1102

491

9th January 183[illegible]

Read returns from the Magistrates in Court in the Northern Division dated the 23rd Ultimo stating that he was unable to recommend the mitigation of the sentence on the conviction of Bulatabua to imprisonment for the 2nd Class of the Subdivisional Calendar and to which mitigation he ought to be entitled unless from any matter that might have been elicited on the trial however there was certainly not from any matter that appeared in the evidence as to the Robbery but that of the Prisoner's having had in his possession at the time of his apprehension a quantity of money which he could not satisfactorily account for

(Here endorse the Order)

Read letter from the Magistrate at Levuka dated the 1st Instant enclosing the Depositions taken before him on the Charge preferred against Thomas Thomas Thomas

9th January 1831. of the prisoner in the said cause, authorizing him to carry into execution the sentence made known to him by the extract of their proceedings under date the 10th November last viz. that the said prisoner

1st Mauroogolah Vinayagapoo.
2nd Mathoo Vethaver.
3rd Cuttale Singapoo
4th Cuttale Vethaver

in case 485 of the Jaffna Calendar for the 2nd Sessions of 1830 be imprisoned and kept to hard labor for the period of one year.

Ordered that extract of the proceedings be forwarded to the 1st Judge

on Circuit in the Northern Division for his information and guidance, by receipt returnable within two days after

receipt.

(Sent following Receipt.)

Dear Sir

I have the honor to acknowledge the receipt from the Second Judge of the Supreme Court of Circuit in the Northern Division, forwarding copy of the Calendar for the Fourth Quarter Sessions of 1830.

(Here entered No 3 of 1831.

Dear Sir

I have the honor to acknowledge the receipt from the Provincial Court of Circuit in the Central Division, forwarding extract of the proceedings of the Court of Circuit recorded from the Records

January 1831

of the Northern Division
of Great Britain and Ireland
reference to the proceedings of the Provincial Court of the 15th September last transmitted to this Court

(Between Sheets of Maps)

Wednesday
17th January 1831

At a Court of the Inquisitorial Board

Present,

Lt. Col. Grant Esquire 1st Puisne Judge
William Mercer Esquire 2d Puisne Judge
Lt. Col. Livingston Esquire 3d Puisne Judge

Read letter under the Seal of the Provincial Court of Quebec transmitting a Return list from the Provincial Court of the Northern Division submitting the Returns required by Statute XXXI Regulation X of 1816 received from the several Criminal and Civil Criminal Judges in the Division for the month of August last together with their proceedings thereon

Ordered that the Returns be filed

The sentence passed on the Respondent [illegible] received from Quebec and recorded in Case No. 1 of the Return No. 5 submitted by the Criminal Judge of Chambly stating it illegal and unjust therefore to be modified to the term for which a Criminal Judge can require security from a prisoner is by Clause 1st Section VIII Regulation VI of 1829 limited to 12 months and the release of the prisoner without security at the expiration of that period be ordered

January 1831.

14th January 1831.

7th January 1831.

Transfer of this Court under date the 30th December last.

/ Rule entered 6th of 1831 /

The Judges of the Supreme Court under review, submitted to the Acting Judge on Circuit on the Costs Reserved against the 2d Defendant on whose favor an Arrestment was granted by the Acting Judge in his letter of the 30th December last, it appearing that the said Defendant was not entitled to the benefit of the Act 1st & 2d Geo. IV. cap. 78. under the provisions of Section I Regulation XV of 1825 and therefore not entitled to the same measure of Indulgence as adjudged by the Acting Judges of the Provinces Marseilles Gunpowder Case Reg. 150 Rupees with Interest thereon from the date of the Arrestment and Costs of Suit.

Decreed that the Proceedings of the Defendant in the Court of Circuit in the Eastern Division be returnable within 5 days from the date hereof / Each following Party to pay his own Costs /

7th January 1831.

Read Letter from the Provincial Judge in the Eastern Division dated the 27th December last submitting for the consideration of the Court the Petition of [illegible] with the Original Copy of the Decree together with certain Documents connected with the Case and stating that as from some misunderstanding of the Regulation and which had continued in the Courts of the Provinces the Appeal from the Decree of the Provincial Judge in the Case of [illegible] was admitted on the Stamp of 50 Rupees instead of 500 Rupees as required by Section VIII Regulation II of 1821 the Provincial Judge is desirous to know whether the Appeal in the above case should be admitted on the Stamp of 50 Rupees or 500 Rupees and whether the Appellant should be required to make up the Stamp to 500 Rupees in conformity to Section XV Regulation VIII of 1821 and stating that he

that at present there is other evidence to be
procured than that which could be obtained
by the proposed offer of pardon to the Prisoner
Ramasawmy, whose testimony is certainly
open to suspicion and would be of little
avail without corroboration.

3. The Court trust there will be no remission of exertion to gain such full and satisfactory evidence as may lead to the conviction of the perpetrators of the atrocious crimes.

And that extract of these Proceedings be forwarded to the Criminal Court in the Eastern Division for the information and guidance of the Criminal Judge of Rhaman.

/ Sent following letter also /

Read letter dated the 5th of January last from the Criminal Court of Circuit in the Western Division of Malabar to the Court required by Section XXXV Regulation X of 1816 from the several Criminal and Sessions Judges in their Division and from the Native Judge of Canara for the month

of October last, together with their proceedings thereon.

/ Here enter at pp 52 /

Malabar

Referring to the Report at No. 5 submitted by the Criminal Judge of Malabar the Court of Sudder Adawlut presume that the three persons committed in Case at No. 188 were detained in the Jail of the for a period of 1 month and 13 days, viz. from the 9th of September to the 21st of October last; the Assistant Magistrate assigns for the delay by stating that the Jail Calendar was engaged on other "Criminal Cases" but the Court considering the explanation very unsatisfactory, desire that the same be brought to the notice of the Magistrate by the Criminal Court of Circuit.

Tellicherry

The Court of Sudder Adawlut have also remarked that the prisoners committed in Case at No. 85 of the Report No. 5 submitted by the Joint Criminal Judge at Tellicherry, have been detained in the Jail for the period of 16 days, for which no reason has been assigned. They therefore desire that the Magistrate in the Jail of Calicut that the Magistrate in the Jail of Malabar be called upon for an explanation

Ordered

Ordered that extract of these Proceedings be forwarded to the Commandant at Port Arthur in the Eastern Division directing him to make the necessary communication to the Magistrate of Macquarie by the first opportunity without delay.

Court following Sentence viz

Read letter from the Sheriff dated at Hobart Town the 16th August last submitting the record of the Trial in Case of [illegible] of the Quarterly Court of Campania 1st Sessions of 1833 in pursuance of the Instructions of this Court of the 30th April last.

Here write No 578 of 1833

From the letter of the Sheriff it appears that the sentence passed in this case was founded on the verdict that there was no proof of the premeditation upon the identical person who was murdered but that the prisoner who was convicted of the murder actively assisted in the execution of the felonious purpose and that it was clear that they were actuated by common malice towards the deceased; and although the Jury did not find expressly any express malice against the

Colar

F. No.
17th January 1834.

abovementioned Thos more present aiding and abetting when such acts were committed; and therefore came within the provisions of Clause second Section IV Regulation XV of 1803.

The Court Cannot although they think it is to be regretted that the prisoner could not be subjected to the full punishment prescribed by the Regulations not disturb the sentence passed by the Judge in this Case and they accordingly order that it may be carried into execution

Ordered that extract of these Proceedings be sent for the information and guidance of the Judge Late on Circuit in the Eastern Division.

Court following Letter No 17

Read letter from Secretary to Government under date the 25th September last No 550 affirming the rules submitted to Government on the 31st July preceding and proposed by this Court to be enacted in regard to the manner of employing the several descriptions of convicts on the Criminal Calendar.

Here write No 584 of 1833

Ordered that Copy of the foregoing Letter and of the Rules to which it

9th January 1851.

It has reference, to a certificate of the fourth Court for the information and guidance of those Courts, and of the Coroners, and Justices of the Peace, in the discharge of the Criminal Duties.

/Sent following letter at 8/

Circular Letter dated 8th October 1850.

From the Acting Judge of the Provincial Court in the Northern Division of Jaffna.

Case No. 30 of the Calendar Criminal Sessions of 1850.

The King against Cadian Cadian Cadian

Judge having inadvertently omitted the concluding Oath before the Jury returned the following Verdict, viz. "We find the prisoner guilty of the Culpable Homicide of Cadian Cadian Cadian, but we recommend him to the favour of the Court on account of his youth, and the provocation he received from the deceased."

Is sufficient to warrant the infliction of the highest punishment of Transportation for life, or any other punishment of a lesser degree, which the Court may think proper to award, under Section IV Regulation XV of 1843.

Therefore it will be the duty of the Judge to record the finding of the Jury, and to pass sentence in accordance with the provisions of Clause Second Section VII Regulation XV of 1843, that the Prisoner Cadian Cadian Cadian receive 150 lashes with the Cat-o-nine tails, and that he be transported to such place beyond seas as the Governor in Council may appoint, there to be imprisoned, and kept to hard labor in Irons on the high roads, or other Public works for, and during the period of his natural life.

/Sent following Letter No. 19/

Circular Letter dated 8th October 1850.

From the Provincial Court of Circuit in the Northern Division, reporting Case No. 21 and 2 of the 1st and 2nd Supplimental Calendar for the Criminal Sessions of 1850.

/Reg entered No. 702 of 1850/

The first, second, and third Prisoners Cadian Cadian Cadian, Cadian Cadian Cadian, and Cadian Cadian Cadian, having severally been convicted by the Verdict of the Jury before the Court of Circuit, and the sentence of the Provincial Law officer, and the sentence of the Fiscal, and Deputy Fiscal of Batticaloa, confirmed by the Supreme Court of Judicature of the Island, and the Proceedings of the Supreme Court, and the Proceedings of the Court of Circuit aforesaid, communicating the Decision

1st Case Abeyratnamudeliar

2nd Case Bhonsutty

and

3rd Case Cadian Cadian Cadian

of the crime of Culpable Homicide, and the commutation of the Capital punishment

19 19

19th January 1831

for Allowances due from the 1st October 1830 to the
years to the time of the second Sentence in the
said future, the Court sentenced the said three
Prisoners to be imprisoned for three years each
Irons, and then released, according to Section XI
Regulation VIII of 1803 —

/ Sent following letter at 2 30 /

Read letter dated 18th Instant
from the 1st Judge on Circuit in the Western
Division, to Receipt of the 8th Instant
and stating that, it will be inconvenient to
furnish the English Translation of the Trials
in the time stated in the Receipt for that Purpose
they will be transmitted as early as possible

/ Here enter at No 17 /

Read letter dated 8th Instant
from the 3d Judge on Circuit in the Eastern
Division, Reporting the arrival of the Court
of Circuit at Cuttack, and the opening of
the Sessions —

/ Here enter No 18 /

Read letter dated 8th Instant
from the Acting 1st Judge in the Eastern
Division forwarding a Report of the
from the Criminal Judge of the
Magistrate of the Station

Ex.

19th January 1831 of Arrest, Release and Commitment, with reference to the Proceedings of the Centre Provincial Court of the 30th December transmitted to this Court in

/ Here enter at No 19 /

Read letter dated 6th Instant from the 1st Judge on Circuit in the Western Division, stating that he is about to proceed to Calicut to hold the first Civil Sessions there, for the present year, as the Year concluded the 2d Civil Sessions of 1830 at Canara —

/ Here enter at No 18 /

Read letter dated 8th Instant from the Acting 1st Judge on Circuit in the Eastern Division, reporting the commencement of the 1st Session 1831 at Cuttack

/ Here enter at No 19 /

Read letter dated 10th Instant from the 1st Judge on Circuit in the Centre Division, to Receipt of the 8th Instant, and stating that the 1st Prisoner in at No 15 of the Cuttack Calendar 2d Sessions of 1830, was released, when Sentence was passed upon the other Prisoners of

/ Here enter at No 20 /

F.6.

At a Court of the Bajdarie Udalut,

Present,

Saturday 22nd January 1831. } F. A. Grant Esquire, - - } Judges.
William Oliver Esquire, - }
C. M. Pushington Esquire, }

Read letter under date 4th Instant from the Provincial Court in the Southern Division transmitting copy of a letter from the Magistrate of Trichinopoly requesting for stated reasons permission to remove a prisoner named Veeragoo Pauk now in the Trichinopoly Jail to some Jail out of the Southern Division.-

(Here enter No. 15 of 1831)

Ordered that the aforesaid Application of the Magistrate of Trichinopoly be complied with, and that he be directed to forward the said Prisoner Veeragoo Pauk to the Joint Criminal Judge of Madulipatam to be confined in the Jail of that Court.-

Ordered that Extract of these Proceedings be forwarded to the Provincial Court Southern Division for the information and guidance of the Magistrate of Trichinopoly.-

(Ent following letter No. 24.)

Ordered also that Copy of the letter and Enclosure from the Provincial Court in the Southern Division with

Extract

January 1835.

Extract from the Proceedings to Transmit the Provincial Court for the Northern Division for the information and guidance of the Circuit Criminal Judge of that Division.

Sent following the 28th Jany 1835

Read letter from the Acting Clerk of Crown in the Central Division of the 29th Instant transmitting the Return of the Prisoners Woodpecker Smyth and Mc Manus released at Cunningham on the 16th Instant

Mem letter No 22 of 1

Read letter from the Acting Clerk of Crown in the Central Division of the 28th Instant transmitting Copies of the Proceedings of the Circuit Court held at Cunningham on the 16th Instant against Woodpecker Smyth and Mc Manus charged with Cattle Stealing

Mem letter No 23

22d January 1831.

limb under section XII Regulation VII of 1802 that the Prisoner,

1st Columbanalon,

who it appears was in general over the property which he stole, be sentenced to imprisonment with hard labor in irons on the high roads or other public works for the period of three years and then released.

2. That appearing no circumstance of aggravation in the case of the Prisoner,

2d Chokan,

the Court direct under the provisions of section IV Regulation I of 1818 that he be imprisoned and kept to hard labor on the high roads or other public works for the period of three years and then released.

Ordered that extract of this proceedings be forwarded to the Acting Judge on Circuit in the Southern Division for his information and guidance by first return.

/ Mutsuddy's receipt No 49 /

Read letter dated 18th Instant from the First Judge of the Court of Circuit for the Western Division with record of trial in Case No 7 of the Calendar for 1830.

/ Mutsuddy's receipt No 205 /

24th January 1831

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

1st Chissambata Kelloo

and

2d Bhugun Mahaseen Mahatta

Malos,

is sufficient to commit them for the crime of Murder, &c, under the authority with which they are vested by clause first section II Regulation I of 1818, commit them thereof and sentence them to be transported to such place beyond the seas, as the Governor in Council shall direct, and the Prisoners in Council shall subject to hard labor in irons public works, high roads, or other public works for, and during the period of their natural lives agreeable to the provisions of clause second section VIII Regulation XII of 1803. / Mutsuddy's letter No 38 /

Read letter dated 25th Instant from the Chief Judge in Council in the Western Division transmitting Record of one trial for the Calendar Sessions of 1830.

/ Mutsuddy's receipt No 53 /

Were entered the first and second Puisne Judges having patiently considered the Proceedings held before the Judge in Circuit, the Justice of the Peace and Law Officer and the Futwa of the Criminal Court and the Pleader of the Sylhet District in this trial are of opinion that the prisoner

24th January 1838. charged with the crime of Murder, is sufficient to commit him of the crime of culpable homicide only, & commit him thereof, and under the Sentence of Rebindut declared in the Gutma, viz: that he be imprisoned and kept to hard labor in Irons, on the high roads or other public works, for the period of eight years; but being of opinion that the Prisoner,

2d Tekitala Mangaram,

is not convicted, on presumptive proof, or on the evidence of credible witnesses, or on his own confession, of the crime laid to his charge, the first and second Assistant Judges direct that he be set at liberty.—

/Sent following letter No 29/

Read letter dated 31st August, Last from the First Judge on Circuit in the Western Division submitting Case No 8 Malabar Calendar 2d Session of 1838.—

/Vide infra No 35/4.

The First and Second Assistant Judges having mutually considered the Proceedings held before the Judge on Circuit, & Provincial Court of Appeal, & Circuit, the Gutma of the said Court and of the Moofties of the Sudder Adalut in this case, and being of opinion that the charge against the Prisoners,

Colatil Tekoo Nimbon & Pathay,

is sufficient to commit him of the crime of Murder, do, under the authority with which they are vested by clause first Section III Regulation I of 1818, commit him thereof, & order all the circumstances of the case do, assign over him to be transported

24th January 1838. to such place beyond sea as the Right Honorable the Governor in Council shall appoint, there to be imprisoned and kept to hard labor for and during the time of his natural life.—

/Sent following letter No 30/

24h 30

At a Court of the Enquiries held at

Present

Wednesday
26th January 1830 — The Hon. G. Grant Esquire — 1st Puisne Judge

William Norris Esquire — 2d Puisne Judge

C. M. Lushington Esquire — 3d Puisne Judge

20 2th

And Cotton presents by

Lieutenant of the Zebra of Ships letter

from entire Miss Petition No 71 of 1830

This being merely a renewal

of former Petitions presented to the Court

from No 1 of 1828 and No 9 of 1829 upon

the subject of which many inquiries in the

Court of Requests under date the 20th November

1828 the Court see no grounds for reversing

the said orders and the Petitions is therefore

refused to the Court order of the 20th November

1828 on the former Petition

24

Feb

At a Court of the Inferior Court

Present

Wednesday
9th January 1833 — The Hon. Grant Esquire 1st Puisne Judge

William Mercier Esquire 2d Puisne Judge

& the Hon. Buckingham Esquire 3d Puisne Judge

£0 2/6 — Read Petition of Jeremiah Leaman praying

Entering of the Will of Christopher

Mercier late Petition dated 7th of 1832

This Court made a reference

of former Petitions presented to the Court

for the 7th of 1828 and 4th of 1829 from

the first of which it was manifested to the

Court Proceedings under date the 21st November

1828 the Court see no grounds for reviewing

the said order and the Petitioner is therefore

refused to the Court order of the 21st November

2/6 — 1828 on the former Petition

At a Court of the Coujdaree Adalut.

Present,

Wednesday 22d February 1832 — F. A. Grant Esqre — 1st Puisne Judge
William Oliver Esqre — 2nd Puisne Judge
C. M. Lushington Esqre — 3rd Puisne Judge

250 244

Read return dated the 5th Instant
from last by the First Judge in Circuit in the
Centre Division, submitting a translation of
the record of the Trial in the case No 7 of the
Chingleput Calendar 1st Sessions of 1832, in
obedience to the requisition of the precept of
this Court under date the 30th September
last.

(Here enter 4 & 7 of 1832)

1st The Judges of the Coujdaree Adalut
having duly considered the record of the
above trial No 7 of the Chingleput Calendar
1st Sessions of 1832 are of opinion that there
is no direct and positive evidence of the
stolen property having been found in
any of the Prisoners except the tenth, and
under all the circumstances of the case,
they do not feel much confidence in
that evidence.

2d All the evidence indeed
appears to the Court to be extremely
vague and unsatisfactory and they direct

Judge for the execution of the sentence of
14 years imprisonment with hard labour
passed by him on the prisoners in the
Indictment of the Chingleput Calendar for
September 1830 namely

1st Nanjappen
2nd Sadhan
3rd Ramen
4th Coothen
5th Venkatarama Chetty
6th Gunnien
7th Sambanaig
8th Calamoothen
9th Salamaya Chetty
10th Vadentan

and for the detention in custody of the
11th prisoner Thiruvengadam until the Court
should give directions for his
release, and that the said sentences
be severally reckoned
Ordered that a Copy of this
proceedings be forwarded to the Judge
on Circuit in the Central Division for
his information and guidance by
precept, returnable the next Session
after its receipt
(Vide following proceedings
Ordered also that
reference to this Court

the 3rd September last, the above
Sentence of this Court be made known
to the Petitioners Moothoowera pak
Chitty of Chingleput who presented
Miscellaneous Petition No 54 of 1830
for urging for the unconditional Release
of the 11th prisoner,

Vennayen Veerapah Chitty
& Venkatasamal of Chingleput who presented
Miscellaneous Petitions Nos 56 & 57 of 1830
praying for the release of the prisoners

5th Gunnien
7th Sambanaig

and Moothoowera of Chingleput who
presented Miscellaneous Petition No 58
of 1830, for urging for the release of the
prisoners

8th Venkatarama Chetty

Read return to the 2nd Letters,
from the Acting Judge late on Circuit in
the Central Division, to precept of the
9th Ultimo and stating that a warrant
had been issued to inflict the punishment
directed by this Court on the 2nd Prisoner
on case No 2 Conjeveram Calendar
2nd Sessions of 1829
(Vide letter No 58 of 1831)

Read letter dated the 21st Ultimo,
the Third Judge on Circuit in the

2nd February 1881.

Western Division, reporting the opening of the Jail delivery at Calcutt for the 4th Sessions of 1881.

(Here enter No 46 of 1881.)

Read letter, dated the 31st ultimo, from the Provincial Court of Circuit in the Northern Division, forwarding copy of the Report of the Criminal Judge and the original warrant issued for the execution of sentence in case No 16. 1st Calendar of Rajahmundry for the 1st Sessions of 1880.

(Here enter No 47 of 1881.)

Read letter, dated the 17th ultimo, from the First Judge of the Court of Circuit in the Centre Division, transmitting copies of the 1st and 5th Supplemental Calendars of the 4th Quarterly Sessions of 1880 for the Zillah of Chittoor.

(Here enter No 43.)

Z 11

Z. 11.

At a Court of the Foujdaree Adalut.

Present.

Friday, 4th February, 1881.

F. A. Sprawl Esqre 1st Puisne Judge
William Oliver Esqre 2nd Puisne Judge
B. H. Lushington Esqre 3rd Puisne Judge.

Read letter from the Second Judge on Circuit in the Centre Division under date the 27th ultimo, recommending for state reasons that the prisoner named Pongunnumm in case No 2 of the Chingleput Calendar for the 2nd Sessions of 1880 who had been tried before him and convicted of Perjury should not receive punishment.

(Here enter No 44 of 1881.)

The Court fully concur in the recommendation of the 2nd Judge and accordingly direct under Section V Regulation 5 of 1825 that the prisoner Pongunnumm be forthwith discharged.

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

(Sent following letter No 36 and return dated the 29th ultimo from the Acting 3rd Judge on

At a Court of the Fauzdaree Adawlut

Present,

Tuesday
8th February 1831. J. H. Grant Esquire 1st Criminal Judge

William Hunter Esquire 2d Criminal Judge

C. H. Lushington Esquire 3d Criminal Judge

24

20

Read letter dated the 18th

Ultimo from the Criminal Judge in the

Zillah of Midnapore requesting instructions

regarding the punishment in the Case of No 4

of the Jail Calendar of 1830 who has been

sentenced to Imprisonment for Life with a

Fine of Rupees 1000 Star Pice with a

further sentence of 10 years Imprisonment

& ft to road Labor in irons for the term

of 10 years, and to be banished to such

Zillah as the Fauzdaree Adawlut may direct in

future after the

Court of Fauzdaree Adawlut

shall think the ends of Justice

shall have been answered

by the Imprisonment

of the said Prisoner

Ordered that extract of these

Proceedings be sent to the Criminal Judge in

the Zillah of Midnapore and Patna for their

information and guidance in

8th February 1831

Z 11

8th February 1831 Signatures of the Freeholders to

Z 11

All a Court of the Magistrates Statutes

Monday
7th February 1831. Present
Wm Grant Esqre 1st Puisne Judge
William Elliott Esqre 2nd Puisne Judge
C. D. Lushington Esqre 3rd Puisne Judge

Read letter from the Provincial
Clerk of Assize in the Northern Division stating
the non sitting of the Court in consequence
of a letter having been received from
the acting Provincial Judge of Assize requesting
to be informed if the Court charged to attend
the person of the Provincial Judge under whose
Z 11 commission the Court of Assize in that
Nil division of the Province was to sit
at Kitty but having received no letter
from the Provincial Judge from the date
of the receipt of them
(Enclosed)

Read also letter from the
Provincial Judge in the Gaol of Demerara
dated the 28th ultimo forwarding a Statement
of the Prisoners confined in the Gaol of
Demerara after the completion of the
Records
(Enclosed No 58)
Ordered that in the
Order of the Court [illegible]
[illegible] the commencement of the
[illegible] the commencement of the
[illegible]

Read letter from the Provincial Clerk of Assize in the Northern Division stating that a Letter from the Acting Provincial Judge of Assize requesting to be informed if the Court charged to attend the person of the Provincial Judge under which Commission the Court of Assize in that Division of the Province was to sit at Kitty but having received no letter from the Provincial Judge from the date of the receipt of them

(Enclosed)

Read also letter from the Provincial Judge in the Gaol of Demerara dated the 28th ultimo forwarding a Statement of the Prisoners confined in the Gaol of Demerara after the completion of the Records

(Enclosed No 58)

Ordered that in the

December last, the Court order, that the
sentences of imprisonment on convicts are
held to take effect from the date of the order
and the above Report of the Criminal Lega-
tenant in the cases specified have not
been considered to be those, from which
the terms of imprisonment were respectively
calculated. The Provincial Court will
cause to be corrected the said Report,
which is ordered to be returned, and with
in future cases direct the attention of
the Subordinate Judicial Officers to the
sentiments expressed by this Court on the
8th December last.

Ordered, that extract of these
proceedings be forwarded to the Provin-
cial Courts in the Western and Northern
Divisions for their information and
guidance, by precept returnable without
delay.—

Circular

(Sent following Precepts No 112
Ordered also that extract
of these proceedings be sent to the
Provincial Courts on the Eastern Division
for their information and guidance
(Sent following Letter No 43
Read letter from the Acting
Judge on Circuit in the Northern Div.
dated the 7th Instant recommending

a mitigation of the punishment to which
the 2nd and 3rd Prisoners in the case No 1
of the Nellore Calendar for the 1st Sessions
of the Nellore Calendar for the 1st Sessions
of 1881 have rendered themselves liable

(Here enter Ex. 73.)

The Court of Enquiry having duly considered the grounds of the
above recommendation by the Acting
Judge from which it appears that the
said 2nd and 3rd Prisoners were only passive
spectators of the act of violence and
robbery committed by the 1st Prisoner
authorize the mitigations of the punishment
as recommended by the Acting Judge and
accordingly direct under the authority
vested in them by Clause third Section
Regulation I of 1825 that the said second
and third prisoners in the case No 1 of
the Nellore Calendar for the 1st Sessions
of 1881 be each sentenced to one year's
imprisonment with hard labor in lieu
of the sentences passed upon them.

Ordered, that extract of these
proceedings be forwarded to the Acting
Judge and Circuit in the Northern Division
for his information and guidance,
by precept returnable without delay

(Sent following precepts No 113

Read letter from the Provincial
Court in the Northern Division dated
the 2nd Instant submitting the recommendation
of the Principal Judge of Rajahmundry that

14th February 1831

the prisoner Tegala Rodiarangy was tried
this Court on the 21st July 1833 & the rule
was prohibitory good and sufficient grou
but who had only been able to produ
a security in the sum of Rupees 1000
has not been able to procure the required
Under these circumstances the Court
may endanger his life

(Here is written
Remaining Order of
The Court of Kingdavara
of the 14th February 1831
Criminal Judge, dismissed the
Constable of Kingdavara
for the release of the
Rodiarangy on the
five sureties
Civil Court
for this
by four
(Next following Order
Court, from the 14th February 1831
the Northern Division
transmitted to the
Royal

Z 11

14th February 1831.

In the remarks of the 1st Judge upon this case, entered in the Calendar, upon the question as propounded, "whether the "driving away Cattle comes under the "character of Gang Robbery" and in the foregoing letter the 1st Judge recommends that the punishment appointable against the prisoner be restricted to seven years imprisonment, should the question be determined by the Court of Kingdavara Wadah in the affirmative.

It appears that the prisoner "Bradley Baster" was one of a gang who "came to the jungle near a village called "Nambiyagoda about 12 o'Clock in the "night and with Patchaloes, bows and arrows "carried away therefrom 37 Buffaloes, the property of the prosecutor.

It does not appear to the Court of Kingdavara Wadah that in order to a determination on the case of the prisoner it is necessary to resolve the question whether or not "the driving away Cattle from the jungle is Gang Robbery" the manner in which the gang were armed and the manner in which they conducted themselves leave no reasonable doubt that their object was robbery the use of arms and if they had not

3

17th February 1831.

Instant, from the Acting Third Judge of Circuit in the Southern Division, reporting the commencement of the 1st Sessions 1831 at Tipperary.

(Here enter No. 891

Read letter dated 28th ultimo from the Provincial Court of Circuit in the Southern Division submitting the Criminal Reports for the month of December 1830.-

(Here enter No. 60 J

17th February 1831

prisoner still would have come within the provisions of Clause fourth Section IV. Regulation XX of 1793. Adverting to the observation of the 1st Judge in the 5th page of the foregoing Letter that if the Case the deemed to be within standing of the fourth Section III. Regulation VI of 1824 by the Criminal Judge of the Court of Circuit that the Accused cannot be tried by the Court of Circuit for the offence of a person of his caste if found guilty nothing the Criminal Judge of Circuit could do but

Under all the circumstances of the Case the Court of Circuit would be to sentence the Accused to imprisonment and hard labour for seven years

Ordered that the Register of this Judge's proceedings in this case be sent to the 1st Judge of the Court of Circuit for the Southern Division for his information and guidance.

(Certified Letter dated

144

20

Z 11

Z 11

At a Court of the Bengal Volunteers.

Present

Tuesday
15th February 1831

F. H. Stewart Esqr 1st Puisne Judge
William Oliver Esqr 2nd Puisne Judge
C. M. Worthington Esqr 3rd Puisne Judge

Read letter dated the 12th instant
from the Acting Deputy Paymaster General
Northern Division recommending under
the provisions of Section XX Regulation
VIII of 1827 the grant of conditional pardon
to the 5th prisoner on trial No 28 Matthew
Calendar for Offence of Robbery
(Execution No 81)

The Court of Vigilance Volunteers
Concurring in the foregoing recommen-
dation resolve to suggest that the Right
Honorable the Governor in Council be
solicited to authorize the Grant of
a conditional pardon to the 5th prisoner
on trial No 28 Matthew Calendar for Offence
of 1831

Ordered that a Extract of these
proceedings together with a copy of the
letter from the Acting Judge on Circuit
in the Northern Division be forwarded
to the Secretary to Government in the
Judicial Department to be laid before
the Right Honorable the Governor in

Read letter from the Lieutenant Court of Assize in the Northern Division dated the 27th November last, transmitting the record of the trial & Sentence of the Prisoners Cafendam for the 1st Sessions of 1831 stating that out of the five prisoners tried the Court, the 1st that on Saturday the 2nd and the 3rd & 5th have been acquitted by the Criminal Court of Appeal to be released the former on bail & the latter remanded thereby

(Here enter the Sentence)

Judges having retired to consider their decision the Court adjourned till after the Sentence of the Criminal Court upon the petition of the Appellant Cafendam and Magistrate of the Kingstown Subdistrict of appeal that the 2nd prisoner Samuel Rogers is not committed of the crime of Murder laid to his charge on the presumptions brought against the evidence of Neville Hutchinson & his own confession that the foresaid Court be and hereby dismiss the petition of Appeal & that the Sentence of the Court of Assize of the 1st Division of the 27th November last be duly executed

charge was so insufficiently investigated and that the native Police were not more prompt and mindful of the duties they were required to perform on such occasions. There was no inquisition held although the Board of Police was in the vicinity at the time of the alleged murder and was summoned under Section XXXIV Regulation XI of 1816 to proceed immediately to the spot and hold an inquest on the body. The fact of the dead body having been seen, & not of having been satisfactorily substantiated fully and satisfactorily established by the Court further observe that the prisoners are guilty of inaccuracy in stating in the charge against the prisoners both before the Criminal Judge and the Court of Appeal that the murder is stated to have taken place on the 2nd of November whereas it appears evident that the murder if committed at all was committed on the 6th and not on the 2nd November. The Police Board refer to the Board of Police dated the 29th November and mentioned the murder as committed the previous day. This error is explained as arising from the 29th November

15th February 1831.

forwarded to the Criminal Court.

3.

As it does not appear to the Court from the evidence on the trial that the 2nd prisoner whom the Judge on Circuit has left to be security under any misapprehension they direct that the said 2nd Prisoner be ordered unconditionally or if he has given security that his security be immediately discharged.

Ordered, that an extract of these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information and guidance; by present directing them to communicate to the Judge who tried the matter part of the same as regards the matter upon to their duties of the Police.

(Sent following present letter No 56)

Herewith letter dated the 12th instant from the Third Judge both on Circuit in the Northern Division enclosing the record in case No 3 of the Calendar of Jamaica for the 2nd Sessions of 1830.

(Here enter No 824)

The First, Second and Third Judges, having maturely considered these proceedings had before the Judge on Circuit the Justices of the Peace and Grand Jury of the Parish of Portland, and the Justices of the Peace and Magistrates of the Bay of Dundee Parish, confirm the said finding of the Justices of the Peace and Magistrates aforesaid, and concurring in the opinion declared on the finding of the prisoner's insanity, direct that the prisoner

Westbury Swanah,

be placed under charge of the Gaoler of the Gaol Court of Session in safe custody to his eventual confinement in the Lunatic Asylum at the Presidency.

(Sent following letter No 57)

In the letter accompanying the foregoing trial the 3rd Judge stated his opinion, formed upon a consideration of the circumstances of the case, that the prisoner was insane at the time when he committed the act charged against him, and that his appearance when placed at the bar before the Court of Session was also indicative of insanity.

In this case therefore, the Rules and Orders of the Court of Exchequer dated 7th June 1824, were that the appellant and the 1st Judge might not be here proceeded with the trial of the prisoner.

The Court direct that the 1st Judge do instruct the acting Criminal Judge to take the opinion of the Surgeon

15th February 1830.

object for confinement in the Lunatic Hospital at Madras and eventually to obtain the prisoner's removal from to the Superintendent of Police at Madras

Ordered, that extracts of these proceedings be sent to the 1st Judge by precept directing him to make the requisite communication to the Acting Commissioner Judge of Canara for his information and guidance.

Sent following Extracts &c &c

Fol

Court of the Sessions at Calicut

Present

Sessions
16th February 1830

T. H. Grant Esquire 1st Circuit Judge
William Oliver Esquire 2d Circuit Judge
C. M. Lushington Esquire 3d Circuit Judge

Read Petitions presented on

Yesterday

Poree under Circular Order 61 of 1830

The Petitioner represents that

he was employed as a Peon by the late

Armed Patrol under the Commissioners Court

to recover the amount of Loss due to

them by the late Rebel of the Cumatta,

and states that the Peons Allowance

and the Rebel Ghorkaus Enquiry attached

to this Court have fraudulently obtained

and appropriated to their own use the

sum of 5,000 Rupees, the amount due to

him on that account —

The Petitioner prays that, in

consideration of the above and pursuant

during on the retardishment of this Court,

they will enquire into the circumstances

15th February 1831

to Lunes

Z. 11

Z. 11.

At a Court of the Magistrates Calabut
Cheshunt,

Friday
25th February, 1831 } F. A. Grant Esqre 1st Puisne Judge -
William Oliver Esqre 2nd Puisne Judge -
C. M. Lushington Esqre 3rd Puisne Judge -

Read a letter, dated 12th Instant,
from the Acting Judge on Circuit in
the Northern Division, recommending
under the provisions of Clause Second
Section III Regulation I of 1825 a mitiga-
tion of the punishment to which the
2nd and 8th Prisoners in case No 17 of the
Nellore Calendar are liable under the
provisions of Clause third Section IV
Regulation XV of 1803, the operation of
which is revived by the provisions
contained in Clause first Section II
Regulation I of 1825, rescinding Regula-
tion I of 1822 -

(Here enter No 83)

The Court of Magistrates Calabut
have fully considered the records
on which the above recommendation
is offered by the Acting Judge, and they
do not hesitate to express their concurrence

fourthly. The three first named are themselves
and as heads of young families and the
to be remanded to the custody
of the Colonial Secretary until
sentence passed by the Supreme Court
2. The Acting Judge to direct
the Clerk of the Court to make out
the Calendar for the next Criminal Session
3. That the Acting Judge be requested
to direct the attention of the Supreme Court
to the irregularity of the proceedings
of the Court of Petty Sessions in
committing the prisoners for trial
4. That the Court be requested
to direct the attention of the Supreme Court
to the irregularity of the proceedings
of the Court of Petty Sessions in committing
the prisoners for trial
5. That the Court be requested
to direct the attention of the Supreme Court
to the irregularity of the proceedings
of the Court of Petty Sessions in committing
the prisoners for trial
6. That the Court be requested
to direct the attention of the Supreme Court
to the irregularity of the proceedings
of the Court of Petty Sessions in committing
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of the Court of Petty Sessions in committing
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10. That the Court be requested
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11. That the Court be requested
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12. That the Court be requested
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13. That the Court be requested
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14. That the Court be requested
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15. That the Court be requested
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of the Court of Petty Sessions in committing
the prisoners for trial
16. That the Court be requested
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of the Court of Petty Sessions in committing
the prisoners for trial
17. That the Court be requested
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of the Court of Petty Sessions in committing
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18. That the Court be requested
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of the Court of Petty Sessions in committing
the prisoners for trial
19. That the Court be requested
to direct the attention of the Supreme Court
to the irregularity of the proceedings
of the Court of Petty Sessions in committing
the prisoners for trial
20. That the Court be requested
to direct the attention of the Supreme Court
to the irregularity of the proceedings
of the Court of Petty Sessions in committing
the prisoners for trial

have taken in the crime of which they
have been convicted, direct that the
acting Judge do issue his warrant for
carrying into effect the sentence of the
years imprisonment and hard labour
prescribed by law.

5. The Court direct that the
attention of the Acting Judge be called
to the irregular omission of the names
of the persons in whose behalf the
foregoing recommendation was made
Sentenced

Ordered that extract of
these proceedings be sent to the Acting
Judge at Arabit in the Northern
Division by first opportunity to arrive
in three days.

Sentence following prescribed

F. 16.

At a Court of the Magistrates Held

at Monday

21st February 1834 Present,

J. C. F. Grant Esquire 1st Puisne Judge

C. A. M. Lushington Esquire 2d Puisne Judge

Circuit Letters dated 6th November

last, from the 1st Judge on Circuit in

the Centre Division, submitting record

of Case No 31 of the 5th Class Committal

Calendar of Chittoor, for the 2d Quarterly

Sessions of 1834.

The first, and the Puisne

Judges, having maturely considered the

Proceedings had before the Magistrate,

the opinion of the Provincial Law Officer,

and the opinion of the Register and Deputy

and Interpreter of the Supreme Court

of Appeal, that the Prisoner

Subramudu

is not amenable, of the crime of Cattle stealing

charged against him, on account of the

want of proof on the part of credible

witnesses, or on his own confession, which

F. C.

At a Court of the Temporarie Judicial

Present,

Monday
21st February 1834 The Hon. J. P. Grant Esquire 1st Puisne Judge

C. C. M. Lushington Esquire 3d Puisne Judge

Read Letter dated 6th November

last from the 1st Judge on Circuit in

the Centre Division, submitting record

of Case No 1 of the 5th Half Yearly

Calendar of Criminal Prisoners for the 2d Quarter

Sessions of 1834.

The first and 3d Puisne

Judges having maturely considered the

Proceedings had before the Judge on Circuit,

the opinion of the Provincial Law Officer,

and the opinion of the Deputy Advocate

and Procureur of the Temporarie Establishment

of opinion, that the Prisoner

Ludlow Ludlow

is not convicted of the crime of Forgery

charged against him, on strong presumptive

Circumstantial Proof, on the evidence of credible

witnesses on the part of the Prosecution

21st February 1831

Thereupon action was directed, under the provisions of Clause draft Section III Regulation XV of 1873, that the Collector of Customs do Sent of Chittagong Letter No. dated 1831 forthwith transmit from the Southern Commissioner Board of Case No. 2 of the Calendar of the Chittagong Court of Judicature for the 2nd Division of 1831 Letter No. 855 for the consideration of the Court on the 21st February 1831 of the Commissioners Judges Chittagong Division Chittagong Dated 1831 Enclosing Petition of Appellant Petitioner Respondent Complainant Defendant

1st Witness examined for

2nd Witness examined for

3rd Witness examined for

4th Witness examined for

5th Witness examined for

Proceedings had

Decree made

and Petition of Appeal

21st February 1831

thereupon or on the evidence of credible witnesses or on their own confession or otherwise ascertaining the future of their return that and in the case of officers, but considering that the same is not attached to them, their Chiefs, as proven attached to them, their Chiefs, as per Clause Circle Section III Regulation XV of 1873 that they be each required to find two sureties each in 150 Rupees, for their good behaviour and appearance when required within three years or in default thereof that they be detained for that period, or confinement

Sent following letter

Dated Letter dated 1st Instant from the Criminal Court of Appeal in the Western Division transmitting Calendar of Case No. 2 of December last with reference to their Proceedings therein

Dated 1831

Dated letter dated 1st Instant from the Criminal Court of Circuit in the Eastern Division transmitting Calendar of Case No. 2 of December last with reference to their Proceedings therein

Dated 1831

Dated letter dated 1st Instant from the Criminal Court of Circuit in the Eastern Division transmitting Calendar of Case No. 2 of December last with reference to their Proceedings therein

Dated 1831

Dated letter from the Officiating Commissioner in the Central

At a Court of the Sonjidara Adalut.

Present,

Wednesday 23d February 1831. — J. A. Grant Esq. 1st Puisne Judge
William Oliver Esq. 2d Puisne Judge
C. M. Lushington Esq. 3d Puisne Judge

Read petition, presented by [illegible] on the 22d instant praying filing — [illegible] Esq. Act 2 of 1831.

Also read a letter from the Registrar of the Provincial Court of Circuit in the Southern Division forwarding certified copies of the proceedings instituted in the said Court relative to the petition of [illegible] presented to the Provincial Court on the 10th of October last —

The petitioner represents that having presented a petition to the Magistrate of Chittagong on the 10th April 1830, complaining of an outrage committed by the Jahsuldar of Chittagong on a charge against the Jahsuldar by the Magistrate for examination his petition was rejected and the Magistrate having then left Chittagong on the 2d December 1830, presented a petition to the 2d Judge then on Circuit, by whom it was rejected for the reasons stated on the following endorsement on the petition: "This petition is rejected because no details are given to "show how the case was improperly disposed "of by the Magistrate, nor why the petition was "not addressed to the last Circuit Judge"

The petitioner does not offer any explanation of his omission to apply to the 1st Judge of the Circuit Division, while holding

2

23rd February 1831.

the 1st Sessions of last sitting for 1830 at Ringsfort
the Court of Sessions should transmit them a Copy
that an explanation should be obtained from the
Magistrate requiring this Court they must
therefore, that the 2d Judge of the Criminal Court
of Circuit for the Eastern Division be requested
requested to send a copy of the petition to the Magis-
trate, with instructions to submit a report thereon
for the consideration of the Court of Sessions

Ordered, that the Court of Sessions should
proceedings with a copy of the foregoing
petitioner, be sent to the 2d Judge of the Crimi-
nal Court of Circuit on the Eastern Division
by first packet to be addressed to the Chief Secretary
date of its receipt.

Court following

Read petition presented on the
2d Instant by J. Chamberlain
scribes himself as Constable
prisoner in custody
Court of Kilmogfort

Ordered that this petition
discharge by the Commissioners
prisoners confined to the Magistrates
the Court of Sessions should be
remitted.

There is nothing
foregoing petition that
Court of Sessions should

23rd February 1831

Noted, a charge seems to have been brought before
the Criminal Judge, and the case for any thing
that appears to the contrary was regularly disposed
of by the sentence made by the petitioner to the pro-
visions of Section VIII Regulation I of 1810 as altered
by Section VIII Regulation I of 1810 is altered.

Ordered therefore that the prayer
of the petition be rejected, and that extract of
these proceedings be furnished to the petitioner
in his application.

The Court of Sessions should having
disposed of the foregoing petition, deem it necessary
to obtain an order of the 2d Judge in Circuit
to extend upon a petition presented to him
by the same petitioner under date the 8th February in-
which it is stated that the petitioner should
have proceeded as is prescribed by Section XVI
Regulation V of 1822.

The reference to the Commissioner
Statements from the Court at Ringsfort, it
appears that the prisoner in Case No 271 of
1831 were charged with having in the night
of the 1st February of the year Vaccarity, or 13th
September 1830, stolen ten sheaves of paddy,
valued at Rupees 31-8 from a stack in
the Back yard of the house of Doran Sadlier
of the punishment Tamarind Bank.

The Criminal Judge deposed
of the case, as a case of theft which it would
appear to have been, and the Court of Sessions
should

23rd February 1831.

Z 11

23rd February 1831.

1 The Petitioner has reported to this early
petition of 1835 of 1830 presented on the 15th July last.

2 In these three petitions he specifies
certain alleged vexations acts of the Plaintiff of
Chelumberum towards himself and other Tamboreans.

3 The first petition was a complaint
against the Magistrate in the Southern Division of
Tanjore for not having offended him against the decided
by the Judge who presided at the 1st Sessions of the last
year to institute an inquiry into the charges preferred
read by him against the said Plaintiff.

4 The Petitioner on the 22 of August was
required by the Court to produce the above order of the
Provincial Judge: on the 25th Petitioner produced
the copy of the said order, and prayed for the correct
which he alleged he had not obtained; and his
prayer is reiterated in his Petition of this 25th Petitioner

5 The Court being of opinion that the
truth of the allegations of the petitioner could be
ascertained in the readiest mode by calling upon
the Magistrate for an explanation of the facts
and circumstances connected with the said
petitions, after that copies of them be transmitted
with this view to the Magistrate, and
that they be made known to the Petitioner
on his receipt of the desired information.

Ordered, that extract of this
proceedings with copies of the above petitions
be sent to the Provincial Court of Circuit to be

Centre

Centre Division as prayed, directing them to com-
municate the same to the Magistrate in the Northern
Division of Brest, calling on them to furnish the
explanation required without delay

(Cert following precipe No 71)

Ordered, that the same be communi-
cated to the Petitioner

Read a petition presented by
C. Buchanan on the 20th Instant praying the Court to
direct the Criminal Court for the Northern Division
to issue precept to investigate a complaint he has against
certain individuals for abusive treatment

(Recognizance No 43 of 1831)

The petitioner states that he was
in the Northern Circuit Court Division at Vizagapatam, which formed
the subject of a complaint he made to the Magistrate
at Vizagapatam about 18 months ago and that
he presented a petition to the Criminal Judge of the
Circuit without effect and also to the Judge on Circuit
The petition is written in so confused a manner
and the dates of the Complaints of the petitioner
are likewise so confused, that they appear to be
no connected story, or intelligible account of the
course which he took to obtain redress. He states
commencement of the petition he stated
he lodged a Complaint before the Magistrate
at Vizagapatam 18 months ago, & he says himself
to obtain a grievance which remains

1828 he subsequently presented a petition to the
Magistrate who refused to receive it, he presented
his petition in October 1828 to the Criminal Judge
of Chicacole who took no notice of it, in the fol-
lowing month he gave his petition to the Judge
on Circuit. Shortly after this, his case seems to
have undergone investigation by the Magistrate,
but the Petitioner alleges it was partial and
favorable to the Defendants. The Petitioner
further appears to have subjected himself to a
fine of 5 Rupees for leaving the Circuit Court
without permission. He again presented a peti-
tion on the 29th April 1829 to the Judge on Circuit,
who it seems called for and considered the proced-
ings of the Magistrate, and told the petitioner
he could refer for the decision of this Court.

The Court do not consider the prayer
of the Petition for a precept can be granted on
the grounds specified, and the Petitioner is there-
fore referred to the Circuit Court, who are com-
petent to dispose of his case.

Ordered accordingly, that the
same be made known to the Petitioner

Read letter, dated the 29th September
last from the 1st Judge on Circuit in the Western Division
Submitting cases Nos 11 and 12 on the Malabar
Calendar 2d Sessions 1830.

(Recognizance No 62)

23d February 1831

The first, Second and Third Puisne Judges having maturely considered the Proceedings had before the Judge on Circuit, the Notes of the Crown Law Officers, and the Notes of the Cayenne Coast and Assessors of the Tongaroo District, confirm the said Notes of the Cayenne Coast and Assessors aforesaid, convicting the prisoner

1st Hodikatagatha alias Tilakatilé
Rotten Coatty

of the crimes of murder and arson, and sentencing Hidas, and the prisoner

2d Hodikatagatha Arilan Coatty

of the crime of aiding and abetting arson and sentencing Rotterbunt, and under the provisions of Section X Ordinance VIII of 1802, adjudge the said

1st Hodikatagatha alias Tilakatilé
Rotten Coatty

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

2d Hodikatagatha Arilan Coatty

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

(Sent following letter No 72)

Cayenne Coast from the Acting Judge on Circuit in the Northern Division, transmitting the Record of the case No 6 of the 1st Session

23d February 1831

for the 1st Sessions of 1830.

(Here enter No 793 of 1830)

Read also return to Precept of the 6th Returns, shewing that the Prisoner in the above Cause Cannoomony Soobadoo to be apparently 20 years of age.

(Here enter No 795)

The first and third Puisne Judges having maturely considered the Proceedings held before the Judge on Circuit, the Notes of the Crown Law Officers, and the Notes of the Cayenne Coast and Assessors of the Tongaroo District, are of opinion that the Prisoner Cannoomony Soobadoo is not convicted of the crime charged in the Presentment by sufficient legal proof, on the evidence of Cruchille without the aid of his own confession, notwithstanding the strong suspicion attached to the Prisoner, they do not consider themselves bound by Section II Regulation XV of 1813, that he be detained in custody for one year, unless he find two sureties in fifty Pagodas each for his good behaviour and appearance when required within that period.

(Sent following letter No 73)

Read letter dated the 13th December from the 2d Judge on Circuit in the Northern Division, transmitting the Record of trial in Case No 11 Salem Calendar 2d Session

(Here enter No 797)

23rd February 1831

23rd February

23rd February 1831

The first and third Puisne Judges
Sessions, having maturely considered the Evidence
held before the Judge in Council on the Inditement
the Crown and Law Officers, and the Petition of
the Cazee wil Corgat and Moofties, did the said
Edaris Hadalat, Confirm Hudood Fatwa of the
Cazee wil Corgat and Moofties aforesaid, con-
victing the Prisoner
Chitty Corpen
of Murder and sentencing Him to
provisions of Section X Regulation VII of 1817
adjudge the said Prisoner
Chitty Corpen
to suffer death by being
(Vide following letter No 75)

Vide Letter dated the 15th Ultimo
East from the 1st Judge in Council on the Kistna
Division, transmitting record of Trial and
Case No 23. Malabar Calendar 2d Sessions 1831.
(Hereunto No 870)

The first and third Puisne Judges
having maturely considered the Proceedings
held before the Judge in Council the Petition of
Crown and Law Officers and the Petition of the
Cazee wil Corgat and Moofties of the Zillah
Hadalut, are of opinion that the Prisoner
Mutsafy Canen Tegen
is not committed of the crimes of murder laid
to his charge, in Hony Fatwa

23rd February 1831

the witness of credible witnesses, or on his own
confession notwithstanding the futwa of Mahom
Law Officers, and accordingly under the provisions
of Clause 3rd Section II Regulation XV of 1813,
they direct that the said Prisoner
Mutsafy Canen Tegen
be set at liberty.
(And following letter No 75)

At a Court of the Royal Alcalde.

Present.

Friday 28th March 1834 — E. F. Grant Esq.re 1st Puisne Judge
William Rowley Esq.re 2d Puisne Judge
C. A. Livingston Esq.re 3d Puisne Judge

Read letter from the 1st Judge
late on Circuit in the Northern Division, submitting his
sentiments on the criminality of the 21 prisoners
on the Calendar No 7 of the Nadiad Calendar for
the 24th September 1830, in reference to the precepts of
this Court of the 11th October last, and inquiring
the completion of their punishment.

(Vide entry at p. 80.)

The Court do not observe, that
the 1st Judge has advanced any more substantial
grounds, than what he submitted in his letter of
the 27th of August last, for the commutation of the
punishment of the prisoners in the above case, who,
by their determined attempts to escape from the
custody of the Jail, rendered it liable to the
punishment awarded by the Regulations and
which would not with in the commission of any
act which they will Brent would subject them to
the penalty of the law, cannot but hold to subscribe
their proceedings, that the 1st Judge
being guided by the orders forwarded to him, by
this Court precepts of the 11th October last, do
pass sentence accordingly upon the
said

25th February 1831.

Said 21 prisoners.

Ordered that Extract of these proceedings be forwarded to the 1st Judge of the Criminal Court of Circuit in the Northern Division, for his information and guidance, by precepts returnable without delay.

(Sent following precepts Nos 76)

Read letter, dated the 9th instant from the Criminal Judge in the Zillah of Malabar, forwarding a warrant for the banishment of a prisoner to a Zillah, selected by the Confirmee Coutut.

(Here enter No 82)

The Court of Sessions Circuit and Gaol Delivery for the Northern Division of the Province of Malabar.

To the Magistrate of Tellicherry.

Whereas Parapoorata alias Kothoo Chekoo, a native of Tellicherry, was on the 25th day of January 1831 convicted before the Court of Sessions Circuit and Gaol Delivery for the Northern Division of the Province of Malabar, of the crime of Theft, and sentenced to be imprisoned for the period of one year, and to be removed to the Gaol at Tellicherry, there to be imprisoned, agreeably to the terms of the said sentence.

You are hereby required and directed to receive the said Parapoorata alias Kothoo Chekoo into your custody, and to cause the sentence of the Court to be carried into execution.

Dated at Tellicherry this 25th day of February 1831.

(Signed) T. L. Strange
Judge.

Ordered, that Extract of these proceedings be sent to the Criminal Judge in the Zillah of Malabar, and to the Magistrate of Tellicherry, for their respective information and guidance.

(Sent following letters Nos 77 & 78)

Entd

Entd

Entd

T. H

At a Court of the Zillah Dindigul

Present

Monday 28th February 1831 — F. A. Grant Esqr. } Judges.
C. M. Lushington Esqr. }

Read letters, dated respectively the 14th ultimo and the 5th instant, from the Second Judge of the Court of Circuit in the Southern and Western Divisions, submitting the reports prescribed by Section LXXXVII Regulation VII of 1802.

(Here enter No 349 of 1831)

The Second Judge of Circuit in the Southern Division in the 4th paragraph of the foregoing Report offers the suggestion that power should be given to the Criminal and Sessions Judges of suspending in cases of gross and culpable neglect on the part of persons in charge of prisoners, whereby they may be enabled to effect their escape from custody, "between those and where commitments "can be cleared whether or not they "be tried by the Judge or Circuit."

The Court of Dindigul deem

concur in opinion with the late Second Judge, that the interpretation to the 1st proviso would be unadvisable, and therefore recommend that the recommendation of the Right Honorable the Governor in Council of the 25th instant be taken into consideration when the Regulations now under preparation.

3

In the 5th Paragraph of the Report the late Second Judge found out what he considered a defect in the provisions of Section III Regulation I of 1818, which has since been remedied by the Legislature, on the punishment of adultery.

4.

Clause fourth Section the Regulation I of 1818 declares that "Cases of adultery shall be regarded "as aggravated by the husband or wife, or by the wife against the husband

5.

This provision does not appear to the Court of Judicature to be necessarily included in the provisions of the 1st Section, although it undoubtedly is the intention of that enactment to

Fazydarree Mohabut do not consider that the negative implied in the clause extends beyond the indictments therein specified, and they are therefore of opinion that the paramour of a wife, prosecuted for adultery, is punishable under the existing provisions of the general Regulations.

6

In the 7th paragraph of the Report the Second Judge, adverting to the apathy of the Natives of this Country generally in cases of gang robbery, evinced by their withholding their aid in effecting the apprehension of the offenders, proposes the introduction of legislative provisions, similar to those which exist in England rendering the hundred in which a robbery may be committed liable for the property lost.

7

The sentiments of the Court of Fazydarree Mohabut on this subject were submitted fully to the Government in a letter No 26, dated the 18th May 1824, and the Court continue to be of opinion, on the grounds therein stated, that the proposed Enactment be unadvisable.

8.

The above report from the Second Judge of the Provincial Court

25th to 28th February 1831.

Court of Circuit in the Western Division
contains nothing, which commands remark
from the Court of Kingstown Adjutant

Ordered that the copies of the
Reports and extract of their proceedings
be sent to the Secretary to Government
in the Judicial Department for the
purpose of being laid before the Right
Honorable the Governor in Council

Sent following letter to Sg

2 Govt Reg.

Ebk

Ebk

Ebk

25th Febry 1831

25th February

Book 27

[illegible] that the said judge
[illegible] to allow the
[illegible] to suffer one
of half the said sum of the said
Bags of which he had been robbed
it is to be observed that this sum
was obtained after long negotiation
by the Collector to the said Talookdar
who again referred him to the subject
of Immunity. the case
on the 17th of April
the offenders to be [illegible]
into the case it is alleged that the
Petitioner was the owner of
many sums of the said
had been robbed and that
refusing to take steps
get the remainder
being half of what
was placed in
he was turned
2
has sought all
3.
the allegations

2 Govt.

3rd March 1831

it certainly a hard one, although the
amount may not have been very
great, the crime appears to have been
committed; and the Talookdar appears
to have taken upon himself the power
of finally disposing of a case to
which he was quite incompetent to
Whether or not at the close of the in-
vestigation before the Talookdar,
alleged to have been held on the 16th
April 1829 the whole property was
restored to the Petitioner the Talookdar
himself was very much in error,
when he did not forward the
case to the Criminal Court and his
dismissing the case in the manner
stated by the petitioner, certainly
tends to support the allegation of the
Petitioner, that he had been bribed
by the offenders. the most material
point, however is to establish the
that the crime was committed, and
that the Talookdar did take cognizance
of the case in the manner brought
and with the view of obtaining full
information on this head to the
[illegible] that copy of the foregoing
[illegible] extract of the

proceedings, be sent to the Provincial Court of Circuit in the Southern Division by precept, requiring them to recommend the same to the Magistrates in the Zillah of Jessore, and to call upon that officer for the necessary explanation

(Sent following Post 4th Mar 1831.

Read petition, presented on the 16th Instant, praying for the release of Woopsoo Gungoolee prisoner in the Cuddapah Calendar for the 2nd Sessions of 1828.

(Sent for Mr. Pote 4th Mar 1831.)

The Court having received to the return, by the Provincial Court in the Centre Division to their precept of the 29th Ultimo, observe that Woopsoo Gungoolee was released on the 10th Ultimo.

Ordered accordingly that the same be made known to the petitioner.

Dbd

Ent L

WM

Fol 8

At a Court of the Nizamut Adawlut held at the Presidency of Fort William

Present

Friday the 4th March 1831 — F. C. Grant Esqr. — Judge.
H. M. Lushington Esqr.

Read letter from Secretary to Government in the Judicial Department No 285, transmitting order of Government under date 27th August last, stating in reply to letter from this Court of the 19th of the same month, that the Right Honorable the Governor in Council is disposed to commute the punishment of the prisoners who may have distinguished themselves by their industry & good conduct during the progress of their labours.

(Recorded No 534 of 1830.)

Ordered, that a copy of para 5 of the letter under the 27th August last from the Secretary to Government in the Judicial Department, and of the 2nd of the above order be transmitted for the information and guidance of the Criminal Judges of the several Provincial Courts of Circuit, and of the Criminal Judge of the Presidency in their respective Divisions.

(Sent following Post 4th March 1831.

Dbd

Circular

Ent L

WM

Fol 8

25th February 1831.

2nd March 1831.

proceedings, he sent to the Provincial Court of Circuit in the Southern Division by precept, requiring them to commit the same to the Magistrate in the Zilla of Jessore, and to call upon that officer for the necessary explanation

Sent following Precept &c.

Read petition, presented on the 16th Instant, praying for the release of Woopoo Gungoolee prisoner in the case No 26 of the Cuddapah Calendar for the 2nd Sessions of 1828.

(Register Miss. Petr. No 7)

The Court having referred to the return, by the Provincial Court of the 2nd Division to them transmitted on the 29th Ultimo, observe that the said Woopoo Gungoolee was released on the 10th Ultimo.

Ordered accordingly that the same be made known to the petitioner.

F 4

Thursday the 4th March 1831.

F 4

At a Court of the Magistrate Malabar

Present

E. H. Grant Esqr } Judges.
C. M. Lushington Esqr }

Read letter from Secretary to Government in the Judicial Department No 188, transmitting order of Government under date 27th August last, stating in reply to letter from the Board of the 13th of the same month, that the Right Honorable the Governor in Council is disposed to commutation the grant to themselves by their Industry of a proportion of the proceeds of their Labour.

(Reference No 534 of 1830)

Ordered, that a copy of para 5 of the letter dated 13th August last to the Secretary to Government in the Judicial Department, and of the 2nd para of the above order be transmitted to the three Provincial Courts of Circuit, for the information and guidance of the Provincial Judges in their respective Divisions.

(Sent following Letter dated 8th

25th February 1831.

2nd March 1831.

proceedings, he sent to the Provincial Court of Circuit in the Southern Division by precept, requiring them to communicate the same to the Magistrates in the Gilla of Tinnevelly, and to call upon that Officer for the necessary explanations

(Sent following Precept)

Read petition, presented on the 16th Instant, praying for the release of Woosjee Gungoolee prisoner in the Cuddapah Calendar

(Vide Miscellaneous Petitions)

The Court having referred to the return, by the Provincial Court of the Centre Division to their precept of the 29th Ultimo, observe that the said Woosjee Gungoolee was released on the 15th Ultimo.

Ordered reasoning for that the same be made known to the petitioner.

Ent

Ent L

Ent Mcl

Ent L

At a Court of the Registrar Madras.

Present

Friday 4th March 1831 — E. A. Grant Esqr. — Judges
C. M. Lushington Esqr.

Read letter from Secretary to Government in the Judicial Department No 188, transmitting order of Government under date 27th August last, stating in reply to letter from the Board of the 17th of the same month, that the Right Honorable the Governor in Council is disposed to come to the grant to Brahmins and Pensioners by their Industry of a portion of the proceeds of their Labours

(Government Letter No 634 of 1830)

Ordered, that a copy of para 5 of the letter dated 17th August last to the Secretary to Government in the Judicial Department, and of the 2nd para of the above order be transmitted to the Provincial Courts of Circuit, for the information and guidance of the Criminal Judges on their respective Divisions

(Sent following Letters dated 8th March 1831)

Ent

Ent L

Ent Mcl

Circular

5th February 1831.

2d March 1831.

7th March 1831.

Chief Secretary to the Govt of Ceylon
dated 5th March 1831
Transmitting Copy of a Letter from the Pt Judge of the Court of Requests
of the Eastern Division, calling the attention of the Legislature to
Section XXXIII Regulation VII of 1817, as the
Inference of 1831.

(Recorded No 94 of 1831)

1 Paragraphs from 7th to 17th inclusive
are occupied in the Recital of Proceedings
from the Institution of Criminal Cases
which do not appear to require any further
Observation from the Court of Requests

2 In the 18th Paragraph of the Report
Pt Judge states that when he visited
at Batticaloa one of the Prisoners
of murder
to imprisonment for life, requested to be allowed
to attend Divine Service on Sundays
Court of Requests Master
this Prisoner, who is a Christian, should be allowed
to leave the Jail as long as
Native Guard
be sufficiently strong to prevent the
of his escape, but the Court can see no
to the Clergyman of the Station
being permitted to visit the Prisoners in the Jail
provided they are forbidden from
with the Native Convicts

3 of Paragraphs
of Prisoners
attendants are confined

5th March 1831.

presented a petition to the Pt Judge, a copy of
which accompanies his Report, requesting that
"the Collector or one of his Assistants may be directed to
"visit him once in one or two months," and the
Pt Judge observes, that "he believes that no ultimate
"order have been yet sent by the Government to the
"Magistrate or the Assistant" these prisoners, or
"the Judge or Fiscal or some other public func-
"tionary would probably have been directed to visit
"and make the usual Report concerning them."
the Court consider it necessary to inform the
Pt Judge, that as the prisoners are in the custody
of the Criminal Judge, it was incumbent upon
him under the provisions of Clause 1st Section
IV Regulation III of 1817, to visit them at the
Sessions, and to report any cases concerning
their treatment which may appear reprehensible

4 In the 22d Paragraph of the Report
the Pt Judge states his opinion that "the Surgeon
"Medical Officer in charge of the respective
"Jails should not be absent from his Station
"above two days, unless the duties of his situation
"are provided for by commissioning Appointment"
and suggests that "the authority of the Civil Judge
"be invariably obtained by the Surgeon previous
"to his quitting his Station, in order that the
"Judge may take Measures for seeing that the
"Sick being paid to the Sick in Hospitals"
The Court of Requests respectfully consider the Remarks
of the Pt Judge on this point deserving of the
consideration of the Right Honorable the

4th March 1831.

Governor in Council.

5

In the 25th para of the Report
the 1st Judge notices the prevalence of Gang Robbery
in the Caribs Country, and in the 26th para
states, that in his opinion it is chiefly
attributed to the demoralization of the people
"arising" observes the 1st Judge, "in a great
"measure from the use of Rum, which is now
"more prevalent among all the Tribes of the Island
"than was formerly the case, when convicted
"of that the Caribs were the possessors of
"scarcely any Gang Robbery is recognized with
"that it does not appear a single instance of Murder
"Cannot has been known among the Caribs
"the offenders."

6

1st Judge observes that since the Criminal Court of
Windsor Division on the 4th June
of 1829, when the Court was first limited
the attention of the Persons Authorities should
be called to the confinement of great charges
of Attack and Robbery, and did the same that
recommended, that the Law in that behalf
be made to such a Standard as to make the
punishment, and certainly in the power of
the Governor

7

1st Judge states, that during the period
at which he presided, the Law allowed most
inadequate and permitting language to be used
by the Prisoners to the Court, without
witnessing, and consequently

8

F. 4a
4th March 1831.

by suggesting, that rules be laid down for the
guidance of the Circuit Judges on such extreme
and trying occasions. To obviate the evil com-
plained of by the 1st Judge, the Court of Appeal
recalled, in the draft of the Regulations about
to be submitted for the approval of the Right
Honorable the Governor in Council, to give effect
to the proposed changes in the Judicial System,
have empowered the Courts of Circuit to punish
by fine and imprisonment, any person or persons
who in open Court may be guilty of contempt of
Court, or who by the use of indecent language
or threatening gestures may in any way disturb
the proceedings of the Court.

In the 28th para of the Report
the 1st Judge proposes, that Gang robbery should
"nothing but Capital punishment will oppose
"stealthy footsteps of" - as the Regulations already
declare, that the crime of Gang Robbery shall
be punishable by death whenever it is accom-
panied by any attempt to commit murder, or
by any attempt to cause bodily injury as to endanger
life, or by other aggravating circumstances which
may appear to the Court of Appeal likely to
render the offenders deserving of Capital pun-
ishment, the Court consider any new legis-
lative enactment to this effect unnecessary.

With reference to the report of
Government of the 27th of October 1829, the 1st
Judge reports, that the Government acquitted
in compliance with the offences committed

for

proceed[ed] on a certain degree to lessen the
from a want of cordiality between Mr Comm
Judges and Magistrates in the Districts of this
in this part of his report are of a very grave
nature that the Court of Enquiry should not
to take any further notice of them than to rec
that the Hon[ble] Judge will of course bring
who, during future circuits, may be required
duty in any way connected with the Police
that the same may be submitted for the
of the Right Honorable the Governor in Council

On the conclusion of the Report the Hon[ble] Judge suggested a new system
of Police, and proposed that a Magistrate should
have superintending authority in each of the Districts
Chief or Judge to the Supervision of the
in the Provincial System, the Judges of the Court
of Enquiry should conduct any inquiries
them on this subject necessary.

Ordered, that the Report and the
from their proceedings be forwarded to the Secretary
to Government in the Judicial Department for
the purpose of being laid before the Right Hon[ble]
able the Governor in Council

(Sent following letter dated 4th)

Ordered also, that Extracts from
these proceedings be forwarded to the Hon[ble] Judge
of the Provincial Court of Circuit for the Southern
Division for his information

(Sent following letter dated 4th)

(Recd letter dated 3d Inst from
the Acting Judge of Circuit for the Southern Division
submitting certain suggestions

To Port Phillip

improved System of Police for the Zilla of Jessore
(Recorded at No 42)

The arrangements proposed in the
foregoing letter, involved the consideration of circum-
stances peculiar to the Zilla of Jessore, and
the Court of Sudder Adawlut deem it expedient,
that before they proceed to lay the above letter before
the Government, they should be in possession of
the sentiments of the Magistrate of the Zilla, and
of the Provincial Court of Circuit, regarding the
proposition, of which the adoption is there-
in recommended.

Ordered therefore, that a copy
of the foregoing letter be transmitted to the
Provincial Court of Circuit for the Southern
Division by precept, enjoining them to com-
municate the same to the Magistrate of
Jessore, and to call upon that officer to
state his opinion in regard to the proposition
which it contains: the Provincial Court of
Circuit will forward the reply of the Magistrate
accompanied by such observations as their own
sentiments shall make them to offer.

Precept returnable in one month
from the date of this precept

(Sent following precept No 85)

(Recd letter from the Acting Judge
of Circuit in the Northern Division dated the 26th
February 1831, recommending mitigation of the
imprisonment with hard labour in irons of the
punishment to which the prisoner mentioned in No 23 of the
Jessore Calendar for the 1st Sessions of 1831, has sentenced himself with
Sessions Calendar for the 2d Sessions of 1831 No 101)

The

4th March 1831.

1

The Court on consideration of the grounds upon which the Acting Judge advocate his recommendation, and the opinion that they are sufficiently strong to admit of the proposed mitigation

2

The Acting Judge states that the said prisoner has been already convicted of Burglary but that there were circumstances in the case. The Prisoner having been convicted of theft and committed by Law on the former sentence of Removal Judge to take the trial before the Court of Quarter Sessions, and it is upon the doubts which exist in the mind of the Acting Judge, whether or not theft is to be considered as heinous crime that he forwards the present recommendation to mitigate the punishment by Law to the Sentence of Transportation for Seven years.

The Court are of opinion that theft is not specified as a heinous crime. The words of Clause second of the Instruction to the Acting Judge would seem to imply that Burglary, Robbery, or the heinous crime of theft in the other Clauses in the same Regulation is specified in conjunction with Killing or Burglary as an heinous crime. In Clause first of the Regulation the words "if the person convicted of theft, burglary or robbery shall have been before convicted of theft, burglary or other heinous crime" and again in Clause third Section IX "if the Prisoner shall have been convicted of the offence of burglary or robbery, burglary or theft" the Court are of opinion that theft is not specified as a heinous crime within the meaning of the Regulation, and the Court are not therefore of opinion that the recommendation of the Acting Judge that the sentence be complied with. They should in this instance be compelled to proceed upon former Sentence, that he do proceed to place upon the said Prisoner the sentence prescribed by the Regulations.

Ordered, that extract of these proceedings be forwarded to the Acting Judge Advocate in the Northern Division for his information and guidance by first opportunity without delay.

Court following precept dated 86.

At a Court of the Tondiarpi Adalut.

Present,

Monday 7th March 1831. T. A. Grant Esqre 1st Puisne Judge
C. M. Washington Esqre 2d Puisne Judge

Read letter, dated 25th September last from the 1st Judge in Circuit in the Western Division, submitting the proceedings in Criml Sessions No 22 of the Malabar Calendar for the 2d Sessions of 1830.

(Here enter No 018)

The first and third Puisne Judges having maturely considered the proceedings held before the Judge in Circuit, the finding of the Criminal Law Officer, and the futwa of the Cazee ul Cozat and other Officers of the Tondiarpi Adalut, confirm the said futwa of the Cazee ul Cozat and Mooftee aforesaid, convicting the prisoner,

Magentoduguid Ramen

of the crime of wounding, and sentence the said Ramen of Bokoolut wounded in the futwa, adjudges the said prisoner

Magentoduguid Ramen

to receive (150) one hundred and fifty lashes with the Cat o nine tails, and to be confined and kept to hard Labor in irons on the high roads, or other public works, for the period of seven years

(Send following letter No 89)

7th March 1831.

Read the Court of 31st Instant from the 2d Superior Court for the Southern District submitting the proceedings on the Calendar for the present Calendar for the 2d Session of 1831

(Here enter the proceedings)

The first and third Commissioners having mutually consented the proceedings of the Judge on Circuit the Justices of the Common Law Officers, and the Justices of the Court of Equity & Ordinary of the Southern District, confirm the decision of the Court of Equity and Ordinary and acquitting the Prisoners

2d Prisoner discharged

3d Prisoner

4th Prisoner

2 the crime charged against them, ordered that they be set at liberty

(Court following Thursday)

7. M.

At a Court of the Equitable Ordinary
Present

Wednesday
9th March, 1831. } Present
D. A. Grant Esqr
C. M. Linthington Esqr } Judges

Read petition, founded on the Summary Annual of Chingleput, praying for the release of her younger Brother and Brother in law, sentenced by the Court of Circuit in the Central Division to 7 years imprisonment.

(Here enter Date 8th)

This is in effect, an Appeal against a Criminal Sentence pronounced by a Court of Circuit, and as it is therefore rejected, such sentences being without appeal.

Ordered accordingly, that the same be made known to the petitioners.

Read letter, from the Acting Judge on Circuit in the Northern Division dated the 19th Instant, recommending a mitigation of the punishment to which the 3rd Prisoner in the late Trial of the Native Inspection at Calender

Calendar for the first Sessions of the present year, but remanded himself liable.

(Here enter No 118)

1. The Court of Enquiry into Lieutenant having duly considered the Proceedings of the above recommended that it appears that the said 1st Prisoner was only a passive Spectator of the Assault and Robbery committed by the 1st and 2nd Prisoners The Court therefore in mitigating the punishment as recommended by the Acting Judge in Division for the 1st Prisoner, by sentencing him to the Provisions of Clause third Section III Regulation I of 1825 that the said third (3rd) Prisoner in the above Calendar the Nellore Supplemental Calendar for the first Sessions of the present year, be sentenced to one years imprisonment with hard labor on the public works.

Ordered, that on receipt of these proceedings the Secretary do transmit a Copy thereof to the Acting Judge in Division for the guidance of the Magistrate

accordingly.

(Court of Enquiry Precept No 92)

Read Letter, dated the 7th Instant from the First Judge of the Court of Circuit in the Centre Division, transmitting copies of the regular and 1st Supplemental Calendars of the 1st Quarterly Sessions of 1831, for the Zillah of Chittoor.

(Here enter No 119)

1. The Court observe, that the 1st Judge having held to security the 6th 8th and 11th prisoners in the case No 1 of the Regular Calendar, has omitted to specify the period, for which the securities were to be deemed responsible for the good behaviour and appearance when required of the said Prisoners, the 1st Judge is directed to supply this omission.

2. In the Sentence passed by the 1st Judge on the first 3 Prisoners in the above case, the Court conclude, that the "hard labor on the public roads" specified is intended to be hard labor in Irons "on the public works," and the Sentence which would have been more correct, if it had been so framed, should be amended in this particular.

3. In the first Supplemental Calendar the Section and Regulation by the 1st Judge in Support of

7th March, 1831.

of the release of the 4th Prisoner, had been erroneously inserted.

Ordered, that a Copy of these proceedings be forwarded to the First Judge of the Court of Circuit in the Centre Division for his information and guidance, by precept returnable without delay.

(Sent following Precept No 93

Read return, dated the 28th Ultimo from the Second Judge of the Court of Circuit in the Centre Division, to precept of the 23rd Ultimo calling upon him to explain his application of Section XXII Regulation VII of 1822, with regard to his endorsement of one Warrant. The 2nd Judge states that he concludes he must have extended the latter with reference to the above Section and Regulation, from some further verbal explanation of the Petitioner regarding his complaint.

(Here enter No 126)

Read return, dated the 2nd Ultimo from the Provincial Court of Circuit in the Northern Division, to precept of the 27th Ultimo calling upon him to explain his application of Section XXII Regulation VII of 1822, with regard to his endorsement of one Warrant. The 2nd Judge states that he concludes he must have extended the latter with reference to the above Section and Regulation, from some further verbal explanation of the Petitioner regarding his complaint.

(Here enter No 125)

7th March 1831.

Read return, dated the 25th Ultimo from the Provincial Court of Circuit in the Northern Division, to precept of the 17th Ultimo, and stating that the orders of the Court regarding the commencement of the Sentences on Convicts being from the date of the said Sentences, had been accordingly communicated to the Acting Criminal Judge at Nellore.

(Here enter No 126)

Read return, dated the 25th Ultimo from the Provincial Court of Circuit in the Northern Division, to precept of the 15th Ultimo and stating that the Magistrate of Ganjam had been furnished with that part of the Proceedings which reprehended the inattention to their duty of the Police of that District with regard to the case of Dundee for which the Prisoner 2nd Lawrence Pingoe was tried and acquitted on case No 3 of the Chicacole Calendar, and also that orders have accordingly issued for the discharge of the Security of the 3rd Prisoner in the above case.

(Here enter No 127)

Read return, dated the 28th Ultimo from

of the release of the 4th Prisoner, had been erroneously inserted.

Ordered, that a transcript of these proceedings be forwarded to the First Judge of the Court of Arrant in the Centre Division for his information and guidance, by precept returnable without delay.

(Sent following Precept No 93

Read return, dated the 28th Ultimo from the Second Judge of the Court of Arrant in the Centre Division, to precept of the 23rd Ultimo calling upon him to explain his application of Section XXI Regulation VI of 1822, with regard to his endorsement on a Petition presented to him by the 2nd Judge stating that he considered he must have exceeded the powers with reference to the above Section and Regulation from some further enquiries and explanation of the Petitioners complaints.

(Here enter No 124)

Read return, dated the 25th Ultimo from the Provincial Court of Arrant in the Northern Division, to precept of the 19th Ultimo, and stating that the Prisoner Vajirla Pedolaranga therein ordered to be released on security, absconded on the 25th January last.

(Here enter No 125

9th March 1831.

Read return, dated the 25th Ultimo, from the Provincial Court of Arrant in the Northern Division, to precept of the 17th Ultimo, and stating that the orders of the Court regarding the commencement of the Sentences on Convicts dating from the date of the said Sentences, had been accordingly communicated to the Acting Criminal Judge at Nellore.

(Here enter No 126)

Read return, dated the 25th Ultimo, from the Provincial Court of Arrant in the Northern Division, to precept of the 15th Ultimo, and stating that the Magistrate of Tanjore had been furnished with that part of the Proceedings which respected the instructions to their duty of the Police of that District with regard to the case of Gunadee from which the Prisoner 2nd Sawaram Ongoo was tried and acquitted in case No 3 of the Chittoor Calendar, and also that orders have been accordingly offered for the discharge of the Security of the 3rd Prisoner in the above case.

(Here enter No 127)

Read return, dated the 28th Ultimo from

9th March 1831.

from the Provincial Court of Circuit
in the Western Division to the 19th January last, and forwarding the
explanation required by it of the delay
in the Salaah of the prisoners in No 111
of the Malabar Criminal Judges Docket
No 5 of October last, and of the prisoners
in No 85 of the Docket No 5 of the said
Criminal Judge of Malabar for the
same month.

(Here enter No 136)

Read letter dated the 1st Instant
from the Third Judge on
the Centre Division, reporting the
arrival of the Court of Circuit at
Bellary, and the opening of the Sessions

(Here enter No 129)

F. H.

At a Court of the Foujdaree Adaulut.
Present,

Friday
11th March 1831. } F. A. Grant Esqr
C. M. Lushington Esqr } Judges.

Read again letter, dated the 27th October
last, from the 2nd Judge of the Provincial
Court of Circuit in the Western Division,
submitting the copy of a petition and its
accompaniments, presented by Mr Francis
Carnac Brown of Tellicherry, praying that
Chowaara Koonjee Pachey may be com-
mitted to take his trial for perjury.

(Here enter No 65 of 1830)

Read also letter, dated 7th
January last, from the 2nd Judge of the
Provincial Court of Circuit in the Western
Division, transmitting for the consideration
of the Court a further petition from
Mr Francis Carnac Brown, connected
with the papers, submitted on the 27th
November last.

(Here enter No 2 of 1831)

It appears, that Chowaara
Koonjee Pachey made oath at Tellicherry
before Mr Newnham, and Coonjoo,
acting under a Commission from His
Majesty's Supreme Court of Judicature
at Madras, to a certain answer to a

bill

bill for Relief and dismissed filed in that Court; and the petitioner, Mr Thomas Pearce Brown, a party interested in the said bill, prays that the said Chancellor Kenyon may be brought to trial before the Court of Arcuit on the Western Circuit for perjury, committed in so making oath, as aforesaid.

2 The Court of Exchequer Ireland in their proceedings under date 29th June, last, observed, that "although the "sentiments of the Advocate General on the "subject, dissented on the first of the "foregoing letters from the 2nd of which "was "one thing before them to shew that "His Majesty's Supreme Court of Judicature "at Madras" had "decided, that the case "of perjury, brought forward by Mr "Brown is excluded from the juris "diction. Until the Court observed, this "question has been decided, or shewn by "it would be proper for this Court, "or the tribunals under it, to entertain"

3 The Court concluded by stating that "on its being shewn, that His Majesty's Supreme Court declines jurisdiction in this case, they would

"to give the subject further consideration."

4 The petitioner, Mr Brown, in his second petition states, that the "only course, which the law leaves open "to an individual, in a case like the "present is to proceed by Indictment: that "the Supreme Court requires, that "every Indictment shall be drawn up "and signed by Counsel." that the Advocate General, to whom his Attorney has applied, has refused to sanction by his signature the bill of Indictment, which the petitioner wishes to prefer, and that in consequence the Board of the Supreme Court stand "against him." and that it was out of the power to shew that that Court "declined jurisdiction in the case." But he observes, that "to the Courts of Judi "cature Ireland not one step towards "the Government," he states, "has been "taken to be finally accessible at all times," and he moves for a suggestion or reference by this Court to the Judges of the Supreme Court for their opinion on the question now raised.

5 The Court of Exchequer Ireland must deal with the petition, as with all other cases coming before them,

"those sections upon transactions of per-
"jury and subornation of perjury.
"On reference to that preamble it will be
"seen, that the mischief, which the legislature
"intended to suppress, arose from a practice,
"which had been found to prevail, for
"parties to prefer unfounded charges of
"this nature against their own witnesses,
"and those of their opponents, and the remedy
"proposed was to take away altogether
"from parties the right of bringing
"forward such accusations."

In the case, under consider-
ation of the Court of Bengal'ore reported
on the 15th June 1826, the Magistrate had
on an investigation held by him
found reason to believe, that certain
persons had committed perjury in a
deposition, delivered before the Court of
Circuit; and the question required was
whether or not under those circumstances
it was competent to the Magistrate
to take cognizance of the offence, and
to proceed against the offending party
or in the case of all the offenders.

"If" the Court of Bengal'ore
Referred observed, "this enactment be
"construed to preclude the Magistrate
from taking cognizance of perjury

11th March 1831

for which the Regulations provided for
their guidance appear to frame, in the
manner prescribed by those Regulations

6

Section XXIX Regulation IX of 1831
declares, that the Magistrates of the several
Zillahs shall not receive any charges of
perjury, which may be preferred by
parties in civil suits, either against
their own witnesses, or against those
witnesses of their opponents, but
motion of perjury against the opposite
parties in such suits, and all individuals
whose attendance is required in the civil
Courts either as plaintiffs, defendants
witnesses, are hereby declared not to be
unless they shall be committed to take
their trial by the Zillah Judge under the
authority vested in him by the 4th Section
VIII Regulation III of 1832."

7.

The Section here recited
is taken verbatim from Section
VIII Regulation I of 1813, and as observed
by the Court in their proceedings of
15th June 1825, the preamble of the last
mentioned Regulation must be
referred to for the cause and object
of the restriction established

"committed before another tribunal and
"brought to his knowledge, on the matter
"stated, it will be made to extend farther
"beyond the said schedule than was the
"object of the legislature to consign an
"will be productive of another end of
"scarcely less magnitude, an of Life from
"Persons consigned to the custody
"of Justice Summarily will be exposed
"to the offence of all orders whom it shall
"not be intended by the Act before
"Tribunal, before whom they are commanded
"and this may often happen
"Court to know before which the Prisoner
"out of
"have arisen."

"There can be no doubt, the Court proceed-
"ing the construction, of the law, more
"further than strictly to facilitate the hearing
"strain from reading a danger of this
"kind from parties, but the consideration
"part of the Section cannot fail to
"to countenance the construction that
"upon it by the Provincial Courts and
"to extend to subordinate tribunals
"parties, or witnesses, absolute exemption
"from all prosecutions for
"and subornation

11th March 1831.

"unless the offence be detected, and the
"offender be immediately prosecuted by
"the Court, before which the perjury
"was committed. It seemed, however,
"from part of the Legislatures intention,
"either express or implied, to exempt
"these offences from punishment under
"any circumstances, and an interpreta-
"tion, which leads to this consequence
"must, if possible, be avoided."

According to the principle
of construction, adopted by the Court
in their proceedings here with re-
spect to the Court of Requests Statute
that of His Majesty's Supreme Court
would give up the original disposition
referred to by the petitioner, with an
intimation of their opinion, that it
was proper to have the charge of
perjury investigated, this would satisfy
the provisions of the law, which as
declared in Section VIII Regulation II
of 1832 is prohibitory of prosecutions of
witnesses, and parties, in the Civil Courts
for perjury and subornation of perjury,
unless the officers, presiding in those
Courts, shall be of opinion, that there
are grounds for such prosecutions."

11th March 1871

2

General that the forgery of the Warrant has been committed in the case of prisoners convicted by the Supreme Court the Court will forthwith transmit to the Secretary to Government in the Judicial Department a copy of the Minutes of the proceedings had in the Court on the trial of the prisoners, and of the evidence adduced thereat, and of the grounds upon which the Court is of opinion that the forgery was committed, and the Court will also transmit to the Secretary to Government in the Judicial Department a copy of the Rules and Regulations of the Court for the admission of persons to practice therein, and for the punishment of persons guilty of contempt of Court, and of the local limits of the Supreme Court, and the Court will also transmit to the Secretary to Government in the Judicial Department a copy of the Judgment of the Court in the case of each prisoner convicted of forgery, and of the Warrant for the execution of the sentence of death passed upon each prisoner, and the Court will also

11th March 1831

Read return stated to the 4th Instant from the Provincial Court of Circuit in the Southern Division, to precept of the 27th October last and stating that the orders of the Court relative to the Arrangement of the Suits and the disposal of the Causes in that Division have been carried into effect.

(Here enter No 116)

F.U.

At a Court of the Guidance Adawlut,

Present,

Monday 14th March 1831 } F.H. Grant Esqr. } Judges.
C. Mr. Sutherland Esqr. }

Read letter from the Provincial Court in the Western Division, dated the 26th ultimo, transmitting an Extract of their Proceedings of that date from which it appears that the Report of Prisoners acquitted under sentence by the Court of Circuit on the 25th January 1831 in the Zillah of Canara referred by this Court to be returned for amendment under date the 14th January last was never sent to them.

(Here enter No 25)

The Report in question having been erroneously retained in this office it is now to be forwarded to the Provincial Court in the Western Division for the amendment by the Zillah Judge of Canara.

The Provincial Court also appear to have understood from the Extract of Proceedings forwarded to them on the 14th January last, that "orders" had been issued by this Court (regarding the commencement of the cold weather sentences on Prisoners) on the 8th December 1830, no orders having been so promulgated, the words "which" alone of the Court having been adopted in their Proceedings of that date when a certain return of the Provincial Court in the Northern Division was under their consideration. It was not also necessary to transmit to the Provincial Court in the Western Division a copy of the said Proceedings of the 8th December last, the only portion of which bearing on the point was inserted in the

14th March 1831

the Extract of Proceedings of the 11th Inst
last, which they have received, they state that
"the sentence of imprisonment on convict
"are held to be the effect from the date of
"the sentence.

Ordered, that Extract of the
Proceedings, together with the above Report
be forwarded to the Provincial Court in
the Western Division for their information
and guidance in future cases of
without delay.

/ Sent following Letter No 97. /

Read letter dated the 25th
January last, to Inspt of the 3rd Circle
1830, requesting the transfer to the Gaol
at Mandlestown, and on the other
hand, of the Prisoners confined in the
General Prisons in the Northern Division
and requesting to be informed
Prisoners for the
Gaol of the Northern Division
that the sentence of imprisonment
was under date of the
imprisonment from the date
who may receive
confined in the Penal Establishment
on the 1st Jan 1830, the date
shall further direct

14th March 1831

considered the Bomb Proofs too cumbersome for their
confinement during a violent rainy season,
and applied for permission to rent some
private buildings for the accommodation
of the Prisoners

It was not therefore deemed
expedient to direct the confinement of
Prisoners in the Bomb Proofs of the Gaol,
unless the Provincial Court can satisfy
themselves, that the objection which existed
in the year 1823 no longer exists.

Ordered, that extract of
these Proceedings be forwarded to the
Provincial Court in the Northern Division
for their information and guidance.
/ Sent following Letter No 98. /

Read letter dated 5th January
last from the Inspector of the Provincial
Gaol in the Northern Division,
transmitting Calendar of the Gaol
of Carrickmacross for the Second Quarter of 1830.
/ Referred to No 96 /

The First and Second Rules
Judges having maturely considered the
Proceedings held before the Judges on Circuit
in the absence of the Provincial Law Officer,
and the future of the Cayenne Gaol Report and
Abstract of the Londonderry Quarter, confirm the
said future of the Cayenne Gaol Report and
Abstract approved, convicting the Prisoner
Henrietta Hartley
of Perjury, and order the sentence pronounced
against her in the future, to be in conformity
with the provisions of clause First Section
II Regulation VI of 1814, and Regulation
II of 1830 adjudge the said prisoner to be
publicly whipped on the public accustomed
Northern

14 March 1831

Lushcar, to receive 150 lashes with the cattonine tails, and to be imprisoned and kept to hard labor in irons on the public roads, or other Public works, for the period of seven (7) years.—

/Sent following letter No 99./

Read letter notes 28th December last from the Acting Judge of the Circuit Court of Circuit in the Northern Division reporting case No 1 of the Muswellbrook Quarterly Sessions 1830.—

/Here enter No 20/

The first and second Assessors Judges having maturely considered all the circumstances of the case in evidence before them, and being of opinion, that the proofs against the Prisoner,

Colin Barpanick

is sufficient to convict him of the second offence of Perjury &c, under clause first Section II Regulation I of 1818 commit him therefore and sentence him, under the provisions of clause third Section III Regulation VI of 1811 to be imprisoned, and kept to hard labor in irons on the public roads, or other Public works, for the period of two (2) years.

/Sent following letter No 100

Read letter notes 29 ult. from the Acting Judge at Bathurst with Depositions transmitting English translation of the trial of Wm Pinchmurray Calendar Prisoner Sessions 1831 called for when sat the 8th September 1831

/Here enter No 116/

Feb

In the Court of Quarter Sessions holden at Bathurst

Friday 18th March 1831

Present

J. H. Grant Esqre
G. M. Lushington Esqre
} Judges

Read return, dated 28th Ultimo, from the Acting Judge on Circuit in the Northern Division, to precept dated 18th Ultimo, enjoining him to issue his warrant for the infliction of the penalty, pronounced by the Regulations in the 2d and 3d prisoners in case No 17 Nation Calendar 1st Sessions A.D. 1831.—

/Here enter No 124/

In the 4th paragraph of the foregoing return the Acting Judge states that the present mode of proceeding and forms of the present indictments against the Court are of opinion, that some clerical error has rendered its meaning obscure; but they do not consider it necessary on this account to withhold the return for correction, because they are clearly of opinion, that the spirit as well as the letter of the Regulations would be infringed by a departure from the established practice of trying all the members on a Calendar, whether many misdemeanors the same prisoner, or several

Without going into the consideration of other questions, which might be raised against the practice of bringing any prisoner, brought before the Courts of

of Circuit, instead, it appears to the Court of Foujdaree Adalut to be sufficient to say obscene, that it goes in some Measure to affect the object of a Jail Delivery, inasmuch as a trial is necessary to prevent the accused from being at a future time prosecuted again for the offence, charged against him.-

Upon the acting Judge's explanation of the principles, which guide him in submitting recommendations for the mitigation of punishment, the Court of Foujdaree Adalut have merely to observe, that in a return of this nature the discussion of the policy or impolicy of the existing Law is irrelevant, and that the provisions of Regulation I of 1825 are not considered by the Court as proper to be resorted to, when a point is to be brought under their view.-

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

/Sent following letter Rec.d/

Read letter dated 7th instant from the Provincial Court of Circuit in the Southern Division forwarding the warrant for the execution of the prisoner in Case No 55 on the Calendar 2d Session 1830 with the letter of the Criminal Judge of Calicut.

/Here enter No 145/

Read letter dated 10th instant from the Provincial Court of Circuit in the Western Division transmitting the warrant for the execution of a prisoner in Case Nos XI, XII on the Calendar of Trials for the 2d Session 1830 and copy of a Report made by the Criminal Judge &c.

/Here enter

Z 11

15th March 1831.

Read return dated 12th Instant from the First Judge of the Court of Circuit in the Central Division to precept of the 9th Instant forwarding the Proceedings of this Court on the Regular & 1st Supplemental Chittoor Calendar for the 3d Quarterly Sessions of 1831.-

/Here enter No 144/

Read letter dated 7th Instant from the Third Judge on Circuit in the Western Division reporting the death of a Prisoner in Case No 8 on the Calendar Tillah Canara 2d Session 1830.-

/Here enter No 146/

At a Court of the Sessions Held at

Present

Saturday
19th March, 1831. P. A. Grant Esqr 1st Puisne Judge
C. M. Lushington Esqr 2d Puisne Judge.

Read return dated 24th July last,
from the Provincial Court of Circuit in the Northern
Division, to precept dated the 12th Ultimo, directing
the Joint Criminal Judge of Masulipatam to
suspend operation of the sentence passed in case
No 2 of the Masulipatam Calendar, for the 2d
Quarterly Sessions of 1830, and directing that
the record in the case be submitted to this
Court, without delay.

(Here enter No 450 of 1830.)

Read also letter dated 6th December
last, from the 2d Judge of the Court of Circuit
in the Northern Division, transmitting Calen-
dar No 2 of the Masulipatam Calendar for the
2d Quarterly Sessions 1830.

(Here enter No 788)

The first and second Puisne Judges
having duly considered the circumstances of the
case in evidence before them, are of opinion that
the sentence of 14 years imprisonment with
hard labor in Irons passed by the late 2d Judge
upon the prisoner

Ordered accordingly

P.M.

At a Court of the Sudder Adawlut.

Present

Saturday 19th March 1831. T. A. Grant Esqre 1st Puisne Judge
E. M. Lushington Esqre 2d Puisne Judge

Read return dated 24th July last,
from the Provincial Court of Circuit in the Northern
Division to precept dated the 12th Ultimo, directing
the Joint Criminal Judge of Masulipatam to
suspend operation of the sentence passed in Case
No 2 of the Masulipatam Calendar for the 2d
Quarterly Sessions of 1830, and directing that
the record in the Case be submitted to this
Court, without delay.

(Remembrancer No 450 of 1830)

Read also letter dated 1st December
last, from the 2d Judge of the Court of Circuit
in the Northern Division, transmitting Case
No 2 of the Masulipatam Calendar, for the
2d Quarterly Sessions 1830.

(Remembrance No 788)

The first and second Puisne Judges
having duly considered the circumstances of the
Case in evidence before them, are of opinion that
the sentence of 14 years imprisonment with
hard labour in Irons passed by the late 2d Judge
upon the prisoner

Is proper and ought to be

who stood charged with having committed a robbery
in the Negara territories, it being [illegible] as
at the sanction of Government, required under
the provisions of Section IV Regulation III of 1829
to try a Prisoner of this description, and not after
a hand Deed obtained, and that the Sentence
therefore cannot be carried into effect and further
that there is no proof against the Prisoner with
his own confession, that he committed a robbery on
the Negara's dominions but considering that
strong suspicion attaches to the said Prisoner

Godongoro Nondongoontoo

the first and Second Prisoner
he be required to find two
when required within one year or be
detained for that period in confinement

(Sent following Letter No 108)

Read letter No 115
from the 3d Judge in Court on the Western
Division, submitting Cadoo No 3, Commitment
2d September 1830

(Then entered No 84)

The first and third Prisoners
having materially contributed the proceedings
before the Judge in Court the petition of the
criminal Sam Affirm and the petition of the
Carpenter Corporal and Private of the
Regiment, confirm

19th March 1831.

Corporal and Private aforesaid, acquitting the
prisoners

1st Ogbiya
2d Doma
3d Ekuta
4th Semmiyka
5th Coora
6th Gouda Doma
and
8th Soma or Somma

and direct, that the 2d 3d 4th 5th 6th & 8th be released
first considering that strong suspicion though
not amounting to conviction attaches to the prisoner

1st Ogbiya

be required to find two
Section XI of 1803, that he be required to find two
Sureties in 60 Rupees each, for his good behaviour
and appearance when required, within two
years, or in default thereof, that he be detained
in confinement for the same period.

(Sent following Letter No 109)

who stood charged with having committed a Robbery in the Negara Settlement of Village of Cairo District at the Sessions of Government, Required under the provisions of Section IV Regulation III of 1819 to try a Prisoner of this description, stand over until it shall have been shewn, and that the Sentence therefore cannot be carried into effect and that there is no proof against the prisoner save his own confession, that he committed a Robbery in the Negara Denomination but Considering that strong Suspicion attaches to the said prisoner

Gedoogee Nundee

the first and Sam Pundee

he be required to find two Securities each, for his good behaviour and appearance when required within one year or that he be detained for that period in confinement

(Sent following letter No 105)

from the 3d Judge relative to the Hindoo Division, Labouring Caste No 3, Cannarese

2d September 1831

(Reference No 88)

The first and third Prisoners having materially contributed to the prosecution before the Judge in Circuit the portion of the Criminal Sum Required, and the portion of the Cazee or Cozgat and Mooftee aforesaid, acquitting the Prisoner

Cozgat and Mooftee aforesaid, acquitting the prisoners

1st Vepsiga
2d Dooma
3d Hurta
4th Timmiyya
5th Poppa
6th Gowda Dooma

and

8th Ima or Timma

and directed, that the 2d, 3d, 4th, 5th, 6th & 8th be released, but considering that strong suspicion though not amounting to Conviction attached to the prisoner

1st Vepsiga

Section XV of 1803, that he be required to find two Securities in 00 Pagodas each, for his good behaviour and appearance when required, or that he for years or in default thereof, that he be detained in confinement for the same period.

(Sent following letter No 104)

L.H.

At a Court of the Inquisitorial Tribunal

Present

Tuesday 22d March 1831. F. P. Grant Esqre 1st Puisne Judge

E. M. Gushington Esqre 2d Puisne Judge

Read letter of the 17th Instant from the Acting 3d Judge on Circuit in the Southern Division recommending mitigation of the punishment to which the Prisoners 2d 3d 4th 5th and 7th Prisoners in the 31st of the Summary Calendar for January of 1831 have been sentenced to be severally hanged by the Neck until they are severally dead.

Read also the Proceedings had upon the Trials of the said Prisoners convicted of Gang robbery in the above case, accordingly direct, that the said sentence be carried into execution by the Sheriff of Colombo

The Prisoners

1st Wanihadura and

2d Tammitty Delange

be each confined and kept to hard labor in irons on the public roads, for the period of seven years, and that the Prisoners

1st Wanigamottu

3d Pedrisinno

4th Hewamanne and

5th

22d. March 1831.

to receive each 195 stripes with the Cat o nine tails, and to be kept to hard labor in irons on the public works for the space of seven years.

Ordered, that extract of these proceedings be forwarded to the acting Third Judge on Circuit in the Southern Division for his information and guidance by precept returnable without delay.

(Sent following precept No. 110)

71

At a Court of the Tongataboo Circuit

Present.

Wednesday, 23d March 1831. } The Judges.
F. A. Grant Esqre.
C. M. Lushington Esqre.

Read petition, presented on the instant by Confinyer of Enderaai (See entry this Book No. 17 of 1831)

The petitioner is the person who presented Miscellaneous petition No. 63 of 1830, which was disposed of by the Court under date 29th December last, and on her present petition renews the application, which was then rejected by the Court, for the release of her brother Majesty Enoapsen, sentenced by the Court of Circuit to five years imprisonment and hard labor.

The Court of Tongataboo Circuit on considering the former petition were of opinion, after a reference to the Calendar, that the sentence passed against the petitioner's brother was correct. the Regulations, moreover, do not allow an appeal from the sentence of a Court of Circuit.

Ordered, that the petition be rejected, and that the petitioner

be directed to abstain from any further intrusion on the attention of the Court upon this subject

Read petition, presented 23rd instant by Ramalinga Mudaliar of Chingleput

(Here enter Misc. Pet. No. 89 of 1881)

This is an appeal against the sentence of the 1st Judge of Court of Centre Division against the husband of the petitioner

The sentence was confirmed vide No. 8 Chingleput Calendar 23rd Sessions of 1878, and on reference to the Calendar there found no grounds for interference

There being no appeal from the sentence of the Court of Session the Regulations do not admit of the petition

Ordered that intimation of the proceedings be forwarded to the petitioner on her application

Read petition presented on 23rd instant by Ishwara Mudaliar of Chingleput

(Here enter Misc. Pet. No. 90 of 1881)

The petitioner states that the trial of Venkatachala Mudaliar her husband has been ordered by the Court of Session, that

in the Centre Division to be referred to the Court of Sessions Regulation, and she prays that the Court will consider the Record in this case and release the prisoner

The Court of Sessions Regulation directs, that the petitioner be informed that his petition is irregular and improper and therefore of course rejected

Read petition, presented on the 23rd instant by Moonyachary of Chittoor.

(Here enter Misc. Pet. No. 91 of 1881)

The petitioner prays, that proceedings may be instituted against two persons, who have, he alleges committed perjury before the 1st Judge of Circuit in the Centre Division.

Ordered, that the petition be rejected with reference to the provisions of Section XXIX Regulation IX of 1816, and that it be explained to the petitioner, that charges of perjury brought by private individuals against witnesses in Civil or Criminal trials are inadmissible

Read petition, presented on 23rd instant by Venkatramiah of Chingleput

(Here enter Misc. Pet. No. 92 of 1881)

This is an Appeal against the sentence passed by the 1st Judge on

Read petition, presented on the 2nd Instant by Gnanendra of Chittoor
(Here enter Petn. No 16 of 1831.)

The petitioner represents that she was tried in case No. Chittoor Calendar 1st Quarterly Sessions of 1831 and acquitted, and she prays the Court to order the sum of 30 Rupees, which she states to have been taken from her by the Head of Police, to be restored to her.

On reference to the Calendar the Court of Sessions ledahat observe that the petitioner, and the 10th prisoner in the case, who were charged as accessaries to the Robbery, which formed the subject of the trial, detained upon 486 Rupees, which it was represented was plundered by their "Landsmen," and that they were released, there being no evidence of their having been concerned in the perpetration of the robbery.

The petitioner made application to the same effect, as that contained in this petition, to the Judge presiding at the Court of Quarterly Sessions, and the Court of Sessions ledahat does not see reason to question the correctness of that Officer's decision.

Ordered, that the petition be registered, and that Extracts of these proceedings

proceedings

on Circuit in Case No 18 Chingleput Calendar 2nd Sessions of 1830.

There is no appeal from the sentence of a Court of Circuit, and the petitioner's assertion, that a portion of a acquittal was given by the Judge is contradicted by the entry in the Calendar

Chittoor 22nd March 1831.

Read petition presented on the 2nd Instant by Muneeamma of Chittoor
(Here enter Petn. No 15 of 1831.)

The petitioner prays the Court to direct restitution of the sum of 38 Rupees taken from her by the Police Officers in case No. Chittoor Calendar 1st Quarterly Sessions of 1831.

There is no appeal under the Regulations from the sentence of a Court of Circuit: and the Court of Sessions ledahat having referred to the Calendar, does not discover any ground whatever for entertaining the question the correctness of the finding of the Court of Circuit, confirmed on the said two prisoners.

Ordered, that the petition be registered, and that extract of these proceedings be forwarded to the petitioner on his application.

proceedings be furnished to the petitioner on her application.

Read petition, presented on the 9th Instant by the Petitioner praying that she may

(Here enter Petn Page 115 of 1831)

The petitioner prays the Court to set aside the sentence of seven years imprisonment passed on case No 1 Calendar 1st Quarterly Sessions of 1831 on Ritnamanchitty the 2nd prisoner.

There is no appeal under the Regulations from the sentence of a Court of Arauts, and the Court of Zongdaree Adawlut has refused to for questioning the correctness of the proceedings had thereon or of the sentence passed on the said prisoner

Ordered, that the petition be rejected, and that no extract of these proceedings be furnished to the petitioner on his application.

WH

24th March 1831.

At a Court of the Zongdaree Adawlut.

