopey, who appear to have given contradictory depositions before the Assistant Magistrate of Malabar and the Joint Criminal Judge at Tellicherry, can be admitted as competent witnesses against Chadoopain Conjanad, Cherakette Coonjy Mayen and Peedigaa Thundy Pookey, whose cases formed the subject of the reference from the Joint Criminal Judge, dated the 20th September last.

The Court are decidedly of opinion

2.

that the fact of having given two contradictory depositions does not disqualify a man from being admitted as a witness, however much it may effect his credit, and that as the three persons abovementioned have not been convicted and sentenced, their evidence is legally admissible in the case referred to, or in any other. They are competent witnesses, but the credibility of their testimony is a question which must be determined by the Judge who presides at the trial; and in deciding this question, he will of course take into consideration the circumstances under which the two contradictory depositions were given.

Ordered, that Extract from these proceedings be sent to the 1st Judge of the Provincial Court

Court of Circuit in the Western Division for his information and guidance-

(Sent in Rec 913)

Read Return, dated the 6th Instant from the Provincial Court of Circuit in the Southern Division, to precept dated 14th Ultimo, directing them, that for the future all prisoners sentenced to a term of imprisonment and hard labor shall be dressed with irons in the usual manner-

(Here enter Rec 1336-)

Read letter, dated the 13th Instant, from the 2d Judge on Circuit in the Northern Division with Returned Remant for transmitting certain prisoners to the Jail of Chingleput for transportation in Case Nos 3 Masulipatam 2d Quarterly Sessions 1833-

(Here enter Rec 1331/2-)-

J. Ch

Read return, dated the 9th Instant, from the Acting 1st Judge on Circuit in the Centre Division, to precept dated the 29th Ultimo, calling for the English translations of the proceedings in Case No 28 of the Cuddapah Calendar 2d Sessions 1833-

(Here enter No 1322.)

Read letter, dated the 12th Instant from the 2d Judge on Circuit in the Northern Division, transmitting copy of a letter from the Acting Joint Criminal Judge of Masulipatam reporting the death of the 2d prisoner in Case No 5 Masulipatam Calendar

15th November 1838-

Calendar 2d Sessions 1833-

(Here enter No 1333-)

Read letter, dated the 13th Instant, from the Provincial Court of Circuit in the Southern Division, transmitting copies of two letters from the Criminal Judges of Combaconum and Salem relative to the Criminal Reports for September last-

(Here enter No 1361-)

1838.

In Court of the Foujdaree Adalut

Present,

Thursday 21st November 1833

The Honble William Oliver Esqre Chief Judge

Thomas Alex: Oakes Esqre acting 2d Circuit Judge

Read letter, dated the 25th September

last from the acting 2d Judge of the Court of Circuit

in the Centre Division, recommending a mitigation

of the punishment to which the prisoners convicted

in Nº 8 of the Chittoor 10th Supplemental Calendar

3d Quarter Sessions 1838. of Gang Robbery, have

rendered themselves liable.—

(Here enter Nº 1300)

The Court of Foujdaree Adalut having

maturely considered the circumstances of the case

represented in the above letter, sanction under

Clause third Section III Regulation I of 1825 the

mitigated punishment recommended by the

acting 2d Judge of the Court of Circuit in the Centre

Division, and accordingly direct that the said

prisoners

15th Seetee

16th Maula Gungu, and

17th Maula Kristnee

be imprisoned and kept to hard labor in

irons on the public roads or other public works,

for the period of (1) one year.—

Ordered

21st November 1833.

Ordered that extract of these proceedings be sent to the Acting 2d Judge of the Court of Circuit in the Centre Division for his information and guidance by Precept, returnable without delay.—

(Sent following Precept No 1319)

Read letter, dated 14th Instant, from the 3d Judge late on Circuit in the Northern Division, with returned Warrant for the execution of a Prisoner in Case No 6 Guntoor Tr Calendar Tr Sessions 1833.—

(Here enter No 1346).

Read letter dated 12th Instant from the 3d Judge of Circuit in the Northern Division Reporting the death of the Prisoners Nademinty Yenanah in Case No 31 and Immeedoory Ammanah No 88 Rajahmundry Calendar 1st Sessions of 1833.—

(Here enter No 1335).

Read letter dated 11th Instant, from the 1st Judge on Circuit in the Southern Division, Reporting the opening of the 2d Sessions 1833 at Coimbatore on the 11th November 1833.—

(Here enter No 1331)

Read letter dated 11th Instant from the 1st Judge on Circuit in the Southern Division transmitting copy of a return received from the Criminal

21st November 1833.

Judge of Combaconum on the subject of Case No 14 of the Combaconum Calendar 2d Sessions 1833.—

(Here enter No 1332)

Ct. Cls.

At a Court of the Foujdaree Adalut.

Present,

Monday 25th November 1833. Charles May Lushington Esqr 1st Puisne Judge
Thomas Alex: Oakes Esqr Acting 2d Puisne Judge

Cal 140

The Court of Foujdaree Adalut

deeming it proper that the proceedings held in Case No 2 of the Cumlum Calendar for the 2d Sessions of 1833 should be laid before them,

Ordered, that the Acting 1st Judge on Circuit in the Centre Division, be by precept commanded to transmit the English translation of these proceedings without delay, and to suspend the sentence, pending the orders of this Court.—

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge on Circuit in the Centre Division by precept returnable without delay.—

Cal 140

(Sent following precept No 922)

J. M

F.H.

At a Court of the Foujdaree Adalut.

Present,

Tuesday 20th November 1833.

The Honble William Oliver Esqre Chief Judge
Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge.

Read letter, dated the 11th Instant,

Ord

L.H.8

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, Joint Criminal and Native Criminal Judges in the Division, for the Month of May last.

(Here enter Rs. 1319)

Chicacole 1

The Provincial Court of Circuit have erred in pointing out to the Acting Criminal Judge of Chicacole, that Columns 7 and 8 should coincide with Columns 5 and 6 of the Statement shewing the manner in which the prisoners were employed during the Month; Columns 5 and 6 of this Statement are designed to shew the number of persons liable to Labour, Columns 7 and 8 to shew the number of those persons who were worked inside and those worked outside the Jail, and it would be obviously incorrect to include in either of these latter Columns those persons who from sickness have been altogether exempt from Employment.

2 With reference to the remarks of

26th Novr 1833.

of the Provincial Court of Circuit in respect to case
No 34 of the Supplemental Report, the Judges of
the Court of Foujdaree Adalut are by no means pre-
pared to admit that no punishment of stripes
can be legally inflicted until the expiration of
"two months," it was the obvious intention of the
Circular order dated the 21st of October 1830, that
corporal punishment should be deferred until
two months only in cases where such delay may
be practicable, and on reference to the proceedings
of the Foujdaree Adalut under the above date,
the Provincial Court of Circuit will perceive that
the Criminal Courts are required to delay carrying
such sentences into execution, only in cases where
the imprisonment may exceed three months.

Vizagapatam Native Judge.

3 The Provincial Court of Circuit will
recall their orders issued to the Native Judge at
Vizagapatam, and contained in the 14th para
of their proceedings, as the Foujdaree Adalut
have repeatedly ruled that a sentence of
imprisonment implies labour, and the orders
of this Court recently circulated to the 4 Pro-
vincial Courts of Circuit require that prisoners
sentenced to a term of imprisonment and
labour be secured in irons.

Masulipatam

4 The prisoners concerned in case
No 135 of the Report No 5 submitted by the
Joint Criminal Judge of Masulipatam
have been committed to take their trial before
the Court of Circuit for purchasing children

26th Novr 1833.

for the purposes of slavery, this is a matter con-
nected with the religious usages and institutions
of the Native subjects of this Government, and it is
cognizable as a Civil Action under the provisions
of Section XVI Regulation III of 1802. The Ma-
gistrate was not authorized to take cognizance
of the case, and the Judges desire that orders
be issued for their immediate release.

Nellore

5 The Judges of the Foujdaree Adalut
having so late as the 15th of August last pointed
out to the Provincial Court of Circuit in the South-
ern Division, that all cases of Homicide
must be committed for trial before the Court
of Circuit, the parties being in the mean time
held to bail, the Court are surprized that
orders so erroneous as those contained in the
59th para of their proceedings should have
again emanated from the Provincial Court.

6 These orders issued to the Magis-
trate of Nellore the Court of Foujdaree Adalut
desire may be instantly recalled, and
the Judges will once more bring to the notice
of the Provincial Court that in cases of
accidental Homicide a Special Mode
of proceeding is prescribed to the Courts of
Circuit in the provisions of Clause second
Section XV Regulation VII of 1802 and
Clause fourth Section IV Regulation I of 1818.

7 The remarks of the Provincial
Court of Circuit contained in the 62d & 63d
paras

26th Octr 1833.

para of their proceedings appear to the Court of Foujdaree Adaulut to have been imcalled for. The "meaning" of the remark made by the Criminal Judge on Case No 154 is to the Judges of this Court very apparent. viz: that from "the wretched state and appearance of cattle in general" "from want of proper food and scarcity of water," the Criminal Judge credited the statement made by the prisoner that "they found the Cow lying dead on the field" and conveyed it home for the purpose of eating it, and in the absence of any proof that the Cow was stolen, the prisoner was, in the opinion of the Foujdaree Adaulut, very properly directed to be set at liberty.

8 And with reference to case No 156 the order passed by the Criminal Court appears to the Foujdaree Adaulut to be quite correct.

9 Adverting to case No 157 the Court of Foujdaree Adaulut are of opinion that the Criminal Judge acted very properly in committing the four first prisoners, if the evidence then before the Court was sufficient for their commitment. The remaining persons could be committed at a subsequent period should the additional evidence to be produced justify such a measure, and their names would be included in the same number of the Calendar; the Provincial Court of Circuit will therefore cancel their orders contained in the 8th para of their proceedings.

10 From the Name × entered in the Report

× Chennumsetty Lutchemee

F. R.

20th November 1833.

Report, it would appear that the prisoner concerned in case No 160 was a woman, and consequently the order of the Criminal Court exempting her from irons and ordering her to be employed inside the Jail was correct: in the event therefore of the Name being correctly entered in the report, the Provincial Court of Circuit are directed to cancel the orders contained in the 6th para of their proceedings.

11 The last of these Reports for the month of May it appears was received in the Provincial Court on the 13th of August last, but the proceedings of the lower Courts do not appear to have been subjected to any review, previous to the 11th ultimo; the Judges of the Foujdaree Adaulut desire that they may be furnished with an explanation of this delay as the Criminal Reports for the month of September last have been transmitted to the Foujdaree Adaulut by the Provincial Courts of Circuit in the remaining Divisions.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division, requiring them to communicate para 1 & 2 to the Criminal Judge of Chicacole, para 3 to the Native Judge at Vizagapatam, para 4 to the Native Judge at Masulipatam, to the Joint Criminal Judge at Masulipatam, para 5 & 6 to the Magistrate of Nellore, and paras 5, 6, 7, 8, 9, & 10 to the Criminal Judge of Nellore by precept, requiring conformity thereto

26th Novr 1833

thereto within one week, from and after its receipt.

(Sent in No 923.)

Read letter dated the 12th August last from the Acting 1st Judge on Circuit in the Centre Division, submitting case No 33 Cuddapah Calendar 2d Session 1833.-

(Vide entries No 894.)

Mr Oliver & Mr Baker

The Court of Foujdaree Adaulut 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 Adaulut, confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid which acquits the prisoner

2d Irree Byapah,

and direct that he be set at liberty.-

But being of opinion that the punishment to which the 1st prisoner has rendered herself liable in the futwa of their Law Officers, would in this instance be too severe, they, under the power vested in them by Section XI Regulation I of 1825, adjudge the prisoner

1st Betta Conda Nursegadoo

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

(Sent following letter No 924)

Read letter dated the 8th Ultimo from the Acting 1st Judge on Circuit in the Centre Division

26th Novr 1833.

Mr Lushington & Mr Baker.

Division, submitting case No 20 Cuddapah Calendar for the 2d Session of 1833.

(Vide entries No 1203.)

The Court of Foujdaree Adaulut 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 Adaulut, confirm such part of the said futwa of the Cazee ool Cozat and Mooftees aforesaid, as declares the prisoners

1st Comdoorcoory Panpiah

and

3d Peddeshetty Ramoodoo

liable to Corporal punishment under the provisions of Clause third Section VII Regulation XV of 1803, adjudge them to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of 14 years, and then to be released.

And concurring in opinion that the proof against the prisoner,

2d Peddeeshetty Pundumhadoo

is sufficient to convict him of the crime of Gang Robbery by open violence, do under Clause first Section II Regulation I of 1818 convict him thereof, and under the provisions of Clause third Section IV Regulation XV of 1803, sentence him to be imprisoned and kept to hard labor in irons on the public roads or

or other publick works, for, and during the period of 14 years, and then to be released.

