1106

Proceedings
for
1837

330

F. H.

At a Court of the Fouydaree Adalat

Wednesday
4th January 1837. Present

Charles Marshall Lushington Esqr. 1st Judge

John Bird Esqr. ---------- 2nd Judge

William Hudleston Esqr. ---- 3rd Judge

Read Extract from the Minutes of
Consultation dated the 20th Ultimo relative to the
proceedings of the Fouydaree Adalut of the 15th Novr
last, reviewing the Circuit Report of the Third
Calendar Circuit Division of the Western Division of the
Sessions of 1836.

Here enter No 224

The Court of Fouydaree

observe that the Circular Order alluded to
3rd paragraph of the above Minutes of Consultation
is the Circular Order No 78, dated the
Copy of which has been laid before the Governor

The Court direct with reference to
the 5th paragraph that the Magistrate of Midnapore
be requested, thro' the Third Judge of the Court
Court of Circuit Western Division, to state what
has been done, and what orders with the view of
preventing the occurrence of the practice of persons
arming themselves with weapons whereby they
wound their keepers.

Calendar of Persons discharged by the Magistrate of Midnapore Case No

4th January 1837. 3.

Adverting to the concluding passage of the 4th paragraph, the Court of Foujdaree Udalut would observe that "Below Sevalinga Gowda" has been confined since the 28th December 1833 - but that he is at liberty to address the Court of Circuit by Petition, and that it is competent to that Court to issue such Orders upon his Case as may be then deemed proper. The Court however resolve to direct that the 3d Judge be requested to report whether the circumstances of the Case justify the protracted detention in confinement of "Below Sevalinga Gowda."

No 1. Calendar of Persons committed by the Canara Magistracy under Regulation II - 1822 - and VI 1827 between 20th October 1835 and 14th April 1836.

4.

In the 5th paragraph of the above Minutes of Consultation it is observed that it would have been satisfactory to the Government if the Foujdaree Udalut had stated the grounds upon which so large a number as 30 persons were acquitted upon a Charge of Gang Robbery. The Court perceive that the observation of the Third Judge, upon which the above appears to have been founded, referred to the number of 8 Cases and 30 prisoners as the whole number of Acquittals and therefore as "including the 3 Cases and 12 prisoners" entered in the Statement under the head of Acquittal of Gang Robbery. Should the Right Honorable the Governor in Council still desire to be made acquainted with the grounds of the release of these prisoners, the Court will direct the same to be extracted from the Calendar and laid before Government without delay.

At

4th January 1837. 5.

At the conclusion of this the fifth paragraph, is stated the desire of Government to be informed whether the Magistrate has been called upon to explain the reasons which induced the Police Officer of Sirsee to send a prisoner for trial against whom no probable evidence is said to have existed. The Court of Foujdaree Udalut presume that the Case here referred to is that which has been noticed in para: 10 of the Circuit Report of the 3d Judge. They perceive on reference to the Calendar that upon the review of it they did not call for the explanation here required by Government, and they accordingly resolve to direct the Third Judge now to state whether the Magistrate's attention was by him attracted to the circumstances of the Case, and if not, that the Third Judge be requested to enjoin the Magistrate to enquire into the Conduct of the Police Officer and to report what notice he / the Magistrate / may take of it.

Ordered, that Extract from these proceedings be sent to the Chief Secretary to Government to be laid before the Right Honorable the Governor in Council.

Sent in No 4.

To Govt No I.

Ordered also, that Extract from these proceedings with Copy of the above Minutes of Consultation be sent to the Third Judge

4th January 1837. the Provincial Court of Circuit Western Division for his information and guidance by Precept returnable in 10 days after receipt.

(Sent following Precept No. 5.)

Read Report, dated the 21st December 1836, from the Acting 3rd Judge of the Provincial Court of Circuit Northern Division prescribed by the Circular Order of the 9th December 1819, upon the 3rd Quarter Sessions of 1836—

(Here enter No. 2272.)

In the above Report the Acting 3rd Judge observes "The Magistrates' decisions which were very few, "being correct no remarks were passed on the Calendars and "I therefore consider their Submission unnecessary."

2. The Court of Foujdaree Udalut direct that the Acting 3rd Judge be desired now to forward Copies of the said Calendars. It was not intended by the Circular instructions of the 20th April 1836 to render their transmission dependent upon the fact of the Judge Presiding at the Sessions deeming it unnecessary to record upon them any remark—

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

(Sent following Precept No. 6.)

F. 96.

At a Court of the Foujdaree Udalut

Thursday 5th January 1837. Present,

Charles May Lushington Esqr. 1st Puisne Judge

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

William Hudleston Esqr. ---- 3rd Puisne Judge

Read letter dated the 23rd September 1836, from the Judges of the Special Commission at Berhampore, submitting the record of the Trial in case No. 7 held before the Special Court at Berhampore

(Here enter F. 96. No. 1745 of 1836)

Mr. Bird and Mr. Hudleston. The Court of Foujdaree Udalut, after a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the prisoner

Kowmand Ramara

is sufficient to convict him of the crime of Rebellion and Murder, &c, under the authority with which they are vested by Clause first, Section II, Regulation III of 1818, convict him thereof; and under the provisions of Section X, Regulation VIII of 1802, Sentence him to suffer death by being hanged at such time and place, as may be appointed by the Honorable the Commissioner.—

The Court of Foujdaree Udalut direct that their Sentence in the Trial No. 7 from the

5th January 1837. late Special Commission at Berhampore, together with the whole of the proceedings held in the Case, be transmitted to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may, in conformity with the provisions of Section V, Regulation XX of 1803; receive the Orders of Government, before they direct their sentence to be carried into execution.

* To Sd. Mr. Bird and Mr. Hudleston

Cent in No. 161

Read letter dated the 1st October 1836 from the Judges of the Special Court at Berhampore transmitting the record of trial in Case No. 8 of the Special Court held at Berhampore-

[Here enter F.D. No. 1791 of 1836]

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-cozzat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-cozzat and Mooftees aforesaid, as acquits the prisoners.

9th Soneya Diundasee

and

10th Moodoova

and accordingly direct that they be set at liberty.

And

5th January 1837. And being of opinion that the proof against the prisoners

2nd Poke Sing

3rd Mooglea

4th Lutchoomun Naik

5th Keertanee

6th Mongolia

7th Fakeera

and

8th Vonkoora

is sufficient to convict them of the crime of Rebellion against the State, the Court do, under the authority with which they are vested by Clause first, Section II, Regulation I of 1818, convict them thereof: and under the provisions of Section II, and III, Regulation I of 1834, sentence the prisoners

2nd Poke Sing

and

9th Mooglea

to suffer death by being hanged at such time and place as may be appointed by the Honorable the Commissioner: and the prisoners

4th Lutchoomun Naik

5th Keertanee

6th Mongolia

7th Fakeera

and

8th Vonkoora

to

5th January 1837. to be transported to such place beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons, on the public roads, or other public works, for and during the period of their natural lives respectively.

The Court of Foujdaree Udalut direct that their Sentence in the Trial No 8 from the late Special Commission, together with the whole of the proceedings held in the Case, be transmitted to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may, in conformity with the provision of Section V, Regulation XX of 1802, receive the Orders of Government, before they direct their Sentence to be carried into execution.

(Sent in No 17.

Read letter dated the 20th Ultimo, from the First Judge Presiding at the 4th Chittoor Quarter Sessions for the year 1836, transmitting for the Orders of the Foujdaree Udalut Copy of a correspondence between the Court of Quarter Sessions and the Criminal Judge at Chittoor, touching a Case wherein the Prisoner, having been sentenced by the Head Assistant Magistrate to one months imprisonment, and sent to the Criminal Judge at Chittoor

5th January 1837. Chittoor. in order that the Sentence might be executed, the Criminal Judge deemed it proper to place the Prisoner in Custody of "the Nazir".

(Here enter No 3243)

It appears that the Prisoner in question, Lutchamnaiky, having been charged with theft and assault, was, by the Assistant Magistrate sentenced to one months imprisonment - and that the Sentence having been executed to the extent only of placing the Prisoner under Custody of the Nazir, the Party who charged him with the offence complained to the Court of Quarter Sessions, (Rangavachary) after having, without effect, requested the Magistrate to cause the Sentence to be duly executed.

2. The First Judge, presiding, called upon the Criminal Judge in the 31st October to report upon the circumstance above alluded to.

On the 11th November the First Judge

3. also transmitted to the Criminal Judge Copy of a Petition presented to the First Judge by "Kylasa chary", complaining of the conduct of the Criminal Judge in issuing a Summons for the appearance, and in sending out a Warrant afterwards, for the apprehention of Petitioner's Son, "Rangavachary". The First Judge requested an explanation of the circumstances referred to in this Petition.

In

4th January 1837.

4. In reply the Criminal Judge stated that the prisoner Lutchmanading was, when received, "placed in confinement under charge of the Nazir, "that a notice was sewed upon "Rangavacharry," to "ascertain what he alluded to in his complaint, but "as he failed to appear before the Court, a Warrant "was sent to him, upon which he absconded."

5. The First Judge requested to be informed of the authority under which the "Warant" in question was issued. The Criminal Judge reported that the Summons, issued by him, with the view of obtaining information called for by the Higher Court, having been treated with contempt, he considered that in issuing the Warrant "he was only adopting the Customary and necessary step to obtain the required information.- The Criminal Judge further explained, that "Kylasachary" and "Rajavachary" had been prisoners in a Case before his Court, and had been held to Security on the grounds of strong Suspicion,- whilst the prisoner Lutchmanading was "a young Man of very respectable Connexions, the Son of the Party who lodged the information against the said "Kylasachary" and "Rajavachary," which led to the result of their trial in the said Case already noticed."-

6. Hereupon the First Judge called for

5th January 1837 for the warrant for the imprisonment of Lutchmanading, and required the Criminal Judge at the same time to "Certify whether the tenor of the document had been conformed to."

The Warrant was accordingly laid

7. before the First Judge, with an explanation that, "as the prisoner was of a 'different Class' from the "other Convicts, being respectably connected, and "very young," he was, as formerly reported, placed in Confinement, during the prescribed period, under charge of the Nazir.

With reference to this explanation

8. the First Judge, considering the disposal of the prisoner in this manner as unauthorized, and an evasion of the Magistrates Sentence, directed "Lutchmanading" to be confined in Jail for one Month as required by the Warrant, and the prisoner was eventually re-apprehended and has been again lodged in Jail. The Criminal Judge doubting the legality of the proceedings in the Case requested that the opinion of the Court of Foujdaree Udalut might be solicited upon it.

Upon these proceedings the Court

9 of Foujdaree Udalut have to observe that the Criminal Judge was bound, on receipt of the warrant, to place the prisoner in Jail, unless he had not sufficient

5th January 1837. sufficient accommodation in it for him. Upon any other ground than this, the mode of execution of the Sentence, by simply placing the prisoner in charge of the Nazir, would render the Criminal Judge liable to severe Censure, as bearing the appearance of favoring a prisoner convicted of a Crime, and Sentenced to "imprisonment." The Court are desirous of being informed whether there was any other Convict, at the same time, placed in similar confinement.-

10. In respect to the order for the re-apprehension of "Lutchmanading", the Court of Foujdaree Udalut think that it should not have been issued. They are of opinion that he should, under the circumstances, have been allowed the benefit of the error of the Criminal Court, and that it would have been sufficient for the First Judge, to have censured the conduct of the Criminal Judge on the occasion, and to have reported it to this Court.