Present

Thursday
24th March 1831. T. F. Grant Esqre 1st Puisne Judge
J. Bird Esqre Acting 3d Puisne Judge

Read letter dated 20th September last from the late 2d Judge a Circuit in the Southern Division, submitting case No 210 Combaconum Calendar 2d Sessions 1830.

(Here enter No 578 of 1830)

The first and acting third Puisne Judges, on a deliberate consideration of the circumstances of the case in evidence before them, concurring that the proof against the prisoner Shaik Ismail is sufficient to convict him of a gross Assault with the intent to commit rape, upon the persons of Nagoo, desire under Clause 2 and Section II Regulation I of 1818, that the Cazee of Cogat and Mooftee of the Zongdaree Adawlut will declare by a Fetwa what punishment to what sentence the prisoner would have been liable under the Mohommadan Law, if he had been convicted by full legal evidence of the above crime.

Ordered, that Extract of these proceedings be transmitted and delivered to the Cazee of Cogat & Mooftee of the Zongdaree Adawlut.

WH

22? Ct 21st March 183.

Read letter, dated 16th Instant from the Acting Judge on Circuit in the Northern Division reporting his arrival at Jaffnaw

/Here enter No 164/

Read return entered 16th Instant from the Acting Judge on Circuit in the Northern Division to precept of the 4th Instant, and certifying that the Prisoner Appalasetty Abbahen in No 33 of the 4th Nallore Calendar 5th Sessions of 1833 has been accordingly sentenced to 7 years imprisonment with hard labor in irons on the public works and explaining that his recommendation for mitigation of punishment in the above case was not founded on his doubt of theft being a heinous crime, but whether theft for which a Circuit Court could award to 7 months imprisonment was to be considered so.

/Here enter No 165/

Read return entered 16th Instant from the Acting Judge on Circuit in the Northern Division to precept of the 9th Instant and stating that he has been according to Law sanctioned mitigation of punishment in favor of Cayen Chetty convicted in favor of the Prisoner in No 39 of the Nallore Criminal Calendar 1st Sessions of 1833.

/Here enter No 166/

Read return entered 19th Instant to precept of the 28th ultimo, in which it is stated that a sentence of 2 years imprisonment has been passed upon the Prisoners in No 207 of the Nallore Calendar 2d Sessions of 1830.

/Here enter No 175/

E. H.

At a Court of the Eastern Province holden at Batticotta

Present

Monday, 25th March, 1833. E. A. Grant Esqre 1st Puisne Judge
C. M. Lushington Esqre 2nd Puisne Judge
John Bird Esqre Acting 3rd Puisne Judge

24 No

Read letter, dated 9th Instant, from the Magistrate in the Zilla of Jaffnaw, submitting copies and englishe translations of proceedings, held by the Acting Assistant Magistrate under the provisions of Section XVIII Regulation IX of 1816.

/Here enter No 162 of 1833/

The proceedings of the Acting Assistant Magistrate, submitted with the foregoing letter were held against

1st Kannakiahnah Pallah
2nd "Soma Chetty,"
3rd "Kannan Pillah, and
4th "Tenapa Vegatty,"

"who are described by the Magistrate as actual proprietors of land, on the charge of "having rendered an order of the Magistrate, which required the assemblies, then present in Council to this purpose."

From

21st March 1838.

Read letter, dated 15th February from the Acting Judge on Circuit in the Northern Division, reporting his arrival at Gantaur.

Read return from the Acting Judge Northern D

the general pardon given by Sect II Regulation IX of 1818.

5. But in the proceedings there is not the least ground for dissenting from the judgment, passed by the Magistrate, for the confiscation of the lands of the accused.

6. Clause first Section XVIII Regulation IX of 1816 prescribes, that if the party charged with resistance to the process of the Magistrate shall not appear, or be apprehended, that officer shall after receiving his answer to the charge, hearing the evidence he may appear in his defence, pass judgment against him, if it shall be found that he is guilty of the charge.

7. In the present case it appears that the prisoners were not asked what they had to urge in their defence, or allowed the option of examining evidence, and the Court of Sudder Adalut, therefore, set aside the judgment of confiscation, passed against them by the Magistrate.

8. Ordered, that a extract of these proceedings be sent to the Magistrate of Cuttack, for his information

Read letter, dated 15th February from the Acting Judge on Circuit in the Northern Division, reporting his arrival at Gantaur.

Read return from the Acting Judge Northern D

the grand question, whether, out of the foregoing circumstances, it be competent to the Magistrate under the provisions of Section XLII Regulation IX of 1818, to delegate to an Assistant Magistrate the execution of the powers therein prescribed.

4. Section II Regulation IX of 1818 certainly confers such authority but the Court of Sudder Adalut entertain considerable doubts as to its having been intended by the Legislature, that a Magistrate should delegate to an Assistant the functions of duty, and looking to the circumstances involved in the judgment in last Clause second Section XVIII Regulation IX of 1816 the Magistrate is to pronounce, the Court of Sudder Adalut are of opinion that the Magistrate is not warranted in delegating from the hearing of these cases to a Assistant

information and guidance.

(Sent following letter No 116)

Ordered also, that extract of these proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council under the orders dated 19th October 1824.

(Sent following letter No 117)

Read letter, dated 22 January last, from the Acting Judge of the Provincial Court of Circuit on the Northern Division of Zillah Guntoor, reporting on the 3rd and 4th Quarterly Sessions of Said Zillah at Masulipatam for 1831.

(Here enter No 1 of 1831)

1. In the second paragraph of the Report the acting Judge notices a case in the Calendar, delivered to him by the Magistrate, in which a prisoner was sentenced by that officer for a theft to the amount of about 20 Rupees, committed in the Nizam's dominions.

2. He acting Judge, having called upon the Magistrate "to state by what authority he took cognizance of this case without the previous sanction of Government, as required by Regulation XII. of 1829," the Magistrate stated, in

took cognizance of the case without applying for the special sanction of Government under the general powers vested in him by Regulation IX of 1816, and not considering the case to be one of those serious offences contemplated in Section III Clause one, Regulation II of 1829, and the petty offence proved against the prisoner that having been committed without the British territory, but the prisoner apprehended within this Zillah, the Magistrate considered, that he could exercise the same authority over him as if the offence had been originally committed within his jurisdiction.

3. Upon this explanation the Acting Judge observes, that he apprehends, that the doctrine therein laid down is not correct, and that the Magistrate had no jurisdiction in the case, because if the not charged was a petty offence punishable by Magistrate it was not committed within his local jurisdiction: if it was a serious offence within the meaning of Regulation II of 1829, he had

28th March 1831

had not received the authority of Govern-
ment. The Acting Judge concludes with
the expression of his opinion, that the
Regulations make no provision for
the punishment of petty offences com-
mitted by Native British subjects within
the British territories.

4.

There can be no question
as to the illegality of the proceedings held
by the Magistrate in this case. Regulation
IX. of 1816 gives no jurisdiction in the
respect, which was not given by Regu-
lation XI of 1809, referred to in the preamble to
Regulation XI of 1809, that "under the
existing laws native subjects of the
British Government cannot amenable
to the established Criminal Courts for
crimes or misdemeanors committed in
places out of the limits of the British
provinces." Regulation II of 1834
which rescinded Regulation XI of 1809
makes no allusion to petty offences
which by the title and preamble of
the last mentioned Regulation were
apparently intended to be included in
its provisions

28th March 1831.

5.

The Court of Sangdare Adalut
being of opinion that petty thefts
cognizable by a Magistrate do not
fall within the scope of the provisions
of clause first Section III Regulation
II of 1829, concur with the Acting Judge
in deciding, that such offences, com-
mitted without the British territories,
are not cognizable under the
Regulations.

6.

With reference to paragraph
4 of the Report the Court of Sangdare
Adalut deem it proper to direct by a
circular order, that whenever a
prisoner confined on a Magistrate's
requisition of security be released
by order of the Judge of Circuit, a
notification of such order of release
be made to the Magistrate.

Ordered, that extracts of these
proceedings be sent to the Acting
Judge of the Provincial Court of Circuit
on the Northern Division, by precept
enjoining him to make the necessary
communication to the Magistrate
of Maunbhoom, for his information
and future guidance.

(Extract following Precept, No 15)

28th March 1831

Ordered also that extract of the proceedings be sent to the Provincial Court of Crown Cases reserved enjoining them to commence to the same to the General Sessions on Circuit

(Sent following Precept No 119)

Ordered also, that copy of the report and return of the proceedings be sent to the Secretary to Government on the Judicial Establishment for the purpose of laying the same before the Right Honorable the Governor in Council

(Sent following letter No 120)

Read return to the Precept No 118 from the Judges of the Provincial Court of Circuit in the Centre Division on the precept of the 29th October last directing the transfer to one or more of the Circuit Courts in the Division of the Home District under sentence of more than 7 years imprisonment

(Entered in Sheriff's Book)

Feb 28

Feb 6

At a Court of the Peace held at Toronto,

Present,

Wednesday 30th March 1831 — J. H. Grant Esq re First Puisne Judge
C. W. Washington Esq re Second Puisne Judge
John Bird Esq re Acting Third Puisne Judge

Read again Petitions presented on the 16th July and 29th December 1830, and on the 26th of January by Ransalaer Mooney Timberman of the Village of Chinguacousy (Here enter No 35 & 72 of 1830 & No 14 of 1831)

Read also return of the Provincial Court in the Centre Division, commanding in obedience to Precept of the 29th ultimo, the explanation of the Saint Magistrate touching the above petitions (Here enter No 120)

The Petitioners in the above Petitions, complained of not being able to obtain receipt for certain alleged receipts and note of the Talbots Broadcliff of Chelsea and Abram Edwards homes

The Court having perused the various documents, and the explanation of the Saint Magistrate are of opinion that to the circumstances of the case, if there is any truth in the statements of the Petitioners, have been grossly exaggerated, and they deem any interference on their part unnecessary - the Petitioners being at liberty to sue for damages if they thinks proper to do so.

Ordered that the same be communicated to the petitioners

Read again letter, dated 20th September 1830 from the Second Judge on Circuit in the

28th March 1831.

Ordered also that extract of the proceedings be sent to the Provincial Court of Grand Sessions enjoining them to commence to the same to the several Surgeons Bonds

(Sent following Precepts No 119)

Ordered also that copy of the report and extract of this proceedings be sent to the Secretary to Government on the Judicial Establishment for the purpose of laying the same before the Right Honorable the Governor in Council

(Sent following letter No 120)

Read a letter dated 28th Inst from the Judges of the Provincial Court of Circuit in the Centre Division to the Precept of the 27th October last directing the transfer to me or any of the Jurors Seals in the Division of the Province under sentence of more than (2) two years imprisonment

(Here enter Precept)

28th

Feb.

Feb.

In the Court of the Registrar Udalut,

Present,

Wednesday 30th March 1831. } F. A. Grant Esq.re First Puisne Judge
C. R. Lushington Esq.re Second Puisne Judge
John Bird Esq.re Acting third Puisne Judge

Read again Petitions presented

28th
Feb. on the 16th July and 29th December 1830, and
on the 26th of January last by Mansa Lamoney
Tumberun of the Village of Chinglepute—

(Here enter Mr. Coll.r No. 357 of 1830
& No. 41 of 1831.)

Read also return by Provincial
Court in the Centre Division, commanding in
Chief to Present of the 29th ultimo, the
explanation of the Saint Magistrate
South Arcot, relative to the above petitions

(Here enter No. 179)

The Petitioner in the above
Petitions, complained of not being able to
obtain receipt for certain alleged receipts
one note of the Talook Peishcush of Chellam
drum Talooks known

The Court having perused the
various documents, and the explanation
of the Saint Magistrate are of opinion
that to the circumstances of the case, if
there is any truth in the statements of the
Petitioner, have been grossly exaggerated,
and they seem any interference on their
part unnecessary. the Petitioner being
at liberty to sue for damages if he
thinks proper to do so.

Ordered, that the same be
communicated to the petitioner

Read again letter, dated 20th September
last
1830 from the Second Judge on Circuit in
the

30th March 1838

the Southern Division, transmitting the record of Trial in case H. M. Commissioner Calendar 2d Sessions 1830.

/Here enter No 378/

Read the Second Letter addressed in this case by the Crown Solicitor and the Magistrates of the Pomparee District.

The First and Second Puisne Judges having maturely considered the Proceedings held before the Judge on Circuit, the Finding of the Provost Marshal Officer, and the Finding of the Inquisitorial Cozgat and Magistrates of the Pomparee District confirm the said Findings of the Cozgat and Magistrates aforesaid, and order the sentence of Fazen awarded against the Prisoner

Chuck Lenah

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

/Sent following letter No 22/

Read letter under date 6th October 1830 from the Puisne Judge on Circuit in the Southern Division transmitting the record of trial in case No 11 of the Calendar for the Second Sessions 1830.

/Here enter No 643/

Read also letter dated 6th December 1830 from the Puisne Judge on Circuit in the Southern Division transmitting Finding of Jury in Case No 11,

30th March 1838 on the Combaconum Calendar 2d Sessions 1830.

/Here enter No 778/

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

1st Nunoomagom,

is sufficient to convict him of the crime of Murder, &c, 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 or places beyond Sea as the Right Honble the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads, for and during the period of his natural life and

being of opinion, that the Prisoner,

2d Tauthen,

is not convicted of the crime charged against him, on strong presumptive proof, or on the evidence of credible witnesses, or on his own confession, notwithstanding the finding of the Law Officer, so absolve him thereof, and under the provisions of clause sixth Section II Regulation XV of 1803, direct that the 2d Prisoner,

Tauthen

aforesaid be set at liberty.

/Sent following letter No 123/

Read

328

30

30th March 1831

Read letter dated 29th Inst
from the Actg Puisne Judge in Circuit — the
Northern Division submitting explanation
for the Delay of the return made to the
Fiscal Report dated 18th February
1831 —

/Vide entries 30/3/31/

F. 16

In a Court of the Kingdom Candia,

Present,

Thursday, 31st March 1831 } The Hon. Grant Esqre First Puisne Judge
The Hon. Lushington Esqre Second Puisne Judge
John Bird Esqre Acting Third Puisne Judge

Read letter dated the 29th
of November last from the Provincial
Court of Circuit in the Southern Division
submitting the Reports required by Section
XXXV. Regulation X. of 1816 from the
several Criminal and Joint Criminal
Judges in the Division for the month
of October last, together with their proc
eedings thereon —

/Vide entries 18/2/31/

The Court of Fiscal Candia
remits the Provincial Court of Circuit, with
call upon the Criminal Judge of Madura
to transmit without delay, a report
of the circumstances connected with the
escape of the Prisoner concerned in
case No 67 of the Report No 5 —

Combaconnum 2 Referring to case No 67 of the
Report No 5 submitted by the Criminal Judge
of Combaconnum, the Court of Fiscal Candia
remits, that the Criminal Judge will in
future record the grounds of the release of
the prisoners —

3 The Magistrate of Tanjore
having omitted to furnish any explanation
of the delay of one month and 7 days in
forwarding the Prisoners concerned in
case No 178 of the same Report — the Court
remits, that this be brought to the notice
of

30th March 1837.

of the Magistrate of Tanjore, and that his particular attention be called to the Circular Orders of this Court of the 8th of February 1830.

4

The Court direct, that the Criminal Judge be informed, that in Cases Nos 3175 & 3176 he should have framed one Code in lieu of aiding in the language.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, desiring them to point out the necessary amendments to the Code of Rules of Measure and Embankment, and the Magistrate of Tanjore by present circular, & able within two months from date of its receipt.

Read letter dated the 15th ult. from the Provincial Court of Circuit in the Centre Division, submitting the Report required by Section XXXV. Regulation X of 1816, from the several Criminal and Civil Judges in the Division for the month of December 1836, together with their proceedings thereon.

Chittoor.

1.

Referring to Para 10 of the Supplemental Report the Criminal Judge should have notified to the parties the period for which their sureties would be held responsible for their good conduct, and that in default they would be sentenced to a corresponding period of imprisonment.

2.

Referring to Para 12 of the same Report the Court [illegible]

30th March 1837.

the Prisoner Putta Venkatramdoo has been sentenced, for having effected his escape from the Hospital of the Jail at Chittoor, to 2 years imprisonment in irons and hard labour in addition to the unexpired period of his former sentence. This is the first intimation the Court of Puydaree Moatut have received of the escape of this prisoner from the Jail at Chittoor, they observe therefore, that the Criminal Judge be called upon to explain his reasons for having omitted to report to the Puydaree Moatut at an earlier period the escape of this Prisoner from his Jail. the Court have also to remark, that the Criminal Judge should have stated the number of the Case and the month in which the former sentence passed upon this prisoner appeared in the Criminal Reports.

3.

The prisoner concerned in case No. 194 of the Report No. 5 submitted by the Criminal Judge of Chittoor, appears to have been retained in the Jail-ook for a period of 25 days without any reason having been assigned for such delay. the Court of Puydaree Moatut therefore desire, that the Magistrate of Chittoor be called upon to furnish an explanation of the causes of his detention.

Case cases Nos 197 Rule 27 No. 296 & 236.

4.

The Court having remarked that the Criminal Judge has in many instances omitted to define the period for which the sureties are to be held responsible for the prisoners good behaviour, desire that the Criminal Judge be enjoined to record the same in all future sentences of that description.

The

31st March 1891.

31st March 1891.

5

In Case No 206 offence to have been committed in the Talook, the 1st for 10 days the 2d for 16 days the Criminal Court of Circuit will call upon the Magistrates to explain the cause, and to state what cause for the 1st and 2d Prisoners from the 1st and 2d to the 3d of November the said on which the Police Officer alleges they appeared respectively before him.

Cossapah.

6.

The Court have remarked that the Records received in case No 357 of the Calendar Criminal Report 1890 by the acting Criminal Judge of Chittagong charged with having by violence entered the Dwelling House of [illegible] in the night and stealing therefrom property value 120 Rupees & 23 others committed to take their trial before the Court of Circuit from the records of the Police Officer's Report that the Prisoners are

31st March

31st March 1835

Cuddapah

Cuddapah

Bellary

Bellary

Cuddapah

Bellary

Cuddapah

Bellary

31st March 1835
Vide Clause 2d
Sect III Reg II
of 1834

the Criminal Court should have been
pointed out to the Magistrate, and the
Criminal Judge under the provisions
of Section IV Regulation II of 1829 —
should have himself applied to Govern-
ment for permission to put the ap-
prehensions on their Trial.—

6. The Magistrate in the
Southern Division of Arcot should
be called upon to furnish the date
of the apprehension of the Prisoner
convicted in Case No 202 of the Report
No 20 submitted by the Criminal Judge
of Chingleput.—

Ordered, that the Records
from their Proceedings be forwarded
to the Provincial Court of Circuit
in the Centre Division, examining them
to make the necessary communications
to the Criminal Judges of Chittoor, the
Cuddapah and Bellary and the Ma-
gistrates of Bellary and the Southern
Division of Arcot by present re-
turnable within two weeks from and
after its receipt.—

Sent following Precept No 130 of
1835

F 6

In Court of the Parlour Adalut,

Monday 2d April 1838 } Present
The Hon.ble Prime Judge
Mr. A Grant Dep.y
Mr. Justice Primeridge
Mr. Scott Dep.y
Acting Puisne Judge

Mr. Justice Primeridge, acting Puisne Judge on Circuit in the Northern Division

(Vide inter Nº 854 of 1838)

The Acting Judge in the 2d paragraph of the foregoing letter reports, that on the English translation of the Record of proceedings in Case Nº 4 of the Criminal Calendar being brought to him, he found that Thomas M'Kenna had not been informed by the Assistant Judge, who called the prisoner to his duty and took his defence, that he was at liberty to refer to the Court for Bengalee Interpreters.

The 3d Paragraph of his letter states that there is nothing in the Record of Case Nº 8 of the Calendar to show that the 2d and 3d Prisoners, who have been ordered to find securities, have been able to do so, or that they have applied for Bengalee Interpreters.

In Court of the Superior Court of Law,

Monday 2d April 1838 } Present, The Hon. Richmond M. Pearson Judge

Mr. A. Grant Clerk &c. Attending Richmond Pearson Judge

Mr. Smith Reid Clerk &c. Attending Richmond Pearson Judge

Mr. Sheriff Gaston Attending Richmond Pearson Judge

Upon the Motion of Mr. Gaston, and by consent in the case of Pinkham Simmons (Plea in Bar No 154 of 1835)

It is ordered by the Judge in the 2d paragraph of the foregoing letter reported, that the Plaintiff in the English Translation of the Record of proceedings in Case No 154 of the Circuit Court of Law brought to him, he finds that no defence or opposition to the prosecution of said Case was made by the Defendant, and that the Defendant has been summoned to appear, and that he has been asked for his defence, and that he has refused to show cause as aforesaid

Under these circumstances the Judge directs that the Plaintiff do recover of the Defendant the penalty of Fifty pounds

Received

4th April 1838.

Ordered, that extract of the Judge on Circuit on the Northern Division for his information and guidance

Sent following letter No 134

Read letter of the 15th of December last from the Registrar of the Court of Circuit in the Western Division submitting the Reports prescribed by Section XXXV Regulation X. of 1816 from the several Criminal Judges and Magistrates in the Division for the month of November last, together with their proceedings thereon

Native Criminal Judges

Sent letter No 312 to the Registrar of the Court of Circuit in the Western Division, that a Government Pleader of the Native Court is to be appointed to conduct criminal prosecutions on the part of the Government, similar to that appointment has been sanctioned in case No 5 of the Report for the 8th ult.

Malabar and Tellicherry

2

that the Criminal Judge of Malabar and Criminal Judge of Tellicherry have transmitted their Reports of Sessions held by them in the months of October last, and the Prisoners were committed to the Circuit Court by the Northern Judge on the Court observing that the information furnished in future

Malabar

3

the prisoners committed in case No 216 of the Report for October last, and in case No 224 of the Report for November last, appear to have been detained in the Calicut Gaol for 17 days - and no explanation given for the cause of the delay; the Provincial Court by omitting to notice this to the Magistrate, has allowed to devolve on the Court of Circuit a duty specially assigned to the Provincial Court of Circuit by the Circular Orders dated the 13th of September 1824.

The Provincial Court of Circuit have also omitted to call for explanation of the detention of the prisoner committed in case No 222.- the 4th prisoner for 15 days and the 2d and 3d Prisoners for 14 days.-

5.

Case No 224 of the same Report appears from the nature of the charge, to be a case cognizable by the Police - the Court therefore direct, that the attention of the Magistrate be called to Circular Orders of the 25th of December 1828, which entirely the Magistrate, to guard against over looking the Criminal Court with cases cognizable by them or the Police under them.

In case No 175 of the Superintendent's Report the prisoner named Cottan Tenny charged with Murder has been released it appearing that this Prisoner was arranged at the time he committed the crime. Referring to the Report No 5 of the forwarding to appear in the calendar of month, & that the crime was committed within the Cadaire Regis Taniteap.- the Court therefore consider that the Magistrate

4th April 1838.

Magistrate had, under the provisions of Regulation II of 1829, obtained the sanction of the Right Honorable the Governor in Council, to bring this prisoner to trial, - and that previous to his discharge the Criminal Judge satisfied himself, that the release of the prisoner would be unattended with danger to the community.

7. The Court have remarked, that the Criminal Judge of Malabar has sentenced the 5th prisoner convicted in Case No. 150. to six months imprisonment with hard labour in irons, though the two following cases in which the same prisoner is included are shewn to be "under adjournment". The Provincial Court of Circuit should have pointed out to the Criminal Judge, that Prisoner may be brought before him whenever a charged with Criminal crimes to be examine into all the charges, and of those are adjudicable by him to pass one sentence adequate to the Criminal crimes of which he may have been convicted

Honore

8. The Court have observed, with the exception of one case in which stated by whom the prisoners were forwarded to the Sadr Criminal Judges Court. The Provincial Court will avoid this information, may be immediately supplied in all future References

Ordered, that these proceedings be forwarded for the Provincial Court of Circuit of the Western Division

Dumas

F. 16.

4th April 1838.

Division, desiring them to make the necessary communications to the Native Criminal Judge of Canara, the Magistrate, the Criminal and Joint Criminal Judges of Malabar and the Joint Criminal Judge of Canara by precept returnable within two weeks from and after its receipt.

Sent following precepts No. 82 to 88

At a Court of the Tongolaree Tidalcts.
Present.

Wednesday the 4th April 1877. C. A. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2nd Puisne Judge.

Read return dated the 30th of August last made by the late Additional Judge of the Court of Circuit in the Centre Division to the precept of this Court of the 31st of July last, and in conformity thereto transmitting Original and English Translation of the Police Proceedings in case No 2 of the Bellamy Calendar for the 2nd Sessions of 1876.

(Here enter the 30th of 1877)

The great irregularities of the Police and the manifest perjury of the prosecutor and some of his principal witnesses in this case, have determined the whole of the evidence for the prosecution of all title to credit.

2. From the many contradictions in the testimony of the two first witnesses given before the Police Officers of the manner in which the murder was committed, and from the circumstances of the Prisoners having been detained in the Lockup from the 12th of February to the 15th of March, on the oath of the two first witnesses given

retracted the evidence alleged to have been
given by them before the Police Officers
when examined by the Criminal Judge,
that the Court have every reason to believe
apprehension of the Prisoners, and their
being forwarded to the Criminal Court
were employed, as stated by the Principal
Witnesses, in extorting from them the
depositions given before the Police
Officers, and that their depositions were
not given on the statements
3.
of the District Police Officers, that the
Prisoners were taken into custody on
different dates from the 17th to the 19th
of February by him they were detained
till the 4th of March when they were
sent up to the Criminal Court. The
reason which he gives for this long
detention have been reported to
4.
be unfounded altogether and the Court
have no doubt that the long
detention of the Prisoners was
a direct contempt of the orders of the
Police Officers and of the Court of the
they may be found guilty of the
charges against them

the proceedings now under consideration.

5. The mode in which this trial has been conducted by the lower Courts, is considered very objectionable, and the Court are at a loss to conceive, how the Criminal Judge could have committed the Prisoners, or the late Additional Judge of Circuit have considered the Prisoners committed upon such unsatisfactory evidence.

6. It is perfectly clear that none of the Prisoners were recognized at the time of the alleged Murder, altho' the two first witnesses pretend to identify all of them: and not to mention the discrepancies in the testimony of these two persons, the prosecution bears the appearance of being false and malicious.

Ordered, that a extract from these proceedings be forwarded to the late Additional Judge of the Court of Circuit in the Central Division, desiring him to furnish the Criminal Judge and Magistrate of Bellary with a copy of the same for the information and future guidance of those Officers respectively.

(Sent following letter No 136)

Read petition, presented on the 29th ultimo by Gattoo Row

retract the evidence alleged to have been given by them before the Police Magistrate when examined by the Criminal Judge, the Court have many reasons to believe that the long continued detention of the Prisoners and their being forwarded to the Criminal Court were not employed, as stated by the Principal Witnesses, on returning from them the depositions given before the Police Officers, and that those depositions were not given on the date mentioned

3. It appears from the District Police Officers, that the Prisoners were taken into custody on different dates from the 12th to the 15th of February by him they were detained till the 9th of March when they were sent up to the Criminal Court. The reason which he gives for this long detention have been repeatedly denounced as altogether inadmissible

4. The Court must add that to all on the records of proceedings a strict control over the conduct of the Police Officers, and if found to be guilty they must be severely punished

the proceedings now under consideration.

5. The mode in which this trial has been conducted by the lower Courts, is considered very objectionable, and the Court are at a loss to conceive, how the Criminal Judge could have committed the prisoners, on the late additional Judge of Cuttack have considered the Prisoners committed upon such unsatisfactory evidence.

6. It is perfectly clear that none of the Prisoners were recognized at the time of the alleged Murder, as the two first witnesses pretend to identify all of them: and not to mention the discrepancies in the testimony of these two persons, the prosecution bears the appearance of being false and malicious.

Ordered, that extract from these proceedings be forwarded to the late Additional Judge of the Court of Cuttack in the Centre Division, desiring him to furnish the Criminal Judge and Magistrate of Balasore with a copy of the same for the information and future guidance of those Officers respectively.

(Sent following letter No 436)

Read petitions, presented on the 29th Ultimo by Gautam Rama

4th April 1831

of Walajahpet.

(Here enter Misc Pet. No 24 of 1831)

The petitioner states himself to be the brother of Calaghagan, the prisoner in case No Chittoor Calendar 4th Quarterly Sessions of 1831, who was tried for burglary and sentenced to 7 years imprisonment.

The petitioner prays the Court to try the case and release his brother.

There is no Appeal under the Regulations from the sentence of a Court of Circuit: and the Court of Adawlut having referred to the Calendar see no ground whatever for calling for the proceedings.

Ordered, that the petition be rejected, and that extract of these proceedings be furnished to the petitioner on his application.

Read petition presented on the 27th ultimo by Comaparaya of Sindiyanum in the Zillah of Chingleput.

(Here enter Misc Pet. No 2 of 1831)

The petitioner states that he lodged a complaint against Kanaka Lopa the Tahsildar of Sindiyanum for illegal and false imprisonment, that the Tahsildar provided him to settle the matter amicably, which was not conducted with impartiality and that petitioner knows

F. R.

4th April 1831

complained to the Collector, his petition was rejected: he prays the Court to order the Collector, the Zillah Judge, or the Court of Circuit to examine his case.

This is not a case for the interference of the Court of Sudder Adawlut. If the petitioner considers himself aggrieved by any proceeding of the Magistrate, he should apply to the Court of Circuit for redress.

Ordered, that the petition be rejected, and that extract of these proceedings be furnished to the petitioner on his application.

Read petition presented on the 27th ultimo by Veerathee Reddiar, the son of the deceased, brother in law of the 3rd and brother of the 4th prisoner in case No Chittoor Supplemental Calendar 4th Quarterly Sessions of 1830.

(Here enter Misc Pet. No 23 of 1831)

The petitioner complains of the sentences passed by the Court of Circuit on the said prisoners.

There is no appeal under the Regulations from the sentence of a Court of Circuit: and the Court of Sudder Adawlut having referred to the Calendar, see no ground to grant the correctness of the sentences passed

April 1831.

proposed on the prisoners aforesaid

Ordered, that the petition be rejected, and that extract of these proceedings be furnished to the petitioners on his application.

Read petition presented on the 23rd instant by Chingoomanka, mother of the 4th prisoner on record No 1 Christian Calendar 1st Quarterly Sessions of 1831.

(Here insert Minute No 25 of 1831)

The petitioner prays the Court to set aside the sentence passed against the prisoner aforesaid.

There is no appeal from the Regulations from the Court of Cincinnati but the Court having referred to the Calendar see no ground whatever for their interference.

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

Read letter dated 7th instant, from the 8th Judge of the Court of Circuit in the Central Province transmitting the record in case No 1 of the Christian Calendar for the 1st Quarter Sessions of 1831 for the final decision of the Court of Judicature thereon.

(Here insert 6th April 1831.

The First and Acting Third Circuit Judges having maturely considered the Proceedings held before the Judge on Circuit, the Testimony of the Provincial Court Officers and the Testimony of the Cafres and Caffrarias and Interpreters of the Confidence Walter concurring in opinion, that the prisoner

Pohadoo,

is not convicted of the crimes of Robbery and Murder charged against him on strong presumptive proofs or on the evidence of credible witnesses, or on his own confession, notwithstanding the Testimony of their own Officers against him thereof, and accordingly direct, under the provisions of Clause Sixth Section II Regulation XV of 1803, that the said prisoner

Pohadoo,

be set at liberty.

(Sent following letter No 37)

F. H.

At a Court of the Royal Malabar

Present,

Friday 8th April 1831. The Hon. F. A. Grant Esqre 1st Puisne Judge.
John Bird Esqre acting 2d Puisne Judge.

Read letter, dated the 8th Instant from the acting Judge on Circuit in the Northern Division, reporting the circumstances of the case of Veeramalai Pathy Pedalayi the prisoner in No 2 of the Gunroor Calendar 1st Sessions of 1831 charged with the murder of his nephew a child of two years old.

(Here enter No 176.)

The Court having duly considered the circumstances of the case detailed by the acting Judge on Circuit, are of opinion that the said Prisoner is a fit subject for the Lunatic Asylum.

2 They therefore direct that he be forwarded under proper Custody, together with the Certificate of the European Medical Officer, to the Superintendent of Police at Jaffnapatam, in order that he may be lodged in the Lunatic Hospital.

3. The Court observe that the Law Officer gave his Fiat against the said prisoner Veeramalai Pathy Pedalayi on the ground of insanity.

4 The acting Judge should not have taken cognizance in this case, he should have suspended the trial and have

entered

At a Court of the Loyalare Malakut.

Present,

Friday 5th April 1861. The Hon. Grant Esqre 1st Puisne Judge.
John Bird Esqre acting 2nd Puisne Judge.

Read letter, dated the 2nd Instant from the acting Judge on Circuit in the Northern Division, reporting the circumstances of the case of Seeromala Chetty Pedalayo the prisoner in No 2 of the Quarter Calendar 1st Sessions of 1861, charged with the murder of his nephew a child of two years old.

(Here enter No 176)

The Court having duly considered the circumstances of the case as detailed by the acting Judge on Circuit, are of opinion that the said Prisoner is a fit subject for the Lunatic Asylum.

2 Ordered therefore that he be forwarded under proper Custody together with the Certificate of the Surgeon Medical Officer, to the Superintendent of Police at Trincomalie, in order that he may be lodged in the Lunatic Hospital.

3. The Court observe that the Law Officer gave his Fiat in reporting the said prisoner Seeromalatty Pedalayo on the ground of insanity.

4 The acting Judge should not have taken a fiat in this case, he should have suspended the trial and have

entered

Report, and numbering the 12th Case No 1 should have been brought to the notice of that Officer by the Provincial Court of Circuit

2 The Court conclude that the acting Criminal Judge of Nellore obtained the sanction of the Provincial Court of Circuit for the release on Bail of the 14 prisoners concerned in case No 7 of the Report No 8, and charged with Arson attended with beating and wounding

3 The Court have remarked that the Assistant Criminal Judge has sentenced the 1st and 3rd prisoners concerned in case No 9 of the Report No 5 "to find Security in the Sum of 100 Rupees each for their good behaviour for a year and a half." The Provincial Court of Circuit should have pointed out the illegality of this sentence to the Assistant Criminal Judge, and have directed that Officer to amend it agreeably to the provisions of Clause first Section VIII Regulation VII of 1827.

4 The Court consider the release of the prisoner condemned in case No 4 of the Report No 5 upon the grounds stated by the Criminal Judge improper. The Criminal Judge should have proceeded upon the trial, based on such a charge, no compromise was allowable

Nellore.

Judge of Nellore on commencing the Report No 5 of 1831 to release the Prisoner on the ground of the Prosecutor

Registrar's Office

4 The Criminal Judge of Nellore should have referred to the Court of Circuit the Depositions of the Witnesses attending the trial of the prisoner sentenced in case No 1 of the Report No 5

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division, desiring them to make the necessary communication to the Criminal Judge of Nellore and the Criminal and Sessions Judges of Chittoor by first opportunity from and after the month of January last from the Provincial Court of Circuit in the Northern Division transmitting the Report required by Section XXXV Regulation X of 1816, from the Criminal and Sessions Judges in the Division for the month of December last, together with their proceedings thereon.

(Extract Minutes of the Sitting of the Judges of Nellore on commencing the Report No 5 of 1831 on the 7th April 1831.

(Read letter dated the 28th of

(Sent following Draught No 130)

8th April 1851.

5

The Commissioner in the case No 6 of the Supplemental

Expirimentary

6

The Court also considered the proper the release of the three prisoners concerned in case No 6 of the Supplemental Report of and on the Criminal Sessions to inquire into charge, and more particularly, that case was forwarded to the Court under instructions from the 1st Judge on Circuit

7

The Prisoners having been brought to the Court to support the accusation at the Criminal Sessions of the Criminal Judge to direct that they should be removed to the Gaol on the Eastern Government

Ordered, that the Gaoler do bring these proceedings before the Court at the Criminal Court of Circuit in the Northern Division, delivering therewith the warrant commitment to the Criminal Sessions of the Rollers, Chirocole and Rajahmundry by precept returnable on Thursday from and after its receipt.

(Vide following Receipt)

Read letter dated the 7th April 1851 from the Acting Judge on Circuit in the Northern Division reporting upon certain cases tried in the Criminal Sessions held before him under the Regulations X of 1816 and VII of 1819

8th April 1851.

1. The Court of Sessions having taken into consideration the foregoing report, deem it proper to direct, that the 1st and 2nd prisoners in the case described in paras 2, 3 and 4, be released.

2. The Court of Sessions direct also, that the three prisoners mentioned in No 6 of the Calendar of persons punished submitted under Section XXIII Regulation X of 1816 to six months' imprisonment with hard labor in irons, be forthwith set at liberty.

3 And the Court direct the immediate release of the 2nd prisoner in case No 5 of the Calendar submitted under the provisions of Section VI. Regulation VI of 1822.

4th The Court of Sessions having deem it proper to call upon the Acting Judge to report, by whom the proceedings in these cases were held.

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

(Vide following letter No 42)

Read letter dated the 2 5th

Acting

28th April 1891.

Petition from the 2nd Judge on Circuit in the Western Division, recommending the remission of punishment in four of the cases tried at the late Assizes for the 1st Division of 1891.

(Vide entry No 192)

The Court of Exchequer & Appeals directs under the provisions of Section III Regulation I of 1875, agreeably to the recommendation of the 2nd Judge on Circuit in the Western Division, that the said four Prisoners

Ramakrishna Chowdhry alias Ramakrishna Chowdhry Kanikdhutta Mally

be sentenced to rigorous imprisonment for a Term of nine Calendar months and kept to hard labor in irons on the public roads or other public works for the period of two years

The 2nd Judge having omitted to specify the number on which the name of four Prisoners is found in the Calendar No 20 on the Sessions Calendar will be careful on future similar occasions to insert the numbers whether the sentences of whose sentences are to be mitigated may be recommended

F. H.
28th April 1891.

as well as their general names.

Ordered, that extract of these proceedings be forwarded to the 2nd Judge on Circuit in the Western Division for his information and guidance, by first mail returnable without delay.

(Sent following Receipt No 1453)

At a Court of the Supreme Court of Judicature

Present,

The Hon. C. K. Grant Esq. 1st Puisne Judge

The Hon. John Bird Esq. acting 3d Puisne Judge

Read a letter, dated 6th Instant from the Secretary to Government in the Judicial Department, transmitting an extract from the Minutes of Consultation on the subject of two petitions from Mr Francis Cornac Brown, praying that Rowland Rangiah Pasbey may be brought to trial for perjury.

(Here enter No. 207.)

In the concluding paragraph of the letter from the Advocate General, dated 28th Ultimo, entered on the Minutes of Consultation, it is stated, that the Judges of the Supreme Court have unanimously and unequivocally expressed their perswasion that the oath made by the petitioner opposed to Mr Brown was framed in perjury and in the 4th paragraph of that letter is pointed the proper mode of obtaining the original affidavit, in which the perjury is alleged to have been committed.

The Court of Judicature hold that under

under the circumstances above set forth
that no further steps to the institution of
proceedings against the said Ramanathan
Kanagasekeram for forging and uttering
the provisions of Section [illegible] Ordinance
X of 1876 the charge must in the first
instance be brought before the
Magistrate the Court of Inquiry
considers that he is the proper person
to make application for the institution
of the said prosecution.

Ordered, that a copy of the proceed-
ings be sent to the Commissioner of Requests
Circuit on the Western Division, for
information the Western Province for the
necessary communication to the
Magistrate, and to the petitioner Mr
Ramanathan Kanagasekeram for their
information and guidance respectively.

(Sent following letters)

Read letter dated the 28th ultimo from the Commissioner of Requests Circuit on the Western Province forwarding the copy of a Warrant for the Arrest of five prisoners

9th April 1881

by the Inquisitorial Court.

(Vide letter No 194)

The Court of Inquiry ordered that the said prisoners

Poongail Kanapy Iraideen,
Kottana Ramen, alias Ramoony,
Kadawarata, alias Kotil, alias
Koondoarumalapil Mahon,
Kadiahaiala parumbil alias Kotil
alias Vaitumpidiyail Kanapy Hydroly,
Chalaporate Siya Ibrahim, and
Kanakunda tha Kottapa,

be remanded to the Jail at Trincomalee,
there to be imprisoned, agreeably to the
terms of their respective sentences.

Ordered, that a extract of
these proceedings, be sent to the Commissioner
Judge on the Circuit of Batticaloa and
to the Magistrate of Trincomalee for
their respective information and
guidance.

(Sent following letters)

Read return dated the 21st ultimo
from the Provincial Court of Circuit in
the Western Division, to precept of the
7th ultimo and certifying that the Statement
of Prisoners in the Jail under charge of
the Circuit Judge of Ramnad, has been
accordingly sent to him for amendment

and

and that the sentiments of the Magistrates
ing the commencement of the undermen
of Convicts being from the dates of the
Sentences have been recorded.

(Recorder No 182)

Read return dated the 23d Ultimo
from the acting 2d Judge on Circuit in
the Southern Division to precept of the
22nd Ultimo, and certifying the 16th instant
for the execution of the undermentioned
Convicts confined in the Calicut Jail
Convicts on the Coast from Cannanore
me of Convicts Tomoo Pandy
have been executed

(Recorder No 183)

Read return dated the 31st Ultimo
from the acting Judge of the Court of Circuit
in the Northern Division to precept of the
28th Ultimo, stating the circumstances
to the Magistrate of Tellicherry
observations of the Recorder on the subject
the Acting Surgeon the 22nd
Jail on the 30th
for 1858.

(Recorder No 184)

Read return dated the
from the Provincial Court of Circuit
the Central Division
28th Ultimo, [illegible]

confinement on a Magistrate's requisition of
security, may be excluded by order of a
Circuit Judge, on intimation of such order
of exclusion be made to the Magistrate.

(Recorder No 209)

Read letter, dated the 31st Ultimo,
from the 2nd Judge on Circuit in the
Western Division, reporting that he had
completed the first Jail delivery at
Calicut and that he was about to proceed
to Mangalore.

(Recorder No 214)

Read return dated the 4th Instant
from the Provincial Court of Circuit in
the Southern Division to precept of the
28th Ultimo, directing that whenever a
Prisoner confined on a Magistrate's
requisition of security be excluded,
by order of a Judge of Circuit, a notification
of such order of exclusion be made to the
Magistrate.

(Recorder No 215)

Read letter dated the 5th Instant
from the 2nd Judge of the Court of Circuit
in the Central Division reporting the com-
mencement of the 2nd Quarterly Sessions at
Cannanore for the present year.

(Recorder No 213)

Read return dated 30th November
from the Provincial Court of Circuit
in the Central Division to precept dated 5th

November 1825, calling for the explanation required by Clause 4 & 5 of the Courts proceedings on Circuit. Calendar 2nd Session 1825.

(Here enter No 997 of 1825)

Read letter dated 2nd September 1825, from the Secretary to Government in the Judicial Department communicating the remarks of Government on the Courts proceedings of the 15th August 1825, relative to case No 2 Chinglepet Calendar Sessions 1824.

(Here enter No 787 of 1825)

Read return dated 7th January 1826, from the Judge of the Provincial Court of Circuit in the Western Division, to precept dated 7th December 1825, directing them to circulate the remarks of the Temporary Adulterer and charge of Perjury in case No 2 Chinglepet Calendar 2nd Sessions 1825

(Here enter No 30 of 1826)

Read letter dated 9th March 1826 from the First Judge 1st on Circuit in the Northern Division, with a further copy of the proceedings and Sentence in case No 8 Nellore Calendar 2nd Sessions 1825

(Here enter No 187 of 1826)

Read letter, dated 7th December 1825 from the 2nd Judge on Circuit in the Western Division, referring a question regarding the mode of obtaining the attendance of witnesses before the Criminal Courts.

(Here enter No 1002 of 1825)

Read letter dated 15th September 1825 from the Judges of the Provincial Court of Circuit in the Southern Division, submitting a reference from the Acting Criminal Judge in the Zilla of Salem respecting the employment of certain prisoners whose sentence of hard labor has expired.

(Here enter No 790 of 1825)

Read letter dated 31st August 1825 from the 3rd Judge on Circuit in the Southern Division, referring the question, whether a witness who has retracted material evidence sworn before the Criminal Judge, can be declared guilty of perjury.

(Here enter No 759 of 1825)

Read letter dated 15th February 1826 from the Provincial Court of Circuit in the Centre Division, forwarding a reference from the 3rd Judge upon the power of an Inferior Criminal Judicature to revise the judgments of the Lower Courts

(Here enter No 120 of 1826)

9th April 1831.

Read letter, dated 15th March 1831
from the Criminal Judge in the Zillah of
Chittoor, suggesting that instructions may
be issued to the Courts of Circuit to annex
to their warrants the grounds of the sentence
and payment of rewards.

(Here enter No 387 of 1831)

Read letter, dated 23rd March
1826, from the Criminal Judge in the Zillah
of Cuddapah, reporting the general neglect
in the Zillah of the Standard of Section XIII
Regulation XI. 1816, that the Magistrate
may be called upon to report the murders
of murder and the sentences passed
in each case.

(Here enter No 388 of 1826)

Read letter, dated 23rd March 1826
from the Criminal Judge in the Zillah
Chittoor, reporting an error in the Calendar
reference suggesting that the Circuit
Court should make known to the Criminal
Court the grounds of their sentences

(Here enter No 389 of 1826)

Read letter, dated 25th June 1826
from the Criminal Judge in the Zillah
of Masulipatam, reporting on the division
of two prisoners under sentence
of transportation.

(Here enter No 390 of 1826)

Read letter, dated 29th June 1826

9th April 1831.

from the Provincial Court of Circuit in
the Centre Division, acknowledging the
receipt of the Courts letter of 22nd June 1826,
and proposing that duplicates of the reports
prescribed by Clause fifth Section XXVIII
Regulation XI. of 1816 be furnished to
the Criminal Judge by the Heads of Police.

(Here enter No 380 of 1826)

Read letter, dated 7th July 1826
from the 2nd Judge of the Provincial
Court of Circuit in the Northern Division
submitting with reference to the Courts
remarks of the 29th June 1826 the grounds
of his proceeding in Case No 7 Masulipatam
Sessions Calendar under Clause sixth
Section II Regulation XV of 1803.

(Here enter No 419 of 1826)

Read letter, dated 27th September
1826, from the 1st Judge on Circuit in
the Centre Division, stating that there
is a point involved in the Zillah Courts
proceedings of the 24th August 1826 on the
subject of confessions before the
Native heads of Police which appears
to him a rule of proceeding for the
Courts of Circuit, which had not hitherto
been noted upon - desiring to know
whether confessions before the Heads of
Police are equally efficient whether taken
before one or two witnesses.

7th April 1831

Read letter, dated 7th July 1826
from the Provincial Court of Circuit
in the Central Division, submitting
their opinion regarding the expediency
of requiring witnesses on behalf of
prisoners to enter an recognizance to
appear at the Sessions.

(Here enter No 534 of 1826)

Read letter, dated 10th September
1826 from the Judges of the Provincial
Court in the Northern Division, transmitting
returns made by the Provincial Judges
to the Precepts issued to them on 15th
1826, requiring the Recognizances of witnesses
in behalf of prisoners committed for
trial before the Circuit Courts

(Here enter No 535 of 1826)

Read letter, dated 7th July 1826
from the Judges of the Provincial Court
of Circuit in the Southern Division,
respecting the expediency of requiring
recognizances from prisoners witnesses

(Here enter No 536 of 1826)

Read letter, dated 28th October
1826 from the Judges of the Provincial
Court of Circuit in the Western Division
submitting copies of such

7th April 1831

Division, objecting to the proposed
system of requiring security to be
taken from witnesses in favor
of the prisoners.

(Here enter No 537 of 1826)

Read letter, dated 10th June 1826
from the Judges of the Provincial Court of
Circuit in the Southern Division, submitting
the information called for in the Court's
Circular letter of 6th April 1826, regarding
the practice of forwarding persons accused
of crimes in Letters.

(Here enter No 353 of 1826)

Read letter, dated 30th May 1826
from the Provincial Court of Circuit
in the Northern Division, submitting
the information called for in the Court's
circular letter of 6th April 1826, regarding
the practice of forwarding persons ac-
cused of crimes in Letters.

(Here enter No 538 of 1826)

Read letter dated 15th October 1826
from the Provincial Court of Circuit
in the Central Division, transmitting
answers from the Assistant Magistrate
of Cuddapah, to the Queries circulated by
the Court on the 6th April 1826 respecting
the Lettering of Prisoners

(Here enter No 69 of 1826)

Read letter dated 5th November 1826

7th April 1831

from the Provincial Court in the Centre Division, transmitting enclosures from the Assistant Magistrate of Ryapooly dated the 5th of April 1826 respecting the flattening of prisoners

(Here enter No 56 of 1826)

Read letter, dated 23rd August 1826 from the Provincial Court of Circuit in the Centre Division, transmitting extract from their proceedings relative to the different modes of flattening prisoners

(Here enter No 146 of 1826)

Read letter, dated 29th August 1826 from the Provincial Court of Circuit in the Western Division, forwarding copies of replies from the Judges and Registrars in the Western Division, to the several queries which accompanied the Courts letter of the 7th April 1826

(Here enter No 147 of 1826)

Read letter, dated 7th August 1826 from the Provincial Court of Circuit in the Centre Division, forwarding an extract from their proceedings of the 4th August, and requesting further instructions from the Court regarding the directions contained in the 15th [illegible]

7th April 1831

Read letter, dated 26th March 1827 from the 2nd Judge and Circuit in the Western Division, forwarding precepts issued by him to the Acting Criminal Judge of Malabar, under Clause third Section IV Regulation II 1827, together with that officers return thereto, and requesting the opinion of the Sudder Adawlut on a point therein referred to.

(Here enter No 118 of 1827)

Read letter, dated 4th May 1827 from the Judges of the Provincial Court of Circuit in the Western Division, forwarding letter received from the Criminal Judge of Malabar requesting instructions as to the mode of proceeding to be observed in cases of Perjury before the Zillah Judge or Register, or any of the Native Tribunals.

(Here enter No 195 of 1827)

Read letter, dated 12th May 1827 from the Magistrate of Tinnivelly forwarding requesting to know to whom a Circuit Judge should direct his order for the release of a vagrant, when exercising the powers vested in him by clause second, Section III Regulation II of 1822.

(Here enter No 199 of 1827)

Read letter, dated 28th September 1829 from the Provincial Court of Circuit in the Western Division, transmitting the proceedings and correspondence

9th April 1841.

between the Court Provincial Judge at Hamaze and the Court Magistrate of the same District together with the opinion of the Provincial Court of Appeal thereon

(Here enter No 69 of 1839)

F.C.

In the Court of the Kingdom of Ulaterl

Monday 11th April 1838

Present
The Hon. Ignat Bell 1st Puisne Judge
John Byrd Esq. acting 3rd Puisne Judge

Read letter, dated the 7th Instant from the Acting Judge on Circuit in the Northern Division, reporting the circumstances of the case of County Estaoo the Prisoner in No 9 of the Gaol Calendar for the Quarter ending 15th April of 1838, charged with Arson.

(Here enter No 205.)

The Court having duly considered the circumstances of the case stated by the Acting Judge on Circuit, are of opinion, that the said Prisoner is a fit person to be confined in the Lunatic Asylum

to gether with the certificate of the Chirurgeon Medical Officer, to the Superintendent of Police &c &c Hamaze, in order that he may be kept in the Lunatic Hospital.

Ordered, that extract of these Proceedings be forwarded to the Acting Judge on Circuit in the Southern Division for his information and guidance, by first post returnable without delay.

Read letter dated 31st December last from the Acting Judge of the Provincial Court of Circuit in the Southern Division

(Here enter No 2 of 1839)

Read letter dated 3rd January

(Here enter No 5 of 1839)

The

11th April 1838.

Judges Laing The First and Second Divisions
= cedings held before the Judge on Circuit,
the future of the Provincial Court Officers, and
the future of the Cases on Circuit this Term,
of the Supreme Court, and the
future of the Cases on the Circuit aforesaid, considering
rewarding Counsel, & Nothing until
of a Counsel Rule and Section II Regulation
XV of 1803, against the Prisoners,

1st Duncan Cullen,
to be transported to such place or places
beyond Sea as the Right Honorable the
Governor in Council shall appoint, there
to be imprisoned and kept to hard labor
in irons on the public roads or other
public works, for and during the term
of his natural life, and that under
Regulation XV of 1803, that the Prisoner,

2d Moses Thomas Hagerty,
be imprisoned and kept to hard labor
in irons on the public roads or other
public works, for the period of (7) seven
years: and that the Prisoner,

3d Peter Thomas,
be imprisoned and kept to hard labor
in Irons on the public roads or other
public works, for the period of (5) five

The Court of Kings Bench
have to observe, that the
notices by the Acting Judge in the 3d
para of his letter in which
this Court stands have been
out to the Prisoners by the Acting
Judge himself, and the

7th April 1838.

Clerk have served the notice of the named
prisoners to be made
on the Examinations of these Prisoners
before the Court of Quarter
on the 2nd Prisoner Lawrence
committed on the Examination of his Associates
before the Provincial Court -

Council, that notice of
Judge of the Provincial Court of Oyer
on the Eastern District for his information
and guidance

(Court following letter No 49.)

Clerk and letter note 3d January
last from the Judge on Circuit on the
Court, the future of the Provincial Court
Officers and the future of the Supreme
Kings Bench, the future of the Supreme Court,
consisting of Sitting by reference
attended with the Prisoners, confirm the date
future of the Cases on Circuit aforesaid, and under the
of Barbadoes and the provisions of Clause
eight Section IV Regulation VI of 1803,
regard to the Prisoners, Mary Ann

1st Thomas Cullen
2d Moses Thomas Hagerty
3d Peter Thomas

to be transported beyond Sea to such place or place

11th April 1838.

beyond sea as the Right Honble 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 the period of their natural lives.-

/Sent following letter No 150

Read letter dated the 24th of September last from the Secretary to Government in the Revenue Department, transmitting an extract from the Minutes of Consultation under the same date, relative to the Criminal statements for the last half of the year 1829.-

/Here enter No 607 of 1830/

Circular

1. In compliance with the orders of the Right Honorable the Governor in Council conveyed in the 4th para of the Minutes of Consultation above alluded to, the Judges of the Court of Foujdaree Adawlut desire, that the 4 Provincial Courts of Circuit will direct the several Magistrates in their respective Divisions "to require the Heads of Villages to take "cognizance on the spot of every case "within the limits assigned to their power "by the Regulations and to prohibit the "Tahsildars from entertaining any complaint "cognizable by a Head of a Village "except during his stay at the Village "in his tours of entry.-

2. With reference to para 30 of the minutes of Consultation, the Court desire that the Provincial Court of Circuit in the Centre Division will cause the attention of the Magistrate of Cuddapah to be directed to the necessity of urging his Police to greater "exertion."

3. The Right Honorable the Governor in Council having sanctioned the arrangement proposed by the Provincial Court of Circuit in the Centre Division for delivering the Jail at

11th April 1838.

Read letter dated 27th February last from the Acting Sub Judge on Circuit in the Southern Division Submitting Case No 13 Mahomed Calamoo for Sessions 1838.-

/Number No 11th/

The Judges having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers and the Futwa of the Cazee and Moofties of the Sudder Dewanny Adawlut, the said Futwa of the Cazee and Moofties of Cobat and Moofties of Sudder, convicting of robbery by open violence attended with the attempt to murder, and of murder the sentence of Mahomed amended in the Futwa, and the punishment of, Clause second Section IV Regulation XV of 1803, as regards the Prisoner, Meeran, to be transported to such place, beyond sea as the Right Honble the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of his natural life.-

/Sent following letter No 157

Ent'd

11th April 1838.

11th April 1838.

at Quarterly times in each Year
the Courts of Common Pleas for the re-
that the Lieutenant Governor may
Pillory be instructed to allow
Sheriff or Coroner for the Second
on his return to that effect
that a Justice commission
be issued by the Judges of the
Supreme Court of Quebec for the
Division — that future
4 note reference to
of the Records from the Districts, the Court
assure that the Provincial Court
Grant in the Western Division
to call upon the Prosecutor
to indict at the
a Statute
2d 4 Rev. Stat. Can. Cap. 77 sec. 2 of an Act
under Grant for Treason, the
three other persons
the information of the Prisoner
5. Grounds on Commission
of the Peace
in Council entered on the 25th
of the Records of Quarter Sessions
under to direct the
4 Provincial Council
communicating by
Grand Jury to the
Statute in that
Act following

2d 4
93

2d 4
93

E. H.

At a Court of the Eastern Adelaide.

Present,

Wednesday 13th April 1831. R. A. Grant Esqre 1st Puisne Judge.
John Bird Esqre acting 3rd Puisne Judge.

Read letter dated 4th Instant,
from the Acting Judge on Circuit in the
Northern Division, submitting copy of
Gaoler's Calendars for the 1st Quarter of 1831.
(Recorded in No 228 of 1831).

1. The trial of case No 5. of the
Calendar is stated to have been post-
poned on account of the absence of the
5th witness, who was certified to be too
ill to attend.

2. The Court of Eastern
Adelaide are of opinion, that the evidence
adduced in this case, so far as it is to
be collected from the abstract given
in the Calendar, is altogether insufficient
for the conviction of the prisoner, and
scarcely such as to warrant his com-
mitment for trial.

3. There does not appear to be
any proof that the child alleged to
have been murdered by the prisoner
did not die by violence.

4. It will be proper, that the
acting

11th Apl

13th April 1881

Acting Judge should direct the Native Criminal Judge to ascertain whether, or not, further evidence be procurable, particularly in proof of the motive of the deceased.

5. In case of the seven persons who were charged with having at 12 o'clock at night broken into the house of the prosecutor, and robbed it of property to the value of Rupees 119.8 that the fact stated in the 2nd finding amounted to theft, and convicted them of theft, and sentenced each of them to one year's rigorous imprisonment, and to pay a fine of Rupees 50 each, or in default to labour for a further period of six months, under Clause fifth Section II Regulation VI of 1832, and Clause first Section V, and Clause seventh Section II Regulation XV of 1803.

7. On reference to the Law delivered in this case by the Panchayet Law Officer, the Court of Sunderbunds observe, that it declared the 2nd prisoner convicted of theft, when he confessed, and liable to be punished, but only bound by their plea of not guilty on the 2nd finding of theft, and sentence of the Panchayet, and the Court of Sunderbunds have passed sentence of one year's imprisonment, and a fine of Rupees 50, or in default labour for six months, under Clause fifth Section II Regulation VI of 1832, and Clause seventh Section II Regulation XV of 1803.

Exhibit

13th April 1881

Judge should have required a second Petition.

9. The Court of Sunderbunds should direct, that this course be now adopted, and that a revised sentence be passed accordingly.

10. Clause seventh Section II Regulation XV of 1803 has no application to this case; its provisions being expressly limited to crimes, not specially provided for by any stated penalty in the Mahommedan Law.

11. The latter part of Clause fifth Section II Regulation VI of 1832, to which the Acting Judge is supposed to have alluded, refers generally to the penalties declared by the Regulations on Dacoity or burglary, or theft, when accompanied by particular circumstances of aggravation. The object of Clause first Section V Regulation XV of 1803 is similar, and it refers to the rules contained in Section II, of which Clause fourth should, as above pointed out, have governed the proceedings of the Acting Judge.

12. In this case the 2nd prisoner is reported to have been acquitted; but the Calendar does not shew that any order was passed regarding the

15th April 1881.

Chisholm.

13.

In case No 2 one of the [illegible] were indicted for [illegible] committed of assault and beating and liable to imprisonment [illegible] committed of rioting and [illegible] liable to imprisonment [illegible]

14. It was stated on the Bench that the four last mentioned cases immediately succeeded under Sixth Section II Regulation XI of 1872.

15. This Section of the Regulation in which the [illegible] may be awarded by the Sessions Judge is intended [illegible] of the Acting Judge when [illegible] he did not consider the [illegible] and he might therefore [illegible] the trial. The Court of Sessions [illegible] summon having taken into consideration the circumstances of the [illegible] the evidence relative to [illegible] the accused in each [illegible] using the Chisholm of the [illegible] for.

The accused [illegible] further in lieu of the [illegible] against the 2nd 3rd and 4th [illegible] under Sec 13 of the Calcutta [illegible]

73

J/ Fb

7 11

5 Fb.

15th April 1881.

matter described in Clause fourth Section II Regulation XV of 1872 the Acting Judge will take in second section and pass sentence accordingly as stated in order 4th.

13. The same observation applies to the case of the 1st prisoner in No 22, and the 3 prisoners in case No 24 and the same course must be adopted. The Acting Judge may in all these cases request authority for mitigating the prescribed penalty, should he see sufficient grounds for doing.

In case No 23 the [illegible]

15. the first six prisoners committed on strong presumptions of the crime of house-breaking and theft, with which they were charged.

21. This case falls under the provisions of Clause third Section II Regulation XV of 1872, upon which the Acting Judge will require a second [illegible] from the Law Officer, and pass new sentences accordingly.

24. The terms of the remarks in this case would lead to the inference, that the Acting Judge did not concur in the conviction of the prisoners; if so it will be necessary that the

Case

case should be referred; but if the Jurisdiction had commenced of the Acting Judge he will proceed as directed in the preceding paragraph.

22 Order. That of the Depositions and Calendars appears to be one of alleged forgery, committed in an examination taken by a District Magistrate on the investigation of a charge of forgery

23 The trial must therefore be postponed by the Acting Judge

24 A District Magistrate having no authority whatever to take cognizance of a charge of forgery, proceedings held by him in this case in which all persons are implicated with the exception of the accused in the Calendar appear to have been taken ex parte and form a ground for a charge of bribery

25 The Court desires that the Acting Judge do direct the immediate release of the said prisoners Foley, Thomas

26 In case No 2 of the Depositions Calendar the prisoners are charged with forgery, appears to have been taken by the Criminal Court Magistrate.

13th April 1831

27 The proceeding being altogether illegal the prisoners should be released, no charge appears to have been preferred against them to any competent authority

28 Ordered, that a Extract of these proceedings be sent to the Acting Judge on Circuit in the Northern Division by express returnable in ten days from and after its receipt.

(Sent by Evening Express No 155 of the 15th Instant,

Same letter, dated 7th Instant, from the 2nd Judge then in Circuit in the Central Division, transmitting English Translations of the proceedings held in Case No 13 Chingleput Calendar, 2nd Sessions of 1831.

(Same letter No 223 of 1831)

1 The second Judge has omitted to send Tamil Translations of the proceedings in the above case, and states in his letter that "no Depositions were taken, as this was stated not to be the practice in similar cases."

2 The circumstances of the Court of Enquiry dated 2nd April 1831 for the guidance of the Second Courts of Circuit in conducting trials for breach of prison and return

237 - 1831

13th April 1881.

"provisions of Section IX Regulation XV of
"1803" direct that in all cases of the above
"description, where it may appear that no
"act of violence has been committed by the
"prisoner in the attempt to escape, or duly
"apprehending them to, the Judge presiding at
"the trial do simply put a question to the
"Law Officer, as to the sufficiency of the
"proof produced to establish the fact
"of such escape, and on receiving his
"opinion do proceed, as directed by the
"provisions of the general Regulations,
"either to pass Sentence under the provisions
"of the Section of the Regulation above
"cited, or to refer the case for the orders
"of the Sanctioning tribunal.

The Court direct, that therefore,
going letter and the proceedings therewith
transmitted be returned to the 2nd Judge
late on Circuit in the Cuttack Division by
precept, enjoining him to take from
the Law Officer a further opinion in the manner
prescribed by the circular orders hereto,
and annex Persian Translations of the
proceedings, in which he will retransmit
to this Court without delay.

(Sent following Precept No 155)

Read letter dated 12th Instant
from the Criminal Judge in the Zilla
of Masulipatam, requesting instructions

F H.
13th April 1881.

regarding the prisoner in the case No 18
of the first Sessions of 1881, who has been
sentenced to receive 195 stripes with a
Cat of nine tails, and to be imprisoned
and kept to hard labor in irons for the
term of 10 years, and to be banished
to such Zillas as the Sanctioning Tribunal
may direct.

(Here enter No 220)

The Court of Sanctioning Tribunal
direct that the said prisoner,

"Shenavendingom"

be removed to the Station the Zilla of
Masulipatam, there to be imprisoned
agreeably to the terms of his Sentence.

Ordered, that a extract of these
proceedings be sent to the Criminal
Judge in the Zilla of Guntoor and to
the Assistant Judge at Masulipatam
for their respective information and
guidance.

(Sent following letters No 157)

F H
B

Mandelaswamy Samberam
Zilla of Chingleput moved the Court to
return the enclosure in his Miscellaneous
Petition No 72 of 1880.

Ordered accordingly.

Read letter, dated the 7th Instant
from

13th April 1831.

from the 2d Judge on Circuit in the
Division, reporting the commencement
of the 1st Sessions of 1831 at Dumbarton

(Here enter No 224)

Report dated the 8th
from the Provincial Court of Circuit
the Southern Division to precept of the
ultimo, directing that copy of the Proceed
of this Court upon the Motion 2d Judge
relative to the introduction of a new
system of Police in the Timorally Divi
and of the letter itself, be transmitted
the Magistrates of Timorally for their
upon it.

(Here enter No 225)

from the Provincial Court of
the Western Division to precept of the
ultimo directing the transmission by
Circuit Judge for the Records of Justice
Confined in consequence of Insanity by
a Magistrate, to be transmitted to the Sec
Magistrate

(Here enter No 226)

Fol 16

At a Court of the Royal Arbitrators,
Held
at

Friday } Present,
15th April } Sir A. Grant Bart Chief Justice & Judge
1831. } John Reid Esqr Acting Third Puisne Judge

Read letter, dated 17th ultimo,
from the Acting Judge on Circuit in the
Southern Division, submitting copy of a
Criminally Calendar for first Sessions of 1831.-

(Here enter No 169 of 1831)

1. The Court of Royal Arbitrators having taken into consideration the
circumstances stated by the Acting Judge
in his remarks on Case No 10 of the Calendar
deem it proper to direct, that the prisoner
"Marsh" be set at liberty: and they
are of opinion, that the Acting Judge
might have released him with an
admonition upon the hastings of his
conduct.-

2. In his remarks on Case No 15
the Acting Judge states, that "in the
"indictment in this case the prisoner
"was charged with having deposed on
"Oath before the Magistrate, that he
"did not sleep in the house of a prisoner
"Yet was taken in the night of the 13th September
"last, whereas on reference to his deposition
"before the Magistrate it appeared that
"he did not so depose, nor mention any
"date at all."

3 The Court of Royal Arbitrators
deem it proper, that the said deposition
of-

from the 9th Judge on Circuit in the
Division, reporting the commencement
of the 1st Sessions of 1835 at Pamplemou

(Here enter No 221)

Read returns dated the 8th inst
from the Provincial Court of Circuit in
the Southern Division to Records of the
letters, directing that copy of the Proceedings
of this Court upon the Petition of 8th Judge
relative to the introduction of a new
system of Police in the Pamplemousses District
and of the letter itself, be transmitted to
the Magistrates of Pamplemousses for their
inform.

(Here enter No 222)

Read returns dated the 8th inst
from the Provincial Court of Circuit in
the Northern Division to Records of the 8th
letter, directing that copy of the Proceedings
of this Court upon the Petition of 8th Judge
relative to the introduction of a new
system of Police in the Pamplemousses District
and of the letter itself, be transmitted to
the Magistrates of Pamplemousses for their
inform.

(Here enter No 223)

of Moreau, m

At a Court of the Royal Alcade,

Present,

Friday 15th April 1835.

T. A. Grant Esqre Police Judge
John Reid Esqre Acting Third Police Judge

Read letter, dated 17th ultimo,
from the Acting Judge on Circuit in the
Southern Division, submitting copy of a
Criminally Calendar first Session of 1835.-

DMy
Pb

(Here enter No 169 of 1835)

1. The Court of Royal Alcade having
having taken into consideration the
circumstances stated by the Acting Judge
in his remarks on Case No 10 of the Calendar,
deem it proper to direct, that the prisoner
"Mark" be set at liberty: and they
are of opinion, that the Acting Judge
might have released him with an
admonition upon the hastings of his
conduct.-

2. In his remarks on Case No 15
the Acting Judge states, that "in the
"indictment in this case the prisoner
"was charged with having deposed on
"Oath before the Magistrate, that he
"did not sleep in the house of a prisoner
"Yettoo taken in the night of the 13th September
"last, whereas on reference to his deposition
"before the Magistrate it appeared that
"he did not so depose, nor mention any
"date at all."

3. The Court of Royal Alcade do
deem it proper, that the said deposition
of

13th April

15th April 1838.

of the manner before the Magistrate
should be laid before them.
4
The Court accordingly
to call for English translations
record of the preliminary proceed
in case No 24, in which the prisoner
was discharged without being put
his trial.

Ordered that certified
these proceedings be sent to the Chief
Judge on Circuit in the Southern
Division by first monthly mail
month for which the next
Sittings fixed.

Read letter dated 12th Ins
last from the Acting Third Judge on Circuit
in the Western Division submitting
No 15 Malabar Calendar 5th April
1838.-

/ Vide entry No 157 /

The Judges of the Court
of England Marble in the chair
consideration of the circumstances
of the case in Malabar before the
being of opinion that the proceedings
the prisoner

Ordered Hindoo Ramayen
to forfeit & commit him for eighteen
hundred hard rupees also under
Section II Regulation I of 1813 that
the Cazi of Calicut be informed
of the Judges Chamber with order
by an indorsement to that effect

15th April 1838. the Prisoner would have been liable under the Mohummudan law if he had been convicted by full legal evidence of the above crime.-

Ordered that extract of these Proceedings be translated and delivered to the Cazi of Cozat and Mooftee of the Zillah Court.-

Read petition dated 10th Instant from the Acting Third Judge on Circuit in the Southern Division submitting, explanation regarding the remarks on Case No 20 of the Criminally Calendar 5th April 1838.-

/ Vide entry No 171 /

At a Court of the Fougdaree Adalut.

Present,

Monday 18th April 1831. F. A. Grant Esqr 1st Puisne Judge.
John Bird Esqr acting 3d Puisne Judge.

Read again letter, dated 8th April 1830 from the 2d Judge of the Court of Circuit in the Northern Division, submitting the report, prescribed by Section XXXVII Regulation VII of 1802.

(Execution No 233 of 1830)

24/ 1/3

Read also letter, dated 24th August last from the Secretary to Government in the Judicial Department, communicating the orders of the Right Honorable the Governor in Council on the above report.

(Execution No 527 of 1830)

The Court of Fougdaree Adalut considering it to be necessary in order to their forming a correct opinion respecting the measures to be adopted under the foregoing orders of Government, that an explanation should be obtained from the Magistrate of Tipperah of the nature of the police established at Tipperah pursuant to the 2d Section, and of the powers exercised by them, direct that copies of the 4th paragraph of

For P. 47.

15th April 1831.

of the Report, and of the 3d and 4th paragraphs of the orders of Government dated 24th August last, be transmitted to the Provincial Court of Circuit in the Northern Division by first mail, enjoining them to communicate the same to the Magistrate, and to call on him for a full explanation on the above points.

Precept returnable in fourteen days from the date of said Precept.

(Sent following precept No 161)

Read letter, dated 5th instant, from the 1st Judge of the Provincial Court of Circuit for the Centre Division, submitting copies of the 3d and 4th Supplemental Calendars for Chittoor 1st Session of Sessions of 1831.

(Here enter No 234)

The objections, taken by the Prisoners to the witnesses of the 2d and 3d persons under the Native Law Officer, on the ground of their being of the nature described in Section VIII Regulation X of 1825, and those taken to the witness of the 4th on the ground of his being of the description cited in Clause first Section II Regulation VI of 1829, the 1st Judge should have required a further, declaring the grounds to which the prisoners would have been entitled of their evidence had been admissible under

15th April 1831.

The Court of Foujdaree Adalut deem it proper to direct, that the observations of the 1st Judge upon the commitment of the prisoner for trial in Case No 1 of the 6th Supplemental Calendar, be communicated to the Criminal Judge for his information and future guidance.

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

(Sent following letter No 162)

Read letter, dated 7th instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division, transmitting the Criminal reports for January 1831.

(Here enter No 232 of 1831.)

In the report of persons apprehended and delivered to the Criminal Judge,

Nellore 1

the 1st and 2d prisoners in case No 1 were sentenced on a charge of theft to 7 Months imprisonment.

2 The Court of Foujdaree Adalut direct, that an explanation may be required of this sentence, which was not warranted by the Regulations, unless there were circumstances in the case not specified in the report.

The

3 The two prisoners in Case No 1 who arrived at the Fiji Station on the 30th reported to be under examination on the 31st January.

4

5 This delay requires explanation.

In the report of Sundries office handed and delivered to the Provincial Judge regarding whom no final orders had been passed at the date of the forwarding report, the Court of Tongataboo (Vavatau Division) that 2 prisoners in Case No 2 of the report for August 1830 were apprehended on the 5th of that month reported to be still under "the only explanation given is that the witnesses "are not forthcoming" and that an application "was made to the Provincial Court of Vavau "on the 6th October last, regarding the case"

6 It does not appear what was passed by the Provincial Court of Vavau or what was the nature of the Evidence made to them. The detention of persons in jail under such circumstances for periods of one only six months is considered by the Court of Tongataboo Vavatau to be unjustifiable. The Court considers that the application was made to the Magistrate for the witnesses required, and

was unable, or neglected to obtain it, the prisoners should have been set at liberty.

7 A full explanation must be given of what has been done in order to bring the accusation against these persons to issue; and unless proof of the charge has been furnished, they must be forthwith released from confinement.

8 In the case No 20 for October last the prisoner who reached the Fiji Station on the 19th of that month is stated to be under examination "the witnesses required "are absent from their villages."

9 This is an explanation of delay exceeding three months which cannot be admitted by the Court of Tongataboo Vavatau.

10 If the Magistrate cannot procure the attendance of the witnesses required to substantiate the charge before the Criminal Court, they must be released.

11 In case No 21 for December the prisoner who reached the Fiji Station on the 9th of that month, is reported to be under examination on the 31st January and the reason assigned is, that "the witnesses "required in this case did not appear"

The report should have shewn the

the date of the application for this evidence, and the reason given for the non appearance of the witnesses.

Rajahmundry. 13 In the report of persons apprehended, regarding whom no final order had been passed in December 1830, the Court of Foujdaree Adaulut observe, that three prisoners, who arrived at the Zilla Station on 27th December, were under examination on the 31st January.

14 It is stated in explanation, that further evidence has been called for. The report should have shown the date of the application for this evidence, and the reason for its non production.

Gantoor 15 In the report of persons apprehended and delivered to the Criminal Judge no mention is made of the officer by whom the prisoners were severally sent to the Criminal Court. This mission must be avoided in future.

Chicacole. 16 In the report of persons apprehended, regarding whom no final order had been passed at the date of the preceding report, the Court of Foujdaree Adaulut observe, that the prisoners, in Pt. 15 of the report for November 1830, who arrived on the 21st of that Month at the Zilla Station, are stated to be not examined application having been made for further evidence.

17 The Court of Foujdaree Adaulut require to be informed, what steps have been taken to obtain the requisite evidence against these prisoners, who must be discharged if the Magistrate is unable to obtain it.

18 The same remarks applies to the prisoners in cases Pts 9 and 10 of the report for December 1830.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division by precept enjoining them to make the necessary communications to the Criminal Courts and transmit the required explanation without delay.

(Sent following precept No 765)

Read letter, dated 28th February last, from the 1st Judge late on Circuit in the Northern Division submitting the report, prescribed by Section XXXVII Regulation VII of 1802.

(Here enter No 155)

1 In the 13th paragraph of the report the 1st Judge notices the prevalence in the Zilla of Rajahmundry of a practice at variance with the provisions of clause fourth Section XXVII Regulation XI of 1816, which is deprecated by the Magistrate.

2 Repeated orders have been issued by the Court of Foujdaree Adaulut in this subject.

The

15th April 1831.

The above provision of the Regulation for the guidance of the officers of Police distinctly prohibits the transmission of the parties in the cases specified in the Section to the Magistrate: on a Report of a difficult case, a reference to the Magistrate for instructions is conjectureable, but in such occasions immediate news should always be given in order to prevent the detention of the accused by the Police officer for a period exceeding more than may be absolutely necessary that specified in the clause of the Section and Regulation above cited.

3 In paragraph 14 the Pte Judge alludes to the police establishment at Trincomalee which was brought under the notice of the Right Honorable the Governor in Council in the proceedings of the Court of Inquiry held at Trincomalee on the 9th August last, submitting the report of the late Dy Judge of the Court of Circuit in the Northern Province.

4 The Court of Inquiry would have called for the information, which they consider necessary to enable them to carry into effect the views of the Government on this subject, dated 24th August last.

5 Paragraphs from 15 to 20 inclusive of the Pte Judge's report are approved

F. C.

15th April 1831. in observations regarding the proceedings of the Magistrate of Trincomalee against a person named Thookoo Veerakaraiyar.

6 The Court of Inquiry do not consider, that in respect to this case, which the Magistrate describes as a case of rebellion, his proceedings have been sanctioned by the Government: and they do not consider it to be competent to their province to offer any opinion on the question of public policy, discussed by the Pte Judge in this part of the report.

7 The Court of Inquiry do not desire, that the Pte Judge will call upon the Criminal Judge to explain his having received into jail persons, sent under the circumstances described in the 27th paragraph of the report.

8 The attention of the Magistrate should also be called to the illegality of the proceedings in this case.

9 The Court of Inquiry do not consider, with reference to the cases described in the 30th paragraph of the report, to direct the Provincial Courts of Circuit by a Circular order to enjoin the guard of the jail guards in cases of attempts at escape on the part of prisoners, to abstain from all unnecessary violence

18th April 1831.

Western Division, Submitting Case No. 18 Mala:
Jur Calendar 4th Session 1831.

(Here enter No 2)

Read the second paper delivered
in this Case by the Cayse or Cogat and Proptes
of the Tonjaree Ideatut.

The first, and Acting third Puisne
Judges having maturely considered the proceedings
held before the Judge on Circuit, the paper of
the Provincial Law-Officer, and the paper
of the Cayse or Cogat and Proptes of the
Tonjaree Ideatut, confirm the said paper of
the Cayse or Cogat and Proptes aforesaid,
and do Command that the Cayse or Cogat aforesaid
in the paper, adjudge the prisoner
Egoreow Cherookare Parungotew
to be transported to such place or places
beyond Sea as the Right Honorable the
Governor in Council shall appoint, there to
be imprisoned and kept to hard labor in
irons on the public roads or other public
works for and during the period of his
natural life.

(Sent following letter No 167)

18th April 1831.

Page 9

Ordered, that the proceedings
of this Session, as far as they shall be ma
their defence from the attacks of the
them.

10

The Commrs of the Pt Judge
the 33d rule of the following forms of the
appear to merit the consideration of the
Honorable the Governor in Council

Ordered, that a transcript of the
proceedings held by the Pt Judge on
Circuit in the Northern Division be
transmitted to the Secretary to
being laid before the Right Honorable
Governor in Council.

(Sent following letter No 165)

Ordered also, that a transcript of
the proceedings held at the 4th Circuit
Courts of Circuit for the year 1831 Commencing
to communicate the same to the Grand Jurors
Judges for their information and guidance

(Sent following Circular)

February last, from the

Read upon

S.C.

At a Court of the Sessions Adalat.

Present,

Wednesday 20th April 1831. F. F. Grant Esqre 1st Puisne Judge

Ditto. Ditto John Dick Esqre Acting 3rd Puisne Judge.

Read Letter, dated 8th Instant from the Criminal Court of Circuit on the Centre Division, submitting the Monthly Criminal Returns for February 1831.

(Recorded No 264 of 1831.)

The Court of Sessions Adalat observe that the Criminal Judge of Chittagong has not the Criminal Judge of Chittagong has not stated that the Criminal Judge of Chittagong has not stated that the Criminal Judge of Chittagong has not stated that

not have received up to the 25th February 1831
are included Lakata Kuttiador, prisoner in
case No 1 Cuddapah Calendar 1st Sessions of 1831,
respecting whose disposal orders were issued by
the Court of Sessions Mradut under date 24th March
1830 and Nurrogutten Gungaloo and
Odeagadoo, prisoners in case No 2 Cud-
dapah Calendar 2d Sessions of 1829,
who were sentenced by the Sessions
Mradut to 14 years' imprisonment un-
der date 19th January 1831.

5 This Despatch explanations
Orders that report of these pro-
ceedings be sent to the Provincial Court of Circuit
in the Central Division by precept enjoining
them to make the necessary communications
to the Criminal Judges of Chittoor and Bellary
and to obtain the required explanation from the
Criminal Judge of Cuddapah.

(Sent following precept No 171)

Read letter, dated 9th Instant from
the 1st Judge of the Provincial Court of Circuit in the
Northern Division, transmitting a return, dated 19th
October from the Magistrate of Guntoor, in pursuance
dated 4th October calling upon him to report the
number of convicts under his charge, and the

additional number for which he can provide
accommodation and employment.

(Here enter No 237 of 1831.)

Read also letter, dated 11th Instant,
from the 1st Judge of the Provincial Court of Circuit
in the Northern Division, transmitting copy and
translation of a letter dated 8th Instant from
the Native Criminal Judge of Guntoor, stating that
he has 138 prisoners under his charge and
that the Jail establishment is not sufficient
to guard them.

(Here enter No 230 of 1831)

The Foujdaree Mradut under date
25th February last, directed that a reference should
be made to the Magistrate of Guntoor "for the
"purpose of ascertaining whether any obstacle exists
"at present to his assuming charge of the 60 Convicts,
"who remain to be Mustulpatam" as recommended
"by the Acting Criminal Judge."

2 In the foregoing return the Ma-
gistrate does not, as required by the precept
of the Court of Circuit, report the number of
prisoners, for whom he can provide accom-
modation and employment, but states "that
"he has a public building, which with little
arrangement can be made secure, and
will afford good accommodation for the
whole

20th April 1831.

F 6

20th April 1831.

Division, submitting copies of the Calendars for the 1st Sessions of 1831.

(Were entered at p. 242 of 1831.)

1 The only case in these Calendars, which the Court of Foujdaree Adaulut deem it necessary to notice, is No. 4 of the 1st additional Calendar in which the prisoner was discharged from the Bar on the grounds that the prosecutrix his wife, declared her unwillingness to prosecute; that the wounds were slight and apparently not inflicted with an intent to murder, and that the case did not appear to be such as to require that the prosecution should be carried on by the Government Vakeel.

2 It appears by the abstract of the evidence, that the prisoner inflicted eighteen wounds upon the prosecutrix, by stabbing her with a knife.

3 Under these circumstances the Court of Foujdaree Adaulut are of opinion that the reasons assigned by the 3d Judge for discharging the prisoner without trial, are most unsatisfactory, and that the offence demanded exemplary punishment for the ends of public justice.

Ordered, that by extract of these proceedings be sent to the 3d Judge

on

whole number of convicts in the Court jail for whom there is plenty of work in the vicinity of Guntoor.

3 It is evident, that the convicts in charge of the Native Commissioner & Judge, are not safely present in safe custody.

4 Under these circumstances the Court of Foujdaree Adaulut deem it proper to direct, that so many of the convicts, as have unexpired terms of imprisonment may exceed one year, as the Magistrate may be prepared to receive, be immediately placed under the charge, and that the remainder be, agreeably to the intention of the Acting Commissioner & Judge stated in his letter of the 13th February last, sent to the jail at Masulipatam.

Ordered, that Extract of these proceedings be sent to the Commissioner & Court of Circuit in the Northern Division by dawk, requesting them to make the necessary communication to the Magistrate and the Native Commissioner of Guntoor, and to report what may be done under these instructions, for the information of the Court of Foujdaree Adaulut.

(Sent for Comp. Prects. p. 172)

Read Letter, dated 7th Instant from the 3d Judge in Circuit in the Northern

a Circuit in the Western Division for his information and guidance.

(Sent following letter at p. 173)

Read letter dated 8th January last from the 1st Judge Late on Circuit in the Northern Division, submitting case at p. 13 of Chicanble Calendar for the 2d Sessions of 1831.

(Note entered p. 29)

It appears that at the [illegible]

3d Lutakmoogah

5th Dundaby Tom Boyd

6th Dundaby Raycroad

were acquitted in the above case by the Jury, and the Judge in Circuit concurred in this acquittal a warrant for their release has not been issued as that they are still in confinement, the 1st Judge of the Criminal Court of Circuit in the Northern Division is required to issue a warrant for the immediate release of the said three prisoners, and to explain upon what ground he has acted contrary to the Regulations.

2

The first Judge Late on Circuit will, if he has not done so already, call the attention of the Magistrate to the fact of the witnesses (the 5th) who attended the commitment of four of the prisoners before the Police office, not having [illegible]

language in which those confessions were delivered.

3

Both the Criminal Judge and Circuit Judge in the above case were wrong in not requiring evidence as to whether the death of the Prosecutor's Brother did actually take place in consequence of the Blow or wound which he received or otherwise, and the Court of Foujdaree Adalut considering it absolutely necessary that the fact should be clearly ascertained, deem it proper to direct that the first Judge Late on Circuit do instruct the Criminal Judge by whom the case was committed for trial to take evidence respecting the death of Raycroad, in the presence of the 1st 2d and 4th Prisoners, and that he will also direct the Criminal Judge to take down in writing any thing which the prisoners may have to offer on the subject, and to permit them to put any question they may wish to the witnesses, and that English translations of the proceedings so held may be transmitted to this Court, with as little delay as possible.

Ordered that extract of these proceedings be forwarded to the 1st Judge Late on Circuit in the Northern Division for his information and guidance by precept returnable without delay.

(Sent following precept p. 174)

20th April 1831.

Read petition presented on the 30th Instant by Governor Baron of Colaton

(Here enter Mis. pet. No 20 of 1831)

1 The petitioner complains of having been dispossessed of a Mannican, and states that he has repeatedly complained to the Collector of Chingleput without effect.

2 The petitioner can obtain the redress for which he prays only by the institution of a suit before a Competent Civil tribunal. His application to this Court is altogether improper.

Ordered that the petition be rejected, and that extract of these proceedings be furnished to the petitioner on his application.

Read petition presented on the 13th Instant by Mandelamany Timberam.

(Here enter Mis. pet. No 29 of 1831)

1 The petitioner states, that his husband Terrasamy was, some years ago, detained by the Court of Circuit to be bound in sureties and prays the Court of Sanjavam to direct his release.

2 There is no appeal under the Regulations from the sentence of the Court of Circuit, and the petition is accordingly rejected.

Ordered

F.R.

20th April 1831. these proceedings be furnished to the petitioner on his application.

Read petition, presented on the 13th Instant, by Mandelamany Timberam.

(Here enter Mis: pet: No 30 of 1831)

1 The petitioner prays to be furnished with a copy of a petition presented by him to the 1st Judge on Circuit in the Centre Division, under date 19th April 1830 against the District Moonsif of Chedambaram.

2 The Court are not in possession of the petition above mentioned, of which a copy only has been laid before them: the petitioner should apply to the 1st Judge of the Provincial Court of Circuit.

Ordered, that the petition be rejected, and that extract of these proceedings be furnished to the petitioner on his application.

Read petition presented on the 13th Instant, by Cumaparaddy of Timbercanum.

(Here enter Mis: pet: No 28 of 1831.)

1 This petition is on the same subject as the petition No 21 of 1831, presented by the same person, which was rejected on the 6th Instant.

2 The petitioner now produces a

a petition which he instituted to the 2d Judge late in Circuit in the Centre Division, bearing an Endorsement dated 24th December 1830, to the effect, that the petitioner admitted that he did not present a petition to the Magistrate in office on the subject of his complaint, or obtain any order on the case, brought by him to the notice of the Court of Circuit.

3 Under these circumstances the petitioner is not entitled to any interference by this Court in his behalf, and the Court enjoin him to abstain from intruding upon them further on this subject.

Ordered, that the petition be rejected, and that extract of these proceedings be furnished to the petitioner on his application.

JH WB

At a Court of the Zillah Adalut

Present

Friday, 22nd April, 1831. F. A. Grant Esqre 1st Puisne Judge
C. A. L. Lushington Esqre 2d Puisne Judge
John Bird Esqre Acting 3d Puisne Judge

Read letter, dated 11th Instant from the 1st Judge, presiding at the Court of Quarterly Sessions for Masulipatam, submitting an Extract of his proceedings regarding Case No 15 on the Calendar of persons discharged by the Joint Criminal Judge of Masulipatam.

(Here enter No 238 of 1831.)

The Court of Sudder Adalut, previously to the issue of any order upon the foregoing reference, deem it proper that the proceedings of the Joint Criminal Judge in the above case, should be laid before them.

Ordered, therefore, that the 1st Judge of the Provincial Court of Circuit in the Northern Division be by precept directed to transmit English translations of the said proceedings without delay.

(Vide following precept No 177)

Read letter, dated the 8th Instant, from the 2d Judge of the Provincial Court of Circuit in the Centre Division, re-

commending

20th April 1831.

22nd April 1831.

Read letter, dated 13th Instant from the 3d Judge on Circuit in the Western Division, Reporting the opening of the jail delivery for the Villa of Canara for the 1st Sessions 1831.-

(Here enter № 243)

Read return, dated the 14th Instant from the 3d Judge on Circuit in the Western Division to precept of the 8th Instant, directing that the mitigated sentences recommended by the third Judge on Circuit, be passed on the 4 specified prisoners in № 20 Malabar Calendar 1st Sessions of 1831.

(Here enter № 249)

Read return, dated 15th Instant from the Judge of the Provincial Court of Circuit in the Western Division to precept of the 4th Instant, directing communication to be made to the Criminal Judges and Return of Criminal Judges, of the proceedings of this Court on their Criminal Reports for November last.-

(Here enter № 253)

Read return, dated the 8th Instant from the Provincial Court of Circuit in the Southern Division to precept of the 28th ultimo, directing that explanation regarding the petition of Soondiah Pillay presented to this Court, may be obtained from the Magistrate of Tinnevelly

(Here enter № 250)

Read letter dated the 15th Instant from the 1st Judge of the Court of Circuit in the Northern

22nd April 1831.

Commending a Mitigation of punishment passed on the prisoner in № 3 first Calendar 2d Quarterly Sessions of 1831.

(Here enter № 248)

The Court of Sudder Adawlut agreeably to the recommendation of the 2d Judge of the Court of Circuit in the Central Division under the provisions of clause third section III Regulation I of 1825 direct that the Prisoner in № 3 of the first Calendar 2d Quarterly Sessions of 1831, be sentenced to imprisonment with hard labor in irons on the public roads or other public works for the period of three (3) years.

2 That the 2d Judge will be cautioned in future similar to forward to this Court the proceedings before the Court of Circuit on the Central Division for its information and perusal.

(Sent following letter № 178)

15th February last from the Provincial Court of Circuit in the Southern Division, transmitting explanation required from the eighth [illegible]

22d April 1831.

Northern Division, transmitting copy of the Gradual Station Calendar for the 2d Quarterly Sessions of 1831.

(Recorded in No 257.)

Mr Washington and Mr Bird.

Read letter, dated the 7th November last, from the 1st Judge Eastern Circuit in the Western Division, transmitting record of trial in case of Wm Graham & Robert for the 2nd Sessions of 1830.

(Recorded in No 258 of 1831.)

The Second and acting Third Puisne Judges having maturely considered the proceedings had before the Judges on Circuit the Justices of the Peace and Magistrates Clerk of the Supreme Court and examining in person the Prisoners not committed by the coroner of murder, or Robbery charges against them; on strong positive proof, or on the confession of the Witnesses, or on his own confessions, or standing the Justice of the Peace against him thereof, but considering that strong suspicion attached to the Prisoners

Recommended to mercy.

that great number of the Prisoners detained in Gaol by the Magistrates for want of bail

II Regulation XX of 1829, that by the Legislature

each Sessions

F. 11

22nd April 1831. appearance when required within two years, or, in default thereof, that he be detained for that period in confinement.

(Sent following letter No 178)

22d April 1831.

F. H.

At a Court of the Fingoe Native Tribunal.

Present.

Monday 25th April, 1831 T. H. Gqwetha Esqre 1st Prisone Judge

" 26th " John Bird Esqre acting 2nd Prisone Judge

Read letters, dated respectively the 9th, 17th and 24th ultimo from the 1st Judge, late on Circuit in the Northern Division, submitting English translations of the Records of the trials in cases Nos 6, 11 and 13, 1st Chiefs Calendar 2nd Sessions of 1830, as required by the orders of the Court of Fingoe Native Tribunal under date 27th December last.

(Here enter Nos 156, 157 & 158.)

The Court of Fingoe Native Tribunal having attentively considered the proceedings held in the trials of the cases above mentioned, are of opinion, that the judgment in cases Nos 6 and 11 was perfectly correct, and that in case No 13 the evidence produced before the Court of Circuit was altogether insufficient for the conviction of the prisoners. This case, however, does not appear to the Court to have been properly investigated; proof might probably have been

been obtained, that the property in question was given up by the prisoners, and that it belonged to the Prosecutor. The Court think that in this case further evidence ought to have been called for, and brought forward by the Criminal Judge on the circuit before committing the prisoners for trial.

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

(Sent following Letter No 182)

Read letter dated 8th Instant from the 1st Judge taken Circuit in the Northern Division, submitting English translations of the proceedings held in case No 1 Gunteon Supplemental Calendar 2nd Sessions of 1850, called for by the Court of Enquiry relative to the state of the Jail.

(Here enter No 258 of 1851)

The Court of Enquiry having attentively considered the proceedings within this case, cannot discover any grounds for a mitigation of the charge of Larceny, the punishment to which the prisoner is liable under the

Regulation VII of 1802, and they direct that the 1st Judge do issue his warrant for execution of that sentence to commence from the date of the Trial.

Ordered, that extract of these proceedings be sent to the 1st Judge taken on Circuit in the Northern Division, by precept returnable in five days from the date of its receipt.

(Sent following precept No 183)

Read letter, dated 8th Instant from the 8th Judge on Circuit in the Centre Division, submitting copy of Bellary Calendar 1st Sessions of 1851.

(Here enter No 190 of 1851)

In case No 6 the Native charged the prisoner committed on strong presumption of the robbery laid to his charge. The 3rd Judge stated, that he did not concur in the conviction, but being of opinion that strong suspicion attached to the prisoner, he was required to give security.

2. Under Section XXII Regulation VII of 1802, the 3rd Judge was not competent to dispose of this case and the Court of Enquiry relative to Circuit direct, that the order for requisition of security be cancelled, and that the trial be referred

for

for their consideration and final
sanction.

3.

The Sessions having returned
to the order of Court remitting the pro-
ceedings in order to said 22 which must also be
referred to the Court of Enquiry.

4.

The Court of Enquiry having
direct that I should transmit them
the two depositions obtained by the
prisoners on Page 12, with a copy
of the order of the 2nd August, to enable
for his comments upon the last depo-
sitions.

5.

The Court of Enquiry having
direct that I should transmit them
proceedings held in order that the
Court might submit for their consideration
6.

The accompanying Abstract
Calendar will refer to the several
the order in which the 64 prisoners
appeared to be considered with the
Regulations. The 3rd Judge will find
the answers to the questions put
ing the other prisoners in the order
and refer the Court

Ordered, that a Copy of the
proceedings be sent to the Court of
Enquiry for the information of the

F. 11

returnable in six weeks from and after its receipt.

(Sent to following Receipt No 854)

Read again letter, dated 7th December last, from the Magistrate in the Southern Division of Arcot, submitting proceedings held under the provisions of Section XVIII Regulation IX of 1816.

(Vide enter No 7[illegible])

Read also letter, dated 21st February last and received on the 20th Instant, from the Magistrate in the Southern Division of Arcot, returning the above proceedings with translations in English, as required by the orders of the Sessions dated 29th December last, and reporting the sentences which he proposes to be passed upon the several individuals concerned in the resistance to the process of the Magistrate.

(Vide enter No 2467)

The first observation which the Court of Enquiry have to make on these proceedings is that the order of the Joint Magistrate for the attachment of the house of D. Sp. Gopaul Chetty, who is described as the instigator and principal actor in the disturbances which have taken place, would not appear

appear to have been examined
with the provisions of Clause first
XIII Regulation IX of 1810, and that non
of the witnesses have been produced
against that prisoner, the Court will
not have recorded themselves with
to the provisions of the law
2. In the 6th paragraph of the
date 7th December last, the Magistrate
stated that the prisoner appearing
being resident the proclamation
by Section XIII Regulation IX of
issued forthwith.
3 This proclamation, dated
date 27th June 1831 requires the
of 25 persons therein named to
the charge within 30 days from
of publication, failing which
and attachment of property would be
their non appearance in pursuance
of the said proclamation the prisoner
prosecuted under the provisions of
sec 27 and 29 and also bad under the 30
Aug 28th and 29th October 1830.
4 Under the provisions of
Clause first Section XVIII Regulation
of 1810, the Magistrate is empowered
Magistrate to issue

affecting any individual, whose
resistance to his process was not
charged upon oath.
5. The only persons, who appear
to have been examined on oath pre-
viously to the 28th June 1830, are Noor
Mohammed, No 49, Narrainen Naick,
No 50 Ramasamy, No 51, Narain Naick,
No 52, and Sasachella Naick, No 53, none
of whom gave evidence against any
of the persons, whose names are contained
in the proclamation above mentioned
with the exception of D. G. Gopala Chitty,
for whose appearance only the Magistrate
was authorized to issue the proclam-
mation.
6. The proceedings against the
other individuals having been irregular,
are therefore set aside by the Court of
Sudder Adawlut.
7 Another remarkable irregularity
is observable in this case.
8 Clause first Section XVIII Regu-
lation IX of 1810 prescribes, that if the
party charged with resistance cannot
be apprehended and shall not within
the period fixed by proclamation appear
to answer the charge against him, or
if he shall be apprehended, or shall
appear

appear to have been sworn & examined
with the provisions of Clause 3rd
XXIII Regulation IX of 1811, and that no
of the evidence has been received
against that prisoner, the Court are
not here required thereby and
to the provisions of the law
5 In the 6th Para of the
dated 7th December last the Magistrate
stated that the reasons of applying the
by reason of the provisions of
by Section XVIII Regulation
Court further have
3
state
of

affecting any individuals whose
resistance to his process was not
charged upon oath.

5 The only persons, who appear
to have been examined on oath pre-
viously to the 28th June 1850, are Noor
Mohammud, No 49, Narrainen Ghose, No
No 50 Ramasamy, No 51, No
No 52, and Sadnah, the
of whom
new mitigat
to the prisoner
w in exception of the Calendar
for the 1st Sessions of 1851.
(Here enter No 950)

From the above letter it
appears that the prisoner
Poojary Seebhoo
has been convicted of being concerned
in a Gang Robbery committed in 1849
in which several of the 2nd Session accused
of the Gang were tried and punished
and that he has since been living
in the Coorg Country.

Previous to passing final
orders on this reference, the Court of
Sessions would direct that the third
Surgeon Circuit in the Western Division
be communicated to them the number
of the order in the Calendar for the Court
for the 2nd Sessions of 1849 in which the

25th April 1837

the rest of the gang were sent that they
be able to ascertain in what sentence
passed upon

Ordered, that a extract of the
proceedings be sent to the 2nd Judge
Circuit in the Western Division for his
information and guidance by the
return Mail without delay.

(Sent following Despatch)

Read letter dated 25th inst
from the Acting Sub Collector at
Western Division, reporting the arrest
of the Circuit Judge at Ringlemanga
(Vide entry No 30)

Read letter dated 13th
Instant from the same Judge of the
Court of Circuit in the Western Division
forwarding Copy of the Calendar of
Awaiting Trial Gaol Batticaloa
the First Quarter Ending
(Vide entry No 25)

E. H.

At a Court of the Privy Council.
Present,

Wednesday, 27th April 1837. — F. A. Grant Esqre 1st Puisne Judge.
C. M. Lushington Esqre 2nd Puisne Judge.
John Bird Esqre Acting 3rd Puisne Judge.

Read petition, presented on
the 20th Instant by Vencatachellum of
Mummachennoor in the Zilla of Trincomalee.
(Entered Misc. Petn No 31 of 1837.)

This is an appeal from the
sentence passed by the 2nd Judge late
on Circuit in the Central Division on
Ramalingum the brother of the petitioner,
and the petition is therefore rejected,
there being no appeal under the Regulations
from the sentence of a Court of Circuit.

Ordered, that a extract of these
proceedings be furnished to the petitioner
on his application.

Read petition, presented on
the 20th Instant by Vellupadiachy Arakayen,
Sellayer, and Ramoo.
(Entered Misc. Petn 32 of 1837.)

The petitioners complain
of the sentences passed by the 2nd Judge
late on Circuit in the Central Division
upon

the rest of the gang were tried that they
be able to ascertain on what evidence
passed in it.

Ordered, that extract of the
proceedings be sent to the Judge of
Circuit in the Western Division for his
information and guidance by first
return of Post with all delay.

(Sent following Despatch P.D.

Read letter dated 25th inst.
from the Acting Reg.r in Circuit in the
Western Division, reporting the arrival
of the Circuit Judge at Maydhumaga

(Here enter No. 30)

Read letter dated 13th
Instant from the Same Judge of the
Court of Circuit in the Western Division
forwarding Copy of the Calendar of the
Criminal Cases tried at Galle Kalutara
the first Quarter Sessions 1836.

(Here enter No. 225)

At a Court of the Zaigelaarre Kalutara.

Present,

Wednesday, 27th April 1837. — F. A. Grant Esqre 1st Puisne Judge.
C. M. Lushington Esqre 2nd Puisne Judge.
John Bird Esqre Acting 3rd Puisne Judge.

Read petition, presented on
the 20th Instant by Vincentuchellum of
Munnachennoor in the Zilla of Trincomalee

(Here enter Dispatch No. 31 of 1837.)

This is an appeal from the
sentence passed by the 2nd Judge late
on Circuit in the Central Division on
Ramasamy the brother of the petitioner,
and the petition is therefore rejected,
there being no appeal under the Regulations
from the sentence of a Court of Circuit.

Ordered, that extract of the
proceedings be furnished to the petitioner
on his application.

Read petition, presented on
the 27th Instant by Vellaspatiachy Arakayen,
Sellayer, and Ramen.

(Here enter Dispatch No. 32 of 37.)

The petitioners complain
of the sentences passed by the 2nd Judge
late on Circuit in the Central Division
upon

upon five prisoners in Gaol No 21 Observ
-ed at present Calendar 2nd Session of 1831.

There being no appeal
-ants the Resolutions from the decision
of the Court of Appeal, the petitions are rejected

Ordered, that the Secretary of this
proceedings be furnished to the petitioners
on their application.

Read letter dated the 15th
Instant from the Provincial Court of
Appeal in the Western Division intim
-ating a correction in the report of Prisoners
therein in the Gaol of Bramgalore for
remitting for the final decision of the
Court of Appeal the question of the Criminal Judge
Prisoners in the above Report are to
be calculated from the dates of the
sentences passed upon them

(Here enter No 255)

The Criminal Judge had
stated to the Provincial Court that
on the merit of the question being
understood in the affirmative, the dur
-ations of the said Prisoners might be
enhanced, and further that the dates
of the commencements

imprisonment of the Convicts noted in
the above report, were taken from
the original warrants.

2 The Court of Enquiry
Malabar conclude, that the dates in
question have been mistaken for
the dates of the warrants, whereas
they would appear to the Court to be
the dates of the Trials: and they direct
that the Criminal Judge of Canara
be instructed to notify in future
similar reports, the dates of the
sentences specified in the warrants
of the Prisoners in question, and of
all others, as the commencement of the
terms of their temporary imprisonment.

The Provincial Court
3 should have forwarded the Report
which accompanied their letter now
under consideration, with the return
to precept of the 11th February last
which appears to have escaped
their observation.

Ordered, that extract
of these proceedings be sent to the
Provincial Court of Circuit in the
Western Division for their information
and

and guidance by free of return able
without delay.

(Sent following precepts No 18.)

Cundapoor Court to return the proceedings in the Miscellaneous Petition No 28 of 1831.

Ordered accordingly.

Read letter from the 2nd Judge on Circuit in the Centre Division dated the 24th February last, submitting record of the trial of Ayy Appapah Calendar 2nd Sessions of 1831.

(Vide enter No 114)

The objections taken in the above petition to the evidence of the first, second, third and fourth witnesses being repugnant to the principles of equal justice, the Court of Zuzdanee Adalut do hereby require their Law Officers to declare by a second petition, whether the prisoner

Mullala Gungadar

would have been convicted of the crimes charged against him, if the evidence of the said witnesses had not been subject to the objections stated, and in that case to what punishment he would have been liable

Ordered, that extracts of this proceedings be translated and delivered to the Cazee ool Cozat and Mooftees of the Zuzdanee Adalut.

Mr Grant and Mr Lushington

Read letter dated the 20th September last, from the 1st Judge on Circuit in the Western Division, submitting the case No 5 of the Additional Calendar Zilla of Malabar 2nd Sessions 1830.

(Vide enter No 104 of 1830.)