And concurring also in opinion that the prisoner

4th Doodeyeoola Perrogandoo

is not convicted on presumptive proof, or on the evidence of credible witnesses or on his own confession, the Court notwithstanding the futwa of their Law Officers, direct that he be set at liberty.

(Sent following letter Dy 925)

Read letter, dated the 23d ultimo, from the 2d Judge of the Court of Circuit in the Northern Division, transmitting case No 2 Masulipatam Calendar 2d quarter Sessions 1833.

(Berecuter No 1252)

Mr Huntington & Mr Baker.

The Court of Foujdaree Adaulut 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 Foujdaree Adaulut, confirm such part of the said futwa of the Cazee ool Cozat and Mooftees aforesaid, as declares the prisoners

1st Tullaboo Panjeegadoo
2d Tullaboo Moofsaladoo
3d Motoory Veeradoo
5th Nagadaytoo Veeradoo
7th Daurum Cantadoo
8th Daurum Surradoo

liable to Corporal punishment, and sentence them to receive thirty stripes each with a rattan on the bare back, in addition to the punishment of imprisonment with hard labor for the term of seven years, which they are severally adjudged to undergo by the Court of Circuit.

3

F.H.
26th Novr 1833.

And concurring also in opinion that the prisoner

4th Motoory Veerados

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, but considering that suspicion, though not amounting to conviction attaches to him, they, under clause 5th Section II Regulation XV of 1803, direct that he be required to find two sureties in 15 Rupees each within 3 years, or in default thereof, to be detained for that period in confinement.

(Sent following letter Dy 926)

Read return, dated the 23d Instant, from the Acting 2d Judge of the Court of Circuit in the Centre Division, to precept dated 21st Instant, sanctioning the mitigation of punishment in case No 8 Chittoor 1st Supplemental Calendar 3d quarter Sessions 1833.

(Berecuter No 1365.)

Read letter, dated the 20th Instant from the Acting 1st Judge on Circuit in the Centre Division, reporting that the 2d Sessions of 1833 will

Nov[r] 1833.

Clk

L.H.O.

will be opened on the 21[st] proximo at Chinglepet.

(Here enter Rs. 1,35 C[y])

L. M

J. M.

At a Court of the Foujdaree Adalut.

Present,

Friday 29[th] November 1833.

Charles May Lushington Esq[re] 1[st] Puisne Judge.

Thomas Alex: Oakes Esq[re] Acting 2[d] Puisne Judge.

Tal

L.H.O.

Read letter, dated the 30[th] Ultimo, from the Provincial Court of Circuit in the Western Division, submitting the Reports required by Section XXXV Regulation X of 1816 from the several Criminal, Joint Criminal and Native Criminal Judges in the Division for the months of September last, together with an Extract from their proceedings thereon.

(Here enter No. 1299)

Honore. 1. With reference to the Report No. 5 submitted by the Joint Criminal Judge at Honore, the Judges of the Foujdaree Adalut would remark that the 1[st] prisoner in Case No. 77 having been before convicted of theft, the prisoner would have been more properly punished under the provisions of Clause fourth Section III Regulation VII of 1822.

Canara. 2. The Provincial Court of Circuit will point out to the Criminal Judge of Canara, that in the opinion of the Foujdaree Adalut, too large a number of prisoners[x] are employed in "Cooking" for the Convicts. it is the practice in many other Jails to divide the Convicts into Messes of 25, allowing 1 Convict to cook for each party, and it would appear advisable

20.

advisable that this rule should be observed in the Jail at Mangalore.

Malabar

3. With reference to the sentence passed on the 1st prisoner in Case No 251 of the Report No 5 submitted by the Criminal Judge of Malabar, the Provincial Court of Circuit will point out to that Officer, that Section VII Regulation X of 1816 conveys no authority to the Criminal Judge to pass a sentence of imprisonment upon prisoners convicted of Cattle Stealing. Clause fourth Section III Regulation VI of 1822, should have been quoted by the Criminal Judge.

4. Adverting to the remark made by the Criminal Judge on Case No 266, the Judges desire that any explanation that may be received from the Magistrate of Malabar in respect to the conduct of the Police Officer of Palghaut be submitted for the information of the Foujdaree Adalut.

Native Judge

5. The Provincial Court of Circuit will point out to the Native Criminal Judge of Salem with reference to the sentence passed on the prisoner in Case No 79, that under the orders recently circulated to the Lower Courts, a prisoner sentenced to a term of imprisonment with labor must be confined in irons; and the Judges conclude that these orders must have reached the Native Judge previous to the 25th of September last the date on which the case was disposed

31st August last

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, desiring them to make the necessary communication to the Officers whom it may concern by precept, returnable in one week from and after its receipt.

(Sent following Precept No 942)

Read letter, dated the 13th Instant, from the Criminal Judge in the Zillah of Salem, requesting instructions with regard to the disposal of the four prisoners named in the margin, convicted in cases Nos 30 and 43, of the Salem Calendar for the 2d Sessions of 1833, and sentenced to be imprisoned and kept to hard labor in irons for the term of 14 Years in banishment.

Sundoocaraparachey
Boodder
Manuen Son of Nadiar
Columthay Son of Moothen.

(Here enter No 1340)

The Court of Foujdaree Adalut direct that the prisoners

1st Sundoocaraparachey
2nd Boodder
3rd Manuen Son of Nadiar
and
4th Columthay Son of Moothen

be removed to the Jail in the Zillah of Chittoor, there to be imprisoned agreeably to the terms of their sentence.

Ordered, that Extract from these proceedings be transmitted to the Criminal Judge in the Zillah of Salem and to the Criminal Judge in the Zillah of Chittoor for their information and guidance

29th November 1833

guidance respectively-

(Sent in Nos 943 & 944)-

Ord
L.R.O.

J. C. M

Read letter dated the 15th Instant from the Second Judge on Circuit in the Western Division reporting the opening of the 2nd Sessions at Hinche-

(Here enter No 1367-)

F. 16.

At a Court of the Foujidaree Adalut.

Present,

Saturday, 30th November, 1833.-

Charles Maj. Lushington Esqre. 1st Puisne Judge
Thomas Alexr. Oakes Esqre. acting 2d Puisne Judge-

Read letter dated the 14th Instant, from the 1st Judge on Circuit in the Southern Division, forwarding for the orders of the Court, copy of a return made by the Criminal Judge of Combaconum to a precept directing him to make further investigation in case No. 154 of the Calendar of persons discharged in his Jillah.

Ord
L.R.O.

(Here enter No. 1347)-

The reference from the Criminal Judge of Combaconum appears to the Judges of the Foujdaree Adalut to have been perfectly uncalled for and unnecessary. Under the express orders of this Court he was directed to reinvestigate the case. and of course it was requisite that the parties should be reapprehended and the evidence taken on oath which must now be done and the result of the investigation reported for the decision and orders of the Collective Court of Circuit.

The Judges have viewed with dissatisfaction the querulous and disputatious spirit which has been evinced by Mr. Thomas in this and other cases which have lately come under their consideration. and they will

will deem it their duty to report his conduct to Government in the event of his persisting in the same objectionable course of proceeding.

Ordered, that extract from these proceedings be sent to the 1st Judge on Circuit, for his information and guidance by precept returnable in one week.

(Sent following precept No. 947)

Read letter, dated the 7th Ultimo, from the Provincial Court of Circuit in the Southern Division, submitting Copy of a letter from the Acting Assistant Judge at Simcoe, stating his objections to the building recently converted into a Court House under the special order of Government.

(Hereunto No. 1195)

Previous to submitting any application to Government for permission to continue the Lease of the building lately rented by Government as a Court House with a view to its being again appropriated to that purpose, the Judges of the Inferior Court resolve to call upon the 1st Judge on Circuit in the Southern Division, in Submitting his report to be prepared at the close of the present Sessions to report distinctly his opinion whether the building recently tenanted

from the Revenue to the Judicial Department are susceptible of being converted into a commodious Court House and if so, at what charge; and in the event of his deciding that the building is altogether unfit for the purpose to which it has been recently appropriated, the Judges desire that Mr. Jarvis will report if it can be converted to any other public purpose, and if not, what would be the probable amount realized by its sale.

Ordered, that extract from these proceedings together with the original correspondence noted in the Margin, and a copy of this Court's letter dated the 3d of September last addressed to the Provincial Court in the Southern Division, be transmitted to the 1st Judge on Circuit in the Southern Division for his information and guidance.

(Sent in No. 948)

1 From the Prov.l Court of Circt in the Southern Division dated 21st Augt 1833 with enclosure.

2 From the Prov.l Court of Circuit in the Southern Div.n dated 7th Octr 1833 with enclosure.

Ent. W.H.

All

140

At a Court of the Tonjodaree Adalut,

Present,

Monday 2d December 1833.

The Honble William Oliver Esqre Chief Judge
Charles May Lushington Esqre 1st Puisne Judge
Thomas Alex: Oakes Esqre Acting 2d Puisne Judge

Read petition presented on the 11th Ultimo by Anundoo Mungal of Cuddapah.

(Here enter Mis: Pet: No. 93 of 1833.)

This petition professes to be presented to the Court by a person who complains that he has been unjustly accused of theft, and sentenced to 14 Years imprisonment by the Circuit Judge, and who prays that the Court will call upon the case, and pass orders for his release.

There is no Appeal from the Sentence of the Court of Circuit, and moreover on reference to the Calendar, there does not appear to be the slightest ground, for the interference of the Court, in the case.

Ordered, that the prayer of this Petition be rejected, and that Extract from these proceedings be granted to the Petitioner on application.

Read Petitions presented on the 18th Ultimo by the Government Vakeel, on behalf of the Criminal Judge of Salem.

(Here enter Mis. Pets Nos 94 & 95 of 1833.)

The foregoing Petitions contain appeals

appeals to the Court from orders of the 1st Judge on Circuit in two cases of forgery in the Salem Calendar 2d Sessions of the present year.

2. The Criminal Judge has already been informed that these communications should have been made by letter, and the Court having already passed their decision in the cases to which they refer, no further orders are necessary.

Ordered, that a notification to the above effect be communicated to the Government Vakeel.

Read petition presented on the 18th Ultimo by Chenchoo and P. Nauchiaramah of the Zillah of Cuddapah

(Here enter Mis. Pet. No 296 of 1833.)

1. The Petitioners complain of the sentence which has been passed on their Relatives, the 1st and 2d prisoners in Case No 11 of the Cuddapah Calendar 2d Sessions 1833, and pray the Court to call up the trial and issue orders for their release.

2. There is no appeal from the sentence of the Judge on Circuit, and moreover on reference to the Calendar, it appears to the Court, that the Prisoners in question have been properly convicted.

Ordered, that the prayer of this Petition be rejected and that Extract from these proceedings be granted to the Petitioners on their application.

Read

Read letter, dated the 18th October last from the Judges of the Special Commission at Chicacole. Submitting the record of Trial in Case No 10 of the Special Court held at Chicacole.

(Here enter No 1256.)

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Special Commission, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and under the sentence of Ashoobut therein declared, and under the provisions of Clause third Section VII Regulation XV of 1803, sentence the prisoners

1st Beesarungy Benjanadorah.

2d Gowdoo Raghoo.

and

3d Savarah Sogadoo.

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

The Court direct that their sentence in trial No 10. from the Chicacole Special Commission, together with the whole of the proceedings held in the case, be transmitted to the Officiating Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the

the Governor in Council, to the intent that the Court may in conformity with the provisions of Section V Regulation XX of 1802, receive the orders of Government, before they direct their Sentence to be carried into execution.

(Sent the following letter No 949)

Read letter, dated the 27th Ultimo from the Provincial Court of Circuit in the Centre Division, to precept dated 16th September last, calling for a return to the Court's precept of the 8th July last, conveying the Court's observations and orders on the Chittoor Criminal Report for the month of April last.

(Here enter No 1384.)

J. M

L.R.O.

At a Court of the Zoujdaree Adalut.

Present,

Wednesday 4th December 1833. Charles May Lushington Esqre 1st Puisne Judge
Thomas Alex: Oakes Esqre acting 2d Puisne Judge.

Read letter, dated the 14th 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, Joint Criminal and Native Criminal Judges in the Division for the month of September last, together with an extract from their proceedings thereon.

J. M
L.R.O.

(Here enter No 1342.)

Chittoor. The Court of Zoujdaree Adalut are at a loss to conceive why the case numbered 385. has been entered in the Report No 5, which designs to shew the persons actually "apprehended and delivered" to the Criminal Judge during the month for which the Report is prepared, it appearing from the remark contained in the last column of the Report that the Defendant is at liberty, the Magistrate having been only written to, to procure his apprehension.