11. The Court of Foujdaree Udalut resolve to direct the immediate discharge of the prisoner "Lutchmanading", and to require the Criminal Judge at Chittoor, thro' the First Judge Presiding at the Quarter Sessions, to explain for their information the point noticed in the preceding paragraph,- viz^t, whether there was accommodation in the Jail for the said

F.U.

5th January 1837. said prisoner, during the month he was "in charge of the Nazir", and whether there was any other prisoner "in charge of the Nazir" during the same period, and under what circumstances.-

Ordered, that Extract from these proceedings be sent to the First Judge Presiding at the 4th Quarter Sessions at Chittoor for his information and guidance by Precept returnable in 7 days after receipt.

(Sent following Precept N^o 187.

Read return dated the 20th Ultimo from the Acting First Judge late on Circuit in the Southern Division, to the Precept of the Court of Foujdaree Udalut under date the 29th August 1836, sending back the Record of Trial N^o 3 on the Madura Calendar for the Second Sessions of 1836, and calling for information on certain points connected with the offence forming the Subject of the charge against the prisoners in that Case.-

/ Here enter F.U. N^o 2258 of 1836 /

With reference to the remark contained in the fifth paragraph of the Return of the Acting Criminal Judge of Madura, that "the proceedings "called for by the Foujdaree Udalut,- viz^t, those held "in the first investigation into the Case, with the "several examinations taken in the month of January "1833

1833 together with the Police proceedings which accompanied the Case, are now with the Court of Circuit—

the Court of Foujdaree Udalut deem it proper to call upon the Acting First Judge to report whether there are no more Original papers than those already recorded (pages 3-7-13) and if there are no more, to require the Magistrate of Madura to state whether in fact, at the time of the occurrence of the outrage, no other depositions were taken than those of the Prosecutor and one Witness—

2.

Observing it stated in the Seventh paragraph of the same Return, that "it appeared from the proceedings held in 1833, that the Rammad Zamindar on the 26th May 1833, reported to the Acting Magistrate that the house of Veerabadhuru and those of + others had been attached" &c., the Court of Foujdaree Udalut resolve to direct that a Copy of the Order for the attachment of the property of the persons proclaimed, and Copies of any papers showing the names of the fathers of those persons, be laid before them by the Acting First Judge—

3.

It appears to the Court that even though there were no examination, there must have been some Report by the Police Officer, at the time that the outrage occurred, although nothing of the sort is to be found on the Record—

The

4.

The Acting First Judge will ascertain from the Magistrate whether or not any such Report was actually made; and if there be any document of this nature in existence, will transmit an English Translation of the same for the consideration of the Foujdaree Udalut—

Ordered, that Extract from these proceedings be sent to the Acting First Judge late on Circuit in the Southern Division by Precept returnable within fifteen days from and after its receipt—

(Sent following Precept No 79)

Read letter dated the 28th December 1836 from the Second Judge on Circuit in the Western Division, forwarding the Original Death Warrant Vide Vo in Case No 6 on the Sirsee Calendar for the Second Sessions of 1836.

(Here enter No 8)

Read return dated the 27th December 1836 from the Acting Joint Criminal Judge at Tinnevelly, to the Precept of the Foujdaree Udalut, dated the 22nd December 1836, conveying their observations and orders on the Tinnevelly Criminal Reports for the month of November

(Here enter No 9)

Read

5th January 1837.

Read return dated the 28th December 1836 from the Acting Criminal Judge of Madura, to the Precept of the Foujdaree Udalut dated the 22nd December 1836, conveying their observations and Orders on the Madura Criminal Reports for the month of November.

(Here enter No 10.)

Read return dated the 30th December 1836 from the Criminal Judge of Chittoor to the Precept of the Foujdaree Udalut dated the 23d December 1836, conveying their observations and Orders on the Chittoor Criminal Reports for the month of November.

(Here enter No 11.)

Read return dated the 26th by the Criminal Judge at Combaconum to the Precept of the Foujdaree Udalut of the 23d Ultimo; Conveying their Orders and Obsewations on the Combaconum Criminal Reports for the month of November 1836.

(Here enter No 2293.)

1. In the above return the Criminal Judge represents, with reference to the 4th para: of the proceedings of the Foujdaree Udalut, that "in Cases "of false Complaint, an evil for which a Specific Regu="lation was enacted, the person actually presenting "the false Complaint is frequently the mere agent or tool

5th January 1837. "tool of another, more powerful person, who for purpose "of Spite and vengeance may have instigated him "to present it after due preparation of evidence and "witnesses, and that the effect of the rule laid down "by the Foujdaree Udalut, that only the person pre="senting the false Complaint is punishable, has a "tendency to limit the beneficial effect of the Regu="lation enacted to prevent the practice of making "false Complaints," and by proclaiming impunity "to every body concerned in the offence except the actual "Presenter of the Complaint, to open still wider the "field of operations to influential revengeful persons."

2. The Court of Foujdaree Udalut can=not give to Regulation IX of 1832 the extended construction which would be necessary to render any other than the party preparing the false charge to the Head of Police punishable under Regulation IX 1832.— It is not the person who presents the Petition in which the false charge is conveyed who is neces=sarily punishable: but the party who prefers, in such Petition, the false Complaint, and altho' as observed by the Criminal Judge, Subornation of Perjury and of Forgery, are constituted Crimes to which a Specific punishment is attached, penal enactments must be construed strictly, and the Court cannot therefore regard as punishable by the Criminal Court, in cases of false

5th January 1837.

Read return dated the 28th December 1836 from the Acting Criminal Judge of Madura, to the Precept of the Foujdaree Udalut dated the 22nd December 1836, conveying their observations and Orders on the Madura Criminal Reports for the month of November.

(Here enter No. 10.)

Read return dated the 30th December 1836 from the Criminal Judge of Chittoor to the Precept of the Foujdaree Udalut dated the 23d December 1836, conveying their observations and Orders on the Chittoor Criminal Reports for the month of November.

(Here enter No. 11.)

Read return dated the 26th by the Criminal Judge at Combaconum to the Precept of the Foujdaree Udalut of the 23d Ultimo; conveying their Orders and Observations on the Combaconum Criminal Reports for the month of November 1836.

(Here enter No. 2293.)

1. In the above return the Criminal Judge represents, with reference to the 4th para: of the proceedings of the Foujdaree Udalut, that "in Cases "of false Complaint, an evil for which a Specific Regu- "lation was enacted, the person actually presenting "the false Complaint is frequently the mere agent or tool

F.U.

5th January 1837.- "tool of another, more powerful person, who for purposes "of Spite and vengeance may have instigated him "to present it after due preparation of evidence and "witnesses, and that the effect of the rule laid down "by the Foujdaree Udalut, that only the person pre- "senting the false Complaint is punishable, has a "tendency to limit the beneficial effect of the Regu- "lation enacted to prevent the practice of making "false Complaints," and by proclaiming impunity "to every body concerned in the offence except the actual "Presenter of the Complaint to open still wider the "field of operations to influential revengeful persons."

2. The Court of Foujdaree Udalut can- not give to Regulation IX of 1832 the extended construction which would be necessary to render any other than the party preparing the false charge to the Head of Police punishable under Regulation IX. 1832.- It is not the person who presents the Petition in which the false charge is conveyed who is necessa- rily punishable: but the party who prefers, in such Petition, the false Complaint, and altho', as observed by the Criminal Judge, Subornation of Perjury and of Forgery, are constituted Crimes to which a Specific punishment is attached, penal enactments must be construed strictly, and the Court cannot therefore regard as punishable by the Criminal Court, in Cases of false

6th January 1837. "false Complaints referred to in Regulation IX of 1832, any other than the Party preferring to a Head of District Police, or Police Officer, specially vested with the powers of a Head of District Police under the provisions of Section III Regulation IV of 1821," to Aumeens of Police, appointed under Section XI Regulation IX 1816, the charge which may appear to be "wilfully false and malicious".

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

(Sent in No. 20.)

F. U.

At a Court of the Foujdaree Udalut

Present,

Friday 6th January 1837. Charles Mary Lushington Esqre 1st Puisne Judge

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

William Hudleston Esqre 3rd Puisne Judge

Read letter dated the 27th Ultimo from the Officiating Second Judge on Circuit in the Centre Division, transmitting a Copy of the Chingleput Calendar for the Second Sessions of 1836.

(Here enter F.U. No. 2280 of 1836.)

Case No. 8.

The prisoner in this Case was charged with wilful and Corrupt perjury, in having given two contradictory depositions on oath, one on the 16th September 1836 before the Assistant Magistrate of Chingleput, and the other on the 30th of the same Month before the Criminal Judge of that Zillah in a Case, in which Soobbier, Zilladar, was charged with having, on the evening of the 16th September 1836, beaten and wounded him (the prisoner) with a stick, in the Village of Coonnatoor in the Zillah of Chingleput.

2. The prisoner is convicted, but the Officiating Second Judge suggests that "the imprisonment already suffered be deemed a Sufficient punishment for the degree of Criminality proved against

6th January 1837

"against him, and that he be ordered to be admonished
"and released: on the grounds that" if he had been
"properly Cautioned, against Committing himself on
"his oath, in his examination before the Criminal
"Court, there would have been no occasion for putting
"him upon his trial." that" his Original Complaint
"was well founded", and that "the contradiction in
"his subsequent one before the Criminal Court, must
"be attributed solely to his ignorance, and the advan-
"tage taken thereof by the Jelladar, who was never-
"theless sentenced by the Criminal Judge to give
"security."

3.

The Court of Foujdaree Udalut
cannot Consent to an entire remission of punish-
ment, in a Case, in which the prisoner is clearly
convicted of having, by the Commission of Wilful
Perjury, defeated the ends of Justice; but, after a
due consideration of the Circumstances urged by the
Judge of Circuit, they resolve to direct that the prisoner
"Paravydy"
be imprisoned and kept to hard labour in irons on
the public roads or other public works for and during
the period of 11 one year.

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

and

6th January 1837

and guidance by Precept returnable within three
days from and after its receipt.

(Sent following Precept No. 21)

Read Letter dated the 25th November
1836, from the Second Judge on Circuit in the Western
Division, Submitting an English and Persian Transla-
tion of the Proceedings in Case No. 10 in the Calcut-
ta Additional Calendar for the second Sessions of 1836,
for the consideration and final Judgment of the
Court of Foujdaree Udalut.

(Here enter F.U. No. 3105 of 1836)

The prisoner in this Case was con-
victed by the Court of Circuit of "Culpable Homicide,
"Committed on a Sudden quarrel;" and Sentenced to
imprisonment and hard labour in irons for 4 years.

