1104

Municipio de
Chihuahua
1836

3436

At a Court of the Territorial Court
Present
Monday
1st January John Bird Esqr. 1st Puisne Judge
1836 William Mendleston Esqr. 3rd Puisne Judge
Alex. Duncan Campbell Esqr. Acting

Plea to the Jurisdiction dated the

1835 from the Provincial Court of Civil
Circle Division to the precept of the Sheriff
dated the 30th November 1835 requiring them to
upon the Magistrates of Chinglepet to summon
the attendance of the Jurors named in the Schedule
which accompanied the Sheriffs Precept to the Provincial
Court under date the 30th October last and to
report the result of the investigation for the consi-
deration of the Jurisdiction Established.

Read order of the 7th Inst. of this

The Provincial Court of Civil
Circuit upon the copy of a communication from the
Magistrate of Chinglepet declaring the reasons
which he deemed sufficient to excuse the Jurors
from their attendance.

Read the Precept of the

Eldalat are of opinion that the explanation of the Magistrate is satisfactory, and that the circumstances of the case as represented by that Officer, warranted the dismissal of the Peons in question.

Ordered, that Extract from these proceedings be sent to the Provincial Court in the Centre Division, with instructions to furnish a copy of the same to the Magistrate of Singhalese for that Officer's information.

(Sent in. No 4.)

Read Supplemental Return dated the 24th to precede the 16th Ultimo, requiring an immediate return to the precept of the Joynaer Eldalat of the 3rd October last, relative to the manner in which the returns of the Village Police are framed.

(Here enter No 1299 of 1835.)

With the above Supplemental Return is forwarded the explanation of the Magistrate of North West that he has no reason to believe that the Statement for the 1st ¼ of 1834 of the cases in which the parties were punished by the Village Police is incorrect.

2. In the 3d para of his letter now laid before the Joynaer Eldalat, the Magistrate states his inability to find upon his receipt the Circular Order of the 30th April 1832: it appears however from the letter

of the Provincial Court of Circuit that copy of the Order in question was furnished to his Office on the 4th May 1832, and the Magistrate will observe that it is entered in page 287 of the printed copy of the Circular Order lately transmitted to him.

3. It would seem from the Magistrate being unaware of the existence of the order and from the tenor of his present returns that it has been made without any enquiry from the Village Police as to the fact whether or not any persons were dismissed by them in the 1st ¼ of 1834 and that the Statements in his District have been framed under ignorance on the part of the Village Police of it being the intention of Government that the number of persons dismissed as punishment as well as the number of persons punished should be entered in the 1st Quarterly Criminal Statements. He will be pleased therefore to take measures for the due observance of the Circular Order 30th April 1832 in future.

Ordered, that Extract from these proceedings be sent to the Provincial Court in the Centre Division for the information and guidance of the Magistrate of Galle by the first opportunity.

(Sent following Packet No 5.)

January 1836.

Road return, dated the 18th Ultimo, from the Provincial Court of Circuit in the Centre Division, in pursuance of the Sunjarce Adaulut dated the 16th December 1835 requiring them to make immediate return to their precept of the 2d October last.

(Here enter No 2275 of 1836.)

Sashumma of the Zilla of Madura moves the Court to return the inclosure in her Miscellaneous Petition No 104 of 1835.

Ordered accordingly.

F. C.

Thursday 7th January 1836

At a Court of the Sunjarce Adaulut.

Present

John Bird Esqr. 2d Puisne Judge.
William Thackeray Esqr. 3d Puisne Judge.
Alexr Duncan Campbell Esqr Act. 4th Puisne Judge.

Read letter, dated the 3d of November 1835, from the Acting Second Judge late on Circuit in the Northern Division, submitting the English and Persian Translations of the Proceedings in Case No 5 on the Rajahmundry Calendar for the Second Sessions of 1835.

(Here enter F. C. No 2108 of 1835.)

Read also letter, dated the 4th December 1835, from the Provincial Court of Circuit in the Northern Division, forwarding the copy of a letter from the Criminal Judge of Rajahmundry, reporting the death of Saul Sahib, the 4th Prisoner in Case No 6 on the Rajahmundry Calendar for the Second Sessions of 1835.

(Here enter No 2198.)

Mr Bird
Mr Thackeray
& Mr Campbell

The Court of Sunjarce Adaulut, having maturely considered the proceedings held before the Sunjarce Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee and Coozat and Mooftee of the Sunjarce Adaulut are of opinion that

F.U.
7th January. 1835.

Court of Tanjore Madras Summary Jurisdiction
of the case No. 8. and to direct the
execution of their sentence in that case upon
the first Prisoner. Cauty Ajeeman. be
suspended until the result of the other trial
alluded to by the Acting Second Judge shall
be determined. The Provincial Court of Cir-
cuit accordingly delay the issue of their war-
rant until the result be communicated
to them; it being the intention of the Tanjore
Madras that the sentence of imprisonment
now passed shall commence to take effect
only from the date of the warrant which
may be hereafter issued.

Ordered
that a Transcript from
Court of Circuit in the Southern Division
for their information and guidance.

/ Sent in No 8. /

43 J

113

140

Read letter dated the 13th Instant
from the 2d Judge of the Provincial Court
of Circuit in the Western Division, forward-
ing the Statement of Facts to be Pro-
ceived and Witnesses examined in the 4th Quarter
Sessions of 1834.

/ Hereunto No 105 /

Read return dated the 13th Instant
from the Acting 1st Judge of Circuit

F.U.
7th January. 1835.

in the Southern Division to precept of the
Tanjore Madras dated the 14th January 1834
directing the immediate and unconditional
release of the first Prisoner in Case No
32 on the Combaconum Calendar for the
second Sessions of 1834.

/ Hereunto No 107. /

F.C.

At a Court of the Foujdaree Udalut.

Friday

6th January 1836

Present

John Bird Esqre 2d Puisne Judge

William Hasselston Esqre 3d Puisne Judge

Alexr Duncan Campbell Esqre Acting Puisne Judge

Circular Order

No 56.

The circular Order of the Court of Foujdaree Udalut, dated the 14th March 1832, directs "that in all cases, where reference is made in the "proceedings of any of the subordinate tribunals "to previous contradictions in the evidence of the "witnesses, copies of both depositions shall be "invariably submitted.

2d. In extension of the principle of the above Circular Order, the Court of Foujdaree Udalut deem it proper to direct that in referred Criminal trials whenever evidence given by a witness before the Committing Officer, may vary materially from that given by such witness before the Police Officer, the latter deposition be included in the record of proceedings furnished in English and Persian to this Court.

Ordered, that Extract from these proceedings be sent to the 4 Provincial Courts

8th January 1836 ... required to state ... their consideration ... the ... original depositions delivered by the Prosecutrix before the several tribunals; and to submit his opinion whether any, and if any, which of the discrepancies noticed in these proceedings can be accounted for by mistranslation.

Ordered, that Extract from these proceedings be sent to the Acting First Judge ... on Circuit in the Southern Division, by first opportunity ... (sent following Precept No 13)

Read Letter dated the 22nd December 1835 from the Third Judge on Circuit in the Centre Division ... submitting an English translation of the Proceedings in Case No 23 on the Calendar for the Second Session of 1835.

Case entered No 2397 of 1835

"On this case the Evidence ... "Bustamante"

Head charged before the Council of Ministers with having struck the prosecutor's brother on the right side with his clenched fist, in a field on the Village of Malay ... dreadfully ... thereby causing his instant death.

Pillah of Malacca and thereby causing his instant death.

2 ... the Presiding Judge ...

No 12.

8th January 1836

the Mahomedan Law Officer of the Court of Circuit in acquitting the prisoner, who was accordingly released

3 Observing that the evidence as given in the Calendar appeared to bear out the charge as laid in the Indictment, the Court of Sungkarce Adalut, in their proceedings under date the 26th November 1835, directed that an English Translation of the case should be prepared and submitted for their consideration.

4 The Court of Sungkarce Adalut observe that the evidence for the prosecution fully substantiates the fact that the deceased having allowed his sheep to graze on a field, occupied by the prisoner, received from the latter a blow which produced immediate death.

5 ... considering thereupon the fact of homicide proved, the Court depend from the Presiding Judge's confirmation of the Finding of Acquittal.

6 It does not appear however, that the prisoner intended to do the deceased any "grievous bodily harm" or that he ought to have been punished for the act established against him more than he had been by his imprisonment before trial.

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

113

(Sent in ...)

F. U.

At a Court of the Poujdarree Udalut.

Saturday, Present,

9th January 1836. John Bird Esqr. 2nd Puisne judge

William Maddleston Esqr. 3rd Puisne Judge

Alexr. Duncan Campbell Esqr. Acting Puisne Judge

Read Letter dated the 17th December

1835 from the Acting Second Judge of the Provincial

Court of Circuit in the Cuttack Division, transmitting

the Trial in Case No 1 on the Cuttack Supplemental

Calendar for the 4th Quarterly Sessions of 1835.

(Here enter No 2259)

Mr. Maddleston and Mr. Campbell

The Court of Poujdarree Udalut, on a deliberate consideration of all the circumstances of the Case, in evidence before them, being of opinion that the proof against the prisoner "Cashpadoo" is sufficient to convict him of the crime of Wilful Murder, do, under the authority with which they are vested by Clause first, Section III, Regulation X of 1816, convict him thereof, and in conformity with the provisions of Section X, Regulation VIII. of 1803, sentence him to suffer death by being hanged at the usual time and place of execution.

(Letter following No 2259)

9th January 1836.

Read Letter dated the 28th Ultimo
from the Acting Third Judge of the Provincial court
of Circuit in the Northern Division, submitting a Copy
of the first part of the Primary Calendar of Prisoners
for the Fourth Quarter Sessions of 1835

(Here enter No 11 No 12 of 1836)

Case No 8.

The Court of Foujdaree Adaulut
observe that the Fatwa of the Mahommedan Law
Officer of the Court of Circuit, as to the guilt
in the Calendar, declares that "Hoorg Sunjeeun the
"three committed the crime is attached to the three
third and fourth prisoners; and that "Hoorg Sunjeeun
"that they committed the crime of receiving and
"ing Stolen property attaches to the fifth, sixth and
tenth prisoners.

2.

A reference to the original Tabe
will show that these prisoners were all convicted
Zun-i-ghalib or Hoorg Pratumuktee proof.

Ordered that Extract from the
proceedings be sent to the Acting Third Judge
Presiding at the Masulipatam Fourth Quarter
Sessions for his information

(Sent in No 181)

Read Letter dated the 6th Inst
from the First Judge on Deputation to the Court

Dismissed

9th January 1836 Division, reporting his arrival at Cuddapah,
the opening of the Sessions, and the State of
the Calendars.

(Here enter No 30)

Read return dated the 4th Instant
from the Provincial Court of Circuit in the Southern
Division to Precept of the Foujdaree Adaulut dated the
24th December 1835, requiring to be informed whether
the Sanction of Government issued under date the 10th
February 1832 for vesting the Tahsildars of the Ramnad
Zemindary with Police powers was duly notified to the
Magistrate of Madura.

(Here enter No 35)

At a Court of the Foujdaree Udalut

Wednesday — Present,

3d January 1838 — John Bird Esqr. — 2nd Puisne Judge

William Rouse Boulderson Esqr. — 3rd Puisne Judge

Alexr. Duncan Campbell Esqr. — Acting Puisne Judge

Read return, and further return dated respectively the 11th and 21st Ultimo by the Provincial Court of Circuit for the Northern Division, to Precept of the Foujdaree Udalut dated the 12th October last, directing them to ascertain whether the prisoner Nellapudla Lomadda embraced the Mahomedan Calendar for the 1st Quarterly Sessions of 1835 was at any time a Subject of His Highness the Nizam, with a view to his either being made over to the Nizam's authorities or being released agreeably to his acquittal of the charge brought against him in the above Circt. No 4.

(Here enter No 2286 and 2309)

From the return of the 11th Ultimo it appears that the said prisoner was formerly a Subject of the Nizam, and is accused of the Murder of a Nizam's Subject by name Lukray Rapunna, the Curnum of the Village of which the prisoner was an inhabitant; that he subsequently absconded into the Honorable Company's Territories, and

that

that the Acting Joint Criminal Judge had accordingly been directed to make over the prisoner to the Nizam authorities.

2. The further return of the 21st ultimo conveys the Copy of a Communication from the Acting Joint Criminal Judge at Masulipatam stating that the Magistrate of Masulipatam has requested that the aforesaid prisoner on date of his being seated by the Court of Foujdaree Udalut might be sent to his Office to take his trial on certain additional charges that have been brought against him since his Committal to the Court of Circuit. The Provincial Court of Circuit request the instruction of the Foujdaree Udalut on this point in reference to the orders for the delivery of the prisoner to the Authorities at Hyderabad.

3. The Court of Foujdaree Udalut are of opinion that as the prisoner is a Subject of His Highness the Nizam, and the charge on which he is to be tried by the authorities of His Highness is capital he, the prisoner Mathapatla Somadoo should be made over to them unless the charge preferred to by the Magistrate involve a capital offence. The Magistrate however should accordingly be instructed by the Provincial Court of Circuit to communicate with the Resident at Hyderabad on and to that the prisoner may be sent back to him if acquitted of the murder of the Canum Nitiraj Rajamah above alluded to, to be tried on the other charges against him for separate crimes in the Coimbatore Dominions not yet fully investigated.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit for the Northern Division for their information and guidance by Precept returnable in 6 days after receipt.

(Sent following Precept 13.1.36.)

Read letter, dated the 24th ultimo, from the 1st Judge on Circuit in the Western Division, reporting the completion of the Second Sessions of 1835 at Mangalore.

(Here enter No 9.)

Read return, dated the 2nd Instant, from the Magistrate of Chingleput to Precept of the Foujdaree Udalut dated the 31st December 1835 requiring him to explain why he has not discharged the Head of Police of the Nayer Talook for inattention to his Police duties

(Here enter No 8.)

Read return, dated the 30th ultimo, from the Criminal Judge of Madura to Precept of the Foujdaree Udalut dated the 24th December 1835, on the Criminal Reports for November.

(Here enter No 6.)

13th January 1836

that the Acting Joint Criminal Judge had ordered
by him directed to make over the prisoner to the Mag
authorities.

2. The further return of the 31st Dec
conveys the Copy of a Communication from the
Joint Criminal Judge at Masulipatam stating
"That the Magistrate of Masulipatam has repo
"That the aforesaid prisoner on trial of his being
"seated by the Court of Foujdaree Udalut may
"be sent to his Office to take his trial on certa
"additional charges that have been brought a
"him since his Committal to the Court of Cir
The Provincial Court of Circuit
reference to the orders for the delivery of the pr
to the authorities at Hyderabad.

3. The Court of Foujdaree Udal
are of opinion that as the prisoner is a Subje
His Highness the Nizam, and the charge a
is capital he, the prisoner, should be remande
should be made over to them until the charg
referred to by the Magistrate, involve a cap
offence. The Magistrate however should nev
be instructed by the Provincial Court of Circuit

3d January 1836

communicate with the Resident at Hyderabad
an order that the prisoner may be sent back to him
of acquitted of the Murder of the Sunnum Nitoraj
Rajamah above alluded to, to be tried on the other
charges against him for separate Crimes in the
Company's dominions not yet fully investigated.

Ordered, that Extract from these
proceedings be sent to the Provincial Court of Circuit
for the Northern Division for their information and
guidance by Precept returnable in 6 days after receipt.

(Sent following Precept No 26.)

Read letter, dated the 26th Ultimo,
from the 1st Judge on Circuit in the Western Division,
reporting the completion of the Second Sessions of 1835
at Mangalore.

(Here enter No 7.)

Read return, dated the 2nd Instant,
from the Magistrate of Chingleput to Precept of the
Foujdaree Udalut dated the 31st December 1835 requiring
him to explain why he has not discharged the Head of
Police of the Nayer Talook for inattention to his Police duties

(Here enter No 8.)

Read return, dated the 30th Ultimo,
from the Criminal Judge of Madura to Precept of the
Foujdaree Udalut dated [illegible] December 1835 on the
Criminal Reports for [illegible]

(No 9.)

13th January 1836.

that the Acting Joint Criminal Judge had ordered
by them directed to make over the prisoner to the
authorities.

2.

The further return of the 21st ult
conveys the Copy of a communication from the
Joint Criminal Judge at Mattelipatam dated
"that the Magistrate of Mattelipatam has sup
"that the aforesaid prisoner on trial of his case
"tested by the Court of Foujdaree Udalut
"be sent to his Office to take his trial on certa
"additional charges that have been brought
"him since his Committal to the Court of Ses
The Provincial Court of Circuit request the
reference to the Orders for the delivery of the pr
to the Authorities at Mysoor.

3.

The Court of Foujdaree Ud
are of opinion that as the prisoner is a Subj
His Highness the Nizam, and the charge
he is to be tried by the authorities of His High
is capital he, the prisoner Mattapatta Sonnad
should be made over to them on the charg
referred to by the Magistrate however a Copy
offence the Magistrate have on should com
be instructed by the Provincial Court of Circuit

6th January 1836.

communicate with the Resident at Mysore
on order that the prisoner may be sent back to him
if acquitted of the Murder of the Sunnam Nitaraj
Rajannah above alluded to, to be tried on the other
charges against him for separate Crimes in the
Coimbatore Dominions not yet fully investigated.

Ordered, that Extract from these
proceedings be sent to the Provincial Court of Circuit
for the Northern Division for their information and
guidance by Precept returnable in 6 days after receipt.

(Sent following Precept 8th 36.)

Read Letter, dated the 24th Ultimo,
from the 1st Judge in Circuit in the Western Division,
reporting the completion of the Second Sessions of 1835
at Mangalore.

(Here enter No 7.)

Read return, dated the 2nd Instant,
from the Magistrate of Chingleput to Precept of the
Foujdaree Udalut dated the 31st December 1835 requiring
him to explain why he has not discharged the Head of
Police of the Nayer Talook for inattention to his Police duties

(Here enter No 8.)

Read return, dated the 30th Ultimo,
from the Criminal Judge of Madura to Precept of the
Foujdaree Udalut dated the 24th December 1835, on the
Criminal Reports for November.

(Here enter No 6.)

13th January 1836

That the Acting Joint Criminal Judge [illegible]
by him directed to [illegible] the Jurisdiction & the [illegible]
authorities

2.

[illegible] the further return of the 21st [illegible]
conveys the copy of a communication from the [illegible]
Joint Criminal Judge at Madelipatam [illegible]
That the Magistrate of Madelipatam has [illegible]
That the aforesaid prisoner on [illegible] of his being
tested by the Court of Pongalore Adalut [illegible]
be sent to his office to take his trial on [illegible]
and Criminal charges that have been brought [illegible]
from there his Commitment to the Court of [illegible]
The Criminal Court of Circuit against the [illegible]
Court of the Pongalore Adalut on this point
reference to the orders for the delivery of the [illegible]
to the authorities at Mydanhad

3.

The Court of Pongalore Adalut
are of opinion that as the Prisoner is a Subject
of His Highness the Nizam and the charges
have to be tried by the authorities of His Highness
Government the Prisoner should be
[illegible] to the Magistrate of Madelipatam
[illegible] will be made over to the
proposed to by the Magistrate
offence & the Magistrate [illegible]
be instructed by the Provincial

8 January 1836

Communicate with the Resident at Hyderabad
and also that the prisoner may be sent back to him
if acquitted of the murder of the Peon Nittoy
Rajamah above alluded to, to be tried on the other
charges against him for separate crimes in the
Nizam's Dominions not yet fully investigated.

Ordered, that Extract from these
proceedings be sent to the Provincial Court of Circuit
for the Northern Division for their information and
guidance by Circuit returnable in 6 days after receipt.

(Sent following Receipt 1836)

Read letter, dated the 24th ultimo,
from the 1st Judge on Circuit in the Western Division,
reporting the completion of the Second Sessions of 1835
at Mangalore.

Vide order No 3

Read return, dated the 2nd instant,
from the Magistrate of Chingleput to Receipt of the
Pongalore Adalut dated the 31st December 1835 requiring
him to explain why he has not transmitted the Head of
Police of the Nayer Talook for examination to the Sessions

Vide order No 3

Read return, dated the 30th ultimo,
from the Criminal Judge of Madura to Receipt of the
Pongalore Adalut dated the 24th December 1835 on the

13th January 1836

[illegible] dated the 30th [illegible]
from the acting [illegible] Judge of the [illegible]
of the Captains [illegible] dated the 29th December
with the Indictment the finding [illegible]
[illegible]
(Here under No 7.)
[illegible] dated the 31st [illegible]
from the acting first Criminal Judge of [illegible]
to the Copy of the Captains [illegible] dated the 19th
1835 with the Criminal [illegible] 29th December
(Here under No 8.)
[illegible] dated the 2d
from the Clerk of the Crown [illegible]
Returns of 1835, with the original Letter from the
first Criminal Judge of Spanish
(Here under No 9.)
[illegible] dated the 21st
from the 1st Judge at Launceston on the Western
respecting the opening of the Supreme Court
the Clerk of the Crown
(Here under No 10.)

Gaol

No 3

J. C.

At a Court of the Supreme Court.

Present

Friday
8th January 1836.

The Hon. Pedder Esqre. 1st Puisne Judge;
William Stanbridge Esqr. 3rd Puisne Judge;
Alexr. Duncan Cumming Laidlaw Esqr. 4th Puisne Judge.

Upon a Letter dated the 7th December
1835 from the 2d Judge of the Court of Circuit in the Western Division, transmitting the Depositions taken in Case of Thos. Hudson additional Calendar of the Prisoners Court of Quarter Sessions of 1835.

Thereupon it is Ordered.

Mr. Charleston
Mr. Campbell

That the Court of Supreme Court do forthwith commence the Proceedings to be had before the Judge on Circuit, the Attorney General, the Crown Officer and the Sheriff of the Colony and Keeper of the Supreme Court Gaol, for the Purpose of the Trial of the said Prisoner and Counsel and Witnesses for the Prisoner and the Prosecutor, as ordered by the Prisoners 1st Commission of Oyer and Terminer and Gaol Delivery, to be then and there holden and Proclamation thereof to be made by the Crier of the Court, and that the Sheriff of the Colony, there to summon

F.C.

13th 14th January 1836.

and subject to such Taxation as the Court shall think reasonable, and the Plaintiff shall pay the same to the Defendant's Attorney, or his Agent, before he shall be entitled to proceed further in the cause.

F.C.

In consequence of the Defendant's Attorney's not attending to tax the Defendant's Costs, pursuant to the Rule of Court of the 13th instant, the Plaintiff's Attorney has not been able to proceed further in the cause.

Regulation I of 1825 and under the Provisions of Section III of Regulation XI of 1831, the Plaintiff is entitled to Costs.

F.C.

Plaintiff's Costs.

Defendant's Costs.

Plaintiff's Costs.

F.C.

5th January 1836.

and future guidance.

(Case following letter B.º 28.)

(Case letter dated the 24th Ultimo from the First Judge on Circuit in the Western Division, submitting copies of the Criminal Calendars for the second Sessions of 1835.

(Case entered F.C. B.º 1 of 1836.)

Criminal Calendar Case B.º 110.

On this case it appears from the Remarks in the Calendar, that the Malay convicted Law Officer of the Court of Circuit against the second Prisoner in consequence of the evidence given being Hearsay, but a second question submitted by the Third Section of Regulation XI of 1828, declares him also liable to Taxation.

2 The Court of Sudder Adawlut observe that the provisions of Clause 3 Section II, Regulation XI of 1803, are inapplicable to the Second Prisoner; and that Section VIII, Regulation I of 1825 which enlarges the Discretion of the Evidence of a witness in a Criminal Trial before a Court of Circuit may be considered by the Mahomedan Law Officers sufficient to warrant their declaring the Testimony of the witness not objectionable on the Mahommedan Religion, and Law to have been proved.

Fix

F.H.
14th January. 1836.

Supplt. Calendar 3
Case No 3.

The Registrar of Lunga
the Court to know if the Plaintiff appear
in person or by Counsel
to Register their
to
The Court of Enquiry
are of opinion that if there be
sufficient and
Commissary of the Court should be appointed
the Native Commissioners Judges, and the
Officer and Interpreter to Command the Jury
and there
before the Court if Counsel
Supplt. Calendars
Case No. V.
Regulation I of 1828,
shall
and
marks for and during the
Jurors

F.H.
5th January 1836.

Read again the Recognizance
tion presented on the 30th November 1835 by
Cookbarayen of the Zillah of Combaconum
(where entered Min Dt. No 102 of 1835)

Read also Return dated the 31st
to the precept of the Court of Enquiry Tanjore
under date the 14th December 1835, requiring
the attending First Judge late on Circuit in
the Southern Division to prepare and
submit for their consideration, an English
Translation of the Proceedings in Case No
32 on the Calendar of the Zillah of Combe-
conum for the second Sessions of 1835.

In this case the Prisoner,

1st Mahomedan

and

2d Shanar

stood charged before the Court of Circuit
the first with having feloniously given
to the Prosecutrix, intoxicating drugs, in
contravention of the 8th Section of the 4th year Summa-
dah on the 22d July 1835, while in her
house at Trichinopoly, and with having,
while she was insensible, entered
her house and taken therefrom a box
belonging to her, containing property
valued at Pagodas fifty or Rupees one
hundred and twenty-five and the second

F.H.
14th January 1836.

... with having chosen at their last Sessions ... meeting to enter the stolen property ... Prosecution and with having instead ... using perfumes & changes of dress ... here.

2 The Prisoners pleaded not Guilty ...

3 On his Letters on the case ... Mahommedan Law Officers of the Court ... Circuit pronounced the first Prisoner ... visited on strong presumptive proof ... the crime charged, and liable to Retaliation ... and the second Prisoner entitled to be ... on the ground that there was no proof ... him.

4 The Presiding Judge concurred ... in this finding and sentence the first ... or to receive one hundred and fifty stripes ... of a cat of nine tails, and to be imprisoned ... and kept to hard labour in irons for ... seven years; and ordered that the second ... Prisoner should be discharged.

5 The Court of Sanjaum Thanah ... in referring to the case as it was entered ... in the Calendar, and stating reasons why ... the jurisdiction of the Court ... Prisoner, requested that the Court ... tion of the case ...

6 ... Clerk of the Peace ... Copies ... Court ... Appeal ...

F.H.
14th January 1836.

the evidence for the prosecution appears to the Court of Sanjaum Thanah unsatisfactory and insufficient for conviction. Putting out of consideration the incredibility in probable allegation of the Mother and daughter (of whom the latter is the complainant and the former is the first witness for the prosecution) that they were unable to hear the Prisoner ask them where the box of Jewels was kept, and to see him carry it off, while the interval during which alleged to have been employed in obtaining possession of the property, appears to them more than sufficient in its effects on men than to have performed those acts of the penalty of speech, and to stupify and even render them insensible for three days, there are certain contradictions and discrepancies in the evidence which appears to the Court of Sanjaum Thanah must prove fatal to the prosecution. For the first place, the Prosecutrix in her examination in chief before the Court of Circuit, swore that the second Prisoner said afterwards that he must pay the sum of fifty Rupees due by his Brother the first Prisoner and that I must not prosecute the matter: whereas the alleged theft, and further that he made this declaration in the presence of four persons but in her cross examination she states

that she "thought" that the sum promised
by the second Prisoner was on account
of the Jewels stolen by the first Prisoner
and she named "Kistna Ranjo" Fernandez
and "Chinnia Poicken", as the persons who
were present when the offer was made
7. The first witness - the mother
of the Prosecutrix - speaking to the same
point, swore that on the morning the
second Prisoner, the elder brother of the
first, came to the house of my neighbour
who is a painter and told me that he was
undertake to pay us the sum of fifty
Pagodas due by his younger brother
and desired us not to trouble
us it would be paid
8 His neighbour
the third witness for the Prosecution,
by profession a painter, who thought
he admits that the second Prisoner came
to his house and told the Prosecutrix that
he would pay her the sum of fifty Pagodas
due by his younger brother and moreover
assured positively that he did not wish
him the reason nor did he
mention it to him
then explaining
was

confirmed by that of the fourth and fifth
witnesses for the Prosecution; of whom
the fourth, Veerannien, further deposed
that neither did the Prosecutrix in whose
house he lives inform him of her Jewels
having been stolen, nor did he hear of the
circumstance; and that he did not hear
from his wife that the Prosecutrix was
sought for more immediately for two days;
although the house in which she lives being
the temporary absence of their witness, was
separated from that of the Prosecutrix only
by a wall - Minutes have been satisfactorily
how the Presiding Judge caused the inha-
bitants of the neighbouring houses to be
questioned on this latter point. Again
being asked which of the two, first the
the intervening ring, the Prosecutrix
deposes that she "ate it first" and to the further
question of whether the first Prisoner was
alone or the latter, after he had entered
my house, Veerannien deposed and in addi-
further on the state that "A Pharisee or
"of two or three persons had come together
"bringing Encharnation" to and the name
the second witness Pennavanny who
was then lying a mat in the house and
another man who was in company with
him" at the persons who were present

that the Charge that the Dam, Brand
by the name Prisoner was an accom
of the Female stolen by the first Prison
and she named Victoria Ranger & Emma
and Thomas Brookes, as the persons
were present when the offer was
of the Prisoners speaking to the
first, were that on the next day
second Prisoner, the elder Brother of
first, came to the house of my neighbo
who is a female and told me that
wanted to see me and that he
a little outside the door. That
Prisoner, the elder Brother of the
Prisoner, the younger Brother and
him the Prisoner, were in the Yard
and when I came to the door the
Prisoner, the elder Brother of the
was present when the
Prisoner, the younger Brother and
him the Prisoner, were in the Yard
and when I came to the door the
Prisoner, the elder Brother of the

The evidence of the
the three witnesses for the Prosecution
by profession a Hawker, who
he resides that the second Prisoner
to his house and told the Prisoner
he wants from the time of the
one by the younger Brother and
Prisoner, the elder Brother and
him the Prisoner, were in the Yard
and when I came to the door the
Prisoner, the elder Brother of the

confirmed by that of the fourth and fifth
witnesses for the Prosecution, of whom
the fourth, Fenemullin, further appear
that neither did the Prosecutrix in whose
house he lives inform him of the female
having been stolen, nor did he hear of the
circumstance; and that he did not hear
from his wife that the Prosecutrix and
daughter were missing for two days;
although the former in whose house the Prisoner
the temporary absence of their witness, was
separated from that of the Prosecutrix only
by a wall. Mr. Smith has been satisfactory
that the presiding Judge caused the "in-
"dictment of the two Prisoners" to be
produced on this latter point. Again,
being asked which of the two, first after
the intervening rape, the Prosecutrix
appears that she told it first: and to the further
question of whether the first Prisoner was
alone with the Prosecutrix after he had entered
my house, I answered that I did not
further on the state that "it appeared as
"if two or three persons had come together
"bringing Prosecutrix with them and the
"the second witness for Prosecution who
"was then lying in bed in the house and
"another man who was in company with
"him" as the persons who were present

F.U.
14th January 1830.

when the first Prisoner brought the dog into the first witness's premises in the Parish of Tullamore in the King's County and the Defendant stated to the Constable of the time and at the time aforesaid and further that at that time Thomas Dempsey or words to the same effect and that the first Prisoner brought the dog into the first witness's premises and that the Defendant did not make use of any words to the first witness's knowledge or belief at the time aforesaid Having heard all the evidence adduced on the part of the Prosecution and the Defendant having been duly cautioned by the Chairman of the Court aforesaid that he was not bound to say anything in his defence unless he thought proper to do so but that whatever he should say would be taken down in writing and might be given in evidence against him upon his trial for the offence with which he stood charged and the Defendant having declined to say anything in his defence or to call any witnesses on his behalf and the Court having considered the evidence adduced on the part of the Prosecution and the Defendant

F.U.
14th January 1830.

have been with the implied consent of the Executive and the natural consequence of the said Prisoners proceedings for aught that appears to the contrary that as the dog has been unmercifully beaten and ill used by the Defendant and the Court are not satisfied that the defence of the second Prisoner cannot contain a true statement of the case and indicate the motives in which the prosecution originated.

It is ordered that the recognizance entered into by the Defendant to appear at the Court of Enquiries should stand as the recognizance of the Defendant to appear at the Court of Grand Jury and to direct that the Prisoner be discharged from his imprisonment

be immediately and unconditionally set at liberty.

Observe that Extract from these proceedings be sent to the Acting Justice Justices Crown Solicitor in the Queens for his information and guidance by present Post in order to be within five days from and after this receipt.

Sent following Post 1.2.30

Observe further that Extract from these proceedings be furnished to the Petitioner upon his application

Rec

F. H.

1st January 1836.

Rece return, date the 31st
from the Acting 1st Judge for the Circuit
the Southern Division, to precept of the
Tanjore Court dated the 28th Decem
1835, conveying their observations
on the Calendars for the
Sessions of 1835.

[Here enter No 33.]

Rece return, date the 31st
from the Provincial Court of Circuit
the Central Division, to precept of the
Tanjore Court dated the 30th Decem
1835, conveying
Supplemental Return for Case No 35 of the Calendar
[illegible] Report for December

[Here enter No 34.]

Rece letter, dated the 31st
Instant from the Acting 2d Judge of
Provincial Court of Circuit on the
Division to precept of the Tanjore
Court dated the 28th December 1835
forming an Supplemental Return
of Case No 2 on the Calendar for
mitted [illegible] Calendar for the 4th Quarter
Sessions of 1835 to the Superintendent
for Slave Concerns [illegible]
ment.

[Here enter No 35.]

F. H.

1st January 1836.

Rece return, date the 5th Instant,
from the Criminal Judge of Cuddalore
to precept of the Tanjore Court dated
28th December 1835, on the Criminal Reports
for the Month of November last.

[Here enter No 39.]

Rece return, date the 5th Instant
from the Criminal Judge of Cuddalore
to precept of the Tanjore Court dated
30th December 1835, on the Criminal Reports
of the Maritime Judge of Cuddalore for the
Month of November last.

[Here enter No 40.]

Rece return, date the 4th Instant
from the Criminal Judge of Porto Novo
to precept of the Tanjore Court dated
the 24th December 1835 on the Criminal
Reports for November.

[Here enter No 41.]

Rece letter, date the 4th Instant
from the Magistrate of Porto Novo,
reporting with reference to the extract
from the proceedings of the Tanjore
Court of the 24th Ultimo, that in case
No 92 of the Report No V for November
the Head of Police has been instructed
that persons not authorized under Regu
lation IX of 1832 to send up the Prisoners.

[Here enter No 43.]

Rece

F. U.

16th January 1836.

Read acknowledge the receipt
from the Criminal Judge in the Zillah
of Malabar, by Express, of the Sessions
Establishment under the 20th December 1835
the Criminal Reports for November
Ditto entered No 30.

Read Return, under the 9th
Instant, from the Head Surgeon Civil
in the Centre Division, by Express, of the
Sessions Establishment under the 31st December
1835, conveying their observations
extracts on the Calendar for the
the Second Sessions of 1835.

Ditto entered No 52.

Read letter under the 6th Inst
at Vizagapatam, transmitting the Crim
minal Reports for the month of Dec
ber 1835.

Ditto entered No 58.

Read Criminal Reports
the 8th Instant from the Criminal Ju
in the Zillah of Rajahmundry for
month of December 1835.

Ditto entered No 95.

F. U.

At a Court of the Foujdaree Udalut.

Friday
15th January 1836.

Present

John Bird Esqr. ..... 3rd Puisne Judge
William Huddleston Esqr. ..... 8th Puisne Judge.
Alexr Duncan Campbell Esqr. ..... Acting Puisne Judge.

Read letter dated the 21st Ultimo
from the late Acting Third Judge late on Circuit in the
Northern Division forwarding an English Translation
of the Proceedings held in Case No 9 on the Guntoor Calen
dar for the First Sessions of 1835

(Here enter F. U. No 2301 of 1835.)

In this case the prisoners

1st Sorragapuny Venkadoo
2d Unbatty Mooleyallee
3d Pillala Veeradoo
4th Pillala Unnemeyadoo
and
5th Cauloo Potaya

stood charged before the Court of Circuit with having on
the eighth increasing Moon of Saawanam, upon Vezjah,
corresponding with Wednesday the 22d July 1835 gone
forth in a gang at two Jaums of the night, to the house
of one Yella Pragada Muchamah of Cocchanapooday,
with swords, sticks, torches &c., broken the doors, entered
the house, severely beaten and wounded the Prosecutor

Doggenamla

Doggeriaula Hannaidy Sathoolee and the women who lodged in that house and with having plundered property to the value of Rupees One hundred and thirty and Anaid six.

2. The prisoners severally pleaded "Not Guilty."

3. The Mahommedan Law Officer of the Court of Circuit in his Futwa, declared the prisoners convicted and liable to Kisbut and the Presiding Judge concurring in this finding, sentenced them severally to be imprisoned and kept to hard labour in irons for fourteen Years.

4. The Court of Foujdaree Udalut, on reviewing the Calendar, observed in their proceedings of the 14th July 1835, that they saw reason "to doubt the justness of the conviction" and accordingly directed "that an English Translation of the Case should be prepared and submitted for their consideration without delay."

5 In the Sixty seventh page of the English Translation of the Proceedings now submitted, appears the following note: "the Court and Moofty being of opinion that it is unnecessary to examine the witnesses on the part of the prisoners in this case, their examination is accordingly dispensed with." but there is nothing on Record to show what led to the adoption of this opinion by the Court of Circuit, after the prisoners had each alleged

that he could prove by his witnesses that he did not commit the crime charged against him.

6. The Court of Foujdaree Udalut are of opinion that the evidence adduced in support of the prosecution is unsatisfactory, and insufficient for conviction but they deem it unnecessary on this point to detail at length their views, as the non-examination of the witnesses called by the prisoners in their defence, without the consent of the prisoners to that proceeding, is of itself sufficient to vitiate the conviction.

7. The Court of Foujdaree Udalut resolve accordingly to direct that the Provincial Court of Circuit in the Northern Division do issue necessary instructions for the immediate and unconditional release of the prisoners aforesaid: and further that they do examine the records of all the Cases tried by Mr. Wray on the Calendars of the Cuttack and Pooree Zillahs for the first Sessions of 1835, and ascertain and report to the Foujdaree Udalut whether, or not, that Gentleman had in any other case, convicted prisoners without taking the evidence for the defence.

8. The Provincial Court of Circuit will further take measures for obtaining from the Moofty Mahommed Hoomedooddeen an explanation of the grounds on which he deemed it unnecessary to take the evidence for the defence; and will submit his explanation

15th January 1836.

to the Fouzdaree Udalut

9 The Court of Fouzdaree Udalut further deem it necessary to direct that a Copy of this proceeding be furnished to Mr Wray, and that that Gentleman be required to submit without delay an explanation of the circumstances under which he considered it proper to decline to examine the witnesses named by the Prisoner for this case in their defence.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit for the Northern Division for their information and guidance by Precept returnable within Twenty days from and after its receipt.

(Sent following Precept No 35)

Ordered further that Extract from these proceedings be sent to the late Acting Third Judge of Circuit in the Northern Division for his information and guidance by Precept returnable within Thirty days from and after its receipt.

(Sent following Precept No 36)

Read Letter dated the 31st ultimo from the Second Judge of the Provincial Court of Circuit in the Western Division, submitting abstract of the Calendars for the Fourth Quarter of 1835.

J. U.

15th January 1836.

to the punishment which under the provisions of Section VII, Regulation X of 1816, the Acting Joint Criminal Judge was authorized to inflict, appeared to him to be insufficient, and adverting to the fact of the prisoner having "once been punished before," the Court of Fouzdaree Udalut are of opinion that that Officer was bound to commit the accused to take his trial before the Court of Circuit, and that the case should have been tried by the Presiding Judge, whose order, however, on the subject, the Court do not deem it necessary to distend.

Primary Calendar Case No 4

2d Addl Calendar Case No 1

8 The Court of Fouzdaree Udalut are of opinion that there were sufficient grounds for putting the prisoners in this case on their trial

3 In this case the prisoner

1st Cala Vallapil Cutti alli

stood charged before the Court of Quarter Sessions with housebreaking and theft.

4 The Mahommedan Law Officer of the Court of Circuit "convicted the prisoner and declared "him liable to Tazeer – Hudd being barred in consequence "of his present denial;" and "considering the crime of "theft established," the Presiding Judge sentenced the prisoner "according to Clause Second, Section III, Regulation XV of 1803, and Clause Second, Section III, Regulation VII

to the Foujdaree Udalut &c

4 The Court of Foujdaree Udalut do deem it necessary to direct that a Copy of this proceeding be furnished to Mr Wray, and that that Gentleman be required to submit without delay an explanation of the circumstances under which he considered it proper to decline to examine the witness first named by the Crown in this case in these defence.

Ordered that Cobham from the Criminal Court of the Northern Division for their information and guidance by Parwuft returnable within twenty days from and after its receipt

(Sent following Parwuft No 35)

Ordered further that Cobham from the Criminal Court of the Northern Division for their information and guidance by Parwuft returnable within twenty days from and after its receipt

(Sent following Parwuft No 36)

Read letter dated the 31st Ultimo from the Second Judge of the Criminal Court of the Western Division, forwarding the following Calendars for the Sessions of 1835.

Primary Calendar Cases No 1

to the punishment which under the provisions of Section VII, Regulation X of 1816, the Acting Joint Criminal Judge was authorized to inflict, appeared to him to be insufficient, and adverting to the fact of the prisoner having "once been punished before," the Court of Foujdaree Udalut are of opinion that that Officer was bound to commit the accused to take his trial before the Court of Circuit, and that the case should have been tried by the Presiding Judge, whose order, however, on the subject, the Court do not deem it necessary to disturb.

2nd Addl Calendar Cases No 1

3 The Court of Foujdaree Udalut are of opinion that there were sufficient grounds for putting the prisoners in this Case on their trial

3rd Addl. Calendar Case No 1

3 In this case the prisoner Ist Case Vallapul Cuttee alias stood charged before the Court of Quarter Sessions with housebreaking and theft

4 The Mahommedan Law Officer of the Court of Circuit "convicted the prisoner and declared him liable to Tazeer - Hudd being barred in consequence of his present denial:" and "considering the crime of Theft established," the Presiding Judge sentenced the prisoner "according to Clause Second, Section III, Regulation XV of 1803, and Clause Second, Section III, Regulation VII

15th January 1836 of 1822, to imprisonment and hard labour in the House of "Jorgen Yoard."

6 The Court of Foujdaree Udalut observe that the sentence in this case is irregular, and that a Second Justice should have been taken under the provisions of Clause Fourth, Section II, Regulation XV of 1818 the total inapplicability of Clause Second, Section III, Regulation VI of 1822 to cases of this nature has been fully demonstrated in the Circular Order issued by the Foujdaree Udalut under date the 19th June 1833.

Ct Addl Calendar 6 It appears from the Remarks in the Calendar on this Case, that the Presiding Judge was of Case No 1 opinion that it would not be proper to commence the Sessions "as it is uncertain whether it could be completed before the close of the Year, after which the Law Officer has to attend at Balasore, where the Circuit will be opened on the 15th Jan

7 The Court of Foujdaree Udalut are of opinion that the grounds on which this Case has been referred are quite unsatisfactory. If the Law Officer of the Court of Circuit had been detained for a few days at Jellasore, it was competent to the Second Judge presiding in Circuit, under the provisions of Section XI Regulation VII of 1803, to call on the Mohammedan Law Officer of the Zillah Court of Balasore to officiate for him.

15th January 1836

Ordered that Extract from these proceedings be sent to the Second Judge of the Provincial Court of Circuit in the Western Division for his information.

Sent in No 37 for

In Court of the Tenjalam Adalut

Saturday, 16th January, 1836. Present,

John Bird Esqr. 2nd Puisne Judge.

William Maddleston Esq. 3rd Puisne Judge.

Alexr. Duncan Campbell Esqr. Acting Puisne Judge.

Read letter dated the 8th Ultimo from the Acting 1st Judge late on Circuit in the Southern Division transmitting the record in Case No. 4 on the Coimbatore Calendar 2nd Sessions of 1836.

(Vide enter No. 3195 of 1836.)

The Court of Tenjalam Adalut,

having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Peria Sunk Law Officer and the Futwa of the Cazee-ool-Cozat and Mufties of the Tenjalam Adalut, confirm the said Futwa of the Cazee-ool-Cozat and Mufties aforesaid, and under the provisions of Section X Regulation VIII of 1802, Sentence the prisoner,

P. Sungen,

to suffer death by being hanged and his body suspended in irons at a spot, to be Selected by the Acting Sunk Criminal Judge, in the immediate vicinity of the Scene of the murder, the Prisoner,

Mr. Maddleston and Mr. Campbell.

3rd "Maroon,"

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 the prisoner

4th "Maroon"

and

5th "Payne,"

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) two years.

(Sent following letter No 42)

Read letter dated the 6th Inst. from the Provincial Court of Crimb in the Western Division, to present of the Prisoners detained in the Gaol dated the 30th December 1836 allowing the Number of Jurors to summon attended to the Court at Seven but directing that the Native Chief Judge be desired not to entertain any other Appeal when attended by so many.

(Here enter No 64)

Read letter dated the 6th Inst. from the Provincial Court of Crimb in the Western Division, to present of the Prisoners

dated the 2nd December 1836, directing that the Sentence in Case No 30. of the Return No 5 of Sitting for October last as recorded in the Criminal Reports, be carried into execution.

(Here enter No 65.)

Read letter dated the 30th of October last from the late Acting 2nd Judge late on Circuit in the Northern Division, submitting the Report prescribed by Section XXXVII Regulation VII of 1802 for the 3rd Sessions of 1836.

(Here enter No 7031 of 1836.)

The remarks of the late Acting 2nd Judge on the Calendars laid before him at Sessions do not appear to call for observation from the Court of Judicature Adalat.

Of the cases entered in the Calendars laid before the Court of Circuit at Guinton, 18 are stated to have been cases postponed by the Judge who presided at the previous Sessions the causes assigned for the postponement, were either the non attendance of the prosecutor or some material witness, and it appears sufficient here to observe, that the Judge who presided at the 1st Sessions of 1836 was removed by the Judicature Adalat in each case, wherein the explanation appeared

16th Jan

16th January 1836.

for the Information of the Court and

Satisfaction.

2. In the 17th para of the

Minute is made to the Circular for any

the circumstances of the several Prisoners

mentioned in the Nuddumbody Calendar

been ordered by the Court to be confined

committed for trial on a charge of

3. Should the Judge be

on the explanation of the matter stated by the

2nd Judge take on Record in the Minutes of

the Court of Sessions Calendar under

December last, ordered the Criminal Court

to instruct the Criminal Judge of Cuddalore

to prepare and submit for their consideration

Translations of the Examinations before the

Police on which Examinate the said Prisoners

grounded the prosecution of the proceedings

5

the perfect abuse exposed

not have been tried before the Court of Sessions

but in pursuance of the 35th para of the

the Court of the 29th Instant on the Criminal

Returns for the 1st Sessions 1836 the Court

Trial of the persons charged with the

mentioned in the

No.

16th January 1836.

to be communicated for the information of the Right

Honorable the Governor in Council.

6. In the 19th para of this Report,

Mr Walter alludes to the conduct of the Head of

Police Purungaroo of Sattumpetlah, who was stated

by the Criminal Judge to have confined a Prisoner

15 days in irons before sending him to the Criminal

Court.

7. The Court of Sessions observe

having referred to the Criminal Returns received

from the Zillah of Masulipatam, conclude that

the late Acting 2nd Judge refers to case No 86. of the

Report of prisons apprehended and delivered to the

Criminal Judge of Rajahmundry during the

months of August 1835, in which case the following

remark was entered in the appropriate column

of the Report.

Sent up by the Head of Police of

"Polavaram who states that he sentenced the prisoner

"to 30 days imprisonment with hard labor in irons

"under Clause 5th Regulation XII of 1832 a letter

"was sent to the Magistrate on the 15th August

"pointing out the irregularity of the Head of Police

"in trying a case in which he was himself concerned

as in original

16th January 1836.

"as the aggrieved person and illegally passing Sentence;
"and placing the prisoner in mercy. The Magistrate
"on the 24th August made a return, that the Head
"of Police had been removed from his situation after
"due enquiry had been made on the subject; further
"that the theft was committed by removal of a door
"from its fastening, and that it was a case not
"cognizable by the Head of Police."

8. In alluding to the Calendars laid
before the late Acting 2nd Judge at Pinang, Mr Waters observes that "the preparation of the
"Calendar" is "very favourable to the future Criminal
"Judge, it is free from error, and altogether better
"drawn up than any of the Calendars presented to
"him" during the present Assizes."

9. The regularity and knowledge
his duties, evinced by the Clerk of the Native Criminal
Court of Pinang in conducting the proceedings
Criminal cases ripe to commitment, was noticed
by the Sudr Adalut in the 5th para of their
proceedings transmitted to the Secretary to Gover
in the Judicial Department under date the
fourth July last, and this further testimony to h
efficiency, as a Judicial Officer, is highly

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to the late Native Criminal Judges.

10. In the 31st para of his report,
Mr Waters describes the abstract Statement of
crimes from the 1st of December 1834 to the 30th of
September 1835 as "heavy to a degree", the number
"amount to no less than 750 and 2,388 Prisoners;
"it would appear that of this large body of
"offenders only 107 have been delivered to the Criminal
"Court, also that these apprehensions were effected
"in 30 cases only, there will remain therefore two
"hundred cases in which no apprehensions have
"taken place; with reference to the crimes themselves,
"there are 12 of Robbery and Murder, 83 of Robbery,
"3 of Murder, 136 of Housebreaking, 13 aggravated
"thefts and eight of assault with homicide and
"wounding."

11. Of the correctness of this Statement,
so far as it relates to the latter period of the year
1834 and the 3rd Quarter of 1835, the Court of
Pinang Adalut are unable to form any opinion,
as the Statements furnished to this Office by the
General Magistrates are prepared for 6 months
intervene; but with reference to the observations
of Mr Waters, the Court are by no means prepared
to admit that the Statements of crimes for
either

16th January 1836.

either the last half of the year 1834 or the 1st Half of 1835 are "heavy to a degree", for on reference to the Half yearly reports for those periods respectively, it will be found that the number of crimes committed in Ganjam during the former period amounted to only 174. and in the latter period to 163, while the Statements furnished for the year 1833 shew, that during the 1st Six months the number of crimes committed in that Zillah amounted to 235, and during the last Half of that year to the number of 305, and that consequently crime has been on the decrease in this District.

12. The Magistrate of Ganjam is of opinion which the Board of Police will probably concur, that the number of crimes of which the perpetrators remain to be apprehended is much to be regretted, but the Statements of the Hill Zemindaries in Ganjam, will sufficiently account for such result in the District.

13. In the 3rd para. of this letter Mr Waters alludes to the neglect on the part of the Heads of Police to hold an inquest on the bodies of persons supposed to have been murdered, and again suggests "the propriety of enjoining this duty to others".

14. This subject was so fully considered by the Sanguine Statute in the 1st and 2d Sessions

15th January 1836

of paragraphs of their proceedings, both on Mr Waters' Circuit Report for the 2nd & 3rd Sessions 1834, submitted to Government under date the 22nd Ultimo, that the Court consider any further remarks on this subject, on the present occasion unnecessary.

15. The Magistrate of Ganjam will however be called upon to report, what notice he has taken of the conduct of the Head of Police in Case No 10. of the Chicacole Calendar, whose dismissal appears to have been required by the late Acting 2nd Judge late Circuit in the Northern Division, and to account for the orders of the upper Court of the 8th of January 1833 being in most cases "utterly disregarded", and "in some cases utterly contemned".

16. In the 16th para. Mr Waters remarks that "the Heads of Police in the Ganjam District "take the lead in sending up cases upon insufficient "grounds, tho' in the Nellore and Chicacole Districts "also they are much on the habit, it would be "almost endless" observes Mr Waters "to point out "all the fruitless schemes this practice obtains, "and which the Criminal Judges designate "want of proof" among them may be noticed as "the principal" & the simple pardon of a confession & Examination of other prisoners often

16th January 1836.

"with and sometimes without any other aggravating
"fact - 3d. Suspicion very frequently with and sometimes
"without any other attendant circumstances - 4th
"Malicious and unfounded charges - 5th frivolous charges
"conveying no specific breach of any Law 6th no ground
"whatever, the latter instance is noted by some of the
"Criminal Judges."

17. "Copy of these remarks will be
furnished to the Magistrates in the Districts of
Gwinlow, Vellore, and Chingleput, and their Officers
required to enquire on the part of the Peace of Police
in their respective Districts, due attention to the
provisions contained in Section XXVII Regulation
XI. of 1816 which requires that previous to the appre-
hension of a party charged with an offence due
enquiry be made to ascertain whether credit is
due to the accusation - but with reference to the
observation of the Hindoo that "criminals by
other provisions often make other counterfeiting false
and suspicious very frequently with other attendant
circumstances" no sufficient grounds for considering
a prisoner to the Criminal Court, the Judge must
observe that in such cases it is the province of
the Head of Police with reference to the provi-
of Section XXVIII. Regulation

16th January 1836.

that accused persons to the Criminal Judge -

18. If the observations however in
para 37 of this Report are correct, it would appear
that the Police Officers in the Northern Division
are actually unfit for their duty, but the Court of
Sympton cannot seriously reconcile the existence
of such a State of things as is described in the 36th,
37th and 38th paras of this Report with the fact stated
in the 39th para viz. "that no petitions in any degree
"important were presented against either the Criminal
"or Magistrates Departments throughout the Division,
"save at most which proved well founded" and it is
not within the recollection of this Court that any
such general complaint of the inefficiency of the
Police Officers in the Northern Provinces has been
made by other Judges of Appeal and Circuit during
in this Division -

The practice of giving cases to the
prisoners confined in the Jail at Rajahmundry,
alluded to in the 40th para of this Report, originated,
the Court conclude, in the order issued by the Foujdaree
Court under date the 17th of September 1834, which
authorized the adoption of a more generous diet for
the prisoners on account of the mortality and disease
which then prevailed in the Jail at that Station

The

16 January 1836.

30.

The accused [illegible] in arrear of the order above alluded to, having in the course of a few months completely absorbed the provisions of charity in Jail, the Provincial Court of Circuit in the Northern Division were on the 27th December 1834 directed to instruct the Criminal Judge, in communication with the Medical Officer, gradually to increase the amount of labor, and to endeavour the diet as near as practicable to the scale fixed in the general Jail rules, and the Court further desired to call upon the Criminal Judge of Jaffnapatam to report, whether the prescribed system is not now observed in the Jail at that Station.

31.

The Court of Circuit having called upon the Criminal Judge of Jaffnapatam and the said Criminal Judge of Jaffnapatam having referred the Circular Order of the Supreme Court of the 10th of March 1823, which prescribes the mode in which the lands should be disposed of and prescribes to the Judges how they are to act when applications for labour are made to them by persons who have not been allowed to sit in their respective Jails.

32.

The Court not appearing to have further observation from the Court of Jaffnapatam Ordered that copy of the report together with the letter from those proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Governor in Council.

Monday 4th January 1836.

At a Court of the Provincial Adalut-

Present,

John Bird Esqr ——— 2nd Puisne Judge

William Mudleston Esqr 3rd Puisne Judge

Alex. Duncan Campbell Esqr Acting Puisne Judge

Read return dated the 2nd Instant made by the Provincial Court of Circuit in the Centre Division, to the precept of this Court of the 9th November 1835, transmitting copy of a petition from one Bailagorrovapah Chitty of the Village of Chittoor, complaining of his having failed in obtaining redress either from the Village Moonsiff the Head of Police or the Magistracy, and of his having been confined in the Tanah for 10 days by order of the Magistrate of Chittoor for the noise made by Petitioner on receiving a blow from a Peon of the Magistrate's Establishment and requiring the Provincial Court of Circuit to obtain an explanation on the subject from the

16 Jan

18th January 1836.

the Magistrate of Chittoor

(Here enter No 17 of 1836.)

Read again petition presented
Baulageeravapah Chitty of the Zillah of Chit

(Here enter Mr. C. No 93 of 1835)

It appearing from the explan
submitted by the Magistrate that the Petitio
has no just cause of complaint against the
Police or the Magistracy, the Court resolve
the prayer of the Petitioner

Ordered accordingly that
same be communicated to the Petitioner
that extract from these proceedings be forw
to him on his application.

Read Petition presented by
Moodely of the Zillah of Chingleput.

(Here enter No 18)

The Petitioner represents the ex
petitioners connected with the proceedings of the Ma
who he alleges unjustly fined them in a sum
50 Rupees and then threw on account of 25 Rupe

18th January 1836

in consequence of their having merely given deposition
as they were, touching the right of two Chetties of the left
hand caste wearing slippers in the Village of
Pobramalee belonging to the right hand caste.

2 The Petitioners and the three other
persons who had been fined having addressed the
Magistrate were desired to appear before him and
make a personal representation of their case.
They then petitioned the Judge on Circuit with the
view of obtaining the return of the amount of the
fines. That Officer however endorsed the petition
in the following terms: on a careful examination
of the record in this number the 2nd Judge confirms
the decision passed by the Magistrate. The Petitioners
were not fined with regard to what has been
falsely alleged by them, but in consequence of the
witnesses having declared that they had in the
first place understood that some of them (Petitioners)
assembled and consulted during night respecting
the said circumstances and afterwards went and
heard them instigate the Parias that had
assembled for the purpose of molesting and
harassing

16th January 1836.

[illegible] ...ferring the two Chattas for their having
...sspears on their feet"

Under the opinion given by
Circuit Judge the Court of Inquiry Adalat
no cause to disturb the decision of the Magis

The Petition is accordingly

Ordered that Extract of the
proceedings be given to the Petitioner on her ap

Read Petition presented on
Ultimo by Tchinnaya of the Zillah of Chingl
(Here enter No. 103 of 1835)

The Petitioner, stating that
has been prevented by sickness from making
earlier application to the Court of Inquiry
and now represents the circumstances connected with
conviction of Pothenden, on the alleged, of her
Pennegapa Monday and with the subsequ
commitment and sickness by the Circuit
at the 2nd Sessions of 1832 at Chingleput, th
imprisonment with hard labor in irons
crime of Robbery

The [illegible]

16th January 1836.

for the record of the case No. 1 of the Chingleput Calendar
2nd Sessions of 1832 and to order her son to be released.

The Calendar in question has been
duly considered by the Court of Inquiry Adalat and
they do not see in it, nor in the above Petition, any
sufficient grounds for their interference, or question
ning the legality of the sentence passed in the
case No. 1.

Ordered accordingly, that the Petition
be rejected and that Extract from these proceedings
be furnished to the Petitioner on her application.

Read Petition presented on the 23rd
Ultimo by Thameyyan.
(Here enter No. 103 of 1835)

The Court having taken the case of
the Petitioner into their consideration, and passed
the order which to them seemed proper, upon her
Petition presented on the 30th November last, and
nothing new being stated in the Petition now
before them, they direct that it be rejected, and
that the Petitioner be referred to their former
order

18th January 1836

orders recorded on the 14th Ultimo.

Ordered accordingly, that the Petition be rejected, and that Extract from the proceedings be furnished to the Petitioner upon his application.

Read Petitions presented on the 28th Ultimo by Ramny and Ammany of the Zillah of Chingleput, and on the 5th Instant by Rahagunnee of Poreapauk and Rauma of Chetput.

{Here enter M. P. Nos. 109 of 1835 and Nos. 1 and 2 of 1836.}

1. The Petitioners, representing themselves to be the near relations of Pollygan, Kyd rapper, and Mooneyan, prisoners in Case No. 11 of Chingleput Calendar for the 1st Sessions of 1834 the circumstances under which, as they allege, said prisoners were apprehended, committed trial, and eventually sentenced to imprisonment with hard labor in irons by the Court of Cir and, averring that the sentence is unjust, pray the Court to call for the record and reverse it.

2. The Court have referred to the Ca and see no cause to question the justice of the

passed by the Judge of Circuit. The Calendar more over was duly reviewed, and the Court see nothing in the Petitions now before them to warrant their interference with the sentence recorded.

Ordered accordingly, that the Petitions be rejected, and that Extract from these proceedings be furnished to the Petitioners upon their respective applications.

Read Petition presented on the 8th Instant by Paupah of the Zillah of Chingleput.

(Here enter M. P. No. 6 of 1836)

1. The Petitioner represents the circumstances under which, she alleges, her husband and 6 others were unjustly apprehended, tried by the Judge on Circuit, and sentenced by him, without considering the depositions of the prisoners and examining the witnesses on their behalf, to 14 Years imprisonment with hard labor in irons in case No. 32 of the Chingleput Calendar 1st Sessions of 1833.

2. She prays the Court to call for the record of the Trial and to order the release of the

18th January 1836

Shire to the appeal from the ord
of the Court of Circuit the Calendary to which the
have referred, contradicts the statement in the
Petition as to the non-discovery of property, and the
comment on the non allegation of the Petitioner
that the witnesses for the defence were not exa
be rejected, and that extracts from these proceedings
furnished to the Petitioner on her application

Ramasawmy Moodely of the
of Chinglepet
in his Miscellaneous Petition No. 16 of 1836

Ordered accordingly

D Suggamuddy of the Zilla
Rajahmundry
enclosing in his Miscellaneous Petition No
1835

Ordered accordingly

Fol.

At a Court of the Supreme Adalut

Present,

Tuesday 19th January 1836

John Bird Esqr. 1st Puisne Judge.

William Rudleston Esqr. 3d Puisne Judge.

Alexr. Duncan Campbell Esqr. Acting Puisne Judge.

Read letter dated the 11th Ultimo
from the 1st Judge of the Court of Circuit in the
Centre Division, forwarding at the request of the
Magistrate of North Arcot, a copy of his letter and
of its enclosures under date the 20th of November last,
connected with the petition presented to the 1st Jud
at the 3d Quarterly Sessions, by Ramasawmy Chitty
of Polur, complaining against an order passed by
the Sub Collector, whereby in confirmation of certain
proceedings held by the head of Police the Petitioner
was dispossessed of a shop, which he alleges he
possessed for the last ten years, and which petition
was referred for the orders of the Supreme Adalut
in consequence of the Magistrate having objected
to the interference of the Court of Circuit, on the
grounds that such act was done by the Acting Sub
Collector in his Revenue capacity

(Here enter 8 Vol 46)

Vend.

18. 19th January 1836.

No.

1

From the explanation of the Co
Asst Magistrate attached) the 14th of November l
it appears that the order against which Caspar
Chitty complained was not passed by the acting Sub
Collector on the confirmation of certain proceedings had
by the head of Police, that there had previously be
a Police case between Ramasamy Chitty and
Joobanal, as to taking down the light off the shop
question which was settled by the Head of Police
Police, and an Appeal was made to him that
dispute as to the right to the footpath for the
was an unjust
being and that it was in no way out of the
and was only complied with at command that
his verbal investigation in no manner was of the kind
which had been given in the Police case, nam
of taking it down again.

2

From this explanation therefore
it appears that the case disposed of by the Police
Officer, only was cognizable by the Court of Cuddal
and not the question as to the possession of the
house, which the Petitioner can only obtain by
action at Law against the party in possession

3

In respect to the denial of the
Acting Asst Magistrate that he ever ordered or

19th January 1836.

Ramasamy Chitty, from possessing the shop, the
Court of Conjeveram Adalut would observe that this can
only be determined by a Civil action, should the person
above named consider himself aggrieved by any official
act of the Sub Collector.

Ordered, that Extracts from these
proceedings be furnished to the 1st Judge of the
Court of Circuit in the Centre Division for his
information and guidance.

(Sent in No 46.)

Read letter, dated the 7th instant,
from the Second Judge late on Circuit in the Centre
Division, submitting a representation of certain circum-
stances connected with case No 4 on the Cumbum
Calendar for the 1st Sessions of 1835, under cognizance of the
Court of Conjeveram Adalut.

(Vide enter No 43.)

The Second Judge late on Circuit
in the Centre Division in the foregoing communi-
cation, represents that "the Tahsildar of Dopaud re-
"the Jellah of Cuddapah has been for some months
"under suspension upon charges of negligence and
"general misconduct in his Police duties, one of the
"instances of which is in this very case" (case No 4
in the Cumbum Calendar for the 1st Sessions of 1835)

that

19 January 1836.

[illegible] to have heard this [illegible] in the [illegible] of the
[illegible] presiding Magistrate to pass a judgment on the ac
and to read all the evidence taken touching them.
Among the depositions are several clearly and explic
bearing upon the case itself by witnesses who were
summoned or was examined on the case. The Sessi
Judge thus concludes "the Culprits acquits all the
prisoners, and had the additional evidence been tak
the Sebants have concerned in the acquittal and
them. The object of this letter is to obtain the orde
the Zoojdaree Adalut whether I should do so, or
refer the trial."

2.

Having attentively considered all
circumstances stated in the letter from the Sessions Judge
and the depositions which accompanied that communi
the Court of Zoojdaree Adalut [illegible] on charge [illegible]
to record his judgment of acquittal in the case in
and to issue the legimate instructions for the release of
the prisoners therein concerned.

Ordered, that Extract from these
proceedings be sent, with the English translations of the
depositions which accompanied the letter of the Judge
to the Second Judge late on Circuit in the Cuttack
Division for his information.

(Sent on 21st)

19 January 1836.

Circular Order

№ 59.

1

The Circular Order of the Zoojdaree
Adalut № 4. dated the 5th of July 1834 which
requires from the Heads of Districts Police an annual
Report on the State of crime in their respective Jaloskys
but having Special reference to those crimes the
perpetrators of which have altogether escaped detection,
appear either to have been insufficiently explained
or to have been misunderstood by the Heads of Police
in Several of the Districts from whom those
Reports have been received.

2.

The Court of Zoojdaree Adalut
deem it proper therefore to direct by a Circular
Order, that it may be explained to the Several
Heads of District Police, that the Reports in
question should not comprise any Summary of
cases nor any transcripts of orders issued to the
Subordinate Officers of Police in cases, the perpe-
trators of which may not have been apprehended;
but should contain general, yet concise observations,
explanatory of the want of success in detecting
offenders in those Districts only where the extent
of the failure is calculated to excite remark; and
are desired to any suggestions they may have to
offer on

19th January 1836.

1

"Office for the enforcement of the Police" it shall be explained that the officers thereof shall have power of taking a general view of the existing Police system thereto annexed with discretionary power in such cases where the Police Officers may be necessary for any alteration or enforcement of the police as connected with his District.

3. And be it enacted that in all cases of summary matters over which no other and different jurisdiction is given by this Act or by any other Act of Parliament now in force or hereafter to be passed, it shall and may be lawful for any two or more Justices of the Peace assembled in Petty Sessions at the time and place appointed by any general or other Act for the holding of Petty Sessions, or in case there shall be no such Act then at such time and place as shall be appointed by any General Rule or Order of Sessions in that behalf, to hear and determine such matters, and to make and give such Orders therein, and to award such Costs to be paid by any of the parties to such matters, as shall be just and reasonable, and to issue Warrants of Distress for the enforcement of such Orders, and Warrants of Commitment in default of Distress, in the following Cases, that is to say

J. W.

At a Court of the Fouzdaree Adaulut

Present

Wednesday 20th January 1836.

John Bird Esqr ..... 2nd Puisne Judge.

William Buckleston Esqr 3rd Puisne Judge.

Alexr Duncan Campbell Esqr 4th Puisne Judge.

No return having been received from the Provincial Court of Circuit in the Northern Division to the precept of this Court of the 5th December 1835, to the orders contained in which conformity was enjoined within 12 days from and after its receipt unless that service may not have been executed.

Resolved, that the Provincial Court of Circuit in the Northern Division be required by precept returnable within 8 days from and after the receipt to cause enquiry to be made and to report whether the Commissioners may have been done in pursuance of the instructions issued to them under date the 5th of December last, and that they be commanded to make return to the precept aforesaid within that further delay.

Ordered that the following precept be issued

To the Commissioners Criminal

Appeals

20th January 1836.

Reports prescribed by Section XXXI Regulation X 1810. for the month of December 1835.

[Received, No. 69.]

Suspt. Report 1
Cases 156. 157.

The Prisoners in these cases have been held to security, but no grounds of the charges are specified in the Report, whether the parties are committed, furnished with copies of the proceedings, or released, memorialists would respectfully solicit a copy of the Record of the case in the manner recorded. The Acting Joint Criminal Judge will bear in mind this observation in framing up his future Reports.

Case 90. 2

The case of Cadiren Vellen committed by the Acting Joint Criminal Judge of Calicut on the 3rd April 1832 which requires a further explanation in reference to the absence of the Prisoner from Calicut, remains unnoticed in this Report.

Report V Cases 190. 3

The 3rd Prisoner in the case noted in the margin having been released on the recommendation of the Acting Joint Criminal Judge without any communication to the Magistrate under Circular Order 31st May 1833 the circumstances of the case will be noticed in the Calendar.

20th January 1836.

Statement of Labor

please to do so upon the receipt of this memo.

The Prisoners employed in "Paper making", "Dressing rice and carrying it sent to the Prisoners", and those who fetch materials for Basket making" should be considered as working entire the Port, and should be entered under that head in the Statement, the Court of Sessions Records having viewed them in that light when sanctioning, under cover 27th May 1835, certain extra Rows being entertained on their account.

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Cuttalore for his information and guidance by precept returnable in four days after receipt.

[Sent following precept No. 51.

Place the Cuttalore Criminal

Reports prescribed by Section XXXI Regulation X. of 1810 for the month of December 1835.

[Received, No. 37.]

Suspt. Report
Cases 327.

The Court of Sessions Records direct that it be pointed out to the Acting Criminal Judge that Section IX. Regulation I. of 1825, one of the provisions of the Law quoted by him in support of his

his business in this country under the circumstances

Ordered, that Calendar proceedings be sent to the Acting Civil & Sessions Judge at Chittagong for his information.

Sent following letter No. 52

F. Ela

In a Court of the Foujdaree Adalut

Thursday 21st January 1836.

Present,

John Bird Esqre 2nd Puisne Judge

William Mudleston Esqre 3rd Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Read letter dated the 29th Ultimo from the late Acting 3rd Judge late on Circuit in the Northern Division, transmitting the record in Case No. 3 on the 2nd Supplemental Hellore Calendar for the 1st Sessions of 1835, called for under date the 16th September 1835.

(Here enter p. 16.)

Mr. Bird

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

1st Gundhapa Pottevandoo

is sufficient to commit him of the crime of Gang Robbery by open violence, &c, under the authority with which they are vested by Clause First Section Regulation XIII of 1831, and Clause First Section II Regulation I of 1818, commit him thereof, and in conformity

conformity with the provisions of Clauses Third and
Fifth, Section IX. Regulation XX of 1803 sentenc
him to be imprisoned and kept to hard labour in
irons on the public roads or other public works fo
and during the period of (5) five Years.

(Sentence No. 68)

Read the Chittoor Criminal Repo
prescribed by Section XXIV Regulation X 1816 for
Month of December 1835.

(Here enter No. 70)

Sessions Report
Case 226.

The prisoner, in this case, was charge
with having wilfully permitted the
prisoner named Tunga Khan who was entrusted to h
Charge with departing to produce him before the Crim
Court, and the Criminal Judge records as the ground
for his acquittal of the prisoner "It does not appear that
prisoner released him" Tunga Khan "but that the pris
himself went to go to his home."

2.

The Court deem it proper to call for
explanation on these points. If the party Tunga Kha
were the witness of the prisoner the proceeding "to go
his house" would appear to be contemplated by
Case 338. 4-8-6

3.

The charge brought against these two pris
against the above prisoners and were disposed of by the
Sudder Dewanny Adawlut and the Court merely mean to
that

21st January 1836

doubt the correctness of the views taken of them by that Office
who released the prisoners, and directed "the Prosecutor" to
sue in the Civil Court." deem it proper to call the at
tention of the Judge in Sessions to these cases, and
for this purpose direct that copy of this paragraph, and
of the cases as they stand recorded, be furnished from
this Office to the Provincial Court of Circuit for the
Centre Division for the information and guidance
of the Judge presiding at the Quarter Sessions, who
will report to the Foujdaree Adawlut Court the result
of his enquiry.

Case 346.

In this case the two prisoners were
charged with assaulting the Prosecutor and "with
having taken from him 35 Rupees in ready cash and
a Head Cloth" but were released by the Assistant Crimina
Judge on the following recorded grounds "There is no
evidence to convict the prisoners of the offence charged
nor does any money appear to have either been lost o
stolen. The Prosecutor and 1st prisoner seem to
entertain private grudges appear to have been quarrelling to
gether, and the Prosecutor seems more to blame
than the 1st prisoner. The 2nd prisoner appears to have
had nothing to do with the case."

It is manifest therefore that the
Head of Police of Chittoor must have made a very
inadequate

21st January 1836

inadequate ongoing date the charge previous to h

Examination of the prisoner to the Criminal Co

and his conduct on this occasion is reasonable

this explanation also of the delay of the case in t

Tolock is unsatisfactory. The Criminal Judge

accordingly furnish the Magistrate of North Cent

with copy of the case and of this paragraph with

view to his noticing as directed by the Circular Ord

21st May 1833, the proceedings of the Police Office

question.

6

The Court concludes from the para

in the Report of any observation on the subject, that

the circumstances of the case have not been already b

to the attention of the Magistrate. That course of proceed

is enjoined by the same Circular Order upon the Criminal

Courts in cases similar to the present under consi

Case 245 7

The same Police Officer has failed

his duty in the same respects in the case noted on the

margin as in the preceding case, and it will therefore

therefore for the Criminal Judge to forward the Magis

with copy of this and of the paragraph. The Magistrate

will be pleased to report direct to the Registrar Calcu

what notice he has deemed it proper to take of the

failure, duly known to him.

716

21st January 1836

Ordered, that Extract from these pro

ceedings be furnished to the Criminal Judge at

Chittor for his information and guidance by Precept

returnable in 5 days after receipt.

(Sent following Precept No. 54

Ordered also, that Extract from these

proceedings 7th para 3 be furnished with copies of the

correspondence to thereon, to the Provincial Court of

Circuit in the Centre Division for the information

and guidance of the Judge presiding at the

Quarter Sessions by Precept returnable in 15

days after receipt.

(Sent following Precept No. 55

Read the Triennially Criminal

Reports prescribed by Section XXXV Regulation X

1816 for the Month of December 1835

(See entry No. 75)

The prisoner in this case has been

Report V
Case 97

sentenced by the Joint Criminal Court to 6 month

imprisonment with hard labor in irons under

Section II Regulation IX 1832, on the charge of b

committing on the 13th October 1835 personating a false

charge of gang Robbery against 33 persons before

Edward Tahsildar

Friday
22nd January
1836

At a Court of the Foujdaree Udalut

Present,

John Bird Esqre 2d Puisne Judge

William Maddleston Esqre 3d Puisne Judge

Alexr Duncan Campbell Esqre Acting Puisne Judge

Read the Cuddalore Criminal

Reports prescribed by Section XXIV Regulation X 1816

for the month of December 1835

(Vide inter Nº 62)

Report

Case 96

The reasons assigned by the Head of Police of Trichinopoly for the detention of the prisoners in the Talook from the 23d November to the 20th December being altogether unsatisfactory, the Court direct that copy of the case as it stands in the Report and of this paragraph be sent by the Acting Joint Criminal Judge to the Magistrate for his information.

2 The Court of Foujdaree Udalut observe that the Acting Joint Criminal Judge has omitted to notice the arrival of the two Convicts transferred from Combaconum to this Jail under the

2

The Court of Foujdaree Udalut

[illegible] that the Joint Criminal Judge be called upon to explain whether the prisoner named may properly be the charge, it having been noted in the Jail Calendar that "in cases of this nature unless prisoners are specifically named as named by the complainant the charge is not of a description to be entertained under the provisions of Regulation IX of 1832 which requires that the charge should be sufficiently clear as to leave no room for doubt"

P. 197 printed orders

The heading of the 3d Column of the Statement of Jails not being in accordance with the form established in Circular Orders of the 28th January 1831 the Court direct that an explanation of the circumstance be called for.

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge of Trichinopoly for his information and guidance by Peon[illegible] Express

Court of Foujdaree Udalut Nº 81

the orders of the Tuyidanne Eldalut of the 27th October
last – He should have reported the arrival of the
Convicts in question to account for the increase of
prisoners and extra Peons on his Establishment –

3. The Judges of the Tuyidanne Eldalut
remark that Mr Morehead's periodical reports are
drawn up with clearness and precision –

Ordered, that Extract from these
proceedings be transmitted to the Acting Joint
Criminal Judge at Cuddalore for his information
and guidance by Peruptt returnable in 3 days
after receipt –

(Sent following Peruptt No. 58)

Read return dated the 7th Instant,
from the Criminal Judge of Cuddalore to Peruptt
of the Tuyidanne Eldalut dated the 29th December 1835
on the Criminal Reports for November –

(Here enter No. 61)

Read letter, dated the 8th Instant,
from the 1st Judge on Circuit in the Northern
Division, reporting the opening of the Sessions
of 1836 at Kellore and the state of the
Calendar –

(Here enter No. 62)

Read letter, dated the 6th Instant,
from the 3d Judge on Circuit in the Western
Division, reporting the opening of the Sessions
at Coimbatore and the state of the Calendar –

(Here enter No. 66)

Read letter, dated the 10th Instant,
from the Acting 2nd Judge on Circuit in the
Southern Division, reporting his intention to
open the Sessions at Tinnevelly on the 4th
February 1836 –

(Here enter No. 66)

Read order of Government
dated the 8th Instant, observing that the Report
of the Third Judge of the Provincial Court of
Circuit in the Western Division for the 2nd and
3d Quarter Sessions of 1835 does not appear to
require any remark –

(Here enter No. 67)

Read return, dated the 9th Instant,
from the Officiating Criminal Judge of
Bellary to Peruptt of the Tuyidanne Eldalut
dated the 29th December 1835 on the Criminal
Reports for November 1835 –

(Here enter No. 73)

Read

Read letter, dated the 17th Instant,
from the 3rd Judge on Circuit in the Ootacamund Division,
forwarding a Statement of Batta paid to Prosecutors
and Witnesses in Attendance before the Court of
Circuit at Coimbatore during the Second Session
of 1835.

(Here enter No. 97.)

Read return, dated the 18th Instant,
from the Provincial Court of Circuit in the
Centre Division, in Pursuit of the Fouzdaree Adawlut
dated the 29th December 1835, directing with
reference to the return of the Provincial Court
dated the 18th October 1835 to the Draught of the
Fouzdaree Adawlut dated the 28th November 1835
that the officiating Criminal Judge of Tellicherry
be called upon to state whether on the 3rd or
September or on any date previous to the 8th
November he did or did not furnish to the
Provincial Court the list of prisoners required
to in these proceedings.

(Here enter No. 98.)

Read Statement dated the 19th
Instant, from the Acting Criminal Judge of

the Zillah of Salem, of the labor of Convicts
employed under the Magistrate of Salem for
the Month of December 1835.

(Here enter No. 99.)

Read return, dated the 7th Instant,
from the Criminal Judge of Chicacole to Precept
of the Fouzdaree Adawlut dated 25th December 1835
conveying their remarks on the Criminal
Reports for the Month of November last.

(Here enter No. 100.)

Read letter, dated the 11th Instant
from the Acting 2nd Judge on Circuit in the
Southern Division, reporting the arrival on the 12th Instant
of the Court of Circuit at Madura, the opening of the
Sessions at that Station, and the state of their
Calendar.

(Here enter No. 101.)

Read Report, dated the 13th Instant,
from the Acting Joint Criminal Judge of Tellicherry
relating to casualties and of Prisoners released in
the Jail at Cannanore for the Month of
December 1835.

(Here enter No. 105.)

F. 16

At a Court of the Inquisitorial Tribunal

Present,

Saturday 23rd January 1836. The Hon. John Bird Esqr. ... 2nd Puisne Judge;
The Hon. William Huddleston Esqr 3rd Puisne Judge;
The Hon. Duncan Campbell Esqr. 4th Puisne Judge;

Read letter dated the 13th Instant, from the Chief Justice on Circuit in the Central Division, committing the Person of the Prisoner Primary and Supplemental Calendars for the Second Session of 1835.

[Here enter F. 16. No 8 of 1836.]

Primary Calendar Case No 8

The Court of Inquisitorial Tribunal observe that the fabrication by the Prisoner of the Cedjan "Sakeeo," purporting to have been written by the Head of Police of the Cachoeira of "Sakook," does not appear to have been fraudulent & and for the offence proved against him, they deem the imprisonment already undergone to be a sufficient punishment.

The Court in consequence direct the Prisoner

"Morter"

to be immediately and unconditionally set at Liberty.

Case No 9. In this Case, the Prisoner "Sarabrayan"

F. H.
23rd January 1836.

Stood charged before the Court of Circuit,
with having, on the night of the 4th August
1835, in company of some other armed Robbers
forcibly entered the house of the prosecutor
and beaten and maltreated the prosecutor
and his mother and plundered from the
house property valued at fifteen Pounds
and twelve annas.

The Jurors of the Sessions
Law Officer of the Court of Circuit - having
convicts the prisoner on the evidence
-tion, proof and avowal before the
entirely agreed of; and the Court of
Circuit recommends a mitigation of the
punishment to seven years imprisonment
with hard labour in irons.

The Court of Sudder Adawlut
are of opinion that in case of this nature
remand a more severe punishment than
that prescribed by the Presiding Judge
and accordingly direct that the prisoner
aforesaid be imprisoned and kept to
hard labour in irons on the public roads
or other public works for and during the
period of (10) ten years.

Case of D. O.

In this case the Prisoner stood
charged with having taken from the
house of the Prosecutor a Gunnelly of Rupees
value of twenty one Rupees and four annas

F. H.
23rd January 1836.

The Jurors in entirely agreement
as to the guilt of the Prisoner but as the
offence was unattended with any violence
and appearing that the late season of
scarcity induced the Prisoner to commit the
act, and nothing but grain having been
plundered, the Court of Circuit recommends
a mitigation of the punishment to seven
years imprisonment with hard labour in
irons.

The Court of Sudder Adawlut
are of opinion that if the offence was confined
to by framing the ends of Justice will be
attained by the infliction of a punishment
of more than that prescribed by the
Presiding Judge; and accordingly on that
proof ground, and under the authority
vested in them by Clause Third Section
III. of Regulation V. of 1825 the Court direct
that the Prisoner

"Moulton"

be imprisoned and kept to hard labour
in irons on the public roads or other
public works for and during the period
of four (4) years -

Ordered, that extract from
these proceedings be sent to the Third
Judge on Circuit in the Centre Division
for his information and guidance by
precept

F.U.

F.U.

23d January 1830.

of by the Criminal Court at the close of
ter is large, and that the proceedings of the
Criminal Judge in that Month are un-
satisfactory, and do not mince that atten-
to his duty which the Court trust his fut
reports will exhibit.

Ordered, that extract from the
proceedings be sent to the Criminal Judg
of Cuddapah for his information and
guidance by forwarded returnable in 3 days
after receipt.

Sent following Forwarded 3d Feb.
Report prescribed by Section XXXIII Regn
X 1816 for the Quarter ending 31st December 1829.
Suspd. Reports Herewith Nil
Case 96. The 1st of the two Prisoners in
this case stood charged with
the murder of the Ryot
the other Prisoner on the
on the same occasion
Criminal Judge considered
insufficient for the conviction of the
murder has (agreed)
under Clause 1st Section XI
II 1822. Now the Circumstances
stated in the Report
Court of Sessions
exact the Judge

F.U.

23d January 1830.

this case, and for this purpose they direct
that a copy of it, and of this paragraph, be
transmitted from this office to the Provin-
cial Court of Circuit in the Northern
Division for the information and guida
of the Judge presiding at the Quarter
Sessions, who will eventually frame any rem
that may seem to him correct under Sectio
XXIII, Regulation X of 1816 respecting
it to the Superiority Vacant for their infor
ation.

Ordered, that Extract from
these proceedings be sent to the Acting
Joint Criminal Judge at Masulipatam
for his information.

Sent following letter No. 61.

Ordered also, that Extract
from these proceedings Dist. para 1.
together

F.H.

23rd January 1850.

together with copy of Case 165 be sent to the Provincial Court of Circuit in the Northern Division for the information and guidance of the Judge presiding at the Quarter Sessions, by first post returnable in 15 days after receipt.

(Sent following precept. Nº 62.)

Report for the Acting Criminal Judge
Report X of 1850 for December 1853

Report V
Case 164.

Nº 84.

Report to whom it belongs
to the Magistrate to examine the report
correct, and in that case
ment of the Police Office
in the Circular Order Nº 2
November 1834, desire
report the Quarter
years and of the cases
Report be furnished
not being sent
be followed
Gaoler within 8 days
Order, or if
case requires
an explanation
charges be
Criminal Reports

F.H.

23rd January 1850.

Case 165.

2 The Prisoner in this case was charged with having during the day stolen a sheep valued at annas 8. from among the sheep which were in the Cattle shed of the Prosecutor, and the Moor Ameen recorded the following sentence. The theft is established and as the Prisoner has before been convicted by the Court, he is sentenced to receive 150 lashes with 18 months imprisonment in irons, under clause 4th Section III. of Regulation VI. of 1832.

3 The Acting Criminal Judge remarks, that in an Enlargement order regarding the Prisoner which is thus stated in the Police Report, the Acting Criminal Judge has inadvertently to the records, finds that the Prisoner has already been convicted by the Court, according to his own character, this to the sentence of the Enlargement. The Prisoner is accordingly sentenced to 2 years imprisonment with hard labour and 150 lashes.

4 The Court of Sunjoarees thanks to consider the Criminal Court decision letter of the Acting Criminal Judge has not his further the sentence in this case,

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Sylhet for his information

F.C.

23d January 1836.

information and guidance by [illegible]
returnable in 3 days after the receipt
Sent for Cleaning [illegible]

F.C.

At a Court of the Foujdaree Udalut

Present,

Monday. 25th January 1836. John Bird Esqr ..... 2nd Puisne Judge
William Huddleston Esqr ..... 3d Puisne Judge
Alexr Duncan Campbell Esqr ..... Acting Puisne Judge

Read again Miscellaneous Petitions presented on the 3d and 24th August 1835 by Valiem residing at Sooliporam, in the Zemindaree of Sanjottore, in the District of Tinnevelly

(Here enter the Petns Nos 58 and 66 of 1835.)

Read also Returns dated the 10th Ultimo from the Provincial Court of Circuit in the Southern Division to the Precept of the Foujdaree Udalut under date the 1st September 1835, forwarding Copies of the translated petitions Nos 58 and 66 of 1835, with instructions to furnish Counterfoils of the same to the Magistrate of Tinnevelly and to direct that Officer to investigate the matter referred to by the Petitioners, and to report through the Provincial Court for the information of the Foujdaree Udalut, the result of his enquiry.

(Here enter F.C. Nos 32 & 39 of 1835.)

The Provincial Court of Circuit sent up the Copy of a letter from the Magistrate of Tinnevelly with the translations of the depositions taken by that Officer

Mr Bird
&
Mr Huddleston

Officer

Officer on oath, from ten of the witnesses named by the Petitioner in support of the charges he has preferred against the Zamindar of Sankettoor

2. In the first paragraph of that letter the Magistrate observes that during the inquiry which has just terminated "two points of great importance have been established - first the statement previously made by Complainant, that the deceased was hit upon [upon] father, is clearly disproved, and the evidence now obtained of the two nearest relations to the deceased, completely exculpates the Zamindar from the charge brought against him" and this Officer concludes by stating that "all these circumstances go to a great way in supporting the Statement of the Complainant's father, that the present charge against the respondent Zamindar is instituted through malicious motives at the instigation of the Amildars Respondent Savoryganen."

3. Without attempting to fathom the motives which have induced the petitioners to come forward, the Court of Sheristadar Utchit, after an anxious consideration of that individual's allegations and of the evidence adduced in support of them, is clearly of opinion that he has failed to make good his charges, and that any further interference with

25th January 1836. part would not tend to produce any beneficial result.

Ordered accordingly, that Extract from these proceedings be furnished to the Petitioner upon his application.

Minute by the Acting Judge.

The Acting Judge, in this case, deems it his duty to record his regret that he is obliged to dissent from the decision.

Under the opinion given by the Court of Circuit, and the proceedings on record, he thinks that the inquiry ought to proceed. If the murder has occurred, justice demands the discovery of the Murderer; and if a man of the Zamindar's rank has been falsely accused of this grave offence, it is equally necessary that the accuser should be brought to condign punishment.

[redacted] Revenue

Board's Miscellaneous Petition presented on the 5th Instant by Thungavelu Maudaly of the Zillah of Chingleput.

(Here enter Mis. Pet. No 3 of 1836.)

1. The Petitioner prays that order may be issued for the release from Confinement of his Son Varadapully, a Prisoner in Gaol No 23 on the Calendar of the Zillah of Chingleput for the first Session of 1836, who he alleges, has been unjustly sentenced by

25th January 1836

by the Court of Circuit to undergo Imprisonment with hard
in irons for fourteen Years, on a false and malicious
charge of Highway Robbery, preferred by the Pros
Annamah Pedeechee Moodelier Native

2.

The Petitioners is informed that
1834, an English translation of the Case to which
refers, was submitted for the consideration of the
dance Adalut, and that in their proceedings and
date the 15th December of that Year, that Court
ed their opinion that no ground the prisoner
Venkatasubbiah, there were no grounds for disturb
the Sentence passed by the Presi
Ordered, that the prayer of the
Petition be rejected, and that Petnt from these pr
ceedings be furnished to the Petitioner upon his
application.

Read a Letter dated the 5th
October 1835 from Mr Lemmon (late 3rd Judge of the
Provincial Court of Circuit in the Southern Division
stating that in the Recapitulation Calendar there
cases to which the orders of the Court of Sanglee
of the 30th April 1835 relative to the Prisoners only
of persons charged in Cases wherein the prisoners might
have been convicted with the common form of crime by
former, appeared to him calculated

J. H.

25th January 1836

exception of a few Cases) of the trials in the Nellore
Calendar of the 2nd Sessions of 1833 and 1st Sessions
of 1834

(Here enter No. 1783.)

Read also Petition presented on the
18th Instant by Venkatasubbiah of the Zillah of Nellore.

(Here enter Trans. Pet. No. 5 of 1836.)

1.

The object of the above Petition is to
obtain the release of the Prisoner named Verma Couia in
Case No. 1 of the Nellore Calendar 1st Sessions of 1834,
and the Court of Foujdaree Adalut having referred to
the Calendar and to the documents connected with
their proceedings of the 16th of October last, wherein they
directed the release of the other prisoners in the said Case
and intended to have ordered the discharge of the said
prisoner Vennakoniah, perceive that there is an error
attributable to the mode in which the prisoners were
severally numbered - the Judge of Circuit having
followed in his notice of the Case the figures in red
ink - The Court of Foujdaree Adalut having taken as
their guide the regular numbers annexed to the Names
in the Calendar and the Criminal Judge having
overlooked the fact that in the Court's orders a prisoner
who had been previously discharged unconditionally
by the Court of Circuit (except Kamberla Mallayadoo

was

was again desired to be pleased to take the said Candidate Pon-
-nadoo being described as prisoner in the proceedings of the
Fouzdaree Udalut as having been originally held to bail

2.

The Court of Fouzdaree Udalut do not
comprehend how this point should have escaped the
notice of the criminal judge, who if he had fulfilled
the injunctions of the Precept of the 16th October last
with that accuracy which is ever expected, must have
discovered the error at a period when the rectification of
it would have been easy and the non-shuff of the ac-
-quisitive moment.

3.

The Court recommend that the Pro-
-ceedings be sent by Prompt returnable in 2 days
after receipt to the Provincial Court of Circuit for the
Northern Division, who will forward a Copy of it to the
Criminal Judge of Nellore for his information and
guidance.

(Sent following Precept No 65)

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

Read Mr. Mallows Letter of the 20th Instant by Chidambara Chetty Pongadu of the Police of Nellore

25th January 1836. 1

The petitioner prays that orders may be issued for the release from confinement of Cotanda-
-loory Vobadoo and Pungaloory Soobbegaudoo, pris-
-oners in Case No 97 of the Calendar of the Zillah of
Nellore, for the Second Sessions of 1833, who, he alleges
were maltreated by the Village Police of Mandepaudoo
and compelled to put their names to declarations
respecting a Robbery, on which they were convicted
by the Court of Circuit, and sentenced to imprisonment
with hard labour in irons for fourteen years.

2. The petitioner is informed that
there is no appeal from the Sentence of a Court of
Circuit, and further that having referred to the evi-
-dence as given in the Calendar, the Court of Fouz-
-daree Udalut can discern no grounds whatever for
doubting the propriety of the Conviction in the case
in question.

Ordered, that the prayer of this
petition be rejected, and that Extract from these
proceedings be furnished to the Petitioner upon his
application.

No returns having been received from
the Provincial Court of Circuit in the Northern Divi-
-sion to the Precept of the Fouzdaree Udalut of the 5th of
December 1835, containing the observations and Orders
of

Lake Range

Nov. 1835

Feb. 1836

Thursday 5th January 1836.

X 16

At a Court of the Supreme Court

Present

Thursday 5th January 1836.

John Bird Esqr ——— 2d Puisne Judge,

William Hamilton Esqr 3d Puisne Judge,

Alexr Duncan Campbell Esqr 4th Puisne Judge.

Upon Letters dated the 28th December 1835, from the Late Acting 3d Judge Late on Circuit in the Southern Division, transmitting the Record in Case No 6 on the Primary Calendar of the Gaol of Sierra Leone for the 1st Sessions of 1835, called for under date the 16th September 1835.

Mr Hamilton and Mr Campbell

Here entered 3d Feb 1836

The Court of Grand Jurors having on a liberal examination on Oath of all the Witnesses for the Prosecution, and deliberately considered the whole of the Evidence brought against the Prisoner

1st Channey Akenee

2d Augustus Scholefield

and

3d Augustus Sawyerr

is sufficient to commit them of the crime of Grand Robbery by them mutually and severally committed and do find them guilty thereof.

Mr Hamilton and Mr Campbell

Sentence of Death recorded against the Prisoners.

Ordered that the Prisoners be removed from the Bar.

Ordered that the Prisoners be brought up to the Bar.

The Prisoners having been brought up to the Bar, and asked if they had any thing to say why Sentence of Death should not be passed upon them according to Law, and having severally answered that they had not, Sentence of Death was accordingly passed upon them in the usual form.

Ordered that the Prisoners be removed from the Bar.

Ordered that the Prisoners be brought up to the Bar.

The Prisoners having been brought up to the Bar, and asked if they had any Claim to make for their Services as Witnesses on the Trial of the Prisoners, and having severally answered that they had not, Ordered that they be discharged from their Recognizances.

Ordered that the Court do adjourn.

Court adjourned accordingly.

(Sd) John Bird

Wm Hamilton

Alexr Duncan Campbell

F.H.

26th January 1836.

Regulation I of 1876 commits Thomas Ebery and in conformity with the provisions of Chapter Five and Eighth, Section Six Regulation XV of 1803, Sentences Thomas to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the Term of Ten (10) years from the 15th June 1835.

The Court of Requests doubts, that the 1st Witness in this case should have presented a Petition of Complaint against his employment, or further prosecuted the Action of the Complainant, they not being restricted to cases referred the Arbitrators by the Court.

Ordered that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Northern Division to be communicated to the Presiding Judge of Circuit.

Record No. 3273

By Command of the Judge of the Provincial Court of Circuit in the Northern Division.

Translation of the Proceedings in case No. 3 on the Calendar of the

of Requests for the second Sessions of 1835.

Record F.H. No. 2107 of 1835.

Proceedings returned with the Extract from the Provincial Court of Circuit in the Northern Division, to the precept of the Court of Requests dated the 8th December 1835, directing them to the Criminal Judge of Requests minutely to prepare and submit without delay for their consideration, attested translations in the English language of the declarations taken before the Acting Head of Police of Requests, from Simon Ebey and Abdulmeiah, who, being Witnesses in case No. 3 on the Preliminary Calendar for the second Sessions of 1835, were ordered by the Criminal Judge that they should be apprehended and committed for trial before the Court of Circuit presiding at the next Sessions: by the said Acting Second Judge in the Extract from his Proceedings dated the 5th September 1835.

Record F.H. No. 89 of 1836.

Having examined the declarations of which the translations accompany the foregoing Petition, the Court of Requests are satisfied that with

in Libem, nor in the evidence by which it
are sought to be corroborated, a Libem
thing which can affect a rational op
tation of conviction.

3

Moreover, the order of proc
the late Sitting Court Judge, was illeg
as demonstrated in the Circular Order
2nd December 1834, in which, with ref
to the provisions of Section XXXIII
Regulation X of 1810, it was held
thought it is competent to a single Ju
on Circuit to grant the commitment of
sentence of Imprisonment with
to have been passed, and
Collective Court of Circuit (and not
cannot be brought to that Court
the orders of that Court:

3

On these grounds, the Court
direct that the order of the late Sitting
Second Judge for the Imprisonment
commitment for trial of Prisoner
Challenged be annulled & that the
always in Confinement, be forthwith
immediately
Liberty.

4

of Circuit in the Northern Division will ac
cordingly issue the requisite instructions
on the subject to the Criminal Judge of
Rajahmundry.

Ordered, that extract from these
proceedings be sent to the Provincial Court
of Circuit in the Northern Division for
their information and guidance by first
returnable within seven days from and
after its receipt.

Sent following precept No. 774

Read the Nellore Criminal
Report for Precincts by Section XXXI Regu
lation X of 1810 for the month of December
1835.

Hereunder, No. 9th.

Joseph B. part 1
Case 16 Dec

The Prisoner in this case, found
guilty of "Forgery," have been sentenced
by the Criminal Court under Clause 1st
Section III. Regulation XII. 1822 to eight
(8) months Imprisonment with hard Labour
in irons. The Court observing that the
Prisoner is a female, recommend her to
direct that the sentence be remitted as
affects her, and that she be put to labor
within the Premises of her imprisonment under
the customary Guards.

Order of Sp.

2 The Charges in this case state

6

F.H.

26th January 1836

to be [illegible] with [illegible] to the
Plaintiff from the [illegible] in the Rule
this Honble Court that the Prisoner [illegible]
furnished as required by Rule IX of 183[illegible]
It appears necessary to the Court of
Sanjanee Magistrate in order to prevent
mistake that in charges of this nature
him the offence falsely charged and the
name or names of the person or persons
falsely accused should be specified
in the Petition presented to the
Criminal Magistrate

Report 3
Case 177. The Criminal
entering the Prisoner
[illegible] the
[illegible]
to state
[illegible]
[illegible]
entry to the
this instance
[illegible]
[illegible]
Court for 10
Letter K of 18[illegible]

If Sanjanee Magistrate
of the Criminal Court
Prisoner [illegible]
[illegible]

F.H.