2d And independently of the case having been improperly entered in the Report No 5, the Judge of the Zoujdaree Adalut will remark that in cases of embezzlement the Criminal Court possesses no original jurisdiction, Section VIII Regulation X of 1810 not

not having been modified in respect to offences of this description.-

3. For the same reason the Criminal Court possesses no original jurisdiction in cases such as that numbered 389. and the Court of Sunjoara Udalut considering it desirable that this case as also № 385 should be investigated by the Commissioners already assembled at Chittoor, they resolve to recommend to Government that this mode of proceeding be adopted on the present occasion, with reference to the provisions of Section III Regulation VIII of 1822.-

4. With reference to Case № 410, the Provincial Court of Circuit will call upon the Acting Criminal Judge of Chittoor to explain why the circumstances of the escape of the convict named "Abdoollah" was not reported to the Sunjoara Udalut.-

5. With respect to the insane prisoner concerned in Case № 302 of the Supplemental Report, the Acting Criminal Judge must be directed to conform to the instructions contained in the 7th para. of the Proceedings of this Court, circulated under date the 1st June 1829.-

6. Of the prisoners forwarded to the Criminal Court of Chittoor during the month of September, a large number remained to be examined at the close of the Report. the Judges

*95 prisoners

trust that no such arrears may be exhibited in future Reports, as the Acting Judge with the assistance of a Register and two Sudr Ameens must be able to dispose of the Criminal Cases soon after their arrival at the Criminal Court.-

Cuddapah. 7. The Judges of the Sunjoara Udalut concur in opinion with the Provincial Court of Circuit, that the 5th prisoner in Case № 310 of the Supplemental Report should have been committed to take his trial before the Court of Circuit, the Criminal Judge in the meantime using every exertion to procure further evidence.-

8. Cases № 338. 364. 370 and 383 would have been more properly punished by the Court of Circuit, the crime charged against the prisoners concerned in those numbers amounting to Gang Robbery; under the circumstances of the case however the Judges will not disturb the sentences that have been passed by the Sudr Ameens attached to the Criminal Court.-

9. The same remark applies to cases № 415. 420 and 427 of the Report № 5.-

10. If the charge in Case № 371 was fully proved, the Moofty Sudr Ameen would appear to have exceeded his jurisdiction in disposing of the case as Housebreaking, where the property stolen may exceed 100 Rupees, is punishable only

only by the Court of Circuit.—

11. The same remark applies to case No. 392 of the Report No. 5 also a case of Housebreaking wherein the amount of the property stolen would take the case out of the jurisdiction of the Criminal Court.—

12. The Judges of the Court of Tondaire Adalut desire that the Criminal Judge of Cuddapah be called upon particularly to explain the cause of the fewness of his decisions in the Criminal Cases forwarded to his Court in the month now under review.—

Ratine Judge Cumbum. 13. With reference to the sentence passed by the Ratine Criminal Judge on the prisoner concerned in case No. 307 of the Report No. 5, the Provincial Court of Circuit will explain to that Officer that prisoners confined in default of finding security cannot be sentenced to receive corporal punishment for effecting their escape, stripes being adjudicable for such an offence only in the cases of Convicts.—

14. In Clause 2d Section V Regulation VI of 1822 the words "of Convicts" have been inadvertently omitted, the Clause should have run thus. "and upon "conviction the Criminal Judge shall be empowered "to sentence the offenders, if convicts, to corporal "punishment &c &c.—

15. With reference to the sentences passed in Cases Nos. 228 and 235 of the Supplemental Report it

should be pointed out that Section VIII Regulation X of 1816 conveys no authority to the Criminal Judge to pass sentence of imprisonment in cases of Cattle stealing. Clause 4th Section III Regulation VI of 1822 should have been quoted.—

16. Neither are the provisions of Section VII Regulation X of 1816 applicable to cases such as Nos. 240. 250 and 285 in which the crime charged amounted to Housebreaking.—

17. Referring to the statement exhibiting the manner in which the prisoners were employed during the month of September last, the Court of Tondaree Adalut are of opinion that too large a proportion of prisoners are employed in drawing water for the Convicts.—

Bellary. 18. From the remark made by the acting Criminal Judge of Bellary on Case No. 216 it is to be inferred that "Ragamah" entered as the 11th prisoner was originally sent up to the Criminal Court as a witness, previous however to any proceedings being held against her by the Criminal Court, she must be sent back to the Magistrate, in order that a regular charge may be preferred, and preliminary proceedings instituted against her.—

19. With reference to the sentence passed in Case No. 221, the Provincial Court of Circuit

Circuit will point out to the Acting Criminial Judge of Bellary that Section VII Regulation X of 1816 is not applicable to cases of Cattle Stealing-

Chingleput 20 The same remark applies to case No. 335 of the Report No. 6 submitted by the Criminal Judge of Chingleput.-

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 several officers whom it may concern by precept, requiring conformity thereto within six days from and after the receipt.-

(Sent following Precept No. 952)

Read letter dated the 27th Ultimo from the 2d Judge on Circuit in the Northern Division, recommending a mitigation of the punishment to which the Prisonier, convicted in No. 73 of the Nellore Calendar 2d Sessions 1833 of theft, has rendered himself liable.-

(Here enter No. 1382)

The Court of Enquiries & Adalut having maturely considered the circumstances of the case represented in the above letter, sanction under clause third Section III Regulation I of 1825 the mitigated punishment recommended by the 2d Judge on Circuit in the Northern Division, and accordingly direct that the said prisonier

Aumuncherla Ramiah

be imprisoned and kept to labor in irons within the walls of the Gaol for the period of (2) two years.-

Ordered, that extract from these proceedings be sent to the 2d Judge on Circuit in the Northern Division for his information and guidance by precept returnable without delay.-

(Sent following Precept No. 953)

Read letter dated the 27th Ultimo, from the 2d Judge on Circuit in the Northern Division, recommending a mitigation of the punishment to which the Prisonier, convicted in No. 90 of the Nellore Calendar 2d Sessions 1833 of Assault and Highway Robbery, has rendered himself liable.-

(Here enter No. 1381)

The Court of Enquiries & Adalut having maturely considered the circumstances of the case represented in the above letter, sanction under clause third Section III Regulation I of 1825 the mitigated punishment recommended by the 2d Judge on Circuit in the Northern Division, and accordingly direct

direct that the said prisoner

1st Vataghery Ondadoo

be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (5) five years.-

Ordered that extract of these proceedings be sent to the 2d Judge on Circuit in the Northern Division for his information and guidance by precept returnable without delay.-

(Sent following Precept No 954)

Read letter dated the 4th Ultimo from the 2d Judge on Circuit in the Western Division, recommending a mitigation of the punishment to which the prisoner, convicted in No 4 of the Mangalore Calendar 2d Sessions 1833 of robbery by open violence, has rendered himself liable.-

(Here enter No 1312)

The Court of Foujdaree Adalut having maturely considered the circumstances of the case represented in the above letter, resolve under the provisions of Clause third Section III Regulation I of 1825 to sanction the mitigation of punishment recommended by

by the 2d Judge on Circuit in the Western Division and they accordingly direct that the said prisoner

6th Aumia Busiva

be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (1) one year.-

Ordered, that extract of these proceedings be sent to the 2d Judge on Circuit in the Western Division, for his information and guidance by precept, returnable without delay.-

(Sent following Precept No 955)

Read letter, dated the 8th Ultimo, from the 2d Judge on Circuit in the Western Division, submitting Copy of the Mangalore Calendar for the 2d Sessions of the present year.-

(Here enter No 1320)

Case No 6.

1. The Court of Foujdaree Adalut question the propriety of the order passed by the 2d Judge on Circuit, directing that the 2d, 3d and 4th prisoners in Case No 6 be returned to the Assistant Criminal Judge for disposal, as it would appear from the Abstract of the evidence given before the Criminal Court, that these prisoners received the property knowing at the same time that it had been obtained in the perpetration of a Robbery by open violence, and punishable consequently by the Court of Circuit under the provisions

4th December 1833.

provisions of Clause 2d Section IV Regulation VI of 1822.-

Case No 7. 2. The Court of Foujdaree Udalut are of opinion that the 2d Judge erred in releasing unconditionally the prisonir concerned in Case No 7, the evidence against him if not sufficient for his conviction was enough to have justified a demand of security.-

3. The 2d Judge has in this case omitted to state the grounds of his concurrence in the Futwah delivered by his Law Officer.-

Ordered, that extract from these proceedings be forwarded to the 2d Judge on Circuit in the Western Division for his information.-

Sent in No 956

Sd

Ord

I.C.C.

F. U.

At a Court of the Foujdaree Udalut.-

Present.

Friday 6th December 1833.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Alex: Oakes Esqre Acting 2d Puisne Judge.

Read letter, dated the 24th October last, from the Acting 2d Judge of the Court of Circuit in the Centre Division, transmitting the record of trial in Case No 1 Chittoor 6th Supplemental Calendar 3d Quarterly Sessions 1833.

(Here enter No 1269.)

The Court of Foujdaree Udalut 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 Foujdaree Udalut, confirm the said futwa of the Cazee ool. Cozat and Mooftees aforesaid, and adjudge the Prisoners

2d Goondadoo.
3d Nanoomadoo
4th Timmaroyadoo
5th Seroomalegaudoo
and
7th Somadoo.

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.-

And

4 4th December 1833.

6th December 1833.

And acquit the prisoner

1st Cottah Ramdoy,

but considering that suspicion, tho' not amounting to conviction attaches to him, they, under Clause 4th Section II Regulation XV of 1803, direct that he be required to find two sureties in 100 Rupees each for his good behaviour and appearance when required within three years, or in default thereof, that he be detained for that period in confinement.

(Sent following letter No. 957.)

Read letter, dated 30th July last, from the Acting 3d Judge late on Circuit in the Centre Division, Submitting the record of trial in Case No. 10. Cuddalore Calendar 1st Sessions 1833.

(Here enter No. 1228.)

The Court of Foujdaree Adalut 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-Cozat and Mooftee of the Foujdaree Adalut, confirm such part of the said futwa of the Cazee-ul-Cozat and Mooftee aforesaid as declares the prisoner

1st Cheremmajeroo

liable to Pohonbut, and in conformity to Clause third Section VII Regulation XV of 1803, adjudge him to receive 100 lashes with a Cat-o-nine tails and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the

6th December 1833.

period of seven years, and then to be released.

And concurring in opinion that the proof against the prisoner

2d Soobbarayen.

is sufficient to convict him of the crime laid to his charge, do under Clause first Section II Regulation I of 1818, convict him thereof, and sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (7) seven Years, and then to be released.

(Sent following letter No. 960)

The Court of Foujdaree Adalut being of opinion that the prosecutor in this case has properly perjured himself, they desire that orders be issued for his apprehension with the view of his being eventually committed for trial before the Court of Circuit.

Ordered, that Extract from these proceedings be forwarded to the Acting 3d Judge late on Circuit in the Centre Division for his information and guidance by precept, returnable in 6 days, from and after its receipt.

(Sent following Precept No. 961)

Read Return, dated the 27th Ultimo, made by the Provincial Court of Circuit in the Centre Division, to the precept of this Court of the 8th of July last, conveying the remarks of the Court of Foujdaree Adalut on the Criminal Reports for the month of April last.

(Here enter No. 1303.)

Under

4th & 6th December 1833

6th December 1833.

1. Under the explanation given by the Provincial Court of Circuit in the 3d para: of the above letter, the Judges desire that the sentence passed by the Native Criminal Judge of Cumbum in Case No 46 of the Supplemental Report may not be executed.

2. With reference to paras: 9. 15 and 16 of the proceedings of this Court of the 8th of July last, the Foujdaree Adalut desire that the explanation required from the Criminal Judges of Bellary and Cuddapah may be submitted without further delay.

Ordered, that Extract from these proceedings be transmitted to the Provincial Court of Circuit in the Centre Division for their information and guidance.

(Sent following letter No 782)

Encl.

J. M.

J. M

L.P.C.

F. 11

At a Court of the Foujdaree Adalut

Present.

Monday 9th December 1833. The Honorable William Oliver Esqre Chief Judge
Charles May Ludlington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge

Read Petition presented on the 2d Instant by ammica Apen, Zaith Peon of the Zillah of Chingleput:-

(Here enter F. Mr. P. No 4 of 1833)

L.P.C.