The Court of Foujdaree Udalut, con-
2. sidering it doubtful whether the offence, charged
against the prisoner, did not amount to Murder, directed,
in the Seventy Second paragraph of their proceedings
under date the 26th October 1836, that the Record of
the Case should be referred for their consideration.-

It appears to the Court of Foujdaree
3. Udalut, after a most attentive consideration of all
the circumstances of this Case, that the fatal act
charged in the Indictment, inexcusable as it was,
was committed in heat of blood. There was a scuffle;

and

5th January 1837. and the Court see no reason to regard the act as the result of any thing but sudden passion.

It is not open to the Court of Foujdaree Udalut to disturb the sentence of the Court of Circuit in this Case - and a Persian Translation of the proceedings was unnecessarily required. -

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

(Sent in No. 22)

Read letter dated the 28th Ultimo from the Magistrate of Rajahmundry, submitting the explanation called for in the Extract from the Proceedings of the Foujdaree Udalut under date the 25th November 1836, relative to Case No. 75 on the Rajahmundry Supplemental Criminal Reports for the month of October.

(Here enter No. 12)

Read letter dated the 28th Ultimo from the Second Judge on Circuit in the Western Division, forwarding Statements of Batta paid to Prosecutors and Witnesses attending before the Court of Circuit during the Second Sessions of 1836 at Calicut - Inan-galore - Honore - and Sirsee. -

(Here enter No. 19)

F 96.

At a Court of the Foujdaree Udalut

Present,

Saturday 7th January 1837. Charles Mayleythington Esqr. 1st Puisne Judge
John Bird Esqr. ---------- 2d Puisne Judge
William Houdleston Esqr. 3d Puisne Judge

Read Extract from the Minutes of Consultation dated the 27th Ultimo, directing that 600 Convicts be placed under the exclusive control of the Civil Engineer of the 4th Division, to be employed on works at Masulipatam.

(Here enter No. 2276)

It is stated in the above Minutes of Consultation that the services of the 600 Convicts are required "to carry on the repair of the Causeway "at Masulipatam, and the opening of the Pettah "Canal." and the Court of Foujdaree Udalut are requested to make the necessary arrangements, the Civil Engineer being vested with the powers of punishment provided for by Regulation X of 1832; and having exclusive Control over the Convicts, who however are to be lodged and dieted, as at present, in the Zillah Jail. - The Foujdaree Udalut are also desired to arrange for a proper check being ensured upon the conduct of the Peons, and the means for punishing them for neglect. -

In respect to the transfer of Convicts from other Jails, to that of Masulipatam, to complete the required number of 600, the Court of Foujdaree Udalut are not certain that the full number are at present available in the Northern Division. They do not understand it to be the wish of the Right Honorable the Governor in Council that the prisoners employed at Masulipatam, in weaving and making paper, and in other productive Manufactures, should be transfered to the Civil Engineer - nor that the Convicts at Nellore, engaged in making paper, nor that those at Guntoor, employed in building the Jail, should be moved; and they do not propose to include any of the few Convicts at Vizagapatam, (about 50) who will all be required upon the buildings about to be constructed at that Station.

3.

The Court do not propose that any Convicts should be transfered, from other Jails, whose remaining period of imprisonment may not exceed 6 months.

4.

They anticipate therefore that independent of the prisoners above referred to, it will not be practicable to assemble at Masulipatam so many as 600 Convicts for the purpose in question, unless the Government should Consider it desirable to transfer the number deficient, from another Division, in which Case there would be no difficulty in making the

 the transfer from Bellary -

5. The Provincial Court of Circuit for the Northern Division will be pleased to furnish to the several Officers concerned, instructions for the transfer of Convicts from their respective Jails.

6. The Acting Criminal Judge of Chicacole and the Acting Criminal Judge of Rajahmundry should be directed to transfer to Masulipatam without delay, all Convicts Capable of hard labour whose remaining period of imprisonment is not less than 6 months; The Officer in charge of the Jail at Nellore should be instructed to transfer such number of Convicts of the above description, as are not required for the Manufacture of Paper, or for works of absolute necessity, and similar Orders should be given to the Acting Joint Criminal Judge of Guntoor for the transfer of such Convicts, as above described, as are not required for the building of the Jail or other indispensable works -

The Provincial Court will be pleased

7. to issue the necessary instructions to the Acting Joint Criminal Judge of Masulipatam, and as soon as practicable to report to this Court the number of Convicts transfered from each Jail, and the total number placed at the disposal of the Civil Engineer.

With

7th January 1837. 8. With the view of meeting the further intentions of Government, the Court resolve to direct that all Sentences by the Civil Engineer be carried into affect by the Jailor, under the written Order of the Engineer, and that the authorized fines, and the dismissal of the Peons attached to the Convicts now transfered, be ordered under written communication by the Civil Engineer, to the Joint Criminal Judge, to whom however it will not be competent to question such legal orders as, in this respect, it may appear proper to the Engineer Officer to issue.

9. The Civil Engineer should be furnished by the Provincial Court with Copy of Regulation X of 1833, and with all Circular Orders referring to the labour of Convicts, or that are otherwise applicable to Officers incharge of Convicts at labour; and he must be required to furnish monthly the usual Statement of the labour of Prisoners thro' the Joint Criminal Judge.

See G. O. No. 80.

Ordered, that Extract from these proceedings with Copy of the Minutes of Consultation be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by Precept returnable in 8 days after receipt.

(Sent following Precept No. 26)

Ordered also, that Extract from these proceedings be sent to the Chief Secretary to Government

6

Fol.

7th January 1837. to be laid before the Right Honorable the Governor in Council.-

To Govt. No. [illegible]

(Sent in No. 27)

Read letter dated the 30th Ultimo, from the First Judge of the Provincial Court of Circuit Western Division, submitting an explanation of the apparent discrepancy between "the "figures given in the 10th paragraph of the First Judge's "Appendix" to his Report on the Second and Third Quarter Sessions of 1836 at Tellicherry, and "those "entered in the Statements", as noticed in the 2nd para of the Order of Government No. 1035 dated the 6th Ultimo.

(Here enter No. 26)

Ordered, that Copy of the above letter from the First Judge of the Provincial Court of Circuit Western Division be sent to the Chief Secretary to Government, with reference to their proceedings of the 24th November last, and the Order of Government of the 6th Ultimo, for the purpose of being laid before the Right Honorable the Governor in Council.-

To Govt. No. 9.

(Sent in No. 28)

Read return and further return dated respectively the 6th and 11th Ultimo, by the Acting Second Judge late on Circuit in the Southern Division, to

7th January 1837 to the Precept of the 5th November last, conveying the observations and orders of the Foujdaree Udalut upon his Circuit Report for the 4th Sessions 1836.

(Here enter Nos 2149 and 3206)

1. The Court of Foujdaree Udalut having taken into consideration, on the 24th November last, the return of the Acting Second Judge to their Precept of the 7th of the same month, proceed to record such observations upon the above further returns as appear to be called for.

2. In the further return of the 6th December is transmitted Copy of an explanation on the part of the Magistrate of Trichinopoly of "the proceedings in his Office," described in para: 19 of the Acting Second Judge's Report, and noticed in para: 15. of the proceedings of the Foujdaree Udalut of the 7th of November last.

3 The Magistrate states that the method of proceeding animadverted upon by the Foujdaree Udalut, has never been pursued in Cases which required to be forwarded to the Criminal Courts, and that "the only Cases wherein the taking entirely "anew of depositions before the Magistracy has been "dispensed with, are petty Cases of theft, and other "offences punishable by the Magistracy under Sections XXXII and XXXIII Regulation IX 1816, such at least

7th January 1837 "as were deemed by the Officer holding the Enquiry "fall within those enactments."

4. With reference to Section III Regulation VIII of 1832, the Court of Foujdaree Udalut have to observe that the practice here stated to be "pensed with," should not be omitted.

5. The Magistrate, adverting to the concluding remarks of the Foujdaree Udalut in para 75 of their proceedings of the 7th November, notices that it is not customary, with reference to Section Regulation IV of 1821, in his Office, to investigate on oath Petty Complaints under Sections XXXII and XXXIII Regulation IX 1816, and requests instructions whether he is to consider himself enjoined to Conduct "investigations on oath in all those trifling Cases."

6. It was clearly not the intention of the Foujdaree Udalut to give a construction of this nature to Section IX. Regulation IV. of 1821, which explicitly declares that the Magistracy shall exercise their discretion as to the administration of oaths in their "examination of Complaints for petty Offences, and of Complaints for Petty Thefts."

7. The Court of Foujdaree Udalut would only further observe that the administration of an oath on a deposition taken before a Police Officer is illegal, and of no avail - and that the proceedings which

7th January 1837. which formed the subject of the remark of the Acting Second Judge, and the Comment of the Foujdaree Udalut were in a Case which could not properly be considered to fall under Section XXXII. or XXXIII. Regulation IX. of 1816.

8. In the further return of the 11th Ultimo is forwarded the explanation of the Acting Joint Magistrate of Coimbatore, with reference to the remarks of the Acting Second Judge in para: 18 of his Report, noticed in paras: 13 and 14 of the Proceedings of the Foujdaree Udalut of the 7th November last.

9. The Acting Joint Magistrate begs to be informed with reference to Case 85. whether, where one Count of a Complaint is true, and another false, as the offence proved in the first may be much less deserving of punishment than the offence itself of the latter, "as punishing both parties is declared illegal," "the "Magistrate may at discretion punish the greater "offender, and release the less, or release both."

10. It appears to the Court of Foujdaree Udalut that para: 13. of their proceedings of the 7th November last upon this Case is sufficiently clear. On the above observation of the Acting Joint Magistrate they deem it necessary only to remark that there is no authority in Section XXXV. Regulation IX of 1816, for the punishment of Complaints partially groundless.

Ordered, that Extract from these proceedings

F.U.

7th January 1837. proceedings be sent to the Chief Secretary to Govt. ment to be laid before the Right Honorable the Governor in Council, with reference to the proceedings of the Foujdaree Udalut of the 7th November 1836.

Sent in № 29.

To Govt. № 10.

Ordered also, that Extract from these proceedings be sent to the Acting Second Judge on Circuit in the Southern Division for Communication to the Magistrate of Trichinopoly of the first 7 paras: and to the Magistrate of Coimbatore of paras 8-9 and 10 by Precept returnable in 4 days after receipt.

(Sent following Precept № 30)

Read returns from the Acting Joint Criminal Judge at Guntoor dated the 26th, to Precept of the 23d Ultimo, conveying the Orders of the Court of Foujdaree Udalut upon the Guntoor Criminal Reports for the Months of November.

(Here enter № 2286)

Under the explanation afforded in the above return, the Court of Foujdaree Udalut approve of the proceedings of the Joint Criminal Court in regard to the detention and trial of the prisoner in this Case, whom, the Court of Foujdaree Udalut, upon the grounds recorded by them on the 23d Ultimo; ordered to be released.

Report V
Case 63.

Ordered

9th January 1837

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

(Sent in No. 31.)