26th January 1836

and if he gets more than with the con-
nivance of the Prosecutor, or informer
responsible from the time in which the case
is reported, he must be liable to punish-
ment. Should this be the fact therefore the
Criminal Judge will refund the amount
of the fine to the Prisoner.

Cases 179 & 183. The detention of both these cases in the Zillah Court having been unnecessarily occasioned in the Report now under the Criminal Judge will send copies of them and of this paragraph to the Magistrate, who, within 8 days after receipt of this order, will be directed to submit direct to the Sanjanee Court what further explanation the Date of Release of the Prisoners respectively may be able to give.

Report 6. In this Report the Criminal Judge will in future confine an abstract to be required.

Statement of Cases. The Court regret to observe that so large a proportion of Prisoners are in hospital at the close of December. It is observed that 3 Prisoners are stated in the Report of 30 to have died during the month, but that in the statement two only are noticed.

Ex

F.H.

26th January 1836.

5

The Criminal Judge of [illegible] has mentioned the name of the [illegible] from Cudjoe Park, arrested by the Con[illegible] under the 5th Victoria to be sent to [illegible] to account for the insurrection [illegible] his establishment in the said District [illegible] ment.

Ordered, that Extract from the proceedings be sent to the Criminal Judge of Stann Creek for his information and guidance by first packet returnable within 5 days after 13th instant.

Sent following packet

Read Proclamation by His Excellency the Governor & Commander in Chief bearing date the 26th day of December 1835 and published in the Belize Gazette of the 30th December 1835 whereby the Ports of Belize, Corozal, Stann Creek, Punta Gorda, Monkey River, Manatee River, Sibun River, Mullins River, Sarstoon River, Rio Hondo, Old River, Sapodilla Lagoon, Moho River, Temash River, Golden Stream, Irish Creek, Deep River, Duck Creek, Bocas del Toro, Chiriqui Lagoon, Boca del Drago, Port Escoces, Port Escondido, Port Barrios, Port Livingston, Amatique Bay, Golfete, Lake Peten, Lake Izabal, Rio Dulce, Rio Polochic, Rio Motagua, Rio Sarstoon, Rio Grande, Rio Sarstoon, Rio Grande, Rio Sarstoon, Rio Grande

At a Court of the Fongidance Adadiet

Present,

Wednesday 27th January 1836

John Bird Esqre ..... 2nd Puisne Judge

William Huddleston Esqre ..... 3rd Puisne Judge

Alex. Duncan Campbell Esqre Acting Puisne Judge

Read letter dated the 26th Instant from the late Acting Head Judge Lite on Circuit in the Northern Province, transmitting the record in Case No 1. on the Supplemental Calendar for the 6th Sessions of 1835, called for consideration the 16th September 1835.

(Vide entry F.G. No 2313 of 1835)

Mr Huddleston and Mr Campbell

Deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the prisoner

"Bullooka Paniparden"

is sufficient to convict him of the crime charged, &c, under the authority with which they are vested by Clause Forty Section II. Regulation I of 1818 cannot them thereof, and in conformity with the power vested by Clause Second Section III. Regulation VI of 1832, sentence him to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of ten years to commence from the 18th June 1835.

The

27th January 1836. 1.

The Court of Surplaine Detailed [illegible]
with disapprobation, that the Presiding Judge instead
dispensed with the examination of the fourth, fifth
sixth witness [illegible] on the ground of
"to prolong the fact" and has limited [illegible]
of the 18th July 1832, should be examined before the Court
examined before the Court of Appeal

2.

The Court further observe that [illegible]
witness ought to have been the Commandant [illegible]
ceeding to send to the Provincial Court of Appeal
Northern Division with instructions to forward
of these remarks to the Provincial Court of Appeal
Northern Division

(Sent following Precept No 81)

From the Provincial Court of Appeal [illegible]
sion, to the Police Court of the Surplaine Detailed
the 28th of December 1835 [illegible]
they transfering the Case [illegible]
the period for which the Offenders [illegible]
were not punctually despatched on the Circuit of the
Provincial Court aforesaid by the Surplaine Detailed
of the Surplaine Detailed on the 28th of December
1831 and 24th of January 1827

27th January 1836.

Ordered, that the Provincial Court of
Appeal in the Northern Division be required to issue a
precept to the late Acting third Judge, enjoining him
to submit the required explanation within 24 hours
from and after the receipt

Ordered that Extract from these pro-
ceedings be forwarded to the Provincial Court of
Appeal in the Northern Division by precept returnable
in 7 days from and after the receipt

(Sent following Precept No 82)

Read returns dated the 6th instant,
made by the late Acting Third Judge of the Provincial
Court of Appeal in the Northern Division, to the Precept
of the Surplaine Detailed of the 28th of December 1835, re-
quiring the late Acting Third Judge to explain the
cause of the delay in transmitting to the Criminal
Judge of Nellore of the Police and Criminal proceed-
ings held in the case of the prisoner Maddoory
Narangooloo, which are required by that Officer to
enable him to dispose of Case No 158 of the Criminal
Sale for 1835.

(Case entered No 60)

Read also returns of the late Acting 3rd
Judge dated, that a letter was addressed to the Registrar
of the Provincial Court of Appeal Northern Division
requesting

27th January 1836.

"requesting that the proceedings before the said the
"Judge of Nellore be made out the indictment of perjury
against the prisoner might be forwarded to that office
it is concluded that the long delay

3

The prisoner in this case it is observed
was the 7th Witness produced on the part of the prosecution
Concerned in the Murder of the Nellore Defendants for the
Defence of 1835 and the Court of Sanjidara Adalut
ordering him justly charged with wilful and
Perjury, the late Acting 3rd Judge take on himself to
Northern Division and dismiss under date the 11th
September 1835 before the proceedings
Criminal Judge of Nellore for the
of the indictment in question to take
evidence of Defence of Said

3

Subsequence of these orders the
Sessions was effectuated on the 23rd of October last
from the Criminal Record for that month it appears
that "a Commission was made to the late Acting
"Judge" by the Criminal Judge of Nellore "empowering
"him to send up the Orders and Documents Proceedings
"relative to this prisoner, but that they had not yet
"been received"

4

From the Criminal Records for the
month of December last it appears

F. 46.

27th January 1836.

remained undisposed of during that month also, from
the same cause, and that the requisite proceedings were
received by the Criminal Judge of Nellore only on the
5th Instant.

To enable the Court of Sanjidara Adalut
to determine to whom the enormous delay in this case is
attributable, they direct that the late Acting 3rd Judge
late on Circuit in the Northern Division be called upon
to report the date on which the letter to the Register of
the Criminal Court, requesting that the proceedings
before may be forwarded to Nellore, was despatched.

The Court of Sanjidara Adalut desire
Late on Circuit in the Northern Division be called to
their orders circulated under date the 11th of September
1835, which directs that returns to the precepts of the
Court of Circuit and Sanjidara Adalut be not made
"by a simple endorsement to the effect that the
"precept has been executed, but that the substance of
"the order contained in the Record of the Courts proceeding
"accompanying the precept be posted on the return,
"and a report subjoined as to how far execution may
"have been done."

Ordered, that a Record from this pro-
ceedings be forwarded to the late Acting Third Judge
of

27th January 1836. of the Provincial bound of bremen on the Northern Sta-
tion. for his information and guidance by Precept [illegible]
requiring Conformity thereto within 2 days from and
after its receipt.

(Sent following Precept N° 83)

Read the Madras Criminal bound
Reports presented by Section XXXV Regulation X [illegible]
for December 1835

Report V (Store order N° 98)
Case 265. 2d 3d and 5th prisoners from the Cuttack Jail, there
under Regulation IX of 1833 for giving false evidence
before a Court of Justice Complainant for which the 1st
has been properly punished under Act for prisoners of
the Law.

2.

Regulation X of 1816, as explained
Criminal Order N° 3 dated 25th November last, does not
apply to the case of the 2d 3d and 5th prisoners, for
whose release therefore orders should be immediately
Case 278. issued upon receipt of this instruction.

3.

Notification of the Magistrate
of the cause of the detention of the Cuttack prisoners
from the 31st October to the 19th December being pend-
factory. The Court of Enquiry and Criminal Court
Copy of the Cuttack record of this proceeding

27th January 1836. the Criminal Court to the Magistrate, who will,
after due enquiry, take such notice of the conduct of
the Police Officer as it may appear to him to deserve.

Ordered, that Extract from these pro-
ceedings be sent to the Criminal Judge at Bom-
bay, for his information and guidance by
Precept returnable in 3 days after receipt.

(Sent following Precept N° 84)

Read the Madras Criminal Reports
presented by Section XXXV Regulation X 1816 for December 1835.

(Store order N° 106)

Suppl. Report The bench regret to observe that this
Case 111. case, the prisoners Committed in which were apprehended
on the 21st, and arrived at the Criminal bench on the 23d
of October last, had not been disposed of at the close of
December. They deem it proper to call upon the Magis-
trate to explain why the required extract could not be
produced before the Criminal bench before the end of
the month of December. The Criminal Judge will accor-
dingly forward Copy of this proceeding of the case to
the Magistrate, who will be directed to submit the explan-
ation desired to the Foujdaree Adalut within 8 days after
receipt of this order.

Report 18 1.
Case 134 In this case, the prisoner is charged
with having, in company with some others, stolen from
the

27th January 1836 — the Justices of Inverness that they would attend personally with

at Ruthven 27th Inst. and will proceed to the exchange

ment as to the Alleg[ation] on the Talbot of the fire arms at

to the Board of Excise that they would accordingly attend

a further explanation be submitted to them explaining

wounds" to which allusion is made in the column of

The Commissioners Judge will therefore send copy of [illegible]

and paragraph likewise to the Magistrates

Ordered that Colonel Grant [illegible]

ceedings be sent to the Commissioners Judge of Inverness for

information and guidance by Coach [illegible]

after receipt

(Sent following Day per Mail 1835)

Chingleford to Board of the Letter of 27th ulto

of the 29th ulto enclosing their notice on the Law

Reports from the Board at Chingleford for the month

November 1835

Adopts Report

ide 195

(Letter under the 14th

Sir the above Return the Magistrates

explains the grounds upon which the certificate

the prisoner was taken up & detained

being at variance with the terms of Regulation IX of 1833

which it is evidently the intention of the Magistrates

that the certificate shall in all cases of the description

27th January 1836 — to the Board of Police or Police Commissioners

It was with reference to this point that the

Board recorded their former observations, and they now

direct that it be pointed out to the Magistrate, that Regulation IX of 1833 does not apply to false complaints

before a Magistrate or a Collector

Ordered, that Extract from these proceedings be furnished to the Magistrate of Chingleford

for his information

(Sent on 1836.)

Read return dated the 11th Instant from the Provincial Court of Circuit at the N.W. Provinces

dated the 21st June 1835 requiring them to call upon the Magistrate to explain why all persons arrested by him during the sitting of the Circuit in May 1834 were not punctually despatched

in the Quarterly Returns of 1834 were not punctually despatched

among the reports of the Court of Circuit

(Note under No 2287)

Fo 6a

Ma Court of the Foujdaree Adalut

Present,

Thursday 21st January 1836

John Bird Esqr —— 2d Puisne Judge

William Hudleston Esqr 3d Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Read letter dated the 9th Instant from the Third Judge on Circuit in the Centre Division submitting the English and Persian Translations of the Proceedings in Case No 9 on the Criminal Calendar for the Second Sessions of 1835.

Remember Fo 36 of 1836.

The Court of Foujdaree Adalut having attentively 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 acquitting the prisoner

Chamroo Mr Hudleston and Mr Campbell

and accordingly direct that he be set at liberty.

From page 3 of the English Record of the Trial now submitted, the Court of Foujdaree Adalut observe the occurrence of an irregular proceeding on the part of the Head Assistant Magistrate who, instead of

28th January 1836

28th January 1836

Report &
Case 58

1 The date of the apprehension of the prisoner in this case is entered in the Report, as that 1st November last, in the Column of remarks the following note appears "The Tahsildar states in his "Report that the prisoner was dispatched by the Police "Duffadar on the 25th of November" The Court of Sudder Adalut desire to be informed of what became of the prisoner during the interval from the 24th to the 25th. A Copy of this paragraph should accordingly be furnished by the Provincial Court of Circuit to the Magistrate, who will make return direct to this Court within 8 days after receipt of this order.

Case 59

2 The Court of Sudder Adalut await an explanation in accordance with which the proceedings of the Criminal Court, and the Law officer appear to them irregular. In having on the 28th of October on the day time, on pretence of punishing a Man along with him and proceeded to Honore from whence he ran away.

Case 60

3 "In this case" the Native Criminal Judge reports "remains undisposed for want of the investigation of other cases" The Court desire

28th January 1836

Ordered, that Extract from the proceedings be furnished to the Zillah Judge in Canara in the Canara Dialect for his information and future guidance.

(Sd — 4 Sr.)

Read the above Criminal Report furnished by Lieut. XXXV. Regt. N.I. for the Month of December 1835.

(Memorandum)

28th January 1836.

It proper to limit that the Native Engineer
be informed that there is not sufficient reason
seeing that two years required at the Nellore
Criminal Court two days subsequently
disposed of.

4 The Native Criminal Judge
will be pleased on future to please his
Supplemental Report before the Report
and the same order should be observed
the translation submitted to this Court

Ordered that
proceedings
Criminal on the Native Prisoners
noted to the Native Criminal Judge
for his information and guidance
returned herewith

(Sd) J. Stokes

A true extract from the
from the Acting 3rd Judge
Northern Division of the Court
Eldalut of the 30th of April 1835
under date the 9th of September 1835
have to answer the Calendar

28th January 1836

by him at the several Stations in the Northern
Division during the 1st Sessions of 1833 and
at Masulipatam during the 2nd Quarter
Sessions of 1834, with the view of proposing a
mitigation or remission of the punishment,
in cases which afford ground for believing
that the offences charged against the parties
originated in the pursuance of the premises.

2 Ordered that that Officer be re-
commended by prompt returnable in 24 hours
to show what may have been done in pursuance
of the instructions issued under date the 30th
April and 9th of September 1835, and fully to
explain how far conformable to the urgency
of those precepts, as the delay that have already
occurred, cannot but have been materially
prejudicial to the ends of justice, unless
further procrastination on the part of the Mag
may altogether defeat the humane intentions of the
Government in sanctioning a revision of the
Calendars above alluded to.

Ordered, that Extract of these
proceedings be forwarded to the late Acting 3rd
Judge

F. 46

At a Court of the Foujdaree Adalut

Present,

Friday 1st January 1836 John Bird Esqr ..... 2nd Puisne Judge

William Hazlerton Esqr ..... 3rd Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Circular Order No. 60.

The Court of Foujdaree Adalut having observed that parties of Convicts are not unfrequently detached to gather firewood &c in jungles at a distance of several miles from the Jail, and that in several instances they have availed themselves of the facilities afforded by the situation, to escape from their guards, deem it necessary to direct by a Circular Order, that the practice in question, wherever it prevails, may henceforward be discontinued, as unauthorized and inexpedient.

(Sent following Circular Order No. 5 of 1837

Read the Nizamut Criminal Reports

for contained by Section XXXV. Regulation X 1816, for the

month of December 1835.

(Vide order No. 81)

Refer V Case 18. Noted, reference to the column of "punishment" the Court of Foujdaree Adalut remark that the prisoner in this case has been sentenced simply

29th January 1836. for the offence of "escape." They observe, however, that a
tion is made in the Column of "remarks" to prove
against the prisoner for "having left work for a longer
the Court deemed it proper therefore to require an addi-
tion respecting the detention of the charge of theft
2. If the Sessions Assistant Judge
not able to afford this explanation, he will forward
of the Case and of these Rules to the Magistrate of
Canara, who will be directed to lay the requisite ex-
-planation before the Court of Sessions Zillah at
8 days after receipt of this order.
Order
-ceedings be sent to the Sessions Judge of Canara for his information and guidance by Post
returnable in 3 days after receipt.
Sent following Receipt No 98
Read the following Letter from the Officiating Criminal Judge of Bellary
presented by Section XXIV Regulation X 1816 for the
month of December 1835.
(Number 132)
Report V
Case 187
The prisoner in this case was charged
with having escaped from the lockup the Choultry of
he was kept in custody for gambling in the Bazar
in the Town of Bellary, without reporting to the Police
Peons and was finally released

29th January 1836. "Cutcherry on the next day." The Court are of opinion
that the apprehension of the prisoner on the charge of
"gambling" which is no where made criminally Cognizable,
-ble, was illegal; and they accordingly direct that
Copy of the Case as it stands in the Report, and of
this paragraph, be sent by the Officiating Criminal
Judge to the Magistrate for his information.
Rule 196 2 Copy of this Case also and of this
paragraph should be sent by the Officiating Criminal
Judge to the Magistrate for his information, the
explanation given in the Report, of the detention of
the prisoner in the Talook from the 10th to the 23rd of
December being considered unsatisfactory.
Ordered, that Extract from these
proceedings be sent to the Officiating Criminal Judge
of Bellary for his information and guidance by Receipt
returnable in 3 days after receipt.
(Sent following Receipt No 99.)
Read again Extract from the Minutes of
Consultation in the Judicial Department dated the 6th of August
last, transmitting the Copy of a dispatch from the Honble
the Court of Directors, dated the 17th September 1834, with
the resolutions of Government thereupon, for the information
and guidance of this Board.
Mem entered No 1379.
Read

29th January 1836.

Canara

Malabar.

Extract &c relative to the Courts of Request for the Western, Southern and Northern Divisions, dated respectively the 26th & 28th October last and the 1st instant, the 16th November and 29th October and 10th November 1836, to Principal of the Magistrates to report on what manner prisoners sentenced by the Courts of Cutcherry to imprisonment with labour, clause first Section V Regulation XIII of 1832 are and by what means the sentences are enforced.

Extract Para 1 & 2 of 1836

The Magistrate of Canara states that "prisoners sentenced by Courts of Cutcherry to work "ment and labor are worked on the public roads, "of towns, and in case of nuisance to authority, "dered the other offences duly to be found and the offender "Magistrate or Assistant Magistrate, under whose "he is acting, what appears to be the most advantageous "mode of proceeding, though seldom necessary."

Extract Para 2

"serves the Magistrate of Malabar, "in cleaning the compounds around the Cutcherries of public choultries and roads on the

S. N.

9th January 1836. number of Prisoners under sentence of labor being seldom "more than 1 or 2 at a time, ample opportunity is afforded "for their being duly worked - and being generally of the "lower castes, the Tahsildars find no difficulty whatever "in enforcing their sentence - Indeed, not a single instance "of refractory conduct, on the part of prisoners in the "District Cutcheries, calling for coercive measures for "the purpose of enforcing the sentence of labor, has hitherto "occurred. And the Magistrate conceives that the "influence and respectability attached to the situation of "the Head of the District Police are, of themselves, sufficient to ensure ready submission to the Tahsildars Orders."

3 The Reports from the Magistrates in the Centre Division regarding the prisoners in question are to the following effect

Cuttack Acct - they "are either confined in "the rooms of the Cutcherries or in the village "Tannahs, or any deserted building near at hand of "those Offices as the means of security may provide; "and that they are "generally employed in repairing and "cleaning the roads and streets in and near the "respective Cutcherries," - "the duty "being "enforced "by Peons stationed over them for the purpose."

4 Cuttack Acct - these prisoners "are always employed

29th January 1836.

"there happen to be more than 3 or 4 prisoners in confine-
"at one time in the Salork Kutchery, the actual place of con-
"finement for the Head of Police has not room to appro-
"priate them, they are not sent out to work at all, and the
"are at present no means of employing them within doo
"and, if only 1 or 2 are in confinement and they are sen
"out to work, they are employed in no harder work than
"sweeping about the Salork Kutchery or clearing away rub
"Should a prisoner prove refractory & the Magistrate or
"and refuse to perform any work assigned him the
"of Police has no authority to enforce the sentence and
"must either take violent and illegal
"the prisoner to labor or allow him to remain idle"
"sentence of labor again remarks the Magistrate "
"acted upon is rather an alleviation than an aggra
"of the punishment intended to be inflicted, and it is
"universal complaint of the Heads of Police that
"punishment of imprisonment under the provi
"of the Regulation above mentioned has scarcely
"effect in diminishing the crime of petty theft"

12. The Magistrate of Trankenbar
the conduction of his police dwells upon the fact
prisoners in gaol being confined in the same
with the most hardened offenders and with others
charges for heinous offences

F. 11:

29th January 1836.

Ulcutta do not clearly understand why any difficulty should be experienced in providing a separate place of Confinement, quite apart from where Criminals apprehended for all serious offences are kept confined while under examination."

13. In Tanjore, the Magistrate states that the only means that Heads of Police have of working prisoners sentenced by themselves, is to make the delinquent over to a Peon and direct him to make him do any odd job he can find - such as sweeping a street or removing a heap of rubbish or the like. As to the means of enforcing the sentence which subjects the individual for ten days to better food and lodgings, and to less work than he would have received as the reward of an honest course of life, being perfectly analogous as a punishment to the class of persons on whom it is inflicted there is no difficulty on that score. The prisoner does as much as he pleases - the Peon does not trouble himself about the matter, but, should a difference of opinion arise between them as to the quantity of work done, or the manner of execution, it would perhaps be settled by the Peon threatening the prisoner with his rattan, or should he prove obstinate, by its exe-

14. The Magistrate of Salem reports "that no case of refusal to work on the part of the prisoners

29th January 1836

"prisoners has as yet come under his notice, nor has he
"heard of the Heads of District Police having at any
"had occasion to use threats or violence towards the pri
"soners to enforce their sentences. When the prisoners
"refuse to work the Heads of District Police would pro
"bably proceed to enforce their sentences by reducing
"the quantity or perhaps altogether stopping the fo
"of the refractory individuals until they complied
"prisoners are employed at offences on Salem in clean
"the Streets or mending the roads in the vicinity of the
"Talook Stations."

15.

In Coimbatore the prisoners are em
-ployed without fetters under the surveillance of Peons
in cleaning the streets in the District Towns and
repairing the roads when employed in the immedi
vicinity, and it is reported that as yet no instan
have occurred of Complaints being preferred, by pri
-soners or the exercise of arbitrary authority.

16.

In the Northern Districts the Magi
-strate of Nellore states that the prisoners are employ
either in repairing the public roads or in cleaning
Streets &c. of the Villages where they are confin
The confinement has not been used by the Heads of
Police more than any means necessary to make the pri

29th January 1836

Labor, as no instance has ever occurred to render com
-pulsion necessary on the parts of the Heads of District
Police."

17

In Guntoor the prisoners are em
-ployed on Bazars, Streets, and public roads under the
Supervision of Peons. They are generally worked about
8 hours a day, and are always put in irons unless
they be exceedingly old and infirm. They are confined
at night in Jails or Godowns built for the purpose,
and are in other respects well taken care of."

18

The Magistrate of Masulipatam
reports that the prisoners are usually employed in cleaning
the Streets of the District under the observation of the
Head of Police".

19

In Rajahmundry the prisoners
are made to clear the public streets in the Villages
where the Heads of Police may be resident at the
time. The Magistrate adds that he is not aware of
any difficulty having been found at any time in
causing this mitigated form of "hard labor" to be
undertaken; but he apprehends that a case of con
-tumacy would be forwarded to him when the num
-ber of days on which the labor had been refused,
would, on a principle of equity be superadded to the
Original sentence which the Magistrate would under

the

29th January 1836 the authority conferred on them by the Regulation
enforce, by making use of the penalties laid do
in the same way as if the prisoner had been
tenced by himself.
20.
In Virgapatam the prisoners
"generally employed in sweeping the Bazaar, cle
the drains and ditches or some such light work"
Magistrate states that he cannot bring to his pers
any complaint of "refusal to work" having been
to his notice, but that if the prisoners on a scale of
were forwarded to him he might take such mea
and would deem the examples of the sentence
21
The Magistrate of Yangam state
"the prisoners are employed in cleaning and repa
roads &c in and near the villages where the Chief
Police lives - No case has yet been brought to notice
refusing to work."
22
In addition to the orders contai
in the 2d para of the Minutes of Consultation
under consideration and with reference to para
of the despatch of the Court of Directors transm
therewith, and to the 2d and 3d paras of the fore
of the Court of Sessions Calendar of the 6th Circu
the Court submit their opinion that, from the
Reports, it does not appear that

29th January 1836 any difficulty in enforcing a sentence of imprisonment
with labor, by Heads of Police, under Clause first, Section
V. Regulation XIII. of 1832, without the exercise of oppression
or violence.

23 The Court do not consider the term
of imprisonment with labor vested in Heads of Police
in lieu of corporal punishment too great, but they remark
that it is a general Complaint by the Police Officers that
such punishment is wholly inefficient.

24 The general question, however, of
punishments being now under the consideration of the Law
Commission it does not seem to the Court necessary for
them here to discuss whether any other punishment
than imprisonment can be substituted in minor cases
for Corporal punishment, which has been abolished.

Ordered, that Extract from these pro-
ceedings be sent, together with copies of the returns of
the several Magistrates, to the Chief Secretary to Govern-
ment for the purpose of being laid before the Right
Honorable the Governor in Council.

(Sent in No 160)

Read letter dated the 20th Instant from
the Acting Joint Criminal Judge of Coimbatore reporting
the result of his enquiry into the circumstances attending
the

29th January 1836 the escape on the 22d ultimo of the two prisoners Mad
and Canton Bauvah reported in his letter of the 11th Instan

/Here enter No 131 of 1836/

Read letter dated the 28th Instant
from the Provincial Court of Circuit in the Centre Di
transmitting the Copy of a letter from the Criminal Judg
of Cuddalore reporting the death of Soumbooly Mudd
the 12th prisoner in Cadr No 1 on the fourteen Calendar
for the first Sessions of 1836.

/Here enter No 133 of 1836/

Read letter dated the 22nd Instan
from the Acting Third Judge of the Provincial Court
Circuit in the Northern Division forwarding the Stat
required by the Circular Order No 6 of the Fouzdaree Adaw

/Here enter No 137 of 1836/

Read letter dated the 19th Instant fro
the First Judge on Circuit in the Western Division, repo
the Completion of his Circuit and his intention to retur
the Sudr Station with as little delay as possible

/Here enter No 139 of 1836/

Read Petition dated the 26th Instant fr
the Acting Joint Criminal Judge at Cuddalore to Court
of the Fouzdaree Adaulut dated the 22nd January 183
on the Criminal Reports of Cuddalore for the month
of December 1835

/Here enter No 143 of 1836/

29th January 1836 Read letter dated the 22nd Instant
from the Additional Judge of the Provincial Court
of Circuit in the Northern Division forwarding the
Statement required by the Circular Order No 6 dated
the 5th July 1834 of the Fouzdaree Adaulut.

/Here enter No 144 of 1836/

Read letter dated the 26th Instant
from the Criminal Judge in the Zillah of Nellore
informing the dates of apprehension of the 6th, 7th, 8th
9th, and 10th prisoners in Cadr No 181 of the Report No
V for the month of December 1835.

/Here enter No 147 of 1836/

Read letter dated the 27th Instant fro
the Acting Second Judge of the Provincial Court of Circuit
in the Centre Division returning the original Death Warrant
Vco in Cadr No 1 on the thirteen first Supplemental Calendar
for the 4th Quarter Sessions of 1835.

/Here enter No 146/

J. U.

At a Court of the Foujdaree Udalut.

Present,

Monday 1st February 1836. John Bird Esqr. ..... 2nd Puisne Judge

William Rumdleston Esqr. ..... 3rd Puisne Judge

Alexr Duncanbampbell Esqr. Acting Puisne Judge.

Read petition presented by Lingappa, Peerumnah and Veerayandoo of the Zillah of Combacon.

/ Mise enter. Mis. Pet. No 9 of 1836. /

The three petitioners, who represent that they are related to the 3 prisoners concerned in Case No 89 of the Nellore Calendar for the 2nd Sessions of 1834, complain of the sentence passed in that case, by the Judge who presided at the Trial.

2 From a Sentence passed by a Judge of Circuit there is no Appeal, and having referred to the Calendar, the Judges see no reason to doubt the propriety of the Conviction.

Ordered accordingly, that the prayer of the petition be rejected, and that Extract from these proceedings be furnished to them on their application.

Read again Miscellaneous Petition presented on the 30th November last by Veerayee of the Zillah of Combaconum.

/ Mise enter. Mis. Pet. No 100 of 1835. /

Read

1st February 1836

Read the Petition dated the 19th
from the Provincial Court of Bound on the South
-ption, to the Court of the Foudaun Odudist and
date the 12th December 1836, transmitting the Peti
of the Petition No 137 of 1836, and requiring that
to furnish a Copy of the same to the Criminal Pro
Lumbercon with instructions to that effect to en
and report whether the Allegations therein contain
founded on fact.

(Case under P. No 137 of 1836)

Criminal Court
Magistrate reports on the letter of the 19th Petition
Petitioner Vengan had two daughters, one of
kept as a Concubine by the Convicted Prisoner
other is the wife of Sangat Ulang who has absented
that is a Servant in a Native family, has been paid
wages in grain and not in ready money, that the
hand being a free native subject cannot be
the alleged threat but had made complaint
of the matter, that the cause of complaint
frivolously being unjustifiable grounds for the
plaint, either to the Magistrate of Pandanchely
Tillah the Dispute was made up by the
Tampered by whose

2nd February 1836 Judge when the case was sent up to the Court," and
that it does not appear that any jewels were ever found
in her hands except by her own unsupported Statement."

2. The Criminal Judge concludes by
suggesting the motives which in his opinion have given
rise to this Petition.

3 The Court of Foujdaree Adaulut
deem the explanation of the Criminal Judge satis-
factory, and the complaint of the Petitioner undeserving
of further consideration.

Ordered therefore, that the prayer of
the Petition be rejected, and that Extract from these
proceedings be furnished to the Petitioner on her ap-
plication.

Read Extract from the proceedings of
the Court of Circuit in the Centre Division, under date the
28th of January 1836, in which the 1st Judge intimates
that, with reference to the Orders of the Foujdaree Adaulut
of the 30th of December 1836 he has remitted the proceedings
held on the case of the Prisoner Convicted in Case No 35
of the Fourteenth Supplemental Report for the Month of
October last, and being of opinion that there are sufficient
grounds to put the Prisoner on his trial for the
murder of one Chintoo, requests instructions whether or
not he should be brought forward at the Sessions whi

1st February 1856 holding at Biddeford

(Here enter No 182)

1

Report, on which the Code of the person thereon charged was entered, the Board of Inspectors [illegible] from the remarks of the Master Commercial Judge of the that the case was clearly one of [illegible] the orders of the Inspectors [illegible] discharge was based on this assumption of the facts Code

2.

Report, it appears that the prisoners were committed [illegible] before the Board of Trade and the prisoners meantime permitted to be at large on Bail

The Board having therefore [illegible] in the Calendar laid before the 1st Judge at the [illegible] Inspectors, the Board of Inspectors Resolved that the prisoners should be placed on the Trial and Code disposed of under the Regulations

Resolved, that a Record from the [illegible] be forwarded to the 1st Judge and Board on the Calendar for his information and Trial

(Sent on 4/2/56)

(And the further Commercial [illegible] transmitted by Letter XXX

J. W.

1st February 1856 for December

(Here enter No 185)

Report V

Code 126

1 In this case, the prisoner is charged with "entering the house of Prosecutor and stealing therefrom "gold and silver jewels worth £8. Perfect." The Board have to observe that the mode of entry should have been stated in the charge. The "Officer in charge" of the Joint Criminal Court will be pleased to report whether "housebreaking was committed, and what provision of the Law he intended to cite in support of his sentence on the 2nd and 3rd prisoners, there being no such charge as "Break, Enter & Section III. Regulation Act of 1853" specified in the Report

Code 129

2 Upwards of nine pages of the Report are occupied with the detail of the evidence in this case A long Statement of evidence is unnecessary altogether in the Criminal Reports, in which the Board always expect a Concise, but distinct note of the grounds of the Order in each Case

3 The Office "Entry" will be pleased in future to cause the Reports to be furnished in a more compressed form By the mode of writing adopted in the Reports under review, they are made more than more bulky than they need be, by the employment of an Writer in their preparation who could write a great hand, and in recording the remarks or "grounds of order"

1st February 1836

if the parallel blank columns had been ruled, the Magis
would not have required the quantity of paper here d
the persons of them could have been furnished and the
"Jaffpat" relieved.

Ordered, that Extract from these pro
=ceedings be sent to the Head Mistrah Mayabah
'incharge' of the Zemindaree Court at Tyndaree f
his information and guidance by Cowle returned
in 3 days after receipt

Sent following Cowle steps —

Extract

Ditto

Ditto

Ditto

4th February 1836

"that the Court of Sanjdanee Adalut will be pleased
"to specify the cause of any judgment or that cause
"that I may guard against them in future."

2. The Court of Sanjdanee Adalut on
reviewing this case observed that the first and
second witnesses stated that they identified the
prisoners at the abbey and that their evidence
stated in the abstract to have been different to
that of the Prosecutor, who stated that the first
"and second witnesses told him forthwith that
"they had seen and recognized the prisoners
"among the three."

3. It appeared to the Court of Sanjdanee
Adalut that the imputed testimony stated by the
Presiding Judge might have been removed
upon examination at the trial.

Ordered, that the said
proceedings be sent to the Zillah Judge of the
Provincial Court of Circuit in the Western Division
for his information.

(Sent on N° 111)

Read a communication dated the 19th Feby
by the Magistrate of Madura

4th February 1836

to the proceedings of the Court of Sanjdanee Adalut
of the 22d December 1835, upon the Madura Criminal
Reports for November 1835.

(Here enter N° 128)

Report &
Case 134

With the above return the Magistrate
submits translation of the evidence taken in the
case noted in the margin, and states that he
has "retained to withhold the sentiments of the
Judge" from his Assistants, until their orders are
repeated after inspection of the documents now re-
lied before the Court. The orders of the Court of
Sanjdanee Adalut, from the implied censure on
which the Magistrate considers that his Assistant
ought to be relieved, seem to the effect "Under the
circumstances represented in this case it appears
to the Court that it should not have been sent up
to the Criminal Court by the Assistant Magistrate.
The Criminal Judge will furnish the Magistrate
with copy of this order and paragraph with a view
to this observation of the Court being communicated
to that officer."

2. The papers now before the Court of
Sanjdanee Adalut satisfy them that the case in
question was properly forwarded to the Criminal

4th February 1836

Court; and their former observation having been recorded unanimously on the information then in their possession, and the implied censure thereby notified, having been unprovided with reference to the imperfect statement in the Criminal Record they are happy to take this occasion to state that the explanation now afforded is quite satisfactory

Ordered, that Extract from these proceedings be sent to the Magistrate of Madura for his information.

(Sent on N° 112)

Read a Report from the Provincial Court of Circuit on the Circuit Directory to the Pursuit of the Prisoner Uddalai Date the 31st December 1835, directing that the Magistrate of South Arcot be directed to distribute the sum of Rupees three hundred sanctioned by Government among the persons who most distinguished themselves in assisting the Guard of Peddlers one was apprehended and tried, found by the Tongalore Uddalai convicted on three of the Cuddalore Calendar for the first Sessions of

(See entry N° 116 of 1836)

N° 16.

4th February 1836

From the Report of the Magistrate forwarded with the above Return it appears that "on this very case which was N° 27 of the Cuddalore "Circuit Calendar Second Sessions of 1834, the "Magistrate distributed two hundred and twenty "Rupees in obedience to the Precept of the Acting Third Judge Circuit dated the 31st March 1835 (transcripts "of which and of the Magistrates return are herewith "forwarded) to the very parties to whom 300 Rs are now "directed to be paid. The Magistrate is desirous "that this sum of three hundred Rupees should "be awarded in addition to the 220 already paid "or whether the order for the payment of this 300 "has been given on the absence of information "regarding the previous reward." The Magistrate adds that "the duration of Government for the payment "of the 220 Rupees, was renewed on the 22nd December "last with other extra charges in the Magisterial "Department for Fasly 1245."

There is nothing to show that the Second Judge late on Circuit by whom the Trial was finally referred was cognizant of the circumstance

now for the first time brought to the notice of the
Sayidaw Adadity and the information on the
subject is contained either in the Calendar
in the Circuit Report submitted by the late
Acting Third Judge late on Circuit in the
Centre Division.

3.

The Court of Myingan Adadity
being further unable to proceed under what
provision of the Regulations the late Acting Th
Judge could deem himself authorized, with
previous sanction, to order the
sums specified
under date the 31st March 1933, considered it
to call upon him for explanation on the point

4.

The Divisional Court of Mandal
will intimate to the Magistrate of South Ad
that it is not intended that the sum of three
hundred Rupees now sanctioned by Gover
should be awarded in addition to the 250 Rup
already paid, and that the explanation fro
to disburse the amount was required by
ment by the Myingan Adadity

of information regarding the previous rewards

Ordered accordingly, that extract

from these proceedings (paras 1-2 and 3) be sent with
a copy of the extract from the proceedings of the Sayidaw
Adadity under date the 14th December 1935, of the
order of Government under date the 22nd December
1935, and of the Return of the Magistrate of South
Aunt dated the 12th Ultimo and file returned, to
the late Acting Third Judge late on Circuit in
the Centre Division by Prompt returnable within
ten days from and after the receipt
(Sent following Prompt No. 113)

Ordered further, that paras 1-2 and 3
of these proceedings be sent to the Divisional Court of
Mandalay in the Centre Division, to be communicated to
the Magistrate of South Aunt for that Officer's inform-
ation and guidance.

(Sent in No. 114)

Ordered further, that extract from these
proceedings be sent to the Chief Secretary to Government
for the purpose of being laid before His Excellency in
Council, with reference to the order of Government
No. 982 dated the 22nd December 1935.

(Sent in No. 115)

115

No. 116

At a Court of the Foujdaree Adaulut

Friday
6th February 1836

Present,

John Bird Esqr _____ 2d Puisne Judge

William Hendleston Esqr 3d Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Read letter dated the 3d Instant,

from the 3d Judge on Circuit in the Western Division, forwarding trial in case No 9 on the Calendar for the First Sessions 1836 –

(Here enter No 121)

Mr Hendleston
and
Mr Campbell

The Court of Foujdaree Adaulut,

having attentively considered the proceedings held before the Judge on Circuit, the Futwa of the Mooftee 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, convicting the prisoners

1st Hirakalal Oswan

and

2nd Harakalal Veeran

of wilful Murder and awarding Kissas, and order

the provisions of Section X, Regulation VIII of 1818
sentence each of them to suffer death by being
hanged at the usual time and place of execution
(Sent following letter No 313)
Read letter dated the 31st December
1835, from the Acting Head Judge of the Provincial
Court of Circuit in the Northern Division, enclosing
the English and Persian proceedings of the trial
in case No 1 on the Criminal Calendar of the present
for the Fourth Quarter Sessions of 1835
(Vide order 1st No 1st Feby 1836)
In the case of the prisoners
Kalapurty Ramphendra
and
Kistnapurty Ramphendra
stood charged before the Court of Quarter Sessions
with having on Sunday the 13th December
of the Fourth Quarter of the Year
preceding with the aid & assistance of
stalked a Goldsmith named Ramphendra
aged sixteen years on the Evening of the
Ramphendra Chetty at Pedana with a sharp
thrust killed him and thereby
outside the village
2
"Guilty"
The prisoners

3
The Mahommedan Law officer of
the Court of Circuit in his Fetwa acquitted the
prisoners and pronounced them entitled to their
release
4
In the eleventh paragraph of his
letter of reference the Presiding Judge observes
"I have no moral doubt as to the guilt of the first
"prisoner and to the second being his accessary,
"but proof does not reach to establishing the crime
"charged" and in the twelfth paragraph I would
"therefore respectfully advise that the necessary security
"be demanded from both prisoners"
5
As therefore the Presiding Judge
entertains in the Mahommedan Law officer of
the Court of Circuit in acquitting the prisoners,
and as the powers of a Judge of Circuit in
respect to the requisition of security are the
same as those of the Foujdaree Adalut, the reference
of this case for the consideration and final
judgment of that Court is manifestly unne-
cessary and irregular.
6
The Court of Foujdaree Adalut ac-
cordingly direct that the English and Persian
Record of the Trial be returned to the Head Judge

5th February 1836

an order that it may be disposed of by the said Appellant in conformity with the provisions of the general Regulations

Ordered, that Extract from the proceedings together with the Record of the Case sent to the Zillah Court of Tanjore be laid before the Fourth Quarter Sessions of 1836, for his information and guidance.

(Sent on 8th Feby)

47 J.

Fl6

At a Court of the Tanjore Adalut

Present,

Monday 8th February 1836

John Bird Esqr ——— 2nd Puisne Judge

William Maddleston Esqr 3rd Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Read petition presented by Bandaya Pillay Appellant Chitty of the Zillah of Chittoor (Transmitted M.P. No 7 of 1836)

Read again return dated the 2nd Ultimo made by the Provincial Court of Circuit in the Centre Division to the precept of this Court of the 9th November 1835, transmitting copy of a petition from the above Bandaya Pillay Appellant Chetty of the Zillah of Chittoor complaining of his having failed in obtaining redress either from the Village Monsiff the Head of Police or the Magistracy and of his having been confined in the Tanah for 10 days under the Magistrate of Chittoor for the note made by him on removing a blow from a Peon of the Magistrates Establishment and also reporting the Provincial Court

of Circuit to obtain such explanation as they
from the Magistrates

(Vide entries N.o 17)

Read Extracts of the Proceedings
the proceedings of the Supreme Court had
on his former Petition N.o 92 of 1835. the Court
of opinion that he has any cause to
of the Proceedings of the District Court
point referred for the report of the Magistrate
and which that Office has not distinctly
answered, to the complaint of the Petitioner
upon the Magistrate's Report, and that
upon his applying at the Government
him to be confined in the Jail for
and upon this point the Court wish to
the Supreme Court of Circuit in the Criminal
Division to call upon the Magistrate for
Station for further explanation.

Ordered accordingly, that
Extract from these proceedings be forwarded
to the Supreme Court of Circuit in the
Central Division for their information and
guidance by transmitting

per and after its receipt.

(Vide following Receipt N.o 124)

Ordered further, that the above
communicated to the Petitioner and that
Extract from these proceedings be furnished
to him on his application.

Read petition presented by

Mauregaya in person

(Vide entry Mis. D. N.o 107 of 1836.)

This is the same person who
addressed the Court under date the 30th of
and 28th of December last, and
to the same effect not to procure the release
of her husband, tried and committed on
case N.o 10 of the Cumbaconum Calendar
for the 2nd Sessions of 1834.

Communicated to the Petitioner
on the 11th December last the Court have
referred to the Calendar, and seeing grounds
for doubting the propriety of the conviction,
founded on the discovery of the plundered
property in the possession of the 5th prisoner,
the Petitioner's husband.

The

3

The prayer of this Petition accordingly rejected, and the Petitioner informed that any further address on this subject cannot be received.

Ordered, that nothing that takes from these proceedings be furnished to the Petitioner on his application.

Read petition presented by Moonyattal of the Zillah of Chittoor

(Received 8th Feby 1836)

The Petitioner complains that he was fined by the Judge of Circuit upon the Chittoor Calendar for the 4th Quarterly Sessions of 1835.

2

Having referred to the Calendar the Court perceive that the prisoner was fined in No. 3 and of the cases alluded to in the petition but was convicted on two other cases viz No. 1 and No. 2, and the convictions on both of these appear to have been upon good and sufficient grounds

8th February 1836

The Court therefore see no reason for their interfering; and they direct that the petition be rejected accordingly.

Ordered, that the above be communicated to the Petitioner, and that Extract from these proceedings be furnished to her on her application.

Read petition presented by P. Dandaray late Jail Daffadar at Chittoor.

(Received 8th Feby 1836)

The Petitioner requests to be furnished with a copy of the Petition presented by him to this Court on the 31st August last, and prays that the enclosure filed with his petition No. 72 of 1835 may be returned to him.

Ordered accordingly.

Read petition presented by C. Basavieh of the Zillah of Guntoor

(Received 8th Feby 1836)

This petition purports to be a complaint against the proceedings of the Magistrate of Guntoor and his District Police, in respect to

enclosure

certain Merchandize liable to seizure from "smuggled goods"

2.

It does not appear that the Attorney has addressed the Court of Circuit on the subject and the Court therefore refuse to refer the Petitioner to the Judge sitting in Circuit at Northern Division

3.

The Court of Magistrates & Sessions cannot entertain the matter on the first application

Ordered that the Clerk do communicate to the Petitioner the decision of the Court

Read letter dated the 29th Ult. from the First Judge (Mr. Justice Burton) Western Division, submitting for the opinion of this Court the Honore and Long Calendars for the Sessions of 1835.

(Here ends the Honore Calendar of 1835)

Honore Calendar
Case No. III.

In this case the Presiding Judge confirmed the Sentence of imprisonment for the Misdemeanor but altered that of the Court

XVII

Circuit Court considering the punishment the prisoner had already undergone "ample for the offence committed" "directed his release and discharge as prescribed by Clause Second, Section XV. Regulation VIII of 1802."

2

The permission has granted does not apply, but under Clause Seventh Section III. Regulation XV. of 1803, the sentence was legal

The Presiding Judge "adverting

Act. No. IV.

3

"to the prisoner in this case "being a Returned "Land Labourer" "sentenced him according to "Section XXI Regulation VII of 1802, Section III "Regulation VI of 1827 and Section IV. of "Regulation VII of 1833 to be furnished with "130 Lashes" and there imprisoned" for "the period of (7) Seven Years."

The Court of Magistrates & Sessions

4

"deem that a Second Return should have been taken under Clause Fourth Section II Regulation XV of 1803, and the sentence "must be on such Return of Third have forfeited

fallen

3rd February 1836

Case No. XI

falls within the provisions of Section XXI
Regulation XII of 1802, which without a Tab
of Stud, cannot be applied

5.

In his remarks on the Cal
the Presiding Judge states that the Le
Officer in his Return regarded the 1st Specif
"the 2nd 3rd 4th 12th and 13th witnesses being fo
"however to a Spend Justice but he declined
"liable to Fagen" The Presiding Judge accord
"sentenced him to serve 12 Calendar Mo
"imprisoned &c for the period
"prescribed by Clause 1st Section II Re
6. XXI of 1803 from

The Officer failed the prisoner is convicted being of the first Specification for by the Proclamation dated Section II, Regulation XII of 1802 a further fatigue should have been taken respect to him, under the provisions of Chapter Third, Section II, Regulation XII of 1802 sentence would have been increased by Section XXI Regulation XII of 1802

Ordered, that Colonel Fraser these proceedings be and he is hereby

J. Mc.

3rd February 1836 – Late in Council in the Western Division

for his information

(Sent in No. 125)

Read letter dated the 30th Ultimo,

from the Acting 2nd Judge of the Provincial

Court of Circuit in the Centre Division, forwarding

ning the Statement of Balla paid to Prosecutors

and witnesses attending before the Court of

Circuit during the Fourth Quarter Sessions of

1835 at Amherst

(Vide entry No. 153)

Read Return dated the 23rd Ultimo,

from the Third Judge on Circuit in the Centre

Division, in pursuit of the Provisions Statute

dated the 23rd January 1836, enclosing three

observations and notes on the Cadastre Calendar

for the Second Sessions of 1835.

(Vide entry No. 154)

Read Return, dated the 29th Ultimo,

from the Criminal Judge of Chester in pursuit of the

Provisions Statute dated the 21st January 1836,

on the Criminal Returns for December 1835

(Vide entry No. 155)

Read

Read Return dated the 27th Ult
from the Principal Court of Circuit in the Mal
Division, to Precpt of the 30th Instant detailed
20th January 1836, calling upon them to explain
what may have been done in pursuance of
instructions of the Magistrate Utakut of the
December last, relative to certain cases on
Circuit Calendar for the Second Sessions

(Here enter No. 154)

Read Return, dated the 29th U
from the Acting Criminal Judge of Salem
of the Magistrate Utakut
commanding their Sanctions and orders on the
Reports for December 1835

(Here enter No. 155)

Read Return dated the 29th U
from the Joint Criminal Judge of Coimbatore
of the Magistrate Utakut dated the 21st January
commanding their Sanctions and orders on
Criminal Reports for December 1835

(Here enter No. 156)

Read Letter dated the 29th U
from the Acting 2nd Judge of the Principal Court
Circuit in the Centre Division enclosing the
3rd, 4th and 5th Statements of Calendars for the 4th Quarter
of 1835

(Here enter No. 157)

Read Return, dated the 25th Ultimo,
from the Acting Joint Criminal Judge of Coimba-
tore, to Precpt of the Magistrate Utakut dated the 20th
January 1836, conveying their observations and orders
on the Criminal Reports for December 1835.

(Here enter No. 156)

Read Letter, dated the 29th Ultimo,
from the Acting 1st Judge late on Circuit in the
Southern Division, forwarding the copy of a letter
from the Acting Joint Criminal Judge of Coimbatore
reporting the death of the prisoner Gurgen in con-
fining the Coimbatore Calendar for the Second Sessions
of 1835, committed of Robbery and Murder and left
for execution.

(Here enter No. 157)

Read Letter, dated the 29th Ultimo,
from the Criminal Judge in the Zillah of Chittoor,
forwarding the copy of a letter from the Superin-
tending Engineer of the Centre Division together
with a copy of the answer of the Zillah Judge
respecting the construction of a Treadmill in
the Jail at Chittoor.

(Here enter No. 159)

Read Letter, dated the 1st Instant,
from W. H. Budd Lieutenant in charge of
Camilo

8th February 1836

Circuit at Quinden, forwarding a Return
for the Month of January 1836, of the crimes
tried in the Said at Quinden

(Here enter No 161)

Read Return dated the
Ultimo from the Magistrate of Tangier
estimated value of the property of the
Prisoner in the Penpetam and Dayanee
during the Month of December 1835

(Here enter No 170)

Ent'd

WD

WOT

No 16

At a Court of the Foujdaree Udalut.

Present

Tuesday 9th February 1836. John Bird Esqr ..... 2d Puisne Judge
William Hewdleston Esqr ..... 3d Puisne Judge
Alexr Duncan Campbell Esqr .... Acting Puisne Judge

Read return dated the 27th Ultimo made by the Criminal Judge of Cuddapah, to the Precept of the Foujdaree Udalut dated the 23d of January 1836, containing the observations and orders of the Foujdaree Udalut on the Criminal Reports for the months of December last

(Here enter No 153)

In the above Return the Criminal Judge of Cuddapah submits the question whether or not it is the duty of the Magistrate to draw out the Indictment in cases of Perjury forwarded by him to the Criminal Courts

The Court of Foujdaree Udalut are of opinion, that the duty of the Magistrate in such cases is confined to drawing out the charge and that the Indictment should be prepared by the Criminal Judge, in reference to the Circular Orders of the 31st January 1814 and 23d of November 1826

Ordered, that Extract from these proceedings

9th February 1836

proceedings be sent to the late Acting 3rd Judge on the
Fellaks of Conjeveram for his information and guidance

Sent on No 126

Read letter dated the 28th February
the late Acting 3rd Judge late on Circuit in the Northern
Division, to the Precept of the Sangatanee Adalut under
the 16th January 1836, requiring him to explain the
circumstances under which he considered it proper that
to examine the witnesses named on their defence by the
prisoners in Case No 9 on the Sessions Calendar for the
Sessions of 1835

Here enter P.C. No 166 of 1835

It appears from the above Letter
"the Circular Order of 31st October 1833, Para 3 and 4," by
"late Acting Third Judge was regarded as conclusively
"particularly states that "general evidence tendered by
"prove by them that I did not commit the crime" was
"considered as altogether beside the purpose: the first
"of Clause second, Section II, Regulation II of 1802 ex-
"that proof to specific facts should be taken from
"prisoners" and "as the prisoners had no facts to
"& viz the remark on the Record was entered."

Mark the late Acting Third Judge
ed to the proceedings held before the Acting Joint
Criminal Judge of Cuddalore, he would have found that
the 3rd prisoner Venkatty made

9th February 1836

and the [illegible] regarded proof to specific
"facts" and "required" for the third and fourth prisoners
permitted each two witnesses to prove, the third, that he
"slept in the house of Venkaty Venkatamah on the night
"on which the crime was committed" and the fourth,
that he "was lying down in the field of the Village
"Pungga along with the said witnesses on the night
"on which the crime was committed:" and the fourth
prisoner stated that "the witness named Pillandu Ram
"inhabitant of Cuddalore, whom" he
"should formerly must be summoned" to prove that he
slept with that witness in "a field of the Village Pungga
upon the night on which the Crime was committed."

Ordered, that Extract from these pro-
ceedings be sent to the late Acting Third Judge late on
Circuit in the Northern Division, for his information

Sent on No 127

Read return dated the 23rd January 1836
from the Provincial Court of Circuit in the Northern
Division to Precept of the Sangatanee Adalut dated the
18th January 1836 intimating the mode of proceeding
which should be adopted in respect to Nallapatta Pillai
Commander a Subject of His Highness the Nizam

Here enter No 163

Read return dated the 1st Instant
from

5th February 1836

from the Criminal Judge of the [illegible] & W. Circuit
the Foujdaree Adawlut dated the 25th January 1836
the Criminal Report for December 1835.

(Above entered No 191)

Read letter dated the 31st December
from the Third Judge of the Criminal Court of Circuit
Western Division, forwarding the Returns required by
Circular Order of the Foujdaree Adawlut No 6

(Above entered No 32)

Read letter dated the 3rd Instant from
Acting 1st Judge late on Circuit in the Southern Division
forwarding the Returns required by the Circular Order
Foujdaree Adawlut No 6

(Above entered No 33)

Read Returns dated the 3rd Instant
from the Acting 2nd Judge of the Criminal Court of Circuit
in the Central Division, required by the Circular Order
of the Foujdaree Adawlut for the first Month of the

(Above entered No 192)

Read letter dated the 30th Instant from
1st Judge late on Circuit in the Western Division forwarding
Returns required by the Circular Order of the Foujdaree
Adawlut No 6 for the third Half of the year 1835

(Above entered No 193)

5th Feby

Friday,
5th February 1836.

Present,

The Hon'ble Sir Edward Ryan Knt Chief Justice
John Bird Esqre —— 2d Puisne Judge
William Buddeston Esqre —— 3d Puisne Judge
Hon'ble Duncan Campbell Esqre —— Acting Puisne Judge

Read letter dated the 18th Instant, from
the Chief Judge late on Circuit in the Western Division
submitting the Depositions taken on Oath before the Magistrates
of Zillah Hooghly in support of the Charges exhibited against
Lalla Mohun Doss, Zemindar of Burdwan, for the
murder of Nundo Coomar Dey

(Above entered No 123 of 1836)

The Court of Sessions Charter, on a
deliberate examination of all the circumstances of the
case as evidenced by the depositions taken on oath
before the Magistrate against the prisoner

Lalla Mohun

as appears to the Court sufficient to establish the guilt of the prisoner Lalla Mohun
of the crime, comprehensive of murder, as made the
subject of the charge exhibited against him by the Magistrate of Hooghly and in opposing
the Regulations of the Bengal Code, and in opposing
the Regulations of Bengal Code, Section IX
Section XV of Regulation XIV of 1824 sentence him to be hanged by the
neck till he be dead and as the prisoner in Court

shall appear, there to be informed and dispose of the
labour in view on the public works in the district of
for and during the period of the natural life
(Cont. following letter No. 130)
It appears that on the present
were forwarded with the former Returns of the
Criminal Court, appeals that marks for the Ju
Grey, and have not since been offended
The Court of Requests having
following informers of the Criminal Returns for the
Misapprehension, and which were with the
subject was made to the Court
proceedings be sent to the Court
in the Western District
twelve days from the date
(Cont. following Letter No. 131)
the Provincial Court of Requests
transmitting the Returns
Colonial Secretary's Office
(Cont. following Letter No. 132)
The Court of Requests
mutually enclosed the Returns

Mr. Randleston
and
Mr. Campbell
Jr.

21st February 1836.

on Circuit, the Returns of the Provincial Court of Requests and
the Returns of the Supreme Court and Recorder's
Requests Courts, comprising the said Returns of the Supreme
and Court and Recorder's Courts, omitting the Provincial
Statement of Cases
and enacting Laws, and under the Provisions of Clause
Act, Section VIII, Ordinance XV of 1834, entitled "An
Offenders and Effects to Land labour in irons on the
public roads or other public works for and during the
Space of (2) two years
(Cont. following Letter No. 132)
Bad again Letter dated 18th December
last from the Acting Police Magistrate at Circuit and the
Letter from Deputy Surveyor Darling transmitting the Sketch in Case No. 8
Letter from Assistant Colonial Secretary 21st January 1836
of the Conciliation Court
(Cont. Letter No. 133)
Road Return dated 28th October from
the Acting Police Magistrate at the Eastern
Surveyor's Report of the Supreme Court dated
Survey 1834, together with the Examination of the original
Sketch Plan by the Examiner in Case No. 8 on the
Conciliation Court for the Recovery of Debts
the Assistant Magistrate, the Acting Assistant Magi
and the Court of Requests
(Cont. Letter No. 134)

The

12th February 1836

Mr. Hudleston,
and
Mr. Campbell,

The Court of Enjoyne Exchequer, having
maturely considered the proceedings had before the Judge
on Circuit, the Return of the Principal Law Officer and
the Return of the Corporal Court and Inspector of the
Enjoyne Exchequer, confirm the said Return of the Corporal
Court and Inspector of proceedings regarding the last

1st Interrogatory
and
2d Interrogatory

and accordingly direct that the said Writ
(Writ following date 1st No. 133.
Record of Writ dated the 2d February
1836 from the Chief Judge (Clerk) on Circuit to the
Central Division of the Court of the Enjoyne Exchequer
under date the 25th November 1835, enclosing the Court
observations and rules on the Criminal Calendar for the
second Sessions of 1836
(Remainder Writ 2d of 1836)
Read the Writ
from the same Officer, forwarding the
Return and fifth enclosure from the Chief
Judge of Calicut, for the information
of the Enjoyne Exchequer
(Record

24

2d Feby 1836

In the sixth paragraph of the proceedings of the Enjoyne Exchequer under date the 25th November last, it was observed that no Form No 3 on the Criminal Calendar, there and no Legal conviction at all, and that whyle such a conviction should be drawn by the Mahommedan Law Officer, an English and Native Translation of the proceedings must be submitted for the consideration and final judgment of the Court

In the fourth paragraph of his Return of the 2d December last, the Chief Judge reported that a Prisoner had been sent to the Officiating Criminal Judge of Calicut, requesting him to require the Mahommedan Law Officer of his Court by whom the Return in the case was given, to declare in writing and forward the same with as little delay as possible to enable the Chief Judge on Circuit to carry the instructions of the Enjoyne Court into execution

No further Return has yet been received, the Court of Enjoyne Exchequer therefore direct that the Chief Judge be called upon to report for their information, the result of the requisition above referred to

Ordered, that extract from this proceedings be sent to the Chief Judge on Circuit

in the Central Division by Monday next to return the writ
four days from and after the 1st monday
(Ent. following Bench. Nº 134)

Rule Discharging the Rule nisi heretofore granted by
the Criminal Court of Circuit in the Western District
to the Precept of the Supreme Court made on the 31st
31st October 1835 commuting the Capital sentence passed
sentences passed by the Intendant Circuit Court
on Circuit in the Western District and which stood
on the Records of the Criminal Courts for the year 1834 and
the year 1834, in which the Prisoner stood
committed during
(Remainder Nº. 133 of Bk)

Recent Circuit Court Records
Criminal Calendar
Third Quarter Sessions of
1835
Case Nº. 19.

Rejecting the rule the Criminal Court
of Circuit report that they have examined the
examination of the proceedings before the Circuit
the Criminal Court and the Court of Circuit do find
find no power for the commutation of the Capital
of punishment of the prisoner in the sentence they
find, from this examination of the Record
that they are to be considered as members of some
organized body of militia known as Texas rangers

12th February 1836.

and therefore they enter and in what rank they
were at the time of the engagement and whether armed with
gun, pistol or other weapons and provided
gun, sword belt and other weapons and provided
with powder flask that it is also that the Relator
with powder flask that it is also that the Relator
was then and there armed and provided with other weapons in the affray
which ensued on the attempt to apprehend them and
per Sam ensued a slight injury from a shot in
Under this explanation the Court of
Supreme Court now on motion of the prisoner
furnished by the Relators, misjoinder and the
with temporary
the Criminal Court of Circuit report
Circuit Calendar
Ent. Appeals of this
Chan Nº 137.
that in this case the prisoner
sentence not to terminate till the month of
May next, and the record fail to show
to be a person serving all the
provisions of this act remain the prisoner and
direction the Court of Supreme Judicial matters
not to permit the prisoner sentence already passed
Ordered that prisoner from the
proceedings be sent to the Criminal Court of Circuit
in the Western Division for their information
(Ent in Bk Nº 135)

Rule

12th February 1836.

Read the letter of the 7th Instant from the Acting Provincial Secretary of Lower Canada transmitting the Petition of Stephen Sewell of the City of Montreal praying that the Petitioner may be admitted to plead to the Indictment preferred against him in the Court of Queen's Bench for the District of Montreal for the Crime of Forgery and that he may be allowed to withdraw the Plea of Not Guilty heretofore pleaded by him to the said Indictment and to plead thereto such other Plea as he may be advised, and that the Proceedings had upon the said Indictment may be quashed and set aside, and that the Petitioner may be admitted to Bail pending the Proceedings to be had upon the said Petition.

Ordered, that the Petitioner be admitted to plead to the said Indictment such other Plea as he may be advised, and that the Proceedings had upon the said Indictment be quashed and set aside, and that the Petitioner be admitted to Bail pending the Proceedings to be had upon the said Petition.

Ordered, that the Petitioner be admitted to Bail upon entering into his own Recognizance in the sum of £1000 with two sufficient Sureties in the sum of £500 each, conditioned for his appearance before the Provincial Court of Queen's Bench for the District of Montreal, at the next Term thereof, to answer the Charge contained in the Indictment preferred against him by the Grand Jury of the said District at the last Term thereof, and for his not departing this Province without the leave of the said Court first had and obtained

of Court in the Western Division for the time [illegible]
and guidance of persons attending — 10 days after
and after 10 months

(Cont. following Length. No. 197)

Read extract from the Minutes of Council
dated the 27th August 1828 — Also letter from Sir
Lucas dated 30th July 1835 —

(Cont. of Length. No. 196)

Read the petition of John the Second
Division dated 18th instant and letter
from Mr. Secretary [illegible] dated 8th and 27th December 1835 and 27th January
1836, to the Queen's Advocate of the Court of Sessions in Scotland
the 27th October 1835 enclosing the Criminal Court Bill
upon the Second Division, and Criminal Business in the
Criminal Judge considering the expediency that a Court of
the manner in which the Criminal Jurisdiction vested in
the Sheriffs of Scotland by the Statute 1st George IV. Chapter 55 of 1828

(Also note No. 188, 197, 211, 214, 220, 222 & 223 of 1835
and No. 88 of 1836)

Read the petition, on appeal of John
Munro as to the [illegible]

Petition Munro
v. Sheriffs

generally the power to remove the criminal jurisdiction
of the Sheriffs to the Court of Justiciary, by the Act for
the better administration of the Criminal Justice in the
Sheriffdoms of Scotland, and the new powers to be by them granted,
the information that should be given to the Sheriffs on the receipt of
this communication of them

The Criminal Judge of Scotland stated

"That the Lord Justice Clerk has communicated
Criminal jurisdiction in a satisfactory manner — that the
" new powers to the Sheriffs, by giving a simple notice,
" of Libels on the Stealing and smuggling " but that he had
" doubts on the stealing and smuggling " but that he had
" confidence, and would not be satisfactory to
" themselves on the subject —

The report of the Acting Criminal Judge

Comm.

at Inverness to the effect that "the witnesses were
of opinion it is advisable, that the Sheriffs should have
power of the Act, without minute explaining the
nature of the Act, without minute explaining the
nature and purport might mislead many of the
witnesses who neither understand the nature of the
case in question by this "that for want of evidence
number and nature that no acting remedy that
the Law now stands in that respect should be

was sent to him for that that he gave him an opportunity of pardon all the charge was found that as far as appeared to the Judge was the only way that he had found them of any use. The time that is wanted at for the trial of the case was the letter a week for satisfactory both to the Judge and the Public

Honore.

Regarding the Decision of the Court at Honore the acting Civil Criminal Judge thereon has so frequently brought to notice the difficulties under which he is acting in disposing of the numerous causes that there appear to him [illegible] by him adding that he considered himself availed themselves of the opportunity of the Decision of the Court to have their general of his judgment to have been rendered as might be expected with the Regulations, but that if he gave the requisite attention to his Civil duties the Criminal Judge feels satisfied that the [illegible] suspected from him in the Criminal Department

Centre Division
Chittoor
Chingleput
and
Cuddalore.

Of the offences in [illegible] noted in the margin the first [illegible]

that the Sessions attached to this Court have exercised their powers with which they have been entrusted with attention and in a manner conducive to the interest of Government the Criminal Judge of Chingleput that the Sessions of this Court have performed their duties in a satisfactory and useful manner Criminal cases in a most satisfactory and useful manner and the Court that the Sessions in Pychetty Criminal Department 1833 has been in force the number of Criminal Cases and that the manner in which he has performed them has been satisfactory to

Cuddapah

The Criminal Judge of Cuddapah submits that from the Court he has every reasonable reason to be satisfied with the manner in which the Sessions have performed their duty particularly the Records as having been [illegible] that in the Criminal Court that he has had more business to transact than in this business to remain [illegible] has often found them in this business to remain from false pretences and has ordered at Gillets to be sent to have the matter referred to him for revisal before ordering it into effect

Bellary

In the Court at Bellary the Sessions are satisfied to have exercised themselves with great religious and assiduity of the new duties referred to them

Salem Division
Salem.

It appears that in the Criminal Court the Sessions have not [illegible]

12th February 1836.

Criminally.

Combaconum.

Salem.

Southern Division
Manufacturers

12th February 1836.

Manchester the Civil Commissioner reports that he has been "very useful" and that satisfactory results in the Criminal jurisdiction may be looked

Guntoor.

The Acting Sessions Judge at Guntoor has suggested the desirability of a Resident Assistant to be named from the ranks of the Uncovenanted Servants in cases of failure of Criminal Justice, and that when they become duly appointed to the post they should not be any subsidiary cooly in any branch of the service.

Nellore.

The Civil Commissioner of the Nellore District "have proceeded their Criminal jurisdiction in a useful manner, but the Criminal Judge reports that the Assistants posted to the Courts of the Deputy Collectors should be selected from the Uncovenanted Service, and not be under supervision of the Criminal Judge.

Chicacole

From the returns of the Criminal Judge of Chicacole it is observed that during the year "came into force 13 cases of the Indian Penal Code, and 12 of the Code of Criminal Procedure, the former affecting one only the latter 4 have been received with the exception of three appeals which were disposed of by the Judge - that no instance of undue delay is on the part of the Criminal

Vizagapatam

Vizagapatam explains that he has no authority to pass the Court that he has no opportunity of judging of the qualifications of the Uncovenanted Servants, but that from the conduct of the present Uncovenanted servants in Criminal matters appears to have given general satisfaction.

Rajahmundry

The Criminal Judge at Rajahmundry reports that as far as he has been able to judge since he took charge of the Court he has every reason to believe that the two Uncovenanted servants attached to that Court "the Criminal" duty in a manner to be entitled to the satisfactory" he "cannot state satisfactory" but that in replying "he" cannot state satisfactory" but that in replying "he" cannot state satisfactory" but that in replying "he"

purpose of being laid before the Right Honorable
the Governor in Council.

(Cont in No. 138)

Read the letter of the 25th Ultimo, from
the Provincial Court of Cuddalore to the Southern Division,
communicating the result of the examination of witnesses
proposed by the Sub Acting Crown Prosecutor to be heard
in the Northern Division touching the case of
Extract from the proceedings of the Sessions Court held
under date the 30th April 1836.

(Consultation 9th No. 77 of 1836)

The Provincial
Court of Circuit referred
Sessions Judge, all the Evidence
Judges and they cannot exercise
=mendation of mitigation of
in Minute No. 50 of the Records
the first Sessions of 1800, No. 82 of the same
of the same?—

Rajahmundry Cab.
First Sessions of 1800.
Cases Nos. 38. 39 and 82.

2.

The Court of Sessions Cuddalore
maturely considered all the circumstances connected with
the offences charged in these cases and

12th February 1836

under the authority vested in them by Clause
Third, Section Fifth, Regulation XII of 1825, to substitute the
mitigated penalty recommended by the Provincial
Court of Circuit and accordingly Sentence that in Case No. 38
the Prisoners

1st Pandy alias Kandaden,

2d Jungah Timmayandoo,

3d Yadalah Eswara,

and

4th Chinnia Settiagadoo,

in Case No. 39, the Prisoner

5th Sangatathoria Rengadoo,

and

6th Kankanoo Cundoo,

and in Case No. 82, the Prisoner

7th Chinnandankanah

be severally imprisoned and kept to hard labour
in irons on the public roads or other public works
for and during the period of (5) five years

Case No. 77. 3. The Court of Sessions Cuddalore are
of opinion that the ends of Justice require that the
said penalty prescribed by Law should be
inflicted upon the Prisoner in this case; in which
the Majority Members concur

no sentence without power of appeal the nothing shall
being prejudicial to the case of accused
The Court unanimously resolved and
that the prisoner
Ralfsey Davidson
be imprisoned and kept to hard labour on the
public roads or other public works for and during the
period of (5) five years.

Case No. 81.

5.

Under which the consideration of this
case the Court of Exchequer held on the following day
a sentence of seven years imprisonment would be
constituted a sufficient
offence provided
years shall elapsed since the close of the last
Court resolve to exist that the prisoner
Wm Arrowsmith Bailey
be imprisoned and kept to hard labour on the
public roads or other public works for and
during the further space of four years and six
months.

6.

The Court of Exchequer Ireland
in this case taken by the Criminal Court of Antrim
in the Northern Division of the said County
their letter of the 28th February

8th February 1861

The Court of Exchequer Ireland having
considered that the Criminal Court aforesaid
in the Memorandum E submitted
to the last Sitting 28th Sept with the Return of the
8th of October last, which made a part not to have
been yet subjected to revision. Should this be the
case, it is possible that the further Report on the
subject should be made without delay:-
Ordered that Extract from these
proceedings be sent to the Criminal Court of Assize
in the Northern Division for their information
and guidance by Draught returnable within ten
days from and after the receipt
(Next following Draught No. 139)

Circular Order
No. 61.

The Court of Exchequer Ireland having
of opinion that the observations contained in the
third and fourth paragraphs of the Extract from
these proceedings under date the 2nd October 1861 are
of general importance, as indicating the rule by which
in the case of accused persons coming before
in their defence, the Criminal authorities should be
guided, resolve to exist that copies of those
paragraphs be furnished to the four Criminal Courts
for

of Criminal Courts, for the purpose of bringing under the
notice of the several Courts of Criminal Judicature within their
respective Divisions for their information and
guidance.

Ordered, that extract from the
proceedings be sent to the Provincial Courts
of Circuit.—

To Govt. No. 26.

(Sent following Circular Order No. 1230/16

Read return dated 23d February from
the Provincial Court of Circuit in the Northern Division,
to Precept of the Superior Court dated the 6th
December 1836, containing the observations and the
explanations furnished by the Magistrate of
Rajahmundry, regarding returns made in the
Criminal Report of the Criminal Judge of that
Zillah for September 1836—

(Here enter No. 79)

Read further return, dated 27th
Returns, from the Provincial Court of Circuit in the
Northern Division, to Precept of the Superior
Udalut dated the 29th January 1836, on the
on delay in the Trial of the Provincial Court in
returns to their Precept of the 8th December last

(Here enter No. 183)

Read return dated 27th Returns from
the Provincial Court of Circuit in the Northern
Division to Precept of the Superior Udalut
dated the 17th November 1836, containing on the
recommendation of the late Acting Second Judge of
the Provincial Court of Circuit in the Northern
Division, mitigation of punishment in Case No. 46
of the 7th Calendar and 12 on the Sessions first Calendar for the
Second Sessions of 1836—

(Here enter No. 183)

Read return dated 28th Returns from the
Provincial Court of Circuit in the Northern Division,
to Precept of the Superior Udalut dated the 28th Novem-
ber 1836, enclosing their observations and recommendation on the
Puzzagadatam Calendars for the Second Sessions of 1836,
submitted by the late Acting Second Judge—

(Here enter No. 183)

Read letter dated 30th Returns from the
Magistrate of Salem, submitting the proceedings held
by the Superior Udalut in their proceedings of the
30th January 1836, relative to record on the Criminal
Depts of Salem for December 1835—

(Here enter No. 186)

Read letter dated 7th Instant from
the Provincial Court of Circuit in the Centre Division,
Enumerating

Transmitting copies of this Court's proceedings in the matter of the Return thereto by the Clifton Criminal Judge, with the to the order complained of by him on the part of the Magistrate in dismissing him with a guard to conduct some arrests to the Zillah whence they were banished, together with copies of the Magistrate's letter and explanation thereon.

(Here enter No. 194)

Read return dated 8th Instant from the Provincial Court in the Western Division of Provincial Court of the Cuttack Zillah under the 28th December 1835, requiring immediate return to their Records Criminal Reports for September 1835.

(Here enter No. 211)

Read the letter dated 9th Instant from the Provincial Court of Circuit in the Cuttack Division, transmitting copy of the proceedings of the Criminal Judge on an Arrest on the Criminal Charge No. 72 of the Cuddapah Calendar and No. 75 of the Nellore Calendar for the information of the Supreme Government.

(Here enter No. 205)

Read return dated 5th Instant from the Provincial Court of Circuit in the Western Division to Zillah of the Sunderbunds under date the 23rd January 1836

No. 36.
27th January 1836.

requiring explanation of what may have been done in pursuance of the instructions issued to the late acting Judge of the Criminal Judge under date the 8th October 2nd, 15th and 31st December, and the 3rd December 1835.—

(Here enter No. 207)

Read return dated 29th Ultimo from the Judge at Arcot in the Western Division to the Register of the Sudder Dewanny Adawlut dated the 16th January 1836 enquiring what observations were taken on the Recapitulation for the Criminal Sessions of 1836.—

(Here enter No. 212)

Read letter, dated 7th Instant from the Judge at Arcot in the Western Division forwarding the Statements of Bailees sent to the Zillah Jail of Chittoor during the Criminal Sessions of 1836, received from the Criminal Judge of Trichinopoly, the acting Criminal Judge of Coimbatore and Salem Criminal Judge of Dindigul and the translation of a similar statement from the Southern Criminal Judge of Tinnevelly.

(Here enter No. 214)

Read return dated 7th Instant from the Criminal Judge of Madura at Tinnevelly in the Criminal Register dated the 27th January 1836 to the Sudder Dewanny Adawlut for Calendar.—

(Here enter No. 216)

Read

5th February 1836

Read Petition dated 1st Instant from the Criminal Court of Tavoy in the Western Division of Tenasserim for works performed by convicts under the Superintendence of Gunters for the month of December 1835.

(Here enter No. 224)

Read letter dated 2d Instant from the Criminal Judge in the City of Rangoon to Transmit of the Original Petition dated 27th January 1836, on the Criminal Reports for December 1835.

(Here enter No. 225)

Read letter dated 3d Instant from the Provincial Court in the Martaban Division of Tenasserim of the Original Petition dated 28th January 1836 on the Criminal Reports for December 1835.

(Here enter No. 226)

Read

No. 66.

At a Court of the Foujdaree Adalut

Present,

Monday
15th February 1836 John Bird Esqr ——— 2nd Puisne Judge

William Hudleston Esqr 3d Puisne Judge

Mr Duncan Campbell Esqr Acting Puisne Judge

Read Petition presented on the

1st Instant by Syah Pillay of Chinglepet.

(Here enter No. 67)

The Agent of the Petitioner is to obtain from the Court of Foujdaree Adalut an order for the release of the fine of 70 Rupees imposed upon the prisoner Moorgapillay, by the Acting Criminal Judge of Chinglepet, in case No. 208 in the Supplemental Criminal Report for November 1835.

The Report, in which the above case is included, has been duly considered by the Court, who did not find in it, nor in the Petition now before them, any just cause for disturbing the sentence recorded upon the said prisoner Moorgapillay.

The Court observe also, that complaints

15th February 1836

complaints against sentence of a Criminal Judge shall be addressed to the Criminal Court of Circuit.

Ordered accordingly that the Petition be rejected, and that Extract from these proceedings be furnished to the Petitioner upon his application.

Read petition presented on the 1st Instant by Bodkin Nunn [redacted] Esqr of Carnbeen

(Remember M. D. N° 17)

1 The Petitioner prays the Court to order the release of his son Cadwaddy who he alleges, was unjustly sentenced by the Circuit Court in case N° 3 of the Nullen Calendar for the 1st Sessions of 1834, to the years imprisonment with hard Labor in irons.

2 On revision of the Calendar and question and on consideration of the explanation of the Judge who presided at the trial of the said Cadwaddy, the punishment having been affirmed by the Superior Court that Court does not

15th February 1836

interpose

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

Read Petition presented on the 1st Instant by Bingy Lutchmy of Carnbeen

(Remember M. D. N° 20)

The Petitioner alleging that an unjust sentence has been passed upon her son, Bingy Narayandoo in case N° 6 of the Nullen Calendar for the 1st Sessions of 1835, prays the Court to call for the record of the trial and to order the release of her son.

The Court direct that the

2 Petitioner be informed that they have already required the record of the trial to be laid before them, and that upon it's receipt it will be disposed of in due course.

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

Read letter dated the 11th Ultimo from the First Judge late on Circuit in the

the Western Division, embodying an English and Persian Translation of the proceedings in case No. 3 on the Stony Calendar for the Second Sessions of 1835—

(Here enter Ills. No. 109 of 1836)

Mr. Bird
Mr. Hudleston
and
Mr. Campbell

The Court of Faujdaree Adalut having maturely considered the proceedings on held before the Judge in Circuit, the Futwa of the Provincial Law officer and the Futwa of the Cazee-ool Cozat and Mooftee of the Zillah Adalut, confirm the said Futwa of the Cazee-ool Cozat and Mooftee aforesaid, and under the provisions of Section X Regulation XIII of 1817 sentence the prisoner

1st Gunee

to suffer death by being hanged as soon conveniently can be after the receipt of this warrant, at a spot to be elected by the Criminal Judge of Sylhet in the immediate vicinity of the place where the murder committed, his body to be subsequently suspended in chains on a high gibbet to be erected on the said spot and the prisoner

2nd Bullutee Ramee

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

In the seventh paragraph of this letter of reference, the First Judge observes "It can scarcely be credited that the Prisoners could have committed the deed and without assistance have dragged the body to the bank of the water where it was found lying, and this without the 2nd prisoner admits in his Sabuk confession having afforded."

The Court of Faujdaree Adalut have refused both to the English and Persian Translation of the declaration taken from the second prisoner in the Sabuk, but on neither in the one nor the other, have they discerned any admission on the part of that prisoner, of the nature imputed to him by the First Judge.

Ordered

15th February 1836

Ordered, that Extract from these proceedings be sent to the First Judge of Circuit in the Western Division for his information

(Sent following Letter No. 1071)

Read return dated the 4th Instant from the Magistrate of Madura, relative to the Madura Criminal Reports for the Month of December last.

(Here enter No. 226)

Supplemental Report

Case 111

In the proceedings of the Court of Inquiry held at Udalut under date the 27th October the Magistrate was called upon to explain why the Witnesses named in the margin could not be produced before the Criminal Court before the end of the month of December and in the above return he stated that repeated orders have been sent to the Ameen of Tirupparamkunram to forward the witnesses without delay and the last order was issued on the 27th October.

2. Here being nothing in the return to show why the orders directed to the Magistrate have not been obeyed the Court of Inquiry at Udalut request to be informed as to what further steps in the matter may have been taken by that Officer to enforce obedience to the orders, and to what extent the proceedings of the Ameen may be subjected, in the event of their being found to be without sufficient cause.

3. With reference to the conclusion of the above return, the Court of Inquiry at Udalut have to observe that the circumstances attending the "wounding" of the prisoner mentioned were not explained in the Criminal Report and further that the Prosecutor and Witnesses in the case No. 129, ought to have been sent up along with the prisoner and not kept back for the chance of other accused persons being apprehended.

Ordered, that Extract from these proceedings be sent to the Magistrate of Madura for his information and guidance by Peon fit returnable in 6 days, from and after the 16th instant.

(Sent following Peon fit No. 122)

113

Read

15th February 1836

Read letter dated 14th Inst.
from the Criminal Judge of Ahmednuggur, Report of
the Sanguinee Adawlut dated the 28th January 1836 –
the Criminal Reports for December 1835.
(Documents N° 232)

J. 16

At a Court of the Sanguinee Adawlut

Present,

Wednesday
10th February 1836 The Hon.ble John Bird Esq.r ——— 2d Puisne Judge
William Huddleston Esq.r 3d Puisne Judge
Alex.r Duncan Campbell Esq.r Asst. Judge

Read letter, dated the 20th Ultimo
from the Provincial Court of Circuit in
the Northern Division, forwarding the
English and Persian Translations of the
proceedings in Case N° 21 on the Criminal
Calendar for the Second Sessions of 1835,
tried by the late Acting Second Judge
Lieut.t Col.l Pelly in the Northern Division
Circuit in the Northern Division
(Record Dept. N° 132 of 1836)

The Court of Sanguinee Adawlut
Mr Huddleston
and
Mr Campbell absent, on a deliberate consideration of
all the circumstances of the case in
evidence before them, being of opinion
that the proof against the Prisoner

Bhaloo Khan

alias

Candoo Khan

is insufficient to convict him of the crime
of Robbery &c, under the authority with
which

which they are liable by Clause First, Section II, Regulation I of 1818 commit him to Custody and in conformity with the provisions of Clause Second of the same Section and Regulation, except when Law Officers declare by a Sanad Letter to what extent the Prisoner may be bound over to appear before the Magistrate or Court of Law if he shall have committed any full Legal evidence.

Sentence.

If the Prisoner on guilty of the crime of Perjury mere committed he shall be liable to Imprisonment for the term of seven years by reason of the aforesaid Regulation.

Whereas the Prisoner declared in the foregoing Petition in conformity with the provisions of Clause Third, Section XII Regulation XI of 1803, the Court of Sudder Dewanny Adawlut sentence the Prisoner Ghazee Khan Son of Cassim Khan to be imprisoned [illegible]

in irons on the public roads or other public works for and during the period of [illegible] eight years.

(Section No. 182)

Observing that at page 21 of the English Record of this case is entered a note to the effect that the deposition of the Prosecutrix was not taken on oath, as she did not appear to understand the nature of an oath, the Court of Sudder Dewanny Adawlut deem it necessary to direct that the Criminal Judge of Chittagong be required to ascertain the grounds assigned by their Circular Order of the 12th July 1833, (of the existence of which it is evident from page 32 of the English Record that he was not ignorant) when such as that when the child is not sensible of the nature of an oath, it will be the duty of the Judge to ~~question~~ the examination of the case for a short interval. &c. &c.

Both the above Circular Orders the Criminal Judges were furnished with

F. U.

17th February 1830.

without copy of that of the 4th April 18
in which it was distinctly declared
an infant is in no case to be admitted
evidence without oath.

Ordered, that a Rule
prosecutor be sent to the Supreme
Court of Circuit in the Northern Dist
by first opt returnable next Tuesday
days, from and after the receipt
Sent following Brought Nº 13
from the 1st Judge in
Division of Cumberland, the Prisoner in
Nº 15 on the Criminal Calendar for
1st Session of 1830.

Mr Bird:
and
Mr Anderson

Recorded F. U. Nº 202

The Court of Enquiry
the circumstances of the case in
before them, being of opinion the
proof against the Prisoner,
Mate Nantucket Island Cutter
is sufficient to commit him of the
of wilful murder, do order the
with which they are charged by

F. U.

17th February 1830. First Section II. Regulation I. of 1818. com
mit him thereof, and in conformity with
the provisions of Section X. Regulation
XIII. of 1803, sentence him to suffer death
by being hanged at the usual time and
place of execution.

Sent in Nº 15/1 -

At a Court of the Supreme Island.

Present,

Friday, 19th February 1836. John Bird Esqr. ——— 2d Puisne Judge,

William Huddleston Esqr. ——— 3d Puisne Judge,

& Alexr. Duncan Campbell Esqr. ——— acting Puisne Judge.

Read letter dated 29th Ultimo, from the Provincial Court of Circuit in the Northern Division, transmitting the record in Case No. 22 of the Calendar for Sessions of 1836.

(Here enter No. 157.)

The Court of Supreme Jurisdiction, upon a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against Prudonia

Negata Lumarchy

is sufficient to convict him of the crime of Kudachan and theft, &c, under the authority with which they are vested by Rana First, Section III, Regulation I, of 1818, to convict him thereof, and in conformity with the provisions of Rana Second of the same Section and Regulation, direct that the Law Officer do declare by a Second Fatwa what sentence the prisoner would have been liable under the Mahomedan Law, if the Court

had been committed by full legal evidence

Prisoner.

In the event of the foregoing charge

mentioned being committed by the evidence of credible

witnesses of the crime of theft, he would be liable to

fine, or the amputation of the right hand from the

wrist.—

In commutation of the foregoing sentence

declared on the foregoing Petition, and in conformity with

the provisions of Section XXI. Regulation VII. of 1832, the

Court of Sudder Dewanny Adawlut sentence the foregoing

Mogeta Gungaby

to be imprisoned and kept to hard labour

on the public roads or the public works for and

during the period of seven years

(Vide following letter No. 163)

Read the letter dated 27th January from the

2nd Judge of the Provincial Court of Revenue, Cis-

Divarin, transmitting the records in Case No. 2 and

Chitton 2nd Supplemental Calendar for 27th December

of 1835 called for under rule the 6th December 1836

(Here enter No. 172)

Mr. Bird.

The Court of Sudder Dewanny Adawlut

maturely considered the foregoing trial before the

Judge and Register, the Petition of the Prisoner and

Officer and the Futwa of the Mooftee of Bogra and

Mooftee of the Sudder Dewanny Adawlut, confirm such part of

the sentence of the Bogra Court of Sessions and Mooftee

of Bogra as annexes the following

1st Punishment

and

2d Punishment,

in conformity with the provisions of Bengal Code,

Section V, Regulation VIII. of 1831 and Bengal Code, Section

Regulation XV. of 1803, annexing to a Conviction of Theft

a second Sentence to which a Punishment other than

Imprisonment would have been liable under the Provisions

Law, if they had been committed by a first Class Prisoner

Prisoner

In the event of the Prisoner above

mentioned being convicted by the evidence of credible

witnesses of the crime of theft, they would be liable

to fine, or the amputation of the right hand from

the wrist

In commutation of the Sentence of

Court declared on the foregoing Petition, and in

conformity with the Provisions of Bengal Code Section V.

Regulation VIII. of 1831 and Section XXI. Regulation VII. of

1832, the Court of Sudder Dewanny Adawlut sentence

the

19th February 1806.

the Jurymen

1st Ranjan

and

2nd Samaker,

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

And being of opinion that the said

1st Ranjan

is not entitled to plead benefit of clergy on the said
of credible witnesses or on his own confession
the Statute of the 25th Geo. II. Cap. 6 to exempt him;
not amounting to conviction of Murder at Law,
direct, under the provisions of Section No. 56 of
Regulation VIII of 1831, and Clause 2 Section 2
Section XX of 1803, that he be imprisoned for the
Sureties in twenty five Rupees each, for his
good behaviour and offences when required
three years, and that in default thereof, he be
for three years in confinement.

(Vide following Letter No. 163/

Read Letter from the 2nd Judge of Zillah No. 201 dated
the Trial Judge on Circuit at the Station Dinajpore
with the English and Persian Proceedings

Ent. 86.
19th February 1806.

and Case No. 10 on the Calendar for the first
Sessions of 1806.—

(Here enter Ent. No. 170 of 1806)

Mr. Hutchinson,
and
Mr. Crisfield,

The Court of Nizamut Adawlut, having
maturely considered the proceedings held before the Judge
on Circuit, the Futwa of the Moonsiff Law Officer and the
Futwa of the Zillah Pundit and Sentence of the Nizamut
Adawlut, confirm the said Futwa of the Zillah Pundit
and Sentence aforesaid, convicting the prisoner

"Cholat Kalatilla Bannia Bandan"

of wilful murder and sentencing him, and in
conformity with the provisions of Section X. Regulation
VII. of 1832, sentence him to suffer death by being hanged
at the usual time and place of execution

It appears that the prisoner when
first examined by the Assistant Criminal Judge,
confessed the crime, but the Judge of Circuit annexed
his extrajudicial confession recorded after the examination
of the Witnesses only, to the record of the trial.—

2. The Court of Nizamut Adawlut are of
opinion that the first examination should also have
been put in on the trial.—

Ordered, that extract from these
proceedings be sent to the Trial Judge on Circuit
in the Western Division for his information.—

(Vide following Letter No. 164/

Read

Read Return dated 18th Instant from
the 3d Judge Sitting in Court in the Eastern Division of
the Last half year of 1835 required by the Circular Order
of the Supreme Court dated the 8th July 1834
(Here enter No. 176)

Read return dated 9th Instant from
the Provincial Court of Assize in the Eastern Division
Penang of the Supreme Court, dated the 27th December
1835, omitting therein to make report from the Magistrate of
Assize to explain the amount of the expenses paid to the
Superintendent of Convicts in that District, under the
Act of Government on the occasion
Elizabeth, that
superseded, it will be necessary to remove the
Convicts of the Magistrates, and omitting further to state
amount of the Magistrates refund have suspended, that
he state whether he deems any benefit is likely
in the condition of the Convicts under the
present system, or whether the old system should
adoption of the measure suggested in the 3d Judge
of his Letter to this Court under the 22d March

(Here enter No. 179)

Read return, dated 27th January
the Officiating Criminal Judge of Malacca
of the Supreme Court under the 27th January

in the Criminal Reports for December

(Here enter No. 217)

Read letter dated 15th Instant, from
the Acting 2d Judge of the Criminal Court of Assize
in the Northern Division, reporting the opening of the
first Quarter Sessions of 1836 on the 2d February, and the
state of the Calendar

(Here enter No. 222)

Read return, dated 6th Instant, from
the Head Assistant Magistrate in charge of the Court
Criminal Court at Singapore, to Receipt of the Supreme
Gazabut dated the 15th February 1836, on the Criminal Reports
for December 1835

(Here enter No. 234)

Read return, dated 5th Instant, from
the Provincial Court of Assize in the Eastern Division at
Receipt of the Supreme Gazabut under the 27th January 1836,
omitting the Judge Presiding at the Quarter Sessions to
enquire and report respecting the suggestions proposed by
the Lieutenant Governor in Para No. 263 to 5 and 6 of
the Supplemental Criminal Report for Malacca for the
last quarter of 1835

(Here enter No. 238)

Read letter, dated 8th Instant, from
the Officiating 3d Judge of the Provincial Court of Assize

... in the Central Division of the Office of the Clerk of the Peace for the 2nd Quarter Sessions of 1836.

(Here enter No. 264)

Read letter dated 27th Instant, from the Acting 2nd Judge on Circuit in the Southern Division, requesting the Minute of the Court of Circuit held at the opening of the Sessions at that station and the Calendar.

(Here enter No. 261)

Read letter, dated 8th Instant, from the Magistrate of Nelson, submitting the returns required by the Conjoint Board of the 26th January 1836, relative to the Criminal Reports for December 1835.

(Here enter No. 262)

Read letter dated 8th Instant, from the Magistrate of Waikato, submitting the returns required by the Conjoint Board of the 26th Instant, relative to the Criminal Reports for December 1835.

(Here enter No. 263)

Read letter, dated 18th Instant, from the 1st Judge on Circuit in the Northern Division, stating his intention to open the Sessions at ...

(Here enter No. 264)

Read return, dated 8th Instant, from the Principal Court of Circuit in the Northern Division, to Draught of the Conjoint Board dated the 26th January 1836, omitting that the order of the late Acting 2nd Judge late on Circuit in the Northern Division for the apprehension and commitment for trial of Timmaree and Hallamaich, appeared in Case No. 5 on the Police Summary Calendar for the second Sessions of 1835, be cancelled.—

(Here enter No. 265)

Read letter dated 8th Instant, from the Sub Criminal Judge of Russell, submitting Criminal Returns &c. for the month of January 1836.—

(Here enter No. 266)

Read Return, dated 8th Instant, from the Native Criminal Judge at Kawau, to Draught of the Conjoint Board dated the 29th January 1836, enclosing their observations and remarks on the Criminal Returns for December 1835.—

(Here enter No. 267)

Read return, dated 18th Instant, from the 1st Judge late on Circuit in the Central Division, to Draught of the Conjoint Board dated the 12th February 1836, omitting ... Cut the ...

19th February 1836.

of the register entered in the 8th folio of this proceedings under date the 25th January last, addressed to the Judge elected by the Inhabitants of the Zillah of Court in Case No. 8 on the Calendar for the Second Sessions of 1836 –

(Here enter No. 239)

Read Supplemental Petition dated the 11th Instant, from the Provincial Court of Circuit for the Northern Division, to the Effect of the Zillah Adalut dated the 25th Ultimo, directing the release from confinement of Ramasamy and Chellamuthu prisoners in Case No. 6 on the Criminal Calendar for the Second Sessions of 1836 Read by the Interpreter

(Here enter No. 241)

(Read returns dated 8th Instant from the Provincial Court of Circuit in the Northern Division to the Effect of the Sentences heretofore passed by the 6th December 1836, pursuant to the Decrees and orders on the Criminal Calendar for the Second Sessions of 1835. –

(Here enter No. 242)

No. 16.

At a Court of the Foujdaree Adalut

Monday 22nd February 1836

Present,

John Bird Esqr ——— 2nd Puisne Judge

William Hudleston Esqr 3rd Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Read Miscellaneous Petition presented on the 13th January 1836 by Venkatakrishnaiengar of the Zillah of Chingleput –

(Here enter Misc. Pet. No. 3 of 1836)

The petitioner represents that he was a prisoner in Case No. 5 on the Chingleput Calendar for the Second Sessions of 1836, and that having been tried before the Court of Circuit on a charge of forgery preferred maliciously and falsely by an individual from whose evil designs he and his family have long suffered, he was acquitted, but required to furnish security for his future good behaviour for three years, in two sureties of three hundred Rupees each –

2 The petitioner prays that his Sureties

Sureties may be discharged, and the persons who have so signed bind, punished.

3

It is informed that the Court of Fougdaree Adalut have had the proceedings in the case in question laid before them, and see no grounds for disturbing the decision of the Court of Circuit.

Ordered, that the prayer of the petition be rejected, and that Extract from the proceedings be furnished to the Petitioners on their application.

Read petition presented by Mahomed Ameen and Abdool Hamdeer (Here enter N. P. No. 15 dated 24th 1836)

Mr. Bird and Mr. Huddleston

1.

The Petitioners have been employed as Peons in the Jail at Dinagepore, complain of their having been dismissed from their Situations by Lieutenant Budd in charge of the Convict Establishment; they pray that, for the reasons set forth in their petitions, the Court will restore them to their situations.

2.

Read a Report from Lieutenant Budd dated the 29th Ultimo, it appears that the Peons above named were dismissed from their Situations for neglect of duty - the one for having when on duty as Sentry at the Hospital door, allowed a sick Convict to go to a Tank beyond his view, unattended, which had been strictly prohibited; the other, who, in his regular tour of duty ought to have been present to attend this Sick Convict, for not having been so present -

3. The said Convict having been in a weakly state fell into the Tank in endeavouring to fill his Brass Pot, and his death by drowning was attributed in some measure to the neglect of duty on the part of the 2nd petitioner, and to the disobedience of order on the part of the 1st petitioner -

4. Under these circumstances the Court of Fougdaree Adalut do not deem it proper to interfere, and they resolve therefore to reject the prayer of the petitions -

Ordered, that the above be communicated to the Petitioners and that Extract from these

these proceedings be furnished to them on their application

Read petitions presented by Soonkoo Moodoo Setty and C. Venatarammanappa Setty of the Zillah of Chittoor

(Here enter Mr. C. No. 16 to 22 of 1836)

Mr. Bird and Mr. Hudleston

The Petitioners represent that they believe to be the younger brothers of the three male prisoners of Venugopalapuram Tammanah the Sayer Renter of the Zillah of Chittoor, and allege that this person combined with the Collector Sheristadar Govinda Row to deprive Mr. Roberts the Collector of the services of Cheema Basavapah one of the prisoners in Case No. 1 of the Chittoor Calendar for the 2nd Sessions of 1836 & the Moonshee instead of Venugopalapuram Tammanah the former Sayer Renter who is a person of considerable property and they fear that as his property is answerable for the sums of Rupees in the fraud may be punished accordingly

2. That many of these petitioners are regular and industrious cultivators & by the detention of their

Zillah
22nd February 1836.

and such orders passed thereon as were deemed necessary

Ordered, that the above be communicated to the Petitioners, and that Extract from these proceedings be furnished to them on their application.

Read Miscellaneous Petition presented on the 8th Instant by Juggunnah and Tammuppah of the Zillah of Rajahmundry.

(Here enter Misc. Pet. No. 13 of 1836)

The petitioners complain that although they were given to understand that Rayiah and Tantiah, the prisoners referred to in their petition No. 94 and 95 of 1835, would be immediately discharged from Jail, the Zillah Judge of Rajahmundry has nevertheless caused them to be brought before him and informed them that they were released in the case of Pilla Chinnayyah, but detained in confinement until the disposal of a Second number: and they pray that orders may be issued for their immediate release.

2. The Petitioners are informed, that the Court of Foujdaree Adawlut are precluded from

22nd February 1836.

A. Sinnett

for complying with the request of the Petitioner
question as mooted in another Criminal ca
not yet finally disposed of.

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

Read petition presented by [illegible]
of the Zillah of Chingleput
(Petition No. 20 of 1836)

This is the same person who
addressed the Court on the 21st
with the same object
2. [illegible]
sentenced to 14 years imprisonment in Case No. 1 of the
Chingleput Calendar for the Sessions of 1832
On the 11th October the Court
Sanglance Udaliar addressed to the Petitioner
that having considered the Calendar in
the case in question in which they did not
any sufficient ground for the interference
these orders the Petitioner is informed,
the Court desire that no further notice
the Petitioner, that any further petition

22nd February 1836.

same subject will not be attended to.