The object of this Petition is to induce the Court, in consideration of the gallantry which the Petitioner states he displayed in recapturing some run away convicts, to direct the Criminal Judge of Chingleput to restore him to the situation of Delayet, from which he represents he has been reduced to that of Zail Peon.-

The Petitioner must make application to the Zillah Judge for any remuneration to which he may consider himself entitled for meritorious services. This Court cannot interfere in his case.-

2

Ordered, that the prayer of this Petition be rejected, and that extract from these Proceedings be granted to Petitioner on application.-

Read Petition presented on the 25th Ultimo

Vittoo Ley Goolam Captain of the Zillah Chittoor.-

(Here enter F. P. No 98 of 1833)

The Petitioner complains of certain outrages committed

9th December 1833.

committed upon his property by certain persons, who, he states, have brought false charges against him and caused him to be imprisoned by the Provincial Court, and he prays the Court to examine his witnesses and issue orders for his release.-

The Petitioner must represent any grievances of which he may have to complain to the Provincial Court. There is no appeal from the sentence of the Court of Circuit.-

Ordered that the prayer of this Petition be rejected and that extract from these Proceedings be granted to the Petitioner on his application.-

Read petition presented on the 2d Instant by Mootterool adiekapattan.-

(Here enter Dr. P. No. 107 of 1833)

This Petition professes to be presented by a Village Mooniff of the Erichnopoly Zillah who states that he has been unjustly accused of theft and illegally confined with several of his relations in the Zemindar's Country: he prays the Court to issue orders for his release and to punish the persons who have effected him.-

The Petitioner must represent his grievances to the Magistrate of the Zillah if necessary to the Judge on Circuit who will grant him redress if he has really been improperly treated as he represents.-

This Court cannot interfere in the Case.-

Ordered that the prayer of this Petition be rejected and that extract from these Proceedings be granted to the Petitioner on application.-

Read letter dated 18th October last from the Judges of the Special Commission at Chicacole submitting the record of trial in Case No. 9 of the Special Court held at Chicacole.-

(Here enter No. 1257)

The Court of Foujdaree Adaulut having maturely considered the Proceedings of the Special Commission, the futwa of the Provincial Law Officer and the futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Adaulut confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the sentence of Ookoubut declared in the futwa and under the Provisions of clause third Section VII Regulation XV of 1803 sentence the prisoners

1st Gyba Satraze,
2d Samah Bedoye,
3d Somdaravaradundoochenah,
4th Hareedasoputnaik,
5th Bonada Ramanapatroodo,
6th Dungada Bedoye,
7th Varandrah Bedoye, and
8th Lutchmana Bedoye,

to be transported beyond seas to such place as the Governor in Council shall appoint there to be imprisoned

imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives.—

The Court direct that their sentence in Trial No. 9 from the Chicacole Special Commission together with the whole of the proceedings held in the case be transmitted to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council to the intent that the Court may, in conformity with the provisions of Section V Regulation XX of 1802 receive the orders of Government before they direct their sentence to be carried into execution.—

(Sent following letter No. 968)

Read letter dated the 30th of October 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 an extract from their proceedings thereon.—

(Here enter No. 1298)

Madura

1. The Criminal Judge of Madura reports that he was unable to dispose of cases Nos. 74 and 76 his "time having been occupied

"the disposal of the other Criminal Cases"— this however would scarcely appear to be a satisfactory explanation only 7 Cases of the Report No. 5. and 4 Cases included in the Supplemental Report— total 11 Cases. having been disposed of by the Criminal Judge during the month under review:— the Criminal Judge has moreover omitted to avail himself of the services of the Euro Ameens, which the Court consider desirable should be done in order that the Judge may be enabled to devote a larger portion of his time to the disposal of the arrears in the Civil Depart= = ment of his Court.—

The Sentence passed by the Acting Joint Criminal Judge in Case No. 104 is illegal and the Provincial Court of Circuit will point out to the Acting Joint Criminal Judge that under the provisions of Clause 2d Section V Regulation VI of 1822 corporal punishment can be inflicted only upon Convicts who may effect their escape; and that "if the prisoner be in confinement under "an order to find security for good behaviour he "may be sentenced to imprisonment for a specific "term, not exceeding two years".—

The words "if convicts" were inadvertently

3.

omitted in Clause 2d Section V Regulation VI of 1822. the Clause should have run thus:— "and upon conviction "the Criminal Judge shall be empowered to sentence "the

"the Offenders, if convicts, to corporal punishment" Vide Regn. VIII

Combaconum. 4. The Criminal Judge of Combaconum has omitted in Case No. 202 to record the period of imprisonment to which the fine imposed on the witness named Veeraman Sah" is commutable if not paid.—

5. If, as the Court conclude from the remark in Case No. 211, (Viz: that "there is strong suspicion that the Prisoners attempted to break the peace,") the prisoners have been required by the Criminal Judge to give security to keep the peace, the Criminal Judge has exceeded his authority, security for such purpose being demandable only by the Magistrate.—

6. So far as can be collected from the Abstract given in the Report it would appear that Case No. 218 would have been more properly disposed of under the provisions of Section IX Regulation II of 1802.—

7. With reference to Case No. 220 the Provincial Court of Circuit will point out to the Criminal Judge of Combaconum that Section VII Regulation X of 1816 is not applicable to cases of Cattle stealing.—

8. If, as stated in the Report, there was "no proof that the prisoner knew the property "to be stolen," the prisoner, tho' he confessed before the Police having received it, did not by this means render himself liable to punishment; proof of a guilty knowledge being indispensable to authorize the infliction of any punishment in such cases.—

Salem. 9. The Crime charged against the prisoners in Case No. 441 amounts to Gang Robbery and consequently punishable only by the Court of Circuit; under the circumstances of the case however the Judges will not disturb the sentence that has been passed, but they desire that the Criminal Judge be cautioned against referring to the Sudr Ameens cases committable for trial before the Court of Circuit such cases being declared not cognizable by the Sudr Ameens under the provisions of Clause first Section II Regulation III of 1838.—

10. The Court of Foujdaree Udalut concur in opinion with the Provincial Court of Circuit that the prisoner convicted in Cases Nos. 442. 443. 444. 445. 446 and 447 of the Report No. 5. has been most inadequately punished.—

11. With reference to Case No. 453, and to the 20th para: of the proceedings of the Provincial Court of Circuit, the Judges desire that the explanation required from the Magistrate of Salem may be submitted for their information so soon as received.—

If

7th December 1833.

12. If, as the Court conclude from the Abstract of the charge in Case No. 461 the prisoners have been found guilty of an illegal exertion of judicial authority in their own cause, they should have been punished under Section XXII Regulation III of 1802.—

13. Clause 7th Section XI Regulation XIII of 1832 should have been quoted as the authority under which sentence was passed upon the 12th 13th and 14th prisoners concerned in Case No. 490.—

Coimbatore 14. The Provincial Court of Circuit will call upon the Joint Criminal Judge of Coimbatore to explain the circumstance of his having omitted

Vide C. O. 23d Jan.y 1832 to report to the Zoujdaree Adalut the escape of the prisoner named "Bavasaib" from his Suit, and which from the Abstract in Case No. 284 would appear to have taken place on the 23d of September last.—

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division requiring them to make the necessary communication to the several officers whom it may concern by precept, requiring conformity thereto within 6 days from and after its receipt.—

(Sent following Precept No. 969)

F. C.

9th December 1833.

Read letter, dated 30th ultimo, from the 3d Judge of the Provincial Court of Circuit in the Eastern Division, forwarding copies of four Calendars for the 4th Quarterly Sessions of 1832.—

(Here enter No. 1406)

Read letter dated 30th ultimo from the Magistrate of Coimbatore, requesting the Court will grant Sanction for placing at his disposal one hundred convicts to be employed according to the mode adopted in other Zillahs.—

(Here enter No. 1407)

L. H. C.

Encl.

J. M

The Court of Zoujdaree Adalut under the circumstances represented in the above letter beg to recommend that sanction may be granted for placing at the disposal of the Magistrate of Coimbatore for the repair of the roads in his District, one hundred of the Convicts recently ordered by Government to be withdrawn from the Coonoor Ghaut and returned to the Jail of Salem.

(Sent following order No. 970)

Sent to Govt. No. 164

At a Court of the Foujdaree Udalut.

Present,

Monday 16th December 1833

The Honble William Oliver Esqre Chief Judge.

Charles May Lushington Esqre 1st Puisne Judge.

Thomas Alex: Baker Esqre Acting 2d Puisne Judge.

140

Read petition presented in person by D. Voobiah, late Vakeel of the Zillah Court of Cuddapah.—

(Here enter N. P. No 97 of 1833.)

The Petitioner is the same person who petitioned this Court on the 17th of June last in Miscellaneous Petition No. 61 of 1833, and who under date the 8th of July last was directed in the first instance to address the Provincial Court of Circuit in the Centre Division, as that Court was competent to afford the redress solicited by the petitioner.—

2. In pursuance of those instructions D. Voobiah presented a petition to the Provincial Court of Circuit on the 22d of August 1833 which, (from an authenticated copy of an extract from the proceedings of that Court under date the 5th of October last which has been filed by the Petitioner,) appears to have been rejected by the Provincial Court of Circuit on the grounds that the Court saw no reason to alter their former order sanctioning the dismissal of the Petitioner from his situation of Pleader to the Zillah

Zillah Court of Cuddapah, and further, in consequence of the language used by the Petitioner being considered "highly disrespectful," directing that the Petitioner be fined in the sum of 50 Rupees, or be confined in the Zillah Jail for 1 Month.—

3. To this order the Petitioner objects, and he prays that the Provincial Court of Circuit may be directed to remit the fine they have imposed upon him, and he further solicits that this Court will also take into their consideration the objections he has urged against the sentence passed upon him by the late acting Criminal Judge of Cuddapah in Case No. 12 of the Criminal Reports for the month of last, and finally that they will re-instate him in his former situation.—

4. The Court of Sunderee Adalut having referred to the Criminal Reports for the month of March last, perceive that the late acting Criminal Judge of Cuddapah illegally assumed original jurisdiction in Case No. 12.; but previous to issuing any orders on the subject of these proceedings, and to enable the Court to judge of the propriety of the dismissal of the Petitioner from his situation as Pleader to the Zillah Court of Cuddapah, the Judges of the Sunderee Adalut desire that they may be furnished with a Copy of the letter addressed by the late acting Judge of Cuddapah to the Provincial Court under date the 5th of April last, together with an authenticated copy of their proceedings, sanctioning the dismissal of D. Yobiah as recommended in the above letter, as also a copy and translation of the Petition which the Provincial Court considered disrespectful, and copies of all subsequent proceedings held by the Provincial Court, relative to the case of the Petitioner.—

6. The Court further desire that the Provincial Court of Circuit will call upon the Criminal Judge of Cuddapah to submit an authenticated Copy of the whole of the proceedings connected with the case of the Petitioner held before the late acting Criminal Judge.—

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division by precept requiring conformity thereto within 6 days from and after its receipt.—

(Sent following Precept No. 987)

Read order of Government dated 6th Instant, stating that the Government see no objection to the sentence passed by the Court in Case No. 10 Chicacole Special Commission being carried into execution.—

(Here enter No. 1423)

Under the authority of the Right Honorable

Honorable the Governor in Council, the Court do accordingly direct that the prisoner

1st Beedarungy Benjamadorah,

2d Gowdoo Rayko, and

3d Savarah Sogadoo,

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

The Court likewise direct that extract from their proceedings under date the 2d Instant be sent for the information and future guidance of the Judges of the Chicacole Special Commission.—

(Sent in No. 988)

Read order of Government dated 13th Instant, stating that the Government see no objection to the sentence passed by the Court, on trial No. 9 Chicacole Special Commission being carried into execution.—

(Here enter No. 1444)

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the prisoners

1st Gyba Tatraz,

2d Samah Reeza,

3d Soondaravaradundoo Sahah,

4th Kareedasoputnaik,

5th Boorada Ramapatrudoo,

6th Dungada Besoya,

7th Naraindra Besoya, and

8th Lutchmana Besoya,

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

The Court likewise direct that extract from their proceedings under date the 6th Instant be sent for the information and future guidance of the Judges of the Chicacole Special Commission.—

(Sent in No. 989.—)

The Court of Foujdaree Adalut, on a reconsideration of the 11th para of their Proceedings of the 24th October last, reviewing the Circuit Report of the acting 3d Judge in the Southern Division, having had occasion to doubt the correctness of the intimation therein conveyed, that the Regulations vest Judicial Functionaries with the power of punishing persons making false, frivolous or vexatious complaints, resolve to issue instructions to the acting 3d Judge to expunge the para in

in question from their Proceedings of the date specified.—

Ordered, that extract from these Proceedings be sent to the acting 3d Judge by precept returnable in ten days.—

(Sent following Precept No. 990)

Read letter, dated the 25th of October last, from the 1st Judge on Circuit in the Southern Division, submitting the Record of the Trial in case No. 17 of the Eimeneelly Calendar for the 2d Sessions of 1833.—

(Here enter No. 1273)

1. The Court of Sonjdaru Edalut on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the sentence passed by the 1st Judge on the prisoners in the above trial is correct, direct accordingly that it be confirmed.—

2. With reference to the 8th para. of the 1st Judge's letter, the Court of Sonjdaru Edalut desire that in determining what cases should be referred to the Sonjdaru Edalut, the 1st Judge be guided by their orders of the 12th of September 1832.—

3. And with reference to the 4th para. of the above letter the Sonjdaru Edalut desire that in future greater care be observed by the 1st Judge in entering his remarks on the Calendar.—

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

(Sent in No. 991.)