Read return, dated the 30th Ultimo, from the Acting Criminal Judge of Salem to the Precept of the Fouzdaree Udalut dated the 24th December 1836, conveying their observations and Orders on the Salem Criminal Reports for the month of November.

(Here enter No 20 of 1837.)

Read return, dated the 2nd Instant, from the Provincial Court of Circuit in the Centre Division, to the Precept of the Fouzdaree Udalut dated the 30th December 1836, directing the release of the prisoner Venkatramoodoo who was sent by the Criminal Judge of Chittoor by the Head of Police as instance.

(Here enter No 23 of 1837.)

F. U.

At a Court of the Fouzdaree Udalut

Present,

Monday 9th January 1837. Charles Mary Lushington Esqr 1st Puisne Judge

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

William Hudleston Esqr 3rd Puisne Judge

Read Miscellaneous Petition presented on the 19th Ultimo by Auncherlapully Sesamy of Masulipatam.

(Here enter Mis. Pet. No 123 of 1836.)

The Petitioner states that he is a Teak Merchant, that one Kalady Banpoolo entered into a Contract to supply him with Bamboos, and for the due fulfilment thereof, mortgaged to him his Bullock: that failing in the Contract, he proceeded to sell the Bullock, when some Police People, suspecting that he had stolen it, stopped him; that the Petitioner then complained to D. Sobbiah, the Head of Police of Vellore, but instead of obtaining redress was threatened by that Officer to be confined in the Stocks unless he paid a fine of 124 Rupees; that accordingly to avoid the indignity, he disbursed that Sum which was divided among the said Head of Police and other Police and Village Officers; and that he subsequently complained of the imposition to the Magistrate, and the Provincial Court of Circuit, but

9th January 1837. but has failed to obtain redress: and he therefore prays that the Court of Foujdaree Udalut will order the Magistrate to cause the Fine to be refunded to him, and punish the authors of the injury.

The Court of Foujdaree Udalut observe that the Case appears to have been fully heard, and duly disposed of by the Provincial Court of Circuit, in Appeal from the decision of the Magistrate, and that any interference on their part, is uncalled for.

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

Read Miscellaneous Petition presented on the 19th Ultimo by Moonesawmy Chetty, Curvoy Veerasawmy Chetty and Boppala Andeappa Setty of the Zillah of Chittoor.—

(Here enter Mis. Pet. No. 126 of 1836)

The petitioners represent themselves to be the relatives of Ramashetty, Rhagava Chetty, Lashade Chetty, Calleyan Chetty and Weeraparoomala Chetty, who, in Cause No. 1 on the Chittoor Second Supplemental Calendar for the Fourth Quarter Sessions of 1836, being charged with affaulting and wounding on the Highway one Thashanna Chetty, and some others, and robbing them of property valued at Rupees 1343-10-6, were convicted and sentenced to imprisonment

9th January 1837. with hard labour in irons for fourteen years.

The Petitioners averring that the prisoners did not commit the Crime, and that the only part of the plundered property traced to them was a pair of Shoes, which Mard Shetty "accidentally found," and inadvertently appropriated to his own use, a Circumstance maliciously made use of to their disadvantage, pray that Orders may be issued for their release from Confinement.—

The Petitioners are informed that the Sentence of the Court of Quarter Sessions is final: and that the Court of Foujdaree Udalut sees no grounds for questioning the propriety of that Courts Judgment in the Case referred to.—

Ordered, that the prayer of this Petition be rejected, and that Extract from these proceedings be furnished to the Petitioners upon their application.—

Read Miscellaneous Petition presented on the 26th Ultimo by P. Rungasawmy Pillay, Vakeel on behalf of Canoopanathalawmy and another prisoners in Case No. 26 of 1836 on the file of the Criminal Court of Madura.—

(Here enter Mis. Pet. No. 128 of 1836)

It is stated in this Petition that the prisoners in Case No. 26, were apprehended on a charge

9th January 1837. charge of Murder preferred by the Zamindar of Yettiapooram, but escaped from the Custody of the Village Police; that they were subsequently re-apprehended and sentenced by the Criminal Court to six month's imprisonment for escaping.

The Petitioner averring that his Clients were ignorant that escaping from Custody was a punishable offence, prays that Orders may be issued for their release from Confinement.

He is informed that the Court of Foujdaree Udalut cannot interfere in the Case.

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

Read Petition presented on the 26th Ultimo by Kullamaul of the Zillah of Cumbaconum

(Here enter Mis. Pet. No. 130 of 1836)

The Petitioners addresses to the Court of Foujdaree Udalut the present Petition, with reference to her former Petition No. 121 of 1836, and the Court of Foujdaree Udalut finding nothing in it to induce them to alter the Orders recorded upon the said Petition No. 121 on the 26th Ultimo, direct that the Petitioner be refered to that Order.

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

Read

9th January 1837

Read Petition presented on the 31st Ultimo by Peddyetty Naugummah of the Zillah of Cuddapah

(Here enter Mis. Pet. No. 131 of 1836)

In the above the Petitioner merely reiterates the prayer contained in her Petition No. 127 of 1836, upon which the Court recorded their Orders on the 26th Ultimo.

The Court of Foujdaree Udalut find no grounds upon which they can found any alteration of that Order, and the Petitioner is accordingly refered to it.

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

Read Miscellaneous Petition presented on the 31st Ultimo by Cuncherla Pagumunnah and Mooreeyunnoo Tengah of the Zillah of Nellore.

(Here enter Mis. Pet. No. 133 of 1836)

The Petitioners repeat the request contained in their Petitions No. 118 and 124 of 1836 which they have already been twice informed is inadmissible.

The Court of Foujdaree Udalut direct that it be now intimated to the parties that any further Petition, on the same subject, will not be received.

&c. &c.

9th January 1837.

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

Read return by the Acting Second Judge on Circuit in the Northern Division dated the 27th Ultimo to Precept of the Court of Foujdaree Udalut of the 18th October last, requiring that Officer to look into the Case No. 64 of the Chicacole Criminal Report No. V for August and pass upon it such Orders as to him might appear proper with reference to Section XXIII. Regulation X. 1816.

(Here enter No. 16.)

The Acting Second Judge transmits in the above return, Copy of his proceedings on the Case in question, wherein he has desired the Commitment of the 2d, 3d and 4th prisoners, and explains that the proceedings have not been laid before the Collective Court of Circuit, because the Prosecutor identified those prisoners, and because the Court of Foujdaree Udalut in their proceeding of the 21st September, stated their opinion that this Commitment should have been made by the Criminal Court, if the said prisoners had been identified by the Prosecutor.

2. Under the latter part of Section XXIII Regulation X. 1816, the Court of Foujdaree Udalut are of opinion that it is necessary for the Acting Second Judge

9th January 1837. Judge to cause the proceedings in the Case 64 to be submitted to the Collective Court, and they direct that it be done accordingly.

Ordered, that Extract from these proceedings be sent to the Acting Second Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 39.)

Read letter, dated the 31st Ultimo, from the Criminal Judge of Combaconum forwarding Copy of the Warrant of the Court of Circuit in Case No. 40 on the Combaconum Calendar for the Second Sessions of 1836 for the banishment of 4 prisoners to a Jillah to be selected by the Foujdaree Udalut.

(Here enter No. 27.)

The Court of Foujdaree Udalut direct that the prisoners

12th Anoonachellem

13th Marien

16th Iyapayel

and

17th Maury alias Chitren

be removed to the Jail at Cuddapah, there to be imprisoned, agreeably to the terms of their Sentences.

Ordered, that Extract of these proceedings

9th January 1837. proceedings be sent to the Criminal Judge of Combaconum and to the Acting Criminal Judge of Cuddapah for their information and guidance respectively.

Ent. 113

(Sent in Nos 2041 & 2)

F. 16.

At a Court of the Foujdaree Udalut—

Present,

Tuesday 10th January 1837. Charles May Lushington Esqre. 1st Puisne Judge.

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

Cnl. William Hudleston Esqre. — 3rd Puisne Judge.

113

Read letter, dated the 11th November 1836, from the Second Judge on Circuit in the Western Division, submitting for the consideration and final judgment of the Court of Foujdaree Udalut, the Record of Case No. 12 on the Canara Calendar, for the second Sessions of 1836—

(Here enter F. 16. No. 2014 of 1836.)

Mr. Bird and Mr. Hudleston. The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, and under the provisions of Section XV, Regulation VIII of 1802, Sentence the prisoners

1st Ishay Coottay

and

2nd Moochree Hummud

and under the provisions of Section XVII of the same Regulation

10th January 1837. Regulation, the prisoners

3rd Huftan ally

and

1st Canadata ally

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

(Sent following letter No 43)

1.

At page 77 of the English Record of this Trial, appears the following Memorandum

"The Prisoners having represented that they have several "questions to put to this and the other Chief witnesses, "it is resolved to defer the Cross-examination of this (the "1st) and the 2nd and 3rd witnesses till tomorrow, as it is "past four o'clock"

2.

The Court of Foujdaree Udalut are of opinion that it is most regular, as well as fair to the prisoners, that their Cross-examination of each witness for the prosecution should take place, immediately on the close of the examination in Chief; they do not consider the proceeding, adopted in this Case of the consecutive examination of several witnesses in Chief, before the cross-examination of either of those Witnesses was entered upon, to be proper, and they desire that the Second Judge will abstain from that Course in future

Ordered, that Extract from these proceedings be sent to the Second Judge on Circuit in the Western

10th January 1837. Western Division for his future guidance.

(Sent in No 431.

Read letter dated the 12th Ultimo from the Second Judge on Circuit in the Western Division, forwarding a Copy of the Canara Calendar for the Second Sessions of 1836.

(Here enter F.U. No 2030 of 1836)

The two prisoners in this Case stood

Case No 1. charged before the Court of Circuit with having, in the evening of Sunday the 15th May 1836, struck the prosecutor's wife repeated blows with their fists and a club on a spot near their house, which blows caused her death.

They were acquitted by the Court of

2. Circuit, but as there was "strong ground to suspect "that" they "did commit the Crime" the "Presiding Judge" "directed that each of the prisoners be detained "in the Jail, until they severally produce two securities "for fifty Rupees each, for their future good behaviour "and appearance when required, for a period of "two years, from the date of the Warrant, according "to Clause Sixth, Section II, Regulation XV of 1803".

The Court of Foujdaree Udalut observe

3. that the Section of Regulation VI of 1827 under which the above Order was passed should have been quoted: and the period stated during which the Prisoners are to

10th January 1837. to be "detained in the Jail"

Case No. 8. 4. In this Case, Six prisoners Stood charged before the Court of Circuit, with having, on the night of Sunday the 24th July 1836, gone to the Prosecutor's house, assaulted and bound the persons who were sleeping outside, pushed in with burning torches, Clubs &c. broken open the door, used violence to the people who were within, and plundered property valued at Rupees 161. 15. —

5. The prisoners were convicted, and the third and sixth Sentenced by the Court of Circuit to fourteen years' imprisonment with hard labour in irons, and to one hundred and ninety five lashes with a Cat of nine tails.—

6. But the Judge of Circuit recommends that the 1st, 2nd and 4th prisoners may be sentenced to imprisonment &c. for five years, "as they confessed and "delivered up the property; they do not appear to be of "bad character, and were apparently led away by the 3d "and 6th, and another who escaped, and no extraordinary "violence was Committed": and he submits that three years' imprisonment &c. would be sufficient for the 5th prisoner; as he is a young man, confessed, delivered "up property, and was evidently urged to the Crime "by the sixth prisoner, in whose house he lodged and "served."