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

Read petition presented by Canoy
Dyse of Hyderabad.
(Petition No. 23 of 1836)

The Petitioner represents that
while travelling thro' the District of Tanjore he
was robbed of the Jewels named in a list filed
with his petition. that the persons who stole
the Jewels were apprehended and subsequently
punished for the offence but that the Joint
Magistrate has refused to restore to him the
Jewels. that he applied to the Magistrate on
the subject, who referred him back to the Joint
Magistrate, and that from the last named
Officer, he (Petitioner) can get no answer.

2. The Petitioner states that he has
addressed three Judges of Circuit on the subject,
but that none of these Officers directed any en-
quiry to be made into his complaint & he

prays

22nd February 1836

...sings therefore that the Court will be pleased to direct that an English translation of the above petition be forwarded to the Magistrate of Tanjore, that the Provincial Court of Circuit in the Southern Division may institute an enquiry into the allegations contained therein the result to be communicated thro' the Provincial Court of Circuit for the information of the Sessions Judge.

Ordered accordingly, that the Translation of the petition be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance by first post, returning the original petition and papers received herewith.

(Sent following Dispatch No. 180)

Read letter from the 3rd Judge of Circuit in the Southern Division transmitting Report required by Letter No. 1302 dated 27th February 1836 for the Masulipatam 4th Quarterly Sessions of 1835.

(Here enter No. 123)

1 The Calendar laid before Mr. Basham, the then Acting 3rd Judge of the Provincial Court of Circuit in the Northern Division, at the 4th Quarterly Sessions of the past year, contained 14 Cases and 26 prisoners none of which appear to have been deserving of special notice.

2 In the 5th para. of his Report Mr. Basham states that with reference to the instructions issued by this Court under date the 26th of November last, he has directed the commitment of the 4 Prisoners convicted in Case No. 93 of the file of the Ananthapoor Court for the year 1835.

3 On perusal of the above case in the Criminal Reports for the Month of October last, it appeared questionable to the Court of Sudder Adawlut whether in directing that the prisoners convicted in that Number should be held to security for their future good behaviour and appearance, the Joint Criminal Judge had properly disposed

and estimate amounting to Rupees 713–11–9 for erecting a Shed in the Jail at Masulipatam for the accommodation of Debtors and Female prisoners, received the Sanction of the Governor in Council on the 24th February 1835, and the Judges would therefore respectfully suggest to Government that measures may be taken at an early period for the completion of the work.

With reference to paras 13 and 14 of this report, the Judges would observe that the confinement of the prisoners "Pallapatee Venkiah" and "Mudapatty Dhanumunaya" in irons, is illegal under Clause first Section XIII Regulation XI of 1827, unless an order to that effect is contained in the Warrant limiting their detention in custody in default of Security, or some special cause exist which may render the use of irons absolutely necessary.

The reason assigned by the acting Joint Criminal Judge for having recourse to the authority vested in him by the orders of this Court circulated under dates the 27th June 1831 and 28th November 1834 does not appear to the Court sufficient to

Circular Order N° 31

the Judge holding the Criminal Sessions the case and to pass such orders as he may necessary under the Regulations.

4.

In limiting however the confinement of the prisoner, the Judge of Circuit the powers vested in him by Section XXIII Regulation X of 1816 under the Circular Order of this Court dated the 2nd December 1834 N° 28 he should have directed a report to be made by the Criminal Judge of the Circuit at the to Trial except by the orders of the Circuit Court they will be entitled to release of the same under the provisions of Section XXIII Regulation X of 1816.

5.

In the 11th para Mr Bathen alludes to the want of accommodation in the Jail at Masulipatam for Civil Debtors and female prisoners, and states that "the erection of a building" now erected by the Court "compound."

6.

It will be observed that

sufficient, and they resolve therefore to direct the
the prisoners above named be not placed on their

9

para. 16 In the terms of the warrant issued
respect to the 1st prisoner P. Venkiah, must first
be adhered to, and the Court appear to limit
the period of his confinement and the enforcement
of his Sentence, to 3 years.

10

In the 7th and 8th following par
Mr. Barlow discusses the propriety of
the Police Establishment in the District of
Masulipatam, and he submits also the pro
of the Magistrate as to the
Establishments.

11

The Court of Sudder Adawlut
would observe that any alteration which the
Magistrate may deem expedient should be
in the Police Establishment should be
be proposed thro' the Board of Revenue
in reference to para 29 of the Regulation
stated that the Magistrate
abolition of Amuses
or as they are termed

for them Tahsildars, thus vesting the Revenue and
Police powers with one person: the Judges would re-
mark that if the Zemindaries alluded to are
under attachment, the same system should prevail
as in other Districts. If they are Zemindaries where
from the land rent being paid directly to the Collecto
there may be no Tahsildar, the Magistrate is not
competent to appoint any other Head of Police in
than the Zemindar or the Officer described in
Section XXXVIII. Regulation XI. of 1816.

12

With reference to para 29 of the re
Report, the Court propose to instruct the Provincial
Court to require the Acting Assistant Judge of
Masulipatam to amend the 3 Dowes.

Ordered, that Extract from these
proceedings together with copy of the Report be
forwarded to the Chief Secretary to Government
for the purpose of being laid before the Governor in
Council.

(Sent in No. 181

Ordered also, that Extract from these
proceedings be forwarded to the 3rd Judge of the
Provincial Court of Circuit in the Northern
Division

Division for his information and guidance

Sent in N.o 183

Read the Vizagapatam Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of January

(Here enter N.o 247)

1. The Court of Foujdaree Adawlut observe an inaccuracy in the heading of the Report or Supplemental Report of Jail they direct the Acting Joint Criminal Judge of the interior division of Zilla of Vizagapatam the words "in the Zilla of Vizagapatam" should be inserted in the place of future Reports.

2. With reference to the Monthly Report submitted in the present instance, the Court desire that the attention of the Acting Joint Criminal Judge be requested to the Circular Order of the 7th September 1820, which prescribes the manner of forwarding Returns of Prisoners.

3. The Acting Joint Criminal Judge will in future enter all cases of "theft" and "theft of labor" the following Statement of the manner in which the present instance was disposed of

labor at two thirds of that of free labor &c.

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Vizagapatam for his information and guidance.

(Sent in N.o 183

Read the Honble Criminal Reports presented by Section XXXV Regulation X of 1816 for the month of January

(Here enter N.o 248)

In this case the prisoner stood charged with having stolen at 7 Rupees, belonging to the Sircar, when it had gone astray from his Possession, whereupon it had gone astray from his (Pannatee) stock; and was sentenced to 70 Lashes with a Cummee tails and to be imprisoned for one year with hard labor in irons under Clause fourth Section III Regulation XII of 1822 and Section III Regulation XII of 1827.

1. The Court observe that "charges" in the Criminal Reports should be worded as in the Regulations. It is not clear from the Report in the present instance whether or not "theft" was committed

by

by the prisoner if not, the sentence of the Sudr Ameen is altogether illegal and should have been overruled by the Native Criminal Judge. The sentence as regards the corporal punishment should now be suspended and explanation should be given on the point in question on the receipt of this explanation the Court of Foujdaree Adalut will be enabled to pass the appropriate and final order regarding the prisoner.

3. On the [illegible] of the Native Criminal Judge to alter the sentence of this Sudr Ameen submitted by him for the consideration of the Foujdaree Adalut under the impression that "he can under Section 6th Section 3rd Regulation III of 1833 mitigate or enhance the punishments awarded by the Sudr Ameens" as are contrary to the Regulations or inadequate to the ends of justice and to suspend the following sentences and refer the records to the Court "When the punishments awarded shall be sufficient to satisfy justice, the Court of Foujdaree Adalut are of opinion that the Criminal Judge

15th Sept. 1834 pa 26

is competent to enhance the punishment awarded by the Sudr Ameen but that the power should be exercised with discretion"

"The power of overruling the judgments

16th October 1834. p. 2

"of the Sudr Ameen should, in the opinion of the "Court of Foujdaree Adalut be exercised chiefly where, "sentences may be passed, illegal in themselves, "where the punishment is excessive, or such as are re"pugnant to the principles of justice, or such as are re"quired by the ends of justice. In "most other cases pointing out his error to the Sudr "Ameen will very probably secure, in subsequent "cases, the object in view namely a due observance "of the provisions of the law."

"With respect to the discretion vested

2nd Dec. 1834 p. 8

"in a Criminal Judge to overrule the judgments of "the Sudr Ameen the Court of Foujdaree Adalut hold "that when the sentence passed is not obviously in"adequate to the ends of justice or contrary to it "or to the Regulations this discretion should be very "rarely exercised the attainment of the object in "view under the limitations being susceptible by "pointing out to the Sudr Ameen the error of the "tenancy

Seriously a enmity of his sentence with an order
that he is expected to act accordingly in future cases.

Ordered, that Extract from these
proceedings be sent to the Native Commissioner
at Honore for his information and guidance
Precept returnable in 8 days after receipt.

(Sent following Precept 25th 185)

Read letter dated the 11th Instant
from the Third Judge late on Circuit in the Centre
Division, submitting an English Translation of
Proceedings in case No 3 on the Calendar of the
Zillah of Chingleput for the Second Session of 1836

(Sent with Precept No 183 of 1836)

In the case of the prisoner
Yacumbaram Pillay
stood charged before the Court of Circuit with the
wilful and corrupt giving [illegible] while
appearing as a witness on the part of the Plaintiff
in Suit No 39 of 1833 on the file of the District
Moonsiff of Conjeveram

The prisoner [illegible] not guilty
The Indictment [illegible] Sessions

the Court of Circuit in her Petition declared the prisoner
entitled to his release, and the Presiding Judge
concurring in this finding directed that he should
be set at liberty.

From the abstract of evidence in
the Calendar, the Court of Foujdaree Adalut saw no
reason to doubt the propriety of this decision and
accordingly in their proceedings under date the
23rd December 1835, directed that an English
Translation of the case should be prepared
and submitted for their consideration.

A careful perusal of the pro-
ceedings now submitted, has satisfied the
Court of Foujdaree Adalut that on the evidence
adduced in support of the prosecution, a con-
viction could not be had.

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

(Sent in No. 185)

Read letter, dated the 13th Instant,
from the Third Judge late on Circuit in the Centre
Division

22nd February 1836.

Division, submitting an English Translation of the proceedings in Case N.o 4 on the Criminal Calendar for the Second Sessions of 1835

(Vide entry F.No N.o 277 of 1836)

In the Case of the prisoner Vengatakrishnangar who stood charged before the Court of Circuit with the Murder of Pakkiam, forged the signature of Thambi Pillay to a letter addressed to Police Peon Ramen, & thereby induced him to detain the said Thambi Pillay, & caused him to the prisoner pleaded guilty to the charge preferred against him

The prisoner pleaded not guilty to the charge of the Court of Circuit in the Eastern Province, & the prisoner being called to enter into recognizances with sureties for his appearance at the sitting of the Court of Circuit to be held at Batticaloa on the 19th August 1835 or 6th Attorney of the Judge assuming on the part of the Crown that he should be required to find two sureties in the sum of three hundred Rixdollars each & for his good behaviour and appearance when called upon for three years, and that in default thereof he should be detained for that period

F. No.

22nd February 1836.

In the fourth paragraph of the Extract from the proceedings of the Tenjadam Edalut under date the 23rd December 1835, it was observed that the evidence as recorded in the Calendar leads the Court to believe that there were grounds sufficient to have warranted a judgment of conviction: The Court accordingly directed that an English Translation of the record of the Trial should be submitted for their consideration

The Court of Tenjadam Edalut having carefully considered the proceedings now submitted, are of opinion that the decision of the Court of Circuit was pursuant with the evidence

Ordered, that Extract from these proceedings be sent to the Third Judge on Circuit in the Eastern Division for his information

(Sent on N.o 186

Read letter dated the 13th Instant from the First Judge on Circuit in the Eastern Division transmitting a copy of the Batticaloa Calendar for the first Sessions of 1836.

(Vide entry F.No N.o 273 of 1836)

Under the circumstances represented

Case N.o 1

of aggravating circumstances, the sentence passed by the Court of Circuit is severe, and should the Presiding Judge view the case in this light, the Court will be prepared to sanction a mitigation of the penalty.

Case No. 20

This was a most extensive ... daring Gang Robbery, and in the opinion of the Court of Zoydaar Udalut the reasons urged by the Presiding Judge in support of his recommendation for mitigated punishment in the case of the sixth, tenth and eighteenth prisoners are insufficient.

Under the authority vested ... by Clause third, Section III. Regulation ... 1825, the Court of Zoydaar Udalut direct ... the prisoner

6th Beeda Ramjeedas alias Veera Mangadee

be imprisoned and kept to hard labour in ... on the public roads or other public works ... and during the period of [illegible] seven years.

The Court do not deem it ... expedient to sanction any mitigation of ...

sentence passed upon the tenth and eighteenth prisoners, on whom accordingly the Law will take its course.

Ordered, that Extract from these proceedings be sent to the First Judge on Circuit in the Centre Division for his information and guidance by Precept returnable within seven days from and after its receipt.

Sent following Precept No.)

J. B.

At a Court of the Tongdaree Udalut.

Present,

Wednesday
6th February 1836. John Bird Esqr. ..... 2nd Puisne Judge
William Hudleston Esqre ..... 3rd Puisne Judge
Alexr Duncan Campbell Esqre ... Acting Puisne Judge.

Read the Chungleput Criminal Reports
prescribed by Section XXXV Regulation X of 1816 for the
month of January.

(Here enter No 260)

Report V Case 8. The prisoner in this case was charged
with allowing, by gross and culpable neglect, the escape of a
prisoner under examination by the Magistrate." On the
grounds recorded in the Report the prisoner was "ordered
to be released with an admonition." With reference how-
ever to the following remark stated in the Report "The
Magistrate took primary cognizance of this case contrary
to Clause first Section XI Regulation XIII of 1832," the
Court of Tongdaree Udalut direct that it be pointed out
to the Criminal Judge that they do not understand
the provision here quoted by him to take away the
Magistrates jurisdiction in such a case as this, but to
confer primary cognizance on the Criminal Court.

Ordered, that Extract from these
proceedings be furnished to the Criminal Judge
of

24th February 1836

of Chingleput for his information

Sent in No 194

Read Extract from the Minutes of
consultation under date the 9th February 1836, comm
-cating the remarks of the Governor in Council on the
Extract from the Proceedings of the Tongadoree Adalut
Date the 16th January 1836, conveying their observation
on the Report from the late Acting Second Judge late
Circuit in the Northern Division prescribed by Section
XXXVII Regulation VII of 1802 for the Second Session of

/Here enter No 240/

Read letter, dated the 15th Instant
from the First Judge on Circuit in the Southern Divis
reporting his arrival at Bellary, the opening of the
Sessions and the State of the Calendar

/Here enter No 313/

Read Statement, dated the 10th Instant
from the Acting Criminal Judge of Salem, of the number
Convicts, and Statement shewing the number of Peons
employed at the different Jails under the Magistrate
Salem during the month of January 1836

/Here enter No 315/

Ent.

WB

AK

KW

Feb.

At a Court of the Tongadoree Adalut

Present

Thursday, 25th February 1836. Present: Robt. Bird Esqre ——— 2d Zillah Judge,
William Huddleston Esqre ——— 3d Zillah Judge,
Alext. Duncan Campbell Esqre ——— Acting Zillah Judge,

Read the Coimbatore Criminal Reports prescribed by Section XXXI Regulation X 1816 for January

(Here enter No 279)

WB

AK

Supplemental Report
Case 194

In this case it is recorded that the whole of the prisoner confessed the crime before the Head of Police, but, with the exception of the 3d, all retracted their confession before the Joint Criminal Court. Against the 5, 6, 7, 8, 9 and 10 no other evidence is obtained, but the Acting Joint Criminal Judge considering the exact coincidence and agreement of all their statements on that occasion, deems it expedient and just to call upon them to enter into recognizances with sufficient security for their

The Court of Tongadoree Adalut are not of opinion that this order for the repetition of security under the circumstances stated in the Report can be allowed to stand and they accordingly deem it proper to direct that it be annulled, and that the prisoners 5, 6, 7, 8, 9 and 10 be

be released if now in confinement on the bail bonds entered into if they have been entered into. The Court do not understand the allusion of the acting Joint Criminal Judge to the Circular Order of 25th of July 1837 which would appear to refer simply to writing of "Charity Sessions"

Case 199.

The Court of Enquiry Statute do not find in this case grounds of conviction sufficiently strong to warrant the requisition of charity from the Sessions "Pumphyon", who should therefore, be released if in confinement in the bail bond cancelled if these have been entered into.—

Cases 201.

This case in the December Report was described as "under examination". The Court accordingly desire that an explanation be afforded of the following statement contained in the Report under remark. "The temporary Chief Arrest confirmed the former sentence passed by him on the 28th of December in which he omitted the statements and the mark of solitude should be added to the Prosecutor, and the prisoner imprisoned for six months with hard labor in irons under Clause 41 Section 4th Act V. of 1832.—

Cases 207. 208.

In this Case the acting Joint Criminal Judge states that the Sub Police officer visited the depositions as named from the Witnesses above named and forwarded [illegible] with the letter in Case

from the whole nor was this neglect supplied by the Head of Police. This sub Police officer appears to be the same that held the preliminary enquiry in No. 208. In both cases his conduct in the proceedings and especially in obtaining confession appears to be highly culpable.—

If the acting Joint Criminal Judge has not already, with reference to the Circular Order of the 21st May 1838, brought the circumstances of these two cases to the Magistrate, he will do so on receipt of these orders transmitting to that officer copies of the cases as entered in the Report and of this and the preceding paragraphs. The Magistrate will be pleased to report without delay, desire to the Conjoint Statute what notice he may have found it necessary, upon further enquiry, to take of the conduct of the Police officers in question.—

With reference to the observation in case 208. that the testimony in despite limit (2nd testimony) in this confession, but small reliance can be placed in his statement the Court desire that the acting Joint Criminal Judge be informed that such confession is not evidence at all.—

Case 207.

As far as the circumstances in the Report enable the Court to judge, the grounds upon which sentence has been passed on the prisoner do not support the misdemeanor as no crime appears to be proved against

against him, the therefore resolve to direct, should the Acting Joint Criminal Judge have no further explanation to offer, that the prisoner be released.

Report V
Case 2.

According to the statement in the Column of "Remarks" in the Report it would appear that the Head of Police did not see the prisoner until after the proceedings merely being transmitted by the Sub Police officer to the Head of the Police - The Court, deem it necessary that information on this point should be furnished, & direct that copy of the case as entered in the Report and of this paragraph be sent to the Magistrate who will within 8 days of the receipt of this order forward the required explanation.

Statute -

Case 4.

The grounds of the note for the release of accused from the prisoner in this case being insufficient, they direct that he be released on the Bail bond executed if it has been entered into.

Case 7.

There was, apparently, sufficient evidence in this case to commit the accused for trial under Section IX. Regulation XII. 1832, and the Court of Sessions Statute therefore resolve to direct that a further explanation be submitted by the Magistrate of the case as regards this prisoner.

Cont'd

Ordered that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Coimbatore for his information and guidance by Despatch returnable in 7 days after receipt. -

(Sent following Receipt No. 199.)

Read the Coimbatore Criminal Returns prescribed by Section XXXV. Regulation X. 1816 for the months of January. -

(Here enter No. 282)

Left in Report Case 263.

* Committed partly by the absence of witnesses who did not appear under the 28 of December and partly by this having been the trial of third material witness under the 3rd December 1885.

The only explanation of the detention of that case in the Calendar is, that which has been given in the Return No. V for December last, and the Court of Sessions Statute being of opinion that it is an sufficient, deem it proper now to direct that copy of the case, as it stood in the December Return and of this paragraph be transmitted by the Criminal Court to the Magistrate, who will be pleased (within 8 days after receipt of this order) to explain further direct to the Court of Sessions Statute the cause of the delay of the case in the Calendar from the 22nd of August to the 30th November. -

Left in Report Case 284.

* To be dismissed for 6 months and to pay a fine of 50 Rupees and in default to undergo further imprisonment for a further period of 1 month under Section 47 Regulation X. 1816.

It appears to the Court of Sessions Statute that the sentence upon the 1st and 2nd appellants, the former of whom is described as having stabbed deceased with a dagger, and the latter as having wounded him

Cont'd

Case 288.

Case 289

Report V

Case I

* Witnesses having varied on different times may be examined

25th February 1836.

Case 9.

notice of the conduct of the Police officer as upon enquiry, he may consider proper.—

The information expected to be derived from the examination of the parties to whom the detention of this case in the Caboose is attributable, should be reported to the Foujdaree Adalut:—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Cumbaconum for his information and guidance by Dawk to return in 14 days after receipt:—

(Sent following Dawk No. 200.)—

At a Court of the Tondaree Adalut

Present,

Friday 26th February 1836.

John Bird Esqr ——— 2nd Puisne Judge

William Huddleston Esqr 3rd Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Read Supplemental return, dated the 8th Instant from the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Tondaree Adalut of the 24th December last, requiring information from the Magistrate of North Arcot relative to the state of the Police in the Zemindaries and Pollams in his District.

(Here enter No. 230)

In the above return, the Magistrate explains, with reference to the remarks and orders contained in the Extract* from the proceedings of the Tondaree Adalut dated the 24th December last, furnished to him thro' the Provincial Court of Circuit, that "no improvement is observable in the management of the Zemindary Police, altho' the Zemindars of Cavetnuggur-

* Pages 117 and 120

and

"and Calastry have been permitted to appoint
"Ameens to assist in [illegible] effecting a more effici
"Police in those Estates, that the evil would after
to arise from the independence of the Zemindar
and that even a Government Police removed to
a distance from the Government authority w
would be less efficient than the Police in Go
vernment Talooks.

2. The Magistrate concludes by ob
serving that the late instructions to the Collect
for an annual tour of inspection to be made
in the several Zemindaries, the expence for w
Revenue purposes [illegible]
lead to beneficial results as regards the Police
and in suggesting that no immediate alter
tion in the present system should be made
he promises to soon as he has in person a fund
himself of the real state of the management
of the Police in the Zemindaries that he will b
submit his further opinion.

3. The Court conclude that the
Magistrate has obtained authority for the appo
ment of the "Ameens" in the Zemindaries o

of Caretnuggur and Calastry.

Ordered, that Extract from these
proceedings be sent to the Chief Secretary to
Government, for the purpose of being laid before
the Right Honorable the Governor in Council,
with reference to para. 120 of the Proceedings
of the Tondiarie Adalut of the 24th. December
1835.-

Sent in No. 201.

Circular Order No. 62.

The Court of Zondiarie Adalut
having, on various occasions, pointed out the pro-
priety of an explanation being furnished on the
transmission to the Criminal Courts of cases de-
tained in the Talook in consequence of preferences
to the Magistracy by the Police, and finding
that the practice does not universally obtain, &
deem it proper now to direct that whenever a
case may be detained beyond the prescribed a
period by the Police in consequence of their doubts
as to its transmission to the Criminal Court,
a communication shall accompany the case
explaining that such has been the cause of
the

the detention and shewing why the reference has been made

2 A concise but distinct note of the explanation is always to be given in the Monthly Criminal Reports to enable the Court of Sudder Adalut to form a correct judgment whether the proceedings of the lower tribunal have been correctly conducted in this particular

Ordered, that Extract from these proceedings be sent to the 4 Provincial Courts of Circuit for the information and guidance of the several Subordinate Judicial and Magisterial authorities by Prompt returnable in 3 days of receipt

*To Beng. N. 431

(Sent following Prompt No. 202. V 243)

Read the Second Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of January

(Vide entry No. 269)

Suspl. Report Cases 100 and 101

As far as the Court of Sudder Adalut are able to judge of the propriety of the manner in which these cases have been disposed of, it appears to them doubtful whether the proceedings

of the Criminal Court have led to a correct result. They accordingly resolve to direct the Judge on Circuit to examine the proceedings in the said cases and pass such order upon them as he may deem proper eventually under Section XXIII. Regulation X. 1816, and with this view that copy of the cases as they stand in the Report and of this paragraph be furnished from this Office to the Provincial Court of Circuit for the Northern Division for the information and guidance of the Judge on Circuit.

The Court direct that it be pointed

Case 105

2 out to the Criminal Judge, with reference to the Circular Order of the 11th April 1832, that the explanation of the delay of this case before his Court is insufficient. The Criminal Judge will be pleased to furnish copy of the case and of this paragraph to the Magistrate who will make return direct to the Sudder Adalut explaining for their information, why the required evidence could not be forwarded between the 4th and 30th of January

Ordered, that Extract from these proceedings

proceedings be furnished to the Criminal Judge at Chicacole for his information and guidance by Precept returnable in 3 days after receipt.

Sent following Precept No. 204

Ordered also, that Extract from these proceedings viz. para 1 with copy of the case 100 and 101 be sent to the Provincial Court of Circuit in the Northern Division for the information and guidance of the Judge on Circuit by Precept returnable without delay.

Sent following Precept No. 205

Read the Statement of Reports prescribed by Section XXIX Regulation X of 1816 for the Month of January 1836.

(Here enter No. 372)

Sessions Report Case 2 & 3

It does not appear to the Court that the charge in the case now stated in the Report, is susceptible of preference to any of those that unless the evidence, which the Magistrate has been requested to forward as speedily as before the Criminal Judge; the case should be disposed of. The Court desire to be informed of what grounds the prisoners were sent to the Criminal Court and by whom they stood charged

Report & Case 7

2. The detention of the prisoners in this case in the Talook for a period of two months not having been satisfactorily accounted for, the Court direct that a copy of the case as it stands in the Report and of this paragraph be sent to the Acting Magistrate, who will be pleased to submit without delay any further information, regarding the detention, which he may be able to obtain.

Case 8

3. Explanation respecting the detention of this case is also required by the Court of Foujdaree Adalut, to whom the statement in the Report appears to support the probability of a conspiracy having been laid against the prisoners in Nos. 7 and 8. The Criminal Judge will accordingly send copy of this case and paragraph to the Acting Magistrate.

Case 12.

4. Under the circumstances represented in the Report the Court of Foujdaree Adalut deem it proper to direct the Judge presiding at the Quarter Sessions to look into the case No. 12, particularly as respects the 1st prisoner, and for this purpose, that copy

J

of the case be furnished from this office, together with copy of this paragraph, for the information of the Judge presiding at the current Quarter Sessions at Chittoor. He will be pleased to state without delay for the information of this Court whether, or not, in his opinion the evidence in the case is sufficient to support the sentence recorded.

Ordered, that Extract from these proceedings with para 4 be sent to the Criminal Court of Circuit in the Centre Division with copy of the case &c. 12 for the information and guidance of the Judge holding the present Quarter Sessions.

(Sent in No. 306)

Ordered also that Extract from these proceedings be sent to the Criminal Judge of Chittoor for his information and guidance by precept returnable in 4 days from and after its receipt

(Sent following Precept No. 207)

Read the Calicut Criminal Reports presented by Section XXXV Regulation X

of 1816 for the Month of January.

(Here enter No. 294)

Report x

The Court observe an unusual number of cases in the present Reports which have not been disposed of in consequence of the non transmission, in the first instance, of the requisite evidence. This remark should be communicated by the Criminal Court to the Magistrate, who will be pleased to issue instructions stimulating his Police Officers to use their best endeavours to obviate the necessity of the Courts recording a similar observation in future.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Calicut for his information and guidance by Precept returnable in 4 days after receipt.

(Sent following Precept No. 208)

Read the Mangalore Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of January.

(Here enter No. 299)

Supplt. Report Canara 137. 139. 140.

The Court observe that in each of these cases the usual concise note of the grounds

of the order for the acquisition of security, has been omitted.

Report X
Case 2 — In this case the prisoner having been sentenced under Clause 6th Section II. Regulation X of 1822 on the charge of having "stolen Possession of a dy" and it being stated in the Report that there "was no breaking" the Acting Criminal Judge will explain how this provision of the law applies.

Case 3 — The prisoner in this case having been forwarded to the Criminal Court solely in consequence of his "criminations" by another prisoner the Acting Criminal Judge of the case as it stands in the report and of the paragraph to the Magistrate, who will be pleased to instruct the Bekul Tahseldar, who transmitted the case, that the simple "criminations" of one prisoner by another is not a sufficient ground for the party criminated being sent up to the Criminal Court.

Case 12 — 4 From the circumstances of the case as represented in the Report it is not clear to the Court whether it has been disposed of as regards the first five prisoners and

Clause 6th Section II. Regulation XI. 1822, they accordingly deem it proper to direct that the facts proved against these prisoners be reported to them for their consideration.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Mangalore for his information and guidance by Precept returnable in 4 days after receipt.

/Sent following Precept No. 209/

Read the Nellore Criminal Reports prescribed by Section XXXV, Regulation X. 1816 for the Month of January

/Reverter No. 300/

Report V
Cases 2 and 3 — In the former of the cases noted in the margin the detention of the prisoners in the Talook from the 20th October to the 7th January is stated to be attributable to "the prisoners and a material witness in the case being ill" in the latter wherein the delay was from the 12th of November to the 3rd January, "to the sickness of the prisoner and a witness". It appears to the Court that the admission of reasons of this nature for the detention of prisoners in the Talook is likely to

to lead to abuse, if passed over without enquiry
they deem it proper therefore to direct that copy
the cases and of this paragraph be sent by the
Criminal Judge to the Magistrate, who will be
pleased to report, within 8 days after the receipt of
this order, direct to the Foujdaree Adalut, whether
any and what investigation has been made into
the allegation of the Police Officer who forwarded
the cases in question.

Ordered, that Extract from these
proceedings be sent to the Criminal Judge at
Nellore for his information and guidance by
Precept returnable in 3 days after receipt.

/Sent following Precept No. 209/

Read the Madura Criminal Report
prescribed by Section XXXV. Regulation X. 1816 for the
Month of January

/Presenter No. 307/

Report V

Case 5.

1

This case, according to the charge
is one of housebreaking wherein property was taken
exceeding in value 100 Rupees, and there being
nothing in the Report to shew why the prisoner

were not committed, the Court deem it proper now
to call for explanation on this point.

Cases 6 and 11.

2. In the case No. 6 the 1st prisoner
was apprehended on the 7th, and left the Talook
on the 14th of January: in the case No. 11. the 1st
prisoner apprehended on the 8th, was detained in
the Talook till the 17th of the same month, and
no explanation having been given in either
case of the cause of the delay, the Court direct,
with reference to the Circular Order of the 18th May
1832, that copy of the cases and of this paragraph
be sent by the Criminal Court to the Magistrate
who will be pleased to submit within 8 days
after receipt of this order, the reasons of the
detention in question.

Ordered, that Extract from these
proceedings be sent to the Criminal Judge of
Madura for his information and guidance
by Precept returnable in 3 days after receipt.

/Sent following Precept No. 211/

Read the Tellicherry Criminal
Reports prescribed by Section XXXV. Regulation X.
1816

1816 for Summary

Sessions Report
Case 119

Sent in No 214 /

The prisoner in this case, charg
with having inflicted 11 severe wounds on the fa
and head of the Prosecutor, and sentenced by
imprisoned 6 months and in default of paying
fine of Rupees 200 at the expiration of that peri
to be imprisoned a further period of 6 months and
Section XII. Regulation X. of 1816, would appear to
have rendered himself liable to commitment
The Court accordingly resolve to direct the Ma
presiding at the Zillah Sessions at Tellicher
to enquire into the case and report to the Sessions
properly disposed of.

Ordered, that Extract from these P
ceedings, together with a Copy of the case as it stan
in the Report be transmitted from this Office to the
Criminal Court of Circuit for the Western Divis
for the information and guidance of the Judge
presiding at the Zillah Sessions at Tellicher
by Dawk returnable in 3 days after receipt.

Sent following Rept. No 213 /

Ordered

Ordered also, that Extract from
these proceedings be sent to the Acting Joint &
Criminal Judge of the Auxiliary Court at Tel-
-licherry for his information.

Sent in No 213 /

At a Court of the Enjdarra Adalut

Present,

Saturday, 27th February 1836 — John Bird Esqre. ——— 2d. Zillah Judge,
William Rudleston Esqre. ——— 3d. Zillah Judge,
Alexr. Duncan Campbell Esqre. — Acting Zillah Judge,

Read letter dated 9th. Instant from the Criminal Court of Circuit in the Southern Division, transmitting the Record in Case No. 5 of the 1st. Circuit Calendar Second Sessions of 1835 tried by the late acting 2d. Judge.—

(Here enter No. 276.)

Mr. Rudleston and Mr. Campbell,

The Court of Enjdarra Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Letter of the Criminal Law Officer and the Letter of the Cazee-ool-Cozat and Mooftee of the Enjdarra Adalut, confirm the said Letter of the Cazee-ool-Cozat and Mooftee aforesaid convicting the prisoner

Gopeatty Juggabah

of the crime charged on strong presumptive proof and sentence him to suffer death by being hanged at the usual time and place of execution.—

(See following Letter No. 214.)

27th February 1836

Circular Order

No. 63.

Whereas a view to the prevention of the re-employment in the Public Service of persons guilty of misconduct rendering them unworthy of future employment, the Court of Policy have deemed it proper with the authority of Government, hereby to direct that on the occasion of servants in the Civil and Judicial Departments being dismissed for recorded misconduct, such as may be deemed to disqualify them for employment in any situation under Government, a descriptive roll of the individual so discharged be furnished to the Government Office by the Officer from whose establishment such person may have been removed, in order to its publication in the Essequebo Gazette.

I should have meant the words "hereby" and consider them superseded by General Order No

Descriptive Roll.

Name	Native country	Caste	Age	Height	Colour	Particular marks of features or person	When and why discharged

(Sent in following Circular Order No. 215 & 216)

To Govt No 44.

27th February 1836.

Circular Order

No. 64.

It having been brought to the notice of the Court of Policy and Justice that persons sentenced by the Heads of Police to imprisonment with labor under clause 1st Section V. Regulation XIII. of 1832 are in certain Districts, worked in "irons"; the Court deem it proper to point out to the several Magistrates that the proceeding is unauthorized, and that the practice must be, at once, discontinued.

(Sent following Circular Order No. 217 & 218.)

To Govt No 45.

Read return, dated 1st Instant, from the Civil Judge of Combaconomie to Essequebo of the Enjoara Statute dated the 27th January 1836, on the Criminal Reports for December 1835.

(Here enter No. 199)

Read Supplemental Return dated 9th Instant, from the acting Assistant Judge of Cuyuni to Essequebo of the Enjoara Statute dated the 30th December 1835, containing observations and notes on the Cuyuni Supplemental Reports for November 1835.

(Here enter No. 259)

Read return, dated 18th Instant from the Criminal Court of Assize in the Northern Districts to Essequebo

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of the Coy Sarai Resalut dated the 28th January 1836, awaiting the Judge presiding at the Quarter Sessions to look into case No 98 on the Meanjipatam Supplemental Return for the month of December 1835, and to pass such orders as may seem to him correct under Section XXIII. Regulation X. of 1816 relating it to the Conjeeram Resalut for their information

(Here enter No. 324)

Read letter dated 8th Instant from the 3d Judge on Circuit in the Western Division, forwarding the original Death Warrant in the case of No. 9 on the Calendar for the Quarter Sessions of 1836

(Here enter No. 327)

Read letter dated 18th Instant from the Joint Magistrate in charge Northern Division of Arcot, submitting the explanation required by the Conjeeram Bench in their proceedings of the 21st Ultimo, relative to certain cases on the Criminal Reports for December 1835

(Here enter No. 329)

Read Statement, dated 18th Instant from the Magistrate of Conjeeram of the Labor of Prisoners in Conjeeram Jail under charge of the Joint Magistrate of Conjeeram for the month of January 1836

(Here enter No. 335)

Read Supplemental Return, dated 18th Instant from the Acting 2nd Judge of the Criminal Court of Circuit

Northern

Northern Division, to the Precept of the Conjeeram Resalut dated the 28th January 1836, directing the Judge presiding at the Quarter Sessions to look into case No. 98 on the Meanjipatam Supplemental Report for the month of December 1835, and to pass such order as may seem to him correct under Section XXIII. Regulation X. of 1816, relating to the Conjeeram Resalut for their information

(Here enter No. 340)

Read return dated 17th Instant from the Acting Criminal Judge of Bangalore to Precept of the Conjeeram Resalut dated the 12th February 1836, returning the papers for correction the Statement of Extra Diet for December last

(Here enter No. 343)

Read letter, dated 17th Instant from the Magistrate of Canara, submitting explanation required by the Conjeeram Resalut in their proceedings of the 28th Ultimo, relative to certain cases on the Criminal Reports of Canara for December 1835

(Here enter No. 345)

No.

At a Court of the Fouzdaree Adalut

Present,

Monday 29th February 1836.

John Bird Esqr ——— 2nd Puisne Judge

William Rudleston Esqr 3rd Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Read petition presented by

Canualey Venceatah Lutchmiah.

(Here enter M.P. No. 25 of 1836)

The prayer of this Petition is, that the Court will call for and examine the Record of the Trial in Case No. 4 of the Chingleput Calendar for the 2nd Sessions of 1835, and award "a punishment" to a person named Poolee Naik, a witness examined on the above Trial, who the Petitioner charges with having committed forgery.

The prayer of the petition being altogether irregular, it is ordered to be rejected, and the petitioner informed that his complaint should be preferred to the Magistrate.

Ordered

Ordered, that the above be communicated to the Petitioner, and that Extracts from these proceedings be furnished to him on his application.

Read again Extract from the Minutes of Consultation under date the 15th December 1835, conveying the observations of the Governor in Council on the Extract from the proceedings of the Zoujdaree Udalut under date the 23rd November 1835, relative to the administration of Criminal Justice during the half year ending the 31st December 1833.

(Here enter F. Co. N. 2226 of 1835.)

Read also Return dated the instant, from the Provincial Court of Circuit in the Southern Division, to the Precept of the Zoujdaree Udalut under date the 30th December 1835, instructing the Provincial Court to call upon the Magistrate of Trichinopoly to report which of the two plans suggested in the first paragraph of the Extract from the Minutes of Consultation under date the 18th December 1835, for providing a tribunal for the decision

of petty Civil Suits under ten Rupees for the Town and environs of Trichinopoly he would recommend for adoption, and in forwarding the Report of the Magistrate, to submit their own opinion on the subject.

(Here enter F. Co. N. 293 of 1836.)

1. In the first paragraph of the Extract from the Minutes of Consultation above quoted, it is stated that "it appears to the Governor "in Council that the object "(the establishment of a tribunal for the decision of petty Suits under ten Rupees)" may be obtained either by stationing "the Moonsiff of the Taluk in which Trichinopoly "is situated in that Town or appointing a separate "Moonsiff for a District to be composed of the "Town and Fort of Trichinopoly and the Villages "in the immediate neighbourhood."

2. Before proceeding to record their own opinion as to the arrangement which under this view of the case it might be most expedient to adopt, the Court of Zoujdaree Udalut deemed it proper to call upon the Provincial Court and the Magistrate

Magistrate of Trichinopoly to submit their sentiments on the subject.

3. It will be observed from his letter of the 25th Ultimo that the Magistrate strongly advocates the adoption of the latter of the two suggestions, and thinks "that the appointment of a separate Moonsiff would greatly facilitate the administration of justice in Civil matters, and thereby he has no doubt, materially reduce the number of "police cases" &c.

4. The Acting First Judge of the Provincial Court records his opinion that "all the ends desired by Mr. Blair may be attained by a change in the location of the present Moonsiff of the Cavery Talook, in which the Fort of Trichinopoly is included, by removing him from Trichinopoly which is twelve miles from the Fort and establishing him in the Fort itself, or near to it, without the employment of a separate Moonsiff" and concludes by recommending "that a trial of the arrangement which he has proposed should be

made, before Sanction be given for any further expence being incurred on this account".

5. The Court of Sudder Adalut have given this subject their best consideration, and concurring in the opinion recorded by the Acting First Judge of the Provincial Court, would accordingly suggest the trial of the arrangement proposed by that Officer.

6. In the event of this suggestion meeting with the concurrence of the Governor in Council, it will be the duty of the Magistrate in submitting his periodical Reports on the state of the Police in his District, to state whether the arrangement has been effectual to the suppression of those evils, which at present beset the administration of justice in the Town and environs of Trichinopoly.

Ordered, that Extract from these proceedings, together with a copy of the Return of the Provincial Court of Circuit in the Southern Division dated the 12th Instant and of the Return of the Magistrate of Trichinopoly dated

29th February 1836.

dated the 25th Ultimo, be sent to the Chief Secretary to Government, for the purpose of being laid before the Governor in Council.

To Govt. No 48.

(Sent in No. 224)

Read the Sudder Criminal Reports prescribed by Section XXXV Regulation X. 1816 for January.

(Here enter No. 238)

Supt. Report Case 1 to 3

1. It is stated in this case that the prisoner has been committed "upon the evidence of the witnesses this being an insufficient explanation, the Court direct that the Acting Criminal Judge be informed that a more full distinct note of the grounds of his order in each case is expected, for the purpose of enabling the Court to satisfy themselves that the proceedings are correct.

Report Case 4

2. From the circumstances of this case represented in the Report, it is not clear to the Court of Foujdaree Adalut that the prisoners have not rendered themselves liable to the penalties of Gang Robbery. They accordingly resolve to direct that a further explanation of the facts proved against the prisoners be submitted for

29th February 1836.

their consideration, and that it be explained upon what grounds sentence was passed under Section VII. Regulation X. of 1816.

Case 5

3. In this case the prisoner would seem to have been convicted of knowingly receiving stolen property and not of theft, and under this view, the provision of the law applicable to it is Clause 4th Section IV. Regulation VI of 1822.

Case 6

4. Regarding the prisoners in this case it is stated in the Report that "the evidence is in their favor." The ongoing on the part of the Police Officer must therefore have been very defective and of the circumstances of the case have not been already reported to the Magistrate, the Acting Criminal Judge will now be pleased to make to that Officer the communication required by the Circular Order of the 21st May 1823.

Cases 7 8 9

5. The Court of Foujdaree Adalut do not see upon what grounds the 1st prisoner in these cases came within the scope of "Clause 4th Section III. Regulation XI. of 1822," which is cited in the Report in support of the sentence upon him of

of 18 Months imprisonment and 40 lashes. The
Report of the Tahsildar is not sufficient to prove the
the prisoner is an "old offender; or a "bad character
unless, therefore, either of these points were proved
by evidence, the Court of Faujdaree Adalut are of
opinion that the sentence should be reduced to
that authorised by Section XIII. Regulation X of
1816.

6

The Acting Criminal Judge will
be pleased accordingly to make this reduction, if
he has no further explanation to submit of the
circumstances of the case.

Case 10. 7

If the Acting Criminal Judge
has not already represented to the Magistrate
with reference to the Circular Order of the 21st of
May 1823, the circumstances of the 2nd prisoner
in this case having been sent up on the bar
Statement of the first prisoner, he will be pleased
to do so upon the receipt of these orders.

Case 11 8.

In this case the prisoner has
been required to furnish security on strong suspi-
cion of having been the perpetrator of the murder
of his wife, the Judge simply with having
caused her to commit suicide by the ill treatment

of her. Under the peculiar circumstances of the case
the Court deem it proper to direct that copy of it
and of this paragraph be furnished from this
Office to the Judge on Circuit who will be pleased
to see if sufficient investigation has been made
to see if sufficient investigation has been made
It appears to the Court that strong suspicion exists
that the woman in question was murdered, and
that further investigation might lead to the
discovery of the person guilty of the crime.

Cases 13
14 9.

In the report of the Acting Joint
Magistrate, it is stated that "the acts complained
of took place on (about) the 1st December, and on
the 6th the Tahsildar examined the cases. In the
case 13. the four first prisoners are entered as
having been apprehended on the 24th December
and the 5th, on the 6th of January; no date is assigned
for the apprehension of the 6th prisoner. The Court
however expect that this date will be reported to
them. They conclude from the above that the
prisoners or some of them were apprehended on
* "proof of business" on or before the 6th December, and the explanation
of the delay between the 31st December and the
13th of January being unsatisfactory, the Court
deem

deem it proper to direct that copy of the case 13 as entered in the Report and of this paragraph be furnished by the Acting Criminal Judge to the Magistrate, who will ascertain and report direct to the Foujdaree Adalut within 10 days after receipt of this order, the dates of the apprehension of the several prisoners and submit any further explanation the Acting Joint Magistrate may have to offer respecting their detention before him for examination—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Salem for his information and guidance by Perupt returnable in 5 days after receipt—

(Sent following Perupt. No. 225)

Ordered also, that Extract from these proceedings rept. herein, together with copy of the case 11. be sent to the Judge in Circuit in the Southern Division for his information and guidance by Perupt returnable without delay—

(Sent following Perupt. No. 226)

Read again return dated the 9th Ultimo from the Magistrate of Chingleput, to our Perupt

Perupt of the 29th of December, conveying the orders of the Court of Foujdaree Adalut on the Chingleput Criminal Reports for the Month of November—

(Here enter No. 112)

Read also Supplemental return dated the 17th Instant to the same Perupt—

(Here enter No. 305)

In the above Supplemental

Report 1

Case 24 Return the Magistrate of Chingleput submits an explanation of the circumstances of the case noted on the margin, which the Court called for in their proceedings of the 29th December last. It appears that the allegation of the prisoner that he had been "flogged" before his confession was reduced to writing, is without foundation; and that the proceedings of the Perishear (Police Ammeen of Palaveram) were not irregular in the instance in question. The Court are satisfied that the Police Ammeen acted correctly in forwarding the case to the Criminal Court—

Adverting however to the following observations of the Magistrate, whatever

2

"are

"are the allegations of the prisoners and produced
"before the Court itself, these are received as the
"truth however much at variance they may
"be with those previously given before the Police
"Officers of Police;- that "nothing is more likely
"to render" the Police "so inefficient, as the want
"of confidence in their proceedings; and that the
"District Police have it not in their power to
"control the evidence given before the Court;
"yet they are not unfrequently called upon
"to explain how such things / may / have occurred
"if witnesses / came to perjure / the Court must
that it should not be a matter of surprise if
the Criminal Court adopts as the firmest ground
of judgment the testimony given before itself
that altho' instances are not infrequent of the
Police proceedings being perfectly correct and
worthy of trust, so many examples of the con-
trary result, have necessarily induced the
greatest caution in placing reliance upon the
that a call for explanation, which it is in-
cumbent on the superior authority to make
should

should not be contemplated as a censure, nor
carry with it a "want of confidence"; and that
it is obviously the duty of the Court to satisfy
themselves by reference to the Police, as a re-
probable source of information, that proceedings
apparently irregular have been conducted with
propriety, as far as the Police have been con-
cerned.-

Ordered, that Extract from these
proceedings be sent to the Magistrate of re
Chinglepet for his information

(Sent in N. 227.)

Read letter dated the 16th Instant,
from the First Judge on Circuit in the Centre
Division, transmitting the copy of the Cumbum
Calendar for the First Sessions of 1836.-

(Here enter J. Co. N. 318 of 1836)

Case N. 1. Respecting this case in which
six prisoners were charged with murder, the
Presiding Judge observes that he "did not put
"the prisoners on their defence, but suggested
"to the Native Criminal Judge his calling
"for

"for further evidence such as appeared to them
"might be forthcoming; and that on his mak
"-ing proving abortive" he "suggested that he
"should under Section XX. Regulation VIII of 1802
"recommend pardon being offered to the first
"and Sixth prisoners; for these reasons this ca
"has been postponed."

2.

It appears to the Court of Enquiry
Adalut that the Judge of Circuit should either
have not commenced the trial of this case or
having commenced it, should have proceeded
it to a close.

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

[Sent in No. 228]

Read the Reports presented by Circuit Judges
Reports presented by Section XXX. Regulation IX
1816 for the Month of January

[Here enter No. 323]

Report V 1 With reference to the Examination
Case 1 of the Criminal Judge that there is no evidence
beyond

beyond the 1st prisoner's implication before the
Police, against the 2nd prisoner the Court deem
it proper to direct him to furnish copy of the
case, and of this paragraph, to the Magistrate
who will be pleased to instruct the head of
Police of Amlapoor that the mere criminatio
of a party by a prisoner, is not a sufficient
ground for the transmission of such party to
the Criminal Court.

The Court, observe that the
Report VI 2
prisoner "Payala Vencadoo" is entered in this
report as having escaped on the 18th January
1836. The Criminal Judge will be pleased
to state why this escape was not duly reported
to this Court, who have as yet had no informa
-tion laid before them regarding it.

Ordered, that Extract from these
proceedings be sent to the Criminal Judge
at Rajahmundry for his information and
guidance by Precept returnable in 3 days
after receipt.

[Sent following Precept No. 229]

Read

29th February 1836

Read the Addapa and Cumbum Criminal Report prescribed by Section XXXIV Regulation X. of 1816. for January

(Hereunto No. 324)

Addapa Sessions Report Case 184

1. There being nothing in the Report to shew why the prisoner in this case was committed, the Court direct that an explanation of the grounds of the commitment be called for.

Cases 182-190 and 197

2. With reference to the Circular Order of the 11th April 1832, the Court direct that "a full explanation" of the delay in the disposal of these cases be submitted to them

Report & Case 6

3. The reasons assigned in the Report for the detention of the prisoner from the 27th November 1835 to the 9th January 1836 in the Talook being unsatisfactory, the Acting Criminal Judge will be pleased to transmit copy of the case and of this paragraph to the Magistrate, who will furnish the Court of Sudder Adalut direct with further information respecting it, particularly in respect

J. 66.

29th February 1836

respect to the propriety or otherwise of the sentence made to him by the Police Officer.

The prisoner in this case ought

Case 10

4. to have been committed under Clause 2. Section III. Regulation XI. of 1822. The present sentence need not now be disturbed, but the Acting Criminal Judge will advise the Sudr Ameen of his error in passing sentence on a case wherein an L offender stands convicted of house breaking.

From this Statement it appears

Cumbum Statement of Labor

5. that only one prisoner was left in the Jail at Cumbum on the 31st Ultimo. The Native Criminal Judge will be pleased to explain the circumstance, as it is observed that at the date of the last report there were 21 prisoners in the Jail. The Acting Criminal Judge will furnish the Native Criminal Judge with copy of this paragraph for his information and guidance.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Addapa for his information and guidance by Precept returnable in 3 days after receipt

(Sent following Precept No. 230)

Read

Read the Masulipatam Criminal Reports prescribed by Section XXXV. Regulation X 1816 for the Month of January

(Here enter No. 341)

Report X

Case 2

1 In this case the prisoner has been tried on a charge which as it stands needed involves no offence: and the Acting Joint Criminal Judge passed the following order: though the prisoner stated that he possessed the above cloth and throwing the chop on it to be false, yet as he was in possession of it without enquiring particularly into the chop it [illegible] he is sentenced to pay a fine of one Rupee, and in default to be imprisoned for 3 days under Section XXI. Regulation X. of 1816.

*"Possessing a woman cloth bearing a false chop."

2 The Court do not concur in the doctrine here advanced by the Acting Joint Criminal Judge, it appears to them to be far from a "strict" construction of a penal law, and they accordingly resolve to direct that the fine, if it has been paid, be returned to the party. The Acting Joint Criminal Judge will report for the information of the Zillah what may be done under these orders.

The Judges request that in future the Reports may be forwarded at an earlier period.

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Masulipatam for his information and guidance by Precept returnable in 3 days after receipt.

Sent following Precept No. 231 for

Read letter dated the 11th Instant from the Acting 1st Judge late on Circuit in the Southern Division, submitting the Report required by Section XXXVII Regulation VII of 1802 on the 2nd Sessions of the last year.

(Here enter No. 76)

Trichinopoly.

1. The Report opens with remarks on the state of the Jail under the charge of the Magistrate of Trichinopoly and of the good order in which the Acting 1st Judge found the Jail Establishment which do not appear to call for further observation from the Court of Sudder Adawlut.

Madura.

2. Favourable mention is also made of the state of the Jail at Madura, and the prisoners in

in confinement at both these stations was reported to
in an excellent state of discipline.

3. In the 4th para: the Dist: Commissioner
reports that he inspected the Records of Cases tried
by the Acting Judge and in the Registers of the Police
Court during the previous month, and that with
"the exception of part of one Case reported to the Acting
"Judge all were in the hand writing of the above
"Gentlemen."

4. The Court of Requests Records
in their proceedings Enactment and date the 15th of
November 1831 rules, that "the whole Records of the Court
"should be in the Handwriting of the Judge to
"whom it is proposed" it would have been satisfactory
had the Acting 1st Judge stated what notice had
been taken by him of the infringement on the
part of the Acting Judge of a rule prescribed for
his guidance.

5. The high state of efficiency in
which the Acting 1st Judge reports he found the
Police of the District of Madras, is reconcileable
"the great regularity" in which he observed "all the
proceedings

"proceedings of the Magistrates Department to be
"conducted" is attributed "to the constant supervision"
"by the Magistrate" of the proceedings of his Assistants
whose sentences are not allowed to be executed
until they have been approved of by himself a
system which, while it ensures every case being
thoroughly investigated, will be the means, as
justly observed by the Acting 1st Judge, of rendering
the Assistants excellent Magistrates.

6. In the 19th and 3 following paras,
the Acting 1st Judge reverts to the subject discussed in
his Circuit Report submitted at the close of the 1st
Session of 1834, of the expediency of resuming into the
hands of the Magistrate, the Police authority in the
Zemindary of Pammal, and explains in reference
to para: 1. of the Minutes of Consultation under date
the 9th of June 1835, that "in no part of" "his" report
"did" "he" offer such a recommendation as that
"alluded to," but that as "the Acting Magistrate
"considered the measure necessary," he deemed it
"to be of such importance as to demand enquiry."

7. Upon reference to the 3d para: of
the proceedings of this Court of the 19th November 1834
and

and the 4th Grave of a Mr. Dickinson. A Report submitted to Government under the same date, it would appear that no decided opinion had been expressed by the then 2d Judge, but that his recommendation that the Police should be placed under the control of the Magistrate was offered conditionally - viz if the abuses described by the Acting Magistrate were found really to exist.—

8. Mr. Blackburne the Magistrate of Trincomalee having reported that, in consequence of the extreme irregularity of the Zemindar of Tamgam, he had been compelled to relieve him of his duties of Head of Police, the Acting 1st Judge in the 2d Part of his Report proposes for consideration "a Magistrate having under the provisions of Sec. "XXXIX Regulation XI of 1816 granted to Police Jemadars to "Zemindars, is empowered to recall them from office at "his own discretion and without the sanction of the "Government."—

9. It does not appear to the Court of Circuit that the sanction of Government is required for the resumption of the Zemindar's grant by the Magistrate in his own discretion without any

any such special direction; and the Judges are therefore of opinion that it was competent to the Magistrate to cancel the Commission formerly granted to the Zemindar to act as Head of Police, on his proving himself not to be qualified for the office.

Trincomalee. 10. During his stay at Trincomalee, the Acting 1st Judge visited the Gaol at that Station and found the few prisoners confined in it very healthy.—

11. He inspected also the Decrees passed by the Assistant Judge, and the proceedings held by the Acting Joint Criminal Judge in the cases of persons released on bail to security, and the Acting 1st Judge found that the orders of this Court had in every respect been attended to.—

12. On review however of the Calendars containing the cases in which sentence had been passed by the Magistrate, the Joint Magistrate, or his Assistants, the Acting 1st Judge found the proceedings of that Department to have been conducted with considerable irregularity, and that the present Head Assistant "was the only Member of the Magistracy whose proceedings "were found to be conducted at all according to rule."

The

13.

The Magistrate of Eriandy stated that he considered that more than from the 17th of February to the 8th July 1835 the charge against the prisoner was "for having smuggled 7 measures of Salt valued at 3 and "and 9 pence;" and the sentence passed by the Magistrate was "39 stripes with a Cat-o-nine-tails."

14.

The Acting 1st Judge observed that "with "out the illegality of the above sentence the prisoner "were conducted in the most irregular manner. The "investigation was not held either by the Magistrate "or Sperdon, by either of his Assistants, or by any officer "of Police authorized to hold it, but by a Subject of "the Portuguese Crown of the description could therefore "have been given on oath, and the only Witness called "by the Magistrate himself, was to take an examination "from the Prisoner after the proceedings had been "sent in to him."

15.

In pointing out the many irregular manner in which the investigation into the case had been conducted, the Acting 1st Judge in his Proceedings of the 3rd of July 1835, took occasion to state to the Magistrate, that the sentence passed by him was both illegal and unjust - illegal inasmuch as the Magistrate professed "no authority whatever

"to award punishment in a case of a breach of the "Salt Laws" and unjust, in that it was not even competent to the Criminal Court to inflict the infliction of stripes upon a Prisoner convicted of an offence of this nature.

16.

The Magistrate in a letter addressed to the Provincial Court of Circuit under date the 16th September 1835 attempted to justify his proceedings by observing that the offence was erroneously described in the Calendar, and that the charge should have been entered "for having certain measures "of Salt."

17.

Vide Proc: of the Court of Circuit 5th & 6th 1835.

The Acting 1st Judge in reply observed that his remarks "were founded on the wording of "the charge as well as on the evidence offered to prove "it" - that "the Prisoner was charged with smuggling "and so far as "he "could form an opinion on the "very irregular proceedings held," the prisoner was not convicted of stealing" - that so far as the Acting 1st Judge could recollect of the case "the prisoner was "the Housekeeper of the Salt Chokeyras who gave "him 7 measures of Salt to carry to his house; and "that consequently if the Salt had been really

stolen

"stolen and not smuggled, the Clerk can not be the
"person who ought to have been punished as the
"Thief"—

18. In either case however the proceedings
of the Magistrate were illegal, and the Court under
the investigation of the case of Crimes by Indians
Clause of the Magistrates' Establishment Act entitled
a proceeding, that they are of opinion that the
decision the same recommendation of the Governor
Council—

19. Equally free to condemn as clear to the
proceedings of the Assistant Magistrate in this District
who it will be observed from the proceedings of the
Court of Circuit of 31st July 1835 sentenced the Prisoner
in Case No. 2 of the Calendar marked B to pay a
fine of 50 Rupees: and the 2d and 3d to pay a fine
of 25 Rupees each, or in default to be imprisoned for
15 days in the Gaol, upon a charge of having wilfully
"damaged the prosecutors father and confined him for
"2 months in the Defendants house," not taken upon
oath as prescribed by Section XII Regulation IX of 1828

20. In case No. 3 of the same Calendar
which was also disposed of by the Assistant Magistrate the

Acting 1st Judge observes that "no charge of the Prosecutor
"was taken, nor were any witnesses examined, the
"prisoner having been punished on his own examination"—
the charge was for "stealing fruit from a Garden" and
the Acting 1st Judge states that "from the question put
"to the prisoner in his examination" it would appear
that the Garden robbed was the Assistant Magistrate's,
and that consequently "it would have been both more
"regular and more decent if instead of becoming Judge
"in his own cause, the Assistant Magistrate had transferred
"the case for investigation to the Head of Police or to
"some other member of the Magistracy"—

21. The Sentence passed upon the prisoner
it will be observed, was 48 lashes with the Cat-o-nine
tails, and the opinion formed by the Assistant Magistrate
that the charge had been proved against the
prisoner was arrived at in the absence of the charge
of the Prosecutor, and without the examination
of a single witness—

22. The illegality of the Sentence passed
by the Assistant Magistrate in Case No. 4 of the
Calendar marked B has been pointed out by the
Acting 1st Judge of the Court of Circuit, as has also
the

the majority of the practice observed by the Sudr and Assistant Magistrates of proceeding to Sift cases of Pramoiee committed of Theft when the value of the property stolen may exceed 5 Rupees" on a more consideration of the "proceedings forwarded by the Court of District Salem the illegality of applying the area of proceedings enacted by Mr. Macdonald Section IX Regulation IX of 1816 more than those of Theft which the Court of Salem authorized to hear and determine was fully explained in the letter of this Court circulated under date the 31st January 1835 to the remarks recorded by the Governor in Council on the subject and printed at the pages 82 and 83 of the Circular Order Book, the attention of the Magistracy of Coimbatore will be particularly invited.—

23. On the 22d June of the Report the Acting 1st Judge proceeds to notice the Calendars laid before him at Coimbatore of persons held to answer by the Magistrate, Joint Magistrate and Head Assistant Magistrate under the provisions of Clause first Section VI Regulation VI of 1827 from 11th February to 15th July 1835 and states that it will be found from these proceedings "to what an extent the power "of committing to Jail on a requisition of Zemindar "may

29th February 1836.

be abused."

24. The proceedings of the Magistrate and his subordinates here referred to are most discreditable and a practice has obtained it appears in this District of the Magistracy requiring that security in case of Suspicion which, it is competent only to the Criminal Judge and his superiors to require, under the provisions of Clause first Section IV Regulation II of 1822 and of Clause sixth Section II Regulation XV 1803.—

Magistrate Mr. Eden.

25. In Case No. 2 of 1835 the Sircumars, some in number, who were suspected of having stolen Salt at different times in the Salt farm at Coilpatany were ordered by the Magistrate to find securities in the sum of 100 Rupees each for their good conduct for 12 months, and on failure they were sent to the Jail of the Auxiliary Court at Erroad on the 17th February 1835.—

26. The examination held against them is stated to have been as follows.—

"By an Arzee addressed by the Tahseildar "of the Dimbamahl Talook to the Collector under "date the 11th February 1835, which is included in the

"Record

"Record the affair that a prisoner had taken, named
"the Salt Lane in consequence of which the Collector sent
"the Cahildar to search the records, and if he should
"find any proceedings held or note any of the Chiefs
"of the adjoining Villages by which it should appear
"that they had at any time been charged with
"having stolen Salt or had been convicted of doing so,
"that he should apprehend the persons alluded to and
"forward them to him." The Cahildar accordingly
apprehended and sent the above 4 prisoners to the
Collector with copies of various papers he had found
in the Records consisting of 6 copies of Extracts from the
Collector dated severally 4th 4th and 12th October and
November 1829 - 28th January 1833 and 8th December 1834

"Upon these documents without any examination
"whatever either by the Magistrate or Head of Police" the
Acting 1st Judge states "the Magistrate proceeded the
"prisoners to the Jail on the requisition above recorded"

27. The Acting 1st Judge in his proceedings
dated the 21st August last observes that "he deemed
"that he should be called upon to comment upon how
"in case displaying such proofs of criminality as it to be
"found in that note-book, the proceedings" of the

Magistrate "could not be censured even in
"the youngest Assistant in the District, but that they
"should have been conducted by a person professing
"the experience of the Magistrate certainly could strike
"with surprize."

28. The Judge of Circuit concludes his remarks
on these proceedings of the Magistrate by observing, "that
"in no instance have the orders of the Conjoint Establish
"been observed, and that no cause whatever is shown
"in them for the imprisonment of the prisoners," and
considering the confinement which they had "already
"suffered to have been unwarrantable and cruel" the Acting
1st Judge directed that they should "be forthwith set
"at liberty."

29. The explanation of the Magistrate is
that he "was not fully aware of the importance attached
"to the personal examination being recorded."

30. In case No. 3 of 1835 the prisoner is
declared to have been "suspected of having absconded
"the cloths with false stamps which he is in possession
"of" and was ordered by the Magistrate to give
security in the sum of Rupees 100 for his good behaviour
for

for three months and on failure of furnishing it was sent to Gaol for that period.

31.

The Acting Pn Judge states in his proceedings of the 27th of August last, that it appears by the Record of this Case that the Master of Inland Customs of the Steamer Porter Black addressed an Order to the Magistrate, stating that the Prisoner had defrauded the Customs by giving false Weights to Clothes - that the Head of Police was directed to enquire into the conduct of the Prisoner, who accordingly reported that he was a man of bad character and forwarded three depositions in support of it - and that upon these depositions the Magistrate made the requisition of security above recorded.

32.

Of his proceedings in this case the Magistrate has furnished an unsatisfactory explanation; from his return which is dated the 15th of September last, it does not appear that the case was fully investigated by the Magistrate, which it should that no depositions were taken before him on oath; and inasmuch as a Magistrate has no authority to demand security on the ground of suspicion of a

particular offence, his proceedings in the two cases here brought to notice were, in the opinion of the Court of Enquiry illegal as they were of a preventive character.

Joint Magistrate. 33. No steps occurring of censure appear to lie to the proceedings of the Joint Magistrate in the disposal of cases Nos 1, 2 & 3 dated 6 of 1835 of the same Calendar, in each of which numbers illegal and unwarrantable sentences were passed upon the prisoners concerned, the particulars of which are fully given in the proceedings of the Court of Circuit dated the 27th of August last.

34. No explanation appears to have been submitted to the Judge of Circuit by the Joint Magistrate who disposed of these cases, and the officer in charge of the Joint Magistrate's office, at the period alluded to, the Court of Enquiry regret are led to believe, was Mr Mellon, who has lately proceeded to England on furlough.

35. The review of the Calendar marked D (in the Appendix to Mr Dickinson's Report) of persons apprehended and released by the Magistracy of Limmanelly from the 11th of February to the 15th of July

July 1835 shows that the proceedings of the late acting Magistrate, the Magistrate, Joint Magistrate, Head of the Magistrate, and Assistant Magistrate in the disposal of the cases entered in that Calendar were also kept and in many instances highly objectionable.—

36. The circumstances connected with the cases are so fully detailed in the proceedings of the Court of Crimet of the 24th August 1835, copy of which appended to Mr. Dickinson's Report, that the Judge considers it unnecessary here to recapitulate the cases. He considers the sufficient to request the attention of the Governor in Council to the proceedings in question and to state that they appear generally in the manner recorded by the Acting 1st Judge.—

37. With reference to the sanction lately granted by Government for the erection of a new Court at Limerilly, the Acting 1st Judge submits his opinion that the Government are about to incur a very useless expense in the construction of a new Court House, when such ample accommodation for the Assistant Judge's establishment may be found in a small portion of the buildings, late the Commercial Factory, in which the Collector holds his Cutcherry.

Mr.

spaces 34: 36: 37.

38. Mr. Dickinson explains, that at the time the report, required by Government from the Collector, as to "whether the buildings in question were sufficient for both Establishments", he was absent from the Provincial Court, & the Statement made by the Collector, that no portion of the buildings could be transferred to the Judicial Department, would "not have been forwarded without a remark from" himself—

space 36.

39. Mr. Dickinson now suggests "that before the expenditure shall be actually incurred on "Report should be obtained, from any authority who "may be deputed by the Government to examine the "buildings, as to whether there would not be ample "accommodation for the Collector's Establishment, after a "small detached building belonging to the Factory had "been made over to the Assistant Judge."—

40. Mr. Dickinson states that the building to which he alludes "is altogether separate from the "large buildings of the Factory, being about 100 yards "from them, so that if a hedge were planted between "it and the other buildings, all communication &

"might

"might, if desired, be cut off between them and Mr. Sinclair concludes "that it was formerly the office of the Commercial Resident," and he anticipates that it will be found to be quite sufficient for all the wants of the "Assistant Judge:—

41. "That the buildings cannot be obtained "required by the Collector must be evident" observed the Acting 1st Judge when he stated "that formerly an "order being recently published by the Government "prohibiting the practice," he understood it to have been appropriated by that officer to purposes not "connected with a Public office" — Mr. Sinclair adds "that during that time no complaint was made of the "want of accommodation for the office Establishment "in the rest of the buildings" and that he is "confident that, without any inconvenience whatever "to the Collector, the building in question might be "transferred to the Assistant Judge; and the Acting 1st Judge asserts that with a few trifling alterations such as building up a few doors &c so as to divide the "spacious halls of the Factory into rooms, the "remaining large stock of buildings should not be "a

"a Cutcherry which in extent of accommodation shall far "surpass any that he has ever yet seen under the "Presidency:—

42. The suggestion of the Acting 1st Judge, that further measures should be taken to ascertain whether the building in question can be made available for a Court House, is, in the opinion of the Court, deserving of attention; and they would respectfully suggest with reference to the order of Government No. 892. dated the 21st of November last that the construction of the new buildings may be for the present delayed.—

43. With reference to paras 42 and 43 of this Report, the Court of Enquiry dated would observe that if the charges referred for the examination and report of the officers of Police are such as Police officers are competent to dispose of, they approve of the reference to that authority; but recommend that proceedings can be had only in the cases specifically permitted by the Regulations, and as observed in a former part of these proceedings the conditions by Section IX Regulation IX of 1821 appear to have been greatly abused in the District of Sinnemally.—

44. The subject mentioned in paras 40 and

48.

The Judges make also the following Rules in addition to those contained in the 67th Rule of the Rules and Orders of the 25th February 1834 in behalf of the Establishment of any additional or final Rules and Orders for the purpose of carrying into effect the provisions of the said Statute 3 & 4 Will. 4 c. 74 s. 26 without a personal investigation of the same by the Magistrate, and when Returns may be required in the mode of Life, the same in the general Returns of the individuals shall be numbered and furnished to the Warden alongside the Returns

Commissioners.

49.

The Commissioners the 25th Rule of the Rules and Orders of the 25th February 1834 relative to the Returns to be made for the Number of Cases in which Fines are not paid by the Prisoners & to be dealt for employed in a Debtors State and being communicated with the Offences Upon in charge, ensure with Law or Justice is to be attributed to the Neglect of the Sheriff

Number of Prisoners ready to be discharged

50.

The Visiting Justices ensuring the Returns in the 68th Form that with the Exception of Number and Sex they be omitted from the Returns to be furnished to the Secretary of State

Form 65. 66. 67 & 68 relative

29th February 1836.

Commissioners

Rule to be observed in making Returns at Commissions

51.

At the time when Sentence in case the Prisoner at the Sessions, there were 60 Prisoners in Custody at this station, and the Court of Exchequer Statute requiring a Report from the Criminal Judge of the Circuit of this Gaol, written on the 27th of October 1836, after the Prisoners had been in custody for the space of one hundred

Calculations

52.

On the 1st of January last there were only 362 Prisoners in confinement at this station, of whom only 81 were convicts, and they are not of a description therefore that any further restriction is required under the Gaol Commissioners Rules to reduce the number of Prisoners at Commissions under 300. allow the Prisoners at Commissions under to remain 300. and also those the number will unquestionably be found quite as many convicts

53.

In the 67th Form of the Returns

Before that he transmits all the Briefs of the Cases for Trial by the Visiting Judge of Commissions and found that in almost every instance the Abstract of the Evidence had been made by a Barrister

the Visiting Judge

The

29th February 1836.

62.

The unfavourable opinion formed by the Stipendiary Magistrate of the Demerara case, as to his own knowledge and the knowledge of the Court under the circumstances of the case, and the interests of justice, by no means discharges the additional labour of transcribing the Record; also, the Acting Judge trusts the practice was explained will not be objected to.

63.

The following items included in the Bill of Costs of the Demerara case, dated the 15th December 1835, that the Judge sets forth in the statement of the case, should be struck out by the Taxing Officer, the Judge thinks that the Counsel for the prosecution and defence should be allowed one hundred dollars each, the magistrates one hundred dollars each, the Judge's clerk for his attendance and transcribing the Record one hundred dollars, the Marshal for his attendance and expenses one hundred dollars, the Interpreter for his attendance and expenses one hundred dollars, the Crier of the Court for his attendance and expenses one hundred dollars, and the Judge's clerk for his attendance and expenses in taking down the evidence of the witnesses, and transcribing the Record one hundred dollars.

64.

The following items in the Bill of Costs of the Demerara case, dated the 15th December 1835, that the Judge sets forth in the statement of the case, should be struck out by the Taxing Officer, the Judge thinks that the Counsel for the prosecution and defence should be allowed one hundred dollars each, the magistrates one hundred dollars each, the Judge's clerk for his attendance and expenses in taking down the evidence of the witnesses, and transcribing the Record one hundred dollars, the Marshal for his attendance and expenses one hundred dollars, the Interpreter for his attendance and expenses one hundred dollars, the Crier of the Court for his attendance and expenses one hundred dollars, and the Judge's clerk for his attendance and expenses in taking down the evidence of the witnesses, and transcribing the Record one hundred dollars.

Spaces 70 and 71.

65.

The following items in the Bill of Costs of the Demerara case, dated the 15th December 1835, that the Judge sets forth in the statement of the case, should be struck out by the Taxing Officer, the Judge thinks that the Counsel for the prosecution and defence should be allowed one hundred dollars each, the magistrates one hundred dollars each, the Judge's clerk for his attendance and expenses in taking down the evidence of the witnesses, and transcribing the Record one hundred dollars, the Marshal for his attendance and expenses one hundred dollars, the Interpreter for his attendance and expenses one hundred dollars, the Crier of the Court for his attendance and expenses one hundred dollars, and the Judge's clerk for his attendance and expenses in taking down the evidence of the witnesses, and transcribing the Record one hundred dollars.

29th February 1836.

at Demerara, is highly creditable to all the Parties

57. The only irregularity in the proceedings

Spaces 74. of the Magistrate of Essequibo appears to have been, that

instead of stating on oath by the Acting Protector

58. The proceedings of the Stipendiary Magistrate

Spaces 75. the Acting Protector stated he "found to be remarkably

"regular and correct," and "they bore ample testimony of

"his having devoted himself to the discharge of his

"duties with much assiduity and ability."—

59. On examining however the proceedings

Spaces 76. of the Stipendiary Magistrate, the Decision appeared

"that in 15 Cases" there appeared "such sentences, pending

"to punishment in which not only have they not

"held any personal examination, but in which, as

"far as the record goes to show, no minute even of

"any act has been laid by any authority whatever,

"sentences having been passed in the name of the

"Protector of Negro Lutenants"

60. "This gross irregularity" appears to have

Spaces 77 "been" pointed out to the Magistrate; but the Court

of Demerara thought proper to require that Officer

to call upon the Assistant Magistrate to submit

such explanation of those proceedings as the case

above

29th February 1836

abstract of proceedings in the said Criminal Appeal and
Magistrates with the same, & letter of Mr Ingram to the
former committee to be printed to the order of proceedings
printed at page 80 of the standing orders of the Legislative
Council, have been attended to.

61.

With reference to paras: 56. 60. and 61 of
Mr. Dickinson's Report, the Court of Requests Bill was
ordered to print to the Magistrates of Negros Occidental and
Oriental, that the number of copies, (one hundred)
hereby ordered, are in the possession of the Clerk of the
Council, and that any further number that may be required
can be had from the Printer by the Magistrates
on application to the Clerk of the Council.

Calcutta.

para. 65.

62.

In noticing the Bill for altering the
Mr. Judge states that he found the Assistant Judge

para. 87.

63.

of the Court of Requests
found to be in the same position of the Judicial Assistant
and Mr. Dickinson says that "great dissatisfaction
"has been evinced by the Criminal Judge and the
"Magistrates of all of the cases in which the Court
"has been exercised for want of evidence

Comitatus.

64.

The Assistant was found to be
was also found to be in a good humour

para. 92.

65.

The report of the Civil and Criminal
of the state of affairs in the Province
matters

29th February 1836

entitled by a memorandum on the 28th of December 1835 was
brought to the notice of the Governor in Council under
date the 8th of December 1835 and the Court of Requests
Calcutta was in reply informed, that a remark &
estimate for the repairs having been sanctioned on
the 10th of December last, it was presumed that the
Building Board had already issued instructions for com-
mencing on the work without delay.

66.

With reference to para: 95 of Mr. Dickinson's
Report, the Court of Requests Calcutta resolved to direct that
para: 22 and 66. of the proceedings be furnished to
the Magistrates of Cumbatore, as explanatory of the
illegality of the proceeding in removing furniture
in case of Theft pending a Report without a formal
warning with such case.

67.

In the 97th para: the acting Mr. Judge
states that he invites the acting Civil Criminal Judge
at Cumbatore to resume back into Jail, and to release
him by one of stronger health, a prisoner, belonging to
the Jail, under the charge of the Magistrate, who was
represented to be constantly ill," the acting Mr. Judge
will be enabled to instruct the acting Civil Criminal
that this course should always be observed by him
on the application of the Magistrate.—

68.

In date 10th para: the acting Mr. Judge
dispatch

29th February 1836.

subject to the recommendation of the Officer Commanding the Sailplains, that one of the 2 Families under each Commissariat at Batavia may be made up in a Jacket, by which they would be better defended from the weather, and would be less exposed in their work.—

69.

The Court of Enquiry has also recommended that the measure recommended by Colonel Crane should be carried into effect, but the Judges are not aware that their sanction is required for its adoption.—

70.

In the 68th para. Mr. Dickinson alludes to an application

27th February 1806.

"Whereas in the present case Lodge or Court should
be required" at the time of submitting the Report
"that Court to forward Copies of all Evidence that
"have been delivered to them by the several Magistrates
"and of the proceedings which may have been held
"here on them."

76.

That Copies of the Evidence taken before
Magistrates of the Counties of Surrey and Kent
the above effect.

76.

That Copies of the Evidence taken before
on Examining Justices on the part of
Lodge shall have been laid before the Board of
examination.

Ordered, that notice be given
Secretary to the Committee of the Whole House
Committee, for the purpose of bringing the Report
Lords in Committee

(Sent as No. 332)

Ordered also, that a Copy of the
Act of the 43rd Geo. III. Cap. 46. intituled "An
Colton Lunatics be sent to Surgeon Lucas
the nearest convenient Asylum for
Richardson, Smith, Esqrs. the
Committee, and the Visiting Justices of Surrey for

for their information and guidance be brought up
returnable in 15 days from and after its receipt.

(Sent following Draft No. 333/)

2/13

27th February 1806.

F. C.

Alla Court of the Fouzdaree Adaulut

Thursday — Present,

3d. March 1836 — John Bird Esqr. ——— 2d. Puisne Judge

William Hudleston Esqr. 3d. Puisne Judge

Alexr. Duncan Campbell Esqr. Acting Puisne Judge

Read letter dated the 17th Ultimo

from the First Judge on Circuit in the Northern

Division, submitting copies of the Primary and

Supplemental Calendars of the Zillahs of Bellas

for the First Sessions of 1836.

Also note of F. C. 3. 332 of 1836

The Court of Fouzdaree Adaulut

have observed with surprize and displeasure the

great irregularities which characterize the proceed-

ings held in this case by the Acting Assistant Commit-

Judge, and in the majority of the cases on the

Calendar, committed both by the Acting Assistant

Criminal Judge and the Criminal Judge of

the Zillah, in which several of the witnesses

who appearing before the Criminal Court were

"to have deposed" to material facts, such as that

they

"they were present at the time of the Robbery" were
[illegible] but were ordered to attend before the
"Court of Circuit." As observed by the Judge of Circuit,
such a proceeding involves an infraction of the
Law, which requires that the Committing Officer
"shall investigate fully the facts of the case," and
that the commitment of the accused "shall not
"take place without a reasonable probability of
"conviction before the Court of Circuit: and it is
impossible that any fair estimate of the prob-
ability of conviction can be formed until
the whole of the evidence for the prosecution
shall have been taken. The Court of Sudder
Adalut trust that they shall not have occasion
to notice similar irregularities.

Case No. 4. 2. In this case also committed by the Acting Assistant Criminal Judge it is stated that "the prisoners summoned some witnesses in their defence, but they were ordered not to be summoned to attend before the Court of Circuit."

3. The Court of Sudder Adalut deem it proper to direct that an explanation of this proceeding be submitted to them.

In

Case No. 11. 4 [illegible] consideration of the circumstances of this case, the Court of Sudder Adalut approve under the authority vested in them by Clause Third, Section III. Regulation X of 1825, to sanction the mitigated sentence recommended by the Presiding Judge, and accordingly direct that the prisoner

"Colada pauty Ramcherygaudo"

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of [illegible] seven Years.

Case No. 19. 5. In this case also, the Court of Sudder Adalut sanction the mitigated sentence recommended by the Presiding Judge and accordingly direct that the prisoner

1st "Pantula Venkadoo"

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

6. It is observed that in the Calendar the names of the prisoners are altogether omitted, and that the names of the first prisoner as entered in these proceedings is taken from the Sentence of the Mahommedan Law Officer of the

5th March 1836

the Court of Circuit

It appears to the Court of Inquiry at Fort Augusta that the Charges in this Calendar are unnecessarily long and contain much irrelevant matter, and they direct that the attention of the Criminal Judge be called to this circumstance.

Ordered, that Extract from these proceedings be sent to the First Judge on Circuit in the Northern Division by Packet returnable within ten days from and after its receipt.

/Sent following Packet No 262./

F. 46

At a Court of the Inquiry at Fort Augusta

Friday

5th March 1836

Present,

John Bird Esqr 2d Puisne Judge

William Hudleston Esqr 3d Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Read the order of Government

No 111 dated the 9th February 1836 - cancelling the grant of the reward of three hundred Rupees to the persons referred to in the Extract from the proceedings of the Inquiry at Fort Augusta under date the 15th December 1835, and requesting that the explanation called for from the late Acting Third Judge late on Circuit in the Centre Division, may be submitted for the information of Government with the opinion of the Judges of the Inquiry at Fort Augusta whether they consider it satisfactory or otherwise.

/Here enter F. 86. No. 245 of 1836/

Read also Return dated the 15th Ultimo from the late Acting Third Judge late on Circuit in the Centre Division to the Precept of the

the Court of ~~Sanjore~~ Adalut under date the 4th February 1836, requiring him to explain the ground on which he deemed it proper without ~~previous~~ Sanction to direct the Magistrate of South Arcot to distribute a sum of money among the individuals who distinguished themselves in repelling the attack of a Gang of Robbers, of whom one was tried before him in Case No. 27 on the Cuddalore Calendar for the Second Sessions of 1835.

(Here enter P. Co. No. 331 of 1836)

1. It appears from the foregoing Return of the late Acting Third Judge, that on directing the grant of the rewards [illegible] he acted on "the supposition "that as the Judge in Circuit has authority under "Section XXIII. Regulation IX. of 1816 to remunerate "Police Officers and others for meritorious conduct "without Sanction, he conceived it open to him too, "to retribute the manly assistance of Villagers "against Robbers: "and that he was not "aware "at the time of the existence of the standing orders "of the 9th August 1825 and 9th January 1826."

2. The Court of Tanjore Adalut observe that by the provisions of Section XXIII Regulation

Regulation IX of 1816 the authority vested in Courts of Circuit to remunerate persons who may have performed any meritorious service is restricted to cases wherein such meritorious service may have been rendered "in the apprehension or discovery of public "offenders" and the amount of remuneration is restricted to "one hundred Rupees for a Sirdar and "ten Rupees for an accomplice."

3. In the present instance the late Acting Third Judge directed the Magistrate of South Arcot "to apportion the rewards in this "manner, viz. the 1st witness the sum of 100 Rupees, "the 5th witness 50 Rupees, and the remaining six "persons 20 Rupees each."

But it appears to the Court of Tanjore Adalut that nothing further is attributable to the late Acting Third Judge than an ignorance of existing orders, and an erroneous interpretation of the Law.

The Court of Tanjore Adalut take this opportunity of observing, that in obedience to the orders contained in the second paragraph of the order of Government of the 9th Ultimo, the several Magistrates in the Provinces have been instructed

4th March 1836

Instructed to submit in future for sanction through the Court of Sessions Khalsa instead of the Office of the Board of Revenue all charges incurred on account of Rewards granted by a Judge of Circuit under the provisions of Section XXIII Regulation IX of 1816 as well as all disbursements made under Precepts of the Courts on account of Judicial purposes—

Ordered, that Extract from these proceedings, with a copy of the Return of the late Acting 3d Judge, be sent to the Chief Secretary to Government, for the purpose of being laid before the Governor in Council

To Govt. No. 50

/Sent in No. 245/

Ordered also, that paras 1. 2 and 3 of these proceedings be sent to the late Acting Third Judge late on Circuit in the Centre Division for his information.—

/Sent in No. 246/

Read the Bellary Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of January.

/Have enter No. 314/

Struck by the expression "the offender" used

Report X
Cases 4

4th March 1836

by the Acting Assistant Judge in the proceedings in the case of Thupatee, that the prisoner in question had been formerly convicted by the Criminal Court of a heinous crime, the case should have been committed with reference to Clause 2d Section II Regulation VI of 1822. Though the sentence need not in the present instance be disturbed, the Assistant Criminal Judge will bear the observation in mind in disposing of future similar cases of house breaking.

In this case it is recorded that the

Case 7 2

"prisoner did not confess the crime of Thupateeling
"at all, but as the 1st and 2nd Witnesses prove they
"identified him when he was taking away the
"sheep; and as the Head of Police mentions in
"his report that he had been punished 2 or 3 times
"before for petty thefts, he is therefore sentenced to
"be imprisoned for two months with labor in irons
"under Clause 4th Section III Regulation VI of 1822."
It would appear that the Police "report," to which
reference is here made, has been considered by
the Moofflee Sudr Ameen as a ground of a more

severe

Circuit

No. 11 ... Sevagy ... punishment than does the ... case has ... avoided, and the Court being of opinion that such report is, of itself, insufficient to found any thing upon, deem it proper to direct that if the Police Report has, of itself, been the cause of an enhanced punishment in this case, the Acting Criminal Judge do require the Sudr Ameen to modify his judgment, throwing this particular out of consideration in passing such modified sentence. The result of these instructions should be reported to the Foujdaree Adalut for their information.

3. The Court of Foujdaree Adalut on seeing reason to doubt the propriety of the disposal of this case, in the manner recorded in the Report, deem it proper to direct that the attention of the Judge on Circuit be called to the proceedings in it with reference to Section XXIII. Regulation X. of 1816 and that, with this view, a copy of the case, as it stands in the Report and of this paragraph be furnished from this office to the Judge on Circuit who will be pleased to report for the information of the Foujdaree Adalut what may be the result of his enquiry

4. March 1836

enquiry.

4. The Court direct that it be pointed out to the Acting Criminal Judge that his Criminal Report should not in future be detained for the Statement of Batta paid to the prisoners at Anantapore. This Memorandum of Batta may be forwarded subsequently whenever the Reports may be ready for transmission before it reaches the Criminal Court.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Bellary for his information and guidance by Dupsht returnable in 4 days after receipt.

Sent following Dupsht No. 367

Ordered also, that Extract from these proceedings rejt para 3 be sent together with copy of the case No. 11 to the 1st Judge on Circuit in the Centre Division for his information and guidance by Dupsht returnable without delay.

Sent following Dupsht No. 368

At a Court of the Foujdaree Adalut.

Saturday
5th March 1836.

Present,

John Bird Esqr 2d Puisne Judge

William Mudleston Esqr 3d Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Read letter dated the 10th Ultimo,
from the 3d Judge on Circuit in the Western Division,
transmitting the record of Proceedings on Case No 34
Calcutta Calendar 1st Sessions of 1836—

(Vide enter No 310.)

The Court of Foujdaree Adalut,—

Mr Mudleston
and
Mr Campbell

having maturely considered the proceedings held on
before the Judge on Circuit, the Futwa of the Per-
manent Law Officer and the Futwa of the Aggre-
-gate Court and Moofties of the Foujdaree Adalut,
confirm the said Futwa of the Aggregate Court and
Moofties aforesaid, committing the prisoner

Ezeeven Payaray Vellen

of wilful Murder and awarding Kissas, and under
the provisions of Section X Regulation XIII of 1807,—
sentence him to suffer death, by being hanged

to

as soon as immediately can be after the receipt of the warrant at a spot to be selected by the Criminal Judge in the immediate vicinity of the place where the Murder was committed.

(Sent following letter No. 252)

Read Return dated the 3rd Ultimo from the Provincial Court of Circuit in the Northern Division, in pursuance of the Regulation Adalut dated the 27th January 1836, directing the Provincial Court to issue a Precept to the late Acting 3rd Judge Mr Ross requiring an explanation within 24 hours from and after it's receipt why all papers required by law during the period for which he officiated as a Judge on Circuit were not punctually deposited among the Records of the Provincial Court.

(Here enter No. 266)

Read Supplemental Return dated the 4th Ultimo from the Provincial Court of Circuit in the Northern Division, in pursuance of the Regulation dated the 27th January last, directing the Provincial Court to call upon Mr Ross to explain why all the papers connected with his late Circuit were not punctually deposited among the Records of the Provincial

Court in the Northern Division.

(Here enter No. 292)

Read letter, dated the 26th Ultimo, from the 1st Judge on Circuit in the Centre Division forwarding the Statement of Batta paid to Prosecutors and Witnesses attending before the Court of Circuit at Cuddapah during the first Sessions of 1836.

(Here enter No. 367).

Read Extract from the Minutes of Consultation under date the 1st March 1836, communicating the orders of the Governor in Council on the Extract from the proceedings of the Faujdaree Adalut under date the 22nd February 1836 enclosing that Court's observations on the Report from the Acting Third Judge of the Provincial Court of Circuit in the Northern Division prescribed by Section XXXVII, Regulation XII of 1802 for the Masulipatam 4th Quarter Sessions of 1835.

(Here enter No. 379).

Read Return dated the 2nd Instant from the Provincial Court of Circuit in the Centre Division in pursuance of the Faujdaree Adalut

5th March 1836. Udalist dated the 26th February 1836, forwarding their Circular Order No. 62

/Here enter No. 335/

F. U.

At a Court of the Fouzdaree Udalut—

Present,

Monday 7th March 1836

John Bird Esqr ..... 2nd Puisne Judge

William Hudleston Esqr ..... 3rd Puisne Judge

Alexr Duncan Campbell Esqr ..... Acting Puisne Judge

Read returns dated the 22d Ultimo made by the Provincial Court of Circuit in the Centre Division, to the Receipt of this Court of the 8th February 1836, directing the Provincial Court of Circuit in the Centre Division to call upon the Magistrate of Chittoor, with reference to his return dated the 26th of December 1835, to submit further explanation in respect to the Complaint of the Petitioner Dandagoroo Pakkelly that he had been struck by a Peon on the Magistrate's Establishment, and that upon his crying out the Gentleman ordered him to be confined in the Tanah for 10 days

/Here enter No. 342/

Read also further return dated the 26th Ultimo, made by the Provincial Court of Circuit in the Centre Division to the Receipt of this Court of the 8th February 1836, together with which the Provincial Court submit a Copy of a return made by the Joint Magistrate in charge of the Northern Division of Arcot, shewing that the Petitioner aforesaid was placed in the Tanah for 10 days by

5th Mr Read

7th March 1836

by order of Mr Roberts, for making a noise, and calling out to him in an insolent manner; but that as Chellayen Servant, nor Pirn, has the slightest recollection of his having been struck, or of his having complained to the Magistrate of such treatment, and from all the joint Magistrate has learnt on enquiry he is led to conclude that this part of his Petition is both frivolous and vexatious.

/Here enter No 868/

Also read a new Petition presented on the 26th October 1835 by Bandagoroonpah Chetty of the Zillah of Chittoor.

/Here enter this Pet. No 92 of 1835/

Mr Bird
and
Mr Huddleston

The Petitioner having been placed in Confinement for Contempt such ought to have been entered in the Proceedings of the Magistrate, but the Court of Foujdaree Udalut, with reference to the above return and to their proceedings of the 18th of January last, are not of opinion that their further interference is called for, or that the petitioner Bandagoroonpah Chetty is entitled to further consideration: his petition is accordingly finally rejected.

Ordered, that the above be communicated to the Petitioner, and that Extract from these proceedings be furnished to him on his application.

Read

7th March 1836.

Read Miscellaneous Petitions presented on the 22d and 29th Ultimo by Chellayee of the Zillah of Madura.

/Here enter Mis. Pet. No 26 and 28 of 1836/

1. The Petitioner represents that three females, her neighbours, fraudulently abstracted her purse containing eighteen Rupees: and that she has been precluded from obtaining redress from the Magistracy through the machinations of the Native Police Servants

2. She prays that orders may be issued for the recovery of her property or that the /alleged/ offenders may be required to take a solemn oath of denial Standing on the eighteenth Step of the Alagerkoil or in the Pagoda of Sarreoopanna Sawmy.

3. The Petitioner is informed that the Court of Foujdaree Udalut are unable to interfere in this matter. If she have aught to complain of, she must proceed in the mode prescribed by Law.

Ordered, that the prayer of these Petitions be rejected, and that Extract from these proceedings be furnished to the Petitioner upon her application.

Read Miscellaneous Petition presented on the 22nd Ultimo by Arumuga Annamal of the Zillah

5th Jan Court

7th March 1836 Zillah of Chingleput

(Here enter Mss. Lett. No 27 of 1836)

1 The Petitioner prays that orders may be issued for the release of her son convicted in Case No 2 on the Chingleput Calendar for the First Sessions of 1835 of Gang Robbery

2 On a similar application from the same party in 1833, the Court of Foujdaree Udalut passed an order under date the 8th July of that year, to the effect that on perusing to the Calendar, they could discover no grounds for doubting the propriety of the Commitment of the prisoner in question

3 The petitioner is informed that that Order is final, and that no further application on the same subject will receive attention

Ordered, that the prayer of this Petition be rejected, and that Extract from these Proceedings be furnished to the Petitioner upon her application

Read Petition presented on the 29th Ultimo by C. Rasaviah.

(Here enter No 31)

1 The Petitioner referring to his former Petition presented on the 25th January last, No 16, prays the Court to "pass a speedy decision" in his case

2 The Court observe that the case of the Petitioner

F.A.

7th March 1836 Petitioner has been taken into consideration, and directs that he be referred to their order of the 8th Ultimo.

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

Read letter dated the 11th Ultimo, from the Second Judge of the Provincial Court of Circuit in the Western Division, submitting the trial in case No 1. Tellicherry Calendar for the First Quarter Sessions of 1836.

(Here enter No 309)

Mr Huddleston and Mr Campbell The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Honorable Law Officer and the Futwa of the Bazee-ool-Cozat and Moofties of the Foujdaree Udalut, confirm the said Futwa of the Bazee-ool-Cozat and Moofties aforesaid convicting the prisoners

1st Tian Chalile Cheecotte

and

2d Tian Blacandalile Odenan

of wilful murder, and in commutation of the penalty of Deyat therein declared and in conformity with the provisions of Section XV, Regulation VIII of 1803, sentence them to be transported to such place beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other

5th Cir

7th March 1836

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

(Sent following letter No 256)

Read the Sudder Criminal Report prescribed by Section XXXV. Regulation X. 1816 for the months of January

(Here enter No 261.)

Report V
Case 1

With reference to the explanation of the detention of the prisoners in this Case, the Court of Zenjedaree Adalut have to observe that the Case should have been forwarded at once to the Criminal Court. The Provincial Court of Circuit will be pleased to cause Copy of the Case as it stands in the Report, and of this paragraph, to be furnished to the Magistrate of Canara for the information of the Police Officer by whom it was transmitted.

Case 6.

2. The Provincial Court of Circuit will also be pleased to send Copy of this Case and paragraph to the Magistrate, who will furnish direct to this Court further explanation as to the apprehension of the prisoners and their detention in the Talook, the dates, as required in the Columns of the Report headed "apprehension" "Leaving the Talook" and "explanation of delay" not being apparently contested.

3. The Zenjedaree Adalut being unable to doubt the propriety of the manner in which the Case

7th March 1836

has been disposed of, resolve to direct that Copy of the Case and of this paragraph be furnished from this Office to the Judge on Circuit, who will be pleased to look into the Case, with reference to Section XXIII. Regulation X. 1816 and report direct to the Zenjedaree Adalut the result of the investigation hereby enjoined.

Cases 7 and 8.

4. The Provincial Court of Circuit will further transmit Copy of these Cases and of this paragraph to the Magistrate, who will, within 8 days after receipt of this order, inform the Zenjedaree Adalut of the object of the reference, in the Case No 7, to the Magistracy by the Police — In the Case No 8. the Court await an explanation of the detention of the prisoners during the whole of the month of December.

Ordered, that Extract from the Sudder proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance, and for communication to the Native Criminal Judge at Sirsee.

(Sent in No 257)

Ordered also, that Extract from these proceedings with Copy of the Case No 6 be sent to the 3d Judge on Circuit in the Western Division for his information and guidance by Precept returnable without delay.

(Sent following Precept No 258)

Read

5th Ca

7th March 1836.

Read Return dated the 27th Ultimo, from the First Judge on Circuit in the Centre Division to the Court of Foujdaree Udalut under date the 22nd February 1836, conveying their observations and orders on the undisposed calendar for the First Sessions of 1836.

(Here enter F. U. No 371 of 1836)

Case No 9.

1.

Respecting this Case, the Presiding Judge states that "his reason for considering it proper to recommend "that the punishment to be inflicted on the first prisoner "should exceed in severity the sentence to be passed on the "second, was that the first prisoner had been before sentenced "to find security in Criminal Case No 126 of 1831 for good "conduct for three years, during which the second prisoner was a "novice in Crime."

2.

Under this explanation the Court of Foujdaree Udalut, resolve under the authority vested in them by Clause Third, Section III, Regulation X of 1829, to sanction the mitigated sentence proposed by the First Judge and accordingly direct that the prisoners

1st Vailpanty Saraganden

and

2nd Lody Gungadee

be imprisoned and kept to hard labour in irons on the public roads or other public works:- the first prisoner for and during the period of six years: and the second for and during the

period

F. U.

7th March 1836

Case No 18

3.

For this Case also, the Court of Foujdaree Udalut sanction the mitigated sentence proposed by the First Judge, and direct that the prisoner

Guddum Venkatesayandoo

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (5) five years

Ordered that Extract from these proceedings be sent to the First Judge on Circuit in the Centre Division by Precept returnable within three days from and after its receipt.

(Here follows a Precept No 259)

5th Ca.

7

6th

V. 161

At a Court of the Conjeeveram Adalut

Present,

Tuesday
8th March, 1836. John Bird Esqr — 2d Puisne Judge,
William Huddleston Esqr — 3d Puisne Judge,
Alexr Duncan Cathcart Esqr — Acting Puisne Judge

Read again letter dated 9th November

135

1835 from the 1st Judge on Circuit in the Western Division

transmitting the record in Case No 11 on the Criminal

Calendar 2d Division of 1835.—

(Vide entry No 2763)

136

Read — again Return dated 7th December

1835 from the 1st Judge on Circuit in the Western Division

to Zillah of the Conjeeveram Adalut dated the 2d December

1835, calling for certified English Translations of the

Examinations taken by the Head of Police from the 1st

2d 3d & 5th witnesses in Case No 8 on the Criminal

Calendar for the Second Division of 1835.—

(Vide entry No 2852)

Read return dated 17th February, from the

1st Judge late on Circuit in the Western Division to Zillah

of the Conjeeveram Adalut dated the 5th December 1835, stating

that he had left the Acting Criminal Judge to examine

and examine the witnesses named in their Defence

to letter 4th and 5th Prisoners in Case No 3 on the Criminal

Calendar for the Second Division of 1835 and to forward

English

1

5. 8th March 1836.