Read letter, dated the 28th Ultimo, from the Provincial Court of Circuit in the Western Division, submitting the Reports required by Section XXXV Regulation X of 1816 from the several Criminal, Joint Criminal and Native Criminal Judges in the Division for the month of October last.—

(Here enter No. 1388).

Native Judge. 1. It is not evident from the Report on what grounds the 1st 2d and 3d prisoners in Case No. 85 have been committed to take their trial before the Court of Circuit. The Commission of the crime charged in that and the three following numbers does not appear to have been accompanied by any circumstances of aggravation, which would render the prisoners deserving of a greater punishment than the Native Criminal Judge can award under the provisions of Clause 4th Section III Regulation VI of 1822.—

2. The Native Criminal Judge should be informed that enhanced punishment for repetition of offence can be awarded only after conviction.—

Malabar. 3. With reference to case No. 268 of the

the Malabar Supplemental Report in which the prisonir convicted of a breach of the Revenue Laws has been sentenced to pay a fine of 60 Rupees "or to be imprisoned till the fine be paid"; the Provincial Court of Circuit will point out to the Criminal Judge of Malabar that under the provisions of Clause first Section IV Regulation V of 1831, such imprisonment can in no case exceed the term of 2 years.—

Canara. 4. The Court of Sudder Adalut desire that the Criminal Judge of Canara be directed to revise the sentence passed on the prisonir concerned in Case No. 138 of the Report Ge. 5 as "hard labour" cannot be adjudged in addition to a term of imprisonment awarded in commutation of a fine imposed under the provisions of Clause first Section IV Regulation V of 1831.—

5. The Judges desire that the Joint Magistrate of Canara be called upon to explain why the prisonir in Case No. 139 was not forwarded to the Gaol of the Criminal Court, there to undergo his sentence of imprisonment and labour.—

Ordered, that ecstract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, to be by them communicated to the officers whom it may concern by precept, returnable in 6 days from

from and after its receipt.—

(Sent following Precept No. 992)

Read letter, dated 6th Instant from the 2d Judge of Circuit in the Southern Division, reporting the opening of the 1st Sessions of 1834 at Madura on the 7th Instant.—

(Here enter No. 1412.)

Read Supplemental Return dated 7th Instant from the Provincial Court of Circuit in the Centre Division, to the Court's precept of the 28th October last, conveying the Court's observations and orders on the Criminal Reports for the month of August last.—

(Here enter No. 1418)

Read letter, dated 7th Instant, from the Provincial Court of Circuit in the Centre Division, transmitting for the information of the Judges of the Court of Sudder Adalut, the accompanying copies of the Returns made by the Magistrates of Cuddapah and South Arcot.—

(Here enter No. 1419.)

Read letter, dated 7th Instant, from the Provincial Court of Circuit in the Centre Division, transmitting for the information of the Judges of the Court of Sudder Adalut the accompanying copies of the Returns made by the Magistrates of Cuddapah and South Arcot, and the Criminal Judge

the Malabar Supplemental Report in which the prisonir convicted of a breach of the Revenue Laws has been sentenced to pay a fine of 60 Rupees "or to be imprisoned till the fine be paid". The Provincial Court of Circuit will point out to the Criminal Judge of Malabar that under the provisions of Clause first Section IV Regulation V of 1831, such imprisonment can in no case exceed the term of 2 years.—

Canara. 4. The Court of Sudder Adalut direct that the Criminal Judge of Canara be directed to revise the sentence passed on the prisonir convicted in Case No. 138 of the Report Rec. 5th as "hard labour" cannot be adjudged in addition to a term of imprisonment awarded in commutation of a fine imposed under the provisions of Clause first Section IV Regulation V of 1831.—

5. The Judges desire that the Joint Magistrate of Canara be called upon to explain why the prisonir in Case No. 139 was not forwarded to the Jail of the Criminal Court, there to undergo his sentence of imprisonment and labour.—

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, to be by them communicated to the Officers whom it may concern by precept, returnable in 6 days from

from and after its receipt.—

(Sent following Precept No. 992)

Read letter, dated 6th Instant from the 2d Judge of Circuit in the Southern Division, reporting the opening of the 1st Sessions of 1834 at Madura on the 7th Instant.—

(Here enter No. 1412.)

Read Supplemental Return dated 7th Instant from the Provincial Court of Circuit in the Centre Division, to the Court's precept of the 28th October last, conveying the Court's observations and orders on the Criminal Reports for the months of August last.—

(Here enter No. 1418)

Read letter, dated 7th Instant, from the Provincial Court of Circuit in the Centre Division, transmitting for the information of the Judges of the Court of Sudder Adalut, the accompanying copies of the Returns made by the Magistrates of Cuddapah and South Arcot.—

(Here enter No. 1419)

Read letter, dated 7th Instant, from the Provincial Court of Circuit in the Centre Division, transmitting for the information of the Judges of the Court of Sudder Adalut the accompanying copies of the Returns made by the Magistrates of Cuddapah and South Arcot, and the Criminal Judge

Judge of Chingleput:—

(Here enter No. 1420)

Read letter, dated 4th Instant, from the 1st Judge of Circuit in the Eastern Division, reporting that the First Sessions of 1834 will commence at Palicate on Thursday the 9th of January next following:—

(Here enter No. 1437)—

Read return dated 12th Instant from the Acting 3d Judge late on Circuit in the Centre Division to Precept dated 6th Instant directing to take requisite steps for bringing the Prosecutor in Case No. 16 Cuddalore Calendar 1st Sessions 1833. before the ensuing Court of Circuit for Perjury:—

(Here enter No. 1440)

Read letter dated 12th Instant from the Acting 3d Judge of the Court of Circuit in the Centre Division reporting the day fixed for opening the first Sessions 1834 at Cuddapah:—

(Here enter No. 1439)

Read letter dated 4th Instant from the Acting 2d Judge of the Court of Circuit in the Centre Division transmitting the Chittoor principal Calendar for the fourth Quarter Sessions of 1833.—

(Here enter No. 1429)

Read letter dated 2d Instant from the 2d Judge on Circuit in the Eastern Division forwarding copies of the Calendars received from the Joint Criminal Judge and the Native Criminal Judge of Canara, and reports the close of the Sessions at Honore:—

(Here enter No. 1428)—

16th D

Eng.

F. 16.

At a Court of the Joydance Udalut.

Present,

Friday 20th December 1833. Charles May Lushington Esqr. 1st Puisne Judge
Thomas Alexr. Oakes Esqr. acting 2d Puisne Judge.

Read letter, dated the 12th October last,
from the 1st Judge on Circuit in the Southern
Division, submitting case No. 3 Tinnevelly Calendar
2d Sessions 1833.

(Here enter No. 1234.)

The Court of Joydance Udalut 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 Joydance Udalut, confirm such part of the said
futwa of the Cazee-ool-Cozat and Mooftees aforesaid
as acquits the prisoner
2d Nullasingatanen
4th Seroppacadel
5th Mattoosawmy
and
6th Mattoocauttapillay-
and direct that they be set at liberty-

And concurring in opinion that
the prisoners
1st Shevasoobramanyatanen
3d Rawnasawmy
and
7th Sheven
are not convicted on presumptive proof, or on the evi

of credible witnesses or on their own confession, notwithstanding the future of their Law Officers, do accordingly direct that they be set at liberty -

(Sent following letter No 1002)

Read letter, dated the 31st October, (received the 11th December) from the Acting 3rd Judge of the Provincial Court of Circuit in the Centre Division, recommending a mitigation of the punishment to which the 6th Prisoner convicted in No 12 Chittoor 1st Calendar 4th Quarter Sessions 1833 of Gang Robbery has rendered himself liable -

(Here enter No 1430.)

The Court of Foujdaree Adalut having maturely considered the particulars of the case represented in the foregoing letter, do not think proper to sanction the mitigation of punishment recommended by the Acting 3d Judge, on the ground that the Sentence proposed is totally inadequate to the offence which the prisoner had been convicted - considering however the extreme youth of the prisoner, and the circumstance that he was influenced by starvation in the commission of the crime, and that by his detention in Jail he is likely to become hardened in guilt, they consider it proper that he should be released and they in consequence direct that the said Prisoner

Paragraph

be immediately set at liberty -

Ordered

Ordered, that Extract from these proceedings be sent to the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, for his information and guidance by precept, returnable in one week -

(Sent following Precept No 1009) -

J. A. M

Read return, dated the 17th Instant, from the 1st Judge on Circuit in the Southern Division, to precept dated 30th November last, observing on the irregularity of the reference made by the Criminal Judge of Combaconum with regard to further investigation in Case No 154 of the Calendar of persons discharged in his Zillah -

(Here enter No 1466.) -

Read return dated 16th Instant from the Acting 2d Judge for the late Actg: 1st Judge) of the Court of Circuit in the Centre Division - to precept of the 7th Ult. dated the 11th Ditto directing the late Actg: 1st Judge to send up the English and Persian translations of the proceedings in Case No 4 Cumbum Calendar 2d Session of 1833 -

(Here enter No 1458)

At a Court of the Foujdaree Udalut

Present,

Monday 23d December 1833. The Honble William Oliver Esqre Chief Judge
Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge

Read petition presented on the 25th

Ultimo, by Cawder Beebee of the Zillah of Chingleput

(Here enter this Pet. No 99 of 1833.)

The Petitioner complains of the

sentence of 7 years imprisonment passed by this Court on her Son, the 30th prisoner convicted in No 2 of the first Chittoor Quarter Sessions of 1832. of "knowingly receiving Stolen property" and prays the Court to issue orders for his release.

The sentence in this case was passed by the Foujdaree Udalut, and from which there is no Appeal. Moreover there is nothing stated by the Petitioner to induce the Foujdaree Udalut to doubt the propriety of the Sentence.

Ordered therefore, that the Prayer of this Petition be rejected, and that Extract from these proceedings be granted to the Petitioner on application.

Read Petition presented on the 9th

Instant by Nauchammah

(Here enter this Pet. No 103 of 1833.)

The object of this Petition is to ...

the Court to reconsider the order passed by them on the 3d Instant declining to interfere in the case of the Petitioner's brother, the 2d Prisoner in Case No 11 of the Cuddalore Calendar 1st Sessions 1833, who has been sentenced to 14 years imprisonment. The petitioner likewise prays to be furnished with copies of the depositions for the prosecution in that case.

2 The Court see no reason to alter the decision already passed in this case. The Petitioner must make application for copies to the Court, where the original papers are lodged, the Officer at the head of which will determine as to the propriety or otherwise of granting her request.

Ordered, that the prayer of this Petition be rejected, and that Extract be granted to Petitioner on application.

Read letter, dated the 18th of October last, from the Provincial Court of Circuit in the Centre Division, submitting the several printed Statements for the half year ending the 30th of June 1833.

(Here enter No 1255.)

Cuddalore. 1. The printed Statement No 2, prepared by the Magistrate in the Southern Division of Arcot, the Court of Foujdaree Udalut resolve to return to that Officer for correction, as the totals of Columns 15, 7 and 3 do not correspond, as required with the entry to be found in Column 1. exhibiting the total number of cases ascertained to have occurred during the

the period for which the Report is prepared.

Ordered accordingly, that Extract from these proceedings, together with the Statement No 2 be forwarded to the Provincial Court of Circuit in the Centre Division, for the purpose of its being transmitted to the Magistrate in the Southern Division of Arcot for correction.

(Sent following letter No 1806.)

Read letter, dated the 13th August last, from the 1st Judge of the Provincial Court of Circuit in the Western Division, Presiding at the Special Sessions at Honore, transmitting Case No 1 on the Calendar of the Special Sessions at Honore.

(Here enter No 916.)

Read also letter, dated the 15th Instant, from the 1st Judge late presiding at the Special Sessions at Honore, reporting the death of the 7th Prisoner in Case No 1 on the Honore Calendar for the Special Sessions of 1833.

(Here enter No 1167.)

The Court of Foujdaree Udalut concurring in opinion that the proof against the prisoners

1st Sheik Samaul
5th Gowry Ulla
6th Goosaff Fakeer
9th Imaum Khan
10th Ulladee Sha Fakeer
and
18th Najamoordeen

is

ed sufficient to convict them of the crime with which they are charged, do in conformity with the provisions of Clause second Section II Regulation I of 1818 require their Law Officers to declare by a second futwa, to what Sentence the said prisoners would have been liable under the Mohomedan law, had they been convicted thereof by full legal evidence

Ordered, that Extracts of these proceedings be translated and delivered to the Cazee-ul Cozat and Mooftees of the Foujdaree Udalut.

J. A.

Read Return, dated the 11th Instant, from the 2d Judge on Circuit in the Western Division, to precept dated 4th Instant directing him to issue a warrant for carrying into effect the Sentence passed on the 6th Prisoner in Case No 4. Mangalore Calendar 2d Sessions 1833.