7. The Court of Foujdaree Udalut are

F. 21.

10th January 1837. of opinion that the Offence of which these prisoners are Convicted would be inadequately met by the Sentences proposed by the Judge of Circuit, and accordingly direct that they - namely - the prisoners

1st Bundsa

2nd Mohindeenay

4th Boodun

and

5th Bapa

be severally imprisoned, and kept to hard labour in irons on the public roads, or other public works, for and during the period of [7] Seven years.—

Case No. 9. 8. In this Case, the prisoner "Luchmunna"

was charged with having on Saturday the 25th June 1836, in the daytime, enticed the Prosecutrix's Son Jackeera the 1st witness, a boy about ten years of age, to a hill called Doowah, on pretence of delivering to him some fowls, and after having given him Arrack and Jack Fruit to eat, knocked him down by Striking him a blow on the temple, pressed his breast and throat, and then robbed him of two Silver Bangles, which he had on his arms and a Silver girdle which he had round his waist, altogether valued at Rupees 12 — a — —

9. The Law Officers convicted the prisoner of

10th January 1837 to be "detained in the Jail."

Case No. 8. 4. In this Case, six prisoners stood charged before the Court of Circuit, with having, on the night of Sunday the 24th July 1836, gone to the Prosecutor's house, assaulted and bound the persons who were sleeping outside, rushed in with burning torches, Clubs &c. broken open the door, used violence to the people who were within, and plundered property valued at Rupees 161. 15-0

5. The prisoners were convicted, and the third and sixth sentenced by the Court of Circuit to fourteen years' imprisonment with hard labour in irons, and to one hundred and ninety five lashes with a Cat of nine tails.—

6. But the Judge of Circuit recommends that the 1st, 2nd and 4th prisoners may be sentenced to imprisonment Vtz for five years, "as they confessed and "delivered up the property; they do not appear to be of "bad character, and were apparently led away by the 3d "and 6th, and another who escaped, and as extraordinary "violence was Committed: and he submits that three years' imprisonment Vtz would be sufficient for the 5th prisoner; as he is a young man, confessed, delivered "up property, and was evidently urged to the Crime "by the sixth prisoner, in whose house he lodged and "sewed."

7. The Court of Foujdaree Udalut are

10th January 1837. of opinion that the Offence of which the prisoners are Convicted would be inadequately punished by the Sentences proposed by the Judge of Circuit, and accordingly direct that they—namely—the prisoners

1st Bendwa

2nd Mohindeenay

4th Boodun

and

5th Bapa

be severally imprisoned, and kept to hard labour in irons on the public roads, or other public works, for and during the period of [7] Seven years.—

Case No. 9. 8. In this Case, the prisoner "Luchmunna"

was charged with having on Saturday the 25th June 1836, in the daytime, enticed the Prosecutrix's Son Jackeera the 1st witness, a boy about ten years of age, to a hill called Doowah, on pretence of delivering to him some fowls, and after having given him Arrack and Jack Fruit to eat, knocked him down by striking him a blow on the temple, pressed his breast and throat, and then robbed him of two Silver Bangles, which he had on his arms and a Silver girdle which he had round his waist, altogether valued at Rupees 12—0—0—

9. The Law Officers convicted the prisoner of

January January 1837. "of Robbery (by one unarmed) on his own confession,
"verified by witnesses, and declared him liable to
"Dotkoobut."

10. Concurring in this finding, the Pres-
"siding Judge "sentenced him to imprisonment and
"hard labour in irons for five years, from the date
"of the Warrant, according to Clause Seventh, Section II,
"Regulation XV of 1803."

11 The Cazee-ool-coozat to whom this
Case was referred, has declared that if the offence as
laid in the Indictment were proved against the
prisoner, either by the evidence of credible eye-witness,
or by credible testimony to his confession, and if there
were no circumstances in bar of Hud, he would be
liable to "Hud-i-Hirabeh-ool-tureekee."

12. The Court of Foujdaree Udalut direct
that a Copy of the opinion of the Cazee-ool-coozat be
transmitted to the Second Judge of Circuit for his
information, and that of the Mooftee of the Court
of Circuit.

Case No. 10. 13. In this Case, eight prisoners were
charged with having, on the night of Friday, the 19th
August 1836, proceeded, armed with Clubs to the Shop
of the Prosecutor's Aunt Mummanty, entered the
Shop, struck the said Mummanty with Clubs &c.
put her to death by strangling her, and plundered
the

10th January 1837. the property which was on her person as well
in the Shop-valued at Rupees 80 . . 50

14. The first Seven prisoners were con-
victed of Gang Robbery, and sentenced by the Court
of Circuit to imprisonment with hard labour in
irons for fourteen years, the 1st and 2nd prisoners being
further adjudged to receive one hundred and ninety
five lashes of a Cat of nine tails, and in favor
of the eighth prisoner, who is "about twenty years
"old," and "appears to have been led away by his
"elder brother, the Seventh prisoner," the Judge of
Circuit recommends the mitigated Sentence of
five years' imprisonment, with hard labour in
irons; adding that "none of the prisoners confessed
"the Murder, and there was no evidence to show at
"what particular time the woman died."

15. Not being satisfied of the legality
of the Sentence of the Court of Circuit in this Case,
the Court of Foujdaree Udalut resolve to direct that
an English and Persian Translation of the proceed-
-ings be prepared and submitted for their consid-
-eration and final Judgment.

Case No. 13. 16. In this Case, four prisoners stood
charged with having, in Concert with some others
not apprehended, on the night of Friday the 2nd
September 1836, gone to the Prosecutor's house,
opened

10th January 1837.- circumstances of this Case, the Court of Foujdaree Udalut are unable to sanction a mitigation of the Sentence below that prescribed by Clause First, Section III, Regulation VII of 1811- namely imprisonment with hard labour for four years.-

23. The Court of Foujdaree Udalut are not of opinion that the prisoner should be subjected to Corporal punishment by Stripes.-

Ordered, that Extract from these proceedings, together with a Copy of the opinion of the Cazee-ool-cozzat in Case No 9 be sent to the Second Judge on Circuit in the Western Division by Precept returnable within ten days from and after its receipt.-

(Sent following Precept No 44.)

Read return dated the 30th Ultimo by the Provincial Court of Circuit Southern Division to Precept of the Foujdaree Udalut of the 27th October last, directing that para: 85 of a General letter from the Court of Directors dated 30th September 1835 respecting the encouragement to be given to the people in resisting the attacks of armed Robbers to be circulated to the Subordinate Officers.-

(Here enter No 16)

In the above returns it is certified that the injunction of the Precept of the Court of Foujdaree Udalut

10th January 1837.- Udalut of the 27th October last, was fulfilled on the 4th of November last.- The Court of Foujdaree Udalut have not been informed of the Cause of delay in making the above returns, and they accordingly direct that the Provincial Court of Circuit be called upon to explain why the return was not made "in "15 days from and after the receipt of the Precept" as therein required.-

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit Southern Division for their information and guidance by Precept, returnable in 3 days after receipt.-

(Sent following Precept No 45.)

F. U.

At a Court of the Foujdaree Udalut

Present,

Saturday, 14th January, 1837 - Charles Mayfushington Esqre. 1st Puisne Judge
John Bird Esqre. ---------- 2nd Puisne Judge
William Hudleston Esqre. 3rd Puisne Judge

Read again letter dated the 23rd November 1836, from the Second Judge on Circuit in the Western Division, transmitting the record in Case No. 7 on the Sirsee Calendar for the 2nd Sessions of 1836.

/Here enter F. U. No. 2102 of 1836/

Read also return dated the 19th Ultimo from the Second Judge on Circuit in the Western Division, to the Precept of the Foujdaree Udalut dated the 10th December 1836 - calling for English Translations of certain papers in Case No. 7 on the Sirsee Calendar for the Second Sessions of 1836.

/Here enter F. U. No. 2260 of 1836/

Mr. Fushington
Mr. Bird
and
Mr. Hudleston

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

14th January 1837. aforesaid, convicting the prisoner

Doomgued

of Wilful Murder and awarding Kissaas, and under the provisions of Section X, Regulation XIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

Sent following letter No. 57/

Read return dated the 15th November from the Second Judge on Circuit in the Western Division, to the Precept of the Court of Foujdaree Udalut under date the 26th August 1836, conveying their observations and orders on the Calicut Calendars for the second Sessions of 1836.

Here enter F.U. No. 2043 of 1836/

Read also letter dated the 5th Ultimo from the same Officer requesting that a mistake, in the nineteenth paragraph of his return of the 15th November, may be rectified by the substitution "of the word 'fifty', for 'ninety five', as the number of "lashes, beyond one hundred, to which the prisoner in "No. 44 has been sentenced."

(Here enter F.U. No. 2167 of 1836/

1. With reference to the request of the Second Judge on Circuit to be furnished with a more explicit interpretation of the intention of the Circular Order of the 26th November 1821, and to his further

14th January 1837. further remarks on the subject of the Circular Order of the 20th July 1829 - the Court of Foujdaree Udalut resolve to direct that that Officer be informed that the Court, as at present constituted, do not consider that he has improperly applied the instructions contained in those Orders.

2. In the nineteenth paragraph of his Return, the second Judge on Circuit states that "in No. 44 of the Calendar he has issued a Warrant "for punishing the prisoner by exposure by Jasheer, "the infliction of one hundred and fifty lashes of "a Cat of nine tails, and imprisonment with hard "labour for four years, in conformity to the directions "of the Foujdaree Udalut."

3. The Court of Foujdaree Udalut resolve to direct that the Second Judge be called upon to explain with reference to his former recommendation, that the prisoner be sentenced to two years' imprisonment, on what grounds he considered him "a proper object of corporal and ignominious punishment."

4. It was not the intention of the Court that the prisoner should be sentenced to either Corporal or ignominious punishment.

Ordered that Extract from these proceedings be sent to the Second Judge on Circuit in

14th January 1837. in the Western Division by Precept returnable within five days from and after its receipt.

(Sent following Precept No. 50)

Read Statement dated the 4th Instant from the Magistrate of Chingleput shewing the manner in which the prisoners at Poonamallee have been employed during the month of December 1836.

(Here enter No. 32)

Read return dated the 3d Instant from the Acting Criminal Judge of Bellary to the Precept of the Foujdaree Udalut dated the 29th December 1836, regarding Case No. 110 in the Bellary Criminal Report for the month of October 1836.

(Here enter No. 34)

Read letter dated the 5th Instant from the First Judge of the Court of Circuit in the Centre Division, transmitting Copy of the Chittoor ninth Supplemental Calendar for the 4th Quarter Sessions of 1836.