67

English and Dutch Translations of letter desputation for the consideration of the Supreme Executive.—

(Here enter No. 359)

Rent letter dated 22d Feby. from the Judge late on Circuit in the Western Division, by which the death of the 5th Prisoner in No. 3 on the Recognizance Calendar Circuit Sessions 1836.—

(Here enter No. 362)

Mr. Huddleston,
and
Mr. Campbell,

The Court of Supreme Executive Council maturely considered the proceedings transmitted by the Judge on Circuit, the Letters of the Provincial Secretary and the Letters of the Citizen - vol. Corps and Examples of the Supreme Executive Council, confirming the sentence of the Court

1st of Upton,
2d Crawley Esq.
3d Cockburn Esq.
and
4th Assyria Adams,

and accordingly direct that they be set at liberty

(Enter following letter No. 360)

Rent letter dated the 5th March from the Chief Judge on Circuit in the Western Division, enclosing the English and Dutch Translations of the proceedings in Case No. 19 on the Recognizance of the Prisoners

8th March 1836

of Recognizance for the Circuit Sessions of 1836.—

(Here enter No. 361)

Mr. Bird,
and
Mr. Huddleston,

The Court of Supreme Executive on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners

1st Pra Eromata Chalakel Eamayan Brew,

and

2d Dana Eromata Domakel Eamayan Enalayan,

is sufficient to convict them of the crime of Wilful Murder, by, under the authority with which they are vested by Colonial Act, Entitled the Registration of 1818, vested in them thereof, and in conformity with the provision of Section X, Regulation VII of 1832, sentence them to suffer death by being hanged at the usual time and place of execution.—

The Court of Supreme Executive deem it proper to direct that the circumstances of this case be communicated to the Magistrate of Malacca, and that that officer be instructed to stimulate the Police authorities of the District to discover evidence against the instigator of this horrible murder.—

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

(Enter following letter No. 361)

The

5.

8th March 1836.

Circular Order

No. 66.

The Magistrate of Salem Kaing had occasion to apply for sanction to disburse a small sum for hanging of the Gaols of Coimbr transferred to his charge, the Court of Sessions Udalut sanction thereto to extend the Circular Order No. 50, dated the 28th of August 1835, to Magistrates and other Officers in charge of Gaols, and to direct that a Quarterly Statement of all such payments authorized by the Court of Sessions Udalut be submitted for the information and special sanction of Government, whenever disbursements of the above nature may be made by the Officers therein referred to.

To Govt. No. 51

(Sent following Circular Order No. 265 & 266)

Read letter to the 8th Ultimo from the Criminal Court of Circuit in the Northern Division, submitting copies of the proceedings with and of the returns made by the Criminal Judge of Rajahmundry thereto, the subject of the delay on the part of the Criminal Judge of Rajahmundry in carrying into effect the warrant passing the sentence

Govt.
8th March 1836

sanction of the Nizamut in Case No. 5 of the Calendar for the 2d Sessions of 1835.—

(Here enter No. 303)

The explanation submitted by Mr. Gray, in his return dated the 9th Ultimo, of the unavoidable delay in communicating to the Nizamut Adawlut, through the medium of the Court of Sessions Udalut, is considered most unsatisfactory; and the Judge would have considered it his duty to bring the subject to the notice of the Governor in Council, had not the reprehensible manner evinced by Mr. Gray in the discharge of his official duties already met with a suitable mark of the displeasure of Government.—

Ordered, that the Criminal Court of Circuit in the Northern Division be requested to communicate the same to Mr. Gray for his information.—

(Sent in No. 264)

Read letter dated 29th January last from the Criminal Court of Circuit in the Northern Division forwarding the original Death Warrant Nos. 1 to 4 in Case No. 5. on the Calendar of the Zillah of Rajahmundry for the Second Sessions of 1835.—

(Here enter No. 190)—

13
1836

5th

2nd

No 60.

At a Court of the Foujdaree Adalut

Thursday
10th March 1836

Present,

John Bird Esqr 2nd Puisne Judge

William Rendleston Esqr 3rd Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Read letter dated the 22nd Ultimo

from the Officiating 2nd Judge of the Provincial Court
of Circuit in the Centre Division, transmitting
the record in Case No. 1 on the 5th Supplemental
Chittoor Calendar for the 4th Quarter Sessions of 1835.

/Vide entry No. 350/

The Court of Foujdaree Adalut,

Mr. Rendleston
and
Mr. Campbell

on a deliberate consideration of all the circumstan-
ces of the case in evidence before them, being of opinion
that the proof against the prisoner

Veerabedrum

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 IX of
1818, convict him thereof, and sentence him to
be transported to such place beyond Sea, as the

Governor

Governor in Council shall appoint, there to be
imprisoned and kept to hard labour in irons on
the public roads or other public Works for and
during the period of his natural life.-

/Sent following letter N.o 273/

Read letter, dated the 29th Ultimo from
the Officiating 2d Judge of the Provincial Court of
Circuit in the Centre Division submitting, with
reference to the instructions contained in the Extract from
the proceedings of the Foujdaree Adaulut of the 26th Ultimo
copy of the decision of the Collective Court in case N.o 12
of the Chittoor Criminal Reports for the month of
January.-

/Here enter N.o 376/

Read also letter dated the 29th Ultimo
from the Criminal Judge at Chittoor, to the Registrar of
the Foujdaree Adaulut of the 26th Ultimo, enclosing
their orders and observations on their Criminal
Reports forwarded by him for the Month of January

/Here enter N.o 377/

On the above communications, the
explanation of the grounds upon which the Criminal
Judge recorded his sentence on the 1st prisoner in the
case

case in question, N.o 12, has been laid before the Court,
and it appears to them that he has justified it.-

The Provincial Court of Circuit, on
homeen, for the reasons rested in the Extract from
their proceedings, copy of which has accompanied the
above letter from the Officiating 2d Judge and in
exercise of a discretion duly vested in them, having
directed the release of the said prisoner, Maurice Chitty.
the Court of Foujdaree Adaulut are not of opinion
that the order of the Collective Court should be
disturbed.

Ordered, that Extract from these
proceedings be sent to the Provincial Court of Circuit
in the Centre Division, for communication to the
Criminal Judge of Chittoor.-

/Sent in N.o 274

Read Return, dated the 2d Instant,
from the Criminal Judge of Nellore to Precept of the
Foujdaree Adaulut dated the 26th February 1836, on the
Criminal Reports for January 1836.-

/Here enter N.o 390/

Read Return, dated the 2d Instant
from the Provincial Court of Circuit in the Southern
Division

10th March 1836

Division to Receipt of the Foujdaree Adalut dated the 26th February 1836, forwarding their Circular Order No. 62

(Here enter No. 397)

Read Return dated the 29th Ultimo from the Provincial Court of Circuit in the Northern Division, to Receipt of the Foujdaree Adalut dated the 12th February 1836, requiring the Provincial Court to submit a Report on the case of the prisoner named Cenna Veerannah, the 13th prisoner in Case No. 19 the Masulipatam Calendar for the 1st Quarter Sessions of 1835.

(Here enter No. 399)

Read Return, dated the 29th Ultimo, from the Magistrate of Madura, to Receipt of the Foujdaree Adalut dated the 15th February 1836, requiring further explanation relative to the Criminal Returns for December 1835.

(Here enter No. 400)

Read Return, dated the 3rd Instant, from the Acting Criminal Judge of Combaconum to Receipt of the Foujdaree Adalut dated the 25th February 1836, conveying their Sanction and Order

316

10th March 1836

orders on the Criminal Reports for January—

(Here enter No. 401)

Read letter, dated the 1st Instant, from the 1st Judge on Circuit in the Northern Division, informing of his having opened the 1st Sessions of 1836 at Guntoor on the 25th Ultimo, and the state of the Calendar.

(Here enter No. 404)

Read letter, dated the 29th Ultimo, from the 3rd Judge on Circuit in the Western Division, forwarding the original Death Warrant &c in Case No. 10 on the Calicut Calendar for the First Sessions of 1836

(Here enter No. 405)

Read letter, dated the 7th Instant, from the Acting Judge of the Provincial Court of Circuit in the Southern Division now at Madras, reporting his intention to open the Sessions at Combaconum on the 26th Instant.—

(Here enter No. 406)

Read letter, dated the 2nd Instant, from the 1st Judge on Circuit in the Northern

Division

10th March 1836

Division, forwarding a Statement of Bills found to
prosecutors and witnesses attending before the Court
of Circuit at Nellore during the first Sessions of 1836.

(Here enter No. 415)

Read Letter, dated the 4th Instant,
from the 1st Judge on Circuit in the Northern
Division, reporting his intention to open the 1st
Sessions of 1836 at Rajahmundry on the 26th Instant

Here enter No. 416

Read Letter, dated the 7th Instant
from the officiating 3rd Judge of the Provincial Court
of Circuit in the Centre Division, transmitting
of the Chittoor first Supplemental Calendar for the
1st Quarter Sessions of 1836.

(Here enter No. 417)

Saturday,
12th March 1836.

At a Court of the Conjeeram Adawlut

Present

John Reid Esqr. ——— 2d Puisne Judge,
William Huddleston Esqr. ——— 3d Puisne Judge,
Alexr. Duncan Campbell Esqr. Acting Puisne Judge,

Read letter dated 23d Ultimo, from the
3d Judge on Circuit in the Western Division, transmitting
the record in Case No. XVII. on the Malabar Calendar
1st Sessions of 1836.—

(Here enter No. 365)

Read also letter dated 24th Ultimo, from
the 3d Judge on Circuit in the Western Division,
alluded to in the D. S. dated the 23d February of this date
of the 18th February forwarding Case No. 17 on the Calicut
Calendar for the first Sessions of 1836.—

(Here enter No. 366)

Mr. Reid
and
Mr. Huddleston

The Court of Conjeeram Adawlut, having
maturely considered the proceedings held before the
Judge on Circuit, the Letter of the Provincial Law
Officer and the Futwa of the Cazee-ool-Cozat and
Mooftee of the Conjeeram Adawlut, confirm the said
Letter of the Cazee-ool-Cozat and Mooftee aforesaid,
annexing the Sentence

Each of Seven Rupees and Hard Labour

of wilful Murder and awarding Nazar, and in
conformity

conformity with the provisions of Section X. Regulation VII of 1832, sentence him to suffer death by being hanged as soon as conveniently can be after the receipt of the Warrant, at a spot to be selected by the Criminal Judge in the immediate vicinity of the place where the murder was committed.—

(Sent following letter No. 276.

Read return, by the Acting Assistant Criminal Judge of Coimbatore, in charge of the Court, to Precept of the Superior Court of the 29th Ultimo, and = naying their notes on the Proceedings and Coimbatore Criminal Reports for January.—

(Here enter No. 415)

Supplemental Report Case 184.

The Court of Sudder Adawlut, having called for an explanation of the grounds of the commitment of this Prisoner, and the Acting Assistant Criminal Judge "in charge" having stated in the above return that "no further grounds than the already entered in the Report appear on record," deem it proper to direct that copy of the case as it stands in the Report with copy of this proceeding be sent to the Criminal Judge, now on leave, at the Neilgherries who will in all probability be able to explain the reason why he committed the Prisoner "Ellumundaiyan"

on the charge of "having entered the Prosecutor's House by removing the bolt of the door and stolen therefrom property value Rupees 4--2--0"

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Coimbatore now at the Neilgherries.—

(Sent in No. 277

Read return, dated the 29th Ultimo, from the Acting Joint Criminal Judge at Coimbatore to Precept of the Superior Court of the 25th Ultimo, enclosing their notes on the Coimbatore Criminal Reports for January.—

(Here enter No. 398)

Report V. Case 7

The explanation, submitted by the Acting Joint Criminal Judge, regarding the 2nd Prisoner in this case, for which the Superior Court called in the enclosed proceedings of the 25th Ultimo, being satisfactory, they direct that the notes contained in the Criminal Report be left undisturbed.—

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Coimbatore for his information.—

(Sent in No. 278)

Read the Superior Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of January.—

(Here enter No. 395)

The

The above Petition not having been opposed or any remark - that the Court above Referred to Petition No 1 containing a statement of grounds made out sufficient for trial, has not been misled as it should have

Ordered, that extract from these proceedings be sent to the Joint Criminal Magistrate for his information -

(Cont in No 279 -

WS

WS

WS

At a Court of the Conjoint Estates

Present

Monday 14th March, 1836. John Reid Esqre ——— 2d Puisne Judge
William Huddleston Esqre ——— 3d Puisne Judge
Alexr Duncan Campbell Esqre ——— Acting Puisne Judge

WS

WS

Read return dated the 2d instant made by the Provincial Court of Appeal in the Eastern Division to the precept of the Conjoint Estates dated the 22d of February 1836 forwarding the translation of a petition presented by one Cano Dop to the Conjoint Estates and praying that the Magistrate of Cape may be called upon to report on the various allegations therein contained -

(Here enter No 276)

Also read a petition presented by Cano Dop of Hydrabad -

(Vide enter Rec. D. No 20 of 1836)

The Provincial Court in their return state that Petitioner similar to that forwarded by the Conjoint Estates were presented to the Acting Puisne Judge at Combaconum while holding the 1st Sessions for 1836, and to the late 3d Judge of the Court (Mr Cotton) while holding the 2d Sessions for that year: that on both of these occasions the Magistrate was called upon for explanation, copies of

14th March 1836.

resolved to call upon Lieutenant Cudd for explanation as the Court are not of opinion that the Petitioner ought to be misinformed and misled also.—

As regards the other statements contained in this Petition the Court of Enquiry resolved to call upon the Provincial Judge in the Gilbert Islands for such explanation as he may be able to offer.—

Ordered, accordingly that extracts of these proceedings together with an English translation of the Petition be forwarded to the Provincial Judge in the Gilbert Islands for his information & prompt attention in such steps as may seem meet & necessary.—

(Court adjourning Sine Die at 3 P.M.)

Ordered also that extracts of these proceedings be forwarded to Lieutenant Cudd in charge of the Camilla at Apaiang with a request that he will furnish the Court of Enquiry Statute with such explanation as may to the Complaint made by the Petitioner Tebau as to the date of his marriage have been found to him.—

(Court on 15th inst. at 10 A.M.)

Read Miscellaneous Petition of

U.K.

14th March 1836.

on the 27th February 1836 by Kamaiebike Tibau of the Gilbert Islands of Cudealcar.—

(Here enter Petition dated 4th Nov. 1835)

The Petitioner represents that his Brother Tabo Tibau, the third prisoner in Case No. 1 on the Supplemental Calendar of Cudealcar for the first Sessions of 1836, is at present undergoing confinement on a false and malicious charge of having, by means of illusage, caused the death of one Tamoynaan; and he prays that orders may be issued for his brother's restoration to Liberty.—

The Petitioner is informed that the case is under reference to the Enquiry Statute and will be disposed of in due course.—

This is one of those cases set down for reference to the Enquiry Statute by 10th Sept. Chairman, the Second Judge last in Court in the Centre Division, for causing the proceedings in which, the employment by the Provincial Court of Court in the Centre Division of two additional Masters was sanctioned by Government under date the 22nd October.—

The Court of Enquiry Statute resolve to direct that the attention of the Provincial Court of Court be called to the importance of bringing these trials to a close with the least possible delay, and

that that Court be required to state within a fortnight the reason that the Records of the cases in question shall be completed.—

Ordered, that extract from the proceedings be sent to the Criminal Court of Circuit in the Central Division by Freight returnable in two days from receipt of the requisition.—

(Sent following Freight No. 287)

Ordered further that extract from these proceedings be forwarded to the Collector of Customs at Penang upon his requisition.—

Colleges of the Police of Malacca moved the Court to return the malcontents in Miscellaneous Petition No. 28 of 1836.—

Ordered accordingly.

Read letter dated 8th Instant from the N. Judge on Circuit in the Central Division of this intention to open the Sessions at Pinang the 4th April next.—

(Here enter No. 422)

Read return dated at Court of the Criminal Court of Circuit in the Central Division to Freight per the Conjeera Redaut dated the 26th February 1836 forwarding the Criminal Returns No. 62.—

(Here enter No. 427)

Read return dated 4th Instant from the Acting Criminal Judge of Malacca to Freight of the Conjeera Redaut dated the 26th February 1836 communicating their observations and order on the Criminal Reports for January 1836.—

(Here enter No. 429)

Read return dated 3rd Instant from the Acting Criminal Judge of Camara to Freight of the Conjeera Redaut dated the 26th February 1836 communicating their observations and order on the Criminal Reports for January 1836.—

(Here enter No. 430)

Read return dated 7th Instant from the Acting Joint Criminal Judge at Penang to Freight of the Conjeera Redaut dated the 29th February 1836 on the Criminal Reports for January.—

(Here enter No. 437)

Read return dated 8th Instant from the Criminal Judge at Province to Freight of the Conjeera Redaut dated the 26th February 1836 on the Criminal Reports for January.—

(Here enter No. 438)—

At a Court of the Foujdaree Adalut.

Present,

Tuesday 15th March 1836.

John Bird Esqr ——— 2nd Puisne Judge

William Maddleston Esqr 3rd Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge.

Read letter dated the 20th Ultimo,

from the 3rd Judge on Circuit in the Centre Division,

transmitting the record in Case N. 10 on the Cuddalore

Calendar for the 2nd Sessions of 1836.-

[Mem enter N. 352]

The Court of Foujdaree Adalut,

having maturely considered the proceedings held before

Mr Bird and Mr Maddleston-

the Judge on Circuit, the Fatwa of the Provincial Law Officer, and the Fatwa of the Cazee-ool-Cozat and Mooftee of the Foujdaree Adalut, confirm such part of the said Fatwa of the Cazee-ool-Cozat and Mooftee aforesaid as acquits the prisoner

3rd Para Mootien

and accordingly direct that he be set at liberty-

And being of opinion that the prisoners

1st Appoo Moodily

and

2nd Ramasawmy Moodily

are

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confession notwithstanding the Fatwa of their Law Officer, the Court do accordingly acquit them, and under the provisions of Clause Sixth, Section II. Regulation XV of 1803, direct that they be set at liberty.

/Sent following letter No. 293/

Read letter, dated the 4th Instant, from the Provincial Court of Circuit for the Northern Division, submitting for the orders of the Sudder Adalut copy of a correspondence between the 1st and the Acting 2nd Judge relative to case No. 22 on the Calendar of persons punished under Regulation XI of 1822 by the Criminal Court at Nellore.

/Here enter No. 319/

The case in question appears to be No. 163 of the Supplemental Criminal Report for Dumka last. On review of it, on the 26th of January, the Court directed the remission of the sentence as regarded the 2nd prisoner, deeming that she should be put to no labor suited to her sex without cross. They did not observe that the case itself was out of the jurisdiction of the Nellore Court, it being represented in the Report

Report that the houses, with the theft of which the prisoners stood charged, had been "stolen in the "Village of Pullavarium", no allusion whatever being therein made to the Zillah of Chingleput. The fact appears equally to have escaped the attention of the Criminal Judge, upon whom it devolved to have corrected, at once, the illegal sentence of his Sudr Ameen.

2 The 1st Judge holding the Sessions at Nellore referred the proceedings upon the case to the Collectors Court, and the Acting 2nd Judge being the only Judge present at the station, the circumstance are now laid before the Sudder Adalut, with the recorded opinion of the 1st and of the Acting 2nd Judge, that the two prisoners should be released. The "theft", moreover of the houses appears to have been without satisfactory proof.

3 Under this consideration the Court of Sudder Adalut deem it proper to direct that the prisoners

1st Shaik Ahmud alias Mahommud Cassim

and

2nd Lovemah

be forthwith discharged.

The

15th March 1836.

The Provincial Court of Circuit
will be pleased to point out to the Criminal Judge
for his information and for that of the Sudr Ameen
the irregularity of their proceedings in this case for the
due disposal of which at Kellore sanction should have
been requested with reference to Section III. Regulation III.
of 1827.

Ordered, that Extract from these pro-
ceedings be sent to the Provincial Court of Circuit for
the Northern Division for their information and
guidance by Precept returnable in 3 days after receipt.

/Sent following Precept No. 294./

Read Return dated the 29th Ultimo
from the Provincial Court of Circuit in the Northern
Division, to the Precept of the Court of Foujdaree
Adalut under date the 12th February 1836, enclos-
ing their observations and orders on the result
of the examination by the Provincial Court of certain
cases, the sentences originally passed in which, it
was proposed by the late Acting Second Judge late
on Circuit in the Northern Division to mitigate,
with reference to the Extract from the proceedings
of the Foujdaree Adalut under date the 30th
April 1835.

/Hereunder F. Cs. No. 413 of 1836/

Read

F. Cs.

15th March 1836.

Return dated

Read also further Return dated
respectively 27th September 1836 and
the 29th Ultimo, from the Provincial Court of Circuit
in the Northern Division, to Precept of the Foujdaree
Adalut dated the 30th November 1835, respecting certain
cases in which mitigation of the punishment was
recommended by the late Acting 2nd Judge Mr. Waters,
on the grounds adverted to in the Extract from the
proceedings of the Foujdaree Adalut under date the
30th April 1835.

/Hereunder No. 402./

1. With the foregoing Return is forwarded
a Memorandum which the Provincial Court observe
will shew that the prisoners in the whole of the cases
in the Statement E. referred to in the seventh paragraph
of the proceedings of the Foujdaree Adalut of the 12th Ultimo
have been disposed of as well as the mode of their dis-
posal.

2. The Court of Foujdaree Adalut
observe that in the Statement E, is included Case
No. 152 on the Quarter Calendar for the First Sessions
of 1834; but they do not find this Case entered either
in the "Memorandum" or in any of the former Returns
submitted by the Provincial Court, who will accord-
ingly be pleased to report in what way the case
in

in question has been disposed of.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division by Precept returnable within seven days from and after its receipt.

/Sent following Precept No. 295.

Read letter dated the 3rd. Instant from the Acting Second Judge late on Circuit in the Southern Division, submitting a copy of the Madura Calendar for the First Sessions of 1836

/Here enter Ex. Ct. No. 392 of 1836/

Case No. 16

Referring to the evidence for the prosecution as given in abstract in the Calendar, the Court of Sudder Adalut entertain doubts of the propriety of the acquittal of the prisoner in this case, and in consequence direct that an English Translation of the Record be prepared and submitted for their consideration without delay.

Suppl. Calendar Case No. 1

2.

The Court of Sudder Adalut, having maturely considered all the circumstances of this case as they appear in abstract on the Calendar, resolve, under the authority vested in them by Clause Third, Section III. Regulation I of 1825

6

to sanction the mitigated sentence recommended by the Acting Second Judge, and accordingly direct that the prisoners

1st Raumen

and

2nd Allagen

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

3

The Acting Second Judge should have recorded the grounds on which his recommendation was founded.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable within twelve days from and after its receipt.

/Sent following Precept No. 296/

Read Letter dated the 8th Instant, from the Acting 2nd Judge on Circuit in the Southern Division, transmitting Copies of the Proceedings of the Madura Calendar for 2nd Sessions of 1836.

/Here enter No. 392/

Read letter dated the 5th Instant, from the Native Criminal Judge of Honore, transmitting

15. March 1836.

transmitting the Criminal Reports for February 1836.

(Here enter No. 448)

Read Return dated the 9th Instant, from the Provincial Court of Circuit in the Northern Division, to precept of the Foujdaree Adalut dated the 17th February 1836, directing that the Criminal Judge of Chicacole be required to explain the grounds on which he deviated from the practice enjoined by the Circular Order of the 12th July 1835 on the examination of the Prosecutrix in Case No. 21 on the Chicacole Calendar for the Second Sessions of 1835.

(Here enter No. 454)

Read letter, dated the 12th Instant, from the Joint Criminal Judge of Cuddalore, submitting Criminal Reports for the Month of February last.

W.J.

(Here enter No. 467)

F. U.

At a Court of the Foujdaree Adalut.

Present

Friday 18th March 1836. John Bird Esqr. ..... 1st Puisne Judge

William Hudleston Esqr. ... 3d Puisne Judge

Alexr Duncan Campbell Esqr. Acting Puisne Judge

113

125

Read return dated the 8th Ultimo from the Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Foujdaree Adalut under date the 15th January 1836, communicating their observations and orders on Case No. 9 on the Guntoor Calendar for the First Sessions of 1836 tried by the late Acting Third Judge of Circuit in the Northern Division Mr. Wray, and requiring the Provincial Court to examine the Records of all the other Cases tried by that Gentleman on the Calendars of Nellore and Guntoor, and report whether in any other Case he has convicted the prisoners and proceeded to judgment, without taking the evidence for the defence.

(Here enter F. U. No. 271 of 1836)

Read the further return dated the 1st Instant, from the Provincial Court of Circuit in the Northern Division to the same Precept.

(Here enter F. U. No. 403 of 1836)

With their return of the 1st Instant,

the

18th March 1836.
The same to the Centre and Southern Divisions.

yet received from the Provincial Court in the Northern Division

Resolved - that that Court be called upon immediately to submit the reports in question or to report from whose delay the Statements are detained -

The Statements from the Western Division have already been received, and the Court see no reason why the other authorities should not be equally expeditious -

Ordered, that Extract from these proceedings be sent to the Provincial Court in the Northern Division by precept returnable within 6 days from and after its receipt

Sent following Precepts No. 301 ND. 302 CD. 303 SD.

Read further Return, dated the 7th instant, from the Provincial Court of Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated the 12th Ultimo, calling for a report upon the Case of the prisoner Cunnay Veerunnah -

/Here enter No. 456/

Read letter dated the 11th instant, from the Magistrate of Nellore, submitting the explanation required by the Foujdaree Udalut in their proceedings of the 26th Ultimo, relative to a Case on the Criminal Reports for January

/Here enter No. 457/

Read letter dated the 8th instant, from the Magistrate of Vizagapatam, submitting the explanation required by the Foujdaree Udalut in their proceedings of the 26th Ultimo, relative to a Case on the Criminal Reports for January 1836

/Here enter No. 464/

F. 60.

At a Court of the Foujdaree Udalut

Saturday
19th March 1836.

Present

John Bird Esqr. ——— 2nd Puisne Judge
William Mudleston Esqr. 3rd Puisne Judge
Alex. Duncan Campbell Esqr. Acting Puisne Judge

Read return, dated the 7th Instant, from the Acting Criminal Judge at Salem to the Precept of the Foujdaree Udalut of the 29th Ultimo, conveying their orders upon the Salem Criminal Reports for the Month of January.

/Here enter No. 433/

Report V
Case 4

1. The circumstances of this case, represented in the Criminal Report, induced the Court of Foujdaree Udalut, to whom it appeared that gang robbery had been committed by the prisoners, to call for an explanation of the facts proved against them, and of the grounds upon which sentence had been passed under Section VII. Regulation X. of 1816.

2. On the above return the required

required explanation having been given, the Acting Criminal Judge concludes by observing that, "although the charge has a prima facie appearance of Gang Robbery, the case appeared to the Acting Criminal Judge, after full consideration, to be divested of every feature which rendered a higher measure of punishment than provided for by Section VIII Regulation X of 1816 necessary."

3. This explanation is not satisfactory and the case still bears, in the opinion of the Court, the appearance of "Robbery by open violence". They accordingly deem it proper to require the commitment of the three prisoners to take their trial before the Court of Circuit at the next Sessions.

Cases 7-8-9.

4. By their orders of the 29th Ultimo the Court directed, that the sentence passed upon the 1st prisoner, under Clause 4th Section III, Regulation VI of 1822, should be reduced to that authorized by Section XIII Regulation X. 1816, unless the Acting Criminal Judge had "further explanation" to submit of the circumstances of the case. They at the same time, stated their opinion that the Report of the Tasildar is not sufficient to prove that

that the prisoner is an "Offender" or "a bad character".

5. The Court learn from the present return, that the prisoner was "once before convicted in the Zilla Jail for one Month sentenced by the Joint Magistrate", a fact which should have been specified in the Criminal Report. They concur with the Acting Criminal Judge that the sentence of the Sudr Ameen is excessive, and in his suggestion that it should be reduced to (12) twelve Months imprisonment with labor without the lashes. They accordingly direct this modified sentence to be carried into effect.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Salem for his information and guidance by Precept returnable in 4 days after receipt.

(Sent following Precept No. 309)

Read return dated the 7th Instant from the Criminal Judge of Madura to Precept of the 26th Ultimo conveying the orders of the Foujdaree Adalut on the Criminal Reports

forwarded

19th March 1836. forwarded by him for the Month of January.

(Here enter No. 451)

Report V
Case 5.

The Criminal Judge having explained in the above return, that the value of the property stolen in this case of housebreaking did not exceed 100 Rupees, but that he omitted to notice this fact in the Criminal Report, the Court direct that his order upon it be not disturbed.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Madura for his information.

(Sent in No. 3104)

V. 66.

At a Court of the Company's Choultry.

Present.

Monday, 21st March 1836. John Bird Esqr. ——— 2d Puisne Judge,
William Budleston Esqr. ——— 3d Puisne Judge,
Alexr. Duncan Campbell Esqr. Acting Puisne Judge.

Read miscellaneous Petition presented on the 14th instant by Kurrasamy Sankien and Krishnama Sankien.

(Here enter Criminal Petn. No. 33 of 1836.)

The petitioners represent that they were formerly Sirkar Peons attached to the Zillah Court of Ramnad; that they have been dismissed by the Criminal Judge in charge of certain convicts placed under the orders of the Magistrate of that Zillah, that they were by the latter officer unjustly dismissed from their situations; and they pray that the correspondence which has passed on the subject between the Criminal Court of Circuit in the Carnatic Division and the Magistrate may be called for, and order issued for their restoration.

The petitioners are informed that their case was disposed of by the Company's Regulation on the 4th January last, when, upon a full consideration of the correspondence referred to which they refer, an order was passed to the effect that the representations of the

Report V.
Case 22.

Read the Principal Criminal Report prescribed by Section XXXV Regulation X 1816 for the month of February.—

(Here enter No. 1469)

1. The prisoner in this case charged with having preferred before the Tahsildar a false complaint "against Appiah and 14 others has been released."— Adverting, however, to the statement of the circumstances detailed in the Report, it appears to the Court of Enquiry doubtful that there is reason to doubt the propriety of the conduct of the Tahsildar. In one place it is stated that the Magistrate sent an order to the Tahsildar to forward the case (wherein prisoner charged Appiah and 14 others with having robbed him) to the Criminal Court. The Court are desirous of being informed whether this was the fact and also whether the case in question was ever brought before the Criminal Judge.—

2. The Criminal Judge will be pleased to transmit copy of the case and of these two paragraphs to the Magistrate, who will forward to the Enquiry Tahsildar desiring an explanation of the circumstances connected with the case of "Appiah" and the Criminal Judge will specify for their information whether it has been before him.—

Ordered, that Extract from these proceedings

7th March 1836.

the case warranted their dismissal from office.—

Ordered, that the papers of this Petition be returned and that Extract from these proceedings be furnished to the Petitioners as the basis of their Petition.

Read letter dated 3d Instant from the Acting 2d Judge on Circuit in the Western Division of Calendar 1st Sessions of 1836.—

transmitting the record in Case No. 6 on the

(Here enter No. 394)

Mr. Bird
Mr. Budleston
and
Mr. Campbell

The Court of Enquiry Tahsildar having maturely considered the proceedings held before the Judge on Circuit, the Letters of the Criminal Law Officer and the Extract of the Regulations of the Enquiry Court and Letter of the Register Court and Letter of forwarding the prisoner convicting the prisoner

"Commissioner"

of the crime charged on strong presumptive proof and awarding Acrobat, and in conformity with the provisions of Clause Second, Section II. Regulation V of 1825, sentence him to receive one hundred and fifty five lashes of a Cat of nine tails and to be imprisoned to such place beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept at hard labour in irons on the public roads or other public works for and during the space of six natural years

(Cont following Letter 1837

Read

proceedings be sent to the Criminal Judge at Chingleput
for his information and guidance by Cmplt returnable
in 3 days after receipt.—

(Sent following Cmplt No. 318.)

Read the Vizagapatam Criminal Report
prescribed by Section XXXV Regulation X of 16 for the
month of February.—

(Here enter No. 434)

Report V
Case 5.

1. The Court of Confirmation having remitted
it be pointed out to the Acting Joint Criminal Judge
with reference to the Abstract for the entries in this
case, that the entry in the Column headed "commitment"
is too lengthy, and that all the Criminal Reports
Case 8. grounds upon which the entries in such
may be recorded.—

2 The Acting Joint Criminal Judge be
omitted to state his reasons to the satisfaction of the
prisoner in this case, the Court direct that he be
called on to supply the omission.—

Ordered, that extract from the
proceedings be sent to the Acting Joint Criminal
Judge at Vizagapatam for his information and guidance
by Cmplt returnable in 3 days after receipt.—

(Sent following Cmplt No. 319.)

Read

Read the Vizagapatam Criminal Report
prescribed by Section XXXV Regulation X of 1816 for the
month of February.—

(Here enter No. 434)

Report's Report
Case 126.

1. The prisoners in this case are represented
to have been apprehended as far back as the 4th of
November 1835, and to have been retained before the
Criminal Court in consequence of the absence of "two
important witnesses." The Magistrate having reported on
the 29th February that these witnesses had gone to the
Nizam's Country, it appears to the Court of Confirmation
proper to direct that the case be enforced, if there
is no reasonable probability of their early attendance.—

Case 13.

2. With reference to the entry in the
Column headed "commitment," the Court direct it may
be pointed out to the Acting Criminal Judge that
it is insufficient, and that a summary of the
grounds of the commitment should have been given.—

Report V
Case 17.

3. The transmission of the prisoner in
this case, against whom it is stated in the Report
that "there is not the slightest evidence," appears
to be an instance of error on the part of the Police,
the circumstances of which the Criminal Courts are
enjoined by the Circular Order 27 May 1823 to com-
municate to the Magistrate. If therefore the Acting
Criminal Judge should not have made the
representation

representations to the Magistrate required by the said
Circular Order he will be pleased to do so on the receipt
of these proceedings.—

Ordered, that Extract from these
proceedings be sent to the Acting Criminal Judge at
Mangalore for his information and guidance by Draught
returnable in 3 days after receipt.—

(Sent following Draught No. 320)

Read further Return, dated 7th Instant,
from the Provincial Court of Circuit in the Northern
Division, to the Precept of the Court of Enquiry dated
the 25th January last, directing the release of Bava
Comicha, the prisoner
for the 7th Sessions of 1836.—

(Here enter No. 435)

Read Statement dated 7th Instant from
the Acting Joint Criminal Judge of Chittoor of the
Casualties and of Prisoners released in the District
for the month of February 1836.—

(Here enter No. 487)

Read Statement dated 7th Instant from
the Magistrate of Coimbatore of Estimated value of the Grain
Labour of the prisoners at Bungalows &c. under charge of
the Magistrate of Coimbatore during the month of February 1836.

(Here enter No. 492)

Read

Read Return dated 16th Instant from
the Provincial Court of Circuit in the Northern Division to Precept
of the Court of Enquiry dated the 25th February 1836 containing
their observations and orders on the Criminal Register of Records
for the Month of January for communication to the
Judge on Circuit in the Northern Division.—

(Here enter No. 494)

Read Letter dated 16th Instant from the
Provincial Court of Circuit in the Northern Division transmitting
the Original Death Warrant Page in Case No. 5 on the Criminal
Calendar for the Second Session of 1836.—

(Here enter No. 495)

Read Return dated 14th Instant from the
3rd Judge on Circuit in the Western Division to Precept
of the Court of Enquiry dated the 7th instant directing him
to investigate and dispose of with reference to Section
XXIII Regulation X of 1816, Case No on the Register No. V of the
said Station Criminal Judge for the Month of January—

(Here enter No. 499)

Read Letter dated 14th Instant from the
3rd Judge on Circuit in the Western Division reporting his
intention to open the first Sessions of 1836 at Mangalore
on the 15th proximo.—

(Here enter No. 500)

Read Letter dated 15th Instant from
Mr. M. D. Daniell in charge of the Revenue Court at
Coimbatore

21st March 1836.

Coimbatore Submitting the Statement of the labour of the Convicts employed under the Magistrate of Coimbatore during the months of February 1836—

(Here enter No. 572)—

F. W.

At a Court of the Foujdaree Udalut.

Present,

Tuesday 22nd March 1836. John Bird Esqre ——— 2nd Puisne Judge.
William Huddleston Esqre ——— 3rd Puisne Judge.
Alexr Duncan Campbell Esqre — Acting Puisne Judge.

193
1836

Read Extract from the Minutes of Consultation under date the 19th February 1836, conveying the observations and orders of the Governor in Council on the Extract from the Proceedings of the Foujdaree Udalut under date the 24th December 1835, on the review of the administration of Criminal Justice during the second half of the year 1834.

(Here enter F. W. No. 353 of 1836)

Para 2. 1. The Court of Foujdaree Udalut observe, with reference to para. 116. of the Extract from their proceedings under date the 24th December 1835, that the Provincial Court of Circuit in the Northern Division have in their Return dated the 22nd January 1836, certified that the Magistrate of Nellore has been called upon to afford his best attention to the Subject of the alleged inadequacy of the Police Establishment in that District for the apprehension of offenders and prevention of Crime: and with reference to the 117th and three succeeding paragraphs, that the further information called for from

22nd March 1836.

from the Magistrate of North Arcot relative to the state of the Police in the Zamindaries and Pollams in that District, has been laid before Government with the proceedings of the Foujdaree Udalut under date the 26th Ultimo.

Parah 4.

2.

In this paragraph, the Governor in Council animadverts on "the great length of time some of "the parties adverted to in parah 72, had been incarcerated and remarks that "it is highly desirable that the referred "cases should reach the Foujdaree Udalut at an earlier "period than they appear to do."

3.

The Court of Foujdaree Udalut observe that the delay here alluded to was one of the consequences of the famine, which crowding the Jails, more especially those in the Northern Provinces of this Presidency with offenders necessarily entailed upon the Courts of Circuit more work than they could perform in the period prescribed by the Regulations. Thus, Mr. Pasha, the First Judge of the Provincial Court of Circuit for the Northern Division, at one Station alone, Bellary, examined the whole period usually allotted to the delivery of all the Jails in that Division. But it is satisfactory to be enabled to add that the delay in the transmission of referrible trials either no longer exists, or is very materially diminished.

Parah 6.

4.

It was not the intention of the Court

22nd March 1836.

of Foujdaree Udalut to submit any recommendation on the points noticed in paras 98 and 105 of their proceedings of the 24th December last, as they would appear to form part of that General System of Judicial establishments and Police in framing which it is believed that the Law Commissioners are at present engaged: and any discussion by the Court on the present occasion respecting them would therefore appear to be superfluous. The points noticed in paras 161 and 162 have formed the subject of a separate communication to the address of the Chief Secretary to Government of Fort St. George.—

Vide letter dated 18th March 1836

Parah 13.

5.

It appears to the Court to be highly desirable that the powers conferred upon Heads of Districts Police under Clause first Section IV (as modified by Clause First, Section V, Regulation XIII of 1832) and Clauses First and Second, Section V, Regulation IV of 1831, should be extended to Amuns of Police, who should be required to keep Registries of all punishments which they may inflict, transmitting them monthly to the Heads of Police of their respective Districts to be by them forwarded to the Magistrates.

Parah 15.

6.

The Circular instructions referred to in this paragraph and in parah 148 were submitted to Government under date the 19th January 1836.

Vide C.D. of the Foujdaree Udalut No 59

Ordered, that Extract from these proceedings

22nd March 1836

proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Governor in Council.

(Sent in No 331)

Ordered further, that a Copy of paras 6: 106: 107: 108: 109: 110: 111: 112 and 113 of the Extract from the proceedings of the Fouzdaree Adalut under date the 22d December 1835 be sent to the Provincial Court of Circuit in the Northern Division, with Copy of para 17 of the Extract from the Minutes of Consultation under date the 19th February 1836 for their information and that of the Magistrates of Masulipatam and Vizagapatam.

(Sent in No 332)

Ordered further, that a Copy of paras 35 to 39 and 142 with Copy of paras 17 and 18 of the Extract from the Minutes of Consultation be sent to the Provincial Court of Circuit in the Centre Division to be communicated to the Officers to whom they respectively belong.

(Sent in No 333)

Ordered further, that a Copy of paras 123 and 124 with Copy of paras 17 and 9 of the Extract from the Minutes of Consultation be sent to the Provincial Court of Circuit in the Southern Division to be communicated to the Magistrate of Trichinopoly; paras 128 and 129 to the Magistrate of Tinnevelly; paras 130 131 and 132 of the Extract from the Minutes of Consultation to the Joint

22d March 1836. and Joint Magistrate of Tanjore.

(Sent in No 334)

Ordered further, that a Copy of paras 133 and Extract from the Minutes of Consultation paras 18 and paras 134 and 135 be sent to the Provincial Court of Circuit in the Western Division for the Magistrate of Malabar; paras 139. 140. 141. and 142 with Copy of para 16 of the Extract from the Minutes of Consultation for the Magistrate of Canara, for the information of his Assistant; and paras 137 and 138 with Copy of para 13 of the Extract from the Minutes of Consultation for the Joint Magistrate of Canara.

(Sent in No 335)

Read again Return by the Acting Sessions and Criminal Judge of Cuddapah, exchange of the Court, to the Precept of the Fouzdaree Adalut of the 29th Ultimo, conveying their orders on the Cuddapah and Bamboor Criminal Reports for January.

(Here enter No 446)

Read also Letter from the Criminal Judge of Cuddapah, now at the Presidency, explaining in reply to the requisition of the Fouzdaree Adalut on the subject conveyed in the Extract from their proceedings of the 12th Instant the grounds upon which the Prisoner was committed in Case No 104 of the Cuddapah Supplemental Report for January.

(Here enter No 447)

The

1

The Court do not gather clearly from the explanation of the Criminal Judge now before them, whether the Commitment of the prisoner in question is well grounded. They accordingly deem it proper to direct the Acting Assistant Criminal Judge to resort to the record of proceedings in the Criminal Court upon that case, and thereby ascertain if the supposition of the Criminal Judge that the prisoner is an "old offender" is supported by it: the event of there being nothing in it to prove this fact, it will be the duty of the Acting Assistant Criminal Judge to pass sentence upon the prisoner Cheeramoundla Gungadoo under Clause Sixth, Section II Regulation VI of 1832 under which the Case falls. The sentence recorded shall be reported for the information of the Foujdaree Adalut

Ordered, that Extract from these proceedings be sent to the Acting Assistant Criminal Judge at Cuddapah for his information and guidance by Precept returnable in 6 days after receipt

(Sent following Precept No 336)

Read letter dated the 8th instant from the Acting Second Judge Cuttack on Circuit in the Southern Division, submitting the Englesh and Persian Translations of Cases Nos 8 and 9 on the Sessions Calendar for the First Session of 1836, for the consideration and final judgment of the Foujdaree Adalut

(Here enter S.R. No 425 of 1836)

22nd March 1836

1

In Case No 8, the prisoner

"Mootloo Lauvoy"

stood charged before the Court of Circuit with having on the evening of the 20th August 1835 struck and kicked the prosecutor Syadauvoy Syen, a boy aged thirteen years, and robbed him of his earrings, Cloth &c valued at twenty one Rupees and eight Anas: and in Case No 9 the prisoner

"Pitchon"

stood charged with having at mid day on the 8th September 1836, assaulted the prosecutrix, torn her ear with his hand, and robbed her of her jewels valued at Seven Rupees

2

In Case No 8 the Section of the Mahommedan Law Officer of the Court of Circuit convicted the prisoner of the crime laid to his charge upon Zunnie Ghalib: and in the eighth paragraph of his letter of reference, the Acting Second Judge observes "I applied to the Court for instructions as to whether this "crime did or did not fall within the provisions of Clause "First, Section III, Regulation XV of 1803 and the negative "being the reply of the Court, I was induced to resort "to the Mahommedan Law for disposing of this case "in the mode prescribed by the Circular Orders of the "20th November 1835 No 56, but the Law Officer declared

this

22nd March 1836

"this crime" not to be Highway Robbery, because it is committed
"by a single unarmed person and in a field not ten miles
"from a Village: Consequently he says, the punishment of
"Hudd cannot be annexed."

3.

In Case No 9 "the prisoner pleaded
"Guilty throughout" and the Law Officer fully convicted
"him and declared him liable to retaliation because the
"Crime was committed in a Nullah" and in the Seventh
paragraph of his letter, the Acting Second Judge remarks
"a similar question to the last arises here. Only the pri-
"soner in this Case confesses his guilt: Still, as he was
"Single unarmed person and the crime committed in
"a Nullah, the Law Officer will not annex the specific
"punishment Hudd."

4

The Court of Foujdaree Udalut doo
that in both these Cases the prisoner is declared liable
to discretionary punishment in consequence of the specific
penalty of Hudd provided by the Mahommedan Law,
being barred by a Shoobah a "Special exception or dis-
"tinction" — "not affecting the nature and cri-
"minality of the offence, and evidently repugnant to the
"principles of equal justice:" and that the Judge should
should as directed in Clause Fourth, Section II Regulation
XV of 1803, have therefore required the Law Officer "to declare
"by a Second Futwa, to what punishment the prisoner
would

F. U.

22nd March 1836

would have been liable under the Mahommedan Law,
"for the Crime committed by him, if the Special exception
"or distinction by which Hudd is barred, had not existed"
and have proceeded thereupon as directed in Clause
Third of the same Section.

5. This Case, which is also indicated
in parah 6 of the Circular Order of the Foujdaree Udalut
of the 20th November 1806 No 56. the Acting Second Judge
will now adopt, and with this view, the Court resolve to
direct that the English and Persian Records of both the
Cases above mentioned be returned to that Officer.

Ordered accordingly, that Extract
from these proceedings with the Records of Cases Nos 8
and 9 be sent to the Acting Second Judge late on Cir-
cuit in the Southern Division, for his information and
guidance by Precept returnable within 20 days from
and after it's receipt.

/Sent following Precept No 3271

Read the Chittoor biennial Reports
prescribed by Section XXXV. Regulation X. of 1816 for the
month of February—

/Here enter No 4845/

Suppl. Report Case 18—

1 In this Case the 1st, 2nd, 3rd, 4th and
10th prisoners are stated to have been committed "on
"the evidence adduced before the Court" a note of

this

this description being manifestly insufficient to enable the Court of Foujdaree Udalut to judge of the propriety of the commitment, they direct that the Assistant be Judge be informed that he is expected to instruct, in future the grounds of his order or sentence in each case.

Report V
Case 31.

2.

With reference to the observation of the Criminal Judge "the prisoner pleads not guilty, there is no proof that the theft was committed" the Court of Foujdaree Udalut deem it proper to direct, if the circumstances of the case have not been already communicated to the Magistrate under the Circular Order of the 21st May, that this instance of defective enquiry on the part of the Police be brought to the notice of that officer by the Criminal Judge.

Ordered, that Retund from the proceedings be sent to the Criminal Judge of Chittoor for his information and guidance by Cowpet patamar 3 days after receipt.

Ass Rent

(Sent following Cowpet Patamar)

Read letter dated the 11th instant from the Provincial Court of Circuit in the Northern Division forwarding an English Translation of the Proceedings in Case No 16 on the Calendar for the Sessions of 1835.

(Vide order F.R. No 273 of 1836)

22nd March 1836. 1.

In this case the prisoner

Kristnammadoo

alias

Ajjud Kristnammanaidoo

stood charged before the Court of Circuit with Perjury: in that, being a Witness in a Suit No 25 of 1832 before the District Moonsiff of Seetanagaram and called upon to depose to certain matters of fact material to the issue of the said Suit, he did, on the 30th July 1832, before the said District Moonsiff, depose on oath to the following effect: "My name is Ajjeedda Kristnumaidoo and not Reddy Kristnumaidoo: I do not know of the Defendants paying any money to the Plaintiff and of the Plaintiff giving a receipt for the same" whereas in truth and in fact his name is Reddy Kristnumaidoo and the said Witness well knew at the time of the said swearing that his deposition so given was false, and he, the said Reddy Kristnumaidoo did therefore commit wilful and corrupt perjury.

The prisoner pleaded "Not Guilty"

The Mahommedan Law Officer of the Court of Circuit in his futwa, declared the prisoner convicted of Perjury and liable to Tasheer and Dirrabut: in which finding the Presiding Judge concurred, and sentenced the prisoner to be exposed in the mode denominated

Tasheer

22nd March 1836

Tasheer, to receive one hundred lashes of a cat of nine tails and to be imprisoned and kept to hard labour in irons for five years.

To enable them to arrive at a more correct judgment of the grounds on which the above sentence was passed than could be formed from the abstract of evidence given in the Calendar, the Court of Fouzdaree Udalut, in their proceedings under date the 5th December 1835, directed that an English Translation of the Case should be prepared and submitted for their Consideration.

And having maturely considered the Record now submitted, the Court of Fouzdaree Udalut see no room for doubting the propriety of the conviction of the prisoner by the Court of Circuit or of the sentence passed by that Tribunal.

Ordered accordingly that Extracts of these proceedings be sent to the Provincial Court of the Northern Division for their information

Sent on No 339

Read return, dated the 7th Instant, from the Provincial Court of Circuit on the Western Division, acknowledging receipt of the 26th Ultimo, conveying the orders of the Nizamut Udalut on the Tellicherry Criminal Reports for the

(Here enter No 475)

F. U.

22nd March 1836.

Fortyfifth Report

Case 49

Under date the 26th Ultimo, the Court of Fouzdaree Udalut having reason to doubt the propriety of the Sentence recorded in this case, directed that Extract from their proceedings should be furnished to the Provincial Court of Circuit for the information and guidance of the Judge presiding at the Quarter Sessions, who was thereby instructed to "enquire into the case and "report to the Fouzdaree Udalut whether, in his opinion, "the Case had been properly disposed of."

2 His Report is now laid before the Fouzdaree Udalut, and contains his opinion that "with "reference to the Assistant Surgeon's Certificate (Copy of "which is annexed) and the proof of the offence by four "witnesses, while there are none for the prisoner, the Case "ought to have been committed." The Court of Fouzdaree Udalut, concurring with the Second Judge presiding at the Quarter Sessions, deem it proper to direct that the prisoner be now committed to take his trial before the Court of Quarter Sessions.

Ordered, that Extracts from these proceedings be sent to the Provincial Court of Circuit for the Western Division for the information and guidance of the Judge presiding at the Quarter Sessions at Tellicherry by Precept returnable in 3 days after receipt

(Sent following Rec'd No 330)

Read

22nd March 1836.

Read return dated the 22d January from the Provincial Court of Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated 24th December 1835 directing them to call upon the Magr of Nellore to afford his best attention to the subject of the inadequacy of the Police Establishment in his District for the apprehension of offenders and prevention of crime

/Here enter No 1791/

J.B.

W.A.

F. U.

At a Court of the Foujdaree Udalut.

Present,

Wednesday 23d March 1836

John Bird Esqr ..... 2d Puisne Judge

William Rudleston Esqr ..... 3d Puisne Judge

Alexr Duncan Campbell Esqr — Acting Puisne Judge

J.B.

W.A.

Read again Return dated the 1st February 1836, from the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Foujdaree Udalut under date the 24th December 1835, directing the Provincial Court to call upon the Magistrate of North Arcot to report the result of the warning given under the sanction of Government on the recommendation of the Foujdaree Udalut, to the proprietors of estates in that District, that unless their Police duties are more efficiently performed, it will be necessary to resume them into the hands of the Magistracy: and directing further in the event of the Magistrates report being unfavorable, that that Officer be required to state whether he discerns any prospect of improvement in the condition of the Zamindaree Police under the present System, or whether he still considers necessary the adoption of the measure suggested in the seventh paragraph of his letter to the Provincial Court dated the 22d March 1834

/Here enter F.U. No 176 of 1834/

Read

28th March 1836

Read also again Supplemental Report dated the 8th February 1836 from the Provincial Court of Circuit in the Centre Division to the same Precept

[Here enter T.U. № 230 of 1836]

Read also the Order of Government № 412 dated the 14th Instant, on the Extract from the Proceedings of the Court of Foujdaree Udalut under date the 26th Ultimo.

[Here enter T.U. № 462 of 1836]

In the Extract from the proceedings under date the 26th Ultimo, the Court of Foujdaree Udalut adverting to the return of the Magistrate of North Arcot dated the 4th February 1836 to the effect that he "thinks "it advisable not to suggest at the present moment "any alteration in the establishments which have hitherto "existed, but will take an early opportunity of submitting "his opinion so soon as he has in person examined himself "of the real state of the management of the Police in "the Zamindaries; and that at present "no improve- "ment is observable in the management of the Foujdary Police, although the Zamindars of Cavelapoody and Calastry have been permitted to appoint Ameens to assist in establishing a more efficient Police in "estates," observed that they concluded "that the Magistrate had obtained authority for the appointment

28th March 1836 "the Ameens in the Zamindaries of Cavelapoody "and Calastry."

2. In the Order of Government above referred to, it is stated that "it does not appear that "any application has been received direct from the "Magistrate respecting Police Ameens, as supposed "by the Judges"

3. The Court of Foujdaree Udalut resolve accordingly to direct that the Magistrate of North Arcot be called upon to report through the Provincial Court of Circuit in the Centre Division, under what authority he permitted the appointment of the Ameens and to whose control those Officers are subject

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable within ten days from and after its receipt.

[Sent following Precept № 336]

Read the Tellicherry biennial Reports prescribed by Section XXXV Regulation X 1816 for the month of February

[Here enter № 476]

Report V Case 15. The Acting Joint biennial Judge will be pleased to send Copy of the Code and of this paragraph to

23d March 1836

to the Magistrate; who will acquaint the Police Officer forwarded the 7th prisoner that he should not in future send up a prisoner singly because other prisoners may criminate him.

Case 22.

2

The Court perceive that in this case as well as in Case 18 the Acting Joint Criminal Judge has quoted in support of his sentences Clause 4th II. Regulation VI. of 1832 — whose Clause 5th, Section should have been cited

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Tellicherry for his information and guidance Precept returnable in 8 days after receipt.

[Sent following Precept No 3337]

Read the Cumbaconum Court Reports presented by Section XXXV Regulation X. 1816 for the months of February

Report V
Case 23.

[Here enter No 179]

1.

In this case the Court of Circuit have to observe that there appears no reason why the Criminal Judge could not dispose of it as far as the 2nd prisoner was concerned as they do not hold it necessary to offer any instructions on it as the Judge of Circuit will be at Cumbaconum shortly.

J. U.

23d March 1836.

Case 26.

3

The 1st prisoner in this case having been held to Security by the Criminal Court, on "strong "Suspicion", the nature of the Suspicion should have been explained in the "Report."

Case 27.

3

The Acting Criminal Judge will be pleased to furnish Copy of this Case and of this paragraph to the Magistrate, who will report direct to the Foujdaree Adalut, within 8 days after receipt of this order, the cause of the apprehension of the 1st, 2d and 3d prisoners, respecting whom the following Statement is given in the Report. "The Head of Police reports the delay in sending the 1st, 2d and 3d prisoners to the Criminal Court was occasioned "by the prosecutor having appeared before the Sub Police "and presented his Complaint "after" their apprehension."

Case 37.

4

In this Case there is some error in the entry in the Column headed "Punished and in what "manner &c" which renders the explanation in it unsatisfactory - The Acting Criminal Judge will, therefore, be pleased to report for the information of the Foujdaree Adalut the circumstances which ought to have been specified in it —

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Cumbaconum for his information and guidance by Precept returnable in 5 days after receipt

[Sent following Precept No 3338] Read

23rd March 1836

Read the Sessions Criminal Calendar prescribed by Section XXXV Regulation X 1816 for the month of February.

(Here enter No 480)

Report V
Case 21.

In this case it is represented that the 1st prisoner was apprehended on the 30th of January and the 2nd on the 17th of that month. No explanation of their detention in the Talook from those dates till the 1st of the month having been given in the Report, the Acting Criminal Judge will be pleased to furnish Copy of the case and of this paragraph to the Magistrate, who is to submit to the Foujdaree Udalut within 8 days after receipt of these proceedings, an explanation of the delay in question.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Bullooa for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No 339)

Read the Bullooa Criminal Calendar prescribed by Section XXXX Regulation X 1816 for the month of February.

Report V
Case 18.

(Here enter No 481)

In this case it is stated that the Moofty finds Ameen sentenced the prisoner to

23rd March 1836

"Confession" to one year's imprisonment with irons and "hard labor under Section IV Regulation VI of 1822. With reference, however, to the charge which is, that the prisoner "carried away Silver ornaments of the value of "Rupees 104-8 belonging to the Complainant which was "entrusted in his (the prisoner's) care and kept in "Bolebuspiah's Mutteen", the Court of Foujdaree Udalut deem it proper to call for an explanation of the circumstances of the case, as they do not see how the section quoted applies.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Bullooa for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No 340)

Read Letter dated the 9th instant, from the Third Judge on Circuit in the Western Division, Submitting an English Translation of the proceedings in case No 31 on the Calicut Calendar for the First Sessions of 1836.

(Here enter F.H. No 483 of 1836)

In this case the prisoner Ellangalata Numby Atan stood charged before the Court of Circuit with having

on

23rd March 1836

on the 17th Chingjom 1010 or the 21st August 1835 forged a note of hand for Rupees 7-2-10, in the Prosecutor's name, and received the said amount from the first Witness-

In the third paragraph of his letter the Judge of Circuit states that "the prisoner pleaded Guilty "on his arraignment as he had done throughout; but "on the trial, the Prosecutor after detailing the facts of the "case, declared that he had no complaint against the "prisoner who was his nephew and heir; and who was "not living with him at the time he committed the crime "charged, as he had been previously, in consequence of "them having had a quarrel "had then no means whatever of maintaining himself "he had for want of better sends committed this fault "he, the prosecutor, therefore prayed he might be for "doned; and in the seventh paragraph, the Presiding Judge states that he is "inclined to recommend "full pardon on the ground that it would be best "save the prisoner who is quite a lad, from being "utterly depraved by associating with felons in "Jail" &c.

The Court of Sowdaree Adalut being of opinion, that under all the circumstances of this case the ends of justice do not require

F. H.

23rd March 1836

further punishment than what is involved in the imprisonment already undergone, resolve to accede to the recommendation of the Presiding Judge, and accordingly authorize the immediate and unconditional release of the prisoner Ellaydata Mumby Attan.

It does not appear to the Court of Sowdaree Adalut that the reference of the proceedings on this Trial was necessary. For the grounds of the reference, the Third Judge in the first paragraph of his letter quotes "Clause Sixth, Section IV, Regulation XV "of 1803 and the concluding part of Clause first, "Section III, Regulation XII of 1811."

The provision last mentioned requires a reference of the trial, on conviction of perjury or forgery, if the Judge of Circuit should deem a sentence of 14 Years imprisonment too severe.

But Section V, Regulation I of 1825, has expressly modified the law in such cases, and the Court of Sowdaree Adalut are not of opinion that Clause Sixth, Section IV, Regulation XV of 1803 enjoins the reference of the trial. It speaks only of a "report" of the Case.

Ordered, that Extract from these proceedings be sent to the Third Judge in Circuit in the Western Division for his information and guidance.

guidance by Precept returnable within five days of and after its receipt

5/8

(Sent following Precept No 341)

Read letter dated the 17th instant from the Acting Magistrate of Buddapah submitting the explanation required by the Fouzdaree Udalut in their proceedings of the 29th February 1836 relative to a case in the Criminal Reports for January

(Here enter No 513)

No

Thursday 24th March 1836

At a Court of the Fouzdaree Udalut

Present,

John Bird Esqr ..... 2nd Puisne Judge

William Hudleston Esqr ..... 3d Puisne Judge

Alexr Duncan Campbell Esqr ..... Acting Puisne Judge

Read letter dated the 3d instant,

from the First Judge on Circuit in the Centre Division, transmitting the record in case No 7 on the Bellary Calendar for the 1st Sessions of 1836

(Here enter No 520)

Mr Bird and Mr Campbell

The Court of Fouzdaree Udalut, on a deliberate consideration of all the circumstances of the case, in evidence before them, being of opinion that the proof against the prisoner

Sadhah

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 in conformity with the provisions of Section X, Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution

(Sent following letter No 348)

Read letter dated the 5th instant from

24th March 1836.

from the First Judge on Circuit in the Centre Division, transmitting the record in Case No 6 on the Cuddalore Calendar for the 1st Sessions of 1836.

(Here enter No 434)

Mr Bird
and
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 Bazee-ool Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Bazee-ool Coozat and Mooftees aforesaid, acquitting the [redacted]

1st Bommareddy Appanmah
2nd Gollapulley Pampareddy
and
3rd Goorrukada Munoomuntoo,

and accordingly direct that they be set at Liberty.

The Court of Foujdaree Udalut observe that throughout the English Translation of this Record the names of the same persons appear in different places, spelt quite differently, and some with different first or second names altogether.

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

(Sent in No 3661)

24th March 1836

Read letter dated the 7th Instant, from the Acting 2d Judge on Circuit in the Southern Division, transmitting the Record in Case No 5 on the Tinnevelly Calendar for the 1st Sessions of 1836.

(Here enter No 4824)

Mr Bird
and
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 Bazee-ool Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Bazee-ool Coozat and Mooftees aforesaid, convicting the prisoner

Caratha Alaghappareddy

of Wilful Murder and wounding Kesaad, and, in conformity with the provisions of Section X, Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No 3471)

Read letter dated the 20th Ultimo from the Third Judge late on Circuit in the Centre Division, Submitting for the consideration and final judgment of the Foujdaree Udalut the Record of Case No 1 on the Supplemental Calendar of Cuddalore for the Second Sessions of 1835.

(Here enter F. H. No 3661 of 1836)

In

In this case, the prisoners
1st Gadecura Ramasawmy
2d Veeren alias Veerabadren
3d Andy Magen
and
4th Sendeyan
stood charged before the Court of Circuit, on the prosecution
of the Government "with having on the night of the 19th
"October 1835, or 4th Arpesy of the Year Munmadah, in
"conjunction with the second, third and fourth prisoners
"and Talaverchan and others absconded, attacked the
"house of Maridauwmy Cutcherayen at Tadoottaconde
"attached to the District of Yelavanadoor, wounded his
"wife and son by cutting them with Swords, and murdered
"one Ramsing, a Peon, who was sleeping there, by inflicting
"several cuts on his person with Swords"

The Court of Zoujdaree Udalut observe
that Laul Sing, the twelfth witness before the Court of
Circuit, and brother of the deceased Ram Sing, declared
that entertaining suspicions against "Veerapadeachy
"Payattombody" who before the Police was the fifth, and
before the Court of Circuit, the fourteenth witness, but who
was not examined by the Criminal Court he accordingly
"prefered a Complaint against "him. This Statement
is confirmed by Veerapadeachy himself, who, when examined
before

24th March 1836. before the Court of Circuit declared "The Tahseeldar
"apprehended me on Suspicion. the Magistrate sent for
"me, entertaining Suspicion against me, relative to the
"Murder; and afterwards gave me a warrant for the
"seizure of Talaviechan and others who had murdered
"the said Ramsing" It further appears from the "Report
"of the Joint Magistrate to the Acting Joint Criminal
"Judge of Chingleput" at page 41 of the English Record
that the original charge was preferred on the 19th October
1835 the day on which the murder was committed.
This original charge however is not to be found in the
Record now forwarded; neither is there any thing to
shew the nature of the inquiry instituted by the Magis-
trate, or of the grounds on which that Officer not only
acquitted Veerapadeachy of the Crime charged against
him, but proceeded to furnish him with a warrant for
the apprehension of the parties, whose case is now before
the Zoujdaree Udalut

Again, in his declaration before the
Criminal Court, the second prisoner Veeren states "Veera-
"padeachee was apprehended two or three days afterwards
"as an accessory to the Murder, before its Commission;"
and adds "I was taken up a month before by this
"Veerapadeachee, and requested to depose what had passed.
"he told me no harm would befall me, and fastened me in

the

24th March 1836 "the Mocks."

On this point the Court of Foujdaree Udalut observe that the three first prisoners, in their defence all plead ill-usage by this individual, himself originally accused of the Murder. He admits that they were taken into his Custody on the 28th November 1835: but they were not delivered over to the Police until the 8th December on which day they were examined. No explanation has been is afforded of the delay of seven days which thus intervened between their apprehension by him, and their delivery to the Police.

With reference to the foregoing the Court of Foujdaree Udalut deem it necessary to direct the Third Judge late on circuit to call upon the Magistrate to forward through the Third Judge for their consideration translations of any charge laid in the first instance against Veerapadiachy, and of the proceedings which he may have held in regard to it, and at the same time to explain the grounds on which he converted the individual first accused, into the bearer of the prisoners now on their trials.

The Third Judge will also instruct the Magistrate to institute an enquiry into the truth or falsehood of the allegations raised by the prisoners, respecting the treatment they experienced from Veerapadiachy, and

24th March 1836 will communicate the result to this Court, who desire to know whether after the date of the issue of the warrant to Veerapadiachy, there is reason to believe he had any access to the prisoners now on Trial before the 28th November, when he arrested them and also, whether such access was in the presence of others, so as to prevent ill-treatment; also, whether he had access so as to intimidate them during the time intervening between their apprehension, and their delivery to the Circuit Court.

The Court of Foujdaree Udalut further observe, that whereas the brother of the deceased (at page 88 of the Record) swears that he accused Veerapadiachy that individual himself (page 96) swears that he was accused by the Poligar Kutcherayen the 13th Witness. The Court deem it proper to direct that the Head of Police be required to explain this circumstance.

The thirteenth witness (page 92) swears that "on the following day" after the Murder "he made a personal Communication to the Tahseeldar that "the third prisoner came on the night of the Murder "who immediately issued a warrant for his apprehension."

The Third Judge will instruct the Magistrate to call upon the Tahseeldar to state whether this assertion be founded on fact, and if so, what were the obstacles which prevented the immediate apprehension

of

of the said third prisoner.

Further - the Court of Foujdaree Udalut desire to be informed why the Acting Joint Criminal Judge did not examine Laul Sing - Kulethoorpun : and his son Dorasawmy, the first of whom ought to have been prosecutor, and not the Government Vakeel, and the two last were important and material witnesses, and whether he has any reason to think that Veerapadachy had any access to the prisoners so as to intimidate them previously to their examination before himself.

Observing that the fourth prisoner did not confess before the Criminal Court, the Court of Foujdaree Udalut deem it necessary to direct that the Roobacaree of his Talook Confession be examined, in the presence of the prisoner; whom the Joint Criminal Judge will permit to cross examine the witnesses, and to offer anything further in his defence should he wish it, at the close of the examination -

Finally - it appears to the Court of Foujdaree Udalut that the proceedings of the Joint Magistrate in this case are most unsatisfactory - he ought not to have interfered in the case at all, or he ought to have taken full and complete new examinations, and not have contented himself with doing little more than merely asking the prisoners and the Witnesses whether their

Case No 5.

their respective Confessions and depositions given before the Police, were correct. This mode of proceeding has been repeatedly denounced by the Foujdaree Udalut: and it's irregularity and impropriety are so self-evident, that the Court view the Conduct of the Joint Magistrate on this very important occasion as deserving of Censure.

The Court direct that the Record be returned to the Third Judge late on Circuit in the Centre Division, with instructions to obtain the necessary information on the several points noticed above, and to return the trial with English and Persian Translations of such additional evidence as may be taken, to the Foujdaree Udalut for their consideration and final Judgment.

Ordered, that Extract from these proceedings be sent to the Third Judge late on Circuit in the Centre Division for his information and guidance by Precept returnable within twenty five days from and after its receipt.

(Sent following Precept No 348)

Read letter dated the 10th instant, from the First Judge on Circuit in the Centre Division, submitting a Copy of the Bellary Calendar for the First Sessions of 1836.

(Here enter J. U. No 452 of 1836)

In this case the prisoner

Goondah

24th March 1836

Goondah

stood charged before the Court of Circuit, with having put a Cord round the throat of his Concubine Moodagee, and strangled her to death in her hut at Moonpalli in the Talook of Koodlagee.

The First Judge concurring in the Vote of acquittal, observes that "there exists no grounds to suspect "the prisoner of having murdered Moodagee: on the contrary "it is in evidence that he lived happily with her, and was "much attached to her up to the hour on which she died "herself."

The Court of Foujdaree Udalut are of opinion that the commitment of the prisoner for trial by the Court of Circuit, solely on the evidence of which the abstract is given in the Calendar was an unjustifiable

Case No 6

In this case, the prisoner

Hunmoogah

was charged with having murdered "Mulu"; the wife of the prosecutor, by cutting her with a sickle.

The Mahommedan Law Officer of the Court of Circuit in his Futwa, pronounced the prisoner Not Guilty, and entitled to his release, in which finding the Presiding Judge concurred.

24th March 1836

With the view of enabling them to determine whether this Case has been properly disposed of, the Court of Foujdaree Udalut deem it necessary to direct that an English Translation of the Proceedings be prepared and submitted for their consideration.

Case No 9

In this case the prisoners

1st Venkatasawmy

and

2nd Moonesawmy

stood charged before the Court of Circuit; the first with having induced the second prisoner to forge a promissory Note, in the name of the prosecutor, for the sum of Rupees 35-8-0; and the second with having written the said forged Document and delivered it to the first prisoner.

Concurring in the Futwa of conviction delivered by the Mahommedan Law Officer of the Court of Circuit, the Presiding Judge sentenced the prisoners "to "receive thirty Stripes with the cat of nine tails, to be pub- "licly exposed in the mode commonly denominated Jacking "and to be imprisoned and kept to hard labour in irons "for four years: but" in consideration of their being very "young men, and of their parents being highly respectable" the Presiding Judge recommends "that that part of the "sentence which directs the infliction of Corporal punishment "and of public exposure, may be remitted."

The

2 2 2 24th March 1836.

The Court of Sanjdarree Udalut declare that their Sanction for the commission of the "Corporal punishment" and the "public exposure" is not required: as by Clause first, Section VIII, Regulation VII of 1811 it is directed that that part of the penalty shall be inflicted, provided only that the Judge of Circuit shall consider the offender a proper object of Corporal and ignominious punishment which, in the present instance, it is clear that he does not.

Case No 11.

Zunna i ghalib

In this Case, the prisoner is pronounced by the Mahommedan Law Officer of the Court of Circuit convicted of "Lutoot" or Theft, on strong presumptive proof and liable to Ootkoobut, and concurring in the Futwa of the Presiding Judge sentenced the prisoner "under Clause Seventh, Section II, Regulation XV, of 1803, to five years "imprisonment with hard labour in irons on the public "roads."

The Court of Sanjdarree Udalut declare that this sentence is illegal, as the provisions of Clause Seventh, Section II, Regulation XV of 1803 are inapplicable to cases of Theft. Under the provisions of Clause third Section II, Regulation XV of 1803, the Judge of Circuit must now require the Law Officer to declare by a second Futwa to what specific punishment the prisoner would

F. U.

24th March 1836. would have been liable under the Mahommedan Law, if he had been convicted by full legal evidence; and proceed thereupon to pass sentence according to such second Futwa.

"If the sentence prescribed by Section XXI, Regulation VII of 1802, be considered by the Judge of Circuit, too severe, he is authorized to submit a report of the circumstances of the Case, and of the Sentence proposed by him to be passed, accompanied by a Statement of the grounds of his opinion that such mitigation of punishment is proper.

Case No 13

In this Case, two prisoners stood charged before the Court of Circuit with having knocked the prosecutrix down on the road, and robbed her of property to the value of 2½ Rupees.

In his Futwa, the Mahommedan Law Officer declared the prisoners convicted and liable to Ootkoobut, "and being barred in their favor" in consequence of their present denial, and the distance being "beyond that limited by Law."

Concurring in this finding, the Presiding Judge sentenced the prisoners "to fourteen "years imprisonment with hard labour on the public roads, "under Clauses Third and Fifth, Section IV Regulation XV "of 1808:" but "in consideration of their not being armed,

and

2 24th March 1836 Criminal Judge will be pleased to send Copies of
Cases as they stand in the Report, and of this para
to the Magistrate, for the information of the Magis
Magistrate and of the Tahseldar of Tonalpoor
The Magistrate will transmit to the Foujdaree Ada
any further explanation of the delay there appear
be able to furnish. The cause of delay alleged in
it is explicitly declared inadmissible in the Circu
Order of the 21st of January 1833

With reference to the Circular
No. 33 the Criminal Judge should have explain
in his Statement of Extra Posts the cause of only
Extra Posts having been entertained by him that
month to guard 315 prisoners

Ordered, that Extract from these pro
ceedings be sent to the Criminal Judge at Bhea
for his information and guidance by Precept returnable
in 3 days after receipt

(Sent following Precept No. 350)

Read the Bhiwanee Criminal Ab
prescribed by Section XXXV Regulation X 1816 for
month of February

(Memorandum No. 580)

Suppl. Report
Case 105

With reference to the Circular
the Monthly Jail Returns contained in his Abs

F. R.
24th March 1836 this Case, it appears to the Court of Foujdaree Adalut
proper to direct that it be pointed out to him by the
Criminal Judge, that an uncorroborated confession
before a Police Officer, even if proved, will not suffice
for Conviction.

Report V
Case 6.
"Preferring a false
Complaint before
the Head of Police"

In this Case the Charge as it stands
recorded in the Report is insufficient, and no punish
ment could have been adjudged even upon Conviction
of it. In Cases of this nature it is requisite that some
person shall have been specifically falsely accused. The
Criminal Judge will be pleased to transmit Copy of
this Case, and of this paragraph, to the Magistrate
for communication to the Head of Police of Conthon
who is stated to have forwarded the prisoner

Ordered, that Extract from these pro
ceedings be sent to the Criminal Judge at Bhiwanee
for his information and guidance by Precept returnable
in 3 days after receipt

(Sent following Precept No. 351)

Read the Nellore Criminal Reports
prescribed by Section XXXV Regulation X 1816 for the
month of February

(Memorandum No. 584)

Report V
Case 11

In this Case it is stated that there
"only evidence" against the Second prisoner is that he
was

2. 2. 2. 21st March 1838

was implicated by the 1st prisoner in his examination before the Police. The Court of Zemindaree Adawlut do not think it proper to direct that it be furnished out to the Criminal Judge that such "implication" is not "evidence at all, and that Copy of the Calendar and of this paragraph be furnished by that Office to the Magistrate who will be pleased to intimate to the Head of the Police of Nellore Town, that the simple examination of a party by a prisoner is not a sufficient ground for the transmission to the Criminal Court, of the party criminated.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Nellore for his information and guidance by Parcel Post in 3 days after receipt.

(Sent following Parcel No 353)

At a Court of the Zemindaree Adawlut

Present

Saturday, 26th March, 1836.

John Bird Esqr. ——— 2d Civil Judge
William Rudkston Esqr. ——— 3d Civil Judge
Alexr. Duncan Campbell Esqr. Acting Civil Judge

Read letter dated the 9th instant, from the First Judge on Circuit in the Central Division, submitting an English and Canarese Translation of the proceedings in Case No 16 on the Calendar for the First Sessions of 1836.

(Vide under Dt. 18. No 2161 of 1836)

The Court of Zemindaree Adawlut having maturely considered the proceedings held before the Judge on Circuit, the Letter of the Provincial Law Officer and the Letter of the Cazee-ool-Cozat and Mooftee of the Zemindaree Adawlut, confirm each part of the said Letter of the Cazee-ool-Cozat and Mooftee of Canara, as contained the opinion

That Singe fully Convicted

and in conformity with the provisions of Clause Third, Section X. Regulation XV of 1816, sentence him to be imprisoned and kept to hard labour in irons, on the public roads or other public works, for and during the period of (14) fourteen years.

And being of opinion that the

Spadina.

2d Colborne Carmalee

is not amenable on presumptive proof on the evidence of credible witnesses or on his own confession, without the Entry of this Conviction, the Court so sentenced against him. But considering that these offences do not amount to conviction, attempt to bring the case under the provisions of Clause sixth, Section the Eighth XV of 1850, that he be required to find two sureties in one hundred Pounds each to enter for his good behaviour and appearance when required within three years, and in default thereof to be detained for three years in confinement.

From a "Note" entered at page 49 of the English Translation of the proceedings in this case it appears that "the Gilah Boy is stated to the Court "that the three witnesses known as "to attend the Court: but her evidence was before "the Criminal Court is heard and given under the "Circular Order dated the 8th May 1850."

2.

The Court of Enquiry doubt whether under that Circular Order, it should have been "proved on oath that the informant was prevented by sickness from attending", and that the exhibits offered in evidence were the same as were sworn before the Criminal Judge, without any alteration."

In the concluding paragraph of his letter of Reference, the Chief Judge of Criminal recommends that for his meritorious conduct, a reward of fifty Rupees should be granted to the first witness Carlos Shinkamphale, who gallantly attacked the Spadina, and who was wounded in the defence of the prosecutor's property.

4. It does not appear to the Court of Enquiry doubtful that there are sufficient grounds for authorizing the grant of the proposed rewards.

Ordered, that extract from these proceedings be sent to the Chief Judge of Criminal in the Central Division for his information.—

(Sent the following letter No 357)

Read the Commissariat Criminal Report prescribed by Section XXXV Regulation X 1816 for the month of January—

(Vide entry No 62)

Report X
Case 8.

No information being contained in the Report as to what became of the Spaniard from the 5th to the 19th of January, the Officer in charge of the Auxiliary Court will furnish Copy of the case and of this paragraph to the Magistrate, who will be pleased to transmit same to the Court of Enquiry doubtful within 8 days after receipt of these proceedings an explanation regarding this point.—

The

Case 20.

The Court regret to find no offence under Clause 1st Section III Regulation XI of 1812 has been cited in support of the sentence in this case.

Case 21.

Copy of this case and of the foregoing should be furnished by the officer in charge of the Joint Criminal Court to the Magistrate who will be pleased to explain the grounds upon which he deemed it necessary to refer the transmission of the proceedings to the Court at Coimbatore.

Case 22.

With reference to the observations on the delay of this case, the Court of Sadr Adawlut deem it proper to direct that copy of the record of this proceeding be sent from the office of the Joint Criminal Court for the Southern Division, who will be pleased to report the circumstances connected with the apparent omission of the Magistrate's Abstract.

Case 23.

It does not appear to the Court of Sudder Adawlut that there was any application for the transmission of the proceedings to the Joint Criminal Court. The officer in charge of that Court will send copy of this case and of the foregoing to the Magistrate for such remarks as he may deem necessary.

Case 24.

In this case the prisoner was found with the knife in the night of the 17th March last upon the person of the prosecutor from whom he

committed theft. The forthcoming notice upon it states recorded in the Abstract. This case was referred to the Sessions Court who sentenced the prisoner to "stand in the pillory for one month, on the expiration of which he is to give security for good conduct for one month, on failing which the Acting Joint Criminal Judge finds that both the prosecutor and the people of the village assisted in apprehending the prisoner, all of whom are described as having got up and seized a man running away, pursued him, when the man who was the prisoner ran about 50 or 60 yards and got into a hedge where they seized him." The prisoner is a native of a Pallaiyan village in the Madura district, and can give no good account of his coming to the Pallaiyan where the offence took place, or for his being stirring at two o'Clock at night. The Acting Joint Criminal Judge considering the charge fully proved against the prisoner sentences him to "two months imprisonment with hard labor and to come under Section VII Regulation X 1816."

The case, under these circumstances, being one of "attempt at house breaking" Section VII Regulation X of 1816 should not have been quoted. It would appear to come within the provisions of Clause Sixth Section II Regulation VII 1822.

Ordered, that extract from these proceedings be sent to the officer in charge of the Court

2.

Court at Coimbatore for their information and guidance
by Draught returnable in 5 days after the receipt —
(Sent following Draught No. 358)

Ordered also, that extract from the
proceedings by Canara together with copy of the record
be sent to the Criminal Court of Circuit in the Malabar
Division for their information and guidance by Draught
returnable in 6 days after receipt —
(Sent following Draught No. 359)

Read the Receipt on Circular
Criminal Reports transmitted by Letter XXXI dated 23rd
1836 for the month of February —
(Sent following Draught No. 393)

Cadapah Supt. Report
Case No. 6.

In this case it is stated, the prisoner
"denied the charge before the Police officers and
"there is no positive assertion on the record
"to criminate the prisoner who is named by the
"Jemadar. The Court of Circuit accordingly
"that copy of the case and of the proceedings
by the Criminal Court to the Magistrate
ascertain and report whether the Jemadar
the grounds upon which the prisoner was
the Criminal Court. —

Case 9.

The Court of Circuit observe
that, in this case "Bottle stealing" was alone
charged against the 1st prisoner. The case should

seem precisely signified in the Report under review as
the expression "carried away by stealth" leaves room for
doubt as to the nature of the offence —

Report V
Case 16.

In this case also the wording of the
charge might have been more precise as it stands
recorded it is scarcely intelligible —

Cuddapah Report V
Case 6.

The charge in this case likewise is
framed inaccurately, and the Court of Circuit
Sudder deem it proper to require an explanation
as to how the provisions quoted (Clause 5th Section 11th
Regulation VI 1832) applies to it. —

Ordered, that extract from these
proceedings be sent to the Officer in charge of the
Criminal Court at Cuddapah for his information
and guidance by Draught returnable in 5 days after
receipt —

113

(Sent following Draught No. 360) —

111

115

At a Court of the Tongaree Division

Monday

28th March 1836. Present,

John Bird Esqr 2d Puisne Judge

Williams Huddleston Esqr 3d Puisne Judge

Alexr Duncan Campbell Esqr 4th Puisne Judge

113

Read Miscellaneous petition presented on the 29th Ultimo by Nursiah of the Zillah of Canara

[Here enter Misc Petn No 29 of 1836.]

The Petitioner submits with various other documents, an Urzee addressed to the Court of Tongaree Division by his Father Carapoor Soobiah Heggaden

2 Soobiah Heggaden represents, that in Case No 22 on the Calendar of the Zillah of Canara for the Second Sessions of 1835, he was tried before the Court of Circuit on a charge of wilful and corrupt perjury, in having given on oath two contradictory depositions, the one on the 15th September 1833 before the District Moonsiff of Bekul, and the other on the 3d January 1835, before the Acting Judge of Canara, the late Mr G. M. Barkley, and was sentenced to the full

F.C.

28th March 1835.

full punishment prescribed by the Regulations. His Petitioner asserts his innocence and prays that orders may be issued for his release from confinement.

3 Before passing their final orders on this petition, the Court of Inquiry Court resolve to direct that a copy of the translation of it be sent to the First Judge late on Circuit in the Western Division, with instructions to ascertain and report whether the Prisoner, when he gave the deposition of the 3rd January 1835, was as directed in the Circular Order of the 31st January 1814. "cautioned against committing himself on his oath; and "subsequently persisted" in the statement at variance with his deposition of the 16th September 1832.

Ordered, that a Extract from these proceedings be sent with a translation of the Petition No 39 of 1835 to the First Judge late on Circuit in the Western Division, by first packet returns within fifteen days from date of Board's receipt.

Clerk filling first pt. No 393

28th March 1835

Read a letter dated the 3rd Instant from the Acting Second Judge late on Circuit in the Eastern Division, submitting a copy of the Criminal Calendar for the First Sessions of 1835.

(Here enter F.C. No 393 of 1835.)

Case No 1. 1 In this case, the Prisoner "Iyenoumoo Mookenden" stood charged before the Court of Circuit, with having in company with the Prisoner in Case No 3 of the Calendar for the First Sessions of 1833, and twenty others not apprehended, on the 10th May 1832, gone forth to the house of the Prosecutor, beaten him with sticks, wounded him on the head, and robbed him of property valued at Rupees Fifty three.

2 His station in the Calendar that "there are so many witnesses called by the Prisoner in this case, that it appeared quite impossible to come to a final conclusion either as to the Prisoner's guilt or innocence, without the evidence of three individuals (who are stated to have mentioned his name before the Court of Circuit, 1st Sessions of 1833) to support that

that of the Prisoner, and the one mitigating fact in the Calendar. The Joint Criminal Judge was therefore called upon to report if he could cause the attendance of the witnesses at the present Sessions. He answered in the negative.... The Acting Second Judge on Circuit postponed the case &c.

3 The Court of Sunjaree Maalut are unable to understand why three witnesses above referred to were not made to appear before the Criminal Court, and entered in the Calendar as witnesses for the prosecution; and it is a matter for regret that the Judge of Circuit, did not on an earlier period issue the necessary orders for causing the attendance of the parties, in which case as their place of residence is reported to be only forty miles distant from the Zillah station they might have been made to appear before the close of the Sessions, and the postponement of the trial have thus been rendered unnecessary.

Case No 3 4 In this case the Prisoner was charged before the Court of Circuit with having

having stripped on the road the two prosecutors, beaten them with sticks, and robbed them of property valued at one Rupee, four annas and four pice.

5 Concurring in the Futwa of conviction returned by the Mahommedan Law Officer of the Court of Circuit, the Presiding Judge sentenced the Prisoner to imprisonment with hard labour in irons for fourteen years, under clause Third, Section XV. Regulation XII. of 1803.

6 It appears to the Court of Sunjaree Maalut, that in consideration of the trifling value of the property plundered, and of the absence of any aggravating circumstances, a less severe sentence than that passed by the Court of Circuit will satisfy the ends of Justice.

7 The Court wants accordingly suggest to the Acting Second Judge the expediency of proposing a mitigated sentence in this case: but should his opinion on the subject remain unchanged, he will be pleased to issue the necessary instructions for the preparation and transmission

transmission to the Foujdaree Udalut of an English Translation of the proceedings

Case No 4

8

In this case, two prisoners were charged "with having at three different times, assaulted and robbed the three prosecutors separately on the high road.

9.

From the remarks in the Calendar, it appears that "there are no witnesses in this case," and "the Acting Second Judge on Circuit directed the Joint "Criminal Judge to use his best endeavours to procure "evidence against the prisoners before the next Sessions, "and, on failure thereof, to let them at liberty upon Sufficient Security."

10.

The Court of Foujdaree Udalut observe that in their Circular Order of the 28th February 1829, it was ruled that "in all Criminal Cases the prosecutor "is to be considered a witness perfectly Competent," and it was further remarked, that "where more than one "prosecutor, perfectly unconnected with each other, who "there may be no reason to suspect of preconcerted wish "give clear and consistent testimony, the Judges will "not take upon themselves to say that peculiar cases "may not occur to justify conviction thereon.

11.

In the present case, the Court of Foujdaree Udalut doubt the propriety of the postponement of the trial, and the expediency of the Order for the eventual liberation of the prisoners.

28th March 1836. 12.

Case No 10.

In this case, it is stated that "the "seventh witness repeatedly before the Joint Criminal "Judge declares the first witness to be his sister, and the "Joint Criminal Judge throughout the whole of his "questions, is impressed with the idea that she actually "is so. Before the Circuit Court, he denies most positively "having ever called her so, or mentioned even the name "of sister, and that he was in no way connected to her. "The Acting Second Judge on Circuit has considered it "his duty to commit this witness for trial before the "next Sessions for Perjury."

13.

The Court of Foujdaree Udalut deem it necessary to direct that the Provincial Court of Circuit in the Southern Division be required to submit for their consideration, an attested Copy of the instructions issued by the Judge of Circuit for the Commitment of the witness above referred to.

Ordered, that Extract from these proceedings (paras 1 to 11 inclusive) be sent to the Acting Second Judge late on Circuit in the Southern Division by Precept returnable within 7 days from and after its receipt.

(Sent following Precept No 365)

Ordered also, that Extract from these proceedings (paras 12 and 13) be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable within 7 days from and after its receipt.

(Sent following Precept No 366)

Read

Read Extract from the Minutes of Consultation under date the 14th instant, containing the observations of the Governor in Council on the Extract from the Proceedings of the Foujdaree Udalut under date the 31st December 1835 on the review of the administration of Criminal Justice during the 1st half of the Year 1835

(Here enter No 3685)

Ordered, that para 2 of the Extract from the Minutes of Consultation under date the 14th instant and paras 6 and 7 of the Proceedings of the Foujdaree Udalut, under date the 31st December 1835 be sent to the Magistrates of Masulipatam, of the Southern Division of Arcot, Trichinopoly and Madura for their information

(Sent in No 3671)

Ordered also, that para 7 of the Extract from the Minutes of Consultation under date the 14th instant, and para 38 of the Proceedings of the Foujdaree Udalut under date the 31st December 1835 be sent to the Magistrate of Malabar for his information.

(Sent in No 3687)

Ordered also, that para 8 of the Extract from the Minutes of Consultation under date the 14th instant and paras 27 and 28 of the proceedings of the Foujdaree Udalut under date the 31st December 1835, be sent to the Magistrate of Guddapah for his information

(Sent in No 3691)

1831.

Ordered

J. H.

20th March 1836

Ordered also, that para 2 of the Extract from the Minutes of Consultation under date the 4th instant and para 30 of the Proceedings of the Foujdaree Udalut under date the 31st December 1835, be sent to the Magistrate of Chittoor for his information.

(Sent in No 3701)

Read the Madura Criminal Reports prescribed by Section XXXV. Regulation X 1816 for the month of February—

(Here enter No 3686)

Suppld Report Cases 11—

1. In this case the 1st prisoner, who was "charged with having made a false chop and used it," has been "sentenced to imprisonment and labour without irons for the period of one Year, by Clause first Section IX. Regulation II. of 1832." This provision of the law being inapplicable, the Criminal Judge should have pointed out the error to the Pundit Sudr Ameen. He will now do so and report to the Foujdaree Udalut the corrected sentence.

Report V Case 15.

2. With reference to the explanation in the column of "Remarks" in this case, the Court request to be informed of what was done with regard to the prisoner from the 8th to the 19th of January. The Criminal Judge will furnish Copy of the Case, and of this paragraph, to the Magistrate, who will be pleased to transmit the required explanation direct to the Foujdaree Udalut within 8 days after receipt of these proceedings.

The

29th March 1836

in Cade 19

The Talook proceedings in this Cade appear to the Court unsatisfactory - the detention of the prisoner in particular was incorrect, and superfluous on grounds which are declared inadmissible by the Court Order of the 24th of January 1833. The Criminal Judge will furnish the Magistrate with a Copy of the 4th Cade and of this paragraph for the purpose of these observations being communicated to the Police Officer who forwarded the Cade.

5.

The Court perceive that the above Cade were not dispatched until the 16th of the month, and accordingly deem it proper to enjoin the attention of the Criminal Judge to the Circular Order No XIs.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Madura for his information and guidance by Circuit returned 15 days after receipt.

Sent following Receipt No 371

F. U.

At a Court of the Foujdaree Udalut

Present,

Tuesday 29th March 1836

John Bird Esqr ..... 2d Puisne Judge

William Hudleston Esqr ..... 3d Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Read Return dated the 4th Instant from the First Judge late on Circuit in the Western Division, to the Precept of the Court of Foujdaree Udalut under date the 12th February 1836, desiring to be informed what efforts were made to effect the re-apprehension of the nine persons who were forwarded with Lahana, the prisoner in Cade No 1 on the Ceicy Calendar for the Second Sessions of 1835, and who effected their escape from the Jail of the Native Criminal Court at that Station; and whether any communication on the subject was made to the Joint Magistrate of Noorbully.

(Here enter F. U. No 436 of 1836)

The First Judge late on Circuit transmits the translation of a return from the Native Criminal Judge of Ceicy, who reports that on the escape of the prisoners being known, Court and Jail Peons were immediately sent and a Search made; that he transmitted a descriptive Roll of the prisoners to the Magistrate of Canara, and subsequently to the

Joint

29th March 1836 - Joint Magistrates and that in the steps and proceedings taken as he Considered he had not the power to do this and that as Section 5th, Regulation VIII of 1827 enacts that the "Native Judge is not competent to issue any Precept to "any European Officer," no direct Communication was "therefore made to the Joint Magistrate of Moorbully."

2. The Court of Foujdaree Udalut observe that in extraordinary Cases, such as that under Consideration, it clearly becomes the duty of the Native Criminal Judge to make a direct and immediate Communication to any Officer, whoever he may be, who, from his local Situation or other circumstances may have it in his power to render the most efficient assistance. But it is not necessary that this Communication should be in the form of a Precept, which is observed by the Native Criminal Judge, under the Provision above quoted he is not Competent to issue.

Ordered, that Extract from these Proceedings be sent to the First Judge late entrusted with the Western Division with instructions to communicate the same to the Native Criminal Judge of Tinnevelly for that Officer's information and future guidance.

/Sent on Kl 3721

Read Letter dated the 8th Instant from the Third Judge on Circuit in the Western Division

29th March 1836. Submitting an English and Persian Translation of the proceedings in Case No. 27 on the Calendar of the Zillah of Malabar, for the First Sessions of 1836.

/Here enter F. H. No. 471 of 1836./

1. In this case, the prisoner "Velootedata Vonnee Cootan" stood charged before the Court of Circuit, with having, "on the 13th Edawom 1010 or 25th May 1835, taken away Cheroopena the younger Sister of the prosecutrix Patoor Teyee, an inhabitant of Elankoor Deshum and Monthom in Ernaad Talook, and on or about the 16th Edawom or 28th May 1835, at night, murdered her, by cutting her throat with a knife, near the Pagoda called Vettekaroomagan situated in Vallowangat Eastom, Pundikaad Monthom in Vallowanaad Talook, and after taking eleven and a half rupees which she had in her possession, thrown her Corpse into a well.

2. It appeared to the Court of Foujdaree Udalut that the evidence in this Case in respect to the information which induced the Search for the body of Cheroopena in the wells near the Vettekaroomagan Pagoda is not entirely Conclusive. On this point, the Judge of Circuit, in the fourth paragraph of his Letter of reference observes, "it is unfortunate that we are unable duly "to test the Statements of these witnesses (the third and "eighth) owing to the first report which was made in

their

29th March 1806. "this Case to the Talook Cutcherry by the second witness
"who is a Mookiestan, having been made verbally instead
"of in writing, as is usually done. There can however be
"no doubt that it was in consequence of the information
"whatever may have been its exact purport, which the
"said second witness obtained from the third witness
"and which the former imparted to the Tahsseldar
"that the prisoner was reapprehended (after having been
"once discharged for want of proof) and that the search
"was made in the Wells near the Pagoda in question
"during which were discovered the bones and hair pro-
"duced in evidence."

3. Of the "report" here alluded to, nothing further appears on the Record than the assertion of the second Witness Kallanikal Ittiarichen Nair before the Court of Circuit, to the following effect: "having met "the prisoner's elder brother, the 3d witness Cannan I "asked him whether any trace of Cheroopena was found "he then told me that he was informed by the 8th witness "Chakoony, that the prisoner had taken her to his (the "witness's) house and kept her there, and that from thence "she was taken by the prisoner and the 8th witness's grand "brother Kristnen and Koroo to the Vellangat Pechoor "they murdered her near a Pagoda called Vellakarey "and then threw her Corpse into a well. I immediately

F. 11.

29th March 1806. went and mentioned the circumstance in the Talook, in-
"whose the prisoner was reapprehended and an examina-
"tion commenced in the Case."

4. The Court of Zeuidaree Adalut deem
it necessary that the Head of Police before whom the
above allegation was made should himself be examined
in respect to the particulars of the information given by
this witness, and be also required to state whether in
point of fact, the order for the search in the wells was
issued in consequence of the information given by
the same person. The Court are further desirous of
having before them an attested translation of the depo-
sition given by the second witness before the Tahsseldar,
which (from a note at page 80 of the English Record)
it appears that the Judges of Circuit did not consider
it necessary to forward.

5. Reference has already been made
to the "hair and bones" discovered in the Well, and
supposed to be those of Cheroopena. At page 80 of the
English Record of the Trial, is entered a Letter from
Mr. Assistant Surgeon Munro, from which it appears
that after examining the bones and hair discovered
in the first instance, he was unable, from the absence
of the bones of the feet and hands and of certain other
bones of the body to determine whether these remains

were those of a male or female, though the length of the hair, might "induce him to suppose" the sex of the deceased, "(if belonging to her) female". From the report of the Tahsseldar however, it appears that in pursuance of the instructions to that effect issued by the Acting Assistant Criminal Judge, a second search was made in the above well, when a Chopper and a few more bones were found but it does not appear that those bones were submitted to the inspection of the Medical Officer; and it appears to the Court of Foujdaree Udalut highly desirable that they should be examined by the Assistant Surgeon, and that Officer's evidence on oath should be taken as to whether the bones are those of a male or female.

6 The prosecutor has given strong evidence as to the hair, shewn to him in the Talook, being that of the deceased Cheroopena. His Statement is to the following effect: "on looking at the length of the said hair, "finding it to have been knotted by twisting it thrice, "I concluded it to be the hair of Cheroopena."

7 On this subject, the first witness, the father of Cheroopena, when examined before the head Circuit merely stated, "I saw the said hair and bone "the Walowanaad Talook kutcheny, and they are the "same that are before the Court." The Court of Foujdaree Udalut presume that this witness was not questioned further

further on the point before the Court of Circuit, because before the Criminal Court he had deposed, except that "this hair belonged to a female, I am unable to say that "it belonged to Cheroopena"

8 The Court however deem it necessary that the said witness should be again examined and required to explain in what state the hair was when he saw it in the Talook kutcheny; and should he depose that it was twisted in the manner described by the Prosecutor, to state whether Cheroopena was in the habit of twisting her hair in a similar manner. The Court are further desirous that inquiry should be made as to whether this "twisting of her hair thrice", was a fashion peculiar to the deceased, or whether it is a mode common to all the females of the Caste, to which she belonged.

9 The Court of Foujdaree Udalut resolve therefore to return the English and Persian Translations of the Record of this Case to the Third Judge on Circuit with instructions to issue a Precept to the Criminal Judge of Malabar, directing him to obtain the attendance of the persons above mentioned, and, in the presence of the prisoner, take their examination upon oath in respect to the several points noticed in the preceding paragraphs of these proceedings.

10 The Criminal Judge will permit

the

29th March 1836.

the prisoner to cross examine the witnesses, and to offer any thing further in his defence, should he wish it, at the close of the examination.

11. The Third Judge of Circuit will annex English and Native Translations of the additional evidence, so taken, to the Record, and will return the same for the Consideration and final judgment of the Foujdaree Udalut.

Ordered, that Extract from these proceedings together with the whole Record of the Case be sent to the Third Judge or Circuit in the Western Division for his information and guidance by Precept returnable within thirty days from and after its receipt.