The First and Second Puisne Judges having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftees of the Zuzdanee Adalut, convicting of Murder and awarding Kisas, confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid, and adjudge the prisoner,

Moortoangal Soomy,

to receive one hundred and ninety five stripes with the Cat o nine tails, and to be transported to such place or places beyond Sea as the Right Honorable the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in Irons on the public roads

is obviously incorrect, and the Criminal
Judge will be enjoined to avoid it in
all future cases

Ordered, that extract of
these proceedings be sent to the
Criminal Court in the Western Division
by precept, directing them to com-
municate the same to the Criminal
Judge in the Zilla of Malabar.

(Sent following Precept No 195)

27th April 1831.

F. 16.

At a Court of the Fingalarra Volatat

Present,

Saturday,
30th April, 1831.

F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 3rd Puisne Judge.

224 15

Read return from the Provincial Court in the Southern Division dated the 4th ultimo to precept of the 27th October last, directing the transfer to a few of the Principal Gaols in each Division of the convicts in the several prisons under sentence of more than 2 years imprisonment.

(Here enter 1140)

Read also further return dated 12th ultimo to the above precept, shewing the arrangements made to carry the orders of the Fingalarra Volatat into effect.

(Here enter 1253)

Read also further return dated the 5th Instant reporting the final orders issued relative to the transfer of the several Convicts under sentence of more than two years imprisonment, to the principal Gaols in the Division, and submitting a statement shewing the progress of the former establishments and of those proposed under the precepts of the Fingalarra Volatat of the 27th October last,

27th April 1831.

E. 16.

At a Court of the Fingalarra Volatut.

Present,

Saturday
30th April, 1831.

F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2nd Puisne Judge.

24 16

Read return from the Provincial Court in the Southern Division dated the 15th ultimo to precept of the 27th October last, directing the transfer to a few of the Principal Gaols in each Division of the convicts in the several prisons under sentence of more than 2 years imprisonment.

(Here enter 1140)

Read also further return dated 17th ultimo to the above precept, shewing the arrangements made to carry the orders of the Fingalarra Volatut into effect.

(Here enter 1253)

Read also further return dated the 9th Instant reporting the final orders issued relative to the transfer of the several Convicts under sentence of more than two years imprisonment, to the principal Gaols in the Division, and submitting a statement shewing the [illegible] of the former establishments and of those proposed under the precepts of the Fingalarra Volatut of the 27th October last,

tract, as well as a comparative view of the increase or decrease of expence and the number of prisoners in each Jail in the Southern Division, with the remarks of the 1st Judge of the Provincial Court.

(Secretary's Letter No 226)

1.

The Court of Tanjore have read with pleasure the arrangement made by the Provincial Court for the disposal of the several convicts in the different Jails of the Southern Division.

2.

From the above returned by the precept of the 27th October last, it appears that of the 349 prisoners in the Southern Division, 42 are to be lodged at Trichinopoly, 237 at Combaconum and 69 prisoners will remain under the charge of the Superintendent of Tanjore and 1 under the charge of the Superintendent of Salem

3.

Adverting however to the Statement which accompanied the return of the Provincial Court, it is observable that the expence of the establishments herein proposed exceeds that formerly incurred.

4.

The pay of the Cavalry Duffadars and Peons

Recapitulation of Combaconum stations 53 Peons at 5 Rupees each per Mensem inclusive of 5% ... 337-

Recapitulation at Salem 9 Peons at 5% each 57.8.- 1 Duffadar

Rupees 394-

5.

the increase above noticed is occasioned by raising their pay to an equality with that of the Duffadars and Peons at other stations.

The Court of Tanjore Malabar however are of opinion, that an establishment of 53 Peons at Coimbatore will be sufficient, and considering the description of the prisoners to be hereafter in the Jail, that 1 Duffadar and 9 Peons might be struck off the number suggested in the statement, to be entertained at Salem

6.

This alteration to the extent of 63 Rupees in the Statement submitted by the Provincial Court, which the Court of Tanjore Malabar have thought it proper to make, will reduce the total expence of the General establishments for the custody of prisoners in the Southern Division to Rupees 2,583. on a decrease of 33.12.- from the former charge.

7.

With reference to the return to the Southern Provincial Court of the Criminal Judge of Salem, the Provincial Court will cause the transfer, after the Sessions, of all convicts sentenced by the Court of Circuit, to more than 12 months

30th April 1831.

months imprisonment, of not otherwise specially disposed of by the Judge on Circuit, to either Mandamus or Fine, hopes It is the intention of the Court of Vigilance Volunteer, that these two last mentioned possible, the other Gaols, particularly Falmouth where the mortality has been so great, shall never contain more Prisoners than are at present confined in them.

Ordered, that a Copy of these proceedings and a copy of the Statement of the Southern Provincial Court modified as proposed in Paras 5 and 6, be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council, with the recommendation of the Court of Vigilance that he may be pleased to cause them the responses of the several establishments, as detailed in the accompanying modified statement.

(Sent following letter No 170)

Ordered also, that a Copy of these proceedings be forwarded to the Provincial Court in the Southern Division for their information and guidance.

(Sent following letter No 170)

J. H.
30th April 1831.

in the Northern Division, has submitted the English Translation of only three out of the 14 records of the Trials in the Magistrates Summary Calendar for the 2nd Sessions of 1830, called for by the Precept of the 10th December last.

2. The Court direct that the Provincial Judge Station Circuit be by precept commanded to explain the cause of the delay, and to use his endeavours to furnish the required records at an early period.

Return to this precept to be made without delay.

(Sent following Precept No 171)

Read return dated the 22nd Instant from the Provincial Court in the Centre Division to precept of the 31st Ultimo, conveying the remarks of the Vigilance Committee in the Criminal Reports of the Division for the months of October last.

(Vide enter No 272)

In the above return the Provincial Court having omitted to supply the desired information regarding the periods for which the Prisoners confined in cases Nos 163, 165, 170 and 171 of the Chittoor Report, were required to find security for their good behaviour

months imprisonment, if not otherwise specially disposed of by the Judge on Circuit, to either Montserrat or Saint Christopher. It is the intention of the Court of Vigilance & Solicitor, that these two last mentioned Jails should be kept full, and that, if possible, the other Jails, particularly Antigua where the mortality has been so great, should never contain more Prisoners than are at present confined in them.

Ordered, that extract of these proceedings and copy of the Statement of the Leeward Islands Criminal Court as proposed in Paras 5 and 6, be sent to the Secretary to Government in the Antigua Department for the purpose of being laid before the Right Honorable the Governor in Council with the recommendation of the Court of Vigilance & Solicitor, that he may be pleased to sanction the reference of the several establishments, as stated in the accompanying modified statement.

(Sent following letter No 170)

(Enclosed also, the extract of these proceedings for reference to the Provincial Court in the Leeward Islands for their information and guidance.

(Sent following letter No 170)

To the Chief Justice

in the Northern Division, has submitted the English Translation of only three out of the 11 records of the Trials in the Royal Grenada Calendar for the 2nd Sessions of 1830, called for by the Precept of the 10th December last.

2. The Court direct that the 1st Judge late on Circuit be by precept commanded to explain the cause of the delay, and to use his endeavours to furnish the required records at an early period.

Return to this precept to be made without delay.

(Sent following Precept No 171)

Read return dated the 22nd Instant from the Provincial Court in the Centre Division to precept of the 3rd Ultimo, conveying the remarks of the Vigilance Committee in the Criminal Reports of the Division for the month of October last.

(Done entry No 272)

In the above return the Provincial Court having omitted to supply the desired information regarding the periods for which the Prisoners convicted in cases Nos 163, 165, 170 and 171 of the Chittoor Report, were required to find security for their good behaviour

30th April 1831

behaviour they will furnish the Sheriff without delay.

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

(Here enter precept 273)

Read letter from the Acting Criminal Judge of Cuttack dated the 23rd Instant reporting the occurrence of 13 fatal cases of Cholera in the Jail under his charge, and requesting that the transfer to Jail of prisoners from the other Jails in the Division, may be prohibited until the Cholera may be ended.

(Here enter page 273)

The Court of Sudder Adawlut accordingly direct, that the Provincial Court in the Centre Division do issue as early as possible the requisite Order for discharging the transfer of any convicts to the Jail of Cuttack, under the Precept of the 29th October last, until the Acting Criminal Judge of that Station

30th April 1831.

the expiration of the Cholera amongst the prisoners under his charge.

2. The Provincial Court will transmit copy of these proceedings to the Acting Criminal Judge of Cuttack for his information

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

(Here enter precept 274)

Read return, dated 15th Instant, from the Provincial Court of Circuit in the Northern Division, to precept dated 28th ultimo directing that whenever a prisoner confined on a Magistrates requisition of security be released by a Circuit Judge notification of the order of release be made to the Magistrate.

(Here enter No. 268)

Read letter dated 23d Instant from the Acting 3d Judge on Circuit in the Southern Division transmitting copies of papers relative to Case No. 14 of the Tinnevelly Calendar 1st Sessions 1831.

(Here enter No. 268)

At a Court of the Faujdaree Adalat,

Present,

Monday 2d May 1831 — F. A. Grant Esquire, First Puisne Judge

John Bird Esquire, Acting Third Puisne Judge

Nos 4 & 5

Read letters, dated respectively the 15th and 28th February, and the 28th of March last, from the First Judge late on Circuit in the Northern Division, submitting English Translations of the Records of the Trials in cases Nos 4, 7 & 14 of the Rajahmundry Calendar for the Second Sessions of 1830, required by the order of the Court of Faujdaree Adalat, under date the 27th December last.

/Vide enclosures Nos 103. 135. & 259/

The Court of Faujdaree Adalat having attentively considered the proceedings held in the trial of the cases abovementioned, are of opinion, that the evidence before the Acting Criminal Judge in the case No 4 being manifestly insufficient for the conviction of the Prisoners, he should have sent for and examined the Prosecutor's two sons, as well as persons who could have established the fact of the Robbery and who, it was clear from the Report of the Police Officers of the 27th April 1830 were forthcoming.

The Judge on Circuit having perused the Proceedings taken before the

the subordinate magistrate, should not have proceeded to trial under the above defficiency of evidence until the attendance of the witnesses, whose attendance he might procure. From these he might have ascertained the fact of whether a robbery had, or had not, been committed, but whether the Prisoner was the person, or not, who had committed the robbery, or that he would have been found guilty of the Prisoner, if he would have been sufficient, to have warranted him to commit the Prisoner, if not, to have committed them on strong presumptive proof.

3.

Even under the evidence given against them on their trial the Prisoners ought not to have been committed.

4.

The committal of the Prisoners in May by the Criminal Judge, appeared to the Court to have been unwarrantable. There was nothing against him but the negative testimony of the first witness, who deposed before the Police Officer that he saw the Prisoner shoot the deceased Panjanah and kill him on the spot, after the Criminal Judge would not answer positively to the Prisoner. As the second and third witness could before the Criminal Court that they had seen the Prisoner at all, though the former deposed before the Police Officer that he saw the Prisoner with the gun, and

2nd May 1838.

the latter that he was fired at and wounded by the Prisoner.

5.

The Provincial Court of Circuit will direct the particular attention of the Criminal Judge to Paras 283 of the Circular Orders of the Foujdaree Adaulut of the 20th July 1829, in which the most mischievous public consequences are pointed out as arising from a committal on insufficient evidence, and will instruct him that the Prosecution for the Murder in the case under remark, should have been conducted by the representative of the deceased or by the Government Vakeel.

6.

In No. 14 the plurality of the witnesses retracted before the Circuit Court, more or less, the evidence they had given before the Criminal Judge. The first second third and fifth appear undoubtedly to the Court of Foujdaree Adaulut to have committed wilful and corrupt Perjury in one or other of their respective depositions, and they are at a loss to understand, why the First Judge on Circuit did not direct them to be committed for trial for perjury. They deem it proper now to direct, that the First Judge late on Circuit in the Northern Division do issue instructions to the Magistrate to apprehend the said first, second, third, and fifth witnesses and send them to the Criminal Judge, whom the First Judge will enjoin to commit them under Clause First Section

II

2nd May 1838.

II Regulation III of 1836 to take their trial for wilful and corrupt Perjury before the Criminal Courts.-

Ordered, that Extract of these proceedings be sent to the Circuit Judge late on Circuit in the Northern Division for his information and guidance by first return of Post without delay.-

Sent following precepts 1837

Read letter dated 6th inst from the Circuit Judge late on Circuit in the Central Division, submitting copy of the Kingston Calendar shewing the progress made in the disposal of the cases therein noted.

Ordered, that the Circuit Judge be informed that the Court has perused the Calendar and observes that in many instances no progress has been made in the disposal of the cases since the Circuit Court held in March last.

Read letter dated 6th inst from the Circuit Judge, late on Circuit in the Eastern Division, submitting copy of the Kingston Calendar shewing the progress made in the disposal of the cases therein noted.

Perused and observed that in many instances no progress has been made in the disposal of the cases since the Circuit Court held in March last.

Ordered, that the Circuit Judge be informed that the Court has perused the Calendar and observes that in many instances no progress has been made in the disposal of the cases since the Circuit Court held in March last.

Ordered, that Extract of these proceedings be sent to the Circuit Judge late on Circuit in the Northern Division for his information and guidance by first return of Post without delay.-

Sent following precepts 1837

Read letter dated 6th inst from the Circuit Judge, late on Circuit in the Central

of these proceedings be sent to the above
Magistrate on Circuit in the Centre
Division by precept communicating him
to forward the explanations required
in one week from the date of the receipt
of the precept.

/Sent following precept/

Read return dated 30th
Ultimo from the Acting Magistrate on Circuit
in the Northern Division to precept of
8th Ultimo, transmitting that County Cutcherry
Prisoners in No 8 of the Junior Calendar
be sent to the Lunatic Asylum & to
Manaar.

/Here enter No 270/

Read return dated 30th
Ultimo from the Acting Magistrate on Circuit
in the Northern Division to precept of
8th Ultimo, transmitting the criminal
Prisoners Sentenced to Transportation
No 2 of the Junior Calendar to the
Asylum at Jaffna.

/Here enter No 269/

Read return dated 15th Ultimo
from the Provincial Court of Circuit in
the Eastern Division to precept of the 5th
Ultimo forwarding Remarks on
of the Foujdaree Adalut on the
Criminal Reports of the Northern
Division for October last.

/Here enter No 265/

Read return dated 20th
from the Provincial Court of Circuit in the
Centre Division

3d May 1834.

be ordered to abstain from all unnecessary
violence to Prisoners who may attempt
to escape, and never to use their swords
unless necessary to defend themselves from
the attack of the Prisoners.

/Here enter No 275/

Read return dated 22d
Ultimo from the Provincial Court of Circuit
in the Northern Division to precept of
the 8th Ultimo, conveying the remarks of
this Court on the Criminal Reports
from the Northern Division for the
month of November last.

/Here enter No 282/

Read return dated 22d Ultimo
from the Provincial Court of Circuit in
the Northern Division to precept of the
Foujdaree Adalut upon the Criminal
Reports from the Northern Division
for the months of December last.

/Here enter No 283./

Read return dated 23d Ultimo from
the Provincial Court of Circuit in the Centre Division
to precept of the 31st Ultimo directing that the remarks
of the Foujdaree Adalut on the Criminal Reports
of the Centre Division for the Month of October
last be communicated to the several Criminal
Judges and Magistrates.

/Here enter No 272/

30th April 1837

1

Z. M.

At a Court of the Faujdaree Udalut.

Present,

Wednesday,
24th May 1837.
24th Do

F. J. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 3rd Puisne Judge

Read petition, presented on the 17th instant by Enclosing of the Zilla of Shunglepoor.

(Here enter Puisne Ste. No 53 of 1837.)

The petitioner, who has on three former occasions solicited the Court on the subject of the sentence passed on her son Singa Lany, is directed to instruct no more [illegible] their interference about a matter on which a solemn judgment has been passed by the Court of Faujdaree Udalut.

Ordered, that the prayer of the foregoing petition be rejected, and that retract of these proceedings be given either to the petitioner on her application.

Read petition, presented on the 17th instant by Cheekonah Chitty of the Zilla of Madura.

(Here enter Puisne Ste. No 56 of 1837.)

The petitioner states that he had been robbed and otherwise maltreated by a gang, of whom four were apprehended,

April 1837.

Z. 11.

At a Court of the Fougdarree Adalut.

Present

Wednesday
24th May 1837.
24th Ditto

J. H. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2nd Puisne Judge

Read petition, presented on the 17th Ultimo by Lutchmy of the Zillah of Chumpharun.

(Here enter Miscellaneous No 53 of 1837.)

The petitioner, who has on three former occasions solicited the Court on the subject of the sentence passed on her Sons Singaharry, is desirous to intreat their attention about a matter on which a solemn judgment has been passed by the Court of Fougdarree Adalut.

Ordered, that the prayer of the foregoing petition be rejected, and that extract of these proceedings be forwarded to the petitioner on her application.

Read petition, presented on the 27th Ultimo by Cheekanah Chisty of the Zillah of Mattura.

(Here enter Miscellaneous No 54 of 1837.)

The petitioner stated that he had been robbed and otherwise maltreated by a gang of whom four were apprehended,

April 1831

4th May 1831.

apprehended, but released by the Talukdar
for a time. He states that he complained
to the gentleman's wife about it, but
the Court to direct the Police Judge to call
for and examine the Talukdar touching
and cause the restoration of the property

2. If the petitioner having complained
to proper quarter against the proceedings of the
Magistrate, he must assign it to the Judge
as Criminal his application to the Court
is irregular and therefore rejected.

Ordered, that extract of this
proceedings be furnished to the petitioner
on his application.

Read petition, dated the 27th Ultimo by Ramen by Samuel of
Chinglepet.

(Here enter Petn. No. 35 of 1831)

Petitioner states, that he
brother Thandany who lies in the Jail
of Chinglepet under sentence of 1 year
imprisonment is a Christian, and that
prays that he may be removed to the
Jail of Madras for the benefit of
religious instruction

The Court have no power to
grant the prayer of the petition, and
it is rejected accordingly.

Ordered, that extract of this
proceedings be furnished to the petitioner

4th May 1831.

on his application.

Read again petition presented
on the 19th January last by Arnooga pillay

(Here enter P. Pt. Proceedings No. 2 of 1831)

Read also letter, without date
from the 2nd Judge of the Provincial Court
in the Centre Division transmitting English
translations of the proceedings held by
the Magistrate in this case.

(Here enter No. 262 of 1831)

The Court of Fujdaree Adalut
having taken into consideration the
foregoing proceedings are satisfied, that
the robbery alleged in the petition to
have been committed on the person of
the petitioner never took place. If
he had any ground of complaint it
does not appear to be cognizable by
the Criminal Courts.

Ordered, that extract of these
proceedings be furnished to the petitioner
on his application.

Read letter, dated the 3rd Ultimo
from the Provincial Court of Circuit in
the Centre Division submitting the
Criminal Reports for the months of
March 1831.

(Here enter No. 285 of 1831.)

Bellary. 1. In case No. 1 of the Reports
No. 5, the delay on the part of the police
officer in forwarding the prisoners
appeared

4th May 1831.

4th May 1831.

appears not to be explained in a more satisfactory than in the one which have attracted the notice of the Court of Circuit.

2. The Report of trials under reference to the Forgeries Statute of this year is wanting

Chumjeet Sept. 3. In case No 5 the prisoner summoned by acting Head Assistant Magistrate attained from the 4th to the 22nd here and no reason assigned for the

4. The Provincial Court have required explanation given Magistrate.

5. Case No 28 in the list of persons apprehended regarding no final order had been passed the state of the proceedings ought to have been retained on report of prisoners committed by the Court of Circuit

Chittoor 6 In case No 13 in the No 5, the 3rd prisoner was discharged on a charge of abetting a theft at the Annual to 12 months imprisonment with

4th May, 1831 disposed of by the Magistrate, and the Court of Conjecture deliberated that unless the case was marked by some circumstances of aggravation, which have not been reported, the sentence be reduced to imprisonment for six months.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Central Division by precept, enjoining them to make the necessary communication to the Criminal Judge of Chittoor for his information and guidance.

(Sent for Canning precept No 307)

Read letters dated the 15th and 22nd February last from the Provincial Court of Circuit in the Western Division, submitting the reports prescribed by Section XXXV Regulation X of 1816 from the several Criminal, Joint Criminal and Native Criminal Judges, for the month of January last.

(Circulars Nos 113 and 114)

Constable Sept. Report. The Provincial Court will intimate to the Criminal Judge, with reference to the case No 24 of 1830, that when a case appears in a second Supplemental Report to be still under examination

4th April 1831.

4th May 1831.

examination he should specify the particular reasons for such delay in the disposal of it.

Malabar Report No 5

2.

The case No 4 might have been disposed of by the Magistrate under the provisions of Section XXVII Regulation IX of 1816, and unless there were aggravating circumstances in the case which do not appear on the face of the Report under review, the Criminal Judge will modify his sentence to the extent of punishment it would have been competent to the Magistrate, to have awarded.

3.

The charges in Nos 15 and 23 should have been more clearly framed, the Prisoners if convicted of them would not strictly be liable to any punishment.

4.

Out of 24 cases brought before the Criminal Judge during the month there were 15 cases undisposed of at the close of the Report, no satisfactory accumulation of arrears which the Judges trust will be avoided in future.

Canara Supplt Report

5.

In No 136 the charge being for theft to the alleged value of $4\frac{1}{2}$ Rupees, the prisoner should have been committed to take their trial before the Circuit C[ourt]

4th May 1831

Malabar Auxiliary Court Supplemental Report

6.

The Acting Joint Criminal Judge should have cited Clause first Section IX Regulation II of 1822 in support of his requisition of security from the first prisoner in No 94 from the two prisoners in 97 and from the first prisoner in No 104.

Report No V

7.

The charge in No 4 appears wrongly framed and the prisoner in strict legal propriety would not be liable to punishment if convicted on it.

8.

With reference to the Circular Order of the Bengal Adawlut of the 15th September 1824, which modifies those of the 5th November 1823, the Provincial Court of Circuit will ascertain from the Magistrate, the causes of the detention in the Talook of the prisoner in No 3 of the Report No V from the 25th December to the 18th January last.

Native Criml Court of Canara Report No V

9.

The Provincial Court will report whether the Prisoner Bashee alias Kella in No 13 of the Supplemental Report has been placed under the charge of the Medical Officer attached to the Zilla.

Ordered, that an extract of these proceedings be sent to the Provincial Court in the Western Division for their

11

information

4th May 1881.

information and guidance for the
returnable in that behalf.

(Sent following Telegram
Read & Recorded
Telegram from the Assistant Com
at Chinsali informing the
the trial of Geofrey Mathew Sapp
Before Lt Col Lambert Chairman
(Here enter No 575)
Judges having
proceedings
and the finding of the Criminal
and Sentence of the Court
in favour that the prisoner

2nd

F. C.
4th May 1881.

1 The Court of Singolares Natalut
have to remark the total omission, in
the above case, of evidence as to the
important fact, whether or not the said
Mahanta with whom the prisoners
would appear to have been connected,
was in a state of Rebellion against
the Government, and hence the evidence
adduced is quite insufficient for the
conviction of the prisoners of the crime
charged against them.

2 Under the provisions con-
tained in Section V Regulation XX
of 1872 the Court direct that the whole
of the proceedings held upon the case,
with a copy of the letter from the
Commissioners, be transmitted to the
Acting Chief Secretary to Government
for the orders of the Right Honorable
the Governor in Council.

(Sent following letter No 209)

Read letter, dated 25th August
last from the Acting Judge late on Circuit
in the Central Division, submitting the
Report, prescribed by Section XXXVII Regn.
Section VII of 1872.

(Here enter No 576 of 1880.)

1 The Court of Singolares Natalut
direct that a copy of paras 8 and 9 of
the report be transmitted to the Examining
Com-

4th May 1837.

Court of Appeal in the Rules and
practice enjoining them to comm
the same to the Recommd Judge
of Appeal and to call upon h
report as to the feasibility of
the recommendations of the Judge
the manner suggested by the late
Judge.

2. The Abolition in
tration of Criminal Law by the
under preparation will entail
third Station in the 12th and 13th par
should contain matter resulting from
the Regulations.

3. The Court of Enquiry
do not concur in the opinion
late Acting Judge expressed in
the 34th para that the fines of the
Judge should be retained in ca
theft and burglary.

4. The Sentiments of the
of Enquiry detailed in the 35th
in the 36th para are already before
Government.

5. The 37th and 38th para
terms of the request and examples
remarks referring the former to
the latter which

4th May 1837.

brought to the notice of the Government.

6. In para 33 the fraudulent practices of Goldsmiths are noticed, on which subject the Court of Enquiry lately have lately taken the opinions of the Subordinate Courts, and provisions framed with the view of checking the evil will be introduced into the Regulations now under preparation.

7. In para 34 the late acting Judge points out the propriety of invariably exacting from sureties the penalty of their bond, when the persons for whom they become security may perpetrate offences during the period for which they have made themselves responsible.

8. The Court of Enquiry having reason to believe, that attention is not generally paid to the obvious intent and object of the Law on this point, deem it proper to direct the four Provincial Courts of Appeal by a circular order to instruct the Criminal Judges invariably to enforce the penalty of the security bond in cases of this description.

9. The observations of the late Acting Judge in para 35 respecting the inadequacy of the punishment to

forgeries

Report. Nos 2.

4th May 1881.

prescribed by the Regulations
of gaming nothing do not appear
Court of Enquiry that the
much weight. In the case
the offenders are fined Rs
fortification for life, is contrary
drawn by the sections of this
and the Court are of opinion
punishment of Death should
only under the circumstances
section described in the first
clauses of Section IX Regulation
1873.

3.

The late Acting Judge
clauses be reported by stating
keep correctly recorded as
much greater length than
and by merely stating to some
and simply touching upon other
confirm to the terms of the instr
found to have undertaken to
4.

These instructions
that on forwarding the report
Judge should calculate all
whether and what
calculated
thereby

"Permit may have suggested."

12. It does not appear to the Court of Enquiry (whether that Mr Waters has observed three durations, but it is hoped that he will in future conform to the orders of the Government on this subject under date 27th August 1880.

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

(Sent following letter No 310)

Ordered also, that copy of the above report and extract of these proceedings be sent to the Acting Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent following letter No 311)

Also ordered, that extract of these proceedings be sent to the Provincial Court of Arcot in the Centre Division by precept enjoining them to communicate the same to the Criminal Judge in the Zilla of Cuddapah for his information and guidance.

(Sent following Precept No 312)

Ordered also, that extract of these proceedings be sent to the Provincial Courts of Arcot

At a Court of the Foujdaree Adawlut.

Present.

Saturday 26th May 1838. E. A. Grant, Esqre 1st Puisne Judge
John Bird, Esqre acting 3rd Puisne Judge

Read return, dated 9th March
24 Nos from the 1st Judge, late on Circuit in
the Northern Division to precept, dated
15th February last, ordering him to instruct
the acting Criminal Judge of Guntoor to
take the opinion of the European Medical
Officer attached to the Cantonment to whether,
or not Gellapanty Seeriah, prisoner
in cause No 3 Guntoor Calendar 2nd Sessions
of 1838 is a fit object for confinement
in the Lunatic Hospital at Madras,
and eventually to detain the prisoner
or forward him to the Superintendent
of Police at Madras.

(Here enter No 15 of 1838)

With the foregoing return
1. the 1st Judge transmits the copy of a
communication from the Assistant
Surgeon, stating that the aforesaid
prisoner at present "labours under
"no infirmity of body or mind."

The Court of Foujdaree
2. Adawlut being of opinion that it would
be unsafe to allow of the immediate
discharge

At a Court of the Toydare Adalut,
Present,

Wednesday 7th May 1834. } The Hon. grant Colfe First Puisne Judge
John Reid Colfe Acting Third Puisne Judge

Read return, dated the 2d Instant from the Acting Judge on the Circuit in the Northern Division to precept, dated 13th Ultimo, conveying to him the orders of the Court of Toydare Adalut regarding certain cases in the Quntoor Calendar for Sessions of 1833.-

/Here enter No 207/

1. In the 4th paragraph of the above return the Acting Judge states, that he had always considered and acted upon clause sixth section II Regulation XX of 1803, as a general authority, to require under a future day Recognizance, when the Circuit Judge thought the evidence insufficient for acquittal.-

2. If such has been the practice of the Acting Judge, it has been permitted only in consequence of its not attracting the notice of the Court of Toydare Adalut; and the Acting Judge will be careful in future to conform to the construction of this clause, given in the 15th paragraph of the proceedings of the Court, under date the 13th Ultimo.-

3. The Acting Judge notices the

the provisions for over-ruling exceptions to a future awarding such penalty:-

6. The Acting Judge has transmitted with the return a translation of a return made by the Native Criminal Judge of Guntoor to his precept respecting case No. 2 of the Supplemental Calendar, noticed in the 26th para: of the proceedings of the Court of Foujdaree Adaulut under date 13th Ultimo.-

7. As it appears by the return of the Native Criminal Judge, that the prisoners have been sent by a police officer, the case must be disposed of agreeably to the provisions of the Regulations.-

8. It appears to be proper in reference to this case, that the Native Criminal Judge should be instructed to direct the Government Vakeel to conduct the prosecution in the event of the absence of the prosecutor.

Ordered, that extract of these proceedings be sent to the Acting Judge on Circuit in the Northern Division for his information and guidance.- Sent following letter No. 269/

Read letter, dated 30th Ultimo from the 3d Judge on Circuit in the Western Division, recommending under the provisions of section IV Regulation I of 1825, a mitigation of-

11th May 1831.

of the punishment to which Kumara Pala Kroosha, the 1st prisoner in case No. 5 on the Calendar of the Criminal Judge of Salem, is liable under a future, awarding Order in Tamil - i.e. Copy -

Clause 2nd Section III Regulation I of 1825 prescribed, that applications of this description shall be accompanied by a report of the circumstances of the case, and as no such report is contained in the foregoing letter from the Third Judge, the Court of Judicature Adalut are unable to determine as to the propriety of the mitigation of punishment proposed -

Ordered, that a transcript of these proceedings be sent to the Third Judge on Circuit in the Western Division, as precept enjoining him to submit the requisite report without delay -

/Sent following precept No. 229/

Read returns, dated respectively 15th April, 27th June, 12th July, 3rd August, 1st December 1830, from the Provincial Court of Circuit in the Southern, Southern, Western and Central Divisions, to precept, dated 25th January 1830, directing them to furnish a statement of the system of supply observable in the several Jails within their respective Divisions for articles, to exception, for a comparison of the charges for a series of years, in which the prisoners are not charged for, and in explaining the result of their enquiries to

F.R.
11th May 1831.

"to suggest for general adoption such a mode "of supply as may appear to them most advanta- "geous: and to suggest such rules as may "appear to them most expedient for the pur- "pose of checking and preventing abuses in "this department."

/Here enter Nos. 239, 358, 407, 534, and 799 of 1830 -

Read also letter, dated 11th May 1830, from the Secretary to Government in the Judicial Department, transmitting with reference to para 5 of the proceedings of the Court of Judicature Adalut under date 25th January 1830, a letter, dated 1st May 1830, from the Criminal Judge of Nellore, and requiring the Court to state their opinion "as to the expediency of authorizing con- "tracts for the supply of articles for the "use of the Prisoners in the manner pro- "posed by the Judge."

/Here enter No. 280 of 1830/

Southern Division/ By the foregoing return from the Provincial Court of Circuit in the Southern Division it appears, that with the exception of Coimbatore rice is the only grain, upon which the prisoners in the Jails of that Division are fed, and that in all the Jails money is sup- plied for the purchase of every staple and other necessaries including firewood, ex- cepting at Salem, Coimbatore, and at Trichinopoly, where firewood is supplied instead of its value in money -

The Provincial Court notice the great diversity observable in the quan- tity of rice allowed in different jails

to

11th May 1831

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to each prisoner, which varies from 55 4/16 to 95 4/16 Rupees might per diem, and a similar discrepancy in respect to the total charge for each prisoner per mensem - which in Coimbatoor, when Cholam is used, except on Sundays, amounts to 1. 6. 6. and in Combaconum to Rupees 2. 3. 5; and they suggest, that excepting at Coimbatoor, where they consider that 100 Rupees might of Cholam per diem will be ample, the allowance to each prisoner should be fixed at 30 Rupees weight of rice daily, no extra gratuity being issued on Sundays. They also recommend, that no money be paid to prisoners for the purchase of greens, curry stuff, oil, salt, and other necessaries but that these articles should be supplied under the orders of the officer in charge of the jail, and that a fixed allowance of 4 pice per diem should be awarded for each prisoner: also that two cloths should be granted to every prisoner annually and comblies when necessary.

Northern Division 3.

By the returns from the Provincial Court of Circuit in the Northern Division it appears, that in the Jails of Chittoor, Rajahmundry and Nellore one seer of rice is allowed daily to each prisoner, and a sum of money varying from 10 to 20 Cash, and that in Guntoor and Masulipatam the allowance is in money only being 80 Cash per diem to each prisoner

11th May 1831

4. The Provincial Court suggest, that the system observed in the three former Jillas should be generally adopted, one seer of rice and 30 Cash being allowed to each prisoner at Guntoor and Masulipatam: and that the grain should be purchased and distributed under certain rules by officers unconnected with the Jail.-

5. The Criminal Judge of Nellore having furnished a separate return, accompanied by a copy of the foregoing letter to the Secretary to Government in the Judicial Department on the subject of obtaining the supplies by contract with individuals, the Provincial Court state, that "they do not think "that the scheme of having a contractor "for supplying grain would be so profitable "to Government, as entrusting the purchase "thereof to the Bazar, or any other officer "of the Court, as suggested by them; that "although a contractor may give a "seer more than the bazar men, it is certain "he never sells his grain at the original "price, but the Court servant can purchase "it at the original price by adopting the "same means as the contractor, which is "by making the purchase in large quantities, or in the out villages where the "grain is produced, and whence the contractor, "as well as the Bazar man get the grain "they sell; a single peon is sufficient "to go to the villages and fetch any "quantity of grain, that may be required "and there is no reason why the contractor

"contractor should derive such a benefit
"as the interest on the amount advanced, it
"appearing from the return, that the grain
"for the whole year is not purchased
"at once on the advance being made."

6. The Provincial Court con-
clude their remarks on the return by
expressing their dissent from the suggestion
of the Criminal Judge, that all advances of
money to the prisoners should be discon-
tinued, which would in their opinion
increase the charges of Government, and
depress the prisoners of some things of
which by long habit are to the natives
more necessaries than luxuries, alluding
to the use of betel and tobacco, on which
they consider the health of the prisoners
to depend.

Western Division 7. By the return from the
Provincial Court of Circuit in the Western
Division it appears, that at the stand
Jails within that Division 6 Oz Rajpul
weight of rice is allowed daily to each
prisoner, a third more being given to
Mangalore, to those sitting stones or
doing other hard work, and that the
system of supplying other articles of
subsistence varies in the different Jails.

8. The Provincial Court propose
propose any alteration in the quantity
of rice, but suggest to the Government,
recommend with the view of saving
expense that the charges should not
the time of harvest, commensurate to
the collection of the

"quantity of rice required for the ensuing year,
"and request his aid to procure it." And
for other articles of food they propose, that
"7 pcas should be allowed for each prisoner
"at Mangalore, and 6 at each of the other
"Jails."

9. In addition to the above the
Provincial Court propose, that each prisoner
be allowed annually 1 mat, and half-yearly
1 piece of coarse cloth, measuring 4 Cubits
in length for males, and 3 cubits for
females: and for the better control of the
expenditure they suggest, that "quarterly
"statements of the total disbursements, &
"specifying the amount of each item, and
"the number of prisoners supplied, &
"should be sent" to the Provincial Court.

Centre Division 10. By the return from the
Provincial Court of Circuit in the Centre
Division it appears, that at Chittoor
the daily allowance of each prisoner is
half a Madras measure of rice, or
jowary, and 20 Cash in money, at
Cudapah three quarters of a seer of rice,
or jowary, and to convicts at work 4 pice,
and to those not at work 2 pice, in
addition to which they are each supplied
once a week with half a seer of mutton;
a deduction of half a seer of rice being
made on Sunday, when the meat is given
at Cumbum each prisoner is allowed
daily two thirds of a Madras measure
of rice, and 4 pice in money, to those
at work, 2 pice to those not at work
in addition to which each male prisoner

is

is supplied annually with two cloths and two candles, valued at 6 Rupees, & 2 cloths valued at 3 Rupees are allowed to each female prisoner: at Malacca the daily allowance is also two Catties of rice measure of rice or paddy, and with the former 1/2 a Ct. 35 and with the latter 2 Cts in money at Singapore the daily allowance to each prisoner is 9 Cts Bengal measure of rice, and 15 Cts each male prisoner being supplied annually with 2 cloths, 2 Cumpotes, and one Cumbly, and each female prisoner with 2 cloths.-

11. The Provincial Court observe that the average charge for feeding each prisoner is Cts [illegible] per diem, from which amount a great reduction would be effected, if the Collectors were directed to supply the grain which subsists for by the Zillah Judges" they suggest the substitution of "grain for the Men of the actual Troops within the respective Zillahs attached to the Criminal Courts, or within the vicinity that cattle should also be supplied by the Collector at the average rate in the Province, that every Prisoner should be entitled to the same quantity of grain with cattle and candles with those granted to Convicts on Prison discipline, and immediately connected with the Gaols of the Zillahs [illegible]

prisoners.-

12. The examination of the foregoing returns has led the Court of Sudder Adalut to modify the opinion, expressed in their proceedings of the 25th January 1830, in favor of the adoption of one uniform system in furnishing the necessary supplies of all kinds to the Gaols.-

13. The difference in local circumstances seems rather to point to the establishment of rules, applicable to each division respectively; and in view to this, the Court are of opinion, that the suggestions offered by the Judges of the Provincial Courts of Circuit are generally judicious.-

14. The Court are not aware, whether, or not, any material objection is opposed to the arrangement, recommended by the Provincial Courts in the Western and Centre Divisions of a recourse to the Collectors aid in obtaining the requisite supplies of grain; should this be feasible, the general adoption of the practice may be considered expedient.-

15. With reference to the observations of the Provincial Court in the Southern Division respecting the use of betel and tobacco the Court of Sudder Adalut observe, that their orders of 25th January 1830 on this subject were positive, and that

11th May 1838.

that no opinion as to their expediency was asked for.-

16. The Court direct, that the Provincial Courts on the Northern Division do immediately issue instructions prohibiting the use of betel, tobacco or opium by convicts excepting on the recommendation of the Medical officers

17. The remarks of the Provincial Court respecting the system of supply by contract, which appears to have been in practice at Malacca, are considered by the Court of Singapore deserving of attention. Hitherto this practice would seem to have been limited to the supply of grain and if the measure of obtaining this supply through the Collector should be adopted it will be thereby superseded.-

18. The Court of Singapore & Malacca are of opinion, that the arrangement proposed by the Provincial Court in the Western Division for the better control of the expenditure is worthy of general adoption.-

19. The Court of Singapore would wish to express their approbation of the recommendation of the Provincial Court in the Southern Division, that all fines or monies to prisoners should be paid into Court; but if it be thought best to maintain the existing System in this respect, a strict observance of the instructions contained

4/ F16.

11th May 1838

of their proceedings under date 5th March 1825 seems to offer the most effectual means of checking its abuse.-

Ordered, that copies of the foregoing returns with Extract of these proceedings be sent to the Acting Chief Secretary to Government for the purpose of being laid before the Right Honble the Governor in Council.-

/Sent following letter No 231/

Ordered, that paras 15 & 16 of these proceedings be sent to the Provincial Court of Circuit in the Northern Division by precept returnable in five days from and after its receipt.-

/Sent following precept No 232/

Read letter dated 25th March last from the Second Judge late on Circuit in the Centre Division, with record of trial in Case Rx 17 Bellary Calendar Second Sessions 1838.-

/Here enter No 186/

The First and Acting Third Puisne Judges having maturely considered the proceedings held before the Judge on Circuit, the fiatura of the Provincial law officer, and the fiatura of the Cazee & Cozat and Moofties of the Singapore Meatut, confirm the said fiatura of the Cazee & Cozat and Moofties aforesaid, and acquitting the prisoner,

Soonkalamah

direct that she be set at liberty.-

/Sent following letter No 234/

The Court of Singapore Meatut have to observe, that as the

Prisoner

11th May 1836.

Prisoner in this cause was acquitted by the Law Officer & the Presiding Judge was not at all satisfied of her guilt, a reference of the trial was [illegible] necessary.-

Ordered, that extract of these Proceedings be sent to the Second Judge for his information and guidance, by first opportunity returnable [illegible] without delay.-

/Sent following prisoner/

Read again letter dated 19th Ultimo from the Second Judge late on Circuit in the Centre Division, forwarding the case No 13 Chingleput Calendar Second Sessions of 1836.

/Here enter No 223/

Read return dated 11th Instant from the Second Judge late on Circuit in the Centre Division to precept of the 15th Ultimo, directing that the services of the Mohammedan Law Officer be taken in No 13 Chingleput Calendar (Trial of a native to the Company's Court, together with the Officer's Translation of the Proceedings.-

/Here enter No 263/

The First and Acting Third Native Judges having minutely examined the proceedings held before the Judge on Circuit & the opinion of the Mohammedan Law Officer, and the opinion of the Cazee-ool-Coozat and Mooftees of the Sudder Adawlut, confirm the said finding of the

5th May 1836.

Cazee-ool-Coozat and Mooftees aforesaid, and considering the change of sentence from transportation to be established against the prisoner,

Ramun Cottanayen,

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

The Court of Foujdaree Adawlut direct, that the Provincial Court do instruct the Criminal Judge to communicate to the Prisoner, that in the event of his again returning from Transportation he will suffer death.-

Ordered, that extract of these proceedings be sent to the Second Judge late on Circuit in the Centre Division, for the information and guidance of the Criminal Judge in the Zilla of Chingleput.-

/Sent following letter No 228/

At a Court of the Tondiarre Udalat,

Present,

Friday 13th May 1831 } F. A. Grant Esqre First Puisne Judge
24 & 13 John Bird Esqre Acting Third Puisne Judge

Read letter, dated 28th Ultimo from the Second Judge of the Provincial Court of Circuit in the Western Division, reporting on the 1st quarterly Sessions of Jail delivery at Calliciumy for 1831.-

/Here enter No. 293/

The foregoing report contains nothing which requires observation from the Court of Tondiarre Udalat.-

Ordered, that copy of the report with Extract of these proceedings be sent to the Acting Chief-Secretary to Government, for the purpose of being laid before the Governor in Council.-

927. /Here follows letter No /

Read again letter, dated 24th Ultimo from the Provincial Court of Circuit for the Centre Division, submitting Case No 927 Cuddapah Calendar 2d Sessions 1830.- /Here enter No 118/

Read letter dated 7th February last from the Provincial Court of Circuit for the Centre Division, submitting, case No 928 Cuddapah Calendar 2d Sessions 1830.- /Here enter No 119/

Read the second further reference in these cases by the Cazee-ool-Coozat and Mooftee of the Tondiarre

30th April 18

13th May 1835.

Toojaana Maatuta

The Court having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Coozat and Mooftees of the Toojaana Maatuta, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and acquitting the prisoner,

Mudlala Gungadoo,

of the crime of Murder laid to her charge, direct that she be set at liberty.-

Sent following letter No 232

Read letter dated 6th Instant from the 3d Judge on Circuit in the Western Division reporting the completion of the first Jail delivery of 1831 for the Zilla of Camaroo.-

Here enter No 309

13th May 1835.

Toojaana Maatuta

The Court having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and under the directions of Bohoobut Reshuk in the futwa of the 7th Regulation XI of 1830, acquitting the prisoner,

Mudlala Gungadoo,

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

Sent following letter No 231

Read letter dated 28th March last from the Acting Judge on Circuit in the South Eastern Division reporting the completion of the Calendar of that Division for the Sessions 1830.

Here enter No 285

The Court not having this day the proceedings of

13th May 1835.

on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Coozat and Mooftees of the Toojaana Maatuta, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and acquitting the prisoner,

Hoojaimanah

of the crime of Murder laid to her charge, direct that she be set at liberty.-

Sent following letter No 232

Read letter dated 6th Instant from the 3d Judge on Circuit in the Western Division reporting the completion of the first Jail delivery of 1831 for the Zilla of Camaroo.-

Here enter No 309

At a Court of the Foujdaree Adalaut
held
Monday 16th May, 1831. Present,
F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2d Puisne Judge.

Read again letter, dated the 6th ultimo, from the 2d Judge on Circuit in the Western Division, recommending mitigation of punishment to the prisoner, Poojaroy Soobha in case No 2 of the Calendar of the Criminal Judge of Burdwan for the 1st Sessions of 1831, convicted of being concerned in a gang Robbery committed in 1819, in which year at the 2d Sessions several of the gang were tried and punished.

(Here enter No 259)

Read also return to Precept of the 25th ultimo, directing the Provincial Court to state, in what case in the Calendar of 1819 the said prisoner was concerned.

(Here enter No 307)

The Court of Foujdaree Adalaut having referred to the case No 2 on the Supplemental Calendar for the 2d Sessions of 1819, pointed out in the above return as that in which the accomplices of the Prisoner Poojaroy Soobha were tried, direct, agreeably to the recommendation of the Presiding Judge,

and

and under the provisions of Clause (a) Section III Regulation I of 1835 that the said Prisoner Regency Sookha be imprisoned and kept to hard labor in irons on the public roads or other public works, for the term of three (3) years

Ordered, that a extract of the proceedings be forwarded to the 3rd Judge on Circuit in the Western Division for his information and guidance by Precept returnable without delay.

(Sent following Precepts)

Read letters dated respectively 20th 4th and 11th August, and 20th September 1830 from the Joint Criminal Courts of Circuit submitting their opinions and those of the several Criminal Judges and Magistrates in regard to the preference to be given to the Rattan or the Cat of nine Tails as an instrument of punishment.

(Here enter Nos 472 to 496 pages 497 to 515 pp)

From the foregoing communications it appears that two of the Public Officers who have been consulted on the subject give the preference to the Rattan and seventeen to the

cat of nine tails as instruments of punishment.

2. The principal objections to the former appear to the Court of Circuit to be, that the effects of the thick rattan are dangerous, and that any rattan whatever cannot be safely entrusted to the Native Officers of Police, who are invested with the power of inflicting corporal punishment.

3. On the other hand it appears to the Court, that the Cat of nine tails, administered by the persons, who alone are available for the purpose in the Criminal Courts is nearly negatory as an instrument of punishment for the description of criminals on whom it is used.

4. To the use of the thin rattan the Court do not believe, that any objection exists on the ground of danger, and in submitting these communications to the Government, they beg to offer their recommendation, that this instrument may be adopted instead of the Cat of nine tails, and that the power of inflicting the punishment of stripes, vested in the Native Officers of Police by the provisions of Section IV.

Regulation

and under the provisions of Clause (b) Section III Regulation I of 1835 that the said Prisoner Regoray Sadhu be imprisoned and kept to hard labor in irons on the public roads, or other public works, for the period of three (3) years.

Ordered, that a extract of the proceedings be forwarded to the 3rd Judge on Circuit in the Western Division for his information and guidance by Precept returnable without delay.

(Sent following Precepts &c.)

Read letters dated respectively 20th 4th and 11th August, and 20th September 1830 from the Joint Criminal Court of Circuit submitting their opinions and those of the several Criminal Judges and Magistrates in respect to the preference to be given to the Rattan or the Cat of nine tails as an instrument of punishment.

(Here intered Nos 478, 488, 494, 497 & 515 of 1830)

From the foregoing communications it appears that two of the public officers, whose opinions have been required on the subject, give the preference to the Rattan, and

one instrument of punishment.

2. The principal objections to the former appear to the Court of Circuit to be, that the effects of the thick rattan are dangerous, and that any rattan whatever cannot be safely entrusted to the Native Officers of Police, who are invested with the power of inflicting corporal punishment.

3. On the other hand it appears to the Court, that the Cat of nine tails, administered by the persons, who alone are available for the purpose in the Criminal Courts is nearly nugatory as an instrument of punishment for the description of criminals on whom it is used.

4. To the use of the thin rattan the Court do not believe, that any objection exists on the ground of danger, and in submitting these communications to the Government, they beg to offer their recommendation, that this instrument may be adopted instead of the Cat of nine tails, and that the power of inflicting the punishment of stripes, vested in the Native Officers of Police by the provisions of Section IV Regulation

16th May 1831

Regulation IV of 1827, be taken and
and that in the cases provided under
that Section, there Superiors be made
to adjudge an commutation, imprison-
ment with Labour for a period
not exceeding Ten days

Ordered, that copies of
Circular Letter of the Registrar dated 17th June 1830 and of the four
letters from the 4 Provincial Courts
of Circuit with Extract of their
proceedings be sent to the Hon.
Chief Justice for the purpose of being laid before
Right Honble the Governor in
Council.

(Circular following Letter to
Read return, dated the 5th
from the Acting Surgeon Superintendent
Northern Division, the precept of the
Letters, directing the release of the
Vachanam prisoners in No 3 and of the
prisoners in No 4 of the Schedule annexed
to the Circuit Court, under Section
Regulation VI of 1832 and also of the
Prisoners in No 2 and 3 of the Schedule
No 4 of the Schedule annexed to the
XXII (2)

16th May 1831.

Read return, dated the 29th
Ultimo, from the Judges of the Provincial
Court of Circuit in the Western Division,
in pursuance of the 18th Ultimo, directing
that the Jail Rooms be declared to abstain
from all unnecessary violence to
Prisoners attempting to escape, and
never to use their swords except in
self defence when attacked by the
Prisoners

(Vide enter No 289)

Read return, dated the 3rd
Instant, from the Provincial Court
of Circuit in the Central Division
in pursuance of the 22th Ultimo, directing
that the transfer of Convicts to the
Jail at Cuddapah be delayed, until
the Acting Criminal Judge may
report the expiration of the Cholera
amongst the prisoners there.

(Vide enter No 299)

Read return, dated the 5th
Instant from the Joint Magistrate in
charge of the Sea Coast Division of
Arcot, in pursuance of the 25th April
stating, that the Singalese Volunteer
employed guard of 500 Rupees on Deposits
Chitty, commutable if not paid to
imprisonment

imprisonment for 6 months

(Here enter No 318)

Read return dated the 4th instant from the Judges of the Provincial Court of Circuit in the Western Division, to precept of the 27th Ultimo, directing the Provincial Court to remit unto the Criminal Judge of Malabar the depositions, able, made, in which he examined the witnesses in Case No 5 of the Register Malabar Calendar 2d Sessions of 1830.

(Here enter No 319)

Read return, dated the 5th instant from the Provincial Court of Circuit in the Northern Division, to precept of the 18th Ultimo, requiring the remarks of the Principal Sudder Ameen in the Criminal Reports of January last.

(Here enter No 320)

Read return, dated the 6th instant, from the Provincial Court of Circuit in the Northern Division, to precept of the 18th Ultimo, directing that Veeru be desired to abstain from all unnecessary violence towards persons attempting to escape.

(Here enter No 321)

Read letter, dated the 28th February last, from the Acting Judge on Circuit in the Northern Division, forwarding the

record of trial in case No 27 Nellore Calendar for the 1st Sessions of 1831.

(Here enter No 131.)

The First and Acting Third Judges Judges having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officers, and the futwa of the Cazee and Coojah and Moofties of the Zillah Court, concur in opinion that the prisoner

Pottala Gungadoo

is not convicted on strong presumptive proof, or on the evidence of credible Witnesses, or on his own Confession, notwithstanding the futwa of their Law Officers, and accordingly under the provisions of Clause Sixth Section II Regulation XV of 1803, they direct that the Prisoner

Pottala Gungadoo

be discharged at liberty.

(Sent for drawing Letter No

With reference to that part of the 8th para of the letter of the Presiding Judge which accompanied the record of the above trial, the Court of Sudder Adawlut deem it proper to point out, that the discernment of

6th May 1831.

the confession before the Village Police Officer was illegal, and not admissible as evidence, but that the testimony as to the verbal confession was available.

In regard to the doubt expressed in the 4th para, the Presiding Judge was not competent to release the prisoner, the Law Officer having declared in his favour, that the suspicion against him amounted to grave probable, or strong presumptive proof. If the finding had been merely Theft, the Acting Judge might have released the Prisoner, under Clause sixth Section II Regulation XV of 1803

Ordered, that a extract of these proceedings be sent to the Acting Judge on Circuit in the Northern Division for his information and further guidance by precept returnable without delay.

(Sent for Planing Receipt No 234 dd 13

F. H.

At a Court of the Foujdaree Udalut.

Present.

Wednesday, 18th May, 1831.

C. A. Grant Esqre 1st Puisne Judge.
C. H. Lushington Esqre 2nd Puisne Judge.
John Bird Esqre Acting 3rd Puisne Judge.

Read petition presented by Meenatchy Ammah of Madura, on the 11th Instant.

(Hereunto Insd. Petr No 37 of 1831.)

This is an appeal against a sentence of the Court of Circuit, and the petition is therefore rejected, there being no such appeal under the Regulations.

Ordered, that extract of these proceedings be furnished to the petitioner on her application.

Read petition, presented on the 11th Instant by Ramiah of Cuddapa.

(Hereunto Insd. Petr No 38 of 1831.)

This is an application for a remission of the unexpired term of the sentence of imprisonment, passed by the Court of Foujdaree Udalut, under date 27th March 1827, on Vinaetaramdoo, the brother in law of the petitioner.

The Court see no cause for a compliance with the prayer of this petition, which is accordingly rejected.

Ordered

8th May 1834.

the confession before the Village Police Officer was illegal, and not admissible as evidence, but that the testimony as to the verbal confession was available.

In regard to the doubts expressed in the 10th para, the Presiding Judge was not competent to release the prisoner, the Law Officer having declared in his fatwa, that the suspicion against him amounted to grave ghalib, or strong presumptive proof. If the finding had been merely thamut, the acting Judge might have released the Prisoner, under Clause sixth Section II Regulation XV of 1803

Ordered, that extract of these proceedings be sent to the acting Judge on Circuit in the Northern Division for his information and future guidance by precept returnable without delay.

(Sent following Receipt No 236 ///

Wednesday, 8th May, 1834.

At a Court of the Faujdaree Adalut.

Present.

T. A. Grant Esqr 1st Puisne Judge.
C. M. Lushington Esqr 2nd Puisne Judge.
John Bird Esqr acting 3rd Puisne Judge.

Read petition presented by Veeramakaly Ammah of Madura, on the 8th Instant.

(Sessions Miscellaneous No 37 of 1834)

This is an appeal against a sentence of the Court of Circuit, and the petition is therefore rejected, there being no such appeal under the Regulations.

Ordered that extract of these proceedings be furnished to the petitioner on her application.

Read petition presented on the 7th Instant by Ramiah of Coddapa.

(Sessions Miscellaneous No 38 of 1834)

This is an application for a remission of the unexpired term of the sentence of imprisonment, passed by the Court of Circuit, under date 27th March 1827, on Thiagaraundoo, the brother in law of the petitioner.

The Court see no cause for a compliance with the prayer of this petition, which is accordingly rejected.

Ordered

the confession before the Village Police

18th May 1831

Ordered, that extract of these proceedings be given him to the petitioner on his application.

Read return to Writ of 7th Instant from the 2nd Judge taken on Circuit in the Centre Division to precept, dated 3rd Instant, calling for an explanation of his orders upon certain cases in the Chungleput Calendar 2nd Sessions of 1830.

(Here enter No 305 of 1831)

By the foregoing return it appears, that the cases Nos 17, 19, 21, 25 and 29 in the above Calendar were returned to the Criminal Judge for reasons stated, either different from those assigned in the Calendar.

The 2nd Judge will be careful in future to record the grounds upon which he may keep orders of this description.

Ordered, that extract of these proceedings be sent to the 2nd Judge taken on Circuit in the Centre Division for his information and future guidance.

(Sent following letter No 241 dated 6th Instant from the Acting Judge on Circuit in the Northern

18th May 1831

time the orders of the Court of Sessions relative to certain cases in the Chingleput Calendar 1st Sessions of 1831

(Here enter No 305 of 1831)

The foregoing supplemental return has reference to the case No 5 on the Calendar, respecting which directions were given in the 4th paragraph of the proceedings of the Court of Sessions relative to that under date 13th Instant.

And the Court of Sessions relative to that direct, that in sending to the Native Criminal Judge the instructions recorded, the Acting Judge do further suggest to the officer, in the event of there being no more procurable evidence against the prisoner, to require security previously to his release under the rules in that behalf contained in the Regulations, that should further evidence be found, the Native Criminal Judge will be committed time for trial at the ensuing Sessions of Gaol Delivery.

Ordered, that extract of these proceedings be sent to the Acting Judge on Circuit in the Northern Division by precept, returnable in fourteen days from and after its receipt.

(Sent following

18th May 1831.

Read supplemental return dated the 7th Instant, from the Magistrate on Circuit in the Northern Division, to precept, dated 9th Ultimo, conveying orders of the Court of Kingsbench thereon, regarding certain cases on the Calendar before him, under the provisions of Regulations X of 1814, and XII of 1822.

(Enumeration No 324 of 1831)

Also affidavit, from the Magistrate, returning Calendar thereto annexed, with Judge's letter, dated the 7th Instant, connected therewith, and explanatory of the charges preferred against the Court of Kingsbench thereon, and their order of the 9th Ultimo, thereupon.

2

In the 4th paragraph of the Kingsbench's order dated 9th Ultimo the Acting Judge was called upon to report by whom the proceedings of the case in question were held.

3

The next having been read, on the return of the Acting Judge of the 23rd Instant, it was ordered that the

18th May 1831.

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

Sent following Precept No 243

Read letter dated the 2nd Instant, from the Provincial Court of Circuit in the Southern Division, submitting the Reports prescribed by Section XXXV Regulation X of 1816, from the General Criminal and Joint Criminal Judges, for the Month of March 1831.

(Enumeration No 326)

Eminently Safe Report.

1

In case No 18 the Provincial Court will require the Magistrate to explain on by the authorities the requisitions for whole attendance were made on the 28th of February and 1st of March, but not been forwarded to the Criminal Court at the close of the Reports.

The Criminal Court will

2

call for and transmit the returns of the work performed in March by the several Pundits on the Sudr on which returns should always be forwarded with the monthly Reports.

Ordered that extract of these proceedings be forwarded to the Provincial Court in the Southern Division for

their

18th May 1831

their infamation and guidance by
precept returnable without delay.

(Sent following Precept No 2 dated

Read again letter dated the 7th
January last from the 1st Judge on Circuit
in the Northern Division, enclosing
record of the trial in case of 3 Chiefs
Calendar 2nd Sessions of 1830

(Here enter No 2?)

Read also the second section
delivered in this case by the Crown
Counsel and Inspector of the Penitentiary
dated

The First and Second Circuit
Judges, having maturely considered the
proceedings held before the Judge on
Circuit, the Justices of the Provincial Court
Officer, and the Justices of the Crown
Counsel and Inspector of the Penitentiary
dated, confirm the said sentence of
the Crown Counsel Counsel and Inspector
aforesaid, and, under the provisions
of Clause Second Section VI Regulation
I of 1825, adjudge the said Louder

Mc Foolery Nardem Lee
to be imprisoned for and during the
period of his natural life

18th May 1831

Read return dated the 9th
Instant, from the Provincial Court of
Circuit in the Centre Division, to precept
of the 4th Instant, conveying the remarks
of the Judges relative to the Criminal
Reports of the Centre Division for March
last.

(Here enter No 319)

Read return dated the 5th Instant,
from the Provincial Court of Circuit in
the Centre Division, to precept of the
4th Instant, directing that the penalty
of the bond given by securities, be
invariably exacted, when the persons
for whom they have become security
may perpetrate offences within the
period of their responsibility.

(Here enter No 320)

Read return dated the 9th
Instant, from the Judges of the Provincial
Court of Circuit in the Western Division,
to precept of the 27th ultimo, directing that
the dates of the sentences upon prisoners
for temporary imprisonment as
shewn in the warrants, be considered
as the commencement of their temporary
imprisonment, and that they be so
inserted in the future Reports of

the

18th May 1831.

the prisoners in Lal at Bangal-
after the completion of the Pleas
(Here enter No 222)

F. H.

At a Court of the Fouzdaree Adalut
Present,

Friday
20th May 1831. F. H. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2d Puisne Judge

Read letter, dated the 2d Instant,
24 Pa from the Criminal Court of Arcot in
the Western Division, submitting the Reports
prescribed by Section XXIV Regulation X
of 1816, from the several Criminal, Joint
Criminal and Native Criminal Judges
for the month of March 1831.

(Here enter No 870)

Madras Circuit
Last Report

The explanation of the delay
in the disposal of the cases remaining
"under examination" is not considered
by the Court of Fouzdaree Adalut to be
sufficient. The Criminal Judge must in
future show, why the evidence in such
cases cannot be procured, or why a report
has been made to the Magistrate.

The Tahsildar having reported
2
Madras Circuit
Last Report No

that the detention of the Prisoner in this
case had been occasioned by the non
attendance of the Witnesses, the Criminal
Court will inform the Magistrate, that
this reason without explanation as to
why their attendance could not be
procured, is not satisfactory.

The

20th May 1831.

No 6

3.

The Saint Criminal Judge states that the Saint Magistrate has assigned no reasons for the detention of the Prisoner in this case, the Provincial Court should therefore have called upon the Saint Magistrate for an explanation of it.

4.

The Court of Vigilance Rebelot deem it proper to direct, that agreeably to their orders of the 13th September 1824 which modified those of the 5th November 1820, the Provincial Court will obtain the required explanation from the Saint Magistrate, whose attention should be directed to the Ordinance Rebelot of 8th February 1831 the Provincial Court will also call upon the Saint Criminal Judge to explain why, as the Prisoner arrived at his Bar on the 4th of February, he did not apply to the Magistrate for further evidence until the 28th of that month.

No 7. 5.

The explanation in this case is unsatisfactory. The Criminal Court will ascertain and report why 12 days were allowed to elapse before application was made to the Magistrate for one additional Witness, and why his attendance could not be procured for so long a period.

No 8 6.

The Provincial Court will

20th May 1831.

also ascertain and report, why no application was made to the Magistrate for the required witnesses in this case before the 27th of February; the Prisoner and 2nd Prosecutor having been brought to the Criminal Court much earlier, and why the 1st Prosecutor could not appear until the 29th of March.

No 9 & 10. 7.

In these two Cases, four witnesses were detained 43 days at the Court, and two Witnesses 41 days, and the reasons assigned are, that in the former case the attendance of the Prosecutor was necessary, and that further evidence was required in the latter.

8.

The Court wants a key to understand, why the Government Vakeel was not authorized to conduct the proceedings until the arrival of the Prosecutors, and as it appears that there was only one Witness for whom the others were detained, it could scarcely have been necessary to detain the Witnesses for so long a period.

No 12. 9

The Provincial Court will call

call upon the Joint Criminal Judge to explain why no letter was written to the Magistrate for Witnesses in this case until the 4th of March the Prisoner having remained in Gaol on the 27th of February

6. Having noticed the cases in the Report under review in which the Prosecutors and Witnesses were detained without apparently sufficient cause, the Court of Togdaree Velahut direct that the Provincial Court do caution the Joint Criminal Judge, that there can be no excuse for the detention of people so long from their homes, and that greater exertions are expected from him in the performance of the duties which devolve upon him.

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

(Sent following Precept No 249)

Read return stating the 29th Instant, from the Acting Judge on Circuit in the Southern Division to precept dated 15th Ultimo conveying to him the orders of the Court of Togdaree Velahut upon certain cases in the Criminal

Calendar 1st Sessions of 1831.

(Dispatch No 292 of 1831.)

1. With the foregoing return the Acting Judge has transmitted, as required by the orders of the Court of Togdaree Velahut the deposition of the prisoner in case No 5 of the Calendar before the Magistrate, in which the Court observe that he denied having ever slept at the house of Gobindram, in which he subsequently deposed on oath before the Joint Criminal Judge, that he did sleep on the night of the 13th September 1830.

2. It is clear, therefore, that the prisoner delivered before the Magistrate and the Joint Criminal Judge two depositions directly contradictory of each other, and the Acting Judge should have caused the indictment to be amended if the former deposition was inaccurately recited therein.

3. The discharge of the prisoner without trial appearing to the Court of Togdaree Velahut to have been improper, they direct that the Acting Judge do issue orders for his reapprehension, and instruct the Joint Criminal Judge to recommit him for trial.

4. On reference to the proceedings in case No 4th, the Court of Togdaree Velahut observe that the

grounds

promotor signed for the discharge of the prisoner Brownson & the charge of perjury must be considered by Lawrence altogether insufficient for commitment on that ground the return of the prisoner should have been refused.

Ordered that the depositions transmitted with the above return with an extract of these proceedings be sent to the acting Judge on Circuit in the Southern Division by precept, returnable in four days from and after its receipt.

(Sent following Precept № 250.

Read letter dated the 6th Instant from the Provincial Court of Circuit in the Western Division, submitting certain questions, having reference to the orders of the Court of Vujelarre Volatut under date the 4th Instant, pointing out the modes in which the proceedings against Chowaeara Roonga Pooky for perjury are to be conducted.

(Here enter № 227 of 1831.)

In the foregoing letter are contained various observations upon points, the discussion of which does not appear to the Court of Vujelarre Volatut to belong to the province

20th May 1831.

of the Provincial Court of Circuit, and the Court of Vujelarre Volatut deem it proper to confine their instructions in reply to those questions, which concern the proceedings of the Criminal Courts under the Regulations of this Government.

2 The provisions of Section XI. Regulation X. of 1816 apply to charges of perjury, as well as of other offences not bailable.

3. Should the accused be committed for trial before the Court of Circuit, and should the Judge presiding in that Court consider it objectionable, that Mr. Brown should conduct the prosecution, he will direct the Government what to direct the Government Vakeel to prosecute.

4. The question discussed in the 3rd paragraph of this letter was disposed of by the Court of Vujelarre Volatut in their proceedings under date 15th June 1826, recited in the proceedings of 11th March last, which were transmitted to the Provincial Court.

&c

20th May 1831.

H. H. Three Police

grounds assigned for the de[illegible]

[illegible]

VIII. Regulation of 1803 construed & explained by the Court of Kingstanee that to refer exclusively to cases in which an European British subject may be the party accused.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance.

(Sent following Letter No 251.

Read Letter, dated the 17th Inst. from the Acting Chief Secretary to Government, directing the Sentence of the Supreme Court for the release of Suppamuttoe Berayre and Dombarega Naiks to be tried by the Special Commission at Chilaw to be carried into effect.

(Here enter No 328.)

The Court accordingly pleased to direct that the Sentence on trial No 1 from the Special Commission at Chilaw be transmitted for execution.

Read Letter dated the 7th March last from the acting 2nd Judge on Circuit in the [illegible]

P. H.
20th May 1831.

transmitting the Record of trial in case No 14 of Matara Calendar for the 1st Sessions of 1831.

(Here enter No 168.)

The First and Acting Third Puisne Judges having maturely considered the proceedings held before the Judge on Circuit, the Justices of the Peace and Local Law Officer, and the Justices of the Cazee and Coast and Moorfus of the Kingstanee Potahut, confirm the said Sentence of the Cazee and Coast and Moorfus aforesaid, and acquitting the Prisoners

1st Lowra Moortayn pillagalee Devenelagalley,
2nd Rungadamy Naiken
3rd Lenamalla Naiken
4th Allagherry Naiken
5th Veerapah Naiken
6th Vendaradamy Naiken
and
7th Seebah Naiken

of the crimes of murder and Robbery laid to their charge, but considering that strong suspicion, though not amounting to conviction, attaches to them, the First and Acting Third Puisne Judges direct under Clause 6th Section 11th Regulation XV. of 1803, that they be and required to find two securities in one hundred Rixdollars each for their good behaviour and appearance when required within three years, or in default thereof, that they

25th May 1881

they be each detained for three years
in confinement.

(Sentence of Banning to the 25th
Read to the Prisoner the 25th June
last from the Acting Sheriff's Clerk at
the Northern Division; Enumerating the
record of trial in case of R. v. Nelson Edwin
for the Sessions of 1881

(Sentence the 25th)

The First and Acting Chief Justice
presiding. Both before the Assessors
Crown & the Justices of the Commission
Law Officers and the Justices of the Peace
& Clerk of the Court
Nelson to confirm the Trial Sentence of the
Court & Court & Assessors appointed
and regarding the Prisoner
Mackenzie Evans Commander
of the crime of Perjury both to the charge,
direct that he be detained Liberty

(Sentence following letter 25th

The Court of Exchequer Court
deem it proper to remand the
proceedings of the Presiding Judge in this
Case necessary accordingly

The Prisoner having been
arraigned, the Presiding Judge ruled,
that it would not be necessary to take
any objection from the

25th May 1881 Patrick who prosecuted, and then
questioned the prisoner as to the fact
of his having given the deposition dated
the 17th September: having obtained an
answer in the affirmative, the Presiding
Judge proceeded to examine the witness
for the prosecution, and then without
putting the Prisoner on his defence
took the opinion of the Law Officers,
and afterwards informed the Prisoner
that the trial would be reserved for
the Supreme Court.

This occurred on the 6th February
and on the 8th of March the prisoner
was again brought before the Court
and put upon his defence.

The Court of Exchequer Court
consider that the examination of the
Prisoner prior to that of the Witnesses for
the Prosecution was illegal, that the
admission which he then made ought
not to be taken as evidence in support
of the charge, and that without it there
is no proof of the prisoner having
perjured himself.

Ordered, that extract of these
proceedings be sent to the Acting Judge
on Circuit in the Northern Division
for his information

(Sentence following letter 25th

At a Court of the Fouzdaree Adalut.

Present

Monday, 23rd May 1831. R. H. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2nd Puisne Judge

Read petition presented on the 18th Instant by Peramal Naiken of Chingleput.

(Entered E. 6. Miscl. Petn. p. 39 of 1831)

Petitioner prays the Court to call for, and consider the trial of case No 7 Chingleput Calendar 2nd Sessions of 1830, and release the two prisoners, Moovenachetty Naik, and Lasachetty Naik, his Son in Law.

The petitioner is aware, that the trial is under reference to the Court of Fouzdaree Adalut, and his petition is absurd and improper.

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

Read petition, presented on the 18th Instant by Ristnaingar of Chingleput.

(Entered E. 6. Misc. Petn. p. 40 of 1831)

The petitioner prays the Court to call for, and examine the proceedings

proceedings in case of theft preferred by him before the Magistrate, and disposed of by the Assistant Criminal Judge, and complains of the refusal of the 2nd Judge to call on Counsel to interfere in the case on his petition.

There is nothing in the petition to shew, that the case in question was not regularly disposed of according to the Regulations; and the prayer for the interference of the Court of Sudder Adawlut is therefore rejected.

Ordered, that a extract of the proceedings be furnished to the petitioner on his application.

Read petition, presented by Moodaliyar of Cuddapah on the 8th Instant.

(Received F.H. Inside Rec. No 61 of 1831.)

Petitioner prays the release of his father, a prisoner in cadeh Cuddapah Calendar 1st Sessions of 1831, under reference to the Court of Sudder Adawlut.

Ordered, that the petitioner be informed, that his application is irregular and improper, and that no attention can be paid to it.

23rd May 1831.

Read petition, presented on the 15th Instant by Kutchummah of Cuddapah.

(Received F.H. Inside Rec. No 62 of 1831.)

Petitioner prays the Court to restore the release of her son, a prisoner in cadeh No 1 Cuddapah Calendar 1st Sessions of 1831, under reference to the Sudder Adawlut.

Ordered, that the petitioner be informed, that her application is irregular and improper, and that no attention can be paid to it.

Read petition, presented on the 15th Instant by Vurda Venkatapah of Cuddapah.

(Received F.H. Inside Rec. No 63 of 1831.)

Petitioner prays for an order to the Criminal Judge for the release of his brother Subbadoo, sentenced by the Court of Sudder Adawlut in case No 53 Cuddapah Calendar 2nd Sessions of 1825, to imprisonment for seven years.

The sentence of imprisonment ~~and~~ from the date of the warrant, and no remission on account of previous confinement can be allowed.

Ordered, that the prayer of

23rd May 1871.

Judge on Circuit in the Southern Division
by precept returnable without delay.
(Sent following Precept No 257.

The Court of Bujalance observe,
that in several Trials recently
referred by the 2nd Judge late on Circuit
in the Centre Division, that officer has
simply stated as the ground of reference,
that he did not concur in the finding
of the Mohammedan Law Officer, omitting
altogether to submit a distinct opinion
on the merits and circumstances of the
case

2 The Court, therefore, deem it
proper to call the attention of the 2nd Judge
to their orders on this subject under date
24th December 1870, to which he will be
careful hereafter to conform.

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

(Sent following letter No 258.

Rent letter, dated the 19th
Instant, from the Provincial Court
of Cuenca in the Eastern Division,
submitting the copy of a letter, dated
the 9th Instant, from the Joint Criminal
Judge of the Auxiliary Court at Ronda,
requesting

23rd May, 1871.

of the petitioner be rejected, and that
extract of these proceedings be furnished
to the petitioner on his application.

Read again letter, dated the
23rd of March last, from the Acting Judge
on Circuit in the Southern Division, sub-
mitting the Record of proceedings in case
No 9 of the Malaga Calendar for the Sessions of 1871

(Here enter No 188-)

The Court commit the said sentence
on the prisoners in this case, without referring
to the complaint preferred to the Police
Arbitration dated the 21st of October, and to
the two Reports of the Police Arbitration to the
Board of Police, dated the 22nd of October
and 2nd of November, and which are alluded
to in the Report of the Board of Police dated
the 7th of November

2 The Court decline also to refer
to the warrant and process alluded to
in the 6th and 7th Paras of the Acting Judge's
letter.

3 The Judge on Circuit is
accordingly required to prepare certified
translations of the fine documents herein
alluded to, and to transmit them to this
Court with the least practicable delay.

Ordered, that a extract of
these proceedings be sent to the Acting
Judge

23rd May 1831

regarding their opinion as to the construction of certain provisions of Regulation III of 1831, together with an extract from the proceedings of the Provincial Court of Circuit relative thereto.

(Here enter No 336)

The Provincial Court having perused the instructions, necessary to be observed by the Joint Criminal Judge, that the Regulation above mentioned may have been intended to interfere with the general rules laid down for the guidance of the Criminal Judges as committing officer in cases punishable only by the Court of Circuit and they will point out to that officer, the extraordinary departure from the simplest and most obvious principles of legal construction, exhibited in this question, as to the authority of the Criminal Court to pass judgment on persons charged with offences within the provisions of the above Regulation.

2

With reference to the 3rd para graph of the proceedings of the Provincial Court of Circuit, the Court of Foujdaree Adalut observe, that as no question has arisen requiring necessary a definitive

23rd May 1831

the term Ryot, it is unnecessary to determine the point on the present occasion.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division, by precept enjoining them to make the necessary communication to the Joint Criminal Judge for his information and future guidance.

Court following Precept No 259

Read letter, dated the 18th Instant, from the 1st Judge of the Provincial Court of Circuit in the Northern Division, forwarding a recommendation from the Magistrate of Rajahmundry for the grant of pecuniary rewards to certain individuals instrumental in apprehending Cantu Paramaday

(Here enter No 291)

The Court of Foujdaree Adalut having taken into consideration the service rendered on the above mentioned occasion by Cullara Lutaramaiah, Mahummud Cuffoor, and Shek Vol. Hallem, direct that a reward of 35 Rupees be paid to each of them.

Ordered, that extract of these proceedings be sent to the Magistrate of Rajahmundry for his

23rd May 1831.

his information and guidance.

(Sent following letter No 260)

Read letter, dated the 9th March last from the Provincial Court of Circuit in the Centre Division, transmitting the record of trial in case No 12 Cuddapah Calendar 2nd Sessions 1830

(Execution No 148)

The First and Acting Third Puisne Judges on a mature consideration of all the circumstances of the case in evidence before them, concurring in opinion that the proof against the prisoner, Duggala Chendrayadoo, is sufficient to convict him of the crime of murder, duly under the authority with which they are vested by Clause first Section III Regulation I of 1818, convict him thereof, and sentence him to suffer death as prescribed by Section X Regulation VIII of 1802, by being hanged at the usual time and place of execution.

(Sent following letter No 261.

F. Ca.

At a Court of the Foujdarree Adalut.

Present,

Wednesday 25th May 1831. — T. A. Grant Esqr 1st Puisne Judge
John Bird Esqre Acting 3d Puisne Judge

Read letter, dated 28th Ultimo from the 1st Judge late on Circuit in the Northern Division, Submitting English translation of the trial of case No 8 Rajahmundry Calendar 2d Sessions of 1830, called for by the Court of Foujdaree Adalut under date the 16th December last -

(Execution No 857 of 1831.)

The Court of Foujdaree Adalut having taken into consideration the proceedings held in this case, are of opinion that the acquittal was proper, and that the case ought not to have been committed for trial before the Court of Circuit.

2 The Court of Foujdaree Adalut observe that of the trials in the Calendar called for by their order under date the 16th December last No 1, 2, 9, 10, 12, 13 and 10 remain to be submitted, and the Court upon further consideration resolve to dispense with the reference of the three last mentioned.

Ordered, that Extract of these proceedings

25th May 1831.

Acting Judge, that he did not concur in the Conviction, and ordered this prisoner's release on Security—

2 Under the provisions of Section XXII Regulation VII of 1802 the Acting Judge should have referred this trial, but the Court of Foujdaree Adawlut being reason to question the sufficiency of the evidence adduced, for the conviction of the 5th prisoner, will not detain the case for his Conditional release.

3 The Sentence of the Acting Judge in case 1st 10 is open to similar observation.

4 The Court of Foujdaree Adawlut conclude, that these Sentences were passed before the receipt of their orders on the Construction Calendar.

Ordered, that Extract of these proceedings be sent to the Acting Judge on Circuit in the Northern Division for his information and future guidance.

Court following letter No 265

Read letter, dated the 4th Instant from the 3rd Judge in Circuit in the Western Division, submitting case of Mt. O Malabar Additional Calendar 1st Sessions of 1831.

(See letter No 235 of 1831)

In this case the prisoner

25th May 1831.

"Kariatel Araean"
delivered a confession before Poonnatel Nagapa
Menon, a Police Gomastah, and the 3d Judge
has omitted to state, as required by the Circular order
of the Tongaud Cerakut dated the 30th November
1821, whether or not this person was duly autho-
rized under the provisions of Section III Regulation
IV of 1821 to take the confession.

Ordered therefore, that the 3d Judge
on Circuit in the Western Division be required
by precept, returnable without delay, to certify
to the Court of Tongaud Cerakut, whether or
not the said Police Gomastah acted under
lawful authority.

(Sent following precept No 266)

Read letter, dated 9th Instant,
from the 3d Judge on Circuit in the Western Division,
explaining the grounds for his order in case No
4 of the 1st Additional Malabar Calendar 1st Sessions
of 1831 and acquitting the Court of Tongaud Cerakut
to review the comments thereupon recorded in
their proceedings under date the 20th October
(Vide enter No 347 of 1831)

From the explanation of the cir-
cumstances of the above case given in the foregoing
letter it appears, that the remarks entered in
the Calendar exhibit a very imperfect, if not
incorrect

2/ J.G.
25th May 1831.

moreand view of the transaction.

2 The remarks of the Court of Tongaud
Cerakut applied to the case, as laid before them,
and would not have been made, had the case been
represented in what would appear to be its true
colours.

3 The 3d Judge will be careful in
future to record with accuracy the grounds on
which he may ifsue an order, in the nature of that,
which gave occasion to the observations of the
Court of Tongaud Cerakut, of the 20th Ultimo.

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

Rs 34 2 11 (Sent following letter No 267)
JGL

T. 4a

Tuesday
27th May 1851

At a Court of the Pangalanes Malabat
Present,
F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2nd Puisne Judge

Read letter, dated the 27th ultimo, from the 1st Judge late on Circuit in the Northern Division, submitting English translation of the trial of case No 15 Rajahmundry Calendar 2nd Sessions of 1850 called for by the Pangalanes Malabat under date 10th December last.

(Here enter No 352.)

1. The Court of Pangalanes Malabat having taken into consideration the proceedings held in this case observe that a great deal more evidence was might and ought to have been procured

2. In the opinion of the Court of Pangalanes Malabat, the 1st Judge ought not to have commenced the trial without more satisfactory proof of the occasion of the death of the deceased Venkoo, and Vennah, than appeared upon the proceedings, submitted to him by the Criminal Judge

3. The Court of Pangalanes Malabat

entertain

entertain little doubt of the guilt of the 1st and 2nd prisoners in this case, whose conviction would have been the manifest result of the adoption of proper measures either by the Criminal Judge or by the 1st Judge on Circuit, to obtain further evidence in support of their confessions before the Police Officer.

And under the circumstances of the case the Court of Enquiry [illegible] are of opinion that these two prisoners should on no account have been released without security.

Ordered, that extract of these proceedings be sent to the 1st Judge [illegible] on Circuit in the Northern Division for his information and guidance.

(Sent following Letter No 270

The Court of Enquiry [illegible] observe, that five trials of cases belonging to the 2nd Sessions of 1830 remain to be referred by the 2nd Judge to be tried on Circuit in the Centre Division, and that of the numerous trials set down for reference by the 3rd Judge for the 1st Sessions of the present year, not one has yet been referred.

These delays [illegible] occasioned to obstruction

which is at variance with the intentions of the legislature, and injuriously obstructive of the administration of justice; and the Court of Enquiry [illegible] that the evil prevails to a much greater extent in the Centre than [illegible] in any other Division.

Ordered, that extract of these proceedings be transmitted to the 2nd and 3rd Judges of the Provincial Court of Circuit in the Centre Division by precept, commanding them to transmit the trials set down for reference to the Court of Enquiry [illegible] without further delay.

(Sent following precept No 271

Read again letter, dated the 11th ultimo from the 1st Judge presiding at the 2nd Quarterly Sessions in the Northern Division, suggesting that a precept be issued for the apprehension of one [illegible] Ramadawoy, who attempted to murder a Police Duffadar and who was released by the Joint Criminal Judge at Madulsima on the grounds of provocation.

(Vide inter No 238)

Read also letter, dated the 30th ultimo from the 1st Judge of the Court of Circuit in the Northern Division submitting in obedience to precept of the 22nd ultimo translation of the proceedings

27th May 1881

Proceedings of the Magistrate and Joint Criminal Judges in No 15 of the Calendar of Persons discharged as laid before the 1st Judge presiding at the 2nd Quarterly Sessions of Madulipatam.

(Here enter No 353)

1 It appears to the Court of Enquiry Velatut, that there are in this case ample grounds for the commitment of Ramasawmy for trial, and that the Joint Criminal Judge was not competent to release the prisoner upon the grounds he did.

2 The Provincial Court of Circuit in the Northern Division will therefore cause Ramasawmy to be re-apprehended and committed for trial on the evidence which has been already given on the Prosecution of both Rungachary and Letchmoo Pop, and will require the Magistrate to send up Rungachary to produce.

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

(Select following Despatch 272 Board's letter dated the 4th Instant, from the 1st Judge of the

5 H.
27th May 1881.

Provincial Court of Circuit in the Northern Division reporting on the 2nd Quarterly Sessions at Madulipatam for 1881.

(Here enter No 354 of 1881.)

1. The 4th paragraph of the above report, contains observations in respect to the supply of food to the working prisoners in the Jail.

2. The general question of the proper mode of subsisting convicts is at present before the Government, and circular orders will be issued on the subject when the pleasure of the Right Honorable the Governor in Council shall have been made known to the Court of Enquiry Velatut.

3. With reference to the latter part of the 7th paragraph, the Court of Enquiry Velatut observe, that it is competent to the Judge, presiding in Sessions, to require from the Criminal Judge any information regarding the Jail and the prisoners under his charge.

4. The 1st Judge has, as intimated in the 10th paragraph of the report forwarded twenty days since, laid before him by the Assistant Judge of the Auxiliary Court at Madulipatam.

5. The Court of Ordinary Enquiry Velatut observe, that Colonel

of

of these decrees if deemed they can be called are not in the handwriting of the Assistant Judge, an impropriety of which the Court request, that there will occur no repetition.

6. But looking at the crudeness and jejune contents of the greater part of these documents, the Court deem it necessary to call upon the Assistant Judges to explain, whether they contain the entire decrees in the suits in question, or are merely memorandums of such decrees.

7. Instead of many among them the Court must remark, that they are any thing but what decrees ought to be.

8. The subjects of complaint treated of in the 5th paragraph of the report, form matter of ongoing nature by the Civil tribunals exclusively.

Ordered, that extract of this proceedings with copy of the Report be sent to the Acting Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent following letter No 373

Ordered also, that extract of these proceedings be sent to the Assistant Judge Eastern Division for his information.

(Sent following letter No 374.

Also Ordered, that extract of paras 4, 5, 6 and 7 of these proceedings, together with the decrees above mentioned, be sent to the Assistant Judge of the Auxiliary Court at Mandapatam by precept, returnable in five days from and after its receipt.

(Sent following Precept No 375

Read return, dated the 15th Instant, from the Judges of the Provincial Court of Circuit in the Western Division, to precept of the 6th Instant, directing that the penalty of the bond be always exacted from those who may stand security for persons, who may commit offences during the time of the responsibility of their sureties.

(Here enter No 337)

Read return, dated the 2nd Instant, from the 1st Judge on Circuit in Northern Division, to precept of the 10th January last, directing a sentence of one years imprisonment with hard labour in Irons to be passed upon the 1st 2nd 3rd and 4th Prisoners in case No 5 Guntoor Calendar 2nd Sessions of 1850.

(Here enter No 338)

Read return, dated the 2nd Instant,

27th May 1881.

Northern Division to precept of the 25th ultimo, directing that Callapalem Nagatoo prisoner in No 1 Guntoor Supplemental Calendar, be imprisoned with hard labor in Irons for 7 years from the date of his trial.

(Here enter No 342)

Read return, dated the 7th Instant from the 1st Judge tale on Circuit in the Northern Division, to precept of the 2nd Instant, directing that the 1st 2nd 3rd and 5th Witnesses in No 14 Rajahmundry Calendar 2nd Sessions of 1880, be apprehended and committed for Perjury.

(Here enter No 343)

Read return, dated the 5th Instant, from the 1st Judge tale on Circuit in the Northern Division, to precept of the 30th April last, directing the early transmission of the records of the Trials in the Rajahmundry Calendar for the 2nd Sessions of 1880, called for by the Court on the 10th of December.

(Here enter No 344)

27th May 1881.

Instant from the 1st Judge on Circuit in the Northern Division, to precept of the 10th January last, directing the translation of the English transtation of No 1 Supplemental Guntoor Calendar 2nd Sessions of 1880.

(Here enter No 339)

Read return, dated the 3rd Instant from the 1st Judge tale on Circuit in the Northern Division, to precept of the 8th ultimo, directing that the 2nd prisoner in charge of Prisoners, be desired to abstain from all unnecessary violence towards Prisoners attempting to escape, and to use only so much force as may be necessary in self-defence, and to use attached by the Gendarmery.

(Here enter No 340)

Read return, dated the 2nd Instant, from the 1st Judge on Circuit in the Northern Division, to precept of the 20th Instant, directing the 1st Judge to issue a warrant for the apprehending the 3rd 5th and 6th Prisoners in No 3 Chicacole Calendar 2nd Sessions of 1880, and to explain why he notified continuing to the Regulations in not ordering their release after trial and acquittal.

(Here enter No 341)

Read return, dated the 3rd Instant from the 1st Judge tale on Circuit

the confession before the Village Police

F 6

F 6

At a Court of the Fingland District,

Present

Monday 30th May 1831 — F. A. Grant Esqr. First Puisne Judge

John Reid Esqr. Acting third Puisne Judge

The Register lays before the Court the following statements drawn up in his Office, from the returns received therein from the Provincial Courts of Circuit, exhibiting the operations of the Village and District Police and the Magistracy of the Criminal Courts and of the Courts of Circuit respectively, and he submits also an abstract of the operations of this Court from the 5th of January to the 30th of June 1830, according to the forms approved by Government.

/ Here enter Nos 5 to 9. /

1 Statement No 5, with the details in No 2, exhibits the number of persons summoned before the Village and District Police and the Magistracy for petty offences punishable by them, together with the number of acquittals and convictions, and the nature of the punishments inflicted.-

2 The total number of persons brought before the Village Police together with the number acquitted, or committed of petty offences as compared with

30th May 1831.

with the preceding half year, or from the 1st of July to the 31st of December is as follows.

	Persons summoned	Cases disposed of	Cases pending
From 1st July to 31st December 1829	680.	250.	301.
From 1st January to 30th June 1830	786.	297.	86.

3

By the Village Police, 350 persons were brought before the Village Choultry and 18 in the Court House for petty offences, making the gross number brought before the Village Police 786 persons brought before them for petty offences and 36 for petty offences of the former 546 were punished, of the latter 83.-

In the Districts of

Chingleput
Coimbatoore
Canara
Masulipatam
Rajahmundry
Cuddapah
and
Ongole

there is not a single case of a complaint before the Village Police the largest number is in the Districts of Canara, Coimbatore, Malabar, Rajahmundry and Guntoor. The number of persons brought

30th May 1831.

brought before the Village Police in

Coimbatore is	210.	of whom punished	210.
" Malabar	156.		18.
" Canara	142.		135.
" Rajahmundry	84.		80.
" Guntoor	63.		17.
	Total 655.		460.

Total number summoned 786.
In the above Districts 655
remainder 131.

5. Of the remaining number of 131 persons, there have been in

		of whom punished
Nellore	35.	15.
Pellary	29.	29.
Cuddapah	25.	24.
Tinnevelly	24.	24.
Madura	13.	13.
Salem	3.	3.
Chittoor	2.	1.
	131.	109.

6. The total number of persons brought before the District Police from the 1st of January to the 30th of June 1830 for petty offences punishable by them was 47,174. besides 2634 whose cases were not disposed of. In the preceding half year the number of persons summoned before the District Police was 51,988 besides in cases not disposed of 2763.-

7. The subjoined is a statement of the acquittals and convictions in the above mentioned cases.-

From

30th May 1831.

	Persons committed.	Acquitted	Punished without reference to the Magistrate	Punished after reference to the Magistrate	Total No. of persons punished by the District Police	No. of persons who were committed to the Sessions or Superior Courts	Dispositions of the Magistrate
From 1st July to 31st Dec.r 1829...	54757	36724	14380	1260	52364	2364	26
From 1st Jan.y to 30th June 1830...	49808	34623	12466	677	47766	2026	16
Less in the latter half year	4943	2101	1914	583	4598	338	10

8. In the number of persons acquitted as shewn above are included those against whom the complaint was considered to be wilfully false and malicious, which in the half year ending the 31st of December 1829, were in number 2315, and in the half year now under review 3441 shewing an increase in the latter period of 1126 persons considered to have been falsely and maliciously accused before the District Police of petty offences only.

9. The following statement exhibits the number of persons punished and the nature of their punishment by the District Police for the two periods above referred to - inclusive of those punished after reference to the Magistrate -

Punishment.	Half-year ending 31st December 1829	Half-year ending 30th June 1830 -
Fined.....	1619.	8985.
Confined in Chunam...	1954.	2131.
Confined in Stocks....	334.	376
Flogged.....	1733.	1651
	15640	13143.

F/6:
30th May 1831.

10. The number of persons brought before the District Police for petty Assaults during the half year ending the 30th of June 1830 is 46482. of whom 33244 were acquitted, and 10687 punished by the District Police without reference to the Magistrate, 548 after reference to the Magistrate, and 16 by the Magistrate.

11. At the close of the half year ending 31st December 1829 there were 267 persons before the Magistracy whose cases had not been disposed of - besides which during the half year now under review, there were 4577 persons brought before the Magistracy for Petty offences, making a total of 4844 persons. In the preceding half year the total number was 7120. The following is a statement of the acquittals and convictions and the nature of the punishments inflicted. -

	Persons committed.	Acquitted	Convicted	Total disposed of	Persons under examination at the end of period	Total.
From 1st July to 31st December 1829.	7120.	4820.	2052.	6872	248	7120
From 1st Jan.y to 30th June 1830.	4844.	2820.	1830.	4670	174	4844.

	Fined	Imprisoned	Flogged	Total punished
From 1st July to 31st December 1829	1260	639	153	2052
From 1st Jany to 30th June 1830.	1153	566	98.	1830

30th May 1831.

From 1st July to 31st

From 1st Jan to 30th

Left in the latter

30th May 1831.

12.

Of 4820 persons acquitted the half year ending the 31st of December 1831, there were 366 against whom the accusations were considered to be wilfully false and malicious, whereas in the 12th year were were only 2820 and the number of persons considered to be falsely accused were 314.

13.

Complaints for petty offences by far the most considerable part of the petty offences brought before the Magistracy. The number of persons charged amounts to 3010 out of 4844 for petty thefts there were 521 persons and for abuse of authority by Police Officers 36, of whom only 15 were convicted and punished.

14

The number of persons brought before the Magistracy for petty offences is greatest in Cuddapah and Bondarkellum and least in Rajahmundry, Ganjam and Chingleput.

15.

The following is a general statement of the number of persons brought before the Village and District Police and Magistracy for petty offences with the number acquitted and punished during the two half years above mentioned.

Collector

30th May 1831.	For the half year ending 31st December 1830.			For the half year ending 30th June 1830.		
	Summoned	Acquitted	Punished	Summoned	Acquitted	Punished
Village Police	680	289	391	786.	217	569.
District Police	52781	36724	15,640	49808	34,623	13143
Magistracy	7120	2820.	2052	4844.	2820	1830.
Total	62557	4833	18083	55438.	37,660	15,562

16. The Court are gratified to observe from the above statement, that the numbers of persons summoned before the Village and District Police and the Magistracy during the half year ending the 30th of June 1830, is not so large by 7118 as the number summoned before the same authorities in the half year preceding, and that on the whole the recourse to the Village Police for the investigation of petty offences has been more frequent - while the number brought before the Magistracy has greatly diminished. The Court cannot but view such a result as highly favourable, inasmuch as they consider it of the utmost consequence, that charges of this description should be disposed of as near the homes of the accused as can be conveniently practicable, and that the time and attention of the Magistracy should not be drawn from their more important duties to investigate those minor

30th May 1831.

minor offences which are both cognizable and punishable by the Native Police. They observe however with regret, that the number of persons convicted to be falsely and maliciously accused before the District Police and Magistracy, bears a much larger proportion than in the preceding half year, and they consider it their duty to urge, that the proposed Regulation for the prevention and punishment of false and malicious accusations, which was submitted by this Court on the 23rd July 1829 No 36, may if approved of by the Right Honorable the Governor in Council, be speedily enacted into a Law.

17. In the Districts which have been before enumerated, viz.

Chingleput
Combaconum
Guntoor
Masulipatam
Trichinopoly
Vizagapatam
and
Vizianagrum,

the Village Police would appear to have been of no practical utility, not a single individual having been denounced, or punished by them and on reference to the statements of the preceding half year, nearly the same result appears. Until some benefit

F.16.

30th May 1831.

emolument or other advantage is attached to the office of Heads of Villages, to induce them to act in their Police capacity, the Court cannot anticipate a more favourable result.-

Crimes and Misdemeanors.

18. The total number of Crimes and Misdemeanors committed during the half year under review as exhibited in Statement No 3 and its details amount to 3739, in the perpetration of which it is calculated there were 23936 persons concerned, of whom 17914 persons have escaped apprehension. In the preceding half year the total number of cases which occurred was 4283. in which the number of persons concerned was estimated at 20394. of whom 13742. were not apprehended.-

19. Although the number of cases which occurred during this half year, is less by 544. than that exhibited in the Statements for the preceding half year, yet the number of persons alleged to have been concerned in the cases for the period under review, exceeds that of the previous half year by 3542.-

20. No dependance however can be placed in the accuracy of these estimates. It is well known that they are greatly exaggerated, and that nothing approaching the estimated number of persons are ever actually convicted

the

30th May 1838.

30th May 1838. 21.

The following exhibits a comparative statement of the cases of heinous crimes for the two half years in question.-

	Half year ending 31st December 1837		Half year ending 30th June 1838.	
	No. of cases	Persons committed	No. of cases	Persons committed
Murder	126	1753	137	1830
Culpable Homicide	13	29	27	96
Robbery and Plunder	24	197	19	183
Gang Robbery	824	8904	913	12653
Robbery by a single individual	284	284	123	149
House breaking by day	60	120	25	36
House breaking by night	1342	3185	1429	3773
Theft	1102	3362	854	2546
Forgery	32	87	20	59
Perjury	1	2	3	6
Maiming and wounding	174	638	195	693
Arson	115	1177	117	283
Rapes	26	47	10	15

22. The Court of Foujdaree Adalut are concerned to observe, that in some of the worst and most heinous crimes, such as murder, culpable Homicide, Gang Robbery, and maiming and wounding, there has been a large increase in the latter half year, that in Gang Robbery alone there is an increase of 89 cases and 3749 persons, and

30th May 1838. and that for murder there is an increase of 11 cases, and of Culpable Homicide the number of cases is double what it was in the preceding half year.-

23. The greatest number of cases have occurred in the undermentioned Districts - viz:

Districts	No. of cases	No. of cases in which the persons charged have not been apprehended
Cuddapah	463	265
Coimbatore	364	272
Ganjam	357	320.
Malabar	324	63.
Rajahmundry	275	224.

24. The Districts in which the smallest number of cases have occurred are

Madura	68	5-
Tinnevelly	78	47.
Chingleput	82	54.
Trichinopoly	85.	63.
Masulipatam	87	55.

25. In the Zillah of Vizagapatam, out of 6718 persons suspected to have been concerned in 280 cases, there are 6260 persons who have not been apprehended. The Court of Foujdaree Adalut deem it incumbent on them to call the serious attention of the different Magistrates to the great increase in the number of cases for the more heinous offences during the half year under review, and also to the very large proportion of persons who have escaped apprehension. The Court cannot but look

23. The following statement exhibits the particulars of the cases before the Criminal Courts during the two periods.-

Crime.	For half year ending 31st December 1829. No. of Cases	No. of prisoners	For half year ending 30th June 1830. No. of Cases	No. of prisoners
Murder	99	280	83	228.
Culpable Homicide	11.	30	28.	79.
Robbery and Murder	20	152	24	1145
Gang Robbery	335.	1661.	282.	1427.
Robbery by a single individual	52	43	19.	19.
House breaking by day	25.	41.	24	35.
House breaking by night	302.	684.	272.	525.
Theft	495.	929.	400.	686.
Arson	41.	88.	40.	76.
Maiming and wounding	128	259.	129	360.

24. Although there has been as exhibited in statement No 3 an increase of not less than 89. cases of Gang Robbery and 519 persons alleged to have been concerned in the latter half year, the number brought to trial before the Criminal Courts for that period is 53 cases and 234 persons less than in the preceding half year.-

30. Of the 1772. persons thus brought before the Criminal Courts during the half year under review.-

1048.

upon dual a result so totally incompatible with the due and proper exercise of vigilance and activity on the part of the Police. The large increase in the number of cases concerned in the cases of Gang Robbery indicate that they were of a more open and daring nature, and the great disproportion of those who have escaped detection can have no other effect than that of encouraging them to the commission of similar crimes. Under a well ordered system of executive Police and a proper vigilance and activity on the part of the Village and District Police Officers and Magistrates, the Court can see no reason for so many large a proportion of offenders escaping detection, and this remark is more especially applicable to cases of Gang Robbery Nos 5 and 6.

26. Statements Nos 5 and 6 exhibit the operations of the criminal Courts from the 1st January 1830 to the 30th of June of the same year.-

27. The total number of cases brought before the Criminal Courts for the above period exclusive of those not disposed of at the date of the preceding report is 1810, in which the number of prisoners was 4772. In the preceding half year the total number was 1982 cases, making a 5825 prisoners

30th May 1838

1048 were released unconditionally -
159 released on Security
278 retained on demand of Security
955 convicted
818 released in cases punishable by the Court of Circuit -
1075 committed -
435 under examination
4 died.
4772 total -

31.

Of the 955 persons who were convicted and punished by the Criminal Courts, there were

447 imprisoned
162 fined
14 flogged
69 imprisoned and fined
263 imprisoned and flogged
Total 955

32.

The number of persons committed and punished by the Criminal Courts in the preceding half year was 987, and of these committed 1324 -

33.

Returning to the statement No 5 submitted by the Provincial Court of Circuit in the Southern Division, the Right Honorable the Governor in Council cannot but be struck with the very large number of cases brought before the Criminal Court of Salem during the half year under review - exceeding by 20 cases the total

30th May 1838

number of cases brought before the remaining Courts in the Southern Division united. The 1st Judge of the Provincial Court remarks that no individual however "zealous and indefatigable he may be "is equal to the discharge of the labo- "rious duty required of the Judge and "Criminal Judge of Salem and that he "should be either afforded the assistance "of one or more Registers and Assistant "Criminal Judges or that he should "be relieved of that part of the District "now under his Jurisdiction which "is situated in the Coimbatore Collectorate"

34

"Looking however to the Civil "and Criminal returns not only of the "present but of previous half years it "appears," observes the 1st Judge "a matter "of necessity that the Zillah of Coimbatore "should be re-established not only to give "relief to the Court of Salem but to restore "the Court of Coimbatore to that importance "to which it is entitled - The Civil and "Criminal duty of the Court at Coimbatore "even as at present constituted exceeds that "of the Court of Madura and if the Zillah "were re-established the 1st Judge avers "not that the work to be performed "would equal that of the Combaconum "Court, which is sufficiently heavy and "be only inferior to that of Salem" -

35. The Court of Foujdaree Adalut in the 36th para: of their proceedings of the 17th June last remarked, that by far the greatest number of cases brought before the Criminal Courts continued to

to be at Salem, which, altogether 298 in=
=cluding 758 persons during the half year
then under review.-

36. The Court concur in opinion
that some relief ought to be affonded to
the Criminal Judge of Salem, and that
consider the suggestions of the Judge
entitled to the consideration of Govern=
=ment.-

37. Referring to the proportion
of acquittals to committals by the District
Police and Magistracy in the Northern
Division as regards crimes and mis=
=demeanors, the Court of Circuit remark
that they "are quite unable to trace the
"cause of this difference; and unless a
"record of every case were before them
"it would not be possible to give a
"satisfactory account of the matter."
"The petty cases in which the immense
"proportion of acquittals occurs are all
"of them unrecorded under Section VII
"and X Regulation IV. of 1828, and tho'
"the depositions in cases of crimes and
"Misdemeanors dismissed by the Heads
"of District Police ought to be taken
"down in writing, they are not required
"to be laid before any superior autho=
=rity." The Acting Judge of the Court
of Circuit therefore suggests that all
"proceedings and examinations in cases
"before Heads of District Police and
"the Magistracy should be recorded
"and regularly submitted to the inspection
"of the proper higher authority." The

30th May 1838.
Sir Letter to Govt in Judicial Department dated the 15th December 1825.

38. The Court of Foujdaree Adawlut
on a previous occasion recommended a
modification of Section X Regulation IV of
1828, by which it should be made com=
=petent to the Court of Foujdaree Adawlut
to require a record of depositions to be
kept in Zillahs where it may be found
that the Native Police Officers exceede
nearly the whole powers of Police; the
Judges being of opinion that the effect
of the provisions of that Section and
Regulation was to throw a weight of
power into the hands of the Native
Police Officers, capable of the most mis=
=chievous abuse, and from the exctent in
which it is exercised requiring some
efficient control.-

39. The Government however
were of opinion that the measure ob=
=liging Heads of District Police to
record the depositions of the witnesses
in the cases that come before them
would cause so much labour and delay
as materially to obstruct the beneficial
exercise of the powers confided to them,
and upon the whole it did not appear
to the Governor in Council that there were
grounds for such an expectation of
advantage as would justify the proposed
alteration in the law upon this point.

Vide letter from the Govt to Govt in the Judl Dept dated 9th December 1825.

40. The considerable disparities
between the numbers apprehended and
the numbers committed, and between the
numbers supposed to be concerned in
crimes and the numbers apprehended in

30th May 1831.

is the same Pillars have been the usual topics of remark on previous occasions by this Court and by Government. All these several subjects were explained by the Magistrates and Circuit Courts and commented upon by the Lieutenant Governor in their proceedings of the 17th of June last and by Government in their Minutes of Consultation under date the 24th of September last, and tho' some of them are applicable to the statement now submitted, it does not appear to the Court that any remarks from them on the present occasion are required for the satisfaction of Government, or would throw any new light upon the subjects. The Court however propose entering more in detail upon this head when examining the statements for the last half of the past year, by which time the Annual Report of the Magistrates upon the Police will have been received.

Nos 7 and 8.

41. The Statements Nos 7 and 8. exhibit the operations of the Courts of Circuit from the 1st of January to the 30th of June 1830.

42. The cases of every description which came before those Courts during the above period was 384, including 1125 persons; being an increase above the previous six months of 56 prisoners, but a decrease of 1 case. Of the 1125 persons who were committed, 517 or nearly one half were released unconditionally - 117 released

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released on security - and 287 convicted and punished, of these latter -

37 were flogged and imprisoned for a term exceeding 7 years.-

31 flogged & imprisoned for a term not exceeding 7 years.-

136 imprisoned for 7 years & upwards without flogging

83 imprisoned for 7 years & under without flogging.