(Here enter No 1462)

Read Return, dated the 18th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated 4th Instant conveying the Court's observations and orders on the Criminal Reports of the Division for the month of September last.

(Here enter No 1473)

Read Return, dated the 19th Instant, from the Acting 3d Judge of the Provincial Court of Circuit in the Southern Division, to precept dated the 16th Instant directing him to expunge from the Court proceedings of the 26th October last Para 11.

(Here enter No 1474)

J. A.

At a Court of the Foujdaree Udalut.

Present

The Honble William Oliver Esqre Chief Judge.

Friday, 27th December, 1833. Charles May Lushington Esqre 1st Puisne Judge.

Thomas Alex. Oakes Esqre Acting 2d Puisne Judge.

Read letter, dated 30th September, from the Acting 3d Judge of the Provincial Court of Circuit in the Centre Division, submitting the Circuit Report required by Section XXXVII Regulation VII of 1802 for the 1st Sessions 1833.

(Here enter No 1237)

The foregoing Report has reference only to the Sail deliveries at Chingleput and Cuddalore, the Sails at Cuddapah and Bellary having been relieved by Mr Nelson, whose Report was reviewed in the Court's Proceedings dated 11th July 1833.

2. The first sixteen paragraphs of the Report are occupied with observations on the petty Calendars submitted to the Judge on Circuit by the Magistracy and Criminal Courts of the two Zillahs in question.

3. In the 8th para the Acting 3d Judge refers to a case entered in the Chingleput Magistrate's Calendar in which a punishment greatly disproportioned to the offence was inflicted on a gang of persons convicted of burglary. It appears that the case in question was disposed of by the 2d Assistant Magistrate, who had only been employed in the public service

27th December 1833.

Service two or three months. The Foujdaree Udalut consider it extremely inadvisable to deligate business of so important a nature to an Officer whose experience could hardly have qualified him for its correct performance and who was evidently not aware of the extent of authority vested in him and of the descriptions of cases of which it was competent to him to dispose.

9. 4. In this para the Acting 3d Judge alludes to what appears to him a serious defect in the existing Regulations, in that the Native Officers of Police have the power of bringing to punishment persons preferring "wilfully false and malicious "accusations", but do not possess the means of punishing persons bringing complaints of a litigious and groundless nature; whilst the Magistrate can punish offences of the latter description but does not possess authority to do so in regard to false complaints of the more serious character. The Court have to observe that it has not been considered proper to vest in Native Officers of Police the power of punishing for frivolous complaints preferred to them, which it is to be remembered are not upon oath and it is manifestly inexpedient to burden the European Magistracy with the cognizance of cases not of sufficient importance to fall within the scope of the provisions of Regulation IX of 1832. The Magistrate, before whom the proceedings are

27th December 1833.

conducted on oath is vested with authority to punish in cases where he may consider the complaint "litigious, vexatious or groundless" whilst it is competent to him to proceed against the parties for perjury in cases of a more serious nature.

10. 5. The Acting 3d Judge is of opinion that the Calendars of the Magistrates and Criminal Courts "would come in a more connected "and regular order" if comprised within the corresponding term of each half yearly Jail delivery viz from 1st January to the 1st on July and vice versa, instead of, as at present, under the orders of the Court, from the ending of one Sessions to the date of the arrival of the Court of Circuit at the following.

6. The Foujdaree Udalut do not concur in these sentiments. It appears to them that to render the controul of the Judge on Circuit effective, it is necessary that the cases coming under his supervision should be of as recent occurrence as possible, and it is obvious that if the Acting 3d Judge's suggestion were adopted, most of the cases at the last stations of the Circuit would be of old standing and that many of the cases in regard to which complaints might be preferred would not be entered in the Calendars presented to the Judge on Circuit.

12. 7. It is not clear from the observations contained in this paragraph whether any cases came

came under the notice of the Acting 3d Judge, on a review of the Calendar furnished by the Magistrate of South Arcot in which persons had been improperly released without a demand of Security. If such was the case, it was his duty to have pointed it out to the Magistrate for his future guidance.

13 to 16. 8. In these paras the Acting 3d Judge refers to the great hardship and inconvenience of sending persons accused of frauds upon the Madras Betel, Ganjah, and Tobacco Revenue to Chingleput for trial and suggests that the power of adjudicating in such matters should be vested in the Special Assistant Magistrate recently appointed at Chingleput, who should be permanently fixed in the vicinity of the Presidency.

9. This subject has already received considerable discussion and it has been found impracticable to alter the system which at present prevails without detriment to the public service or incurring considerable unnecessary expence. The proposition for vesting cognizance of such cases in the Magistrate has been objected to, on the ground that the Revenue duties of that Officer require that he should be constantly moving about his district and the same objection equally applies to the Special Assistant recently appointed who, tho' located near the Presidency is liable to be called to a distance in the execution of his duty. With the view

From the Chief Secy to Govt 6 May 1826. No 15 Do — Do 18 Do Do From the Secy to Govt J.D. 3 May 1826. To the Secy to the Bd of Revenue 19 May Do From Do — Do 18 June Do From Secy to Government 5 May Do No 25 Do — Do 14 June Do From the Asst Secy to Govt 19 June 1826. From the Chief Secy to Govt 20 May Do To Calcutta Do 19 Do Do

view of obviating the necessity of sending persons accused of frauds on the Madras Revenues to Chingleput it was proposed by the Board of Revenue that an Assistant Criminal Judge should be appointed to reside permanently in the immediate vicinity of Madras. The Government did not however deem it expedient to adopt the suggestion for, it was remarked, - "It is obvious that if the proposed "arrangement were attended with the success expected "from it, the office in question would soon become "one rather for eventual and occasional use than "for constant and active employment, and would be "attended with an expence far beyond its utility. "But the Governor in Council doubts whether the "object in view would be attained by such an ar- "rangement. delay alone would be avoided by it and "that, as far as the detention of Smugglers from "their usual pursuits is concerned, is rather a public "good than an inconvenience. the witnesses in most "cases of Smuggling are it is presumed the Peons "by whom the Smugglers are seized and the delay "will not be greater or more severely felt than it "is by the Peons in other Districts who are sent in "charge of Prisoners to the Criminal Court, frequently "to a much greater distance and for a longer period "of absence from their other duties." The Court under these circumstances do not see that it is either practicable or expedient that any alteration should be

be made in the System at present in force.

10. The Court see no necessity for adopting the arrangement suggested in the 19th para of the Report, as there does not appear to them to be any valid objection to the present System of numbering the Prisoners. On examining the proceedings of the Criminal Court, it is, of course, the duty of the Judge to refer to the name as well as the number of the Prisoner.

20. 11. The Court likewise do not see any advantage likely to accrue from the mode of examination suggested in this para. It is obvious to remark that in cases where the touch by the hand is prevented by the prejudices of caste, the Stick proposed by the Acting 3d Judge would be equally objectionable.

21. 12. Referring to the observations contained in this para the Court remark that they are not aware of any objection to the Criminal Court entering upon evidence taken up by the Police after a Prisoner has been committed. Frequently much is elicited in an examination before the Criminal Court that had not appeared in the evidence given before the Police and on the contrary witnesses when examined on oath before the Court are occasionally induced to retract or modify the evidence they have previously given.

22. 13. The Acting 3d Judge reports that the

the Jail "was found clean, but sadly requiring "ventilation." The Sanction of Government has already been granted for making the additional windows required and the Court conclude that the other improvements proposed by the Acting 3d Judge will be attended to, as soon as the services of the Convicts can be appropriated for this purpose.

The proceedings of the Acting 3d

23. 14. Judge, in regard to the two Prisoners detained on requisition of Security, referred to in this para, appear to have been correct.

Under the circumstances represented,

24 to 27. 15. the Court desire that the Convict whose case forms the subject of these paras may be transferred to the Jail at Bellary.

In reference to the question proposed

25. 10. in this para the Court have no hesitation in stating that the period during which a Prisoner may have been detained in confinement, under a requisition of Security, should on such Security being forthcoming, be deducted from the time for which bail was demanded, in the Sentence of the Court of Circuit.

In this para the Acting 3d Judge

29. 17. suggests that the Judge presiding at the Chittoor Quarter Sessions should be instructed once in six months to visit the Prisoners detached from the Jails at Chittoor and Chingleput and placed under

under the Military authorities at Arcot, Vellore and Arnee.
It appears to the Court that as the Judge on Circuit must of necessity pass near these Stations it is desirable that the Prisoners in question should be visited by him and a report of their condition be made in his Circuit Report, and they resolve to issue instructions accordingly to the Provincial Court of Circuit in the Centre Division.

30. 18. This para contains a description of the Tread Mill recently erected in the Jail at Chingleput and which the Criminal Judge reports is now in operation and is found to answer fully the purpose for which it was intended.

31. 19. The Acting 3d Judge states that it would "occasion a material reduction in his "contingent charges", if the Criminal Judges of this and other Zillahs, where paper is made, were required to supply the demands of the Judge on Circuit. The Court see no objection to this Suggestion which they beg to submit for the approval of Government.

32. 20. The Acting 3d Judge represents that the State of the public roads at Chingleput attracted his attention, and that he "noticed to the "Criminal Judge the necessity of improving the "public thoroughfair, when he could withdraw some "of the Convicts from the Tread Mill and Pasanger's "Bungalow where they are engaged". The Criminal Judge's attention should have been drawn to the orders

orders of Government dated the 8th February last and circulated to the four Provincial Courts on the 16th of the same month, wherein it is expressly stated that the Right Honorable the Governor in Council considers the good repair of the roads of paramount importance and that this duty is on no account to be neglected for other and less necessary works. The Court have directed the particular attention of the Criminal Judge of Chingleput to the order in question.

33 to 37. 21. In reference to the observations contained in these paragraphs the Court have to remark that no further rules appear to them to be necessary for the discipline of the several Jails than those which have been circulated by them. Those rules with which every Court should be furnished, provide in every respect for the conduct of the Officers in charge and the discipline of the Prisoners confined in the Jails and no authority is given to the former "to supply "Subsidiary rules connected with minor details" or in fact to make any alteration except at the suggestion of the Medical Officer and with the Sanction of this Court. The Acting 3d Judge will be pleased to call upon the Criminal Judge of Chingleput to state whether he is in possession of the rules in question, and if he is not, will take the necessary measures for supplying him with them.

39. 22. With reference to the Abstracts of the Chingleput and Cuddalore Calendars the Court

Court have considered it necessary to call upon the Acting 3d Judge to explain the reasons which rendered it necessary for him to postpone the trials to the next Sessions, a measure which should, if possible, be carefully avoided.

23. From paras 40 to 51 of the Report is occupied with observations and reflections which have suggested themselves to the Acting 3d Judge on consideration of some of the cases comprised in the Calendars, and which do not appear to call for any particular remarks from the Court.

52. 24. In this para the Acting 3d Judge suggests the expediency of entering in the Calendar all rewards which the Magistrate or Criminal Judge may have granted under Section X Regulation XIII of 1832, for a courageous defence or any meritorious service in the apprehension of Culprits, in order that the Circuit Judge may ascertain that they have been adequately remunerated. The Court see no objection to this arrangement nor to the further proposition of the Acting 3d Judge that the grant of rewards in such cases should be proclaimed in the Talook in which the party may reside. The Court consider it requisite however to point out to the Acting 3d Judge in reference to the orders issued by him to the Magistrate of the Southern Division of Bard, that the sanction of Government is not necessary if the sums granted are within the amount

specified

specified in Section XXIII Regulation IX of 1816.

In these paras the Acting 3rd

53 and 54. 25. Judge in reference to the recent order of Govern-
ment "inviting the inhabitants to arm themselves against sudden attacks of thieves" proposes, with the view of preventing the obtaining of fire arms by bad Characters for improper purposes that "the head of each village should be required "to note down the number of weapons each "householder was desirous of obtaining to guard "himself and family, and that he obtain a "license from the Tahseeldar for so doing, who "should have the reservation of withholding the "permission from persons of bad Character, and "that a general list be furnished by him periodi-"cally to the Magistrate".

The Court consider this suggestion

26. to be judicious and they in consequence resolve to recommend to Government that the arrangement should be complied with.

In these paras the Acting 3d

55 & 63. 27. Judge brings to notice certain alterations and additions which it is necessary should be made to the Jail at Cuddalore with a view to "the more convenient accommodation of the "Convicts, for a more suitable ward for Civil "Debtors and a more comfortable place for the "sick than is at present provided for them". To

effect

27th December 1833

effect these objects the Acting 3d Judge proposes that the whole of "the old Factory" part of which is at present occupied by the Master Attendant should be made over to the Auxiliary Court and other accommodation provided for that Officer and he estimates that the necessary outlay required for converting the additional buildings into a Hospital and Civil Debtors Jail will amount to about 150 Rupees.