(Here enter No. 37)

Read return dated the 4th Instant from the Judges of the Provincial Court of Circuit in the Southern Division, to the Precept of the Foujdaree Udalut dated the 3d November 1836, directing that the Acting Joint Criminal Judge of Coimbatore be instructed to

14th January 1837. to carry into effect the suggestion contained in his letter of the 20th July last, respecting the construction of Cells for Solitary imprisonment.—

Here enter No. 39.

Read letter dated the 31st Ultimo from the Second Judge on Circuit in the Western Division, forwarding the Statement required by the Circular Order of the Foujdaree Udalut dated the 5th July 1834, No. 4. for the second Sessions of 1836.—

(Here enter No. 42)

Read letter dated the 29th Ultimo from the Special Commission at Chicacole, forwarding the Original Death Warrant &c. in Case No. 3 of the Special Court for 1836.

(Here enter No. 43)

Read letter dated the 3d Instant from the Magistrate of Tinnevelly, forwarding a Copy of a letter from the Joint Magistrate of Tinnevelly having reference to Case No. 75 on the Tinnevelly Criminal Reports for the month of November noticed in the Extract from the proceedings of the Foujdaree Udalut under date the 22nd December 1836.

(Here enter No. 48)

Read return dated the 2nd Instant from the Magistrate of Tanjore to the Precept of the Foujdaree Udalut dated the 29th December 1836, directing that

14th January 1837 - that the prisoner Vyapoory referred to in the letter from the Joint Magistrate of the 12th December be sent to the Criminal Court at Combaconum.

/Here enter No 47/

Read return dated the 4th Instant from the Provincial Court of Circuit in the Western Division, to the Precept of the Foujdaree Udalut dated the 29th December 1836 conveying their observations and orders on the Sirdee Criminal Reports for the month of November.

/Here enter No 54/

Read return dated the 3d Instant from the Acting Criminal Judge of Chicacole, to the Precept of the Foujdaree Udalut dated the 28th December 1836 directing the dismissal of the Jailor from Office.-

/Here enter No 55/

Read letter dated the 27th Ultimo from the Assistant Criminal Judge in charge of the Zillah Court of Nellore, submitting an amended Report of Case No 84 of the Supplemental Report for November 1836, shewing that sentence was passed against three of the prisoners before the close of the month.

/Here enter No 2295 of 1836/

No. V.

At a Court of the Foujdaree Udalut.-

Present,

Monday 16th January 1837. Charles May Lushington Esqre - 1st Puisne Judge
John Bird Esqre - - - - - - - - - 2nd Puisne Judge
William Hudleston Esqre - - - 3d Puisne Judge.-

Read Miscellaneous Petition presented on the 22d August last, by Coomaravalee Servykaren and Yagapproodyan of the Zillah of Madura.

/Here enter Mis. Pet. No 79 of 1836/

The Petitioners pray that orders may be issued for the release from confinement of the prisoners in Case No 3 on the Madura Calendar for the Second Sessions of 1836 who have been tried before the Court of Circuit on a charge of having proceeded, armed with Swords &c and in Company of a Gang of about one thousand men, to a field in the Jaminday of Shivagunga, attacked the persons who were employed in reaping its produce, and stabbed and wounded and thereby caused the death of Moottoosawmy Taven and six others.

The Petitioners are - the first named the father-in-law of the first prisoner; and the latter the elder brother of the second prisoner in the above-mentioned Case: and they allege the innocence of their relatives and of the other prisoners.

The

16th January 1837. 3.

The Court of Fouzdaree Udalut direct that the Petitioners be recommended to return to their homes, as the Case in question is still under the Court's consideration, and will be disposed of in due course.—

Ordered, that Extract from these proceedings be furnished to the Petitioners upon their application

Read letter dated the 17th Ultimo from the Third Judge of the Provincial Court of Circuit in the Centre Division, Submitting for the final judgment of the Court of Fouzdaree Udalut, the Record of Case No. 1 on the Chittoor 9th and 10th Supplemental Calendars for the Third Quarter Sessions of 1836.

(Here enter F.U. No. 3229 of 1836.)

Mr. Lushington and Mr. Bird—

The Court of Fouzdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-coozat and Mooftees of the Fouzdaree Udalut, confirm the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, and sentence the prisoners

1st Dandary Cunneegadoo
2nd Dandary Boicheegadoo.
3rd Cumpa Bodeegadoo.
and
4th Aesandy Gungadoo.

to

16th January 1837. to be severally transported to such place beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of their natural lives.

(Sent following letter No. 60

1. In this Case, the Mahommedan Law Officer of the Court of Quarter Sessions, in his Futwa, pronounced the prisoners from the fifth to the fourteenth inclusive, Not Guilty; and in that finding, the Presiding Judge concurred.—

2. This being the Case, it was the duty of the Presiding Judge to dispose of those prisoners, either by releasing them unconditionally, or by requiring them to furnish Security for their future good conduct.

3. And this course he will now pursue in conformity to the Circular Order of the Court of Fouzdaree Udalut—No. 47—dated the 23d June 1835.—

Ordered, that Extract from these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Centre Division, for his information and guidance.—

(Sent in No. 60)

Read Extract from the Minutes of Consultation under date the 7th Instant Communicating the

16th January 1837 the observations and orders of the Right Honorable the Governor in Council on the Report on the administration of Criminal justice for the 1st half of the year 1836, Submitted to Government under date the 15th of November last.

(Here enter No 50)

1. Ordered, that a Copy of para: 8 of the Minutes of Consultation above referred to be forwarded to the Magistrates in the Districts of Chittoor, Guntoor and Nellore, with reference to the entry in Column 15 of the Statement No 2 furnished for the 1st half of the past year shewing the number of persons charged with petty offences under examination at the close of the Report.-

2. Ordered also that a Copy of para: 6 of the proceedings of the Foujdaree Udalut of the 15th November last and of para: 4 of the Minutes of Consultation under date the 7th Instant be communicated to the Acting Magistrate of Masulipatam with instructions to explain the Cause of the Village Police in that District still continuing wholly inoperative.-

3. With reference to para: 5 of the Minutes of Consultation the Court of Foujdaree Udalut would respectfully point out that in the 15th para: of their proceedings of the 15th of November last it was explained that the 4 persons, flogged by the District Police by order

16th January 1837 of the Magistrate, were subjected to Corporal punishment under Clause Second Section IV Regulation IV of 1821, the provisions of which it will be observed refer exclusively to petty Cases of theft not exceeding 5 Rupees.

4. Ordered that para: 6 of the Minutes of Consultation under date the 7th instant be communicated to the Magistrate of Chittoor with reference to para: 7 of the Minutes of Consultation under date the 15th of November 1836, Copy of which was furnished to the Magistrate thro' the Provincial Court in the Centre Division.-

5. With reference to para: 7 of the Minutes of Consultation above referred to, the Court of Foujdaree Udalut would explain that when a Case is returned by the Judge of Circuit to the Criminal Judge as punishable by the latter, sentence is passed upon the evidence taken before Commitment, and there is no further detention of the parties unless the evidence for the defence is to be examined in which Case the Prosecutor alone would probably be detained.-

6. In para: 8 of the Minutes of Consultation the Right Honorable the Governor in Council observes that in the remarks contained in the Appendix on Case No 2 of the Chingleput Calendar 1st Sessions of 1836

16th January 1837 it is stated that the 1st prisoner appeared agitated and was induced by the promise of pardon to confess the Murder, and that it is further stated that he was one of the two who were executed. The Right Honorable the Governor in Council desires therefore to be informed of the "date of the reference to Government for pardon "prescribed by Section XX Regulation VIII of 1802" and "whether the conditions contained in the Foujdaree "Udalut's Circular Order of the 3d "April 1828 were "fully understood by the prisoner previous to his con- "fession."

7.

The Judges would respectfully point out that the provisions of Section XX Regulation VIII of 1802 were modified by Section XII Regulation XIII of 1832, under which latter provision the Court of Foujdaree Udalut have authority to sanction the offer of a Conditional pardon without reference to the Governor in Council.— In the Case however referred to the Judges beg leave to explain that the 1st prisoner was not admitted to a conditional pardon, and that his verbal confession to the Village Police to which alone allusion is made in that passage of the Appendix, quoted in the Extract from the Minutes of Consultation, was not at all used as evidence against him on the trial. The promise of pardon or impunity if he would tell the truth, was one of those unauthorized acts

16th January 1837 acts of Village Police Officers, always censured by the Superior Court; and in Clause Second Section V Regulation XI of 1816 is contained an express prohibition against the reception of any confession, either verbally or in writing by Heads of Villages, except in the trivial Cases, referred to in the preceding Clause.—

8

The Court of Foujdaree Udalut regret to observe the clerical error in the 24th para: of their proceedings of the 15th of November last pointed out in the 9th para: of the Minutes of Consultation under date the 7th instant;— the error appears to consist in the words 81 "persons" having been incorrectly written for 81 "Cases."—

9

The information called for in the 10th and 11th para: of the Minutes of Consultation under date the 7th instant will be submitted in a separate communication and at the earliest practicable period.

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

Sent in Nos 61.62 & 63.

Ed W.

WS

At a Court of the Foujdaree Udalut

Present,

Tuesday 17th January 1837. Charles May Lushington Esqr. 1st Puisne Judge

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

William Hudleston Esqr. -- 3rd Puisne Judge

Read letter dated the 31st Ultimo from the Officiating second Judge on Circuit in the Centre Division, requesting the orders of the Court of Foujdaree Udalut regarding the construction of Clause first, Section V, Regulation VI of 1827 as bearing upon the Cases 13 and 26 of the Calendar of persons punished by the Magistrate of Chingleput.

(Here enter No. 4.)

In the Case 13, the prisoner Tondava reddy, for the offence of "beating the Complainant with a stick," was fined 50 Rupees, or, in default of payment, was sentenced to be imprisoned with labor, in the Magistrates Jail, for 15 days, under Section XXXII Regulation IX 1816, and to find two Sureties in the Sum of 100 Rupees each for his good behaviour for one year, under Section V Regulation VI 1827.

In the Case 26, the prisoner Shaik Goodoo on a similar charge was fined 20 Rupees, or in default of payment was to be imprisoned, in the Magistrates Jail, for 15 days, under Section XXXII Regulation IX of 1816.

and

17th January 1837. and to find two Sureties in the sum of 50 Rupees each for his future good behaviour for 1 year, or to be confined in the Zillah Jail for a like period under Section V, Regulation VI of 1827.—

2. The Officiating Second Judge recorded his opinion that these Sentences were "illegal, because "as explained in the Circular Order of the Foujdaree Udalut "of the 19th July 1827, the Regulations no where warrant "the demand of Security from a prisoner convicted of "a Specific offence," and he accordingly directed them to be annulled.—

3. The Magistrate previous to carrying into effect the above Order begged "to observe for the "consideration of the Officiating Second Judge that "the Circular Order cited seemed to him to apply to "the proceedings of Judicial Authorities other than "Magistrates, and to be at variance with Clause first, "Section V, Regulation VI of 1827 in which it is "declared that Magistrates are competent to take "recognizances on Security in all cases wherein "it may appear just and necessary, without reference "apparently to the question whether the party from "whom Security is demanded has been convicted "of a Specific offence or not."