287.

138 whose cases were referred to the Foujdaree Adalut

40 whose trials were postponed.

35 returned to the Criminal Judge.

1 Died.-

1125. Total

43. Of the 384 cases tried, 45 were for murder, 8 for culpable homicide 48 for house breaking by night, 12 for gang robbery, 14 for robbery and Murder, 32 for theft, 35 for maiming and wounding 12 for Arson and 27 for Perjury.-

44. The greatest number of cases [1130] was brought before the Court of Circuit in the Southern Division, 14 of which were referred to the Foujdaree Adalut.- In the Central Division the number of cases was 108. of which 32 were referred.- in the Northern Division 84 of which 20 were referred and in the Western Division 62. of which 6 were referred. The total number therefore of trials referred to the Foujdaree Adalut was 72, of which 47 were referred from the nature of the crime making the reference necessary, and 25 in which the Court of Circuit disapproved of the Futwa. Eleven cases in which there were

30th May 1831.

were 40 prisoners were postponed to the next Sessions.-

No 9.

45 Statement No 9 exhibits the operations of the Faujdaree Adawlut during the same period.-

46. At the date of the last Report there were 9 trials including 53 prisoners which had not been disposed of and during the half year under review there were 75 more trials received including 287 persons making a total of 84 trials including 280 prisoners.-

47 Of these 84 trials, 35 were for murder including 68 prisoners - 20 for Gang Robbery including 168 prisoners - 4 for Robbery and Murder. During the half year the Faujdaree Adawlut disposed of 48 of these trials including 172 prisoners, of which 17 cases were for Murder, 12 for Gang Robbery and 3 for Robbery & Murder.-

48. Of the 172 prisoners disposed of in these cases, there were
137 released unconditionally.
17 against whom the charge was false & Malicious
14 released on security
2 flogged and transported
5 transported without flogging
6. Death.
1 flogged and imprisoned for more than 7 and not more than 14 years.-
2 flogged and imprisoned for seven years and under.-
4 imprisoned for 7 years and under without flogging.-

30th May 1831.

49. Of the 48 Trials disposed of, there were 8 cases in which the Faujdaree Adawlut under the provisions of Section II Regulation I of 1818, overruled the Futwahs of acquittal; in 4 of which, the Futwah of acquittal was founded on exceptions to the competency of the witnesses, and in the remaining 4. on the insufficiency of the evidence adduced. In these 8 cases which included 9 persons, sentence of death was passed upon 2 prisoners, 1 was flogged and transported, 2 were transported without flogging, 1 was flogged and imprisoned for more than 7 and under 14 years, and 3 were imprisoned for 7 years and under without flogging.-

50. The grounds on which the Futwahs were over-ruled in the above mentioned 8 cases, will be found detailed in an Appendix to these proceedings.-

Ordered, that the statements above referred to, with Extract from these proceedings and copies of the communications from the A Provincial Court of Appeal, be submitted to the Right Honorable the Governor in Council for his orders through the Acting Chief Secretary to Government.-
(Subjoined letter No 278)

Ordered also, that extract of paras 35 of these proceedings be sent to the four Provincial Courts of Circuit by precept, injoining them to communicate the same to the several Magistrates within their Divisions respectively.-

(Sent following precept 1829)

Appendix.

The following is an abstract of the grounds of conviction in the 15 Trials disposed by the Cuddapah Circuit under section II Regulation I of 1815 from the 1st of January to the 30th of June 1830.

No 1. Salem Auxiliary Court 2d Sessions of 1829.

Prisoner Ramen.

The Prisoner was charged with having murdered the Manegar Ramakrishnen the male of the last Prisoner's Executor by assaulting and wounding him with a club.-

The Law Officers of the Court of Circuit considered the Prisoner to have been committed on strong presumptive proof of the crime laid to his charge. The Law Officers of the Circuit declared the charge not to be proved on these grounds. Of the three witnesses who have testimony to the Prisoner having struck the deceased on the head, the evidence of the first witness alone was sufficient and being taken not

was not sufficient to commit the Prisoner. The rejection of the evidence of the other two eye witnesses was grounded on the variation of it before the Criminal and Circuit Courts, in regard to the distance from which the said two witnesses deposed that they saw the blows given and the number of them, and because notwithstanding they were together they contradicted each other. The other witnesses in the case deposed merely to having seen the wounds of the deceased and to his dying therefrom.-

The Judges of the Provincial Court of Circuit, that the guilt of the Prisoner was fully established against him. The grounds upon which the Law Officers of the Court in their futwa rejected the evidence of the 2d and 3d witnesses, appeared to the Judges to be untenable; they were eye witnesses of the murder, and gave clear and consistent evidence to the fact; the trifling discrepancies in their evidence, being exactly what might

might have been expected after the lapse of time which intervened between the commission of the crime, and the examination of the evidence on the trial of the Prisoner.

Under these circumstances the Judges sentenced the prisoner,

Ramman,

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

No 26. Madras Calendar 1st Sessions of 1834.

The Prisoner,

1st Cheekoray Chitty

was charged with having been at the head of a body of armed men of the right hand caste, and with having killed or assisted in killing, and been actually concerned by aiding, abetting and commanding, in putting to death, 12 persons of the left hand caste, and with having feloniously wounded or caused to be wounded the 2d Witness in the case under Trial, and the Prisoners

No 16.
30th May 1834.

2d Portto Samy,
and
3d Ringen,

were charged with having been in the body of men headed by the first Prisoner, of having been actually concerned and actively aiding and abetting in the atrocities committed by the said first Prisoner, or by the body of men under his command.

The Law officer of the Provincial Court declared that the 1st Prisoner was convicted on strong presumptive proof of having been a participator in the murder of two of the 12 deceased individuals, but that the 2d and 3d Prisoners were liable to strong suspicion only of having aided and abetted the first Prisoner. In the opinion of the Acting 1st Judge of the Court of Circuit, the evidence adduced against the 2d and 3d Prisoners as well as against the 1st, was sufficient to commit them of the crime charged against them.

After summing up the evidence, the Acting First Judge has put the Court in possession of the following facts regarding the State of the Country in which the crimes charged against the Prisoners were committed. Some time previous to the affair which gave rise to the Trial under review feuds had arisen between the right and left hand castes, large bodies of men had assembled in arms and Battles had been fought. Blood had been shed and circumstances had occurred to exasperate both parties. The Acting 1st Judge proceeded to state that it appeared to him to have been established beyond all

castes

30th May 1834.

doubt that the body of armed men of the right hand caste headed by the 1st Prisoner entered the Village where the deceased met with their deaths on the 25th August 1833, and the impression upon the mind after a due consideration of all the evidence was, that the 1st Prisoner was the person who cut with his own hand, and thus put to death in cold blood, one of the deceased who had been dragged out into the street and had fallen prostrate at the 1st Prisoners' feet, that he was also the person who killed another of the deceased on the spot, and severely wounded the 2d Witness in the present Trial. Allowing for different meanings in testimonies in the evidence, and according to the impossibility of the witnesses speaking correctly as to the particulars of a scene of confusion and horror like that in which the deceased met their fates, there did not appear to the Acting 1st Judge any doubt, not only that the 1st Prisoner was present and commanded the Massacre, but that he was himself most actively engaged in it; the evidence against the 2d Prisoner in the opinion of the Court of Circuit was very nearly as strong, as that upon which the conviction of the 1st Prisoner was founded, there could be much in it that was contradictory, and inconsistent in respect to the part he acted in the Tragedy, but that he was one of those who followed the 1st Prisoner to the attack was fully proved by the evidence of the 1st 2d 3d 4th 8th 12th and 13th witnesses.—

30th May 1834.

In respect to the 3d Prisoner Rungen, the Acting 1st Judge said he had not the least doubt that he was present actively employed in the transaction, and that he was decidedly proved to be implicated in the Massacre; he did not however think there was a necessity for the execution of the said 3d Prisoner, for he considered many to have been more deeply implicated in the murders, and that mercy might be safely extended to him.—

The Law Officers of the Straits Settlements Counsel in their future decision that of the numerous witnesses in the case, the testimony of the first, second and fourth (independently of the sex of the first and fourth, and the claim involved in that of the second) on account of the contradictions in their evidence; and the testimony of the third (independently of her sex) on account of its involving a claim; and the testimony of the fifth, on account of its involving a claim and standing single were to be rejected; & that no reliance was to be placed on the evidence of the ninth, eleventh, twelfth, and fourteenth witnesses on account of the contradictions in their evidence before the Criminal and Circuit Courts; nor on that of the fifteenth witness on account of its involving a claim; nor on that of the eighteenth witness on account of the contradictions in his evidence before the Magistrate and the Circuit Court; and further that the evidence of the 6th 7th 16th eighteenth, 19th 20th 25th 27th and 28th witnesses was of no avail to the Prosecution.—

The

30th, 30th May 1838.

The Law Officers however stated their opinion, that as the evidence of the eighth witness who reported that the 1st Prisoner killed one of the wounded stood single; there was only a trifling difference between the testimony of the 10th and 13th witnesses, who reported that the 1st Prisoner wounded another of the wounded, and that it was corroborated by the evidence of the 19th witness; that there was for these reasons strong suspicion against the 1st and that he, together with the 2d Prisoner who was recognized in the gang by the 5th and 13th witnesses, were liable to Ackoalitt. They asserted that the only evidence of the third Prisoner having been one of the gang was that of the eighth witness, and he should therefore be liberated.-

The Judges of the Supreme Court entirely concurred in the view taken of the case by the Acting First Judge on Circuit in the Southern Division, and were fully impressed with the belief, that the 1st and 2d Prisoners were guilty of the crimes laid to their charge, and that the 3d Prisoner was implicated, tho' he did not apparently take so active a part in the atrocities as the two first Prisoners, or as the other associates not yet brought to trial, or who were at present absconding, and the Court unanimously with the exception of 1st Judge, that it was right to be represented to the Provincial Judges that

F 16
30th May 1838.

had not committed others who were in confinement under suspicion of having aided and abetted the Murderers in the case under review, to take their trial with the above three Prisoners, whom the Court have accordingly sentenced, the first two under section XV Regulation VIII of 1802, to suffer death by being hanged at a spot in the vicinity, but not in view of the village of Annapetty which was the scene of these atrocious murders, and their bodies to be there suspended in chains. The third Prisoner was sentenced by the Court to be transported for the term of his natural life.-

No 1 of Canara Calendar 2d Sessions of 1838.

Of the 3 Prisoners in this case, the two first said in Jail, and the Prisoner,

3d Mumtaya,

was charged with the murder of the Provinthia's son, from whose person he robbed property valued at 3 Rupees.

The Law officer of the Provincial Court excluded the 3d Prisoner convicted of culpable Homicide denominated Khoon-e-Shibeh Amad on his own confession, and that he was liable to the full Deyut of a man - The Judge of the Provincial Court of Circuit stated his concurrence in the above futwa, which was supported by the opinion of the Law Officers of the Sudder Adalut, who also convicted the said 3d Prisoner of culpable Homicide.-

The 2d and 3d Puisne Judges of the Supreme Court having only of consider-

30th May 1837.

considered all the circumstances of the case in evidence before them were of opinion, that the crime of murder was fully established against the Prisoner,

Uncantaya,

and deeming that his transportation for life would answer the ends of justice, they sentenced him accordingly to be transported for the term of his natural life.-

No. 1 Rajahmundry Calendar for the 2d Sessions

The Prisoner

Kantaray Cooleengoo,

was charged with Assault and highway robbery by the Prosecutor, to the amount of 13/- Rupees.-

The Law Officer of the Provincial Court of Circuit examined the prisoner on the interrogatories against him, save Love it, and that although 6/- Rupees were found on the Prisoner, they could not be identified as having belonged to the Prosecutor. The Judge on Circuit by his Law Officer in the Station, considering the Criminal to be convicted on the evidence of the Prosecutor, strongly corroborated as it was by that of the 3 witnesses, who all deposed that the Prosecutor on the day in question came to the Village and said he had been robbed, and that the first of the Village on going out, found the Prisoner

30th May 1837.

Prisoner and 2 others at a certain Palmyra garden, to which the Prosecutor stated he had watched them after he had been robbed, and that the Prisoner and his two companions on seeing the people of the Village, ran away. The Futwa of the Law officers of the Hindoo Criminal Court acquitted the Prisoner on the same ground as the Provincial Law Officer, but the Court having duly considered the Proceedings held before the Judge on Circuit, and the various documents connected with the above case, were quite satisfied of the guilt of the above Prisoner, and accordingly sentenced him to receive 189 stripes with a cat-o'-nine tails, and to be imprisoned and kept to hard labor in irons for 14 years.-

Read letter, dated the 15th Instant from the Provincial Court of Circuit in the Western Division, submitting the reports prescribed by section XXXV Regulation X of 1816, from the several Criminal, Joint Criminal and Native Criminal Judges, for the month of April 1837.-

(Vide entry No 360)

The prisoners in the 2 Calendars No 17 of the report under review, were tried at the Criminal Court on the

Calabar Supplemental Report

30th May 1834.

the 22d. of January last - The Court of Foujdaree Adalut direct, that the Provincial Court do call upon the Assistant Criminal Judge in charge, to explain the cause of this protracted delay in the disposal of the case, and to state, why the further evidence required could not be procured.-

2. The Provincial Court will forward to the Foujdaree Adalut, the statement of the number of the prisoners under the charge of the Native Judge and also of the work performed by them.-

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

/Sent following precept No 280/

Read letter dated 25th Instant from the 2d Judge on Circuit in the Western Division, forwarding copies of the Calendars received from the Criminal Judge, the Joint Criminal Judge and the Native Criminal Judge of the Zillah of Canara, for the 1st Session 1834.-

/Here enter No 364/

Read return dated 30th ultimo from the Provincial Court of Circuit in the Southern Division

F 16.

30th May 1834.

Division to precept of the 22d ultimo, directing that English Translations of the Proceedings in Case No 15 on the Calendar of Persons discharged by the Joint Criminal Judge, be submitted to the Foujdaree Adalut.-

/Here enter No 350/

Read return dated 24th Instt. from the Second Judge late on Circuit in the Centre Division to precept of the 17th Instant, conveying the remarks of the Foujdaree Adalut on the trial No 17 of Bellaree Calendar 2d Sessions of 1830.-

/Here enter No 363/

Read return dated 24th Instant from the 2d Judge on Circuit in the Western Division to precept of the 18th Instant, directing that a mitigated sentence be passed upon Poojary Loobba, Prisoner in No 2 of the Canara Calendar 3d Sessions of 1833.-

/Here enter No 366/

30th May 1831.

F. Co.

At a Court of the Fouzdaree Adaulut.

Present

Tuesday 31st May 1831.

T. S. Grant Esqre 1st Puisne Judge

John Bird Esqre 2d Acting 3d Puisne Judge

Read letter, dated the 5th Instant from the 2d Judge Cutch on Circuit in the Eastern Division, Submitting case No 5 Chittagong Calendar 2d Sessions 1830.

(Here enter No 218)

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

"Veerabhadra"

is sufficient to convict him of the crime of murder under the authority with which they are vested by clause first Section II Regulation I of 1818, do, convict him thereof, and sentence him to be transported to such place, or places beyond sea as the Right Honorable the Governor in Council shall so direct, 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.

Send following letter No 281. Read

May 1831.

4th Under the Village Police

21st May 1831

30th Ram

Read letter, dated the 14th December last from the 2d Judge in Circuit in the Southward Division, transmitting Calendar 2d Sessions 1830

(Vide minute at No 190 of 1830)

The first and acting third Judges on a mature consideration of the circumstances of the case in evidence before them, consuming in opinion that the proof against the prisoners

1st Mooroo
2d and Cuttama

is sufficient to convict them of the crime of Murder, &c, under Section X Regulation VIII of 1818, convict them thereof and adjudge them to be hereafter restored to such place or places beyond Sea as the Right Honorable the Governor in Council shall appoint, there to be kept in hard and perpetual labor in irons on the public roads, or other public works, for and during the period of their natural lives

Sent following letter No 272

Read letter dated the 23d December last from the 2d Judge in Circuit in the Southern Division transmitting Calendar No 6 in the Salem Jail Calendar

Confirmed

31st May 1831.

Calendar 2d Sessions 1830

(Vide minute No 810 of 1830)

The first and acting third Judges having maturely considered the proceedings held before the Judge in Circuit, the futwa of the Provincial Law Officers, and the futwa of the Cazee ool Cozat & Mooftee of the Zillah dated, confirm the said futwa of the Cazee ool Cozat and Mooftee aforesaid, convicting of murder and awarding Kissas, and under the provisions of Section X Regulation VIII of 1802, adjudge the prisoner,

Mooroo doo

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

(Sent following letter No 283)

Read letter, dated the 20th March last from the Acting 3d Judge in Circuit in the Southern Division transmitting Calendar 1st Tinnevelly Calendar 1st Sessions 1831

(Vide minute No 195)

The first and acting third Judges on a mature deliberation of the circumstances of the case in evidence before them, concurring in opinion, that the proof against the prisoner

Ramasawmy

31st May 1831.

is sufficient to convict him of the crime of Murder, upon the authority with which they are invested by Clause first Section II Regulation I of 1818 do convict him himself and sentenced him to suffer death, as prescribed by Section X Regulation VII of 1802, by being hanged at the usual time and place of execution

(Seal following letter No 284)

F. C.

At a Court of the Foujdarry Adalut.

Present

Thursday 2d June, 1831.

F. B. Grant Esq. 2d Pt. Puisne Judge
John Reid Esq. Acting 3d Puisne Judge

Read a gaol letter, dated the 30th April last, from the 3d Judge in Circuit in the Western Division, recommending that a mitigated sentence of imprisonment for one year with hard labor in irons may be passed on Ramoo Colay Thoorshna, the 4th prisoner in case No 5 on the Calendar of the Station Judge of Canara.

(Here enter No 296)

Read also a return, dated 25th Ultimo from the 3d Judge in Circuit in the Western Division to precept dated 11th Ultimo, calling for a report of the circumstances of the case above mentioned.

(Here enter No 305)

The Court of Foujdarry Adalut having taken into consideration the foregoing return and reference to the case in the Calendar are of opinion that the mitigated sentence recommended by the 3d Judge would be inadequate, but they assent to sanction a sentence of two years' imprisonment with hard labor in irons on the prisoner aforesaid.

Ordered, that extract of these proceedings

2d June 1831.

proceedings be sent to the 3d Judge on Circuit in the Western Division for his information and guidance.

Sent following letter No 295 /

F 11

F 11

At a Court of the Pongdaree Malahats.
Present,

Saturday, 4th June, 1831

F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 2nd Puisne Judge.

Read letter, dated 19th February last from the 2nd Judge late on Circuit in the Centre Division, submitting Copy of Bellary Calendar 2nd Sessions of 1830.

(Here enter Copy of 1831)

1 The first observation, which the Court of Pongdaree Malahats deem it necessary to make respecting the above Calendar is, that the delay of more than three months and a half in its transmission to the Court was most irregular and improper. The Court expect that in future the 2nd Judge will forward the copy of the Calendar as soon as possible after the close of each Session of Jail Delivery.

2 Cases No 3 and 4 are stated to have been returned to the Criminal Judge, as being of a nature, which that officer is competent under the Regulations to dispose of.

3 This description is manifestly unintelligible

inapplicable to the former of these two cases, a highway robbery, but has the charge amounted only to theft, the committal would have been perfectly proper with reference to the provisions of Clause third Section III Regulation XV of 1803 as the prisoner is described as having stolen Rubber.

4.

The Court of Foujdaree Adalut consider, that the intention of the Legislature is defeated by the return to the Criminal Judge of a case, which according to the express enactment of a Regulation as decided the limits of the powers of punishment vested in the Officer

5.

Case No 9 must be disposed of by the 2nd Judge in the same manner as Nos 3 and 4.

6.

In this case there was no prisoner, and according to the statement of the charge in the Calendar it was clearly a case of Robbery by open violence as defined in Section III Regulation XV of 1803.

7.

The Court of Foujdaree Adalut deem it necessary to remind the 2nd Judge of full explanation from the grounds, upon which he came to the conclusion, that in this case was found guilty by the Criminal Juror

4th June 1831.

7. In cases Nos 10, 11, and 12 the Law Officer on a second future declared them to be barred by a shorter of the description specified in Clause fourth Section II Regulation XV of 1803. and a further future ought, therefore, to have been required, and sentence passed accordingly.

8. In case No 14 the 2nd future declared the prisoner convicted, on strong presumption, of robbery and Clause seventh Section II and Clause first Section V Regulation XV of 1803 are cited, as warranting the sentence of five years' imprisonment passed by the 2nd Judge.

9. This case falls within the scope of the provisions of Clause third Section II Regulation XV of 1803, a further future should have been required and the Court of Foujdaree Adalut direct, that this course be now adopted. It is competent only to the Court of Foujdaree Adalut to authorize the mitigation in such cases of the prescribed penalty.

11. The remark on Case No 13 is applicable to cases Nos 26, 27 and 28

and

4th June 1877

before the Village Police

4th June 1877

and the same considerations must be adopted with respect to the disposal of the present

12

Court of Kingstown that the 2nd Judge do direct that the 2nd Judge the grounds of full explanation of the premises on which he returned to the Criminal Sessions 1021 of the Calendar, and that according to the Abstract of the charge considering the provisions of Clause 4 of the Section IV Regulation XV of 1873.

Ordered, that a certificate of this proceedings be sent to the 2nd Judge thereon Direction on the Centre Division by precept, returnable from and after

(Sentence passing from the 2nd Judge from the Petty Sessions on Appeal in the Southern Division, sentencing convict Cornelius Osborne [illegible] Offence of [illegible] (Section 1 [illegible] of 1876)

1. In case No 1 the Appellant was charged to have committed by the 2nd Petitioner liable to Hard and to have been sentenced under Clause 4 Section III Regulation V of 1873 to 18 years imprisonment and had taken an Appeal

2. The case being one of [illegible] hearing and the Appellant [illegible] the provisions of this [illegible]

4th June 1877

that under those of Section II of the Regulation, Clause fifth of which being directly opposed to the enhanced sentence passed by the acting Judge, the Court of Kingstown should direct that the warrant be recalled, and a revised sentence of 7 years' imprisonment passed on this prisoner under the provisions of Section XXI Regulation VII of 1872.

3. In case No 32 this was declared learned, as respected the second prisoner, by his retractation of his confession.

4. This being manifestly a Shorbark of the description specified in Clause fourth Section II Regulation XV of 1873, a second Justice should have been taken but under the circumstances of the case, the Court of Kingstown will not disturb the sentence, which has been passed by the acting Judge.

5. Section III Regulation VI of 1873 is erroneously referred to as applicable to the 2nd prisoner in Cases No 33, 34 and 35, as it is also Clause fourth Section II of the same Regulation.

6. Section III is not applicable to cases of [illegible] hearing, and

4th June 1881.

as no personal injury was sustained by the enhancement of the penalty directly opposed to Clause 3 of Sect. II of the Regulation, the amendment must be accepted and recommended to be passed as desired in case No.

Ordered, that extracts of the proceedings be sent to the Acting Judge on Circuit in the Southern Division by precept returnable on the first from and after 15 days from the date.

(Sent following letter to the 2nd Judge on Circuit in the Western Division, transmitting record of trial in case No. 6 of the Calendar for the 1st Sessions of 1881.

(Here enter No. 201)

The Court not being satisfied that the Prisoner Judges having carefully considered the proceedings held before the Judge on Circuit; the findings of the Crown Officers and the finding of the Principal Cazat and Masters of the Law Wakeels, confirm the said finding of the Assessors and Principal Cazat and Masters of the Law Wakeels, acquitting the prisoners

4th June 1881

previsions of Section X Regulation VIII of 1802, adjudge the Prisoner Mohammad Manan Kazee to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No. 203.

Read letter dated the 5th March last, from the 2nd Judge late on Circuit in the Cutta Division, transmitting record of Trial in case No. 2 of the Calendar for the 2nd Supplemental Sessions of 1881

(Here enter No. 202)

The Court not being satisfied that the Judges having maturely considered the proceedings held before the Judge on Circuit, the findings of the Principal Law Officers and the findings of the Assessors and Principal Cazat and Masters of the Law Wakeels, confirm the said findings of the Assessors and Principal Cazat and Masters of the Law Wakeels, acquitting the Prisoners,

1st Nagaul Sardar Simmangadoo,
and
2nd Muttador Poolla Dodaree,

of the crime of murder laid to their charge, but considering that strong suspicion though not amounting to

4th June 1851

4th June 1851.

to conviction, attaches to the Defendants
1st "Nagarie Rajapakse Kumarappahe"
they direct under Clause 6th Section II
Regulation XV of 1843, that he be required
to find two Sureties in 2000 Rupees each
for his good behaviour and abstinence
or him required within six months,
or in default thereof, that he be
detained for six months in confine-
ment.

(Sent following letter No 299
Read letter dated the 5th Inst
last from the Acting Fiscal of the Southern Division, transmitting
the record of trial in case of Summarily
Calendar for the 1st Sessions of 1851
(Have note No 299)

The Court on Meeting this day
Judges having maturely considered the
proceedings held before the Judge on
Circuit, the finding of the Jury and
Law Officer, and the finding of the Regis-
trar Acquittal and Charge of the Register
Notarial Committing the Prisoners
1st "Modeerdeen"
of murder upon the meaning of Regulation
and committing the Prisoners

4th June 1851

1851

X.

4th June 1851.

1st "Loffhang"
2nd "Modeerdeen"
3rd "Cumaranarrainen"
and
4th "Vannarooty"
of acting in the murder and awarding
to conform the last sentence of the
Criminal Register and Charges aforesaid,
and under Section X Regulation VIII
of 1822, adjudge the Prisoner
1st "Modeerdeen"
to suffer death by being hanged at
the usual time and place of execution,
and adjudge the Prisoners
2nd "Loffhang"
3rd "Modeerdeen"
4th "Cumaranarrainen"
and
5th "Vannarooty"
under the sentence of Robbers awarded in the
Sessions, to be imprisoned and kept to
hard labor in Irons on the public
roads or other public works, for the
period of 5 (five) years.
(Sent following letter No 300

4th June 1831

4th June 1831.

to conviction, attached to the Depart-
ment Magistrate Superintendent
they direct under Clause sixth Section II
Regulation XV of 1813, that he be required
to find two sureties in Rs 250 each
for his good behaviour and appearance
when required within six months,
or in default thereof, that he be
detained for six months imprison-
ment.

(Sent following letter No 319
Read letter of date the 28th last
last from the Acting Judge on Circuit
the Southern Division, transmitting
the record of trial in case of Timmoolly
Calendar for the 1st Sessions of 1831
(Vide entry No 301)

The Court on hearing this Prisoner
Judges having attentively considered the
proceedings held before the Judge on
Circuit, the opinions of the Law
Law Officers, and the opinions of the Pan-
dit and Moulvee of the Hindoo
Mahomedan Law concerning the Prisoner
1st "Mahomedan"
of murder was by unanimously declared
and convicting the Prisoner

4th June 1831.

guilty
2nd "Kaffeang"
3rd "Nallaiswamy"
4th "Sinnaramanaiken"
and
5th "Vinnamootoo"
of aiding in the murder and awarding
to abet and confirm the sentence of the
Circuit Court and Mooftee aforesaid,
and under Section X Regulation VIII
of 1832, adjudge the Prisoner
1st Mahomedan
to suffer death by being hanged at
the usual time and place of execution,
and acquitted the Prisoners
2nd Kaffeang,
3rd "Nallaiswamy"
4th "Sinnaramanaiken"
and
5th "Vinnamootoo"
under the sentence of Mahomedan awarded in the third
Section, to be confined and kept to
hard labor on Irons on the public
roads or other public works, for the
period of five years.
(Sent following letter No 302 dated

Minutes of the Criminal Judge of

T. H.

At a Court of the Trinidad Establishment

Tuesday 7th June 1831 — Present The Honble W. Elmer Esqre Chief Judge
P. A. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2nd Puisne Judge

Read letter, dated the 31st of January last from the 2nd Judge on Circuit in the Western Division, submitting Copies of the Calendars received from the Criminal Judge, the acting Joint Criminal Judge and the Native Criminal Judge of Cumana, for the 2nd Sessions of 1831

(Vide entry No 72)

No 1 — In order No 1 of the Calendar transmitted by the Criminal Judge of Cumana, the Prisoner Commodore Barry though not put on his trial on account of the absence of the prosecutor and the 6th and 7th instant, had been required bound to give security for his good behaviour and appearance when required for the space of three years the 1st Judge being of opinion that the evidence given out against him before the Criminal Judge stamped strongly to fix guilt of murder upon him and he appeared to be a stranger of notoriously bad character. In the course of remarks the 1st Judge and the 2nd he considered it necessary that

7th June, 1871.

of the prisoner for trial at the next Sessions, as it appeared improbable that either the Prosecutor, or the two absent witnesses would be found. The Court of Sanjdarree Adalut however are of opinion that it would have been more correct had the Presiding Judge proceeded under the provisions of Section XIII Regulation VII of 1832, and postponed the trial until the next Sessions, and directing the Criminal Judge in the mean time to make every endeavour to procure the attendance of those persons, or to procure other evidence in their place. If the prosecutor could not then be found, the Government Vakeel could have been directed to prosecute, and the recognizances of the two absent witnesses if also absent, might have been declared forfeited.

2 With reference however to the abstract of the evidence given before the Criminal Judge, the Court do not see any probability of the commission of the accused, even if the attendance of the Prosecutor and the absent witnesses could be procured, and therefore they do not consider it necessary to disturb the order which has been passed.

3 Case No 37 of the Calendar

No 37

7th June, 1871

submitted by the Criminal Judge of Canara, appears to the Court of Sanjdarree Adalut to have been a case of murder and should therefore have been referred the Court will not now however disturb the sentence which has been passed by the 3rd Judge.

Ordered, that extract from these proceedings be forwarded to the 3rd Judge of the Provincial Court of Circuit in the Western Division for his information.

Court proceeding to letter No 804

Read letter, dated the 1st Instant, from the 2nd Judge of the Court of Circuit in the Centre Division, submitting copies of the Chittoor Calendars 2nd Quarterly Sessions of 1871.

(There enter No 384 of 1871)

1 In case No 2 of the 2nd Supplemental Calendar, the futwa declared the prisoner liable to be hanged by the neck till he be dead, and the 2nd Judge thereupon passed upon him a sentence of 5 years imprisonment and hard labor.

2 This case falling within the scope of the provisions contained in clause third Section II Regulation XV of 1803, a second futwa should

have been taken, and continue to act accordingly.

3. And this course must also be adopted by the 2nd Judge, whose sentence on the said prisoner is illegal.

Ordered, that a extract of these proceedings be sent to the 2nd Judge of the Provincial Court of Appeal in the Central Division by first mail, returnable in two days from and after its receipt.

(Sent following Enclosure No 305)

Read the letter from the Acting Chief Secretary to Government with an Extract from the Minutes of Consultation upon the Circuit Report of the 1st Judge of the Provincial Court in the Southern Division for the 2nd Sessions of 1880.

(Here enter No 769)

Ordered, that a copy of the above extract from the Minutes of Consultation be transmitted to the acting 1st Judge of the Provincial Court of Appeal in the Southern Division for his information and guidance.

(Sent following Enclosure No 306)

Read letter from the 2nd Judge on Circuit in the Southern Division, forwarding translation in English and Persian of the record of the Trial of Case No 18 of the Commissioners Calendar for the 2nd Sessions of 1880.

(Here enter No 768)

Read also letter, dated the 9th December last from the 2nd Judge on Circuit in the Southern Division, forwarding ground plan in connection with the Commissioners Calendar 2nd Sessions 1880.

(Here enter No 779)

Mr Grant and Mr Bird.

The Chief Judge, and the First and Acting Third Puisne Judges on a mature consideration of the circumstances of the case in evidence before them, concurring in opinion that the proof against the prisoners

1st Christmby

and

2nd Dawaragan

is sufficient to commit them of the crime of murder, under the authority with which they are vested by Clause first Section III Regulation I of 1878, do commit them thereof, and under the provisions of Section X

Regulation

7th June 1881.

Regulation VIII of 1872, 2 Sch. 2 Cl.

Bridoners,

1st Varinkutty

and

2nd Daramayan

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

(Vide following letter No.)

Read letter, dated the 6th inst. from the 2nd Judge late on Circuit in the Central Division, submitting the record of trial in case No. 6 Calletty Calendar 2nd Sessions 1881

(Enquiries No. 248)

Read also letter, dated the 6th inst. from the 2nd Judge late on Circuit in the Central Division, reporting the death of a Prisoner named Chinna Nagayan in Case No. 6 Calletty Calendar 2nd Sessions of 1881.

(Here enter No. 339)

The First and Acting Puisne Judges having maturely considered the proceedings held before the Judge on Circuit, the finding of the Criminal Court Officer, and the plea of the Counsel Assigned and Examined on the part of the Prisoners, and the whole of the Evidence adduced on the said trial as set forth in the Records of the Case and Proceedings

7th June 1881.

and Magistrates aforesaid, and regretting the Prisoners,

1st Bulja Ramadoo,

2nd Atchee, (female)

4th Venkatareddygaree Collaheddy,

5th Bapsinhgaree Collareddy,

and

6th Amukadoo,

direct, that the prisoner,

6th Amukadoo,

be set at liberty; but considering that strong suspicion, though not amounting to conviction attaches to the Prisoners

1st Bulja Ramadoo,

2nd Atchee

4th Venkatareddygaree Collaheddy

and

5th Bapsinhgaree Collaheddy,

the First and Acting Third Puisne Judges under Clause sixth Section II Regulation XV of 1895 direct, that they be each required to find two securities in one hundred Rupees each for their good behaviour and appearance when required within three years, or, in default thereof, that they be each detained for three years in confinement.

(Vide following letter No. 308.)

Read return, dated the 30th ultimo, from the Judges of the Provincial Court of Circuit in the Western Division,

to

7th June 1831.

to [illegible] of the 4th April last, [illegible]
copy of the minutes of Sessions
the subject of two petitions from
F. B. Brown praying that Ishmael
Rangee Pooky be brought to trial
Perjury in the extract from the
dings of the Court attached on the
subject be transmitted by the
Court in the Western Division to
F. B. Brown and to the Magistrate
Malabar

(Here enter No. 387)

Thursday 9th June 1831.

Present

F. C. P. Grant Esq. 2d Puisne Judge
John Bird Esq. Acting 3d Puisne Judge.

Read letter, dated the 28th ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division, requesting instructions as to whether an owner of Slaves can inflict Corporal punishment.

(Here enter No. 388 of 1831)

This reference has arisen out of the orders of the Court of Sessions dated 4th November 1830, containing an exposition of the provisions of the Mohammedan Law in respect to the power of a Master to correct his Slaves; the principle object of which was to shew, that a Master is liable to punishment under that Law for the undue chastisement of his Slave.

2 The offences pointed at in these instructions, are such as are incidental to the condition of servitude, and no provision of the Mohomedan Law can be taken to oust the established jurisdiction of the Magistrate under the Regulations of this Government over offences

F. A.

At a Court of the Bujdaree Adalat.
Present.

Saturday,
11th June, 1831.

F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 2nd Puisne Judge.

The Report prescribed by Section XXXVII Regulation VII. of 1802 for the Second Circuit of 1830, not having been received from the 2nd Judge late on Circuit in the Centre Division.

Ordered, that the 2nd Judge be by precept commanded to transmit the said Report without further delay and to explain his omission to furnish it at an earlier period.

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

Sent following Precept No. 314.

The Report on the Second Quarterly Sessions of Jail delivery at Chittoor for 1830 not having been received from Mr. Waters the late Acting Judge of the Court of Circuit.

Ordered

9th June 1831.

offences against public justice, and which that of theft is manifestly included.

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

Sent following letter No. 312

Read letter to dated the 8th Inst. from the Acting Judge of Circuit in the Northern Division stating that he had received from the Acting Judge of Circuit in the Southern Division a Calendar for the 4th Sessions 1831.

(Documents No. 4 & 5)

The First and Acting Third Judges on a deliberate consideration of the case as contained in the Calendar concurring in opinion that the charge against the prisoner

Mohammad Sooja Nainar guilty is sufficient to convict him of the crime of Murder, under the authority with which they are vested by clause first Section III Regulation I of 1818, do convict him thereof and sentence him to suffer death as prescribed by Section X Regulation VIII of 1816, by being hanged at the usual time and place of execution.

(Sent following letter No. 313)

Ordered that the late acting Judge be by precept commanded to transmit the said report without further delay, and to explain his omission to furnish it at an earlier period.

Ordered, that a extract of these proceedings be sent to the Waters late acting Judge of the Court of Circuit in the Centre Division by precept returnable in five days from and after its receipt.

(Sent following Precept No. 315

The Report on the Second Section of Regulation VII. of 1825 for the second Session of 1829 not having been received from the First Judge late on Circuit in the Western Division

Ordered, that the First Judge be by precept commanded to transmit the said report without further delay, and to explain his omission to furnish it at an earlier period.

Ordered, that a extract of these proceedings be sent to the First Judge late on Circuit in the Western Division by precept returnable in five days from and after its receipt.

(Sent following Precept No. 316

The Report on the third quarterly Sessions of Gaol delivery at Tellicherry for 1830 not having been received from Mr. Vaughan, the Third Judge of the Court of Circuit in the Western Division

Ordered, that the Third Judge be by precept commanded to transmit the said Report without further delay, and to explain his omission to furnish it at an earlier period.

Ordered, that a extract of these proceedings be sent to the Third Judge of the Court of Circuit in the Western Division by precept returnable in five days from and after its receipt.

(Sent following Precept No. 317.

The Reports on the third quarterly Sessions for 1830, and on the first quarterly Sessions for 1831 of Gaol Delivery at Chittoor, not having been received from Mr. Oakes, the First Judge of the Court of Circuit in the Centre Division

Ordered, that the First Judge be by precept commanded to transmit the said reports without further delay,

delay, and to explain the reasons for his failure to furnish them at an earlier period.

Ordered, that the record of these proceedings be sent to the Criminal Judge of the Court of Circuit in the Central Division by the first practicable opportunity in five days from and after the receipt thereof.

(Sent following Receipt Book 331

Sessions of said Delinquent Petition for 1831 not having been received from Mr. Cashe, the Third Judge of the Court of Circuit in the Central Division, by the first practicable opportunity commanded to transmit the said Report without further delay and to explain his omission to furnish it at an earlier period.

Ordered, that a transcript of these proceedings be sent to the 1st Judge of the Court of Circuit in the Central Division by the first practicable opportunity in five days from and after the receipt thereof.

(Sent following Receipt Book 331

At a Court of the Foujdaree Adalut.

Present,

Monday, 13th June 1831.

F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2nd Puisne Judge

Read letter, dated the 4th of March last from the Provincial Court of Circuit in the Central Division, dated, omitting the Reports required by Section XXXV Regulation X of 1816, from the several Criminal and Joint Criminal Judges in the Division, for the months of January last.

(Here enter No. 15.)

The Provincial Court will direct the Criminal Judge of Chittoor to amend the sentences passed by him on the Prisoners concerned in Cases Nos. 221 and 232, by specifying the period for which the Sureties are to be held responsible for the good behaviour and appearance of the prisoners.

Chittoor

2. The Lamentmark is applicable to the Sentence passed on the prisoner concerned in Case No. 215, and to the 4th prisoner concerned in

Cash

15th June 1831.

Case No 218.

3. The sentence passed by the Criminal Judge on the 6th 7th and 7th prisoners concerned in Case No 1 of the Report No 5, requires similar revision and with reference to the explanation of delay as entered in the Column of remarks, the Provincial Court of Appeal should have ascertained in what way the prisoners were from the 13th and 14th to the 27th of December

Ordered, that the record of these proceedings be forwarded to the Provincial Court of Appeal for the Southern Division, desiring them to make the necessary communication to the Criminal Judge of Chittoor by express without delay

Extract for Coimbatore Receipt No 320

Read Letter dated the 18th ultimo from the Provincial Court of the Southern Division submitting the explanation by the Acting Criminal Judge of Combaconum called for by this Court on the 20th April last, enquiring the intention of the name of Chinnaswamy on the Combaconum Criminal Calendar

15th June 1831.

sentence of the Tanjore Adalut has been passed, and forwarded previous to that month.

(Here enter No 381.)

1 From the explanation in the above letter it appears, that the Prisoner Lubanka Krishnadoss was removed to the office of the Superintendent of Police on the 13th July last, but the orders of the Tanjore Adalut to that effect on the 8th of June last had not been considered final, and that consequently the name of the Prisoner was inserted in the Monthly Criminal Reports.

2 The Court of Tanjore Adalut direct, that the name of Lubanka Krishnadoss be omitted in future Reports, as their order for his removal to Madras was final.

3 The Acting Criminal Judge states, as regards the other two Prisoners Murguttee Gungoolan and Condeegoudoo, that a warrant was issued by the late Additional Circuit Judge on the 6th August 1829, sentencing them to 14 years imprisonment and hard labor and 150 Stripes each with a Cat-o-nine-Tails, but subsequently an order was issued by the same Officer to suspend the Sentences and that their names were inserted

F. H.
15th June 1831.

Court of Inquiry at Batticotta directed the Provincial Court in the Centre Division, to delay the transfer of any convicts to the Gaol of Cuddapah until the cessation of the Cholera amongst the Prisoners under the charge of the Acting Criminal Judge.

2 The Acting Criminal Judge having reported the cessation of the Cholera and as on the opinion of the Medical Officer on the subject having been stated in the letter under consideration, the Court of Inquiry at Batticotta direct, that the Provincial Court in the Centre Division do proceed to cause the transfer of a certain number of Convicts to the Gaol of Cuddapah, under the orders of the Inquiry at Batticotta of the 27th October last.

Ordered, that a extract of these proceedings be sent to the Provincial Court in the Centre Division for their information and guidance by Precept, returnable without delay.

(Sent following Precept No 323.

Read letter, dated the 17th of February last from the 2d Judge on Circuit in the Centre Division, submitting copies of the Cuddapah and Cumbum

15th June 1831.

the Village Police

ordered on the monthly Reports, under the impression that the former Order remained in abeyance.

2 The Order issued by the Additional Provincial Judge for the release of the Sentence before from the Gaol in question was unnecessary and all Convicts ought to be sent down according to the Precept of the 15th of January last, and the Sentence to be passed on the 2nd Report on the same case. The Judge directs the necessary orders on this subject be immediately issued by the Court.

Ordered, that Extract of these proceedings be sent to the Provincial Court in the Centre Division for their information and guidance by Precept returnable without delay.

(Sent following Precept No 322.

Read letter dated the 9th Instant from the Acting Provincial Judge of Chittoor stating that in the absence of the Officer in charge of the Gaol at that station the Native Doctor in charge of the Gaol had reported that no danger is to be apprehended from the removal of Prisoners from that Gaol to the Gaol at Cuddapah

(Sent with Precept No 323

Read the 27th

Common Calendars for the 1st Sessions of 1831

No. 5. (Case entered No. 98)

The 3rd Judge having disapproved of the Finding given by the Law Officer in favor of the Prisoner in the case of the Queen Lad Calendar he should have obtained from him a Finding of Guilty or not guilty and thereupon should have proceeded to Sentence in the case, and reserved the Trial to the Court of Exchequer if necessary under the provisions of Section XXXIV of Statute VII of 1822.

2

The Court however having referred to the Statute find that the Prisoner is charged on the Indictment with the murder of the child, and therefore they will not on this account interfere by calling for the proceedings of the 3rd Judge in this case, but they do not doubt he will be more attentive to the provisions of the Law in future.

No. 9.

3

The Court of Exchequer doubt whether under the circumstances represented in the Calendar, the 3rd Judge was competent to try the Prisoner in this case, and they

13th June 1831.

direct that the sentence be annulled, and that the trial be reserved for the final orders of the Exchequer Board.

No. 10.

4.

The 3rd Judge having disapproved of the Finding given by the Law Officer in Case No 10, this trial should have been reserved. The Court therefore decide, that unless the Prisoner has been released on Security, in which case the 3rd Judge will certify the same, this trial be submitted without delay and that in the meantime the 3rd Judge be directed to suspend the sentence which he has passed on the prisoner.

No. 17.

5.

The prisoner in this Case was declared by the Law Officer, on his answer to the second question, to have been convicted of the Crime charged and the 3rd Judge instead of passing sentence of punishment upon him of he disapproved of the finding, or reserving the trial if he disapproved of it, directed that he should be released on Security.

6.

The Court do not consider it necessary to call for the trial, because it is probable that the Prisoner

13th June 1831.

Cumberm Calendars for the 1st Sessions 1831.

No 5. (Recorder No 39)

The 2nd Judge having stated of the Extract given by the Law Officer in case No 5 of the Circuit Calendar for Carmarthen, he should have obtained from the sentence in the case, and referred the Trial to the Court of Exchequer under the provisions of Section XII of 1832.

The Court having referred to the Extract in the Calendar, think that the prisoner is entitled to the benefit of the Act and therefore they will not on the present occasion disturb the Judgment by calling for the proceedings of the Judge in the case, but they desire that he will be more attentive to the provisions of the Law for the future.

No 9. 3

The Court of Exchequer doubt, whether under the circumstances represented in the Calendar, the 2nd Judge was justified in the sentence

13th June 1831.

direct that the sentence be annulled, and that the trial be referred for the final orders of the Exchequer Board.

No 10. 4.

The 2nd Judge having disapproved of the Opinion given by the Law Officer in Case No 10, this trial should have been referred. The Court therefore desire, that unless the Prisoner has been released on security, in which case the 2nd Judge will certify the same, this trial be submitted without delay, and that in the meantime the 2nd Judge be directed to suspend the sentence which he had passed on the prisoner.

No 17. 5.

The prisoner in this case was declared by the Law Officer, in his answer to the second question, to have been convicted of the Crime charged and the 2nd Judge instead of passing sentence of punishment upon him if he approved of the facts, or referring the trial if he disapproved of it, directed that he should be released on security.

6. The Court do not consider it necessary to call for the trial, because it is probable that the Prisoner

1881

15th June 1881

Before the Village Police

15.

Prisoner has been released, and has
with reference to the abstract of the
evidence, there does not appear to have
been more than strong suspicion
attaches to him. The Court trust
that these misdemeanors of the
provisions of the Regulations will
not occur in future.

Ordered, that the costs of the
three proceedings be forwarded to
the 3rd Judge on Circuit on the Circuit
Division for his information and
guidance by first mail returnable to the
Court during

Court following Precept No 324

No

3/ F 11

F. 11.

At a Court of the Poyndaree Malabute

Present,

Wednesday, 15th June 1881

T. A. Grant Esqre 1st Puisne Judge
John Bird, Esqre Acting 3rd Puisne Judge.

Read letter, dated the 11th instant,
from the Acting Chief Secretary to Govern-
ment, desiring that the explanation called
for by the Court of Poyndaree Malabut under
date 27th Ultimo from the Assistant Judge
of the Auxiliary Court of Madulipatam,
may be laid before the Government.

(Here enter No 393)

Read also return, dated the 4th
Instant from the Assistant Judge to
precept, dated the 27th Ultimo, calling
for an explanation respecting certain
decrees laid by him, before the 3rd Judge
in Sessions at Madulipatam.

(Here enter No 394)

With reference to the
explanation contained in the second
paragraph of the foregoing return,
the Court of Poyndaree Malabut deem it
proper to instruct the Assistant Judge,
that the original drafts of decrees,
in whatever state they may be, and
not copies, are to be laid before the
Judge of Circuit.

Referring

15th June 1831.

in the Centre Division, with record of trial
in case No 4 of the Supplemental Calendar
of Cuddapah for the 2nd Sessions of 1830.

(Here enter No 378)

The First and Acting Third Puisne
Judges having maturely considered the
proceedings held before the Judge on
Circuit, the Jurisdiction of the Provincial Law
Officer, and the Jurisdiction of the Cazee and
Cazee ul Mooftee of the Poujdaree
Adalut, concur in opinion, that the
Prisoner

"Talaree Sidalaugadoo"

is not convicted of the crime of Perjury
laid to his charge, either on strong
presumptive proof, or on the evidence
of credible witnesses, or on his own
confession, notwithstanding the futwa
of their Law Officers, and accordingly
direct, under the provisions of Clause
Sixth Section II Regulation XV of 1803,
that the prisoner

Talaree Sidalaugadoo,

be set at liberty.

(Sent following letter No 330

Read letter, dated the 28th April
Last, from the 1st Judge late on Circuit
in the Northern Division, submitting
the record of trial in case No 7 Chittoor
Calendar for the 1st Sessions of 1830.

(Here enter No 349)

15th June 1831.

Referring to the concluding
passage of the letter from the Court of Sudder
that their judgments may be conclusive
formed upon the documents laid
them, and that generally speaking
drafts of decisions transmitted by the
Judge of Circuit were by no means
acceptable to the Assistant Judge.

3

That it will again be their bounden
duty to animadvert upon the proceedings
of the Assistant Judge.

Ordered, that extract of the
proceedings be sent to the 1st
Judge of the Northern Circuit for his information and guidance.

(Sent following letter No 328)

Ordered also, that a copy of the
foregoing return with extract of the
proceedings be sent to the Acting Chief
Secretary to Government, for the
purpose of being laid before the
Right Honorable the Governor in
Council.

(Sent following letter No 329)

Read letter dated the 9th ult from
the 2nd Judge late on Circuit

15th June 1831.

in the Central Division, with record of trial in case No 4 of the Supplemental Calendar of Cuttack for the 2nd Sessions of 1830.

(Here enter No 378)

The First and Acting Third Judge Judges having maturely considered the proceedings held before the Judge on Circuit, the pleadings of the Provincial Law Officer, and the pleadings of the Cazee and Mooftee of the Pooljaree Adalut, concur in opinion, that the Prisoner

"Salaree Sirdaroogadoo"

is not convicted of the crime of Perjury laid to his charge, either on strong presumptive proof, or on the evidence of credible witnesses, or on his own confession, notwithstanding the pleadings of their Law Officers, and accordingly direct, under the provisions of Clause Sixth Section II Regulation XV of 1803, that the prisoner

Salaree Sirdaroogadoo,

be set at liberty.

(Sent following letter No 330

Read letter, dated the 28th April last, from the 1st Judge late on Circuit in the Northern Division, submitting the record of trial in case No 7 Chittagong of the Calendar for the 1st Session of 1830.

(Here enter No 379)

15th June 1831.

Referring to the concluding passage of the 2nd para. of the Court's letter dated 13th instant, that their judgment must be founded upon the documents laid before them, and that generally speaking the drafts of Indictments framed by the Judge of Circuit, were by no means objectionable to the Assistant Judge.

3

The Court are not aware that it will again be their painful duty to animadvert upon the proceedings of the Assistant Judge.

Ordered, that extracts of the proceedings be sent to the Judge of the Northern Division for his information and guidance.

(Sent following letter No 331

Ordered also, that copy of the foregoing return with extract of the proceedings, be sent to the Acting Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent following letter No 332

Read letter dated the 9th instant from the 2nd Judge late on Circuit

15th June 1881.

The First and Acting Third Puisne Judges having maturely considered the proceedings held before the Judge on Circuit, the Jurisdiction of the Criminal Court Officer, and the Jurisdiction of the Cazee ool Cozat and Mooftee of the Zillah Court concur in opinion, that the Prisoner

Bhuvaichundra Santaram

is not convicted of the crime of Gang Robbery charged against him, either on strong presumptive proof, or on the evidence of credible witnesses, or on his own confession notwithstanding the Jurisdiction of their Court Sixth Section II Regulation XV of 1803, they

Bhuvaichundra Santaram

aforesaid be set at liberty.

(Sent following Letter No 331.

Read letter, dated the 9th instant from the 2nd Judge late on Circuit in the Centre Division, submitting the record of trial in case No 15 Ringlepoint Calendar for the 2nd Sessions of 1881.

(Entered No 316)

The First and Acting Third Puisne Judges having maturely considered the proceedings held before the Judge on Circuit, the Jurisdiction of the Criminal Court Officer, and the Jurisdiction of the Cazee ool Cozat and Mooftee of the Zillah Court

F.H.

15th June, 1881. confirm the said Jurisdiction of the Cazee ool Cozat and Mooftee aforesaid, and acquitting the Prisoners

1st "Soobharayen,"

and

2nd "Lutchoomanen,"

of the crime of murder charged against them, direct that the Prisoner

2nd "Lutchoomanen,"

be set at liberty.

But considering that strong Suspicion, though not amounting to conviction, attaches to the Prisoner

1st "Soobharayen,"

the First and Acting Third Puisne Judges direct, under the Jurisdiction of Sixth Section II Regulation XV of 1803, that he be required to find two Sureties in Seventy Rupees each for his good behaviour and appearance when required within three years, or in default thereof, that he be detained for that period in confinement.

(Sent following Letter No 332

F. U.

At a Court of the Fuejdaree Adawlut

Present,

Thursday,
16th June, 1831.

F. A. Grant Esqre 1st Puisne Judge.
John Bird Esqre acting 2nd Puisne Judge.

24
25

Read return, dated the 30th
Ultimo from the 2nd Judge of the Provincial
Court of Circuit in the Southern Division,
to precept, dated the 18th April last ordering
communication to peons employed on
the Jail guard at the different Stations,
of the Court's instructions respecting the
use of their swords against prisoners
attempting to escape.

(Circular No 502 of 1831.)

The 2nd Judge has transmitted
with the above return the copy of a
return, dated the 21st Ultimo, from the
acting Magistrate of Trichinopoly, in
which that officer states his opinion,
that the effect of the above instructions
will be unsuccessful attempts at escape
on the part of the prisoners, simply
from "their agreeing with each other
"to run be off in different directions," and
persisting in their object without offering
violence to the peons.

2 The intention of the Court of
Fuejdaree Adawlut in their circular order
of the 18th April last, was to put a stop

to

to acts of cruelty on occasions of this nature,
which had been most fully brought
under their consideration; it was not
however meant to prohibit the exercise of
the discretion vested in Magistrates
as it appears by the return of the acting
Magistrate, that the circular order on the
question had received the interpretation
of the Court direct that the information
of their intention on this point be con-
veyed by a circular order for the
information of the officers in charge of
convicts.

Ordered, that return of
proceedings be sent to the General
Criminal Courts of Circuit by Tuesday next, enjoining
them to communicate the same to the
General Criminal Judges, and to the
Magistrates under whose charge convicts
may be placed by order of the Governor
in Council.

Read following Despatch No 333
Despatch dated 16th June 1831
from the Acting Judge on Circuit in the
Southern Division, to Despatch dated
the 4th Instant enclosing for the
orders of the Court of Exchequer Verdict
upon certain orders in the Conclusion

Circular No 1st Sessions of 1831
(Here enter No 393 of 1831)

1. In the foregoing return the
Acting Judge observes "that he cannot
"reconcile the provisions of Clause second
"Section III Regulation XI of 1822, which authorize
"a sentence of 14 years imprisonment in
"cases of theft in which the prisoners
"may have been before convicted of a
"heinous offence, with those of Clause
"Eighth Section II of the same Regulation,
"which prohibit the enhancement of the
"penalties declared by the Regulations
"in force for Burglary or Theft, when
"not accompanied with wounding or
"other corporal injury, nor with an attempt
"to commit murder by strangling or other
"means under the latter have reference only
"to cases of conviction of a first offender,
"or discover why old offenders convicted
"of the graver offence of Burglary should
"be more leniently punished than
"similar offenders, convicted of the
"minor crime of simple theft."

2. The question here raised
by the Acting Judge was set at rest
by the circular orders of the Court of
Exchequer dated 4th June
1833, and the Court direct that a copy

15th June 15 17th June 831.

of the 3rd and 4th paragraphs of their proceedings of that date be forwarded to the Acting Judge.

3. It having been ruled by the Court of Appeal in the case, that the words of Clause Second Section III Regulation of 1832, between "entering defences" and "persons" must be taken to be part of the enactment, notwithstanding the punctuation of the Regulation, supposed by the Acting Judge does not exist, inasmuch as the persons described in the former Clause are not liable to the enhanced punishment described in the latter Clause;

Ordered, that the 2nd part of the 3 and 4 of the proceedings of the Court of Appeal under date the 14th June 1833, be sent to the Acting Judge of Circuit in the Southern Division for his information and further guidance.

(Sent following letter No 334.

Read letter, dated the 30th of March last, from the Provincial Court of Circuit in the Southern Division, submitting the Reports required by Section XXXV Regulation X of 1818 from the several Criminal Courts of Circuit Criminal Judges in the Division for the month of February last, to

7th June 831. extract from their proceedings thereon.

(Here enter No 199.)

Cumbaconum. In case, No 30 the Criminal Judge of Cumbaconum should be directed to amend the sentence requiring security from the Prisoner, by recording the period for which the Surety will be held responsible for the Prisoners good behaviour.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, desiring them to furnish the Criminal Judge of Cumbaconum with a copy of the same for his information and guidance by precept, returnable without delay.

(Sent following letter No 335.

Read return, dated the 31st ultimo from the Provincial Court in the Centre Division, to precept of the 25th ultimo, directing that the Criminal Judge of Cuddapah be called upon to report, as to the feasibility of improving the accommodation of the Prisoners under his charge, in the manner suggested by the Acting Judge of Trichinopoly in the Centre Division.

(Here enter No 583)

The

in No 15 of the Seminelly Calendar on charge of Perjury.

(Here enter No 385)

Read return stated the 20th ultimo, from the Provincial Court in the Western Division to precept of the 23rd ultimo, directing that the departure from the obvious principles of legal construction exhibited in his question as to the authority of the Criminal Court to pass judgment on persons charged with offences within the provisions of Regulation III of 1881, be pointed out to the Joint Criminal Judge at Banaras.

(Here enter No 386)

Read return, dated the 3rd Instant, from the Provincial Court in the Western Division, to precept dated 30th ultimo, directing the attention of the Magistrates to be drawn to the great increase in the number of cases for the more heinous offences during the half year under review, and also to the very large proportion of the offenders who have escaped apprehension.

(Here enter No 387)

Read return, dated the 13th Instant, from the 1st Judge of the Court

7

1

The Court observe that the Officer attached to the Jail of Ghazipur does not consider the length of the sentence of the Jail as constituting in any degree to exercising control of discretion

2d

Prisoners charged to pass any final orders on the subject, the Court of Enquiry should direct that the Court will entertain no petition which cannot be answered without explanation from the Prisoners, to be sent back and if not, that the mark cannot be forwarded.

Ordered, that a copy of the proceedings be forwarded to the Commissioner on the Western Division for their information and guidance in Precept returnable in Hand today

(Not following Precepts No 386)

Copy letter dated the 10th Instant from the Acting 3rd Judge on Circuit in the Southern Division, reporting the commencement of the 1st Sessions of 1881 at Salem

(Here enter No 387)

(Read return, dated the 3rd Instant from the Acting Judge on Circuit in Southern Division, to precept of the 30th ultimo, directing the attention of the Magistrates to the great increase in the number of the

18th June 1881

of Orient in the Centre Division, to precept of the 11th Instant, directing him to transmit to the Registrar Madras without delay his Reports on the 2nd Quarterly Sessions for 1880 and on the first Quarterly Sessions for 1881 of Jail delivery at Chittoor.

(Here enter No 319)

Read return, dated the 8th Instant from the Provincial Court of Orient in the Centre Division, to precept of the 30th Ultimo, directing the attention of the Magistrates to be drawn to the great increase in the number of cases for the more heinous offences during the half year under review, and also to the very large proportion of the offenders who had escaped apprehension

(Here enter No 321)

Read letter, dated the 31st Ultimo, from the Provincial Court of Orient in the Southern Division, transmitting explanations received from the different authorities on criminal Reports for February last

(Here enter No 326)

Read return, dated the 9th Ultimo, from the Judges of the Provincial Court of Orient in the Western Division,

18th June 1881

to precept of the 27th Ultimo, directing that the dates of the sentences upon prisoners for temporary imprisonment as shewn in the Warrants, be considered as the commencement of their temporary imprisonment, and that they be so inserted in the future Reports of the prisoners in Jail at Trangalore after the completion of the Circuit.

(Here enter No 322)

Read return, dated the 30th Ultimo, from the Provincial Court of Circuit in the Southern Division, to precept of the 4th Ultimo, directing that the penalty of their bonds be invariably exacted from sureties when the persons for whom they have become security may perpetrate offences during the period of their responsibility.

(Here enter No 325)

June 1831.

F. H.

At a Court of the Inferior Statutes

Present

Saturday 18th June 1831.

S. F. Grant Esqr. 1st Puisne Judge

John Reid Esqr. Acting 2d Puisne Judge

244

Circuit Letter, dated 9th February last, from the 1st Judge late on Circuit in the Northern Division, transmitting Copy of Recognizance entered into by

1 Together with the Record of the Proceedings had before the 1st Judge late on Circuit and transmitted the Copy for Return dated 30th December last, from the Magistrate of Pugwash for Return to a precept issued under date 27th of that Month.

2 The Court of Inferior Statutes, deeming it necessary that they should have before them the Extract of the proceedings of the 1st Judge late on Circuit, which accompanied the above precept to the Magistrate, direct that the Provincial Court of Circuit in the Northern Division be instructed to transmit a copy thereof for the consideration of the Court of Inferior Statutes with as little delay as possible.

Ordered, that Extract of the said

18th June 1831.

proceedings be sent to the Provincial Court of Circuit in the Northern Division by precept, returnable without delay.

(Sent following precept. No 338.)

Read letter, dated the 24th of March last from the Provincial Court of Circuit in the Western Division, submitting the Returns required by Section XXXV Regulation X of 1810, from the several Criminal and Joint Criminal Judges in the Division and the Native Judges of Cazeeas for the month of February last, together with an Extract from their proceedings thereon.

(Have entered No 193)

Tellicherry. 1 Referring to the Report Pt 5 the Court of Sudder and Remark that out of ten cases including 27 Prisoners forwarded to the Auxiliary Court at Tellicherry during the month of February last, only one case has been disposed of by the Joint Criminal Judge, the Court therefore desire that that Officer be called upon for an explanation of the causes of such unusual delay.

Malabar. 2 In case No 29 of the Report No 5 Submitted by the Criminal Judge of Malabar, the prisoner who is charged "with having "wilfully wounded the Complainant by stabbing "him with a knife" has been sentenced to "imprisonment with hard labor in irons" for the charge, if fully proved, it may be considered the prisoner liable to be committed for trial before the Court of Circuit, the Court of Sessions

18th June 1831.

desire that the Criminal Judge of Malabar be called upon to explain the circumstances under which he proposed to award a sentence if the former were not of a nature to warrant the commitment of the party, he same should have been noticed in the Report.

3 The prisoners concerned in case No 33 of the same Report, appear to have been detained in the Gaol for a period of 15 days. No reasons having been assigned for this delay, the Court desire that the Magistrate of Malabar be called upon for an explanation.

4 The cases assigned for case No 3 of the Supplemental Report being reported still under examination & that the Court will receive information for the Depositions as soon as the case would appear to be one of an aggravated nature attended with some circumstances by the Criminal Judge the Court would wish to be informed, under what circumstances that opinion contained in the Report was formed.

5 The Court direct that a copy of the order of the Court of Circuit, directing the release of the prisoner charged with Perjury in case No 20 of the Supplemental Report pursuant to the Circuit Court order of the 25th January 1831 be submitted to them for their information.

Ordered, that Extract from the proceedings be forwarded to the Provincial Court of Circuit in the Western Division, directing them to make to us such communications to the Criminal and Joint Criminal Judges of Malabar by precept returnable within 10 days

18th June 1831.

Read letter, dated the 13th Instant from the Acting third Judge on Circuit in the Southern Division, recommending mitigation of the punishment to which the prisoner Penny in case No 18 of the Salem Calendar 1st Sessions of 1831, has rendered himself liable.

(Here enter at No 408.)

The Court of Fougeres Having maturely considered the circumstances of the case represented to them by the Acting 3d Judge, are of opinion, that the sentence to which the said prisoner Penny is liable, may be mitigated to) two years imprisonment with hard labor and stripes, and recommend under the provisions of Clause third Section III Regulation I of 1825, the Court adjudge the prisoner Penny to receive 195 stripes with a Cat o nine Tails and to be imprisoned and kept to hard labour on the public roads or other public works for the period of seven (7) years.

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

(Sent following Precept No 340)

Read letter, dated 7th Instant from the Acting Chief Secretary to Government, transmitting an Extract from the Minutes of Council, stating the determination on the subject of the duty of grain by Collectors for the Subsistence of prisoners in the Jails.

(Here enter at No 412 of 1831)

FG
15th June 1831.

The Court of Fougeres Ordered that a Copy of the foregoing Extract from the Minutes of Consultation be sent to the 4 Provincial Courts of Circuit to be by them communicated to the Provincial Criminal Judges and Magistrates in charge of Jails for their information and guidance respectively.

Ordered, that Extract of these proceedings be sent to the 4 Provincial Courts of Circuit by Precept, returnable in five days from the date of the Precept.

(Sent following Circular Precepts No 339)

Read letter, dated 7th Instant from the Acting Judge on Circuit in the Northern Division, transmitting Calendar of the Jail Delivery for the 1st Sessions 1831.

(Here enter at No 345)

The first and Acting third Puisne Judges having attentively considered the proceedings held before the Judge on Circuit, the Justices of the Provincial Court Officers, and the Justices of the Peace and Inspectors of the Fougeres District, Captain such part of the said Justices of the Peace and Inspectors present, as the Court and all parties agreed to the prisoner

9th Elizabeth Nagle Catchoway

of the crime of murder laid to her charge and considering that strong suspicion rests

Act

not amounting to conviction attached to law, they direct under clause Sixth Section II. Regulation XV of 1803, that She be required to find two sureties in fifty (50) Rupees each for her good behaviour and appearance when required within 3 years, or in default thereof, that She be detained for three years in confinement.

But being of opinion, that the proof against the prisoners,

1st Sinhadry Ven Kiah alias Soneatarinde

and

2d Gerrum Setty alias Nundegander

is sufficient to convict them of the crime of Murder, the first and Acting third Puisne Judges under the authority with which they are vested by Clause first Section II Regulation I of 1818 do convict them thereof, and sentence them to suffer death as prescribed by Section X Regulation VIII of 1802, by being hanged at the usual time and place of execution.

The Court of Sessions & Circuit deem it proper to point out the irregularities observable in the proceedings relative to the above trials. Questions were put to the prisoners before the Prosecution was closed. This was an incorrect proceeding, which the presiding Judge will be careful to avoid in future.

It would have been more satisfactory if the evidence of the witnesses (10th & 11th who attested the confessions of the 1st and 2d Prisoners before the Police officers had been taken in the hearing, the cause, at the the Acting Judge had stated in his letter accompanying the record of the trials, that these prisoners, as well as the 3d Prisoner confessed the crime before the Criminal Court, upon arraignment to their examinations, or such confession is apparent. The first Prisoner's confession is according to the translation as follows "The 2d Prisoner then saying that he felt a "belly ache, went to ease himself, leaving his "Patchlock and his bag with the 2nd Prisoner "immediately and soon after he returned and got "hold of the Rice Bag, Ramanaden and Strangled "him - Hearing a sound of blood, I went up "him - Hearing a sound of blood, I went up "to him and saw that the 2d person Stabbed "and was lying down, and the 2nd Prisoner "taking her jewels. I asked him what he had "done, he remained silent and answered me "nothing" - a proof that it is confession of having assisted in the murder, and if the prisoner had not admitted his confession before the Police officer the deposition before the Criminal Court would have been of little or no avail towards his conviction. The 2d prisoner in his examination before the Criminal Court, confessed to his having aided in the perpetration of the murder, and declared that he was at present when the woman was stabbed by

the

But he also admitted his confession before the Police Officer, declaring that the said officer frightened him, and that in consequence he put his mark on the deposition they caused to be written.

The confession of the third Prisoner is not a confession of murder, but of having been present when the woman was murdered and of having been accessary after the fact. That confession ought to have been proved on the trial by the attesting witnesses, and not from her own mouth, upon a question irregularly put to her.

Ordered, that the record of the proceedings be sent to the Acting Judge in Circuit in the Northern Division for his information

(Sent following letter of 342)

Read letter dated the 11th Ulto from the Acting Judge in Circuit in the Northern Division, transmitting Calendar No 22 Criminal Calendar for Sessions of 1831.

(Herewith No 331)

The first and Acting third Puisne Judges having maturely considered the proceedings held before the Judge in Circuit, the notes of the Provincial Law Officer, and the notes of the Cazeas or Cozad and Mooftee of the Court and Assistant confirms such part of the said notes of the Cazeas or Cozad and Mooftee of proceedings as

8th June 1831. as regards the prisoners

1st Juliopagoe Nagoor
2d Matala Lutchoo
3d Ranhetha Cuttaoo Long Canjaoo
4th Domaty Cuttaoo
and
5th Matala Moodaliar

of the crime of Robbery by open violence laid to their charge; but considering that although the evidence though not amounting to conviction is sufficient to detain the first and acting third Puisne Judges direct, under Clause Sixth Section II Regulation XV of 1803. that they do each be required to find two Sureties in 25 Rupees each for their good behaviour and appearance when required within (2) years, or in default thereof that they be returned in confinement for the said term of two years

And concurring in opinion, that the proof against the Prisoners

1st Canampaty Bolee Canaoo
2d Matala Boorageddaoo alias Veraoo
3d Cautista Cuttaoo Comperlootaoo
and
4th Mallaverla Paraoo

is sufficient to commit them of the attempt to commit Robbery by open violence, the first and Acting third Puisne Judges under the authority with which they are vested by Clause first Section II Regulation X of 1808, do commit them thereof, and sentence them to

to be imprisoned in the Gaol of Colombo [illegible]
on the public roads or other public works for
[illegible] of 4 years as prescribed by Clause
third Section IV Regulation XI of 1818.

The Court of Oyer and Terminer
doth not forbear to pronounce the sentence
that he has omitted to furnish a copy of the warrant
for the detention of the Prisoner in this case
pending the reference of the same.

Ordered that a transcript of the
proceedings be sent to the Acting Assistant
Circuit in the Northern Division for the
information

(Sent following letter dated 4th April last from the 3d Judge in Circuit in the Western Division, submitting sentence of Malabar Additional Calendar of 1831.

(Enclosure No 335)

Read the letter dated the 3d
instant from the 3d Judge on Circuit in the Western
Division to certify to this Court, whether the
Assistant Registrar mentioned therein
was duly authorized under Section III Regulation
Section IX of 1821 to take the confession of
Prisoner in No 9 Malabar Additional Calendar
14th Sessions 1831.

(Enclosure No 370)

The first and Acting third Circuit
Judges on a deliberate Consideration of the
Circumstances of the Case in evidence before
them, concurring in opinion that the proof
against the Prisoner

Mariatab Amaran

is sufficient to convict him of the crime of
murder, under the authority with which they
are vested by Clause first Section II Regu-
lation I of 1818, do convict him thereof and
sentence him to suffer death as prescribed
by Section X Regulation VIII of 1802, by being
hanged at the usual time and place of execution.

(Sent following letter No 344)

Letter from the 1st Judge of the Criminal
Court of Circuit in the Western Division
forming order No 1 on the Additional Calendar
2d Quarter Sessions 1831.

(Enclosure No 505)

The first and Acting third Circuit
Judges having maturely considered the proceedings
held before the Judge on Circuit, the petition
of the Provincial Law Officers, and the petition
of the Cayar ve Cozgat and Shroffars of the
Tenjanore Pettah, Comprising such part of the
petition of the Cayar ve Cozgat and Shroffars
aforesaid as commits the petitioners

Pongotden Chandoo

of the crime of murder and award unto him

and

F. Co.
15th June 1839.

reported the first to the rest to which the
death of the deceased is owed attributable."
The person whose comment is thus declined, is
the second prisoner, and not the first.

With reference to the communi-
cations made by the presiding Judge to the
Prisoners in the above trial, and on trial by
Malabar Calendar 2d Session 1839, the Court
direct that he will be careful in future to
abstain from holding out hopes, or the pros-
pect of commutation to prisoners in the
realization of which there must be much
uncertainty.

Ordered that extract of the
proceedings relative to the 1st Judge of
the Provincial Court of Circuit in the
Western Division for his information.

(Sent following letter No 2345)

Read letter, dated the 30th
October from the Acting 3rd Judge of Circuit
in the Southern Division, submitting case
No 3 on the Commencement Calendar 1st
Session 1839.

(Reference to No 374.)

The first and Acting third
Puisne Judges having maturely considered
the proceedings held before the Judge on
Circuit, the petitions of the Provincial
Law Officers and the petitions of the Cazees

and sentenced him to be transported to such place
a place beyond Sea as the Right Honorable the
Governor in Council shall appoint there to be
imprisoned and kept to hard labour for
public roads or other public works for and
the period of his natural life.

And Concurring in opinion
the proof against the prisoner
is sufficient to convict him of the crime of
the first and Acting third Puisne Judges
the authority with which they are vested
deem it proper to pronounce sentence of
in the 10th para of the 5th Judges Letter
accompanied the above trial in which
Judge & The first prisoner tried on the 29th of
prisoner and the rest to be imprisoned
on the shoulder. Having not any
"Prisoner in Irons during pleasure
than five Years the first Prisoner
"It was an idea of this Court

ay 1831.

the confession before the Village Police

ol Cozat and Members of the Tribunal
confirm the said Letters Patent
and Chapters aforesaid, condition of Bail
and awarding Costs, and under the
provisions of Section X Regulation VIII of
1802, adjudge the prisoner
Sobramanien
to suffer death by being hanged at the said
time and place of execution.

Sent following letter N°. 3168

Read Return dated this 17th
Instant from the Criminal Court of Police
in the Centre Division transmitting the
Verdict by which the prisoners in Calendar Nos. 163, 165,
170 and 171 of the Current Criminal Register
for October last were acquitted of
Security for their good behaviour and
appearance.

(Here enter No 409)

Read letter dated the 15th
February last from the Acting Third Judge
on Circuit in the Southern Division trans-
mitting the Calendar of
prisoners committed for trial for the
1st Sessions 1831.

(Here enter No 94)

2 F. H.

F. H.

At a Court of the Faujdaree Adalut.
Present,

Tuesday
31st May, 1831

F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 3rd Puisne Judge.

Read letter, dated the 17th Instant
from the Third Judge on Circuit in the
Western Division, submitting further
explanation as to his proceedings in
Cases Nos 1 and 37 Calendar October 2nd
Sessions of 1830.

(Here enter No 13 of 1831.)

In respect to the case No 1, the
Court of Sudder Faujdaree Adalut continue to be
of the opinion recorded on their proceed-
ings under date the 7th Instant, and
referring to the further explanation of
the Third Judge, it appears to the Court,
that if that officer was of opinion that
there remained no probability of the
appearance of the prosecutor and witnesses,
and that no other evidence was obtainable,
he should have put the prisoner on his
trial.

2. The order of the 3rd Judge
requiring security in this case under
clause 2nd Section II Regulation XV
of 1803 was improper, that clause
is applicable only to prisoners tried
before

before the Court of Arcuit.

3.

In respect to the appeal of the Hon. Sir [illegible] case reported at page 378 of the second Volume of the Reports of cases determined in the Court of Exchequer

4.

The Court of Exchequer Hilary 1824, gave general judgment to the effect of a trial of this description before the Sheriff of Police Officers in which the accused in effect has been acquitted, and they deem it proper to refer the 3rd Judge to the former decision of this Court of Exchequer Hilary 1824 as a guide in cases of this nature.

5.

It is to be observed that in this case quoted from the Reports of the Exchequer it would not have been competent to the Court of Arcuit to hear the evidence which was proved by the former Trial.

6.

In order to try the 3rd Judge was authorized no doubt to hear the testimony entered on the Calendar on a former occasion which is not the opinion of the Court of Exchequer Hilary and made it his duty to confirm the former judgment by conforming

Ordered that extract of these proceedings be sent to the Third Judge on Arbitration in the Western Division for his information and future guidance.

(Sent following letter No 350.

No return having been received from the Acting Judge on Circuit in the Southern Division to the precept upon me under date 23rd ultimo calling upon him to transmit certain documents required in Case No 9 Criminal Calendar 1st Sessions of 1831.

The Court of Exchequer Hilary

2.

directed that the Acting Judge be by precept commanded to make return to the said precept of the 23rd ultimo in three days and to explain his delay in this matter.

Ordered, that extract of these proceedings be sent to the Acting Judge on Circuit in the Southern Division by precept returnable in three days from and after its receipt.

(Sent following precept No 351.

Read letter dated 15th Instant from the 2nd Judge dated on Circuit in the Centre Division, submitting cases of Complaint on Calendar 2nd Sessions of 1830.

(Here enter No 613.)

On the letter accompanying the foregoing trial the 2nd Judge states

21st June 1837.

as the ground of the reference his opinion, that this is a case in which all the accused "have subjected themselves to the extreme "penalties of the Law."

2. The charge is gang robbery by open violence accompanied with certain acts of cruelty, and the Court of Zillah are to what conclude that it is with reference to the latter that the 2nd Judge was led to form the opinion above quoted from his letter.

3. But on examining the proceedings held in the case the Court find, that with the exception of the testimony of the prosecutor there is no evidence whatever establishing any acts of aggravation to take the case out of the jurisdiction of the Court of Circuit.

4. And the Court of Sunderbunds do not being of opinion, that this trial ought not to have been referred, and that it is competent to the 2nd Judge to dispose of the case under the provisions of Clause third Section IV Regulation XII of 1803, direct that the Record of the trial be returned to the 2nd Judge in order that he may dispose of it according to the Regulation.

5. In justice to the prisoners it will be proper that their sentences should take effect from the date of the conclusion of the trial before

the

F. C.
21st June 1837.

the Court of Circuit.

Ordered, that the English and Persian translations of the proceedings in case No 10 Chingleput Calendar 2nd Sessions of 1837, be returned to the 2nd Judge & Zillah Court of Circuit in the Centre Division by precept, returnable in five days from and after its receipt.

Sent following precept No 352

At a Court of the Supreme Court held at

Present

Thursday 23rd June, 1831. The Hon.ble F. A. Grant Esq.re 1st Puisne Judge

John Bird Esq.re acting 3rd Puisne Judge.

Read letter, dated the 31st of March last from the 1st Judge of the Provincial Court of Encuit in the Central Division, transmitting copies of the 2d 3d and 4th Chittoor Supplemental Calendars for the 1st quarter of 1831.

(Recorded at p. 200)

In case No. 4 of the 3d Supplemental Calendar, the Judge directs the acquittal of the Prisoner as the evidence recited in the abstract of the examination before the Criminal Court. Before the Head of Police the prisoner admitted that "coming the ornaments of the Prosecutrix" which had been entrusted to her care "she pushed her into the well and then came home" the prosecutrix also made a similar statement to the 1st Pritchard "who found her sitting on the Bank of the well with a wet cloth" and that this charge was not a subsequent invention of the Prosecutrix is proved by the evidence of the 2d and 3d witnesses who deposed to having taken her out of the well

Subjoined

Supposing the confession of the Prisoner before the head of Police to have been proved by the evidence of the 3d and 4th witnesses, who are stated to have attested the same, the Judges cannot express the apprehension they entertain, that in this case the guilty has escaped punishment, and they direct that an English translation of the Record of the trial be prepared and submitted to them without delay.

Ordered, that Extract from these proceedings be forwarded to the Resident Judge of the Provincial Court of Circuit in the Central Division by freight, returnable within 5 days from and after the date of the Precepts.

Sent following precepts &c. No 355

Read Return, dated the 13th Instant from the Judges of the Provincial Court of Circuit in the Central Division, to precepts of the 13th Instant, directing the Provincial Court in the Central Division to issue orders for carrying into effect, the arrangement for the transfer of certain number of convicts to the Jails at Caddapa, under Togidew Sebastian Precepts of 27th October last.

(Here enter No 349.)

Read Return, dated 15th Instant from the Provincial Court of Circuit in the Central Division, to precepts of the 13th Instant, directing that the names of the prisoners Sabatier Christian by Negatapa Gungadoo and Vindagnadoo upon whom the sentence of the Togidew Sebastian had been passed, but whose names had been inadvertently omitted in the Precepts of the 27th October last, should be committed in future.

(Here enter No 350)

Read letter, dated the 20th Instant from the Provincial Court of Circuit in the Southern Division, forwarding the Warrant for the execution of Moonigadoo Poiroux in pursuance of the Sentence of the Supplemental Calendar 2d September 1836.

(Here enter No 351)

No

the confession before the Village Police

At a Court of the Zemindary Adalut

Present

Friday 24th June, 1831. T. P. Grant Esqre 1st Assistant Judge
Henry Bird Esqre acting 3rd Assistant Judge

The Court of Zemindary Adalut

24 Nos

in their proceedings of the 21st Instant, noticed some irregularities observable on review of the Criminal Calendar for the 1st Sessions of 1831, and having called upon to the Tenor of the Law since had recourse to upon the Futwa of the Law officers in said Nos, it appeared that the 3rd Prisoner in that trial, was on the first witness acquitted by the Law officers from the ground, that the evidence of the single witness was not sufficient for his conviction

The third Judge then put a second question to the Law officers to the following effect, that if the acquittal of the witnesses of the 1st, 2d, 3d, 5th, 15th, 16th, 17th and 18th witnesses did not entitle the prisoner would have been the futwa - The Law officers returned their answers as forms against the 3rd Prisoner that if the acquittal had not entitled the crime of robbery would have been proved against him, nothing sufficient proof, and that he would have been liable to Retaliat: and the 3d Judge proceeded to pass sentence of 10 Stripes and 14 years imprisonment upon the 3d prisoner and upon the prisoner in question.

Now upon examination of the abstract

3

24th June 1831.

of the evidence as entered in the Calendar, and upon reference to the future of the Law Officer, it is quite clear that the only evidence against the 3d Prisoner was that of the 4th witness, whose testimony standing alone was, as the Law Officer very properly observed, insufficient for his conviction.

4 The objection of the Law Officer was not founded solely upon a peremptory objection, but upon the insufficiency of the evidence, and the 3d Judge was not competent either to put a second question, or to over rule the acquittal. If he did not approve of the finding, he should have arrested the trial. But upon what grounds the 3d Judge could have considered the charge to have been clearly proved against the 3d Prisoner upon such evidence, the Judges are quite at a loss to conceive, and it is painful to them to find, that their interference, as far as regards the sentence of confined punishment, will in all probability come too late.

5 The Court direct that the 3d Judge will immediately suspend the execution of the sentence passed upon the 2d and 3d Prisoners in case No 5 of the Cuddapah Calendar, and that he will report the trial, prior to all other under reference, for the final order of the Sovereign Adalut.

Ordered, that extract of the proceedings be sent to the 3d Judge Cuddapah

24th June 1831.

on Circuit in the Centre Division by precept, returnable in one Month from and after its receipt.

Sent following precept No 356

24th June 1831.

F. 16

At a Court of the Inquisitors Watch

Present,

Monday
27th June 1831. F. F. Grant Esqre 1st Puisne Judge.
John Bird Esqre 2nd Puisne Judge.

24 15

Read letter, date the 3rd of March last from the Acting Judge on Circuit in the Northern Division, submitting copies of the Notture Calendars for the 1st Sessions of 1831.

(Here enter No 32)

The Court of Inquisitors Watch have observed, that the Acting Judge has omitted to enter in the Calendars under review, an abstract of the Tuhmad given by his Law Officer, as directed by the Circular orders of this Court of the 8th September 1829, the Court therefore declare that this entry be made under the proper Column in all future Calendars.

No 5

2. The Acting Judge in the Sentence passed on the 2nd 3rd 4th 14th and 15th prisoners, should have recorded the period for which they would be liable to be imprisoned in default of finding the required security.

3. As however the 15th prisoner was convicted on the 2nd Tuhmah and has

29th June 1916.

be endeavored by calling up [illegible]
of the trial at this late period.

No 28.

6. The remarks that were made on the sentences passed on the 2nd and 3rd prisoners in case No 8 of this Calendar is applicable to the sentences passed by the Acting Judge on the two prisoners concerned in this case; and also to the sentence passed on the 5th prisoner concerned in case No 1 of the Supplimental Calendar.

No 1 of the Supplimental Calendar.

Ordered, that extract of from these proceedings be forwarded to the Acting Judge on Circuit in the Northern Division for his information and guidance by precept, returnable without delay.

Sent following precept 30/7.

Read letter, dated 25th February last, from the Commissioner of Circuits in the Northern Division, submitting the reports in the forms prescribed by Section XXXV Regulation X of 1916 for the month of January last.

(Circular No 130 of 1911)

In order No 6 of the report No 5 from the Acting Second Commissioner Judge on the Gilla of Salem, sentence of one years imprisonment had stated to have been passed on the 5th prisoner

27th June 88

under clause fourth Section III Regulation
VII of 1822.

2. The remark appended to the
sentence would appear to reduce the
offence to a simple theft, in which
case the prisoner was not liable to
punishment exceeding that prescribed
in Section VII Regulation X of 816. on the
other hand the charge was for highway
robbery, and if by the evidence the
charge was established, the case
exceeded the powers vested
in the Criminal Judge by the
Regulations, and ought to have been
committed for trial before the Court
of Circuit.

3. The proceedings quoted by the
Acting Joint Criminal Judge had no
reference whatever to the case the
sentence is illegal and must be vacated.

4. And as the prisoner cannot
be put to a second trial on the charge
he must be released after the expira-
tion of six months imprisonment

Ordered, that extract of these
proceedings be sent to the Provincial
Court of Circuit in the Southern Division
by precept, enjoining them to
communicate the same to the
Joint

27th June 88

Joint Criminal Judge for his informa-
tion and guidance.

(Sent following precept No 358

Read letter, dated the 20th
Instant from the Provincial Court of
Circuit in the Southern Division, sub-
mitting reports in the form prescribed
by Section XXXV Regulation X of 1816
for April last.

(Here enter No 438 of 1888)

The report of persons appre-
hended within the jurisdiction of the
Auxiliary Court in the Zillah of Salem
and delivered to the Joint Criminal Judge,
regarding whom no final order had
been passed at the date of the last
Monthly reports, contains one case, in
which six prisoners are stated to have
been "dismissed there being no proof
of evidence against them."

2. A similar remark is
made on case No 5 of the Report
No 5 from the Joint Criminal Judge

3. In case No 37 of the report
last mentioned the prisoner was
charged with "pulling the prosecutrix
by the hair of her head whereby her
right ear was mutilated."

The

4. The sentence in this order
a fine of three pounds commutable to
imprisonment for ten days

5. The Court of Magistrates shall
direct that those under the charge of the
notice of the Magistrate of Bimbatawa and
that he be required to caution the
Police officers against sending persons
on petty charges of this nature, and
of any description whatever, in future
against the records of the Criminal
Court

Ordered, that a true Extract of the
proceedings be sent to the Criminal
Court of Circuit in the Southern Division
by precept returnable without delay.

(Sent following Precept No 359)

The Judges of the Supreme
Court having reason to believe, that
the practice in respect to the confine-
ment of Prisoners on Irons, is not
uniform in the several Jails, and being
of opinion, that except in cases of absolute
necessity no prisoner should be subjected
to the degradation of wearing chains
unless committed for a heinous offence,
resolved to direct the following rule
for general adoption.

2. Criminal Judges, Joint Criminal
Judges and Native Criminal Judges shall
not confine in irons, previous to
conviction, any person who may be
charged with a bailable offence.

3. Persons committed for trial
before the Courts of Circuit shall not
be confined in irons unless from
peculiar circumstances to be recorded
in the diary, the use of irons may be
considered necessary for their safe
custody.

4. The Criminal Judges Joint
Criminal Judges, the Magistrates and
Native Criminal Judges shall not
sentence a prisoner committed of a
misdemeanor to be confined in irons,
nor shall irons be used in such cases,
except in the event of special necessity
arising out of bad conduct of the
Prisoner during his imprisonment, or
unless the insecurity of the Jail, or other
place of confinement, may render
such restraint indispensable for his
security, in which case the grounds
for such a proceeding must be recorded

Ordered, that a extract of
these proceedings be sent to the four
Provincial Courts of Circuit by precept
enjoining

enjoining them to communicate the same to the several Criminal Judges, Saint Criminal Judges, Native Criminal Judges and Magistrates, for their information and guidance respectively.

(Sent following Precepts No 360.

Read return dated the 24th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, the precept of the 22nd Instant, directing him to transmit an English translation of the record of the trial in case No 4 of the 3rd Supplemental Calendar of the Batticaloa 1st Quarterly Sessions of 1891.

(Here enter No 437.)

Read letter, dated the 24th Instant from the Provincial Court of Circuit in the Centre Division, transmitting an original death warrant in case No 12 Puttalam Calendar 2nd Sessions 1890 and returned by the Acting Criminal Judge of Puttalam together with a copy of his letter.

(Here enter No 438.)

Read return dated the 25th Instant from the Acting 3rd Judge on Circuit in the Southern Division, to precept of the 18th Instant, directing that a date-

E. M.
27th June 1891.

imprisonment with hard labor be passed upon the Prisoner Ansy in case No 18 of the Salem Calendar 1st Sessions of 1891.

(Here enter No 432.)

Read letter, dated the 24th Instant last, from the Provincial Court of Circuit in the Southern Division, forwarding the returns of the different authorities to the communications made to them by the Provincial Court on the Criminal Reports of January last.

(Here enter No 297.)

214 113

Read letter dated the 21st Instant from Ammogam and Nurdon, alleging that the Sentence passed by the 2nd Judge of the Centre Circuit Court on the Prisoners in No 2 Supplt Calendar of the 3rd Quarter Sessions of 1891 at Chilaw is unjust and praying the Court to remit its execution.

(Here enter No 423.)

At a Court of the Fouzdaree Udalut

Present

Tuesday 25th June, 1831. T. A. Grant Esqre 1st Puisne Judge
C. M. Lushington Esqre 2d Puisne Judge
John Bird Esqre Acting 3d Puisne Judge

Read again letter, dated the

114 13 11th January last from the 1st Judge late in Circuit in the Northern Division, with the record of trial in case No 12 on the Chittagong Calendar 2d Sessions 1830.

(Here enter No 29.)

Read also return, dated the 2d Instant from the 1st Judge in Circuit in the Northern Division to precept of the 20th May last, directing the 1st Judge to grant a warrant for the release of the 3d & 5th and 6th prisoners in No 12 Chittagong Calendar 2d Sessions of 1830, and to explain why he acted contrary to the Regulations, in not releasing them after trial and acquittal.

(Here enter No 341)

Also read letter, dated 30th Instant from the Acting Judge in Circuit in the Northern Division, enclosing the depositions given by Nittyanund Bhattacharjee and Jaggat Chandra Bhattacharjee before the Criminal Judge of Chittagong on 17th Instant.

(Here enter No 380)

In this case the 3d 5th and 6th Prisoners
related by the Circuit Court and the first & Acting Third Puisne
Judges having maturely considered the proceedings
held before the Judge on Circuit, the finding of the Pro-
vincial Law Officer, and the finding of the Cazee al
Cozgat and Mooftees of the Dewanny Adalat, confirm
the said finding of the Cazee al Cozgat and Mooftees
aforesaid, convicting the prisoners

1st Dumsady Cunda Naika

of Jang robbery attended with homicide, and award-
ing the Punishment of being hanged, and executing the
prisoners.

2d Mangally Dombroegah
4th Bury Naika

of the crime of receiving property obtained in the
perpetration of robbery by open violence knowing
it to be such and awarding punishment and under
the provisions of clauses first and fifth of Section
IV Regulation XV of 1818, they sentence the prisoner

1st Dumsady Cunda Naika

to receive 195 Stripes with the Cat, nine tails
and to be transported to such place or places
beyond Sea, as the Right Honorable the Governor
in Council shall appoint, there to be imprisoned
and kept to hard labour in irons on the public
roads or other public works, for and during
the period of his natural life.

And under the sentence of the Court

in the future, and the provisions of Clause
second Section IV Regulation VII of 1822,
the first and Acting third Puisne Judges
direct, that the prisoners

2d Mangally Dombroegah

and

4th Bury Naika

be imprisoned and kept to hard labour in
irons on the public roads or other public
works, for the period of ten (10) years.

(Sent following letter No 364)

Read letter, dated the 24th
February last from the 2d Judge of the Pro-
vincial Court of Circuit in the Central Divi-
sion, submitting case of Ali Cuddapah
Son, Calendar 2d Session 1830.

(Here enter No 117)

The first, Second and Acting
third Puisne Judges having maturely
considered the proceedings held before
the Judge on Circuit, the finding of the Pro-
vincial Law Officer, and the finding of the Cazee al Cozgat
and Mooftees of the Dewanny Adalat, confirm the said finding
of the Cazee al Cozgat and Mooftees aforesaid, convicting the
prisoner

Baday Nagadoo

of the crime of Murder and awarding
Punishment, and under the provisions of
Section X Regulation VIII of 1802, adjudge

At a Court of the Ezyptara Natakt.
Present,

Thursday, 30th June, 1831. E. A. Grant Esqre 1st Puisne Judge.
John Bird Esqre acting 2nd Puisne Judge.

Read letter, dated the 23rd Instant from the Provincial Court of Circuit in the Centre Division, submitting the reports from the Criminal Courts for April last.

(Here enter No 433 of 1831)

In case No 93 on the Report No 5 from the Criminal Judge of Chingleput, in which the prisoners were apprehended on the 5th January and did not reach the Criminal Court until the 4th of April last, it would appear that the accused were detained by the Assistant Magistrate for fourteen days, first of their extraordinary detention by the officers of police no explanation is afforded.

Chingleput 1.

The Court of Ezyptara Natakt 2. direct, that the Provincial Court do immediately require from the Magistrate and submit to the Ezyptara Natakt a full explanation on this subject.

The

The said prisoner
Baday Nagadoo
to suffer death by being hanged at the usual time and place of execution.
Sent following letter No 365

30th June 1831.

3

The case No 15 according to the charge as entered on the Report, was one of Highway robbery; and was different to have fallen under the definition given in Section III Regulation XX of 1817 of robbery by open violence. It was therefore left by the Criminal Judge, who sentenced the prisoner to 7 years imprisonment.

4.

The Court of Appeal & Circuit deem it necessary to call forcibly the attention of the Criminal Court of Circuit to the irregularity of this proceeding which should have been avoided.

5.

If the offence as established by the evidence, were found to be of a description different from that charged against the prisoner, it should have been stated in the report of record the Criminal Judge in a manifest & unequivocal manner.

Ordered, that the record of these proceedings be sent to the Criminal Court of Circuit in the Centre Division by precept returnable in ten days from and after its receipt.

(Short following Records 1831)

Saturday 2nd July 1831.

No 16

At a Court of the Zillah Adalut.

Present

T. H. Grant Esqr. 1st Puisne Judge
John Bird Esqr acting 2nd Puisne Judge.

Read return dated the 25th ultimo from the 2nd Judge late on Circuit in the Centre Division, to the precept of this Court under date the 20th of April last, submitting translations in English of the two depositions given by the prisoner in case No 12 of the Bellary Calendar for the 1st Sessions of 1831, and of the Record of the trial of the prisoner in case No 15 of the same Calendar together with the copy of the order of the 2nd Judge of Circuit for the commitment of the prisoner for trial for forgery.

(Case entered No 1857)

These papers were required to enable the Court of Zillah Adalut to judge of the propriety of the sentence of acquittal passed by the Third Judge on the Prisoner in these cases and in the event of the judgments being found correct to ascertain upon what ground the 2nd Judge of Circuit in the Centre Division had determined them to be brought to trial.

Etc

2nd July 1881.

Ordered that extract of the proceedings be sent to the 2nd Judge Eastern Circuit in the Central Division for his information.

Sent following letter No 371.

Read return, dated the 25th ultimo, from the Judges of the Provincial Court of Circuit in the Western Division in pursuance to precept of the 18th ultimo, directing the Provincial Court to instruct the Subordinate Judges and Magistrates, that the Forjahare Volunteer did not intend by their orders of the 18th April last to prohibit the Jail Peons from using their swords in cases of necessity.

(Here enter No 445)

Read return, dated the 25th ultimo, from the Provincial Court of Circuit in the Central Division, to precept of the 15th ultimo, conveying the remarks of the Forjahare Volunteer on the Criminal Reports of Chittoor for January last

(Here enter No 446)

Read return, dated the 21st ultimo, from the Provincial Court of Circuit in the Central Division, to precept of the 15th ultimo, directing the

30th

2nd July 1881.

2.

The Judges of the Forjahare Volunteer unite in agreeing with the 2nd Judge late on Circuit, that the contradictions between the two depositions in case No 12, are not so direct and positive as required by Regulation III of 1822 to constitute the crime of perjury, and also that the disagreement is not upon a point material to the issue of the trial in which the depositions were given, and consequently they are of opinion that the grounds upon which the prisoner was directed to be brought to trial for perjury were not sufficient.

3.

In respect to case No 15 also quite clear, that under the explanation given by the 2nd Prisoner on his cross to the 7th question in his deposition before the 2nd Judge of Circuit there was no contradiction at all between his two depositions, and between the depositions of the other Prisoners there is no positive contradiction such as could constrain him liable to punishment for perjury

4

In this case also the Judges are of opinion that the Prisoner should not have been committed for perjury

the Provincial Court to communicate to the Subordinate Judges and Magistrates that the Regulations detailed by their orders of the 12th April last included to prevent cruelty, but not to forbid the use of the Lash, found of those Countries in cases of necessity.

(Here enter No 451 of 1831.)

Read return dated the 29th ultimo from the 2nd Judge of the Central Division, to precept of the 22nd ultimo returning the record of the case of [illegible] Chung Calendar 2nd September 1831 disposed of by the Court of Circuit

(Here enter No 452 of 1831.)

Read return dated the 29th ultimo from the 2nd Judge taken on Circuit in the Western Division, to precept of the 22nd ultimo directing the 2nd Judge to transmit without delay his report on the 2nd Criminal Calendar of 1831 and to explain his motives for granting it at an earlier period

(Here enter No 453 of 1831.)

Read return dated the 29th ultimo from the 2nd Judge of the Court of Circuit in the Central Division, to precept of the 22nd ultimo directing the 2nd Judge to transmit without delay the report on the 2nd Criminal Calendar of 1831 and to explain his motives for granting it at an earlier period

(Here enter No 454 of 1831.)

2Hk 15 1.

I. H.

At a Court of the Zillah Dinajpore Adalut.

Present:

Monday, 4th July 1831.

F. A. Grant Esqre 1st Puisne Judge
C. M. Lushington Esqre 2nd Puisne Judge
John Bird Esqre acting 3rd Puisne Judge

2Hk 15

Read return, dated the 29th ultimo from the 2nd Judge taken on Circuit in the Centre Division, to precept dated the 22nd ultimo, conveying to him the order of the Court of Zillah Adalut on certain cases in the Bellary Calendar 2nd September of 1830

(Here enter No 452 of 1831.)

In the 5th paragraph of the above return the 2nd Judge states, that further Juttwas have been taken in the cases Nos 10, 11, 12, 14, 22, 27 and 28, and he requests to be informed "whether he should pass sentence under the "Juttwas, or reject the Zillah Adalut "not prescribed by the Regulations "that the mitigated punishment already "awarded should not be disturbed."

In respect to the cases
2. here enumerated, the 2nd Judge will adopt the course pointed out in Sections III and IV Regulation I of 1825.

Ordered, that a extract of these proceedings be sent to the 2nd Judge

4th July 1881.

Judge taken Circuit in the Central Division for his information and guidance.

(Sent following letter No 372

Read letter, date 29 the 28th ultimo from the 2nd Judge of the Transvaal Circuit in the Central Division reporting upon that period of the 4th Quarterly Sessions of Jail Delivery for 1880 and Circuit during which he presided.

(Here enter No 378 of 1881)

The above report does not contain any matter which requires observation from the Court of Appeal.

Ordered, that a copy of the above report with extract of this proceedings be sent to the Acting Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.

4 Encl
No 40.

(Sent following letter No 373

Read again the letter dated the 1st ultimo, from the 2nd Judge of the Circuit in the Central Division sending copies of the Circuit Calendars 2nd Quarterly Sessions of 1881

(Here enter No 380)

Read also return to Precept of the 7th ultimo, showing the 2nd Judge

4th July 1881.

to cancel the sentence passed by him in case No 2 of the 3rd Supplemental Calendar, and to pass a new sentence after taking a second finding as prescribed by Clause third Section III Regulation XV of 1853

(Here enter No 381)

In the above case the prisoner declined the permanent liability to be struck on strong presumptive proof of theft, and a Sentence of 4 years imprisonment and hard labor was passed upon him.

2. The 2nd Judge in his return to the Precept of the 7th ultimo shows that in obedience to it he had taken a second finding and passed a sentence of 7 years imprisonment and hard labor in irons on the said prisoner.

3 From the original sentence of the 2nd Judge it would appear that he was of opinion that the mitigation of punishment therein specified was sufficient, and it was competent to him under the provisions of Section IX Regulation I of 1875 to alter the circumstances of the case in respect to the Court of Appeal, but upon receiving the Judge's statement of the grounds of his opinion that such mitigation of the forfeiture or penalty was proper

4th July 1831.

proper, and unless the 2nd Judge has altered his view of the nature of the case, it will be fit that he should do so now.

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

(Sent following letter No 374.

Read return, dated the 27th ultimo from the acting 3rd Judge on Circuit in the Southern Division, to process of 21st ultimo, directing the acting 3rd Judge to make his return to precept of 23rd March last, calling for certain documents required in case of Maduma Calendar 1st Sessions 1831.

(Here enter No 353.)

Read letter, dated the 15th February last, from the First Judge to the Registrar in the Northern Division, referring case No 8 Chicacole Calendar 2nd Sessions 1830.

(Here enter No 354.)

Read a like letter, dated the 3rd May last, from the First Judge to the Arrent in the Northern Division, respecting the death of Canah Timmayah in No 8 Chicacole Calendar 2nd Sessions of 1830.

(Here enter No 355.)

Mr Ludlington and Mr Bird

4th July, 1831.

In this case, the Prisoner 2nd Canah Timmayah died on the 27th of April last.

The second acting third Puisne Judges having maturely considered the proceedings held before the Judge on Circuit, the opinion of the Provincial Law Officer, and the opinion of the Pundit and Moofties of the Zillah, confirm the said opinion of the Pundit and Moofties aforesaid, convicting the Prisoner

1st Cotamaneree Sittanree

of the crime of aiding and abetting Bobbagoo and awarding to him, and under the provisions of Clause third Section IV Regulation XV of 1803, the sentence of the Court to be, that he do stand in the Pillory for the space of one hour, and that thereafter he be imprisoned and kept to hard labor in irons on the public roads or other public works, for the period of (14) fourteen years.

(Sent following letter No 374A

Read a copy letter, dated the 5th instant, from the 1st Judge late on Circuit in the Northern Division, covering the calendar and proceedings in case No 8 of the Chicacole Calendar for the 2nd Sessions of 1830.

(See letter No 90.)

Read also letter, dated the 16th February last, from the 1st Judge late on Circuit

4th July 1831

Circuit in the Northern Division, stating the death of Thondaman by Pyakaroo Poyapha Prisoner in the case No 10 of the 1st Calendar for the 2d Sessions of 1830.

(Hereunto No 189)

Read also letter dated the 4th April last from the Hon Judge late on Circuit for the Northern Division, stating the death of Vintara Latchmondoo the 7th prisoner in No 10 of the first Calendar for 2d Sessions 1830.

(Hereunto No 217)

Also read letter, dated the 22d Returns from the Acting Judge on the Circuit of Chicacole, reporting the Sessions of Chicacole Calendar 2d Session of 1831 and the death of 3 Persons of the Number and stating that as two more are sick, the Orders of the Court relative to remanding prisoners to Masulipatam will be delayed until the Sentences on this side is examined into & the sick prisoners may be transferred to the Jail at Masulipatam.

(Hereunto No 435)

Read Letter dated the 5th June last from the Acting Judge on Circuit in the Northern Division, transmitting copies of further Letter and Enclosure sent by the Criminal Judge of Chicacole, respecting the prisoners who endeavored to escape.

(Hereunto No 429)

4th July 1831.

Of the prisoners tried in this Court,

the

91 Maroopilly Potumma

and

97 Samuntapoody Ramachendrudoo

were acquitted and released by the Court of Circuit. The prisoners

113

7/4 Boroogoo Gerapah

died before the trials, and the prisoners

3d Mundakonty Poyatharoo Poyapah

6th Jenny Joguinnah

15th Cola Beemanna

29th Guntoma Veerana

31st Somoola Summeady

41st Vunjarapoo Nookaya

45th Guntoma Daladoo

50th Nogala Jogapah

52d Themala Sorkaria

62d Colapuntu Tummundoo

87th Jalaroo Pullia

91st Gadalatoo Summeady

99th Vintara Latchmoodoo

105th Cottoolonaitoo Pheetama

111th Jimmy and Ramiasamy

have been acquitted read - and the Jurors and Acting third Puisne Judges having maturely considered the proceedings held before the Judge on Circuit, the Petition of the Criminal Law Officer, and the Petition of the Cazee of Cazees and Moofties of the Sunnaud Adaulut, under the provisions of Clause first Section II Regulation I of 1818, convict the prisoners

4th July 1831.