He further suggests that a Verandah which from being thatched is extremely liable to take fire and is otherwise objectionable as occasioning considerable litter, should be tiled and strongly recommends that a small spot of ground in the immediate working ground for the Prisoners should be purchased from the Proprietor, who has expressed his willingness to part with it for the sum of 30 Pagodas.

28. The Court consider several Suggestions to be well calculated to meet the desired object and they in consequence resolve to submit them to the consideration of Government with their recommendation, that the necessary arrangements may be made in the proper Department for carrying them into effect, if they can be adopted without public inconvenience.

29. Since drafting these proceedings the Court have received a letter from the Provincial Court

27th December 1833.

(Number 1379)

Court in the Centre Division dated 25th Ultimo containing a Report from the Acting Joint Criminal Judge of Cuddalore, that in consequence of a great increase to the number of prisoners, he has been under necessity of adding to the accommodation of the Jail without Sanction. The Court resolve to submit the letter to Government with their recommendation that Sanction may be granted for the alteration that has been effected.

The Acting 3d Judge represents

65. 30. that a Petition was presented to him by the Peons of the Auxiliary Court, praying that their pay might be raised. The Court are of opinion that the present pay of the Establishment of Peons viz: 4 Rupees per mensem is an inadequate remuneration for their labor and responsibility and on the same grounds as they recently recommended an increase to the Jail Peons at Guntoor they resolve to recommend that the pay of the Cuddalore peons may be raised from 4 to 5 Rupees per mensem.

65 to 68. 31 In these paras the Acting 3d Judge represents the necessity of making some increase to the establishment of the Auxiliary Court, and for granting Sanction for certain Articles of furniture required for the use of the Circuit Court, and in regard to which the Acting Joint Criminal Judge was instructed to make application thro'

thro' the Provincial Court.

32. The Court has since received a communication on the subject from the Provincial Court in the Centre Division in which it is proposed that the following increase should be made to the Establishment of the Auxiliary Court viz

From Prov. Court in the Centre D. 21 October (Here enter D. N. 794)

	Rs.
1 English Writer capable of translating	40.
2 Gomashtas at 17½ each	35.
Moochis pay to be increased from 7 to 12*	5.
8 Canal Peons at 4 Rupees each	32.
20 Sail ___ D° at ___ D°	80.

*Note. The pay of a Moochie in other Zillahs is not less than 12 Rupees.

33 The Court beg to recommend under the explanation afforded by the Officers in charge of the Auxiliary Court and at the suggestion of the Acting 3d Judge that sanction may be granted for the employment of the additional writer and 2 Gomashtas. They do not however see any necessity for increasing the Moochies pay as the sum at present allowed appears to them amply sufficient to secure the services of an efficient servant of that description. The Court moreover cannot understand, how, as the duties of the Auxiliary Court have hitherto been conducted by 12 Peons, so large an addition as 8 more can be required and they in consequence would only recommend that 4 in addition to the present establishment should be allowed. The recent orders of Government authorizing the entertainment of

Sail

Sail Peons in the proportion of one to every four Convicts renders it unnecessary to pass any orders in regard to the applications for twenty additional Sail Peons.

49. 34. The Court are happy to observe the favorable mention which the Acting 3d Judge makes of the meritorious exertions and services of Mr G. Bird the late Acting Joint Criminal Judge.

71 35. The Acting 3d Judge reports that "no petition was presented to the Judge on Circuit "against any of the Officers of Police in Chingleput "tho' invited to do so under the instructions sent "to the Collective Court by the Huydare Adalut "dated the 11th November last, with reference to "an address to Government from the Inhabitants "of the Zillah alluded to in the Provincial Secretary's "letter of the 6th of the same month."

72 to 74 36. He also makes most favorable mention of the present state of the Police and the tranquility of the District which the Court consider very creditable to the present Magistrate.

75 to 83 37. In these paras the Acting 3d Judge touches upon two topics, the discussion of which he states to have originated in certain Petitions presented to him in the Southern Division of Arcot, the first regarding the dismissal of public Servants and "the other being a proposal for a new law

"law to furnish persons forging, altering, passing or
"possessing counterfeit Bank Notes and implements
"for that purpose."

38. On the first point the Acting 3d Judge urges that although the Provincial Courts are vested with a general control over the Subordinate Courts "in order to prevent the appointment of "improper and unfit persons and the unjust and ca- "pricious removal of those employed in the Judicial "branch of the Service" yet that "the Spirit of this "order has been eluded, partly as its existence is "not generally known, as it should be, among the "class of persons whom it affects and because the "Courts possess no means of becoming regularly "acquainted with the alterations made in his "establishment by any Judge", and with the view of rendering the Control of the Provincial Courts more effectual, he proposes that monthly returns of all changes in the Subordinate Courts shall be made to the Provincial Courts, in the manner in which in the Revenue depart- ment Reports are made by Collectors to the Board of Revenue.

39. The Lieutenant Colonel cannot agree with the Acting 3d Judge in opinion that the Servants of the Subordinate Courts are ignorant of the proper method of obtaining redress in the event of their improper removal from Office, as their

their experience leads them to the conclusion that the Regulations on the Subject are generally known and acted upon. They are of opinion however that, that Gentleman's Suggestion in regard to the Submission of monthly Statements of Removals in the several Judicial Establishments is deserving of adoption, and they in consequence propose, with the Approval of Government, to issue instructions that Statements of all dismissals in the Subordinate Courts shall be submitted to the Provincial Courts and that in the same manner all changes in the Provin- cial Courts shall be reported to this Court.

With respect to the Acting 3d Judge's

40. recommendation that a Law should be passed pro- viding for the punishment of forging Bank-notes, the Court observe that as Bank-notes are not cur- rent in the Provinces and are prohibited from being received in payment of the public Revenue, it does not appear to them that any legislative enact- ment is at present required on the Subject.

In the 42d para the Acting 3d Judge

41. recommends that Judges of Circuit should be allowed to frank the private letters of their Circuit establishment, "whilst they are so long and far "removed from their families." The Court think the indulgence Suggested by the Acting 3d Judge should be allowed and they in consequence propose to recommend the arrangement to the favourable consideration

consideration of Government.

84 to 86. 42. In these paras the Acting 3d Judge records his sentiments in favor of the efficient working of the present judicial System. The Court concur with him in opinion that it is highly "creditable to the "investigations made by the Criminal Judges in the "trials submitted to him that only 25 out of 241 "Prisoners or nearly one tenth has been acquitted."

43. From Paras 87 to 97 of the Report is occupied with the observations on the System of Police. The Court do not think the additional powers proposed in the 89th para could with safety be vested in the Heads of Village Police. It appears to them that as much has already been entrusted to persons of this description as is either necessary or expedient, and that a more efficient discharge of their present duties is required of them rather than an increase of their powers and authority. The Court fully agree with the Acting 3d Judge that it is desirable that the post of Head of Village Police should be rendered sufficiently lucrative to make it an object of Ambition, and they have reason to believe that the subject of remunerating this branch of the Police establishment is already before Government. The Court having recently submitted their Sentiments to Government in regard to the powers vested in the Subordinate Officers appointed under Section III Regulation IV

of

of 1824, and Aumeens of Police do not consider it necessary to offer any further observations with respect to the

91 to 93. suggestions contained in the paras noted in the margin than that they are still of opinion that no change of the law as it at present stands is called for or expedient.

44. With reference to the observations contained in the 91st para the Court remark that the period of 48 hours prescribed by Clause fourth Section XXVIII Regulation XI of 1816, appears to them to be sufficient for the investigation of a Criminal charge, in ordinary cases, if the provision contained in the first Clause of the Section is properly attended to. It is to be observed however that, although it is desirable, it is not obligatory on the head of Police, to complete the investigation within that time, and if further delay is necessary it is only required that he should afford explanation of the cause thereof, which explanation, with the view of preventing unnecessary hurrying of the Police Proceedings it was directed in the Court's Circular Orders of the 31st September 1824, should be submitted for the approval of the Magistrate.

95 and 96. 45. The Court desire to point out to the Acting 3d Judge, in reference to the observations contained in these paras that it is not now necessary for the Tahsildar to proceed to the Spot where the body of a person supposed to have

been

been murdered has been found, as under Clause first Section III Regulation IV of 1821, he is authorized to delegate that duty to certain subordinate Officers of his Establishment. They further observe that an inquest is only necessary in cases where the person is supposed to have been murdered.

98. 46. It does not appear to the Court that any further orders are necessary than those which have been already issued, enjoining the attendance of a portion of the Police and Revenue Establishments on the Judge on Circuit during his progress thro' the several Zillahs, and it is the duty of the Circuit Judge to report to this Court any deviation from those orders, or other want of the respect due to his authority.

101. 47. The mode of communication with the Criminal Courts adopted by the Acting 3d Judge appears to be well calculated to facilitate public business and is, the Court observe, in strict accordance with the rules lately published by Government.

48. The Court cannot conclude these proceedings without expressing their regret that the Acting 3d Judge has not paid attention to the orders of the Honorable the Court of Directors enjoining as much brevity as is consistent with perspicuity, as the loose prolixity of his report detracts much from its merit.

Ordered that Extract from these proceedings

proceedings together with copies of the Acting 3d Judge's report and of the other letters referred to therein, be sent to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council

sent to Govt. 31st Dec. (Sent following letter No. 1009)

Read again letter, dated the 12th August last, from the 1st Judge of the Provincial Court of Circuit in the Western Division, transmitting Case No. 1 on the Calendar of the Special Sessions at Honore.

(Here enter No. 910.)

Read also second Futwa delivered in the above case by the Cazee-ool-Cozat and Mooftees of the Soujdaree Adalut.

The Court of Soujdaree Adalut having maturely considered the proceedings held before the Special Sessions, the Futwa of the Provincial law Officer, and the Futwas of the Cazee-ool-Cozat and Mooftees of the Soujdaree Adalut, confirm such parts of the said Futwas of the Cazee-ool-Cozat and Mooftees aforesaid, as declare the prisoners,

1st Abdool Nubbee,
2d Sheik Ahmed alias Mohummud Saib,
3d Vullee Mohummud,
6th Sheik Immaum,
11th Sadde Sheik Immaum,
12th Choory Lingah,
13th Sheik Fureed,

14 to be

14th Ismail Khan,
15th Peer Sha Fakeer,
16th Langada Peer Mahomed;
and
17th Nunnoo alias Mahomed Khan,

liable to Fazen. and Dikoolut – and the prisoners,

4th Sheik Jamaul,
5th Gowry Ella,
8th Goosuff Fakier,
9th Imaums Khan;
10th Madar Sha Fakeer, and
18th Najoomoodeen,

liable to Fadab, and under the provisions of Clause third Section VII Regulation XV of 1809. adjudge the prisoners,

1st Abdool Nubbee,
2nd Sheik Ahmod alias Mahomed Saib,
3rd Vallee Mahomed,
11th Seddle Sheik Imaum,
12th Choory Lingah,
13th Sheik Fureed,
14th Ismail Khan,
15th Peer Sha Fakeer,
16th Langada Peer Mahomed,
and
17th Nunnoo alias Mahomed Khan.

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

And the prisoners,

4th Sheik Jamaul,
5th Gowry Ella,
6th Sheik Imaum,
8th Goosuff Fakeer,
9th Imaums Khaun,
10th Madar Sha Fakeer,
and
18th Najoomoodeen,

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-

The Court having passed Sentence in the above case proceed to record such observations as appear to them to be necessary in reference to the letter from the 1st Judge transmitting the record of the trial-

1.
Under all the circumstances of the case, the Court do not deem it necessary to disturb the Sentence passed by the Assistant Magistrate, beginning Security from Chund, the person alluded to in the 31st paragraph-

2.
The Court do not concur with the 1st Judge, in the view he takes of the conduct of the Native Judge of Sirey in the 92d para- It is in evidence that the Native Judge attended on the Magistrate on each day of the disturbance and it appears clear to the Court that he did honestly

honestly all in his power to allay the ferment and to dissuade the rioters from the commission of acts of violence.

4. The Court however feel some diffidence in the accuracy of their opinion on this part of the case, as the officer who conducted the trial must of necessity be more competent to Judge of the conduct of the Acting Judge than themselves.

5. With regard to the Duffadar Nutter Sheriff, the Court fully agree with the 1st Judge in thinking that his conduct throughout the disturbances was highly reprehensible and affords ground for the strongest suspicion that he was a participator in the crime of which the others have been convicted. The first Judge acted very properly in directing the instant dismissal of this person and the Court deem it to recommend to Government that he be declared incapable of ever serving the Honorable Company again.

6. The Court are clearly of opinion that the Mohomedan Inhabitants of Trichy have rendered themselves unworthy of the consideration of Government, but it does not appear to them to fall within their province to offer any recommendation on the subject referred to in the 34th para of the 1st Judge's letter.