/Sent following Precept No 3731/

Read the Rajahmundry criminal Reports prescribed by Section XXXV Regulation X. 1816 for the month of February.

/Here enter No 815/

Suppl. Report Case 11. 1. In this Case the following passage concludes the observations of the criminal Judge "The Court cannot regard the Case as more than a common petty assault, arising out of a momentary quarrel and considering Prosecutor to have in a great measure provoked it by his own abusive conduct sentences the prisoners to 15 days additional simple imprisonment without irons or labor, under Section XXXII Regulation IX. and Section VIII Regulation X of 1816."

On this the Court of Foujdaree Udalut have to observe that Section XXXII Regulation IX. of 1816 is not applicable to the Criminal Court, and they direct that the Criminal Judge be advised of his error in citing it in this instance.

Report V Case 17. 2. The Court of Foujdaree Udalut deem it proper to direct that the Criminal Judge be informed that the wording of the order upon this Case, decided by the Mooftee Sadr Ameen, is not such as should have been forwarded to the Foujdaree Udalut. The Order is of so ungrammatical a construction, and so unconnected, that it leads to the presumption that it could not have been perused by the Criminal Judge previous to his affixing to it his Signature.

Report VI 8. With reference to the Casualties in the Jail at Rajahmundry noted in the Report VI, the Court direct that the Criminal Judge be called upon to explain whether any, and what particular reason, has rendered the Jail unhealthy during the past and the preceding month.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Rajahmundry for his information and guidance by Precept returnable in three days after receipt.

/Sent following Precept No 3741/

At a Court of the Inquisitorial District

Wednesday

8th March 1838. Present

John Bird Esq.re 1st Puisne Judge

William Hudleston Esq.re 3d Puisne Judge

Alex.r Duncan Campbell Esq.re Acting Puisne Judge

Read return dated the 4th instant

by the officer in charge of the Criminal Court of Cuddyfel

to Precept of the Inquisitorial District of the 29th February

enclosing three orders on the Cuddyfea and Cumboo

Criminal Reports for the Month of January 1838

(Rem. order No 4814)

Read also Supplemental Return dated

the 19th Instant to the same Precept

(Rem. order No 5207)

In these proceedings of the 29th February

the Court of Inquisitorial District called for an explanation

regarding the circumstance of one prisoner only being

entered in the Statement of Cases" as in Sept. on

the 2d of January, it having been observed that

at the date of the previous Report, 21. prisoners were

in the Cumboo Gaol

Together with the above supplemental

Return a forwarded copy of a communication from

Cumboo from the Native Criminal Judge explaining

that the 20 prisoners (the omission of whom in the

Statement of Cases" had called for the notice of

the Inquisitorial District) had been transmitted to the

Criminal

Criminal Court Sitt at Cuddapah on the evening
of the 31st December 1835.

The Court of Sessions Cuddapah do
propose to depute that the Native Criminal Judge be
informed that in future upon the removal of persons
to Cuddapah they should be entered in the appropriate
column in Report N.

Ordered that Extract from these
proceedings be sent to the Officers in charge of the
Criminal Court at Cuddapah for communication
to the Native Criminal Judge at Gundacur by
Precept returnable in 3 days after receipt.

Sent following Receipt Nº 3761

No return having been received from
the Magistrate of Gunjam to the injunction of the
Precept of the 25th January last, transmitted to that
Officer through the Criminal Court at Chicacole.

Ordered that the Magistrate of
Gunjam be called upon to make return to the above
Precept and to explain the cause of the delay which
has already occurred, by Precept returnable in 4 days
from and after its receipt.

Sent following Precept Nº 3771

Observing that the First Judge
Circuit in the Northern Division has not, up to the
present date, submitted any of the monthly Cause
on the Calendar of the Zillah of Nellore for the
First Sessions of 1836 the Court of Sessions Cudd
resolve to direct that that Officer be reminded

that they attach the highest importance to the speedy
disposal of the trials in question and that accordingly
that he will not his utmost exertions to expedite
the prosecution and transmission of the Proceed-
Ordered that extract from these
proceedings be sent to the First Judge in Circuit in
the Northern Division by Receipt returnable within
three days from and after its receipt.

Sent following Receipt Nº 3781

Read letter dated the 12th instant
from the First Judge on Circuit in the Centre Division
submitting the Capital and Various Executions of the
proceedings in Cause Nº 11 on the Cumbum Calendar
for the First Sessions of 1836.

(Vide order Nº 454 of 1835)

In this case the prisoner
Ranagoni Narrayandoo
stood charged before the Court of Circuit with
having on the night of the 25th November 1835,
attacked and Grievously wounded the deceased
Poovanthia on the road near Pasil Cherroo situated
between the villages Shenkaveram and Chintatoddy
in the Budvail Talook in the Zillah of Cuddapah
and murdered him by stabbing him with a knife
on several parts of his body.

The Court of Sessions Cuddapah observe
that which it appears from the evidence for the
prosecution that the deceased was committed on the
Night of the 25th November according to the Report
sent

Court in by Ensign the Head of Police of the Talook Talook, the prisoner was not apprehended until the 2nd of that Month. The First Judge on Circuit will instruct the officer in charge of the Zillah Court of Cuddapah to send the Prisoner under safe custody to the Native Criminal Judge of Cumbum, and to desire that officer to apply to the Magistrate to call upon the Police officers to explain fully the cause of this delay; and further by the personal examination on oath of them who may be capable of affording information on the subject to ascertain and report the precise time when, and the person by whom, the prisoner was apprehended, what was his demeanour on that occasion at what time the prisoner returned home and where he was from the Morning of the 25th November 1834 until his apprehension.

The Court are further desirous of knowing before them more conclusive evidence as to the identification of the Knife as one, than is afforded by the Record of this Trial; and with this view they direct that the Village officers of Cobbitalapilly be examined as to whether the prisoner was in the habit of carrying about with him a Knife in ordinary, and if so, whether the one produced before the Court of Circuit be like; they should also be required to state if they observe any distinctive mark by which they are able to identify it. The First Judge of Circuit will

transmit the evidence taken by the Magistrate for that Court's inspection.

It is observed that Cadapa Chetty an approver, the first witness for the prosecution examined before the Court of Circuit, says that on the morning that the prisoner and Goravappah came to his house, he recollected having seen the Knife; and that it was in the hand of the prisoner.

The Court of Sudder Adawlut direct that exertions be used to ascertain whether any person saw the prisoner on the night of the murder can confirm the statement of the above named witness on this point; and what search was made in the prisoner's house or elsewhere for the Knife.

Finally the Court direct that for the Knife itself the search be renewed, and that a further inquiry be instituted as to the state in which the deceased's clothes were found and as to whether on the spot where the corpse was discovered there was a quantity of blood such as to indicate that it was there the murder was perpetrated.

The Court of Sudder Adawlut accordingly resolve to return the English and Canarese Records of this case to the First Judge on Circuit with instructions to issue a Precept to the Native Criminal Judge of Cumbum directing him to take the necessary steps for enquiring into & report the

Result

with the foregoing Return the Record of Court and an English Translation of the Record of Case No 15 on the Madura Calendar for the first Sessions of 1835 called for by the Court of Enquiry

Establishment

after considering the evidence, are of opinion as set forth in the Calendar submitted by the Acting Second Judge that in Circuit in the Southern Division they have grounds for doubting the propriety of the acquittal of the prisoner.

2. The prisoner

Erooliyen

stood charged before the Court of Circuit with having in company with some other persons on the night of the 11th Margaly of the year Saluk or 24th December 1834 carried away the prosecutor Lobby along with his property consisting of ready Cash and Jewels valued at Rupees 439 and upwards, whilst he was sleeping in a paddy godown in the Village of Tuvacumbon in the Ayan Taluk Ramnad District in the Zillah of Madura.

3. The prisoner pleaded Not Guilty

4. In his Defence the Mahommedan Law Officer of the Court of Circuit acquitted the prisoner, and declared him entitled to his release

5. The presiding Judge concurred in declaring the offence Not proved, but required the prisoner to find security himself in Fifty Rupees and two sureties in twenty Rupees each for his good

and injunctions of the Court, not to leave the limits and summons or order in the presence of the prisoner, all persons who may be capable of giving evidence on the points noticed in the proceedings.

The Native Principal Assistant will allow the prisoner to be present at the examination of witnesses and at the close of the examination will recall any thing which he may desire to urge in his defence.

The Post Judge of Circuit will cause English and Native Translations of the additional evidence to be taken to the Records, and will return the same to the Court of Session with their consideration and final Judgment.

Ordered, that a extract from the proceedings be sent with the Calendar Records of the case to the Post Judge in Circuit in the Southern Division by Bangy returning the 20th day from and after the receipt.

Court of Circuit Bangy. 30 March 1835

Read a letter dated the 21st ultimo from the Principal Court of Circuit in the Southern Division to the Register of the Court of Enquiry

Ordered under date the 15th instant, directing the proceedings in Case No 15 on the Calendar of the Zillah of Madura for the Post Sessions of 1835.

Remarks Rec. 31st March 1835

6.

It appears to the Court of Enquiry that however doubtful may be the genuineness of that part of the complaint which imputes to the prisoner and his accomplices the robbery of the money and stock it is certain, from the evidence for the prosecution, that Montoe many thereupon the compliment was forcibly carried away, and illegally kept in confinement; and the Court are therefore of opinion that the Judge Advocate should in endeavouring with the assistance of the Law Officer in regulating the remarks of this part of the charge.

7.

At page 71 of the English Record appears the following statement by the Prisoner: "I "requested the Magistrate of Enquire to cause the "attendance of the soldiers who robbed me at "Adumbosa. I omitted upon them for four days "afterwards, and then requested my request to the "that the Magistrate would issue a warrant, and that "if I had a warrant to summon and might effect "the robbers. Thereupon I presented a petition to the "Magistrate of Enquire a warrant for the apprehension "of Corporal Ackyampong and five Privates who "plundered Rupees twenty, and for that of the other "Robbers, to the number Rupees one hundred. Whereupon I was "in consequence and Corporal Ackyampong and "Private Akyeampong were apprehended. I then gave "paid a sum of Rupees 100. by order of the "Magistrate to the Police officers of the Colonial

Sent

"Sabah Jaboo never Sent Kwaw and obtained from "him a receipt for the same. After the expiration of "Eengata Ambulagoo and two others, I paid D. Kojoo "to the Magistrate, and obtained a receipt for the "same from one of the Tamabuanijoo whose name I "don't Know."

8. The Court of Enquiry Exhibit deem it necessary to direct that the Magistrate of Enquire be called upon, through the Provincial Court of Cimmit, to explain the nature of the transaction here referred to, and to state whether or not it is a proceeding of frequent occurrence in the District under his charge.

Ordered that Extract from these proceedings be sent to the Provincial Court of Cimmit in the Southern Division for their information and guidance by the first return mail to twenty days from and after its receipt.

Sent following Page as N° 389.

Ordered further that paras 1-2-3. 4-5 and 6. of these proceedings be sent to the Acting Second Judge Court on Circuit in the Southern Division for his information.

Sent as N° 387/m

At a Court of the Fouydaree Udalut.

Present.

Thursday 31st March 1836. John Bird Esqre. ..... 2nd Puisne Judge.

William Huddleston Esqre. ... 3d Puisne Judge.

Alexr. Duncan Campbell Esqre. Acting Puisne Judge.

113

Read letter dated the 19th instant from the First Judge on circuit in the Northern Division, submitting a copy of the Guntoor Calendar for the First Sessions of 1836.

/Here enter F. U. No. 522 of 1836/

Case No. 5.

1. It is stated in the calendar that the prisoner in this Case was committed in Case No. 73 on "the first Calendar, given to the Acting Third Judge Late "on Circuit, for the First Sessions of 1836, who afterwards "returned the Case, with his precept, directing the Joint "Criminal Judge to sentence the prisoner at his discretion "agreeably to the Circular Order dated 18th July 1829; and "the prisoner was accordingly sentenced, to six months' "imprisonment with hard labour in irons, by the late "Joint Criminal Judge; but as the letter of the Acting "Third Judge dated 20th October 1835 directs that this "Case should be included in the present Calendar, "it is accordingly entered in it."

2. The First Judge on Circuit will be pleased

31st March 1836. pleased to call for and transmit to the Foujdaree Udalut an attested Copy of the Order of the 20th October 1835 here referred to.

Case No. 14. 3. Among the remarks in the Calendar on this Case is the following: "great irregularity appears "to prevail in respect to people acting for Peons, whenever "incapable of attending from illness or any other cause, "and it would appear from the evidence of the Jailor, a "witness examined on behalf of the prisoner, that people "are permitted to act by the Duffadars, without his "knowledge; and that a Muster Roll or register is not "kept of the peons on duty, either by night or day."

4. The Court of Foujdaree Udalut deem it necessary to direct that the irregular and improper practice, noticed by the Judge of Circuit, be henceforward discontinued; and that the attention of the Officer at present incharge of the Joint Criminal Court at Tinnevelly be called to the Circular Order No 16 dated the 23d September 1834, in which the Jailors are required to keep a "Muster Roll or Register of the Duffadars and Peons "appointed for duty every night."

Ordered, that Extract from these proceedings be sent to the First Judge on Circuit in the Northern Division by Precept returnable within ten days from and after its receipt.

(Sent following Precept the 31st

31st March 1836.

Read further Return dated the 22d Instant, from the Provincial Court of Circuit in the Northern Division to the Precept of the Foujdaree Udalut dated the 13th January last, relative to the prisoner Nullapetla Pedda Sonadoo.

/Here enter No. 556/

Read return dated the 19th Instant, from the Provincial Court of Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 11th March 1836, calling their attention to the importance of bringing to a close without further delay the trials set down for reference by Mr G. J. Casamajor.

/Here enter No. 496/

Read letter, dated the 18th Instant, from the Provincial Court of Circuit in the Southern Division, forwarding the Copy of a letter from the Criminal Judge of Madura, reporting the death of the 6th prisoner in Case No. 12 on the Madura Calendar for the First Sessions of 1836.

/Here enter No. 498/

Read further Return, dated the 24th Instant, from the Provincial Court of Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 14th Instant, directing them to hasten the transmission of the trials set down for reference by Mr G. J. Casamajor.

/Here enter No. [illegible]/

3. 31st. March 1836.

Read letter dated the 22d Instant, from the Magistrate of Coimbatore, submitting the explanation required by the Fouzdaree Udalut in their proceedings of the 17th November 1835, relative to certain cases on the criminal Reports for October 1835.

/Here enter No. 559/

Read letter dated the 22d Instant from the Magistrate of Coimbatore, submitting the explanation required by the Fouzdaree Udalut in their proceedings of the 25th Ultimo relative to certain cases on the criminal Reports for January last.

/Here enter No. 560/

Read return, dated the 28th Instant, from the Acting criminal Judge of Salem, to the Precept of the Fouzdaree Udalut dated the 28th March 1836, conveying their orders and orders on the Criminal Reports of Salem for the month of Febreary.

/Here enter No 561/

Read return, dated the 28th Instant from the criminal Judge of Chittoor, to the Precept of the Fouzdaree Udalut dated the 22d March 1836, conveying their orders and orders on the Criminal Reports for the month of February

/Here enter No. 562/

Read return, dated the 28th instant from the criminal Judge of Bellary, to the Precept of the Fouzdaree Udalut dated the 21st Instant, conveying their orders and orders on the Criminal Reports for the month of February

/Here enter No. 563/

F. U

Saturday 2d April 1836

At a Court of the Fouzdaree Udalut

Present,

John Bird Esqre ..... 2d Puisne Judge.

William Rudleston Esqre ... 3d Puisne Judge.

Alexr. Duncan Campbell Esqre Acting Puisne Judge.

Read again Return dated the 7th Ultimo, from the Acting criminal Judge at Salem, to the Precept of the Fouzdaree Udalut of the 29th February last conveying their Orders upon the Salem Criminal Reports for the month of January.

/Here enter No. 533/

Read also Return dated the 23d Ultimo from the Acting Criminal Judge at Salem, to the Precept of the Fouzdaree Udalut of the 19th March 1836, directing the Commitment of the prisoners in Case No. 4 of the Salem Criminal Report for the month of January.

/Here enter No. 542/

Has the latter of the above returns, the Acting Criminal Judge reporting that the Order for Commitment in Case No. 4 will be duly executed, so soon as the prisoners "arrive from Oporr, to which place they were "sent on the 12th of February last, under the Orders of "Government dated 9th August 1833," adds "It is proper "to state that the Sentence on these prisoners was passed

on

"on the 6th of January last and that nearly one half
"of the period comprised in the Sentence has expired."

3 The Court of Zoujdaree Udalut deem
it proper to direct that the Judge on Circuit be instructed,
in the event of Conviction, to deduct the period during which
the prisoners in question may have been worked, from
the Sentence which may be passed in the Case.

Ordered accordingly, that Extract for
these proceedings be sent to the Acting Criminal Judge
at Salem, who will be pleased to lay them before the
Judge on Circuit with the said Case when submitted
for trial.

(Sent in No. 390)

Read Letter dated the 31st Ultimo, from
Mr. E. B. Wrey, the late Acting Third Judge late on Circuit
in the Northern Division, submitting "an application for
"permission to revise the Sentence originally passed on
"the prisoners in Cases Nos. 67 and 68 on the Sumtoor
"Calendar for the Last Sessions of 1835, and to reduce
"the same to the mitigated period of Seven Years, as
"adequate to the degree of Criminality proved."

(Here entered Pl No. 386 of 1836)

1 The present application is submitted
with reference to the twenty second paragraph of the
Extract from the proceedings of the Zoujdaree Udalut
under

under date the 7th September 1835, on the review of
the Gunjoor Calendar for the First Sessions of that
year, in which it was observed, that "it appeared to
"the Court that in consideration of the absence of
"any aggravating circumstances, the ends of justice
"do not require that the prisoners in Cases Nos. 67 and
"68 should be subjected to the full penalty prescribed
"by the Regulations."

2 The Court of Zoujdaree Udalut
approving of the recommendation of the late Acting
Third Judge, resolve, under the authority vested in
them by Clause third, Section III. Regulation I. of 1828,
to direct that the prisoners

1st Parasa Venkadoo

2nd Parasa Bygandoo

and

3rd Soolatanny Venkadoo

be imprisoned and kept to hard labour in irons on
the public roads or other public works for and during
the period of (7) seven Years.

3 The late Acting Third Judge will
take notice that the mitigated Sentence now sanctioned
is to be considered as commencing from the date of
the Sentence of fourteen years imprisonment passed
on the first instance by the Court of Circuit in this Case.

Ordered

2nd April 1836.

Ordered, that Extract from the proceedings be sent to the late Acting Third Judge late on Circuit in the Northern Division for his information and guidance, by Precept returnable within five days from and after its receipt.

(Sent following Precept No. 391.

Read letter, dated the 22nd Ultimo, from the Magistrate of Coimbatore transmitting, agreeably to the instructions conveyed to him thro' the Criminal Court of Salem, in the Proceedings of the Foujdaree Adalut, of the 29th February last, on the Salem Criminal Reports for January, an explanation of the detention in the Jail of the Cases Nos. 13 and 14

(Here enter No. 557.

The Court direct that the Magistrate be informed that the explanation of the Acting Joint Magistrate, regarding the Cases in question, forwarded with his letter now under consideration, is satisfactory. They observe however that the date of the apprehension of the 6th prisoner in the Case 13 has not yet been furnished.

Ordered, that Extract from the Proceedings be sent to the Magistrate of Coimbatore for his information.

(Sent in No. 392.)

Read

J. 91.

2nd April 1836.

Read the Quntoor Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of February.

(Here enter No. 554.

Suppl. Report Case 131 of 1836. Report V Case 5.

In the former of the Cases noted in the margin, it is stated that "there is no evidence "whatever in support of the Prosecutor's charge" — in the latter, that "there is not a shadow of evidence corroborative "of Prosecutor's charge." If the circumstances of the Cases therefore have not been already reported to the Magistrate under the Circular Order 21st May 1823, the Acting Joint Criminal Judge will be pleased to make the prescribed Communication to that Officer upon receipt of these Proceedings.

Suppl. Report Case 132.

2 The two first prisoners in this Case stood charged with "entering the house of the Prosecutor "by breaking thro' the wall, forcibly taking out a Young "girl from the inside and robbing her of Silver and "gold jewels &c. worth Rupees 17." — the third prisoner was charged with "receiving part of the property from "the 1st and 2nd prisoners". The 3rd prisoner was acquitted and released; but upon the 1st prisoner a Sentence of "one year's imprisonment with hard labour in irons" has been recorded, and the third, the Wife of the First prisoner, has been sentenced to "six months imprisonment without

2nd April 1836

without labour." The Acting Joint Criminal Judge has, however, omitted to quote any Regulation in front of the Sentences in question, and the Foujdaree Udalut accordingly direct that he be called upon to supply the omission.

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Guntoor for his information and guidance by Precept returnable in three days after receipt

(Sent following Precept No 393)

Read Return dated the 23d Ultimo from the Criminal Judge of Chingleput to Precept of the Foujdaree Udalut dated the 21st March 1836, conveying their observations and orders on the Criminal Reports for February

(Here enter No. 528)

Read Return dated the 23d Ultimo from the 1st Judge on Circuit in the Centre Division to Precept of the Foujdaree Udalut dated the 24th March 1836 conveying their observations and orders on the Bellary Calendar for the First Sessions of 1836.

(Here enter No. 568.)

F. U.

At a Court of the Foujdaree Udalut

Present,

Monday 4th April 1836

John Bird Esqr. ..... 2nd Puisne Judge
William Hudleston Esqr. ..... 3rd Puisne Judge
Alexr. Duncan Campbell Esqr. ..... Acting Puisne Judge

Read Miscellaneous Petition presented on the 21st Ultimo, by Bhunnukhah, an inhabitant of Vesanapellee in the Talook of Moolagerry, in the territories of His Highness the Rajah of Mysore

(Here enter Misc. Pet. No. 34 of 1836)

The petitioner represents that her husband Bhunnukhah the seventeenth prisoner in Case No. 20 on the Cuddapah Calendar for the first Sessions of 1836 having been placed in Confinement upon a false and malicious charge of Gang Robbery, was tried before the Court of Circuit, and after a Conviction, unwarranted by the evidence adduced in support of the prosecution, was sentenced to imprisonment with hard labour in irons for fourteen years.

2. Asserting his innocence and long established character for respectability, the petitioner prays that her husband may be immediately released.

3. She is informed that there is no Appeal from the Sentence of a Court of Circuit, and further, that

2nd April 1836

"without labour." The Acting Joint Criminal Judge has, however, omitted to quote any Regulation in support of the Sentences in question, and the Foujdaree Udalut accordingly direct that he be called upon to supply the omission.

Ordered, that Extract from the proceedings be sent to the Acting Joint Criminal Judge at Guntoor for his information and guidance by Precept returnable in three days after receipt

(Sent following Precept No 393)

Read Return dated the 23d Ultimo from the Criminal Judge of Chingleput to Precept of the Foujdaree Udalut dated the 21st March 1836, enclosing three Proceedings and orders on the Criminal Reports for February

(Here enter No. 578)

Read Return dated the 23d Ultimo from the 1st Judge on Circuit in the Centre Division to Precept of the Foujdaree Udalut dated the 24th March 1836 enclosing the observations and orders on the Bellary Calendar for the First Sessions of 1836.

(Here enter No. 568.)

F. W.

At a Court of the Foujdaree Udalut.

Present,

Monday 4th April 1836

John Bird Esqr. ..... 2nd Puisne Judge
William Hudleston Esqr. ..... 3rd Puisne Judge
Alexr. Duncan Campbell Esqre. ... Acting Puisne Judge

Read Miscellaneous Petition presented on the 21st Ultimo, by Chennukkah, an inhabitant of Vesanapellee in the Talook of Moolagerry, in the territories of His Highness the Rajah of Mysore.

(Here enter Misc. Pet. No 34 of 1836)

1. The petitioner represents that her husband "Kenah" the seventeenth prisoner in Case No 20 on the Cuddapah Calendar for the first Sessions of 1836 having been placed in Confinement upon a false and malicious charge of Gang Robbery, was tried before the Court of Circuit, and after a Conviction, unwarranted by the evidence adduced in support of the prosecution, was sentenced to imprisonment with hard labour in irons for fourteen years.

2. Asserting his innocence and long established character for respectability, the petitioner prays that her husband may be immediately released.

3. She is informed that there is no Appeal from the Sentence of a Court of Circuit, and further,

that

2nd 4th April 1836 that having referred to the Calendar in which this is entered, the Court of Foujdaree Udalut see no grou for doubting the propriety of the decision of the Judge.

Ordered that the prayer of the Petn be rejected, and Extract from these Proceedings be furnished to the Petitioner upon his application.

Read Petition presented on the 30th ultimo by Lalapaty Naicken of the Village of Chingleput

/Here enter Mss Pet. No [illegible]/

The Petitioner represents the circumstances under which, he alleges, he has been unjustly dismissed from his situation of Jail Peon by the Magistrate of Chingleput, and prays the Court to enquire into and order his restoration.

2.

The Petitioner is informed that the Court have had before them the explanation of the Magistrate respecting his dismissal, and that, on the 6th of January last, they recorded their opinion that the "circumstances" warranted it.

Ordered accordingly, that the Petn be rejected, and Extract from these proceedings be furnished to the Petitioner on his application.

Read Letter dated the 16th ultimo from the Acting Second Judge on Circuit in the Southern

4th April 1836. Southern Division, transmitting the record in Case No 2 of the Madura Calendar for the 1st Sessions of 1836.

/Here enter F. H. No 192 of 1836/

Present

Mr Bird

and

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-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, as convicts the prisoner

1st Cundasawmy

of wounding and awards Rohoobut, and in conformity with the provisions of Clause third, Section VII, and Clause Third Section VIII, Regulation XV. of 1803 sentence him to be banished to the District of Chittoor, 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 fourteen years.

And being of opinion that the prisoners

2d Mottalagoo

3d Calanyandytaven

alias

Nadoomputaneau

4th Veeriah Aronambalon

alias

Veeriah

and

4th April 1836.

and

5th Rogoondian

are not convicted on presumptive proof or on the evidence of Credible witnesses, or on their own confessions, notwithstanding the Failure of their Law Officers, the Court do acquit them: but considering that strong suspicion though not amounting to Conviction, attaches to them, they direct under the provisions of Clause Sixth, Section III, Regulation XX of 1803, that they be severally required to find two Sureties, in one hundred Rupees each, for their good behaviour and appearance when required within three years, and that in default thereof, they be detained for three years in Confinement.

/Sent following letter No 395

Read letter, dated the 25th Ultimo, from the Magistrate of Trichinopoly, explaining, agreeably to Orders of the 7th Ultimo, upon the Combaconum Criminal Reports for the month of January, the delay which occurred in the transmission of the Prisoners' Appeal Confession to the Criminal Court.

/Recd under No 366/

Combaconum Suspse Report for January. Case 260

The explanation contained in the letter, of the detention in the Talook of the prisoner in the case noted in the margin being considered quite satisfactory, the Court direct that the same be communicated to

F. H.

4th April 1836. to the Magistrate of Trichinopoly.

Ordered, that Extract from these proceedings be sent to the Magistrate of Trichinopoly for his information.

/Sent in No 396/

F. U.

At a Court of the Foujdaree Udalut

Wednesday
6th April 1836.

Present,

John Bird Esqre ..... 2nd Puisne Judge
William Huddleston Esqre ..... 3rd Puisne Judge
Alexr Duncan Campbell Esqre Acting Puisne Judge.

113
1855

Read Return dated the 21st Ultimo from the Acting Assistant Criminal Judge incharge of the Zillah Court of Rajahmundry to the Precept of the Court of Foujdaree Udalut under date the 29th February 1836, conveying their observations and orders on the Criminal Reports of Rajahmundry for the month of January last.

/Here enter F. U. No 532 of 1836/

Read also letter dated the 22nd Ultimo from the same Officer reporting the particulars of two Cases of escape of prisoners from the Zillah Jail of Rajahmundry and forwarding translations of the depositions taken from the parties concerned.

/Here enter F. U. No 561 of 1836/

1. On reviewing the Criminal Reports of the Zillah of Rajahmundry for the month of January, the Court of Foujdaree Udalut in the second paragraph of their proceedings under date the 29th February last, observing that "the prisoner Paupla Venkadoo was entered "in the Report No XI as having escaped on the 18th January 183[illegible]

called

called upon the Criminal Judge "to state why this escape "was not duly reported to them, no information having "as yet been laid before them regarding it."

2 In his return of the 21st Ultimo. the Acting Assistant Criminal Judge states that "Rayale "Venkador, a Committed prisoner in Case № 47 and under "Sentence in Cases 47 and 48, together with Boolee Naugaiah "a Committed prisoner in Case № 60 of 1835 and Thoom "Bapana, Goondee Moocapa and Ponuka Venkapa, Com- "mitted prisoners in Case № 5 of 1836, are reported to have "effected their escape by burning down the door of their cell "and by afterwards scaling the wall of the Jail, by means "of a rope which they must have been allowed to conceal "about their persons on being locked up for the night— The "prisoner Boolee Naugaiah alone of these was found, and "since dead, and no deposition appears to have been taken from "him relative to his escape." With his letter of the 25th the Acting Assistant Criminal Judge forwards "the Ola- "tahoms of the depositions of the Jemadar of Scamboo and "the Boy, who, there is reason to believe, was present on guard "at the time of the escape of the prisoners" abovementioned and respecting the Jemadar, observes, "many of his Wit- "nesses, by their being directly opposed to facts, that he is ut- "terly in his deliage he could otherwise hardly have done "that it was himself that had daily fraternized the Rebels

"of guards, which, in order to find out who was on guard "at any particular time, I made him keep and bring "daily, and which he had in fact himself brought within "the hour. he has also denied having received orders, which "I have repeatedly heard Mr Neave give, and which "whenever I have been at the Jail at the time of locking "up, I have seen him execute: and again — "the conduct of "the Jemadar on this and on many other occasion has shown "that he is no longer capable of performing his duties, and "his conduct has frequently been such, that I have reason "to believe has considerably prevented the Jailor from "possessing that authority over the Peons, and general "management of the Jail, to which are to be attributed "the numerous escapes that have taken place; and as "I could no longer place the slightest confidence in him "I have been obliged to dispense with his services."—

3 Of the removal of the Jemadar, the Board of Sanjidaree entirely approve, as, after a careful consideration of the depositions now forwarded, and of all the circumstances of the Case, they are unable to arrive at any other conclusion than that he is utterly unfit for that responsible Situation. Indeed it appears that "the Judge M.Leay, on the Acting Assistant Cri- "minal Judge mentioning his opinion of the Jemadar's "unfitness to him, expressed his intention of removing him "on the day previous to his delivering over charge."

It

6th April 1836

4. It appears however to the Court of Foujdaree Udalut that the investigation held in this case, by Mr Rohde, is not so conclusive or satisfactory as could be wished; and they in consequence deem it necessary to direct that Extract from these proceedings be sent to the First Judge on circuit in the Northern Division, now at Rajahmundry, with instructions to institute a fresh inquiry and to report the result to this Court, submitting his opinion as to the degree of Culpability attaching to the several persons concerned, including the Jailor, of whom favorable mention is made by Mr Rohde, but whose fitness for his Office appears at present to the Foujdaree Udalut to be questionable.

5. The Judges of Circuit will further state whether or not he concurs in the opinion expressed by the Acting Assistant Criminal Judge, that "the conduct of the Peon who was on guard at the time," and whose "deposition proved to his satisfaction, that he was asleep" "cannot be made the subject of a successful prosecution"; that "the Jailor is willing to do his duty, and if supported is able to do so" and that "the explanation given by the Jailor for confining the prisoners in this ward" from which they escaped for "satisfactory"

6. In the fifth paragraph of his letter of the 22nd Ultimo, the Acting Assistant Criminal Judge brings to the notice of the Foujdaree Udalut another case of escape which occurred in the Month of November last, and forwards translations

F. 72.

6th April 1836. translations of the depositions taken from the parties concerned: from which it appears that a Duffadar and three Peons took with them nine prisoners to cut firewood, and that the latter disarmed the said Duffadar and Peons, and carried away their swords - one prisoner alone returning to Jail of his own accord - The excuse offered by two of the Peons, is, that they were sick with fever; but from Mr Rohde's letter there are the strongest grounds for believing that this is not true, and it is evident that they were fully competent to perform their duty. Mr Rohde observes, "the Statements of the Duffadar and Peond, from "my own knowledge, I can state to be false; the Peon who "ran and gave the information, was in the Register's Court, "evidently unhurt, at three O'Clock, and all were in by five "and evidently unhurt, and none made any complaint "of Sickness, though I doubted the Sobriety of some of them." He also states that "the length of time that has elapsed, "and it not having occurred under any charge, has prevented my entering a prosecution against the Peons and "Duffadars, whose Conduct, nevertheless, I consider so highly "culpable, that I beg to forward a descriptive roll of their "persons, with a view of it's being forwarded to the Government "Office for publication in the Fort St George Gazette under "the orders of the Foujdaree Udalut under date the 27th "February 1836."

7. The Court of Foujdaree Udalut deem it

it necessary to direct that immediate measures be taken for bringing the Duffadar and Peons in question to justice for it appears to them that the proceedings in this case exhibit the most grof and culpable neglect of duty on the part of those persons - The Court abstain from offering any remarks respecting the publication of the names of the delinquents in the Fort St George Gazette, until they shall have been informed of the grounds on which the name of the third Peon, Shaik Hoosain, has not been included in the Descriptive Roll - There appears to the Court to be no reason whatever for imputing to that individual a less degree of criminality than to his companions

8 It appears that two of the prisoners have been since re-apprehended, and the Acting Assistant Criminal Judge observes, that "though he has taken the depositions of the prisoners, he has passed no sentence on them, as though he knows it was Mr Wray's intention to have brought them to trial, he does not know whether or not his proceedings would be approved, were he to take cognizance of acts which, when committed, did not come directly under his immediate cognizance."

9 The Court of Foujdaree Adalut are clearly of opinion that the Acting Assistant Criminal Judge should immediately proceed against the prisoners in question in the mode prescribed in Section V, Regulation XI of 1828

10 It is further to be observed that the Criminal

Criminal Reports and the Calendars shew that the prisoners who were sent out by the Jailor, were with the exception of three, men who had been convicted of Gang Robbery and Highway Robbery, and for those Crimes were then undergoing their Sentences; and that four out of the nine prisoners had, on previous occasions, escaped. The expediency of sending prisoners of any description to such a place as that in which they were employed, is very questionable; but there can be no doubt that the prisoners in question were the very last persons who should have been sent there; and the Court of Foujdaree Adalut are of opinion that the fact of his having sent them, implies such a degree of inefficiency on the part of the Jailor as to render it improper to continue him in his present situation, unless he can shew good and sufficient cause for that proceeding, or can make it appear, that he acted, under the orders of his Superior, the Zillah Judge.

11 The Acting Assistant Criminal Judge will accordingly be directed to call upon the Jailor to report the grounds of his Conduct in this particular, and will transmit his explanation to the Foujdaree Adalut for their consideration -

12 In conclusion the Court of Foujdaree Adalut observe that although, as has been already shown, the escape of the nine prisoners occurred on the 24th November last, yet the first examination held by Mr Wray

6th April 1836. Wrey, the Criminal Judge - namely that of the prisoner who returned of his own accord, is dated the 16th December that an examination of one Peon took place on the 16th December, and a partial examination of another on the same day, which was not finished until the 23d of the same month - Another Peon was examined on the 21st and another on the 23d - Although moreover the Circular Order of the Foujdaree Udalut of the 27th April 1805 (1835) requires that the reports of the Subordinate Officers upon the escape of prisoners from their Jails shall be transmitted direct to that Court, Mr Wrey made no report whatever of the case under consideration - He also omitted to examine the two prisoners who were entrusted, and neglected taking the necessary steps for bringing the Dufflas and Peons to justice, as he was bound to do under the existing Regulations, he contented himself with dismissing them from their respective situations, although the conduct of those persons was throughout marked by the most gross and culpable neglect, if not by actual connivance - In the second instance of escape also, it does not appear that Mr Wrey took a single deposition from any one of the parties concerned, upto the day of his suspension from Office, namely the 18th March 1836, while the case itself was effected so far back as the night of the 17th the morning of the 18th January last.

Upon

F. 11.

6th April 1836. 13. Upon this extraordinary conduct the Court of Foujdaree Udalut refrain for the present from recording any further remarks, but resolve to direct that Mr Wrey be called upon to submit a full explanation of all the circumstances, for their information and that of the Government -

14. In the meanwhile it appears to the Court of Foujdaree Udalut that the foregoing circumstances render it incumbent upon them to submit a report of the two cases to the Governor in Council -

Ordered accordingly that Extract from these proceedings (paras 1-2-3-4-5) be sent to the First Judge on Circuit in the Northern Division, by Precept returnable within ten days from and after its receipt -

(Sent following Precept No 400)

Ordered also, that Extract from these proceedings (paras 1 to 11 inclusive) be sent to the Acting Assistant Criminal Judge, in charge of the Zillah Court of Rajahmundry, by Precept returnable within seven days from and after its receipt

(Sent following Precept No 401)

Ordered also, that Extract from these proceedings be sent to Mr E. B. Wrey, by Precept returnable within twelve days from and after its receipt

(Sent following Precept No 402)

Ordered

Ordered also, that Extract from these proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Governor in Council.

To Govt. No 70.

(Sent in No 603)

Read letter, dated the 25th Ultimo from the First Judge late on Circuit in the Western Division forwarding the Original warrant issued for the execution of the sentence of death, passed on the 1st prisoner in Case No 3 on the Calendar of the Native Criminal Court of Sittee for the second Sessions of 1836, and translation of a Report made by the Native Criminal Judge

(Here enter No 580)

Read return, dated the 30th Ultimo, from the Provincial Court of Circuit in the Southern Division, to Precept of the Foujdaree Udalut dated the 26th March 1836, requiring them to report the circumstances connected with the delay which occurred in the Office of the Provincial Court, on replying to a reference from the Acting Joint Criminal Judge of Coimbatore, relative to Case No 22 on the file of that Officer's Court.

(Here enter No 585)

Read return, dated the 28th Ultimo, from the First Judge on Circuit in the Northern Division to Precepts of the Foujdaree Udalut dated the 8th March 1836

Enclosures

6th April 1836 conveying their observations and orders on the Nellore Calendar for the First Sessions of 1836.

(Here enter No 586)

Read return, dated the 26th Ultimo, from the Acting Criminal Judge at Mangalore, to Precept of the Foujdaree Udalut dated the 21st March 1836, conveying their observations and orders on the Criminal Reports for February.

(Here enter No 588)

Read return, dated the 29th Ultimo, from the Acting Assistant Criminal Judge at Cuddapah, to Precept of the Foujdaree Udalut dated the 26th March 1836, conveying their observations and orders on the Criminal Reports for the month of February.

(Here enter No 590)

Read returns dated the 26th Ultimo, from the Native Criminal Judge at Honore, to Precept of the Foujdaree Udalut dated the 18th March 1836, directing the remission of the Corporal punishment on Cole No 2 on the Report No V for January last.

(Here enter No 597)

Read letter dated the 28th Ultimo from the First Judge on Circuit in the Northern Division, forwarding a Statement of Batta paid to the Prosecutors and Witnesses attending before the Court of Circuit at Guntoor during the First Sessions of 1836.

(Here enter No 599)

Read

6th April 1836

Read return, dated the 28th Ultimo, from the Acting Joint Criminal Judge at Tellicherry, to Precept of the Foujdaree Udalut dated the 23d March 1836, conveying their observations and orders on the Criminal Reports for the month of February.

/Here enter No 607/

Read return, dated the 28th Ultimo, from the Acting Joint Criminal Judge at Vizagapatam, to Precept of the Foujdaree Udalut dated the 21st March 1836, conveying their observations and orders on the Criminal Reports for the month of February

/Here enter No 608/

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7th April 1836.

in the criminal Reports in the case in question.

Ordered, that a Check from these proceedings be sent to the Acting criminal Judge of Bellary for his information and guidance by Precept returnable in 3 days after receipt.

/Sent following Precept No 507/

Read letter dated the 16th Ultimo from the Provincial Court of Circuit in the Western Division, transmitting translations of the Sirsee criminal Reports for the month of February last.

/Here enter No 508/

Read return, dated the 16th Ultimo, from the Provincial Court of Circuit in the Northern Division, stating with reference to their return of the 22nd, to the Precept of the Court of Foujdaree Udalut of the 13th of January 1836 that the Acting Joint Criminal Judge of Masulipatam has been instructed to make over the prisoner Nullapulle Pedda Sonadoo to the Magistrate, for the purpose of his being made over to Captain Stoddart for trial in the Nizam's Court for Offences Committed within His Highness' Dominions.

/Here enter No 510/

Read letter dated the 19th Ultimo, from the Criminal Judge of Nellore, forwarding the Statement &c. of Accounts for the month of February 1836.

/Here enter No 512/

Read

7th April 1836.

Read return, dated the 31st Ultimo, from the First Judge on Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 7th March 1836, conveying their final orders on the Cuddapah Calendar for the First Sessions of 1836.

/Here enter No 518/

Read letter dated the 31st Ultimo, from the First Judge on Circuit in the Centre Division, reporting the death of the 1st prisoner in Case No 6 on the Cuddapah Calendar for the First Sessions of 1836.

/Here enter No 519/

Read letter dated the 10th Ultimo, from the Third Judge on Circuit in the Western Division, forwarding the original Death Warrant &c. in Case No 19 on the Calicut Calendar for the First Sessions of 1836.

/Here enter No 520/

Read Statement dated the 17th Ultimo from the Acting Criminal Judge of Salem, shewing the number of persons employed at the different Jails under the Magistrate of Salem during the month of February 1836.

/Here enter No 521/

Read return dated the 19th Ultimo from the Provincial Court of Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated the 16th March 1836, directing the release of the 1st and 2d

prisoners

7th April 1836.

prisoners in Cadre № 163 of the Million Supplemental Criminal Report for the month of December last.

/Here enter № 525/

Read return dated the 16th Ultimo, from the Provincial Court of Circuit in the Northern Division, to the Precept of the Fouzdaree Udalut dated the 26th February 1836, forwarding their Circular Orders № 62.

/Here enter № 526/

Read letter dated the 21st Ultimo, from the First Judge on Circuit in the Centre Division, reporting his intention to open the first Sessions of 1836 at Cuddalore on the 11th proximo.

/Here enter № 527/

Read letter dated the 24th Ultimo, from the Joint Magistrate in charge of Northern Division of Arcot, Submitting the explanation required by the Fouzdaree Udalut, in their proceedings under date the 26th Ultimo, relative to a Code on the Criminal Reports of Chittoor for January last.

/Here enter № 533/

Read letter dated the 18th Ultimo, from the First Judge on Circuit in the Centre Division, forwarding the Statement of Batta paid to Prosecutors and Witnesses attending before the Court of Circuit at Bellary during the First Sessions of 1836.

/Here enter № 534/

Read

S. U

7th April 1836.

Read return, dated the 21st Ultimo, from the Provincial Court of Circuit in the Northern Division to Precept of the Fouzdaree Udalut dated the 15th March 1836, requiring them to report in what way Case № 152 on the Junior Calendar for the First Sessions of 1834 included in the Memorandum Fr. furnished by Mr. Waters, has been disposed of.

/Here enter № 535/

Read letter, dated the 25th Ultimo, from the Acting Second Judge on Circuit in the Southern Division, reporting the arrival of the Court of Circuit at Combaconum.

/Here enter № 544/

Read letter, dated the 28th Ultimo, from the Acting Second Judge on Circuit in the Southern Division, reporting his intention to open the First Sessions of 1836 at Salem on the 26th Instant.

/Here enter № 545/

Read return, dated the 30th Ultimo, from the Provincial Court of Circuit in the Centre Division, to Precept of the Fouzdaree Udalut dated the 18th March 1836, requiring the immediate transmission of the Criminal Statements Vide for the half year ending the 31st December 1835.

/Here enter № 547/

113

125

Read

F. 16.

At a Court of the Foujdaree Udalut

Present,

Monday 11th April 1836. John Bird Esqr. ——— 2d. Puisne Judge

William Rudleston Esqr. 3d. Puisne Judge

Alexr. Duncan Campbell Esqr. Acting Puisne Judge.

Read Return dated the 29th Ultimo,

from the Third Judge on Circuit in the Western Division, to the Precept of the Court of Foujdaree Udalut under date the 23d. Ultimo, authorizing the release from confinement of the prisoner Ellayadata Rumby Atan, convicted of Forgery in case No. 31 on the Calicut Calendar for the First Sessions of 1836—

(Here enter F. C. No. 604 of 1836)

1. The Third Judge of Circuit adverting "to paras 4 and 6 of the Extract "from the proceedings of the Foujdaree Udalut under date the 23d. Ultimo, explains that "he thought it right to refer the proceedings" in "the above trials "because, having on a former occasion "made only a "report" of the case according to Clause "Sixth Section IV. Regulation XV. of 1803, the Court of "Foujdaree Udalut ruled that they were not compe- "tent to order the remission of the punishment "requested, unless the trials was referred to them".

12th September 1834.

in proceedings of 29th September 1834.

2. The Court of Foujdaree Udalut observe that the record of case No. 31, on the Calicut Calendar for

for the Second Sessions of 1834 was considered necessary, because there appeared to be in fact, a difference of opinion between the Judge of Circuit and the Mahommedan Law Officer; for, while the latter in his Futwa convicted the prisoners of Theft, the Presiding Judge in the third paragraph of his letter of the 12th September 1834, submitted, that "if their statements "illustrated as they are by the admissions of the Prosecutor "himself in his examination, are to be believed; they "cannot justly be dealt with as criminals for the part "they took in the proceeding, the ground of the charge"; and added "there is, I submit, nothing to warrant a "criminal charge against the two men in whose "behalf I am making this appeal."—

Ordered, that Extract from these proceedings be sent to the Third Judge on Circuit in the Western Division for his information.—

(Sent in No. 424.)

Read return dated the 30th Ultimo from the Acting Assistant Criminal Judge at Cuddapah in Receipt of the Foujdaree Udalut dated the 22nd March 1836 requiring further information respecting the committal for Trial before the Court of Circuit, of the prisoner in case No. 134 of the Cuddapah Supplemental Report for January.—

(Here enter No. 539)

Read

Read return dated the 2nd Instant from the Acting Assistant Criminal Judge in charge of the Zillah Court of Cuddapah in Receipt of the Foujdaree Udalut dated the 30th March 1836, directing that the Native Criminal Judge of Cumbum be informed that in future, upon the removal of prisoners to Cuddapah, they should be entered in the appropriate columns in Report No. VI.—

(Here enter No. 614.)

At a Court of the Foujdaree Adalut

Present,

Tuesday
12th April 1836.

John Bird Esqre ——— 2nd Puisne Judge
William Hudleston Esqre 3rd Puisne Judge
Alexr Duncan Campbell Esqre Acting Puisne Judge

113

Read letter dated the 20th Ultimo from Lieutenant W.H. Budd in charge of the Convicts at Guindy furnishing the explanation required by the Foujdaree Adalut relative to the complaint of "Abdool Kawder" a dismissed Sail Peon

[Here enter No. 504]

Read also return, dated the 26th Ultimo, made by the Criminal Judge in the Zillah of Nellore, to the precept of this Court of the 14th Ultimo, forwarding the translation of a petition presented by Abdool Kawder the dismissed Sail Peon, and requiring an explanation regarding the Statement made therein that the person entertained in the room of Petitioner, is named Permallee, who besides being the Brother in law of the Deputy Sailor, is also a Convict whose sentence of imprisonment passed by the

Foujdaree

12th April 1836

Tongadaw Adalut has not yet expired

[Here enter No. 553]

Read again petition presented by Abdool Kawder

[Here enter M. P. No. 30 of 1836]

1. In his petition presented to this Court, Abdool Kawder attributed his dismissal, and the employment of Permallee in his room, to the circumstance of this Permallee being the Brother in Law of the Deputy Jailor, to procure a Situation for whom the Jailor and his Deputy were induced to make false representations of his [Petitioners] conduct to Lieutenant Budd.

2. From the explanation however furnished by Lieutenant Budd, and the return submitted by the Criminal Judge of Nellore, it appears that this Permallee can be no relation of the Deputy Jailor, inasmuch as they are of a different Caste; and moreover that Permallee is not a Convict, as alleged by the Petitioner, but that "some suspicion attaching to him; that he allowed "another Cooly Pon Gholam Mohoodeen to steal "Circar Salt Revenue Money; he was required by the Judge on Circuit at the 1st Sessions of 1835 to give

12th April 1836

give Security for his future good behaviour for one year - which Security was tendered and accepted, but that the Deputy Jailor never stood Security for the said Permallee.

3. In respect to the complaint of the Petitioner that the balance of his pay has been retained by the Duffadar of the Jail, it appears from the explanation furnished by Lieutenant Budd, that this assertion is false, and that in point of fact the Petitioner had received all that was due to him on the 15th of February last, fourteen days before he presented his complaint to this Court.

4. Under these circumstances, the Court of Tongadaw Adalut do not consider the Petitioner deserving of further consideration, and they resolve therefore finally to reject the prayer of his petition.

Ordered, that the above be communicated to the Petitioner, and that Extract from these proceedings be furnished to him on his application.

End

F. 66.

At a Court of the Foujdaree Adalut.

Present,

Wednesday 13th April 1836. — John Bird Esqre. — 2nd Puisne Judge

William Hudleston Esqre. 3rd Puisne Judge

Alexr. Duncan Campbell Esqre Acting Puisne Judge

13
125

Read letter dated the 26th Ultimo,

from the 1st Judge on Circuit in the Centre Division,

transmitting the record in Case No. 6 on the Cumbum

Calendar 1st Sessions of 1836.

(Herewith No. 55a)

Mr. Bird
and
Mr. Hudleston.

The Court of Foujdaree Adalut, &

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 Foujdaree Adalut, confirm such

part of the said Fatwa of the Cazee-ool-Cozat and

Mooftees aforesaid, as acquits the prisoners

3d. Singamanee Pedda Dibbadoo

and

4th. Singamanee Condooganloo—

and accordingly direct that they be set at liberty.

And being of opinion, that the proof

against the prisoner —

1st. Singamanee Pedda Gonnadoo

is sufficient to commit him of the crime of wilful Murder, the Court do, under the authority with which they are vested by Clause First, Section II. Regulation I of 1813, commit him thereof, and in conformity with the provisions of Section X. Regulation XVIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

And further being of opinion that the prisoner

2nd. Sirgamanee Chinna Gorrovadoo

is not convicted on presumptive proof, or on the evidence of credible Witnesses or on his own confession, notwithstanding the Tuleva of their Law Officers, the Court do, accordingly acquit him, and under the provisions of Section X. Regulation XVIII of 1802 direct that he be set at liberty.

(Sent following Letter No. 434)

Read return, dated the 28th Ultimo from the Provincial Court of Circuit for the Northern Division, to Precept of the Foujdaree Adaulut of the 18th Ultimo, requiring the immediate transmission of the Criminal Statements for the half year ending the 31st December 1835.

(Here enter No. 633)

From the above return it appears that

that the Statements in question are detained in consequence of the omission on the part of the Magistrates of Masulipatam, Rajahmundry and Guntoor, to furnish the annual Reports of the Heads of Police. The Court of Foujdaree Adaulut, being of opinion that the detention of the Statements on this account is unnecessary, deem it proper to direct that the Provincial Court of Circuit be requested to forward them within 3 days after the receipt of these instructions.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit for the Northern Division for their information and guidance by Precept, returnable in 3 days after receipt.

(Sent following Precept No. 435)

Read Return dated the 2nd. Instant from the Criminal Judge of Malabar at Calicut to Precept of the Foujdaree Adaulut dated the 24th March 1836, on the Criminal Reports for February.

(Here enter No. 623)

At a Court of the Foujdaree Adalut

Present,

Thursday 14th April 1836.

John Bird Esqre. ——— 2nd Puisne Judge

William Hudleston Esqre 3d Puisne Judge

Alexr. Duncan Campbell Esqre Acting Puisne Judge

Read return, dated the 5th Instant by the Acting Assistant Criminal Judge in charge of the Cutt at Rajahmundry, to Precpt of the Foujdaree Adalut of the 29th Ultimo, conveying their orders and observations on the Rajahmundry Criminal Reports for the Month of February.—

[Here enter No. 634]

The Foujdaree Adalut having, in their proceedings of the 29th Ultimo, called for an explanation "whether any and what particular reason "rendered the Jail" at Rajahmundry "unhealthy" during the months of January and February, the Acting Assistant Criminal Judge states, in the above return, that the number of casualties has been ascribed by the Medical Officer, "chiefly to the fact of the prisoners, who "died, not being subject to any species of labor, and "partly to the advanced age of some of the persons" "and that, on reference to the Statements, this

"reason

14th April 1836

proceedings of the Tondiman Adalut under date the 1st
September 1835, a second Fatwa has been tatwa
the Mahommedan Law Officer in case No. 3 of
Ordinary Calendar of the Zillah of Nellore for the
first Sessions of 1835, declaring all three prisoners
liable to amputation of the right hand, commut-
able under Section XXI, Regulation XII of 1807 to
years labour in irons, begs to be instructed whether
any new sentence is to be passed.

2. The Court of Tondiman Adalut
observe that a sentence of seven years imprison-
ment with hard labour in irons having been
passed in the first instance by the Court of Circuit
requisite.

Ordered, that Extract from these
proceedings be sent to Mr. E. B. Macy late Acting
Third Judge, late on Circuit in the Northern
Division, for his information.

Sent in No. 561.

Read Return dated the 29th Ultimo
from Mr. E. B. Macy late Acting Third Judge late
on Circuit in the Northern Division to the Registr
of the Court of Tondiman Adalut under date the
30th April 1835, directing him to rename the Calendars

F. 66
14th April 1836

of the several Jails delivered by him in the Northern
Division during the First Sessions of 1833, and that
of Masulipatam for the Second Quarter Sessions of 1834-

(Here enter F. 66. No. 531 of 1836)

Read also letters dated respectively the
26th and 29th Ultimo from the same Officer, submitting
the result of his review of the Calendars of Cicacole and
Vizagapatam for the First Sessions of 1833, and of
Masulipatam for the Second Quarter Sessions of 1834, as
required by the above Precept.

(Here enter F. 66. Nos. 572- 573 and 582 of 1836)

The review of the Calendars, of which
the late Acting Third Judge now submits the result,
was ordered by the Tondiman Adalut, under the Authority
of Government, with the view of enabling the Judge of
Circuit to suggest a mitigation of the sentence in those
cases in which there were grounds for believing that
the offences charged were committed under the
pressure of famine-

Vizagapatam Cases Nos. 2- 10- and 11-

Respecting Case No. 2, the late Acting
Third Judge observes, 'the impression on my mind at
'the trial of this case was that the prisoners had not
'joined the Gang of Talowredars by premeditation, but
'had followed with the view of sharing in the plunder,
'and were not implicated in the act of wounding, or
'which in itself was not great- The Tondiman Adalut
'will probably now think that they are sufficiently
punished

"punished by a sentence of five years from the date of
"closing the trials" and respecting case No. 10. that it is
"a case of simple Housebreaking. It is difficult to decide
"what want was the cause of this theft, but it may be
"surmised to be the case;" and of the sentences originally
passed in this case, and in Case No. 11. the late Acting
Third Judge recommends "a reduction of three years"

It appears to the Court of Foujdaree
Adalut that to none of these three cases is their order
of the 30th April 1835. applicable. In case No. 10. the value
of the property stolen amounted to eleven hundred and
eighty nine Rupees and a half, and in case No. 11
to seven hundred and ninety six Rupees. The Court
decline to authorize any mitigation of the
punishment in these cases—

Nos. 13 and 27—

The Court of Foujdaree Adalut
concur with the late Acting Third Judge in con-
sidering that any reduction of the sentences already
passed in these two trials (forming one case on the
Calendar) would be unexpedient—

Case No. 16

The late Acting Third Judge in
commends that the original sentences of seven
"years labour be reduced to four years"

Observing that the property plunder
consisted chiefly of Grain, and that little or no violence
was

14th April 1836

was used by the robbers, who were few in number,
and are represented to have been unarmed, the
Court of Foujdaree Adalut, resolve under the authority
vested in them by Clause Third Section III. Regulation
I. of 1825. to sanction the mitigated sentence proposed
by the late Acting Third Judge, and accordingly
direct that the prisoners

2nd Doloo Appoyah
3rd Vooyena Ramanah
and
5th Chinata Doorgadoo

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

Case No. 20.

The Presiding Judge states that
the prisoners in this case who are toddy-drawers,
living not far from the scene of the robbery, "seem
"to have been tempted by the opportunity in a time
"of want, it being known that valuables were
"lodged in an unoccupied house;" and recommends
that "as no violence to any one accompanied the
"act, the sentence be reduced to five years, as a
"sufficient punishment and warning."

The Court of Foujdaree Adalut
are unable to authorize a mitigation of the
sentence

sentence to the extent proposed, but, after a due consideration of all the circumstances of the case resolve to direct that the prisoners

1st Donga Tellayah

2nd Do Ramasawmy

and

3d Do Iyapah

be imprisoned and kept to hard labour in irons on the public roads or other public works for the term during the period of [illegible] seven years.

Cases Nos 17-23-24-30-32. 23-24-36-37 and 39.

The Court of Foujdaree Adalut decline to authorize any mitigation of the sentences already passed by the Court of Circuit on these two cases, of which, Nos 23-24-30 and 32, were marked by aggravating circumstances, and in cases Nos 36-37 and 39. the prisoners plundered property to the value of nearly two thousand Rupees, while there appears no ground for concluding that they were prompted by want to the commission of the offence.

In the concluding paragraph of his letter of the 26th Ultimo, the late Acting Third Judge recommends to the favorable consideration of the Judges, the prisoners in No 33 for coining

counterfeit coin; and adds "there is some reason to believe that this is not the first offence, but in a time of scarcity, it may not be considered so great an offence as robbery, whether secret or open—if permitted, I would reduce the sentence by one half".

Being unable to discern any ground for the supposition that want was the incentive to this offence, the Court of Foujdaree Adalut consider themselves precluded from sanctioning any mitigation of the sentence passed in the first instance, by the Court of Circuit, on the prisoners in this case.

Chicacole Calendar Circuit Nos 3-15-44-45-50.

Of the cases noted in the margin Nos 3-15-44 and 50 occurred at a period considerably antecedent to the famine, and No 45 is a case of wounding. To none of these therefore, is the order of the 30th April 1835 applicable, and the Court of Foujdaree Adalut in consequence decline to authorize any reduction of the sentences already passed by the Court of Circuit.

Case No 25.

As it appears that the offence of which the prisoner in this case stands convicted occurred during the prevalence of the famine, that the value of the property robbed did not exceed thirty Rupees and that the accused was employed merely as a Coolyn the Court of Foujdaree Adalut resolve, under the

authority vested in them by Clause Third, Section
Regulation X of 1825, to sanction the mitigated sent
proposed by the late Acting Third Judge, and accor
direct that the prisoner

Sonashetty Lutchmoodoo

be imprisoned and kept to hard labour in irons on
public roads or other public works for and during
period of (7) seven years

Cases Nos. 31-40-49-53.

The Court of Foujdaree Adalut
authorize any mitigation of the sentences passed
the Court of Circuit upon the prisoners in these
cases, as there is no ground for suppressing that
offences proved against them
of the famine, while in cases Nos. 49 and 53 property
large amount was plundered, and in case No. 49 the
prisoners appear to have been "Fitteendars," whom it
would be dangerous to let loose upon society.

Cases Nos. 46 and 63.

The offences with which the prisoners
in these cases stand charged, occurred during the height
of the famine, and the value of the property plundered
was trifling. Under these circumstances, the Court of
Foujdaree Adalut refuse to sanction the mitigated
sentences recommended by the late Acting Third
Judge, and accordingly direct that in Case No. 46
the prisoner

4th April 1836.

1st Suntoshapoorum Dalepsah

2nd Bulla Rajegadoo

and

3rd Conary Sunyasy

be imprisoned and kept to hard labour in irons on
the public roads or other public works for and
during the period of (4) four years; and that in case
No. 68. the prisoners

1st Gowdoo Balajee

2nd Sindhoogany Ramachendradoo

3rd Dundapy Poorjedoo

and

4th Soregada Lutchegaudoo

be severally imprisoned and kept to hard labour in irons
on the public roads or other public works for and during
the period of (5) five years—

Case No. 71.

The late Acting Third Judge states
that he "should be disposed to let prisoner work out his
"full sentence; the man" he "was given to understand is
"a regular robber, and has no intention of resorting to
"honest means of livelihood"—

The Court of Foujdaree Adalut observe
that in the Calendar Case No. 71 is one of Perjury; but if
as appears probable, the case referred to by the late Acting
Third Judge be No. 73, the Court concur with that
Officer in considering that any mitigation of the
full penalty prescribed by the Regulations would
be

14th April 1836.

be independent.

In making Return to this Precept, the late Acting Third Judge will however submit an explanation on this point.

Case No. 73.

The late Acting Third Judge observing that "the prisoners in this case are supposed to be only "the Servants, or adherents of some person in the neighbour "hood who sends out parties to plunder grain &c. on the road" and that "no wounding or other aggravating circumstances "attended the robbery," recommends "a reduction of the sentence "to five years."

After a mature consideration of all the circumstances of this Case, the Court of Foujdaree Adalut are of opinion that the imprisonment which the parties have already undergone, is a sufficient punishment for the offence of which they have been convicted; and resolve accordingly to direct that the prisoners

1st Audavaraiyocauntee
2nd Savara Moosilegandoo
3rd Do. Chinna Moosily
4th Do. Lummadoo
5th Do. Mengaloo
6th Do. Lagadoo
7th Do. Pallegandoo
8th Do. Anseegandoo
9th Do. Boosadoo
10th Do. Iyepah.

11th

F. Uc.
14th April 1836.

11th Savara Yerrappah
12th Do. Moosilygandoo
and
13th Do. Cistnadoo.

be immediately and unconditionally set at liberty.

Masulipatam Case Nos. 20 and 31.

Being of opinion that neither of these cases comes within the scope of the order of the 30th April 1835, the Court of Foujdaree Adalut decline to authorize any mitigation of the sentences passed by the Court of Circuit on the several prisoners therein concerned.

The late Acting Third Judge will bear in mind that the several mitigated sentences now sanctioned, are to be considered as taking effect from the dates of the sentences passed in the first instance by the Court of Circuit.

Ordered, that Extract from these proceedings be sent to the late Acting Third Judge late on Circuit in the Northern Division for his information and guidance by Precept returnable within twelve days from and after its receipt.

Sent following Precept No. 6102.

F. U.

At a Court of the Tongdaree Udalut

Present,

Friday 15th April 1836 — John Bird Esqre ——— 2nd Puisne Judge
William Huddleston Esqre ——— 3rd Puisne Judge.
Alexr Duncan Campbell Esqre — Acting Puisne Judge.

113

120

Read letter dated the 12th December 1835 from the Second Judge late on Circuit in the Centre Division forwarding the English and Persian Translations of the proceedings in Case No 4 on the Criminal Calendar for the first Sessions of 1835.

(Here enter F. U. No 2240 of 1835)

Mr Bird and Mr Huddleston — The Court of Tongdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Fetwa of the Provincial Law Officer, and the Fetwa of the Cazee-ool-coozat and Mooftees of the Tongdaree Udalut, confirm the said Fetwa of the Cazee-ool-coozat and Mooftees aforesaid, acquitting the prisoners

1st Govinda Naiken
2nd Lawattan
and
3rd Chinnatumby Naiken

and accordingly direct that the prisoner

3rd Chinnatumby Naiken

be set at liberty.

But being of opinion that strong

suspicion

15th April 1836 Suspicion though not amounting to conviction attached to the prisoners

1st Govinda Naiken

and

2nd Sevallan

the Court direct under the provisions of Clause 2nd Section II, Regulation XV of 1808, that they be severally required to find two Securities, in one hundred Rupees each Surety for their good behaviour and appearance when required within two years, and that in default they be detained for two years in Confinement.

(Sent following letter No 645

Read the late Acting Second Judge of the Provincial Court Circuit in the Northern Division, submitting a Copy of Masulipatam Calendar for the First Quarter Sessions

/ Here enter F.H. No 620 of 1836 /

Also Read again Letter dated the 21st February 1836, from the same Officer, reporting the grounds on which he had judged it expedient to defer for the present the trial of the two first cases of the first Calendar of Masulipatam for the present year

/ Here enter F.H. No 389 of 1836 /

Cases No 1 and 2 of 1836

In the second paragraph of the letter of the 29th February last, the late Acting Second Judge stated that for postponing those two trials, his reasons are, that they

5th April 1836 involve charges of perjury growing out of a case now under revision, and which will probably be retried.

2 The Court of Foujdaree Adalut approve of the proceedings of the late Acting Second Judge in these Cases.

Case No 3 3 The Court of Foujdaree Adalut are desirous that the Record of this Case should be submitted for their Consideration and final judgment, with the least possible delay. It appears from the Calendar that the trial before the Court of Circuit was closed on the 7th of last March.

Case No 4 4 In this case, the prisoner

"Tabeer Mahommed

stood charged before the Court of Quarter Sessions, "with having been concerned in the murder of a female named "Immorgunty Bampalamukha, aged forty years, which occurred between the Villages of Panoorguncherypeole and "Moollapaudoo at three quddies or about half past seven "o'clock on the evening of the 27th day of October 1835."

5 It is stated in the Calendar that "the "prisoner in this case has been called upon to give Security "to the amount of three hundred Rupees, in two persons "severally bound for one hundred and fifty Rupees, and in "default of providing it, to remain in Jail during the "period of three years" and that "there were originally "three prisoners in the Case, two of whom were released

on

15th April 1836 "on security by the Acting Joint Assistant Criminal Judge

6.

The Presiding Judge remarks that "there
"is an anomaly in calling upon the prisoners in the case,
"if guilty, have an equal guilt, to find sureties of a different
"amount, and in default, in adjudging different periods of
"imprisonments" and begs of the Foujdaree Court instead
being "of opinion that the prisoners tried and ordered to find
"security by the Joint Criminal Judge, should be called upon
"to find the same security, as has been demanded of the
"prisoner tried before the Court of Circuit."

7.

The Court of Foujdaree Adaulut have
to the Monthly Criminal Report in which the case
is entered, and
Security from the two released prisoners. the Court in con-
-sequence deem it necessary to direct that the Acting Joint
Criminal Judge be instructed to cancel the bail bond
into which it would appear that those persons have
entered. of the proceedings of the Presiding Judge with
respect to the prisoner Eshan Mahommud, the Court of
Foujdaree Adaulut entirely approve.

8.

In the fourth paragraph of their Cir-
cular Order No. 52. dated the 24th September 1835, the Court
of Foujdaree Adaulut directed that "to the abstract of
"evidence in each Trial be affixed the name or names and
"the Official designation of the Committing Officer, and

J. H.

15th April 1836. "with the view of facilitating reference, that in the same
"column which exhibits the number of the trial as it stands
"in the Calendar, be entered in Red Ink its corresponding num-
"ber in the Monthly Criminal Report"

9.

To these instructions, which in the present
instance appear to have been entirely neglected, the Provincial
Court of Circuit will be pleased to call the attention of
the Acting Joint Criminal Judge of Masulipatam, and
instruct that Officer to conform to them in future.

Ordered, that Extract from these
proceedings be sent to the Provincial Court of Circuit
in the Northern Division, by Precept, returnable within
five days from and after its receipt.

(sent following Precept No. 446.

Read return, dated the 4th Instant,
from the Acting Second Judge late on Circuit in the
Southern Division, to Precept of the Foujdaree Adaulut
dated the 22nd March 1836, conveying their observations
and orders on the Tinnevelly Calendar for the First
Sessions of 1836.

(Here enter No. 612)

Read letter, dated the 4th Instant from
the First Judge on Circuit in the Centre Division, reporting
his arrival at Chingleput, the opening of the Sessions and
the State of the Calendar.

(Here enter No. 613)

F. U.

At a Court of the Foujdaree Udalut.

Present,

Saturday 16th April 1836.

John Bird Esqr. ..... 2nd Puisne Judge

William Hudleston Esqr. ..... 3d Puisne Judge

Alexr. Duncan Campbell Esqr. ... Acting Puisne Judge

Read letter dated the 14th Ultimo, from the late Acting Second Judge on Circuit in the Southern Division, transmitting the record in Case No 12 on the Madura Calendar for the 1st Sessions of 1836.

(Here enter F. U. No 514 of 1836)

Mr Bird 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 Kazee-ool-Cozat and Mooftees of the Foujdaree Udalut, are of opinion that the prisoners

1st Permaul

2d Vellayan

3d Mootooveeron

and

5th Lingandingom

are not convicted, on presumptive proof, or on the evidence of credible witnesses, or on their own confessions, notwithstanding the Futwa of their Law Officers, and do accordingly acquit them, and

in

16th April 1836. in conformity with the provisions of Clause 1st Section II, Regulation XV of 1803, direct that they be set at liberty.

(sent following letter No. 247) [illegible]

Read letter dated the 5th Instant, from the First Judge on Circuit in the Centre Division, [illegible] as required by the Tanjore Udalut the Copy of a further report respecting the execution of the Convict in Calendar Cuddapah Calendar First Sessions of 1836

(Here enter No. 628)

Read letter dated the 6th Instant from the Acting Second Judge on Circuit in the Southern Division reporting the state of the Cabendars at Combaconum

(Here enter No. 629)

Read return dated the 5th Instant from the Provincial Court of Circuit in the Southern Division to the Precept of the Tanjore Udalut dated the 18th March 1836, requiring the immediate transmission of the Criminal Reports for the half year ending the 31st December 1835.

(Here enter No. 630)

Read return dated the 6th Instant from the Officer in charge of the Court at Combaconum to the Precept

16th April 1836 Precept of the Tanjore Udalut dated the 26th March 1836, communicating their observations and orders on the Criminal Reports for the month of February

(Here enter No. 628)

Read letter dated the 5th Instant, from the Magistrate of Tanjore, submitting the explanation required by the Tanjore Udalut in their proceedings of the 25th February 1836, relative to certain cases on the Criminal Reports for January

(Here enter No. 631)

Read return dated the 6th Instant, from the Acting Joint Criminal Judge at Guntoor to the Precept of the Tanjore Udalut dated the 2nd April 1836, conveying those observations and orders on the Criminal Reports of Guntoor for the month of February

(Here enter No. 635)

No. 46.

At a Court of the Foujdaree Adalut,

Present,

Monday 18th April 1836. John Bird Esqr. ——— 2nd Puisne Judge

William Hudleston Esqr. — 3d. Puisne Judge

Alexr. Duncan Campbell Esqr. Acting Puisne Judge

Read again Miscellaneous Petition presented on the 29th February 1836, by Avoonachella Pillay of Cuddalore

(Here enter Misc. Pet. No. 32 of 1836.)

In their proceedings under date the 4th March 1836, the Court of Foujdaree Adalut required the Provincial Court of Circuit in the Centre Division to send up without further delay, the Record of Case No. 1 on the Supplemental Calendar of Cuddalore for the First Sessions of 1835, in which one Valoopillay, for whose release from confinement the petitioner his brother prays that orders may be issued was the third prisoner.

2. The Court of Foujdaree Adalut have now finally disposed of the case by sentencing the three prisoners therein concerned to transportation for life beyond sea.

Ordered, that the prayer of this petition be rejected, and that Extract from these proceedings be furnished to the Petitioner upon his application.

Read

Read Petition presented on the 4th Instant by certain Duffadars and Peons attached to Jails of Nellore, Cuddapah, Chittoor, Cuddalore and Trichinopoly, and at present stationed at Guindy in charge of the Convicts employed under the orders of the Executive Committee for the Construction of a Breakwater in the Madras Roads.

(Here enter F.Cs. M.P. N.s 36 of 1836)

1. The Petitioners representing that on their arrival at the Presidency they have not received that addition to their salaries which on quitting their respective Zillahs, they were led to expect, and that in consequence, much personal inconvenience has resulted from their separation from their families, and the enhanced price of Grain at Madras, as compared with that at which it is procurable in the Provinces, pray that an increase of their allowances may be authorized, or that they may be relieved by a change of Peons once in six Months.

2. A representation to the same effect by the same parties, was preferred to Mr. H. D. Davis when on Circuit in the Carnatic Division, and by the Officer was brought to the notice of the Sessions Adalut in the third paragraph of his letter of the 8th February 1836, of which a copy was laid before the Government on the eleventh of the same month.

3. On that occasion, Mr. Davis made known his opinion that the inconveniences experienced by the "petitioners" might be easily remedied, were some addition to their pay allowed them, and were an order "passed directing the Criminal Judge of each Zillah to relieve them once every six months."

4. The objections to the proposed measure of relieving the Peons once in every six months, are too obvious to require a detailed enumeration in this place: but the Court of Foujdaree Adalut are of opinion that the prayer of the petitioners for an increased monthly allowance, is not undeserving of the favorable consideration of the Government.

5. The Court accordingly resolve to direct that a copy of the translation of the Miscellaneous petition N.s 36 of 1836, be forwarded to the Chief Secretary to Government, with their respectful recommendation that authority be granted to increase the Salaries of the Duffadars and Peons at present stationed at Guindy, to the extent of one Rupee and twelve Anas to each Duffadar and one Rupee to each Peon.

Ordered, that Extract from these proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Governor in Council. —

(Sent in N.s 454)

Ordered also, that Extract from these proceedings be furnished to the Petitioners upon their

10th April 1836

their application.

Read letter dated the 4th Ultimo from the Acting Second Judge late in Circuit in the Southern Division, submitting for the consideration and final judgment of the Foujdaree Adalut the Record of Case N. 5 on the Madura Calendar for the First Sessions

[Here enter F. Cr. N. 505 of 1836]

Question.

The Court of Foujdaree Adalut on deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the prisoners

1st Meenatchy Soondrum Moodely

and

2nd Soobah Moodely

is sufficient to commit them of the crime of Culpable Homicide, do, under the Authority with which they are vested by Clause First, Section II, Regulation I of 1811, commit them thereof, and in conformity with the provisions of Clause Second of the same Section and Regulation, direct their Law Officers to declare by a Second Futwa, to what sentence these prisoners would have been liable under the Mahommedan Law, if they had been convicted by full legal evidence.

Answer.

In the event of the prisoners in question

being

F. Cr.

13th April 1836

being convicted by the evidence of credible witnesses of the crime of Culpable Homicide, they would be liable to a Deyut of ten thousand Dirhems to be paid to the heirs of the deceased in three years—

Mr. Bird
and
Mr. Campbell

The Court of Foujdaree Adalut, in commutation of the penalty of Deyut declared in the foregoing Futwa, sentence the prisoners

1st Meenatchy Soondrum Moodely

and

2nd Soobah Moodely

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

1. In this case, the prisoners

1st Meenatchy Soondrum Moodely

and

2nd Soobah Moodely

stood charged before the Court of Circuit "with having, in company with another person, murdered the prosecutrix's husband Moottoosawmy aged thirty years, and left his body in the Pomping field of Soobbun Chetty, situated at Tengalanchary in the Terrummungalum Talook, Zillah Madura, during a certain

"certain night in the Month of Tyaasee of the year Sham
"madah, or June 1835, and robbed him of ornaments
"valued at Rupees Forty five and a half."

2. The Court of Foujdaree Udalut deem
that in conducting the preliminary investigation in the
case, the Sub Police Officer of the Southernpully Talook
by name Venghattanaranyen improperly clubbed
together in several instances the depositions of three
or four different witnesses—

3. The Court deem it necessary to direct
that the circumstance be brought to the notice of the
Magistrate of Madura, and that that Officer be instructed
to caution the Police Officer in question against the
repetition of this highly irregular proceeding, which
has the effect of depriving the Court of the opportunity
of comparing the tenor of each witnesses evidence as
before the different authorities.

4. At page 175 of the English Record of
this case, appears the following note; "the examination
of the 10th and 12th witnesses being considered unnecessary
"was accordingly dispensed with."

5. This proceeding was irregular, especially
as regards the 10th witness whose evidence was important. In their Circular Order of the 14th March
1832, the Court of Foujdaree Udalut recorded their
opinion

opinion "that the practice of dispensing with the
"evidence of witnesses in cases of life and death is
"highly objectionable".

6. The same remark is applicable to the
omission of the Presiding Judge to examine the second
witness touching the facts deposed to by him before
the Criminal Court. Before that tribunal, the
witness in question swore, "it was reported that the
"first prisoner owed five or six Rupees to this pros-
"ecutrix. Eight days ago, I went to her house at the
"time of sunset, when the prosecutrix's husband
"Mootoosawmy was standing on the gate of the
"house of the said prisoner, and demanded Rupees
"from him." &c. It was of the last importance to
establish clearly the fact of the deceased having gone
to the prisoner's house on the evening in question; and
the deposition above referred constituted an important
link in the chain of evidence adduced in support
of that circumstance.

7. The Presiding Judge should also
not have omitted to examine this witness respecting
the ownership of the Rope, which [at page 33] he swore,
as he had previously declared (at page 32) was the
property of the first prisoner.

Ordered, that Extract from these
proceedings [paras 1-2 and 3] be sent to the
Provincial

"certain night in the Month of Tyaasee of the year
"madah, or June 1835, and robbed him of ornaments
"valued at Rupees Forty five and a half."

2. The Court of Fouzdaree Udalut
"that in conducting the preliminary investigation of
case, the Sub Police Officer of the Southampetty Tal
by name Venghattaramarayen improperly dubbed
together in several instances the depositions of the
or four different witnesses—

3. The Court deem it necessary that
that the circumstance be brought to the notice of
Magistrate of Madura, and that that Officer be ins
to caution the Police Officer in question against
repetition of this highly irregular proceeding, whi
has the effect of depriving the Court of the opportu
of comparing the tenor of each witness's evidence
before the different authorities.

4 At page 175 of the English Record
this case, appears the following note: "the examinat
"of the 10th and 12th witnesses being considered unnece
"sary was accordingly dispensed with."

5 This proceeding was irregular, especially
as regards the 10th witness whose evidence was im
portant. In their Circular Order of the 14th March
1832, the Court of Fouzdaree Udalut recorded their
opin

opinion "that the practice of dispensing with the
"evidence of witnesses in cases of life and death is
"highly objectionable."

6. The same remark is applicable to the
omission of the Presiding Judge to examine the second
witness touching the facts deposed to by him before
the Criminal Court. Before that tribunal, the
witness in question swore, "it was reported that the
"first prisoner owed five or six Rupees to this pros
"ecutrix. Eight days ago, I went to his house at the
"time of sunset, when the prosecutrix's husband
"Mootoosawmy was standing on the gate of the
"house of the said prisoner, and demanded Rupees
"from him. &c. It was of the last importance to
establish clearly the fact of the deceased having gone
to the prisoner's house on the evening in question; and
the deposition above referred constituted an important
link in the chain of evidence adduced in support
of that circumstance.

7. The Presiding Judge should also
not have omitted to examine this witness respecting
the ownership of the Rope, which (at page 33) he swore,
as he had previously declared (at page 32) was the
property of the first prisoner.

Ordered, that Extract from these
proceedings (paras 1–2 and 3) be sent to the
Provincial

18th April 1836.

Provincial Court of Circuit in the Southern Division
for communication to the Magistrate of Madura.
(Sent in No. 455.)

Ordered further, that Extract from
these proceedings (paras 1-4-5-6 and 7) be sent to
Acting 2nd Judge late on Circuit in the Southern
Division for his information.
&c.
(Sent following letter No. 456.)

Read letter dated the 6th Instant from
the Acting Second Judge on Circuit in the Southern
Division, submitting an English and Persian trans-
lation of the proceedings in case No. 6 on the Circuit
common Calendar for the First Sessions of 1836.
(Here enter F. Cs. No. 675 of 1836.)

Mr. Bird.

The Court of Foujdaree Adalut, 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-Cozaat and
Mooftees of the Foujdaree Adalut, confirm the said
Fatwa of the Cazee-ool-Cozat and Mooftees so far as
acquitting the prisoners

1st Trovuin
2nd Calady Silvester
3rd Tofroolaun
and
4th Sammady

and

F. Cs.
18th April 1836.

and accordingly direct that they be set at liberty.

In the fourth paragraph of his letter of reference, the Judge of Circuit, observes that "the sole evidence "against the prisoners is that of two persons bonâ fide prosecutors" and at page 66 of the English Translation of the Record it is stated (with reference to this fact) that "the Acting Second Judge "on Circuit, unable to concur fully in the opinion of the Law "Officer, resolves to refer the case to the Court of Foujdaree Adalut for their final judgment, the latter part of Section "VIII Regulation I of 1825 further calling for that measure."

And a remark to the same effect closes the letter of reference.

The Court of Foujdaree Adalut deem it necessary to direct that it be pointed out to the Judge of Circuit that the latter part of the Section herein referred to is expressly modified by Clause First Section II. Regulation XI of 1829. Among the objections taken to the deponents by the Law Officer, notwithstanding which, it is enacted by that Regulation, that it shall be competent to a judge of Circuit to pass sentence without reference to the Court of Foujdaree Adalut is distinctly specified a personal exception to "prosecutors" or to persons who "stand in the situation of prosecutors from having been injured by the prisoner" and to personal objections of this nature the Acting 2nd Judge will find that the Circular Order No. 36, dated 16th April 1835, declaring the contested allegation of part of Section VIII Regulation I of 1825, does not apply.

Ordered, that Extract from these
proceedings

proceedings be sent to the Acting Second Judge in the Southern Division for his information and guidance.

/Sent following letter No. 457/

Read letter dated the 29th. Ultimo from the Third Judge on Circuit in the Western Division transmitting copies of the Calendars of the Zillah Courts for the First Sessions of 1836.

/Have entered T. Cs. No. 603 of 1836/

Cases Nos. 16 and 36.

In case No. 16, the Presiding Judge observes that the prisoner "is a poor ignorant slave who "was himself watching in another paddy field when "he was called away by and made to join the Gang "by whom the robbery was committed" that "he was allowed for giving his assistance, little "than a couple of handfull of paddy, not worth two "and that "it does not appear that he was ever before "punished." The Presiding Judge concludes by suggesting that the prisoner "will be sufficiently punished by a "sentence of six Months imprisonment with hard labour."

2.

And in case No. 36, the Judge of Circuit observing that "the robbery in question was not attended "with any aggravating circumstances;" that "no other persons "were concerned in it but the three prisoners;" that "it does "not appear that these had any offensive weapon;" that "no violence was used;" that "the second and third prisoners

"are both under twenty years of age; and that the present offence "appears to have been their first offence" and that "they "were both drawn into the commission of the robbery by "the first prisoner who is a convicted felon;" submits his opinion that the second and third prisoners will be "sufficiently punished by one hundred lashes each and "imprisonment with hard labour for five or seven Years."

3. Upon a mature consideration of all these circumstances, the Court of Foujdaree Adalut resolve, under the authority vested in them by Clause Third, Section III, Regulation I of 1825, to sanction the mitigated sentences proposed by the Presiding Judge, and accordingly direct that in case No. 16 the prisoner

"Manapally"

be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of six Months: and that in case No. 36 the prisoners

2nd. Vellakatala Kristnen

and

3rd. Vellakatala Koopoo

be severally punished with one hundred lashes of a cat of nine tails, and 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.

Case No. 35.

4 In this case, the prisoner Kyata Lekandy Moideen Coutty stood charged before the Court of

12th April 1836.

of Circuit "with having on Monday the 9th
"10th or 23d November 1835, in the day time, snatched
"the productions persons gold jewels valued at Rupees
"and then bruised her by beating her with a stick
5.

It appears from the Calendar
"the Vakeel of the Law Officer stated that the pri
"could not be convicted of the crime charged, or
"to punishment in consequence of the witnesses
"Zimmies, and the first witness being the only per
"who said he saw the prisoner snatch the jewels
"the prosecutor's neck. To a second question put
"to Clause Third, Section III. Regulation XV of 1818
"him by the
6.

The Court of Foujdaree Adalut
that the provision here cited is inapplicable to
in question, in which the Second Vakeel should
been taken under Clause First, Section II Regul
XI of 1829. The prisoner was properly entered
Clause Seventh Section II, Regulation XV of 1818
Clause can never apply to a case falling within
provisions of Clause Third of the same Sect

Case No. 37

7.

In this case the prisoner

Vellayata Kuroo

stood charged before the Court of Circuit with
in the day time on the 11th Tulam 1010 or 26th
severely wounded the prosecutor with a toddy

F. 86.

8th April 1836.

8. The Presiding Judge sentenced the
prisoner "to imprisonment with hard labour in irons
"for two years from the date of warrant"

9. It appears to the Court of Foujdaree
Adalut that this sentence was lenient, especially when
the prevalence of the crime of maiming and wounding
in the Zillah of Malabar, is taken into consideration.

Additional Calendar
Case No. 3.

10. The prisoner

Poolayni Patooma

stood charged with having received from her son, a robber
living in concealment, certain property valued at about
Rupees 7–6–5, knowing the same to have been obtained
by robbery, by open violence, and secreted it.

The Court of Foujdaree Adalut con-
cur with the Judge of Circuit in opinion that there
were not sufficient grounds for the prisoner's com-
mitment.

Case No. 6.

12. The prisoners

1st Kannarayil Tayen

and

2nd Do. Toopun. his brother.

stood charged the first, with having severely wounded
the prosecutor with a knife: and the Second, with
having wounded and bruised him with a stick,
when (the) prosecutor went and seized hold of the
second prisoner, on seeing the prisoner and some
others beating his elder brother Sooraayen.

Concurring

Commuing with the Mahommedan Law Officer of the Court of Circuit in opinion that the evidence of the alleged eye witnesses was unworthy of credit the Presiding Judge acquitted the prisoners and ordered them to be released—

Mr.

The Presiding Judge will be pleased to state what objection there was to the evidence of the prosecutor, and to report the grounds on which the prosecutor's brother was not examined—

Ordered, that the record of the proceedings be sent to the Third Judge on Circuit in the Western Division by Receipt returnable within five days from and after its receipt.—

Sent following Receipt No. 455

Read letter dated the 29th Ultimo from Mr. C. B. Hogg late Acting Third Judge late on Circuit in the Northern Division, forwarding an English Translation of the proceedings held before the Criminal and Circuit Court in Case No. 47 of the Jessore Calendar for the first Session of 1835—

(Here enter F. Dr. No. 600 of 1835)

Read also letter dated the 31st Ultimo from the same Officer forwarding an English Translation of the Police Proceedings in the case above mentioned, and reporting that he has received confirmation of the death

of the prisoner therein concerned—

(Here enter F. Dr. No. 624 of 1834)

In this case, the prisoners

1st Lonnalagudda Rosegaudo

and

2nd Lonnalagudda Naugadoo

stood charged before the Court of Circuit "with having, "in company with fifteen others, after eleven o'clock at night "of the 29th May 1834 corresponding with Thursday, the seventh "decreasing Moon of Tyaukhum, year Jayah, gone forth in "a gang with Bludgeons and Stones to the house of the "prosecutor at Yalooshoor, broken the doors with stones, "entered inside, blindfolded the prosecutor's father with a "cloth, made fire within the house and plundered "therefrom brass vessels, cloths and a matchlock, valued "at nine Rupees and three annas."

The prisoners both pleaded Not Guilty.

In his Futwa, the Mahommedan Law Officer of the Court of Circuit declared the Second prisoner convicted and liable to ookoobut: and the first prisoner to be free even from Suspicion and entitled to his release.

In this Finding the Presiding Judge concurred, and accordingly sentenced the Second prisoner to imprisonment with hard labour in irons for fourteen years: and directed that the first prisoner should be set at liberty.

In the twelfth paragraph of their proceedings

proceedings under date the 7th September 1836, the Court of Foujdaree Adaulut (on reviewing the Calendar) suspected doubts that the conviction of the Second prisoner rested on sufficient grounds, and in consequence directed that an English Translation of the case should be prepared and submitted for their consideration—

A careful perusal of the proceedings submitted has satisfied the Court of Foujdaree Adaulut that the view which in the first instance they took of the case was correct—

The Prosecutor deposed that his house had been attacked and plundered by a Gang of Abbas Gumbaz, and that a Gumbaz found in the house of the fourth witness who declared that he had received it from the Second prisoner, and in support of this allegation, he produced two witnesses the tenth and eleventh who depose that they saw the Second prisoner deliver the article in question to the fourth witness for the purpose of its being repaired—

It does not appear from whose information it was discovered that the Second prisoner had given a gun barrel to the fourth witness. Nor stated indeed that it was in consequence of the information given by the Prosecutor that an enquiry was instituted, but the Prosecutor himself denied that he had given any information of the kind—

And even if it be admitted that the Gun barrel was called from the house of the Prosecutor and

No
13th April 1836

and that it was found in that of the fourth witness, the Court of Foujdaree Adaulut, notwithstanding the evidence of the tenth and eleventh witnesses, deem it very probable that the fourth witness may have obtained it from another person than the prisoner—It is highly improbable that the latter would have brought to the fourth witness, in the open manner in which he is alleged to have done so, property which he had just previously obtained by the perpetration of robbery by open violence. The Court are strongly impressed with the belief that the testimony of the fourth, tenth and eleventh witnesses is not true—

The Court of Foujdaree Adaulut being of opinion, after a full and mature consideration of all the circumstances of the case, that the evidence adduced in support of the prosecution in this case, is altogether insufficient for conviction, deem it necessary to set aside the sentence passed by the Court of Circuit upon the Second prisoner formerly adjudged a Runguddee and to declare that individual not guilty of the offence laid to his charge—

Ordered, that Extract from these proceedings be sent to Mr. E. B. Wray late Acting Third Judge late on Circuit in the Northern Division for his information with instructions to furnish a copy of the same to the officer in charge of the Auxiliary Court of Cuttack for his information and guidance by Perwuft returnable within ten days from and after its receipt—

Sent following Perwuft No. 459.

Read

Read the Vizagapatam Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of March—

/Here enter No. 632/

Report V
Cases Nos. 10 and 11.

In both these cases, of housebreaking the Acting Joint Criminal Judge has cited per report of his order for the commitment of the prisoners Clause 2nd Section II Regulation VII of 1822. The point authority for their commitment being Clause 5th Section IX Regulation X 1816, the Court direct that the Acting Joint Criminal Judge be informed of the opinion of the Court on this point—

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Vizagapatam for his information—

/Sent in No. 460/

Read letter dated the 11th Instant from the First Judge in Circuit in the Centre Division, transmitting a copy of the Chingleput Calendar for the Sessions of 1836—

/Here enter J. C. No. 643 of 1836/

Case No. 3.

In this case, the prisoners

1st Ananta Ramen

and

2nd Venkiah

stood charged before the Court of Circuit with having committed an unnatural crime on a goat and

contiguous to the house of Captain Freeman of the 45th Regiment Native Infantry stationed at Palaveram in the Zillah of Chingleput—

Being convicted by the Mahommedan Law Officer of the Court of Circuit, and declared liable to ookoobut, the prisoners were sentenced by the Presiding Judge who concurred in that finding "to two years imprisonment with labour"—

The Presiding Judge has at the same time suggested a mitigation of this sentence, principally on the ground that the offence of which the prisoners are convicted "is not considered by the Natives to be that heinous sin we know it to be—"

The Court of Foujdaree Adalut do not deem it expedient to authorize the extention of any indulgence to the prisoners, or the remission of any part of the sentence passed by the Court of Circuit which appear to them sufficiently lenient—

Ordered, that Extract from these proceedings be sent to the First Judge in Circuit in the Centre Division for his information—

/Sent in No. 461/

Read the Masulipatam Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of March—

/Here enter No. 655/

The

13th April 1836

Report of Cases 10-11-12

The Acting Joint Criminal Judge remarks, upon these cases of theft, wherein the same prisoner was concerned and was sentenced by the Sudr Ameen to 2 years' imprisonment with hard labor in irons under Clause 4th Section III Regulation X of 1822 - It appears from the letter of the Officer commanding the 29th Regiment Native Infantry that the prisoner was dismissed from his Situation as Peonn for theft but without trial by Court Martial - It appears also from the letter of the Criminal Judge of Chingleput that he was confined for one month on that Charge of theft - It does not however appear that the prisoner has ever been guilty of any heinous offence - The Acting Joint Criminal Judge does not therefore think the prisoner ought to be committed to the Court of Circuit and accordingly confirms the sentence of the Pundit Sudr Ameen -

Under the circumstances in which the prisoner in question was brought before the last Criminal Court and sentenced by the Sudr Ameen the Court of Foujdaree Adalut are not aware of any provision which would have authorized the commitment whatever might have been the prisoner's conduct - Theft however is expressly included among the "heinous" offences in Clause 4th Section III Regulation VII of 1822 and it was because the prisoner had been

F. Bo.

13th April 1836

convicted of theft, that the provision of the Law cited by the Sudr Ameen in support of the sentence was applicable to his case -

Case 13.

The Court observe the omission in this case of the authority (Clause 3rd Section IX Regulation X 1816) which should have been quoted in support of the commitment of the prisoner for the crime of murder -

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Masulipatam for his information -

(Sent in No. 462.)

Read the Cuddalore Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of March -

(Recorded No. 656)

Report of Case 23.

In this case the prisoner stood charged with "counterfeiting on the 13th December 1835 the signature of "one Ramalinga Moodely one of the Monegars of the Village "to a fraudulent Cadjan (purporting to be a true public Village "Report of the sickness of his brother, one Soobaroya Moodely) "written with a view to prevent his attendance at the "Joint Magistrate's Office for an investigation then going on"

The Joint Criminal Judge records the following order for the commitment of the prisoner "It is "proved that he wrote the name of one of the Monegars "to a report forwarded to the Joint Magistrate of South Arcot"

It does not appear to the Court that there has been either a "fraudulent" or "injurious fabrication" in

in this case, nor that the offence of the prisoner amount to forgery. They deem it proper to direct his release, unless Joint Criminal Judge should have any further representation to make respecting the case.

Ordered that Extract from these proceedings be sent to the Joint Criminal Judge at Cuddalore for his information and guidance by Dumpt returnable in 3 days after receipt.

(Sent following Dumpt No.

Read the Chittoor Criminal Report prescribed by Section XXXV Regulation X. 1816 for the of March.

(Here enter No. 657)

Suppl. Report Case 25.

1.

The prisoner in this case has been committed on strong suspicion of the crimes of murder & Robbery, in consequence of the insufficiency of evidence against him. The Court of Faujdaree Adalut deem it proper to direct that copy of the case and of this proceedings be sent from this office to the Judge Presiding at the Quarter Sessions who will be pleased to look particularly into the case, determine whether further proceedings against the prisoner cannot be held or further evidence be obtainable, and report to the Faujdaree Adalut the result of the enquiry now enjoined.

Case 33.

2.

The charge against the prisoner is stated to be having entered the Prosecutor's house at night by getting over the wall, and having concealed himself in a part of the said house in order to commit a theft. The prisoner having been caught in the act and bearing a bad character has been sentenced to 10 Months imprisonment in irons and hard labor under Clause 6th Section II, Regulation XI of 1822. It does not appear to the Court that any breaking was committed by the prisoner, and, if not, his offence will not amount to more than an "entry into a house with intent to steal", punishable under Section XIII Regulation X. 1816. If, therefore, there was no "breaking" proved against the prisoner the sentence recorded by the Sudr Ameen should be cancelled and a fresh sentence passed under Section VII Regulation X of 1816 which should be reported for the information of the Faujdaree Adalut.

Report V Case 38.

3.

In this case the prisoner has been committed on the grounds of his confession before the Police and on the evidence adduced. The Court of Faujdaree Adalut direct that it be pointed out to the Criminal Judge that the nature of the "evidence adduced" should have been stated.

Case 41.

4.

There being no information in the Report as to the cause of the difference in the sentences passed upon the 1st and 2nd prisoners in this case, committed of "theft", the Court of Faujdaree Adalut direct that an explanation be called for.

* 2 years imprt. in irons
@ 6 months imprt. and hard labor

Case 43.

5.

The sentence upon the 2nd prisoner in this case, committed, apparently, of knowingly receiving stolen goods, should have been passed under Clause 4th Section

13th April 1836

Section IV Regulation VI of 1822 and not under Section X Regulation X 1816—

6

Statement of Extra Peons

With reference to the Circular Order of the 13th March 1835 No. XXXIII the Court of Foujdaree Adalut request that an explanation may be furnished respecting the circumstance of only 12 Peons having been employed throughout the Month to guard 74 prisoners—

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Chittoor for his information and guidance by Precept returnable 5 days after receipt—

(Sent following) Precept No. 464

Ordered also, that Extract from these proceedings be sent to the Judge presiding at the Quarter Sessions at Chittoor for his information and guidance by Precept returnable in 10 days after receipt

(Sent following) Precept No. 465

x para 6 and Case 26

Sd/ [illegible]

[illegible]

[illegible]

F. 16

At a Court of the Foujdaree Adalut—

Present,

Wednesday 20th April 1836

John Bird Esqr. ---------- 2nd Puisne Judge

William Huddleston Esqr. ---- 3rd Puisne Judge

118

Read letter dated the 26th Ultimo, from the Third Judge on Circuit in the Western Division, transmitting the record in Case No. 38 on the Calendar for the First Sessions of 1836.