F. 96.

Prisoners

43 Singara Lorna Chinnagadoo
44 Mahala Sinnasamy
45 Pagala Cannoodoo
46 Singara Sangara
47 Dorpoo Sangaroo
48 Chitta Cannia and
49 Pandaly Cannia

of the crime of robbery by open violence and
Confined two Years each of the three first
Cases & Corporal punishment ordered in the
Course of the process

1 Boraga Sittamoodoo
2 Pagnala Sittamoodoo
3 Simana Sandagadoo
4 Sitta Tandagadoo
5 Dombara Sangaroo
6 Dima Sinnadoo
7 Sumbaga Sangaroo
8 Nuga Sittamoodoo
9 Salagonda Sindia
10 Sinkana Pallavadoo
11 Sabapana Sinnia
12 Simana Sinnasy
13 Mamada Bammia
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15 Hittandy Chinnia
16 Sooka Soraga
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18 Dombara Sinnasy
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F. 96.
4th July 1831.

814 Cona Cannia
815 Sheragam Baradoo
816 Pannagam Mullia
817 Bibba Sangaroo
818 Pagg Tandaka
819 Cahya Sinnasy
820 Sheragam Pulia
821 Pungiladoty Pannandoo
822 Poyna Sinnasy
823 Pinnanadoty Pustama
824 Seragam Tandaka
825 Sammatadoty Ramachandrajee
826 Mootadaro Cannia
827 Soratapahaty Sittamoodoo
828 Saray Bannadoo
829 Simoodoty Pustama
830 Easthala Sangaroo

of the crime of aiding and abetting robbery by open violence attended with aggravating circumstances, and under the provisions of Clauses second and fifth Section IV Regulation XV of 1803, adjudged

1 Boraga Sittamoodoo
2 Pagnala Sittamoodoo
3 Simana Sandagadoo
4 Dombara Sangaroo
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4th July 1831

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to be banished to the Gilla of Cuttack there to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (5) five years, and the prisoners,

43d Jungara boona Chinnegadoo
49th Ragala Camoroo
80th Ramsaly Cunnia
and
85th Sheraynun Beraiana

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

The Second and Dating three Puisne Judges concurring in opinion, that the prisoners,

75th Gundy Chendria
and
117th Ventata Chinnia

are not convicted of the crime laid to their charge or strong presumptive proof, nor the evidence of credible witnesses, or on their own confessions notwithstanding the forms of their Law Officers, direct under the provisions of Clause 5th Section III Regulation XV of 1803, that the prisoners

75th Gundy Chendria
and
117th Ventata Chinnia

aforesaid, be set at liberty -

Sent following letter No 5

4th July 1838

Read letter from the 3rd Judge of Circuit in the Western Division reporting the Result of the Quarterly Sessions of Gaol delivery held at Tellicherry

E. 11

At a Court of the Zoujdaree Adalut.

Present,

Thursday 5th July, 1838. F. S. Grant Esqr. 1st Puisne Judge
John Bird Esqr. acting 3rd Puisne Judge.

Read letter, dated the 22nd Ultimo, from the 3rd Judge of the Provincial Court of Circuit in the Western Division, reporting on the 3rd Quarterly Sessions of Gaol delivery at Tellicherry for 1838.

(Here enter E. 11 No. 457 of 1838.)

1. In the 8th paragraph of the above report the 3rd Judge requests reconsideration of the suggestion offered in the 9th paragraph of his report, dated 14th August last, that the convicts at Cannanore should continue to be fed by the Commissariat Officer.

2. This proposition was considered by the Court of Zoujdaree Adalut, when before submitted recently, as it is explained in the present report of the 3rd Judge, and the Court see no reason to alter the view taken of the question in the 17th paragraph of their proceedings under date 27th October last.

The present arrangement is prescribed by the orders of Government, dated the 20th March 1837, and it is obvious that the Courts of Circuit and Zoujdaree Adalut

Malabar can look only to the Sumachion and officially subordinate to them for a strict adherence to the orders which have been issued on this subject.

3. In the 3d paragraph of the report the 3rd Judge states that on the Tellicherry Sessions he found that persons who had been brought in on remand on charges then pending before had not been the Sessions Criminal Judge" and on his calling for explanation that he attributed the delay to the apprehension of the Court that the 3rd Judge was not to have the matter, but it may suggest the expediency of adopting a similar practice of granting time for apprehension

4 by a circular order, under date the 8th October last directing the Criminal Courts of Circuit to require the Criminal Courts under them invariably to enter each prisoner to be brought before it, as soon as he arrives at the station where it is ordered to assemble. Such a suggestion as this the 3rd Judge, and the Court of Malabar have no reason to suppose that the circumstances

7th July 1831

under which the Court of Malabar commitment of the Civil Court, which would appear to have been practised by the late Joint Criminal Judge of Malabar, has occurred in any other instance.

5. We, however, the instance now adduced evinces the possibility of future misconception on this head, the Court of Sudder Adawlut resolve to direct the four Provincial Courts of Circuit to point out to the subordinate judicial tribunals, that the apprehension of the Civil Court forms no ground for any relaxation in the performance of their duties in the Criminal department.

6. In the 10th paragraph of the report the 3rd Judge adverts to the careless manner in which the Calendars were prepared by the late Joint Criminal Judge, and suggests, that the abstract of the charge and of the evidence should be drawn out by the committing Officer in his own hand writing and held ready to be produced in the event of its being called for.

The Court of Sudder Adawlut do not deem it expedient to adopt this suggestion, they observe that in general these abstracts are prepared in a

during the

satisfactory manner, and when any
irregularity may appear on their final
examination, it should be noticed by the Judge
of Orient. The Court of Vingtlaree doubt that
do not recognize the analogy intended
in this part of the report, between these
documents and decrees in civil suits.

In the 11th paragraph of the
report the 3rd Judge states that there
"were a few complaints against the
"proceedings of the Joint Magistracy on
"account of wrongful imprisonment
"and demand of security on satisfaction."
and the 3rd Judge recommends that the
order of the Court of Vingtlaree dated
made on the 17th July 1827 should be
circulated generally, it having been
communicated only to the Commandants

9. The circular order of the Court
of Vingtlaree dated here referred to,
which pointed out the illegality of a
sentence requiring security for a convicts
future good behaviour and after remain-
ment for a specific period, does not
apply to the Magistrates, who are not
empowered to demand security from
persons charged with a specific offence

but the Court deem it proper on this occasion
to direct the future Provincial Courts of Orient
to prohibit the Magistrates from demanding security
to keep the peace from persons convicted
of any offence mentioned in Clause first Section III and
described in Clause first Section IV of Regulation
Regulation II of 1827 and Clause first Section
VI Regulation VI of 1827.

10. In the 11th paragraph of the
report the 3rd Judge volunteers to certain
observations on the illegality of the Joint
Magistrates inflicting the punishment
of Illegal sentence by the Joint
Magistrate, urges the necessity for a
power to restrain the commitment of
prisoners by the Magistrate and his subordinates being
subject to the Criminal Judge.

11. The Court of Vingtlaree doubt that
a Circular order to the Criminal Courts of Orient
by a Circular order dated the 9th February
1829 as pointed out to the Criminal
Judge might be communicated to the Joint
Magistrate such observations, as should
appear necessary on the subject of
the power of committing persons charged
with offences to the Criminal Court
but the Court are not prepared to recommend
that the Joint Magistrate should be permitted to exercise
the power of demanding security from persons
charged with offences, but that whenever it may
appear to him that a sentence passed
by the Joint Magistrate is not authorized by
the Regulations, it is his duty to make
a reference on the subject to the
Criminal Court of Orient.

12. It is manifest that the
Regulations

Regulations do not vest in the Criminal Judge any power over the proceedings of the Magistrate, and that consequently no authority could by any order of the Court of Bogdanee Malabat be delegated to the former officer to determine as to the justice or the legality of a sentence passed by the latter as the law stands at present, no other course than that directed in the manner under act 9th February 1828, can be pursued in such cases and the Court of Bogdanee Malabat observed to be contrary to the former part of the 13th section of the Regulation

See the 15th paragraph of the report the 3rd Judge states, that as a Criminal Judge he was deemed responsible for any thing contrary to the order of the 9th February 1828 by refunding pecuniary fines levied by the Magistrates on examining them in reference to the Court of Circuit

From the manner of this communication the Court of Bogdanee Malabat are led to suppose indeed they unwillingly admit that the 3rd Judge attaches no culpability to wholly disregarding the orders of the superior Court

appeared in his judgment to be of an injurious tendency.

15. That a proceeding so subversive of the fundamental principles of judicial subordination, should appear unobjectionable to an officer of the 3rd Judge's experience, appears to the Court of Bogdanee Malabat equally unaccountable and deplorable.

16. In the 17th paragraph of the report the 3rd Judge in addition to this subject thus expresses himself "what must be the feelings of the respectable classes, when they observe that they are liable to be thus preceded on the authority of a hasty Magistrate, or a party of peons dispatched by confinement in a jail for fifteen days without any record of proceedings being made? The person thus passing the border may be drawn by armed men, or led by wicked servants, and yet there is no refuge from his warrant until a reference can be made to the Judge on Circuit, and an explanation called for."

17. The Court of Bogdanee Malabat have perused this passage of the report with astonishment and concern: whether viewed with reference to the important offices entrusted to the Magistrate, to the grave and distinguished situation of

of a Judge of Circuit, or to the high authorities
in this country and in England, for whose
information the report is furnished, the
expressions, which the 3rd Judge has permitted
himself to introduce into this paragraph
demand the severest reprehension.

18. In the 18th paragraph of the
report the 3rd Judge states his opinion, "that
"the exemption from recording evidence
"in cases punishable by the Magistrate and
"Police Officers given by Regulation IV of 1821
"is objectionable not only as affecting the
"accused by tempting to hasty decision,
"but as depriving the Magistrate of evidence
"in justification of his acts, in the event
"of his being prosecuted" and in the 19th
paragraph the 3rd Judge suggests that
"a short abstract of the evidence should
"be written in all cases, which the accused,
"or, on his refusing, two respectable
"persons not interested about the com-
"plaint, may attest, that any defence
"or objections of the accused should
"be recorded at length, and that it
"should be open to all, sentenced
"for offences under Section XXXII Regu-
"lation IX of 1816 to appeal to the Court of
"Circuit (as people do to the Quarter Sessions
"in England) and have execution stayed
"on tender of a fixed amount of security

"the Court of Circuit being empowered to
"add to the punishment for groundless
"appeal."

19. The Courts of Zillah have always been of opinion, that the provisions of Regulation IV of 1821, referred to by the 3rd Judge, were open to abuse, and of a dangerous tendency: and their opinion has been on many occasions submitted to the Government, that the Court of Circuit should possess the same authority over the proceedings of the Magistrate, as over those of the Criminal Judge.

20. In the 21st paragraph of the report the 3rd Judge states his opinion, "that it would be highly unequal, that "Magistrates and their European Subordinates "should have all the powers of a Criminal "Judge in whatever cases they may find "it expedient and convenient, conformably "with their other duty, to exercise them, "while moving about their District, "subject of course to similar rules for "proceeding. The record of each case to "be sent to the Criminal Judge as soon "as completed."

21. The Court of Zillah Utterpara will not stop to examine how far the proposition contained in this paragraph is consistent with the observations

observations made in that immediately preceding. Various objections might be advanced to the measure here proposed, but with reference to the communication from Government in the Revenue Department, to which reference has been made, the Court considers it unnecessary to enter upon any discussion of the question, as it must be left entirely to the discretion of the Magistrate.

22. In the 22nd paragraph of the report the 3rd Judge refers to the Court of Inquiry relative to the recommendation in the 15th paragraph of their proceedings of the 27th October last, on the proposal to grant "Pradhanships against submitting false evidence."

23. The Court of Inquiry having carefully considered the observations of the 3rd Judge on this subject, see no grounds to alter the opinion recorded thereon in their proceedings of the 27th October last, or to suppose that any advantage would accrue from the adoption of the above recommendation.

Ordered, that a copy of the Report with extract of these proceedings be sent to the Acting Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent following letter No 378)

To Govt No 761.

Ordered also, that extract of these proceedings be sent to the 3rd Judge of the Provincial Court of Circuit in the Western Division for his information and guidance.

(Sent following letter at No 379.

Ordered also, that paras 3, 4 and 5 of these proceedings be sent to the four Provincial Courts of Circuit by precept enjoining them to communicate the same to the several subordinate Criminal Courts for their information and guidance.

(Sent following Precepts No 380

Ordered also, that paras 8 and 9 of these proceedings be sent to the four Provincial Courts of Circuit by precepts enjoining them to communicate the same to the several Magistrates within their respective Divisions for their information and future guidance.

(Sent following Precepts No 381.

Road return dated 29th from the Provincial Court of Circuit in the Western Division to precept dated 18th instant, ordering communication to the Criminal Judges and the Magistrates of the instructions of the Government respecting the supply of grain for the subsistence of prisoners.

(Here enter No 462 of 1881)

By

7th July 1831.

1

By the foregoing return it is certified that the warrant of the proceedings of the Court of Enquiry held at Kattiawar, and Extract from the Articles of Confederation, which accompanied the precept, have been received.

2

This is an unfortunate circumstance for the Provincial Court will be careful in future to certify that precepts referred to them have been executed or good and sufficient reason why they have not been executed.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance.

(Sent following letter No. 382)

Sent letter, stating the 2nd Puisne Judge on Circuit in the Southern Division, submitting a reference for mitigation of punishment in case No. 3 Cumlatta Calendar 1st Sessions of 1831

(Recorder's Order of 1831)

The Court of Enquiry held at Kattiawar upon which the Acting 2nd Judge recommended that sentence of one year's imprisonment and hard labor and 152 stripes

7th July 1831

with a cat of nine tails, should be passed on the prisoners

"Coollamaich"

convicted of perjury, are not of opinion that the case is one, which should be visited with the indelible chastisement, and resolved therefore to direct that he be sentenced to imprisonment with hard labor for the term of fifteen months.

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

(Sent following letter No. 383)

Read return, dated 27th ultimo, from the Provincial Court of Circuit in the Western Division to precept of the 30th May last, directing the Provincial Court to call for an explanation of the protracted delay in the disposal of the case No. 17 Malabar Supplemental Report for April 1831, and to forward a statement of the number of the Prisoners under the charge of the Native Judge of Cumaon and of the warder performed by them.

(Here enter No. 405)

With reference to the 2nd Para of the above return, the 2nd Judge will intimate to the Native Judge of Cumaon, that Prisoners detained on requisition

requisition of Security should not be subjected to Labor on the Public roads but should be made to work on or about the Gaol, and that he is always expected to submit with his Criminal Reports, the Report of the number of the Prisoners under his charge, whether they be few or many.

Ordered, that extract of these proceedings be sent to the Criminal Court of Circuit in the Western Division for their information and guidance by Precept, returnable without delay.

(Sent following Precept No 384.

Read letter, dated the 27th ultimo from the Provincial Court of Circuit in the Southern Division, submitting the Reports in the forms prescribed by Section XXXV Regulation X of 1816 for May 1831.

Madura. (Here enter No 369 of 1831)

In the case No 37 in the Report from the Criminal Judge in the Zilla of Madura, a delay of one month occurred in the transmission of the Prisoners to the Criminal Court, of which the only explanation given in the Report is, that they were brought before the Magistrate by whom the case was ultimately referred to the

7th July 1831

Salem

Officer of Police, who sent them to the Court.

1. An explanation ought to have been given of the reasons for this irregular proceeding.

2. The charge in case No 11 is one of fraud and not theft, the sentence of 12 months imprisonment is therefore not warranted by the Regulations, and must be recalled, and the case disposed of in conformity with Section VII Regulation X of 1816.

3. In the remarks on case No 82 of the Report No 5 it is observed that the Regulations do not authorize punishment for escaping from the custody of a village watcher, while under examination in the Cutcherry.

This is erroneous, the provisions of Clause third Section V Regulation VI of 1832 are applicable to cases of this nature.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division by Precept, directing them to make the necessary communications to the Criminal Judges of Salem and Madura for their respective information

(Sent following Precept No 385.

Read

7th July 1831

Read return, dated the 29th ultimo, from the Judges of the Provincial Court of Circuit in the Southern Division, in pursuance of the 18th ultimo, directing the Provincial Court to communicate to the Judges and Magistrates in charge of Jails, the orders of Government on the subject of the supply of grain by Collectors for the subsistence of Prisoners.

(Here enter No. 454)

Read return, dated 29th ultimo, from the Judges of the Provincial Court of Circuit in the Southern Division, in pursuance of the precept of the 18th ultimo, directing the Provincial Court to communicate to the Criminal Judge of Combaconum the remarks of the Temporary Assistant on his Criminal Report for February last.

(Here enter No. 455)

Read return, dated 22nd ultimo, from the 3rd Judge of the Court of Circuit in the Western Division, in pursuance of the precept of the 17th ultimo, directing the 3rd Judge to transmit his Report on the 3rd Quarterly Sessions of Jail delivery at Tellicherry for 1830.

(Here enter No. 456)

Read return, dated 25th ultimo, from the Provincial Court of Circuit in the Centre Division, in pursuance of the precept of the 18th ultimo, directing the Provincial Court to communicate to the Judges in charge of Jails the orders of

7th July 1831

Government, that the Collectors in those districts in which the Circar share of produce is in grain, will supply rice for the subsistence of Prisoners.

(Here enter No. 457)

Read letter, dated 8th ultimo, from the Acting 3rd Judge on Circuit in the Southern Division, transmitting warrant issued to the Joint Criminal Judge of Tinnevelly for the execution of the Prisoner in case No. 1 of the Tinnevelly Calendar 1st Sessions 1831, with that officer's return and copy of his letter on the same subject.

(Here enter No. 458)

Read letter, dated 2nd Instant, from the Acting 3rd Judge late on Circuit in the Southern Division, transmitting warrant issued to the Joint Criminal Judge of Tinnevelly for the execution of the Prisoner in case No. 8 of the Tinnevelly Calendar 1st Sessions 1831, with that officer's return and copy of his letter on the same subject.

(Here enter No. 459)

Read letter, dated 5th Instant, from the Acting 3rd Judge late on Circuit in the Southern Division, transmitting warrant issued to the Criminal Judge of Combaconum for the execution of the

7th July 1831.

the prisoner in Case No 3 of the Cannanore Calendar 4th Sessions 1831 with the Chief Officers return and letter on the subject

(Here enter No 469)

Read letter dated 2nd Instant from the 3rd Judge taken Charge of the Western Division, transmitting the Warrant issued for the execution of the Prisoner in Case No 1 on the Malabar Additional Calendar 4th Sessions 1831 and Copy of the Report from the Assistant Criminal Judge in charge, regarding the effect then

2d 9D.

(Here enter No 470)

At a Court of the Tangalore Malabar.

Present,

Monday 11th July 1831. T. A. Grant Esqr 1st Puisne Judge.
John Bird Esqr acting 3rd Puisne Judge.

2d 11

The Record of the Trial of case No 11 Nellore Calendar 2nd Sessions of 1831 not having been received,

Ordered, that the officiating Judge of the Provincial Court of Circuit in the Northern Division be by precept commanded to transmit the same to this Court without delay.

Precept returnable in ten days

(Court forwarding Precept No 387.

Read letter, dated the 9th Instant from the First Judge of the Court of Circuit in the Western Division, forwarding copy of three Calendars of the Auxiliary Court North Malabar for the 2nd Quarterly Sessions of 1831

(Here enter No 476.)

Read return, dated the 4th Instant from the Provincial Court of Circuit in the Southern Division, to precept of the 18th May concerning the remarks of the Tangalore Calendar

on

11th July 1871.

Exd. 24th inst

on the Criminal Reports of the Southern Division for the month of March last.
(There enter No 502 ✓)

Read letter dated 8th inst: from the Prov: Court of Civil & the Southern Division: transmitting the warrant under which the Convict in Cause No 1801 for contravening Calendar for the 2d Sessions of 1870 with the records of the Prov: Court in the matter of the Civil Suit of Mahomed Hanifa.

(Here enter No 645)

the con

17th July 1831.

Ephd 2dly 113

F. H.

At a Court of the Vagistance Holden
Present,

Saturday
16th July 1831 F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 3rd Puisne Judge

Read letter, dated the 2nd Instant,
2dly from the Acting Judge on Circuit in the
113 Northern Division, transmitting the record
of trial in case of 113 Gunter supplemental
Calendar for the 1st Sessions of 1831.

(Here enter No 139)

The First and Acting Third Puisne
Judges having maturely considered all
the circumstances of the case in evidence
before them, concurring in opinion, that
the proof against the prisoner

Toomaty Appiah,

is sufficient to convict him of the crime
of Robbery charged against him under the
authority with which they are vested by
Clause first Section II Regulation I of 1818,
do convict him thereof, and under the
provisions of Clause third and fifth
Section IV Regulation XV of 1823, adjudge
the said Prisoner

Toomy Appiah,

to be imprisoned and kept to hard labor in
Irons on the public roads or other public
works, for the period of (5) five years.

The Court of Vagistance Holden
have to observe the omission of the
acting

16th July 1881.

Acting Judge to furnish a copy of his warrant to the Native Criminal Judge for the detention of the Prisoners pending the reference of the trial.

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

Court following letters No 394.

Read letter, dated the 4th Ultimo from the 3rd Judge on Circuit in the Centre Division, transmitting translate of the proceedings in case No 6 Bellary Calendar 1st Sessions of 1881 called for by the Tanjore Vakeel.

(Here enter No 442)

The First and Acting Second Puisne Judges having maturely considered the proceedings held before the Judge on Circuit, the Opinion of the Criminal Law Officer, and the Opinion of the Cazee and Cazeet and Moofties of the Tanjore Vakeel that they do confirm the said Opinion of the Cazee and Cazeet and Moofties aforesaid, and sentencing the prisoner

Soobadoo

of the crime of Robbery laid to his charge, but considering that strong suspicion, though not amounting to conviction, attaches to him, they direct that he be recognized under Clause sixth Section II Regulation XV of 1803, to find two sureties in 20 Rupees each for his good behaviour and appearance when required within one year, or in default thereof, that he be detained in confinement for

16th July 1881.

that period.

The Court of Enquiry deem it proper to point out to the Presiding Judge, that he should have submitted a regular report and opinion on the above trial as he is required to do, on reference of the records of other trials for the final orders of the Tanjore Vakeel.

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

Court following letters No 395.

Read letter, dated the 29th Ultimo, from the 3rd Judge on Circuit in the Centre Division, transmitting the record of trial in case No 13 Bellary Calendar for the 1st Sessions of 1881.

(Here enter No 443)

The First and Acting Third Puisne Judges having maturely considered the proceedings held before the Judge on Circuit, the Opinion of the Criminal Law Officer, and the Opinion of the Cazee and Cazeet and Moofties of the Tanjore Vakeel, confirm the said Opinion of the Cazee and Cazeet and Moofties referred to, convicting the prisoner

Chinna Naik

of the crime of Perjury laid to her charge,

but

16th July 1881

but being of opinion that under the circumstances of the case, the imprisonment the Prisoner has already suffered is quite sufficient punishment, the First and acting Third Puisne Judges direct under the authority with which they are vested by Clause third Section III Regulation II of 1811, that the said prisoner Chinnakah be released.

(Sent following letter No 396.

Read letter, dated the 8th December last, from the 2nd Judge on Circuit in the Southern Division, forwarding translation in English and Tamil of the record of the trial in case No 26 on the Commissariat Calendar for the 2nd Sessions of 1880.

(Here enter No 385 of 1880.)

The First and Acting Third Puisne Judges having maturely considered all the circumstances of the case in evidence before them, concurring in opinion that the proof against the prisoner

Arunachellum

is insufficient to commit him of the crime of murder, under the authority with which they are vested by Clause first Section II Regulation I of 1818, cannot therefore

16th July 1881

him thereof and under the provisions of Section X Regulation VIII of 1802, as in force at the said prisoner

Arunachellum

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

(Sent following letter No 397.

Read again letter, dated the 23rd March last, from the Acting 3rd Judge on Circuit in the Southern Division, transmitting the record of proceedings in case No 9 of the Mutuwa Calendar 1st Sessions 1881, for the final sentence of the Superior Court.

(Here enter No 188.)

Read letter, dated the 28th April last, from the Acting 3rd Judge on Circuit in the Southern Division, transmitting copies of a return and its enclosures from the Criminal Judge of Mutuwa, relative to case No 9 of the Mutuwa Calendar 1st Sessions 1881.

(Here enter No 287.)

Also read return, dated the 2nd Instant, from the Acting 3rd Judge late on Circuit in the Southern Division in pursuance of the 28th May last, directing the Judge on Circuit to prepare certified translations of certain documents required by the Supreme Court in the previous

7th July 1831.

presumed to be passing continued in each
Key Mahama Calendars 1st September
(Here enter No 4)

Read also a supplemental return
dated the 4th Instant from the Acting 1st
Judge on Circuit in the Southern District
to precept of the Legislature dated 18th
May last, calling for transcripts of the
documents committed with the Nisi of the
Mahama Calendar for the 1st September
of 1831.

(Here enter No 5)

The Court and Acting Puisne
Judges having maturely considered all
the circumstances of the case and duly
before them, concerning and upon
the proof against the prisoners

Pte Jungeley Cuffee

and

2nd Sam Mammon

is sufficient to commit them of the crime
of murder with which they are charged
under the authority vested in them
by Clause first Section III Regulation
I of 1818 do commit them thereof, and
under the provisions of the said
Regulation VIII of 1822 adjudge the said
Prisoners.

1st Jungeley Cuffee

and

2nd Sam Mammon

to suffer death

7th July 1831.

usual time and place of execution.

It is subject of surprise
that the Acting Judge on Circuit, after
a perusal of the proceedings held before
the Police Officer and Criminal Judge,
should have persevered in continuing
the charge against the Prisoners in
the form it now stands namely "for
having in company with two others last
and murdered the Prosecutors daughter
Chungany (the wife of the 1st prisoner)
aged 28 years in the house of the 1st prisoner
situated at the Cocoa Tree Camoothy Valooty
and murdered her by hanging her on
a Beam" while there are no grounds whatever
for suspecting any other besides the two
Prisoners were concerned in the murder;
and while according to the confessions
and the evidence, there was every reason
to believe that she was first stabbed
and killed, and then suspended.

There are also several points
in this case, which were not sufficiently
investigated by the Acting Judge, and
the Judges of the Supreme Court have
condemned the proceedings
in having upon them merely to commit
the Prisoners.

On the 27th of October an
warrant was issued for the search

the confession before the Village Police

16th July 1831.

of the 2d Prisoner's hands, upon information given by the Prosecutor, that his daughter's Jewels were to be found there. It was an important point to ascertain, how the Prosecutor became possessed of the information he could not have obtained it from the 2nd Prisoner for he made no confession, and it could not have been disclosed by the 1st Prisoner for he had not been apprehended, nor a single question however to elucidate the circumstance was put to the Prisoners or to any of the witnesses, and how the information was gathered from the wizard

The magistrates examination of the Prisoners, depended principally on the evidence of the Wizard and Witnesses for the Prosecution. If their statement should be misrepresented, there can be no doubt of the guilt of the Prisoners, if it were suspected, they could not be committed. It was material to ascertain, whether these witnesses changed what they knew of the transaction, immediately after the discovery of the murdered girl, or whether they withheld the information until the 27th of October the date of the warrant for their apprehension

16th July 1831.

which it is stated that the Prosecutor has just now learnt that they were eye witnesses. If this were the case, it became most material to call upon them to explain why they withheld their alleged knowledge, especially as one of them was present and saw the boy, and if he gave no information from then or shortly afterwards, it would be unreasonable, without explanation, to conclude that he had none to give. So conclude that he had none to give. So to a single question however to clear up this doubt was put by the Prosecutor and the Judges are both of Counsel, and the witnesses could not be examined on the subject.

Ordered that extract of these proceedings be sent to the returning Judge

6th July 1881.

Judge on Circuit in the Southern Division
for his information and future guidance.
(Sent following letter No 393

Read letter, dated the 7th Instant,
from the Acting Judge on Circuit in the
Northern Division, transmitting warrant
in case No 2 first Nellore Calendar
1st Sessions of 1881.
(Here enter No 1877)

Read return, dated the 8th
Instant, from the Provincial Court of
Circuit in the Centre Division, to precept
of the 27th Ultimo, directing the Provincial
Court to communicate to the Subordinate
Courts the rules of the Perpetuate Statute
in respect to the confinement of Prisoners
in Irons.
(Here enter No 1886)

Read return, dated the 10th
Instant, from the Provincial Court of Circuit
in the Southern Division, to precept of
the 7th Ultimo, explaining the Circumstances
of the Perpetuate Statute of the 18th April
last, respecting the Civil Power making
use of their Swords in cases when Prisoners
may attempt to escape.
(Here enter No 1896)

Read return, dated the 8th

18th July 1881.

Instant, from the Judges of the Provincial
Court of Circuit in the Western Division,
to precept of the 27th Ultimo, directing the
Provincial Court to circulate the orders
of the Perpetuate Statute, that except in
cases of absolute necessity no Prisoner
is to be put in Irons, unless committed
of a heinous offence.
(Here enter No 1891)

Read letter, dated the 11th Instant,
from the Second Judge on Circuit in
the Southern Division, reporting the
arrival of the Circuit Court
(Here enter No 1894)

Read return, dated the 8th
Instant, from the Judges of the Provincial
Court of Circuit in the Western Division
to precept of the 20th May last, convey-
ing the orders of the Perpetuate Statute
in the Criminal Reports in the Western
Division for March last.
(Here enter No 1890)

Read return dated the 13th
Instant, from the Provincial Court of
Circuit in the Centre Division
to precept of the 7th Instant, directing
the Provincial Court to notify to
the Subordinate Courts, that the
adjournment of the Civil Court from

25th July 1831.

no ground for relaxation from the
Criminal Court duties.

(Here enter No 694)

Read return, dated the 15th Instant
from the Provincial Court of Circuit in
the Centre Division, to precept of the 7th
Instant, directing the Provincial Court to
notify to the Magistrates that they are
prohibited from demanding security
from any persons, excepting those
described in Clause first Section III
Regulation II of 1832 and in Clause first
Section V Regulation VII of 1837

(Here enter No 695)

P. 26.

At a Court of the Inquisitorial Judicature.

Present.

Wednesday. 25th July 1831. T. F. Grant Esqr. 1st Puisne Judge
John Bird Esqr. Acting 3d Puisne Judge

The Copy of the Salem Calendar

25th 1b. 1st Sessions of 1831 not having been received from
the Acting 3d Judge late in Circuit in the
Southern Division,

Ordered, that the Acting 3d
Judge be by precept commanded to trans-
mit the same to this Court without further
delay -

25th 1b. (Sent following precept No 102.)

Ld. C.

Read letter dated the 19th Instant
from the Acting Chief Secretary to Government,
transmitting an Extract from the Minutes
of Consultation of the same date, containing
the observations of the Right Honorable the
Governor in Council, on the report from the 3d
Judge of the Provincial Court of Circuit in the
Western Division on the 3d Quarterly Sessions of
Jail delivery at Tellicherry for 1830.

(Reference No 309 of 1831.)

Ordered, that a copy of the fore-
going Extract from the Minutes of Consulta-
tion be transmitted to the 3d Judge of the
Provincial Court of Circuit in the Western
Division

Direction for his information and guidance
Sent following letter No 502

Read return, dated the 11th Instant, from the Provincial Court of Circuit in the Western Division, to precept of the 5th May last conveying the remarks and orders of the Tongataboo Court on the Criminal reports in the Western Division for January last

(Here enter No 501)

Read return, dated the 13th Instant from the Provincial Court of Circuit in the Northern Division, to precept of the 8th May last, conveying the observations of the Tongataboo Court on the great increase in the number of cases for the year 1830, and on the very large proportion of persons who have claimed exemption

(Here enter No 503)

At a Court of the Vuiyalavu Vakatui.

Present:

Monday, 25th July 1831

E. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 2nd Puisne Judge

The Court of Vuiyalavu Vakatui, in consideration of the state of business in the Provincial Court of Circuit in the Northern Division, resolve to dispense with the reference of the trials No 1 & 6 and 9 Rajahmundry Calendar 2nd Sessions of 1830, called for under date the 17th December last

2 The only remaining case to be submitted under the orders of the above date is No 13 of the Calendar abovementioned, which must be tried before the Court of Vuiyalavu Vakatui without further delay as possible

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance

Sent following letter No 408

Read letter, dated the 15th Instant from the Acting 2nd Judge on Circuit in the Northern Division, recommending under the provisions of Section III Regulation I of 1835, that a mitigated sentence of 195 stripes and nine years' imprisonment

imprisonment with the hard labor and irons to be passed on the 1st 2nd 3rd 4th and 5th prisoners in case No 19 Salem Calendar 1st Session of 1831

(Here enter No 107 of 1831)

The circumstances of the case not having been sufficiently explained in the foregoing letter, the Court of Kingston Volunt have deferred passing an order on the reference until the receipt of a copy of the Calendar and having considered the case, as therein reported they see no reason to sanction the mitigation of punishment proposed in favor of the prisoners,

1st Montague
2nd Nathaniel
3rd Tyrafarry
4th Nathaniel
and
5th Thompson

Ordered that a extract of these proceedings be sent to the acting third Judge Eastern Circuit and the Solicitor General for his information and guidance.

(Court following letter No 109.

Read return dated the 15th Inst from the Criminal Court of Record in the Western Division to enquire held the 7th Instant ordering them to inform the Native Criminal Judge of Circuit that prisoners detained

of security should not be subjected to labor on the public roads, but should be made to work in or about the Gaol.

(Here enter No 57 of 1831)

With reference to the observations in the foregoing return, that the "provision for the employment of "prisoners detained for security is not "to viewed by the Criminal and Joint Criminal Judges of the Division as "generally, but as extending to employ- "ment on the public roads, provided "they be not marked with convict, the Court of Exchequer Volunt deem it proper to direct by a circular order that this practice be discontinued, and that prisoners detained on a requisition of security be put to labor only in or about the Gaol, and in the manner pointed out in their circular orders of the 19th January last.

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

(Court following Precept No 210

25th July 1881.

Read letter, dated the 19th instant from the Acting 3rd Judge late on Circuit in the Southern Division, submitting copy of the Sessions Calendar No 2 of 1881.

(Here enter No 516 of 1881)

In case No 2 it appears by the Abstract of the evidence that the prisoner confessed the commission of the crime charged against him, before the Criminal Court, as well as before the Police and that against the 8th prisoner there was no evidence, excepting his confession before the officer of Police.

2. The Court of Circuit should direct, that the Acting 3rd Judge do explain the grounds upon which he considered the former of these persons not convicted, and the latter convicted of the charge.

3. Appendix to this Calendar contains remarks upon the practice and "of previous conduct of the custom house officers employed under the Sayer system" and the Officers

4. This subject should be brought forward in the report to be submitted by the Acting 3rd Judge under the provisions of Section XXXVII Regulation VII of 1822.

5. The sentence of the Mahommedan

25th July 1881. Law Officer declared the prisoners in cases Nos 3 and 5 convicted on strong presumption of theft, and Clause seventh Section II Regulation XV of 1803 as referred to by the Acting 3rd Judge, as authority for the sentence of seven years imprisonment, passed upon them.

6. This clause is not applicable to an offence for which a specific penalty is provided by the Mohammedan law. The cases fell within the provisions of Clause third of the Section quoted, and decent sentences should have been taken, and the same sentences passed under Section XXI Regulation VII of 1822.

7. The same remark applies to case No 4, in which a sentence of 5 strokes on Zumeen ghalich was given, though not so stated in the Calendar.

8. In case No 2 the exception in bar of trial was, that the property stolen was not in a place of security.

9. Clause seventh Section II Regulation XV of 1803 is again improperly referred to as applicable to this case: the sentence passed is authorized by the provisions of Clause fifth of the same Section.

10. The Acting 3rd Judge should have recorded on the Calendar the grounds of the acquittal of the prisoner in

23rd July 1831.

in Case No 24

11.

In case No 27 it was stated that the prisoners were committed for trial on alleged confessions before the police officer, unaccompanied by another evidence.

12.

If the Acting 3rd Judge has not already pointed out to the Criminal Judge the impropriety of this proceeding it will be proper that he should do so.

13.

The Court of Bengalese Mahals seeing reason to question the propriety of the sentence passed in Case No 9 of the Calendar dated the 6th ultimo thereof be suspended, and that English and Persian translations of the proceedings held thereon be submitted for their consideration and final orders

14.

It is also desirable that though not entered in this Calendar, the Acting 3rd Judge had omitted to record, as directed by the orders of the Court of Bengal under date the 6th September 1819, the grounds of the Law Officer's futwa of conviction or acquittal.

Ordered, that extract of these proceedings be sent to the Acting 3rd Judge in Cuttack in the Southern Division by express return-able in ten days from the date of its receipt.

(Extract following Para)

23rd July 1831.

Read letter, dated the 13th Instant, from Lt. J. Cadamajor Esqr Acting Judge on Circuit in the Northern Division, offering remarks upon the proceedings of the Court of Bengalese Mahals under date the 20th May last, and requesting instructions as to the disposal of cases No 6 Junior Supplemental Calendar and No 5 Senior Supplemental Calendar 1st Sessions of 1831

(Here enter No 510 of 1831)

1

In the second paragraph of the above letter, the Acting Judge enquires whether it was intended that the not taking a deposition from the Government Darogah was irregular

2

Such was the meaning intended to be conveyed by the notice in the proceedings of the Court of Bengalese Mahals, under date the 20th May last, of the Acting Judge's omission to take the deposition. It is true, that it is merely a matter of form, and being given without Oath cannot be evidence, still it is a form, which ought not in the opinion of the Court of Bengalese Mahals to be dispensed with, and no authority exists for such a proceeding.

3

In the 3rd paragraph of the letter the Acting Judge assigns as the reason for the practice which he has

25th July 1831.

had adopted of eliciting from a prisoner under trial for perjury evidence against himself, the difficulty of otherwise obtaining a conviction.

4. The Court of Exchequer understand are surprized that the Acting Judge should have overlooked the unanswerable objections in principle to such a proceeding, and its manifest unfairness towards the accused.

5. It has frequently been explained by the Court of Exchequer that, as in England so here, counsel for the prisoner and the rule laid down for his guidance in receiving a prisoner's confession, in Clause first Section XV Regulation VII of 1802, is directly opposed to a course of examination, by which a defect of proof in the evidence for the prosecution is sought to be supplied from the prisoner's admissions.

6. The remarks of the Court of Exchequer understand on this point were principally directed to the illegality of putting any questions whatever to a prisoner after recording his answer

25th July 1831.

and previously to the close of the prosecution.

7. The Acting Judge will refer the two cases mentioned in the 4th paragraph of his letter in order to their being disposed of in due course by the Court of Exchequer Bengal.

Ordered, that extract of this proceedings be sent to G. F. Cudas Major Esqre Acting Judge on Circuit in the Northern Division for his information and guidance.

Court go following Letter No 612

Read return, dated the 15th Instant, from the Acting Judge on Circuit in the Northern Division, to Precept of the 18th May, directing the Acting Judge to convey to the Native Criminal Judge the further orders of the Exchequer Bengal, relative to the disposal of case No 5 of the Goruckpore Calendar 1st Sessions 1831.

(Here enter No 529)

Read return, dated the 18th Instant, from the late Acting Judge on Circuit in the Centre Division to precept of the 17th ultimo, calling upon him to transmit his report on the 2d Quarterly Sessions of Jail delivery at Chittoor for 1831.

(Here enter No 544)

had adopted of eliciting from a prisoner under trial for perjury evidence against himself, the difficulty of obtaining a conviction.

4. The Court of Exchequer directed are surprized that the Acting Judge should have overlooked the indispensable objections, in principle, to such a proceeding, and its manifest unfairness towards the accused.

5. It has frequently been explained by the Court of Exchequer that, as in England, a Judge sitting in the same Court cannot for the prisoner, and the rule laid down for his guidance in receiving a prisoner's confession, in Clause first Section XX Regulation VII of 1802, is directly opposed to a course of examination, by which a chief part of proof in the evidence for the prosecution is sought to be elicited from the prisoner's admissions.

6. The remarks of the Court of Exchequer directed on this point evince principally reference to the illegality of putting any questions whatever to a prisoner after recording his answer

and previously to the close of the proceedings.

7. The Acting Judge will refer the two cases mentioned in the 4th paragraph of his letter in order to their being disposed of in due course by the Court of Exchequer Bengal.

Ordered, that extract of this proceedings be sent to G. Plowden Esqr Acting Judge on Circuit in the Northern Division for his information and guidance.

Court following letter No 612

Read return, dated the 15th Instant, from the Acting Judge on Circuit in the Northern Division, to Precept of the 18th May, directing the Acting Judge to convey to the Native Criminal Judge the further orders of the Exchequer Bengal, relative to the disposal of case No 5 of the Goruckpore Calendar 1st Sessions 1831.

(Here enter No 572)

Read return, dated the 18th Instant, from the late Acting Judge on Circuit in the Centre Division to precept of the 11th ultimo, calling upon him to transmit his report on the 2nd Quarter Sessions of Jail delivery at Chittoor for 1830.

(Here enter No 574)

25th July 1831.

25th July

Read letter dated the 15th Inst
from the 3rd Judge on Circuit in the Western
Division, reporting his having opened the
Second Sessions of 1831, for the Town & District
of the Gillolo & Batchian.

(Here enter No 575.)

Read return, dated the 18th
Instant, from the Judges of the Provincial
Court of Circuit in the Western Division,
to precept of the 7th Instant, explaining
that the non-payment of the Civil Court
forms no ground for a reduction from
the Criminal duties.

(Here enter No 576.)

Read
Instant, from the Judges of the Provincial
Court of Circuit in the Western Division,
to precept of the 7th Instant, prohibiting
Magistrates from demanding Security
from any Coasting Vessels described
in Clause 1st Section III Regulation II of
1822 and Clause 1st Section V Regulation
VI 1827.

(Here enter No 577.)

Read letter dated the 20th
Instant from the Provincial Court
of Circuit in the Southern Division,
transmitting a Calendar received
from different Authorities on Criminal
Reports for March last.

(Here enter

25th July 1831.

F.16.

At a Court of the Fouzdaree Adalut,
Present.

Wednesday 27th July 1831.

F. A. Grant Esqr. First Puisne Judge.
J. Bird Esqr. Acting Third Puisne Judge.

Read petition, presented on the 20th instant by Yarekala Simmadoo and 9 the fellah of Bellary.--
(Here enter R. & P. No. 47 of 1831)

Read also petition, presented on the same date, by Yarekala Gungy of the fellah of Bellary.--
(Here enter R. & P. No. 48. of 1831)

The prayer of the above petitions, both of which have reference to each other, is that the Court will refer to the Bellary Calendar for the first Sessions of 1831, for the proceedings in the above Trial, and direct the release of the nine prisoners named in the Petitions, who the Petitioners allege have been unjustly sentenced by the Circuit Judge to 14 years' imprisonment and hard labour on the roads.--

The Court having referred to the Bellary Calendar for the 1st Sessions of the present year, did not see reason to disturb the sentence which had been passed on the prisoners. Ordered, therefore, that the prayer of the above petitions be rejected, and that the same be communicated to the Petitioners.--

Read petition, presented in person by Ramgaharry and 4 others of the fellah of Chingleput.--
(Here enter R. & P. No. 49. of 1831)

The

27th July 1835.

* No 39 of 1830
" No 50 & 51 of 1830
° No 52 of 1830

persons who — conjunction with other Petitioners
mind of the — gala day preceding
Petitions to this Court during the months
of July and August last, in which
the present petition they complained of the
Magistrate of Cascabel having refused
the celebration of the Mamamula Pradom
Festival. By a warn of the 5th Circuit
of Chinglepet the performance of the Car
mony by the Zingala dast has been
vred unlawfully and pending the Appeal
which the Petitioners have preferred against
mission to the Provincial Court — the
Centre Division, this Court on their Revision
of the 2nd September last
of the Magistrate in affirming the proceedings
of a ceremony which has been prohibited
by the Civil Courts, and directed that the
prayer of these Petitions be rejected.

On the same grounds the Court rejects the prayer of the present petition, and must direct the enclosures be returned to the Petitioners on their application.

Read letter, dated the 27th instant, from the Acting 3d Judge of this Court in the Southern Division, submitting opinion & Conductors Palaniandy Thevan Nos 1 & 2 now in the Cadre No 2 of the Calastry

/Have enter No 488 of 1835/

Referring to the application Palaniandy Thevan & Conductor Palaniandy Thevan Nos 1 & 2 of the Cadastry

27th July 1835.

Pongiarra Moolut are disposed to be of opinion, that the sentence of 3 years imprisonment passed on the prisoner is excessive, and that the ends of justice would be attained by his imprisonment with hard labor in irons for a third of that period.-

With reference to cases Nos 4 & 5, 6 of 4 it appears to the Court of Pongiarra Moolut, that the Acting 3d Judge should have pointed out to the Joint Criminal Judge the nullity, to say the least, of the commitment of the prisoners for trial.-

Throughout this, as well as the Salem Calendar 1st Sessions of 1835, the Acting 3d Judge has not attended to the orders of the Court of Pongiarra Moolut that the grounds of futwas of conviction or acquittal, be stated in the column of remarks.-

Ordered, that extract of these proceedings be sent to the Acting 3d Judge for his information and guidance.-

/Sent following letter No 1/

Read letter, dated 11th instant from the Acting 3d Judge late on Circuit in the Southern Division, transmitting the Record of Proceedings in case No 16 of the Common Calendar 1st Sessions 1835, for the final sentence of the Court of Pongiarra Moolut.-

/Have enter No 489/

The First and Acting Third Puisne Judges having maturely considered the Proceedings held before the Acting 3d Judge on Circuit, the future of the Provincial

25th

27th July 1835.

Criminal Law Officer, and the petition of the Cayenne Col. Regt and Knapsacks of the Engineer Detachment, confirm the said petition of the Cayenne Col. Regt and knapsacks aforesaid, and acquit the Prisoners

1st Drummond
2d Coulson
3d Sheldon
and
4th Simmons

of the crime of Robbery with which they are charged, but considering that imprisonment attaches to them, the first and acting third Puisne Judges visit under clause sixth Section II Regulation XV of 1809, that they be each required to find two securities in Rs 500 each for their good behaviour and appearance when required, within the space of twelve months from this period.

/Next following letter R°

Read letter, dated 25th Instant from the acting Third Judge late on Circuit in the Southern Division, - transmitting the Record of proceedings in Case N°15 of the Commissioners Calendar for the first Sessions 1835, for the final sentence of the Superior Court.

/Here enter N°4775/

The first and acting third Puisne Judges on a mature consideration of the circumstances of the case as evidenced before them, being of opinion that the proof against the prisoner,

Rawmon,

is sufficient to commit him of the crime of Robbery by open violence committed under the authority with which they are vested by clause first section II Regulation II of 1818 do commit him thereof, and under clause third section IV Regulation XV of 1803, and clauses third and fourth section II Regulation I of 1825 and Regulation VIII of 1828, sentence him to receive 195 stripes with

F.B.

27th July 1835.

on the charge of returning from transportation without permission, and under the provision of clause second Section IX Regulation XV of 1803, they adjudge the said prisoner

Anka Chennoogadoo,

to be retransported to such place or places beyond sea, as the Right Honourable 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 term of his natural life.-

/Next following letter R°

Read letter, dated 5th Instant from the acting Third Judge late on Circuit in the Southern Division, - transmitting the Record of proceedings in Case N°15 of the Commissioners Calendar for the first Sessions 1835, for the final sentence of the Superior Court.

/Here enter N°4777/

The first and acting third Puisne Judges on a mature consideration of the circumstances of the case as evidenced before them, being of opinion that the proof against the prisoner,

Rawmon,

is sufficient to commit him of the crime of Robbery by open violence committed under the authority with which they are vested by clause first section II Regulation II of 1818 do commit him thereof, and under clause third section IV Regulation XV of 1803, and clauses third and fourth section II Regulation I of 1825 and Regulation VIII of 1828, sentence him to receive 195 stripes with

25

27th July 1836

with the Cat-o-nine Tails, and to be im-
prisoned and kept to hard labor in Irons
on the public roads or other public works
for the period of (14) fourteen years.-
/Sent following letter No

Read letter dated 8th Instant from
the Acting 3d Judge late on Circuit in the Southern
Division transmitting the record of Proceedings in
Case No 23 of the Combaconum Calendar for the 3d
7th Sessions 1836, for the final sentence of the Superior
/Here enter No 480/
The Prisoner
2d Subbramanya
in this case, was released by the Court
of Circuit.-

The First and Acting Third
Puisne Judges having entertained
the Proceedings Held before the Judge
on Circuit, the future of this Proceed-
Law Officer, and the
ool Court
and Sentence of the Superior
Court, confirm the said future of the
Superior Court and Sentence aforesaid
acquitting the prisoner
1st Ramasawmy
of the crime of Forgery laid to his charge
and direct that he be set at liberty
/Sent following letter No

Read letter dated 8th Instant
from the Acting Judge on Circuit in the
Northern Division transmitting the Chun-
=cole Calendar for the first Sessions of
1836.-
/Here enter No 535/

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

27th July 1836

of the 16th Instant conveying the remarks
the Coroner Clerk on the case No 9 Rasava
Calendar 7th Sessions of 1836.-
/Here enter No 533/

Read return dated 25th Instant
from the Acting 3d Judge late on Circuit
in the Southern Division to precept of the
25th Instant directing him to transmit
the copy of the Salem Calendar 7th Sessions
of 1836.-
/Here enter No 538/

Read Supplemental re-
turn dated 23rd Instant from the
Provincial Court of Circuit in the Centre
Division to precept of the 13th Ultimo
conveying the remarks and orders of the
Coroner Clerk on the Criminal Reports
of the Centre Division for January last.-
/Here enter No 539/

At a Court of the Tuydaree Adalut,
Present,

Saturday 30th July 1831 } F. A. Grant Esqr 1st Puisne Judge.
J. Bird Esqr Acting 2nd Puisne Judge

214 Vs

Read letter, dated the 3rd Instant, from the 3rd Judge late on Circuit in the Centre Division, submitting a transcript of the Proceedings in case R.v. Pallare Calendar 1st Sessions of 1831, called for by this Court under date the 25th April last.-

/Here enter R.v. 206./

1 The Court of Tuydaree Adalut in their Proceedings dated the 25th of April last, pointed out the error into which the 3rd Judge on Circuit had fallen by entering the release on recognizance of the accused Prisoner in the above case, who had been committed by the Police Officer on strong presumptive proof, and desired that the trial might be renewed for their consideration and final sentence.-

2 Upon consideration of the trial it appears to the Court of Tuydaree Adalut, that the evidence was quite sufficient to commit the accused Prisoner on strong presumptive proof.-

3 The error committed by the 3rd Judge in passing sentence on the Prisoner instead of referring the trial, whereby a person, considered by the Court of Tuydaree Adalut to be guilty, has escaped punishment, is deeply to be regretted, but

Judges direct, under clause sixth Section II Regulation XV of 1803, that the Prisoners 2d Parwan Comartasawny, and 10th Gunda Kotta Cumul Kalen, be each required to find two sureties in 100 Rupees each, and that the prisoners 5th & 7th Gunnasettah Rasenkin, be required to find two sureties in 50 Rupees each for their good behaviour and appearance respectively when required within three years and on in default thereof, that they be each detained in confinement for that period.

2 Hh 13

Sent for letter No 529

From the Judge of Circuit and Additional Judge in the Southern Division forwarding the Records of the Trials of Prisoners No 9 of the Warrant Calendar for the Sessions of 1831.

(Here enter No 520)

Judges on a settlement of the circumstances of the case on trial before them convicting one of them that the proof against the prisoner

Remarkson

is sufficient to warrant him of the crime of Murder, under the authority of which they are vested, to pass sentence of death upon him, but doubting whether by Regulation I of 1818 as altered by Section XIII of Regulation VIII of 1803 they are entitled to pass such sentence by reason of the prisoner having attained the age of sixty years at the time of trial and

Sent for letter No 534

F. 16.

At a Court of the Fouzdaree Adalut.

Present

Tuesday 24th August, 1831. J. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 3d Puisne Judge

Read letter, dated the 22d Instant, from the Provincial Court of Circuit in the Centre Division, submitting the reports required by Section XXXV Regulation X of 1810, from the several Criminal and Joint Criminal Judges and Native Criminal Judge of Purruckabellum for the month of May last, together with an Extract from the proceedings thereon.

(Here enter No 535)

Sentence having been passed on the 10th of May last by the Court of Circuit on the prisoner Cannoo Cantarayen the Judges desire the Provincial Court in the Centre Division will call upon the Criminal Judge of Chinglepat to explain the cause of that prisoner being included in the Report No 9, which exhibits the number of prisoners on whom the sentence of this Court has not been received.

Chinglepat Report No 9.

Billing

2 The Court also remark, that the Prisoner named Chinnanaky on whom Sentence was passed by this Court on the 10th of September 1830, has been entered by the Criminal

Criminal Judge of Bellary in the Report
No. 5 as not dismissed of and the Criminal
Judge must be called upon to explain
the circumstances.

3

The Prisoners Shaik Kareem
Cuttum in cases Nos 13 of the Report No 5 sub-
mitted by the Criminal Judge of Bellary was
ordered to be discharged on the 7th of May last, as re-
ported by the Head of the Cuddapah Police
to have remained here until the 30th of that month
the Criminal Court of Circuit should have held
upon the Magistrate to report in whose custody
the prisoner was during that intervals

4

The Criminal Court of Circuit
should have brought to the notice of the
Magistrate the detention on the part of the
Police of the 2d 3d and 4th prisoners
convicted in cases Nos 1 and 2 and sentenced
to the custody assigned by the Head of Police
for the detention of the Prisoners convicted in
No 15. the Court of Sudder should direct that
the object of the confinement made by the District
Police to the Magistrate be invariably entered
in the Report, in order that the Sudder Court
may judge of the necessity or otherwise of
the measure.

Cuddapah 5

The same remarks as attach to the delay on the part of the Native Police officers in forwarding to the Criminal Court the prisoners convicted in cases

2d. August 1831.

Report No 5 submitted by the Acting Criminal Judge of Cuddapah.

Cumbum

Case No 1 of the Supplemental Report submitted by the Acting Joint Criminal Judge of Cumbum appears from the Column of remarks to have been dismissed, "nothing whatever remarks to have been adduced, "nothing whatever having been proved by the 1st witness and the "Prosecutor having presented a Petition stating "his inability to procure the attendance of the "remaining two, and his doubt of the efficacy "of their evidence even should they attend" the Judges of the Sudder Foujdaree Adawlut desire the Criminal Court of Circuit will intimate to the Joint Criminal Judge, that it was his duty to have endeavored to obtain the evidence of those two witnesses, and that measures should have been taken by him to procure their attendance.

Petitions

6

The Criminal Court of Circuit should have called upon the Magistrate of Chittoor to explain what became of the prisoners concerned in cases Nos 77 and 78 in the former case from the 20th of April to the 6th of May and in the latter case from the 2d of May to the 17th of the same month.

Ordered, that Extract from these proceedings be forwarded to the Criminal Court of Circuit in the Centre Division, desiring them to make the necessary communication to the Criminal Judges of Chingleput and Bellary, and the Joint Criminal Judge at

Cumbum

F. H.

At a Court of the Magistrates Court holden at Westmeadows on the 8th August 1831. Present, R. A. Grant Esqre. 1st Puisne Judge John Bird Esqre. acting 3rd Puisne Judge.

Read petition, presented on the 27th ultimo. by Scanby of the Gaol of Bellary. (Recognizance Principal Petr. No 55 of 1831.)

Petitioner prays the Court to call for the record of proceedings in case No 5 Corranpak Calendar 1st Sessions of 1831, and set aside the sentence, passed thereon upon the prisoners "Yankuson" and "Yungapor".

The Court of Magistrates Holden having under date the 25th June last called for the trial in question, ordered that the petitioner be informed thereof and that it will be disposed of in due course.

Read petition, presented on the 27th ultimo by Narrangara Chetty of the Gaol of Chingleput. (Recognizance Principal Petr. No 55 of 1831.)

The petitioner addressed the Court of Magistrates Holden on the 2nd instant of the case No 22 Chingleput Calendar 2nd Sessions of 1832 and

2nd August 1831.

Read letter dated the 29th ultimo from the Acting Judge of the Northern Division transmitting the original warrant in case No 3 in the Southern Pt. Calendar for the Pt. Sessions of 1831. (Recognizance No 3745.)

Read letter dated the 28th ultimo from the 3rd Judge of the Circuit in the Central Division to transmit the Petition of the 24th Prisoners in case No 5 Corranpak Calendar Pt. Sessions of 1831 for suspension of sentence that the trial be referred from the 2nd to the 3rd Circuit.

(Recognizance No 5 of 1831.)

Read letter dated the 27th ultimo from the Acting Judge of the Northern Division transmitting the original warrant in case No 3 in the Southern Pt. Calendar for the Pt. Sessions of 1831. (Recognizance No 3745.)

2d Aug 3d August 1831.

Sd

Heard copies of alleged depositions to prove
alibi in the instance of one of the prisoners
This petition is altogether
irregular and improper, the Court is depri
the Court of Circuit Malabar Gillah, and
be disposed of in due course
Ordered, that the result of this
proceedings be forwarded to the petitio
on his application.
Read petition, presented to
by Pullekarayen Govindoo Menon
of the Gillah of Malabar
(Foreigner Misc. Pet. No 58 of 1831)
The petitioner prays the
Court of Circuit Malabar to order the
release of Cadakaden the prisoner in
case No 52 Cuddapah Calendar 2nd
Sessions of 1825 sentenced by the Court
of Circuit Malabar, under date 18th
January 1827, to imprisonment for seven
years
The prayer of this petition
is altogether inadmissible, and it is
therefore rejected.
Ordered, that the result of this
proceedings be forwarded to the
petitioner on his application.
Read petition presented in
person by Pullekarayen Govindoo Menon
of the Gillah of Malabar
(Foreigner Misc. Pet. No 58 of 1831)
Read also petition presented
by Pullegeratha Ramasamy Nair of
the Gillah of Malabar
(Foreigner Misc. Pet. No 57 of 1831)
Both of the above Petitions
have reference to Case No 2 of the
Malabar Calendar for the 2d Sessions
of the present year, and for reasons
detailed

3d August 1831 on the 27th Ultimo, by Tudalu Venkatapah
of the Gillah of Cuddapah
(Foreigner Misc. Pet. No 58 of 1831)

At a Court of the Vizagapatam Adalut,

Present,

Friday, 5th August 1831 } F. A. Grant Esq.re First Puisne Judge
J. Bird Esq.re Acting Third Puisne Judge

Read letter, dated the 27th ultimo from the Acting Judge on Circuit in the Northern Division, reporting that the Magistrates of Vizagapatam and of Ganjam consider themselves authorized under clause first section III Regulation II of 1832 to commit persons of the description therein mentioned to jail for indefinite periods, without sending the Calendar from them at all, and of course without observing any of the provisions of Regulation VII of 1827.

/Vide enter No. 549/

The Court of Sudder Adalut are seriously of opinion that in the enactment of Regulation VII of 1827 it was intended by the Legislature, that no vagrant or person of any description, liable only to suspicion, should be detained in confinement for an indefinite period, and that such is the effect of the modification of clause first section III Regulation II of 1832 by clause first section VIII Regulation VI of 1827.

It appearing however, that a different construction has been given to the provisions of the law on the subject, the Court direct, that the 4 Provincial Courts of Circuit do instruct the Magistrates within their respective Jurisdictions, whenever they may send a person to the Criminal

5th August 1831

detained on their petitions, the Petitioners request the Court make out for the record of the trial on the above numbered and issue orders for the release of the 15th and 18th prisoners confined in the Cuddapah Gaol, on the ground of their having been illegally sentenced by the Court of Circuit to 14 years imprisonment and hard labour on the Roads.

2 The Court having referred to the Madras Calendar for the 10th September of 1831, see no reason for the 10th of the first mentioned prisoner, which has been marked on the prisoners clothes annexed to, and repeating the prayer of the Petitioners direct that the same be communicated to the petitioners

Ordered, that extracts of these proceedings be furnished to the petitioners on their application.

Criminal Court under the provisions of Section III Regulation II of 1822 and Section VIII Regulation VI of 1827, to provide in their order for the place of the prisoners at the end of a definite period, not exceeding twelve months, except in the cases, mentioned in clause third Section VIII Regulation VI of 1827.

Ordered, that extract of the proceedings be sent to the Court of Circuit by [illegible] for the ensuing [illegible] days from and after the receipt [illegible]

[illegible] following [illegible]

Ordered also, that extract of those proceedings be sent to the Acting Secretary to Government under the [illegible] dated 19th October 1834.

[illegible]

5th August 1834.

Jessore before the Village Police

F. H.

At a Court of the Bejdaree Adalut

Present,

Wednesday.
10th August 1834.

F. H. Grant Esqre. 1st Puisne Judge
John Bird Esqre. Acting 3rd Puisne Judge

Read return, stated the 2nd [illegible] instant, made by the Provincial Court of Circuit on the Centre Division, to the precept of this Court of the 15th of June last, directing the Provincial Court to ascertain, whether the walls of the Cuddapah Jail cannot be lowered by the Prisoners without expense to Government, and if not, at what cost the work could be performed.

(Here enter No 536)

Under the explanations offered by the Acting Criminal Judge of Cuddapah, the Court approve of the estimate submitted by that Officer in his return under date the 15th ultimo, but with reference to the printed Regulations of the Government for civil and other works appertaining to the Jail and Provincial Courts under date the 11th March 1833, it

it the duty of the Acting Criminal Judge to notify to the Government on the subject

Ordered, that a extract from these proceedings be furnished for the information and guidance of the Acting Criminal Judge of Puttalam through the Provincial Court of Circuit in the Central Division.

(Court following letter A.

Read petitions, presented on the 27th ultimo and the 3rd Instant, by Ammal, Nagamal, Coopammal & Vellaya of the Village of Combaconnum.

(Here enter Minutes Nos 52, 53, 54 & 63 of 1831.)

These four petitions relate to the same transaction, and are respectively appeals from the sentences, passed by the Court of Circuit in Cases Nos 45 and 1 Combaconnum Calendar 1st Sessions of 1831.

2 There is no appeal, under the Regulations from the sentence of the Court of Circuit, and the Court of Singalese Adalut having referred to the Calendar see no reason to question the justice and correctness of the sentences passed in the cases above mentioned.

Ordered, that the petitions be rejected, and that extracts of these proceedings be furnished to the petitioners on their application.

Read petition, presented on the 3rd Instant, by Coopammal of the Village of Combaconnum.

(Here enter Minutes Petn No 59 of 1831.)

Petitioner states, that certain persons are endeavouring to take possession of the landed property, belonging to her brother, Cutsamy Ramien, who is imprisoned in the Jail of Combaconnum under the sentence of the Court of Circuit, and prays the Court of Singalese Adalut to issue an order to the Collector, directing him to take possession of the said landed property, allowing such sum of money, as will suffice to maintain his family.

It is not competent to the Court of Singalese Adalut to grant the order prayed by the petitioner.

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

Read petition, presented on this 3rd Instant, by Tarvinsamy Proodly of the Village of Chittoor.

(Here enter Minutes Petn No 60 of 1831.)

The petitioner prays for a precept

10th August 1831.

8th August 1831.

precept to the Provincial Court of Orissa in the Centre Division, directing them to cause the restitution to him of certain property lodged in the Zilla Criminal Court, and proved by petitioner in the trial of said Mr. Chittoor Supplemental Calendar 2nd Quarterly Sessions of 1829 to belong to him; to the Criminal Judge in whose charge the property is stated to lie, and he will of course obtain restitution of, or settled thereto.

Ordered that the petition be rejected, and that extract of these proceedings be furnished to the petitioner on his application.

Read petition, presented on the 3rd Instant, by Cooroopanga of the village of Mindoor.

(Here enter Petn. No. 61 of 1831)

Petitioner, who was convicted by the Criminal Court of Ganjam, and sentenced to 14 years imprisonment, prays the Court of Sudder Adawlut to call for the record of the proceedings held in this case, and to set aside the conviction.

There is no appeal under the Regulations from the

10th August 1831.

the Court of Orissa, and the petition is therefore rejected.

Ordered, that extract of these proceedings be furnished to the petitioner on her application.

1831.

Read petition, presented on the 8th Instant, by Gorachala Jimmadoo, and Venkatamah of the Zilla of Bellary.

(Here enter Petn. No. 62 of 1831)

The petitioners are the same persons, who presented the petitions No. 47 and 48 of 1831, rejected by the Court of Sudder Adawlut under date the 27th Ultimo, and the prayer of the present petition is the same, as that of the petitions so rejected, namely, that the Court of Sudder Adawlut will call for the proceedings in Case No. 21 Bellary Calendar 1st Sessions of 1831, and order the release of the prisoners.

The petitioners have already been informed of the grounds for the rejection of their applications, and the Court will not notice any further representation on this subject.

Ordered, that the petition be rejected, and that extract of these proceedings be furnished to the petitioners on their application.

Read

10th August 1831.

Read letter, dated the 4th Instant, from the Acting Chief Secretary to Government transmitting a petition from Narayanaswamy, and desiring that the Court of Tanjore should report whether any additional security has been taken from the prisoners in the case to which it refers, and whether in their opinion the Petitioner is sufficiently protected against further injury.

(Here enter No 577 of 1831)

The Court of Tanjore Vakeels under date the 2nd December last, having reviewed the proceedings held in the Case in question, Nos 81 & 82 of the 1st Sessions of 1830, whereby it was brought to the 1st Judge of the Provincial Court of Circuit in the Centre Division, enjoining him to direct the Magistrate to enquire into the circumstances of the three first prisoners, and if he should see reason to consider the security already taken for their future good behaviour insufficient, to demand further security to guard the prosecutor from further danger.

2. The return of the 1st Judge to the above precept made under date the 6th December last certifies that the Magistrate had been directed to enquire into the circumstances of the

10th August 1831.

Reddy, Venkatarama Reddy and Velak Reddy, and eventually to demand additional security from them.

3. With reference to the foregoing return, the Court of Tanjore Vakeels direct that the 1st Judge of the Provincial Court of Circuit in the Centre Division do ascertain and report what steps were taken under the advance orders by the Magistrate.

Ordered, that extract of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Centre Division by precept, returnable in ten days from and after the date of its receipt.

(Sent following Precept 1st 1833

With reference to the proceedings of this Court under date the 15th of April last upon review of the Guntoor Calendar for the 1st Sessions of 1831, the Judges of the Tanjore Vakeels upon further consideration, do not deem it necessary to disturb the sentences passed by the Acting 3rd Judge of Circuit in cases Nos 6, 13, 20, 21 and 23 as they are invariably in favor of the Prisoners and they have no doubt that sufficient reasons exist for mitigation of the specific punishment and for the acquittal of the

10th 10th August 1831

the 1st and 4th and 5th Prisoners in A93

Ordered that extract of the proceedings be sent to the Acting Judge of Circuit in the Northern Division for his information and guidance.

(Sent for along Excerpt A933)

Read letter dated the 3rd Inst from the Assistant Judge in charge of the Zilla Court of Malabar, requesting a warrant for the banishment of three prisoners to a Zilla, selected by the Pangdaree Mahatto

(Here enter No 869)

The Court of Pangdaree Mahatto direct that the prisoners

1st Hayamparambatta Kunju Achy Alloy

2nd Achuntapil Kunjaly

and

3rd Mahomedali Koolayan,

be removed to the Sudder Adawlut of this to be imprisoned agreeably to the tenor of their sentence.

Ordered that extract of the proceedings be sent to the Assistant Judge in charge of the Zilla Court Malabar, and to the Acting Principal Judge of Appeals for their guidance and information and guidance

EHK

EHS

E. H.
10th August 1831.

Received

Read again letter, dated the 25th June last, from the Third Judge on Circuit in the Centre Division, transmitting the record of proceedings in case No 1 Cundapark Calendar for the 1st Sessions of 1831.

(Here enter No 440.)

Read the second Futwa delivered in this case by the Cazee ool Coozat and Mooftees of the Pangdaree Mahatto

The First and Acting Third Puisne Judges having maturely considered the proceedings had before the Judge on Circuit, the Futwas of the Shastrical Law Officer, and the Futwas of the Cazee ool Coozat and Mooftees of the Pangdaree Mahatto confirm such part of the said Futwas of the Cazee ool Coozat and Mooftees aforesaid, as acquits the Prisoners

1st Sootoor Pedda Soobrayadoo,

and

5th Shroff Mullapah,

of the crime of having instigated the Second, third and fourth Prisoners to commit murder, and direct that the Prisoners,

5th Shroff Mullapah,

be set at liberty, but considering that the strongest suspicion attaches to the Prisoner,

1st Sootoor Pedda Soobrayadoo,

they direct under the provisions of Clause Second Section X. Regulation XI of 1827 that

that he be required to find two sureties in (500) five hundred Rupees each for his good behaviour and appearance when required, or in default thereof that he be detained in confinement

The First and acting Third Puisne Judges being of opinion that the proof against the Prisoners,

2nd Golla Tumrogatoo
and
3rd Meatlan Vencatah

is sufficient to convict them of the crime of Murder, and that the proof against the Prisoner

4th Woomara Saib

is sufficient to convict him of being accessary to murder before and after the fact, under the authority with which they are vested by Clause first Section II Regulation I of 1818 do convict them thereof, and sentence the said Prisoners

2nd Golla Tumrogatoo
3rd Meatlan Vencatah
and
4th Woomara Saib

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

(Vide following letter No 558)

Instant, from the 2nd Judge late on Circuit in the Centre Division, to precept of the 29th ultimo, conveying the opinion and orders of the Court on the case of Moy Bellarce Calender 3rd Sessions 1881.

(Here enter No 559)

Read return, dated the 4th Instant, from the Third Judge late on Circuit in the Centre Division, to precept of the 13th June last, conveying the remarks and orders of the Puisne Judge relative to the Cuddapah Calendar 3rd Sessions of 1881.

(Here enter No 558)

Read return, dated the 28th ultimo from the Judges of the Provincial Court in the Southern Division, to precept of the 7th ultimo, directing the Provincial Court to point out to the Subordinate Courts, that the adjournment of the Civil Courts, can form no ground for relaxation from the Criminal Statutes.

(Here enter No 556)

Read letter, dated the 2nd Instant, from the Second Judge on Circuit in the Southern Division, reporting the arrival of the Circuit Court at Tinnevelly

(Here enter No 562)

Read return, dated the 3rd Instant, from the Judges of the Provincial Court of Circuit in the Centre Division, to precept of the 8th March last, conveying the remarks and orders of the Puisne Judge relative to the Criminal Reports of the Centre

10th August 1831.

Centre Division for the month of March last.

(Here enter No 565)

Read letter, dated the 2d Instant from the Provincial Court of Appeal in the Centre Division, transmitting an original death warrant executed and returned by the Acting Provincial Judge of Rockfield together with copy of his letter.

(Here enter No 566)

Read letter dated the 2d Instant from the Provincial Court of Appeal in the Southern Division returning the warrant for the execution of Duncan Mc Kenzie in case No 26 of the Gaol Calendar 2d Session of 1831.

(Here enter No 567)

Read letter dated the 2d Instant from the Judge of the Provincial Court of Appeal in the Centre Division, to forward the confirmed registered Copy of sentence of death passed upon Thomas Wilson and returned by the Acting Provincial Judge of Rockfield

(Here enter No 568)

Read letter dated the 2d Instant from the Provincial Court of Appeal in the Western Division, to forward the letter dated the 25th ultimo, desiring that Prisoners confined on Capital charges may not be taken out of Gaol for the purpose of Execution on the Sabbath day

(Here enter No 569)

Read letter dated the 2d Instant from the Provincial Court of Appeal in the Western Division, to forward the letter dated the 25th ultimo, desiring that Prisoners confined on Capital charges may not be taken out of Gaol for the purpose of Execution on the Sabbath day

(Here enter No 570)

F. H.
10th August 1831.

Read letter, dated the 5th Instant, from the Acting 3rd Judge, late on Circuit in the Southern Division, transmitting warrant signed by the Criminal Judge of Madura for the execution of the Prisoners in Case No 9 of the Madura Calendar 1st Session 1831, with that Officer's return and letter on the same subject.

(Here enter No 568)

Read letter, dated the 2d Instant, from the Second Judge late on Circuit in the Southern Division, forwarding copy of the Madura Calendar 2nd Session 1831.

(Here enter No 570)

Court of the Magistracy Batatut.

Pretent,

Saturday 13th August, 1831. F. A. Grant Esqr. 1st Puisne Judge
John Bird Esqr. acting 3d Puisne Judge

Read letter, dated the 29th Ultimo from the Provincial Court of Circuit in the Western Division, submitting the Reports required by Section XXXV Regulation X of 1810, from the several Criminal and Joint Criminal Judges in the Division and the Native Criminal Judge of Caraca for the month of June last, together with extract from their proceedings thereon.

(Here enter No. 545.)

Malabar 1 The Judges of the Magistracy Batatut desire that the Provincial Court of Circuit in the Western Division will call upon the Magistrate of Malabar to account for the delay of 15 days in forwarding the prisoner concerned in case No. 131 of the Report No. 5 to the Criminal Court.

2 The Court of Magistracy Batatut remark, that the Provincial Court of Circuit have directed the Native Criminal Judge of Canara to cancel the sentences passed by him on the prisoners concerned in cases Nos. 22 and 23 of the Supplemental Report, and that

that some Law orders have been issued to the Assistant Criminal Judge at Berore, ordering him to suspend the sentence passed by him on the prisoners convicted in Cases No 22 & 23, after the Provincial Court had received the mental report submitted by that officer, and further they remark that the prisoners in both instances have been sentenced by the Provincial Court to be committed to take their trial before the Court of Oyer and Terminer on the grounds that the lower Courts exceeded their jurisdiction in finally disposing of those Cases.

3

The Court of Sessions Circuit upon their proceedings in the 2d Circuit 1830 being referred from the Provincial Court in the Eastern Division with the Regulations on which they acted, held, that it was ordained by the Lower Court to grant the proceedings of the Lower Courts in similar cases, as well as in those where the prisoners have been sentenced after having been heard in their defence, because the separate examination had not been taken place as was the case at all events for Regulations.

4

It has been known from the practice of this Court to allow a prisoner the benefit of trial, which has erroneously taken place before an incompetent tribunal, when the trial has been completed and the punishment awarded was lighter than that to which he might otherwise have been sentenced

15th Augt 1831.

both as being in favor of the Prisoner and because it is repugnant to the principles of justice to put a prisoner upon his trial a second time for the same offence.

5

The Court, therefore desire that the Provincial Court in the Western Division be required to ascertain whether the trials in the cases above alluded to were complete and regular, whether the Prisoners were regularly put upon their defence and whether examined on their part, and especially whether the corporal punishment has been carried into effect on the prisoners in cases 22 and 23, in either of which instances the Provincial Court must cancel their orders directing the committal of the cases, notwithstanding the error of the subordinate tribunals.

In conclusion the Court have to observe, that in issuing the above orders to the Assistant Criminal Judge at Berore and the Native Criminal Judge of Canara, the Provincial Court of Circuit have exercised an authority not granted to them by the regulations, in that the proceedings of the lower Courts were neither referred to the Collectors Court by the Judge on Circuit under Section XXIII Regulation X of 1810, nor brought to their notice by petition under Section XXIV of that Regulation: and the Circular orders of this Court under date

13th Augt 1831.

Regulation II of 1822 and Clause first Section V Regulation VII of 1827.-

(Here enter No 581)

Read Return, dated the 8th Instant from the Judges of the Provincial Court of Circuit in the Centre Division to precept of the 5th Instant, directing the Provincial Court to instruct all Magistrates that whenever they may send persons to the Criminal Court under Section III Regulation II of 1822 and Section VIII Regulation VII of 1827, to provide in their order for the release of the prisoner within a definite period under 12 months, excepting in cases described in Clause third Section VIII Regulation VII of 1827.-

(Here enter No 583.)

Read letter, dated the 10th Instant from the Second Judge late on Circuit in the Centre Division, submitting Case No 34 Chinglepet Calendar 2d Sessions 1830.-

(Here enter No 525)

The Fifth and Acting First Puisne Judge having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law officer, and the Futwa of the Cazee ool Cozat and Mooftee of the Foujdaree Adawlut comprising such part of the said Futwa of the Cazee ool Cozat

Aug

13th Augt 1831.

Date the 24th of November 1823 directing the Provincial Courts to proceed to the quarterly reports (when directed to be submitted monthly) to noticed any irregularities which they may exhibit and call for and transmit with the returns any explanations from the Criminal Judge or the Magistrate which may appear to be required."

Ordered, that copies of these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information and guidance and requiring them to make the necessary communication to the Magistrate of [illegible] by [illegible] return all without delay.

(Sent following pursuant to Order)

(Read Return, dated the 5th Instant from the Acting 3d Judge 2d Circuit in the Southern Division, to precept of the 25th Ultimo, calling for explanation on certain cases on the Calendar for the 4th Sessions of 1831.-

(Here enter No 579)

Read return dated the 5th Instant from the Judges of the Provincial Court of Circuit in the Southern Division to precept of the 7th Ultimo, forwarding Magistrates from the [illegible] Zillah, [illegible] Zillah, [illegible] Zillah,

13th Augt 1831.

and Mortiers aforesaid, as regards the pris.

3d Timbrogee
4th Carrofeen
6th Chimnafeen
8th Chimmamattoo
10th Chortaty

and

11th Umantaramma Reddy

of the crime of gang robbery attended with mur. charged against them but considering the strong suspicion attached to them, they direct the said prisoners

3d Timbrogee
5th Carrofeen
6th Chimnafeen
8th Chimmamattoo
10th Chortaty

and

11th Umantaramma Reddy

be each required to find two sureties in 35 Pagodas each for their good behaviour and ap. pearance respectively to be engaged within two years, or in default thereof that they be detained in confinement for that period

The first and latter third of the Judges being of opinion that the prisoners

13th Augt 1831.

1st Cumbacannan
2d Moottayen
5th Chinna Cotan
7th Chinnapien

and

9th Mootten

is sufficient to convict them of the crime of Gang Robbery attended with murder, under the authority with which they are vested by Clause first Section II Regulation I of 1818 do convict them thereof, and under the provisions of clauses first and fifth Section IV Regulation XV of 1803, Sentence the said prisoners

1st Cumbacannan
2d Moottayen
5th Chinna Cotan
7th Chinna Pien

and

9th Mootten

to be transported to such place or places beyond Sea, as the Right Honorable the Go. vernor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives respectively.

Sent following letter No 4645

At a Court of the Bujdaree Adalut.

Present,

Wednesday 17th August, 1836 } F. A. Grant Esqre 1st Puisne Judge
John. Birch Esqre acting 3rd Puisne Judge

Read letter, dated the 4th of March last, from the Provincial Court of Circuit in the Western Division, submitting the half yearly Criminal Statement for the half year ending the 31st December 1835

(Here enter No 147)

The printed Statements prescribed by the Court's Circular order of the 8th January 1829, are not applicable to the Report required from the Sudder Criminal Judge of cases disposed of by him under Section XIV Regulation VIII of 1827, under the provisions of that Section and Regulation the Sudder Judge is merely authorized to dispose of cases punishable by the Magistrate, when forwarded to him by Boards of Police, and excepting in cases specified in Regulation III of 1817 is not authorized to exercise any other of the powers of a Magistrate whatsoever the Court therefore desire that

17th August 1831.

17th August 1831.

Courts to the Native Judges of Guntoor
and Ootalore respectively.

Report of persons received and disposed of by the Native Judge of —— under Section XIII Regulation VII of 1827.

Number of persons received by the Native Judge.	Number acquitted	Number committed	Punishments to inflicted	Disposed of if any under Regulation X of 1816.
			Imprisonment. Fine.	

State at the foot, the number of persons fined, and under what Regulation.

(Sent the following to Vizagapatam 24th Aug.)

Read petition, presented on the 15th Instant, by Narrainsawmy Moodely of the Zillah of Chittoor

(Here enter Price Petn. No 65 of 1831)

Petitioner prays to be furnished with an attested copy of the English translation of a petition, presented to the Court of Conjeveram Malabar under date the 29th July 1830 by Aroomacholla Moodely and of the orders passed thereon.

Ordered, accordingly the requisite stamped paper being produced by the petitioner.

Read petition, presented on the 15th Instant by Veeranarasachary and Kishnamachary of Ootalore.

(Here enter Price Petn. No 66 of 1831)

Ins

17th August 1881.

1

In this petition, the petitioners
remove the application, rejected by the Court
of Tanjore Velalar under date the 23rd instant
for an attested copy of the orders of remand to
the Magistrate in the Southern Division
of Arcot on the 25th April last, after a
reference made by him on the 7th December
last, under the provisions of Section XXIII
Regulation IX of 1816.

2

The petitioners now state, that
it is necessary for them to produce an
attested copy of the orders in question, as
an exhibit in Appeal No 5 of 1881 on the
file of the Provincial Court for the Tanjore
Division.

3

The Court of Tanjore Velalar
see no reason for complying with
the prayer of the petition, until it be
shewn, that the Provincial Court have
called upon the petitioners to produce
the document in question.

Ordered, that the petition be
rejected, and that a true copy of these proceed-
ings be furnished to the petitioners
on their application.

Read return by the late 2nd
Sudgeen Arcot in the Southern Division
to precept of the 16th September last,
transmitting for observance to the order
annexed an English translation of

F 11

17th August 1881. the Trials Nos 7 and 8 of the Summary
Calendar 2nd Sessions of 1880.

(Here enter No 637 of 1880.)

1

In the Case No of the Court of
Tanjore Velalar are of opinion, that the
Prisoner was properly and legally con-
victed of the crime with which he was
charged, and they accordingly confirm
the sentence passed by the Judge on
Circuit.

2.

With regard to the case No 8,
the Court of Tanjore Velalar having
taken into consideration the records of
the trial of the Prisoner in it, are of
opinion that he was improperly con-
victed of Perjury.

3.

Upon reference to the deposi-
tion upon which the Perjury in this case
was charged, it appears that the crime
alleged against the Prisoner, consisted
in having first declared that he knew
the faces of certain prisoners then
before him, and that he saw them
amongst the thieves at a Robbery with
which they were charged, but that he
did not know their names, and after-
wards in answer to a question on
the same examination he declared
that he was not acquainted with the name
of the 3rd Prisoner.

4.

The Court of Tanjore Velalar
have

have frequently ruled that a person can not be committed of perjury under Regulation III of 1826, unless there shall have been two distinct contradictory depositions on oath, and that there can be no prosecution for perjury for contradictory swearing on the same deposition, but amounting to premeditation, which the witness should be permitted to explain.

5. In the present question the alleged false swearing consisted in the Court, the Police magistrate having committed the accused for perjury.

6. The Court of Enquiry think that accordingly is not that the Prisoner be forthwith released.

Ordered, that record of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance in any prosecution which they may think fit to institute against the following Prisoners now confined in the Gaol from the Court of

the Gillah of Masulipatam recommending, in consequence of the increased number of prisoners in confinement at Masulipatam, that the pay of his Sailor be increased to 10 Pagodas per mensem, and that the pay of the Peons who have been transferred along with the Convicts from other Gillahs may be raised to 6 Rupees per mensem the rate at which the Joint Criminal Judge states the said Peons at Masulipatam are paid.

(Vide enter No 5814)

The amount to which the Joint Criminal Judge has proposed that the pay of the Sailor attached to the Overlying Court at Masulipatam should be raised, is in the opinion of the Court excessive. Upon a reference from the Provincial Court in the Southern Division, the Court of Fujdaree Adalut were induced under date the 2d August 1829 to recommend to Government, that the pay of the Sailor attached to the Criminal Court at Madura be increased to 6 Pagodas per mensem, and as the number of prisoners in confinement in the Gaol

17th August 1831.

Jail at that Station, averages at the time of the application nearly the same as the number now in confinement in the Jail of Masulipatam, the Court would not feel themselves authorized to recommend for Sanction such as this proportionate increase to the pay of that officer.

2. With regard to the recommendation of the Joint Criminal Judge that the pay of the Peons transferred from the other Zillahs should be increased to 6 Rupees per mensem, the Court decline for the present passing any orders on the subject, as the reference had not been submitted through the channel of the Provincial Court, who from their superior and local knowledge would be enabled to recommend for Sanction, or otherwise the measures proposed by the Joint Criminal Judge, and have given the Court the benefit of their sentiments on this subject.

3. The Court will only remark that having referred to the Jail Calendar annexed to the several Reports under this Presidency they perceive that the pay of the Peons attached to the Ancillary Court at Masulipatam is larger than the pay of the same description of persons in any of the

* vide C.D. 31st August 1793

F. H.
17th August 1831. Zillah.

Ordered, that extract from these proceedings be forwarded to the Joint Criminal Judge of Masulipatam, through the Provincial Court of Circuit in the Northern Division, for the information and guidance of that officer.

(Sent following letter No. 250

Read return, dated the 8th Instant, from the Judges of the Provincial Court of Circuit in the Centre Division, to precept of the 2nd Instant, conveying the remarks and orders of the Foujdaree Adawlut on the Criminal Reports of May last.

(Here enter No. 582)

Read return, dated the 8th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division, to precept of the 5th Instant, directing Magistrates sending persons to the Criminal Court under Section III Regulation II of 1828 and Section VIII Regulation XI of 1827 to provide in the order for their release in a definite period not exceeding 12 months, excepting in the cases described in Clause third Section VIII Regulation XI of 1827

(Here enter No. 590)

Read letter, dated the 13th Instant, from the Provincial Court of Circuit

in

17th August 1881.

in the Southern Division, transmitting explanations received from the different authorities on Criminal Reports for April last.

(Here enter No 594.)

Read letter dated the 28th ultimo from the acting Third Judge late on Circuit in the Southern Division, transmitting the Minutes of proceedings in Case No 7 Sessions Records for the 1st Sessions of 1881.

(Here enter No 532)

The First and Acting Third Judges having maturely considered the Judgment delivered by the Judge on Circuit and the Notes of the Provincial Law Officers and the Notes of the Assessors Report and Minutes of the Proceedings, do hereby confirm the said Notes of the Assessors aforesaid, convicting the Prisoner

Jean

of the crime of murder and sentencing him and under the provisions of Section X Regulation VII of 1872, adjudge the said Prisoner

Jean

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

(Here enter No 595)

F. H.

At a Court of the Kingstaree Adalat

Present,

Friday, 19th August, 1881.

F. A. Grant Esqre 1st Puisne Judge

John Bird Esqre acting 3rd Puisne Judge

Read letter, dated the 10th instant, from the Provincial Court of Orient in the Centre Division, submitting the Reports required by Section XXXV Regulation X of 1876 from the several Criminal and Sessions Criminal Judges within the Division and the Native Criminal Judge of South Avest for the month of June last, together with an extract from their proceedings thereon.

(Here enter No 597.)

Chittoor

1. The cause of the detention as in the Talook of the prisoners concerned in order No 86 of the Report No 5 submitted by the acting Assistant Criminal Judge of Chittoor, for a period of nearly two months, requires particular explanation. The Court observe that it has been called for by the Court of Orient, and they desire that a copy of the Magistrates return may be furnished to them.

2. With reference to the detention of the Prisoner in order No 93 of the same Report, the Court observe that the Provincial

Court

19th August 1871

Court of Circuit will call upon the M
Trate to explain why the Prisoner
not proposed before the 1st instant
Trate to withdraw the 30th of May ult
reasons why the attendance of the
could not be procured before the
of June last.

3. The sentence of one
imprisonment and hard labor
passed on the 1st prisoner convicted
case No 98 and charged with burg
is another the prosecutor on the
is illegal and
the Court during pendency to decide
the propriety of the sentence passed
2nd prisoner in addition to that
on the first convicted in the same
case No 98 during the Criminal Sitt
Court. Division will examine duly and
the proceedings of this sitting Criminal
nal Judge on both cases and withdraw
doing as he shall either modify or confirm
the sentences as they may stand or pass
respecting at the same time the costs of
those proceedings to the Court of Appeal
Malabar

4. The Court remark that
of the prisoners in this the fourth case
been required to

19th August 1871 in default been sentenced to imprison-
ment with hard labor. Reade first in
section XIII Regulation VI of 1827 leaves it
discretionary with the Criminal Judge
to subject prisoners of this description
to compulsory labor suited in kind
and degree, as well as may be, to their
Caste, Age, strength and other circumstances,
and the Court desire that the Provincial
Court of Circuit will point out to the
acting Assistant Criminal Judge, that it
is consequently neither requisite nor
proper to pass sentence of hard labour
in such cases.

Chingleput 5. The Provincial Court of Circuit
should have noticed to the Magistrate,
that the reasons assigned by the Police
Officer for the detention of the prisoner
concerned in case No 158 of the Report
No 5 are insufficient

Cuddalore 6. The Court remark that the
Prisoner concerned in case No 6 of the
Report No 5 submitted by the acting
Joint Criminal Judge of Cuddalore
was dismissed, the prosecutor having
declared they had no charge whatever
to bring against the prisoner. The Court
desire that it be intimated to the acting
Joint Criminal Judge, that on demand

offences he is not authorised to release
prisoners without investigation.

Native Criminal Judge

Part of 13 cases forwarded
the Native Criminal Judge's Court in
Month of June last, that Officer has
passed of only two cases during the
period. the Court therefore desire
the Native Criminal Judge be call
upon for an explanation.

Ordered, that extract from
these proceedings be forwarded
the Provincial Court of Circuit in
Centre Division, stating
Criminal Judge of Chittoor the Sub
Joint Criminal Judge at Cumbo
and the Native Criminal Judge
South Arcot and the Magistrate
Chittoor and Chingleput for the
and guidance of their Officers
by Precept, returnable on the day
from and after its receipt.

(Sent following Receipt

Read letter dated the 17th
instant from the Acting 2nd Judge
on Circuit in the Southern Division
submitting for the sanction
of the following

of the Salem Calendar for the 1st Sessions
of 1871.

(Here enter No 604)

1. On review of the Salem
Calendar, the Court were induced to believe
that the case amounted to little more
than justifiable Homicide, and from
the remarks of the Acting Judge on the
Case, the Sentence appeared
to the Court excessive.

2. But the Court having
attentively considered the Record of
the Trial in the above Case, and
approving of the Sentence passed by
the Acting 2nd Judge, direct that it be
confirmed accordingly.

Ordered, that extract from
these proceedings be forwarded to the
acting 2nd Judge take on Circuit in
the Southern Division for his
information and guidance.

(Sent following letter No 263

P. M.

At a Court of the Foujdaree Adalut.

Present,

Saturday 1st August 1831. J. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 3d Puisne Judge

Read letter, dated the 15th Instant from the 3d Judge late on Circuit in the Centre Division, submitting the Record of Proceedings in case No. 10 Bullay Calendar 1st Sessions of 1831.

(Vide enter No. 604 of 1831.)

1 The Jurors of the Prohibition declared the first, second and third prisoners in this case convicted of the charge, and the 3d Judge although he did not concur in the conviction of the 2d prisoner on from i ghatib proceeded to pass sentence contrary to the provision, contained in Section XXII Regulation VII of 1802.

2 The Court of Foujdaree Adalut having considered the proceedings held in the case, resolve to confirm the sentences passed by the 3d Judge, and direct that he do issue his warrant to the Criminal Judge accordingly.

Ordered, that extract of these proceedings be sent to the 3d Judge late on Circuit in the Centre Division, by precept returnable in two days, from the date of its receipt.

(Vide following precept P. Sides)

Seven Months having elapsed since the date of the trial of certain Prisoners and the eighth Calendar 2d Session of 1831 which are set down for reference to the Court of Inquiry held in the Provincial Court of Circuit in the Central Division the Jury present commanded to submit the records of the proceedings held in the above cases within 5 days, or shew good and sufficient reason for not doing so.

Court following Proceedings

Read Letter, dated the 5th Inst from the 3d Judge Cuttaloo in Circuit in the Central Division transmitting the Calendar for the 4th Sessions 1831 when were tried the Prisoners

4th Bryant
11th Cudden Pandee
34th Ramgolah
32d Jan
and
32d Ramgolah

in which cases there is Jail and the two Prisoners

20th Ramgolah

were put off by the Judge on Circuit until the next Sessions.

The First and Acting Third Judges having maturely considered the Records held before the Judge on Circuit, the Proceedings of the Law Officer and the Jury on the Cases of Cooly

confirm such part of the said finding of the Cazee and Cooftee aforesaid as regards the Prisoners

3d Jaseullon Chicka Pungiah
26th Rubiah
and
25th Jaseullon Pedda Pungiah

of the crimes charged against them, but considering the strong suspicion though not amounting to conviction attached to them, the First and Acting Third Puisne Judges direct under Clause 4th Section II Regulation XV of 1803 that the Prisoner

3d Jaseullon Chicka Pungiah

be required to find two sureties in 300 Rupees each for his good behaviour and appearance when required within three years, or that he be detained for that period in confinement, and that the prisoners

4th Prabiah
and
25th Jaseullon Pedda Pungiah,

be each required to find two sureties in 50 Rupees each for their good behaviour and appearance when required within two years, or that they be detained for that period in confinement

The First and Acting Third Puisne Judges being of opinion, that the proof against the Prisoners

1st Vencataradoo
2d Ottalula Cohnpah
5th Cataraah

20th & 21st August 1831

1st Hubbaro Bummah
2d Gattoo Pakanah
3d Agoor Dongah
4th Timmah
5th Chota Bada Naik
6th Ima Said
7th Booty Sookreegah
8th Hubbaro Sughreegah
9th Hubbaro Igreegah
10th Ramgah
11th Hubbaro Mallah
12th Ranghor
13th Bondah
14th Sahabah
15th Profanee
16th Ottoo
17th Bagar Shadah
and
18th Igreegah

to suffer each 195 Stripes with the Cat & nine Tails and to be severally transported to such Place or Places beyond Sea, as the Right Honorable the Governor in Council shall direct, to be subsequently suspended on a high gibbet, to be erected on the said Spot: and under the provisions of Clauses first and fifth Section II Regulation XV of 1803 and Clause third Section II Regulation I of 1825 and Section IV Regulation VIII of 1828, the first and Acting Third Judges sentenced the Prisoners.

1st Tuncataredy
2d Attaala Pompah
3d Pakanah
4th Hubbaro Bummah
5th Gattoo Pakanah
6th Agoor Dongah
7th Timmah
8th Chota Bada Naick
9th Ima Said
10th Booty Sookreegah
11th Hubbaro Sughreegah
12th Hubbaro Igreegah
13th Ramgah
14th Hubbaro Mallah
15th Ranghor
16th Bondah
17th Sahabah
18th Profanee
19th Ottoo
20th Bagar Shadah
and
21st Igreegah

to suffer each 195 Stripes with the Cat & nine Tails and to be severally transported to such Place or Places beyond Sea, as the Right Honorable the Governor in Council shall

Shall appoint, How to the informations and
have taken in mind on the fifth and
follow make for and during the first
natural days and to visit and the
days being one of them shall be
the 33d Rupees a diligent to pay
of issuing in a gang for the
Number and to stay to depart

33d Ensign
the informed has left to Council
in the Jail to make to the
the Number of Sum made

Sent following

Judges have
Jail before Sunday
the Prisoner
of the Cases
Resolved, Judge
Court and
the Prisoner

of the crime laid to their charge, but considering
that strong suspicion, tho' not amounting to
conviction attaches to them, the first and acting
third Puisne Judges direct, under the provision
of clause second Section X Regulation VII of
1827, that they be each required to find two
sureties in 350 Rupees each for their good
behaviour and appearance severally whenever
required, or in default thereof, that they be
detained in confinement.-

The Court of Foujdaree Adawlut
have to observe, that the above case was not
sufficiently investigated, that the admission
of the prisoners before the Police officer and
Magistrate ought to have been proved, and
that the proceedings of the Judge referred
in his pending with the important evidence
of the eighth, tenth and eleventh witnesses is
quite unaccountable, particularly with re-
ference to the order of the Court of Foujdaree
Adawlut of the 15th July 1830.-

Sent following letter No 2467

Regd letter, dated the 3d Instant
from the third Judge late Circuit in the Centre
Division transmitting the trials in case No 425
on the Calendar for the 1st Session 1831.-

Centre No 5275

The First and Acting Third
Puisne Judges having maturely considered the
proceedings held before the Sudder Court
the futwa of the Principal Law Officer, and the
futwa of the Cazee ool Cozat and Mooftee of

20th August 1831.

the Impugned Verdict, confirm the said sentence of the Cazee ool Coozat and Mooftee aforesaid, against the prisoners

1st Cadiah
and
2d Rumpakal

of the crime of murder with which they were charged conformably to the Hindoo Shaster & thereby sentenced to suffer death by being blown from the mouth of a gun, in the manner directed under Clause 4th Section II. Regulation XV of 1803 that they be required to furnish each two sureties in 5th Pagodas each for their good behaviour when required within three years, or that they be detained for that period in confinement

(Sent following letter No 269)

Read letter, dated the 19th Instant, from the 3d Judge of the Centre Division, transmitting a Calendar of Criminal Cases for the Session of 1st September 1831.

(Hereunto No 534)

The first and acting Third Judge having minutely considered the proceedings held before the Judge in Circuit, the sentence of the Provincial Law Officers, and the sentence of the Cazee ool Coozat and Mooftees of the Zillah confirm the said sentence of the Cazee ool Coozat and Mooftees aforesaid, respecting the prisoner

1st Anoomala gorla Venkaud
and
2d Poforla Bala Gowramdy

of the crime of adultery with which they were charged against them, and direct that they be detained in confinement for the period of Two years Calendar

F.C.
21st Augt 1831.

in pursuance of the second question put by the acting Criminal Judge to the 1st and 3d Judges respectively in the above case, and intimated respectively in the above case, and direct that the 3d Judge of the Provincial Court do inform him, that leading questions are never allowable on the examination in chief—

(Sent following letter No 269)

Read again letter, dated the 19th Instant, from the 2d Judge transmitting the Southern Division Calendar for the 2d Septemr. of 1831—

(Hereunto No 551)

Read also the second question delivered in this Court by the Cazee ool Coozat and Mooftees of the Zillah aforesaid

The prisoners

1st Veerabadren
2d Chinnanen
and
3d Maria Apa Pondaram

were acquitted by order of the Court of Circuit

The first and acting Third Judge being minutely considered the proceedings held before the Judge in Circuit, the sentence of the Provincial Law Officers, and the sentence of the Cazee ool Coozat and Mooftees of the Zillah Court, confirm the said sentence of the Cazee ool Coozat and Mooftees aforesaid, commuting the prisoners

25th August 1831.

1st Sittarasamy Tavan
and
2d Cumarasamen
of the crimes of Robbery and housebreaking and the prisoner

3d Chinna Carasamen
of the crimes of robbery and assault and, in commutation of the penalty of amputation of the right hand and leg awarded in the future, the first and Acting Third Puisne Judges, under the provisions of Section XXI Regulation VII of 1802 adjudge the said Prisoners

1st Sittarasamy Tavan
2d Cumarasamen
and
3d Chinna Carasamen

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

(Sentence following letter No 471.)

Read letter dated the 15th instant from the 3d Judge on Circuit in the Central Division, transmitting the trial in case No 15 of Kellary Calendar 1st Session 1831.-

(Here enter No 554)

Read petition presented on behalf of Ramasawmy Poodely of the Village of Kingsport in Kellary praying that he may be admitted to bail pending the result of the appeal preferred by him to His Majesty in Council against the sentence passed upon him by this Court on the 1st instant.

(Here enter Petition No 555 of 1831.-)

Read letter dated the 17th instant from the Provincial Court of Circuit in the Western Division to present, of the 3d instant directing that Virapatchee Pandaram be committed to the Criminal Court of this District pending his trial for the murder of his wife Pappoo in terms of Section III Regulation II of 1822 and Section VIII Regulation VI of 1827 the powers in that respect for the trial of the prisoner having been transferred to the Provincial Courts by Section III Regulation XI of 1827 to remain in confinement pending his trial not exceeding 12 months from the date of his commitment unless sentence of death or imprisonment for life or transportation should in the meantime be passed upon him in the case referred to in Section III Regulation XI of 1827 in which case he is to be dealt with according to the provisions of Section VIII Regulation VI of 1827.

(Here enter No 556)

25th August 1831.

Tongaree Veeratee, comprising the said jurors of the Cazee or Cozzet and Shroffees appointed, convicting the prisoners

1st Pillavegadoo
and
2d Anamuttadoo alias Sanjeevy

of the crime of theft and in commutation and mitigation of the penalty of amputation, the first and Acting Third Puisne Judges under the provisions of Section XXI Regulation VII of 1802 and Section IV Regulation I of 1825 adjudge them to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (5) five years.

(Sentence following letter No 471.)

Read letter dated the 15th instant from the 3d Judge on Circuit in the Central Division, transmitting the trial in case No 15 of Kellary Calendar 1st Session 1831.-

(Here enter No 554)

Read petition presented on behalf of Ramasawmy Poodely of the Village of Kingsport in Kellary praying that he may be admitted to bail pending the result of the appeal preferred by him to His Majesty in Council against the sentence passed upon him by this Court on the 1st instant.

(Here enter Petition No 555 of 1831.-)

Read letter dated the 17th instant from the Provincial Court of Circuit in the Western Division to present, of the 3d instant directing that Virapatchee Pandaram be committed to the Criminal Court of this District pending his trial for the murder of his wife Pappoo in terms of Section III Regulation II of 1822 and Section VIII Regulation VI of 1827 the powers in that respect for the trial of the prisoner having been transferred to the Provincial Courts by Section III Regulation XI of 1827 to remain in confinement pending his trial not exceeding 12 months from the date of his commitment unless sentence of death or imprisonment for life or transportation should in the meantime be passed upon him in the case referred to in Section III Regulation XI of 1827 in which case he is to be dealt with according to the provisions of Section VIII Regulation VI of 1827.

(Here enter No 556)

Read letter from the Acting Third Judge late on Circuit in the Southern Division, intimating the result of the Trial in case No 21 of the Salem Calendar 1st Session 1831.

(Here enter No 553)

Read Second Jurors returned in this case by the Cazee or Cozzet and Shroffees of the Tongaree Veeratee.-

The First and Acting Third Puisne Judges having maturely considered the proceedings had before the Judge on Circuit, the Jurors of the Provincial Court of Session, and the Jurors of the Cazeerool Cozzet and Shroffees of the

F. C.

At a Court of the Vice Admiralty
Present,

Monday 22nd August 1831. The Hon. P. A. Grant Esqre 1st Puisne Judge.
John Bird Esqre Acting 3rd Puisne Judge.

Read letter, dated the 5th Instant,
2 Ds from the Acting 3rd Judge, late on Circuit
in the Southern Division, submitting the
3 Ds Report, prescribed by Section XXXVII Regula-
tion XII of 1802.

(Bore enter No 572 of 1831.)

Read also supplemental return,
dated the 8th Instant, from the Provincial
Court of Circuit in the Southern Division
to Prodopt, dated the 4th March last, desiring
them to communicate to the Magistrate of
Jaimenelly a copy of a letter, dated the 17th February
last, from the Acting 3rd Judge on Circuit,
on the subject of the Police of that District,
and to call upon the Magistrate to state
his opinion in regard to the propositions
therein contained.

(Bore enter No 585 of 1831.)

In the seventh paragraph
of the Report the Acting 3rd Judge states
that he "conducted the Zilla Judge and
"Medical Officer at Salem regarding the
"Cause of the mortality which prevails
"in the Jails at that Station at particular
"periods of the year, and they both agreed
"with me in opinion that the unwholesomeness of

of the sides of the Sails there, is the Sea Sand of the Bare Bars, and other dangerous shoals which occasionally break out among the "prisoners." And in the 8th paragraph the acting 3rd Judge states his opinion, "that the old Sail should be abandoned, and a small "new building, in which may be marked a "most trifling expence with the assistance "of the prisoners, ordered to be constructed "by the Criminal Judge on a healthy site "to be selected by him and the Gaoler of the "Gaol."

2.

The question of the salubrity or otherwise of the site of the Sail mentioned in the 8th paragraph of the report, has been fully and repeatedly investigated and the subject has received the consideration of the Medical Board, and medical officers who have from time to time been attached to the station.

3.

It is not stated, that any Sick prisoners at present in the Sail, nor does it appear from the communication made to the Court of Confidence that the prisoners have complained of being confined particularly as there is little under shelter circumstances the Court are not prepared to support the acting 3rd Judge's recommendation

4. The subject, discussed in paragraphs from 11 to 21 inclusive will be noticed by the Court of Confidence hereafter on a future occasion. They will merely observe at present, that it does not appear to be expedient or accordant with the intentions of the Government, to withdraw the more hardened convicts from labor on the public roads, agreeably to their sentences.

5. In the 22nd paragraph of the report the acting 3rd Judge complains of inattention on the part of the Magistrate generally to his requisitions for explanations and particularly noticing a delay of nearly two months on the part of the Magistrate of Madura in making returns to "receipts" which "required immediate returns."

6. This neglect on the part of the Magistrates is irregular and disrespectful, and the Court of Confidence hereby direct, that the Magistrate of Madura be called upon for an explanation.