4. On the 24th of June 1830 the Court of Foujdaree Udalut, to whom the point was referred whether

17th January 1837. whether a Magisthate exceeds his authority in taking personal recognizances and Security from offenders whom he may have fined for a breach of the Peace, ruled that he was authorized to take the recognizances and Security "the object of Section V "Regulation VI of 1827 being expressly the due mainte- "nance of the peace within the Magistrates re- "spective jurisdictions, and this without interfering "in any respect with the punishment prescribed by "Section XXXII Regulation IX of 1816 for a breach "of it already committed."

5. In the Cases Nos. 13 and 26 it is to be remarked Security for good behaviour has been taken, which is not in accordance with Clause first, Section V Regulation VI of 1827 under which personal recognizance and Security for keeping the peace can only be required—

6. The Court of Foujdaree Udalut desire it may be pointed out to the Magistrate that the Security described in Clause first, Section V Regulation VI of 1827 is, and the Security described in Clause first Section VI Regulation VI of 1827 is not eligible in addition to a Sentence under Section XXXII Regulation IX 1816, and to the Officiating Judge and the Magistrate they desire it may be intimated that the Circular Order of the 19th July 1827 applies exclusively to Security for good behaviour and appearance when required.

Ordered

17th January 1837

Ordered, that Extract from these proceedings be sent to the Officiating Second Judge on Circuit in the Centre Division for his information and guidance and for that of the Magistrate of Chingleput.

(Sent in No. 70)

Read return dated the 29th Ultimo by the Acting Joint Criminal Judge at Masulipatam to Precept of the Court of Foujdaree Udalut of the 24th Ultimo, conveying their Orders on the Masulipatam Criminal Reports for November

(Here enter No. 21)

1.

In the 2nd para. of their proceedings of the 24th Ultimo the Court of Foujdaree Udalut required explanation of the apparent excess of the due propiation of Extra Peons - and the Acting Joint Criminal Judge has accordingly reported that "of "the 5 Peons in excess of the proper number, according "to the State of the Jail at the end of the Month, "One "was employed as Ironsmith, two in guarding the Brick "fields at Arsapilly - One in attending the Doctor." It is added "The irregularity will be immediately "corrected by dismissing the Supernumeraries, and "making a fresh arrangement of the Gaol Guard."

2.

The Court of Foujdaree Udalut on the 23d May 1836 desired that no Jail peon should be employed by

17th January 1837 by the Acting Joint Criminal Judge at Masulipatam excepting for Jail purposes, and this injunction was given on the occasion of the Court observing the irregularity of entertaining Extra Peons for attendance on the Court - and on the Medical Officer - and for watching the brick fields &c.

3.

With reference therefore to the letter to his address from this Office of the 23d May 1836 the Court of Foujdaree Udalut direct that the Acting Joint Criminal Judge be required to explain why he has allowed the present irregularity to remain without Correction

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Masulipatam, for his information and guidance, by Precept returnable in 3 days after receipt.

(Sent following Precept No. 71

Read the Rajahmundry Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of December 1836.

(Here enter No. 258)

Report V Case 87.

1.

The account given in the Report of the detention of this Case in the Talook from the 26th October to the 5th December, being unsatisfactory the Court direct that Copy of the Case as it stands

in

17th January 1837. in the Report, and of this paragraph, be sent by the Criminal Court to the Magistrate, who will be pleased to call for and submit, direct to the Foujdaree Udalut, any further explanation the Head of Police of Chin-talapoody may be able to offer.—

Case 90. 2 The Court of Foujdaree Udalut conclude that this is a Case of "Perjury"— and if so, it should have been thus described in the Report.

Case 92. 3 It is observed that the Acting Crimi-nal Judge has omitted to quote any authority for the Commitment of this Case— The Court direct that he be informed that the provision under which any Order or Sentence on a Case in the Criminal Reports is passed should be recorded.—

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

(Sent following Precept No. 72)

Read return dated the 7th Instant from the Acting Magistrate of Guntoor to Precept of the Foujdaree Udalut of the 24th Ultimo, calling for further explanation relative to Case 54 of the Guntoor Supplemental Criminal Report for October 1836.

(Have enter No. 60)

The

17th January 1837.—

The Court of Foujdaree Udalut deeming the above explanation satisfactory desire that their opinion be communicated to the Acting Magistrate—

Ordered accordingly that Extract from these proceedings be sent to the Acting Magistrate of Guntoor for his information.—

(Sent in c. No. 73)

At a Court of the Foujdaree Udalut

Thursday 19th January 1837. Present,

Charles Mary Lushington Esqre 1st Puisne Judge

John Bird Esqre ---------- 2nd Puisne Judge

William Hudleston Esqre -- 3rd Puisne Judge

Read the Mangalore Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of December 1836.

Here enter No. 61.

Report V Case 156. 1. The charge in this Case being for "housebreaking" it should have been explained by the Sudr Ameen, under the Circular Order of 4th July 1826, that theft alone was proved, inasmuch as the Sentence stands recorded under Section VII Regulation X of 1816. The Criminal Judge will point this out to the Sudr Ameen for his guidance on a future similar occasion.—

Case 160. 2. This Case is open to a remark of the same nature— the charge being "theft" and the Sentence recorded under Clause Sixth Section II Regulation VI of 1822.—

Case 161. 3. It appears to the Court of Foujdaree Udalut that this Case was improperly forwarded to the Criminal Court— It would seem to have been one of false complaint to the Magistrate

19th January 1837 and not to the Police. The Court direct that Copy of the Case as it stands in the Report and of this para: be sent to the Magistrate by the Criminal Judge.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Manargalore for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 80.

Read letter dated the 3rd Instant from the Second Judge late on Circuit in the Western Division, forwarding the Original Death Warrant Vir Vra in Case No. 3 on the Sudder Calendar for the 3rd Sessions of 1836.-

(Here enter No. 41.)

Read return dated the 28th ultimo from the Special Commission at Chicacole, to the Precept of the Foujdaree Udalut dated the 21st December 1836 directing him to return the Record of Case No. 4 of the Special Court for 1836.

(Here enter No. 44.)

Read letter dated the 11th Instant from the Acting Criminal Judge of Chingleput forwarding the Criminal Reports for December 1836.

(Here enter No. 62.)

Read return dated the 10th Instant from the Officiating Second Judge on Circuit in the Centre

19th January 1837 Centre Division to the Precept of the Foujdaree Udalut dated the 6th January 1837 directing that the prisoner in Case No. 6 on the Chingleput Calendar for the Second Sessions of 1836, be sentenced to the Interrogated punishment of 1 year's imprisonment with hard labor in irons.

(Here enter No. 67.)

Read letter dated the 10th Instant from the Officiating Second Judge on Circuit in the Centre Division, forwarding the Statement required by the Circular Order of the Foujdaree Udalut No. 4 dated the 5th July 1834, for the Second Sessions of 1836.

(Here enter No. 68.)

Read letter dated the 9th Instant from the Acting Second Judge of the Provincial Court of Circuit in the Southern Division stating that by reason of the Pongul Feast, he will not be able to open the Sessions at Madura until the 21st Instant.

(Here enter No. 69.)

Read return dated the 11th Instant from the Acting Second Judge late on Circuit in the Southern Division, to the Precept of the Foujdaree Udalut dated the 7th January 1837 conveying their final observations and orders on his Circuit Report for the Last Sessions of 1836. (Here enter No. 80.)

Read

19th January 1837.

Read letter dated the 10th Instant from the Acting Third Judge late on Circuit in the Southern Division, forwarding a Copy of the Statement of Batta paid to the prosecutors and witnesses attending before the Court of Circuit at Coimbatore during the second Sessions of 1836

(Here enter No 81.)

Read letter dated the 3d Instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division, transmitting Copy of the Masulipatam 1st Calendar for the 4th Quarter Sessions of 1836.

(Here enter No 85.)

Read letter dated the 13th Instant from the Acting Joint Criminal Judge at Cuddalore, submitting Criminal Report No for the month of December last

(Here enter No 92.)

Read letter dated the 9th Instant from the Third Judge of the Provincial Court of Circuit in the Western Division, submitting Copies of the Tellicherry Additional and Second Additional Calendars for the 4th Quarter Sessions of 1836.

(Here enter No 93.)

F. H.

At a Court of the Foujdaree Udalut.

Present.

Friday, 20th January, 1837. Charles May Lushington Esqre 1st Puisne Judge.
John Bird Esqre ---------- 2nd Puisne Judge.
William Hudleston Esqre -- 3d Puisne Judge.

Read letter dated the 16th Ultimo from the Second Judge on Circuit in the Western Division, submitting for the consideration and final judgment of the Court of Foujdaree Udalut an English and Persian Translation of the Proceedings held in Case No 2 on the Calendar of the Principal Sudr Ameen of Sirsee for the 2nd Sessions of 1836.

(Here enter F. H. No 2250 of 1836)

1. In this Case, eight prisoners are charged with having on the 2nd Maugha Bahoola of Munnatha, corresponding with Thursday the 4th February 1836, at about 12 o'clock of the night, with intent to murder and rob, entered the house of the prosecutor Doddya situated in the Village of Lingana Mutty, Bunwassy Mogany, in Soondah Talook, murdered his Mother Bussunnia by using violence towards her, and robbed property from her person and from his house altogether valued at Rupees 228-Anas 8 and Pice eleven-

2. Although it is distinctly stated,

20th January 1837 at page 69 of the English Record, that the 1st prisoner Kendiya desired to have only the witnesses who did attend at the trial, to speak for him before the Court of Circuit, yet with reference to the distinct evidence to that prisoner's alibi given before the Principal Sudr Ameen (pp. 156 to 161) by his three witnesses:- Kuniya Chinna Veeriya:- and Chenniya:- whom the prisoner named also, when put on his defence, the Court of Foujdaree Udalut consider it nevertheless desirable that the examination of those witnesses should now be taken on that point; and the Second Judge of Circuit will accordingly take the necessary steps for giving effect to the Court's wishes on the subject.

3. It is observed that in his examination before the Court of Circuit (p 168) the first witness for the prosecution:- Balluppa, after detailing the various circumstances which occurred on the night of the Murder, declares that "the Peishkar came on "the very night that the Murder was committed, before "it was day. After the day dawned, I gave the above "information to the Peishkar verbally, but it was not "written down. On the following day, my deposition "was taken in writing".

4. The Court of Foujdaree Udalut deem it necessary to direct that this Peishkar, whose name is Nanuppa, and who is designated "Peishkar

20th January 1837 "and Police Ameen of Bunwassy in Soonda Talook be examined as to what the first witness Balluppa stated in his unrecorded examination: especially with the view of ascertaining what the first witness said on that night respecting the first prisoner, and whether he mentioned that the seventh and eighth prisoners" brought a rope and put it round the "neck of Bussumma, and stood on both sides and "pulled it tight."-

5. The Court of Foujdaree Udalut accordingly direct that the English and Persian Record of this Case be returned to the Second Judge late on Circuit in the Western Division with instructions to issue a Precept to the Principal Sudr Ameen of Sirsee, requiring him to procure the attendance of the several persons above referred to, and in the presence of the prisoners to take their examination on oath on the points noticed by the Court.