(Here enter F. H No. 601 of 1836)

The Court of Foujdaree Adalut, having

Mr. Bird

maturely considered the proceedings held before the Judge

Mr. Huddleston

the Zillah of the Baze-col Coozat and Mosflees of the Foujdaree Adalut, confirm such part of the said Tistica of the Baze-col Coozat and Mosflees aforesaid, as convicts the prisoner

2nd Parayenguel Govinen,

and in conformity with the provisions of Section X, Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

And further being of opinion that the proof against the prisoners

1st Poolamikat Ramen Nair

and

3rd Cavel Koonjen Nambiar,

2d

20th April 1836. is sufficient to convict them of the crimes charged in the
Court, &c, under the authority with which they are vested
by Clause first, Section II, Regulation I, of 1818, convict
them thereof, and in conformity with the provisions of
Section X, Regulation VIII of 1803, sentence the prisoner

1st Poolamkat Ramen Nair

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

3d Carol Koonyen Kumbar

to be transported to such place beyond sea, as the Govt
in Council shall appoint, there to be imprisoned and
kept to hard labour in irons on the public roads or
public works for and during the period of his

/Sent following letter No 46/

Read letter, dated the 2d Instt
the Acting Second Judge on Circuit in the Southern Div
transmitting the record in Case No 2 on the Southern
Calendar for the 1st Sessions of 1836

/Here enter F.R. No 611 of 1836/

Mr Bird
and
Mr Hudleston

The Court of Foujdaree Udalut having
maturely considered the proceedings held before the
Judge on Circuit in the Southern Division, the Futwa of the 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, acquitting the prisoner

20th April 1836. prisoner

Manikan

and accordingly direct that he be set at Liberty

/Sent following letter No 46/

Read letter, dated the 31st Ultimo,
from the Officiating Second Judge of the Provincial
Court of Circuit in the Centre Division, transmitting
the record in Case No 3 on the Chittoor 1st Supplemental
Calendar for the First Quarterly Sessions of 1836

/Here enter F.R. No 616 of 1836/

Mr Bird
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 Coozat and
Mooftees of the Foujdaree Udalut, confirm the
said Futwa of the Cazee ool Coozat and Mooftees
aforesaid, acquitting the prisoners

1st Laul Mahommud

2d Ghoolam Mohoodeen

and

3d Rambaukhan

and do accordingly acquit them: but considering
that strong suspicion though not amounting to
conviction attaches to them, the Court direct, under
the provisions of Clause Sixth, Section II, Regulation XV

of

20th April 1836

of 1803, that they be severally required to find two in £25 Twenty five Rupees each surety, for their good behaviour and appearance when required within a year, and that in default thereof they be detained for one year in confinement.

/Sent following letter No 670/

Read letter dated the 6th instant from the Provincial Court of Circuit in the Southern Division, transmitting the English and Portuguese translations of the Record in Case No 12 of the Saddle Calendar for the First Sessions of 1835, together with a letter of reference from Mr G. J. Lewis Junior, the Second Judge late on Circuit in the Central Division by which the case was tried.

/Here enter F.C. No 269 of 1836/

Mr Bird
and
Mr Huddleston.

The Court of Zuzdaree Adaulut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Lazee ool Ezgat and Moofties of the Zuzdaree Adaulut, confirm both of the said Futwa of the Lazee ool Ezgat and Moofties aforesaid, as convicts the prisoners

1st Lobben
and
2nd Mallappa Ammee

and under the provisions of Clause Third, Section II Regulation

F.C.

20th April 1836

Regulation XV. of 1803, sentence them to be imprisoned and kept to hard labour in irons on the public roads, or other public works, for and during the period of fourteen years.

And being of opinion that the prisoner

6th Tuttara Bundun

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, the Court do accordingly acquit him; and, in conformity with the provisions of Clause Sixth, Section II, Regulation XV of 1803, direct that he be set at Liberty.

/Sent following letter No 671/

Read the Zuzdaree Triennial Reports prescribed by Section XXXV. Regulation X. 1816 for the month of March.

/Here enter No 1659/

Suffk Report
Case 3.

In the charge in this case should have been specified, the Officer before whom the "false and malicious Complaint" was preferred. The Court conclude that it was before the Head of District Police.

Case 6
"housebreaking."

In this case the Acting Joint Criminal Judge observes, "the 4th prisoner for this and his escape, as charged against him in No 10, [is sentenced]" to fifteen Months imprisonment with hard labour in irons, under Clause Sixth Section II Regulation

20th April 1836 Regulation VI. and Claus[e] third, Section V, Regulation V[I]

3 The Court of Enquiry Holden on
that the Acting Joint Criminal Judge's attention be
to the Circular Order of the 18th July 1829 wherein it
explained that "the offence of escape is distinct from
others" The Sentence accordingly should be recorded
in the Case No 18 for the "escape" and in Case No 25 for
Crime of "housebreaking". The Circular Order of the
October 1823 para 8 of the printed Copy does not
to Cases of escape—

Case 8. 4 The Case noted in the margin
represented as one of housebreaking and theft of
worth Rupees 172 12
by the Criminal Court—although the Sentence
be disturbed, which has been passed upon the
prisoners, the Court direct that the Acting Joint
Judge be advised of his error in taking cognizance
Case, contrary to Clause Second, Section VI. Regulation
1822— If the "breaking" was not proved, this fact
have been noticed in the Criminal Reports, as required
by the Circular Order 6th July 1826—

Case 12. 5 In this case of Murder it appears
the Court of Foujdaree Adawlut that a more full inv
tigation should be held, and they accordingly deem
proper to direct to it, the attention of the Judge on Circuit

20th April 1836. who will be pleased to look particularly into the Case,
and report to the Court the result of his enquiry, and
whether he considers any further measures requisite
for the ends of Justice— A Copy of the Case and of this
paragraph will, with this view, be furnished from
this Office to the Judge on Circuit in the Northern
Division for his information and guidance—

Report V Case 14. 6 The Acting Joint Criminal Judge
should have cited Clause forth, Section II. Regulation VI.
of 1822 in support of his Sentence on the 1st prisoner,
apparently Convicted of "housebreaking", only by
"removing the Mat" of a house amounting to that Crime.

Cases 15 and 16— 7 The explanation given in the Report
of the delay in the disposal of these Cases in the Joint
Criminal Court is unsatisfactory— The change of Officers
in charge of the Court may, however, have contributed
to the detention in the present instance—

Case 17. 8 In this Case the charge is entered as
"Highway Robbery to the amount of Rupees — 8". In
the Criminal Reports, however, the facts charged should
be specified to enable the Court to judge as to the pro-
priety of the manner in which the Case may have been
disposed of— The reference to "the evidence" adduced "in
No 17 of 1836" is evidently incorrect, the Court conclude
that the reference intended is to the evidence in No 135
of 1835.

Ordered

20th April 1836.

Ordered, that Extract from the proceedings be sent to the Acting Joint Criminal Judge Gunduor for his information and guidance by Post returnable in 6 days after receipt.

Sent following Receipt No 473.

Ordered also, that Extract from the proceedings (vide para. 5) together with Copy of the No 12, be sent to the First Judge in Burdwan Khalsa Division for his information and guidance, by Post returnable without delay.

Sent following Receipt No 473)

Read the Bengal Criminal Regulation prescribed by Section XXXV Regulation X. 1816 for month of March.

(Vide note No 67 of)

Suppl. Report Case 24.

1.

In this case it is stated that the "prisoner was criminated by the 12, which was the only "against him". Such mere examination of one prisoner by another is no "evidence"; and the Acting Joint Criminal Judge will be pleased to furnish Copy of the 5th of this paragraph, to the Magistrate, in order that the Police Officer who forwarded the 3rd prisoner in the present case, may be warned against a repetition of the practice.

Report V Case 29.

2.

The prisoner in this case was charged "with having extorted from one Cottapoodie Mallow the

F. U.

20th April 1836.

"the sum of Rupees 4-3-20 on the plea, that unless "he paid, a favorable decision would not be passed by "the Moonsiff" and was sentenced to "6 months imprisonment with Labour in irons, and 15 lashes to be "inflicted in front of the Cutwal's Chouttry, the Mahomedan Law Officer having declared the crime of which the "prisoner has been convicted punishable by Tazeer "at the discretion of the Judge"

3

In recording his order on the case the Acting Joint Criminal Judge observes that he "sentenced the prisoner to receive 15 lashes under a "firm conviction that it will have a far greater effect "in deterring the public servants from committing similar "offences, than almost any period of imprisonment; and "the Acting Joint Criminal Judge is prepared to prove "that extortion on the part of the servants of the Auxiliary Court has of late been carried to a most lamentable "extent."

4.

In this the Court of Foujdaree Adalut are constrained to remark that the circumstances thus represented cannot justify a departure from the Law, which, in the present instance has been violated. If the Acting Joint Criminal Judge is prepared to prove that Extortion has been practised by the Servants of the Court, under his charge, he is bound to bring forward

and

20th April 1836. and dismiss all such as may be found to be inflicted

5.

The Court of Foujdaree Udalut have long since ruled that "it is only in cases of theft, that "Corporal punishment can be awarded" under Section VI Regulation X. 1816, and they trust that on the present occasion the Acting Joint Criminal Judge will not have overlooked their Circular Order of the 21st October 1830, under which the sentence as regards the 15 lashes ought not yet to have been carried into execution. In the event of the "15 lashes" not having been inflicted this portion of the Sentence must of course be cancelled on receipt of these proceedings.

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Tellicherry for his information and guidance by Receipt returnable in 15 days after receipt.

Sent following Receipt No. 375 Dated

At a Court of the Foujdaree Udalut.

Present,

Thursday 21st April 1836

John Bird Esqr. ..... 2d Puisne Judge

William Headleston Esqr. ..... 3d Puisne Judge

Read letter, dated the 31st Ultimo, from the Native Criminal Judge of Sirey, forwarding Copies of the depositions taken from certain parties concerned in a case of Murder, and recommending the offer of a Conditional pardon to one of the accused.

(Here enter F.U. No. 637 of 1836.)

In the foregoing letter, the Native Criminal Judge of Sirey reports that a case of Murder has been recently brought before him, in which twelve persons are concerned, One individual, who, on the night of the Murder was in the house of the deceased, alone declares that he was an eye witness of the perpetration of the Crime by the first, second and third prisoners, and another person a Cheroomo, who has absconded: but his evidence is uncorroborated. It appears however that when examined by the Native Criminal Judge, the fifth prisoner admitted that before the Police, he voluntarily and without any Constraint being used, delivered a declaration to the effect, that on the night of the Murder, he entered the house of the deceased when

the

21st April 1836. the first, second and third prisoners with another person who has absconded, committed the Murder.

2. "Considering therefore that the ends "of Justice require that the fifth prisoner should be brought "to give evidence against the others," the Native criminal Judge recommends that under the provisions of Section XX. Regulation VIII of 1802, a pardon may be extended to the individual in question named "Ojijaye," in order that he may be admitted to give evidence against the other prisoners.

3. Before passing their final orders on this reference, the Court of Foujdaree Udalut resolve to direct that the third Judge on circuit in the Western Division be instructed to call for the proceedings held before the Police and the Native criminal Judge in the Case in question, and to report for their information first whether or not the evidence of this person is proper for the conviction of the principals: Secondly whether the part taken by him was an active part, or only that of an accessary or accomplice.

Ordered, that Extract from these proceedings be sent to the third Judge on Circuit in the Western Division for his information and guidance by Precept returnable within twenty days, from and after its receipt.

Sent following Precept No. 680

21st April 1836.

Read the Chicacole Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of March.

(Here enter No. 660)

Suppl. Report Case 13. 1. The circumstances represented in the Report do not appear to afford sufficient grounds for the Commitment of the prisoner in this case, and the Court accordingly resolve to direct that she be discharged, unless the Criminal Judge should have any further representation to make.

Report VI. 2 In the Report VI. two Casualties only are entered.— The Court of Foujdaree Udalut direct that the Criminal Judge be requested to reconcile this entry, with the note at the Conclusion of the "Statement "of Labor," the total number that died "during the Month "is five."—

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Chicacole for his information and guidance by Precept, returnable in 3 days after receipt.

Sent following Precept No. 681

Read Return dated the 7th Instant, from the First Judge on Circuit in the Northern Division, to the Precept of the Court of Foujdaree Udalut under date the 30th Ultimo, noticing that that Officer has not

21st April 1836

not submitted any of the referrible cases on the
of the Zillahs of Nellore for the first Sessions of 1836
reminding him "that the Court attach the highest
to the speedy disposal of the trials in question, and
accordingly that he will use his utmost exertions
the preparation and transmission of the Records

Here enter N° 682 of 1836

1.

In the foregoing return the First
of Circuit reports, that "of the three cases on the
"Calendar first drawn for reference, the translations of
"record of one Case only have yet been received from
"Zillah Judge of Nellore, and the First Judge has
"dispatch the Record of the trial of this Case within
"very few days;" and that "the Records of the other two
"will be submitted in due course of time, after the receipt
"of the translations of the Police and Criminal Court
"Proceedings from the Criminal Judge of Nellore"

2.

The Court of Foujdaree Udalut are
constrained to record their opinion that this Order is
not satisfactory. They observe that of the Second Judge
of Circuit who have held the first Sessions of the present
year, the Judge in the Central Division has already disposed of
six trials—the Judge in the Western Division—nine
and the Judge in the Southern Division—ten trials.
The Court further observe that when the Honorable

F. U.

21st April 1836.

was on Circuit in the Northern Division at Chicacole
and Vizagapatam, he transmitted at convenient
intervals and without any delay, the records of twenty
three referrible trials.

3. Contrasting these results with the
proceedings of the First Judge now on Circuit in the
Northern Division, the Court of Foujdaree Udalut
cannot divest themselves of the idea that there must
be something defective in the arrangements of that Officer,
unless indeed there be any peculiar inefficiency in the
establishment of the Zillah Court of Nellore, of which
the Foujdaree Udalut have not been made aware.

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

Sent in N° 482

Read the Honble Criminal Reports
prescribed by Section XXXV. Regulation X. 1816 for the
month of March.

Here enter N° 688

Report V
Case 13

In this case the 1st and 2nd prisoners,
charged with having, at night, "unbolted the door of
"a room of the prosecutor's house, entered in, and stolen
"therefrom property of the alleged value of Rupees
"77-3-36," have been sentenced to 6 months imprisonment
with

with hard labo in irons under section VII Regulation X

2

The Court of Fongdaree Udalut can as there is no mention of the fact in the Report, that breaking was proved against the prisoners in question. The Native Criminal Judge will be pleased to inform the Court whether this Conclusion is correct

Ordered, that Extract from these proceedings be sent to the Native Criminal Judge of the for his information and guidance by Precept returnable in 3 days after receipt

/sent following Precept No 483.

Read the Nellore Criminal Report prescribed by Section XXXV Regulation X 1816 for the month of March 1836

/Here enter No 6905/

Report V

Case 26

With reference to the explanation of the detention in the Talook of the prisoners in this Case, the Court direct that Copy of the Case and of this paragraph be sent by the Criminal Judge to the Magistrate, who will be pleased to transmit, direct to the Fongdaree Udalut within eight days after the receipt of these proceedings information as to what became of the 1st prisoner from the 1st to the 27th of February

Case 27

3

In this case the charge is defective inasmuch as it should have specified the party against whom

Case 28

whom the false complaint was made

3

The first prisoner in this case appears to have been charged with fraud. The Criminal Judge will be pleased to explain fully the circumstances of the case in order to enable the Court to judge whether the sentence should not be modified, and passed under Section VII, Regulation X 1816

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Nellore for his information and guidance by Precept returnable in 3 days after receipt

/sent following Precept No 484/

Read the Bellary Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of March

/Here enter No 6934/

Report V

Cases 23 and 25

With reference to the Circular Order of the 21st May 1823 the circumstances should be communicated to the Magistrate of these cases. In the former it is stated "the prisoner is ordered to be "released there being no evidence whatever against him, "prosecutrix stating that she does not know why prisoner "was apprehended, and that she has no Complaint "against him; in addition there are no witnesses:" In the latter "The prisoners denied before the Police

and

21st April 1836. "and criminal Court and in the absence of any proof "the prisoner from their respectable appearance, are "released."

Ordered, that Extract from the proceedings be sent to the Acting Criminal Judge at Bellary for his information and guidance by Precept returnable in 3 days after receipt

(Sent following Precept No 185)

Read letter dated the 18th Instant from the 1st Judge on Circuit in the Centre Division, forwarding the original Death Warrant No 5 on the Bellary Calendar for the First Sessions of 1836.

(Here enter No 650)

Read letter dated the 18th Instant from the Provincial Court of Circuit in the Southern Division forwarding the Original Death Warrant Vera in Case No 5 on the Bellary Calendar for the First Sessions of 1836.

(Here enter No 684)

H.M. Court of the Company's Territories

Present;

Friday 22nd April 1836. John Bird Esqr. ——— 2d Puisne Judge,
William Kindleston Esqr. ——— 3d Puisne Judge,

Read the Calicut Criminal Report prescribed by Section XXXV Regulation X 1816 for the month of March.—

(Here enter No 670)

Supplemental Report Case 17.

In this case the prisoner was charged with having at night entered the Prosecutrix's house by pushing open the door of the apartment wherein she was sleeping, ill treated her, and committed a rape upon her person. The Criminal Judge held the prisoner to bail recording the following grounds for his order. "It is sufficiently shown that the prisoner went to the house "of the Prosecutrix when she was alone having left her "husband out of the way, and that he ill treated her, in "some manner, so as to cause a considerable flow of blood "from her. The Prosecutrix at first declared he had beaten "and kicked her, but now that he ravished her. This merits "in the only direct evidence respecting the case being committed "in the night. It appears from the above that an offence "was proved against the prisoner, and if that was the "fact, the Court are of opinion that some punishment "ought to have been inflicted.—

2 Remitted to Bellary for trial for one year

The

Report V

Cutch 66.

The T. and 3K. Inquiries in this case are charged "with having in their Possession, under unlawful circumstances, Tobacco to the value of Rupees 3-12-0, and the 2K. to the value of Rupees 6-4-0. which were examined on the 26th of February 1836," and were severally sentenced under Clause 1st. Section IX. Regulation V. of 1831. by the Court of Ameen, the 2d. to pay a fine of 12 Rupees, and the T. and 8 Rupees, and, in default of payment thereof, the 2d. to be confined for 2 months, and the T. and 3d. for 15 days each.

The Court of Enquiry Circuit having ascertained on the 25th July last, that upon the principle contained in Section VI. Regulation VIII. of 1827 in cases of breach of the Salt and Tobacco laws falling under the provisions of Section V. of 1831, should be reserved by the Criminal Judge to be tried by himself or his assistant, deem it for that reason that their opinion on this point be communicated to the Criminal Judge at Calicut.

Ordered, that extract from these proceedings be sent to the Criminal Judge at Calicut for his information and future guidance.

(Sent in P. 489

Read the Circular Criminal Letter prescribed by Section XXXV. Regulation X. 1816 for the Court of Enquiry.

(Here enter P. 671.)

In this case forwarded by the Joint Magistrate

Suppl. Report Case 22.

Magistrate the Principal charged with "having attempted to defraud the customs to the amount of Rupees 207-14-5 to the loss of the Sayer rental of Fasly 1245, by fixing the shop to cloths from the 9th to 12th July 1835, contrary to the Amany System, while in the houses of merchants and entering them in the names of the absentees in the Remarks of the value of Rupees 14-4, which was not however collected." The following order is recorded. "It being clearly proved that the two Prisoners attempted to defraud the customs to the amount of Rupees 207-14-5 to the detriment of the Sayer rental of Fasly 1245, by proceeding to the houses of the merchants of different Villages and affixing the Chop to cloths in the absence of the owners, and failing to collect the above sum, and with having entered the Cloths in the names of the absentees in the Remarks of the value of Rupees 14-4. which was not collected, the two Prisoners are fined 60 Rupees each, or 3 months confinement under Section XXIII. Regulation I. of 1812."

The Preliminary Letters enquiring by whom the case was received and which are required by the Circular Order of 29th November 1827, have been omitted in the present Report, and the Court accordingly direct that the attention of the Officer in charge be called to this point. He will also be pleased to submit a further explanation regarding the facts proved against the Prisoners. Section XXIII. Regulation I. of 1812 would appear to

to have terminated that in the present instance Court conclude that Section XX. of that Regulation was the provision intended to be quoted.—

Report V. Case 80.

3.

The prisoner in this case, "charged with "having received stolen property from the prisoner in "Criminal Ast. 25 of 1836, and concealed it, knowing it to "be such," are represented in the Criminal Report to have "composed the crime when apprehended," and have been "committed," it being "satisfactorily proved that they were "the property knowing it to have been stolen."—

The Court have referred to the case Nº 25 and find that the two prisoners in it were charged with having one night in [illegible] the Prosecutrix on the high "road and after beating and wounding her, robbed her of "things valued at 9 annas."—

5.

Unless the prisoner, in case 3d, were not first proved guilty, was obtained by highway robbery the ought not to have been committed. The Officer in charge of the Joint Criminal Court will accordingly explain whether there was any proof that the prisoner knew the fact, and if not, will forward to such sentence as the prisoners under Clause 4th Section IX. Regulation VII of 1822.

Case 33.

6.

This case seems to have been one of simple theft of "Half rupee worth of Cloves" without any "complicating" circumstances involved in it, and might therefore have been either

disposed of in the Calendar. Copy of it and of this paragraph should be furnished to the Magistrate, in order, if this conclusion is correct, that the Police Officer may be enabled of his own in forwarding it to the Joint Criminal Court.—

Ordered, that extract from these proceedings be sent to the Officer in charge of the Joint Criminal Court for his information and guidance by Precept, returnable in 4 days after receipt.—

(Sent following Precept Nº 469)

Read the Cuddapah and Cumbum Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for the month of March.—

(Here ante Nº 672)

Cuddapah Supdt. Report Case 185.

With reference to the commitment of the three prisoners in this case the Court direct that the attention of the Assistant Criminal Judge be required to the Circular Order of the 6th August 1832, requiring that each individual accused of Perjury should be placed in a separate number. The necessary alteration into existing Cases should accordingly be made when the Prisoners are entered in the Calendar to be submitted to the Judge on Circuit.—

Case 197 of 1835 and Case 2 of 1836.

The same remarks and order applies to the Cases noted in the margin.—

Although

Case No. 2.
Case : 15.

Although under the Circular Order of the 12th May 1832, all the particulars required to be specified in the indictment given in the Calendar, need not be stated in the Criminal Reports, the mere mention of the crime (Perjury) having been committed is insufficient under the charge, as in other cases in the Criminal Reports, declared in the same Circular Order to be required

Cumulum
Report V
Case 12.

With reference to the Circular Order of the 21st May 1823, the Court desire that the prisoner = manner of this case be notified by the Native Criminal Judge to the Magistrate. The prisoners appearance

III the Criminal Report to have been sent to without = sentence whatever against them.

Ordered, that extract from these proceedings be sent to the Assistant Criminal Judge at Cuddalore for his information and guidance, and for the information and guidance of the Native Criminal Judge by Circuit, returnable in 15 days after receipt.

(Sent following Circuit No. 491.

Read the Salem Criminal Reports prescribed by Section XXXV. Regulation X. 1816. for the month of March.

(Here enter No. 687.)

Report V
Case 25

In this case the prisoner has been admitted to security on grounds recited in the Criminal Reports, but it is evident to the Court of Circuit that the ends of

III of security in support of which Clause 1. Section IX. Regulation III of 1802 has been quoted, did not arise out of the prisoner being liable to suspicion of any act of criminality; and they accordingly deem it proper to direct that he be released, if in confinement, or that the bail bond be cancelled, if it have been entered into.

Case 31.

It does not appear upon what grounds the 1st prisoner in this case was committed, nor what supported the commitment of the 2d prisoner, except his Police confession. The Court of Circuit therefore will not now disturb the order recorded upon the case as the Judge on Circuit is about to hold the Sessions at the station.

III

Case 34.

The Assistant Criminal Judge, the Court conclude, intended to cite Clause 4th, and not Clause 3d, Section III. Regulation VI. of 1822 in support of his sentence in this case.

Ordered, that extract from these proceedings be sent to the Assistant Criminal Judge at Salem for his information and guidance by Circuit returnable in 3 days after receipt.

(Sent following Circuit No. 492.)

Read the Criminal Calendar Criminal Reports prescribed by Section XXXV. Regulation X. 1816. for the month of March.

(Here enter No. 689.)

Britton

With reference to the Circular Order XIII
the Court of Enjara Sedatut direct that the Civil Judge
Judge be called upon to explain why 8 Rotha Rice
entertained by him throughout the month, the number
of prisoners entered in Column 7 of the Statement of labor
being only 15.—

Ordered, that Extract from these proceedings
be sent to the Civil Criminal Judge at Emiath for his
information and guidance by Cowpt, returnable in 8 days
after receipt.—

(Sent following Cowpt No. 493)

Read the Madras Criminal Reports
prescribed by Section XXIX Regulation X, 1816 for the month
of March.—

(Here enter No. 691.)

Report V
Case 29.
33.

In Case 29, the 2nd prisoner who was
been forwarded with an intimation by the Judge
case 33, the 6th prisoner on the same indictment
in the 3rd prisoner's Statement before the Police
both these cases should be forwarded with the following
paragraph to the Magistrate, who will be pleased to
inform the Police Officer who transmits the same
to the Court, that such intimation is an insufficient
ground for the proceeding.—

Case 29.

In this case the nature of the accusation
for forging the signature to which the 2nd prisoner has

been committed for trial, should have been specified
in the Report.—

Case 34.

The charges against the prisoners in this case
the one being "of framing the customs," and the other "escape,"
should have been entered separately in the Report.—

It is unnecessary to enter the "fixed establish-
ment of the Jail in the "Statement of labor," as has been
done on the present occasion.—

The Court do not find with the Criminal
Reports under review, the "Abstract" of Batta to Prosecutors
and witnesses, required to be forwarded by the Circular Order
No. 35, stating therefore that the Batta was not paid
during the months under review.—

Ordered, that Extract from these proceedings
be sent to the Acting Criminal Judge at Madura for
his information and guidance by Cowpt returnable in
5 days after receipt.—

(Sent following Cowpt No. 494)

Read Return dated the 11th instant from
the Provincial Court of Trichinopoly for the Southern Division,
to the Precept of the Court of Enjara Sedatut under date
the 28th March 1836, requiring them to furnish an attested
copy of the instructions issued by the late Acting Circuit
Judge in Trichinopoly in the Southern Division, for the com-
mitment for trial at the next ensuing Sessions of
Jail Delivery, of the seventh witness in Case No. 10 on the

Criminal

Criminally Calendar for the first Sessions of 1836 for Trinidad.—

(Here entered No. 677 of 1836)

Having referred to the copy of Instructions forwarded with the foregoing Return, the Court of Royal Audit are of opinion that the alleged false swearing by the several witnesses, Charlemagne, before the Court of Orisnt, was not upon a point material to the final decision of the Judicial proceeding then pending before that Tribunal; and resolve in consequence to direct that the witness in question be forthwith discharged from custody.

The Criminal Court of Orisnt will be pleased to cause the necessary order to be issued to the Court Criminal Judge of Trinidad accordingly.—

Ordered, that extract from these proceedings be sent to the Criminal Court of Orisnt in the Southern Division by Precept returnable within days from and after its receipt.—

(Sent following Precept No. 495.)

On the second paragraph of the proceedings under date the 28th ultimo, reviewing the Criminally Calendar for the First Sessions of 1836, the Court of Royal Audit suggests to the late Acting Second Judge on Orisnt in the Southern Division, the propriety "of preferring a mitigated sentence" in case of Jean Charles Calendar; and directs that on the event of said prisoner remaining

remaining unchanged, he obtained from the necessary instructions for the preparation and Remission to this Court of an English Translation of the proceedings.—

The Court of Royal Audit deem it necessary to direct that the attention of the late Acting Second Judge be called to the subject; and that that Officer be required to make Return without further delay to the Precept above referred to.—

Ordered, that Extract from these proceedings be sent to the late Acting Second Judge, late on Orisnt in the Southern Division by Precept returnable within three days from and after its receipt.—

(Sent following Precept No. 496.)

Read letter dated the 27th of February last from the Joint Criminal Judge at Guanton, explaining, with reference to para: 40 of the Orisnt Report for the 2d Sessions of 1835 and para: 21 of the proceedings of the Royal Audit of the 15th of January last, that the Circular Order of the Royal Audit of the 14th of March 1833 which prescribes the mode in which security bonds should be drawn up and forwarded to the Magistrate has been attended to in the Joint Criminal Court at Guanton, and that after a prisoner may have named his sureties the Court get the Bail bonds prepared and

"and forwarded to the Magistrate in order to secure
"the confinement of the Sailor thro the Heads of the
"District Police to which the Village where the Sick
"resides are attached and the Prisoner are released on
"receipt of the bail bonds should the Heads of the Police
"Police declare them to be competent."

(Here enter No. 369)

Read also letter from the Magistrate
of Gunjam dated the 12th Instant, reporting with
reference to the 15th Para: of the proceedings of the
Conjeeveram Adawlut of the 15th of January last may
34. of the Madras Circuit Report for the 2d Sessions of
1835, that in consequence of the Madras Govt
=ration of the conduct of the Chamars Head
"Police peasant" by him" on the 4th of December
"that officer was discharged on the 25th of that
"month" and that a respectable native might
"of the matter would have been entered into
"not the individual said charity of the Hindoo

And in respect to the Statement so
remarked by the Madras Govt that in some Districts
the Gunjam District" the nature of the appointment
of the 30th of January 1833" was "intended to be
the Magistrate observes that "the orders for the
year" have been signified to all the Police officers
least four times during the 12 months" the Sessions

in the Districts, and that if the Madras Govt will explain
"in which Talooks it is utterly unknown" he would
"be better able to investigate the cause."

(Here enter No. 431)

Read letter dated the 21st Instant
from the Acting Assistant Criminal Judge in
charge of the Zillah Court of Rajahmundry
explaining with reference to the 15th Para: of
the Madras Circuit Report for the 2d Sessions of
1835 and Paras: 20 and 21 of the proceedings of
the Conjeeveram Adawlut of the 15th of January 1836 that
the system of duty at present observed in
the Jail under his charge is that prescribed by
the Conjeeveram Adawlut in the rules circulated under
date the 2d of June 1831, and that it is the
practice of the Zillah Court of Rajahmundry
to have the security bonds prepared and
forwarded in the mode prescribed by the Circular
Order of the Conjeeveram Adawlut under date the 11th
March 1823.—

(Here enter No. 540)

The above communications not
appearing to require any remark from this Court,
ordered that extract from these proceedings
together with copy of the letters referred to be
forwarded to the Chief Secretary to Government
for

22d April 1836.

for the purpose of being laid before the Gov in Council, with reference to the proceedings of the Foujdaree Udalut submitted to Govt under date the 18th of January 1836.-

To Govt No 83.

(Ent in Vol. 497

Read return dated 8th Ulto from the Acting Criminal Judge of Combaconum Extract of the Foujdaree Udalut dated the 21st March 1836 enclosing their observations made on the Criminal Reports for the month of February.-

Ent. D.

(Here enter No. 574).-

Read letter dated 12th Instant from the 3d Judge on Circuit in the Western Division forwarding the original Bench warrant &c in Case No 17 on the Calicut Calendar for the 1st Sessions of 1836.

(Here enter No 715 of 1836)

Read letter dated 15th Instant from the 3d Judge on Circuit in the Western Division forwarding the original Bench warrant &c in Case No 18 on the Calicut Calendar for the 1st Sessions of 1836

(Here enter No 716 of 1836)

J. U.

At a Court of the Foujdaree Udalut.

Saturday 23d April 1836

Present,

John Bird Esqr ..... 2d Puisne Judge

William Huddleston Esqr .... 3d Puisne Judge.

113

Read the Rajahmundry Criminal Reports prescribed by section XXXV Regulation X of 1816 for the month of March.

(Here enter No. 619)

Suppl. Report Cases 14. 15. 16.

1. With reference to the entry in the Column headed "Committed," the Court have to observe that the term "sentence" is inapplicable to committal for trial.-

Cases 22 23 34 35.

2. The Court direct that a further explanation be afforded regarding these Cases.- It is not clear that the party, A Venkatanarainiah, was a "public servant;" and consequently the requisition of security from the prisoners is manifestly incorrect, and must be set aside.- The Court are of opinion that if he had been a "Public Servant," the payments in question would constitute "bribery".- This point should have been ascertained by the Criminal Court previous to disposing of the Cases. Explanation is further necessary as to whether Security was required from the several prisoners in these Cases, or only from the prisoner

in

23d April 1836 in Case 36. wherein the Order has been recorded, I do so required the orders in the preceding 3 Cases stand respectly recorded.

Report V. Case 28. 3. In this case the provision of the cited in support of the Sentence, is incorrectly entered requisite amendment should be now made, as the nal Judge omitted to point out the error to the Court

Case 33. 4. The Court direct that Copy of this and paragraph be sent by the Criminal Court to Magistrate, who will be pleased to transmit, with Foujdaree Adalut, an explanation of the detention prisoners in the Talook from the 2d to the 23d Mar He will take the opportunity to request the attend of the Head Assistant Magistrate, to forwarded the case, to the Circular Order of the 8th July

5. The transmission of the "account the disbursements at Samulcottah is unnecessary; the "Statement of Labor", in which the expence incurred appear under the appropriate head, is alone required by the Court of Foujdaree Adalut.

Ordered, that Extract from this Proceedings be sent to the Acting Assistant Criminal Judge "in charge" at Rajahmundry for his information & guidance by Precept returnable in 30 days from receipt.

Sent following Precept No 491

23d April 1836 Read letter dated the 18th instant, from the Officiating Second Judge of the Provincial Court of Circuit in the Centre Division, submitting Copies of the Chittoor 2d 3d and 4th Supplemental Calendars for the First Quarter Sessions of 1836.

Here enter F.H. No. 667 of 1836.

In Case No. 1. on the third Supplemental Calendar the prisoner "Maudega Gungadoo" stood charged before the Court of Quarter Sessions with having at noon on the 23d Monday of the year Munmadah, corresponding with the 4th March 1836, attacked the prosecutors Mooneeddy and Veneatapah, as well as the first witness Vellee, in the Jungle called Modagacondah, in the Chittoor Talook in the Zillah of Chittoor; with having slightly wounded the first witness with a Stone; and with having robbed the prosecutors of bill hooks and other property to the value of one Rupee and six Annas.

2. The Judge presiding, and the Mahommedan Law Officer of the Court of Circuit, concur in convicting the prisoner of the Offence charged in the indictment.-

3. The Officiating Second Judge recommends a mitigation of the punishment to which the prisoner is liable, on the ground that the latter

is

23d April 1836.

is about fifteen years of age; that the property taken by him from the prosecutor, who are little boys, is of very trifling value, not being worth one rupee; that the wound inflicted upon the first witness is a mere scratch.

4. After a mature consideration of the circumstances of this case, the Court of Foujdaree Udalut resolve under the authority vested in them by Clause Third, Section III, Regulation I of 1825, to sanction the mitigated punishment recommended by the Presiding Judge, and accordingly direct that the prisoner

Mandega Gengadoo

do receive sixty lashes with a Cat of nine tails and imprisoned and kept to hard labour in irons on the public roads, or other public works, for and during the period of one year.

5. The Court of Foujdaree Udalut direct that the Mahommedan Law Officer of the Board of Circuit should have been required to declare in a further Futwa, to what specific punishment the prisoner would have been liable under the Mahommedan Law if the Special exception, by which Hindoos is stated to be barred, had not existed.

Ordered, that Extract from the proceeding be sent to the Officiating Second Judge

23d April 1836.

of the Provincial Court of Circuit in the Centre Division by Precept, returnable within three days from and after its receipt.

(Sent following Precept No. 498.)

Read the Mangalore Criminal Report prescribed by Section XXXV. Regulation X. 1816 for the month of March.

(Here enter No. 674.)

Suspt. Report Case 125.

1. The two prisoners in this case have been committed on the charge of having "robbed the "Prosecutor who was sleeping in the upper Story of "his house, of ready Cash to the amount of Rupees 372."

2. The Commitment is stated to be "on the evidence of the witnesses, some of whom were "present when the money was placed with the Prosecutor. "The prisoners were then present but absconded during "the night, and it is supposed carried the money with them."

3. It does not however appear in the Report, in what respect the Case fell within the scope of Clause Second, Section III. Regulation VII. of 1822. The offence would seem to amount to "Simple theft." The Court direct that an explanation be requested on this point.

Cases 132 and 134.

4. The Cases noted in the margin are represented to be lying over on the following grounds "Strong Suspicion having been entertained that the

Prosecutor

23rd April 1836. "Prosecutor ward concerned in the Robbery, the Magistrate has been informed of the Same, that the necessary proceedings may be carried into effect." The Case was received in the Criminal Court so far back as the 5th of December last, and the Court of Foujdaree Udalut are not of opinion that a further postponement of the examination is proper. They should now be disposed on the evidence which may be forthcoming.

Report V Case 34. 5. The detention of the prisoner, after his apprehension, would appear to have been unavoidable. The Court however deem it proper to direct that a further explanation than is given in the Report be requested from the Magistrate. The Criminal Judge will be pleased to furnish Copy of the Case and of this paragraph to the Magistrate, who will without delay transmit, direct to the Foujdaree Udalut the required information.

Statement of labor. 6. In future, the information called for in the note, "the value of the labor of the Convicts employed in road making during the month of March 1836 taken at 3/4 of the value of free labor is stated "332-2-3", should be entered in Column 10. of the "Statement of labor."—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Malabar for the information and guidance of the Magistrate of Mangalore, by Precept returnable in 6 days after the Court following (Precept No 493)

23rd April 1836. Read Letter dated the 2nd Instant, from the Second Judge of the Court of Circuit in the Western Division, with Copy of the Tellicherry Calendar for the First Quarterly Sessions of 1836.

(Here enter No 639)

Read return dated the 4th instant from the Criminal Judge of Cotticacole, to the Precept of the Foujdaree Udalut dated the 24th March 1836, communicating their observations and orders on the Criminal Reports for the month of February—

(Here enter No 644)

Read return dated the 6th Instant from the Criminal Judge of Madura, to the Precept of the Foujdaree Udalut dated the 28th March 1836, conveying their observations and orders on the Criminal Reports for the month of February

(Here enter No 642)

Read return dated the 7th Instant from the late Acting Third Judge late on Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated the 22d April 1836, sanctioning the mitigated Sentence in Cases No 67 and 68 on the Guntoor First Calendar for the First Sessions of 1835—

(Here enter No 643)

Read Letter dated the 7th Instant, from the Magistrate of Salem, submitting the explanation required by the Foujdaree Udalut in their proceedings under date the

23rd April 1836 the 23d Ultimo; relative to a Case on the Criminal Reports of the Zillah for the month of February

(Here enter No 665)

Read return dated the 9th Instant, from the Magistrate of Tanjore, submitting the explanation given by the Foujdaree Udalut in their proceedings of the 23d Ultimo relative to a Case on the Criminal Reports for February

(Here enter No 652)

Read letter dated the 13th Instant from the Criminal Judge of Chingleput forwarding Criminal Report for March 1836

(Here enter No 668)

Read letter dated the 11th Instant, from the Magistrate of Madura, submitting the explanation given by the Foujdaree Udalut in their proceedings of the 23d March 1836, relative to certain Cases on the Criminal Reports for February

(Here enter No 665)

Read letter dated the 11th Instant from the First Judge in Circuit in the Centre Division, reporting the arrival of the Court of Circuit at Cuddalore, the opening of the Sessions at that Station, and the State of the Calendar

(Here enter No 676)

Read letter dated the 8th Instant from the Second Judge, late Presiding at the Court of Circuit Sessions in the Western Division, forwarding a Statement

of

23rd April 1836 of Batta paid to Prosecutors and Witnesses during the First Quarter Sessions of 1836.

(Here enter No 668)

Read return dated the 8th Instant, from the Provincial Court of Circuit in the Western Division, to the Precept of the Foujdaree Udalut dated the 22nd March 1836, directing that the Prisoner in Case No 119 on the Supplemental Criminal Report of Tellicherry for the month of January, be committed to take his trial before the Court of Quarter Sessions

(Here enter No 680)

Read return dated the 11th Instant from the Acting Criminal Judge of Bellary to the Precept of the Foujdaree Udalut dated the 7th April 1836, directing him to reduce the Sentence in Case No 18 of the Criminal Report for February

(Here enter No 681)

Read letter dated the 18th Instant, from the Acting Joint Criminal Judge at Guntoor forwarding the Statement of Labour performed by the Convicts under charge of the Magistrate of Guntoor for the month of March 1836.

(Here enter No 694)

Read return dated the 18th Instant from the Acting First Judge late on Circuit in the Southern Division to Precept dated the 29th Ultimo, desiring that

the

23rd April 1836 the observations and orders of the Foujdaree Adalut on the Acting First Judge's Circuit Report for the last Sessions of 1835 be communicated to the Local authorities concerned.

/Here enter No 706/

Read letter dated the 30th Ultimo from the First Judge on Circuit in the Northern Division reporting the opening of the Sessions at Rajahmundry

/Here enter No 707/

Read letter, dated the 14th Instant from the Third Judge on Circuit in the Western Division, reporting the arrival of the Court at Mangalore, the opening of the Sessions, and the State of the Calendar

/Here enter No 708/ Recd

C. S.

At a Court of the Foujdaree Adalut.

Present

Monday, 25th April, 1836. John Bird Esqr ——— 2d Puisne Judge
William Braddon Esqr ——— 3d Puisne Judge

Read again Miscellaneous Petition presented on the 27th February 1836, by Cossiah of the Zillah of Cuddapah

(Here enter Petition No 29 of 1836)

Read also Petition dated the 5th instant from the Civil Judge late on Circuit in the Western Division to the Court of the Court of Foujdaree Adalut under date the 28th March 1836, requesting that a copy of the translation of the above petition be sent to that Officer with instructions to ascertain and report whether the Petitioner (the father of the Petitioner) when he gave the depositions of the 3rd January 1835 was, as required by the Circular Order of the 31st January 1811, cautioned against committing himself "upon his oath," and "subsequently proceed" in the statement at variance with his depositions of the 8th September 1832.

(Here enter Petition No 67 of 1836)

The Civil Judge late on Circuit in the Western Division observing that it does not appear by the proceedings held that the said Prisoner was "actually specifically cautioned against committing himself "upon his oath" "formerly" with a view to ascertain the understanding

23rd [illegible]

25th April 1836.

understanding of the case, and to show that the prisoner when examined before the Criminal Court, admitted that he had stated the truth both before the Juge de Paix, the Court, and not a prisonhook; the translation of the depositions taken from the prisonier, and also the result of that individuals defense before the Court of Assize.

The Court of Engineers Resolve have that by the 10th question in the Ordre annexed to the 8th January 1835, it appears that if the Court were satisfied the prisonier of qualifying or retracting his statement in contradiction of his former depositions

And after a due consideration of the circumstances of the case, the Court are of opinion that doubting the propriety of the sentence of the Criminal Court and are of opinion that any further interference on the part in this matter is unnecessary.

Ordered, that the prayer of the petition be rejected, and that extract from the proceedings be furnished to the petitioner upon his application

Ordered also, that extract from the proceedings be sent to the Civil Engineer stationed in the Western Division for his information.

(Entered No. 505.)

Read Petition presented on the 25th day of January last Thereupon ordered that the petitioner be heard by his Counsel

(Here ends Rec. Vol. No. 37.)

25th April 1836.

The Petition representing himself to be the Brother of the Prisonier in Case No. 29 of the Ellicoloy Criminal Reports for the months of January, prays the Court of Engineers Resolute to interpose in his favour, to arrest the suspension of the sentence in that case and after examining all the proceedings connected with it, to order the removal of the sentence.—

The Court of Engineers Resolute have had before them the Reports in question, and upon them, the memorial which to the Court seemed necessary have been recorded. They see no reason to doubt the propriety of the Conviction of the prisonier in the case 29.—

Ordered accordingly, that the Petition be rejected, and that extract from these proceedings together with extract from the proceedings of the Court in Case 29 Ellicoloy Criminal Reports for March be furnished to the Petitioner on his application.—

Read Petition presented on the 18th Instant by Christmann of the Office of Administration

(Here ends Rec. No. 38)

The prayer of the above Petition is to the same effect as that contained in Petition No. 1 of 1833 addressed to the Court of Engineers Resolute by the same Party. The Court do not find in the statement of the case now laid before them any sufficient ground to assist on alteration of their order recorded, in the said No. 1 of 1833, under date

dated the 29th of April.—

The Petitioner was therein informed that the Court saw no reason to question the propriety of the conviction and sentence of her son Encantogumfel, & release she now addressed the Court.—

Ordered accordingly, that the Petition be referred to the order of the 29th April 1836 and Extract from these proceedings be furnished to her her application.—

Read Petition presented on the 28th by Ly Aromashellum of the Zilla of Combaconum

(Vide entry No. 39)

The Petitioner represents that she was connected with the Case No. 24 of the Combaconum Calendar for the 1st Sessions of 1835 wherein he alleges unjust sentence has been passed upon him & that he was a Ambala Karen, Ada Karen, Shendan, Kottayan, Kottu and Ramasamy, who are the 1st, 2d, 3d, 4th, 5th, 6th and 7th in that case.—

He prays the Court to call for the records to release them forever, and to remit further the fines to them of which payments in the Zilla Court and of the weapons kept in the Magistrate Petitioner

There is no appeal from the sentence of the Court of Circuit nor moreover the Court have no

to the Calendar and find no grounds for their interference as requested by the Petitioner.—

Ordered accordingly, that the Petition be rejected and that Extract from these proceedings be furnished to the Petitioner on his application.—

Read Letter dated the 5th December 1835, from the Second Judge Acting Register in the Central Division, referring for the consideration and final Judgment of the Court of Circuit, the record of Case No. 1 on the Calendar Supplemental Calendar for the first Sessions of 1835.—

(Vide entry No. No. 224 of 1835)

No. 1st Read, Pulicat,

The Court of Circuit on a deliberate consideration of all the circumstances of the case and evidence before them, being of opinion that the proof against the prisoners

7th Ramen Embritty

2d Ramalingi Embritty

and

3d Vatrapillay—

is sufficient to convict them of the crime of culpable homicide, do, under the authority with which they are invested by Clause 2d, Section II Regulation I of 1814, and in conformity with the provisions of the 4th Clause of the same Section and Regulation, direct that Ramen Embritty be declared by a Sworn Native Doctor to be of what sentence

25th April 1836.

sentence three persons could have been liable under the Mahommedan Law if they had been convicted of full legal evidence.—

Ordered—

That in the event of the crime aforesaid being established against the prisoner aforesaid by evidence of credible witness, they could be liable to Arkoobut—Kissas being shewn in support of it not being ascertained by which of the three persons the wound was inflicted which deprived the deceased of life

Under the penalty of Arkoobut ordered in the foregoing Letter, and in conformity with the provisions of Bengal Third Section V. Regulation IX of 1810 the Court of Sudder Adawlut sentence the prisoners

1st Ramen Pandittah,

2d Ramdeejia Pandittah,

and

3d Vadeyfiddy,

to be transported to such place beyond sea as the Governor in Council shall appoint, there to be employed and kept to hard labour in irons on the fortifications or other public works for and during the term of their natural lives respectively.—

(Sent following letter No. 506.)

1. The Court of Sudder Adawlut observe that the third witness for the prosecution in this case was a

25th April 1836.

Boulon son of Chinnadasheny, and represented to be a carpenter by trade, and a resident of Dumma pillow, when examined before the Court of Circuit, swore that for four days he was detained in custody "in the Cramanghing-shop he was detained in custody" in the Cramanghing-shop "shop where without being allowed any food," and that the Peons of the Joint Magistrate informed him that he was confined "by order of the Gentleman." The same witness further swore that "four witnesses, named Vellayen Eadun, Boulon the Carpenter, Pitchon the Taileg, and Chinnien, attended before the Gentlemen, of whom "the Vellayen Eadun, and Boulon have given their "false evidence. The said four persons have been "placed in the custody, and the Vellayen in the stocks "for a space of eight days. Eadun was put into "stocks, and the other were kept in confinement in "the Village of Commaporum in the way to Vridanchelum.

The Court of Sudder Adawlut deem it

2. proper to remit that the Provincial Court of Circuit in the Centre Division be instructed to call upon the Joint Magistrate of the Southern Division of Arcot, to explain the circumstances referred to in the preceding paragraph of these proceedings.—

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by Dawk returnable within twelve days from and after its receipt.—

(Sent following Dawk No. 507.)

25th April 1836.

Read Return under the I.A. Letter from Mr. E. B. Mayo, the late acting Third Judge dated in Oct. in the Northern Division to the Registrar of the Court of Judicature under date the 7th September 1835, enclosing the observations and notes on the deserved sentence of the first Calendar for the first Sessions of 1836.

(Here enter Cir. No. 668 of 1836)

Read also further Return under the 8th instant from the same officer to the same Registrar.

(Here enter R. No. 644 B of 1836.)

Case No. 15.

The late acting Third Judge in his Supplemental Return of the 8th instant, submits that in the case entered the 9th [illegible] declares that "Suffering the prisoner in Case No. 15 has been "on full legal evidence, and the theft of each prisoner "amount to the Rupiah (the property stolen exceeding "value Rupees 200) the nose of each should be cut off "be established, and the prisoner liable to punishment "by the amputation of the right hand" punishable under "the provisions of Section XX Regulation VII of 1817 by "imprisonment. But considering the temptation which "when the country had lately suffered many the late "Third Judge begs permission to reduce the sentence "to seven years labour in irons."

Under all the circumstances of the case the Court of Sudder Adawlut [illegible] with the acting Third

25th April 1836.

thereon by Bhima Bhoi, Section III Regulation I of 1825, to sanction the mitigated punishment recommended by the late acting Third Judge, and accordingly direct that the prisoner

T. Eddla Canjiah,

and

2d Eddla Gooroonaik,

be severally imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (4) four years.

Case No. 43.

The Sudder Court having declared by the Resolution of a meeting of the Court of Sudder Adawlut dated 7th March 1834 that "if the exception by which the case would be liable to amputation the prisoner in this case would be liable to imputation of two limbs" but adopting the suggestion contained "in para 9 of the proceedings of the Conjeveram Circuit" under date the 7th September 1835 "the late acting Third "Judge requests permission to pass a revised sentence "of seven years labour in irons."

Approving of the recommendation of the late Acting Judge, the Court of Sudder Adawlut direct that the prisoner

Ramasawmy Ramoodoo

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

St

25th April 1836.

Case No. 44.

It appears that in a further Return
"Mahomed Ismail Khan Officer declares that the evidence of the
"prosecutrix and the Witnesses who were examined upon the
"Circuit Court is sufficient to convict the prisoner whereupon
"them to Rokoobkar"

In his remarks on the Calendar of
case, the Presiding Judge observes that "as there was
"no presumption on the conduct of the first prisoner upon
"the using a knife as a means of intimidation, the Judge
"will probably consent to the mitigated punishment of
"the first prisoner being reduced to one year below
"six years."

The Court of Enquiry therefore submit
cases to the recommendation of the Presiding Judge
assent that the prisoner

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

It was resolved this same day by the Court
of Enquiry assembled in the tenth and eleventh days
of their proceedings under date the 9th September 1835 to
observed that "in the second question, it is proved that
"things asked" what sentence would be if the second
"witness had appeared before the Court of Circuit to the
"same effect as before the Criminal Court, and that

25th April 1836.

"the Court of Circuit having no power to remand such an
"objection as this, the sentence is illegal"

On this point, the late acting Third Judge,
in his Return of the 5th Ultimo, says specifically in explain that
"the objection which it is conceived he has illegally remanded,
"relates to the admission of a former written application of
"a witness summoned" he adds that "the Circular order of the
"8th May 1833 which admits of such being received as evidence,
"states that if the Court is satisfied that the paper is
"the same, and that it remains unaltered, it is to be
"received and acted on" and concludes by stating that
"in remanding the prisoner" Application to admit the written
"deposition, the late acting Third Judge was guided by the
"Circular order of the 7th April 1834."

From these observations the Court of
Enquiry Assistant conclude that the late acting 3rd Judge
is quite ignorant of the existence of that Circular Order
No. 36. dated the 4th April 1835, which was issued with the
view of counteracting the erroneous interpretation of the
Law as laid down in the Circular Order of the 7th April
1834. In the note of the 4th April 1835 it was pointed
out that although the rule contained in that part
of Section VIII Regulation of 1825, which enjoins the
reference of the trial, whenever the conviction of the
prisoner may depend "exclusively or principally" upon
evidence

evidence objected to by the Mahommedan Law Officer,"
with regard to certain "formal objections to appeal
modified by the provisions of Bengal Regn VII of 1832, it remarked "still further in regard
"other grounds of exception to evidence referred to in
"Section VIII, Regulation I of 1825, among which are stated
"exceptions taken to the conviction of evidence, contrary
"to the Circular Order of the 8th May 1833 & he remarks"

Cases Nos. 51-52-53-54.

"The Court observed in the 1st case
having in the first instance been sentenced by the Circuit
Court to seven years imprisonment with hard labour in
the second Criminal Court from the Mahommedan Law
declaring their belief to be unfounded on the right hand
the original sentence will stand, and any further pro-
ceedings in the Cases Nos. 51. and 52 are unnecessary"

Case No. 55.

The information furnished by the
Acting Third Judge relative to the conviction of the
prisoner in this case, is sufficient."

Case No. 56.

The late Acting Third Judge of the
"the prisoner in No. 55 is now under in the Remarks of
"second Criminal Court, the Court state the prisoner
"prisoner would be subject to Flogging and the fact
"to be Recorded. As the amount stated in the Calendar
"this and the following No. (57.) the Acting Third Judge
"begs to suggest that the Court may be pleased to
"quantum of punishment which the Criminal Court may

"namely two years labour in irons."

After a mature consideration of all the
circumstances of the case, the Court of Sudder Dewanny Adawlut
resolve to accede to the recommendation of the late
Acting Third Judge, and accordingly order that the prisoners

1st Gobardoyneah Tewarry,
2d Chumpalah Affradee,
3d Ruckalah Cottaya,
and
4th Bibbalapully Ramkatapulty,

be severally imprisoned and kept to hard labour in
irons on the public roads or other public works for the
term of the period of (2) two years, from the date of
the present order."

The 5th prisoner
Lokhimmy Dassy (a female)
was originally sentenced by the Court of Circuit to im-
prisonment for two years, and that sentence will
continue unaltered."

No further proceedings in Case No. 57
are necessary."

Case No. 58.

The late Acting Third Judge states that
the Mahommedan Law Officer of the Court of Circuit
declared in a case before that if the validity of the
"written declaration before the Criminal Judge was
"proved, according to Mahommedan Law it would be
sufficient

25th April 1836.

"sufficiently" support the charge to commit the prisoner
"by Jumma :- for Trial of Highway Robbery, and that if the
"were committed by full legal evidence they would be liable
"to Death, but that Death is barred by the non restitution
"of the property, and Abetment and Palgar is answered
"as before"

Not considering this to be sufficient the
Court of Enquiry Kittoor remit that an explicit and
Certain Translation of the proceedings be furnished and
submitted for their consideration and final Judgment
with the Cutcherry forfeiture relied.—

In the mean while the late Acting Third
Judge will pass the necessary instructions for carrying
the sentence passed upon the prisoners by the Court
of Circuit.—

Case No. 60

In this case the late acting Third Judge
recommends that the punishment of seven years be altered
under the second Section of the Rachumeram Enquiry
of the Court of Circuit, the prisoner is liable "to seven
"to four years."—

The Court of Enquiry Kittoor remark
to assign sufficient grounds for a mitigation of the
punishment in this case. The Court will therefore take
its course.—

First Supplemental Calendar.

Case No. 5.

"In consideration of the smallness of
"the sum stolen, and the purpose of the time" the
"court

25th April 1836.

"committed;" the late Acting Third Judge recommends a
"reduction of punishment to four years' labour in irons
Concurring in this recommendation the
Court of Enquiry Cuddalore, under the authority vested in
them by Clause Third, Section 11th, Regulation 11 of 1825,
direct that the prisoner
Pe Thirtha Koopan
and
2d Ayyavoo alias Periavoo,
be imprisoned and kept to hard labour in irons on the
public roads or other public works for and during the
period of (4) four years.—
The late Acting Third Judge will take
notice that excepting only in Case No. 60. the several
mitigated sentences now sanctioned, are to be counted
as taking effect from the date of the sentences passed
in the first instance by the Court of Circuit.—
Ordered, that extract from these
proceedings be sent to the late Acting Third Judge at
Circuit in the Northern Division for his information
and guidance by Precept returnable within ten days
from and after its receipt.—
(Cont. following Precept No. 508.)
Extract of the Zillah of Canara,
moved the Court to return the evidence in this
Impeachment

25th April 1836.

Miscellaneous Petition No. 29 of 1836.—

Ordered accordingly.

Read statement dated 18th Instant from the Assistant Criminal Judge in charge of the file Court of Salem, showing the number of persons employed at the different Jails under the Magistracy of this during the months of March 1836.—

(Here enter No. 718)

Read return dated 21st Instant from the Joint Criminal Judge at Cuddalore to Despatch the Confirmed Calendar dated the 18th April 1836 with their observations and notes on the Criminal Cases for the Month of March.—

(Here enter No. 722)

Read letter dated 18th Instant from the 1st Judge on Circuit in the Southern Division reporting his intention to open the first Session of 1836 at Negapatam on the 9th Instant.—

(Here enter No. 725)

Read return dated 19th Instant from the Provincial Court of Circuit in the Southern Division to Despatch of the Confirmed Calendar dated the 15th April 1836 conveying their observations and notes on the Criminal Calendar for the First Quarter Session of 1836.—

(Here enter No. 727)

Read

No. 16.

25th April 1836.

Read letter dated 20th Instant from the Criminal Judge of Salem, forwarding the Statement No. 2 accounts for the Month of March 1836.—

(Here enter No. 730)

Read letter dated 18th Instant from the Magistrate of Madura, submitting the explanation required by the Confirmed Extract in their proceedings of the 24th Ultimo, relative to the delay in the disposal of four cases on the Calicut Criminal Report No. V for February last.—

(Here enter No. 732)

Read letter dated 20th Instant from the Acting Zillah in charge of the Auxiliary Court at Coimbatore, transmitting the Statements of the Salem Confinees employed under the Magistracy of the Coimbatore and the Officer Commanding the Coimbatore and the Officer Commanding the Wynaad Division during the months of March 1836.—

(Here enter No. 733) on

F. U.

At a Court of the Foujdaree Udalut

Present;

Thursday 28th April 1836. John Bird Esqre ---------- 2nd Puisne Judge
William Hudleston Esqre ---- 3rd Puisne Judge

Read letter, dated the 6th Instant, from the Third Judge late on circuit in the Centre Division, transmitting the Record in Case No 27 on the Bellary Calendar for the 2nd Sessions of 1836

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Here enter F. U. No 617 of 1836

Mr Bird 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-cozzat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwas of the Cazee-ool-cozzat and Mooftees aforesaid as acquits the prisoners

4th Kittiah son of Jahoor
19th Woomah son of Gopah
and
33rd Dhurmah son of Narrainee

and accordingly direct that they be set at liberty.

And being of opinion that the proof against the prisoners

3rd Roopah son of Chokah
3rd Kanajee son of Jahoor
4th Gungah son of Davah

Chota

3rd May 1836

6 D. 1st June 1829.

The prisoner will of course be accompanied by the requisite Certificate of the European Medical Officer on his beha-

Ordered accordingly, that Extract of these proceedings be forwarded to the Criminal Judge in the Zillah of Chittoor for his information and guide by Precept returnable in 6 days, from and after its receipt.

Ext. Rd.

Sent following Precept & Extr.

F. 16.

At a Court of the Foujdaree Udalut

Present,

Wednesday 4th May 1836.

John Bird Esqr. ——— 2nd Puisne Judge

William Rudleston Esqr. ——— 3rd Puisne Judge

Read letter dated the 2nd Ultimo, from the Provincial Court in the Southern Division, forwarding the copy of a letter from the Magistrate of Trichinopoly, submitting his opinion as to the number of extra Peons it will be necessary to entertain for the protection of the Cantonment in the event of the suppression of the practice of employing Cavilgaus for the custody of private property.

(Here enter No. 605)

Read Extract from the Minutes of Consultation under date the 24th of November last, wherein the Right Honorable the Governor in Council observes with respect to the employment by Europeans at Trichinopoly of professed thieves to protect their property, noticed by the Magistrate in the 5th and 6th paras of his return dated the 1st of August 1835, "that this practice was commented upon by the Government in the letter addressed to the Board of Revenue under date the 20th March 1827 No. 216, wherein the Magistrate was strictly enjoined to put a stop to it, and authorized to entertain an Establishment of 45 additional Peons for that purpose"; and requiring the Foujdaree Adalut to ascertain and report, what was done by the Magistrate in pursuance of those orders, and whether the extra Establishment above alluded to is still entertained;

and

and "at the same time" to submit their sentiments "to the best mode of effectually suppressing the practice.

(Here enter N°. 2134 of 1835)

Read also reply dated 12th January 1836 made by the Provincial Court of Circuit in the Southern Division to the letter from this Office dated the 8th December 1835, requiring them to call upon the Magistrate of Trichinopoly to submit the information required by the 4th para. of the Extract from the Minutes of Consultation under date the 24th of November last, and also to furnish this Office with their sentiments as to the best mode of effectually suppressing the practice.

(Here enter N°. 72)

In the letter from the Magistrate which accompanies this communication from the Provincial Court of Circuit, Mr. Blair states, that, so far as he can ascertain, "it does not appear that any steps have "been taken by any of his predecessors in Office to sup- "press the practice of the employment by Europeans of "Kavilgars for the protection of their property," and that he is "not aware what means the Magistrate possesses of "putting a stop to the practice." That "on referring to the "letter from the Magistrate of Trichinopoly to the Fojdaur "Adalut dated 22nd January 1827 on which authority he was "quested to employ 4 6 additional police peons, it appears "this increase was considered absolutely necessary for the "due discharge of the ordinary police duties in the Fort "and populous environs of Trichinopoly, but that there were "no reasons to suppose that Mr Dickinson the then "Magistrate

"Magistrate considered that this addition to the Establish- "ment would have any effect on the practice of Europeans "keeping Kavilgars to protect their property" that it is "impossible that any such consequence should have been "contemplated by him as the additional peons were not to "be employed in the Cantonment where the European "Officers reside (the police of which was then, as it still is, "under Military Authority), but in the Fort and suburbs, "inhabited almost entirely by Natives and Indo Britons "who do not keep Kavilgars."

In the 4th para. of his letter the Magistrate states that, the "several alterations in the Town Police of "Trichinopoly have been made since the addition to the "number of peons in the year 1827," "the increase to the "Establishment then sanctioned has not since been dis- "continued;" and in the 5th and 6th paras the Magistrate endeavours to shew, that the present Establishment tho' large, is "but barely sufficient for the maintenance of "order and security of property in the extensive and po- "pulous Division in which it is distributed.

With regard to the best means of effectu- ally suppressing the practice of employing Kavilgars, the Magistrate states that it is "indispensably necessary in "the first instance that some measure should be adopted "by Government for inducing all Europeans at the Station "simultaneously to discharge the Kavilgars from their "employ, for it must be manifest that the Magistrate "possesses no authority to interfere to prevent individuals "entertaining a class of persons who are considered in

"the

"the light of private servants, many of them" "being employ"
"as gardeners and in other occupations, besides that of
"guarding the property of their employers."

After their dismissal has been procured,
Mr. Blair states that, in his opinion, it would be advisa
"to oblige all persons dismissed to appear before the Ma
"Magistrate to have their names registered with the Village
"to which they respectively belong. that employment as Peons
"in the different departments should be given to as many
"as possible, and the rest promised employments on va
"Vacancies occurring, provided they maintained good
"characters."

"All not employed", the Magistrate suggests
"should be compelled to proceed immediately to their respective
"Villages, where, for a time," Mr. Blair considers it "highly
"advisable that a rigid surveillance should be main
"tained over them."

The Acting 1st Judge who is sitting
alone in the Provincial Court would appear to concur
generally in the opinion expressed by the Magistrate
Mr. Blair; he states that he believes the practice of
keeping Kanilgars "has existed ever since Trichinopoly
"has been a Station": that "at the time he held the
"Office of Magistrate of Trichinopoly he devoted much
"attention to the subject, and the opinion which he then
"formed, and from which he now sees no cause to
"differ, was, that the only means by which it could be
"effectually suppressed, was by the Government authorizing
"such

T. 66.
4th May 1836.

"such an increase of the Police Establishment of the Station as
"would, without the employment of private watchmen, place
"private property in a state of security."

The Acting 1st Judge however deprecates
the idea of the "Government giving countenance to the class
"by employing them as Peons", and is of opinion that the
additional establishment should be selected from another
class of individuals.

The Judges in order that the subject
might be laid before the Governor in Council in a
complete form required the Provincial Court to call
upon the Magistrate of Trichinopoly to report what
number of Peons he considered would suffice for the
full protection of the Cantonment with the aid of
a portion of the Kanilgars entertained as Peons, and
in the event of these persons being deemed unfit to
be entertained in the service of the Government, what
number of Peons would be required without their aid.

The Magistrate in his reply dated the
29th March last states, "that from the best information he
"is able to obtain the number of Kanilgars at present
"entertained by private individuals in the Cantonment
"amounts to about 107" and that in his opinion "not less
"than 60 additional peons would be sufficient "to patrol
the Cantonment at night, and that the employment
of the Kanilgars as Peons in the service of Government
would make no difference as to the number of Peons
required for that purpose.

And

And in the 3d para. Mr Blair states that at present "Robbery attended with open violence & breaking into the houses of Europeans are crimes of very rare occurrence" at Trichinopoly, and "that although the large increase to the Police Establishment above mentioned would doubtless prove a great protection against the commission of those heinous Crimes, should they be attempted by any of the Havelgars in the event of their general dismissal being accomplished; yet it must be evident that it is out of the power of any Police, however vigilant to prevent the pilfering and stealing in the houses of Europeans which is unfortunately but too common in Trichinopoly. These thefts, the Magistrate observes, are almost invariably committed by the house servants who are in league with the Havelgars, and in most of the offences of this kind which have been brought to his notice, he has observed, that they have been committed in houses, the owners of which either from some fault or other could have dismissed their Havelgars. The object of the parties in these cases, Mr Blair adds, is not so much the value of the plunder obtained, as to procure the re-employment of the Havilgars who have been dismissed."

From the Magistrate's letter of the 5th of January last, it will be perceived that the objectionable practice of employing professed thieves as private watchmen exists only in the Cantonment where the Military Police system

system is in operation, and consequently whatever plan be resolved upon by the Government, it must be carried into effect under the orders and Control of the Military Authorities.

Upon due consideration of the subject the Court of Foujdaree Udalut concur in the opinion expressed by the Magistrate of Trichinopoly in the 9th para of his letter of the 5th of January last, that in order effectually to suppress the practice of employing Havelgars "some measure should be adopted by Government for inducing all the Europeans at the Station simultaneously to discharge them, and the only effectual measure which suggests itself to the Court, is the appointment of an efficient establishment of Police Peons.

The additional number of Peons proposed by the Magistrate is 60, and this number aided by the Military, and superintended by three intelligent Duffadars, would probably be found sufficient for the full protection of the Cantonment.

The Court of Foujdaree Udalut are disposed to concur in opinion with Mr Dickenson, that it will be preferable not to employ any of the discharged Havilgars in the Public Service in the first instance; it can scarcely be expected that they would be found trustworthy, and as they would be looked upon

4th May 1836 Report for the requisition. They accordingly resolve to direct the release of the said third prisoner, if in jail, or, that the bail bond be cancelled, if it has been entered into.

Ordered, that Extract from these proceedings be sent thro' the Provincial Court of Criminal Western Division to the Native Criminal Judge at Sitka for his information and guidance by Receipt returnable in 3 days after receipt

(Sent following Receipt No 538.

No.

S.C.

At a Court of the Empress Dowager Queen

Present,

Thursday, 5th May 1836. John Bird Esqre ——— 2d Criminal Judge

William Rudiston Esqre ——— 3d Criminal Judge

Read a letter dated the 30th Ultimo from the officiating Criminal Judge of the Criminal Court of Criminal in the Centre Division, submitting the Statement required by the Criminal Order of the Empress Dowager No 65 dated the 25th March 1835, showing the amount of Batta granted to the Prosecutor and witnesses attending before the Court of Criminal during the Civil Quarter Sessions of 1836, at Sitka (Here with Order No 84 of 1836)

From the above statement it appears that in several of the cases tried before the Court of Quarter Sessions, some of the witnesses were detained for an unusually long period, ranging from thirty one to fifteen days.

The Court of Empress Dowager cannot deem it necessary to call upon the officiating Criminal Judge to explain the circumstances which occasioned the detention of the parties in question

Ordered, that extract from these proceedings be sent to the officiating Criminal Judge of the Provincial Court of Criminal at the Centre Division by Receipt returnable within three days from

5th May 1836.

from and after its receipt.

(Ent following Precpt N° 782)

Read return dated 8th Letters from the First Judge of the Provincial Court of Circuit in the Centre Division to Precpt of the Zemindary Ediddut dated the 18th April 1836, directing them to look particularly into case N° 25 on the Chittoor Supplemental Criminal Sheet for the months of March last, and determine whether further proceedings against the Prisoner cannot be held on further evidence obtained, and to report the result of the enquiry to the Court of Zemindary Ediddut

(Here enter N° 782)

Read return dated 29th Letters from the Officiating 2d Judge of the Provincial Court of Circuit in the Centre Division in Precpt of the Zemindary Ediddut dated the 23d April 1836, enquiring into circumstances and orders on the Chittoor Supplemental Calendar for the First Quarter Sessions of 1836.

(Here enter N° 783)

Read letter dated 2d Instant from the 1st Judge on Circuit in the Centre Division forwarding the original Gaol Warrant N° 2 in case N° 6 on the Cuddapah Calendar for the First Session 1836.

(Here enter N° 792).

F. U.

At a Court of the Foujdaree Udalut.

Present,

Monday 9th May 1836.

John Bird Esqr ..... 2d Puisne Judge.

William Rudleston Esqr ..... 3d Puisne Judge.

In their proceedings under date the 7th January 1836, the Court of Foujdaree Udalut having passed sentence upon Cunty Appanah, the first prisoner in case N° 6 on the Rajahmundry Calendar for the Second Sessions of 1835, and observing from the fifth paragraph of a letter dated the 3d November 1835 from the late Acting Second Judge of Circuit in the Northern Division, that "the first "prisoner Mands also committed for the Murder of one "Gowtee Seemp, a Case which will come before the Judge "presiding at the next Sessions", directed that their sentence upon Cunty Appanah should be suspended until the result of the other trial, alluded to by the Acting Second Judge, should be determined and communicated to the Provincial Court of Circuit for the Northern Division.

The case in question has been very recently heard before Mr Cooke the First Judge of Circuit in the Northern Division and has terminated in the acquittal of the parties.

The Court of Foujdaree Udalut direct that the Provincial Court of Circuit for the Northern Division be now instructed to issue the requisite Warrant for carrying

9th May 1836

carrying into effect the sentence of imprisonment passed against Kunty Appanah in Case No 6 on the Rajahmundry Calendar for the Second Sessions of 1835.

The Provincial Court of Circuit will take notice, that in accordance with the resolution contained in the Second paragraph of the Extract from the Proceedings of the Foujdaree Udalut under date the 7th January 1836, the sentence against the prisoner will commence to take effect only from the date of the Warrant now to be issued in pursuance of these instructions. They will also report the date of their warrant.

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 within seven days from and after it's receipt.

(Sent following Precept No 546)

Read letter dated the 27th Ultimo, from the First Judge on Circuit in the Northern Division, transmitting a Copy of the Rajahmundry Calendar for the 1st Sessions of 1836.

(Here enter J. C. No 779 of 1835)

Case No 1.

1

The prisoners

1st Chaguntee Sawmee

and

2nd Chaguntee Soobbanah

stood charged before the Court of Circuit with having aided

9th May 1836

"aided and abetted in causing the death of the pro-
"secutor's nephew Chinna Rajalingum, aged nine
"years by strangling him, and with having thrown
"the dead body together with the Jewels into a well
"in the village of Caupoolapauleem, with the view of
"securing possession of the said Jewels"

The prisoners being acquitted, the

2

Presiding Judge remarks that "the proceedings in this
"case appear to have been irregularly conducted by the
"Head of Police. Some of the declarations which purport
"to have been taken before him, were not so taken. It
"appears that they were given before the Sub Officer of
"Police, and merely signed by the Head of Police as
"given before himself, and sent to the Magistrate.
"The Police Officer, I understand, is not in the service
"now: I have not therefore considered it necessary to bring
"this to the notice of the Magistrate."

As it is possible that the same irre-

3

gularity may be practised by others, the Court of Foujdaree Udalut deem it proper to direct that the attention of the Magistrate be called to this case, and that that Officer be desired to warn the several Heads of Police on the subject.

Case No 5.

It is stated in the Calendar that "the

4

"Court examined all the Witnesses in this case who were
"present, but were unable to bring it to a conclusion, in
"consequence of the absence of the Prosecutor and the first
"witness who were the only witnesses to the perpetration of
the

"the Robbery."

5.

It appears to the Court of Foujdaree Udalut that under those circumstances, and with reference to their Circular Order of the 28th June 1837, it would have been expedient not to commence the trial of this case.

Case No 7.

6.

"The prisoner in No 8 having been acquitted "and this prisoner (Yalaory Govoomnah) having been committed "upon the very same evidence as the prisoner in that case," the Presiding Judge "did not consider it necessary to put him upon "his trial." The Presiding Judge represents that "having fixed the "opening of the Sessions at Vizagapatam for the 5th instant "there is not time for the reference" required by the Circular Order of the Court of Foujdaree Udalut dated the 27th October 1835, and "trusts that under this explanation, the Judges will not "disapprove of what he has done."

The Court of Foujdaree Udalut entirely approve of the proceedings of the Judge of Circuit in this case.

Ordered, that Extract from these Proceedings be sent to the First Judge on Circuit in the Northern Division by Precept returnable within seven days from and after its receipt.

(Sent following Precept No 797)

Read return dated the 29th Ultimo from the Criminal Judge of Masoolipatam to Precept of the Foujdaree Udalut dated the 22d April 1836, conveying their

9th May 1836

their observations and orders on the Criminal Reports for the month of March.

(Here enter No 798)

Read return dated the 4th Instant from the Provincial Court of Circuit in the Centre Division, to Precept of the Foujdaree Udalut dated the 29th April 1836 forwarding their Circular Order No 66 directing that the Magistrates be instructed to prohibit their Police Officers from placing any person in the Stocks on any pretence whatever, excepting only in cases in which that punishment is sanctioned by the Regulations.

(Here enter No 802)

Read return dated the 4th Instant from the Provincial Court of Circuit in the Centre Division to Precept of the Foujdaree Udalut dated the 29th April 1836, forwarding their Circular Order No 67 enjoining the discontinuance of the practice of providing Dhoolies and Bearers for sick or infirm prisoners when about to be returned to other Zillahs to be released.

(Here enter No 803)

Read return dated the 30th Ultimo from the late Acting Third Judge late on Circuit in the Northern Division to Precept of the Foujdaree Udalut dated the 16th April 1836, sanctioning mitigated sentences in certain cases on the Vizagapatam and Chicacole Calendars for the 1st Sessions of 1836.

(Here enter No 804)

Read

9th May 1836

Read return dated the 3d Ultimo from Mr C. B. Wray late Acting Third Judge late on Circuit in the Northern Division to Precept of the Fouzdaree Udalut dated the 18th April 1836, conveying their decision respecting the prisoner in case No 47 on the Guntoor Calendar for the 1st Sessions of

/Here enter No 805/

Read return dated the 6th Instant from the Provincial Court of Circuit in the Southern Division to Precept of the Fouzdaree Udalut dated the 29th April 1836, forwarding their Circular Order No 66, directing that the Magistrates be instructed to prohibit the Native Police Officers from placing any person in the Stocks on any pretence whatever, excepting only in Cases in which such punishment is sanctioned by the Regulations.

/Here enter No 815/

Read return dated the 6th Instant from the Provincial Court of Circuit in the Southern Division to Precept of the Fouzdaree Udalut dated the 29th April 1836, forwarding their Circular Order No 67, enjoining the discontinuance of the practice of providing Dhoolies and Bearers for Sick or infirm prisoners when about to be returned to other Zillahs to be released

/Here enter No 816/

Read return dated the 25th Ultimo from the Assistant Criminal Judge at Salem to Precept of the Fouzdaree Udalut dated the 22d April 1836, conveying their observations and orders on the Criminal Reports for March

/Here enter No 769/

F. U.

At a Court of the Fouzdaree Udalut

Present

Tuesday 10th May 1836.

John Bird Esqr ..... 2d Puisne Judge

William Hudleston Esqr ..... 3d Puisne Judge

Read letter dated the 29th Ultimo from the Third Judge on Circuit in the Western Division, transmitting the record in case No 2 on the Malabar Additional Calendar for the 1st Sessions of 1836

/Here enter F. U. No 735 of 1836/

Mr Bird and Mr Hudleston

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 cul Cozat and Mooftees of the Fouzdaree Udalut, Confirm the said Futwa of the Cazee cul Cozat and Mooftees aforesaid, convicting the prisoner

Nadurang Nilanthavil Chakoo

of the Crime charged on Strong Presumptive Proof and awarding Pehoobut, and under the provisions of Section X. Regulation VIII of 1802, Sentence him to Suffer death, by being hanged at the usual time and place of execution

(Sent following letter No 556)

Read

10th May 1836

Read return dated the 29th Ultimo by the Criminal Judge at Chicacole to Receipt of the Foujdaree Udalut of the 21st Ultimo, conveying the orders and observations of the Foujdaree Udalut on the Chicacole Criminal Reports for the month of March

(Here enter No 806)

With reference to the second paragraph of the proceedings of the Foujdaree Udalut of the 21st Ultimo the Criminal Judge states, "the Report No VI contains the "Casualties amongst the Committed, referred and convicted "prisoners only. That at the foot of the Statement of labor, "includes all Casualties in the Jail during the month, "and has been appended to that Statement according to "the order of the Provincial Court of Circuit bearing date "the 14th December 1835. Copy of which is enclosed"

It is observed that the "order" of the Provincial Court of Circuit above alluded to bears reference to the Circular letter issued by the Foujdaree Udalut under date 8th December last with a view to obtain information regarding the Casualties and sickness of prisoners under the charge of the Magistracy or Officers in the Military Department, and would appear to have been sent to the Criminal Court at Chicacole under some misapprehension. From the Criminal Judges the Foujdaree Udalut always expect the requisite information of the Casualties of

10th May 1836

of every class of prisoners in the Report VI Regarding the Sick prisoners, the Criminal Judges are of course guided by the Circular Order issued to them by the Foujdaree Udalut under date the 14th November 1835 No 19.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Chicacole for his information and future guidance

(Sent in No 557)

Read return dated the 12th, from the First Judge on Circuit in the Centre Division to Receipt of the Foujdaree Udalut of the 4th March last, calling upon him to enquire into, and report upon, the Case No II, of the Bellary Criminal Reports for the month of January

(Here enter No 486)

Read also return dated the 12th from the Acting Criminal Judge at Bellary, to the Receipt of the Foujdaree Udalut of the 4th March, conveying the Orders of the Foujdaree Udalut on the Criminal Reports of Bellary for the month of January

(Here enter No 485)

From the above Returns it appears that the First Judge on Circuit had quitted Bellary previous to his receipt of the Orders of the Foujdaree Udalut of the 4th March last, but that the proceedings were

10th May 1836. were to be furnished to him by the Acting Criminal Judge to enable him to make the required report on the case No 11.

The First Judge on Circuit having omitted to make the Report in question the Court of Foujdaree Adalut direct that his attention be requested to their proceedings of the 4th March last

Ordered, that Extract from those proceedings be sent to the First Judge on Circuit in the Centre Division for his information and guidance by Precept returnable in 5 days after receipt.—

Sent following Precept 11th Inst.

E. 66.

At a Court of the Foujdaree Adaulut—

Present,

Friday, 13th May, 1836. John Bird Esqre —— 2d Puisne Judge,

William Hudleston Esqre —— 3d Puisne Judge,

Alexr. Duncan Campbell Esqre — Acting Puisne Judge,

Read letter dated 9th February last from the 1st Judge on Circuit in the Northern Division, transmitting the record in Case No 12 on the Calendar for Session of 1836.—

(Here enter No 766)

Mr. Bird

The Court of Foujdaree Adaulut having maturely considered the proceedings held before the Judge on Circuit, the Letters of the Provincial Law Officer, and the Letters of the Cazee-ool-Coozat and Mooftee of the Foujdaree Adaulut, are of opinion that the prisoners

1st Cheah Phuna Kuroorgandoo,

2d Peddonady Kuttadoo,

3d Bungy Kuttoorlorgandoo,

and

4th Cheah Kaulialy

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confessions notwithstanding the Letters of their Law Officer, and do accordingly acquit them, and in conformity with the

the provisions of Clause First, Section V, Regulation VIII of 1831, and Clause Sixth, Section II, Regulation XV of 1813 direct that the Prisoners

4th Cundah Conlait

be set at liberty -

Clause Seven of Prisoner that stating a suspicion though not amounting to conviction attaches to the Prisoner

1st Cundah Chemia Kandoragodday

2d Caddamady Kankeddy

and

3d Bungy Kankoddyragedy

the Court direct, under the provisions of Clause First Section V, Regulation VIII of 1831, and Clause Sixth Section II Regulation XV of 1813, that the Prisoners do severally respectively to pay into the first Instance the sum of Fifty Rupees, and the second and third Prisoners of (25) Twenty five Rupees each surety for their good behaviour and appearance when required either for years, and that in default thereof they be detained for two years in confinement -

(Vide following letter No. 568)

Vide Letter dated the 25th May from the Civil Judge in Charge in the Court Division with an English Translation of the proceedings in Case No. 6 on the Calicara Calendar for the Sittings of April

15th May 1836.

April of 1836 -

(Vide letter D.C. No. 569 of 1836)

In this case the Prisoner

Kawomorgah

stood charged before the Court of Circuit with having, on the morning of Thursday the 24th September 1835, murdered the prosecutrix Sister "Dranka" - aged sixteen years - by wounding her with a musket on the bank of the River in the vicinity of Koonkontah in the District of Capell in the Kegalle County; and with having thrown her corpse into a Dam near the River -

The Recommendation Law officer delivered a Futwa of acquittal, and in that finding the Presiding Judge concurred -

With the view of enabling them to determine whether the case had been properly disposed of, the Court of Enquiry directed in their proceedings under date the 24th March 1836 ordered that an English Translation of the proceedings should be prepared and submitted for their consideration -

The Prisoner having been acquitted and released by the Court of Circuit, the Court of Enquiry deem it unnecessary to enter at length into the merit of the case; but will merely observe that they are unable to concur in the opinion recorded by the Presiding Judge. The favorable

10 13th 13th May 1836.

formally informed known to that effect from the
conduct of the prisoner on his return to Rawalpindi
on the 5th of the deceased have communicated to
me, in the opinion of the Court of Enquiry Exhibit D
insufficient to outweigh the strong presumption which
existed in support of the charge.

It is observed that the confession of
the prisoner before the Zillahdar, was forwarded to
the Mahommedan Law Officer, rendered, on the
grounds that the name had not been entered (the fifth
named Ramsahai) to the constable; and from the
at page 69 of the English Record, that the
Major [illegible] that the fourth witness, formerly belonged
to the Zillahdar whose reformation, was also

The Presiding Judge with the Court
the deposition of the fourth witness before the Court
Court were not made available under the Circular
Order of the Enjoined Circuit of the 8th May 1833: and of
the two witnesses "Bagar Ganesh" and "Bagar Singh"
who attested the declaration of the prisoner before
the Zillahdar, were not made to attend before the
Court of Circuit.

Ordered that the record from the Sessions
= cordingly be sent to the Civil Judge on Circuit in the Cis
Division by Dawk to be returned within seven days from the
after its receipt.

(Sent following Dawk at No. 564) Rec

F. 16.
13th May 1836.

Read Letter dated the 22d Ultimo
from the Civil Judge late on Circuit in the Centre
Division, submitting for the consideration and final
Judgment of the Court of Enjoined & Extra, English
and Persian Translations of the Proceedings in cases
Nos. 4 and 5 on the Calendar Calendar for the
Second Sessions of 1836.

(Rec'd under F.G. No. 734 of 1836)

In Case No. 4. the prisoner "Ramgaonny
Mr. Bird, and Mr. Campbell, "Gurkha", under in Case No. 5. the prisoner "Chimna Jain" &
stood charged before the Court of Circuit with wilful
and corrupt Perjury, when examined before the Second
Judge late on Circuit in the Centre Division as
witnesses for the prosecution in Case No. 13 on the
Calendar Calendar for the First Sessions of 1835, in
which certain persons were charged with the murder
of one Lyakaunny Lilly.

In the sixth paragraph of his
letter of reference the Judge of Circuit states that he
"called in Court the said witnesses whose names are
"inserted in the Calendar, and caused their depositions
"given before the Second Judge to be read to them
"when they acknowledged their correctness; and also
"the depositions of those whose names are not inserted
"in the Calendar, were read in Court" and having
then ended to be read depositions taken on a trial
for

for a different offence. and of the parties, and treating them as evidence in these cases, the Presiding Judge dissenting from the Opinion of acquittal delivered by the Mahommedan Law Officer of the Court of Circuit refers the Cases for the consideration and final Judgment of the Sudder Adawlut.—

On what grounds the Presiding Judge could deem himself authorized in adopting so irregular a proceeding as unfair towards the accused, and as obviously opposed to every principle of Justice and the plainest dictates of common sense, the Court of Sudder Adawlut are at a loss to conceive.—

It is manifest that no legal trial has yet taken place: and it seems necessary to declare the proceedings held before the Circuit Judge null and void, and to direct that the case be tried at the next ensuing Session of said Circuit.—

In the mean while the Court of Sudder Adawlut deem it proper to direct that the two prisoners in question be permitted to be at large on their producing Bail for their appearance before the Court of Circuit.—

The Court further direct that the English and Persian Records of the two cases be returned to the Third Judge late on Circuit in the Centre Division.—

Ordered

13th May 1836.

Ordered, that Extract from these proceedings be sent to the Third Judge late on Circuit in the Centre Division by Precept returnable within ten days, from and after its receipt.—

Court following Precept &c. &c. &c.—

F. U.

At a Court of the Fouzdaree Udalut.

Present,

Monday 16th May 1836 — John Bird Esqre ——— 3rd Puisne Judge
William Huddleston Esqre ——— 3rd Puisne Judge
Mept Duncan Campbell Esqre Acting Puisne Judge.

WS

Read return dated the 6th Instant from the Acting Joint Criminal Judge at Coimbatore to Precept of the Fouzdaree Udalut of the 22nd Ultimo, conveying the Orders of the Fouzdaree Udalut on the Coimbatore Criminal Reports for March.

(Here enter No 8467)

Report V Cade 30

In concluding his explanation of the circumstances of this Cade the Acting Joint Criminal Judge states his hope that it will be considered a "sufficient reason for not carrying into effect the Orders "of the Judges, until the receipt of further instructions."

The prisoners having been committed and the Court of Circuit being just about to hold the Sessions at Coimbatore, the Court of Fouzdaree Udalut are of opinion with reference to the explanation of the Acting Joint Criminal Judge that, the Order for the Commitment should now remain undisturbed.

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Coimbatore for his information and guidance.

(Cost in No 580.

Read

16th May 1836

Read returns dated the 4th Instant from the Acting Assistant Criminal Judge incharge of this Court at Rajahmundry to Receipt of the 23d Ultimo, conveying the Orders of the Sonjdaur Adalut on the Rajahmundry Criminal Reports for the month of March.

(Here enter No 838)

Suppl Report

Cases 22 23 24 25

The Court of Sonjdaur Adalut having directed in their proceedings of the 28th Ultimo, that the requisition of Security from the prisoners in these Cases be "set aside" as "manifestly incorrect," and no mention being made in the above return of the fulfilment of this order, the Court deem it proper to request that immediate attention be paid to their injunction in the event of its not having been obeyed previous to the receipt of these proceedings.

Ordered, that Extract from these proceedings be sent to the Acting Assistant Criminal Judge incharge for his information and guidance by Dawk returnable in 3 days after receipt

Sent following Receipt No 581.

Sd.

WB

WOR

Sd.

Sd

WB

WOR

Sd.

At a Court of the Sonjdaur Adalut

Present

Tuesday 17th May 1836

John Bird Esqr — 2d Puisne Judge

William Maddleston Esqr — 3d Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Read letter dated 15th March last,

WB

from the 1st Judge on Circuit in the Northern Division,

WOR

transmitting the record in Case No 7 on the Ganjam Calendar for the 1st Sessions of 1836.

(Here enter No 758)

Mr Bird

Mr Campbell

The Court of Sonjdaur Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Letter of the Provincial Law Officer, and the Letter of the Canjee and Cangut and other Chiefs of the Sonjdaur Adalut, confirm the said Letter of the Canjee and Cangut and other Chiefs annexed, convicting the prisoner Chittiaswamy Chittador of the crime charged on strong Presumptive Proof and sentencing Chittador, and under the Provisions of Clause 2nd and 3d Section IV Regulation XI of 1816 Sentence him to be imprisoned and kept to hard labour in irons on the public roads or other public Works for and during the period of thirteen years and three Months.

Sent following Letter No 584

Sd.

WB

WOR

17th May 1836

Read return dated 10th Ultimo, from the Magistrate of Ganjam, to Receipt of the Register's dated the 30th March 1836, requiring him to make return to the Courts from the 25th January last.

/Here enter No. 712/

Read return dated 25th Ultimo from the Assistant Criminal Judge in the Zillah of Cuddapah, to Receipt of the Registrar's dated the 22nd April 1836, conveying their observations and orders on the Criminal Reports for March

/Here enter No. 752/

Read return dated 28th Ultimo from the 3rd Judge on Circuit in the Western Division to Receipt of the Registrar's dated the 18th April 1836, conveying their observations and orders on the Circuit Calendar for the First Sessions of 1836.

/Here enter No. 765/

Read return dated 20th Ultimo, from the Joint Criminal Judge at Tinnevelly, to Receipt of the Registrar's dated the 22nd April 1836, conveying their observations and orders on the Criminal Reports for the months of March.

/Here enter No. 811/

Read letter dated 5th Instant from the 3rd Judge of the Criminal Court of Circuit in the Central Division forwarding the Calendar to the 4th Supplemental Calendar for the 3rd Sessions of the present year.

/Here enter No. 873/

17th May 1836.

Read return dated 5th Instant from the 3rd Judge of the Provincial Court of Circuit in the Coast Division, to Receipt of the Registrar's dated the 30th April 1836, conveying their observations and orders on the Criminal Calendar for the second Quarter Sessions of 1836.

/Here enter No. 814/

Read letter dated 30th Ultimo from the Magistrate of Cuddapah, forwarding an explanation called for by the Registrar's dated on their receipt of the Inspection Criminal Reports for the months of March.

/Here enter No. 825/

Read letter dated 9th Instant from the Acting 2nd Judge on Circuit in the Southern Division, reporting his intention to open the Sessions at Coimbatore on the 8th June 1836.

/Here enter No. 853/

Read letter dated 9th Instant, from the Acting Joint Criminal Judge of Vizagapatam, forwarding the Criminal Reports for the months of April 1836.

/Here enter No. 864/

Read letter dated 3rd Instant from the 3rd Judge on Circuit in the Western Division, forwarding the original death warrant in Case No. 38 on the Calendar for the 1st Sessions of 1836.

/Here enter No. 935/

Read letter dated 14th Instant from the Acting Joint Criminal Judge of Guntoor

1

17th May 1836.

Gautier, transmitting the statement of monies paid by the Constable under the Magistrate of Gautier for the month of April 1836.

Rec'd 19th

/Rec'd entd No 590/

Ent.

F. U.

At a Court of the Fouzdaree Udalut—

Present,

Wednesday 18th May 1836.— John Bird Esqr. ——— 2nd Puisne Judge

William Huddleston Esqr. —— 3rd Puisne Judge

Alexr. Duncan Campbell Esqr. — Acting Puisne Judge

Read letter dated the 22nd Ultimo,

from the Acting Second Judge on Circuit in the Southern Division, transmitting the record in case No 1 on the Combaconum Calendar for the 1st Sessions of 1836.—

/Rec'd entd F. U. No 738 of 1836/

Mr Bird and Mr Huddleston — 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 Mooftees of the Fouzdaree Udalut, Confirm such part of the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid as acquits the prisoners

3rd Sellen

and

4th Caroopen

and do accordingly acquit them: but, Considering that strong Suspicion though not amounting to Conviction attaches to them, the Court direct, under the provisions of Clause Sixth, Section II Regulation XV of 1803,

th

18th May 1836 it unnecessary, and they deem it proper to direct the Acting Joint Criminal Judge so long as the prisoners employed outside are so numerous, to transfer part of the Standing guard to the Extra Establishment making therein a Corresponding deduction.

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Masulipatam by Precept returnable in 3 days after receipt.

/Sent following Precept No 587/

Read the Thirteen Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of April.

/Have entered No 850/

Suppl. Report Case 43. — In this Case, the only reason assigned for its appearance in the Supplemental Reports is the following entry: "Defence Witnesses summoned." The Court request the attention of the Criminal Judge to the Circular Order of the 11th April 1833, requiring a full explanation of the Delay in such Cases.

Case 44. The delay in the disposal of this case is stated to have arisen in Consequence of no answer having been received from the Assistant Surgeon to "the Criminal Judge's letter of the 25th March last "regarding the sentence." The Court await information from the Criminal Judge as to the object of the delay and

18th May 1836 and why no answer had been obtained at the close of the Month of April.

Report V Case 49 The date of apprehension of the prisoners in this Case would appear, from the explanation in the Column of 'remarks', to have been the 25th February instead of the 27th January as inserted in the Report. The Court of Foujdaree Udalut perceive that no explanation has been given of the detention of the Case in the Talook from the 6th to the 27th of March, and they accordingly resolve to direct the Criminal Judge to furnish Copy of the Case and of this paragraph to the Acting Magistrate, who will be pleased to transmit the required information direct to the Foujdaree Udalut within 7 days after receipt of these proceedings.

Case 54 In this Case it is stated that the prisoner stood charged "with having on the 15th and 16th April 1836 "deposed falsely before the Superintendent of Police at Wallore "in a Case of robbery against John alias Veerasawmy Butler "in the service of Captain Stratton." The Court would observe that if the prisoner was charged with "Perjury" it should have been so described in the Criminal Report.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Chittoor for his information and guidance by Precept returnable in 3 days after receipt.

/Sent following Precept No 588/

F. U.

At a Court of the Foujdaree Udalut.

Present

Thursday 19th May 1836

John Bird Esqr. ——— 2nd Puisne Judge

William Hudleston Esqr. ——— 3rd Puisne Judge

Mcpl. Duncan Campbell Esqr. ——— Acting Puisne Judge

Read letter Dated the 28th Ultimo from the Third Judge on circuit in the Western Division, transmitting the record in case No. 1 on the Calendar Additional Calendar for the 1st Sessions of 1836.

/Here enter F. U. No. 666 of 1836/

Mr. Hudleston and Mr. Campbell

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

"Kambilvalapil Kaunder"

is sufficient to convict him of the crime charged, do, under the authority with which they are vested by Clause First, Section II, Regulation I of 1818, convict him thereof, and sentence him to be transported to such place beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.

(Sent following letter No 589)

Read

19th May 1836.—

Read again letter dated the 5th March 1836 from the Third Judge on Circuit in the Western Division transmitting the record in Case No 27 on the Malabar Calendar for the 1st Sessions of 1836.—

/Here enter F.R. No 471 of 1836/

Read also return dated the 26th Ultimo from the Third Judge on Circuit in the Western Division to Precept of the Fouzdaree Udalut, dated the 29th March 1836, returning the English and Persian Record of Case No 27 on the Calicut Calendar for the 1st Sessions of 1836 and directing that certain additional evidence be procured, and appended to the Record, and the Record returned to the Fouzdaree Udalut.

/Here enter F.R. No 801 of 1836/

Mr Hudleston and Mr Campbell.

The Court of Fouzdaree Udalut having attentively considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Vakeels of the Vaqee-ool-Vorgut and Moofties of the Fouzdaree Udalut are of opinion that the prisoner

Velootadata Bonnue Cootan

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 do accordingly acquit him, and under the provisions of Clause Sixth, Section II Regulation XV of 1803, direct that he be set at Liberty.

(Sent following letter No 578)

19th May 1836

Read return dated the 9th Instant from the Criminal Judge of Chittoor to Precept of the Fouzdaree Udalut dated the 3d May 1836, directing that the prisoner Chinnapien Convicted in Case No 10 on the Chittoor 1st Supplemental Calendar for the Third Quarter Sessions of 1834, be forwarded under proper Custody to the Superintendent of Police at Madras, in order to his being lodged in the Lunatic Hospital

/Here enter No 848/

Read return dated the 5th Instant from the Provincial Court of Circuit in the Western Division to Precept of the Fouzdaree Udalut dated the 29th April 1836, forwarding their Circular Order No 66, prohibiting the practice by the Native Police of putting any one in the Stocks excepting only in Cases in which such punishment is sanctioned by the Regulations.

/Here enter No 866/

Read return dated the 5th Instant from the Provincial Court of Circuit in the Western Division to Precept of the Fouzdaree Udalut dated the 29th April 1836, forwarding their Circular Order No 67, directing the discontinuance of the practice of providing Dhoolies &c for Sick or infirm prisoners when sent to other Zillahs to be released.—

/Here enter No 867/

Read return dated the 13th Instant from the First Judge on Circuit in the Centre Division to

19th May 1836. to Precept of the Tongdare Udalut dated the 18th May 1836 calling his attention to the Proceedings of the Tongdare Court of the 4th March last, directing him to enquire into and report upon Caide No 11 of the Bellary Criminal Reports for the month of January 1836

/Here enter No 888/

Read return dated the 11th Instant from the Judges of the Provincial Court of Circuit in the Western Division to Precept of the Tongdare Udalut on the 3rd May Criminal Reports for the Month of March last

/Here enter No 889/

Read return dated the 16th Instant from the First Judge on Circuit in the Centre Division to Precept of the Tongdare Udalut dated the 13th May 1836, conveying their observations and orders on the referred trial No 6 of the Bellary Calendar for the First Sessions of 1836

/Here enter No 890/

No 891

P. 16.

At a Court of the Tongdare Udalut.

Present:

Friday, 20th May, 1836. John Reid Esqr. ——— 2d Puisne Judge

William Huddleston Esqr. — 3d Puisne Judge

Alexr. Duncan Campbell Esqr. — Acting Puisne Judge

Read letter dated 15th February last from the 1st Judge on Circuit in the Northern Division transmitting the record in Case No 1 on the Nellore Supplemental Calendar for the 1st Sessions of 1836.

(Here enter No 810.)