7. In the 23rd paragraph of the Report the acting 3rd Judge states, that he "is embarked the order of Government, requiring Circuit Judges to call for and examine the proceedings of the Criminal Courts, but considering the laborious duties, which the Judges on Circuit perform, and the great distance which

which they found within the district formed the
to each County he offers his opinion, that any
their attention he calls to facts taken into
it will be impossible for them to make
through the months labours of the lower
County with any hope of correcting many
decisions, which they may think by chance
happen to be erroneous.

8 The Court of Exchequer thinks
conclude, that the Acting 4th Judge upon
to the orders contained in one Extract from
the Minutes of Consultation, under date
the 27th October 1849 directing the Judge
on Circuit "to examine into each case
to "ascertain whether the magistrate or
fact to be decided by the evidence
"of the evidence forwarded by the Magistrate
"and police officers, or to enquire into any
"not being allowed to the evidence by the
"Criminal Courts."

9. It is obvious that this order
does not subject the Judge on Circuit
to the necessity of "re-trying through the
"whole Calendar of the Cases decided upon
enforces the performance of a duty imposed
on the Judges of Circuit by the fourteenth
of Section XXXIII Regulation X of 1829, and the
Court of Exchequer think it not necessary
that any other Judge has complained
of it as onerous.

L 11
22nd August 1851 12

In paragraph 37 the Acting
3rd Judge after some remarks on the duties
of the police, adverts to an opinion sub-
mitted by him upon the subject of the
restrictions proposed by Mr Babington
to be imposed upon Goldsmiths and other
smiths.

11. Upon this subject the sentiments
of the Court of Sudder Dewanny Adawlut will
shortly be laid before the Government
in a separate communication.

12. In the 39th paragraph Mr
Bax recommends the circulation among
the Native Police Officers of a "Manual of the
Regulations and Acts of the Sudder Dewanny Adawlut Court relative to their duties.

13. In the 4th paragraph of an
Extract from the Minutes of Consultations
dated the 6th March 1850, is contained the
opinion of the Right Honorable the Governor
in Council against this measure.

With reference to the remark
in the 40th paragraph of the Report, that
in cases of murder it frequently happens,
that no inquest whatever upon the view
of the dead body is taken by the Police Officers
the Court of Sudder Dewanny Adawlut observe, that
every instance of such omission should
be brought by the Judge on Circuit to the
notice of the Magistrate, and the duty pointed
out by the latter.

In the 47th paragraph of the

T. K.

At a Court of the Tonjadarce Udalut.

Present,

Wednesday 24th August 1831. F. A. Grant, Esqre 1st Puisne Judge.
John. Bird Esqre acting 2nd Puisne Judge.

Read petition, presented on the 17th Instant, by Narainrao Reddy.
(Bore enter Inds: Petn No 66 of 1831)

Petitioner states that he has left his country through fear of injury from the persons, who were brought to trial on the charge of assaulting him, and released on security, and he prays the Court of Tonjadarce Udalut to make an enquiry into the case.

2 The Court of Tonjadarce Udalut have gone into a full examination of this case, and directed sufficient security to be taken for the protection of the petitioner.

3 Nothing more can be done by the Court, and if the petitioner has any complaint to make, he should address it to the Magistrate.

Ordered, that extract of these proceedings be furnished to the petitioner on his application.

Read petition, presented on the 17th Instant, by Lutchmee Ammal of the Zillah of Cuddapah.
(Bore enter Inds: Petn No 67 of 1831)

the Report the Acting 3rd Judge submits to the
State of the police in Tinnevelly on a list
subject a communication was made by him
to the Court of Sessions last month date
the 17th February last as required for the purpose
of the Magistrate and the Provincial Court of
Circuit.

4.

In laying before the Right Hon
Honorable the Governor in Council Notes com
munications and the remarks of the Magistrate
thereon, submitted by the Provincial Court
of Circuit under date the 8th Instant the
Court of Sessions think it due to observe
that the spirit and tone of the Report bears
date the 17th Instant appear to them
to be open, that the officer is not present
doing all that is necessary to secure prompt
effect to the system of police provided by
the existing Regulations.

7.

Should the suggestions offered
by Mr Bayley in the 63rd paragraph of the Report
be deemed by the Right Honorable the Gover
in Council to deserve consideration, the
Court of Sessions think it would be proper
a reference to the several Magistrates
for their opinions as to the practicability
of introducing the system recommended.

Ordered that a copy of the Right
of the Acting 3rd Judge's letter dated the 17th
February last, and of this letter, under the
8th Instant from the Pro

22nd August 1872

Circuit in the Southern Division with
extract of this proceedings be sent to the
Chief Secretary to Government, for the
purpose of being laid before the Right
Honorable the Governor in Council
(but following letter No 1475.

Ordered also that extract
of these proceedings be sent to the Acting
3rd Judge of the Provincial Court of Circuit
in the Southern Division by precept, enjoining
him to make the requisite communi-
cation to the Magistrate of Madura
and submit their explanations thereon
and submit for
(but of Sessions Precept No 1476

Read also petition, presented on the 17th Instant by Messrs Ingatson of the Zilla of Cuddapah

(Bere enta Minute Petn No 68 of 1831)

The petitioners pray reprieve of the sentence of the former and the death of the latter, who were brought to trial before the Court of Circuit on each of the Cuddapah Calendars 1st Sessions of 1831, which was referred to the Court of Sudder Dewanny Adawlut for confirmation

2 The Court direct that the petitioners be informed, that the rebellion of the two persons mentioned in the petition was considered by the Court of Circuit to have been aggravated by circumstances of peculiar atrocity, and that the Court of Sudder Dewanny Adawlut see no reason to interfere with the sentence passed upon them by the Court of Circuit

3 The petitioners at the same time have been informed, that the Court have been in attendance since the 16th May last, when similar petitions were presented by them

4 The Court of Sudder Dewanny Adawlut direct, that a translation of this order be furnished to the petitioners, that no attorney or other person will be paid, for petitions addressed to the Court on behalf of prisoners under trial before them

Ordered, that a extract of these proceedings be furnished to the petitioners on their application

Read also petition, presented on the 17th Instant by Ramasawmy Iyengar Vakeel of the Court of Sudder Dewanny Adawlut on behalf of Ramasawmy Moodelliar, Ramasawmy Chitty, Ramasawmy Moodelliar, Ramasawmy Chitty, and Ramasawmy Moodelliar of the Zilla of Chingleput

(Bere enta Minute Petn No 69 of 1831)

The petitioners pray reprieve of the sentence passed upon them by the Court of Circuit on each of the Chingleput Calendars 1st Sessions of 1831, which was referred to the Court of Sudder Dewanny Adawlut for confirmation

2 The Court direct that the petitioners be informed, that the rebellion of the persons mentioned in the petition was considered by the Court of Circuit to have been aggravated by circumstances of peculiar atrocity, and that the Court of Sudder Dewanny Adawlut see no reason to interfere with the sentence passed upon them by the Court of Circuit

3 The petitioners at the same time have been informed, that the rebellion of the persons mentioned in the petition was considered by the Court of Circuit to have been aggravated by circumstances of peculiar atrocity, and that the Court of Sudder Dewanny Adawlut see no reason to interfere with the sentence passed upon them by the Court of Circuit

4 The Court of Sudder Dewanny Adawlut direct, that a translation of this order be furnished to the petitioners, that no attorney or other person will be paid, for petitions addressed to the Court on behalf of prisoners under trial before them

Ordered, that a extract of these proceedings be furnished to the petitioners on their application

Read also petition, presented on the 17th Instant by Ramasawmy Iyengar Vakeel of the Court of Sudder Dewanny Adawlut on behalf of Ramasawmy Moodelliar, Ramasawmy Chitty, Ramasawmy Moodelliar, Ramasawmy Chitty, and Ramasawmy Moodelliar of the Zilla of Bellary

(Bere enta Minute Petns No 69, 70, & 71 of 1831)

The petitioners are the same persons, whose petitions were rejected by the Court of Sudder Dewanny Adawlut under date the 27th Ultimo, and these petitions are repetitions of those so rejected

For the reasons recorded for the rejection of the petitions, Nos 47 and 48 of 1831, these petitions are rejected, and the Court direct, that the petitioners be informed, that no further petitions on the subject will be received.

Ordered, that a extract of these proceedings be furnished to the petitioners on their application.

At a Court of the Fingoe Adalet.

Present:

Monday. 29th August 1831. F. S. Grant Esqre 1st Puisne Judge.
John Bird Esqre acting 3rd Puisne Judge.

Read letter, dated the 27th instant,
from the 3rd Judge late on Circuit in the Centre
Division, transmitting the record in cases to
of the Autopsahi Calendar for the 1st Sessions
of 1831, called for by precept of the 13th June
last.

(Here enter Nº 567)

The 3rd Judge late on Circuit
in the Centre Division having disapproved
of the finding given by his Land Officer in
the above case, was desired by the Court of
Fingoe Adalet to submit the trial without
delay, and to suspend his order for the
recognizance of security from the Prisoner,
pending the reference

The First and Acting Third
Puisne Judges having maturely considered
the Proceedings held before the Judge on
Circuit, the findings of the Provincial Law
Officer, and the findings of the Assessor Boyd
and Members of the Fingoe Adalet, do
confirm the said findings of the Assessor
Boyd and Members aforesaid, acquitting
the Prisoner

Discharged by Remainder

of the crime laid to his charge, and accord-
ingly direct that he be unconditionally
released

released.

Ordered, that a Extract of these proceedings be forwarded to the 2d Judge late on Circuit in the Pooler Division for his information in any instance by Exempt returnable without Delay.

(Instt. for Issuing Exempts 1831

The Right Honorable the Governor in Council not having deemed it proper to grant the Native Judges of South Arcot and Chingleput with the powers of Magistrates under Clause First Section XIV Regulation VII of 1816

2 Ordered, that the instructions issued under date the 17th Instant to the Provincial Courts in the Northern and Central Divisions, relative to a form of half yearly Criminal Statement to be furnished by the Native Judges, be cancelled.

Ordered, that extracts of these proceedings be sent to the Provincial Courts of Circuit in the Northern and Central Divisions by Exempt requiring them to recall the instructions issued and communicated to the Native Principal Judges of South Arcot and Chingleput.

(Instt. for Issuing Exempts 1831

1 The Court of Sudder Adawlut have had under consideration the returns received from the Provincial Courts in the Western, Centre and Southern Divisions for the Months of April, May and

from which it appears, that their circular orders under date the 17th January last have not produced generally, the results which might have been anticipated.

2. It appears, that in the Jails in the Western Division, nothing whatever was realized by the sale of the produce of the labour of the prisoners, during the above period: the number, however, in confinement in the Jails of Honore, and Tellicherry, who were liable to labour, was so small that no productive result could have been fairly expected.

3. In the Centre Division a trifling sum was realized in the Cuddapah Jail only, during the months of April and May: and in June some return was obtained in all the jails, excepting those of Chittoor and Bunhanny from the latter of which, however, nothing was to be expected, with reference to the small number of prisoners confined there.

4. In the Southern Division during the months of April and May some returns were obtained in the Jails of Salem and Trichinopoly only. In June a trifling sum was realized at Salem and a considerable amount from the labour of the prisoners at Trichinopoly.

5. No return was to be expected from the labour of the few persons confined

confined in the jail at Simonstown.

6. The Court of Inquiry deem it proper to direct the Provincial Courts of Circuit for the Western Eastern Southern Divisions to call upon the Criminal and Joint Criminal Judges, subordinate to them respectively, with the exception of the Joint Criminal Judges of Bunaard, Malahan, and Knapman, to report what measures they have taken to carry into effect the instructions contained in the Circular orders of the Court of Inquiry dated the 19th January last, in which the necessity of enlightening the prisoners on the most striking the highest possible return was strongly urged.

The Court of Inquiry also think it advisable on the present occasion to modify and amend the form of return, so as to circulate with their orders above mentioned. The 9th column to exhibit the amount of expenditure for the food only of the prisoners, and next of that incurred for their clothing; and the 10th does not exhibit the value of the produce of the labour, but merely the amount brought in by that portion of it which can be sold, so that the value of the cloth, mats, and other articles manufactured by the prisoners, and contained in the Gaols and of the bricks and other materials

K. N.
29th August 1881

may be furnished for Government buildings, are not, as they clearly ought to be, taken into account.

The following particulars are, therefore, to be inserted in columns 9 and 10 of the statement to be furnished monthly by the officers in charge of Gaols, viz: Column 9 "expence incurred for the food and clothing of the prisoners during the month." Column 10 "estimated value of all articles produced by the labour of the prisoners during the month after deducting the price of the raw materials."

The estimate referred to in column 10 must be formed from the average local valuation of the articles at each station.

Ordered, that extract of these proceedings be sent to the Provincial Courts of Circuit on the Western, Centre and Southern Divisions by first post attainable in time to allow of their receipt within twenty days from the date of its receipt.

(Extract following precept No 1283)

Ordered also, that paragraphs 7 and 8 of these proceedings be sent to the Provincial Court of Circuit on the Northern Division for their information and guidance.

(Extract following letter No 1284)

Re-

Read letter dated the 24th Instant from the Acting Criminal Judge of Bellary submitting the copy of a correspondence between himself and the Acting Judge on Circuit in the Canara Division, of whose remarks he complains, as being very prejudicial to his character as a public servant.

(Here enter No 682 of 1831)

The Court of Sudder Adawlut having perused the foregoing correspondence are of opinion, that the Acting Judge on Circuit in the Canara Division may properly ascribe to the Acting Criminal Judge in his proceedings, dated the 22nd Instant neglect of duty without having in the first instance called for an explanation

2 The Court of Sudder Adawlut further consider, that the consolidated return of the same date as referred to in the 2nd paragraph of the Acting Criminal Judges proceedings should be addressed to the superior officer

3 The Court request that the future official intercourse of these officers will be conducted in a more becoming manner.

Ordered, that a copy of these proceedings be sent to the Acting Judge on Circuit in the Canara Division, and to the Acting Criminal Judge of Bellary for their information and future guidance.

Sent following letters No 485

Read again letter, dated 4th March last, from the Provincial Court of Circuit in the Western Division, submitting the half yearly Criminal Statements ending the 31st of December 1830

(Here enter No 147.)

The Annual Report of the Magistrates on the state of the Police in their respective Districts not having been submitted along with the half yearly returns up to the 31st of December 1830 as directed by the Circular Orders of this Court of the 15th November 1824, the Court of Sudder Adawlut direct that the several Magistrates and their Subordinates within the jurisdiction of the Provincial Court of Circuit in the Western Division, be called upon to submit their reports without further delay thro' the Channel of that Court, who in submitting the same to the Court of Sudder Adawlut will in compliance with the orders contained in the 22nd para of their proceedings of the 29th July 1829 copy of which accompanied their circular orders of the 15th of November of the same year, record such observations and remarks thereon as to them may appear necessary.

Ordered

29th August 1831.

Ordered, that extract from this proceedings be forwarded to the Provincial Court of Circuit in the Western Division for their information and guidance by first opportunity returnable without delay.

(Sent following Receipt No 1858

Read return, dated the 15th Instant made by the Provincial Court of Circuit in the Centre Division to the precept of this Court of the 27th of June last calling for explanation from the Magistrates on 9 Criminal Judge of Chinglepute on certain cases entered in the Criminal Report No 5 for the Month of April last

(Here enter No 870)

With the above return the Provincial Court of Circuit submits a copy of the return made by the Magistrate of Chinglepute, in which the Officer states his inability to give the information required, respecting the detention of the Prisoners committed in case No 93 and 94 of the Calendar furnished to the Magistrate by the Criminal Court and the reasons of the 2 parties not appearing &c

The Court of Sudder Adawlut desire that the Provincial Court of Circuit will, on all occasions, understand when applying to the Magistrates for explanations from returns

29th August 1831.

to the Criminal Courts, furnish those Officers with an extract from the Report, copying the case as it may be entered in the Report submitted by the Criminal Judge.

Ordered, that extract from this proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance.

(Sent following letter No 1887

Read letter, dated the 17th Instant, from the Provincial Court of Circuit in the Southern Division, transmitting explanations received from the different Authorities on Criminal Reports for May last.

(Here enter No 870)

Read return, dated the 27th Instant, from the 3rd Judge late on Circuit in the Central Division, to precept of the 27th Instant, conveying the conformation by the Court of Sudder Adawlut of the sentence passed by the 3rd Judge late on Circuit in No 16 of the Bellary Calendar 1st Sessions of 1831

(Here enter No 624)

Read return dated the 16th Instant from the Provincial Court of Circuit in the Western Division, to precept dated the 18th June last, calling for explanation in certain cases entered in the Criminal Reports for the month of February last.

(Here enter No 617.)

31st August 1831.

Fiat

In Court of the Bijdarree Talatuk.

Present.

Wednesday
31st August 1831

F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2nd Puisne Judge

Read petition presented
in person by Narrainsamy Moodely of
the Zillah of Chittoor.
(Case enter Miscellaneous No 172 of 1831)

Petitioner's application for
copies of the English translation of certain
depositions contained in the record of the
Trial in case No 1 of the Chittoor Zillah
Criminal Calendar for the 3rd Quarterly
Session of 1829, which was referred
to this Court

Ordered, that the Petitioner
be informed, that his application
should have been made to the Judge
of Circuit who presided at the Trial.

Ordered, that extract of these
proceedings be furnished to the petitioner
on his application.

Read letter stated the 2nd Instant,
from the Acting Third Judge late on
Circuit in the Southern Division, transmit-
ting the record of proceedings in case
noticed in the Calendar for the 1st Session
of 1831. (Case enter No 500)

The

31st August 1831.

The Prisoner
3rd Ranger Cimbon
stood forward to the bind of the case by
the Circuit Court

The Prisoner to day First Assistant
Judges having maturely considered the
Proceedings held before the Judge on
Circuit, the finding of the Prosecutor Law
Officer, and the finding of the Cazee and
Cazeat and Proofs of the Case above
stated, confirm each part of the said
finding of the Cazee and Cazeat and
Mooftee referred to and convict the
Prisoner

5th Calculating Circumstances
of the crime of receiving stolen property
obtained in the perpetration of robbery by
open violence knowing it to be such and
under the sentence of Subsection annexed
in the finding and the provisions of the
second Section X Regulation XII of 1832
adjudge him to be imprisoned and kept
to hard labor in irons on the public
roads or other public works for the
period of [illegible] seven years

The First and Acting Third
Puisne Judges being of opinion, that the
proof against the Prisoner

31st August 1831.

is sufficient to convict them of the crime
of murder, under the authority with which
they are vested by Clause first Section II
Regulation I of 1818 do convict them thereof,
and under Section X Regulation XIII of 1803
adjudge them to suffer death by being hanged
at the usual time and place of execution,
and concurring in opinion that the Prisoner

4th Maurer
is not convicted of the crime laid to his charge,
on strong presumptive proofs or on the
evidence of credible Witnesses, or on his own
confession, notwithstanding the finding of
their Law Officers, the First and Acting Third
Puisne Judges against him thereof, But
considering that strong suspicion attaches
to him, they direct under Clause Second
Section X Regulation XII of 1827, that he
be required to find two sureties in 200
Rupees each for his good behaviour
and appearance whenever required or
in default thereof that he be detained
in confinement.

(sent the following letter to

Pole

At a Court of the Toujdaree Adawlut

Present

Friday 2d September 1831. J. A. Grant Esqre 1st Puisne Judge
John Reid Esqre acting 3d Puisne Judge

Read letter, dated the 13th Instant from the 3d Judge late resident in the Central Division, submitting the record of the proceedings in the case No 5 of the Cuddapa Calendar for the 1st Session of 1831.

Execution No 12.

On the 13th of June last the Court of Toujdaree Adawlut, on a review of the Cuddapa Calendar, observed that the 3d Judge had disapproved of the opinion given by his Law Officer in the above case, as far as it regarded the 4th prisoner, but abstained from disturbing the Judgment passed on the proof against the said prisoner, released on Security by the 3d Judge, appeared from the abstract of the evidence as entered in the Calendar to be quite insufficient for his conviction.—

The Court subsequently had occasion to refer to the opinion of the Law Officer in the above case No 5, and perceived that the 3d prisoner had been in the first instance acquitted by the Law Officer; that the 3d Judge had put a second question, though the objection of the Law Officer was not grounded solely upon a personal exception, but upon the insufficiency of the evidence, and that he had upon the answer to the 2d question passed sentence upon the 2d and 3d prisoners, and the Court therefore on the 24th June last desired the 3d Judge to suspend his sentence and to refer the trial.—

The

2d Sept. 1831.

3

The first and fourth Prisoners were released upon their entry by the Court of Circuit.

The First and Acting Third Puisne Judges having maturely considered the proceedings had before the Judge on Circuit, the sections of the Provincial Law Officers, and the sections of the Cayen et Coyet and Manpetten of the Tengganu Adat on which the said sections of the Cayen et Coyet and Manpetten of the Tengganu Adat are founded, acquitting the Prisoners

2d Encik Embah

and

3d Encik Pengadap

of the crime with which they were charged, and accordingly direct that they be discharged.

Ordered that a Copy of these proceedings be sent to the 3d Judge sitte in Circuit at the Centre Division for his information and guidance by first opportunity.

(Sent following from 16 to 19)

The Copy of the Malacca Circuit Calendar for the 4th Quarter of 1830 and having been received from the Pedang for the Acting Judge of the Court of Circuit in the Northern Division.

Ordered that the Acting Judge be by first opportunity commanded to transmit the same to this Court without further delay.

(Sent following from 20 to 22)

Copy submitted to the 2d Judge from the Acting 3d Judge at present sitte in Circuit at the Centre Division for the perusal of this Court at Kellang.

(to

Sept

2d Sept. 1831

Read return dated the 20th Ultimo from the Provincial Court of Circuit in the Northern Division to precept of the 18th June last directing that a copy of the proceedings of the 1st Judge late on Circuit which accompanied his precept of the 27th November last to the Magistrate of Vizagapatam relative to the case No. 10 Chicacole Calendar 2d Sept. 1830 be sent to the Tengganu Resident.

(Here enter No. 630)

Read letter dated 19th Ultimo from the 1st Judge on the 6th Inst. transmitting the records of proceedings in Case No. X Cuddapah Calendar 1st Sept. 1831 for the final orders of this Court.

(Here enter No. 638)

E. H.

At a Court of the Royal Alexandra

Present,

Monday,
5th September 1831. F. A. Grant Esqre 1st Puisne Judge.
John Bird Esqre Acting 2nd Puisne Judge.

Read letter, dated the 28th Ultimo,
from the 2nd Judge on Circuit in the Southern
Division, submitting the record of the Trial
in Case No 2 of the Criminally Calendar 2nd
Sessions of 1831.

(Here enter No 81)

The Court of Royal Alexandra having
observed, that in the 7th paragraph of the letter of
the 2nd Judge submitting the translations of
the Record of the above Trial it is therein written
"The 2nd witness Maradana Pawten deposed to
all the circumstances attending the beating
and killing as detailed by the Prosecutor and
1st Witness"

2 Upon reference to the translations of the
depositions of those Persons it appears that they
both identified the 1st Prisoner as the person
who struck the deceased Pullan and him on the
head, but according to the translation the
2nd witness expressly declared not only in
his deposition before the Court of Circuit
but in those given before the Magistrate
and Criminal Judge that it was the 2nd
Prisoner who inflicted the blow the same
officer in his Journal also declares that
the 2nd witness Maradana Pawten and

states that the 1st Prisoner struck the deceased Puttanaidem a blow on the head

3. The Court of Enquiry desirable therefore desire to be informed with as little delay as possible whether this was a mistake of the 2nd Judge and of the law Officers, or whether there is an error in the translation.

Ordered, that extract of these proceedings be sent to the 2nd Judge on Circuit in the Southern Division for his information and guidance by Precept, returnable without delay.

(Sent for Precept No 2496

The copy of the Order for Precept has been received from the Acting Judge on Circuit in the Central Division.

Ordered that the Acting Judge be by precept commanded forthwith to transmit the same and to explain the delay which has occasioned

Ordered that extract of these proceedings be sent to the Acting Judge on Circuit in the Central Division by precept returnable in three months from date of precept

(Sent for Precept No 2497

Read letter dated the 31st ultimo from the Second Judge

Southern Division, transmitting the record of trial in case No 2 Inquiries Calendar for the 2nd Sessions of 1831.

(Vide enter No 571.)

The First and Acting Third Judges

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

"Mandanmon Chetty,"

is sufficient to commit him of the crime of murder, under the authority with which they are vested by Clause First Section III Regulation I of 1818, to commit him thereof and sentence him to suffer death, as prescribed by Section X Regulation VIII of 1802 by being hanged at the usual time and place of execution.

(Sent forthcoming letter No 2498.

Read letter dated the 30th ultimo from the Acting Judge on Circuit in the Northern Division, transmitting the record of trial in case No 4 Supplemental Sub Calendar for the 1st Sessions of 1831.

(Vide enter No 625.)

The First and Acting Third Judges

Judges having maturely considered the proceedings as held before the Judge on Circuit, the Sentence of the Provincial Law Officers, and the Sentence of the Judge

and

5th September 1831

5th September 1831

ool Cooyal and Proceedings of the Tongdaree Mohatut, confirm the Conclusions of the Cazee ool Cooyal and Mooftees respectively regarding the Prisoner

Khiech Ramgool

of the crime of Perjury laid to his charge and direct that he be released

(Sentg[ence] Warrant Letter No. 99

Read return, dated the 27th Ultimo from the acting Judge take on Circuit in the Southern Division, to precept dated the 22nd Ultimo, directing him to call on the Magistrate of Madura for an explanation of his omission to make due return to precepts issued to him by the acting Judge

(Hereunto No 638 of 1831)

1 From the foregoing return it appears that the acting Judge received two precepts to the Judge of Madura dated the 28th January 1831 to which returns were not made until the 19th January and the 4th June last and that by another precept dated the 3rd January he returned as moreover until the 30th June last for which delays no cause has been assigned

2 The consideration of which may claim some of your attention to the conduct of the Court of Session

for the information of the Court of Tongdaree Mohatut and of the Government.

Ordered, that extract of these proceedings be sent to the acting Judge take on Circuit in the Southern Division by precept, returnable in ten days from and after its receipt.

(Sent to Colombo Precept No 500

Read return, dated the 27th Ultimo from the 2nd Judge of the Provincial Court of Circuit in the Central Division to precept, dated the 22nd Ultimo calling for the Records of the trials No 1 and 14 Chingleput Calendar 2nd Sessions of 1830.

(Hereunto No 634 of 1831.)

1 In the foregoing return the 2nd Judge states, that the delay in submitting the above trials "has resulted from the absence of the writers attending the two Judges on Circuit, one established "ment being at Chingleput and the other "at Bellary."

2 The Court of Tongdaree Mohatut direct, that the 2nd Judge of the Provincial Court of Circuit do with as little delay as possible send the establishments with him to Chittoor, and that he be required by precept forthwith to send up the copy of the Chingleput Calendar 1st Sessions of 1831

Present

5th 5th September 1837

Receipt returnable in two days from and after its receipt.

(Sent following Receipt No 201)

Rec'd return dated the 30th Ultimo from the Judges of the Provincial Court of Circuit in the Southern Division, to Precept of the 27th June last, remanding the Boy James Robertson to the Criminal Sessions from the Southern Division for April last.

(Here enter No 641)

Rec'd return dated the 31st Ultimo from the Provincial Court of Circuit in the Northern Division, to Precepts of the 5th instant directing the Commandant Police to instruct the Magistrates in the Division to provide in their Sentences for the Imprisonment of the Prisoners at the end of each Sessions period not exceeding 12 months (agreeably to the cases decided upon in Clause 3rd Section VII Regulation VI of 1837) or to remit them may Send a Person to the Criminal Court under Section III Regulation II of 1832 and Section VIII Regulation VI of 1837

(Here enter No 642)

Rec'd return dated the 31st Ultimo from the 3rd Judge Eastern Circuit in the Centre Division, to Precepts of the 25th Ultimo directing that the Prisoner

5th September 1837 Ramoodoo in No 1 of the Cuddapah Calendar 1st Sessions 1837 be unconditionally released.

(Here enter No 643)

Rec'd letter, dated the 27th Ultimo, from the Provincial Court of Circuit in the Northern Division, forwarding the report of the death of Prisoner in No 10 Chicacole 1st Calendar 2nd Sessions 1837.

(Here enter No 644)

Rec'd letter, dated the 5th Instant, from the 3rd Judge Eastern Circuit in the Centre Division, forwarding the Warrant for the execution of the 2nd 3rd and 4th Prisoners in No 1 Cuddapah Calendar 1st Sessions 1837 returned by the Acting Criminal Judge.

(Here enter No 645)

2d 4
15

1111

At a Court of the Tongdawa Udarata

Present,

Wednesday 7th September 1831. T. J. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 3d Puisne Judge

Read petition presented in person by Cuneckala Soonkre of the Pilla of Belland (Vide enter Mis: pet. of No 29 of 1831)

The petitioner complains of the sentence passed by the Circuit Court on her two sons Sookadoo and Gungadoo concerned in case No 5 of the Cuddapan Calendar for the Sessions of 1831 and prays that order may be issued for their release.

Ordered that the Petitioner be informed that the Court, upon mature consideration of the Record of the trial in the above case, deeming the prisoners above alluded to not convicted of the crime laid to their charge, have directed their unconditional release.

Read petition presented in person by Pungamuah.

(Vide enter Mis: pet. of No 74 of 1831)

The petitioner represents that her son has been unjustly apprehended by the Police in the Tinderanum Talook and forwarded to the Criminal Court of Chunghatte on a charge of theft, and she prays that the Court will give orders for his release.

Ordered that the petitioner be

7th Sept. 1831. be informed that the Court of Sessions should not cannot interfere on the present stage of the proceedings

Read petition presented in person by Sardar Sawan Singh Mookhtiar on the part of [illegible] (Received the 6th Sept. 1831)

The petitioner requests to be furnished with an attested copy of the proceedings petition presented to this Court by aforementioned Sardar Singh on the date the 2nd July 1831.

Ordered that a copy of the petition above alluded to be furnished to the petitioner on the fulfilment of the requisite stamp paper

It is hereby ordered that the Criminal Court of Sessions do proceed to the trial of Ramdhun Bhuttacharjee on the 10th August 1831 in case that Court to have and the English translation of the proceedings of the Magistracy of Calcutta on the case of the said Ramdhun Bhuttacharjee

2

The Court of Sessions do direct that the Criminal Court in the Alipore Division do recommend to Ramdhun Bhuttacharjee the said and that good and sufficient reasons be shewn for their not having embraced the favourable view of the Court of Sessions herein set forth

Prisoner is remanded to jail to be brought from thence to the Criminal Court of Sessions on the said day

(Sent for Clerk of Peace's No 503)

7th Sept. 1831.

Read letter, dated the 1st Sept. 1831 from the 1st Judge late on Circuit in the Central Division, submitting Case No 1 of Chitpore Calendar 1st Sessions 1831.

(Recorded No 5924)

The First and Acting Third Judges on a mature consideration of the circumstances of the Case in evidence before them concurring in opinion, that the proof against the prisoner

Proofs

is sufficient to convict him of the crime of Murder, under the authority with which they are vested by Clause first Section III Regulation I of 1818 do convict him thereof and sentenced him to Suffer death, as prescribed by Section X Regulation VIII of 1802 by being hanged at the usual time and place of execution.

(Sent following letter No 503)

Read letter, dated the 20th Aug. 1831 from the 2nd Judge Circuit in the Southern Division, transmitting Case No 54 of Madura Calendar 2nd Sessions 1831.

(Recorded No 5925)

The Prisoner

37 Years of age

was acquitted by order of the Circuit Court

The First and Acting Third Judges on a mature consideration of the circumstances of the Case in evidence before them concurring

At a Court of the Foujidaree Adalut.

Present,

Friday 9th September 1831. — T. C. Grant Esqr. 1st. Puisne Judge.
John Bird Esqre Acting 3d. Puisne Judge.

Read letter dated the 31st. Ultimo, from the Criminal Judge in the Zilla of Madura, submitting the Report required by Section XXXVI Regulation X of 1810.—

(Vide letter № 038.)

With reference to the entry in the third Column of the Report of persons confined in default of Security for their future good behaviour and appearance when required, certifying the inability of the Criminal Judge to record the date of the Commitment of the prisoners in cases №s 2 and 13 of the Tinnevelly Calendar for the 2d Sessions of 1830, the prisoners having been sent by the Joint Criminal Judge at Tinnevelly without a Memorandum to that effect.

Ordered that the Criminal Judge of Madura be directed to make application to the Joint Criminal Judge at Tinnevelly the Records of whose Office will afford the information.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Madura for his information and guidance.

(Sent following letter № 577)

Read letter, from the 2d. Judge of the Court of Circuit in the Central Division, submitting the

7th Sept. 1831.

concurring in opinion, that the Prisoners
1st Congamoodoo
2d Mayangoodoo alias Lucas, Marungoo
and
the Sorabayakar, should, in consequence
of their conviction of the crimes with which they
were charged, on strong presumptive proof
of the crimes of which they stand convicted,
now confirmed, notwithstanding the provisions
of the Law referred to under Clause 2d
Section II Regulation XV of 1813 that they be
released.

With reference to the 2d Judge's
order directing the detention of the 1st Prisoner
Congamoodoo in Irons until the case of the prisoners
should be laid before the Court of Sudder Adawlut, the Court of
the 2d Judge that the Charge against the
prisoner was not in his opinion sufficient
their detention in Irons should have been discontinued
pended with a reference to the circumstances
ported to the Court of Circuit in the Southern
Division in the proceedings of the Court
been closed after the 7th January 1825.—

Ordered that Extract of these
proceedings be forwarded to the 2d Judge
Circuit in the Southern Division for his in
formation.

(Sent following letter № 577)

7th & 9th Sept. 1831.

Case No. 3.

the 4th, 5th and 6th Enclosures of Calendar
Station for the 2d Quarter of 1831.
(Remember No. 3)

Extract from the Minutes of the Proceedings of the above Calendar of Cases for the 1st and 2d instant, laid before the Criminal Court of Jamaica on the 5th instant, for the purpose of obtaining the opinion of the Court thereon.

Extract from the Minutes of the Proceedings of the Court of Grand Sessions held at Kingston in and for the County of Surrey on the 7th day of September 1831.

Ordered that the Clerk of the Crown do forthwith transmit to the Judges of the Court of Criminal Jurisdiction for the Island of Jamaica, the information and recognizance of Thomas Hall, and the depositions taken against him, and returnable within 8 days from the date hereof, to the end that the said Thomas Hall may be dealt with according to law.

Extract from the Minutes of the Proceedings of the Court of Grand Sessions held at Kingston in and for the County of Surrey on the 9th day of September 1831.

Ordered that the Clerk of the Crown do forthwith transmit to the Judges of the Court of Criminal Jurisdiction for the Island of Jamaica, the information and recognizance of Thomas Hall, and the depositions taken against him, and returnable within 8 days from the date hereof, to the end that the said Thomas Hall may be dealt with according to law.

Extract from Minutes No. 575

5

E. No.

At a Court of the Criminal Jurisdiction Holden at
Present,

Saturday,
10th September 1831.

The Hon. J. Grant Esqre 1st Puisne Judge.
John Bird Esqre Acting 2nd Puisne Judge.

Read Letter, dated the 19th ultimo,
from the Provincial Court of Record in the
Western Division, submitting the Reports
required by Section XXXV Regulation X of 1816,
from the several Criminal and Joint Crimi-
nal Judges in the Division and the Circuit
Criminal Judge of Cornwall for the Month
of July last together with their proceedings
thereon.
(Here enter No. 682)

The Court of Criminal Jurisdiction Holden
are of opinion, that if the crime with
which the 1st prisoner in Gaol No. 1 of
the Report No. 5 is charged to be guilty
proved, and unless there were circumstances
of extenuation attending the case not
recorded by the Criminal Judge, the
sentence awarded by that Officer is in-
adequate - breaking and entering into
a house during the night time and
committing theft, called for a more
severe punishment than six Months
imprisonment and hard labour in com-
mon gaol, the value of the property stolen
was

was tingling -

2 The Court are also of opinion that if the Burglary was proved the sentence passed on the 1st prisoner in Case No 1 of the Report No 5 is inadequate -

3 The Court also direct that the Criminal Court of Mount point out to the Criminal Judge of Chittagong that the persons entered in the 39th 40th 41st 42nd and 45th prisoners should not have been included in the Case No 57 of the Supplemental Report and that the five points to be set at the Commitment of the Criminal Judge

Malahan 4 The Criminal Court of Mount will direct the Criminal Judge of Malahan in future to abstain from entering in the Supplemental Report of the Cases assigned by the Magistrates and Police Officers of Police for the delay in forwarding prisoners to the Criminal Court, such explanations having come under the review of the Court in the Report No of the previous Month

Tellicherry 5 Upon examination of the Statement showing the total number of persons confined in the Tellicherry to the Auxiliary Court of Circuit and the

the Convicts were employed during the Month of July last, the Court of Sessions observed have been struck with the very large amount entered in Column 9 as the expenses of the prisoners, in number 175, who were in confinement in the Jail during the above period, and presuming that there must either be some mistake in the Calculation, or that the total embraced charges which properly should not be included in this Statement, ordered that the Joint Criminal Judge in charge be directed to furnish an explanation on the subject thro' the Provincial Court of Circuit.

Rupees 5. 5. 3/2

Ordered, that a extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, desiring them to communicate the above to the Officers whom it may concern by precept, returnable within ten days from and after its receipt.

(Sent following Precept No 513)

At a Court of the Fuejdaree Adalut.
Present.

Monday
19th September
1831. F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 3rd Puisne Judge

Read letter, dated the 2nd Instant,
from the Joint Criminal Judge in the
Zillah of Maowra, submitting the Report
required by Section XXXVI Regulation X of
1816 made up to the 18th of August of the
present year.

(Here enter No 65)

In conformity to the Circular
Orders of the Fuejdaree Adalut under
date the 27th of October last, the Judges
desire that the Provincial Court of Revw
in the Southern Division be directed
to issue orders for the transfer to the
Jail at Maowra of all the prisoners
confined in the Jail attached to the
Auxiliary Court at Jumuckly whose
Sentences may exceed one year imprisonment.

Ordered, that extract from
these Proceedings be forwarded to the
Provincial Court of Circuit in the
Southern Division for their
information

information and guidance.

(Sent following letter No 503
Read letter dated the 29th ultimo
from the Provincial Court of Circuit in the
Southern Division, submitting the Report
required by Section XXXV Regulation XII of
from the Sessional Criminal and Sessions
Criminal Judges in the Division for the
Month of July last, together with and
extract from the proceedings thereon.

(Here enter No 606)

The Court of Sudder Adawlut
decline that the Provincial Judge
in the Southern Division do call upon
the Criminal Judge on the Zillah of
Madura to explain the grounds on
which he considered himself authorized
to pass sentence on the 10th prisoner
in Case No 55 of the Report No 3 com
mitted of Accidental Homicide.

2. With reference to the 15th
para of the extract from the proceed
ings of the Provincial Court of Circuit
the Judges of the Sudder Adawlut
consider it unnecessary to offer an
opinion respecting the form of charge
in the present case, any orders or
instructions on

that offence having been specially
provided for in the draft of the new
Regulations about to be submitted
to Government.

Ordered, that extract from
these proceedings be forwarded to
the Provincial Court of Circuit in
the Southern Division, desiring them
to communicate para 1 to the Criminal
Judge in the Zilla of Madura for his
information and guidance by precept
returnable in one week from the
date of its receipt.

Sent following precept No 515

Read again letter, dated the 15th
ultimo, from the 2nd Judge on Circuit in
the Southern Division, submitting the record
in case No 6 Madura Calendar 2nd Sessions
1881.

(Here enter No 607)

Read second petition delivered
in this case by the Acting Advocate and
Moofties of the Pungalarce Malabar.

The First and Acting Third
Puisne Judges having maturely considered
the proceedings held before the Judge
on Circuit, the petitions of the Provincial
Law Officer, and the petitions of the Acting
Advocate and Moofties of the Pungalarce
Malabar, confirm the said petitions of the

Acting

12th September 1881

Cazeu ool Cazat and Thanpthas aforesaid, con-
sisting the Prisoners

1st Tarangangadam
2nd Cathpum, alias Tadavarayan
3rd Selumban alias Selumbanan
4th Chokalingam
5th Venkatachalam, and
6th Ringanathan Servai,

of Gang Robbery attended with aggravating
circumstances, for which the penalty is
specially denounced in Section IV Regulation
XV. of 1803 and under the Sections of Section
XXVIII of the Penal Code and Clause 2nd Section
IV Regulation XV of 1803 against
the Prisoners,

1st Varangangadam
2nd Cathpum alias Tadavarayan
3rd Selumban alias Selumbanan
4th Chokalingam
and
5th Ringanathan Servai

to be severally transported to such place
or places beyond Seas as the Right Honorable
the Governor in Council may appoint and
to be imprisoned and kept to hard labor
in irons on the public roads or other public
works, for the period of (14) fourteen years.

(Sent following letter No 5748

12th September 1881.

334 344 116

113

12th September 1

L. Ha

At a Court of the Louisiana Volunteers

Present,

Wednesday 14th September 1831. P. H. Grant Esqr 1st Puisne Judge.
John Bird Esqr Acting 2nd Puisne Judge.

Read Letter, dated the 4th instant,
from the 2nd Judge on Circuit in the
Southern Division, submitting copies of
the Finnerally Calendars for the 2nd
Sessions of 1831.

(Vide entry No 52)

In this Case the Law Officer
having considered the testimony adduced against
the prisoners fram'd by not sufficient
for their conviction, and 2nd Judge coin-
curring in this opinion has directed
their release on Security. According to
the abstract of the evidence before the
Criminal Court the Prisoners in question
were identified at the time of the robbery
by the Prosecutor and the three first
mentioned before the Court of Circuit
the Judges presume that these prisoners
were not recognized as members
of the Gang. Under the circum-
stance above stated the 2nd Judge should
have explained upon what grounds he
considered the evidence insufficient for
their

14th September 1831

No 8.

their conviction.

2.

The Court are of opinion that the
property of the Convictions of the prisoners
Convicted on Rules 1st & 2nd should be
Translation of the Records of the said Rules
referred to the Court and that sentence
time the sentence passed by the Magistrate
be suspended.

3.

It would be a Waste of time for the
Calendar that on the 1st of December 1831
the prisoners sworn that he Rutherwood
struck Bowyer the Convictions on the
head with a Cudgel thereof and did
in prison should be known and
on the 8th of December
these two prisoners on the 2nd Rule not
see them on the same day that
Convictions false & forged the Convictions
falsehood in the same Informations and
can be considered guilty of the same
only.

4.

Regulation III of 1827 also
apply to such cases where
some deposition has been taken
and distinct examination
the present instance the
time has given the
difference in one part from another
but the difference is immaterial
being again produced

4th September 1831

Criminal Judge, and this correction is
made before he affixed his signature
to the first false information - so that
the document can be considered only as
an amended deposition, in which the
falsehood is corrected during its progress,
and it must be taken as a whole -
not in separate parts.

The 2nd Judge should also

5

Nos 9 and 10 have explained why he considered the
evidence against the prisoners in Cases
Nos 9 and 10 insufficient for their commit-
tion, as upon reference to the abstract
of the evidence before the Criminal
Court it appears that the Prosecutors
in those numbers and certain of their
witnesses identified all the Prisoners
committed in both cases.

6.

With reference to the Sentence
passed on the 5th 9th 13th 14th 21st 23rd
24th 28th and 29th prisoners in this case
the Court of Enquiry deem it desirable
that the attention of the 2nd Judge be
called to their orders circular No under
date the 8th of October 1828 and repeated
on the 30th April 1829, wherein it is required
that the term for which security is to
be given and the term for which a
Prisoner may be detained in confine-
ment in default must be the same.

No 13.

7

The Court of Enquiry
deem it desirable that the 2nd Judge will
submit

th August 1881.

14th September 1881

submit for their consideration an English Translation of the record of the Trial in Case No 6 the Judges entertaining doubts of the evidence against the 3rd Prisoner being sufficient for his conviction and during the reference however the sentence passed by the 2nd Judge need not be suspended

Ordered, that certified Copies of these proceedings be forwarded to the 2nd Judge on Circuit in the Southern Division for his information and guidance

(Sent following letter No 516 Registered)

from G. J. Cadamajor Esqre Acting Judge of the Court of Circuit in the Northern Division to Judge to transmit without delay the copy of the Madulipatam Calendar for the 4th Quarterly Sessions 1880

(Here enter No 442)

Read return, dated the 8th Instant from the 1st Judge of the Provincial Court of Circuit on the Centre Division of the 5th Instant forwarding the Warrant and the establishment for Circuit Travelling charges of the 1st Judge to him, to Chittoor, and to forward the copy of the Chingleput Calendar for 1st Sessions of 1881

(Here enter

14th September 1881

from the 2nd Judge late on Circuit in the Centre Division, to precept dated the 2nd instant, directing the release of the 2nd and 3rd prisoners in Case No 5 of the Cuddapah Calendar for the 1st Sessions of 1877.

(Here enter No 648)

Read return, dated the 6th Instant, from the Provincial Court of Circuit in the Western Division, to precept of the 15th ultimo, conveying the remarks and orders of the Superior Tribunal on the Criminal Reports of the Western Division for the month of June last.

(Here enter No 663)

26. Sept. 1831

F. H.

At a Court of the Vagistarre Adalat
Present,

Monday
19th September
1831

F. F. Grant, Esqre 1st Puisne Judge
John Bird Esqre Acting 2nd Puisne Judge

Read letter, dated the 9th Instant,
from the Chief Secretary to Government,
transmitting an Extract from the Minutes
of Consultation of the same date with
certain papers therein referred to.

(See enter No 678 of 1831)

The Court of Vagistarre Adalat
direct, that a copy of paras 15 and 16 of
the proceedings of the Court under date
the 22nd Instant and of para 4 of the
foregoing extract from the Minutes
of Consultation be transmitted to the
Provincial Court of Circuit in the Southern
Division by precept, directing them to
communicate the same to the Magistrate
of Tinnevelly for his information and future
guidance.

(Sent following Precept No 520

Read letter, dated the 12th Instant,
from the Provincial Court of Circuit in the
Centre Division, transmitting copies of
returns received from the several
Magistrates in reference to the letter of
the Provincial Court of the 23rd July last

with

with which were forwarded the Criminal Report
of the Division for the month of May last

(Here enter No 653)

Read return to the 4th Idem from the Judges of the Provincial Court of Circuit
on the Centre Division to precept of the 7th
Instant, directing the Provincial Court to make
return to the precept of the 29th August 1831
by which the Provincial Court were required
to furnish an English translation of all the
proceedings of the Magistracy of Chittoor in
the case of [illegible] Chetty

(Here enter No 654)

Read return to the 4th Idem from the Provincial Court of Circuit in
the Southern Division, to precept of the 17th ultimo
confirming the sentence of the Circuit Court in the case of [illegible]
directing the release of the Prisoner on the ensuing
of the Tinnevelly Calendar 20th September 1831

(Here enter No 655)

Read letter, dated the 13th Instant,
from the Acting 1st Judge for the Northern Division
transmitting warrant for the Release of the
Prisoner in Cause No 7 of the Salem Calendar
1st September 1831 with the proceedings
and Letter on the same subject

(Here enter No 656)

19th September 1831

from the Provincial Court of Circuit in the
Centre Division, to precept of the 24th ultimo,
directing the Provincial Court to recall
the instructions issued to the Native Judge
of South Arcot relative to a form of half
yearly Criminal Statements to be furnished
by him.

(Here enter No 664)

Read letter, dated the 12th Instant,
from the 2nd Judge on Circuit in the
Southern Division, reporting the arrival
of the Circuit Court at Combaconum.

(Here enter No 665)

Read letter, dated the 10th Instant,
from the 2nd Judge on Circuit in the
Western Division, reporting his having
completed the Jail delivery of the Zillah
of Malabar for the Second Sessions
of 1831.

(Here enter No 682)

11th

26th Sept. 1831

F.C.

At a Court of the Fouzdaree Adalut.

Present

Wednesday 21st September 1831

C. J. Grant Esqr. 1st Puisne Judge

John Reid Esqr. Acting 3d Puisne Judge.

Read petition presented in person by Tavady Achal of the Zilla of Madura (Vide enter this. pet. No. 79 of 1831)

Ditto

Ditto

This is an application for the release of the 1st 2d and 3d prisoners concerned in case No. 5 of the Madura Calendar for the 2d Sessions of 1831 the two first of whom are stated to be the sons and the 3d the son-in-law of the Petitioner.

The Record of the Trial in the above number having been referred to this Court and the consideration of the proceedings held before the Judge in Council, it is ordered that the Petition be rejected.

Read petition presented in person by Pregassa of the Zilla of Cuddapah (Vide enter this. pet. No. 78 of 1831)

Read also petition presented by Siddamah and Chenchamah (Vide enter this. pet. No. 77 of 1831)

The first of these petitions prays for the release of the 6th prisoner named Timmadoo concerned in Case No. 35 of the Cuddapah Calendar for the 2d Sessions of the present year, who it is alleged has been unjustly sentenced

F. K.
27th Sept 1821

A period of nearly three months having elapsed without the transmission of the English translation of these proceedings -

Ordered that the Dist. Judge Kelly do forthwith commanded to submit the same, and to explain the extraordinary delay, which has occurred in carrying into effect the order of the Court of Sessions & Subdivision except returnable in two days from the date of this receipt -

(Sent following receipt to Mr. Sessions)

Read letter, dated the 9th Instant, from the 2d Judge Assistant in the Southern Division, submitting the record of the trial of the Commonwealth of the Summonsly Calendar

On the 24th September 1821 -

(Here enter a Mr. D.D.)

The Court of Sessions & Subdivision having taken into consideration the transcription of the record of the trial in this case, find upon reference to the complaint alleged to have been given to the Candidate by the Assistant on the 9th of June, that he named Monsieur Mr. Judge Mostow Lawson of Edisto Island, Bonaventure Lamy Son of Barnabas Lamy of Wadmalaw and Battapilly son of Vallancey Dora, as the persons by whom he was committed by a Sergeant and the Soldiers specified; but that the evidence

the evidence of these two witnesses was entirely
4
The 2d Judge should however
have explained the nature of the embarrassment
intimated in the letter and the Court of
Sessions should have given him time to make
such explanation -

Ordered that the record of the proceedings be sent to the 2d Judge Assistant in the Western Division by mail addressed in four days from the date of this receipt

(Sent following receipt to Mr. 22)

The Sessions to Judge Assistant
Charleston 24th September 1821 -

Sir I have the honor to transmit herewith the record of the trial of Cesar the property of Mr. Lamy Supplemental Calendar

(Here enter No 208)

Read also a letter from the 2d Judge to the Court dated the 23d of last month stating that his husband had sent on English translation of the Record of proceedings in case No 208 Supplemental Calendar

(Here enter No 207)

On the foregoing letter the Court ordered that the Clerk do write to the 2d Judge to inform him that the Court cannot proceed to the trial of the case of Cesar the property of Mr. Lamy until the translation of the proceedings shall be submitted to the Court

evidence of the last mentioned of those three persons, only is to be forwarded on the Records
The Court declaring to forever be taken for evidence
statements were or were not on any depositions
or, whether they were contradicted by those, before
direct that, if the depositions of the Aborigines
and Constables were taken by the Police
Officers, translations thereof be forwarded
but that if those persons were not examined
at all, they be required to appear before the
Court Criminal Sessions personally to be
examined them on the evidence of the prisoners
touching all matters relative to the murders
of Saxon with which they are charged
translation of their depositions be
transmitted to the Court.

Ordered that the records of these proceedings be sent to the 3d Judge of the Court in the Western Division for his information and guidance by precept, returnable without delay.

(Sent following precept No 535)

Read letter, dated the 19th Instant from the 3d Judge of the Court of Circuit in the Western Division recommending a mitigation of the punishment to which the prisoner convicted of perjury in the case No 2 of the Bathurst Calendar 2d September 1831, has rendered himself liable.

(Here enter No 675)

The Court of Supreme Court having duly considered the circumstances of the case submitted by the Acting Judge,

The Court of Supreme Court having duly considered the circumstances of the case submitted by the 3d Judge of the Court of Circuit under the authority vested in them by clause third Section III Regulation I of 1825, sanctioning the mitigated sentence of imprisonment with hard labour in irons for (5) five years which he proposed should be passed upon each of the said two Prisoners -

Thyfully Pothey convicted Commander

and

Bobbatting Mangolley Pyro

In future similar references it will be right for the 3d Judge to specify the number as well as the name of each Prisoner -

Ordered that extract of these proceedings be sent to the 3d Judge of the Court of Circuit in the Western Division for his information and guidance by precept, returnable without delay -

(Sent following precept No 535)

Read letter, dated the 19th Instant from the Acting Judge on Circuit in the Western Division, recommending a mitigation of the punishment to which the prisoner convicted of perjury in the case No 2 of the Bathurst Calendar 2d September 1831, has rendered himself liable -

(Here enter No 675)

The Court of Supreme Court having duly considered the circumstances of the case submitted by the Acting Judge,

Sanction

Section under the authority whereof he shall be thereupon
Section V the gaoler of [illegible] for the time being of the
gaol or [illegible] shall take such prisoner into his
custody upon the receipt thereof and shall detain
him in the Gaol [illegible] the Court
of the Petty Sessions Clerk for the [illegible]

The Justices shall also [illegible]
stating the ages and [illegible] of the prisoners
as well as the number of the cattle or other
things [illegible]

Ordered that the Constable
conducting the [illegible] to the Petty Sessions
Court in the Northern Division for the [illegible]
and [illegible] by [illegible]

Ordered also that the [illegible]
from the Petty Sessions Court in the Northern
Division [illegible] of the Parishes of
and Simdon Calendars for the [illegible]
of 1831

No 1 (Abstract No 1)

The Commitment by the acting
Magistrate Constable of the prisoner
with the exception of the [illegible]
No 1 of this Calendar the Court of Inquiry
Constable with the prisoner as the Acting Magistrate
Judge could have ascertained as appeared
that the said [illegible] committed on the
depositions of witnesses and the prisoner
was [illegible] committed in each
Criminal Calendar

F. H.
21st Sept. 1831.

the orders of the Toogdara Kootut circulated
under date the 20th of July 1829 wherein it was
directed that a prisoner should never be
committed for trial unless there are reason-
able grounds to believe that the evidence
forthcoming will be found sufficient for
his conviction. A committal on insufficient
evidence has the most mischievous & public
consequences. A criminal put thus on his trial
is necessarily acquitted and though the clearest
evidence may afterwards be found against
him he cannot be tried again. When the evidence
is not sufficient for conviction but enough to raise
strong suspicion only of the guilt of the accused
the proper course for the committing officer to
take is to require security and to take
such further steps for procuring additional
evidence.

No 2

The Court of Toogdara Kootut see
reason to doubt the correctness of the proceeding
of the Acting Judge in directing the
unconditional release of the prisoner com-
mitted in case No 2 of the same Calendar.
According to the abstract of the evidence this
prisoner confessed the Robbery before the Police
Officer and the articles mentioned 2 proved
to belong to the prosecutor was found upon
him. If these facts were proved before the
Court of Circuit which upon reference to the
Calendar appears to have been the case, the
prisoner ought not to have been released on
without

21st Sept. 1831.

without Security

No 7 3. The grounds upon which the Acting Judge of Circuit has directed the discharge of case No 7 are insufficient. The discrepancy in the evidence of the 1st and 2d witnesses alluded to by the Acting Judge was not unreasonable and might have been explained at the trial before what governed the Acting Judge did not the grounds upon the prisoner's trial does not appear, no such information as could enable from the abstract of the evidence and great injustice may have been done in returning them to hand the prisoner should already have been put on his trial and the Acting Judge committed an error in discharging the Case on the grounds stated

No 9 & 11 4 In cases Nos 9 and 11 the grounds of the charge should have been distinctly stated in Column 3 of the Calendar and the abstract of the evidence on which they were founded the Court are unable to form a judgment whether or not the case has been fully disposed of

No 10 5 In this Case the Acting Judge of Circuit should have put a second question to the Law Officer requiring him to state whether the Evidence could have been received if the 1st witness was not competent

6 According to the abstract of the evidence before the Court the 3d witness

21st Sept. 1831.

the person who kicked her, and it further appears that this Statement was made by the deceased to her daughter in the presence of two other persons

7 The Court are quite unable to reconcile the acquittal of the prisoner in this Case with the abstract of the evidence as given in the Calendar and above alluded to which in the opinion of the Court was fully sufficient for his conviction and the Court desire that the Acting Judge will in conformity to their order circulated under date the 15th of June 1828 state upon what grounds he considered the guilt of the prisoner not established

No 18 8 The Court also entirely disapprove of the order issued to the Criminal Court by the Acting Judge directing the discharge of the prisoner concerned in case No 18, and the grounds upon which the Acting Judge directed his release are in the opinion of the Court quite insufficient. There appears to have been ample evidence for putting the prisoner on his trial and in all probability for his conviction

No 21 9 If the evidence given at the trial in this case corresponded with that entered in the abstract as given before the Criminal Court, the remark of the Acting Judge that "there was no proof whatever against the prisoner save his confession before the Police" is any thing but correct, for independent of the evidence respecting the stuff left by the robbers in the prisoner's house and proved to belong to the 1st prisoner, there is the testimony of the

4th

21st Sept. 1831.

4th and 5th Witnesses who deposed to nothing more than
the 1st Evidence at the opening of the Calendar - Their names
added to the proof of the 1st Evidence - Case remanded
until Evidence can be had - and the Court desire that the Acting Judge will
assist further in the Case - and the Court desire that the Acting Judge will
of that Evidence - The Court are satisfied
in what manner in which the Evidence
conducted before the Court of Session - and
be attributed to the conduct of the Evidence from the
penalty of the Law for the first offence
to have taken in the Calendar -

No 23

Although the Evidence adduced in
this case does not appear sufficient for the conviction of
the prisoner, yet it appears
the Acting Judge may consider whether
to grant the 1st prisoner and
without Security -

No 24

In this case the Acting Judge
should have recorded his reasons for and
considering the prisoner convicted, from
arising out of the Evidence before the Criminal Court this
appears to have been on the testimony against
the 1st and 2d prisoners against all the Evidence
The Acting Judge ought to have known that prisoner
cautioned, and considered whether prisoner
and why he did not give credit to them, although
must have explained. If the Evidence proved
the Prosecutor and his witnesses before the
Court of Circuit were at variance
previous deposition

vide Sec. 22.
25th Feb. 1829.

26th Sept. 1831.

Case to be the 3d Circuit to Circuit in

21st Sept. 1831.

No 25

have stated the points of difference as directed
by their order under date the 15th of June 1828.
In case No 25 also the Acting Judge
has neglected to state his reasons for concurring
with the Law Officer in the acquittal of the
prisoner, and his frequent inattention to their
orders on the part of the Acting Judge requires the
fullest explanation - The Court are utterly un-
able to reconcile the acquittal of the prisoner
with the abstract of the evidence as given in the
Calendar which if not retracted before the
Court of Circuit must have fully convicted
him - If the prosecutor and his witnesses did
retract their evidence they ought to have been
committed for perjury - The objections of the
Law Officer to the Prosecutor was untenable
and should have been overruled under the
provisions of Regulation VI of 1829 -

No 26

The grounds of the charge in
this case should have been distinctly stated
in Column 5th of the Calendar - It appears
to the Court of Inquiry that the
Acting Judge has mistaken the nature of
the accusation - The prisoners do not appear
to have been charged with having given two
contradictory depositions but with having
before the Court of Circuit on the 24th of April
1831 sworn falsely that they were not pre-
sent when the deceased Cannatchemi-
nah declared that the prisoner in Cau-
se No 10 of this Calendar had struck her, &c

26th Sept. 1831

21st Sept. 1831

of the Acting Judge in the acquittal of the
prisoner are not stated.-

The Court of Enquiry decide
upon the proceeding of the Acting Judge
of Circuit in returning to the Criminal Court
Case Nos 31 and 34 and directing the release
of the prisoners concerned in those numbers.
therefrom clear to have been no grounds whatever
for their Commitment, and the conduct
of the Acting Criminal Judge of Cuddapa
in so unwarrantably detaining the persons
of the accused is considered most reprehensible.-

The Court are of opinion that the
unconditionally the 1st, 2d, 3d, 4th and 5th
prisoners concerned in case No 33 the
evidence against them tho' not sufficient
for their conviction was enough to have justified
a demand of security.-

In case No 35 of the same Calendar,
the the Acting Judge was competent to sentence
to banishment, it was not competent to him
to fix the place of banishment - the disposal
of prisoners so sentenced being left entirely
to the Court of Enquiry under the
latter part of Clause third Section VIII Regn
Section XV of 1803:- According to the Circular
orders of this Court under date the 6th January
1823 it was the duty of the Acting Criminal
Judge

21st Sept. 1831

in point of fact they were present and heard
her declare - It was not therefore proper
for the Court that the prisoner could have been
committed on the evidence produced. Let the
proceedings of the Acting Judge in
the case to the Criminal Court be set aside

No 28

14

Case No 28 affords a further in-
stance of an improper commitment on the
part of the Acting Criminal Judge of Cuddapa
declaring of the innocence of the Court
and no safe conclusion can be drawn of the
Acting Judge of Cuddapa in forwarding the
proceedings for his trial

15

The Court of Enquiry direct
a letter to be addressed to the Criminal Judge
Affairs and Sessions of Cuddapa pointing out
former contradictory declarations of the
prisoner on the next Settlement to form the
the disposition before the Criminal Court

No 29

16

of the Remarks on the proceedings
trying the prisoners of the 3d Circuit in
this case however it must have attracted
the notice of the Court, on which case the Acting Judge
Court, on which case the Acting Judge
have directed the institution of proceedings
against him for perjury - If the case
his testimony there appears to have been
ample proof against
Calendar

21st Sept 1831

Judge to explain this last point for the reason of the Conseil d'Etat, and the Acting Judge of Cuddalore will be careful that this omission be prevented in future. The Judge knows not being satisfied of the guilt of the 2d prisoner desires that an English translation of the Final in this case be submitted for their consideration without delay and that the sentence passed by the Acting Judge upon all the prisoners be suspended until the receipt of their final orders.

No 30

20

The Court are of opinion that the prisoners concerned in this case ought to have been committed for trial before the Court of Circuit, and that the Acting Judge of Cuddalore should particularly attend to the 2d Section of the Regulation.

Cuncheum No 1

21

Have no observations to offer on the mode of trial in case No 1 of the Cuncheum Calendar. The information which the Acting Judge was desirous to obtain may be here procured within as many of last years time and the prisoners kept upon their own recognizances until then. See the 2d Section of the Regulation cited in the last Letter. The Acting Judge of Chingleput will be aware, will be here mentioned by the Court under the provisions of Clause 2d Section II Regulation

F. H.

26th Sept. 1831. Has received from the 3d Judge Cutcherry in Circuit in

F. H.

21st Sept. 1831. 22

The grounds upon which the Acting Joint Criminal Judge of Cuncheum committed the prisoners concerned in case No 2 to take their trial before the Court of Circuit are quite insufficient, and the Court desire that the attention of this officer be particularly called to their orders circulated under date the 21st of July 1829.

23

The Court of Sudder Adawlut desire that the Acting Joint Criminal Judge at Cuncheum be informed, that it is not necessary to enter in the Calendar so much in detail the evidence given before the Criminal Court - an Abstract of the evidence is all that is required, or is desirable.

24

That the Calendars submitted by the Acting Judge may not be sent up in a state so faulty and defective.

Ordered, that a Extract from these proceedings be forwarded to the Acting Judge of Circuit in the Centre Division by precept, returnable in fourteen days from the date of its receipt.

(In the following precept No 27)

Read a letter, dated the 3d Inst. from the Acting Judge of Circuit in the Centre Division, submitting case No 1 on the Supplemental Calendar of the Zillah of Cuddalore for the 2d Sessions of 1831.

(Enumerated No 30)

The

21st Septr 1831.

The First and Acting Third Judge

Judges having maturely considered the proceedings held before the Judge in Circuit, the Letters of the Provincial Law Officers, and the Letters of the Case and Copies and Extracts of the Depositions transmitted, confirm each part of the said Letters as concerns the prisoners

Chapala & Nardoo

& having given their concurring opinion that under the circumstances of the case the imprisonment they have already suffered, is a sufficient punishment for their offence - the first and acting third Judges of this Court direct that the aforesaid

(Court following Letter &c)

(Form of letter dated the 21st Sept. from the 3d Judge to Government in the Criminal Division, submitting Calendar & Proceedings in the case of Depositions of 1831.

(Here enter Ex B.)

The prisoners

1st Ribbon alias

and

2d Condrandy Commandy

stand committed.

The First and Acting Third Judges

Judged on a mature consideration of the circumstances of the case as disclosed by the concurring depositions of the Prisoners

26th Septr 1831.

21st Septr 1831.

3d Sunkapaud Khanjee

and

4th Ratoo Veerogadoo

is sufficient to convict them of the crime of robbery by open violence attended with murder, under the authority vested in them by Clause first Section II Regulation I of 1818 convict them thereof and under the provisions of Clauses first and fifth Section IV Regulation II of 1803, adjudge the prisoners

2d Moongara Ramanaragoo

and

3d Sunkapaud Khanjee

to be taken hence to such place or places as may be deemed proper by the Right Honorable the Governor in Council there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives, and the prisoner

5th Ratoo Veerogadoo

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

The First and Acting Third Judges being of opinion that the proof against the prisoner

1st Cumum Villapa Veerapah

is sufficient to convict him of being accessory after the fact to the above crime convict him thereof and adjudge him to be imprisoned and kept to hard labor in irons on the public roads

roads or other public works for the period of two (2) years.-

(Sent following letter Recd.)

Read return, dated the 15th Instant, from the Acting Judge in Circuit in the Central Division, to precept of the 5th Instant, directing the Acting Judge to transmit the Calendar 2d Sessions 1831, and to explain the delay.-

(Reference No. 92.)

Read return, dated the 1st Instant, from the Officiating Judge of the Provincial Court of Circuit in the Northern Division to precept of the 11th July last, directing that the record of the trial of Nathan Alinson &c. 2d Session 1830, be transmitted without delay.-

(Reference No. 93.)

Read return, dated the 1st Instant, from the Provincial Court of Circuit in the Northern Division, to precept of the 1st July last, directing the Provincial Court to enact into the Law of the Longdane Establishment prohibiting Magistrates from demanding security from any one for certain description of persons.-

(Reference No. 94.)

Read return, dated the 1st Instant, from the Provincial Court of Circuit in the Northern Division, to precept of the 27th May last, directing that Gonalla Ramasamy and Joint Criminal Law

26th Sept. 1831. Have received from the 3d Judge dated in Circuit in

27th Sept. 1831. respectively and committed for trial on the evidence already given.-

(Reference No. 95.)

Read return, dated the 7th Instant, from the Provincial Court of Circuit in the Northern Division to precept of the 30th May last, directing them to circulate the annexed of the proceedings of the Longdane Establishment which accompanied it relative to the great increase in the number of heinous offences.-

(Reference No. 96.)

Read return, dated the 7th Instant, from the Provincial Court of Circuit in the Northern Division to precept of the 4th May last, directing that the penalty of security bonds of a certain description be invariably enhanced, and that orders to that effect be issued by the Provincial Court to the subordinate authorities.-

(Reference No. 97.)

Read return, dated the 17th 25th Judge of the Instant, from the Provincial Court of Circuit in the Central Division, to precept of the 9th Instant, conveying the remarks and reports of the Longdane Resident on the 4th 5th and 6th supplemental Calendars of Debtors for the 2d quarterly Sessions of 1831.-

(Reference No. 98.)

26th Sept. 1831. Sum received from the

2nd Schedule 1831

F 11.

At a Session of the Vagrancy Statute

Present

The Hon. Judge

Friday

23rd September 1831

188 Sarah Clark Coloured Woman charged with Vagrancy

Rule to show cause why the Petitioner

should not be discharged from

the Gaol Bridgetown Barbados 23rd September 1831.

Here enter No. 187

Previous to passing a final

Sentence in the above case the Court of

Vagrancy Statute deem it proper to direct

that the Acting Criminal Judge of Bridgetown

do procure the attendance before him of

two or more persons of respectability,

belonging to the Prisoners Village who

have known him intimately.

That the Acting Criminal Judge

having ascertained from these persons

whether the Prisoner has ever been

afflicted with insanity, and from the

Jailor and others attached to the Jail,

whether the Prisoner has manifested

any symptoms of insanity since he has

been in Custody with a report thro' the

Court of Grand to the result of his enquiries

for the information of the Court of

28th Sept. 1881.

Ordered that extract of these Proceedings be sent to the Acting Judge on Circuit in the Centre Division for his information and guidance by Precept returnable without delay.

(Sent following Precept No 531)

Read letter, dated the 19th Instant from the Acting Judge on Circuit in the Centre Division, reporting on the Sessions held at Cuddapah and Bellary 2nd Sessions of 1881.

(Here enter No 492 of 1881)

Referring to the observations of the Acting Judge, regarding the Court of Conference Statute remark, that no representation on the subject has yet been made of the height of the wall surrounding the Jail, and instruct the Acting Judge to communicate directly on this subject with the Government, agreeably to the standing orders, in such cases.

2. The returns show that the Jail is one of the most healthy in the country.

3. The report contains no other matter, requiring observation from the Court of Conference Statute.

Ordered that extracts of the report with extract of these proceedings be sent to the Chief Secretary to Government for the purpose of laying [illegible]

28th Sept. 1881.

Honorable the Governor in Council.

(Sent following letter No 532)

Read letter, dated the 20th Instant, from the 1st Judge on Circuit in the Centre Division, transmitting the original warrant in the case No 6 of the Chingleput Calendar executed and returned by the Criminal Judge of the Gillah.

(Here enter No 493)

The Court of Conference Statute having observed that the Criminal Judge has omitted to furnish the usual report regarding the execution of the above warrant which is required under their Circular Orders of the 8th of May and 29th September 1880, deem it proper to direct that he be called upon by the 1st Judge on Circuit in the Centre Division to forward it without delay.

Ordered, that extracts of these proceedings be sent to the 1st Judge on Circuit in the Centre Division for his information and guidance by Precept returnable without delay.

(Sent following Precept No 530)

Read letter dated the 4th Instant from the Criminal Court of Circuit in the Northern Division, forwarding copy of a letter from the Assistant Criminal Judge in charge of the Gillah Court of Chicacole, reporting the death of Cinapa Lutchmanday Prisoner in the case No 8 Chicacole Calendar 2nd Sessions 1881.

(Here enter No 494)

7. Judge will direct the prisoner to be delivered over to his friends if any can be found who are able and willing to take proper care of him, and the Gillah Surgeon sees no objection, with reference to the state of his mind, to the measure. Should however no friends be forthcoming capable of taking such care of him, the acting Criminal Judge of Bellary must be directed to detain him in his Jail and to proceed according

No 8. to the instructions contained in paras 8 and 9 of the Proceedings of the Sunderee Adawlut under date the 18th of June 1829.

No 5. 2 If the Acting Judge, in this case, has performed his duty by putting a second question to the Law Officer to enquire whether the prisoners must have been convicted if the exceptions to the competency of the witnesses had not existed as required by Section VIII Regulation I of 1825 as explained by Section II. Regulation V of 1829 the Court of Sunderee Adawlut entertain but little doubt that that Officer would have declared some of them at least convicted.

No 8. 3. In the Futwah given by the Law Officer in this case it is stated that the 3rd prisoner before the Criminal

28th Sept. 1831.

No 16.

his acquittal.

Q.

The committing Magistrate in case No 16 to take his trial before the Court of Assize the Judge considers most improper the prisoner should have been bound over by the Magistrate to keep the peace but there was no grounds for the committal.

No 18.

A.

In this case it appears that the 7th witness who attested the confession before the Board of Police of Ballingarry the 8th instant was not present when the 8th witness took place and from the evidence of the latter it appears that he neither the confession of the prisoner given before the Police Officer but was engaged in speaking with the Sergeant in which the latter was to have drawn up the information which he had not already been brought to the notice of the Magistrate by the Acting Judge of Assize, the Court desired that they be pointed out to him immediately the Court of Inquiry that the Act awards frequently disastrous that the attendance of all kinds of District Police, particularly called to the [illegible] contained in Section

28th Sept. 1831.

Q.

26th Sept. 1831.

Has received from the Sheriff a Writ in Assize to be held in the Central Division

28th September, 1831

of 1808 which requires that the Inquisitions taken by Coroners before they proceed to writing in the shall be returned to writing in the presence of the attesting witnesses that they consider it the duty of the Magistrate to be serious notice of the irregularity in the proceedings of the Board of Police of Ballingarry above alluded to.

Ordered that extract from these Proceedings be forwarded to the Acting Judge of Assize in the Central Division for his information and guidance by precept, returnable in three weeks from the date of this receipt.

Sent following Precept to Sheriff

26th Sept. 1831.

6

Extract from the Proceedings of His Majesty's Criminal Court

Present

The Hon. Edward Boteler 1st Puisne Judge
The Hon. Robt. Pitt Esqr 2nd Puisne Judge
The Hon. Richd. Hinton Esqr 3rd Puisne Judge

Monday 26th Septr 1831.

Read further return, dated the 24th Inst. made by the Criminal Court of Circuit for the Eastern Division to the precept of this Court of the 18th of April last, calling for certain Criminal Returns for the Month of January last.

(Enumerated No. 709)

With their supplemental return of the Gaol Calendar, the Clerk of the Crown & Circuit Court of Clarendon submit a copy of the Minutes of the proceedings of the Grand Jury at the Assistant Criminal Judge of the Eastern Circuit, wherein that Body recommend that the Sentence of 7 Months Imprisonment passed on the Prisoner in case earlier No. of the Docket for January last awarded in consequence of the Stolen property having been found on the Prisoner, who accompanied the Prosecutor as fellow traveller and robbed him at the place where he halted - But the Assistant Criminal Judge considers the paragraph by observing that equally severe Sentences have been passed in cases of a similar nature in No. 14 for the 3rd Quarter 1828 and that for January 1830 to which no objections have been made by the Provincial Court -

Ex

Ex

26th Septr 1831

2

In presenting not to Mr Dr Hart
that he is not competent to sentence prisoners charged
with theft to more than 6 months imprisonment
excepting under one or more of the circumstances of
aggravation specified in Clause fourth Section II
Regulation VI of 1822, the Commissioner Court of
Circuit will intimate to that Gentleman, that
the fact of an illegal sentence having been pro-
nounced on one or more occasions, does not justify
another departure from the provisions of the Law

Ordered, that Extract from these
proceedings be forwarded to the Provincial Court
of Circuit in the Northern Division to be communi-
cated by them to the Assistant Commissioner
of Bellore for his information and future guidance

(Sent following letter No 537)

The Report prescribed by Section
XXXVII Regulation VII of 1822 for the 1st Sessions of
1831, not having been received from Mr Cadamy the
the Acting Judge late in Circuit in the Northern Division

Ordered, that Mr Cadamy be
by precept commanded to transmit the said Report
without further delay

Ordered, that Extract from these pro-
ceedings be sent to Mr Cadamy the Acting Judge
late in Circuit in the Northern Division by precept
returnable in 20 days from and after its receipt

(Sent following precept No 538)

The Report prescribed by Section
XXXVII Regulation VII of 1822 for the 1st Sessions of
1831, at Cuddapah and Bellary not

26th Septr 1831

been received from the 3d Judge late in Circuit in
the Central Division

Ordered, that the 3d Judge be by
precept commanded to transmit the said Report
without further delay, and to explain his omission
to furnish it at an earlier period

Ordered, that Extract from these
proceedings be sent to the 3d Judge late in
Circuit in the Centre Division by precept, returnable
in 20 days from and after its receipt

(Sent following precept No 539)

The Report on the first quarterly
Sessions of Jail Delivery at Chittoor for 1831, not
having been received from Mr Parker the First
Judge of the Court of Circuit in the Centre Division,

Ordered, that the first Judge be
by precept commanded to transmit the
said Report without further delay, and to
explain his omission to furnish it at an earlier
period

Ordered, that Extract of these
proceedings be sent to the First Judge of
the Court of Circuit in the Centre Division by
precept, returnable in 10 days from and
after its receipt

(Sent following precept No 540)

The Report on the 2d Quarterly
Sessions of Jail Delivery at Chittoor for 1831, not
having been received from Mr Gahagan the Second
Judge of the Court of Circuit in the Centre Division

Ordered, that the 2d Judge be
by

26th Septr 1831

2

In pursuing out to Mr Dreblait
that he is not competent to sentence prisoners charged
with theft to more than 6 months imprisonment
excepting under one or more of the circumstances of
aggravation specified in Clause fourth Section II
Regulation VI of 1822, the Provincial Court of
Circuit will intimate to that Gentleman that
the fact of an illegal Sentence having been pro-
nounced on one or more occasions does not justify
another departure from the provisions of the Law

Ordered, that Extract from these
proceedings be forwarded to the Provincial Court
of Circuit in the Northern Division to be com-
municated by them to the Assistant Criminal Judge
of Noakhaly for his information and future guidance

(Sent following letter No. 507)

The Report prescribed by Section
XXXVII Regulation VII of 1802 for the 1st Sessions of
1831, not having been received from Mr Cabanyon
the Acting Judge late in Circuit in the Northern Division

Ordered, that Mr Cabanyon be
by precept commanded to transmit the said Report
without further delay

Ordered, that Extract of these pro-
ceedings be sent to Mr Cabanyon the Acting Judge
late in Circuit in the Northern Division by precept
returnable in 20 days from and after its receipt

(Sent following precept No 508)

The Report prescribed by Section
XXXVII Regulation VII of 1802 for the 1st Sessions of
1831, at Cuddapah and Bellary not having

26th Septr 1831.

been received from the 3d Judge late in Circuit in
the Central Division

Ordered, that the 3d Judge be by
precept commanded to transmit the said Report
without further delay, and to explain his omission
to furnish it at an earlier period.

Ordered that Extract from these
proceedings be sent to the 3d Judge late in
Circuit in the Central Division by precept, returnable
in 7 days from and after its receipt

(Sent following precept No 509)

The Report on the first Quarterly
Returns of Gaol Delivery at Chittoor for 1831, not
having been received from Mr Baker the First
Judge of the Court of Circuit in the Central Division,

Ordered, that the first Judge be
by precept commanded to transmit the
said Report without further delay, and to
explain his omission to furnish it at an earlier
period.

Ordered that Extract of these
proceedings be sent to the First Judge of
the Court of Circuit in the Central Division by
precept, returnable in 10 days from and
after its receipt.

(Sent following precept No 510)

The Report on the 2d Quarterly
Returns of Gaol Delivery at Chittoor for 1831, not
having been received from Mr Dehagan the Second
Judge of the Court of Circuit in the Central Division

Ordered, that the 2d Judge be
by

Read letter, dated the 26th Inst. from the 3d Judge of the Court of Circuit in the Centre Division, Submitting the Record of the trial in the case No. 22 of the Bellair Calendar 1st Session 1831.

(Vide entry at p. 535)

This trial was called for by the Court of Trinidad de Cuba on the 25th April last, because the 3d Judge had directed the Alcade of the 2d District to commit the prisoner in Security, when according to the Institution of his Law Officer the Prisoner was convicted of Burglary and strong presumptive proofs

The Court of Trinidad de Cuba on deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the Sentences passed by the 3d Judge on the prisoners in the above trials are correct accordingly direct that they be confirmed.

Ordered, that Extract of these proceedings be sent to the 3d Judge of the Court of Circuit in the Centre Division for his information and guidance by Packet, Returnable without delay.

(Sent following packet No. 544)

Read letter dated the 19th Inst. from the 2d Judge on Circuit in the Western Division, forwarding the original Warrant with a copy of a letter from the Criminal Judge respecting the apprehension of Ramon Cabrera the prisoner in Case No. 9 on the Bahama Calendar 2d Session 1831.

(Vide entry at p. 518)

26th Sept. 1831 by precept commanded to transmit the said Report without further delay.

Ordered, that Extract of these proceedings be sent to the 2d Judge of the Court of Circuit in the Centre Division by precept, Returnable in ten days from and after its receipt.

(Sent following precept No. 541)

The Report prescribed by Section XXXVII Regulation VII of 1802 for the 1st Sessions of 1831, not having been received from the Third Judge late on Circuit in the Western Division

Ordered, that the 3d Judge be by precept commanded to transmit the said Report without further delay.

Ordered, that Extract of these proceedings be sent to the 3d Judge late on Circuit in the Western Division by precept, Returnable in 10 days from and after its receipt.

(Sent following precept No. 542)

No return having been received from the 2d Judge late on Circuit in the Centre Division to the Courts precept of the 8th June last, calling upon him to transmit the Circuit Report for the 2d Session 1830.

Ordered, that the second Judge be by precept commanded forthwith to submit the same and to explain the extraordinary delay which has occurred in making return to the Courts precept of the 8th June last.

Precept Returnable in 5 days from and after its receipt.

(Sent following precept No. 543)

Read letter, dated the 19th Instant, from the Third Judge Circuit in the Central Division, transmitting the returned Records in case No 1 of the Bellary Calendar 1st Sessions 1831 executed and returned by the Acting Criminal Judge of Bellary together with a copy of the Proceedings

(Reference No 704)

Read return dated the 17th Instant from the Provincial Court of Circuit in the Western Division to precept of the 1st Instant conveying remarks and extracts of the Magistrates Diaries on the Criminal Reports of the Western Division for the Months of July Last

(Reference No 705)

Read letter, dated the 23d Instant from the First Judge of the Provincial Court of Circuit in the Central Division to precept of the 21st Instant, calling upon the Judge to explain the extraordinary delay in submitting to the Court the English translation of the record of proceedings in the case No 4 of the 3d Bellary Supplemental Calendar for Quarterly Sessions 1831, called for on the 24th June Last

(Reference No 707)

Read return, dated the 21st Instant from the Provincial Court of Circuit in the Southern Division, to precept of the 25th July Last, directing the Provincial Court to transmit for the remarks of the Magistrate Reports that prisoners detained on registers of Accounts be put to labor only within about the Jail, and on the roads

26th Sept. 1831.

via the Circular orders of the 19th January Last -

(Reference No 708.)

Read return, dated the 16th Instant from the Provincial Court of Circuit in the Northern Division, to precept of the 11th May Last, directing the Provincial Court to issue instructions for prohibiting the use of Betel, Tobacco, or Opium by convicts, excepting on the requisition of the Medical Officer -

(Reference No 712)

Read return, dated the 10th Instant, from the Provincial Court of Circuit in the Southern Division to precept of the 27th June Last directing the Provincial Court of Circuit to communicate to the Subordinate Courts the rules of the Regulation in respect to the confinement of prisoners in irons -

(Reference No 713)

Read return, dated the 16th Instant from the Provincial Court of Circuit in the Northern Division to precept of the 25th July Last, directing that persons confined on requisition of Accounts be put to labor only in or about the Jail, and not on the public roads with convicts -

(Reference No 714)

Read return dated the 16th Instant, from the Provincial Court of Circuit in the Northern Division to precept dated the 7th July Last, directing the Provincial Court to point out to the Subordinate Courts that the adjournment of the Civil Court can form no ground for relaxation from the Criminal duties -

(Reference No 715)

F. 16.

At a Court of the Fouydaree Adalut.

Present

Wednesday. 28th September 1831. F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 3d Puisne Judge

Read Return dated the 9th Instant, made by the Provincial Court of Circuit in the Western Division to the precept of this Court of the 17th Ultimo, transmitting a form to be observed by the Native Criminal Judge of Canara in the preparation of his half yearly Criminal Statements.

Rs 244
12

(Recentor at Rs 870.)

In Modification of their order of the 17th Ultimo the Court of Fouydaree Adalut desire that the Native Criminal Judge of Canara be instructed in future to forward the Report of Cases disposed of by him under Section XIV Regulation VIII of 1827, prepared according to the form which accompanied their order to the Magistrate of the 5th Ultimo; the contents of which Report the Judges of the Court of Fouydaree Adalut desire the Magistrate will incorporate with the half yearly returns to be submitted by him, observing where necessary the additions to the Subordinate headings of the Columns pointed out in the latter part of the 1st para of their previous order.

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

30th Sept 1831

instructions be issued to the Native Criminal Judge at that Station, directing him to deliver over the prisoner Sedlapanty Seeriah into the charge of his friends if they can be found willing to take proper care of him.—

Ordered, that a Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division, desiring them to communicate the above to the Native Criminal Judge of Cuttack for his information and guidance by precept, returnable within 60 days from and after its receipt.—

(Vide following precept No. 547)

Read letter, dated the 5th Instant, from the Criminal Judge in the Zillah of Chingleput submitting the Report of Prisoners confined under their respective sentences to the 15th Ultimo.—

(See entry No. 650.)

No. 18 Dy 2d Sep 1824. 1 On a reference to the Calendar, it appears that a sentence of four years imprisonment was passed on the 24th December 1824, upon each of the prisoners in these cases according to which the prisoners should have been released on the 24th of December 1828. The Criminal Judge must be called upon for explanation.—

2 The Criminal Judge should have left the Numbers, attached to the several prisoners in the cases noted in the Margin, as they stood in the Calendars, and will amend the report in this respect.—

No.	Sept.	Imp.
11	22	1824
12	17	24
13	22	25
14	17	1826
15	22	27
16	17	1828
5 shillings	17	1827
1, 2, 3, 4	22	28
5	17	1828
10	17	27
8 9 10	17	27
6	17	27
11	17	1827
1	17	28
12	17	27
2 3 4	17	1826
5	17	28
6	17	28

the above to the Magistrate and the Native Criminal Judge in the Zillah of Canara for the information and future guidance of their respective Courts.—

(Vide following letter No. 546)

Read Letter, dated the 10th Instant from the Provincial Court of Circuit in the Northern Division, to the address of the 7th of May last, in which the prisoner named Sedlapanty Seeriah enumerated in Cause No. 3 of the Quarter Calendar for the 2d Sessions of 1830 was directed to be placed in the Jail at Cuttack until the 16th of August 1831 at the expiration of which period the Criminal Judge was directed to report the opinion of the Judge and State of the prisoner's mind.—

(Reference No. 995)

In the letter from the Acting Judge of the Provincial Court explaining that the period for which the Court of Sessions limited the imprisonment of the prisoner Sedlapanty Seeriah to be retained in the Jail at Cuttack, had expired before the Court of this Court was known by them and that to give effect to the orders contained in that precept he had called upon the Medical Officer at Cuttack to submit his opinion on the state of the prisoner's mind.—

2 A copy of the Report of the Medical Officer in charge of the Jail at Cuttack accompanies the above letter, and it appears from the Certificate of the Assistant Surgeon that the prisoner is at present labouring under a mental derangement that

30th Sept. 1831

No. 26. 2d Sept. 1825. 3

This Case was referred to the Court of Louisiana Martial and they directed the Release of the prisoner Pommier on Security. It appears therefore that No. 20 has been erroneously interlined probably instead of No. 53 in which Case the prisoner Pommier was sentenced by the Court of Circuit to 14 years imprisonment.

No. 239 of 1830. 4

The Criminal Judge will explain the Cause of the detention of the prisoner Timothy Foley in custody. The Application for Clemency for her good conduct heard date in the Report, 20th Dec. last and usual Make for Six Months only.

No. 10. 2d Sept. 1831. 5

The Sentence on the prisoner in this Case is to be calculated from the 2d Sept. 1831, agreeably to the precept of the Supreme Court to the 2d Judge of the Court of Circuit in the Southern Division dated the 2d Ult. Mem. last. If the named of the Judge of Circuit is not made out in conformity to these orders the Requisite alteration will be made, and the proper oath must be entered in the Report.

Ordered, that the Report be returned to the Criminal Judge, with Extract from these proceedings for his information and guidance by Precept, Circumstances without delay.

(Sent following Precept No. 518)

Read Return, dated the 23d Instant from the Provincial Court of Circuit in the Southern Division, to Precept of the 12th Instant, conveying the Remarks and Orders of the Court on the Cases

F.C.
25th Sept. 1831.

Southern Division for the Month of July last.

(Recorded No. 719)

Read Return, dated the 20th Instant from the 1st Judge on Circuit in the Centre Division, to Precept of the 23d Instant, directing the Provincial Court to call for and submit the usual Report regarding the Execution of the Prisoner in No. 6 of the Chingleput Calendar 1st Session 1831.

(Recorded No. 720)

Read Return, dated the 23d Instant from the Judges of the Provincial Court of Circuit in the Southern Division to Precept of the 29th Ultimo, directing the Provincial Court to circulate the observations and orders of the Foujdaree Adaulut, which accompanied the Precept on the Subject of Labour of Convicts and their Modification and Amendment of the Form of the Return circulated with the F.C. Orders of the 19th January last.

(Recorded No. 721.)

Read Letter, dated the 6th Instant from the 1st Judge on Circuit in the Centre Division, submitting Cases No. 9 Chingleput Calendar 1st Session 1831.

(Vide infra No. 655.)

The prisoner
2d Mungatal
died in Jail, and the prisoner

28th Sept. 1831.

3d Sylvanus
was arraigned by order of the Court of Circuit
The First and acting Third Circuit
Judges now deliberate on his case in the
circumstances of the case in evidence do fine them
concurring in opinion, that the proof against
the prisoner

the Confession
is sufficient to convict him of the crime of which
under the authority with which they are invested
by Claude Title Section II Regulation of 1831
Convict him thereof and adjudge him to suffer
per death as prescribed by Section X Regulation
VIII of 1802 by being hanged on the usual time
and place of execution
(Sent following letter No 549)

The Foreman of the Grand Jury
before the Circuit Court, of the first and only
witness who attested the confession of the
Prisoner before the Police Officers, the first
Judge will in future question the attesting
witness as to the nature of the confession
before the confession is read to them

The Foreman to the 2d Grand
of the letter which recommended the case of
the trial, if the first Judge has not already
brought it to the notice of the Magistrate the
the impression in terms of the question put by
the Jahilian Government to the prisoner
he will do so upon the case
from the proceedings

30th Sept. 1831.

28th Sept. 1831.

Ordered, that Extract of these
proceedings be sent to the 1st Judge on Circuit
in the Central Division for his information &
guidance by precept returnable without delay.
(Sent following precept No 550)
Read letter, dated the 15th
Instant from the 2d Judge on Circuit in the
Southern Division, submitting case No 19
Combaconum Calendar 2d September 1831.
(Here enter No 089.)
The First and Acting Third
Puisne Judges having maturely considered
the proceedings held before the Judge on Cir:
and the Jurors of the Provincial Law Officer
and the Jurors of the Cazee of Cotgat and
the Jurors of the Singapore Coadjutor, on perusal
Proceedings of the said Jurors of the Cazee of Cotgat and Proceedings
aforesaid, convicting the prisoner
Veerasamy
of the crime of rape and under the sentence
of Circuit awarded in the future, adjudge
him to be imprisoned and kept to hard
labor in irons on the public roads or other
public works for the period of five (5) years
(Sent following letter No 551)
Read return, dated the 9th Instant,
from the Acting Judge on Circuit in the Central
Division, submitting case No 19 Bolang
Calendar 2d September 1831.
(Here enter No 008.)

28th Sept. 1831.

The Prisoners
2d Chinna Thegah
and
3d Bunthota Thegah
were released by order of the Court of Circuit
The First and Acting Third Puisne
Judges having maturely considered the proceedings
held before the Judge on Circuit the future of the
Provincial Law Officers and the future of the
Cazee or Cozet & Moorsteas of the Jaffna District
confirm the said sentence of the Cazee or Cozet
and Moorsteas aforesaid acquitting the prisoner
1st Pedda Thegah
of the crime of murder laid to his charge, but
considering that Strong Suspicions attached to him
that he be required to enter into Bonds Security
X Regulation VI of 1827 to furnish two Sureties
in 250 Rixdrs each for his good behaviour
and appearance whenever required, & in default
thereof that he be retained in confine-
ment.-

(Sent following letter No 653)

Read again letter, dated 28th
Sept. from the 2d Judge on Circuit in the Northern
Division Submitting Case No 2 Criminal Calendar
2d Session 1831.

(Recorded No 031)

Read also letter dated the 30th
Instant from the 2d Judge on Circuit in the Northern
Division to hand to dated the 30th
the 2d Judge

30th Sept. 1831.

28th Sept. 1831.

in the 7th Para of his letter that accompanied No 2
of the Criminal Calendar 2d Session 1831. and
the Law Officers also in his future from which
it was to be understood that the 1st Prisoner
struck the deceased Pallavaisum on the head
or whether an error had been made in the transla-
tion of the deposition of the 2d witness which was
to the effect that the 2d prisoner struck deceased
on the head.-

(Hereunto No 658)

The Court of Foujdaree Adalut
being of opinion that the objection taken by
the Law Officers to the evidence of the first,
fifth and eight witnesses is insufficient requires
their Law Officers to declare in a 2d future,
whether the first, second and fourth Prisoners
in their case would have been convicted, if
the evidence of the said witnesses had been
legal, and if so, to what punishment they
would have been liable under the Mohamme-
dan Law.-

Ordered, that Extract of these
proceedings be translated and delivered
to the Cazee or Cozet and Moorsteas of the
Foujdaree Adalut.-

Read letter, dated the 30th
Instant from the third Judge late on Circuit
in the Central Division, Submitting Case
No 26 Ballance Calendar 1st Session 1831.-

(Recorded No 051)

The Court of Foujdaree Adalut-

28th Sept. 1831.

having the opinion that the objection taken by the Law Officers to the Ordinances of the entire part on their orders are sufficient to support them Law Officers to declare in a decided fashion, whether the prisoners can be lawfully executed, if the sentence of the Criminal Court should be carried into effect, and that Copy thereof should be sent to them.

Ordered, that Extract of this proceeding be transmitted and referred to the Cazee and Court and Circuit of Tanjore and Trichinopoly.

30th Sept. 1831. Received

T. Ms

In Court of the Provincial Adalat.

Present,

Friday, 30th September 1831. R. A. Grant Esqr. 1st Puisne Judge
John Bird Esqr. Acting 3rd Puisne Judge

Read return, under date the 27th instant, made by the Magistrate in the Zillah of Vizagapatam, to the Precept of this Court under date the 18th of April last, calling for an explanation of the nature of the irregular Police established at Vizianagaram and of the powers exercised by them.

(Here enter No 691)

Read again letter from the Secretary to Government in the Judicial Department dated the 24th of August 1831, transmitting an extract from the Minutes of Consultation under the same date, wherein the Court of Provincial Adalat are required to reconsider their opinion recorded in the 4th paragraph of their proceedings under date the 4th of August 1831 relative to the establishment of Guard and Patrole entertained by the inhabitants of Vizianagaram at their own expence.

(Here enter No 527)

From

28th Sept 1831

30th Sept 1831

Complaint

30th Sept 1831

From the return of the Magistrates
of Virginia Estate Salaries &c on application
of the natives of that Island Established
Virginia Town on Plan for by the Assembly
Longitude Made last on them Proceedings
and on date the 10th of April last stating
that the Jamaica of Virginia Town
pursuant to his Excellency Governor
in 1827, made a large application
Board at his own expence for the purpose
of purchasing the Estate of the
and of purchasing the Estate of the
on their withdrawal emigrants from
the depredations of the Jamaica natives
in the Town Houses of such Magistrates
commencement of the Town Magistrates
that the Magistrate made an order on the
solicitation of the Jamaica Estate
to permit them to make a Town
Great Road for the purpose of taking
the stones and appropriating them for
the condition that they should
thereon to the Board of Trustees
all property
of its Town

From the remarks of the Board
contained in the 4th Paragraph of his Report
on the subject of the Petition of the Inhabitants
Queen for the appointment of Trustees
of Virginia Estate Salaries &c on application
this Court are induced to believe
the Jamaica of Virginia Town
Estate at the expence of the Inhabitants
of the Town of Virginia Town in the District
of Virginia Town complaints
a petitioned for a remedy
and pray that a Board of Trustees
by the Legislature may be appointed
to take measures for the purchase of the Estate
and the Magistrate will be directed to be empowered
not to make any application for the
Magistrate will be directed to be empowered
to prohibit them from receiving any
of them to make any
a manner
the nature of the Petition from
that the Petitioners have
heard of the Petitioners
Board of Trustees for the purpose

30th Sept 1831

Court of Appeal in the Western Division, submitting copies of an Extract from his proceedings under date the 14th and of the return thereto from the Joint Magistrate of Malabar, dated the 21st Instant.

(Vide enter No 795)

1 By the foregoing return of the Joint Magistrate it appears, that he imposed a fine of 10 Rupees upon a person named Kuttiatta Uthuma for having taken away without orders certain Chinam which had been delivered to a Ministry but had not been measured

2 There is nothing in the Joint Magistrate's explanation of this proceeding which shews that it was warranted by the Regulations, and the Court of Appeal Western Division being therefore of opinion that the fine was illegally imposed, direct that it be refunded to the said Kuttiatta Uthuma.

Ordered, that an extract of these proceedings be sent to the Sitting Judge of the Provincial Court of Appeal in the Western Division by precept, enjoining him to issue the necessary order to the Joint Magistrate of Malabar.

(Sent following precept No 839)

30th Sept 1831

"Gantt Peon" yet their appointment is always subject to the confirmation of the Magistrate, who also reserves to himself the right of disapproving of the selection and requiring the discharge of any Individual with whose conduct he may have reason to be dissatisfied, and the Magistrate observes that in the first instance perhaps they were not sufficiently under the control of the Head of Police, they have lately been placed entirely under his orders.

4 Under this explanation the Court of Sudder Adalut see no objection to the continuance of this Police establishment is not necessary to render legal the exercise of the limited powers with which it is invested.

Ordered, that a Copy of these proceedings be transmitted to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, and that a Copy of the same be forwarded through the Provincial Court of Appeal in the Western Division to the Magistrate of Tellicherry for his information and guidance.

(Sent following letter No 839)

Read letter, dated the 22nd Instant from the 1st Judge

P. C.

At a Court of the Fouzdaree Adalut

Present

Tuesday 4th October 1831

F. A. Grant Esqr 1st Pisne Judge
John Bird Esqr Acting 3d Pisne Judge

1831.

Read petition presented in person by Vencatachella Pillay of Cuddalore

(Here enter Mis. Pet. No. 344 of 1831)

Read also petition presented in person by Vedachellum of the Villa of Combaconum

(Here enter Mis. Pet. No. 345 of 1831)

On the above petitions the parties praying respectively for the release of their Brothers concerned in Case No. 1 of the Chingleput Calendar for the 2d Sessions of 1830, to be referred to this Court

The Court of Fouzdaree Adalut desire that it be intimated to the Petitioners that no attention whatever can be paid to petitions addressed to the Court on behalf of prisoners under trial before them

Ordered therefore, that the petitions be rejected, and that Extract from these proceedings be furnished to the Petitioners on their application

Read petition presented by Coollum of the Villa of Chingleput

(Here enter Mis. Pet. No. 346 of 1831)

The petitioner prays for the release

...1831

...1831 - "

...decide for that Tribunal the cases
concerned in the 2 Petitions of 1830-

2 In the Case there are two prisoners
of the name of Chumaplain and from the Pe-
tition it is not easy to discover to which of them
the Petitioner refers-

3 The trial however in which these
two persons are concerned has been disposed of
by the Court of Tongdaree Keatut, the one sentenced
to transportation and the other to be released
on Security, without however any reference to this
petition, for to such application the Court can
pay no attention--

Ordered that the above be com-
municated to the petitioner, and that Extract
from these proceedings be furnished to him
on his application--

Read petition, presented on the
25th Ultimo by Rungama Chaik of the Gilla
of Chingleput--

(Have enter this pet: No. 81 of 1831)

1 Petitioner represents that on the
[illegible] named Tejeman has been sentenced
by the Court of Circuit to 14 years imprison-
ment on a charge of robbery; and the prays
the Court to call for the records of the trial &
over rule the sentence--

2 On reference to the Calendar
of the Court of Tongdaree Keatut it does not
appear that the petition of the prisoner above named

Police officer, corroborated by the testimony
of two witnesses, who swore that they saw
him with the gang of robbers--

Under these circumstances
3 the Court of Tongdaree Keatut see no grounds
for questioning the justice of the sentence,
and the petition is therefore rejected--

Ordered, that Extract from
these proceedings be furnished to the petitioner
on his application--

Read petition, presented on the
25th Ultimo by Rungama Chaik of the Gilla
of Chingleput--

(Have enter this pet: No. 81 of 1831)

The petitioner represents, that
he has been robbed of all his property, and
that the officers of police, notwithstanding
his repeated applications to the Magistrate
have not investigated the case agreeably
to the Regulations--

The prayer of the above petition
2 is, that the Court of Tongdaree Keatut will
direct the Court of Circuit to try the case--

If the petitioner has any complaint
3 to prefer against the proceedings of the police
or the Magistrate, he should address it to
the Judge on Circuit: his application in
the first instance to the Court of Tongdaree
Keatut is irregular and therefore rejected--

Ordered, that Extract from
these

these proceedings be furnished to the petitioner on his application—

Read letter, dated the 20th ult. from the Acting Judge on Circuit in the Northern Division, submitting copies of the 1st and Supplemental Yellow Calendars for the 2d Sessions of 1831—

(Here enter № 710)

№ 9 1 The property stolen in this case having been proved to be worth less than 30 Rupees, might have been grounds sufficient to authorize a return of the case to be disposed of by the Criminal Judge, but having been brought to trial before the Court of Circuit the Acting Judge was bound to proceed to trial under the Regulations: A second Latitat should accordingly have been taken and a mitigated sentence recommended under the provisions of Regulation I of 1825— The punishment however awarded by the Acting Judge of Circuit appearing to the Court of Foujdaree Adalut sufficient, the judgment will not be disturbed—

№ 10 2 If the offence for which the prisoner concerned in case № 10 have been punished with 14 years' imprisonment and hard labor had been the only charge against them — the Court of Foujdaree Adalut perceive that the Acting Judge of Circuit would have recommended a mitigation of punishment. It would therefore have been more satisfactory if the prisoners had been [illegible]

2/ F.C. 4th October 31.

upon one or more of the other charges—

Ordered, that Extract from these proceedings be forwarded to the Acting Judge on Circuit in the Northern Division for his information and future guidance—

(Sent following letter № 557)

Read letter, dated the 28th ult. from the 2d Judge on Circuit in the Southern Division, recommending a mitigation of the punishment to which both the prisoners in case № 12 Conbeeconum Calendar 2d Sessions 1831 convicted of Gang robbery rendered themselves liable—

(Here enter № 732)

The Court of Foujdaree Adalut having duly considered all the circumstances of the case as reported by the 2d Judge on Circuit, Sanction under clause third Section III Regulation I of 1825 the mitigated sentence of 7 years imprisonment with hard labor in irons which he has proposed should be passed on the Prisoners

Sabapathy
and
Chinnan

in the case № 12 Combaconum Calendar 2d Sessions 1831—

Ordered that Extract of these proceedings be sent to the 2d Judge on Circuit in the Southern Division for his information and guidance by precept &c. to enable him without delay—

(Sent following precept № 558) Read

Read again Letter, dated the
28th August last, from the 2d Judge on Circuit in
the Southern Division, submitting the Record of the
trial in No 2 of the Temporary Calendar [illegible]
(Here enter No 463)

Read again Return, dated the [illegible]
Ultimo, from the 2d Judge on Circuit in the Eastern
Division, to precept of the 5th instant
directing the 2d Judge to explain in what
made a mistake in the 3d Paragraph of his letter that
accompanied No 2 of the Temporary Calendar
2d Sessions 1831, and the Law Officers also, in
his opinion (from which it appears to be unnecessary
that the 1st Prisoner should be discharged
Outlawed in the case) on whether any
been made in the translation of the depositions
of the 2d instant, which was to the effect that
the 2d prisoner struck Alexander on the head
(Here enter No 658)

Read Second Return, delivered in
in this case by the Cagerrol Cogat and
Shroffess of the Zemindaree Khatik.

The prisoner
3d Gaimen
died previous to the trial of the case by the Court
of Circuit.

The first and acting third Circuit
Judges having maturely considered the proceedings
held before the Judge on Circuit, the Depositions of the
Criminal Law Officers, and the Returns of the
Cagerrol Cogat and Shroffess of the Zemindaree Khat-
: tick, confirm that part of the said Depositions of
the Cagerrol Cogat and Shroffess of
if the prisoners

10th Oct 11

D

we convict the prisoner
1st Calavasem
2d Chuckayanick and
4th Surmoogum
of Culpable homicide, and under the sentence
of Corporal awarded in the future adjudge
them to be severally imprisoned and kept to hard
labor in iron on the public roads or other public
works for the period of four (4) years-
The First and acting Third Circuit
Judges being of opinion that the prisoner
5th Vellien
is not convicted of the crime charged against
him, on strong presumptive proof, or on the
evidence of credible witnesses, or on his own
confession, notwithstanding the futwas of their
Law Officers, direct under Clause 1st Sec-
tion III Regulation XV of 1803, that he be set
at liberty.-

The Court of Zemindaree Khatick deem
it proper to point out to the 2d Judge on Circuit,
that they do not approve of his proceedings either
in the release of the 6th 7th 8th and 9th Prisoners
or in having sent the 10th and 11th prisoners to
be disposed of by the Joint Criminal Judges
If the prisoners were present with the Mob
by whom the two persons were killed (and there
was evidence to that fact) they were con-
: cludedly liable to punishment, and the
case was of a nature to be disposed of
by the Court of Circuit alone.-

Adjourning

according to the 2d Judge on the Criminal fails have been tried by the Court of and the Sentences by the Criminal Court which is not allowable.