7. The Court cannot conclude these proceedings without expressing their sentiments of

approbation of the zeal and ability evinced by Mr. Shakespear in the manner in which he has conducted this trial.

With reference to the course observed

8. with respect to the Cuddapah trial the Court direct that Extract from these proceedings together with the letter from the 1st Judge and all the papers connected with the case, be sent to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

Sent to Govt No 201. (Sent in No 1070)

Ordered likewise, that Extract from these proceedings be sent to the 1st Judge late presiding at the Special Sessions in the Western Division for his information and guidance.

(Sent in No 1071)

Read letter dated the 12th Ultimo, from the Acting 2nd Judge of the Court of Circuit in the Centre Division, Submitting Case No 2, Chittoor 9th Supplemental Calendar 3d Quarterly Sessions 1833.

(Here enter No 1343.)

Mr Lushington
Mr Oakes.

The Court of Foujdaree Adalut 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 Mooftees of the Foujdaree Adalut,

confirm

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

Golla Gungadoo,

direct that he be set at liberty-

The Court of Foujdaree Udalut having passed sentence in the above case, consider it proper to notice the omission on the part of the Acting 2d Judge to forward any portion of the Police proceedings together with the record of the trial, and they desire accordingly that the attention of the Acting 2d Judge be called to their orders circulated under date the 28th of June 1825, which directs that the report of the Police Officer prescribed in Clause fourth Section XXVII Regulation XI of 1816 should be invariably transmitted with the record of trials referred to the Foujdaree Udalut; and the Judges are further of opinion that all trials ever referred for their decision should be accompanied by the original complaint made. The nature and bearing of a case may very frequently be accurately judged of by this document, inasmuch as it generally shews the gist & crimo of the whole proceedings-

Ordered, that Extract from these proceedings be forwarded to the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, for his information and future guidance-

(Sent following Letter No. 1012)

Read

27th December 1833.

Read letter, dated the 30th Ultimo, from the 1st Judge on Circuit in the Southern Division, transmitting the record of trial in Case No 13 of the Combaconum Calendar 2d Sessions 1833.

(Here enter No 1390-)

Mr Sushington
Mr Bakes.

The Court of Foujdaree Udalut 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 prisoner,

"Moothoo,"

direct that he be set at liberty-

(Sent following Letter No. 1013)

L.F.C.

J.C.M

J. C.

At a Court of the Foujdaree Adalut.

Present,

Saturday 28th December 1833.

Charles May Lushington Esqr. 1st Puisne Judge
Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge.

Read letter, dated the 12th Instant, from the Joint Criminal Judge of the Auxiliary Court at Coimbatoor, requesting instructions with regard to the disposal of the prisoner named in the Margin, convicted in case No. 4 of the Coimbatoor Calendar for the 2d Sessions of 1833, and sentenced to be imprisoned and kept to hard labor in irons for the term of 14 years in banishment.

Vadoogan

Ditto

119

(Here enter No. 1454.)

The Court of Foujdaree Adalut direct that the prisoner

Vadoogan

be removed to the Jail in the Zilla of Rajahmundry, there to be imprisoned agreeably to the terms of his sentence.

Ordered, that Extract of these proceedings be transmitted to the Joint Criminal Judge of the Auxiliary Court at Coimbatoor and to the Acting Criminal Judge of the Zilla of Rajahmundry for their information and guidance respectively.

(Sent them Nos. 1019 & 1020)

Read

28th Decr 1833.

Read return dated the 30th Ult.
-imo from the Acting 2d Judge of the Provincial
Court in the Centre Division, to precept dated
the 18th Ultimo, conveying the Court's remarks on the
10th Chitton Supplemental Calendar 3d Quarter
Sessions for 1833.

(Have enter No. 1387.)

para 2. The explanation afforded by the
Acting 2d Judge in this para confirms the Court
in the opinion they had formed, that the cases
Nos 2 & 6 of the Calendar were not cogni-
-zable by the Criminal Judge. The cases in
question clearly fall under the description
of robbery by open violence, and not of burglary
unattended by aggravating circumstances,
as supposed by the Acting 2d Judge. The
Court refer the Acting 2d Judge for his guidance
in future cases of this description, to their
Circular instructions dated the 6th April
1831, wherein he will find it clearly
explained that "stealing grain from an
"open field which is theft if done secretly
"becomes robbery by open violence if
"committed openly by force or intimidation"

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

(Sent in No. 1021)

28th Decr 1833

Read letter dated the 24th Instant
from the 2d Judge on Circuit in the Northern
Division reporting that he will open the
1st Sessions for 1834 at Hallow on the 13th
January next.-

(Have enter No. 1479)

Read return dated the 25th
Instant from the Acting 2d Judge of the Provin-
-cial Court of Circuit in the Centre Division
to precept dated 20th Instant directing to
release the 6th Prisoner in case No. 12 Chitton
Calendar 4th Quarterly Sessions 1833.-

(Have enter No. 1480)

Read letter dated the 20th
Instant from the Acting 2d Judge of the
Court of Circuit in the Centre Division trans-
-mitting copy of Chitton 1st Supplemental
Calendar for the 4th quarter Sessions of 1833.-

(Have enter No. 1482)

Chitton
140

J. M

Fulton

At a Court of the Sudder Udalut.

Present

Monday 30th December 1833. Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre acting 2d Puisne Judge.

Read letter dated the 30th 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, Joint Criminal and Native Criminal Judges in the Division for the Month of October last, together with an extract from their proceedings thereon.

(Here enters No. 1415.)

Chittoor 1

With reference to the Remark in Case No. 488 of the Report No. 5, the Judges desire that the Provincial Court of Circuit will bring to the Notice of the acting Criminal Judge that the Peon for his neglect of duty was liable to punishment under the provisions of Clause 1st Section XI Regulation XIII of 1832 had he "Wilfully released" the prisoner entrusted to his charge he must have been committed to take his trial before the Court of Circuit.

2

With reference to case No. 503, the Magistrate of Chittoor should be required to report whether intelligence of the Sultee did or did not reach the Police Officer previous to the Sacrifice actually taking place.

The

30th December 1833

Cuddapah 3 The Sentence passed by the Moonsiff Sudr Ameen in Case No. 382. is illegal as the charge against the prisoners amounts to Gang Robbery - in the event therefore of the Crime having been established against the 2d 3d and 4th prisoners, the Judges desire that orders may be issued for their committal, and that the Criminal Judge be directed in future to abstain from referring similar Cases to the Sudr Ameens for decision -

4 If the Charge in case No. 451 was fully proved and the property stolen exceeded 100 Rupees, the prisoners must be committed to take their trial before the Court of Circuit, Cases of House breaking beyond the amount above specified being punishable only by the Court of Circuit -

5 The Criminal Judge of Cuddapah will point out to the Pundit Sudr Ameen that Section VII Regulation X of 1816 is not applicable to Cases of Cattle Stealing -

6 With reference to Case No. 500, the Court of Foujdaree Adalut desire that the Criminal Judge be called upon to explain if "Mr. James Iratt" is a European British Subject -

Bellary 7 Adverting to case No. 293. of the Report No. 5 submitted by the Acting Criminal Judge of Bellary, the Court of Foujdaree Adalut desire that the Magistrate be called upon Specially to report on the conduct of the Head of Police of Royadroog with reference to the Statement of the Prosecutor as entered

30th December 1833

in the Calendar prepared by the Criminal Court

8 No. 307 If it was proved that the Prosecutor in Case to take "wounded" the prisoner should have been committed circumstances before the Court of Circuit under the the sentence that he however the Court will not disturb Judge -

With refere raised by the Acting Criminal

9 the Acting Criminal Judge of that Section II Regulation IX of 18 on Case No. 314. punishment of persons preferring the informed accusations before Native Officers of Police the Ordered, that extract from forwarded to the Provincial Court of Circuit in the Division, requiring them to communicate the same several officers whom it may concern by precept requiring conformity thereto within one week from after its receipt -

(Sent following Precept No. 1028)

Read letter dated the 2d instant from the Provincial Court of Circuit in the Southern Divis 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 October last together with an extract from their proceedings thereon -

(Here enter No. 1036.)

the

the provisions of Section IX Regulation

With reference to the 28th para. of the

5 the Provincial Court of Circuit, the

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No. 268 of th

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by a person

30th December 1833.

Cuddapah 3 Jh.

30th December 1833.

Salem 1

The Provincial Court of Circuit in the Southern Division will direct the Criminal Judge of Salem to revise the sentence passed upon the prisoner concerned in Case No. 557 of the Report No. 5, as Section V Regulation X of 1816 does not authorize a sentence of more than six months imprisonment for a fine if not paid, the present instance a fine appears to be part of the sentence awarded by the Criminal Judge.

With reference to Case No. 576. the Court of Foujdaree Adalut are of opinion that a Sentence of 150 Lashes and 6 days imprisonment, is a very inadequate punishment for a prisoner convicted of Housebreaking to the extent of 19 Rupees and 12 Annas.

3. And without further explanation the Court are disposed to view the sentence passed upon the 1st prisoner in Case No. 576 and the 2d & 3d prisoners in Case No. 591 in the same light.

4. The Court of Foujdaree Adalut desire that the prisoner concerned in Case No. 600, and convicted of accidental homicide be committed to take his trial before the Court of Circuit, in the meantime admitting the prisoner to Bail under

the

30th December 1833

the provisions of Section IX Regulation X of 1816.

5. With reference to the 28th para. of the proceedings of the Provincial Court of Circuit, the Judges would remark that the Criminal Judge of Salem was correct in quoting Clause Sixth Section II Regulation VI of 1832 as entering a house by the usual space between the roof and the Wall" is sufficient to constitute a Breaking under the Regulations, and this the Judges desire may be explained to the Criminal Judge.

Combaconum 6. With reference to the sentence passed upon the prisoner concerned in Case No. 268 of the Report No. 5, the Provincial Court of Circuit will point out to the Criminal Judge of Combaconum that to justify a demand of security a person must appear "to be under strong suspicion of some act of criminality".

7 From the explanation given in Case No. 284 the Court cannot gather of what offence the prisoner has been convicted, nor how the case fell within the provisions of Section VII Regulation X of 1816 — and the Court therefore desire that further explanation be required from the Criminal Judge.

8 The Court of Foujdaree Adalut having upon examination of the statements exhibited

2.

manner in which the prisoners are employed in the several Jails under this Presidency, perceived a vast disproportion in the sums realized by the labours of the Convicts in the Different Zillahs even in the same articles of manufacture upon which the same numbers of prisoners have been employed, Resolve to direct that in future a memorandum be appended to each statement in which is to be exhibited according to the following form, the quantity of Paper, Cumblies, Cloths &c. that may be manufactured during the period for which the statement is prepared as also the description and value of the Raw materials purchased during the same period.

9 And the Court take this opportunity of calling the attention of the several Criminal, Joint Criminal and Native Criminal Judges and Magistrates in charge of Jails, to the 6th para of their proceedings circulated under date the 19th of January 1831. which directs that "to each individual convict a defined task shall "be assigned." And the Court of Sudder Udalut desire that the completion of this task may be in every instance strictly enforced.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit

10th December 1833.

Circuit in the Southern Division, requiring them to furnish para: 1 to 5. to the Criminal Judge of Salem para: 6 & 7. to the Criminal Judge of Combaconum, and paras: 8 and 9 to the several Criminal & Joint Criminal Judges and Magistrates in charge of Jails within their Division for their information and future guidance by precept returnable within one week from and after its receipt.

(Sent following Precept No. 1029)

Ordered also, that para: 8 and 9 be circulated thro' the Provincial Courts of Circuit to the several Criminal, Joint Criminal and Native Criminal Judges and + Magistrates in charge of Jails in the Centre, Northern and Western Divisions for their information and future guidance by precept returnable in one week, from and after its receipts.

+ and Officers (for No. D.)

(Sent following Precepts No. 1030, 1031 & 1032)

Memorandum-

Estimated Value of all articles produced by the labour of the Prisoners during the month of October 1833.

	Rs.	as.	P.
500 Quires of Country Paper at 12 quires per Rupee	41	10	2
4 Pieces of coarse cloths at 1¾ Rupee per piece	7	"	"
1½ Sairs of Tape at 5 as. per sair	"	7	6
10 Cumblies at 4 as. per Cumbly	2	8	"
Carried over	51	10	2

Deduct

30th September 1833.

Brought over 54 — 10 —

Deduct

The price of Raw materials purchased.

Paid for Gunnies purchased for making Tapes — 3 — 14 — 3.

Paid for sundry articles purchased for Do. — 4 — 5 — 4½

Paid for Cotton thread and sundry articles purchased for weaving Cloths — 14 — 14 — 7.

Paid for Cotton thread purchased for weaving Tape — — 2 — 6.

Paid for wool and sundry articles purchased for weaving Cumblies — 1 — 12 — —

15 — 4 — 3

Net profit Rupees 36 — 8 —