Mr. Reid, and Mr. Campbell, The Court of Tongdare Udalut having maturely considered the proceedings held before the Judge on Circuit, the Cutcha of the Provincial Law Officer, and the Cutcha of the Cazee-ool-Corzat and Moofties of the Tongdare Udalut, confirm the said Cutcha of the Cazee-ool-Corzat and Moofties aforesaid, convicting the prisoner

"Dummaraju Venkataramoodoo"

of Grand Robbery and awarding Acbotut and under the provisions of Clauses Third and Fifth, Section IV, Regulation XV of 1803, sentence him to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (5) five years.—

(Cont following Letter No 891)

Read

Read letter dated 18th Ultimo, from the 3d Judge late on Circuit in the Centre Division, transmitting the record in Case No. 2 on the Criminal Calendar for the 2d Sessions of 1835.—

(Here enter No. 702)

Read also letter dated 27th Ultimo, from the 3d Judge on Circuit in the Centre Division, forwarding the copy of a letter from the Court Circuit Judge of Chingleput reporting the death of the deceased prisoner Seattu in Case No. 2 on the Criminal Calendar for the Second Sessions of 1836.—

(Here enter No. 771)

Mr. Reid,
and
Mr. Campbell,

The Court having maturely considered the proceedings, held before the Judge on Circuit, the Returns of the Criminal Calendar, and the Returns of the Coroner, and the Returns of the Cazee-cum-Mogat and Interpreter of the Coryd Gudduts, confirm the sentence of the Cazee-cum-Mogat and Interpreter of Trivellore acquitting the prisoners,

1st Sorbhanga Tilley,
and
3d Chokalingia Tilley,

and accordingly direct that they be set at liberty.

Court following letter No. 89.

Read the Circuit Criminal Reference, transmitted by Letter No. XXV. Deputation Ryots for

for the month of April.—

(Here enter No. 860)

Supplemental Report Case 47

The Court observe that the 1st prisoner is represented to have (stated) before the Criminal Court, that "when the Assistant Magistrate examined this case "he, and the other two prisoners were in confinement "in the Cutcherry Choultry at Vellajahbad and were "not present when the Witnesses were examined: It is "stated "The 1st 2d 3d and 4th Witnesses for the prosecution "state that the prisoners were not present when they were "examined by the Assistant Magistrate, the 2d and 3d "also state that the prisoners were at that time confined "in the Cutcherry Choultry."

The Court accordingly direct that copy of the case be furnished by the Criminal Judge with copy of this and the preceding paragraph to the Magistrate who will transmit direct to the Coryd Gudduts an explanation of all the circumstances connected with the examination of the prisoners and witnesses in the case, within 8 days after receipt of these proceedings.—

Cases 60 and 70.

3. Copy of these cases and of this paragraph should also be furnished to the Magistrate by the Criminal Court, it being observed that in case 60 the Circular Order No. 62, requiring explanation as to the grounds of references causing delays of cases on the

Calcutta

Palook, has not been acted upon, and as the Prisoner has been given as to where the Prisoner was from the 5th the date of his apprehension, to the 17th Ult. the day on which he is represented as having been brought before the Tahsildar.—

Ordered, that extract from these proceedings be sent to the Criminal Judge at Chingleput for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 593)

Read the Madura Criminal Return prescribed by Section XXXV Regulation X of 1816 for the months of April.—

(Here enter No. 861)

Return V
Case 41.

1

In this case the commitment of the Prisoner appears to the Court correct, but they would observe that as Perjury was intended to have been charged against the Prisoner it should have been so stated in the charge.—

Case 43.

2

There were 7 Prisoners in this case charged with having, during the day time, broken the lock of the door of the prosecutrix' house and forcibly taken from her person and from the house jewels and other property valued at Rupees 708, and in the Calendar sent it is explained "on the 5th the case was finished by the Magistrate who returned it on the 31st with a

E.M.
20th May 1836.

to ask the parties whether they would enter into a Panchayamah or not and, if not, to forward the case to the Criminal Court."

3. This proceeding was objectionable, for the case being one, apparently which ought to have been sent to the Criminal Court a Panchayamah was not available. The point is more over distinctly noticed in the Circular Order of the 2nd August 1827 wherein it is explained that it is illegal to admit any compromise "in cases of a heinous nature, in which description "are included all cases forwarded to a Criminal Court." The Acting Criminal Judge will be pleased to furnish the Magistrate with a copy of this and the preceding paragraph, and also of the case, for his information and future guidance.—

Ordered, that extract from these proceedings be sent to the Acting Criminal Judge at Madura for his information and guidance by Precept, returnable in 3 days after receipt.—

(Sent following Precept No. 594)

Read the Salisbury Criminal Return prescribed by Section XXXV Regulation X 1816 for the months of April.—

(Here enter No. 863)

Supplementary Return 1.
Case 32

In this case it is stated that "there were no witnesses against the 4th and 5th Prisoners" if the Court

Joint Criminal Judge has not already brought the circumstances of the case as regards the premiss to the notice of the Magistrate under the Circular Order of the 21st May 1823 he will be pleased to do so upon receipt of these proceedings.—

Report V
Case 48

2.

The preceding paragraph and note would appear to apply equally to the case noted in the margin wherein it is represented that no evidence was brought against the premiss but that of a confession made him before the Police. It did not appear upon what suspicion he was in the first instance apprehended

Case 45.

3.

With reference to the 3d and 4th premiss but the alleged criminality of the 2d premiss the Court exist that copy of the case and of this paragraph be sent by the Joint Criminal Judge to the Magistrate who will be pleased to cause the Police officer who forwarded it to avoid the transmission of any premiss to the Court on the simple criminality of another premiss—

Ordered, that extract from these proceedings be sent to the Joint Criminal Judge at Tellicherry for his information and guidance by Precept, returnable in 3 days after receipt.—

(Sent following Precept No. 896)

Read the Cuddalore Criminal & Police

Reports prescribed by Section XXXV Regulation X of 1816.
for the months of April.—

(Here enter No. 869)

Report V
Case 35.

In this case the premiss was detained in the Lock from the 22d of March to the 4th of April and it is stated that the Magistrate assigns no reason "for the delay". The Court of Enquiry Establishment exist that copy of the case and of this paragraph be sent by the Joint Criminal Court to the Magistrate, who will be pleased to furnish exist to the Enquiry Establishment within 8 days after receipt of these proceedings the explanation which, under the Circular Order of the 8th Februay 1830, should have been forwarded to the Joint Criminal Court with the case.—

Ordered, that extract from these proceedings be sent to the Joint Criminal Judge at Cuddalore for his information and guidance by Precept, returnable in 3 days after receipt.—

(Sent following Precept No. 961)

Read return dated 13th Instant from the Magistrate of Pujahmundry to precept of the 23d April 1836 enclosing the order of the Court of Enquiry Establishment on the Pujahmundry Criminal Reports for the months of March 1836.—

(Here enter No. 903)

Read further return dated 15th Instant from

20th May 1836.

from the Provincial Court of Circuit in the Northern Division to Present of the Tongidarre Cutcherry of the 28th January 1836 conveying the orders of the Court upon the Graduated Jistam Criminal Reports for the months of December 1835.—

(Here enter No. 907)

Read Statement, dated 7th Instant, from the Magistrate of Salem, shewing the manner in which the prisoner under his charge were employed during the months of April last.—

(Here enter No. 907)—

WB

ADC

F. C.

At a Court of the Tongidarre Udalut.

Present—

Saturday 21st May 1836. John Bird Esqre. ———— 2d Puisne Judge
William Hudleston Esqre. ———— 3d Puisne Judge
Alexr. Duncan Campbell Esqre. Acting Puisne Judge.

WB

ADC

Read letter dated the 7th Instant from the Third Judge of the Provincial Court of Circuit in the Centre Division, submitting for the consideration and final judgment of the Tongidarre Udalut, an English and Persian Translation of the proceedings in Case No 47 on the Chittoor Fourth Supplemental Calendar for the Second Quarter Sessions of 1836.

(Here enter F. C. No 827 of 1836)

Mr Hudleston and Mr Campbell. The Court of Tongidarre 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 Tongidarre Udalut, confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid, so far as it convicts the prisoner

Cuppa Gowrovadoo

of Murder but considering that the punishment to which under the penalty of Kisaas declared in that Futwa, he is liable, would, under all the circumstances of the Case be too severe, the Court, in virtue of the authority vested

in

21st May 1836 — in them by Clause Second, Section VII, Regulation X of 1835, Sentence the prisoner aforesaid, to be transported to such place beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hand labour in irons on the public roads or other public works for and during the period of his natural life.

In this case, the prisoner
'Cuppia Goorroodoo'
stood charged before the Court of Quarter Sessions, with having killed his wife Caupee by stabbing her with a Spear—

He pleaded Guilty

The Court of Foujdaree Udalut observe that at the close of the case for the prosecution is a "note" to the effect, that the prisoner requested that the first, second and third witnesses for the prosecution should be examined in his behalf, which was not done, upon the ground that these witnesses had been "questioned on the points stated by the prisoner."

It would, in the opinion of the Court, have been more accordant with the instruction in Clause first, Section XX, Regulation VII of 1802, that a prisoner's confession, if he plead Guilty, shall always "be received with circumspection and tenderness" as well as with the provisions of the General Regulations — had the Court of Circuit complied with the prisoner's request. It may be, that in the expectation of being permitted to examine these

21st May 1836 — these persons, he did not question them on their examination for the prosecution —

It appears, by the evidence, that the prisoner, aged sixty, was subject to fits of passion or melancholy, of an extraordinary kind: and the Court of Foujdaree Udalut are of opinion that a more particular inquiry on this point, would have been desirable —

Ordered, that Extract from these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Centre Division for his information.

(Sent in No 597.)

Read the Rajahmundry Criminal Reports prescribed by Section XXXV Regulation X. 1816 for the month of April —

(Where enter No 837.)

Suppl. Report Case 32. — The Court of Foujdaree Udalut considering that there is no room for doubt as to the propriety of the disposal of the case, of "Murder", noted in the Margin, deem it proper to direct that Copy of it and of this paragraph be sent from this Office to the Judge on Circuit, who will be pleased to look into the case and eventually transmit such orders as he may deem proper, with reference to the provisions of Section XXIII Regulation X of 1816 —

Case 33. — In this case the prisoner was charged with "having come with a large body of Villagers and

21th May 1836 "and having taken forcible possession of the crops valued "163 Rupees" grown at Siddhantum" and with having beat "the villagers of that Village." The Acting Assistant Criminal Judge concludes his note of the case by observing that there is "strong presumptive proof of the prisoners as well as the "witnesses having taken part in the dispute between the "two villages. The prisoners will therefore enter into a joint "and several Monchilka in 100 Rupees and find one "Security in 50 Rupees for their good behaviour as regards "any attack on the property or persons of the villagers of "Siddhantam for 12 Months."

The Criminal Court being incompetent to require Security in the manner here recorded the Acting Assistant Criminal Judge will cancel his order, and pass a revised order on strong suspicion of the act charged, under Clause first, Section IV, Regulation II of 1833.

Report V
Case 36.

The Court request the attention of the Acting Assistant Criminal Judge to the Circular Order of the 28th July 1818 and 22nd December 1832 the dates of "apprehension" "leaving the Talook" and "arrival" not being specified in the Report. In the event of the two former dates not having been supplied a Copy of the Case and of this paragraph should be furnished to the Magistrate, who will be pleased to report them direct to the Foujdaree Adalut.

Case 37—

In this case of escape it is stated "the "length of time that has elapsed induces the Acting Assistant Criminal

F. H.

21th May 1836 "Criminal Judge not to inflict the corporal punishment "awarded but to sentence the prisoner &c." The Court conclude that the intention here was to state that the Acting Assistant Criminal Judge did not consider it necessary to award Corporal punishment at all for the "escape". If "stripes" had been awarded it was not competent to him to remit them.

Case 38.

There is an omission, in this case of the dates of "apprehension" "leaving the Talook" and of "arrival" which the Acting Assistant Criminal Judge should supply or explain the cause of his inability to do so—

Case 41.

It appears from the letter accompanying the Criminal Reports under review and its' enclosure, the Copy of an order of the Criminal Judge dated the 5th February 1836, that the three prisoners* in this case were sentenced to punishment by the Acting Assistant Criminal Judge before he was aware of the said order of the Criminal Judge which is to this effect. "The three "persons Peiffadar Gopistatty Pedmanabhoodoy and Rona "2 Madah Ramanah and 3 Narastatty from whose charge "the prisoners escaped on the 24th November 1835, while at "work, having been dismissed from their appointments "and having been in Jail till this time, it is enough, "an order has been sent to the Jailor to release them."

* Charged with having on 24th November 1835 at 4 o'Clock P.M. thro' gross and culpable negligence allowed nine prisoners who were placed in their charge to escape while working in the line in the vicinity of Rajahmundry—

The Court of Foujdaree Adalut observe with much concern the irregularity of proceeding on the part

21th May 1836

part of the Criminal Judge now brought to their notice. The prisoners appear to have been confined in Jail from the 24th November 1835 until the 6th of February 1836 no regular Order having been passed upon their case. Under all the circumstances of the Case however the Court will not disturb the Sentence passed upon them.

Case 43.

* forwards to the Criminal Court on the charge of knowingly receiving stolen grains

In this case the third prisoner has been irregularly fined, either acknowledgment of having sold Arrack for grain, under Clause eighth, Section VI. Regulation I of 1820, a provision under which it is competent to the Magistrate alone to punish. The fine should accordingly be repaid to her.

Case 46

The prisoner in this Case appears to have been sent to the Criminal Court on grounds altogether insufficient, and the Court of Foujdaree Udalut deem it proper to direct that copy of the case and of this proceeding be sent by the Acting Assistant Criminal Judge to the Magistrate, who will be pleased, within 8 days after receipt of these proceedings, to furnish a report of the circumstances of the Case for the information of the Foujdaree Udalut.

The Court direct that the attention of the Acting Assistant Criminal Judge be requested to the form of the Statement of Labor given in the Circular Orders of 19th January and 29th August 1831. The Statement furnished by him for April does not coincide in

21th May 1836. in the numbering of the prisoners with the form therein prescribed.

Ordered, that Extract from these proceedings be sent to the Acting Assistant Criminal Judge in charge at Rajahmundry for his information and guidance by Precept returnable in 5 days after receipt.

/sent following Precept No 3568/

Ordered also, that Extract from these proceedings viz. paras 1 together with Copy of the Case 32 be sent to the Judge on Circuit for his information and guidance by Precept returnable without delay.

/sent following Precept No 3569/

Read the Bellary Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of April.

/Here enter No 855/

Report V

Case 28

It is not clear from the representation of the circumstances under which the prisoner "Nunjee" was convicted that the fact of the theft was proved, but the Court conclude that such was the case as she had been sentenced under Section VII Regulation X 1816.

Statement of Labor.

In this Statement it will be necessary in future to enter the prisoners working at Anantapoor tho' they may be included in the "Account Particulars", as in the present instance, to shew that the correct proportion

of

21st May 1836. of Peffadars and Peons have been entertained—

With reference to the 2nd para. of the letter accompanying the Criminal Reports the Court would observe that the Report No 8 should be always transmitted, as in it are entered the Commitments of former months—

It is observed that in the Bellary Jail there are 729 Prisoners of whom 660 are worked outside and for whom 166 Extra Peons are entertained, leaving only 69 Prisoners employed inside the Jail, where there is a standing guard of 64 Peons—The Court of Foujdaree Udalut deem it proper to direct the Acting Criminal Judge "to long as "the prisoners employed outside are to numerous to transfer "part of the Standing Guard to the Extra Establishment "making therein a corresponding reduction.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Bellary for his information and future guidance.

(Sent in No 600)

Read the below Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of April—

(Here enter No 866)

Report V
Case 78. In this case there appears to have been a detention of the Prisoner in the Jail of the transmission of the proceedings to the Magistrate. The reference would seem to have been unnecessary and

J. U.

21st May 1836. and under the late Circular Order the grounds should
No 62 dated have been given—The Criminal Judge will furnish the
26th February 1836 Magistrate with Copy of the case and of this paragraph
The Magistrate will be pleased to require from the Police
Officer a due observance of the Circular Order in question—

Case 79. It does not appear to the Court of Foujdaree Udalut that the Case noted in the margin was one which ought to have been sent to the Criminal Court—They accordingly resolve to direct that Copy of the Case and of this paragraph be sent by the Criminal Judge to the Magistrate, who will forward direct to the Foujdaree Udalut the explanation by the Assistant Magistrate of his Order requiring the case to be forwarded—

Case 80. Copy of this Case and paragraph should also be sent by the Criminal Judge to the Magistrate from whom the Court await a report of the result of the "Communication" from the Criminal Court to that Officer touching the Conduct of the Police Officer who it is stated in the Criminal Report, the Criminal Judge has "great reason to believe, wilfully and corruptly sent "up the relatives of the deceased (Bonorlly) in Case 46 "for Criminal trial pretending they had made a false "Complaint with the intention of stifling all further "enquiry and that he himself got up false evidence "in support of that charge."

21st May 1836

Case 85. If it was intended to charge the prisoner in this case with Perjury the charge should have been framed accordingly—As it stands recorded it would appear that the retraction before the criminal Court of the evidence given before the Tahsildar has been considered as constituting an offence. The Foujdaree Udalut have ruled that such is not a punishable offence—The Criminal Judge will be pleased to submit an explanation on the point.

Case 86. In this case the prisoner charged with killing a red bullock by striking it on the head with stones has been sentenced under Clause fourth, Section III Regulation XI of 1832—The case would appear to fall more correctly under Clause first, Section VIII Regulation XIII of 1833—

Case 103. The Court do not consider the reasons assigned for the detention in the Lockup of the 1st prisoner in this case to be satisfactory, and they resolve to direct that a copy of the case and of this paragraph be sent to the Magistrate, who will call for and submit any further explanation he may obtain from the Tahsildar who forwarded the case—

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Cuttack for his information and guidance by Precept returnable in 5 days after receipt.

(Sent following Precept No 601.)

Read

21st May 1836— Read Extract from the proceedings of the First Judge on Circuit in the Northern Division, dated the 6th Instant, Submitting his reply to the observations of the Foujdaree Udalut contained in the Extract from their proceedings under date the 21st Ultimo, on his return of the 7th to their Precept of the 30th March 1836, relative to the delay which has occurred in the transmission of the trials set down for reference during the present Circuit.

(Here enter F. U. No 881 of 1836.)

The First Judge on Circuit in the Northern Division states that he "cannot perceive in what "manner he has given occasion for the remarks" contained in the second paragraph of the proceedings of the Foujdaree Udalut of the 21st Ultimo. "In his return referred "to, he simply recorded the fact that the translations "of one Record only had been received from the Zillah "Judge of Nellore which he promised to submit in a "few days, and that the other cases would be submitted "in due course after their receipt. That the First Judge "submits does not manifest any thing defective in his "arrangements; for he concludes the Judges of the higher "Court do not intend to hold him answerable for delays "on the part of the Zillah Court."

The Court of Foujdaree Udalut have always held, and must continue to hold the Judge of Circuit responsible for such delay, in as much as in

the

21st May 1836

the event of the Criminal Judges failing to furnish the translations of the referible trials within a reasonable period, it is at once the province and the duty of the Circuit Judge to report his neglect to the Fouzdaree Udalut

The First Judge remarks that the Court of Fouzdaree Udalut "have contrasted his labours in "this department of his duty, with those of other Circuit "Judges: and" requests that the other Circuit Judges may "be called upon to report what has been and is now their "method of preparing the Records of their referred cases" and further "submits, whether, until this is done, it be alto- "gether fair to contrast his work in this Department of his "duty with that of other Judges, having for its object to "make it appear that he is [illegible] industrious than they."

Neither on the present nor on any previous occasion have the Fouzdaree Udalut seen reason to impute a lack of industry to the First Judge in the remarking, as they could not fail to do, the very different result attending his mode of proceeding, and that pursued by the other Judges on Circuit, they deemed it their duty to communicate the fact to him, that he might be enabled to adopt such measures as might appear to him best calculated to remedy the evil for the future.

The Court of Fouzdaree Udalut do not consider it necessary to call upon the other Circuit Judges to report "what has been and is now their method

F. U.

21st May 1836

"method of preparing the Records of their referred Cases" as, whatever that method may be, the result has been satisfactory.

Ordered, that Extract from these proceedings be sent to the First Judge in Circuit in the Northern Division for his information.

/Sent in No 602/

Read return dated the 30th Ultimo, from the Native Criminal Judge at Honore, to Precept of the Fouzdaree Udalut dated 21st April 1836, and stating that no breaking was proved against the prisoners in Case No 13 of the Report No V for the month of March 1836.

/Here enter No 819/

Read return dated the 2nd Instant, from the Acting Joint Criminal Judge at Tellicherry, to Precept of the Fouzdaree Udalut dated the 20th April 1836, convey- -ing their observations on the Criminal Reports for the month of March last.

/Here enter No 821/

Read return dated the 3rd Instant from the Acting Assistant Criminal Judge in charge of the Zilla Court at Cuddapah, to Precept of the 29th April 1836, con- -veying the Orders of the Fouzdaree Udalut on the Criminal Reports of Cumbum for the month of February last.

/Here enter No 824/

Read letter dated the 4th Instant from the

21st May 1836. the Magistrate of Tellore, explaining with reference to the proceedings of the Foujdaree Udalut of the 31st Ultimo, the cause of the delay in forwarding the 1st prisoner in Calendar No 26 of the Report No V for March to the criminal Court.

/Here enter No 826/

Read return dated the 9th Instant from the criminal Judge in the Zilla of Nellore to Precept of the Foujdaree Udalut dated the 1st May 1836, directing that the sentence in criminal Calendar No 28 of 1836 be not disturbed.

/Here enter No 842/

Read Statement dated the 10th Ultimo from the Magistrate of Tanjore of the labor of prisoners at Myaveram Jail under charge of the Joint Magistrate of Tanjore in the month of March 1836

/Here enter No 843/

Circular Order No 68.

To check any indiscreet exercise of the discretionary power vested in the criminal Judge by Clause Second Section III Regulation VII of 1833, of committing for Trial before the Court of Circuit persons accused of theft, who from any peculiar circumstances may be considered deserving of a severer punishment than he is authorized to inflict,- the Judges of the Court of Foujdaree Udalut desire you will instruct the

21st May 1836. the criminal, Joint criminal and Native criminal Judges within your jurisdiction in such cases of Commitment invariably to explain in the Monthly criminal Report, why the powers of punishment vested in them by Clause fourth Section III Regulation VI of 1822 are deemed insufficient.

The object in view in enacting Regulation VI of 1822, was to relieve the Courts of Circuit by raising the jurisdiction of the criminal Judge and to obviate the inconveniences to which prosecutors and witnesses are exposed when compelled to give their attendance before the Court of Circuit on the Trial of Offences which from their character do not demand severe punishment; but by an injudicious exercise of the power vested in the criminal Judge by the "parenthetical" passage* in Clause Second Section III Regulation VI of 1822 both objects of the enactment are frustrated, and the ends of Criminal Justice are thereby prevented from being promptly and effectually obtained.

Vide C.C. 19th June 1823.

*To Govt. No 109.

/Sent following Circular Order No 603/604/

At a Court of the Sonjdaree & Adalut

Present

Monday 23rd May 1836. John Bird Esqre ..... 2nd Puisne Judge

William Fendleston Esqre ..... 3rd Puisne Judge

Alexr Duncan Campbell Esqre ..... Acting Puisne Judge

Read the Calcutta Criminal Reports

113 prescribed by Section XXXV Regulation X 1816 for the

1256 month of April.

Here enter No 877

The prisoner in this case convicted

Sutherland Report 4. in 1st of Housebreaking having before been sentenced
Case 33. to punishment by the Criminal Court 3 or 4 times
for having committed theft, should have been com-
mitted for trial. It is observed that Claus
4th Section III Regulation VII of 1822 has been cited
in support of the sentence of the Futwa Moonsiff.
The Criminal Judge will point out to that
Officer the error of quoting this provision in a
case of housebreaking. the sentence, however
having been partly carried into execution, need
not be disturbed.

Reports V 2. The provision of the law cited
Case 39. in this case, Claus 5th Section III Regulation VII of
1822, should not have been quoted: Section VIII
Regulation X of 1816 being applicable to it.

Case 42 3. It would be satisfactory to the
Court

Court to receive an explanation of the follow
allusion to charge of escape against the pri
in this case no charge of that nature appe
in the Report. The prisoner confined in
Cade Jail before the Police Jamadar and
Ameen Monthly, but his having effected his
from custody was not established.

Case 40. 4.

In this case it is stated no
criminality whatever attaches to the conv
of the 1st and 2d prisoners and nothing is pro
against the 3d - 4th and 5th prisoners - all the
prisoners are released and they seem to
from custody improperly sent up by the Head
of Police. This would appear to be a ca
within the scope of the Circular Order of the
31st May 1823 and the circumstances should ac
simply be reported to the Magistrate by the
Criminal Judge.

Cases 45. 46. 47. 5.

The same prisoner is convi
the Cases 45 and 46 - and he has been held
security by the Acting Criminal Judge f
grounds which, as represented in the Re
would have warranted his conviction
same remark is applicable to the prisoner
in Case 47 - The Court will not however ob
direct any alteration of the Order is passed

in the Criminal Reports

Case 48. 6.

It is explained in this case that
the delay of six in the Talooke was occasioned by
a reference to the Magistrate. Copy of the case
and of this paragraph should be furnished
by the Criminal Court to the Magistrate, who will
cause the late Circular Order (No 62) requiring a
specification of the grounds of such reference
to be observed in future by the Police Officer
who forwarded the Case.

Ordered, that Extract from these
proceedings be sent to the Criminal Judge of
at Salem for his information and guidance by
Receipt returnable in 4 days after Receipt.

(Sent following Receipt 1064.

Read the Chicacole Criminal &
Reports prescribed by Section XXXV Regulation
X 1816 for the Month of April.

(Here enter No 884)

In this Case it is represented that

Suppl. Report Case 18. 1.

"as the evidence now before the Court would not
"convict the prisoner copies of the proceedings of
"before the Court have been sent to the Joint
"Magistrate on the 31st of March, the Court is therefore
"waiting for his Answer". The Court of Sudder
Adalut deem it proper to direct that an explanation

be

be requested as to the conduct of the relator on the part of the Lord Mayor to apply to the registration of the Criminal Court for the whole Months of April. He Commissioner will be pleased to send a Copy of the Case and of this paragraph to the Magistrate who will cause the requisite explanation to be transmitted direct to the Lord Mayor within 10 days after receipt of these proceedings.

Report V
Case 41.

2. The 9th prisoner in this Case has been sentenced to be fined & imprisoned or to be imprisoned for 6 Months under Regulation I of 1829, for receiving articles of property knowing the same to have been stolen. The charge against him was "Mortgage for wreck" he was charged with knowingly receiving stolen goods, an indictable offence. But it would appear that by this non confession it would be impossible to prove to the Court of Lord Mayor's Court that it was explained whether there was any proof of the knowledge of the prisoner that the articles received in pawn had been stolen. The Criminal Court could not punish the prisoner for the offence of receiving articles in pawn for wreck, which would appear to be cognizable by the Magistrate above named under Section VI Regulation I of 1829 &c

Case 23. 3

3. The object of the reference of the Police Officer to the Magistrate in this case is not apparent. The manner of it should have been specified agreeably to the late Circular Order, & the Court accordingly resolve to direct that a Copy of the Case and of this paragraph be sent by the Criminal Court to the Magistrate, who will be pleased to cause the Circular Order in question to be observed in future by the Police Officer who forwarded the Case.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Chicacole for his information and guidance in Precept returnable in 3 days after receipt.

(Sent following Precept No 675)

Read the Sessions Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of April.

(Here enter Le 885)

Report V
Case 42.

The prisoner in this Case being convicted in other Cases still under examination no sentence should have been recorded for the offence of "escape" of which he has been convicted in it until the result of his trial on the other charges was known.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Bellore for his information and future guidance

guidance.

(Sent in No 616)

Read the Canton Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of April

(Fine entire No 886)

Suppt. Report Case 2.

The perusal of the Proceedings which this Case of Conviction has been referred appearing to the Court of Imperial Record open to doubt, they resolve to direct that a Copy of it be furnished from this Office to the Acting Criminal Judge of the Province of Kwangtung, with the request that he will be pleased to look into the Case, and if he shall see no objection, to direct such punishment as the Nature of the Offence may appear to him to require, reporting the same for the information of the Imperial Government.

Case B.

In this Case it is stated that the Prisoner Creditor confessed before the Board of Police in Court and as there is no doubt to prove the charge against her on that she received the Property under the Prisoner's circumstances, she is released. The Case would appear therefore to come within the purport of the Circular Order of the 9th of May 1823, and the Acting Criminal Judge should report to the Magistrate the circumstances of it as far as the 3rd Prisoner is

is concerned.

Ordered that Extract from these proceedings be sent to the Acting Criminal Judge at Canton for his information and guidance by Receipt returnable in 3 days after receipt

(Sent following Receipt No 617

Ordered also, that Copy of Case 2 and of para 1 of these proceedings be sent to the Judge on Circuit for his information and guidance by Receipt returnable without delay

(Sent following Receipt No 618)

At a Court of the Sovereign Establishment

Present

Tuesday 24th May 1836 John Bird Esqr 2d Puisne Judge

William Kindleston Esqr 3d Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Read Letter dated 27th Ultimo from the 8th Judge on Circuit in the Western Division, transmitting the record in Case No 2 on the Magistrates Calendar 1st Sessions of 1836.

(Recd enter No 830)

Mr Bird
Mr Kindleston

The Court of Sovereign Establishment having maturely considered the proceedings held before the Judge on Circuit, the Return of the Coroners Inquest and Depositions of the Surgeon and Constables and Examination of the Prisoner named "Sejingie" herein returned, as well as the

Read also extract of letter No 18 instant made by the 3d Judge on Circuit in Western Division, requiring time to settle for the proceedings held before the Parish and the District Criminal Judge of Lissi in the case of quarter and to report, first, whether or not the evidence of the prisoner Pierre Pierre to whom the Petitioner Judge had proposed to offer a conditional pardon is necessary for the conviction of the principal and secondly whether the part taken by him was an active part, or only that of an accessory or accomplice.

/ Here enter No 9 of 1835 /

In the above extract the 3d Judge on Circuit requires to be authoritively considered the proceedings held before the Parish and the District Criminal Judge in the case of quarter, to which he refers for the evidence of the said prisoner Pierre Pierre necessary for the conviction of the principal and secondly that the part taken by him was that of an active part but only that of an accessory or accomplice.

Under this explanation the Court of Conjoint Division are pleased, under the power vested in them by Section XII Regulation XII of 1832, to transmit the offer of a conditional pardon to the prisoner named Pierre Pierre and they desire that the same be communicated to the District Criminal Judge of Lissi through the 3d Judge on Circuit in the Western Division

to

24th May 1835

to whom accordingly it is resolved to transmit an extract from these proceedings for his information and guidance.

/ Sent following letter No 622 /

Wednesday
25th May. 1836.

At a Court of the Fouzdaree Adaulut
Present,
John Bird Esqr ——— 2d Puisne Judge,
William Hudleston Esqr 3d Puisne Judge,
Alexr Duncan Campbell Esqr Actg Puisne Judge,

Read letter dated the 16th Instant from the First Judge on Circuit in the Cuttack Division, submitting copies of the Cuttack Primary and Supplemental Calendars for the First Sessions of 1836.

Here enter F. R. No 883 of 1836.

Primary Calendar.

1 In this Case, four Prisoners were charged with having stopped the Prosecutor and the first witness on the high way, beaten them, and robbed them of property valued at about four Rupees and twelve annas.

2 In his remarks on the Calendar, the Presiding Judge states that he perfectly "concurs" in the Futwa of acquittal delivered by the Mahommedan Law Officer of the Court of Circuit, as the evidence of the Prosecutor and his witnesses is contradictory, and "as the witnesses to the Prisoners' confessions before the Head of Police appear that they were extorted from them".

3 The Court of Fouzdaree Adaulut will be glad to learn what notice was taken by

1830

Case No. 9

by the Presiding Judge of this circumstance.

4 In this case, the Prisoner

"Veerayee"

stood charged with having stolen from the house of the Prosecutor, a box containing Jewels Va. valued at Rupees three hundred and twenty four.

5 The Futwa of the Mahummedan Law Officer convicted the Prisoner of "Theft" declared her liable to Asheshut. Fine being leased in her favour in consequence of the property not being produced in a state of security.

6 Concurring in this finding the Judge of Circuit sentenced the Prisoner to "three years' imprisonment with hard labour on the public works under clause seven Section II Regulation XV of 1803."

7 There being no "stated penalty" in the Mahummedan Law for the crime of "Theft," the provision here cited is inapplicable: and the Presiding Judge must require a second Futwa from the Law Officer under the provisions of Clause Fourth, Section II, Regulation XV of 1803.

8 Hence the Judge of Circuit on the punishment to which under such Futwa the Prisoner will be liable to, were he is at liberty to submit an application for mitigation

F. C.

25th May 1830.

mitigation of the prescribed penalty.

Ordered, that Extract from the proceedings be sent to the First Judge on Circuit in the Centre Division by precept returnable within five days from and after it's receipt.

(Sent following precept &c.)

Read letter dated the 4th Instant, from the Acting Second Judge on Circuit in the Southern Division, submitting copies of the Primary and Supplemental Calendars of the Zillah of Combaconum for the First Sessions of 1830.

(Here enter F. C. No. 812 of 1830.)

Primary Calendar.

Case No. 3.

In this case, two Prisoners were charged with having violently assaulted and severely wounded the Prosecutor while within the limits of the Zemindary Country.

2 It appears from the Appendix marked A, submitted with the Calendar, that as the Prisoners were committed without the reference being made to Government as prescribed by Clause Second, Section III, Regulation III of 1829, the case was postponed to the next Sessions.

3 Observing that the Extract from the proceedings of the Court of Circuit dated the 30th April 1830, the Court of

of Tanjoure Mealut Reqm it necessary that for an explanation of the circumstances which prevented the Acting Second Judge from affixing his instructions at an earlier period of the Sessions. It appears to them that the order of Government might have been obtained in sufficient time to remove the postponement of the trial mentioned

Case No. 9. 4. In this case, the first Prisoner was charged with having broken into the house of the Prosecutor and stolen therefrom property valued at seventy one Rupees and the second Prisoner, with being an accessary after the fact, and receiving a part of the stolen property knowing that the same had been stolen.

5. In the Extract from the proceedings of the Court of Circuit under the 18th April 1830 forming Appendix B, it is stated that "there seems no other reason why this murder should have been committed for trial before the Court of Circuit the crime wanting all those particular features which would bring it within the range of committable offences, than the first Prisoner in it being a Prisoner also in No. 4 of the same Calendar, the crime charged in which is for himself. The Acting Second Judge cannot admit this

this, as sufficient ground of committal, and resolves therefore to return the Record to the Criminal Judge to be disposed of under the Regulations in force in such cases."

6. The Court of Tanjoure Mealut are of opinion that the Acting Second Judge acted correctly in returning the record of the minor Case No. 9, after the conviction of the first Prisoner of the graver offence charged in No. 4, to be disposed of by the Criminal Judge; but at the same time the Court consider that the latter officer committal of the Prisoners for the offence charged in No. 9 was improper. The Court

the 18th April 1834. "on former occasion ruled that an individual against whom charges may be preferred and sufficient evidence of the absence of the Commission of two 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".

Case No. 30. 7. In this case the first and second Prisoners were charged with breaking into the house of the Prosecutor's Mother-in-law

and

and stealing therefrom property to the valu
of seventy seven Rupees and twelve anna
and the third and fourth Prisoners, Police
Peons, with being accessary in screening
the offenders and receiving the stolen
property, knowing it to have been stole
8. For the reasons stated in the
Extract from the proceedings of the Court
of Circuit under date the 7th April 1835
this case was returned to the Criminal
Judge to be disposed of by that Officer.
9. The Court of Sunjaree Zealut
approve of the proceedings of the Judge
of Circuit in this case. The Prisoners were
punishable by the
first and second, under Clause Sixth
Section II Regulation XII of 1832, and
the third and fourth, as receivers, under
Clause Fourth, Section IV of the same
Regulation.

Case No. 31. 10. In this case, the Prisoner,
"Chooken"
stood charged before the Court of Circuit,
with having assaulted and beaten the
Prosecutrix wife Caroopoyee, then pre
gnant, kicked her in the belly, and thereby
caused a miscarriage.
11 The case was postponed in
consequence of the absence of the third
witness for the Prosecution, a Native Doctor
who

was to depose to the state in which
the Prosecutrix's wife was; and to his ha
having attended her.
12 Judging from the abstract
of the depositions given in the Calendar,
the Court of Sunjaree Zealut are of
opinion that there was sufficient e
vidence without that of the third wit
ness, and that the case should therefore
have been tried.
13 The question, whether or not the
miscarriage of the fourth witness was
caused by the assault, does not alter the
prisoner's guilt. It appears to the Court
that on the evidence for the prosecution,
the Prisoner might have been convicted
of brutally assaulting a pregnant woman,
and sentenced at the discretion of the
Court of Circuit, under the provisions of
Clause Seventh, Section II, Regulation
XII of 1803.

Suppl. Calendar
Case No. 3 In this case, the Prisoner
was charged with wilful and corrupt
Perjury, in having when examined upon
oath, before the Court of Circuit as a
witness for the prosecution in Case No.
5 on the Combaconum Calendar for
the second Sessions of 1835, deposed
that he did not know the Prisoners who
in that case were charged with Com
Robbery

Robbery, and again taken in like manner examined upon oath before the Acting Second Judge of Circuit on the 6th April 1830, deposed that he has been in the habit of seeing these Prisoners for a long time.

15. The Prisoner, having been convicted, was sentenced by the Court of Circuit, to imprisonment with hard labour in irons for seven years.

16 Before expressing their opinion on the merits of this case, the Court of Sanjoanee Adawlut deem it necessary to direct that an English Translation of the proceedings be prepared and transmitted for their consideration without delay.

Ordered, that extract from these proceedings be sent to the Acting 2nd Judge on Circuit in the Southern Division by special Peon returnable within ten days from and after its receipt.

Sent following precept No

Read the Mangalore Criminal Reports presented by Section XXXV Regulation X of 1816 for the Month of April.

Hereunto No 878.

Suppl. Report. Case 134 of 1835 Case 33 of 1830 Case 42 of Report

1 The Court observe the omission of the grounds of commitment in the Cases 134 and 33 - they always expect a concise note of the grounds sufficient to enable them to judge as to the propriety of the commitment. a similar remark applies to the case 42 as far as regards the 4th Prisoner Leto security on "strong suspicion": a note of the grounds of suspicion against whom should have been given in the Report.

Case 43. 2 The charge in this case is for "theft" but the first Prisoner having been sentenced under Clause 6th Section II of Regulation XII of 1832, the Court conclude that breaking was proved against him - an explanation of the crime proved should however have been given in the Report, with reference to the Circular Order of the 4th July 1826.

Case 44. 3 No explanation being specified in the Report of the cause of the detention of the Prisoner in this case in the Lockup from the 16th March to the 4th of April, the Court of Sanjoanee Adawlut direct with reference to the Circular Order of the 8th February 1830. that a copy of the case and of this paragraph be furnished by the Criminal Court to the Magistrate, who will be pleased to transmit direct

to the Tanjore Head for the requisi-
tion without delay.

Case 44 also 4 In this case the Prisoner
charged with having in the day time
assaulted and wounded the Prosecu-
with a cestal: The Acting Assistant
Criminal Judge passed the following
order - "In this case it appears that the
Complainant and Prisoner quarrelled
proceeded to blows, both of whom recd
injury, this a cut on the head that the
on the face which caused blood to flow
from the nose. The ground of the dispu
was the fact of a Mangoe tree claimed
by both the Prisoner being a guardi
person is bound over to keep the peace
for 6 months for a sum of Rupees 50
two securities of 25 Rupees each in lieu
ing the security imprisonment for 6
months. Clause 1st Section XI Regulation
II of 1832. The requisition of security a
here described is manifestly illegal
the Court direct that the case be retur
The Criminal Judge may, himself, or
petent, under the Circular Order of the
15th November 1824 to have recorded the
illegal requisition of Security & Prisoner
or shall be released immediately on
receipt of these proceedings if not al
on the Bail bond executed if they have

been entered into -

Cases 45, 49, 52, 60 The cases noted in the margin
having been placed under the cognizance
of the Sudr Ameen by the Court of Tanjore
Head Quarters direct that the Criminal Judge
be informed that on the 25th July 1833
they ruled that cases of breaches of the
Salt and Tobacco laws falling within
Regulation V of 1831 should be reserved
as by the Criminal Judge to be tried
by himself or his Assistant, and should
not be referred to the Sudr Ameen -

Ordered, that Extract from
these proceedings be sent to the Criminal
Judge at Mangalore for his informa-
and guidance by precept returnable
in 3 days after receipt -

Sent following precept No.

Read return, dated the 11th Ins-
Instant from the Criminal Judge at
Combaconum to precept of the Tanjore
Head of the 29th Ultimo, conveying
the orders of the Tanjore Head
on the Combaconum Criminal Reports
for the Month of April -

(Here enter No. 910.)

Suspt Report Case 31. The explanation afforded
in the above return being satisfactory,
the Court of Tanjore Head direct

that

to the Tanjore Court the requisition
tion mitted by

Case 44 also 4 In this case the Prisoner
charged with having in the day time
assaulted and wounded the Prosecu
with a cartal: The Acting Assistant
Criminal Judge records the following
order - In this case it appears that the
Complainant and Prisoner quarrelled
proceeded to blows, both of whom were
injury, this a cut on the head that b
on the face which caused blood to flo
from the nose. The grounds of the
was the fact of a Mangoe tree claim
by both the Prisoner being a
person is bound over to keep the peace
for 6 months for a sum of Rupees
two securities of 25 Rupees each in
ing the security imprisonment for 6
months. Clause 1st Section XV Regulation
II of 1822. The requisition of security a
here described is manifestly illegal
the Court direct that the case be retu
The Criminal Judge may, himself, ex
petent, under the Circular Order of the
15th November 1824 to have cancelled the
illegal requisition of Security. The Pris
on stands be released immediately on
receipt of these proceedings if he shall
on the Bail bond executed in favor

been entered into -

Cases 45 5 The cases noted in the margin
49
52 having been placed under the cognizance
60 of the Sudr Ameen by the Court of Tanjore
Vacated direct that the Criminal Judge
be informed that on the 25th July 1835
they ruled that cases of breaches of the
Salt and Tobacco laws falling within
Regulation V of 1831 should be reserved
by the Criminal Judge to be tried
by himself or his Assistant, and should
not be referred to the Sudr Ameen -

Ordered, that Extract from
these proceedings be sent to the Criminal
Judge at Mangalore for his informatio
and guidance by precept returnable
in 5 days after receipt -

Sent following precept &c

Read return, dated the 11th -
Instant from the Criminal Judge at
Combaconum to precept of the Tanjore
Vacated of the 29th Ultimo, conveying
the orders of the Tanjore Vacated
on the Combaconum Criminal Reports
for the Month of April -

(Here enter No. 910.)

Suspt Report The explanation afforded
Case 31. in the above return being satisfactory
the Court of Tanjore Vacated direct

that

F. U.
25th May 1836.

that the order for requisition of security
cease in the Criminal Proceedings
31, be not disturbed.

Ordered, that Extract from
these proceedings be sent to the Cri-
minal Judge at Combaconum for his
information.

Sent in No.

31 U.

At a Court of the Tondiarpet Adalut.

Present,

Thursday
26th May 1836.

John Bird Esqr. ——— 2d Puisne Judge,
William Hudleston Esqr. — 3d Puisne Judge,
Alexr. Duncan Campbell Esqr. — Acting Puisne Judge.

Read again letter dated 20th February
last from the Third Judge late on Circuit in the
Centre Division, transmitting the record in Case
No. 1 on the Cuddalore Supplemental Calendar
for the 2d Sessions of 1835.

[Here enter No. 354]

Read also return dated 21st Ultimo
from the Third Judge late on Circuit in the
Centre Division, to Precept of the Tondiarpet Adalut
last dated the 24th March 1836, returning for
further evidence and for explanations from the
Magistrate and Joint Magistrate of South
Arcot the Record of Case No. 1 on the Cuddalore
Supplemental Calendar for the second Sessions
of 1835.

[Here enter No. 734]

Read also Supplemental Return
dated 16th Instant from the Third Judge late on
Circuit in the Centre Division to Precept of
the

the Tongdaree Udalut dated the 24th March last

/Here enter No. 857/

Mr Bird
Mr Huddleston
and
Mr Campbell

The Court of Tongdaree Udalut having maturely considered the proceedings held before the Judge on Commit, the Futwa of the Criminal Law Officer and the Futwa of the Vaz ool Cozat and Mooftees of the Tongdaree Udalut confirm the said Futwa of the Vaze ool Cozat and Mooftees aforesaid, convicting the prisoners

1st Gadeeara Ramasawmy
2d Verum alias Veerabudren
3d Andy Alagen
and
4th Sindeyan

of the crimes charged against them, and under the provisions of Section X, Regulation XVII of 1802, sentence the prisoners to

1st Gadeeara Ramasawmy
3d Andy Alagen
and
4th Sindeyan

to suffer death, by being hanged by the neck at the place where the murder was committed, and the prisoner

2d Verum alias Veerabudren

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

/Sent following letter No. 638/

Read the Cuddapah Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of April

/Here enter No. 909/

Supplemental Report Case 25

In this case wherein 4 prisoners are charged with murder, the Acting Assistant Criminal Judge had demanded Security from the prisoners for their appearance when required for 12 months, each to find two sureties in 50 Rupees each or, in default to be imprisoned for that period with a view to procuring in the meantime additional evidence; adding that he had been guided in this course by the Circular Order dated 20th July 1829.

The Court of Tongdaree Udalut deem it proper to request that the Acting Assistant Criminal Judge will explain what steps he has

Mr E. B. Thuy, the Criminal Judge of Rajahmundry, for a full explanation of all the circumstances attending the escape of certain prisoners from the Jail at that station, on the 24th November 1835, and the 17th January 1836, the Court of Sudder Udalut resolve to direct their attention of that Officer be called to the subject, and that he be required to submit the necessary information without further delay; and at the same time to state the circumstances which have precluded an earlier compliance with their orders.

Ordered, that Extract from these proceedings be sent to Mr E. B. Thuy Criminal Judge of Rajahmundry for his information and guidance by Precept returnable within three days from and after its receipt.

Sent following Dumpt No 640

Read the Criminal Returns Reports prescribed by Section XXXV Regulation 1816 for the month of April.

Three entire No 1957

Supplemental Report Case 17

1 In this case the prisoner stood charged with having fraudulently sold to a certain shopkeeper glass and other articles valued at Rupees 43 3 the property of Mr Fisher the prisoner's master. The 2d prisoner was released, the following sentence being recorded upon the first.

"The 1st prisoner acknowledges that he sold the property without the knowledge of his master, and it is fully proved by the witnesses that the articles were stolen - sentenced to one years imprisonment with hard labour in irond. Clause 4th Section III Regulation XI of 1822."

It is not clear to the Court of Sudder Udalut whether the offence proved against the prisoner was theft or fraud, and they deem it proper accordingly to require an explanation of the circumstances of the case and of the facts proved against the 1st prisoner.

Order 31

3 In this case the Court consider it necessary that a further explanation should be submitted to them of the grounds upon which security has been required from the 1st 2d, 4th and 5th prisoners.

Report Order 36

4 The prisoner was charged with having given a base 1/2 Rupee to the Prosecutor who requested him to give him change for a Rupee. The Temporary Sudr Ameen passed the following sentence - "Two witnesses prove that when the prisoner was searched, in

being.

being apprehended, on the charge preferred by the Prosecutor- I base half and I base quarter rupee fell out of his cloth, which fact the prisoner confessed, but alleged on insufficient grounds that it must have been put there by some person or other- He is an inhabitant of the Tuticorin District and having been found in the market at Dumpooroom without any other means of support, the temporary Ameen is of opinion that he was in the habit of giving change for money coined and therefore sentenced him to 6 months imprisonment with hard labor in irons Section IX Regulation XI of 1827-

3 The Court of Foujdaree Udalut deem it proper to direct that the above sentence be set aside as wholly illegal the offence as entered in the charge being "coining" which was not cognizable by the Sudr Ameen under Clause 1 Section III Regulation III of 1818 and should therefore have been disposed of by the Acting Joint Criminal Judge who should accordingly be now required and to dispose of by the Acting Joint Criminal Judge under the Regulations. The Court further

direct that the Temporary Sudr Ameen be required to explain the cause of his passing the sentence recorded the offence stated, to be proved, being cognizable by the Magistrate under Section VII Regulation II of 1822, and nothing appearing in the Report to bring the case within the provisions of Section IX Regulation XI of 1827-

Case 46. 6 The Acting Joint Criminal Judge will furnish copy of this case and paragraph to the Magistrate, who will be pleased to report direct to the Foujdaree Udalut the date of the apprehension of the prisoner-

Case 49. 7 In this case two charges, one of "sheep stealing" and the other of "escape" have been erroneously blended together-

Case 51 8 The Court of Foujdaree Udalut, considering the grounds assigned in the Report insufficient for the detention in the Talook of the prisoner in this case, deem it proper to direct that copy of the case and of this paragraph be furnished by the Joint Criminal Court to the Magistrate, who will be pleased to warn the Police Officer who forwarded it against detaining a prisoner in

future

future or such grounds.

Case 52. Q The order for the requisition of security from the prisoner in this case by the Chimpiary Cude Ameen should be amended by specifying the number of sureties in who the prisoner was to give security, an order of an indefinite nature such as the present, requiring a "prisoner" to find one or two sureties is incorrect.

Ordered, that Extract from the proceedings be sent to the Acting Joint Criminal Judge at Coimbatore for his information and guidance by Precept returnable in 6 Days after receipt.

(Sent following Precept No 641.)

Read Return dated the 15th Ult. from the Acting Assistant Criminal Judge in charge of the Zillah Court of Rajahmundry to the Precept of the Court of Foujdaree Udalut under date the 6th April 1836, calling for further explanation relative to the two cases of escape reported in his letter of the 22d March last.

(Here enter F. U. No 711 of 1836.)

Read also Return dated the 4th Instant from the First Judge on Circuit in the Northern Division, to the Precept of the Court of Foujdaree Udalut under date the 6th April 1836, directing him to institute a fresh inquiry relative to the conduct of the parties concerned in the two cases of escape from the Rajahmundry Jail, reported in his letter of the 22d March last, by the Acting Assistant Criminal Judge in charge of that Zillah Court, and to report the result for the information of the Foujdaree Udalut.

(Here enter F. U. No 569 of 1836.)

Read also Letter dated the 7th Instant from the First Judge on Circuit in the Northern Division, forwarding with reference to his Return of the 4th Instant to the Precept of the Foujdaree Udalut of the 6th April last, on the subject of the escape of certain prisoners from the Jail of Rajahmundry a copy of a letter dated the 4th Instant from the Acting Assistant Criminal Judge in charge of the Zillah Court of Rajahmundry relative to the character of the first prisoner in the first of the cases reported on in the above Return, and the conduct of the Jailor.

(Here enter F. U. No 580 of 1836.)

1 In his Return of the 5th Instant the First Judge of Circuit records his opinion that "proper precaution was not taken for the security of the prisoners" who effected their escape from the Jail of Rajahmundry on the 18th January last and states that "it is the fault to imagine that the prisoners could have sealed the compound wall of the Jail without being heard by the Peons on duty at the Hospital ward; but as it cannot be discovered in what Peons watch it was that they effected their escape he has resorted to the Acting Assistant Criminal Judge the dismissal of the whole of the Peons who were on duty at that ward on that night."

2 Of this proceeding the Court of Foujdaree Udalut entirely approve.

3 With respect to the escape of the prisoners on the 28th November 1835, the First Judge remarks that "in this matter the Jailor was very blameable" and expressed the opinion that "the situation of Jailor might be more fitly filled than it is at present and accordingly recommends his dismissal."

4 Having carefully considered the observations of the First Judge on this point, contained in the third, eighth and ninth paragraphs of his Return of the 5th Instant, and also the report of the Acting Assistant Criminal Judge of the same date, showing that the Jailor neglected to apprize him of the importance of the first prisoner who is represented to be "a Sirdar of armed thieves" and "notorious for the extent of his depredations" and expressing a doubt "how far the Jailor was justified in confining the Coolies with the Dacoits," when "he might as well have kept them with the Fakeers to whose caste they are generally considered in that part of the country to belong;" the Court of Foujdaree Udalut are clearly of opinion that that Individual is not fit for the responsible situation which he now holds, and deem it necessary to direct that immediately upon the receipt of these instructions, the First Judge do desire the Acting Assistant Criminal Judge to discharge him from his present Office.

5 With respect to the First Judge's recommendation

recommendation that the Criminal Judge be authorized to entertain another Nair Jailor in the place of the one transferred to Samulcotta and another Jemadar, and two more Duffadars the Court of Zillah Udalut observe that as regards the Nair Jailor and the Duffadars similar application had been forwarded direct by the Acting Assistant Criminal Judge who has been called upon to submit further information on the subject, until the receipt of which, the Court are precluded from taking the matter into their consideration.

In the thirteenth paragraph of his Return, the First Judge states that he does not think the Military Guard at the Jail judiciously placed and suggests that Sentries be placed at night outside the wall at each of the four sides of the compound wall.

7 The Court of Zillah Udalut are of opinion that this proposed improvement should be pointed out to the Criminal Judge with whom however it must rest to post the Sentries in the way that may appear to him most judicious; and

best calculated to ensure the safe custody of the persons confined within the Jail.

Ordered, that Extract from these proceedings be sent to the First Judge on Circuit in the Northern Division for his information and guidance by Precept returnable within twelve days, from and after its receipt.

Sent following Precept No. 642/

Read Letter dated the 29th March 1836 from the late Acting Second Judge of the Provincial Court of Circuit for the Northern Division, reporting the circumstances under which Case No. 1 on the Masulipatam Supplemental Calendar for the First Quarter Sessions of 1836, is left undecided.

(Here enter F. Co. No. 584 of 1836.)

1 Although a period of nearly two months has elapsed since the above letter was received, the Supplemental Calendar therein alluded to, has not yet been submitted.

2 The Court of Zillah Udalut in consequence resolve to call upon the Provincial Court of Circuit to send up the Calendar immediately, and to explain why they have not done so at an earlier period.

The

3 The Provincial Court of Circuit will at the same time report, with reference to the second paragraph of their Return of the 19th Ultimo, whether the Record of Case No 3 on the Masulipatam Calendar for the First Quarter Sessions of 1836, has yet been forwarded to Mr. McLean at Mangalore.

Ordered, that Extract from the proceedings be sent to the Provincial Court Circuit in the Northern Division by Dawk returnable within three days from and after its receipt.

Sent following Precept No 643.

Read the Combatoor Criminal Reports prescribed by Section XXXV Regulation of 1816 for the month of April

(Vide enter No 910)

Supplemental Report Case 8

1 The Native Criminal Judge has committed this case of "escape" contrary to the Circular Order No 29 dated 4th February 1835 the Court of Tinjanore Udalut direct he be requested to record the sentence in it as the result is known of the trial of the charge upon which the prisoner has been committed.

26th May 1836.

Reports Case 13.

2 In this case no explanation of the detention of the prisoner in the Talook from the 4th to the 16th April being given in the Report, the Court direct that copy of the case and of this paragraph be sent from this Office to the Acting Magistrate who will be pleased with reference to the Circular Order of the 18th May 1832 to report the explanation which the Police Officer of Budwail may be able to afford.

Ordered, that Extract from this proceedings be sent to the Criminal Court of Cuddapah for the information and guidance of the Native Judge at Coimbatore by Precept returnable in 3 days after receipt.

Sent following Precept No 644.

Ordered also, that Extract from these proceedings viz. para. 2 with case 13 be sent to the Acting Magistrate of Cuddapah for his information and guidance by Precept returnable without delay.

Sent following Precept No 645.

Read letter dated the 18th Instant from the Acting Joint Criminal Judge at Coimbatore, transmitting the Statement of the

the labour of the Convicts employed under the Magistrate of Coimbatore.

[Here enter No 920]

Read Order of Government dated 17th Instant on the subject of the practice of employing Kavilgars as private Watchmen in the Cantonment of Trichinopoly.

[Here enter No 921]

Read returns dated the 20th Instant from the Third Judge late on Circuit in the Centre Division, to Precept of the Foujdaree Udalut dated the 13th May 1836, returning the Records of Cases Nos 4 and 5 on the Cuddalore Calendar for the Second Sessions of 1835, declaring the proceedings held in those cases Null and void, and directing that the Prisoners be brought to trial before the Judge presiding at the next ensuing Sessions of Jail Delivery.

[Here enter No 925]

Read Statement dated the 16th Instant from the Acting Joint Magistrate of Tanjore of the Cases of Richard at Mayaveram Jail under charge of the Acting Joint Magistrate of Tanjore in the Second

of April 1836.

[Here enter No 930]

Read return dated the 21st Instant from the Criminal Judge of Chingleput, to Precept of the Foujdaree Udalut dated the 20th May 1836, conveying their observations and orders on the Criminal Reports for the month of April.

[Here enter No 939]

F. U.

At a Court of the Foujdaree Udalut.

Present,

Friday
27th. May 1836

John Bird Esqre. ---------- 2nd. Puisne Judge
William Rudleston Esqre. ---- 3rd. Puisne Judge
Alexr. Duncan Campbell Esqre. -- Acting Puisne Judge.

Read letter dated the 24th Instant from the Provincial Court of Circuit in the Western Division, Submitting Copy of a Correspondence between the Native Criminal Judge of Honore and the Joint Magistrate of Canara as to whether misconduct of Police People in allowing Prisoners to escape from their Custody before they are sent to the Criminal Court is an offence primarily cognizable by the Magistrate or the Criminal Courts, and requesting the Orders of the Foujdaree Udalut thereon—

/Here enter No 851/

Read also letter dated the 7th instant from the Provincial Court of Circuit in the Western Division, Submitting Copy of a letter and its enclosures from the Magistrate of Canara having reference to the question discussed in the Correspondence submitted with their letter of the 2nd Instant.

/Here enter No 890/

By Clause first Section XI. Regulation XIII of 1832 primary cognizance of cases of gross and culpable

27th May 1836. "culpable neglect on the part of persons in charge of Pris-
"whereby they may be enabled to effect their escape" is
vested in the Criminal Courts and provision made
for the punishment of offenders by imprisonment not
exceeding six months.

In their Circular Order of the 20th
February 1835 No 31, the Foujdaree Adalut explained
the Clause above mentioned had reference to Persons of that
description who had charge of prisoners, but it was not
declared, nor was it intended to declare, that the pri-
mary Jurisdiction vested in a Magistrate in all Cri-
minal Cases was suspended in Cases of escape, and
that they had no jurisdiction whatever in such Cases
as imposed by Mr Sharkey—

It appears to the Court of Foujdaree
Adalut competent to the Magistrate or Police Offic-
under his orders to send up to the Criminal Court any
case of the kind, coming within his knowledge, to be dealt
with according to the provisions contained in the Rule
above referred to, if it were not so, Cases of Neglect of
the description referred to, which may come prevent
to their reaching the Criminal Court might never come
to the knowledge of the Criminal Court at all

It further appears to the Court that
the primary cognizance of a Criminal Court in such
Cases authorizes the Criminal Judge to proceed not

27th May 1836. only in Cases where the accused are actually before
him, but authorizes him to call upon the Magis-
trate to send up for trial any Peon, who from pro-
ceedings before the Court, in any Criminal Case,
may appear to be liable to punishment under Section
XI Regulation XIII of 1832, but that he is not Compe-
tent to originate Cases not so before him, and more-
over that he has no power of punishment at all
in Cases where the neglect is not of "a gross and cul-
"pable" nature; simple neglect is punishable only by
dismissal from the Service, of course by the Officer
under whom the Offender is serving—

With reference to the Case in questio
it would appear from the punishment imposed that
there could scarcely have been anything more than
simple neglect of duty, and that loss of pay or dis-
missal would have been the appropriate punishments

Ordered, that Extract from these
proceedings be forwarded to the Provincial Court of
Circuit in the Western Division, to be by them Commun-
icated to the Native Criminal Judge at Honore
and the Magistrate of Canara for their information
and guidance respectively

/Sent in No 648./

Read the Combaconum Criminal
Reports prescribed by Section XXXV Regulation X 1816 for
the

27th May 1836

the month of April

(Here enter No 919)

Suppl. Report Case 260.

1.

The Court perceive that the prisoner this case was apprehended so far back as the 22d August 1835, and that the case is still lying over for "further and if forthcoming". They deem it proper to direct that the case be disposed of on the evidence before the criminal Court, if the testimony expected cannot be shortly produced

Case 72.

2.

In this case the Court consider the punishment adjudged by the Cadi Ameen inadequate for the offence proved against the 1st prisoner. The criminal Judge will communicate this observation to the Cadi Ameen for his information and guidance in similar cases.

Report & Case 76.

3.

The fine imposed upon the third witness in this case being illegal, the Assistant criminal Judge should be advised of his error and the fine if paid, returned to the party upon whom it was imposed.

* The 3d witness identifies the discovered details as the Prosecutor's property before the Head of Police and states before the Court that he did not see it before the Head of Police. He is therefore fined 12 Rupees or 6 be imprisoned for 12 days under section XII Regulation XIII of 1832.

Case 91.

4.

The remark and order in para 3 of 191 for giving a deposition before the Court contradictory to that which he had given before the Police

Case 101.

The Criminal Judge will be pleased to send Copy of this Case and of this paragraph to the Magistrate who will forward direct to the Fouzdaree Adalut

F. U.

27th May 1836.

Adalut any explanation the Police Officer may be able to afford relative to the error he is stated to have committed in transmitting to the Criminal Court the prisoner "Tattara Varoopen" who, the Prosecutor declared, "was not one of the gang" by whom the Prosecutor was robbed, the charge having been preferred against another individual bearing the same name—

Case 107.

The Court of Fouzdaree Adalut deem it proper to direct that the prisoner in this case committed for "accidental homicide", be released on Bail—

Case 110.

The explanation given in the Report does not satisfactorily account for the detention of the 4 first prisoners in this Case in the Talook, the first of whom was apprehended on the 10th of March. The Criminal Judge will therefore furnish Copy of the Case and of this paragraph to the Magistrate, who will be pleased to forward direct to the Fouzdaree Adalut any further explanation the Police Officer may afford—

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Combaconum for his information and guidance by Precept returnable in 5 days after receipt.

(Sent following Precept No 619)

Read letter, dated the 5th Instant from the Acting Joint Criminal Judge at Madulipatam requesting, with reference to the remarks of the Court

of

27th May 1836

of Foujdaree Udalut on the Masulipatam Criminal Reports for the month of March, intimating doubts as to the construction of Clauses second and fourth, Section III Regulation VI of 1822.

/Here enter No 823/

The first point upon which the Acting joint Criminal Judge requests instructions is whether a prisoner may not under any circumstances be committed for simple theft under Clause second Section II Regulation VI of 1822 — the Court of Foujdaree Udalut having stated that they were not aware of any provision which would have "authorized" the Commitment of the prisoners in Cases 11 and 12 of the Criminal Reports "whatever might have been his previous Conduct," and the prisoner in question having been sentenced by the Cutcherry Sheristadar, to 3 Years imprisonment with hard labour in irons under Clause fourth, Section III Regulation VI of 1822 for simple "theft"

There is an obvious inconsistency in the provisions of Clauses second and fourth, Section III Regulation VI of 1822, and the wording of the order to which the Acting joint Criminal Judge alludes can be upheld only upon the principle declared in Section XIX Regulation I of 1802 which manifestly however does not contemplate utterly discordant provisions in one and the same Regulation.

It was the express object of Regulation VI

27th May 1836

of 1822 to relieve the Courts of Circuit by vesting the jurisdiction of the Criminal Judge, and there can be little doubt that Clause fourth contains what was intended to be acted upon.

Admitting, however, that Cases may occur under the Regulation as it stands in the Code in which the Criminal Court may "commit" for simple "theft," the Court of Foujdaree Udalut have deemed it proper to issue the Circular Order No 68 — Under it they will be enabled to judge of the precise grounds of Commitment in such Cases, and preserve a Consistency of proceeding which the provisions in question have not a tendency to promote.

The second point under reference is whether the "theft" to which allusion is made in Regulation VI of 1822 are the "petty thefts" punishable by the Magistracy — The Court are not of opinion that such "petty thefts" are referred to in that Regulation, nor that they can be classed as "heinous offences"

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Masulipatam for his information

/Sent in No 650/

Read returns dated the 14th Instant from the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Foujdaree Udalut under date

27th May 1836. Date the 25th April 1836, requiring them to call upon the joint Magistrate of South Areot, for a report upon the allegations of Baulen, the third witness for the prosecution in Case No 1 on the Cuddalore Supplemental Calendar for the first Sessions of 1836, relative to the confinement of himself and certain other persons, by order of the joint Magistrate.

/Here enter J.H. No 917 of 1836/

The Provincial Court of Circuit with the foregoing Return have forwarded a Copy of a Letter from the Joint Magistrate of South Areot, in which that Officer after stating that "the depositions of the witnesses Baulen regarding the detention of himself and three other witnesses, namely Vellayana Tadan, Pitchai the Tailany and Thinnan, without food and in the Stocks by order of the Joint Magistrate, are utterly false," remarks that "the investigation first made by the Joint Magistrate, at the period of Jemabundy was merely preliminary and ended with a view of gaining an insight into the case."

The Court of Louisdawe Adalut observe that under the Regulations, the Magistrate has the authority to hold an investigation of this sort without recording the examinations and that the proceeding is most dangerous as well as irregular.

It is universally admitted that the Statements

J.H.
27th May 1836.

Statements first given by Complainants and witnesses are (if they come to speak the truth) more valuable than any afterwards delivered by them. And, on the other hand, if these persons come, in the first instance before the Magistrate with false Statements it highly impede the administration of Justice, that the fact should not be lost sight of.

In either case it is essential for the due attainment of the ends of Justice, that the evidence first given whether by the Complainant or his witnesses should be reduced to writing. There is no other way of making it permanently available and it is accordingly expressly so directed by the Regulations, (Section XXVIII Regulation IX, of 1816, and other similar provisions.)

As already observed, a Magistrate can never be justified in taking examinations (in a Case of Murder) without causing them to be written down. The words of Section XXVIII, Regulation IX of 1816, cannot be construed so as to admit of any exception, and unquestionably when it may so happen that either the business of the Collector or that of the Magistrate must be neglected, and the nature of the Case may be such as to render the Magistrate's proceedings important, there can be no doubt that the former duty must be postponed to the latter.

As supposed by the Joint Magistrate,

it

27th May 1836

it was inadvertently stated in the proceedings of the Foujdaree Udalut, that the witness Bauboo swore that for four days he was detained in custody "without being allowed anuffood."

Ordered, that Extract from those proceedings be sent to the Provincial Court of Circuit in the Centre Division for the purpose of being communicated to the Joint Magistrate of South Arcot for the Officer's information and future guidance.

Sent in No 651/

Read letter dated the 21st Instant from the Acting Second Judge on Circuit in the Southern Division, forwarding a Statement of Batta paid to the prosecutors and witnesses attending before the Court of Circuit during the first Sessions of 1836 at Combaconum.

/Here enter No 942/

Read return dated the 23d Instant from the Joint Criminal Judge at Cuddalore, to Court of the Foujdaree Udalut dated the 20th May 1836 conveying their observations and orders on the Criminal Reports for the month of April.

/Here enter No 943/

Read return dated the 23d Instant from the Criminal Judge of Chittoor, to Court of the Foujdaree Udalut dated the 18th May 1836 conveying Her

27th May 1836

their observations and orders on the Criminal Reports for the Month of April.

/Here enter No 944/

F. 110.

At a Court of the Foujdaree Udalut

Present,

Monday 30th May 1836.

John Bird Esqre ——— 2nd Puisne Judge

William Maudleston Esqre — 3rd Puisne Judge

Alexr Duncan Campbell Esqre Acting Puisne Judge

Read letter dated the 15th February last from the 1st Judge on Circuit in the Northern Division, transmitting the record in Case No. 17 on the Nellore Calendar 1st Sessions of 1836—

(Herewith No. 906)

Mr. Bird and Mr. Campbell

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

Aramanaboyenah Venkiah

is sufficient to convict him of the crime of Murder, do under the authority with which they are vested by Clause First, Section III., Regulation I. of 1818, convict him thereof, and sentence him to be transported to such place beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life—

(Sent following letter No.

Read the three Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of April (Herewith No. 937)

&c

Report V
Case 22.

1

In this case it is stated that the evidence having been proved against the prisoner he was committed A note of this description is too general to enable the Court of Foujdaree Adalut to judge of the propriety of the commitment, and they direct that the Native Criminal Judge be requested to specify in future more distinctly the evidence which may have been brought forward in such case.

Case 23.

2

The Court of Foujdaree Adalut direct that copy of this paragraph be sent, by the Provincial Court of Circuit, to the Magistrate, who is be pleased to report direct to the Foujdaree Adalut where the accused was detained from the 24th Feby to the 15th of April.

Case 24

3

The same order applies to this case in which the Court of Foujdaree Adalut wish for explanation as to the place where the prisoner was from the 17th of March to the 16th April.

Case 24 also

4

According to the abstract of the evidence given in the Report, it appears to the Court of Foujdaree Adalut that it was insufficient for the conviction of the prisoner. The Native Criminal Judge will explain whether any further testimony was before him. It is deemed moreover that the provision of the law in support of the sentence is incorrect. Section XII. Regulation X of 1816 being inapplicable to a case of receiving stolen goods. The sentence having expired the Court direct that these observations be communicated

to the Native Criminal Judge.

Case 26

5

In the case noted in the margin the time which the 2nd prisoner has been held to security will have expired before the receipt of these proceedings. The Court however direct it may be explained to the Native Criminal Judge that they consider the grounds recorded in the Report insufficient for the order for security.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance; and for communication to the Native Criminal Judge at Sirsee for his information and guidance by Precept returnable in 5 days after receipt.

(Sent following Precept &c.

Read the Honore Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of April.

(Here enter No. 856)

Report V
Cases 14–15 and 16.

1

The cases noted in the margin involving breaches of the Salt laws having been disposed of by the Sudr Ameen the Court of Foujdaree Adalut direct that the Native Criminal Judge be informed that they have ruled that cases of breaches of the Salt and Tobacco laws, falling under Regulation V of 1831, ought not to be referred, for decision, to the Sudr Ameens.

The

30th May 1836.

Case 17 2

The Court of Foujdaree Udalut having disposed of the question of jurisdiction involved in the case noted in the margin, on the 27th May 1836 deem it unnecessary to notice the case on this occasion.—

Ordered, that Extract from these proceedings be sent to the Native Criminal Judge at Bimore for his information and future guidance.

(Sent in No.

Read Extract from the Minutes of the Consultation in the Judicial Department under date the 26th May 1836, conveying the observations and orders of the Right Honorable the Governor in Council on the Extract from the Proceedings of the Court of Foujdaree Udalut under date the 30th April 1835, on the state of the administration of Criminal justice during the half year ending the 30th June 1834.

(Here enter F. Uc. No. 333 of 1835)

Read also Return dated the 5th July and Supplemental Returns dated respectively the 13th July and the 14th August 1835, from the Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Foujdaree Udalut under date the 30th April 1835, conveying their observations and orders on the printed statements of Crimes and Misdemeanors for the first half of the year 1834.

(Here enter F. Uc. Nos. 1211-1293-1326 of 1835)

Read also Return dated the 5th and Supplemental Return dated the 13th July 1835, from the

F. Uc.

30th May 1836

Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Foujdaree Udalut under date the 30th April 1835, requiring them to call upon the Magistrate of Rajahmundry to explain if no error has crept into the Statement therein referred to, and to report, after due enquiry, whether the inference drawn in the fifty second paragraph of the proceedings which accompanied the Precept, is correct, as to security having been demanded by the Auxiliary Court at Masulipatam and the Zillah Court of Nellore, without strict attention to the provisions of the Law which enjoins that the amount should be fixed with reference to the situation and circumstances in life of the person from whom it is demanded—

(Here enter F. Uc. Nos. 1210 and 1292 of 1835)

Read also Return dated the 20th and a Supplemental Return dated the 31st August 1835, from the Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Foujdaree Udalut under date the 30th July 1835, requiring information as to whether the circular order of the 30th April 1832 was furnished to the Magistrate of Rajahmundry, and whether or not the Records of his Office show that the order was received or any measures taken to fulfil the object of it—

(Here enter F. Uc. Nos. 1553 and 1661 of 1835)

Read also Return dated the 29th June and Supplemental Return dated the 21st September 1835 from the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Foujdaree Udalut under date the 30th April 1835, conveying their observations and orders on the printed

printed Statements of crimes and misdemeanours for the first half of the year 1834.

(Here enter F. Cs. Nos. 1103 and 1716 of 1835)

Read also Return dated the 15th December 1835 from the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Foujdaree Udalut under date the 2nd October 1835 requiring them with reference to their letter of the 29th June and 21st September 1835, to call upon the Magistrates in the Centre Division to explain the absence of all notice of dismissals without punishment in the Returns of the Village Police for the first half of the year 1834.

(Here enter F. Cs. No. 2276 of 1835)

Read also Return dated the 15th and Supplemental Return dated the 24th December 1835 from the Provincial Court of Circuit in the Centre Division to the Court of Foujdaree Udalut under date the 16th December 1835 requiring them to make immediate Return to the Precept of the 2nd October preceding.

(Here enter F. Cs. Nos. 2275 and 2299 of 1835)

Read also Return dated the 5th January 1836 from the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Foujdaree Udalut under date the 4th of that Month, conveying their observations on the Return made by the Magistrate of the Northern Division of Arcot relative to the Principles on which the Returns of the Village Police are framed and directing that effectual measures for the due fulfilment of the circular order dated the 30th April 1832.

(Here enter F. Cs. No. 56 of 1836)

Read

Read also Return dated the 6th July 1835 from the Provincial Court of Circuit in the Southern Division to the Precept of the Court of Foujdaree Udalut under date the 30th April 1835 conveying their observations and orders on the Criminal Returns for the first half of the year 1834.

(Here enter F. Cs. No. 1197 of 1835)

Read also Return dated the 25th September from the same Court to the Precept of the Court of Foujdaree Udalut dated the 8th August 1835 requiring further explanation from the Magistrates of Madura and Tinnevelly respecting the Returns of the Village Police for the First half of the year 1834.

(Here enter F. Cs. No. 1764 of 1835)

Read also letter dated the 3rd July 1835 from the Provincial Court of Circuit in the Western Division, forwarding a copy of a letter from the Magistrate of Malabar, having reference to paras 5 of the Extract from the Proceedings of the Foujdaree Udalut under date the 30th April 1835, and to the Returns of the Village Police for the First half of the year 1834.

(Here enter F. Cs. No. 1184 of 1835)

In the fifth paragraph of their proceedings under date the 30th April 1835, the Court of Foujdaree Udalut observed that "in the Districts of Bellary, Chingleput, Chittoor, Madura, Masulipatam, Tinnevelly and Vedachellum, conviction appears to have occurred in every case brought before the Village Police and in

Rajahmundry

"Rajahmundry, in fifty one out of fifty two cases the case
"was the same. In Malabar and Canara however the re-
"verse appears: out of 367 persons brought before the Village
"Police, in the former District, only 15, and in the latter
"only 59 out of 317, were convicted and punished. The Go-
"vernment accordingly resolved to call upon the Magistrates of the
"districts respectively to state if these Returns are altogether
"free from error and at the same time to explain the
"principles upon which they have been framed."

The Officers abovementioned have
reported that the Returns of the Village Police for the first
half of the year 1834 are free from error, but at the same
time it appears that the majority of those Returns
exhibit only the number of persons punished by the
Village Police, and not those dismissed without punish-
ment. This defect was noticed in the Board's pro-
ceedings of the 25th March 1833, when it was observed
that "as it is the desire of Government that the func-
"tions of the Village Police should be brought to view
"completely, orders will be issued requiring the Magis-
"trates generally, to take care that the number of persons
"dismissed without punishment, as well as the number of
"persons punished, by the Village Police, be entered in the re-
"printed Statements under the proper heads in Circular
Instructions to this effect were accordingly issued under date
the 30th April 1832, and to them the attention of the Magistrates
above referred to has been called, and they have certified
that the orders in question shall in future be duly fulfilled. It

It appears proper to state that the
Magistrate of Malabar after certifying that "the Returns of
"cases brought before the Village Police are after examination,
"found to be free from error, observes that "these Returns
"include every person brought before the Village Police upon
"whatsoever charge: and as it is usual for a complainant
"to include in his charge many against whom there
"may be either no proof or no grounds of complaint, it
"necessarily follows that the acquittals bear a great
"disproportion to the convictions".

In the eighth paragraph of the extract
from the Minutes of Consultation under date the 26th May
1835 it is requested that the explanation called for by the
Court of Foujdaree Adalut in the forty third paragraph
of the Extract from their proceedings under date the 30th
April preceding, respecting the accuracy of the Statement
from Rajahmundry, which exhibited only one case of
theft in that district during the half year ending the 30th
June 1834, may be submitted for the information of
Government.-

The Magistrate of Rajahmundry has
reported that "on a revision of the returns from the district
"police, the statement forwarded has been found correct.
"The Magistrate cannot however bring himself to place
"confidence in a statement which shows 76 Burglaries,
"64 Gang Robberies and only 1 Theft, and thinks such a
"result argues more the concealment of crime, than
"favors the belief that it has not been committed."

In

In the latter part of the twelfth paragraph of the Extract from the Minutes of Consultation above quoted it is requested "that the Government may be informed whether the apprehensions of the Judges with respect to the Criminal Courts of Nellore and Salem and the Auxiliary Court of Masulipatam, regarding the demand by them of excessive security from persons is well founded."

para 52 of proc. 30th April 1835.

The Acting Joint Criminal Judge of Masulipatam reported that "the Security under Clause Second, Section VIII, Regulation VI, of 1827 was fixed with reference to the Situation and circumstances of the person from whom it was demanded; but the notorious bad character of almost all who have been called upon to furnish security, has deterred any person from coming forward to bail them."

The Criminal Judge of Nellore has also reported that "the security was demanded from the individuals with reference to their situation and circumstances in life, according to the provisions of Clause Second, Section VIII, Regulation VI of 1827, but it happened that during their periods of imprisonment a famine prevailed throughout the District, which was the probable cause of their inability to furnish the required securities."

The Court of Foujdaree Adalut have likewise satisfied themselves that by the Criminal Court of

of Salem, the provisions of the Law on the subject of Security have been duly observed.

In the former part of the twelfth paragraph of the Extract from the Minutes of Consultation above quoted, it is requested that the Courts of Circuit may be instructed to ascertain without delay, the cause of the numerous acquittals by the Criminal Courts mentioned in para 50: and that the result of the examination of a few cases may be submitted for the information of Government.

Ex. from P. C. 30th April 1835

And the following Extract [para 12] from the Circuit Report of the Acting First Judge late on Circuit in the Southern Division, dated the 11th January 1836, a copy of which was submitted to Government with the Extract from the proceedings of the Foujdaree Adalut under date the 29th February 1836, exhibits the result of that Officer's examination of the cases referred to in the Southern Division: "I went through the record of almost "every case in which the prisoners had been discharged "for want of proof, by either the Acting Criminal Judge "or his Assistant, and excepting in one instance, I concurred in the propriety of the orders that had been passed "upon them. To the case in question my attention had been drawn by a Petition presented to me. It was a charge of Murder, the investigation of which had been "carried to a great length by the Acting Criminal Judge (Mr Scott) who had finally released the prisoners on security. Being, however, of opinion that the evidence "was so strong against the prisoners that they ought to

have

"have been committed to take their trial before the
"Court of Circuit, and finding that the evidence of
"very important witness who had been examined
"by the Police, had not been taken before the Cir-
"Court, I directed that that witness should be sum
"for and examined, and that the whole proceedings
"should then be submitted for the consideration of
"the Collective Court of Circuit."

And with respect to the cases in the Northern Division the following extract from the Circuit Report of Mr Waters, the late Acting Second Judge late on Circuit in that Division dated the 30th October 1835, exhibits the result of the Officers examinations: "There is not to conclude "that these sentences of release which bear a very "large proportion compared with the number of "sentenced, are in any degree owing to the negligence "or to the want of due attention on the part of the "Criminal Judges: on the contrary their examinations "are satisfactory, and in numerous cases further "evidence was sought for previously to such sentences "It will be observed that Mr Waters ascribed the numerous acquittals to the misconduct of the Police, but his remarks on this subject have already been taken into consideration in the extract from the Court's proceedings under date the 16th January 1836.

In

F. Co.

30th May 1836.-

In conclusion the Court of Foujdaree Udalut observe that these proceedings were necessarily delayed in the first instance until the receipt and disposal of Mr Dickinson's Circuit Report, (the 29th February 1836) after which a press of Miscellaneous Matter occasioned their being deferred until the present period.-

Ordered, that Extract from these proceedings be sent to the Chief Secretary to Government, for the purpose of being laid before the Governor in Council.-

(Sent in No.

Read letter dated the 6th Instant from the Acting Assistant Criminal Judge in charge of the Criminal Court at Rajahmundry requesting that a clerical error in the Criminal Reports for the Month of April may be corrected.-

(Here enter No. 834)

Read letter dated the 6th Instant from the 1st Judge on Circuit in the Northern Division reporting the opening of the Sessions at Vizagapatam and the state of the Calendar-

(Here enter No. 947)

Read letter dated the 25th Instant from the Acting Magistrate of Cuddalore, submitting the

the explanation called for by the Foujdaree Udalut in their proceedings of the 20th Instant, relative to the delay in sending up the prisoner in case No. 35 on the Criminal Report of Cuddalore for the Month of April.

(Here enter No. 949)

Read letter dated the 19th Instant from the 3d Judge on Circuit in the Western Division, stating his having closed the Sessions at Honore.

(Here enter No. 951)

Read Supplemental return dated the 25th Instant from the Acting Assistant Criminal Judge in charge of the Zillah Court of Rajahmundry to the Precept of the Foujdaree Udalut dated the 25th April 1836 conveying their observations on the Criminal Reports for the Month of March last.

(Here enter No. 953)

Read return dated the 25th Instant from the Acting Joint Criminal Judge at Masulipatam to Precept of the Foujdaree Udalut dated the 18th May 1836 conveying their observations and orders on the Criminal Report for the Month of April.

(Here enter No. 952)

Read return dated the 25th Instant from the Acting Joint Criminal Judge at Guntoor to Precept of the Foujdaree Udalut dated the 25th May 1836, conveying their observations and orders on

the Criminal Reports for the Month of April.

(Here enter No. 957)

Read letter dated the 25th Instant from the 3d Judge on Circuit in the Western Division forwarding Statement of Batta paid to prosecutors and Witnesses, attending before the Court of Circuit during the first Sessions of 1836 at Honore.

(Here enter No. 960)

Read letter dated the 25th Instant from the 3d Judge on Circuit in the Western Division, reporting that he has resumed the Sessions at Mangalore.

(Here enter No. 961)

Read letter dated the 16th Instant from the Criminal Judge in the Zilla of Nellore, forwarding the Statement & accounts for the Month of April 1836.

(Here enter No. 899)

Read Return, dated the 25th Instant, from the Acting Assistant Criminal Judge in charge of the Zillah Court of Rajahmundry, to Precept of the Foujdaree Udalut dated the 16th May 1836, conveying their observations and orders on the Criminal Reports for March last.

(Here enter No. 952)

L.H.

At a Court of the Inferior Tribunal

Present

Tuesday, 31st. May 1836. John Bird Esq.re 2d. Puisne Judge

William Huddleston Esq.re 3d. Puisne Judge

Alex.r Duncan Campbell Esq.re Acting Puisne Judge

113

Read Letter dated 16th. Instant from the 1st. Judge on Circuit in the Centre Division, transmitting the trial in Case No. 2 on the Criminal Calendar for the 1st. Sessions of 1836.

Case entered No. 89

Mr. Bird

Mr. Huddleston

and

Mr. Campbell

The Court of Inferior Tribunal on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the Prisoner.

1st. Burglary

and

2d. Felonious Intent.

is sufficient to convict them of the crime of wilful Murder, do, under the authority with which they are vested by Clause First, Section II, Regulation I. 1817 convict them thereof, and under the provisions of Section X, Regulation VIII of 1822 sentence them to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No. 62)

31st May 1836

Read Return dated the 3d instant from the Late Acting Second Judge to an Order of the Southern Division to the Provost of the Court of Enquiry Established under date the 25th March 1836 commanding their Attendance and orders on the Final Calendar for the First Sessions of 1836.

(Ret. ordered File No 295 of 1836)

Read also Return dated the 27th from the same Officer to the Provost of the Court of Enquiry Established under date the 22d ultimo requiring him to make Return to their Precept of the 25th March 1836.

(Ret. ordered File No 296 of 1836)

In the first of the above mentioned Returns the Late Acting Second Judge recommends that the sentence passed by the Court of Circuit against the prisoner in Case No 163 on the Criminal Calendar for the first Sessions of 1836, may be mitigated to seven years imprisonment at the oakum of the prisoner standing first on the Enquiry Docket has absconded, his fellow prisoner being an aggravating circumstance attending the case.

The Court of Enquiry Established under the above entitled precept in their

31st May 1836.

Letter Third Section III Regulation of 1825 to sanction the mitigated sentence recommended by the late Acting Second Judge, and accordingly direct that the prisoner.-

1st Abdallah Mustapha

and

2d Cameron alias Mustapha Coomaroo.

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

The Provincial Court of Circuit for the Southern Division will issue the requisite Warrant.-

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit for the Southern Division by the first returnable within four days from and after its receipt.-

(Sent following Extract No 163)

F. U.

At a Court of the Foujdaree Udalut

Present,

Thursday 2nd June 1836

John Bird Esqr. ---------- 2d Puisne Judge

William Hudleston Esqr ---- 3d Puisne Judge

Mr. Duncan Campbell Esqr -- Acting Puisne Judge

Read letter dated the 27th May 1836

from the First Judge on Circuit in the Centre Division, submitting the explanation called for by the Foujdaree Udalut in their letter of the 11th of April last, relative to the circumstances under which, and the person by whom, Beeda Paupadoo, the 6th prisoner in Cutcherry No 20 on the Cuddapa Calendar for the First Sessions of 1836, was released from Confinement.

/Here enter No 955/

The First Judge submits a Copy of the return of the Acting Assistant Criminal Judge to his Precept on the subject of the above letter, and of its accompaniments. The Court observe, on reference to the deposition of the Jailor, Mahummud Ishauk, before the Acting Assistant Criminal Judge; taken on the 10th February 1836, that, he, the Jailor, released the prisoner "on looking at the descriptive roll," and that the Jail Vakeel deposed before the Acting Assistant Criminal Judge, "when the orders of the Court respecting the prisoners "committed and those released came I took all of the

x Nalloor ry Venkatasawmy

2nd June 1836. "the prisoners outside the Jail and compared them with "the descriptive roll, when four of the prisoners released "had joined with those Committed, and 2 of those Com- "mitted with those released, and were going away I "found them, and according to the descriptive roll took "those released aside, and those committed and there "and informed the Jailor immediately of the fact, upon "which the Jailor took a letter containing the circumstance "to the notice of the Judge."—

The deposition of the Jawabneviss Bheema Row also describes the release of the prisoners of whom Beeda Paupadoo was one, by the Jailor "after "having Compared them with the descriptive roll"

It appears to the Court of Foujdaree Adaulut that if there was no connivance on the part of the Jailor at the escape of the prisoner in question, there was the grossest stupidity and Criminal neglect of duty. It is quite clear that the Jailor was perfectly aware of the imposition which was being attempted, and yet he released the prisoner Beeda Paupadoo; a person whose description was alto- gether different from that correctly entered in the Roll. The Judges are of opinion that the conduct of the Jailor has rendered him deserving of dismissal, and that he should accordingly be discharged.

The First Judge will be pleased to cancel the sentence passed upon "Veera Nagadu" and to issue orders

2nd June 1836. under the name of "Beeda Paupadoo" and to issue orders for his immediate release.

Ordered, that Extract from these proceedings be sent to the First Judge on Circuit in the Centre Division for his information and guidance by Precept returnable in 3 days after receipt.

Sent following Precept No. 2666/

Read return dated the 24th Ultimo from the Acting Criminal Judge of Madura to Precept of the Foujdaree Udalut dated the 20th May 1836, conveying their observations and orders on the Criminal Reports for the month of April.

(Here enter No. 956 for

F. U.

At a Court of the Foujdaree Udalut.

Present,

Friday 3rd June 1836. John Bird Esqre ..... 2nd Puisne Judge
William Hudleston Esqre ..... 5th Puisne Judge
Alexr. Duncan Campbell Esqre — Acting Puisne Judge

Read letter dated the 15th March 1836,
from the First Judge on Circuit in the Northern Division,
transmitting the record in case No 9 on the Sentence Calendar
for the First Sessions of 1836.

(Here enter F. U. No 936 of 1836)

Mr Bird. The Court of Foujdaree Udalut, having
maturely considered the proceedings held before the Judge
on Circuit, the Fetwa of the Provincial Law Officer and
the Fetwa of the Bazee-ool-Cozat and Mooftees of the
Foujdaree Udalut, confirm the said Fetwa of the Bazee-
ool-Cozat and Mooftees aforesaid, acquitting the prisoners

1st Yamurty Pechengadoo

and

2nd Jounalagudda Rangadoo

and accordingly direct that they be set at Liberty.

(Sent following letter No)

Read letter dated the 21st May 1836
from the Acting Third Judge of the Provincial Court of
Circuit for the Northern Division, forwarding an Extract
from

3d June 1836

from the Proceedings of the Court of Inquiry Sessions connected with the two Cases of Perjury Nos 1 and 2 of the Masulipatam Calendar arising out of the Case of Murder, No 91 on the Criminal file, and whereby the Special Orders of the Foujdaree Udalut on the subject

(Here enter No 964)

The Acting Third Judge states in his letter of the 31st Ultimo that he has "taken a view of the "Cases before entering upon their trial," and in the Extract of proceedings he has laid before the Court of Foujdaree Udalut he thus concludes his remarks upon the two Cases

Case No 1

"Upon the whole the prisoner's deposition "does not display corrupt intention on his part, nor is the "Contradiction in this case so material as it is required by "Clause first, Section II. Regulation III. of 1826. the Acting "Third Judge therefore considers the prisoner entitled to "be released."

Case No 2.

"Under these reasons the Acting Third "Judge considers that this case does not embrace the pro- "vision required by Clause first, Section II. Regulation III. "of 1826, and by the latter part of the Circular Order dated the "31st January 1814, and therefore deems it expedient to release "the prisoner."

It appears to the Court of Foujdaree Udalut that the cases under reference fall within the provisions of the Circular Order of the 26th November 1814,

3d June 1836.

which declares "whenever it may appear to a Judge on "Circuit that any persons brought before him have been "committed on insufficient grounds, it will be proper "that the Judge should call the trial, and, having "declared that there were not sufficient grounds for "proceeding to trial should order the discharge of the "parties"

The Court of Foujdaree Udalut accordingly resolve to direct that the Acting Third Judge be requested to use his discretion in the cases in question, agreeably to the Standing Order of the 26th November 1814.

Ordered, that Extract from these proceedings be sent to the Acting Third Judge of the Provincial Court of Circuit for the Northern Division for his information and guidance.

(Sent in No 1)

Read Letter dated the 1st Instant from Lieutenant R. W. Chapman in charge of the Convicts, forwarding the "may" Statement of Convicts in the Jail at Guindy.

(Here enter No. 973)

Read Letter dated the 21st Ultimo from the 1st Judge on Circuit in the Northern Division, reporting the issue of the proclamation for the opening at Chicacole on the "8th June 1836" of the 1st Sessions of the current Year

(Here enter No. 974)

Read

5. June 1836.

Read Return dated the 31st Ulto from the Acting Assistant Criminal Judge in charge of Zillah Court of Cuddapah, in Pursuit of the Foujdaree Adalut dated the 26th may 1836 conveying their decisions and orders on the Cumbum Criminal Reference for the Month of April.

(Here enter No. 934)

Read letter dated the 31st Ulto from the Acting Magistrate of Northern Division Arcot submitting the explanation required by the Foujdaree Adalut on their proceedings of the 15th May 1836, relative to a case on the Criminal Reference for the Month of April.

(Here enter No. 935)

P. 16.

At a Court of the Foujdaree Adalut

Present,

Saturday 4th June 1836. John Bird Esqre ——— 2d Puisne Judge,
William Rudleston Esqre ——— 3d Puisne Judge
Alexr. Duncan Campbell Esqre — Acting Puisne Judge,

Read communication from the Acting 1st Judge late on Circuit in the Southern Division, forwarding copy of a return from the Magistrate of Tanjore, with reference to paras 59 and 60 of the Proceedings of the Foujdaree Adalut of the 29th February last, on the Circuit Report of the Acting 1st Judge for the second Sessions of 1835.

(Here enter No. 875)

In this return the Magistrate observes that the 2d Judge on Circuit was mistaken in supposing that in the cases referred to, the Assistant Magistrates had sentenced the parties to punishment not only without having held any personal examination but on the mere report of the Cutwall of Negapatam. The Magistrate observes that in every one of these cases "the Prosecutors, "Defendants and witnesses were personally examined "by the Assistant conducting the Police duties in "the Town of Negapatam, but their examinations "not being reduced to writing as directed by "Clause 1st Section III. Regulation VIII. of 1802, the only record

received of the case was the Report of the Cutwall who had apprehended and produced the delinquent before the Assistant Magistrate.

2. With reference to this observation of the Magistrate, the Court of Enquiry deem it only necessary to remark, that if the Case falls within the provisions of Sections XXXII and XXXIII Regulation IX of 1831, the complaint and so much of the evidence as was "material," together with the defence of the "accused" were required to be taken down in writing by Clause 1st Section III Regulation VIII of 1832, and the Acting 1st Judge has taken no Notice in Circuit in the Sections of Division will be pleased to direct the Magistrate carefully to observe this in future, and to point out to that Officer that, although no depositions were taken in this instance, the original depositions above described are those which by Clause second Section III Regulation VIII of 1832 are required to accompany the Calendar laid before the Court of Circuit, as the record of such Case, and not the more report of the Cutwalls.

Ordered that extract from these proceedings be forwarded to the Acting 1st Judge of Circuit in the Southern Division, requiring him to communicate the above to the Magistrate of Cuttack for his information and future guidance.

(Sent in No. 673.

Ordered also, that extract from these proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Governor in Council, with reference to the proceedings of the Conjeeree on Cuttack submitted to Government under date the 29th of February last.

(Sent in No. 674.)

To Sol. No 120.

F. U.

At a Court of the Foujdaree Udalut.

Present.

Monday 6th June 1836.

John Bird Esqr. ---------- 2nd Puisne Judge

William Hudleston Esqr. ----- 3rd Puisne Judge

Alexr. Duncan Campbell Esqr. .. Acting Puisne Judge.

W3

Read letter dated the 21st Ultimo from the Acting Second Judge on Circuit in the Southern Division, submitting an English and Persian Translation of the proceedings in case No. 15 on the Salem Calendar, for the First Sessions of 1836.

Mr. Bird
v
Govt. Cumdaula

/Here enter F. U. No. 935 of 1836./

In this case, the prisoner "Chinnaroyen" stood charged before the Court of Circuit with having, on the 17th March 1836, murdered his wife named Veeroy aged forty years, by beating her with a stick.

In the seventh paragraph of his letter of reference, the Judge of Circuit remarks "I owe his "(the prisoner's) manner before the Court was so extraordinary as to make me apprehensive of recommending "that he should suffer the last penalty of the Law, without "some further consultation of Medical authorities than I "have the means of resorting to."

With reference to these observations, the Court of Foujdaree Udalut before proceeding to pass judgment

6th June 1835.

Read return by the Joint Criminal Judge at Tellicherry, dated the 25th to Precept of the 20th Ultimo, conveying the orders of the Fouzdaree Udalut on the Tellicherry Criminal Reports for the month of April.

/Here enter No 972./

Suppl. Report Case 33

Under the explanation afforded in the above return, the Court of Fouzdaree Udalut do not consider it necessary to direct the circumstances of the case to be brought to the notice of the Magistrate.

Report Case 45

In the proceedings of the 20th Ultimo, the Court of Fouzdaree Udalut directed "Copy of the Case" and, of the paragraph referring to it, to be sent to the Magistrate. The Joint Criminal Judge concludes his return by stating "That Copy of the 3rd paragraph of the "Fouzdaree Udalut Courts proceedings of the 20th Instant "has been furnished to the Magistrate, but that as it is "understood that Copies of all proceedings held by the "Police in cases sent up to the Criminal Court are supp- "plied by them to the Magistrate the Copy of the Case No "45 need only be transmitted to the Magistrate on his "stating that the proceedings held therein are not on the "records of his Office."

The Court had no intention to direct a Copy of the record of the Case, No 45, to be forwarded to the Magistrate, but merely a copy of the Case as entered in the report.

Ordered

6th June 1836.

Judgment in this Case, deem it necessary to direct the Acting Criminal Judge of Calicut be instructed to summon any persons who may be inhabitants of the Village in which the prisoner resides, and who may be known him previously to the occurrence of the fatal affair forming the matter of charge, and examine them as to whether within their knowledge, he ever exhibited symptoms of Insanity, and that in the meantime he be placed under the inspection of the Medical Officer who at the period the returns to the Precept shall be made shall report whether he has evinced any symptoms of alienation of mind while under his Medical charge.

The Court of Fouzdaree Udalut further observe that in his Confessions both before the Police and the Criminal Court, the prisoner alleged the misconduct of his wife as that which prompted him to the commission of the Murder; and the Court resolve to direct that the Acting Criminal Judge be instructed to examine two of the Inhabitants of the prisoner's Village with the view of ascertaining whether or not there are any grounds for concluding that the prisoner entertained a belief of the infidelity.

Ordered accordingly that Extract from the proceedings be sent to the Acting Second Judge on Circuit in the Southern Division by Precept returnable within twenty five days from and after its receipt.

/Sent following Receipt No 676/

6th June 1836.

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge at Tellicherry for his information and guidance.

(Sent on No 677.)

Read Return dated the 28th Ultimo, from the 1st Judge on Circuit in the Northern Division to Precept of the Foujdaree Udalut dated the 20th April 1836 directing him to look particularly into case No. 12 on the Criminal Reports for Guntoor for the Month of March 1836, and to report the result of his enquiry.

(Here enter No. 994)

Read Return dated the 30th Ultimo, from the Criminal Judge of Malabar, to Precept of the Foujdaree Udalut dated the 21st May 1836 conveying their observations and orders on the Criminal Reports for the Month of April.