Ordered, that the Record from proceedings be sent to the Collegue in the Southern Division for his opinion.

(Sent following letter No 1005)

Read again the letter dated the 3d August last, from the 3d Judge late on Circuit in the Central Division, submitting the record of trial in the case of No 20 Pallanee Calendar for September 1831.

(Here enter No 1004)

Read also the record of proceedings in this Case by the Cazee ool Cozat and Shroffs of the Tongdanee Adawlut.

The First and Acting Third Puisne Judge having maturely considered the proceedings held before the Judge on Circuit, the opinion of the Provincial Law Officers and the Cazee ool Cozat and Shroffs of the Tongdanee Adawlut confirm the said finding of the Cazee ool Cozat and Shroffs aforesaid, acquitting the prisoner

Yeargen Sidhak

of murder, and mean the prisoner to be dealt with Section VI Regulation X of 1825 and order him to be transported beyond the Seas beyond Lanar the Public Gaol

F.C.
4th Oct. 1831.

in Irons on the public roads or other public works, for the period of his natural life.

(Sent following letter No 550)

Read letter, dated the 12th September from the 1st Judge late on Circuit in the Central Division, submitting Case No 3 Chittagong Calendar 1st September 1831.

(Here enter No 1005)

The prisoners

5th Appum Lankatan alias Goreen

and

6th Poonen

were acquitted by order of the Court of Circuit.

The First and Acting Third Puisne Judge having maturely considered the proceedings held before the Judge on Circuit, the opinion of the Provincial Law Officers, and the finding of the Cazee ool Cozat and Shroffs of the Tongdanee Adawlut confirm the said finding of the Cazee ool Cozat and Shroffs aforesaid, acquitting the prisoners

1st Congum

2d Lyalee

3d Sadhan and

4th Vencatanchella Pillay

of the crime charged against them, but considering that suspicion attaches to them, the First and Acting Third Puisne Judge direct that they be each required to find two sureties in twenty five Rupees each for their good behaviour and appearance when

4th Octr 1831

16th October

Read return dated the 13th

4th Octr 1831

of the 5th Ultimo directing the Acting Judge to obtain from the Magistrate of Madura an explanation of his delay in making return to certain precepts issued to him by the Acting Judge of the Provincial Court.—

(Here enter No 738)

Read return dated the 27th Ultimo from the Acting Judge on Circuit in the Northern Division to precept of the 21st Instant conveying the sanction of the Court to the Mitigated Sentence which the Acting Judge proposed should be passed on the Prisoner in No 2 of the Calendar 2d Sessions 1831.—

(Here enter No 727)

Read return dated the 29th Ultimo from the 3d Judge of the Court of Circuit in the Central Division to precept of the 20th Ultimo confirming the Sentence passed by the 3d Judge on the Prisoner in No 22 Ballance Calendar 1st Sessions 1831.—

(Here enter No 729)

Read return dated the 20th Ultimo from the Acting Judge on Circuit in the Central Division to precept of the 21st Ultimo conveying the remarks and orders of the Court on the Cumbum & Coimpore Calendar 2d Sessions 1831.—

(Here enter No 731)

Read return dated the 26th Ultimo from the 3d Judge of the Court of Circuit in the Western Division to precept of the

4th Octr 1831

when acquitted within 12 Months or in default thereof, that they be detained for that period in confinement.—

(Next following Letter No 531)

Read return dated the 23d Ultimo from the Provincial Court of Circuit in the Southern Division to precept of the 7th Instant directing the Provincial Court to furnish the Magistrate of Dimmally with a copy of the Letter from the Minister of Constitution of Commencement & accompanied the precepts relative to the late correspondence between him and the Acting 3d Judge in the subject of the Police System in that District.

(Here enter No 720)

Read Letter dated the 26th Ultimo from the Acting 1st Judge of the 3d Judge late on Circuit in the Southern Division transmitting warrant issued by the Criminal Judge of Salem for the apprehension of 2 prisoners in case No 9 Salem Calendar 1st Sessions 1831 with that officers return & Letter herewith dispatched.

(Here enter No 720)

Read Letter dated the 1st Instant from the Criminal Judge on the Circuit of Salem to precepts of the 25th Ultimo requiring him to amend in some respects the Calendar of Prisoners for the Sessions appointed on the 2nd proximo but to be changed after to the 15th August next.—

(Here enter No 737)

Read Letter dated the 27th Ultimo from the Acting Judge on Circuit in the Southern

4. 4th Oct. 1831

which the 3d Judge proposed should be
posted in the two Divisions in Ord. of the Calendar
of the Ensuing Court at Kalutara 3d Monday
Septr 1831.

(Record Vo. 734)

Read Return dated the 1st
Inst from the 2d Judge late in Circuit in
the Centre Division to precept of the 21st
Ultimo calling for his Answer to Report of the
2d September 1831.

(Record Vo. 735)

Read Return dated the 2d
Instant from the Acting 3d Judge in the Centre
Division to precept of the 23d
Ultimo enquiring the reasons for non-arrival
the Temporary Basket on the Bellagy Bund
2d September 1831.

(Record Vo. 737.)

19th October

Read Return dated the 13th

D. C.

Friday
7th October 1831

At a Court of the Zoujdaree Adalut.

Present,

The Honble R. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 3rd Puisne Judge

Read return dated the 27th
ultimo, made by the 2nd Judge on Circuit
in the Western Division, to the precept
of this Court of the 21st ultimo, calling for
an explanation of the discrepancies
in the evidence of the first and second
witnesses who appeared against the
prisoners in case No 4 of the Additional
Calendar Calendar for the 2nd Sessions
of 1831 the variance between the state-
ments of these two persons being the
grounds of the concurrence of the 2nd
Judge in the Finding of acquittal, that
the nature of the contradictions was
not apparent from the abstract of
the evidence as given in the Calendars

(Vide enter No 744)

Under the above explanation
offered by the 2nd Judge relative to
the discrepancies in the evidence
of the said witness before the Court

7th October, 1831

Bojolarie Mahatoo consider the appeal of the 2nd Judge in the Return of his Officer perfectly correct, and direct accordingly that the same be intimated to the Chairman.

Ordered, that the extract from these proceedings be forwarded to the 2nd Judge on Circuit in the Northern Division for his information.

(Entry following Letter No 829)

Read Letter dated the 5th ulto from the 2nd Judge on Circuit in the Northern Division requesting instructions as to the disposal of Cases No 9 on the Benbassee Calendar the Prisoner in which had previously been convicted of the offence by the Assistant Magistrate & sentenced to be whipped & has been remanded to take his trial before the Court of Circuit in consequence of orders issued to the Magistrate by the Acting Judge of May last, directing that the Prisoner be apprehended & committed to the Criminal Court, and requesting further, should any precedent be on record that he may be furnished with a copy of it.

(Here enter No 725)

if the Prisoner was

7th October 1831.

the Prisoner alluded to above having actually received the punishment awarded by the Assistant Magistrate, the Acting 2nd Judge late on Circuit, in referring the order dated the 6th of May last, has answered that punishment might be adequate for the crime with which the Prisoner was charged, for the Court of Bojolarie Mahatoo have repeatedly ruled, that a man cannot be twice tried and punished for the same offence, and the 2nd Judge will find a case in point in reference to the 16th and 17th Paras of the proceedings of the Court of the 25th of June 1822 upon the Report submitted by the 2nd Judge of the Court of Circuit in the Southern Division on the 2nd Quarterly Sessions of that year.

2 The Court of Bojolarie Mahatoo accordingly direct, that the Prisoner named Poonun be forthwith released, and they desire that the returns impropriety of the proceedings of the Assistant in punishing Prisoners charged with offences which he is wholly incompetent to dispose of.

he

October 1831

Confirmed Notarial conditions
of the case

7th October 1831

be specially brought to the notice of the
Magistrate of Trichinopoly by the 2nd
Judge on Circuit.

Ordered that a extract from
these proceedings be forwarded to the
2nd Judge on Circuit in the Southern
Division for his information and
future guidance

(Sent following letter No 563)

Ring letter dated the 7th Instant
from the 2nd Judge Eastern Circuit Southern
Division, with record of the trial
in case of Joy Bellamy Calendar for the
1st Sessions of 1831

(Vide entry No 687)

The First and Acting Third Puisne
Judges having maturely considered the
proceedings held before the Judge on
Circuit, the petition of the Fiscal and
Law Officer, and the petitions of the Cazee
and Cazeat and Moogtees of the Pongalore
Notabut confirm the sentence of the
Cazee and Cazeat and Moogtees aforesaid
acquitting the prisoners

Ramaty Cafamah,

of the crime charged against him but
considering that suspicion attaches to
him they direct under Clause 2 with
Section 7th Regulation XI of 1816 the

9th October 1831

Bind prisoner each for his good behaviour
and appearance when required within three years or
in default thereof that he be detained
for that period in confinement.

(Sent following letter No 564) 1831.

Read letter dated the 9th Instant
from the Acting Judge Eastern Circuit
in the Northern Division, with record
of the trial in case No 15 Rajahmundry
Calendar for the 1st Sessions of 1831.

(Vide entry No 688)

The First and Acting Third Puisne
Judges having maturely considered the
proceedings held before the Judge
on Circuit, the petition of the Provincial
Law Officer, and the petitions of the
Cazee and Cazeat and Moogtees of the
Pongalore Notabut, confirm the said
petitions of the Cazee and Cazeat and
Moogtees aforesaid, acquitting the
Prisoners.

1st Calamooroo Cathy,

2nd Cadamala Gumgoloo,

and

3rd Cadamala Lyaffa,

of the crime charged against them, but
considering that suspicion attaches to
them, the First and Acting Third Puisne
Judges direct that they be severally
reprimanded under Clause 2 of the
Section

7th October 1831

7th October, 1831.

Section II Regulation XV of 1803 to furnish two securities in 50 Rupees each for their good behaviour and appearance when required within one year, or in default thereof, that they be detained for that period in confinement.

Sent following letter No 756

Read return dated the 3rd instant from the 3rd Judge of the Provincial Court of Circuit in the Central Division, to precept of the 27th May last directing the Court of Circuit to submit without delay the records of certain trials of which a reference was to be made.

(Dere enter No 757)

Read return dated the 5th instant from the 1st Judge on Circuit in the Southern Division, to precept of the 28th ultimo directing the remarks of the Register Chittagong Court on the proceedings in the Chittagong Calendar

(Dere enter No 758)

Read letter dated the 5th instant from the 2nd Judge on Circuit in the Southern Division, forwarding the original Warrant with a copy of a letter from the Criminal Judge, respecting the conviction of Mudunmohun Chatty, the Prisoner in Case No 2 on the Jessore Calendar 2nd Sessions 1831.

(Dere enter No

7th October, 1831.

Read return, dated the 27th ultimo, from the Provincial Court of Circuit in the Northern Division, to precept of the 23rd ultimo, directing that an immediate explanation be forwarded to the Sunderee Mahatut of the delay in carrying into execution their Sentence in No 10 Chittagong Calendar 2nd Sessions 1830.

(Dere enter No 758)

Read return, dated the 31st ultimo, from the Provincial Court of Circuit in the Northern Division, to precept dated 18th June last, directing the Provincial Court to communicate to the Judges in charge of Jails the orders of Government that the Collectors in those Districts in which the Sirkaree share of the produce is in grain, will supply rice for the subsistence of prisoners.

(Dere enter No 759)

Read return, dated the 30th ultimo, from the Provincial Court of Circuit in the Northern Division, to precept dated 18th June last, explaining the Circular Orders of the Sunderee Mahatut of the 18th April last, respecting the Last found making use of that Sword in cases when Prisoners may attempt to escape.

(Dere enter No 760) Read

7th October 1881.

10th October 1881.

the Prisoner

4. The prisoner's full and voluntary confession was proved by the evidence of the third and seventh witnesses, and the admission before the Criminal Court that she had given it upon compulsion. This however she did not attempt to prove and there was no reason whatever to suspect that to obtain it, any undue measures had been resorted to. The Prosecutrix's statement and the prisoner's confession were corroborated by the facts of the former having been found floating in the well and her jewels being in the possession of the Prisoner.

5. The only circumstance in favour of the Prisoner is that she was not seen near the well by the persons who came to the Prosecutrix's assistance, but this is of no importance because there is nothing to show that the well is not in an open spot, and because in her confession before the Criminal Court which was proved at the trial the Prisoner clearly again admits that she was present when the Prosecutrix fell into the well

6. It now only remains for the Court of Sanjotaree Hotchkut to express their regret that the 1st Judge, instead of approving and confirming the finding of his Law Officers did not [illegible]

10th October 1881.

trial.

Ordered, that extract of these proceedings be sent to the 1st Judge on Circuit in the Contai Division for his information.

(Sent following letter No 556

Read letter dated the 24th ultimo from the 2nd Judge on Circuit in the Contai Division, recommending a mitigation of punishment in cases Nos 13, 15, 16, 17 and 18 on the Contai Calendar 2nd Sessions 1881.

(Here enter No 745.)

The Court of Sanjotaree Hotchkut having maturely considered the circumstances of the above cases as represented by the 2nd Judge on Circuit are of opinion that the prisoner Narayan Shetty was erroneously charged with perjury in No 13 and they sanction the recommendation of the 2nd Judge that he be set at liberty unconditionally.

2. In No 15 Nagapah Naick stood committed of perjury and in No 18 of subornation of perjury. Under the circumstances of the case and the provisions of Section V Regulation I of 1825, the Court of Sanjotaree Hotchkut sanction the sentence of (6) six months' imprisonment without

7th October, 1831.

8th October, 1831.

without labor or irons which the 2nd Judge has proposed should be passed on the said Prisoner and further direct that Chinnafah Chetty also Prisoner in No 15 be released as recommended.

3 With regard to the Prisoner Nagapilly charged with Perjury in No 16, and to the Prisoner Veerapen charged with Perjury in No 17, if the depositions taken on the 15th June were read over to, and signed by them on that day, and they were again examined and deposed to a contradictory effect on the next day, tho' the 2nd depositions might have been taken on the same day, that they are clearly liable to the penalties of Perjury, and that as their intention was decidedly corrupt, they should not be sentenced to less than two years imprisonment with hard labor in irons.

4 With reference to the question submitted by the 2nd Judge in the 2nd Para of his letter "whether if a person "be proved, whether on his own confession "or otherwise, to have been subborned "to swear falsely on a subject on which "he was about to give his evidence "before a Court of Justice and that in "conformity with that proof he

8th October, 1831

intention he appeared before the Court "and on his oath gave the false testimony "so previously resolved upon, he ought "not to be considered to have been guilty "of Perjury," the Court of Enquiry Malabar have laid it down as a general rule that a man shall be allowed to retract any thing that he may have declared, provided he do so before his deposition has been subscribed by him and it is of no consequence what was premeditated of he repented of the premeditated crime and retracted before it was accomplished, in the eyes of the Law he is not liable to the penalty of Perjury, however he might be liable to punishment for prevarication.

Ordered, that extract of these Proceedings be sent to the 2nd Judge on Circuit in the Southern Division for his information and guidance by Precept, returnable without delay.

Sent following Precept No 567

Read letter, dated the 6th Instt, from the Provincial Court of Circuit in the Western Division, submitting the Reports required by Section XXXV Regulation X of 1816 from the several Criminal and Sessions Criminal Judges on the Division

10th October 1831

10th October, 1831

Division and the Native Criminal Judge of Canara for the month of August last, together with an extract from their proceedings thereon.

(Circular No 742)

Malabar. 1

Case No 208 of the Report No 5 submitted by the Criminal Judge of Malabar would appear from the nature of the charge to be a case of Burglary and as the property stolen exceeded 100 Rupees the Criminal Judge was not competent to pass on the sentence of punishment on the 1st 2d and 3d prisoners

Stat. IX Reg. I, 1825.

The Section and Regulation quoted by the Criminal Judge limits him which sentence is not in any way applicable to the case.

Canara Native Criminal Judge. 3

The prisoners concerned in case No 33 of the Report No 8 submitted by the Native Criminal Judge having been detained in the Talook from the 30th of June and 7th of July to the 17th and 29th of August without any reason having been assigned for such detention, the Court of Sudder Adawlut desire that an explanation of the delay be required from the Judge to date by the Provincial Court of Canara

Ordered, that a transcript from these proceedings be forwarded to the Provincial Court of Canara

10th October, 1831

Division, enjoining them to communicate para 1 and 2 to the Criminal Judge of Malabar and para 3 to the Magistrate of Canara for the information and guidance of those Officers respectively by precept returnable in ten days from and after its receipt.

(Sent following Precept No 588)

10th October 1831

Division and the Native Criminal Judge of Canara for the month of August last, together with an extract from their proceedings thereon.

(Circular No 142)

Malabar.

Case No 208 of the Report No 5 Submitted by the Criminal Judge of Malabar appears from the records of the charge to be a case of Burglary and the property stolen exceeded 100 Rupees the Criminal Judge was not competent to pass the term of punishment on the 1st 2d and 3d prisoners

Stat. IX. Reg. I. 1825 2.

The Section and Regulation quoted by the Criminal Judge in the sentence is not in any way applicable to the case.

Canara Native Criminal Judge

3

The prisoners condemned in case No 33 of the Report No 8 submitted by the Native Criminal Judge having been detained in the Talook from the 8th of June and 7th of July to the 19th and 29th of August without any reason having been assigned for such detention, the Court of Sudder Adawlut desire that an explanation of the delay be required from the Judge

Ordered, that the Court's proceedings be forwarded to the Provincial Court of Circuit

10th October, 1831

Division, enjoining them to communicate para 1 and 2 to the Criminal Judge of Malabar and para 3 to the Magistrate of Canara for the information and guidance of those Officers respectively by precept returnable in ten days from and after its receipt.

(Sent following Precept No 588)

7th October 1831

F. H.

At a Court of the Vagidaree Adalut.
Present.

Wednesday 12th October 1831. F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2nd Puisne Judge.

Read letter dated the 6th instant from the Acting Judge on Circuit in the Northern Division, submitting English Translations of 2 cases in which the sentences passed by the Acting Criminal Judge of Nellore are considered improper and requiring revision, the prisoners in both cases being committed in the Jail and guilty only of unruly behaviour.

(Here enter No 765)

The Court having perused the proceedings held before the Criminal Court in the above cases are of opinion, that the sentences awarded by the Acting Criminal Judge tho' not illegal are excessive, and having been specially brought to the notice of the Vagidaree Adalut, the Judges desire that the Acting Judge on Circuit will communicate to the Acting Criminal Judge of Nellore their orders that the sentence in case No 4 be reduced to 15 days additional imprisonment and that in case No 5 be remitted.

Ordered

ber 1831

19th October 1831

Ordered that extract from
these proceedings be forwarded to the
Acting Judge at Chittoor in the Northern
Division to be communicated to the
Criminal Judge of Nellore

(Sent following letter No 571)

Read letter dated the 13th
from the Acting Judge of the Provincial
Court of Circuit at Chittoor in the Northern Division
submitting extract of his letter from the Acting
Magistrate of Guntoor representing that
under the orders of this Court of the 27th
April last only 39 prisoners could be
transferred to his charge in the Jail
Criminal Judge and requesting to be
is much wanted for the confinement of Convicts
at Guntoor that the difference between
the number he can receive and
the existing instruction and he may be
more ably by the Prisoners under their
of imprisonment to work for the
Months the building connected with
Jail by the late Magistrate is finishing
yard and sufficient accommodation
for that number

(Here enter No 570)

Ordered that the Provincial
Court of Circuit

12th October 1831.

Read return dated the 13th

necessary orders to the Native Criminal
Judge at Guntoor to complete the
number of prisoners placed at the
disposal of the Magistrate to 60, by
Convicts the periods of whose unexpired
Sentences extend from 2 to 12 Months, the
remainder to be of course transferred
to Masulipatam under the orders of
this Court of the 27th of April last.

Ordered, that extract from
these proceedings be forwarded to the
Provincial Court of Circuit in the Northern
Division for their information and
guidance.

(Sent following letter No 571)

Read return stated the Working
made by the Provincial Court of Circuit
in the Centre Division, to the precept of
this Court of the 19th of August last, calling
for explanation in certain cases entered
in the Criminal Reports of that Division
for the month of June last.

(Here enter No 750)

In the above return the
Provincial Court of Circuit state that
upon consideration of the record in
Case No 98 of the Chittoor Criminal Report,
they are of opinion that there are not
sufficient grounds for the sentence passed
by the Acting Assistant Criminal Judge,

they

19th October 1831

they have directed the release of the prisoners upon security; and remark, that "no defence "was taken from the Prisoners nor does it "appear that any opportunity for defence was "afforded them wherby they might have "called witnesses on their behalf;" and that "before the Witnesses on the part of the "Prosecution were examined the accused "were simply asked whether they committed "the crime charged against them, and after "the hearing of Prosecutors witnesses sentence "was pronounced".

2. Such improper proceedings on the part of the Acting Assistant Criminal Judge of Chittoor deserve the censure of this Court, and the Judges desire that the Provincial Court of Circuit will intimate to that Officer, that they expect he will be more considerate in future.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division, desiring them to communicate the above to the Acting Assistant Criminal Judge of Chittoor by precept, returnable in fifteen days from and after its receipt

(Sent following Precept No 573

Read return, dated the 11th Instant from the Provincial Court of Circuit in the Northern Division, to precept of the 3d Augt directing the recall of the commission

made

19th October 1831

Read return, dated the 13th

19th October 1831

21 19th October 1831 made to the Acting Judge of Guntoor relative to a form of half yearly Criminal Statement.

(Here enter No 706A)

Read return, dated the 27th Ultimo, from the Provincial Court of Circuit in the Western Division, to precept of the 5th August 1830, directing the Provincial Court to cause a strict enquiry to be made into the conduct of the Police Officer who took the alleged confessions in 1829 of the Coimbatore Calendar 1st Sessions 1830.

24 (Here enter No 743.)

Extract

19th October 1881

Read letter dated the 19th

19th October 1881

Ek:

Ek

Monday

7th October 1881

Ek

1/6

Confirmation

Ek

Ek:

In the Court of the Puisne Judge

Present

Hon'ble Bird Esqr acting 1st Puisne Judge

Read letter, dated the 7th instant, from the Provincial Court of Circuit in Region Ek the Southern Division, submitting the Reports required by Section XXXV Regulation X of 1810, from the several Criminal and Joint Criminal Judges in the Division for the month of August last, together with an extract from their proceedings thereon.

(Here enter No 784)

The sentence passed by the Criminal Judge of Combaconum requiring security from the prisoner in a sum of Rs 112 of the Supplemental Reports will not be cancelled, the prisoner having either given the security required from him on the 7th of April 1880 or in default been imprisoned for a year on the same charge. The Judges therefore desire that orders for the immediate release of the prisoner be issued thro' the Provincial Court of Circuit.

Case No 93 of the Register

E.

Case No 97 of the Register

No 5 submitted by the Joint Criminal Judge at Combatore appearing from the record of the charge to be a case of Robbery the Court of Foujdaree Adawlut desire that that Officer be called upon to explain the grounds upon which he considered himself authorized to pass sentence on the prisoners.

3. The Judges of the Foujdaree Adawlut regret to observe that the prisoner in Case No 6 against whom "not the shadow of a charge" existed had been unnecessarily subjected to 10 days confinement. The Magistrate of Combatore should be particularly directed to caution his Police Officers against sending up such cases to the Criminal Court and in future to be more particular in their enquiries to ascertain whether or not the charges brought before them.

Ordered, that extracts from these proceedings be forwarded to the Provincial Court of Arcot in the Southern Division, desiring them to make the necessary communication to the Criminal Judge in the Zillah of Combaconum and the Joint Criminal Judge in the Zillah of Tanjore

16th October

Read Return dated the 13th

17th October 1871

precept, returnable in fifteen days from and after its receipt. 573)

Sent following Precepts

Read letter dated the 28th ultimo from the Provincial Court of Arcot in the Centre Division, submitting the Reports required by Section XXXV Regulation X of 1816, from the several Criminal and Joint Criminal Judges in the Division and the Native Criminal Judge in the Southern Division of Arcot for the Month of July last, together with an extract from their proceedings thereon.

(Vide enter No 747)

Ordered 1. The Court of Foujdaree Adawlut consider the punishment to which the prisoners concerned in case No 10 of the Supplemental Report have been sentenced by the Acting Assistant Criminal Judge, totally inadequate to the offence with which they were charged. In the opinion of the Court the prisoners on conviction should have been punished to the full extent authorized by Regulation X of 1816 if not committed for trial.

2. With reference to the detention in the Zillah of the prisoners concerned in case No 79 of the Report No 5 the Provincial

Provincial Court of Circuit should have
brought to the notice of the Magistrate the
the reason assigned by the Head of Police
of Trincomalee for the delay in forwarding
the prisoners to the Criminal Court is
both unsatisfactory and inadmissible
The Court of Circuit has distinct & repeatedly
instructed the Magistrates to notify the
their Native Officers of Police that after
they have taken cognizance of a prisoner
to satisfy themselves of a prisoner's guilt
notwithstanding other prisoners remain
to be apprehended or other matters
be examined the prisoner of whose
guilt they are satisfied and the witnesses
already examined should be sent up
at once to the Criminal Court with the
report, stating that the others will be
forwarded at a future period.

3. The sentence passed by the
Acting Assistant Judge on the prisoner
in case No 96 being altogether illegal
the Court declare that the same ought
be set aside and that Officer called
upon to explain under what
Regulation he considered himself
authorized to pass such a sentence
The Provincial Court
direct the

Read return dated the 13th

of the case under the Regulations, and
in future to refer to his Assistant
only such cases as he may be considered
capable of trying, being cognizant at the
same time to correct any illegal sentence
which may be passed by him, a power
which it is competent to the Criminal
Judge to exercise under the orders of this
Court of the 15th of November 1824.

4. The same remark that was
made on the detention of the prisoners
in Case No 79 is applicable to the reasons
assigned by the Head Assistant Magistrate
for the delay in forwarding the prisoners
concerned in case No 97 to the Criminal
Court.

Puttalam 5. The Court perceive that the
prisoner named Abdul Hareem who was
forwarded to the Criminal Court at Puttalam
in the month of November last and charged
with having opened the lock of a magazine
in the Prosecutor's house situated in the
Town of Hydrabad and stolen therefrom
"property of considerable value", is still
reported to be under examination, under
these circumstances the Provincial Court
of Circuit will intimate to the Acting
Criminal Judge in the Zillah of Puttalam
that if the case has not been disposed
of at the date of the next Month by

Criminal

Criminal Report, the Judges will expect
that a particular explanation accounting
for the delay will be entered in the appro-
priate Column.

6. In the Report of prisoners
whose cases have been referred to the
Provincial Court and on whose the sentence
of that Court has not been received
up to the 31st of July 1831 are prison
included Narrong alias Georgee Gregatoo
and Cumbergatoo the prisoners examined
in Case No 2 of the Cuddapah Calendar for
the 2nd Sessions of 1829, respecting whose
disposal more specific by the
Court of Circuit detailed under date
the 19th of January 1831 and explanation
required from the Acting Criminal
Judge of Cuddapah under date the 20th
of April following, why the names of
those persons appeared in the Report
No IX for the month of February last
from the return to the above specified
it appeared that the names of these pris-
were inserted in the Report as in con-
sequence of an order passed by the Cri-
minal Judge in Circuit directing
the suspension of the sentence passed
upon them under date

17th October 1831

Read Return dated the 13th
of October 1831 from the Register in Circuit in the
Cuddapah Zillah

Ordered

That the Register be informed that the Court
observe that the Prisoners Narrong alias Georgee Gregatoo
and Cumbergatoo have been confined for upwards of
two years without any sentence having been passed upon
them, and that the Court desire that the Criminal
Judge of Cuddapah be called upon to explain the
cause of this delay.

That the Register be informed that the Court
observe that the Prisoners Narrong alias Georgee Gregatoo
and Cumbergatoo have been confined for upwards of
two years without any sentence having been passed upon
them, and that the Court desire that the Criminal
Judge of Cuddapah be called upon to explain the
cause of this delay.

17th October 1831

Read Return dated the 13th
of October 1831 from the Register in Circuit in the
Cuddapah Zillah

Ordered

following Case in which he is also concerned
the order requiring Lesmoto from him
if actually in Jail must be complied with.

9. The Acting Criminal Judge must also be called upon to explain why the prisoners concerned in Cases Nos 17 and 18 of the Supplemental Calendar are still reported under examination.

10. An improvement is suggested in the Criminal Returns of the Southern Division on the transmission to the Court of the several Monthly Criminal Reports, the Court of Sudder Adawlut desire that their particular attention be called to the 4th para of their circular dated the 17th February 1829, wherein the Statements are required to be forwarded within the fourth following the period for which they are prepared.

11. The Court observe that the Criminal Reports of the Northern Circuit for August and those of the Cuddapah for July arrived on the same day

Ordered, that each of these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division, desiring them to make the necessary

Criminal Judges of Chittoor and Cuddapah and the Acting Criminal Judge in the Southern Division of arrest by precept, returnable in fifteen days from and after its receipt.

(Sent following Precept No 754)

Read letter, dated the 10th instant, from the Acting Judge of the Provincial Court of Circuit in the Northern Division, requesting instructions as to the disposal of Chotteboyana Atchegandoo the prisoner on cale No 1 of the Madanlipatam Calendar for the 3rd Quarterly Sessions of 1831 who was tried for the murder of a boy of 3 years old and acquitted, it having been proved that he was insane when the act was committed.

(Here enter No 786.)

From the opinion of the Assistant Surgeon in charge of the Jail attached to the Auxiliary Court at Madanlipatam which accompanies the Cutcherry's letter, it appears that the prisoner whose case is referred to, is not a fit subject for the Lunatic Asylum at the Presidency, is considered to be insane under such an aberration of intellect as to render his release, freed from all restraint, hazardous to the community.

But the prisoner's friends are willing to take proper care of him, the Court would have desire that he be delivered into their custody, but having

declined to make themselves responsible for keeping him from further mischief, the Judges desire that he be detained in Jail under the medical charge of the Gillah Surgeon and that the Sessions Criminal Judge be directed to observe the course of proceeding prescribed in the 4th para of the Circular Orders of this Court under date the 10th of June 1839.

Ordered, that extract from these proceedings be forwarded to the acting Judge of the Provincial Court in the Northern Division for his information and guidance.

(Court following Letter No 575)

Read letter, dated the 6th instant, from the Chief Secretary to Government, transmitting copy of a letter from the Military Board and requesting that the Native Judges may be instructed to forward their applications for Alligator tails through the Judges of the Zillahs to which they are attached.

(Here enter No 576)

In compliance with the order of the Right Honorable the Governor in Council, the Court of Sessions resolved to direct the Provincial Courts of Circuit in the Centre, Northern and Western Divisions to instruct the Native Criminal Judges within their respective

in future to forward to the Criminal Judge of the Zillah to which they may be attached, their applications for supplies of Cats o' nine tails in order that they may be forwarded by that officer to the Secretary to the Military Board.

Ordered, that extract from these proceedings be forwarded to the Provincial Courts of Circuit in the Centre, Northern and Western Divisions for their information and guidance by precept, returnable in six days from the date of its receipt.

(Court following Precepts No 578 to 580)

Read return, dated the 11th Instant, from the 1st Judge of the Provincial Court of Circuit in the Centre Division, explaining his delay in forwarding the Report on the 1st Quarterly Sessions of Jail Delivery at Chittoor for 1871, and submitting his Report on the Jail Deliveries of Chittoor, Chingleput, and Cuddalore.

(Here enter No 578 of 1871)

In the 2nd paragraph of the above report the 1st Judge, in reference to the case of an insane prisoner, who had committed a fatal act of violence, and had been restored to his father by the Criminal Judge under an engagement to prevent his doing mischief, observes

"professes by the nature of her sex of disordered mind under due restraint, and suggests that in all cases where the disorder has at any time been so violent as to have endangered the life of a fellow creature, the patient may not be again restored to liberty, but detained in the Lunatic Hospital, as the only means of effectually securing the public from injury"

2

The Court of Bengalaree Udalut are of opinion, that the standing orders on this subject, which require that such insane prisoners, as may be considered by the medical officers to be fit subjects of confinement in a lunatic hospital, shall be sent to the Hospital, sufficiently provide for the public protection.

3

Undoubtedly no human being of violent character should be intrusted, or placed under restraint except by and as the result of sentence of a Criminal Court, the Court of Bengalaree Udalut direct, that the Police officers arresting on the point, the Court of Bengalaree Udalut on which they conclude that the station no case be sent before them

4

The Court of Bengalaree Udalut have read with much satisfaction the favorable testimony borne to the religious and useful character of the Criminal Judge of Chunglepoot, in bringing

1

Read return dated the 13th "

17th October 1831. to punishment, in the 11th paragraph of the report.

5

The practice, noticed in the 29th paragraph, of removing heads of district police from one taluk to another appears to the Court of Bengalaree Udalut to be unavoidable: and the impropriety of a Magistrate delegating his whole authority to an inexperienced assistant, has been frequently remarked with reprobation by the Court.

6

The arrangements suggested in the 30th paragraph, are beyond the control of the Judicial authorities.

7

In the concluding paragraph of the report the 1st Judge observes, that in postponed cases, which he has had to try the instructions of the Bengalaree Udalut directing that the Judge on Circuit should take all the evidence for the prosecution at the time he is on Circuit at the Zillah station, do not appear to have been attended to, and he suggests that the attention of the Judge on Circuit be again directed to these orders, as the Superior Court in framing the orders must have had in view the convenience of the witnesses for and against the prisoner."

The 1st Judge would appear

8

in these remarks to refer to the orders of the Court of Bengalaree Udalut dated the 24th August 1826, which require that in certain cases supposed to be of rare occurrence

recommend, when the testimony of an accused
witness, thought immaterial on any proceed-
ing in the course of the trial to be subsequently
the deposition already taken and of all
the proceedings shall be kept with
the record for the use of the Judge who shall
complete the proceedings of his own motion that
shall be the Judge should direct
the postponement of the trial
for the defence should have shown cause
to my satisfaction, should such cause be proved
the postponement of the trial ought the
accused in consequence of the absence of
a witness for the prosecution may be the
ground of the postponement.

Ordered that a transcript of this
proceedings be sent to the Registrar of the
Criminal Court of Record in the Pinda Division
by precept requiring him to obtain the opinion
of the Law Officers on the case above
described.

(Sent following Precept No 57)

Ordered that the Gaoler of the
Bare Prison with Custody of this prisoner
be sent to the Chief Secretary the prisoner
for the purpose of being tried before the
Honorable the Governor

19th October

17th October 1831

Read again letter, dated the 9th
Instant from the 2nd Judge on Circuit in the
Southern Division, transmitting the record
of the trial in Case No 17 Sincerely Calendar 3d
2nd Sessions 1831.

(Here enter No 56)

Read also return, dated the 3rd
Instant, from the 2nd Judge on Circuit in
the Southern Division, to precept of the
9th ultimo, directing that translates of the
depositions of certain persons named by
the Prisoner in No 17 of Sincerely Calendar
2nd Sessions be obtained and forwarded
to the Registrar accordingly.

(Here enter No 57)

The First and Acting Third Puisne
Judges on a deliberate consideration of
the circumstances of the case in evidence
before them, concurring in opinion
that the proof against the Prisoner
Puberuicium
is sufficient to convict him of the Crime
of murder, under the authority with which
they are vested by Clause 5th Section II
Regulation I of 1818 to convict him thereof
and sentence him to suffer death as
prescribed by Section X Regulation VIII
of 1802 by being hanged, on a Gibbet to be
erected as near as practicable, without
annoyance to the inhabitants of the
village, to the spot where the crime was
perpetrated.

(Sent following Letter No 58)

Read

17th October 1831.

Read letter, dated the 17th
October, 1831.

Read letter, dated the 17th Octobr 1831 from the Acting Judge to take on Point in the Northern Division, submitting the record of proceedings in Case No 18 on the Rajahmundry Calendar for the 1st Sessions of 1831.

(Here enter No 711.)

The First and Acting Third Puisne Judges on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the proof against the Prisoner Pantum Suggapah is sufficient to commit him of Gang Robbery attended with murder under the authority vested in them by Clause first Section II Regulation I of 1818, do convict him thereof and under Clauses first and fifth Section IV Regulation XV of 1803 adjudge him to be branded on the Gillack of Cudalapah there to be imprisoned and kept to hard labor in irons on the public roads or other public works, for the period of fifteen years.

(Vide following letter No 587)

Read letter, dated the 18th instant, from the Third Judge of the Criminal Court of Circuit in the Western Division, in pursuance of the 20th letter, accepting the 2nd Judge to issue an order to the Joint Magistrate of Masulipatam to return to Rupees Ninety-two Rupees being a fine

17th October 1831.

Read letter, dated the 5th letter from the 3rd Judge of the Court of Circuit in the Western Division, submitting the record of proceedings in case No 1 on the Supplemental Calendar of the Auxiliary Court of Masulipatam for the 3rd Quarterly Sessions of 1831.

(Here enter No 673)

The First and Acting Third Puisne Judges having maturely considered the proceedings held before the Judge on Circuit, the depositions of the Prosecutor, Law Officer, and the depositions of the Witnesses for the Prosecution, and the statement of the Prisoners, concur in opinion that the Prisoners

Pantula Kasseah Nambigah

and Narrinda Bankey Cauldy

are not convicted of the crime of Gang Robbery against them, on strong presumptive proof or, on the evidence of credible witnesses or on their own confession, notwithstanding the depositions of their Law Officer, but recommend that Sentence may be passed on them, the First and Acting Third Puisne Judges referred to under Clause first Section II Regulation XV of 1803, that they be required to give the first two sureties in 200 Rupees each and the second two sureties in 100 Rupees each for their

appearance when required and

good behaviour and

Sureties, for their

years, or, in default of

F.N.

At a Court of the Foujdaree Adalut.

Present

Wednesday 19th October 1831. T. C. Grant Esqr. 1st Puisne Judge
John Bird Esqr. Acting 3d Puisne Judge

Read again petition presented on the 31st of August last by the Vakeel Banoomiantra in behalf of D. Samy Naik requesting the final orders of the Court upon his petition presented on the 11th of March 1830, wherein he complained of the order passed by the Judge who presided at the 4th quarterly Sessions of 1829, confirming the decision of the Head Assistant Magistrate upon the complaint preferred by the Petitioner against the Tahsildar of Cauvary-kaurkeim and others for having broken into his house and plundered therefrom property to a large amount.

(Here enter Mis. Pet. No 73 of 1831.)

Read also return, dated the 27th October, made by the Provincial Court of Circuit in the Centre Division, to this Court's precept of the 20th of August 1830, calling for an English translation of the proceedings held by the Magistracy of Chittoor in the case above alluded to.

(Here enter No 78.)

The Judges of the Court of Foujdaree Adalut having perused the translation of the proceedings of the Head Assistant Magistrate in the case of D. Samy Naik which accompanied the above return, concur in opinion with

19th Oct. 1831.

with the Provincial Court that the Petitioner has greatly exaggerated his complaint, magnifying the charges of Crimes articles, erroneously supposed to have belonged to a Pagoda, into robbery by open violence.

2 From the proceedings it appears that some coffee were removed from the Pettah and sold by the Tahsildar and certain other persons who acted under the orders of the Magistrate, but the evidence is not sufficient to prove the removal of any other articles, much less does it shew that the valuable property specified by the Petitioner was carried away.

3 No further ongoing of charges against the Petitioner and the Court therefore declines to repeat the prayer of the petition of 1829 wherein it was requested that orders might be issued to the Magistrate directing him to forward the cases for examination to the Provincial Court.

4 The Judges of the Zillah Adalut agree with the Provincial Court in considering that the Magistrate was not justified in ordering the removal of any article from the premises of the Pettah without previously ascertaining that it belonged to the Pagoda, and it appears clearly that the coffee which were removed were the property of the Petitioner they must if unsold be restored to him. The Court of Zillah Adalut accordingly declare that orders to that effect be issued to the Magistrate of the Zillah of Tchitoor by the Provincial Court of Circuit on the Centre Division.

Ordered accordingly, that extract from these proceedings be forwarded to the Provincial

T. H.

19th Oct. 1831

Court of Circuit in the Centre Division for their information and guidance by precept, returnable in one week from and after its receipt, and that a copy of the above be furnished to the Petitioner on his application.

(Petitioner on his application. See 582.)

(Next following precept at p. 582.)

(Their petition presented in person by Veeromal Naik of the Pillai of Chingleput.

(Recorded in Mis. Pet. Bk. No. 82 of 1831.)

The Petitioner is the same person who appeared before the Court on the 15th of May last and his present petition is merely a repetition of that presented under the above date, the prayer of which being for the release of his son-in-law Ramaswamy Naik and Varachella Naik Mudaliar Poder Naik and Varachella Naik concerned in Case No. 7 of the Chingleput Calendar for the 2d Sessions of 1830.

Upon the same grounds as the petition of the former petitioner was ordered in the present application repeated and to the order of the 23d of May last the petitioner is consequently referred; and informed that any further petition on the same subject will be returned to him.

Ordered, that the above be communicated to the petitioner and that extract from the proceedings be furnished to him on his application.

(Their petition presented in person by Sabatchy of the Pillai of Chingleput.

(Recorded in Mis. Pet. Bk. No. 83 of 1831.)

The petitioner prays that the Court will be pleased to remit the sentence of 8 years imprisonment and hard labour in irons passed by the Zillah Adalut under date the

31st

19th Oct. 1831.

31st of October 1828 on the prisoners named Changlay concerned in case No 17 of the Chingleput Calendar for the 2d Sessions of 1827.

The Court of Foujdaree Adawlut being unable to comply with the prayer of the above petition desire that the same be rejected.

Ordered, that the above be communicated to the Petitioner.

Read letter, dated the 18th Instant from the Provincial Court of Circuit in the Centre Division, submitting the reports required by Section XXXV Regulation X of 1810 from the Sessions and Joint Criminal Judges in that Division for the month of August last, together with the information from their proceedings thereon.

(Here enter No 7 pa)

Chittoor 1 Under the prisoners committed in case No 119 of the Supplemental Report were old offenders or other circumstances of aggravation attended the commission of the theft not stated in the Report the Judges of the Foujdaree Adawlut consider the punishment awarded by the Criminal Judge of 7 years and 6 years imprisonment with hard labor in irons according to the value of the property stolen amounting only to 7 annas and 6 fanams.

2 The sentence having been passed on the 11th of August last the 2d and 3d prisoners must have undergone their punishment and been released, but as regards the 1st prisoner the Court desire that the Criminal Judge be directed to reconsider the sentence and to report what he may have done in consequence.

Cuddapah 3 In the charge in case No 2 of the Report No 5 submitted by the Joint Criminal Judge

(Next for reference)

F. C.

19th Oct. 1831.

Judge of Cuddapah it was fully established on the trial, the offence of which the prisoners were convicted was Robbery by open violence, a crime not punishable by the Joint Criminal Judge: the Court therefore desire that this officer be called upon to explain the grounds under which he considered himself authorized to pass sentence of punishment.

Bellary 4 The Court of Foujdaree Adawlut desire that the Provincial Court of Circuit will call upon the Acting Criminal Judge of Bellary to explain why the examination of the cases numbered 8, 10 and 11 of the Report No 5 had not been commenced upon up to the period of the date of that return.

5 The Judge's remark that the prisoner named Dhoomanah still appears in the Report No 5 as not disposed of although on the 2d of August last on review of the Criminal Reports for the month of May orders were issued to the Criminal Judge of Bellary directing him not to include this person in the Returns of cases not disposed of, as sentence was passed upon him by the Foujdaree Adawlut on the 10th Septr. 1830; and why those orders have not been carried into effect the Court desire that the Criminal Judge may be called upon to explain.

Madura Criminal Judge 6 The 2d prisoner in case No 29 of the Supplemental Report charged with the gang Robbery by open violence has been sentenced to 18 months imprisonment with hard labor in irons; the illegality of the sentence should have attracted the notice of the Provincial Court of Circuit and the Native Criminal Judge required to furnish

no

an explanation, which could if proceeding the Provincial Court of Circuit are hereby directed to observe without further delay.—

7 The same remark is applicable to the sentences passed by the Native Criminal Judges on the prisoners in the following cases viz. 31 and those concerned in case 36.—

8 Upon review of the statements shewing the manner in which the prisoners in the several Jails within the Centre Division were employed during the month of August last, the Court of Enquiry could not have been struck with the large number of persons confined in the Jail at Chingleput under requisition of Security upon whom no kind of labour has been imposed by the Criminal Judge on the ground that the warrants issued for their detention in default of finding the requisite Security did not specify that they should be employed during their confinement.

9 This practice appears also to prevail in the Jail at Vellore, and the Court of Enquiry could not avoid having reason to believe that the Judicial authorities generally entertain the opinion that persons held to Security cannot be employed during their confinement in the Jail unless the sentence specially directs the completion of labour; resolved to instruct the Sessions Criminal and Joint Criminal Judges by a Circular order that it is imperative on Criminal Judges under clause 1st Section XIII Regulation VI of 1827 to subject all persons confined on requisitions of Security, whether for good behaviour under Sections VIII, IX and X of that Regulation or for

19th October 1831.

appearance under clause 1st Section III Regulation III of 1832, to compulsory labour, the kind and degree being alone left to the discretion of the Officer; and that this was the intention of the Legislature is clearly inferible from the preamble to the Regulation and from the wording of the marginal order to Section thirteen.—

10 The Court of Enquiry deem it unnecessary to exclude from the operation of this order the cases of persons held to Security wherein from the situation in life of the party or other causes the Sessions Judge may consider the adjudication of labour improper and the warrant ordered to the Criminal Judge for their detention in default may contain a specification to that effect.—

Ordered, that extracts from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division, desiring them to make the necessary communication to the Criminal Judges of Chittoor and Bellary, the Joint Criminal Judge of Cuddapah and the Native Criminal Judge in the Southern Division of Arcot by pursuit returnable in 10 days, and that paras 8, 9 and 10 be furnished to the Sessions Criminal and Joint Criminal Judges within their Division and the Native Criminal Judge at Cuddalore for their information and future guidance.—

Ordered further, that paras 8 9 and 10 be forwarded to the Provincial Courts of Circuit in the Northern, Western and Southern Divisions, desiring them to communicate the same

1831.

19th Oct. 1831.

Same to the several Criminal and Civil Criminal Judges in their respective Jurisdictions—

(Sent following precepts No. 556)

No return having been received from the Provincial Court of Circuit in the Western Division to this Courts precept of the 29th August last, requiring them to call for and transmit without delay the annual reports of the Magistrates on the state of the Police in their respective Districts, & the transmission to Government of the half yearly Criminal Report ending the 31st December 1830 being delayed in consequence.

Ordered, that the Judges of the Provincial Court of Circuit in the Western Division by precept directed immediately to furnish the reports therein called for, and to explain the extraordinary delay which has occurred in making return to the precept of this Court of the 29th August last.

(Sent following precepts No. 557)

Read letter, dated the 13th Inst. from the 2d Judge on Circuit in the Southern Division, reporting the arrival of the Circuit Court at Salem—

(Here enter No. 794)

Read letter, dated the 13th Instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division, reporting that the fourth quarter Sessions of the present year commenced on the 13th October 1831—

(Here enter No. 795)

19th October 1831.

Read return, dated the 13th Instant from the 2d Judge on Circuit in the Southern Division, to precept of the 4th Instant, sanctioning a mitigation of punishment in favor of Sabajiputty 1st Prisoner in No 12 Cumberamam Calendar 2d Sessions 1831.

(Here enter No. 793)

Read return, dated the 12th Instant from the 3d Judge late on Circuit in the Western Division, to precept of the 20th Instant, directing the 3d Judge to submit his Report in the 1st Sessions 1831—

(Here enter No. 805)

Read the Criminal Reports from the Provincial Court of Circuit in the Northern Division for the months of February, March, April and June last—

(Here enter No. 795-796-797-& 799-)

19th Octr. 1831.

19th Octr. 1831.

22nd October, 1831.

the Justices desire the attention of the Acting Magistrate be called to their orders recorded under date the 8th of February 1830, wherein it is directed that in all Cases of delay occasioning fine upon the Magistrate by which complainant's ends in forwarding the case to the Criminal Court by an order to be appended to the paper sent with the prisoner

3.

In the cases above alluded to the prisoners appear to have been detained by the Acting Magistrate from the 5th of March last to the 20th of May and that Officer must be required to explain the

Chicacole

Without further explanation the Sentence of 4 months imprisonment with hard labour in irons passed on the prisoner contained in Charge No 1 of the Report No 5 and charges with having stolen 8 Annas with effects appears to the Court of Circuit extravagant, and the Criminal Judge must be called upon to state the circumstances which induced him to award so severe a punishment

5

The punishment awarded against the prisoners in cases No 8 of the Supplemental Report charged with having received bribes and extorted from the persons of some prisoners who were under the Custody of the

22nd October, 1831.

Criminal Judge must be required to state under what Regulation he considered himself competent to pass Sentence of one year's imprisonment with hard labour in irons. If the charge was fully proved the prisoners should have been committed to take their trial before the Court of Circuit under the provisions of Section XXIII Regulation VIII of 1802.

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division, enjoining them to communicate the above to the Officers whom it may concern by precept, returnable in ten days from and after its receipt.

(Subjoining Precept No 584)

24

15

Read return, dated the 15th instant, from the 2nd Judge on Circuit in the Southern Division, to precept of the 10th Instant conveying the remarks and orders of the Judges detailed on the cases No 13, 15, 16, 17 and 18 on the Cumbacconum Calendar 2nd Sessions 1831, in which a mitigation of punishment was recommended by the 2nd Judge of the Provincial Court.

(Here enter No 806)

At a Court of the Vuijdaree Udalut

Present,

Saturday 22nd October, 1831 R. K. Grant Esqr. 1st Puisne Judge.

John Reid Esqr. Acting 2nd Puisne Judge.

Read the Reports required by Section XXXV Regulation X of 1816 from the several Criminal and Joint Criminal Judges in the Northern Division and the Native Criminal Judge of Guntoor for the Months of May last, received from the Provincial Court of Circuit in the Northern Division under date the 19th instant.

(Hereunto annexed No 778.)

Rajahmundry 1. The Provincial Court of Circuit will intimate to the Criminal Judge of Masulipatam that the order requiring security from the 5th prisoner in Case No 18 of the Report No 5 "for her appearance until the termination of the Trial by the Court of Circuit" should not have been entered in the Column designed to shew the nature of all punishments awarded.

Masulipatam 2. No explanation appearing in the Report of the delay which occurred in the transmission of the proceedings concerned in Cases Nos 3, 4, 5, 6, and 7 to the Auxiliary Court at Masulipatam, the

the Judges desire the attention of the Acting Magistrate be called to their orders circulated under date the 8th of February 1830, wherein it is directed that in all cases of delay exceeding five days the Magistrate shall explain its cause in forwarding the case to the Criminal Court, by a note to be appended to the paper sent with the prisoner.

3. In the case whose name appears to the prisoners appear to have been obtained by the Acting Magistrate from the 5th of March last to the 28th of May and that Officer must be directed to explain the cause.

Chicacole. 4. Without further explanation the Sentence of 4 months imprisonment with hard labour in irons passed on the prisoner concerned in Case No 4 of the Report No 5 and charged with having 8 Annas worth of Salt in appears to the Court of Sessions Calcutta exceeding, and the Criminal Judge must be called upon to state the circumstances which induced him to award so severe a punishment

5. The punishment awarded against the prisoners in case No 8 of the Supplemental Report charged with having received bribes and aided in the escape of some prisoners who were under their custody appears to be illegal [illegible]

22nd October, 1831.

Criminal Judge must be required to state under what Regulation he considered himself competent to pass sentence of one year's imprisonment with hard labour in irons. If the charge was fully proved the prisoners should have been committed to take their trial before the Court of Circuit under the provisions of Section XXIII Regulation VIII of 1802.

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, enjoining them to communicate the above to the Officers whom it may concern by precept, returnable in ten days from and after its receipt.

24 (See following Precept No 587)

15 Read return, dated the 15th Instant, from the 2nd Judge in Circuit in the Southern Division, to precept of the 10th Instant conveying the remarks and orders of the Zillah Court on the orders No 13, 15, 16, 17 and 18 on the Cumbacconum Calendar 2nd Sessions 1831, in which a mitigation of punishment was recommended by the 2nd Judge of the Provincial Court.

(Here enter No 806)

the Judges desire the attention of the Acting Magistrate be called to their orders circulated under date the 8th of February 1830, wherein it is directed that in all cases of delay exceeding five days the Magistrate shall explain its cause in forwarding the case to the Criminal Court, by a note to be appended to the paper sent with the prisoner.

3. In the case alone alluded to the prisoners appear to have been detained by the Acting Magistrate from the 30th of March last to the 28th of May and the Officer must be directed to explain the cause.

Chancole. 4. Without further explanation the Sentence of 4 months imprisonment with hard labour in irons passed on the prisoner concerned in Case No 4 of the Report No 5 and charged with having 8 Annas worth of Salt in appears to the Court of Sessions Calcutta exceptionable, and the Criminal Judge must be called upon to state the circumstances which induced him to award so severe a punishment.

5. The punishment awarded against the prisoners in case No 8 of the Supplemental Report charged "with having "received bribes and aided in the escape "of some prisoners who were under their "Custody" appears to be illegal

22nd October, 1831. Criminal Judge must be required to state under what Regulation he considered himself competent to pass sentence of one year's imprisonment with hard labour in irons. If the charge was fully proved the prisoners should have been committed to take their trial before the Court of Circuit under the provisions of Section XXIII Regulation VIII of 1802.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, enjoining them to communicate the orders to the Officers whom it may concern by precept, returnable in ten days from and after its receipt.

24 (On the following Precept No 587)

93 Send return, dated the 15th instant, from the 2nd Judge in Circuit in the Southern Division, to precept of the 10th Instant conveying the remarks and orders of the Vice-Roy and Lieutenant on the cases Nos 13, 15, 16, 17 and 18 on the Cumbacconum Calendar 2nd Sessions 1831, in which a mitigation of punishment was recommended by the 2nd Judge of the Provincial Court.

(Here enter No 806)

F. A.

At a Court of the Zoujdarree Adaulut.

Present,

Tuesday
25th October, 1831. F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 3rd Puisne Judge.

Read the Reports required by Section XXXV Regulation X. of 1816 from the several Criminal and Joint Criminal Judges in the Northern Division and from the Native Criminal Judge of Guntoor for the Month of July last, received from the Provincial Court of Circuit in the Northern Division on the 19th instant.

(Here enter No 809.)

Nellore. 1. From the Abstract appended to the Report No 8 it would appear that on the 31st of July last there were 62 prisoners confined in the Jail at Nellore to take their trial before the Court of Circuit, regarding to the Report however it appears that only 44 persons were so confined, and the Judges presume that the result above alluded to was obtained by the Criminal Judge furnishing the names of those persons who are concerned in many cases to be entered in the calculation as separate and distinct individuals. This however is

is manifestly erroneous and the Criminal Judge must be directed to obtain from such mode of computation in future.

2. With reference to the order given by the Criminal Judge for each of Nos 27 and 28 of the Jail Calendar of Rajahmundry. 3

being still under examination, that it be observed that the Magistrate of Nellore be called upon to explain why these individuals were not prosecuted and witnesses in attendance on the 25th of July the date of the Report applicable to them, having been summoned to him by the Criminal Judge on the 25th and 30th of June last.

No explanation having been afforded by the Assistant Magistrate of Rajahmundry for the detention of the prisoners in Case No 3 of the Calendar from the 19th to the 29th of January last, the Court desire that that Officer be called upon to explain the causes of the delay and that this attention be directed to the Circular orders of the Board dated 1830

4.

relative to the delay which occurred in forwarding the prisoners in case No 9 to the Criminal Court.

5. The prisoners in Case No 10 who were apprehended on the 11th of May are reported by the Magistrate of Masulipatam not to have reached him before the 11th of July last; in whose custody the two prisoners were previous to their arrival at the Magistrate's Cutcherry is not stated, the Court therefore desire that the Magistrate be called upon to account particularly for their long detention.

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit on the Northern Division, enjoining them to communicate the same to the Officers whom it may concern by precept, returnable in ten days from and after its receipt.

(Sent following Precept No 588)

Read the Reports required by Section XXXV Regulation X of 1816 from the several Criminal and Joint Criminal Judges for the Month of August last received from the Provincial Court of Circuit in the Northern Division on the 17th instant.

25

Rajahmundry

1. With reference to the remark entered in Column 10 of the Report, Assistant Magistrate explaining the grounds for the delay in forwarding the prisoners to the Criminal Court, the Judge of the Circuit is desired to intimate to the Magistrate that he is not authorized to refer to the Bonds of Witnesses and to remand to him for investigation, but must either decide on the case himself to the Criminal Court.

2. The Criminal Court will point out to the Magistrate of Rajahmundry that the reason assigned by his Assistant for the delay in forwarding the prisoners in Case No 3 to the Criminal Court is inadmissible.

Masulipatam. 3. The reason assigned by the Joint Criminal Judge of Masulipatam for his not having closed the case No 178 of the Report No 5 as considered by the Judges of the Sanguinaire Adalut very unsatisfactory.

4. The Court remark that though the Report No 5 the Joint Criminal Judge has omitted to record the grounds of the release of the prisoners, the Criminal Court of Circuit will observe that such entries be

5. A similar remark was made by the Court of Sanguinaire Adalut under date the 15th of September 1830 on review of the Criminal Reports for May 1830 submitted by the Joint Criminal Judge of Masulipatam.

Vellore 6. In the Column of remarks it is stated that the prosecutor in Case No 27 of the Supplemental Report did not appear before the Criminal Court until the 24th of August, the prisoners who were apprehended on the 9th of June and remaked the Criminal Court on the 22nd of that month must consequently have been upwards of 2 Months in Jail without any proceedings having been held upon them. Under these circumstances the Magistrate must be called upon to explain why the Prosecutor and Witnesses were not sent up with the case in the first instance, and why their attendance could not be procured before the 24th of August.

7. The Magistrate of Vellore must also be called upon to explain why the attendance of the witnesses upon the cases in Case No 30 of the same Report could not be procured up to the 31st of August the date of the return.

8. It appears from the re-

Showing the manner in which the prisoners were employed in the several Jails within the Northern Division during the Month of June, July and August last, that with the exception of that of Fathers Gibbons nothing has been reported in any of the other Jails by the Gaolers the frequency of the Labour of the Prisoners, therefore deem it proper to direct the Provincial Court of Orkney in the Northern Division to call upon the Criminal Judges of Peace and the Criminal Judges of Police to report what may come to their knowledge contrary to the Rules contained in the Circular Orders of the Court of Exchequer dated the 4th March last in which the manifest of employing the prisoners in making yielding the highest profit to the strongly urged.

The Judges observed that the Jail of Kelso the prisoners are nearly if not entirely employed by the produce of their labour is the article in greatest demand the Officers in charge of the Jails who have not made

25th October 1871

to do so, and to make their endeavours to supply both their own Courts and the Collectors conformity with this article

Ordered that extract from these proceedings be forwarded to the Provincial Court of Orkney in the Northern Division, desiring them to communicate the same to the several Officers of whom it may concern by precept, returnable in ten days from and after its receipt.

(See following Precept No 587)

Read letter, date 25th Instant, from the Judge on Circuit in the Northern Division, submitting copies of Sheriff Calendar and Sessions of Court for October 1871

(Prisoner No 803 of 1871.)

Upon the 1st prisoner in the Calendar, sentence of eight years imprisonment was passed by the Judge, "under the provisions of Clause Section III and Clause Second Section III Regulation VI of 1853."

As the prisoner in this case is charged with wounding, and not with inflicting other corporal injury, Clause Section III of the above Regulation has no application to his case.

Nor is the sentence warranted by the provisions of Clause Second Section

Section III of the Regulation, and explained in the circular orders of the Court of Policy of St Eustatius under date the 15th June 1833 of which this Court is first that [illegible] and 4 he is furnished to the 2nd Judge, who will recall the warrant issued for execution of the sentence, pronounced on this prisoner and sentence him to seven years imprisonment with chains.

Ordered, that a record of these proceedings be sent to this 2nd Judge as Criminal in the Southern Division, by a precept returnable in fifteen days from and after its receipt.

(Sent following Precept No 590)

Rene Lotter, dated the 20th October from the Acting Judge to the Criminal in the Northern Division, submitting the record of proceedings in case No 2 on the Calendar of the Court of Regulations for the 1st Sessions of 1831.

(Here enter No 595)

The First and Acting Third Judges on a deliberate consideration of the circumstances of the case in question before them, concerning an offence on the part of Abdolabie Clemencia

2nd [illegible] Mulatto

is sufficient to commit this [illegible] of murder

4th November 1831.

25th October 1831. which they are under by Ordonnance first Section 2 Regulation 1 of 1818 do convict them thereof and sentence them to be transported to such place or places beyond the Seas as His Excellency the Governor in Council shall appoint there to be imprisoned and kept to hard labour in edge irons and to be fed on the public roads or other public works for and during the period of their natural lives.

(Sent following letter No 591)

Rene Lotter dated the 4th instant, from the Acting Judge late on Criminal in the Northern Division, submitting the record of proceedings in case No 3 on the Calendar of the Court of Regulations for the 1st Sessions of 1831

(Here enter No 594)

The First and Acting Third of the Supreme Judges having maturely considered the proceedings held before the Acting Judge on Criminal the fiscal of the Provincial Court Officer and the petition of the Petitioner and Respondent of the Assistance to the Petitioner and Respondent and Assistant aforesaid, Petitioner to confirm the said sentence of the Court of Regulations aforesaid, Petitioner objecting to the Petitioner Thomas Romadanny of the crime charged against him and Resolved that he be released.

(Sent following letter No 592)

E. H.

At a Court of the Eoyidaree Matabele.

Present.

Wednesday
20th October, 1837. R. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 2nd Puisne Judge
W Huddleston Esqre Acting Judge

284 Read petition presented in
285 person by Colegwalo of the Zoolah of
286 Cudolapah.

(Here enter Minute Petr No 84 of 1837)

The petitioner is the same person who appeared before the Court on the 7th of September last and prayed for the release of his Son-in-law the 5th prisoner concerned in case No 35 of the Cudolapah Calendar for the 2nd Sessions of the present year.

2 On the 21st of September the Petitioner was informed, that the record of the Trial in the case alluded to had been called up by the Court of Eoyidaree Matabele, and would be disposed of on its merits as soon as received.

3 To those orders the Petitioner is referred and the Judges desire that the Petitioner be informed that he is at liberty to return to his village, his further attendance in the Court being quite unnecessary.

Orders &

tober, 1831.

25th October 1831

Ordered that an extract from
this proceedings be furnished to the
Petitioner on his application.

Recognizance taken on behalf of W & D Saunders Esquires that
the Court for whom the said Saunders may
prosecute the Petition of [illegible] of 1831
Ordered accordingly.

D.L

14th November 1831.

Read Return, dated the 2nd Inst.

F. 16.

At a Court of the Vryheid Adatuto.
Present,

Friday,
28th October, 1831

F. S. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 3rd Puisne Judge
W Bradbottom Esqre Acting Judge

Read letter dated the 18th Instant,
from the 2nd Judge on Circuit in the
Southern Division, submitting translations
of the records of the trials in No 8 and 16
on the Criminal Calendar 2nd Sessions
1831.

(Here enter No 813.)

The Court of Vryheid Adatuto
on a review of the Criminal Calendar
for the 2nd Sessions of 1831, being resolved
to doubt the propriety of the examination of
the Prisoner in No 8 and of the 3rd Prisoner
on No 16 directed the 2nd Judge on the 11th
Ultimo to submit translations of the records
of the trials

2. It had been ruled by the
Court of Vryheid Adatuto that no Witness
shall be allowed to correct himself before
he had subscribed his deposition. The
second deposition of the Prisoner

Amoaty,

on No 8 of the Criminal Calendar de-
corrected is not at variance with his
first. The Court of Vryheid Adatuto

are

28th October 1871

the 1st Prisoner declared that he purchased the Cloth found upon him from the 2nd Prisoner which according to the evidence of the 3rd and 4th witnesses that Evidence did not deny but rather admitted.

The 4th and 11th witnesses on deposed that some of the articles produced were found in 3rd Prisoner's house, but this alone is insufficient for conviction

Ordered, that extract of these proceedings be sent to the 2nd Judge on Circuit in the Southern Division for his information and guidance by precept, returnable without delay.

(Sent following Precept No 598)

Read letter, dated the 7th Instant, from the 3rd Judge of the Court of Circuit in the Centre Division, recommending a mitigation of the punishment to which the prisoner convicted of Robbery in the case No Chittoor Calendar 4th Quarterly Session 1871, had rendered himself liable.

(Here enter No 824)

The Court of Enquiry Malabar on a due consideration of the circumstances of the case represented by the 3rd Judge of the Court of Circuit, sanction under Clause 3rd Section III Regulation I of 1825 the mitigated sentence of 7 years imprisonment with hard labor in Irons which he proposes should be passed

28th October 1871

are therefore of opinion that he ought not to have been committed for trial and accordingly direct that he be released.

3.

On a mature consideration of the circumstances of the case & all the Court of Enquiry Malabar are of opinion that the evidence to the verbal confession of the Prisoner

2nd Pellan

and to the fact of his having given up part of the stolen property is insufficient for his conviction, and they confirm the sentence passed upon him by the Presiding Judge

4.

The evidence adduced on trial against the

1st Mandanna

and

3rd Marthan Purpan

the Court consider sufficient for their conviction, and they accordingly direct that these two Prisoners be detained in

5.

The evidence of the 1st Witness where he states that he knew the Prisoners is not in the opinion of this Court sufficient to credit the had not known them before and it is hardly credible that he could have recognized five persons and he said he did before the Criminal Court produced at a time. It appears also that he examined seven different persons at about

6.

The 1st and 3rd Prisoners made no confession and from

28th October 1831

passed upon the Evidence
Madras Government
in the case No 1 of the Chittoor Calendar
4th Quarterly Session 1831

Ordered that extract of this
proceedings be sent to the 1st Judge of
the Court of Circuit in the Centre Division
for his information and guidance
by precept to commence on Thursday

(Vide following Proceedings)

Read letter, dated the 26th Instant
from the Acting Judge taken on Circuit
in the Northern Division, submitting
the records of proceedings on each of the
Sessions of 1831 for the Calendar

(Here enter No 853)

The Court after taking the Letter
into deliberate consideration of
the circumstances of the case as stated
before them, commencing on Thursday
proceeding against the following

Court Observations

is sufficient to commit him of Murder
under the authority vested in them by
Clause 2nd Section II Regulation XVIII
to commit him thereupon to take his
Trial before the Court of Circuit
Further that he be punished by Section X Regn
Chittoor XIII of 1802, by being kept at the
usual time and place of such Execution

Court

7th November 1831 — Read a Return dated the 27th Oct.

J. H.

At a Court of the Foujdaree Adalut.

Present:

Monday 31st October 1831

J. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 3rd Puisne Judge
W. Maddleston Esqre Acting Judge

Read Letter, dated the 28th Instant
from the Chief Secretary to Government
forwarding Extract from the Minutes
of Consultation of that date upon the
Report of the 1st Judge of the Provincial
Court of Circuit in the Centre Division
on the Trial of Prisoners of Chittoor, Chingleput
and Cuddalore for the 1st Quarterly and
4th Sessions 1831

(Here enter No 827)

Ordered that a copy of the
above Extract from the Minutes of
Consultation be transmitted to the
1st Judge of the Provincial Court of
Circuit in the Centre Division for his
information

The 1st Judge will be pleased
to furnish a copy of Para 1 and Para 4
to the Officers therein mentioned
respectively

(Vide following Letter No 830)

Read return, dated the 29th
Instant, from the Judges of the Provincial
Court of Circuit in the Centre Division
to Precept of the 19th Instant, commu-
nicating the commencement of the Session

Relative in the opinion of the Provincial Court regarding the case of A. Narick, and directing the Provincial Court to cause the rafts remained from the hands of Dewanny Ranck to be restored to him if possible.

(Here enter No 824)

Read letter, dated the 20th Instant from the 2nd Judge on Circuit in the Western Division, reporting of the opening of the Second Sessions for 1831 at Mangalore.

(Here enter No 825)

Read letter, dated the 17th Instant from the Provincial Court of Circuit in the Southern Division, transmitting explanations required from different authorities on Criminal Reports for June last.

(Here enter No 826)

Read letter dated the 21st Instant from the Provincial Court of Circuit in the Southern Division, transmitting explanations required from different authorities on Criminal Reports for July last.

(Here enter No 815)

Read return, dated the 22nd Instant, from the Judges of the Provincial Court of Circuit in the Centre Division, to precept of the 17th Instant, directing the Provincial Court to intimate to the

Native Judge of Cannanore to forward to the Criminal Judge of the Zillah his indent for supplies of Cat-o-nine Tails, by whom the indent will be sent to the Military Board.

(Here enter No 828).

Read return, dated the 23rd Instant, from the Judges of the Provincial Court of Circuit in the Centre Division, to precept of the 12th Instant, directing the Provincial Court to intimate to the Acting Assistant Criminal Judge of Chittoor, that his proceedings in the Case No 98 of Chittoor Criminal Report for June last, deserve the censure of the Registrar Malabar who regret that he will be more considerate in future.

(Here enter No 880)

Read return, dated the 25th Instant from the Provincial Court of Circuit in the Western Division, to precept of the 9th Instant, directing the Provincial Court to instruct the Native Judge of Cannanore to forward his application for Cat-o-nine tails to the Zillah Judge by whom they will be sent to the Military Board.

(Here enter No 845)

Read return, dated the 24th Instant, from the Provincial Court of Circuit in the Southern Division, to precept of the 19th Instant, directing the Provincial Court to circulate the opinion of the Registrar Malabar that it is improper on a Criminal Judge to suspect all persons confined on requisition of Security

7th Octo 8th October 1881.

/excepting those specially exempted by order of the Judge on Circuit to compulsory labor, the kind and degree being left to the discretion of the Criminal Judge.

(Here enter No 865)

Read letter, dated the 17th Instant from the Acting Judge late on Circuit in the Northern Division, respecting the death of the 2nd Prisoner in the case No 5 Chemnis Calendar 1st Sessions 1881, and stating that the wounds not now be referred to as the 1st and 3rd Prisoners were discharged at the trial.

(Here enter No 868)

Read Letter, dated the 17th Instant from the 2nd Judge of this Court of Circuit in the Central Division, submitting the Returns of the 1st, 2nd, 3rd and 4th Sessions Chittoor Calendars 3rd Quarterly Sessions 1881

(Here enter No 869)

Read letter, dated the 3rd August last, from the Criminal Court of Circuit in the Southern Division, transmitting an extract of the Court's proceedings with the monthly Criminal reports for June 1881.

Copied

(Here enter No 870)

Read Superintendent's letter returning dated the 22nd Instant marked by the Acting Judge on Circuit in the Central Division, to the precept of this Court of the 27th ultimo calling for explanation on certain points connected with the Cuddapah and Chittoor

7th October 1881. Calendars for the 2nd Sessions of 1881.

(Here enter No 881)

1. From the explanation given by the Acting Judge of Circuit in case No 16 of the Cuddapah Calendar, the Court of Sessions do not presume that the persons named "B Ramadoo and B. Yerranadoo who denied "having heard the deceased Criminate the "prisoner on her death bed," were called up and examined by the Acting Judge.

2. Had this explanation been entered in the Calendar in the Column of Remarks, as it was the duty of the Acting Judge to have done, the Court would not have considered it necessary to make any remark on the Case.

3. Neither would it have been necessary to comment on Case No 29, if the Acting Judge had entered in his remarks on the Calendar the explanation which is now submitted respecting the evidence given by the 5th witness in that Case.

4. The explanation given by the Acting Judge of the grounds on which he directed the release of the prisoner in Case No 25 of the Cuddapah Calendar are considered very unsatisfactory. The Prisoner, in the opinion of the Sessions Judge, must clearly committed of setting fire to the House.

5. The Judge's remark that the Acting Judge should not noticed in his returns the observations of this Court

29th October 1831

August last, that the prisoner in Case No 29 Could not have been convicted of Perjury
"as the evidence of this person in the
"suit No 327 of 1828 was not material
"to the issue of the said trial and was
"unnecessary, since the Document upon
"which the action was brought was
"proved by no less than 3 other witnesses.

9. The Court of Enquiry Malabar
Could scarcely have thought it necessary
to point out to a Judicial Officer of Mr
Bushby's experience, that in prosecutions
for Perjury it matters not whether
the evidence is considered material
to the suit, but whether it is on a
point material to the issue thereof.

10. Case No 26 was also improperly
returned to the Criminal Court and the Judges
of the Enquiry Malabar are of opinion, as
that the Acting Criminal Judge of Ootacamund
was justifiable in stating his objections
to such an erroneous exposition of the
Law regarding Perjury as contained in the
3rd and 4th paras of the proceedings of the
Acting Circuit Judge under date the 25th
of July last.

11. The opinion expressed by
the Court of Enquiry Malabar in their
proceedings under date the 21st of September
last, that the Acting Judge of Circuit had

14th November 1831. Read Return, dated the 27th Ult.

F 11.

In a Court of the Tondiare Adalut,
Present,

Wednesday 2nd November 1831

T. A. Grant Esqr. 1st Puisne Judge
J. Bird Esqr. Acting 3d Puisne Judge
P. Middleton Esqr. Acting Puisne Judge

Read petition presented in person by Ramana Singapooly of the Talliah of Combaconum.-

(Here enter M. R. N° 85 of 1831)

The petitioner who represents himself to be the male of Devadachella Singapooly, the 5th prisoner concerned in case N° 24 of the Combaconum Calendar for the 2d Sessions of the present year, submits matter for the consideration of the Court in support of the innocence of that Riphew, and prays that orders may be issued for his release.-

The trial in the case alluded to by the Petitioner having been referred to the Court of Tondiare Adalut, no consideration can be given to this application.

The matter treated of in the Petition will in no wise influence the judgment of the Court, which will be formed after mature deliberation and upon consideration of the evidence received before the Court of Circuit as contained in the record of the trial.-

Ordered, that the above be communicated to the Petitioner and that a extract from these proceedings be furnished to him on his application.-

Read letter from the Acting Secretary to Government in the Judicial Department, dated the 28th Ultimo, and the Extract

Friday
5th. November
1831

In Court of the Forpeace District

E. H. Grant Esq.re 1st Puisne Judge
Sylva. Dick Esq.re 2d Puisne Judge
William Hamilton Esq.re Presiding Judge

Read this day, dated the 2d. Novr. Instant, addressed to the Court of Forpeace Circuit in the District of Sierra Leone, by the Presiding Judge of the Circuit Court, transmitting the Record of the trial in Oct.r Term last, of the Prisoner Sheddah, for the Murder of Sidiah, and also the Coroners Inquisition taken on the body of the said Sidiah, and the Depositions of Witnesses taken before the Coroner, and the Court of Circuit, in the case of the said Prisoner Sheddah, and the Sentence of Death pronounced upon him by the Court of Circuit, and the Warrant issued by the Presiding Judge for the execution of the said Sentence, and the Letter from the Presiding Judge to the Clerk of the Crown, dated the 2d. Novr. Instant, transmitting the Record of the said trial, and requesting the same may be laid before the Court of Forpeace, at their next Sessions, for their opinion thereon, and that the Clerk of the Crown do attend the Court of Forpeace, at their next Sessions, with the said Record, for the purpose of explaining the same, if required.

Ordered, that the Clerk of the Crown do attend the Court of Forpeace, at their next Sessions, with the said Record, for the purpose of explaining the same, if required.

Ordered, that the Clerk of the Crown do transmit a Copy of the Record of the said trial, to the Attorney General, for his opinion thereon.

Ordered, that the Clerk of the Crown do transmit a Copy of the Record of the said trial, to the Solicitor General, for his opinion thereon.

Ordered, that the Clerk of the Crown do transmit a Copy of the Record of the said trial, to the Queens Advocate, for his opinion thereon.

Ordered, that the Clerk of the Crown do transmit a Copy of the Record of the said trial, to the Crown Solicitor

4th November 1831.

proceedings be sent to the third Judge of the Commercial Court of Circuit in the Centre Division by precept, returnable in 5 days from and after the receipt.

(Sent following precept No 839)

Read return dated the 20th Octr from the Provincial Court of Circuit in the Western Division, to precept of the 15th Octr, conveying the remarks and orders of the Grand Jurors thereon on the Criminal reports of the Western Division for August last.

(Here enter No 853)

Read return dated the 28th Octr from the Provincial Court of Circuit in the Western Division, to precept of the 19th Octr, directing the Provincial Court to make return to another precept of the 27th August last, by which they were called upon to transmit without delay the annual reports of the Magistrates on the state of the Prisons in their respective Districts.

(Here enter No 852)

Read letter, dated the 1st Octr from the 3d Judge of the Court of Circuit in the Centre Division, reporting the death of Shadrapilley 1st Prisoner in No 2 of the 5th Appellate Calendar Chitton 24 Sessions Sept 1831.

(Here enter No 740)

Read return, dated the 1st Instant from the 3d Judge of the Court of Circuit in the Centre Division, to precept of the 23d Octr, stating a mitigated sentence passed upon Prisoner in No 1 Chitton Calendar 15th Sessions September 1831.

(Here enter No 857)

Read letter, dated the 1st Octr from the Provincial Court of Circuit in the Western Division, to precept of the 19th Octr, directing the Provincial Court to circulate the opinion of the Judges dated, that it is inoperative and a Criminal Judge to subject all persons confined on requisition of security (excepting those specially exempted by order of the Judge on Circuit) to compulsory labor, the kind and degree being left to the discretion of the Criminal Judge.

(Here enter No 851)

4th November 1831.

Read return, dated the 27th Octr from the Provincial Court of Circuit in the Western Division, to precept of the 19th Octr, directing the Provincial Court to circulate the opinion of the Judges dated, that it is inoperative and a Criminal Judge to subject all persons confined on requisition of security (excepting those specially exempted by order of the Judge on Circuit) to compulsory labor, the kind and degree being left to the discretion of the Criminal Judge.

(Here enter No 851)

No 16.

At a Court of the Rajahmundry Malabut

Present,

Saturday 5th November 1831 R. H. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 3rd Puisne Judge
W. Huddleston Esqre acting Judge.

Read letter, dated the 29th September last, from the acting Judge of the Court of Circuit in the Northern Division, submitting record of the trial in case No 6 Rajahmundry Calendar for the 1st Sessions of 1831.

(Here enter No 7149)

9 Mr Bird and Mr Huddleston

The Court of Rajahmundry Malabut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officers, and the futwa of the Cazee of Cocanada and Mooftee of the Rajahmundry Malabut, confirm the said futwas of the Cazee and Cocanada and Mooftee aforesaid, convicting the prisoners

1st Gorantla Ramasooa
and
2nd Pottu Venkatooa,

of Gang Robbery, and acquitting the Prisoners

3rd Yeeranka Veerasooa
and
4th Boorugah Chinnasooa

and under Clause third Section IV Regulation

5th November 1851

Regulation XV of 1803, adjudge the Prisoner
1st Gorala Ramaloo
and
2nd Kotta Timmappa
to be imprisoned and kept to hard labour in Irons on the public roads or other public works for the period of Seven years, but considering that the Prisoners were not amenable to conviction under the Regulation

3rd Vagerala Veerappa
and
4th Bommagah Ruthnappa
The Court of Appeal & Circuit do declare that they cannot confirm the Sentence of the Court below, but consider that the Prisoners are liable to Suspicion & ought to give Security for their future good behaviour & not offend in like manner for the space of Three years, and that they be detained for the purpose in confinement

(Sent following letter No 611)

Read again Letter, dated the 28th ultimo, from the 1st Judge on Circuit for the Southern Division, submitting the Record of the trial in No 11 Cowlagoomma Criminal Calendar 2nd Sessions 1851

(Here enter No 857)

Read & consider further Letter from the 1st Judge on Circuit in the Centre Division, submitting the Record of the Trial in Case No 8 of the Chingleput Calendar for the 1st Sessions of the present year.

(Here enter No 857)

Mr Grant and Mr Bird

1. Upon reference to the Evidence in this case, it appears that the Law Officer convicted only the 1st 2nd 3rd 4th 11th 12th 13th and 16th Prisoners, that the 8th prisoner was acquitted, and the remaining two also stand liable to Suspicion and consequently under the Mahomedan Law punishable by the Judge under Cohercion.

2. It appears, however, that the 8th prisoner only has been released and

5th November 1851

the proceedings held before the Judge on Circuit, the Sentence of the Provincial Law Officer, and the Sentences of the Cazee and Cazeat and Moofties of the Zillah to confirm the said Sentences of the Cazee and Cazeat and Moofties aforesaid, and in commutation of the penalty of Death awarded against the Prisoners

1st Veerachy Reddy
and
2nd Arumachellum Reddy
adjudge them to be imprisoned and kept to hard labour in Irons on the public roads or other public works for the period of Seven years.

(Sent following letter No 611)

Read letter, dated the 28th ultimo from the 1st Judge late on Circuit in the Centre Division, submitting the Record of the Trial in Case No 8 of the Chingleput Calendar for the 1st Sessions of the present year.

(Here enter No 857)

Mr Grant
Mr Bird
and
Mr Hindleston

1. Upon reference to the Evidence in this case, it appears that the Law Officer convicted only the 1st 2nd 3rd 4th 11th 12th 13th and 16th Prisoners, that the 8th prisoner was acquitted, and the remaining two also stand liable to Suspicion and consequently under the Mahomedan Law punishable by the Judge under Cohercion.

2. It appears, however, that the 8th prisoner only has been released and

Regulation XX of 1827 adjudge the Prisoner
1st Gyala Ramsaloo
and
2nd Lotta Veeraday
to be imprisoned and kept to hard labor in Irons on the public roads or other public works for the period of (10) seven years but considering that suspicion though not amounting to conviction attaches to the Prisoners
3rd Vageerala Veeraloo
and
4th Boorugah Ruthnaloo
The Court of Sudder Adawlut directed under Clause sixth Section II Regulation XX of 1817 that they have each recognizance to give two sureties in 25 Rupees each surety for their good behaviour and appearance when required for whatever two years or, in default thereof that they be detained for that period in confinement.

(Sent following letter No 648)

Read again letter, dated the 28th ultimo, from the 1st Judge on Circuit in the Southern Division, submitting records of the trial in No 11 Cumbaconum Calendar 2nd Sessions 1871

(Here enter No 23)

Read records of trial in this case by the Cazee and Moofties of the Zillah of Tanjore detailed

Mr Grant and Mr Bird.

The First and Acting Third Judges having maturely a[illegible]

5th November 1871.

the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwas of the Cazee and Cazat and Mooftees of the Tanjore Zillah, confirm the said futwas of the Cazee and Cazat and Mooftees aforesaid, and in commutation of the penalty of Deyat awarded against the Prisoners,

1st Veerachy Reddy
and
2nd Arunnachellum Reddy

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

(Sent following letter No 611)

Read letter, dated the 20th ultimo, from the 1st Judge Tanjore on Circuit in the Centre Division, submitting the Record of the Trial in Case No 28 of the Chungleput Calendar for the 1st Sessions of the present year.

(Here enter No 857)

Mr Grant
Mr Bird
and
Mr Shallcross

1. Upon reference to the Futwah in this case, it appears that the Law Officer convicted only the 1st 2nd 3rd 4th 11th 12th 14th and 16th Prisoners, that the 8th prisoner was acquitted and the remaining two were declared liable to suspicion and consequently under the Mahomedan Law punishable by the Judge under Sobroobut.

2. It appears, however, that the 3rd prisoner only has been released and

and

5th November 1877

5th November 1877

5. By the orders of Government dated the 6th of May last, it was notified to all the Judicial Authorities that the Native Inhabitants of the French Territories who might be required to give evidence before the Courts would be sent on application to the Officer of Police at that Settlement, and why such application was not made by the Criminal Judge of Chinglepute for the attendance of the witnesses, or why the Presiding Judge proceeded to try the prisoners in the absence of their witnesses, the Court of Pondicherry Natal to Reserve may be explained.

6. As far as concerns the Prisoners, who have not been convicted, the omission is of no importance but it is very different as regards the 12th and 15th prisoners, who have been committed without evidence having been heard in their defence. The Court of Pondicherry Natal to Reserve that the 1st Judge do take the necessary measures for procuring the appearance of the 12th and 15th prisoners with the before him at the ensuing Sessions and that he be required then to complete the trial and forward the English

5th November 1877

and that the 1st Judge has referred the trial to the Pondicherry Natal to Reserve for disposal of the remainder.

3. But the 1st Judge must be aware, that under Clause 6 of Section II Regulation XV of 1873 a prisoner is not liable to punishment under a bare mark of suspicion only, and as the appears to have concurred in opinion with the Law Officer, that the evidence was not sufficient for the conviction of the Prisoners in question, the 1st Judge would be fully competent to release them without security or he might consider requisite, and if the Court the 1st Judge should be of opinion that the [illegible] to be dispensed of by the Court of Pondicherry Natal to Reserve

4. As for the witnesses for the Crown who appear to be free of the proceedings, that certain of the residents within the Pondicherry Limits who should be summoned by the Prosecution third Code, were not brought before the Court of Appeal, but the Chief of the Police at Pondicherry stated to have done so, and instructions by the said have been given to the

English and Persian translations of the depo
to this Court, for which purpose the Engl
and Persian Translations of the Deposi
the Trial are returned to the 1st Judge

7. In respect to the examina
on the part of the prisoners, who are
forthcoming, at present, but that the Judge
informed this Court, that they were e
to be found, and that the Prisoners
whom they were called to testify
to the Criminal Judge, that they were
dispensed with their examination

8. As the charge of one Judge to ascertain, for the
information of the Trial, whether the
both for the prosecution and defence
are in attendance, and to take any
Collision on the part of a Prisoner
to require the Prisoners to declare
which he will or will not dispense
with the examination. The Statute
of the Nazim of the Court in dispute
in point ought not to be rejected

Ordered, that the Chief
three proceedings together with the
English and Persian Translations
Record of the Trial in Order No 38 of
Change Court Calendar for the 7th
of 1831 be forwarded to the 1st Judge
of the Court

the Centre Division requiring conformity
thereto, without delay.

(Sent following Precept No 6125

GE

24
113
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English and Persian translations of the
to this Court, for a trial, touching the
and Persian translations of the Petition
the Vakeel are returned to the petitioner
7.
In regard to the summ
on the part of the prisoners, who are
forthcoming, at whatever time they may
informed this Court, that they were
to be found, and that the Prisoners
whom they were called upon to
to the Criminal Judge, that they
disposed with their recognizances
8.
Mir the duty of a Judge
Judge to ascertain, if any of the
the amount of the Bail, or whether
both for the appearance and
are in attendance, and in case any
Called on the part of a Prisoner
to require the Prisoner to produce
which often he is ignorant of
with his examination. The Statute
of the Magistrate of the Court in
in point ought not to be rejected
Ordered, that each
these proceedings together with
English and Persian translations
Report of the Penal Commissioners
Chapter 1st Clause 2nd for the
of 1831 be forwarded to the
of the Court

the Centre Division requiring conformity
thereto, without delay.

24
83
106

(And following Receipt No. 6125

GE

5th November 1831

English and Indian translations of the
to this Court for a trial, together with
and Indian translations of the
the trials are returned to the Attorney
7.
In regard to the
in the front of this prisoner, who
forthcoming, it appears that the
informed this Court, that they were
to be found, and that the Indian
whom they were called upon
to the Rutland Lodge, that they
disposed with their examination
8.
Were the charges of
Judge to be contained, returned to the
and warrant of the trial, whether
both for the prosecution and for
was sufficient, and such
Called on the part of the Indian
to require the Indian to find
with him he will be willing to appear
with his examination. The Attorney
of the Judge of the Court to enforce
in favour might not to be neglected
Ordered, that costs
Englishe, together with
Rules of the Court in Chancery
of 1833, be forwarded to the Attorney

5th November 1831.

the Centre Division requiring conformity
thereto, without delay.

Sent following Precept No 6125

2½
3
1½

GE

with November 1828 [illegible] in taking conditional sentences

E. 46.

At a Court of the Bujdaree Udalut

Present,

Monday,
7th November 1831. C. A. Grant, Esqre 1st Puisne Judge.
John Bird Esqre Acting 2nd Puisne Judge.
W. Braddon Esqre Acting Judge.

Read letter, dated the 20th ultimo, from the Provincial Court of Circuit in the Northern Division, submitting the Reports due from the Native Criminal Judge of Guntoor for the Months of April, May and June last.

(Here enter No 840)

The Provincial Court of Circuit will point out to the Native Criminal Judge of Guntoor, that he had omitted in his Sentence requiring Security from the prisoners concerned in Case No 3 of the Report No 5 for the Month of April last, to record the period for which the Securities are to be held responsible for the good behaviour of the prisoners and to call the attention of that Officer to the Circular Orders of this Court of the 3rd of October 1828.

2. No 7 of the Report No 5 for the Month of May must disappear from the record of the charge to be a case of House-breaking, and unless there were Circumstances of extenuation not recorded in the Report, the Sentence of 3 Months imprisonment with labour within

Regulation XV of 1803, to judge the Prisoner

7th November 1831

the Trial was insufficient

3. From the explanation afforded by the Native Criminal Judge in case No 11 it would appear that the prisoner on that number had committed the offence for which he could be required to pay a fine, the Court therefore desire, that if levied the amount may be immediately returned to the party on whose behalf it was levied, or if the prisoner be still in confinement on default of payment, that he be forthwith released.

4. In communicating the above order to the Native Criminal Judge, the Criminal Court of Circuit will request that Officer, that the form of imprisonment awarded in commutation of the Fine may be entered in future.

5. It not appearing, that the prisoner in Case No 22 of the Same Report was convicted, of an offence more severely punishable than the Native Criminal Judge is authorized to inflict under Section VII Regulation X of 1816, the Court of Sudder Adawlut desire, that the sentence be reduced to six months imprisonment.

6. The same remark that was made on Case No 3 of the Report No 5 for the month of April, as to the absence of the sentence awarding interest from the 1st and 2nd [illegible]

7th November 1831. Judge cautioned in passing conditional sentences.

7th November 1831

of this Report: and also the sentence requiring security from the 11th 13th and 15th prisoners concerned in Case No 16 of the Supplemental Report.

7. The trial of Case No 19 of the Supplemental Report for the Month of June being suspended in consequence of no number being returned by the Court of Circuit 1st Sessions 1831 to the return made on the 21st April to their Precept of the 19th of that month, or to the letter addressed to that Court on the 19th May 1st the acting Judge of the Court of Circuit is directed to submit an explanation of the delay.

8. The Court perceive, that the prisoner concerned in Case No 3 of the Cuttack Calendar for the 2nd Sessions of 1830 is entered in the Report 1829 for the month of June, as not having been disposed of by the Court of Sudder Adawlut.

9. This requires explanation, the prisoner in question having been sentenced by this Court on the 10th of January last to one years imprisonment, and from the return, submitted by the 1st Judge of the Court of Circuit it would appear, that an order to that effect had been issued to the Native Criminal Judge on the 2nd of May last.

10. Case No 5 of the same Calendar upon

the Trial was insufficient

3.

From the explanation afforded by the Native Criminal Judge on case 4th it would appear, that the prisoner on that number had committed no offence, for which he could be required to pay a fine, the Court therefore desire, that if levied the amount may be immediately returned to the party, or if the prisoner be still on confinement in default of payment, that he be forthwith released.

4.

In communicating the above order to the Native Criminal Judge, the Provincial Court of Circuit will point out to that Officer, that the form of imposing Fine and sentence of imprisonment

5.

It not appearing, that the crime of which the prisoner in Case No 2 of the same Report was convicted, demanded a more severe punishment than the Native Criminal Judge is authorized to inflict under Section VII Regulation X of 1816, the Court of Sudder Adawlut desire, that the sentence be reduced to six months imprisonment

6.

The same remark that was made on Case No 3 of the Report No 5 for the month of April is applicable to the sentence passed

of this Report: and also the sentence requiring security from the 11th, 13th and 15th prisoners concerned in Case No 16 of the Supplemental Report.

7.

The trial of Case No 7 of the Supplemental Report for the month of June being suspended in consequence of no order being returned by the Court of Circuit 1st Division 1881 to the return made on the 21st April to their Precept of the 19th of that month, or to the letter addressed to that Court on the 7th May 1881 the acting Judge of the Court of Circuit is directed to submit an explanation of the delay.

8.

The Court perceive, that the prisoner convicted in Case No 3 of the Cuttack Calendar for the 2nd Sessions of 1880 is entered in the Report for the month of June, as not having been disposed of by the Court of Sudder Adawlut.

9.

This requires explanation, the prisoner in question having been sentenced by this Court on the 10th of January last to one year's imprisonment, and from the return, submitted by the 1st Judge of the Court of Circuit it would appear, that an order to that effect had been issued to the Native Criminal Judge on the 2nd of May last.

10.

Case 4 to 5 of the same Calendar

upon which final orders were passed by the Magistrates Absent upon date the 7th May 1877, also stamps entered in the Register No 9 as undisposed of which must also be explained.

Ordered that certified copies of these proceedings be forwarded to the Provincial Court of Circuit in the Eastern Division, enjoining them to communicate the same to the Acting Provincial Judge of Cuddalore by first opportunity returnable in ten days from and after receipt.

(Sent following Receipt)

Read Supplemental return for the 24th ultimo, made by the Acting Judge of Circuit in the Eastern Division to the Court of this Court of the 23rd of September last calling for explanation in certain cases entered upon the Bellary Calendar for the 2nd Sessions of 1877.

(Here enter 1877)

1. From the amended Calendar filed by the Law Officer in Case No 1 of the Bellary Calendar and from the explanation of Gillah Sungum relative to the state of the mind of the prisoner committed for trial in that case and as forwarded in the letter to the Acting Provincial Judge of Bellary under date the 8th of September last the Court of

Abdoollah, and direct accordingly that the mode of proceeding pointed out in the latter part of the 2nd para of the proceedings of this Court of the 23rd of September last be adopted by the Acting Judge of Circuit, and that the necessary instructions on the subject be communicated by that Officer to the Acting Criminal Judge of Bellary.

2. The Interpreter given by the Law Officer in Case No 1 being considered very unsatisfactory, the Court of Sudder Adawlut desire that an English translation of the Record of the Trial in that case be prepared and submitted for their orders without delay.

3. The recognizances assigned by the Acting Judge for his concurrence in the recognizance of the prisoner in Case No 15, are very unsatisfactory. In the opinion of the Sudder Adawlut the evidence was amply sufficient for the conviction of the prisoner independent of the testimony of the absent witness. The Acting Circuit Judge must be aware that prosecutors are perfectly competent witnesses both to the evidence of the prosecution and prosecutor in this case the Acting Judge would appear to have given no weight.

Entered

confession before the Village Police

9th November 1881.

Ordered, that a extract from the proceedings be forwarded to the Acting Judge on Circuit in the Caltra Division for his information and guidance by precept returnable in five days from and after its receipt.

(Sent following Receipt No 1184)

Read letter, dated the 4th instant from the 2nd Judge on Circuit in the Kistna Division, submitting case No 24 Malakan Chinnayah 2nd Sessions 1881

(Here enter No 775)

Mr Grant
Mr Bird
and
Mr Ondaatje

The Court of Enquiry Notakut on a mature consideration of the circumstances of the case in evidence before them, have of opinion that the proof against the prisoner Vutsapalakil alias Pothanakil alias Veyakkara Mammoo is sufficient to convict him of murder under the authority vested in them by Clause first Section II Regulation I of 1818 to convict him thereof and sentence him to suffer death as prescribed by Section X Regulation VIII of 1823 by hanging at the usual time and place of execution.

(Sent following letter No 1185)

Read letter dated the 5th instant from the Acting Judge of the Provincial Court of Circuit in the Southern

9th November 1881.

Read letter dated 5th instant from the Acting Judge of the Provincial Court of Circuit in the Southern Division forwarding proceedings in the case of Vutsapalakil alias Pothanakil alias Veyakkara Mammoo charged with murder and submitting a sentence of death passed on the prisoner.

1st Sessions 1881.

(Here enter No 777)

Mr Grant
and
Mr Ondaatje

The Court of Enquiry Notakut having maturely considered the Proceedings held before the Judge on Circuit, the finding of the Provincial Law Officer, and the finding of the Cazee cul Cozat and Mooftee of the Enquiry Notakut, confirm such parts of the said findings of the Cazee cul Cozat and Mooftee aforesaid as convicts the Prisoners

2nd Loba Chinnayah
and
3rd Lenny Ammayah

of Gang Robbery, for which a penalty is specially denounced in Clause third Section IV Regulation XV of 1803, and accordingly adjudge them to be imprisoned and kept to hard labor in Irons on the public roads or other public works for the period of (14) fourteen years.

The Court of Enquiry Notakut are of opinion that the crime charged is not proved against the Prisoner

4th Modaley Potolayah

on strong presumptive proof or on the evidence of credible witnesses, or on his own confession, notwithstanding the finding of their Law Officers and acquit him thereof but considering that suspicion though not amounting to conviction attaches to him, the Court of Enquiry Notakut direct that he be required under Clause

7th November 1871

Section II. Regulation XI of 1803 to grant two rupees
in 25 Rupees each for his good behaviour
and appearance when required and that
year, or in default thereof that he be
detained for that period in confinement

Applies to the Court of
Tanjore Malabar that the Assistant Commissioner
Judge might have brought the above case
with fuller evidence before the Court of
Circuit, and that he probably omitted to
do so from a mistaken notion that the
confessions before the Magistrate dispensed
the necessity of producing all the witnesses
evidence on the charge
The Court therefore direct that
Judge be peremptorily called to the
Court of Section X Regulation X of 1816
agreeably to which he shall be bound to attend
all the personal evidence against the
prisoners

Ordered that a Copy of the
proceedings be sent to the Acting Judge
of the Provincial Court of Circuit in the
Northern Division, to be communicated
by him to the Assistant Criminal Judge
of Chingleput for his information and
future guidance.

(Sent following Letter)

From the 2nd Assistant to the Acting Judge of the Provincial Court of Circuit Northern Division dated Chingleput 7th November 1871

Transmitting the proceedings of the Court of Circuit held at Tanjore in the case of Sungoo and Chockalingum charged with murder, and Sumbaramarrainen charged with abetment of murder, and Annachellum charged with receiving property knowing it to have been stolen, and submitting the opinion of the Court that the prisoners Sungoo and Chockalingum should suffer death by being hanged at the usual time and place of execution, and that the prisoners Sumbaramarrainen and Annachellum should be transported beyond sea for life.

Read the following Letter from the Acting Judge of the Provincial Court of Circuit Northern Division dated Chingleput 7th November 1871

Submitting the proceedings of the Court of Circuit held at Tanjore in the case of Sungoo and Chockalingum charged with murder, and Sumbaramarrainen charged with abetment of murder, and Annachellum charged with receiving property knowing it to have been stolen, and submitting the opinion of the Court that the prisoners Sungoo and Chockalingum should suffer death by being hanged at the usual time and place of execution, and that the prisoners Sumbaramarrainen and Annachellum should be transported beyond sea for life.

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17th November 1871. Index error in passing conditional sentence

7th November 1871. Southern Division, submitting case No 1
Madura Calendar 2nd Sessions 1871.
(Here enter No 588.)

Mr Grant and Mr Burkitson

The Court of Tanjore Malabat having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee al Cazeat and Mooftee of the Tanjore Malabat, Confirm the said futwa of the Cazee al Cazeat and Mooftee aforesaid, convicting the Prisoners,

1st Sungoo
and
2nd Chockalingum

of murder, and the Prisoners

3rd Sumbaramarrainen,

of aiding them in the crime, and under the provisions of Section XVII Regulation VIII of 1802 adjudge the Prisoners

1st Sungoo
and
2nd Chockalingum

to suffer death by being hanged at the usual time and place of execution, and under the sentence of Banishment awarded in the futwa, adjudge the prisoners,

3rd Annachellum
and
4th Sumbaramarrainen,

to be transported to such place or places beyond Sea, as the Right Honorable the Governor in Council shall appoint

there to be imprisoned and kept to hard labor
on Siroor on the public roads or other public
works for, and during the period of their
natural lives respectively.

(Sent following letter &c

The Court of Enquiry Malabar

deem it proper to point out that it is quite
impossible for them to judge of the quality
of evidence, when contradicted and garbled in the
way it has been by the Criminal Judge of
Manjeri as described in the following para
of his return dated the 25th July to the Court
of the Provincial Court of the 5th Circuit 1831.

"The evidence against the Prisoners
"consists of the confessions of the accused
"therefore the Police Officers that they have
"the Commission of the Crimes, this cannot
"be stated before the Court, the Police
"only heard of it, the Judge recorded their
"voluntarily and unwillingly confessions of the
"said Witnesses therefore any Court
"it was without effect, he forbore to send
"the record with all the explanations
"and thus had misled the Provincial Court
"I believe that not a single question was
"put on this ground, but in the first stage
"having undertaken the depositions they gave
"before the Police Officers produced the records
"of the Prisoners confessions
"and on this ground

7th November 1831.

"denied their former deposition, the Criminal
"Judge did not think that any useful end
"could be attained by committing the terms
"of their denial to paper."

2 The Court of Enquiry Malabar
consider such a Proceeding to be highly
objectionable and open to their severest
animadversion.

3 The Court of Enquiry Malabar
have also to observe with reference to the
29th Para of the letter of the Presiding Judge
that, if mistake be considered in Magistrates
the accused must be acquitted, and that
the doctrine of apportioning punishment
according to the degree of proof against
the Prisoner, is repugnant to the principles
of the Regulations, and especially denounced
in the Preamble to Regulation XV of 1803.

Ordered, that a transcript of these
proceedings be sent to the 2nd Judge
on Circuit in the Southern Division
by Precept, enjoining him to make
the necessary communication to the
Criminal Judge in the Zillah of Malabar
for his information and future guidance.

(Sent following Precept &c 614 C.

Read letter, dated the 2nd Instant,
from the Provincial Court of Circuit in
the Western Division, transmitting
copy of a letter from the Magistrate to

of Canara, complaining the delay in the
taking of the prisoners in page 22 of the
No 5 of the Native Criminal Ledger of
Canara for August last, and requiring
the Courts precept of the 10th February
(Here enter No 539)

At a Court of the Zillah Judicature
Present,

Wednesday
9th November 1831

T. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 2nd Puisne Judge
W. Huddleston Esqre Acting Judge

Read petition, presented
on the 29th ultimo, by Eroosuppah Summutty
of the Zillah of Chingleput

(Here enter Misc. Petn No 86)

The Petitioner states that his
younger Brother-in-law and the other
Prisoners in No 8 Chingleput Calendar
for Sessions 1831, are entertaining inhabitants
of the Village of Coonputty and alleges that
the Putta Curnum or Accountant of the Village, being
at variance with them and a relation of
one Venkataramareddy whose house was
robbed in December 1829, caused the Prisoners
to be unjustly apprehended on the charge
of the said Robbery, and adduced false
witnesses against them before the Magistrate
by whom they were sent to the Criminal
Judge, who committed them for trial
before the Court of Circuit.

The Petitioner prays that the
Court will protect the said Prisoners

Ordered, that the Petitioner
be informed that the record of the trial
in No 8 Chingleput Calendar for Sessions 1831

is before the Court and will be disposed of in conformity to the Regulations.

Read letter from the 2nd Judge of the Court of Arcuit for the Circle Division submitting the report prescribed by Section XXXVII Regulation VII of 1827 upon the 2nd Circuit of 1831.

(Here enter No 3344)

A review of the results of the proceedings of the Courts on their Circuit does not lead the Judges of the Sunderbunds Malahat to the same conclusions as are expressed in the 4th Para of this report of 2nd Circuit upon whom sentence was passed by the Judge on Circuit to be punished, and by more required to give security. There must have been strong grounds of suspicion against the latter to justify the demand of security, although not sufficient proof to maintain the conviction. Besides these, of the persons committed, 35 were not tried, they were being first tried, and 27 more sent back to the Criminal Judge, the cases of the remaining prisoners 73 in number were referred to the Sunderbunds Malahat. It does not appear that the evidence throughout was gone fully into at the Circuit Courts, for many of the prisoners were sufficiently connected with the gang to warrant the punishment awarded by the 2nd Judge on the

from the facts that came out on the trial, and to conclude that the Police had in any way neglected their duty it was incumbent on him to draw the attention of the Magistrate to the particular cases. It is the duty of the Criminal Judge in the first instance to represent to the Magistrate any cases in which there appears to have been neglect on the part of the Police, and when this is not done, it is proper for the Judge on Circuit to admonish him of the omission. The Sunderbunds Malahat in the Circular orders under date the 20th July 1829 urges very strongly the mischief of committing parties for trial by the Courts of Circuit upon insufficient evidence. It is for the Judge on Circuit to see that those orders are duly attended to, and to notice every omission.

2 The question of the expediency of extending the Jurisdiction of the Criminal Judges, as suggested in the 5th Para, has been already fully discussed, and the Judges of the Sunderbunds Malahat do not think it fit to resume the discussion on this occasion. They will only observe, that it does not appear how that measure would ensure the more certain punishment of delinquents, and remedy the disproportion between commitments and convictions which the 2nd Judge laments.

3 The measure of transferring to the Magistrates General of the Division cases now cognizable by the Adjudication of

before the Village Police

7th November 1887.

Para 8

of the Criminal Judges, which the 2nd Judge also suggests, does not appear to be applicable to the Magistrates having already an ample power with them from Section 522 Cr. P. C.

6

With reference to the suggestion of the 2nd Judge in Para 9 of the Report, it is submitted to observe that the Judge proceeds on Orient in many respects on the principle with the English translation of the examination to be previously to the Committing Magistrate, the prisoners to be tried before him, would be a great benefit to the Criminal Courts and his establishment would be much diminished. The Court have to prepare translations of the depositions taken in a foreign language of the examinations of the prisoners with a full account of the Native language of the proceedings to be taken at every stage of the proceedings. It does not appear to the Court that any part of the record, which is now handed to them unexpurgated, could be omitted on that description.

7

In Para 10 the 2nd Judge suggests that "offences" should be substituted for all offences, excepting the former table in Criminal Procedure Code, that they should record a preliminary examination with full particulars in every case of commitment, whether they confessed, or whether the evidence might be

7th November 1887. material points. A discretion is already left with the Criminal Judges to recommend the tender of a conditional pardon in cases of a heinous nature, and it does not appear to the Tanjore Court to be advisable to extend it to all cases of crime. The proposition of offering a pecuniary reward to informants is not in accordance with all principle. The Court believe that the suggestions submitted in the latter part of the Para in regard to the recording of confessions and depositions, and the examining of witnesses to written deeds, are generally observed in practice where regularity is at all attended to.

6

Although the 2nd Judge observes in the 12th Para, that "the wilful insertions, omissions, and falsifications in the records by Gomastahs and others, together with their lamentable incompetency and inadvertencies are notorious" the Court of Tanjore think not to find that general representations to this effect have been made by the other Circuit Judges. If the 2nd Judge has met with instances of wilful insertions, omissions or falsifications in the records, he ought to bring them particularly to notice. If the Native Agents are judged by the Court of Circuit collectively to be incompetent they ought to be dismissed.

9th November 1837

With reference to the observations of the 2nd Judge in the 15th para of his charge remark, that the Magistrate has no other important occasions to perform them frequently to make personal enquiries in the out in door crimes are committed, which is a duty cast upon him by the Regulations and Instructions the Subdivisional Officer is expected to do more in this respect than is required of him by the Regulations the Police and Magistrates in Scotland. The Regulation IV of 1822 throws this duty of local investigation wholly by the Regulations of that Country, connect with any knowledge of the Criminal Judicial Commissioners and to look personal in this duty and point out the Regulation. It would appear that what the 2nd Judge means by the words at the end of the para alluded to is a code which has not hitherto come under the observation of the Courts of Justice which he ought to have the opportunity of doing

The Court of Circuit would not concur with the 2nd Judge in the opinion expressed in the 13th para that it would be advisable for the Magistrate to attend at the Sessions

9th November 1837

appear to them to be rather inconsistent with those submitted in para 12 in regard to the Superintendence interposition of Native Agency between the parties and their Judges."

Para 16 & 23

Until the Government have decided upon the arrangements to be made for the future discharge of the duties now performed by the Courts of Appeal and Circuit, the suggestion of the 2nd Judge that the Provincial Court for the Central Division be removed from Chittoor to Palamanair need not be taken into consideration, nor eventually ought to be recommended by the Collective Court.

It does not appear to the Court that any other observations in this report require particular notice.

Ordered, that a copy of the report with extract of these proceedings be sent to the Acting Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent following letter No 617)

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

(Sent following letter No 618)

Read

9th November 1831.

Read return, dated the 4th instant from the Provincial Court of Appeal in the Southern Division, to process dated the 7th ultimo, containing the observations of the Court on the Crimes & Reports for the month of August last.

Sept

Wednesday 16th November 1831.

Present

F.C.J. Smith, Esqre 1st Puisne Judge
John Bird, Esqre Acting 3d Puisne Judge
W. Huddleston, Esqre Acting Judge

Read letter dated the 25th Ult. from the 3d Judge Criminal Court in the Central Division containing the Report prescribed by Section XXXVII Regulation VII of 1802.

(Vide minute 4th Sept.)

It does not appear that the above Report contained in the said letter requires any further minute than has been recorded in the Proceedings of the Court of Appeal.

Ordered that a copy of the letter be transmitted to the Acting Secretary to Government in order that the Acting Secretary to Government may submit the Report to the consideration of the Right Honorable the Governor in Council.

Read also letter dated the 1st Instant from the Acting Judge Criminal Court in the Northern Division submitting the Report prescribed by Section XXXVII Regulation VII of 1802.

(Vide minute 3d Sept.)

In the 2d Case of this return the Acting Judge observes that in the list of Eligibles for the year 1831 the name of [illegible] appears as residing in the [illegible] which is the same as that of the prisoner to which the observation refers - If this be the case the Court of Appeal [illegible]

16th November 1832

Circulated by Govt. minden date the 14th March 1833

Should be accomplished according to the rules relative to public buildings the Criminal Judge should apply to the Government for sanction for the work required to be done. The Acting Judge will instruct the Criminal Judge to act accordingly.

2 The Court of Longueuil has not concurred with Mr Coltman in the opinion expressed on the same Para that a suitable building should be provided to serve as a Gaol for persons under the charge of the Criminal Judge at Quebec.

3 With reference to the remarks on the same Para regarding the Gaol at Chicoutimi the Court of Longueuil does not have to intimate that it does not appear from the reports of Commissioners remaining in it that it is less healthy than the Gaol at Pointe aux Trembles which the Acting Judge considers to be the best in front of Quebec. In 1831 the number of deaths in the Gaol at Chicoutimi was less than in that at Pointe aux Trembles although there was a great majority of prisoners in the former. In the first five months of the present year the number of deaths at Chicoutimi was considerably greater than at Pointe aux Trembles but not out of proportion to the number of prisoners.

4 In regard to the Acting Judge observes that in the original draughts of Rules passed by several of the Judges and Magistrates there was a clause that the Judgement or Statement of the case drawn from the pleadings, this is left to be settled by the officers of the Court, and tries generally a more copy of the principal parts of the [illegible]

16th November 1832

and he suggests that it would be advantageous in several respects if Judges and Registers were required to make their own abstracts of the pleadings". It has been already ruled by this Court upon a former reference, that the whole Draft of the Decree (containing the Statement of the case as set forth in the pleadings, as well as the judgment) should be in the hand writing of the Judge by whom it is passed, and it is now ordered, that this rule be communicated to the 4 Provincial Courts for their conformance, and for the guidance of the several Courts subordinate to them respectively.

28th March 1833

5 In regard to the Acting Judge states what appears to him to be the principal causes of the frequent acquittals or pardons of persons accused as charged with offences, and his sentiments as to the means of remedy. The practice of indiscriminately apprehending whole bodies of people upon vague suspicion, noticed by the Acting Judge in the 5th para, is a great evil, which the Magistrates ought to endeavour by all means to check. It is very desirable also to enforce a strict attention to the letter and spirit of section XXVIII Regulation XI of 1810 on the part of Police officers, so that persons committed by a prisoner in his confession may not be forwarded to the Criminal Judge merely on the ground of that accusation, unless it is corroborated by the evidence of other persons. It is the duty of the Criminal Judges as well as the Judges on Circuit to point out to the Magistrate any

contained

J. C.
16th November
1831.

Court of Circuit to judge of the grounds upon which the case was disposed of as intended by Section XXIII Regulation X of 1810. Some of the Criminal Judges are now in the habit of making a concise but distinct note of the grounds of their order or sentence upon each case and great advantage is found in it — If it is done, as it ought to be, immediately after the trial, when all the facts and bearings of the case are fresh in the Judge's mind, it will, as the Acting Judge observes, be no inconvenient demand upon his time. The Court therefore resolve to direct that this practice be observed generally in future by the Criminal Courts. The Court also desire that in every case where punishment is awarded the provision of the law under which sentence is passed may always be specified —

The Acting Judge in para 11th Con. rectly states that it is the duty of Criminal Judges in cases referible to the Court of Circuit "to examine the case for the prosecution with the same care and minuteness as if the Prisoner were to be sentenced by himself, and if after such an examination, he is clearly of opinion that the evidence for the prosecution will not convict the prisoner he ought not to commit him". As there appears to be some laxity in this respect on the part of the Criminal Courts, the Court of Sudder Adalut resolve to call their attention to their Circular orders on the subject dated the 20th July 1829 in which the necessity of adhering to

16th Nov. 1831

Mr Dickens

mittance of matter in this report to the [illegible] District, [illegible]. It is only by this means that the Magistrate can be made acquainted with the [illegible] of his orders. When this is brought to his notice it is his duty to correct them. The object and practice of the Court in the instances mentioned by the Acting Judge in the 5th Con. and very properly brought to the notice of the Court in the present instance, is to [illegible] the [illegible] of the Magistrate and to [illegible] the Court in the [illegible] of two distinct orders, as that in both cases the prisoner might be committed and they think it proper that the officer by whom they were [illegible] should be called upon to explain the reasons for disobeying [illegible] the Acting Judge accordingly called upon him to furnish the [illegible].

The Court [illegible] the suggestion of the Acting Judge that the Criminal Courts be apprized that the Court in the form of which a case is sent up for [illegible] of trial and [illegible] of the Magistrate [illegible] and that the Court will not hereafter receive any case [illegible] and the Magistrate for such [illegible] will not be [illegible] to receive the [illegible]

17th November 1831.

J.C.
10th November
1831.

Court of Circuit to judge of the grounds upon which the case was disposed of as intended by Section XXIII Regulation X of 1810. Some of the Criminal Judges are now in the habit of making a concise but distinct note of the grounds of their orders or sentences upon each case and great advantage is found in it — If it is done, as it ought to be, immediately after the trial, when all the facts and bearings of the case are fresh in the Judge's mind, it will, as the Acting Judge observes, be no inconvenient demand upon his time. The Court therefore resolve to direct that this practice be observed generally in future by the Criminal Courts. The Court also desire that in every case where punishment is awarded the provision of the law upon which sentence is passed may always be specified.—

The Acting Judge in para 14 cor. rectly states that it is the duty of Criminal Judges in cases referible to the Court of Circuit "to examine the case for the prosecution with the same care and minuteness as if the Prisoner were to be sentenced by himself, and if after such an examination, he is clearly of opinion that the evidence for the prosecution will not convict the prisoner he ought not to commit him". As there appears to be some laxity in this respect on the part of the Criminal Courts, the Court of Sylhet resolve to call their attention to their Circular orders on the subject dated the 20th July 1824 in which the necessity of adhering to

16th Octr 1891.

to that rule was so forcibly pointed out and to require that chairman heard -

9 The Acting Judge did right in putting a stop to the very objectionable practice that obtained at one of the Criminal Courts of not allowing any interpreter but those sent up by the Magistrates or Heads of Police before committing the prisoners in cases upon bills to the Court of Grand -

10 The Acting Judge in para 10 strongly responds to the unanimous wishing of the inhabitants of the Southern parts of Mayotte from the distance of the Court at Dzaoudzi, and he recommends the re-establishment of a Court of some kind at Pajotam - The Court thinks it their duty to request the Imperial Government to this subject -

11 The Court of Inquiry could find there is much force in the observations of the Acting Judge on the same head regarding the inadequacy of the pay of the Assistant Judges of the Native Judges Courts compared with that of the Police and Assessors Courts - The Court see no good reason for the difference existing in the salaries of the jurisdictions connected with the Native Judges, especially at Mayotte and at Nossi Bé, where the cost of living is notably dearer than at Dzaoudzi, and they recommend that the salaries of the Assistant Judges at Mayotte and Nossi Bé be increased to a Native Judge and the salaries of assessors at Mayotte and Nossi Bé be increased to a limited number -

16th Octr 1891.

it would seem to be proper to revise and modify them accordingly -

P 15 & 22 12 The Acting Judge, in these paras, suggests a change in the system of Criminal jurisdiction for more extensive than has yet been proposed; it is the abolishing of Circuits altogether and the trial of all offences, even capital ones, by the Criminal Courts; the trials for the more heinous offences to be referred either to the Collective Court of Circuit or the Foyjanes Assistant according to certain rules - The Court of Foyjanes Assistant do not feel themselves called upon to discuss this project at large upon the present occasion, but they deem it proper to express their decided dissent from it - The observations of the Acting Judge in Para 14 shew that even in committing prisoners for trial hasty & one by the imperfect investigations of the Criminal Courts, and his remarks in para 12 prove the necessity of supervising their proceedings generally. This duty could not be properly performed by the Collective Court - It may be true that the change effected by the extension of the powers of Criminal Judges by Regu-

= lations

10th Nov: 1831.

Section VI of 1832 has done no harm - but the crimes brought within their jurisdiction by that enactment are very different from those which are now referrible to the Courts of Circuit not only as being of a less heinous nature, but from the circumstances being generally less complicated, and the cases therefore more easily to be determined - Some advantage would be gained by the cases being brought more speedily to trial under the proposed plan, but the Court of Enquiries do not think they would be more than counterbalanced in general by the trials being committed and determined with less judgment and deliberation, than under the present system, and these defects could hardly be effectually remedied, even in the referrible cases, by the Superior Courts -

13.

In para 23 the Acting Judge suggests that on petitions being presented to a Circuit Judge in an unrecorded case (meaning thereby a case not entered in the Calendar and in which the depositions are not required to be taken down in writing) the Circuit Judge should be empowered to require the production of any written reports or orders or other papers which may be on the Magistrates records relating to the case. A Circuit Judge

14

10th November 1831.

to call for full explanation from the Magistrate in such cases, it appears to the Court of Enquiries desirable that he may require the production of any written reports or orders or other papers there may be on the Magistrates records relating thereto, and containing information on the points regarding which explanation is desired -

14 The Court of Enquiries desire to submit whether it is expedient to alter the existing rules regarding the discharge of prisoners, in the manner suggested by the Acting Judge in Para 24 - The occasional inconvenience noticed by the Acting Judge as arising from the present mode of proceeding is not of much importance nor of frequent occurrence.

Ordered that extracts of these proceedings together with a copy of the Acting Judges report be transmitted to the Acting Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council &c. (sent Governor letter of 3rd 27th)

Ordered also, that extract of these proceedings be transmitted to the Acting Judge for his information and guidance. (sent following letter 3rd 625)

Ordered that Copies of paras 4, 7, 8 and 13 be transmitted to the 4 Provincial Courts of Circuit with precepts requiring them to furnish copies of paras 4, 7 and 8 to the Zillah & subordinate Courts. (sent following circular precepts 3rd 628)

Z 11.

At a Court of the Bengal Calcutta

Present,

Thursday 7th November 1822. — F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 3rd Puisne Judge
William Hudleston Esqre acting Judge

Read letter from the acting Secretary to Government dated 11th Instant, and Extract from the Minutes of Consultation in the Judicial Department under date the 5th Instant, communicating the resolution of Government, that the Officer Commanding Calcutta be invested with Police authority within the limits of that Cantonment, as fixed for that purpose on the 11th June 1822.

(See entry p. 887.)

Ordered, that a copy of the extract from the Minutes of Consultation be transmitted to the Court of Circuit in the Centre Division, with precept requiring them to furnish a copy of the same to the Criminal Judge and Magistrate of Chinglepet respectively for their information and guidance.

(Sent following Precept No. 25)

Read letter from the Criminal Court of Circuit in the Centre Division, forwarding copy of a letter from the acting

10th Nov. 1831.

Section VI of 1822 has done no harm - but the crimes brought within their jurisdiction by that enactment are very different from those which are now referrible to the Courts of Circuit not only as being of a less heinous nature, but from the circumstances being generally less complicated, and the cases therefore more easy to be determined - Some advantages would be gained by the cases being brought more speedily to trial under the proposed plan, but the Court of Sessions do not think they would be more than counterbalanced in general by the trials being committed and determined with less intelligence, judgment and deliberation, than under the present system, and these defects could hardly be effectually remedied, even in the referrible cases, by the Superior Courts -

13

In para 23 the Acting Judge suggests that in petitions being presented to a Circuit Judge in an unrecorded case (meaning thereby a case not entered in the Calendar and in which the depositions are not required to be taken down in writing) the Circuit Judge should be empowered to require the production of any written reports or orders or other papers which may be on the Magistrates records relating to the case". A Circuit

16th November 1831.

to call for full explanation from the Magistrate in such cases, it appears to the Court of Sessions desirable that he may require the production of any written reports or orders or other papers there may be on the Magistrates records relating thereto, and containing information on the points regarding which explanation is desired -

The Court of Sessions do not think it expedient to alter the existing rules regarding the discharge of prisoners, in the manner suggested by the Acting Judge in Para 24 - The occasional inconvenience noticed by the Acting Judge as arising from the present mode of proceeding is not of much importance nor of frequent occurrence.

Ordered, that a Copy of these proceedings together with a copy of the Acting Judges report be transmitted to the Acting Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council -

Ordered also, that a Copy of these proceedings be transmitted to the Acting Judge for his information and guidance. -

(sent following letter No 625)

Ordered that Copies of paras 1, 2, 3 and 13 be transmitted to the 4 Provincial Courts of Circuit with precepts requiring them to furnish Copies of paras 4, 7 and 8 to the several Subordinate Courts -

(sent following circular precepts No 626)

At a Court of the Bengal Adalut.

Present.

Thursday 7th November 1822. F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2nd Puisne Judge
William Hudleston Esqre acting Judge

Read letter from the acting Secretary to Government dated 11th Instant, and Extract from the Minutes of Consultation in the Judicial Department under date the 5th Instant, communicating the resolution of Government, that the Officer Commanding Fulleram be invested with Police authority within the limits of that Cantonment, as applied for that purpose on the 11th June 1822.

(See entry No. 887)

Ordered, that a copy of the extract from the Minutes of Consultation be transmitted to the Court of Circuit in the Centre Division, with precept requiring them to furnish a copy of the same to the Criminal Judge and Magistrate of Chinglepet respectively, for their information and guidance.

(Sent following Precept No. 25)

Read letter from the Covenanted Board of Orient in the Centre Division, requiring copy of a letter from the acting

Acting Joint Criminal Judge of the Judiciary
Circuit relating the orders passed by
the Acting Judge of Circuit at the 2nd Sessions
of 1871 upon the case of the Petitioner
of the Court at Cuddalore

(Vide entry No 832)

In examining the Cuddalore
Calendar submitted by the Acting Judge of
Circuit, the Court of Sessions Noted several
such observations as appeared to them
to be necessary upon the proceedings of
that officer regarding the Case stated and
no further communications are requisite on
consequence of the
proceedings be transmitted to the Circuit
Court of Circuit on the Southern
Division with a request requesting the
to communicate the same to the Acting
Joint Criminal Judge for his information

(Court of Sessions Proceedings No 830)

Read letter dated the 28th instant
from the Acting Judge on Circuit on the
Northern Division recommending under
the provisions of Sec. III Regulation
I of 1825 a mitigation of punishment on
the case of 9 prisoners committed on by
of the Guntoor Calendar for the
of the present year

The Court of Sessions Noted that
having attentively considered the grounds
upon which the Acting Judge has recom-
mended that the punishment of the prisoners
referred to in his letter, and named in the
margin, should be mitigated to 9 years'
imprisonment with hard labour, resolve
to sanction the mitigation of punishment
proposed.

Ordered, that extract from
these proceedings be forwarded to the
Acting Judge on Circuit in the Northern
Division for his information.

(Court following letter No 830)

Read letter, dated the 1st
from the Acting Judge on Circuit
in the Northern Division, submitting
a copy of the Guntoor Calendar for the 2nd
Sessions of the present year.

(Vide entry No 865)

In future Calendars sub-
mitted by the Acting Judge on Circuit,
that Officer will be enjoined to exhibit
in the Column of remarks on the Calendar
an abstract of the Outrage given in by
the Law Officer.

The Court presume that
the 2nd entry is on the part of the
prosecution in Case No 1, for which
commital for Perjury was ordered by
Sessions by the Acting Circuit
Judge

[illegible] 1837

29th November 1837. Judge, extracts on the trial of that case the evidence formerly given by him before the Native Criminal Court.

No 4 3. The 4th prisoner in case No 4 being still to be tried in Case No 5 by the requisition of security from him should have been conditional.

No 10 4. It would have been satisfactory to the Court of Cuttack Malabat had the Acting Judge of Circuit explained the grounds upon which he considered the charge preferred against the prisoners in case No 10 "obviously false". There is nothing on the face of the proceedings to shew why it should be considered so or why the alleged Police confessions could not possibly have been given voluntarily.

5. The Court have no doubt but that the Judgment is perfectly correct though the explanation of the grounds of the acquittal are not clear and satisfactory, and the attention of the Acting Judge must be called to the latter part of the proceedings of this Court circulated under date the 19th of June 1838.

6. The same remark is applicable to case No 22.

No 12. 7. As the Trial of the 2nd and 9th prisoners condemned in this case is to be referred for the final decision of the Court of Circuit [illegible]

29th November 1837. Judge erred in passing conditional sentence on them in Case No 5.

Nos 15 & 18. 8. Against some of the prisoners concerned in Cases Nos 15 and 18 there is nothing more than proof of their confession before the Police and the existence against others appearing to the Court insufficient for their conviction, they resolve to direct the Acting Judge to prepare and transmit to the Register Malabat English and Persian Translations of the Record of the Trials in those Numbers and in the meantime to suspend the sentences passed by him on the prisoners concerned in those cases.

No 20. 9. The Court remark that the Acting Judge has omitted in case No 20 to specify the period for which the Securities are to be held responsible for the good behaviour of the prisoners.

Ordered, that extract from these proceedings be forwarded to the Acting Judge of Circuit in the Northern Division by precept, returnable in six days from and after its receipt.

(Sent following Precept No 31)

Read return, dated the 8th Instant, from the Judges of the Provincial Court of Circuit in the Northern Division, to precept of the 23rd Ultimo, conveying the remarks and orders of the Register

5th November 1851

17th November 1851. Judge, retracting on the trial of that case the evidence formerly given by him before the Native Criminal Court.

No 4 3. The 4th prisoner in case No 4 being still to be tried in case No 3 by the requisition of security from him should have been conditional.

No 10 4. It would have been satisfactory to the Court of Enquiries Volume had the Acting Judge of Circuit explained the grounds upon which he considered the charge preferred against the prisoners in case No 10 "obviously false" There is nothing on the face of the proceedings to shew why it should be considered so or why the alleged Police confessions could not possibly have been given voluntarily.

5. The Court have no doubt but that the Judgment is perfectly correct though the explanation of the grounds of the acquittal are not clear and satisfactory, and the attention of the Acting Judge must be called to the latter part of the proceedings of this Court contained under date the 19th of June 1851

6. The same remark is applicable to case No 22

No 12. 7. As the Trial of the 2nd and 9th prisoners concerned in this case is to be referred for the final decision of the Court of Enquiries by

E. 11a

17th November 1851. Judge erred in passing conditional sentence on them in Case No 3.

No 15 & 18. 8. Against some of the prisoners concerned in cases No 15 and 18 there is nothing more than proof of their confession before the Police and the existence against others appearing to the Court insufficient for their conviction, they resolve to direct the Acting Judge to prepare and transmit to the Enquiries Volume English and Tamil Translations of the Record of the Trials in these Numbers and in the meantime to suspend the sentences passed by him on the prisoners convicted in these cases.

No 20. 9. The Court remark that the Acting Judge has omitted in case No 20 to specify the period for which the Sureties are to be held responsible for the good behaviour of the prisoners.

Ordered, that extract from these proceedings be forwarded to the Acting Judge on Circuit in the Northern Division by precept, returnable in six days from and after its receipt.

(Sent following Precept No 831)

Read return, dated the 8th Instant, from the Judges of the Provincial Court of Circuit in the Northern Division, to precept of the 22nd Instant, conveying the remarks and orders of the Court

17th November 1831

of the Judge on Circuit to proceed towards
the end of the Month to deliver the Jail
at Bonavy instead of subjecting the
parties to an inconvenient attendance
at Mangalore.

(Vide enter No 852)

Read return, dated the 8th instant
from the First Judge of the Provincial Court
of Circuit on the Centre Division, to precept
dated the 15th ultimo, directing that the Medical
Officer's opinion on the prisoner tried for
Murder in Case No 3 of the 6th Supplemental
Chittoor Calendar for the 1st Quarterly Session
of 1831 be laid before this Court

(Vide enter No 875)

Read return, dated the 6th instant
from the Second Judge of the Provincial
Court of Circuit on the Centre Division
to precept dated the 27th May last, com-
manding the 2nd Judge to transmit the re-
cords of such trials which remain to be referred
by him for the 2nd Sessions of 1831

(Vide enter No 884)

Read return, dated the 7th instant
from the Provincial Court of Circuit on
the Northern Division, to precept of the
28th September last, directing that the
Northern Criminal Judge at Guntoor
be instructed to deliver over the prisoner
Gurlapanty Lenaik into the charge
of his friends if any can be found
willing to take proper care of him.

(Vide enter No 908)

19th November 1831

Indian extract on the [illegible]

Abstract on the Criminal Reports of the
Northern Division for [illegible]

(Vide enter No 897)

No 4

Read return, dated the 8th instant,
from the Provincial Court of Circuit on
the Northern Division, to precept of the
25th Ultimo, conveying the remarks and opin-
ions of the Judges on the Abstract on the Criminal
Reports of the Northern Division for July
last.

No 10

(Vide enter No 898)

Read return, dated the 8th instant,
from the 2nd Judge on Circuit on the Southern
Division, to precept of the 28th ultimo, con-
veying their orders on the trials No 8 and
16 on the Triennially Calendar 2nd Sessions
1831 the records of which were called
for on a revision of the Triennially Calendar

(Vide enter No 899)

Read letter, dated the 8th instant
from the 2nd Judge on Circuit on the Southern
Division, reporting the removal of the
Court of Circuit from [illegible]

(Vide enter No 892)

Read return, dated the [illegible]
from the 2nd Judge on Circuit on the
Division, to precept of the 28th ultimo
the orders of the Judge on the
Criminal Calendar 2nd Sessions of

(Vide enter No [illegible]

No 12.

...ember 1891 ... stated on the trial of that case.

7th November 1891.

Instructions to be substituted from the Provincial Court of Arcot in the Northern Division to the Presidents of the Courts comprising the number and nature of the Complaints related on the Criminal Register of the Northern Division for August last

(Vide in the Book)

Extract letter dated 1st Instant from the Court of Arcot in the Centre Division forwarding copies of letters from the late acting Sessions Criminal Judge and the Magistrate of Cuddalore

(Vide in the Book)

The Court of Criminal Appeals to the powers therein within the jurisdiction of the Criminal Court of the Sessions Judge at Cuddalore until the arrival of that Officer.

2

It appears to the Court of Appeals desirable to be spared to go from the station of the acting Sessions Criminal Judge. The Court of Arcot will therefore direct the Magistrate to issue warrants directly to the Bench of Police within the jurisdiction of the Cuddalore Court to be empowered to take bail from the Prisoners and witnesses binding them to attend Cuddalore to answer to the Sessions Judge's criminal list when

3

...of November 1891 Cuddalore without delay.

It being represented that all the public servants of the Court at Cuddalore are unwilling to proceed to Cuddalore as they are not acquainted with the Tamil language, it is right that they should be allowed to remain at Cuddalore as recommended by the Court of Arcot, which will be attended to direct the officer in charge of the Auxiliary Court at Cuddalore to continue in employment there the servants of the Sessions Judge's establishment, and to appoint the Sessions Judge to ... of them can be allowed to go with him to Cuddalore.

Ordered, that the ... these proceedings be sent to the Court of Arcot in the Centre Division for their information and guidance.

(Vide following letter No. 632 ...

...of the Trial.

Judicial extract on the trial of that case
of 7th November 1811.

Instructions to be published from the Provincial Court of Circuit in the Northern Division to precipt of the 27th Article comprising the remarks and orders of the Magistrates relative to the Criminal Reports of the Northern Division for August last

(Here in the No 794)

Ride letter to the Court of Circuit in the Centre Division forwarding copies of letters from the late acting Saint Criminal Judge and the Magistrate of Trincomalee

(Here in the No 895)

Ride to the Court regulating the practice and proceedings of Criminal Courts and the powers therein within the jurisdiction of the Criminal Court of the Native Judge at Cumbum until the arrival of that Officer.

2

It appears to the Court of Circuit to be proper to suspend the Magistrate of the acting Saint Criminal Judge. The Court of Circuit will therefore direct the Magistrate to forward papers relating to the Bench of Police within the jurisdiction of the Cumbum Court which will be necessary to enable him to proceed with the business of that Court and to transmit the same to the Native Judge of Cumbum until the arrival of that Officer.

3

It being represented that all the public demands of the Court at Cumbum are unwilling to proceed to Cudalore as they are not acquainted with the Tamil language, it is right that they should be allowed to remain at Cumbum as recommended by the Court of Circuit, which will be attended to direct the officer in charge of the Auxiliary Court at Cudalore to continue in employment there the Servants of the Native Judges established at Cumbum, and to advise the Native Judge if any of them can be allowed to go to Cumbum.

4

That extract of these proceedings be sent to the Court of Circuit in the Centre Division for their information and guidance.

(Sent following letter No 632)

Ride

7th November 1811 Cumbum without delay.

[illegible] but

[illegible] ge.

[illegible] the

[illegible] ional

[illegible] turn

[illegible] cond

[illegible] Judge if

[illegible] the

[illegible] to Cumbum

[illegible] extract of

[illegible] Court

[illegible]

[illegible] to Cumbum

[illegible] of the Trial

[illegible] September 1851. Judge, instruction on the trial of that case.

[illegible]

[illegible]

[illegible]

Saturday
19th November 1831

At a Court of the Zoojdaree Adalut

Present,

E. A. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2nd Puisne Judge
William Hodleston Esqre acting Judge.

Read return by the Provincial Court in the Northern Division, stated the 7th September last, and Supplemental return dated the 12th ultimo, submitting the record of the Trial of Nellore Calendar 2nd Sessions 1830 in obedience to Precepts of the 19th October 1830 and 11th July last.

(Here enter Nos 693 & 810)

The 1st Judge of the Court of Circuit in the Northern Division in a letter dated the 17th September 1830, represented to the Court of Zoojdaree Adalut the circumstances of the case of Nellore Calendar 2nd Sessions of 1830, and stated his opinion that the second Prisoner in it should be required to give two securities to the extent of 100 Rupees for good conduct for one year.

2 The Court of Zoojdaree Adalut on a reference to the Calendar observed that the 1st Judge had differed with his Law Officer in the case in question, and accordingly enjoined him by Precept dated 19th October 1830 to submit to the

18th November 1831.

be released, but considering that their suspicion tho' not amounting to a conviction attached to the Prisoner,

3d Abdah,

the Court of Zoojdaree Adalut must under sixth Section II Regulation XV of 1827 that he be required to find two sureties in 200 Rupees Each for his good behaviour and appearance when required within 3 years or in default thereof that he be detained for that period in prison in Irons.

The Court of Zoojdaree Adalut being of opinion that the proof against the Prisoner,

1st Sidolah,

is sufficient to convict him of the crime of Gang robbery attended with Murder, "O" under clause first Section II Regulation I of 1813 so convict him thereof and adjudge him to suffer death, as prescribed by clause first Section IV Regulation XI of 1803, by 24 being hanged at the usual time and place 24th 11 1831 of execution.

Sent following Letter 24th 1835

At a Court of the Zoojdaree Adalut.

Present,

Saturday, 19th November 1831 F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 3rd Puisne Judge.
William Braddon Esqre Acting Judge.

Read return by the Provincial Court in the Northern Division, stated the 9th September last, and Supplemental return dated the 12th ultimo, submitting the record of the Trial No 11 Nellore Calendar 2nd Sessions 1830 in obedience to Precepts of the 19th October 1830 and 11th July last.

(Here enter No 693 & 810.)

The 1st Judge of the Court of Circuit in the Northern Division in a letter dated the 17th September 1830, represented to the Court of Zoojdaree Adalut the circumstances of the case No 11 Nellore Calendar 2nd Sessions of 1830 and stated his opinion that the second Prisoner must should be required to give two securities to the extent of 100 Rupees for good conduct for one year.

2 The Court of Zoojdaree Adalut on a reference to the Calendar observed that the 1st Judge had differed with his Law Officer in the case in question, and accordingly enjoined him by Precept dated 19th October 1830 to submit to them the record of the Trial.

15th November 1831.

be released; but considering that such inspection did not amount to a conviction attached to the Prisoner,

3rd Ordered,

the Court of Zoojdaree Adalut must under clause sixth Section III Regulation XV of 1803 that he be required to find two sureties in 200 Rupees each for his good behaviour and appearance when required within 3 years or in default thereof that he be detained for that period in prison in Irons.

The Court of Zoojdaree Adalut being of opinion that the proof against the Prisoner,

1st Sidolah,

is sufficient to commit him of the crime of Gang robbery attended with Murder, under clause first Section II Regulation I of 1818 so commit him thereof and adjudge him to suffer death, as prescribed by clause first Section IV Regulation XI of 1803, by being hanged at the usual time and place of execution.

Sent following letter 22/33

Ordered

At a Court of the Poydarre Adalut,

Present,

Monday 28th November 1831

Mr. Sergeant Esqr. First Puisne Judge
& Reid Esqr. Acting Third Puisne Judge
& Anderson Esqr. Acting Puisne Judge

Read again letter dated the 15th Instt from the second Judge on Circuit in the Southern Division, transmitting translates in English and Cingalese of the Record of trial in Case No 24 on the Combacconum Calendar 2d Sessions 1831.-

Here enter No 804.

Read the second finding returned in this case by the Cazee-ool Coozat and Mooftees of the Poydarre Adalut.-

The Court of Poydarre Adalut having maturely considered the proceedings held before the Judge on Circuit, the finding of the Dominoidl Law Officer, and the finding of the Cazee-ool Coozat and Mooftees of the Poydarre Adalut, confirm the said finding of the Cazee-ool Coozat and Mooftees aforesaid, convicting the Prisoners,

1st Muneedy

and

2d Neesatachella singapooly

of the crimes of Gang Robbery and Rape, and under the provisions of Clause second section II Regulation XI of 1808 sentence them to be transported to such place or places beyond sea, as the Right Honorable the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in Irons on the public roads or other public works, for, and during the period of their natural lives.-

Sent following letter No 837

Read

3

Notice to the Prisoner having been made the Court of Poydarre Adalut on the 11th of July last adjourned the hearing of the said appeal without delay

4

The Court of Poydarre Adalut having maturely considered the proceedings held before the Judge on Circuit, the finding of the Dominoidl Law Officer, and the finding of the Cazee-ool Coozat and Mooftees of the Poydarre Adalut, confirm the said finding of the Cazee-ool Coozat and Mooftees aforesaid,

2d Finding Unanimously

of the crime with which he is charged but considering that there is sufficient ground to mitigate the punishment to be awarded to him, the Court of Poydarre Adalut direct under Clause fourth Section II Regulation XI of 1825 that he be imprisoned for nine months in Jail & kept to hard labor for his good behaviour and appearance when required within one year or on default thereof that he be detained for a further period not exceeding

Ordered, that the record of the proceedings be sent to the Court of Circuit on the Northern Division for their information and guidance by first return mail

Sent following

At a Court of the Fouydaree Adalut,

Present,

Monday 28th November 1831

T. C. Grant Esqre First Paisne Judge
J. Reid Esqre Acting Third Paisne Judge
W. Ruddleston Esqre Acting Paisne Judge

Read again letter dated the 15th Ultimo from the second Judge on Circuit in the Southern Division, transmitting translates in English and Indian of the Record of trial in Case No 24 on the Combaconum Calendar 2d Sessions 1831.-

Here enter No 804.

Read the second futwa delivered in this case by the Cazeevol Coozat and Mooftees of the Fouydaree Adalut.-

The Court of Fouydaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the futwas of the Pouniadl Law Officer, and the futwas of the Cazeevol Coozat and Mooftees of the Fouydaree Adalut, confirm the said futwas of the Cazeevol Coozat and Mooftees aforesaid, convicting the Prisoners,

1st Auvedy

and

2d Ousatachella singapooly

of the crimes of Gang Robbery and Rape, and under the provisions of Clause second Section II Regulation XI of 1808 adjudge them to be transported to such place or places beyond sea, as the Right Honorable the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in Irons on the public roads or other public works, for, and during the period of their natural lives.-

Sent following letter No 637

Read

3

No return to this Precept having been made, the Court of Fouydaree Adalut on the 11th of July last directed the transmission of the said record without delay.

4

The Court of Fouydaree Adalut having maturely considered the Proceedings held before the Judge on Circuit, the futwa of the Pouniadl Law Officer, and the futwas of the Cazeevol Coozat and Mooftees of the Fouydaree Adalut, confirm the said futwas of the Cazeevol Coozat and Mooftees aforesaid, acquitting the Prisoners

2d Congaroo Calendaby

of the crime with which he is charged but considering that the Evidence adduced to him, the Court of Fouydaree Adalut direct under Clause sixth Section II Regulation XV of 1823 that he be imprisoned & kept to hard labour in Irons for two years in the House of Correction for his good behaviour and appearance when required within one year, or in default thereof, that he be detained for that period in confinement.

Ordered, that a Extract of the proceedings be sent to the Court of the Northern Division for their information and guidance by first return mail.

Sent following letter

19th November 1831.

2nd November 1831.

Read letter dated 17th Ultimo from the Acting Judge late in Circuit in the Northern Division - transmitting the case No 5 on the Rajahmundry Calendar first Session of 1831.

/Vide enter No 838./

The first Prisoner in this case said in Jail.

The Second Prisoner was released by order of the Court of Circuit.

Mr Grant and Mr Ruthaston

The Court of Foujdaree Adawlut on a mature consideration of the circumstances stated of the case in evidence before the Acting Judge of opinion that the proof against the Prisoner

The Calendar Judge annihilating

is sufficient to commit Him of Highway Robbery under clause first Section II Regulation XII of 1818 to commit him thereof under clause third Section II Regulation XII of 1818 adjudge him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for the period of [illegible] years.

The Court of Foujdaree Adawlut being of opinion that the Prisoner

Sk Chinnen Ramanayah

is not committed of the crime with which he is charged, on strong presumptive proofs or on the evidence of credible witnesses, or on his own confession, acquit him through and under clause sixth Section II Regulation XII of 1818 except that he be released.

/Act following this letter No 838/

Read letter, dated the 5th instant, from the Provincial Court of Circuit in the Northern Division, submitting the Criminal Report of the Native Criminal Judge at Guntoor for the months of July and August last.-

/Vide enter No 860/

The Judges have remarked that the prisoners considered in Case No 1 of the Report No 5 who were apprehended respectively on the 14th and 17th of May, 8th and 25th

The Court of Foujdaree Adawlut desire that the Acting Judge will point out to the Native Criminal Judge of Guntoor the impropriety of the commitment of the prisoner in Case No 1 of this Calendar, that the Person might have been dismissed from his situation for irregular conduct, but that he was not competent to take primary cognizance of the case and moreover that there were no grounds for bringing him up for trial before the Court of Circuit.-

From the evidence in Case No 2 it is clear that the deceased was either murdered or killed in an affray and there appears every reason to believe that the perpetrators have escaped in consequence of the Witnesses having retracted the evidence previously given by them. The Acting Judge is therefore desired to bring the circumstances of the case to the special notice of the Magistrate and suggest to that officer a further enquiry not only into the case but in respect to the conduct of the Police.

Ordered, that Extract from these Proceedings be forwarded to the Acting Judge on Circuit in the Northern Division by precept returnable in 10 days from and after its receipt.-

/Sent following precept No 839/

4.

The Provincial Court of Circuit will direct the Native Criminal Judge of Guntoor in future to transmit along with his monthly Criminal Report a statement in the form prescribed in the proceedings of this Court of the 10th of January and 29th August last shewing the number of prisoners in confinement in his Jail and the manner in which they were employed during the month.

Ordered, that a certified extract of this proceeding be forwarded to the Provincial Court of Circuit in the Northern Division, desiring them to make the necessary communication to the Magistrate and to the Native Criminal Judge of Guntoor by precept returnable in 15 days from and after its receipt.

Sent following precept Rs 840/

Read again Read 10th 25

Read again Read 10th 25

In pursuance of the Resolution of the Honorable the Governor in Council under date the 24th September 1830.

Received enter No 607. of 1830/

In para 10 the Judge and Conjoint Board are requested with reference to the ignorance on the part of the Heads of Village as to the nature and extent of their duties and powers, to prepare and submit to Government a form of appointment to be hereafter issued to those officers, in which these points may be briefly and clearly stated.—

2 It appears to the Court that the most concise abstract that could be prepared of the duties and powers of Heads of Villages, in the capacities of Moonsiffs and Officers of Police respectively, as set forth in Regulations IV and V of 1816, and XI of 1816 and IV of 1821, must necessarily be so much in detail that it could not fitly be reduced into the form of a summons, and that if the summons containing such details were once prepared and issued, it would be found extremely inconvenient to renew them, as would be necessary on the occasion of vacancies, which must be of frequent occurrence in every District. They think it would be preferable, if the Heads of Villages

4.

The Provincial Court of Circuit will direct the Native Criminal Judge of Guntoor in future to transmit along with his monthly Criminal Report a statement in the form prescribed in the proceedings of this Court of the 10th of January and 29th August last shewing the number of prisoners in confinement in his Jail and the manner in which they were employed during the month.

Ordered, that a certified extract of this proceeding be forwarded to the Provincial Court of Circuit in the Northern Division and to the Register and Assistant Judges desiring the Provincial Court of Circuit will again call the special attention of the Magistrate of Complaints Vacant may be appointed of the measures taken by the Magistrate to prevent a repetition of so objectionable a proceeding, the Judges require that the return of the Magistrate be submitted to this Court so soon as received.

4.

The Provincial Court of Circuit will direct the Native Criminal Judge of Guntoor in future to transmit along with his monthly Criminal Report a statement in the form prescribed in the proceedings of this Court of the 10th of January and 29th August last shewing the number of prisoners in confinement in his Jail and the manner in which they were employed during the month.

Ordered, that a certified extract

21st November 1834.

Villages are not provided with the Regulations above mentioned, which had been prepared & directed, that an Abstract should be prepared in their office, and a copy thereof furnished to each of the Collectors with instructions to make translations in the language of the District to be circulated for the information and guidance of the Heads of Villages generally. If this is approved by Government the Court will cause an Abstract to be prepared accordingly and a copy of it to be furnished to each of the Collectors.-

3. In Para 25 the Judges of the Zoydaree Adalut are invited to take into consideration the expediency of establishing a Road Bill at each of the Chief stations in the Country. This order appears to have been occasioned by some of the remarks of two of the Judges of Circuit in the Western Division and of the Criminal Judge of Malabar relative to the comfortable accommodation of the prisoners in the Gaols at Mangalore and Calicut by which imprisonment is incurred of the severest. With reference to these remarks the Court of Zoydaree Adalut think it proper to call upon the Court of Circuit in the Western Division to communicate with the Criminal Judges of Malabar and Canara as to the expediency and practicability of establishing Road Bills in their Gaols and the response at which it could be effected, with a request that after obtaining their sentiments on these points they will submit their own opinion thereon.-

Ordered, that a Copy of the

21st November 1834.

these proceedings be sent to the Court of Circuit for their information and guidance by precept, returnable in six weeks from and after its receipt.-

Sent following Precept No 641

Ordered, that Extract of the these proceedings be transmitted to the Secretary to Government in the Judicial Department for the information and orders of the Right Honble the Governor in Council.-

Sent following Letter No 642

Read petition presented by Nagammah of Cunjeevaram in the Zillah of Chingleput.-

Vide enter Pet. No 95 of 1834.

The Court do not find in the Chingleput Calendars a case such as the petitioner alludes to.-

Ordered, that a copy of the petition be transmitted to the Court of Circuit in the Centre Division by precept requiring them to forward it to the Acting Criminal Judge of Chingleput with instructions to explain if possible to whom the Petitioner alludes and the circumstances of the case.-

Sent following Precept No 643

Z 16

At a Court of the Legislative Council of

Present,

Tuesday, 22nd November, 1837. The Honble. T. A. Grant Esqre. 1st Puisne Judge
The Honble. John Bird Esqre. acting 2nd Puisne Judge
The Honble. William Hudleston Esqre. Acting Judge.

Read letter, dated the 6th instant,
from the Acting Judge on Circuit in the
Northern Division, recommending under
the provisions of Section III Regulation
I of 1825, that the punishment to which
the 1st 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th and 10th
prisoners in Case No 8 of the Gunteon
Calendar for the 2nd Sessions of the present
year, have rendered themselves liable
may be mitigated to 6 months imprison-
ment and 50 Lashes."

(Here enter No 898.)

1. The Court on consideration
of the grounds upon which the Acting
Judge appears to rest his recommen-
dation are not of opinion that they
are sufficiently strong to admit of
their sanctioning a mitigation to
the extent proposed by the Acting
Judge.

2. Case No 8 of the Gunteon
Calendar was as thought if not a

Robbery

Robbery committed by a Gang for which
the punishment of 6 months imprison-
ment and 30 stripes was awarded is
insufficient.

5. The Court of Sudder Adawlut
therefore direct under the provisions
of Section IV Regulation I of 1825 that
in mitigation of the prescribed penalty
the prisoners referred to in the Report
of the Acting Judge, do receive 50 lashes
in addition and that they be
on the roads or other public works for
the period of 3 years.

Ordered that a copy of
these proceedings be forwarded to
the Acting Judge on Circuit in the
Northern Division for his information
and guidance.

(Entry following letter No 647
Read petition transmitted by
the Magistrate of Rajahmundry

(Answered from Letter No 1992 dated 22nd
The petitioner complained
of an Ex parte order made by him to the Judge on the
grounds of the Court of

22nd November 1851.

present upon representing to that
officer that the Criminal Judge of
Rajahmundry had dismissed a com-
plaint preferred by him against the
prisoners in Case No 27 of the Rajahmundry
Supplemental Report for the Month
of November 1851 in consequence of
his having refused to be sworn by
a person of the Vishnu sect: and
he prays that this Court will direct
the Criminal Judge of Rajahmundry
to re-examine his case and to ad-
minister the oath required to be
taken by him without prejudice
to his "Vera Religion."

On perusal of the Criminal
Reports for the Month of November
1850 it appeared that the case in
question had been dismissed in
consequence of the Prosecutor having
declined to support the accusation
on oath," and the Court of Sudder
Adawlut in their proceedings under
date the 8th of April last observed that
in such case it was the duty of the
Criminal Judge to direct the Govern-
ment to prosecute on the part of
Government.

Under

3.

Under all the circumstances of the case the Court deem it proper to call upon the Criminal Judge of Rajahmundry through the Criminal Court of Circuit to state whether there is any truth in the statement of the Prosecutor, shewing why he declined to be sworn

Ordered, therefore, that a Copy of the Petition be transmitted with an extract from these proceedings to the Provincial Court of Circuit in the Northern Division by speedy conveyance requiring that the information thus desired may be furnished to them without delay

(Sent to following Letter dated the 24th)

(and letter from the Registrar, the Northern Division dated the 28th Instant forwarding the translation of the record of the trial in case No 11 of the Rajah Rajahmundry Calendar 2nd Sessions of 1831 registered by the orders of the Court of Circuit under date the 19th December last

(Done into Telugu)

The Court of

having attentively considered the proceedings held in the trial of this case are of opinion, that the evidence before the Court of Circuit was fully sufficient to convict the prisoners of the crime charged against them. So clear and conclusive does the evidence appear, that they cannot comprehend how the presiding Judge was not satisfied that the charge was not established. When Criminals are allowed to escape the punishment due to their crimes after so clear a conviction, it is to be expected that complaints will be made against the Courts of Circuit, their justice cannot be denied. The Court regret, that it is to the proceedings of an officer of the Garrow's experience, that they are compelled to apply these comments.

Ordered, that a extract of these proceedings be forwarded to the Garrow late 1st Judge of the Court of Circuit for the Northern Division who presided at the 2nd Sessions of 1830, for his information and guidance.

(Sent following letter dated)

F. H.

At a Court of the Zoojdaree Adawlut.

Present

Wednesday 9th November 1831. F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 3rd Puisne Judge
William Huddleston Esqre Acting Judge

Read petition presented in person by Narrainsawmy Naikan of the Zillah of Jimmanelly.

(Hereunto annexed No 87 of 1831)

The petitioner prays that the Court will, upon consideration of the documents filed with his Petition, reverse the Sentence passed by the Joint Criminal Judge of Jimmanelly on date the 4th of March last requiring security for the good behaviour and appearance of himself and brethren who Petitioner states have been falsely accused in case No 85 of 1830 on the Criminal File of the Auxiliary Court of having committed a Robbery and Murder in the house of one Balakrishna Pradadoo.

2 The Petitioner appears to have made a similar application to the Provincial Court of Circuit in the Southern Division, who in their

their proceedings amount to the
of Sinnakaruppan and the petition
which the Petitioner files with the
Petition observed that the prisoner
attack to the fundamental
mind of the Joint Criminal Judge
on he must have considered
to enter into them and that
given the petitioner consideration
Court does not consider
with the orders of the Joint Criminal
Judge."

In this order the Petitioner
objects, but the Court of Appeal
Petitioner thereby affirming the
proceedings of the Criminal Court
above Petitioner to receive
the prayer of the petition

Ordered that the
be communicated to the Petitioner
and that extract from the
ings be furnished to him on
application.

Ordered further that
proceedings be returned to the

Read petition

The prayer of the petition
is that the Court will call for the record
of the Trial in Case No of the Chingleput
Calendar for the 1st Sessions of 1881 and
issue orders for the release of the 2nd
prisoner named Ammajee Ram, who
has been sentenced by the Court of
Circuit to 14 years' imprisonment and
hard labour on the roads.

The prayer of this petition
is inadmissible and the allegations
contained therein are not sufficient
to justify a review of the Trial.

Ordered accordingly, that
the petition be rejected, and that
extract from these proceedings be
furnished to the petitioner on
his application.

Read petition presented
by Maharaja Sorabhummah.

(Executive Misc. Dte. No 91 of 1881)

The petitioner prays the
Court to remake the sentence of
transportation for life passed by
the Tanjore Division on her son,
the 2nd prisoner in Case No 11 of the
Pudukottah Calendar for the 1st
Sessions of 1881.

This petition having a tooth
inadmissible

23rd November 1831

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imprisonment is rejected and the Petitioner informed that her confirming to appear before the Court is unnecessary.

Ordered further that the Petitioner be informed from these proceedings be ground to the Petitioner on his application

Read petition presented in person by Cumarasawmy of the Gillah of Matara

(Seven Dist. Petn. No 96 of 1831)

The Petitioner represents that the Court will call for and peruse the proceedings of the Court of Requests of Tinnevelly held by Colonel Graham in the Sessions of 1830 on the grounds that the sentence passed by the said Court is unjust and illegal and praying that the said proceedings be called for and the sentence passed by the said Court against the Petitioner be set aside

The Court having perused the petition of Tinnevelly Calendar for the Sessions of 1830 observed that the proceedings of the Court of Requests of Tinnevelly held by Colonel Graham in the Sessions of 1830 on the grounds that the sentence passed by the said Court against the Petitioner be set aside

The Court having perused the petition of Tinnevelly Calendar for the Sessions of 1830 observed that the proceedings of the Court of Requests of Tinnevelly held by Colonel Graham in the Sessions of 1830 on the grounds that the sentence passed by the said Court against the Petitioner be set aside

23rd November 1831

not to intrude this subject again on the attention of the Court.

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

Read petition presented in person by Veeranahchy Ammal of the Gillah of Matara

(Seven Dist. Petn. No 96 of 1831.)

The Petitioner represents herself to be the wife of Vichagaperum the late Cavilchaper under the Annapal Collector of Jaffna, and complains of the sentence passed upon her husband by the Court of Requests of Tinnevelly held by Colonel Graham in the Sessions of 1829.

The Petitioner is informed that the sentence passed on her husband by the Court of Circuit is conformable to the Regulations, and that there are no grounds upon which it can be disturbed.

The prayer of the Petition, which is for the release of the above named prisoner, is consequently rejected, and the above ordered to be communicated to the

the

the Petitioner.

Read Petition presented on
the 7th Instant by Emanuel Stark of
Chinglepett

(Here enter Misc: Petn: No 7 of 1827)

The Petitioner prays the
Court on the 18th May last to release
two Prisoners in confinement at
Chinglepett Calendar 2nd Sessions 1827
and on the 23d of that month the Court
ordered that cognizance of the proceedings
upon his Petition which was rejected
should be transmitted to him to
application

The Petitioner presents
a second Petition of the same purport
and was referred by the Court on the
19th Ultimo to their former order on the
same and therein informed that any other
Petition on the same subject would
be returned to him

In the present Petition
Petitioner states that he is unwilling
to be informed that the Court is unable
in due course, and that he is
be returned to

Read petition presented
on the 7th Instant by Lutchmy of the
Zillah of Chinglepett.

(Here enter Misc: Petn: No 7 of 1827)

The Petitioner in the above
repeats the prayer of her Petition
which was rejected by the Court on
the 19th Ultimo viz. to remit the sentence
passed on the Prisoner Chenguttay
concerned in Case No 7 Chinglepett
Calendar 2nd Sessions 1827.

The Petitioner is referred
to the former order of the Court.

Ordered, that cognizance of
these proceedings be given
the Petitioner on her application.

Read letter, dated the 5th instant,
from the 3d Judge of the Provincial Court
of Circuit in the Western Division, sub-
mitting for the orders of this Court of
Gaol Delivery whether under the provisions
of Section XXV Regulation X of 1816 the
proceedings before the Assistant Magis-
trate in case on the Calendar of
persons released by the late Acting
Sessions Judge of Madura,
be referred to the 3d Judge at the 4th
Quarterly Sessions wherein the alleg-
said prisoner is considered
in proper

28th November 1837.

the Petitioner.

Read Petition presented upon the 9th Instant by Emanuel Stark of Chinglepatt

(Here enter Minute Book No 97 of 1837)

The Petitioner prays to the Court on this 18th May last to release two Prisoners in Jail at Chinglepatt Calendar 2nd Sessions 1837 and on the 23rd of that month the Court ordered that a return of them proceedings upon his Petition which was registered should be forwarded to him to enable him to make a second Petition of the same import and was referred by the Court on the 9th Ultimo to their former order and he was then informed that any of the Petitioners on the same Jail at would be returned to him

In the present Petition the Petitioner states that he is unable to form ordered on his former Petition.

Ordered that the Petitioner be informed that the Court is unable to reference and until he shall in due Course and that he be returned to

28th November 1837.

Read petition presented on the 9th Instant by Lutchmy of the Village of Chinglepatt.

(Here enter Minute Book No 97 of 1837)

The Petitioner in the above petition prays the Court to remit the sentence which was registered by the Court on the 9th Ultimo viz to remit the sentence passed on the Prisoner Chengalroy convicted on Case No 17 Chinglepatt Calendar 2nd Sessions 1837.

The Petitioner is referred to the former order of the Court.

Read letter dated the 3rd instant from the 3rd Judge of the Provincial Court of Circuit in the Western Division, submitting for the orders of the Court of Judicature whether under the provisions of Section XXV Regulation X of 1816 the proceedings before the Assistant Magistrate could take cognizance of the Palmetto of Rs 1 which was recorded by the late Acting Joint Criminal Judge of Chinglepatt and referred to the 3rd Judge at the 4th Sessions whether the decision of the Acting Criminal Judge in the case of the said prisoner is considered in force

23rd 28th November 1831

the Petitioner

Read Petition presented upon
the 9th Instant by Hanamal Shah of
Chinglepute

(Recorded in Misc Petns No 97 of 1831)

The Petitioner prays to the
Court on the 18th May last to release
two Prisoners in Inquest Case 4 Jury
Chinglepute Calendar 2nd Sessions 1831
and on the 23rd of that month the Court
ordered that returning the proceedings
upon his Petition which was rejected
should be his Warrant for releasing
applicants

The Petitioner presented a
second Petition of the same purport
which was rejected by the Court on the
19th Ultimo for their former order and he
was then informed that any further
Petition on the same subject must
be returned to him

In the present Petition the
Petitioner states that he is unwilling
to be informed that the Petition
referred to, will be disposed of
in due course, and that the proceedings
be returned to him

28th November 1831

Read petition presented
on the 9th Instant by Lutchmy of the
Village of Chinglepute.

(Recorded Miscellaneous No 97 of 1831)

The Petitioner in the above
repeats the prayer of her Petition
which was rejected by the Court on
the 19th Ultimo viz. to remit the sentence
passed on the Prisoner Chengunbay
convicted on Case No 17 Chinglepute
Calendar 2nd Sessions 1827.

The Petitioner is referred
to the former order of the Court.

Ordered that return of
these Proceedings be given to
the Petitioner on her application.

Read letter dated the 3rd instant
from the 3rd Judge of the Provincial Court
of Circuit in the Western Division, sub-
mitting for the orders of the Court of
Judicature whether under the provisions
of Section XXV Regulation X of 1816 the
proceedings before the Assistant Magis-
trate in the Calendar of
Inquest Case and referred by the late Acting
Sessions Judge of Madura
to the 3rd Judge at the 4th
Station by Sessions in the dis-
of the prisoner is considered
in proper

23rd November 1831.

impropper.

(Here enter No 391)

Read a letter dated the 22d instant, from the 3rd Judge of the Criminal Court of Circuit on the Western Division, submitting an extract from the Calendar presented to him at the 4th Quarterly Sessions of 1831 of persons remanded by the Acting Joint Criminal Judge of Malabar, on which is shewn the decision of that Officer on the Case submitted on his letter of the 5th instant which the 3rd Judge states inadvertently omitted to be sent therewith

(Here enter No 392)

1.
The Court of Sessions Calendar having perused the depositions submitted by the 3rd Judge on commitment with that Officer that the person named Thoolut Vellapil Pyekel has been improperly discharged.

2
The evidence was sufficient to justify the commitment for Trial before the Court of Circuit and the Court of Sessions resolve to direct the 3rd Judge to issue the necessary orders for the apprehension and committal

23rd November 1831 appear necessary that the witnesses should be required to attend again before the Criminal Court assigned for the purpose of binding them over to appear before the Court of Circuit.

Ordered, that extract from this proceedings be forwarded to the Criminal Court of Circuit in the Western Division for their information and guidance

(Vide following letter No 652)

Read a letter, dated the 11th instant, made by the Acting Judge on Circuit in the Centre Division to the precept of this Court of the 23rd of September directing that Officer to cause the acting Criminal Judge of Bellary to ascertain from two or more persons of respectability belonging to his village who have known him in his childhood whether the Prisoner in Calendar for the Bellary Calendar for the 2nd Sessions of 1831 has ever been afflicted with insanity, and from the Jailor and others attached to the Jail whether the prisoner has manifested any symptoms of insanity since he has been in custody.

(Here enter No 393)

The witnesses examined by

2nd November 1831.

in proper.

(Here enter No 89.)

Read a letter dated the 2d instant, from the 3rd Judge of the Provincial Court of Circuit on the Western Division, submitting an extract from the Calendar presented to him at the last Quarterly Sessions of 1831 of persons remanded by the Acting Joint Criminal Judge of Mallabar, on which is shewn the decision of that Officer on the Case submitted on his letter of the 5th instant which the 3rd Judge states inadvertently omitted to be sent therewith

(Here enter No 893)

1 The Court of Impeachment Statute having perused the depositions duly attested by the 3rd Judge examining with that Officer that the person named Roolut Vulapil Pyekal has been confined by this charge.

2 The evidence not sufficient to justify his commitment for Trial before this Court of Circuit and this Court of Impeachment resolve to direct the 3rd Judge to grant the necessary orders for his discharge and commitment

2nd November 1831 appear necessary that the interpreter should be required to attend again before the Criminal Court only for the purpose of binding them over to appear before the Court of Circuit.

Ordered, that extract from this proceedings be forwarded to the Provincial Court of Circuit in the Western Division for their information and guidance

(Sent following letter No 852)

Read a letter, dated the 11th instant, made by the Acting Judge on Circuit in the Centre Division to the precept of this Court of the 23rd of September directing that Officer to cause the acting Criminal Judge of Bellary to ascertain from two or more persons of respectability belonging to his village who have known him intimately whether the Prisoner in Case No 7 of the Bellary Calendar for the 2nd Sessions of 1831 has ever been afflicted with insanity, and from the Jailor and others attached to the Jail whether the prisoner has manifested any symptoms of insanity since he has been in custody.

(Here enter No 893)

The witnesses examined by

improper.

(Here enter No 891)

Read a letter dated the 7th instant, from the 3rd Judge of the Provincial Court of Circuit on the Western Division, submitting an extract from the Calendar presented to him at the 4th Quarterly Sessions of 1831 of persons retanded by the Acting Joint Criminal Judge of Malabar, in which is shewn the detention of that Officer on the Cases submitted in his letter of the 5th instant which the 3rd Judge states was inadvertently omitted to be sent therewith.

(Here enter No 893)

The Court of Sapulance Statute having perused the depositions duly committed by the 3rd Judge examining officer with that Officer that the person named Koolet Valapil Pyekel has been confined by this charge.

2 The evidence was sufficient to justify his commitment for Trial before the Court of Circuit and the Court of Sapulance Statute resolve to direct the 3rd Judge to issue the necessary orders for his discharge.

3. It does not appear

necessary that the witnesses should be required to attend again before the Criminal Court only for the purpose of binding them over to appear before the Court of Circuit.

Ordered, that an extract from these proceedings be forwarded to the Criminal Court of Circuit in the Western Division for their information and guidance

(Sent following letter No 652)

Read return, dated the 11th instant made by the Acting Judge on Circuit in the Centre Division to the precept of this Court of the 23rd of September last, directing that Officer to cause the Acting Criminal Judge of Bellary to ascertain from two or more persons of respectability belonging to his village who have known him intimately whether the Prisoner in Case No 97 of the Bellary Calendar for the 2nd Sessions of 1831 has ever been afflicted with insanity, and from the Jailor and others attached to the Jail whether the prisoner has manifested any symptoms of insanity since he has been in custody.

(Here enter No 893)

The witnesses examined by

28th November, 1831.

by the Acting Criminal Judge of Bellary is to the state of the mind of the prisoner named Auvvagah, copy of whose depositions are submitted with the above return, state that they have not seen the prisoner for several years.

These persons are therefore not competent to speak to the general conduct of the prisoner and the Acting Criminal Judge of Bellary must be desired to request the Magistrate to cause the head Police to procure the attendance before the Criminal Court of persons of respectability who have known the Prisoner and were on terms of intimacy with him previous to his apprehension.

Ordered, that a transcript from these proceedings be forwarded to the Acting Judge in Canara in the Carnatic Division, enjoining him to make the necessary communication to the Acting Criminal Judge of Bellary by precept returnable within [illegible] days.

Sent following Precepts to 653

Sept.

EH

WH

F. 16.

At a Court of the Foujdaree Adalut,
Present,

Friday, - - -
25th November 1831

F. S. Grant Esqr. First Native Judge.
John Baird Esqr. Acting 2d Native Judge
W. Thackeray Esqr. Acting Judge.

EH

WH

Read letter from the Provincial Court of Circuit in the Centre Division dated 10th Instant, submitting for the opinion and orders of the Foujdaree Adalut three returns from the office of the Magistrate of N. Arcot to precept of the Court of Circuit.-

(Here enter letter No. 894)

1. The Court of Foujdaree Adalut observe that these returns are all under the hand of the Head Assistant Magistrate. One of them does not shew what was required to be done by the precept to which it is a reply.-

2. The Court have repeatedly ordered the correspondence between the Criminal Judges and Magistrates to be carried on by the Heads of those Offices or the persons in charge of them. It is fit and becoming that the returns from the Magistrates' office to precepts from the Court of Circuit should be made by the Head of the Office, and this form should always be observed, unless there be a good and sufficient reason to omit it.-

3. By the Circular Orders of the Foujdaree Adalut under date the 18th November 1823, the Criminal Judges and Magistrates were directed in their returns to precepts from the Courts of Circuit and Foujdaree Adalut to recite the substance of the orders contained in the extracts of-

28th November, 833.

by the Acting Criminal Judge of Bellary as to the state of the mind of the prisoner named Auvvagah, copy of whose depositions are submitted with the above return, stating that they have not seen the prisoner for several years.

These persons are therefore not competent to speak to the present condition of the prisoner and the Acting Criminal Judge of Bellary must be desired to request the Magistrate to cause the three other Criminal Court of persons of respectability who have known the Villages with the Prisoner and were acquainted with him previous to his apprehension to attend on the 4th proximo that the trial of this prisoner may proceed on that day.

Ordered, that a transcript of these proceedings be forwarded to the Acting Judge of Cuddapah for the Eastern Division, enjoining him to use his best endeavours to communicate them to the Acting Criminal Judge of Bellary by the earliest opportunity that the prisoner may be brought to trial on the 4th proximo.

Court following precedent No. 653

27th Nov.

F. 16.

At a Court of the Foujdaree Adalut,
Present,

Friday, 25th November 1833

F. A. Grant Esqr. First Puisne Judge
John Bird Esqr. Acting 2d Puisne Judge
W. Huddleston Esqr. Acting Judge.

Read letter from the Provincial Court of Circuit in the Centre Division dated 18th Instant, submitting for the opinion and orders of the Foujdaree Adalut three returns from the office of the Magistrate of N. Arcot to precepts of the Court of Circuit.-

(Here enter letter No. 874)

1. The Court of Foujdaree Adalut observe that these returns are all under the hand of the Head Assistant Magistrate. One of them does not shew what was required to be done by the precept to which it is a reply.-

2. The Court have repeatedly ordered the correspondence between the Criminal Judges and Magistrates to be carried on by the Heads of those Offices or the persons in charge of them. It is fit and becoming that the returns from the Magistrates' office to precepts from the Court of Circuit should be made by the Head of the Office, and this form should always be observed, unless there be a good and sufficient reason to omit it.-

3. By the Circular Orders of the Foujdaree Adalut under date the 18th November 1823, the Criminal Judges and Magistrates were directed in their returns to precepts from the Courts of Circuit and Foujdaree Adalut to recite the substance of the orders contained in the extracts of

by the acting Criminal Judge of Bellary as to the state of the mind of the prisoner Ameergah, copy of whose depositions are submitted with the above return, that they have not been the prisoner for several years.

These persons are therefore not competent to speak to the present condition of the prisoner, and the acting Criminal Judge of Bellary must be directed to request the Magistrate to cause the depositions of those persons who have knowledge of the circumstances and were present at the time of the commission of the offence with him previous to his apprehension.

Ordered, that a letter be sent from this proceeding to the Acting Judge in Canara on the Cutcherry Division, enjoining him to instruct the acting Criminal Judge of Bellary by each succeeding dawk to transmit to this Court a list of the prisoners who may be committed for trial before the Court of Circuit.

(Sent following Despatch to 653)

At a Court of the Foujdaree Adalut,

Present,

Friday, 25th November 1831 — F. A. Grant Esqr. 1st Puisne Judge
John Bird Esqr. Acting 3d Puisne Judge
W. Middleton Esqr. Acting Judge.

Read letter from the Provincial Court of Circuit in the Centre Division dated 18th Instant, submitting for the opinion and orders of the Foujdaree Adalut three returns from the office of the Magistrate of N. Arcot to precepts of the Court of Circuit.—

(Here enter letter No. 894)

1. The Court of Foujdaree Adalut observe that these returns are all under the hand of the Head Assistant Magistrate. One of them does not shew what was required to be done by the precept to which it is a reply.—

2. The Court have repeatedly ordered the correspondence between the Criminal Judges and Magistrates to be carried on by the Heads of those Offices or the persons in charge of them. It is fit and becoming that the returns from the Magistrates' office to precepts from the Court of Circuit should be made by the Head of the Office, and this form should always be observed, unless there be a good and sufficient reason to omit it.—

3. By the Circular Orders of the Foujdaree Adalut under date the 18th November 1823, the Criminal Judges and Magistrates were directed in their returns to precepts from the Courts of Circuit and Foujdaree Adalut to recite the substance of the orders contained in the extracts of

28th November, 1831.

by the Acting Criminal Judge of Ballary as to the state of the mind of the prisoner named Anwrogah, copy of whose depositions are submitted with the above return, state that they have not seen the prisoner for several years.

These persons are therefore not competent to speak to the present condition of the prisoner and the Acting Criminal Judge of Ballary must be desired to request the Magistrate to take the depositions of persons who can speak to the present state of the prisoner's mind before the Criminal Court of persons subject to the Prisoner and more particularly of the Surgeon attending on the Gaol pursuant to his application.

Ordered, that a transcript of these proceedings be forwarded to the Acting Judge in Circuit for the Centre Division, requiring him to inquire and report any communications to the Acting Criminal Judge of Ballary in pursuance of the above order.

(Sent following Letter No. 633

F. 66.

At a Court of the Foujdaree Adalut,
Present,

Friday, - - -
25th November 1831 } F. A. Grant Esqre First Judge
John Baird Esqre Acting 2d Judge
W. Maddison Esqre Acting Judge.

Read letter from the Provincial Court of Circuit in the Centre Division dated 10th Instant, submitting for the opinion and orders of the Foujdaree Adalut three returns from the office of the Magistrate of N. Arcot to precept of the Court of Circuit.-

Here enter letter No. 894

1. The Court of Foujdaree Adalut observe that these returns are all under the hand of the Head Assistant Magistrate. One of them does not shew what was required to be done by the precept to which it is a reply.-

2. The Court have repeatedly ordered the correspondence between the Criminal Judges and Magistrates to be carried on by the Heads of those Offices or the persons in charge of them. It is fit and becoming that the returns from the Magistrates' office to precepts from the Court of Circuit should be made by the Head of the Office, and this form should always be observed, unless there be a good and sufficient reason to omit it.-

3. By the Circular Orders of the Foujdaree Adalut under date the 18th November 1823, the Criminal Judges and Magistrates were directed in their returns to precepts from the Courts of Circuit and Foujdaree Adalut to recite the substance of the orders contained in the extracts of-

28th November, 1831.

by the Acting Criminal Judge of Ballany in the State of the mind of the prisoner named Anwargah, copy of whose depositions are submitted with the above return, that they have not been the prisoner for several years.

These persons are therefore not competent to speak to the general conduct of the prisoner and the Acting Criminal Judge of Ballany must be directed to require the Magistrate to cause the head Officer to procure the attendance before the Criminal Court of persons of respectability who have known the Petitioner and were on terms of intimacy with him previous to his apprehension.

Ordered, that a transcript from these proceedings be forwarded to the Acting Judge in Circuit in the Centre Division, enjoining him to inculcate the necessary communications to the Acting Criminal Judge of Ballany by precept to return the written statements of

Sd/ Ehk

WWH

Court following precedent 653

F. 16.

At a Court of the Poojdaree Adalut,
Present,

Friday, - - -
25th November 1831 } F. A. Grant Esq.re First Judge
John Baird Esq.re Acting 2d Judge
W. Huddleston Esq.re Acting Judge.

Ehk

WWH

Read letter from the Provincial Court of Circuit in the Centre Division dated 18th Instant, submitting for the opinion and orders of the Poojdaree Adalut three returns from the office of the Magistrate of N. Arcot to precepts of the Court of Circuit.-

Here enter letter No. 894

The Court of Poojdaree Adalut observe that these returns are all under the hand of the Head Assistant Magistrate. One of them does not shew what was required to be done by the precept to which it is a reply.-

2. The Court have repeatedly ordered the correspondence between the Criminal Judges and Magistrates to be carried on by the Heads of those Offices or the persons in charge of them. It is fit and becoming that the returns from the Magistrates' office to precepts from the Court of Circuit should be made by the Head of the Office, and this form should always be observed, unless there be a good and sufficient reason to omit it.-

3. By the Circular Orders of the Poojdaree Adalut under date the 18th November 1823, the Criminal Judges and Magistrates were directed in their returns to precepts from the Courts of Circuit and Poojdaree Adalut to recite the substance of the orders contained in the extracts of-

28th November, 831.

by the Acting Criminal Judge of Ballary is
to the state of the mind of the prisoner named
Anwrogah, copy of whose depositions are
submitted with the above return, that
that they have not been the prisoners
for several years.

These prisoners are therefore
not competent to speak to the grounds
on which the Criminal Judge of Ballary must be moved
of Allowed to proceed the attendance before
the Criminal Court of prisoners of which
Liberty who have subpoen the Colleges with
the Prisoner and more on bond of sufficiency
with him pursuant to his apprehension

Ordered, that be transmitted from
these proceedings be forwarded to the
Acting Judge in Circuit in the Centre
Division, inquiring how to conduct the
necessary communications to the
Acting Criminal Judge of Ballary by
precept for the immediate attendance of
(Sent following precepts No. 653

F. 16.

At a Court of the Sudder Adalut,
Present,

Friday, - - }
25th November 1831 } F. A. Grant Esq.re First Puisne Judge
John Baird Esq.re Acting 2d Puisne Judge
W. Huddleston Esq.re Acting Judge.

Read letter from the Provin-
-cial Court of Circuit in the Centre Division
dated 18th Instant, submitting for the opinion
and orders of the Sudder Adalut three returns
from the office of the Magistrate of N. Arcot
to precepts of the Court of Circuit.-

(Here enter letter No. 894)

1. The Court of Sudder Adalut
observe that these returns are all under the
hand of the Head Assistant Magistrate.
One of them does not shew what was re-
-quired to be done by the precept to which
it is a reply.-

2. The Court have repeatedly ordered
the correspondence between the Criminal
Judges and Magistrates to be carried on
by the Heads of those Offices or the persons
in charge of them. It is fit and becoming
that the returns from the Magistrates' office
to precepts from the Court of Circuit should
be made by the Head of the Office, and this
form should always be observed, unless
there be a good and sufficient reason to
omit it.-

3. By the Circular Orders of
the Sudder Adalut under date the 18th
November 1823, the Criminal Judges and
Magistrates were directed in their returns
to precepts from the Courts of Circuit and
Sudder Adalut to recite the substance
of the orders contained in the extracts
of-

23rd November, 1831.

by the acting Criminal Judge of Bellary as to the state of the mind of the prisoner named Anwrogah, copy of whose depositions are submitted with the above return, that they have not seen the prisoner for several years.

These persons are therefore not competent to speak to the present condition of the prisoner, and the acting Criminal Judge of Bellary must be directed to request the Magistrate to cause the Civil Surgeon of Bellary or some other Medical Officer to examine the prisoner and ascertain if he is in a state of mind to take his trial before the Criminal Court of Pondicherry with him present to hear the depositions of witnesses

Ordered, that a transcript of this proceedings be forwarded from the acting Judge of Pondicherry to the Collector of Bellary, requiring him to cause the necessary communication to the acting Criminal Judge of Bellary by precept for the purpose as directed by Court following Proceedings No. 653

F. 16.

At a Court of the Foujdaree Adalut,

Present,

Friday, - - -
25th November 1831 } F. A. Grant Esqr. First Native Judge
John Bird Esqr. Acting 2d Native Judge
H. Middleton Esqr. Acting Judge.

Read letter from the Provincial Court of Circuit in the Centre Division dated 18th Instant, submitting for the opinion and orders of the Foujdaree Adalut three returns from the office of the Magistrate of N. Arcot to precepts of the Court of Circuit.-

(Here enter letter No. 894)

1. The Court of Foujdaree Adalut observe that these returns are all under the hand of the Head Assistant Magistrate. One of them does not shew what was required to be done by the precept to which it is a reply.-

2. The Court have repeatedly ordered the correspondence between the Criminal Judges and Magistrates to be carried on by the Heads of those Offices or the persons in charge of them. It is fit and becoming that the returns from the Magistrate's office to precepts from the Court of Circuit should be made by the Head of the Office, and this form should always be observed, unless there be a good and sufficient reason to omit it.-

3. By the Circular Orders of the Foujdaree Adalut under date the 18th November 1823, the Criminal Judges and Magistrates were directed in their returns to precepts from the Courts of Circuit and Foujdaree Adalut to recite the substance of the orders contained in the extracts of

23rd November 1831.

of proceedings accompanying the precepts. The attention of the Magistrates should be directed to them orders with an injunction to conform thereto.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit with precepts requiring them to furnish a copy to the Magistrates with the warrants ordered.

/Sent following precepts No 655/

Read letter dated 5th Inst from the Provincial Court of Circuit in the Eastern Division transmitting copy of a return from the Office of the Magistrate of the Sixth District for the consideration and endorsement of the Court of Explanation Relative

/Here enter No 924/

Read letter dated 5th Inst from the Provincial Court of Circuit in the Northern Division to precepts of the 17th ultimo directing the Provincial Court to instruct the Magistrate of Section to transmit his returns for Calendar year ending the 31st of the Gillah to what he is attached

/Here enter No 925/

Read letter dated 5th Inst from the Acting Collector and Magistrate of Chicago transmitting returns of Cases for the Provincial Sessions of Calendar for the Northern District of Illinois for the Calendar 1st Quarter 1831 with that officer's return and letter on the above subject

/Here enter No 926/

Read letter dated 5th Inst from the Provincial Court of Circuit in the Eastern Division to precepts

23rd November 1831. Criminal Reports for April, May and June last.

/Here enter No 916/

At a Court of the Royal Irish Court.

Present

Monday 28th November 1831

F. A. Grant Esq.re First Prisne Judge
John Bird Esq.re Acting 3d Prisne Judge
W. Middleton Esq.re Acting Judge

Read letter, dated the 19th Instant, from the Second Judge on Circuit in the Southern Division, reporting that he has respited execution of the sentence passed under date the 4th Instant in Case No 1 Nisi Prius Calendar 2d Sessions of 1831 and suggesting a reconsideration of the trial.-

(See enter No. 929 of 1831)

In the 2d paragraph of this letter the Second Judge states that he is sensible that for the course he is pursuing he has no warrant in the Regulations and that in taking upon himself to question the correctness of the sentence of the Royal Irish Court in a case of that stupendous importance, as the death of two fellow creatures, on which he ought to feel convinced, that "the most deliberate consideration" has been had by the Judges, he may be exposing himself to animadversions of the Court for presumption, altogether unbecoming his station.-

This the 2d Judge deprecates, and begs that the Royal Irish Court will be apprised, that the hesitation he evinced to carry the sentence of death, which they have passed into execution, until a further reference respecting it shall have been made "arises out of no desire to question, or to cavil at their orders:" and the 2d Judge

continued.

25th November 1831.

Whence the 2d Judge remind this motion is unknown to the Court of Zoydance Vaalut; it is, however, to them perfectly unintelligible.-

The Second Judge proceeds in this paragraph to state other grounds for his impression, that the whole testimony of these witnesses is false, which do not appear to the Court of Zoydance Vaalut to possess by any means the weight given to them by the 2d Judge, but which the Court of Zoydance Vaalut will not stop to discuss more particularly for a reason which will in the course of these proceedings be sufficiently apparent.-

8. The remark of the 2d Judge in the 5th paragraph, respecting the non-apprehension of the prisoners on the spot, where the murder was committed does not appear to the Court of Zoydance Vaalut to require further notice than that want of energy on such occasions is constantly observable on the part of natives of this country, and that the circumstance is accounted for in a manner by no means improbable in the evidence, contained in the Record.-

9. In the 7th paragraph the Second Judge observes, that it is true, that the Law Officer of the Court of Circuit and those of the Zoydance Vaalut have all agreed in the conviction of the prisoners of the Murder. The convictions were, however, exclusively founded on the testimony of the above three witnesses, and the 2d Judge submits whether the circumstances, which he has announced "be not sufficient to expose their evidence to

strong

25th November 1831.

concluded this paragraph in the following words: "As the Judge presiding at the trial of the prisoners, finds that there are such strong grounds for presuming that the three witnesses whose evidence alone the prisoners have committed, and entertains a doubt, that whether he ought to commit them for trial, from one more impartial than himself to inquire and investigate them further consideration of the case."

3. In the 3d and 4th paragraphs are taken a statement of circumstances, which the Second Judge was of opinion the Court of Circuit and Judge of the Court of Zoydance Vaalut when considering the trial, and on which he found a charge of subornation of perjury against the prosecutor, that on their opinion there was not the slightest foundation.-

4. The new statement of her own for not naming it on earlier period the 9th 10th & 11th witnesses was not appear to the Court of Zoydance Vaalut to be highly meritorious, when reference is had by her to her petition to the Court of Circuit dated 24th December 1830, which was referred to the Provincial Court of Circuit for the Southern Division who stated, that she had more witnesses, whom examination she prayed.

5. In para 5. the Judge states his opinion, that in the first place the evidence of these witnesses being merely negative to the prosecutrix is in his mind merely insufficient to

25th November 1831.

"strong suspicion, if not altogether to imi-
"bibate it."

10. Upon this part of the Judge's letter the Court of Foujdaree Adaulut remarks that men admitting, which the Court has above stated are far from doing, that the objections of the 2d Judge to the testimony of these witnesses were conclusive, his reference to the grounds of the futwas, returned on the case, is altogether irrelevant, excepting upon the assumption, that the Court of Foujdaree Adaulut rested their commutation of the prisoners exclusively upon their testimony.

11. But such was very far from being the case; and but for the misapprehension of the law of murder which the 2d Judge has manifested on this occasion, and on the trial, the Court of Foujdaree Adaulut would have been beyond measure astonished at his having entertained, as he appears to have done, such an impression.

12 The Mohummedan Law Officers of course excluded from consideration the testimony of the Prosecutrix, which by the Law, which they expound, was inadmissible both on the grounds of her being the complainant, and on that of her sex: but it is hardly possible to suppose, that the second Judge can have imagined, that any such objections lie to her evidence according to the Law of England, the rules of which on this point are, as has been fully explained by the Court of Foujdaree Adaulut their sole guide in all

25th November 1831.

13. In the commutation of the prisoners the Court of Foujdaree Adaulut depended unreservedly upon the evidence of the prosecutrix, whose clear and consistent account, to which she has from first to last adhered, is in the opinion of the Court entitled to perfect confidence.-

14. The 8th paragraph of the 2d Judge's letter does not require particular notice, further than that, if the Court correctly understand the 2d Judge's meaning, he founds his persuasion of the guilt of the prisoners on the statements of persons, who by his own showing are not entitled to the slightest credit.-

15. Upon the 9th paragraph the Court of Foujdaree Adaulut observe, that it has already been pointed out to the 2d Judge, that with his impression of the evidence on the trial he should have acquitted the accused.-

16. In paragraph 10 the 2d Judge states his belief, that it is a circumstance of very rare occurrence in England, "that "when a prisoner is convicted by a Jury "of a crime, and the Judges entertain doubt "on the subject, the prisoner is either "pardoned, or is sentenced to a mitigated "punishment."-

17 The Court of Foujdaree Adaulut, without in any way admitting that the latter statement is correct, will merely observe, that the cases have no sort of analogy; a doubt of the sufficiency of the proof against the accused is invariably explained from the bench in England to be a bar to conviction, when the charge

is

25th November 1831.

Hence the 2d Judge omitted this
notice is unknown to the Court of Foujdaree
Adaulut; it is however, to them perfectly un-
intelligible.-

The second Judge proceeds in
this paragraph to state other grounds
for his impression, that the whole testimony
of these witnesses is false, which do not
appear to the Court of Foujdaree Adaulut
to possess by any means the weight given
to them by the 2d Judge, but which the
Court of Foujdaree Adaulut will not stop
to discuss more particularly for a reason,
which will in the course of these proceedings
be sufficiently apparent.-

The remark of the 2d Judge in
the 6th paragraph, respecting the non-
apprehension of the prisoners on the spot,
where the murder was committed does not
appear to the Court of Foujdaree Adaulut to
require further notice than that of energy
on such occasions is constantly observable
on the part of natives of this country, and
that the circumstance is accounted for
in a manner by no means improbable in
the evidence, contained in the Record.-

In the 7th paragraph the
second Judge observes, that it is true, that
the Law Officer of the Court of Circuit and
those of the Foujdaree Adaulut have all agreed
in the conviction of the prisoners of the Murder.
The convictions were, however, exclusively
founded on the testimony of the above three
witnesses, and the 2d Judge submits whether the
circumstances, which he has adduced be
not sufficient to expose their evidence to

Strong

25th November 1831.

conclusion this paragraph in the following words: "As the Judge presiding at the trial "of the prisoners, spoke that there was such "strong grounds for suspecting the truth of the "on whose evidence alone the prisoners have "been committed, and entertained so much doubt "should be guilty of the crime more as to refer "from such conviction them before the Judges "and submitting them for their consideration in "the case."

3.

The 3d and 4th paragraphs con-
tain a statement of circumstances pending
the trial, which the second Judge must per-
perly aware must have been on the record
Judge of the Court of Foujdaree Adaulut when
considering the trial, and on which he found
a charge of subornation of perjury against
the prosecutrix. It is obvious, that on them opinion there was
not wait the slightest foundation -

4.

for not naming at an earlier period the
1st 2d & 3d witness was not appear to the
Court of Foujdaree Adaulut to be a plea of
insensible, when reference is had to her de-
and the intellectual inferiority of Natives of
her conviction, and the Court observe, that in
her petition to the Court of Foujdaree Adaulut
dated 24th December 1829, which was referred
to the Provincial Court of Circuit for the
Southern Division she stated, that she had
more witnesses, whose examination she pray-

5.

In para 5. the Judge states
his opinion, that in the first place the fact
of these witnesses having no marks visible
to the prosecutrix she
sufficient to

25th November 1831.

"strong suspicion, if not altogether to invalidate it."

10.

Upon this part of the Judges letter the Court of Paydaare Maatut remarks that even admitting, which the Court do not, that the above stated are fair grounds for doubting the objections of the 2d Judge to the testimony of the prosecutrix, these mistakes were conclusive, his reference to the grounds of the fiscal's, coloured as the case, is altogether irrelevant, resting upon the assumption, that the Court of Paydaare Maatut rested their conviction of the prisoners exclusively upon this testimony.

11.

But such was very far from being the case; and but for the misapprehension of the law of evidence, to which the 2d Judge has admitted on this occasion, and on the trial, the Court of Paydaare Maatut would have been beyond measure astonished at his having entertained, as he appears to have done, such an impression.-

12.

The Mohammedan Law allowed of causes excluded from consideration the testimony of the Prosecutrix, which by the Law, which they expound, was inadmissible both on the ground of her being the complainant, and on that of her sex: but it is hardly possible to suppose, that the second Judge can have imagined, that any such objections lie to her evidence according to the Law of England, the rules of which on this point are, as has been fully explained by the Court of Paydaare Maatut their sole guide in all criminal trials

25th November 1831.

13.

In the commitation of the prisoners the Court of Paydaare Maatut depended unreservedly upon the evidence of the prosecutrix, whose clear and consistent account, to which she has from first to last adhered, is in the opinion of the Court entitled to perfect confidence.-

14.

The 8th paragraph of the 2d Judges letter does not require particular notice, further than that, if the Court correctly understand the 2d Judges meaning he founds his persuasion of the guilt of the prisoners on the statements of persons, who by his own showing are not entitled to the slightest credit.-

15.

Upon the 9th paragraph the Court of Paydaare Maatut observe, that it has already been pointed out to the 2d Judge, that with his impression of the evidence on the trial he should have acquitted the accused.-

16.

In paragraph 10 the 2d Judge states his belief, that it is a circumstance of very day occurrence in England, "that "when a prisoner is convicted by a Jury "of a crime, and the Judges entertain doubt "on the subject, the prisoner is either "pardoned, or is sentenced to a mitigated "punishment."-

17.

The Court of Paydaare Maatut, without in any way admitting that the latter statement is correct, will merely observe, that the cases have no sort of analogy: a doubt of the sufficiency of the proof against the accused is invariably explained from the bench in England to be a bar to conviction, when the charge

is

28th November 1831.

employed during the months of September in the manner prescribed in the orders of this Court

28th November 1831.

its one effect; and that it will never again be necessary for them to record in like terms their opinion of the 2d Judge's proceedings.-

23 And the Court, seeing no ground whatever for a compliance with the request of the 2d Judge, that this trial should be reconsidered, direct that he be by precept commanded forthwith to issue his warrant for execution of the sentence, passed by the Court of Gaol Delivery in Case No 1 Madras Calendar 2d Sessions of 1831.-

Ordered, that Extract of these proceedings be sent to the 2d Judge on Circuit in the Southern Division by precept, returnable in 24 hours from and after its receipt.-

Sent following precept No 656

Read letter, dated the 10th instant, from the Second Judge on Circuit in the Southern Division, submitting copy of the Salem Calendar for the Second Sessions of 1831.-

Here enter No 902 f.

The Court of Gaol Delivery remark that the Criminal Judge of Salem has omitted to enter in the Calendar the Abstract of the deposition given by the Prosecutrix in Case 8.-

With reference to the sentence of 2 years imprisonment with hard labour in irons passed on the prisoner in Case No 9. the Court conclude that he was not convicted of the alleged Robbery, which

25th November 1831.

"strong suspicion; if not altogether to insinuate it."

10. Upon this part of the King's letter the Court of Foujdaree Adaulut remarks that even admitting, which the Court do not, that the above stated are far from being the objections of the 2d Judge to the testimony of these witnesses were conclusive, his reference to the grounds of the futwas, delivered on the case, is altogether irrelevant, resting upon the assumption, that the Court of Foujdaree Adaulut rested their conviction of the prisoners exclusively upon their testimony.

11. But such was very far from being the case: and but for the misapprehension of the law of evidence, by which the 2d Judge has vitiated on this occasion, and on the trial, the Court of Foujdaree Adaulut would have been beyond measure astonished at his having entertained, as he appears to have done, such an impression.-

12. The Mohummedan Law Officers of course excluded from consideration the testimony of the Prosecutrix, which by the Law, which they expound, was inadmissible both on the ground of her being the complainant, and on that of her sex: but it is hardly possible to suppose, that the second Judge can have imagined, that any such objections lie to her evidence according to the Law of England, the rules of which on this point are, as has been fully explained by the Court of Foujdaree Adaulut, their sole guide in all criminal trials

25th November 1831.

13. In the conviction of the prisoners the Court of Foujdaree Adaulut depended unreservedly upon the evidence of the prosecutrix, whose clear and consistent account, to which she has from first to last adhered, is in the opinion of the Court entitled to perfect confidence.-

14. The 8th paragraph of the 2d Judge's letter does not require particular notice, further than that if the Court correctly understand the 2d Judge's meaning he founds his persuasion of the guilt of the prisoners on the statements of persons, who by his own showing are not entitled to the slightest credit.-

15. Upon the 9th paragraph the Court of Foujdaree Adaulut observe, that it has already been pointed out to the 2d Judge, that with his impression of the evidence on the trial he should have acquitted the accused.-

16. In paragraph 10 the 2d Judge states his belief, that it is a circumstance of very day occurrence in England, "that "when a prisoner is convicted by a Jury "of a crime, and the Judges entertain doubt "on the subject, the prisoner is either "pardoned, or is sentenced to a mitigated "punishment."-

17. The Court of Foujdaree Adaulut, without in any way admitting that the latter statement is correct, will merely observe, that the cases have no sort of analogy: a doubt of the sufficiency of the proof against the accused is invariably explained from the bench in England to be a bar to conviction, when the charge

is

is accepted to the Same.

18. The Court of Kinglass Circuit after attentively considering this communication from the 2nd Judge, can discover in it no ground whatever for his having exempted from that sentence, which he represents at its commencement.

19. The Second Judge has not specified on this occasion to proceed in direct violation of the provisions of Section XIII Regulation VIII of 1802, and in excuse for this he has not brought forward a single fact, that is even or can possibly be supposed not to have been well considered by the Court of Kinglass Circuit, before they passed sentence in the case.

20. The Second Judge ought to know, that after he has dispatched the record the case must altogether out of his hands; and that he had nothing to do but to stamp into effect the sentence which might be passed upon him.

21. The sentence of the 2nd Judge in suspending the execution of the sentence of the Superior Court on no other discernable ground than a presumption and persuasion, that the Judges of the Court of Kinglass Circuit had either performed a most awful error in a matter of life, or in a most inefficient manner required to be marked by the censure.

22. The Court of Kinglass Circuit, that, this sentence

25th November 1831 its due effect; and that it will never again be necessary for them to record in like terms their opinion of the 2 Judges proceedings.-

23 And the Court, seeing no ground whatever for a compliance with the request of the 2d Judge, that this trial should be reconsidered, direct that he issue his warrant for execution of the sentence, passed by the Court of Kinglass Circuit in Case No 1 Malwa Calendar Sessions of 1831.-

Ordered, that Extract of these proceedings be sent to the 2d Judge on Circuit in the Southern Division by precept returnable in 24 hours from and after its receipt.-

And following precept No 656 Read letter, dated the 10th instant from the Second Judge on Circuit in the Southern Division, submitting copy of the Salem Calendar for the Second Sessions of 1831.- Here enter No 902 f.

The Court of Kinglass Circuit remark that the Criminal Judge of Salem has omitted to enter in the Calendar the Abstract of the deposition given by the Prosecutrix in Case 8.-

With reference to the sentence of 3 years imprisonment with hard labour passed on the prisoner in Case No 1 in this Calendar, the Court conclude that he was not convicted of the alleged Robbery, which constitutes

28th November 1831.

doubtless was an exaggeration.-

3

No further remarks on this Calendar appearing to the Registrar Master necessary- Ordered that Extract from these proceedings be forwarded to the Second Judge on Circuit in the Central Division for his information.-

/Sent following letter No 657/

Read letter, dated the 23rd Ult. time, from the Provincial Court of Circuit in the Western Division, submitting the Returns required by Section XXXV Regulation X of 1816 for the month of September from the several Criminal and Assistant Criminal Judges in the Division and the Native Criminal Judge at Arracan, together with an extract from their proceedings thereon.-

/Here enter No 634/

Honore. 1

Petitant further explanation the sentence of "3 months imprisonment with hard labour" passed by the Acting Joint Criminal Judge on the prisoner [illegible] concerned in Cr. Case No 55 of the Report No V, would appear a very inadequate punishment for Burglary committed by a gang of 14 persons.-

2

The Provincial Court of Circuit will point out to the Acting Joint Criminal Judge at Honore that in cases such as No 70 & 71. imprisonment can only be awarded in commutation of a fine, if not paid.-

3

The Judges perceive that the Joint Criminal Judge in charge of the Arakan Court at Sillichang has omitted to amend the form of Return, shewing the manner in which the Convicts were

28th November 1831.

employed during the month of September in the manner prescribed in the orders of this Court circulated under date the 29th of August last the attention of that Officer must consequently be called to the 7th and 8th paras: of those proceedings.-

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, requiring them to make the necessary communication to the Joint Criminal Judges of Sillichang and Honore by precept, returnable in 15 days from and after its receipt.-

/Sent following precept No 658/

Read letter, from the Acting Criminal Judge of Bellary, submitting copy of a letter from the Acting Criminal Judge of Cuddapah relative to a convict proceeding from Bellary to the Depôt at Chingleput, detained at Cuddapah on account of Sickness.-

/Here enter No 631/

Ordered, that copy of this letter and of its enclosure be transmitted to the Court of Circuit in the Centre Division with instructions to direct the Acting Criminal Judge of Cuddapah to forward the convict to Chingleput as soon as he has recovered, instead of sending him back to Bellary as he proposes.-

Ordered also, that the Court of Circuit be required to point out to the Acting Criminal Judge of Bellary the irregularity

25th November 1831.

Read return, dated 22d Instant, from the Provincial Court of Circuit in the Northern Division to precept of the 19th Ultimo, directing the Provincial Court to circulate the opinion of the F.C. that it is imperative on a Criminal Judge to subject all persons confined on requisition of Security, excepting those specially exempted by order of the Circuit Judge to compulsory labor. the Kind and degree being left to the discretion of the Criminal Judge.-

/Here enter No 937/

Read letter, dated 19th Instant, from the 2d Judge on Circuit in the Western Division, reporting his having completed the 2d Sessions of 1831 at Mangalore; and intended departure for Honore.-

/Here enter No 928/S

DL

Z 46

At a Court of the Vagidance Adalut

Present,

Wednesday,
30th November, 1831. F. J. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 2nd Puisne Judge
William Budleston Esqre Acting Judge

Z 44
W 11

Read petition presented on the 16th Instant by Pallayumma and six others of the Village of Chinglepet.

(Vide enter Price Petr. No 99 of 1831)

The Petitioners allege that their people, 15 in number having been unjustly apprehended under suspicion of theft and maltreated by the Peishcar and Peons of the Dayer Talook, and by the Village Moonsif and others, were taken up to the Talook Cutcherry and thence sent to the Criminal Court with a false Argee, that the Criminal Judge committed the said 15 people to take their trial before the Court of Circuit in the Centre Division by whom 11 of them were required to find Security or in default to be imprisoned for 3 years, and that the other 4 were sentenced to 14 years' imprisonment.

2 The Petitioners pray the Court to call for and consider the trial in the case in which the said 15 people are concerned.

Re

3

The Prisoner from the evidence
to have been legally convicted under the
Court of England & Ireland & is not entitled
the aforesaid enactments on the above
Petition to be discharged & he must be
remanded to Gaol to undergo the
sentence passed upon him by the
Supreme Court.

Ordered that a copy of these
proceedings be forwarded to the Colonial
on their application.

Rule Nisi dated the 29th instant
from the Acting Judge on Circuit in the
Central Division calling upon the
to shew cause why a writ of
should not issue
September last
of the Board of
the Criminal
of 1881

(Discharged)

of Precipt as contained in the Records of
the Trial, the Judges guilty concurring in the
conviction of this prisoner and directed
accordingly that the sentence passed by the
Acting Circuit Judge in the case in question
be forthwith carried into execution.

Nothing however can be
more irregular than the manner in
which the examinations of the 8th and 9th
witnesses were conducted by the Acting
Criminal Judge of Cuddapah, to whom
objections were pointedly
the Criminal Court in respect to the
facts of the case, but were merely
interrogated whether their previous
depositions before the Police Officer
which were rendered to them, were
correct.

Ordered, that a extract from
these proceedings be forwarded to the
Acting Judge on Circuit in the Central
Division by precept, requiring him
to admonish the Acting Criminal Judge
of Cuddapah of the impropriety of his
proceedings in the instance above noticed.

Precept returnable in ten
days from and after its receipt.

(Sent following Precept to Cuddapah)

Read return dated the 7th
instant, made by the Criminal Court
Circuit
in the Southern Division to the precept
of

3

The Prisoner on the undermentioned
to have been legally sentenced under the
Court of Kingsland Island but do not consider
the aforesaid contained in the above
Petition to be sufficient to justify the
interference. The Petition is therefore
rejected.

Ordered, that extract of these
proceedings be furnished to the Petitioners
on their application.

Rem.d letter dated the 28th instant
from the Acting Judge of Circuit in the
Central Division, submitting certain queries
to this Court, for the opinion of the Judges
of the Court of the 28th
of the Revised Statutes of the Island of Kingsland
of 1831

(Queries)

The Court, having taken the said
queries into consideration, doth
give its opinion thereupon in the affirmative
in the Eighth query, and in the negative
to the remaining queries.

30th Nov.r 1831

of Circuit as contained in the Records of
the Court, the Judges fully concur in the
correctness of this prisoner and direct
accordingly that the sentence passed by the
Acting Circuit Judge in the case in question
be forthwith carried into execution.

Nothing however can be
more irregular than the manner in
which the examinations of the 3rd and 4th
witnesses were conducted by the Acting
Criminal Judge of Cuddapah, to whom
it appears no questions were put by
the Criminal Court in respect to the
facts of the case, but were merely
interrogated whether their previous
depositions before the Police Officer
which were read over to them, were
correct.

Ordered, that extract from
these proceedings be forwarded to the
Acting Judge of Circuit in the Central
Division by precept, requiring him
to admonish the Acting Criminal Judge
of Cuddapah of the impropriety of his
proceedings in the instance above noted.

Precept returnable in ten
days from and after its receipt.

(Sent following precept to Mad.s)

Read return dated the 7th
instant, made by the Criminal Court
of Circuit in the Southern Division, to the precept
of

30th Nov. 1831

of this Court of the 17th ultimo, calling for an explanation regarding the sentences passed on the prisoners convicted on Case Nos 93 of the Criminal Register for the Month of August last and thereby the Joint Criminal Judges of Coimbatore

(Bene letter No 883)

Read also letter stated the 28th instant from the Provincial Court of Malabar in the Southern Division transmitting copies of the explanations received from the several Criminal authorities in that Division relative to the Criminal Register for the Month of August last

(Bene letter No 932)

In the return made by the Acting Joint Criminal Judge of Coimbatore that Officer explained that the prisoners in the case above alluded to, though charged with Robbery were convicted only of Theft and that under these circumstances they were sentenced by the Joint Criminal Judge

2 The Joint Criminal Judge of Coimbatore should have attended to the orders of the Regulations that are to be under date the 5th of July 1816 and 8th of August 1829 whereby the General Criminal Judges were enjoined whenever the crime of which he had convicted may be punishable

30th Nov. 1831

that with which he is originally charged, to state a note of the circumstance in the Calendar exhibiting the punishment.

3 The reasons assigned by the Police Officers of Vellapetty for the detention in their lock up of the prisoners concerned in Case No 139 have been repeatedly announced by the Court of Sessions Malabar as inadmissible and the explanation is considered unsatisfactory.

4 The Acting Magistrate of Palghaut should have taken much earlier notice of the conduct of the Police Officers than by a simple reprimand on the opinion of the Court he should have fined

5 Ordered that extract from the proceedings be forwarded to the Provincial Court of Circuit in the Southern Division desiring them to make the necessary communications to the Acting Joint Criminal Judge of Coimbatore and the Acting Magistrate of Palghaut for the information and future guidance of those Officers respectively.

(Bene following letter No 665)

The Register lays before the Court the following Statements drawn up in his office from the returns received through the Provincial Courts of Circuit exhibiting the operations of

30th Nov. 1881

of this Court of the 17th ultimo, calling for an explanation regarding the sentences passed on the prisoners convicted in Case Nos 93 of the Criminal Register for the Month of August last submitted by the Joint Criminal Judges of Coimbatore

(Rem. letter No 582)

Read also letter, dated the 8th instant, from the Provincial Court of Appeal Copies of the explanations and reasons given by the Sessional Sessional Authorities on that Division relative to the Criminal Register for the Month of August last

(Rem. letter No 632)

In the return made by the Acting Joint Criminal Judge of Coimbatore that Officer explains that the prisoner in the case above alluded to, though charged with the Robbery was convicted only of Theft and sentenced to 6 months Rigorous Imprisonment by the Joint Criminal Judge

2 The Joint Criminal Judge of Coimbatore should have passed the orders of the Conference that the case under date the 5th of July 1881 and referred the case under date the 8th of August 1881 to the Sessional Criminal Judge who could whenever the crime for which the prisoner may be punished

30th Nov. 1881

that with which he is originally charged, & taken a note of the circumstance in the Column exhibiting the punishment.

The reasons assigned by the Police Officer of Vellygenty for the detention in the Lock up of the prisoners convicted in Case No 93 have been repeatedly pronounced by the Court of Enquiry Malabar as invalid & insufficient and the explanation is considered altogether very unsatisfactory.

4. The Acting Magistrate of Pachimpoly should have taken much more serious notice of the conduct of the Police Officer than by a simple reprimand & in the opinion of the Court he should have been fined

Record that extract from these proceedings be forwarded to the Provincial Court of Circuit on the Southern Division, desiring them to invite the communication to the Acting Joint & Criminal Judge of Coimbatore and the Acting Magistrate of Pachimpoly for the information and future guidance of those Officers respectively.

(Cont. following letter No 665

The Register laid before the Court the following Statements known up in his office, from the returns received through the Provincial Courts of Circuit, exhibiting the operations of

of the Village and District Police and the Magistrate of the Criminal Court in charge of the Courts of Conservancy respectively; and the Statement hereunder is an abstract of the operations of the Courts from the 1st of July to the 31st of December 1881 corresponding to the figures shown in Statement No. 2 of 1881.

2. Statement No. 2 of 1881 shows the Police Magistrate's and Conservancy Courts separately, while the present Statement exhibits the number of persons summoned before the Village Police and the Conservancy Courts together.

3. The total number brought to trial before the Village Police during the three years was 2,297 of whom 325 pleaded guilty and 878 by confession in the Village Police Courts and 1,094 were convicted after trial.

4. The general result of the Conservancy Courts for the three years is as follows:—

	Persons summoned	Persons punished
From 1st July to 31st December 1879	680	391
From 1st January to 30th June 1880	786	569
From 1st July to 31st December 1880	1497	1172

5. The Districts in which resort to the Village Police has been most frequent are Coimbatore, Canara, Trichinopoly, Cuddapah, Combaconum, Rajahmundry and Madura. The number of persons brought before the Village Police in each of these districts is as follows:—

		of whom punished
Coimbatore	147	124
Canara	130	12
Trichinopoly	121	104
Cuddapah	118	80
Combaconum	91	16
Rajahmundry	93	
Madura	93	

In only one District in which there was no resort to the Village Police has been made, viz., in Chingleput however in only one instance only two persons were brought before these authorities.

In explanation the Magistrate reports that the