(Here enter No. 999)

Read Return dated the 30th Ultimo from the Acting Assistant Criminal Judge in charge of the Zillah Court at Rajahmundry, to the Precept of the Foujdaree Udalut dated the 21st May 1836, conveying their observations and orders on the Criminal Reports for the Month of April.

(Here enter No. 1001)

Read letter, dated the 31st Ultimo from the Magistrate of Canara, submitting the explanation required by the Foujdaree Udalut in their proceedings of the 25th May 1836, relative to case No. 42 on the Criminal Reports for the Month of April.

(Here enter No. 1003)

F. C.

At a Court of the Foujdaree Udalut

Present,

Wednesday 8th June 1836.

John Bird Esqre ——— 2nd Puisne Judge
William Hudleston Esqre 3rd Puisne Judge
Alexr Duncan Campbell Esqre Acting Puisne Judge

Read Return dated the 21st Ultimo from the First Judge on Circuit in the Northern Division, to the Precept of the Court of Foujdaree Udalut under date the 9th Ultimo, conveying their observations and orders on the Rajahmundry Calendar for the First Sessions of 1836.

(Here enter F. C. No. 977 of 1836.)

Referring to the remarks of the Court of Foujdaree Udalut on Case No. 5, the First Judge of the Circuit explains that "his motive for examining the witnesses who were present, was to save them the trouble and inconvenience of another journey to the Court" and that "in regard to the prisoner becoming acquainted with so much of the evidence for the prosecution, he is already acquainted with it, having heard it given before the Criminal Court."

The Court of Foujdaree Udalut

2. observe that this is not the only objection: a very material one being that sentence must be passed by a Judge before whom the trial has not taken place.

3. In the third paragraph of the foregoing Return

Return it is stated that "the first judge had hoped that "his remarks upon case No. 2 in the Calendar would have "elicited some observation from the Court of Foujdaree "Udalut in respect to the conduct of the Darogah Kinka "tachellum, the fourth witness in the case, who removed "the body of the deceased Gowree Swamy, which duty by his "own acknowledgment he performed in a very disrespectful "manner. The first judge suggests the propriety of his "dismissal from the service."

4. The Court of Foujdaree Udalut direct that the First judge be informed that a report of the circumstances connected with case No. 2, was made to Government; and that by an order in Council dated the 30th Ultimo the Court have learnt that the misconduct of the Darogah will be brought under the consideration of his Excellency the Commander in Chief in order that such notice may be taken of it as his Excellency may deem fit.

Ordered, that Extract from these proceedings be sent to the First judge on Circuit in the Northern Division for his information.

(Sent in No. 678)

Read Return dated the 30th Ultimo from the First judge on Circuit in the Centre Division to the Precept of the Court of Foujdaree Udalut under date the 25th Ultimo, conveying their observations and orders on the Cuddalore Calendar for the First Sessions of 1836.

(Recorded in H. Vol. No. 922 of 1836)

The

The First judge of Circuit reports that respecting the prisoner in case No. 9 on the Calendar, a Second Futwa has been taken from the Mahommedan Law Officer, in which she is declared liable to amputation of the right hand, commutable under Section XXI Regulation XIII of 1802, to imprisonment with hard labour for seven years. "In consideration, however of the prisoner being a female, "and having been unwittingly led into the commission "of the theft" the First Judge suggests "that the sentence "may be mitigated to three years imprisonment "with hard labour on the public works."

2. Approving of this recommendation, the Court of Foujdaree Udalut, under the authority vested in them by Clause Third, Section III Regulation I of 1825, direct that the prisoner

"Veerayee"

be imprisoned and kept to hard labour on the public roads or other public works for and during the period of (3) three Years.

Ordered, that Extract from these proceedings be sent to the First judge on Circuit in the Centre Division by Precept returnable within three days from and after its receipt.

(Sent following Precept No. 679)

Read Return dated the 30th Ultimo from the First judge on Circuit in the Centre Division,

to

8th June 1836.-

to the Receipt of the Court of Foujdaree Adalut under date the 30th March 1836, directing that further evidence be taken in case No. 11 on the Cuddapah Calendar for the first Sessions of 1836.-

(Here enter F. Cc. No. 981 of 1836.)

1

In the foregoing Return, the First Judge certifies "that the Register Court's instructions have been duly communicated to the Native Criminal Judge of Cuddapah, and the Acting Assistant & Criminal Judge in charge of the Zillah of Cuddapah but that the latter officer not having yet submitted the information called for, he has again been called upon by a Second Precept to supply the omission immediately."

2.

The Court of Foujdaree Adalut observe that their Precept above referred to was made returnable within twenty five days from and after its receipt: and that if from the misfeasance of any the subordinate authorities to furnish the requisite information, it was out of the power of the First Judge to conform to the orders contained in the extract from the proceedings of the 30th March last he should nevertheless have not failed to return the Precept within the period specified, reporting at the same time the circumstances which prevented him from returning it "executed."-

The

F. Cc.

8th June 1836.-

This was on a former occasion brought to the notice of the Provincial Court of Circuit in the Centre Division and the attention of all the subordinate authorities was particularly called to the provisions of the Regulations on this point, and to the standing orders of the Foujdaree Adalut, in the Circular letter issued under date the 2nd February 1835.-

Ordered, that Extract from these proceedings be sent to the First Judge on Circuit in the Centre Division for his information and future guidance.-

(Sent in No. 680.)

Read letter dated the 7th Ultimo from the Officiating 2nd Judge of the Provincial Court of Circuit in the Centre Division, submitting the Report prescribed by Section XXXVII Regulation VII of 1802 for the 4th Quarterly Sessions of 1835 and the first Quarterly Sessions of 1836.-

(Here enter No. 820.)

The first five paragraphs of this Report are occupied in notice of the Calendars laid before the Officiating 2nd Judge at the 4th Quarterly Sessions of 1835 and the 1st Quarterly Sessions of the present year, and do not appear to call for remark from the Court of Foujdaree Adalut.-

1

2

In the 6th paragr. the Officiating 2nd Judge submits his opinion that no permanent improvement

improvement can take place in the state of the Police until the Village Police shall be allowed small fixed Salaries in money sufficient to induce them to discharge their duties.

3. The measure of remunerating the heads of Village has been repeatedly advocated by the Foujdaree Adalut and the subject having been so fully considered in the proceedings submitted to Government under date the 22nd of December 1835, the Judges do not consider it necessary further to notice the subject on the present occasion.

4. In the 7th para. the Officiating judge observes that the state of the Police in the Zemindaries and [illegible] requires the immediate attention of the Magistracy. Information relative to the state of the Police in the Zemindaries and Allams of the District of Chittoor was laid before the Governor in Council together with an extract from the proceedings of the Foujdaree Adalut under date the 26th of February last - the Magistrate on that occasion suggested that no immediate alteration in the present system should be made until he could ascertain personally himself of the real state of the management of the Police in the Zemindaries, which it was his intention to do during the annual tour of inspection lately enjoined to be made by Collectors in the several Zemindaries for Revenue purposes.

Since

 5

Since the date of those proceedings the management of the District of Chittoor has fallen into other hands, and lest therefore the subject should escape the notice of the present Acting Magistrate, the Court of Foujdaree Adalut will direct his attention to the return dated the 1st of February last addressed by his predecessor in Office to the Provincial Court of Circuit in the Centre Division.

6. In the 9th para. the Officiating Judge observes that a brief manual of the Regulations "and Circular Orders of the Foujdaree Adalut relative to the "duties of Police Officers to be circulated to all the Head "District Police Officers is still a great desideratum" - the opinion of the Court of Foujdaree Adalut as to the expediency of circulating generally a body of rules such as that proposed by the Officiating 2nd Judge is already before the Government and will be found in the 30th para. of the proceedings of the Foujdaree Adalut of the 8th of March 1825.

7. The Officers of Police are supplied with copies of the Regulations which prescribe rules for their guidance and the Court of Foujdaree Adalut believe it to be the practice of the Magistrates to issue instructions to the Police Officers founded thereupon, whilst the Circular instructions addressed to the Magistrates at various periods by the Foujdaree Adalut are communicated to the Officers of District Police whenever they

8th June 1836

they may contain rules for their information and guide

3. The Report not appearing to require further observation from the Court of Foujdaree Udalut

Ordered that Extract from the proceedings, together with the Report of the Officiating 2nd Judge and the papers which accompanied, be transmitted to the Chief Secretary to Government for the purpose of being laid before the Governor in Council

(Sent in No. 601)

Ordered also, that extract from the proceedings be forwarded to the Officiating Judge of the Provincial Court of Circuit in the Southern Division, requiring him to communicate for the information and guidance of the Acting Magistrate of Chittoor for his information and guidance.

(Sent in No. 602)

Read return dated the 31st Ultimo from the Acting Second Judge on Circuit in the Southern Division to Precept of the Foujdaree Udalut dated the 2nd May 1836 conveying their Sentence and order in the Cumbaconum Calendar for the first Sessions of 1836

(Here enter No. 990)

F. Uc.

At a Court of the Foujdaree Udalut

Present,

Friday 10th June 1836.

John Bird Esqr. ——— 2nd Puisne Judge

William Hudleston Esqr. 3rd Puisne Judge

Alexr. Duncan Campbell Esqr. Acting Puisne Judge

Read letter dated the 20th Ultimo from the Acting Second Judge on Circuit in the Southern Division, submitting an English and Persian translation of the proceedings in case No. 20 on the Cumbaconum Calendar for the First Sessions of 1836.

(Here enter F. Uc. No. 932 of 1836)

Mr. Hudleston and Mr. Campbell

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 Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid, and in conformity with the provisions of Clause Third Section IV. Regulation XV. of 1803, Sentence the prisoner

5th Sabapady

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (14) fourteen Years and acquitting the prisoner

1st

10th June 1836

1st Tirungadoo ... of Chedumbra Moodely

2nd Chinnapil

3d Brottain

and

4 Tirungadoo ... of Karanoor

direct that they be set at liberty...

Sent following letter (No 694)

Observing that in the proceedings of the Police Officer in this case, frequent reference is made to examinations taken by the Magistrate, the Court of Foujdaree Udalut direct that the Judge of Circuit be called upon to report whether any such examinations were taken by that Officer, and if so, why they are not entered on the Record of the Trial of the Magistrate entered into an enquiry into the case, there appears also an explanation to be required as to how it came to be reported to the Native Police under him...

Ordered, that Extract from these proceedings be sent to the Acting 2nd Judge on Circuit in the Southern Division by Receipt returnable within three days from and after its receipt...

(Sent following Receipt No. 691)

Read Letter dated the 28th Ultimo from the Third Judge on Circuit in the Western Division submitting a copy of the Sirey Calendar for the 3d Sessions of 1836...

(Here enter F. W. No. 979 of 1836)

Read also Return dated the 31st Ultimo from

10th June 1836

from the same Officer to the Receipt of the Court of Foujdaree Udalut under date the 7th March 1836, directing him to look into case No. 6 of the Sirey Native Criminal Judge's Report V for the Month of January last, with reference to Section XXIII Regulation X of 1816, and to report the result of his investigation direct to the Foujdaree Udalut...

(Here enter F. W. No. 983 of 1836)

From the extract from the proceedings

1.

of the Court of Circuit under date the 18th Ultimo, it appears that the Record of Case No. 4 on the Calendar (Case No. 6 on the Sirey Criminal Report V for January) has been returned to the Native Criminal Judge, in order that further evidence on certain material points may be taken, and the Trial is postponed to the next Sessions.

The Court of Foujdaree Udalut are

2.

desirous that the result of the orders issued by the Court of Circuit should be communicated to them. If the case do not appear again in the Monthly Criminal Report, a special Return should be made through the Third Judge of Circuit, who will be pleased to issue the necessary instructions to this effect to the Native Criminal Judge of Sirey...

Ordered, that extract from these proceedings be sent to the Third Judge on Circuit in the Western Division for his guidance...

(Sent in No. 692)

Read

10th June 1836.

Read letter dated the 19th Ultimo from the 2nd Judge of the Provincial Court of Circuit in the Western Division, submitting for the determination of the Court "whether any value can be assigned to Bowdies estimating the amount of a theft" the question having arisen in a reference made by the Criminal Judge of Madura as to whether certain Bowdies, part of the property stolen from the prosecutor, may be returned to him, and not detained until the Trial of the case by the Court of Circuit.

(Here enter No. 950)

In estimating the amount of the theft, the Court are of opinion that the value of the Bowdies or the amount payable thereon must be taken into consideration in determining the jurisdiction of the Criminal Judge, with reference to the provisions of Section IX, Regulation X of 1825, but in order to avoid if possible the interests of the parties being prejudiced by the detention of the Bowdies, the Court of Foujdaree Udalut would suggest their being delivered up to the Parties on his entering into an engagement to produce them at the Trial.

Ordered, that extract from these proceedings be forwarded to the 2nd Judge of the Provincial Court of Circuit in the Western Division for his information.

(Sent in No. 693)

Read letter dated the 30th Ultimo from

(2)

Fort St. George
10th June 1836.

from the Magistrate of Madura, explaining the circumstances connected with the case 43 of the Madura Criminal Reports for the Month of April last.

(Here enter No. 996.)

It appeared to the Court of Foujdaree Udalut on review of the above Criminal Reports, that in the case 43, which was one in which a Razeenamah was inadmissible, it had been suggested to the parties that they should enter into a compromise.

2. Under the explanation, however, now afforded, the Court understand that the Magistrate meant by his order, to which exception was taken, that if the case turned out to be a family dispute, further proceedings were not requisite.

3. The Police Officer appears to have adhered to the letter of his instructions and as the parties could not agree he examined the case and forwarded it to the Criminal Court. The Court are of opinion that any blame attaches to the Magistrate.

Ordered, that extract from these proceedings be sent to the Magistrate of Madura for his information.

(Sent in No. 694)

Read return by the Acting Assistant Criminal Judge in charge of the Court at Cuddapa to

10th June 1836.

to Precpt of the Foujdaree Adalut of the 26th Ultimo, conveying their orders on the Cuddapah Criminal Reports for the Month of April.

(Here enter No. 991)

Suppl. Report Case 25.

1. With reference to the observations recorded by the Foujdaree Adalut upon this case in the proceedings of the 26th Ultimo, it is explained in the above return that in reply to the request of the Criminal Court to the Magistrate to take further steps to procure additional evidence, copy of an Urzee had been forwarded to the Criminal Court, from the Head of Police of the "Dewar Taluk stating that the Prosecutor on being "desired to point out any person who could prove any "enmity which is said to have existed between the "deceased and 1st and 3d prisoners denied having any "evidence."

"The Acting Assistant Criminal Judge requests "further orders with regard to detaining the prisoners in "custody, it does not at present appear probable that "any further evidence can be procured although during "the year something may perhaps transpire to assist "the ends of justice."

2. The Court of Foujdaree Adalut are of opinion that the prisoners cannot be detained longer in confinement, provided they produce the required Security.

10th June 1836.

Case 31.

3. The Court approve of the release of the prisoners in this case, under the circumstances represented in the above return—

Ordered, that extract from these proceedings be sent to the Acting Assistant Criminal Judge at Cuddapah for his information and guidance by Precept returnable in 3 days after receipt—

(Sent following Precept No. 695.)

Read return dated the 26th Ultimo from the Magistrate of Chingleput, to the Precept of the Foujdaree Adalut of the 20th Ultimo, conveying their observations and orders on the Chingleput Criminal Reports for the Month of April.—

(Here enter No. 959)

1. The Court of Foujdaree Adalut perceiving, from the Statement given in the Criminal Report, that the prisoners in this case were not before the Assistant Magistrate at the time certain Witnesses against them were examined by that Officer, called for "an explanation of all the circumstances connected "with the examination of the prisoners and witnesses in "the case".

2. With the above return a copy of a letter from the Assistant Magistrates relative to the case is laid before the Court—He observes that he "is not aware "that any order" to the effect, that the accused persons ought to have been present when the witnesses in support

7

10th. June 1836.-

of the charge were examined by him, - has ever been fixed by the Foujdaree Udalut - the Regulations are silent on the matter nor is it easy to perceive what beneficial purpose is to be answered by the observance of a rule of the nature laid down by the Criminal Judge.

3.

The only depositions specially authorized to be taken in the absence of the accused are those required by the Magistrate to satisfy himself of the truth of the complaint, without which information, on oath, the charge cannot be received or process issued against the accused party; - but after the apprehension of the accused the examination to be held by the Magistrate sufficient to satisfy his own mind that there is ground to believe the prisoners guilt before which a prisoner cannot be forwarded to the Criminal Court ought in the spirit of the Foujdaree Udalut to be conducted in the presence of the prisoner, and such appears to be the intention of Section XXIV. Regulation IX of 1816.

4.

Should unlikely the witnesses unable upon to identify the accused which can only be the case if they are permitted to be present during the examination, the Court do not perceive how a Magistrate can be considered to have satisfied himself of the prisoners guilt - and having gone so far into the examination he is required to forward the case to the Criminal Court.

5.

The depositions of further witnesses

(3)

J. H.

10th. June 1836.-

required to complete the case for trial can of course be taken by the Magistrate in the absence of the accused, and their depositions forwarded to the Criminal Court, tho' in general it will be found preferable to forward all additional evidence direct to the Criminal Judge: but in the instance now under the consideration of the Court the preliminary examination enjoined by Clause 2nd. Section XXIV. Regulation IX of 1816 was conducted, it would appear, altogether in the absence of the accused, then actually in confinement, and the Court cannot conceive a more unsatisfactory proceeding on the part of the Assistant Magistrate.-

Ordered, that extract from these proceedings be forwarded to the Magistrate of Chingleput for his information.-

(Sent in No. 696.)

Read letter dated the 31st. Ultimo, from the 3rd. Judge on Circuit in the Western Division, returning the Death Warrant issued in Case No. 2 of the Calicut Additional Calendar 1st. Sessions of 1836.-

(Here enter No. 1006)

Read letter dated the 4th. Instant from the Magistrate of Chingleput, forwarding a Statement shewing the manner in which the Convicts at Poonamalee were employed during the Month of May.-

(Here enter No. 1008)

Read

Read Return dated the 4th Instant from the Acting Criminal Judge of Salem, to Precept of the Fouzdaree Adalut dated the 23rd May 1836, conveying the observations and orders on the Criminal Reports for the Month of April.—

(Here enter No. 1009)

Read Return dated the 1st Instant from the Provincial Court of Circuit in the Northern Division to Precept of the Fouzdaree Adalut dated the 26th May 1836, calling for the Masulipatam Supplemental Calendar for the First Quarter Sessions of 1836, and requiring them to report whether the record of case No. 3 on the Primary Calendar has been forwarded to Mr Lawrence at Guntoor.

(Here enter No. 1010)

Read Return dated the 30th Ultimo from the Provincial Court of Circuit in the Northern Division, to Precept of the Fouzdaree Adalut dated the 9th May 1836, directing the issue of the requisite warrant for carrying into effect the sentence of imprisonment passed against Canty Appunnah, the first prisoner in Case No. 6 on the Rajahmundry Calendar for the Second Sessions of 1835.—

(Here enter No. 1011)

Read Return dated the 30th Ultimo from the Criminal Judge of Chicacole, to Precept of the Fouzdaree Adalut dated the 25th May 1836 conveying

their observations and orders on the Criminal Reports for the Month of April—

(Here enter No. 1012)

Read letter dated the 1st Instant from the 2nd Judge of the Provincial Court of Circuit in the Western Division, reporting his intention to open the Second Sessions of 1836 at Calicut on the 4th proximo.

(Here enter No. 1013)

Read Return dated the 6th Instant, from the 1st Judge on Circuit in the Centre Division, to Precept of the Fouzdaree Adalut dated the 2nd June 1836, declaring the Cuddapah Jailor to be deserving of dismissal for Criminal neglect of duty in releasing the prisoner Beeda Paupadoo from confinement instead of Veera Raugadoo; and directing that the sentence passed upon Veera Raugadoo in the name of Beeda Paupadoo be cancelled.—

(Here enter No. 1017)

Read Return dated the 3rd Instant from the Criminal Judge at Combaconum, to Precept of the Fouzdaree Adalut dated the 27th May 1836, conveying their observations and orders on the Criminal Reports for the Month of April.—

(Here enter No. 1018)

Read letter dated the 4th Instant, from the Acting 2nd Judge of Circuit in the Northern Division, reporting his intention to open the Second Sessions

10th June 1836

Sessions of 1836 at Vellore on the 4th instant.

(Here enter No. 1020)

Read letter dated the 6th Instant from the Acting 3d Judge of Circuit in the Southern Division, reporting his intention to open the Second Sessions of 1836 at Madura on the 7th instant.

(Here enter No. 1021)

F. U.

A. C. Court of the Foujdaree Udalut.

President.

Saturday 11th June 1836

John Bird Esqre. ---------- 2d Puisne Judge
William Hudleston Esqre. ---------- 3d Puisne Judge
Alexr Duncan Campbell Esqre. - Acting Puisne Judge.

Read again letter dated the 6th April 1836, from the Officiating Second Judge of the Provincial Court of Circuit in the Centre Division, transmitting the record in Case No. 1 on the Chittoor Second Supplemental Calendar 1st Quarterly Sessions of 1836.

(Here enter F. U. No. 701 of 1836)

Read also Order of Government dated the 3d Ultimo, communicating to the Military Department the letter from the Foujdaree Udalut of the 2d May 1836, recommending that the Sentence of Death passed against the Private of the D. Company 46th Regiment N. I. convicted of the wilful Murder of his Comrade, may be carried into effect in the presence of the Native Troops composing the Garrison at Vellore at a Spot to be selected by the Officer Commanding in Communication with the Criminal Judge of Chittoor.

(Here enter F. U. No. 1022 of 1836)

Mr. Bird and Mr. Hudleston

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Future of the Provincial Law Officer

can

11th June 1836 and the Futwa of the bagee ool coozat and Mooftee of the Fouzdaree Udalut, Confirm the said Futwa of the bagee ool coozat and Mooftee aforesaid Convicting the prisoner

Shaikh Ismayl

of wilful Murder and awarding Kissas, and in Conformity with the provisions of Section X Regulation VIII of 1802, Sentence him to Suffer Death by being hanged by the Neck as conveniently can be after the receipt of this warrant at a Spot to be selected by the Criminal Judge in communication with the Officer Commanding Vellore, in the immediate vicinity of the Fort of Vellore.

(Sent following letter No. 704)

Read letter dated the 6th Ultimo from the Third Judge on Circuit in the Western Division, transmitting the record in Case No. 5 on the Mangalore Calendar for the First Sessions of 1836.

(Here enter F.C. No. 964 of 1836)

Mr. Bird and Mr. Ruddleston

The Court of Fouzdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the bagee ool coozat and Mooftees of the Fouzdaree Udalut, confirm the said Futwa of the bagee ool coozat and Mooftees aforesaid, and, under the provisions of Section X, Regulation VIII of 1802, sentence the prisoner

1st Cavendish

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

11th June 1836 place of execution: and, acquitting the prisoner

2nd Poowa

direct that he be set at liberty.

(Sent following letter No. 705)

Read return dated the 31st Ultimo by the Criminal Judge at Mangalore to Precept of the Fouzdaree Udalut of the 25th Ultimo, conveying the Orders and observations of the Fouzdaree Udalut on the Mangalore Criminal Reports for the Month of April.

(Here enter No. 995)

In the Concluding para: of the above return the Criminal Judge requests to be furnished with Copy of the Order of the 25th July 1835 wherein the Fouzdaree Udalut ruled that Cases involving breaches of the Salt and Tobacco laws falling within Regulation VI of 1831 should not be referred to the Sudr Ameen.

2. The Court of Fouzdaree Udalut direct that Copy of the Order in question be forwarded accordingly.

Ordered, that Extract of these proceedings with Copy of the Order of the 25th July 1835 be sent to the Criminal Judge at Mangalore for his information.

(Sent in No. 706)

F. U.

At a Court of the Foujdaree Udalut

Present

Wednesday, 15th June, 1836

John Bird Esqre. ..... 2nd Puisne Judge

William Hudleston Esqre. ... 3rd Puisne Judge

Alexr. Duncan Campbell Esqre. Acting Puisne Judge.

Read letter dated the 2nd Instant from the Acting Second Judge on Circuit in the Southern Division, submitting for the consideration and final judgment of the Foujdaree Udalut an English and Persian Translation of the proceedings in Case No 17 on the Salem Calendar for the First Sessions of 1836.

(Here enter F. U. No 993 of 1836)

Mr Campbell.

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, convicting the prisoner

Anoomunden

of the Crime charged and awarding Sohoobut, and under the provisions of Clause first, Section V, Regulation VIII of 1831, and Clause third, Section VII, Regulation XV of 1803, sentence him to be imprisoned and kept to hard labour in irons on the public roads or other public

works

works for and during the period of 10 (ten) Years.

1. In this case, the prisoner Anoomundon stood charged before the Court of Circuit with having entered the prosecutor's house, by climbing over the wall and severely wounded the said prosecutor by throwing a Stone on his head while he and his wife were lying down in the house.

2. It is obvious to remark that the indictment in this case is defective, inasmuch as it charges the prisoner with "severe wounding" only, while it ought to have added "with intent to kill either the prosecutor "his Comedine." The intent to kill not being charged, the prisoner cannot be convicted thereof: and it is this omission on the part of the Subordinate authorities which alone precludes the Court of Foujdaree Udalut from sentencing the prisoner to transportation for life.

3. That the Judge of Circuit considered the prisoner guilty of wounding with intent to kill, and that it was this consideration which led him to refer the Trial appears from the eighth paragraph of that Officer's letter of reference, in which he observes "the Law Officer declared the prisoner convicted upon full proof "of the Crime laid to his charge and liable to abroolut "In this finding I concur, and as the missing the person "for whom the blow was intended and killing another

"person for whom it was not intended does not in "Law, do away with the fact of the felonious intention "to have committed Murder by casting the Stone, I "conceive that any punishment competent to me to inflict "under Claude Seventh, Section II Regulation XVII of 1803, "would be utterly inadequate to the Crime."

Ordered, that Extract from these proceedings be sent to the Acting Second Judge on Circuit in the Southern Division for his information and future guidance, and that of the Assistant Criminal Judge of Salem.

(Sent following letter No. 708)

Read letter dated the 8th Instant from the Magistrate of Malabar, Submitting explanation in certain Cases, in the Calicut Criminal Reports for April, called for by the Foujdaree Udalut on review of those Reports under date the 21st Ultimo —

(Here enter No 1027.)

Report V
Case 79

The Magistrate submits a Communication from his Assistant dated the 1st Instant explaining the grounds upon which he directed the Case noted in the margin to be forwarded to the Criminal Court; the Court of Foujdaree Udalut having remarked that it did not appear to be a Case which ought to have been thus forwarded. But the Court of Foujdaree Udalut, being satisfied, from the explanation of the Assistant Magistrate

15th June 1836 Magistrate, that his proceedings in the Cas in qu=
=tion were correct, deem it proper to direct that the
opinion be communicated to the Magistrate for the
information of his Assistant

Ordered accordingly that Extract
from these proceedings be sent to the Magistrate of
Malabar for his information and guidance—

Sent in No 709/

Read the Rajahmundry Criminal
Reports prescribed by Section XXXV Regulation X 1816
for the month of April.

(Here enter No 1022/

Suppl Report
Ext. de 89

It is stated in this case that "there is
"no proof against the 2d 3d 4th 5th and 6th prisoners, who
"are implicated by the 1st prisoner." The Court of Sanjidaree
Udalut request to be informed, whether, under these circum=
=stances, the prisoners in question were forwarded to the Cri=
=minal Court. The Acting Assistant Criminal Judge in
charge will accordingly furnish Copy of the case, as it
stands in the Report, and of this paragraph to the
Magistrate who will be pleased to transmit, direct to the
Sanjidaree Udalut, the requisite explanation, within 8 days
after receipt of these instructions—

Statement of Labor

2.

The Court perceive that the prisoners
under the charge of the Military Authority at Sam=
=allah are included in the Statement, noted in the margin

The

J. U.
15th June 1836 The Acting Assistant Criminal Judge will be pleased
to discontinue this practice, a separate Statement being
expected, from the Officer commanding at Samulcottah,
under the Circular instructions of the Sanjidaree Udalut
of the 9th February 1835 which should be communicated
to him.

Ordered, that Extract from these pro=
=ceedings be sent to the Acting Assistant Criminal
Judge in charge of the Criminal Court at Rajahmundry
for his information and guidance by Precept, returnable
in 3 days after receipt—

(Sent following Precept No 710.)—

Ent. W3

At a Court of the Foujdaree Adalut

Present,

Friday 17th June 1836 John Bird Esqre 2nd Puisne Judge

William Hudleston Esqre 3d Puisne Judge

Alexr Duncan Campbell Esqre Acting Puisne Judge

1/3

1/31

Read letter dated the 25th April last, from the 1st Judge late on Circuit in the Western Division, submitting the Report required by Section XXXVII Regulation XII of 1802 for the 2nd Sessions of 1835.

(Here enter No. 730)

In the 2nd para: the 1st Judge accounts for the late period at which this Report is submitted; and brings to the remembrance of the Court that the Sessions at which he presided were unavoidably not completed until the 18th of January last.

2. The 1st Judge then proceeds to notice the heavy state of the Calendars laid before him at Malabar and in the 6th para: observes that "the perpetration of so large a number of Gang and Highway Robberies as 31 out of 38 committed, having occurred in the Talooks of Palghaut, Tomalpooram and Nedoonganaad, contiguous on the Territories of Cochin, in which District, as the Magistrate observes, the most desperate characters find easy shelter, will be trusted be considered sufficient to justify his offering for consideration" that "these

"these Talooks should be placed under the immediate
"superintendence of an Assistant Magistrate, who
"residing on the spot would be able to afford his
"advice and assistance, not only to the Police under
"his controul, but to all classes who may apply to him
"for it in adjusting their differences, and the protection
"of their property, and by following up information
"where crimes may have been committed."

3. In respect to the distribution of the European Assistants, it of course rests with the Magistrate to make such arrangements as he may consider most conducive to the public interests, and if as it would appear from the proceedings now under consideration, the Magistrate concurs in the expediency of an Assistant Magistrate residing within the Talooks of Palghaut, Tamalpooram and Ridoopooram it remains only for the Magistrate to give effect to the suggestion contained in the 6th para. of Mr. Shakespear's Report.

4. But lest it should be intended by this para. to convey that, with his present Establishment the Magistrate is unable to depute an Assistant Magistrate to the special charge of the Talooks in question, it may be worthy of the consideration of the Governor in Council whether or not it would be expedient for that purpose to place another Assistant at the disposal of the Magistrate of Malabar.

Having

5. Having alluded to the many cases of Gang Robbery and Highway Robbery committed in the Zillah of Malabar, the 1st Judge late on Circuit observes, that "as regards this species of depradation, the "determinate rule, as it at present stands, declares one or "more to constitute Gang Robbery, so that in reality "there appear no distinction in classification, whereby "the higher authorities can possibly form any correct "idea as to the actual number of the most heinous "offences of this description committed in the Provinces."

6. Mr. Shakespear is in error in stating that "the determinate rule as it at present stands "declares one or more to constitute Gang Robbery". In the Circular Order of the Foujdaree Adalut dated the 23d of February 1829 it is ruled that "any Robbery, "by more than one individual, is Gang Robbery, and "is to be classed as such, and the Magistrates were required to be careful to observe this distinction when filling up the half yearly Statements of crimes and punishments. The Judges of the Foujdaree Adalut are of opinion that in the proposed new Code it may be expedient to specify the number which constitutes "a gang of robbers".

vide page 161 printed in C. Book

7. The frequency of Gang Robberies within the Zillah of Malabar Mr. Shakespear attributes in a great measure to the Tobacco Monopoly, he observes that "in many instances the

"perpetrators

"perpetrators do not actually set out or meditate com-
"mitting such an offence, but in the contingency
"assembled together for the purpose of engaging in a
"smuggling of tobacco from Coimbatore finding themselves
"frustrated in their original design, and vexed at consi-
"quent disappointment, they with one accord set for-
"favourable opportunity presenting itself of emitting
"themselves in the commission of a Robbery, and this
"act of a contemplated minor offence, may be said to
"originate one of a far more heinous description, to
"which otherwise probably it never would have
"entered their heads to have been concerned in;
"as long as the Monopoly exists so long he fears will
"Gang Robberies be found to be the most prominent
"species of crime in these Provinces."

3.

The mischief arising from the system
of the Tobacco Monopoly were fully described in the pro-
ceedings of the Foujdaree Udalut submitted to Govern-
ment under date the 18th of October 1814 when the
Judges suggested for consideration whether the income
derived from the Tobacco Monopoly in Coimbatore was
from an amount sufficient to counterbalance the evils of
the system or whether it were possible to avoid
those evils without materially injuring the public
revenue, and the present may perhaps be considered
a fit opportunity for again bringing the subject to

17th June 1836. the consideration of the Revenue Department.

9. Paras 9. 10. 11. 12. 13. 14 and 15 of the
Report are occupied in notice of the proceedings held
by the 1st Judge in certain cases entered in the Malabar
Calendar laid before him at the 2nd Sessions of 1835.
the observations recorded in these paras do not appear
to call for particular remark from the Court of
Foujdaree Udalut, they will merely observe therefore
for the information of Mr Shakespear that they ap-
prove of the orders issued by him in Cases Nos 4 and
14 of the Malabar Calendar.

10. In the 17th para. Mr Shakespear
complains of the apparent total want of exertion evinced
by the establishment of the Criminal Court of Malabar
in the preparation of English and Persian Translations
of the cases which he had occasion to refer to the Court
of Foujdaree Udalut, and the few cases entered in the
Calendar in which translations had been made of
the proceedings before the Police and the Criminal Court
tended, observes Mr Shakespear, "greatly to impede busines-
"

11. The Criminal Judge assigns as a
reason for the delay "the inadequacy of the English Establish-
"ment of his Court and states that "though "he is generally
"called to keep the whole of the writers employed under
"his own eye throughout the day, he finds it impracti-
"cable to get the business done."

12. The Court are aware that the duty
to

to be performed both on the Criminal and the Civil side of the Court of Malabar is very heavy but as its existing establishment is larger than that of any other Zillah Court under this Presidency, the Judges are of opinion that with method, and if necessary a slight modification of the description of Servants employed, the establishment of the Zillah Court might be made efficient without involving any additional charge to Government.

13. The Persian Moonshee on the establishment of the Zillah Court would appear from the Criminal Judge's own shewing to have been neglectful of their duty, and these Officers should be warned that future negligence on their part will be visited with dismissal.

14. In the 19th para. Mr Shakespear refers to the improvements lately completed in the Jail at Calicut and records his decided opinion that the internal arrangement is objectionable, but states that it would ill become him again to agitate the question, after the decided rejection of his suggestions as to improvements met with from the Court of Foujdaree Adalut.

15. The Judges certainly did not entirely concur in the suggestions offered by Mr Shakespear in his letter of the 15th of July last, in respect to the alterations then under execution in the Jail at Calicut, principally

principally because in their opinion no valid objections existed to the plan of improvement proposed by the Criminal Judge, whilst additional expence would have attended the execution of the works suggested by Mr Shakespear; but there is nothing contained in the proceedings of the Foujdaree Adalut of the 31st of July last which should have induced the 1st Judge to take umbrage at the remarks recorded in reply to his communication of the 13th of the same month.

16. The several instances adduced in paras. 21. 22. 23 and 24. in proof of the vigilance and successful endeavours of the Police in the reapprehension of Convicts who effected their escape from the Jail at Calicut is highly creditable to Mr Clementson's Management; but adverting to para. 25 of this Report the Judges would explain, that since the completion of the outer Jail Wall, 12 feet in height, which was one of the improvements suggested by Mr Nelson, no Convicts have effected their escape from the Jail at Calicut, and so far from the present authorized Jail establishment being found insufficient for the safe custody of the Convicts, the Criminal Judge of Malabar has lately not found it necessary to employ the full complement of Peons authorized to be entertained under the arrangement sanctioned by Government on the 23d of May 1834.

Mak

17th June 1836.

17

With reference to para 16 and the marginal note in red ink, the Judges would learn that they have now under their consideration a communication from the Provincial Court of Canara requesting sanction for the transfer from the Jail of Cannanore to that of Tellicherry of 60 Convicts, who have directed to be employed in the repair of the road leading from Tellicherry to Mangalore.

18.

The remarks of Mr. Shakespear on the subject of the "two bridges sanctioned by Government" are only of which has at last been completed and his opinion that the Tellicherry Road has been brought to its present bad state by neglect, the Governor in Council may consider necessary should be furnished to the Board of Revenue; the Court are not aware with reference to the Minutes of Consultation under date the 19th of April 1836 that sanction has been granted for the completion of more than one Bridge, over the Dummapatam River, the estimate for which was sanctioned on the 25th of October 1834—

19

The Court of Fouzdaree Adalut would solicit the attention of Government to the recommendation passed by the 1st Judge upon the Trial and Mr Forsyth the late Acting Judge and Mr Maltby the permanent Assistant Criminal Judge of the Zillah Court of Canara. The Judges entertain a high opinion of the qualifications of these Officers for Judicial employment, and their exertions will doubtless be noticed by the Governor in Council.—

20.

The remarks of the 1st Judge on certain cases selected from the Calendars of Canara and Honore do not appear to call for observation from the Court of Fouzdaree Adalut, but, with reference to paras: 32 and 33 of the Report, they would record for the information of Mr Shakespear, that it was competent to him to have required the dismissal of the Police Duffadar "Santoo Naik" if upon enquiry it had appeared that his conduct on the occasion alluded to merited such punishment—but without a knowledge of the particular law of the case, the Court are unable to determine whether the fine levied by the Joint Magistrate was or was not a sufficient punishment for the offences.—

21.

Adverting to para 37 of the Report the Court of Fouzdaree Adalut would observe that having satisfied themselves that Khantaya, the Sudr Ameen at Honore, is unable to conduct with efficiency the duties of his Office, he has been required thro' the Provincial Court in the Western Division to apply for that Superannuation Pension to which his past services may entitle him.—

Mith.

J. Do.

17th June 1836.

22.

With respect to the additions proposed to be made to the Jail at Sirsy the 1st Judge will be instructed to require the Native Judge to submit a plan and estimate of the expence thro' the Provincial Court of Circuit in the Western Division.

23.

The suggestions of the 1st and 2d Judges of the Provincial Court of Circuit in the Western Division for enhancing the penalties for gross prevarication before the several Courts have, it will be perceived been acted upon by the Court of Foujdaree Adalut, and on the 31st of July last the Judges by desire of the Governor in Council, submitted to Government the draft of a Regulation to that effect.

24.

In the 43d and 45th paras: of the Report Mr. Shakespear again remarks upon the abuse of the privilege allowed to prisoners of calling witnesses to attend on their behalf at their Trial before the Court of Circuit, and suggests that it be subjected to further restriction.

25

In the proceedings of the Foujdaree Adalut of the 7th of May 1832, the Judges expressed to Government their opinion "that the provisions of Section II, Regulation II of 1822 comprize all that can safely be done to check the summoning of unnecessary witnesses for Prisoners committed for Trial; and that

that "if those provisions are not duly attended to, "it is the duty of the Judges on Circuit to direct that "they be observed more strictly and to report the "Officers whom they observe to be neglectful in this "respect".

26.

The Court of Foujdaree Adalut also circulated an extract from their proceedings under date the 12th of February last, indicating the rule by which in the case of accused persons having witnesses in their defence the Criminal authorities should be guided, and the Judges are of opinion that it would not be just to restrict the privilege accorded to the accused by the provisions of Section XIV. Regulation X of 1816.

27.

The report not appearing to require further remark from the Court of Foujdaree Adalut

Ordered, that a copy of the Report together with an extract from these proceedings be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Governor in Council—

Sent in No. 712

To Govt. No. 124.

Ordered also that extract from these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Western Division for his information and guidance.

Sent in No. 713.

F. 116

At a Court of the Tonjadare Adalut

Present,

Saturday
18th June 1836 John Bird Esqr ——— 1st Puisne Judge

William Hudleston Esqr 3d Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Read again Return dated the 30th Ultimo from the First Judge late on Circuit in the Centre Division to the Receipt of the Court of Tonjadare Adalut under date the 25th May 1836, conveying their observations and orders on the Cuddalore Calendar for the First Sessions of 1836.

(Here enter F. 116. No. 982 of 1836)

Read also letter dated the 31st Ultimo from the First Judge late on Circuit in the Centre Division submitting with reference to his Return of the 30th to the Receipt of the Tonjadare Adalut under date the 25th Ultimo. translations of three Depositions and two Urzies regarding the alleged extortion of their confessions from the prisoners in case No. 1 on the Cuddalore Calendar for the First Sessions of 1836.

(Here enter F. 116. No. 989 of 1836)

In his Urzies addressed under date the 30th April 1836 to the Magistrate of South Arcot, of which a translation accompanies the letter of the 31st Ultimo from the First Judge late on Circuit Vencatarow the Tahseldar of the Taluk of Tinderamum observes; "as

as there are no persons to attest the declarations of prisoners who commit heinous Crimes, it has been customary with me to send for and keep the Natives of the said town during the examination of the parties in order to prevent delay. These Merchants have therefore consulted together &c.

The Court of Fouzdaree Adaulut are unable to perceive any necessity for the practice described of "sending for Merchants and keeping them during the examination of the prisoners" and they think that such a proceeding is unauthorized by any provission of the Regulations.

The Court in consequence direct that the Magistrate of South Arcot be instructed to take the necessary steps for causing the discontinuance of the practice in question, and that his attention be called to Regulation X. of 1819.

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

(Sent in No. 716)

Read extract from the Minutes of Consultation dated the 7th Instant, communicating to the Fouzdaree Adaulut with reference to their proceedings of the 24th December 1835 and 29th February 1836 a copy

copy of a letter from the Commissary General remarking on the Report of the Magistrate of Trichinopoly in which he attributes the unusual prevalence of crime at that Station, to drunkenness caused by the facility with which liquor was obtained from the numerous licensed Arrack and Toddy Shops within the Commissariat limits, and to the leniency with which the infraction of the rules laid down for the guidance of the Arrack and Toddy Vendors has for some time been treated.

(Here enter No. 1024)

Ordered, that copy of the foregoing Minutes of Consultation be transmitted to the Provincial Court of Circuit for the Southern Division for the information of the Acting 1st Judge, with reference to the 105th & the 112th paragraphs of his Report dated 11th January 1836 for the 2d Session of 1835, and to the Magistrate of Trichinopoly with reference to paras 9 to 13 of his letter of the 6th March 1835 noticed in paras 123 and 124 of the proceedings of the Fouzdaree Adaulut on the Criminal Statements for the 2nd half of 1834, dated the 24th December 1835.

(Sent in No. 717)

Read the Honble Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for the Month of May.

(Here enter No. 1031)

Report V
Case 24

The Court of Fouzdaree Adaulut direct with

18th June 1836.

with reference to the Statement recorded in the Report that the Native Criminal Judge be informed that they see no objection to his having granted permission to the prisoner in this case sentenced to pay a fine under Clause 1st Section XV. Regulation V of 1831 to go at liberty about the distance of 4 Gaums, under the custody of a Peon he, having represented that he will pay the fine being unable to procure the money at present

Case 26. 2 In this case the prisoner has been sentenced for "housebreaking" and theft of property valued at Rupees 16-11-2, to 3 months imprisonment with labor in irons under Clause 6th Section II Regulation XI of 1822. It appears to the Court of Foujdaree Adalut that this sentence is very lenient and although they will not direct it to be disturbed, they deem it proper to record for the information and future guidance of the Native Criminal Judge, their opinion that in cases for which a greater punishment than that provided by Section XIII Regulation X of 1816 has been subsequently provided, the sentence should award that adjudicable under the old laws

Case 27. 3. It does not appear to the Court of Foujdaree Adalut that the sentence of the Native Judge should have been augmented in this case of escape but they will not now overrule the order of the Native Criminal Judge.

Ordered, that Extract from these proceedings

18th June 1836. proceedings be sent to the Native Criminal Judge at Bauree for his information and guidance.

(Sent in No. 718)

Read the Chingleput Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of May.

(Here enter No. 1030)

With reference to the detail of evidence

Report V Case 79. given in this case wherein the prisoners have been committed, the Court of Foujdaree Adalut direct that it be intimated to the Criminal Judge that they do not require so full an entry to be made in the Criminal Reports. A concise but distinct note of the grounds of the order in each case of commitment to enable the Court of Foujdaree Adalut to judge as to the propriety of the proceeding of the lower Court being sufficient.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Chingleput for his information and future guidance.

(Sent in No. 719)

Read the Vizagapatam Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of May.

(Here enter No. 1029)

Report V Case 26. 1. The 5th Witness in this case has been fined

joined 15 Rupees under Section XIII Regulation XIII 1827.

The Court of Foujdaree Udalut would observe that unless the party was in good circumstances the fine appears to them excessive—

Cases 21 and 22 2

These cases appear to have been tried in the Talook in consequence of references to the Magistrate and the cause of the references not being communicated to the joint Criminal Court as required by the Circular Order dated 26th February 1836, the Court of Foujdaree Udalut direct that copy of the cases as they stand in the Report and of this paragraph be transmitted by the Acting joint Criminal Judge to the Magistrate, who will be pleased to read the Circular Order in question to be observed in future by the Police Officers who forwarded the cases—

Cases 22 also 3

It is not signified in this cases upon what authority (by the Circular Order of the 29th November 1827 (see the printed copy) by which authority it was adjudicated. It was decided by the Sudr Ameen the Acting joint Criminal Judge will be pleased to observe such case in future for his own decision. The Foujdaree Udalut having ruled in the 26th July 1835. that cases of breaches of the Salt and Tobacco Laws falling within the provisions of Regulation X of 1831 should not be referred to a Sudr Ameen

Case 23 4

The Court remark in this case that the provisions of the law in support of the sentence cannot be not been entered.

Report XIII 5

With reference to the note at the foot of this Report the Court of Foujdaree Udalut request to be informed why the other two cases were not delivered to the Court of Circuit

Ordered, that extract from these proceedings be sent to the Acting Joint Criminal Judge at Vizagapatam for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 720.)

Read the Nellore Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of May

(Here enter No. 1046)

Supt. Report Case 24. 1

The prisoner in this case having been in confinement from the 15th of February last, the Court of Foujdaree Udalut are of opinion that they should not be detained longer for want of evidence, and they accordingly resolve to direct that the case be disposed on receipt of these proceedings upon the evidence that may be before the Criminal Court—

Case 36. 2

The prisoners in this case are convicted in the four following cases—They appear to have been apprehended in March and to have been detained in consequence of the non attendance of certain witnesses—The Court direct that copy of the cases as they stand in the Report be sent with copy of this paragraph to the Magistrate who will be pleased to submit direct to the Foujdaree Udalut an explanation of the reason why the witnesses required have not

No 36.
37
39
40

18th June 1836 not been forwarded. If the witnesses in question are not shortly produced it will devolve upon the Criminal Court to dispose of the cases, as the Court of Fouzdaree Udalut cannot sanction the detention of prisoners in this manner in confinement for 8 months because there is not evidence produced against them.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Nellore for his information and guidance by Dawk returnable in 8 days after receipt.

(Sent following Roobkar No. 721)

F. U.

At a Court of the Fouzdaree Udalut.

Present

Tuesday 20th June 1836

John Bird Esqr. — 2nd Puisne Judge
William Huddleston Esqr. — 3rd Puisne Judge
Alexr. Duncan Campbell Esqr. — Acting Puisne Judge

Read letter dated the 3rd Instant,

from the Acting Second Judge on Circuit in the Southern Division, transmitting the record in Case No. 10 on the Salem Calendar for the 1st Sessions of 1836.

(Here enter F. U. No. 1006 of 1836)

The Court of Fouzdaree Udalut, having

Mr. Huddleston (and) Mr. Campbell

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 Fouzdaree Udalut, confirm the said Futwa of the Cazee-ool-cozat and Mooftee aforesaid, convicting the prisoner

Mahomed Saib,

of the crime charged and awarding Dohoobut, and in conformity with the provisions of Clause Second, Section IV, Regulation XV of 1803, sentence him to be transported to such place beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for

(and

21st June 1836 and during the period of his natural life.

(Sent for Vowing Letter No 727)

Read the Calcutta Criminal Report prescribed by Section XXXV Regulation X 1816, for the month of May.

(Here enter No 1052)

Suffpk Report / Case 98 — With reference to the case noted in the margin, the Court of Foujdaree Udalut direct that the Criminal Judge be informed that on the 26th of July 1836 they ruled that Cases involving breaches of the Salt and Tobacco laws not falling within the provisions of Regulation V of 1831, ought not to be referred to the Sudr Ameen, but should be retained by the Criminal Judge for trial by himself or his Assistants

Statement of Labor — 2. The Court regret to observe the occurrence of 3 deaths during the period for which these Reports are prepared, and that so many as 63 persons are represented to have been in Hospital at the close of the Month. The Court trust that the attention of the Criminal Judge and the Medical Officer has been given to the best means of checking the prevailing sickness.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Cuttack for his information and guidance

(Sent in No 728)

Ft. Wm.

At a Court of the Foujdaree Udalut.

Wednesday 22nd June 1836.

Present,

John Bird Esqre — 2nd Puisne Judge

William Mudleston Esqre — 3rd Puisne Judge

Alexr Duncan Campbell Esqr Acting Puisne Judge

Sudr C. O. No. 31 — Foujdaree C. O. No. 69

The Court of Sudr and Foujdaree Udalut having observed, that it is a general practice both in the Translations of Appeals to the Sudr Udalut and in those of Trials referred to the Foujdaree Udalut, for dates and other expressions in various Native dialects to be inserted without explanation of their meaning—resolve to direct that the practice be discontinued as objectionable and inconvenient.

2. As regards Criminal Trials the practice of entering the Native date without specifying the corresponding English date was prohibited by the Circular Order of the 17th of January 1815, and in directing in their Circular Order of the 2nd November 1824 that in the English translations of Criminal records a note should be inserted

21st June 1836.

of distance and measurement in feet and inches, the Court of Fouzdaree Udalut took occasion to call the attention of the Courts of Circuit to those orders, and to direct that the several Judges of Circuit and Criminal Judges be careful in future to observe the rule indicated therein—

3 The Court of Sudr Udalut deem it of importance that the same course should be observed in the preparation of English translations of Circuit Records, and they desire that no expressions in a native dialect be inserted in the Translation without an explanation in English of their meaning—

To be communicated to the several Zillah and Assistant Judges, Criminal and joint Criminal Judges within the Division—

To Govt. 24. No. 101.

Sent following C. O. Nos. 734–735.)

Read the Chittua Criminal Reports prescribed by Section XXXV Regulation X. 1816 for the month of May—

(Answer No. 1060)

Supplt. Report Con. 50.

1 With reference to the following note in the Report—The Prosecutor having requested that the case be postponed to enable him to obtain further evidence against the prisoner, the disposal of the case is delayed; the Court of Fouzdaree Udalut observe that the case ought not to be delayed for any

22nd June 1836.

any considerable period in this account—

Case 59. 2 The prisoner in this case having been kept 29 days in confinement without evidence against him, the Court of Fouzdaree Udalut deem it proper to direct that the case be disposed of if the required witnesses are not soon transmitted by the Magistrate to the Criminal Court—

Case 65. 3. The explanation of the delay of this case in the Jalook being very unsatisfactory, the Court of Fouzdaree Udalut direct that a copy of the case as it stands in the Report and of this paragraph, be furnished by the Criminal Judge to the Magistrate, who will be pleased to take such notice of the conduct of the Police Officer as, upon enquiry, he may find it to deserve—

With reference to the 2nd paragraph 4. of the letter accompanying the Criminal Reports, the Court direct that the Criminal Judge be requested to forward in future the Report No. 8. as soon it is shewn the number of commitments in the previous month. In April however it appears that only one case was committed and if this was disposed of by the Court of Quarter Sessions previous to the dispatch of the Report for May, there has been no omission on the part of the Criminal Judge—

Ordered, that extract from these proceedings be sent to the Criminal Judge at Chittua for

22nd

for his information and guidance by Receipt returnable in 8 days after receipt.

Sent following Receipt No. 736

Read the Mangalore Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of May.

(Here enter No. 1062)

Suppl. Report Case 62

From the Statement in the Report it appears that the 5th, 6th, 7th and 8th prisoners in this case have been transmitted solely on the crimination of the 1st prisoner. The Court of Foujdaree Udalut accordingly direct that copy of this case and paragraph be sent by the Criminal Court to the Magistrate who will be pleased to instruct the Police Officer who forwarded the case that the mere crimination of one prisoner by another is not a sufficient ground for the transmission to the Criminal Court with a view of the person criminated.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Mangalore for his information and guidance by Receipt returnable in 8 days after receipt.

Sent following Receipt No. 737

Read the Cuddapah and Bombay Criminal Reports prescribed by Section XXXV Regulation X. 1816 for the Month of May.

(Here enter No. 1063)

(2)

File.

22nd June 1826.

Cuddapah Suppl. Report Case 36.

1. The Court of Foujdaree Udalut seeing reason to doubt the propriety of the manner in which this case has been disposed of, resolve to direct that copy of it as it stands in the Report and of this paragraph be furnished from this Office to the Judge about to proceed on Circuit, who will be pleased to look into the proceedings and eventually pass such order as may appear to him proper under the provisions of Section XXIII Regulation X of 1816.

Case 43.

2. According to the charge this was a case of house breaking and theft of property to the value of Rupees 1183-8-0 committable under Clause 3rd Section II Regulation XII of 1822, and not therefore referible to the Sudr Ameen under Clause 1st Section II Regulation III of 1833. The Sudr Ameen however having cited Clause 4th Section III Regulation XII of 1822 in support of his sentence, it would appear that the "breaking" was not proved - and if this was the fact it should have been specified in the Report agreeably to Circular Order 4th July 1826.

Report 7. Case 46.

3. In this case the 2nd prisoner has been committed as an "old offender" and on the 1st prisoner a sentence has been passed by the Criminal Court. Both the prisoners ought to have been committed for the "housebreaking" the perpetration of which they confessed

confessed and altho' the Court will not now destroy the sentence recorded, they direct that the attention of the Acting Assistant Criminal Judge be requested to the 2nd Section II Regulation VI of 1822, which requires the commitment of the whole of the prisoners in such cases.

Case 48 4. The grounds stated being altogether insufficient to warrant the transmission of the 2nd, 3rd and 5th prisoners, the Court direct that a copy of the case as stated in the Report and of this paragraph be sent by the Criminal Court to the Magistrate, who will point out to the Police Officer his error in forwarding prisoners simply upon the accusation of another prisoner.

" Case 49 5. This case appears to be one of "theft" not of "housebreaking" and the Moofty Sudr Ameen should be advised by the Acting Assistant Criminal Judge of his error in quoting in his sentence Clause 1st Section II Regulation VI of 1822. If there was "breaking" in the case proved against the 1st prisoner, the fact should have been specified.

Case 55 6. The Court direct that copy of this case as it stands in the Report and of this paragraph be furnished to the Magistrate. It appears to fall within the scope of the Circular Order of the 21st May 1833 and the Magistrate will be pleased to take such notice as he may deem proper of the conduct of the Police Officers.

Statement of [illegible] taken [illegible] 7. It is observed that two of the prisoners were

employed during the month in "sprinkling water upon the Tats in the Court House." The Court direct that it be pointed out to the Acting Assistant Criminal Judge that their employment in this manner is not in accordance with the Circular Order of the 1st August 1827.

Cumberum Suppl. Report Case 18. It appears to the Court of Foujdaree Adalut that the grounds upon which the 5th prisoner in this case has been committed are insufficient for the commitment tho' not for a requisition of security. If therefore the Native Criminal Judge has further representation to make of the circumstances of the case he will cancel the order for the commitment of this prisoner & hold him to security on strong suspicion of the crime charged, under Clause 1st Section IV Regulation II 1822. The Acting Assistant Criminal Judge will communicate this paragraph to the Native Criminal Judge.

Ordered, that extract from these proceedings be sent to the Acting Assistant Criminal Judge at Cuddapah for his information and guidance by Receipt returnable in 4 days after receipt.

(Sent following Receipt No. 738.)

Ordered also, that copy of para 1 and of the case referred to therein be sent to the Provincial Court of Circuit for the Centre Division for the information and guidance of the Judge about to proceed on Circuit by Receipt returnable without delay.

(Sent following Receipt No. 739.)

WS

Sr. J.

22nd June 1836.

Read Return dated the 12th Ultimo, from the Officiating 2nd Judge of the Provincial Court of Circuit in the Centre Division, in Receipt of the Toydaree Udalut dated the 6th May 1836, requiring him to explain the cause of the detention of some of the witnesses attending before the Court of Circuit at Chittoor during the First Quarter Sessions of 1836.

(Here enter No. 927)

Read letter dated the 7th Instant from the Officiating 2nd Judge of the Provincial Court of Circuit in the Centre Division, reporting that the Officiating 2nd Judge resumed his station, and that it is his intention to open the 2nd Sessions of 1836 at Cuddapah on the 9th Proximo.

(Here enter No. 1025)

Read letter dated the 4th Instant, from the 3d Judge on Circuit in the Western Division, forwarding a Statement of Batta paid to Prosecutors and Witnesses by the Native Criminal Judge of Tanjy during the First Sessions of 1836.

(Here enter No. 1026)

Read letter dated the 10th Instant from the Joint Magistrate of Chingleput, submitting explanation of delay in Cases No. 60 and 70 of the Criminal Report for the Month of April last.

(Here enter No. 1033)

Read

(3)

P. 66.

22nd June 1836.

Read Return dated the 6th Instant, from the Provincial Court of Circuit in the Western Division, in Receipt of the Toydaree Udalut dated the 30th May 1836, conveying their observations and orders on the Criminal Reports of the Tanjy Native Criminal Judge for April.

(Here enter No. 1035)

Read Return dated the 8th Instant, from the Provincial Court of Circuit in the Southern Division, in the Receipt of the Toydaree Udalut dated the 31st May 1836, sanctioning the mitigated sentence recommended by the late Acting 2nd Judge late on Circuit in the Southern Division, in Case No. 3 on the Tinnevelly Calendar for the First Sessions of 1836.

(Here enter No. 1036)

Read Supplemental Return dated the 9th Instant from the Officiating Second Judge of the Provincial Court of Circuit in the Centre Division, in Receipt of the Toydaree Udalut dated the 5th May 1836, requiring him to explain the cause of the detention of some of the witnesses attending before the Court of Circuit at Chittoor during the First Quarter Sessions of 1836.

(Here enter No. 1038)

Read letter dated the 8th Instant, from the Magistrate of Cuttack, transmitting with reference to the 4th parah of his letter dated the 3rd Instant, an explanation from the Assistant Magistrate stationed

F. U.

At a Court of the Foujdaree Udalut

Present

Thursday 23d. June 1836

John Bird Esqre. ..... 2nd. Puisne Judge

William Rendleston Esqre. ..... 3d. Puisne Judge

WB Alexr. Duncan Campbell Esqre. ... Acting Puisne Judge

Read the Madura Criminal Reports prescribed by Section XXXX Regulation X 1816 for the month of May.

WBC

(Here enter No. 1061)

It is observed that the "full explanation" regarding the delay in the disposal of these Cases, which is required by the Circular Order of the 11th. of April 1832, has not been given in this Supplemental Report—

Suppl. Report Cases 46-47-49

1.

From the circumstances stated in the Report, the Conviction of the Prisoner in this Case would seem questionable. The Acting Assistant Criminal Judge should have given a concise note of the evidence, the mere Statement that "there is little doubt that the Prisoner" &c., being quite insufficient to support the proceeding of the Acting Assistant Criminal Judge—

2.

The Court of Foujdaree Udalut direct that these observations be communicated to the Acting Assistant Criminal Judge, whose Sentence however upon the Prisoner having expired, no order regarding it can now be of avail.

3.

The

23rd June 1836

Report V

Cases 52–53.

4. The Court of Sanjdarree Udalut direct that Copy of these cases as they stand in the Report be sent by the Criminal Court to the Magistrate, who will be pleased to transmit direct to the Sanjdarree Udalut an explanation as to the cause of the cases being sent to the Magistrate by the Assistant Magistrate, and then returned to that Office.

Case 54

5. This case is stated to be "under reference to the Provincial Court of Circuit." It would have been satisfactory to the Sanjdarree Udalut if a note of the cause of the reference had been given in the Report

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Madras for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No 745)

Read the Tinnevelly Criminal Report prescribed by Section XXXV, Regulation X of 1816 for the Month of May

(Here enter No 1063)

Case 38a

Under all the circumstances of the case as represented in the Report, the Court of Sanjdarree Udalut deem it proper to direct that Copy of the 4th and of this paragraph be furnished, from this Office, to the Judge about to proceed on Circuit, and that his attention be particularly directed to the proceedings, in order that if necessary he may exercise the powers vested in him by Section

29th June 1836

Section XXIII Regulation X of 1816. It does not appear that Copy of these cases as they stand in the Report be sent by the Criminal Court to the Magistrate, who will be pleased to transmit direct to the Sanjdarree Udalut an explanation as to the cause of the cases being sent to the Magistrate by the Assistant Magistrate, and then returned to that Office.

Case 56 5. This case is stated to be "under reference to the Provincial Court of Circuit." It would have been satisfactory to the Sanjdarree Udalut if a note of the cause of the reference had been given in the Report

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Madras for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No 745)

Read the Tinnevelly Criminal Report prescribed by Section XXXV, Regulation X of 1816 for the Month of May

(Here enter No 1063)

Case 38a Under all the circumstances of the case as represented in the Report, the Court of Sanjdarree Udalut deem it proper to direct that Copy of the 4th and of this paragraph be furnished, from this Office, to the Judge about to proceed on Circuit, and that his attention be particularly directed to the proceedings, in order that if necessary he may exercise the powers vested in him by Section

29th June 1836

23rd June 1836.

Of the 2 Cases also the Joint Criminal
Cases 65 Judge will be pleased to transmit Copies, as they stand
66 in the Report, to the Magistrate, who will call upon the
67 Assistant for the explanation of delay which, with reference
68 to the Circular Order of the 8th February 1830, might to have
69 been forwarded with the cases, and will transmit the same
to the Foujdaree Udalut for their information.

Case 70.

The Court conclude that no "beating"
was proved against the prisoner in this case, as the sentence
stands recorded under Section VII Regulation X 1816

Ordered, that Extract from these pro-
ceedings be sent to the Joint Criminal Judge for his
information and guidance by Receipt returnable in 3
days after receipt.

(Sent following Receipt No 747.

Read letter dated the 16th Instant from
the Acting Second Judge on Circuit in the Southern Division,
submitting an English Translation of the proceedings in
Case No 3 on the Supplemental Calendar of the Zillah
of Bombaconnum for the first Sessions of 1836

(See entry F.H. No 1081 of 1836)

In this case the prisoner
"Maroodan"
stood charged before the Court of Circuit with wilful and
corrupt perjury in having when examined as a witness
in Case No 179 on the file of the Criminal Court and in

28th June 1836. Case No 5 on the first Calendar wherein the prisoners
Kinkiny Moroogun, and Soobbramoneeum were
charged with Gang Robbery and being duly sworn before
the Acting Criminal Judge to depose truly to all matters
of fact within his knowledge touching the said Case,
wilfully and deliberately deposed in words to the
following effect "I did not know these prisoners before:
and afterwards on the 6th April 1836, being duly sworn
before the Second Judge on Circuit in like manner, in answer
to the question "did you know these prisoners before and if
so, how long since?" wilfully and deliberately deposed
in words to the following effect: "I have been in the habit
of seeing these prisoners for a length of time." The said
two Depositions being in direct and positive contradiction
one to the other Vide Vide

The Mahommedan Law Officer in his
2
Futwa declared the prisoner Guilty and the Acting Second
Judge concurring in that finding sentenced him to impri-
sonment with hard labor in irons for the period of 7 Years.

To enable them to judge of the propriety
3
of the decision of the Court of Circuit, the Court of
Foujdaree Udalut in their proceedings under date
the 25th Ultimo, directed that an English Translation
of the Trial should be prepared and submitted
for their consideration without delay.

After a careful consideration of the
4
proceedings

23rd June 1836

proceedings now submitted, the Court of Foujdaree Udalut are unable to concur in the opinion provided by the Presiding Judge in his letter of the 16th Instant, "that from the "first examination before the Perthon of Ellapoor Station, "to that before the Court of Circuit, the contradictions by the "prisoner regarding his power of identifying the prisoner "have been too numerous to be attributed to want of "memory solely, and partake in no ordinary degree "of an appearance of known and wilful falsehood" on the contrary it appears to the Court that in respect to the material facts of the Case, the prisoner gave consistent accounts throughout, and from first to last identified and deposed against the same three individuals

5. As for any Corrupt intention which is essential in these cases for Conviction, the Court are unable to perceive the slightest ground for suspecting it, and they deem it necessary to call the attention of the Judge of Circuit to their Circular Order of the 31st January 1814, in the Concluding passage of which it is observed that a resort to the legislative enactments against the crime of Perjury, "in any case wherein it may be possible to give "an honest interpretation to the deposition of a witness, must "be productive of injurious consequences"

6. Having taken the view of this case recorded in the preceding paragraphs, the Court of Foujdaree Udalut deem it their duty to set aside the Sentence of the Court

23rd June 1836

Court of Circuit and to direct that the prisoner "Maroodey" be immediately and unconditionally set at Liberty.

Ordered, that Extract from these proceedings be sent to the Acting Second Judge on Circuit in the Southern Division for his information and guidance by Precept returnable within five days from and after it's receipt

(Sent following Precept No 748)—

Read Letter dated the 10th Instant from the Acting Third Judge of the Provincial Court of Circuit in the Northern Division, Submitting Copy of the Mustulka-patam Calendar for the 2nd Quarterly Sessions of 1836

(Here enter No 1080)

Read communication dated the 16th Instant from the Magistrate of Tanjore Submitting the explanation required by the Foujdaree Udalut in their Proceedings of the 27th May last, relative to the Conduct of the Head of Police in transmitting to the Criminal Court the prisoner Sultana Saroopen who, the prosecutor declared, was not one of the Gang in Case No 101 (on the Criminal Report for April.

(Here enter No 1085)

Read Estimate dated the 10th Instant from the Magistrate of Tanjore of the Produce of the Labor

23d. June 1836 Letter of the Prisoners at Negapatam Jail under charge of the Magistrate of Tanjore during the month of May 1836.

/Here enter No. 1086/

Read Statement dated the 9th Instant from the Acting Joint Magistrate of Tanjore of the Letter of Prisoners at Myaveram Jail under charge of the Joint Magistrate of Tanjore in the month of May 1836

/Here enter No. 1087/

Read letter dated the 13th Instant from the Magistrate of Tanjore submitting a Copy of a letter from the Joint Magistrate explanatory of his delay in replying to the requisition of the Criminal Judge of the 31st March last, referred to in that from the Proceedings of the Foujdaree Adalut dated the 23d May 1836.

/Here enter No. 1085/

F. Etc.

At a Court of the Foujdaree Adalut

Present

Monday 27th June 1836.

John Bird Esqr. ——— 2nd Puisne Judge

William Mudleston Esqr. 3d Puisne Judge

Alexr. Duncan Campbell Esqr. Acting Puisne Judge

Read Petition presented on the 25th April 1836 by Arunachellum Pillay of Trichinopoly

/Here enter M. P. No. 40/

The Petitioner states that he is in possession of information shewing who were the parties and Agents for whose apprehension and for the apprehension of those who aided them in their escape he understands a reward has been offered.

2. He prays this Court to order the reward to be paid to him, and that a situation may also be conferred upon him.

3. The Court of Foujdaree Adalut cannot comply with the Petitioner's request.

Ordered accordingly that the Petition be rejected, and that extract from these proceedings be furnished to the Petitioner on his application.

Read the Coimbatore Criminal Report

Reports prescribed by Section XXXV, Regulation X 1816
for the Month of May

(Here enter No. 1070)

Report
Case 55. In this case the prisoner (a Brinjaree) was charged with having addressed a wilfully false Report to the Zillah Cutcherry regarding the charge in Criminal No. 54 of 1836; and the Acting Joint Criminal Judge passed the following sentence: "To pay a fine of 20 Rupees and in default of payment to be imprisoned one Month under Clause 3d Section III. Regulation III of 1819." thereupon. "It was satisfactorily proved by the evidence adduced in case No. 54 (vide remark) that the prisoner's Statement was false; and he is therefore guilty of abuse of authority in having in his official capacity endeavoured to put the blame on the injured Party. The punishment awarded is considered sufficient. the prisoner having been in confinement since the 23d April and the assault being of a trifling nature. From the Report made by the prisoner the Acting Joint Magistrate was led to suppose that the prosecutor and his wife and not the prisoner in case No. 54 were the aggressors.

2. The Court of Faujdaree Udalut would observe, with reference to the concluding passage of the above paragraph, that in a case like this the Acting Joint Magistrate could not legally act upon any Report of a Brinjaree but only upon evidence.

3. This sentence will probably have upset previous to the receipt of these instructions, but the prisoner if still in confinement should be at once released, or, if the fine has been paid, the amount should be refunded to him.

27th June 1836.

No explanation having been assigned
Case 56. 4. for the delay of this case before the Head Assistant Magistrate, this Court direct that copy of the case as it stands in the Report and of this paragraph be furnished by the Joint Criminal Court to the Magistrate, who will be pleased to call upon the Head Assistant Magistrate for the explanation, which, with reference to the Circular Order of the 3d February 1830, ought to have been forwarded with the case, and will transmit the same direct to the Faujdaree Udalut for their information.

The prisoners in this case were charged
Case 57. 5 with having in the day time, stolen a Cloth valued at Rupees 2/- The 2d prisoner has been sentenced to 9 Months imprisonment with labour in irons and 10 lashes under Clause 4th Section III Regulation LI 1822. The 1st has been committed and as the grounds of his order the Acting Joint Criminal Judge records the following note. "The prisoners criminate each other and failed at an Alibi. the Cloth which was found in their possession was proved to belong to the Prosecutrix." The 1st prisoner has been twice punished by the Criminal Court and was only released in November after being in jail 5 years in default of security. The 2d was

27th June 1836.

was also punished for theft by the Criminal Court in 1835.

In this instance it would appear that the Acting Joint Criminal Judge has considered himself authorized to commit the 1st prisoner for trial under Clause 2nd Section III Regulation XI of 1822, and his proceeding is doubtless supported by the wording of that provision. The subject however has been lately before the Faujdaree Adalut and a Circular Order was issued under date the 21st Ultimo, requiring a specific explanation in each instance of resort to the power of commitment given in that Clause.

Case 63

7 The charge, as recorded in the Report against this prisoner is "having become possessed of the Prosecutor's Bullock valued at 40 Rupees by preferring a wilfully false complaint at the Talook Cutcherry charging the Prosecutor with having stolen it." He has been sentenced to 6 Months imprisonment with hard labor in irons under Section II Regulation IX of 1832. It is stated that he was forwarded by the Police Officer of Pottanamundi.

Section II Regulation IX of 1832 provides that the Police Officer to whom a wilfully false and malicious charge may be preferred shall forward the Party by whom the said charge shall have been so preferred to the Criminal Court. It seems evidently intended that the Police Officer shall act upon his own inspection as to the falsehood or of the charges

F. 66.
27th June 1836.

In this case a person called "the Prosecutor" appears to have brought before the Police Officer of Pottanamundi a charge against the prisoner of having brought a false accusation against him before some Faujdaree Tahsildar.

10. The Court of Faujdaree Adalut do not consider this to be a proceeding intended by Regulation IX of 1832, and they accordingly resolve to direct that the sentence upon the prisoner be set aside, and that he be released.

Ordered, that extract from these proceedings be sent to the Acting Joint Criminal Judge at Coimbatore for his information and guidance by Precept returnable in 5 days after receipt.

Sent following Precept No. 749.

Read letter dated the 21st Instt. from the 1st Judge on Circuit in the Centre Division, forwarding the original Death Warrant &c. in Case No. 2 on the Criminal Calendar for the First Sessions of 1836.

(Here enter No. 1114.)

Read letter dated the 18th Instant, from the 3rd Judge on Circuit in the Western Division, forwarding a Statement of Batta paid to Prosecutors and

27th June 1836

and witnesses attending before the Court of Criminal Ses-
sions during the first Session of 1836.

(Here enter No. 1116)

Read letter dated the 22nd Instant, from
the Magistrate of Tuticorin, offering further explana-
tion of the delay in case No. 110 of 1836.

(Here enter No. 1117)

Read return, dated the 23rd Instant, from
the Acting Criminal Judge of Kollam, in Receipt of the
Foujdaree Adalut dated the 15th June 1836, conveying their
observations and orders on the Criminal Reports for the
Month of May.

(Here enter No. 1121)

Read letter, dated 20th Instant, from the
Magistrate of Mangalore, submitting the explanation
required by the Foujdaree Adalut in their proceedings
of the 30th Ultimo relative to certain cases in the Gover
Criminal Reports for the Month of April

(Here enter No. 1123)

F. U.

At a Court of the Foujdaree Adalut

Present,

Tuesday
28th June 1836

John Bird Esqre ——— 2nd Puisne Judge
William Hudleston Esqre ——— 3rd Puisne Judge
Majr. Duncan Campbell Esqre ——— Acting Puisne Judge

Read the Chicacole Criminal Report

for the month of May 1836 (Here enter No. 1082)

Suppl. Report
Case 18.

The Court of Foujdaree Adalut consider in
ing the case noted in the margin to be one of gre
importance, resolve to direct the Provincial Court of
Circuit in the Northern Division to call for the proceedings
held by the Criminal Court and issue such orders as may
may appear necessary and proper.

Report
Case 37.

If the circumstances of this case ha
not been already communicated to the Magistrate, since
Criminal Judge will be pleased to send Copy of this
as it stands in the Report and of this paragraph
that Officer, who will warn the Head of Police, Cooga
Pooboondah against the transmission of any prisoner to
the Criminal Court on the charge of giving false evidence
before the Police.

Ordered, that Extract from these pro-
ceedings be sent to the Criminal Judge at Chicacole for
his

28th June 1836 his information and guidance.

(Sent in No 794.)

Ordered also that Extract from the proceedings, compt. parat. with Copy of the Case be sent to the Court of Enquiry in the Northern Division for their information and guidance by Precept returnable without delay.

(Sent following Precept No 795.)

Read the Fiscal's Criminal Reports presented by Section XXXV Regulation X 1816 for the month of May.

(Here enter No 1094)

Supplt Report

Case 23

In this case the 6th prisoner has been held to security on the ground that "There are suspicious circumstances attending the 6th prisoner's Conduct." It does not appear from this that the Case of this prisoner falls within the scope of Clause first Section IV Regulation II of 1822, which requires that the party "shall appear to be under strong suspicion of any act of Criminality;" and the Court of Enquiry Udalut accordingly resolve to direct that the Acting Joint Criminal Judge be requested to explain more fully the grounds of his Order for the imposition of Security from the prisoner in question.

Case 26th

It should have been explained in this Case, with reference to the Circular Order of the 11th April 1832, why the required interpreter could not be produced before the close of the month.

The Court of Enquiry Udalut direct

28th June 1836 3.

Report

Case 27.

that the Acting Joint Criminal Judge be requested in future to refrain from commenting in his Communication to the Magistracy on the insufficiency of the reasons assigned by the Police for the detention of a Prisoner in the Salook, as he appears to have done in the present instance

In explanation of the detention of the 2nd

Case 29. 4

prisoner in this case in the Salook from the 25th of April to the 11th May, it is stated that "the Prosecutor and Witnesses did not attend when first they were summoned but appeared subsequently on the 9th May 1836." No Circumstance in the Report to show what mentive consideration there is nothing in the Report to show what mentive consideration were adopted by the Police Officer to fulfil the provisions of Clause fourth, Section XXXIII Regulation XI of 1816, the Court direct that Copy of this Case as it stands in the Report and of this paragraph be furnished the Magistrate, who will be pleased to enquire into the conduct of the Police Officer and take such notice of as he may deem it to deserve.

Ordered, that Extract from the proceedings be sent to the Acting Joint Criminal Judge at Tuticorin for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No 796.)

Read the Ballary Criminal Reports for the month of May

(Here enter No 1096.)

Forgot

2nd

3rd

Provincial

Court

on the

fees aforesaid

Under

21st June 1836

Report v

Cade 30

Under all the circumstances of this Case as represented in the Report, the Court of Foujdaree Udalut deem it proper to direct that Copy of the Cade and of this paragraph be furnished, from this Office, to the Judge about to proceed on Circuit, and that his attention be particularly directed to the proceedings. It is not clear to the Court of Foujdaree Udalut that the 1st and 2nd Witnesses were justified in wounding the prisoner and it may be necessary to issue instructions on the subject to the Magistrates

Ordered accordingly, that Extract from these proceedings with Copy of the Cade 30 be sent to the Provincial Court of Circuit Centre Division for the information and guidance of the Judge about to proceed on Circuit by Dawk Chowkee Runnalle without delay

(Sent following Receipt No 757)

JB

WM

WBC

F. Co.

At a Court of the Foujdaree

Thursday 30th June 1836

Present,

John Bird Esqre ——— 2nd Ju

William Hudleston Esqre 3rd Ju

Alexr Duncan Campbell Esqre Acting

JB

WM

WBC

Read letter dated the 12th

from the Third Judge late on Circuit in the

Division, submitting for the consideration and

judgment of the Foujdaree Udalut an Englis

Persian Translation of the proceedings in Case

the Calendar of the Zillah of Canara for the

Sessions of 1836.

(Here enter F. Co. No. 1043 of 1836)

Mr Bird.
and
Mr Hudleston

The Court of Foujdaree Udalut

having maturely considered the proceedings held b

the Judge on Circuit, the Futwa of the Provincial

Officer and the Futwa of the Cazee-ool-Cozat and

Mooftees of the Foujdaree Udalut, confirm the sa

Futwa of the Cazee-ool-Cozat and Mooftees aforesa

convicting the prisoners

1st Dinda Dairay

and

2nd Angara

of the crime charged on strong circumstantive proof a

quandum [illegible] and

Under 2nd H

Re
Ca 36

of Section X. Regulation XVIII. of 1802, sentence them to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No 765

The Court of Foujdaree Udalut concur in the opinion expressed by the Judge of Circuit in the fifth paragraph of his letter of reference, that the conduct of the Village Police in this case, from the moment the deceased was reported to be missing until the prisoners were apprehended and sent to the Tahsildar "is" deserving of high commendation.

The Judge of Circuit will forward a copy of these proceedings to the Magistrate, with instructions to cause the sentiments of the Foujdaree Udalut as above recorded to be communicated to the Police Officers in question, namely to the Potail Pudmashitty and the Mogany Shanabhogue Venkataramana

Ordered, that extract from these proceedings be sent to the third Judge late on Circuit in the Western Division for his guidance by Receipt returnable within four days, from and after Receipt.

(Sent following Receipt No. 766)

Read letter dated the 22nd Instant from the 3d Judge of Circuit in the Western Division, forwarding a Petition of Bulla Jaad to the Presidents and Witnesses

30th June 1836

attending before the Court of Circuit during the Te
of 1836 at Calicut.

(Here enter No. 1130)

Read return dated the 25th Inst
the Provincial Court of Circuit in the Centre Divi
Precept of the Foujdaree Udalut dated the 22nd June
transmitting a copy of case No. 36 on the Cuddapah
mental Report No. V. for the Month of April and
judge about to proceed on Circuit to look into the
in that case, and pass such order as may appear pr
under the provisions of Section XXIII. Regulation X.

(Here enter No. 1133)

Read Statement dated the 27th Inst
from the Officiating 2nd Judge of the Provincial Court
in the Centre Division, required by Circular Ord

(Here enter No. 1134)

Read return dated the 27th Instant,
the Criminal Judge of Chittoor to Precept of the Foujda
Udalut dated the 22nd June 1836, conveying their obse
and orders on the Criminal Reports for the Month of

(Here enter No. 1135)

Read return dated the 27th Instant
from the Acting Assistant Criminal Judge in charge
the Zillah Court of Cuddapah to Precept of the Foujdaree
Udalut dated the 22nd June 1836, conveying their observa
and orders on the Criminal Reports for the Month of May.

(Here en No. 1136)

"and forwarded to the Magistrate in order to secure
"the confinement of the Sailor thro the Heads of the
"District Police to which the Village where the Sick
"resides are attached and the Prisoner are released on
"receipt of the bail bonds should the Heads of the Police
"Police declare them to be competent."

(Here enter No. 369)

Read also letter from the Magistrate
of Gunjam dated the 12th Instant, reporting with
reference to the 15th Para: of the proceedings of the
Conjeeveram Adawlut of the 15th of January last may
34. of the Madras Circuit Report for the 2d Sessions of
1835, that in consequence of the Madras Govt
=ration of the conduct of the Chundra Giry
"Police peon" Ayah Sunn" on the 9th of December
"that officer was discharged on the 25th of that
"month" and that a requisition might be made
"of the matter would have been entered into
"not the individual still about of the Village

And in respect to the statement
remarked by the Madras Govt that in some Districts
the Ganjam District "the roster of the Police
of the 30th of January 1833" was "intended to have
the Magistrate observed that "the orders for the
year have been signed to all the Police officers
least four times during the 12 months the Roster

in the District, and that if the Madras Govt will explain
"in which Talooks it is utterly unknown" he would
"be better able to investigate the cause."

(Here enter No. 431)

Read letter dated the 21st Instant
from the Acting Assistant Criminal Judge in
charge of the Zillah Court of Rajahmundry
explaining with reference to the 16th Para: of
the Madras Circuit Report for the 2d Sessions of
1835 and Paras: 20 and 21 of the proceedings of
the Conjeeveram Adawlut of the 15th of January 1836 that
the system of duty at present observed in
the Jail under his charge is that prescribed by
the Conjeeveram Adawlut in the rules circulated under
date the 2d of June 1831, and that it is the
practice of the Zillah Court of Rajahmundry
to have the security bonds prepared and
forwarded in the mode prescribed by the Circular
Order of the Conjeeveram Adawlut under date the 11th
March 1823.—

(Here enter No. 540)

The above communications not
appearing to require any remark from this Court,
ordered that extract from these proceedings
together with copy of the letters referred to be
forwarded to the Chief Secretary to Government
for

22d April 1836.

for the purpose of being laid before the Gov in Council, with reference to the proceedings of the Foujdaree Udalut submitted to Govt under date the 18th of January 1836.-

To Govt No 83.

(Ent in Vol. 497

Read return dated 8th Ulto from the Acting Criminal Judge of Combaconum Extract of the Foujdaree Udalut dated the 21st March 1836 enclosing their observations made on the Criminal Reports for the month of February.-

Ent. D.

(Here enter No. 574).-

Read letter dated 12th Instant from the 3d Judge on Circuit in the Western Division forwarding the original Bench warrant &c in Case No 17 on the Calicut Calendar for the 1st Sessions of 1836.

(Here enter No 715 of 1836)

Read letter dated 15th Instant from the 3d Judge on Circuit in the Western Division forwarding the original Bench warrant &c in Case No 18 on the Calicut Calendar for the 1st Sessions of 1836

(Here enter No 716 of 1836)

J. U.

At a Court of the Foujdaree Udalut.

Saturday 23d April 1836

Present,

John Bird Esqr ..... 2d Puisne Judge

William Huddleston Esqr .... 3d Puisne Judge.

113

Read the Rajahmundry Criminal Reports prescribed by section XXXV Regulation X of 1816 for the month of March.

(Here enter No. 619)

Suppl. Report Cases 14. 15. 16.

1. With reference to the entry in the Column headed "Committed," the Court have to observe that the term "sentence" is inapplicable to committal for trial.-

Cases 22 23 34 35.

2. The Court direct that a further explanation be afforded regarding these Cases.- It is not clear that the party, A Venkatanarainiah, was a "public servant;" and consequently the requisition of security from the prisoners is manifestly incorrect, and must be set aside.- The Court are of opinion that if he had been a "Public Servant," the payments in question would constitute "bribery".- This point should have been ascertained by the Criminal Court previous to disposing of the Cases. Explanation is further necessary as to whether Security was required from the several prisoners in these Cases, or only from the prisoner

in

23d April 1836 in Case 36. wherein the Order has been recorded, I do so required the orders in the preceding 3 Cases stand respectly recorded.

Report V. Case 28. 3. In this case the provision of the cited in support of the Sentence, is incorrectly entered requisite amendment should be now made, as the nal Judge omitted to point out the error to the Court

Case 33. 4. The Court direct that Copy of this and paragraph be sent by the Criminal Court to Magistrate, who will be pleased to transmit, with Foujdaree Adalut, an explanation of the detention prisoners in the Talook from the 2d to the 23d Mar He will take the opportunity to request the attend of the Head Assistant Magistrate, to forwarded the case, to the Circular Order of the 8th July

5. The transmission of the "account the disbursements at Samulcottah is unnecessary; the "Statement of Labor", in which the expence incurred appear under the appropriate head, is alone required by the Court of Foujdaree Adalut.

Ordered, that Extract from this Proceedings be sent to the Acting Assistant Criminal Judge "in charge" at Rajahmundry for his information & guidance by Precept returnable in 30 days from receipt.

Sent following Precept No 491

23d April 1836 Read letter dated the 18th instant, from the Officiating Second Judge of the Provincial Court of Circuit in the Centre Division, submitting Copies of the Chittoor 2d 3d and 4th Supplemental Calendars for the First Quarter Sessions of 1836.

Here enter F.H. No. 667 of 1836.

In Case No. 1. on the third Supplemental Calendar the prisoner "Maudega Gungadoo" stood charged before the Court of Quarter Sessions with having at noon on the 23d Monday of the year Munmadah, corresponding with the 4th March 1836, attacked the prosecutors Mooneeddy and Veneatapah, as well as the first witness Vellee, in the Jungle called Modagacondah, in the Chittoor Talook in the Zillah of Chittoor; with having slightly wounded the first witness with a Stone; and with having robbed the prosecutors of bill hooks and other property to the value of one Rupee and six Annas.

2. The Judge presiding, and the Mahommedan Law Officer of the Court of Circuit, concur in convicting the prisoner of the Offence charged in the indictment.-

3. The Officiating Second Judge recommends a mitigation of the punishment to which the prisoner is liable, on the ground that the latter

is

23d April 1836.

is about fifteen years of age; that the property taken by him from the prosecutor, who are little boys, is of very trifling value, not being worth one rupee; that the wound inflicted upon the first witness is a mere scratch.

4. After a mature consideration of the circumstances of this case, the Court of Foujdaree Udalut resolve under the authority vested in them by Clause Third, Section III, Regulation I of 1825, to sanction the mitigated punishment recommended by the Presiding Judge, and accordingly direct that the prisoner

Mandega Gengadoo

do receive sixty lashes with a Cat of nine tails and imprisoned and kept to hard labour in irons on the public roads, or other public works, for and during the period of one year.

5. The Court of Foujdaree Udalut direct that the Mahommedan Law Officer of the Board of Circuit should have been required to declare in a further Futwa, to what specific punishment the prisoner would have been liable under the Mahommedan Law if the Special exception, by which Hindoos is stated to be barred, had not existed.

Ordered, that Extract from the proceeding be sent to the Officiating Second Judge

23d April 1836.

of the Provincial Court of Circuit in the Centre Division by Precept, returnable within three days from and after its receipt.

(Sent following Precept No. 498.)

Read the Mangalore Criminal Report prescribed by Section XXXV. Regulation X. 1816 for the month of March.

(Here enter No. 674.)

Suspt. Report Case 125.

1. The two prisoners in this case have been committed on the charge of having "robbed the "Prosecutor who was sleeping in the upper Story of "his house, of ready Cash to the amount of Rupees 372."

2. The Commitment is stated to be "on the evidence of the witnesses, some of whom were "present when the money was placed with the Prosecutor. "The prisoners were then present but absconded during "the night, and it is supposed carried the money with them."

3. It does not however appear in the Report, in what respect the Case fell within the scope of Clause Second, Section III. Regulation VII. of 1822. The offence would seem to amount to "Simple theft." The Court direct that an explanation be requested on this point.

Cases 132 and 134.

4. The Cases noted in the margin are represented to be lying over on the following grounds "Strong Suspicion having been entertained that the

Prosecutor

Criminally Calendar for the first Sessions of 1836 for Trinidad.—

(Here entered No. 677 of 1836)

Having referred to the copy of Instructions forwarded with the foregoing Return, the Court of Royal Audit are of opinion that the alleged false swearing by the several witnesses, Charlemagne, before the Court of Orisnt, was not upon a point material to the final decision of the Judicial proceeding then pending before that Tribunal; and resolve in consequence to direct that the witness in question be forthwith discharged from custody.

The Criminal Court of Orisnt will be pleased to cause the necessary order to be issued to the Court Criminal Judge of Trinidad accordingly.—

Ordered, that extract from these proceedings be sent to the Criminal Court of Orisnt in the Southern Division by Precept returnable within days from and after its receipt.—

(Sent following Precept No. 495.)

On the second paragraph of the proceedings under date the 28th ultimo, reviewing the Criminally Calendar for the First Sessions of 1836, the Court of Royal Audit suggests to the late Acting Second Judge on Orisnt in the Southern Division, the propriety "of preferring a mitigated sentence" in case of Jean Charles Calendar; and directs that on the event of said prisoner remaining

remaining unchanged, he obtained from the necessary instructions for the preparation and Remission to this Court of an English Translation of the proceedings.—

The Court of Royal Audit deem it necessary to direct that the attention of the late Acting Second Judge be called to the subject; and that that Officer be required to make Return without further delay to the Precept above referred to.—

Ordered, that Extract from these proceedings be sent to the late Acting Second Judge, late on Orisnt in the Southern Division by Precept returnable within three days from and after its receipt.—

(Sent following Precept No. 496.)

Read letter dated the 27th of February last from the Joint Criminal Judge at Guanton, explaining, with reference to para: 40 of the Orisnt Report for the 2d Sessions of 1835 and para: 21 of the proceedings of the Royal Audit of the 15th of January last, that the Circular Order of the Royal Audit of the 14th of March 1833 which prescribes the mode in which security bonds should be drawn up and forwarded to the Magistrate has been attended to in the Joint Criminal Court at Guanton, and that after a prisoner may have named his sureties the Court get the Bail bonds prepared and

23rd April 1836 the observations and orders of the Foujdaree Adalut on the Acting First Judge's Circuit Report for the last Sessions of 1835 be communicated to the Local authorities concerned.

/Here enter No 706/

Read letter dated the 30th Ultimo from the First Judge on Circuit in the Northern Division reporting the opening of the Sessions at Rajahmundry

/Here enter No 707/

Read letter, dated the 14th Instant from the Third Judge on Circuit in the Western Division, reporting the arrival of the Court at Mangalore, the opening of the Sessions, and the State of the Calendar

/Here enter No 708/ Recd

C. S.

At a Court of the Foujdaree Adalut.

Present

Monday, 25th April, 1836. John Bird Esqr ——— 2d Puisne Judge
William Braddon Esqr ——— 3d Puisne Judge

Read again Miscellaneous Petition presented on the 27th February 1836, by Cossiah of the Zillah of Cuddapah

(Here enter Petition No 29 of 1836)

Read also Petition dated the 5th instant from the Civil Judge late on Circuit in the Western Division to the Court of the Court of Foujdaree Adalut under date the 28th March 1836, requesting that a copy of the translation of the above petition be sent to that Officer with instructions to ascertain and report whether the Petitioner (the father of the Petitioner) when he gave the depositions of the 3rd January 1835 was, as required by the Circular Order of the 31st January 1811, cautioned against committing himself "upon his oath," and "subsequently proceed" in the statement at variance with his depositions of the 8th September 1832.

(Here enter Petition No 67 of 1836)

The Civil Judge late on Circuit in the Western Division observing that it does not appear by the proceedings held that the said Prisoner was "actually specifically cautioned against committing himself "upon his oath" "formerly" with a view to ascertain the understanding

23rd [illegible]

25th April 1836.

understanding of the case, and to show that the prisoner when examined before the Criminal Court, admitted that he had stated the truth both before the Juge de Paix, the Court, and not a prisonhook; the translation of the depositions taken from the prisonier, and also the result of that individuals defense before the Court of Assize.

The Court of Engineers Resolve have that by the 10th question in the Ordre annexed to the 8th January 1835, it appears that if the Court were satisfied the prisonier of qualifying or retracting his statement in contradiction of his former depositions

And after a due consideration of the circumstances of the case, the Court are of opinion that doubting the propriety of the sentence of the Criminal Court and are of opinion that any further interference on the part in this matter is unnecessary.

Ordered, that the prayer of the petition be rejected, and that extract from the proceedings be furnished to the petitioner upon his application

Ordered also, that extract from the proceedings be sent to the Civil Engineer stationed in the Western Division for his information.

(Entered No. 505.)

Read Petition presented on the 25th day of January last Thereupon ordered that the petitioner be heard by his Counsel

(Here ends Rec. Vol. No. 37.)

25th April 1836.

The Petition representing himself to be the Brother of the Prisonier in Case No. 29 of the Ellicoloy Criminal Reports for the months of January, prays the Court of Engineers Resolute to interpose in his favour, to arrest the suspension of the sentence in that case and after examining all the proceedings connected with it, to order the removal of the sentence.—

The Court of Engineers Resolute have had before them the Reports in question, and upon them, the memorial which to the Court seemed necessary have been recorded. They see no reason to doubt the propriety of the Conviction of the prisonier in the case 29.—

Ordered accordingly, that the Petition be rejected, and that extract from these proceedings together with extract from the proceedings of the Court in Case 29 Ellicoloy Criminal Reports for March be furnished to the Petitioner on his application.—

Read Petition presented on the 18th Instant by Christmann of the Office of Administration

(Here ends Rec. No. 38)

The prayer of the above Petition is to the same effect as that contained in Petition No. 1 of 1833 addressed to the Court of Engineers Resolute by the same Party. The Court do not find in the statement of the case now laid before them any sufficient ground to assist on alteration of their order recorded, in the said No. 1 of 1833, under date

23rd April 1836 the 23d Ultimo; relative to a Case on the Criminal Calendar of the Zillah for the month of February

(Here enter No 665)

Read return dated the 9th Instant, from the Magistrate of Tanjore, submitting the explanation given by the Foujdaree Udalut in their proceedings of the 23d Ultimo relative to a Case on the Criminal Reports for February

(Here enter No 652)

Read letter dated the 13th Instant from the Criminal Judge of Chingleput forwarding Criminal Report for March 1836

(Here enter No 668)

Read letter dated the 11th Instant, from the Magistrate of Madura, submitting the explanation given by the Foujdaree Udalut in their proceedings of the 23d March 1836, relative to certain Cases on the Criminal Rep for February

(Here enter No 665)

Read letter dated the 11th Instant from the First Judge in Circuit in the Centre Division, reporting the arrival of the Court of Circuit at Cuddalore, the opening of the Sessions at that Station, and the State of the Calendar

(Here enter No 676)

Read letter dated the 8th Instant from the Second Judge, late Presiding at the Court of Circuit Sessions in the Western Division, forwarding a Statement

of

23rd April 1836 of Batta paid to Prosecutors and Witnesses during the First Quarter Sessions of 1836.

(Here enter No 668)

Read return dated the 8th Instant, from the Provincial Court of Circuit in the Western Division, to the Precept of the Foujdaree Udalut dated the 22nd March 1836, directing that the prisoner in Case No 119 on the Supplemental Criminal Report of Tellicherry for the month of January, be committed to take his trial before the Court of Quarter Sessions

(Here enter No 680)

Read return dated the 11th Instant from the Acting Criminal Judge of Bellary to the Precept of the Foujdaree Udalut dated the 7th April 1836, directing him to reduce the Sentence in Case No 18 of the Criminal Report for February

(Here enter No 681)

Read letter dated the 18th Instant, from the Acting Joint Criminal Judge at Guntoor forwarding the Statement of Labour performed by the Convicts under charge of the Magistrate of Guntoor for the month of March 1836.

(Here enter No 694)

Read return dated the 18th Instant from the Acting First Judge late on Circuit in the Southern Division to Precept dated the 29th Ultimo, desiring that

the

23rd April 1836. "Prosecutor ward concerned in the Robbery, the Magistrate has been informed of the Same, that the necessary proceedings may be carried into effect." The Case was received in the Criminal Court so far back as the 5th of December last, and the Court of Foujdaree Udalut are not of opinion that a further postponement of the examination is proper. They should now be disposed on the evidence which may be forthcoming.

Report V Case 34. 5. The detention of the prisoner, after his apprehension, would appear to have been unavoidable. The Court however deem it proper to direct that a further explanation than is given in the Report be requested from the Magistrate. The Criminal Judge will be pleased to furnish Copy of the Case and of this paragraph to the Magistrate, who will without delay transmit, direct to the Foujdaree Udalut the required information.

Statement of labor. 6. In future, the information called for in the note, "the value of the labor of the Convicts employed in road making during the month of March 1836 taken at 3/4 of the value of free labor is stated "332-2-3", should be entered in Column 10. of the "Statement of labor."—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Malabar for the information and guidance of the Magistrate of Mangalore, by Precept returnable in 6 days after the Court following (Precept No 493)

23rd April 1836. Read Letter dated the 2nd Instant, from the Second Judge of the Court of Circuit in the Western Division, with Copy of the Tellicherry Calendar for the First Quarterly Sessions of 1836.

(Here enter No 639)

Read return dated the 4th instant from the Criminal Judge of Cotticacole, to the Precept of the Foujdaree Udalut dated the 24th March 1836, communicating their observations and orders on the Criminal Reports for the month of February—

(Here enter No 644)

Read return dated the 6th Instant from the Criminal Judge of Madura, to the Precept of the Foujdaree Udalut dated the 28th March 1836, conveying their observations and orders on the Criminal Reports for the month of February

(Here enter No 642)

Read return dated the 7th Instant from the late Acting Third Judge late on Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated the 22d April 1836, sanctioning the mitigated Sentence in Cases No 67 and 68 on the Guntoor First Calendar for the First Sessions of 1835—

(Here enter No 643)

Read Letter dated the 7th Instant, from the Magistrate of Salem, submitting the explanation required by the Foujdaree Udalut in their proceedings under date the

5th June 1835

Report

Read letter dated the 20th Instant from the 3rd Judge late on Circuit in the Centre Division transmitting original death warrant Vs in case No 1 on the Cattalina Supplemental Calendar for the 2nd Sessions of 1835.

(Rec entered No 1139)

Read letter dated the 21st Instant from the Acting 2nd Judge on Circuit in the Southern Division forwarding a Statement of Bills paid to Prosecutors and Witnesses attending before the Court of Circuit at Salem during the First Sessions of 1835.

(Rec entered No 1120)