6. The Principal Sudr Ameen will permit the prisoners to cross examine the Police Ameen Narnuppa, and to offer anything further in their defence, should they wish it, at the close of his examination.-

7 The Second Judge of Circuit will annex an English and Persian Translation of the additional evidence so taken to the Record, and will retain

19th January 1837 retransmit the same for the consideration and final Judgment of the Court of Foujdaree Udalut.-

Ordered that Extract from these proceedings together with the English and Persian Record be sent to the Second Judge late on Circuit in the Western Division by Precept returnable within six weeks from and after its receipt.

(Sent following Precept No 86.)

Read letter dated the 23d Ultimo from the Acting Second Judge late on Circuit in the Northern Division, submitting the records of the proceedings held in Cases Nos 1 and 2 of the Primary Calendar, and Nos 1 and 2 of the Supplemental Calendar, for the Vizagapatam Second Sessions of 1836.-

(Here enter No 2298 of 1836)

1. The Court of Foujdaree Udalut observe that the English and Persian Translations of the proceedings of the Court of Circuit in Case No 2 of the Primary, and Case No 1 of the Supplemental Calendar abovementioned, contain no part of the evidence on those trials, for which evidence the Court of Foujdaree Udalut are referred to the Records of Case No 1 on the Primary, and Case No 2 on the Supplemental Calendar respectively.

2. This proceeding being totally irregular, and the Court of Foujdaree Udalut being unable to dispose

F. U.

30th January 1837 dispose of trials submitted in a form so defective and unauthorized by Law,-

Ordered that the English and Persian Translations of the Case No 2 on the Vizagapatam Primary Calendar and Case No 1 on the Supplemental Calendar, for the Second Sessions of 1836, be returned to the Acting Second Judge late on Circuit in the Northern Division, by Precept returnable without delay - Commanding him to cause the same to be duly completed according to the Regulations and retransmitted to this Court.

(Sent following Precept No 87

Read letter dated the 11th Instant from the Acting Third Judge late on Circuit in the Southern Division, forwarding a Copy of a Statement of Batta paid to the Prosecutors and witnesses attending before the Court of Circuit at Salem during the Second Sessions of 1836.

(Here enter No 95.)

Read letter dated the 13th Instant, from the Acting Third Judge late on Circuit in the Southern Division, forwarding a Copy of a Statement of Batta paid to the Prosecutors and Witnesses attending before the Court of Circuit at Combaconum during the Second Sessions of 1836.

(Here enter No 96.)

Read

20th January 1837

Read return dated the 13th Instant from the Provincial Court of Circuit in the Southern Division, to the Precept of the Foujdaree Udalut dated the 10th January 1837 calling for an explanation of the delay which occurred in making return to their former Precept of the 27th October 1836.

(Here enter No. 113/)

Ex. W. W3

Ft. U.

At a Court of the Foujdaree Udalut

Present

Saturday 21st January 1837.

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre _____ 2nd Puisne Judge

William Hudleston Esqre 3rd Puisne Judge

W3

Read again letter dated the 23rd September last from the Judges of the Special Commission of Chicacole at Berhampoor, submitting the Record of the Trial in Case No. 7 held before the Special Court at Berhampoor.

(Here enter No. 1745 of 1836.)

Read also letter dated the 15th Ultimo from the Special Commissioner at Chicacole, transmitting Translations of the additional evidence taken in No. 7 of the Special Commission.

(Here enter No. 2247 of 1836.)

Also read again letter dated the 1st October last from the Judges of the Special Court at Berhampoor, transmitting the record of Trial in Case No. 8 of the Special Court held at Chicacole.

(Here enter No. 1791 of 1836.)

Read

Read also return dated the 15th Ultimo from the Special Commission at Berhampoor, to the Precept of the Foujdaree Udalut dated the 2nd November 1836, returning for further evidence the Record of Case N. 8 from the Special Commission at Berhampoor.

(Here enter N. 2248 of 1836)

Read also Extract from the Minutes of Consultation dated the 16th Instant, authorizing the execution of the sentences of the Foujdaree Udalut in Cases Nos 7 and 8 from the Berhampoor Special Commission of 1836.

(Here enter N. 110)

Case N. 7

Mr. Bird
and
Mr. Huddleston

Under the authority of the Governor in Council the Court do accordingly direct that the prisoner

Kommana Ramana

do suffer death by being hanged at such time and place, as may be appointed by the Honorable the Commissioner.

The Court likewise direct that an extract from their proceeding under date the 5th Instant be sent for the information and guidance of the Berhampoor Special Commission.

(Sent in N. 88

Case N. 8

Under the authority of the Governor in Council the Court do accordingly direct that the prisoners

Mr. Bird
and
Mr. Huddleston

9th Soneya Dundasee
and
10th Moodoova

be set at liberty.

And that the prisoners

2nd Poke Sing
and
3rd Mooglea

do suffer death by being hanged at such time and place as may be appointed by the Honorable the Commissioner and that the prisoners

4th Sutchoomun Naik
5th Hurtanoo
6th Mongolia
7th Takeera
and
8th Venkooro

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

The Court likewise direct that an extract from their proceedings under date the 5th Instant be sent for the information and guidance of the Berhampore Special Commission.

(Sent in N. 89.

Read

21st January 1837

Read the Honore Criminal Reports prescribed by Section XXXV Regulation X of 1816, for the Month of December 1836.

(Here enter No. 86)

Report V
Cases 98 100 and 103

1.

The Court of Foujdaree Udalut direct that it be intimated to the Acting Principal Sudr Ameen that such a full detail of the circumstances of the case, as is given in these instances, is unnecessary - a concise, but clear, note thereof being all that is required.

Case 100 also.

2.

The prisoners in this case were detained in the Talook from the 28th October till the 8th December. It is stated that the Peishcar examined the case, held the prisoners to bail, and applied to the Magistrate on the 2nd November 1836 for his orders thereon. The Court of Foujdaree Udalut conclude that the Bail was given, and that the prisoners were not in confinement during the long period the case remained under investigation in the Talook. The Court direct that copy of the case as it stands in the Report, and of this paragraph, be sent from the Principal Sudr Ameen's Court to the Magistrate who will be pleased to transmit information on this point to the Foujdaree Udalut direct.

Ordered that extract from these proceedings

Ca

Ed

No. 86.

21st January 1837.

proceedings be sent to the Acting Principal Sudr Ameen at Honore for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 90.)

Read the Combaconum Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of December.

(Here enter No. 114.)

Suppl. Report
Case 304

1.

The prisoners in this case have been before the Criminal Court since the 4th October last, and the only explanation of the delay in the disposal of the case, is, that some further witnesses have been summoned, but "have not arrived." This is not the full explanation required by the Circular Order of the 11th April 1832, and if the case is not disposed of in the present Month, it will devolve on the Criminal Judge to explain satisfactorily the cause.

Case 342.

2

In this case the prisoner has been at the Criminal Court since the 11th November, and the above remark is applicable to it.

Report V
Case 393

3.

The Court direct that copy of this case as it stands in the Report, and of this paragraph, be sent by the Criminal Judge to the

the Magistrate who will instruct the Head of Police to report in future the cause of his reference to the Magistrate as required by the Circular Order No. 62 dated 26th. February 1836.

Case 395. 4 The prisoner in this case appears to have been convicted of housebreaking and if so he had rendered himself liable to commitment under Clause 2nd Section II Regulation VI of 1822, being an old offender. The Court of Foujdaree Udalut will not now disturb the sentence of the Sudr Ameen but they direct that in future such cases be not referred to those Officers.

Ordered that Extract from these proceedings be sent to the Criminal Judge at Bombaconum for his information and guidance by Precept returnable in 4 days after receipt.

(Sent following Precept No. 91.

Read the Masulipatam Criminal Reports prescribed by Section XXXV Regulation XI of 1816 for the Month of December.

(Here enter No. 88.)

Report V
Case 53. In this case, one of "assault and wounding" there appears to the Court of Foujdaree Udalut reason to suppose that the evidence against the 1st prisoner corroborated by the wounds on the Prosecutor

Prosecutor was sufficient for conviction. They resolve to direct that copy of the case, as it stands in the Report, and of this paragraph, be sent from this Office to the Judge Presiding at the Quarter Sessions at Masulipatam, who will be pleased to look into the case, and pass upon it such orders, as appear to him proper, with reference to the provisions of Section XXIII Regulation X of 1816.

Ordered accordingly that copy of case 53 be sent with extract from these proceedings to the Judge presiding at the Quarter Sessions for his information and guidance by Precept returnable in 10 days after receipt.

(Sent following Precept No. 92.

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

(Sent in No. 93

Read the Guntoor Criminal Reports prescribed by Section XXXV Regulation XI 1816 for the Month of December.

(Here enter No. 89.)

Suppl. Report
Case 69. The Court of Foujdaree Udalut under the circumstances of this case, resolve to direct that copy of it, as it stands in the Report, be sent by the Joint Criminal Court to the Magistrate who will

will be pleased to enquire into the Talook proceedings, and report direct to the Foujdaree Adalut, with reference to the statements of the 17th and 18th Witnesses, whether there is any reason to suppose that the confessions of the 1st and 2nd prisoners were extorted. As far as the Court are able at present to judge, it does not appear to them that there are sufficient grounds for the commitment of the prisoners, but they desire the above information may be laid before them at as early a period as possible.

Ordered that extract from these proceedings be sent to the Acting Joint Criminal Judge at Guntoor for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 94

Read the Tinnevelly Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of December.

(Here enter No. 91)

Suppl. Report Case 83.

1.

The Court conclude that in this case "assault" merely was proved. If the Robbery was also brought home to the prisoners the case would not have fallen within the final jurisdiction of the Joint Criminal Court. The Joint Criminal Judge will

will be pleased to explain what crime was established.

Report Case 88.

2.

This appears to be a case in which the prisoner "killed" a cow and though the offence might be punishable under Clause 1st Section VIII Regulation XIII 1832, the sentence of fine under Section VII Regulation X of 1816 cannot be allowed to stand. If the fine was paid the amount of it should be recovered and given to the prisoner.

Case 88. also.

3.

The Joint Criminal Judge will be pleased to send copy of this case as it stands in the Report, and of this paragraph, to the Magistrate, who will, with reference to the Circular Order No. 62 dated 26th February 1836, enjoin the Tahsildar of Chokumputty to report in all future cases in which he may refer to the Magistrate the cause of such reference.

Ordered that extract from these proceedings be sent to the Joint Criminal Judge at Tinnevelly for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 95.

Read letter dated the 6th Instant, from the 1st Judge of the Provincial Court of Circuit in the Northern Division, transmitting the

the Original Death warrant in Case No. 1 of the 2nd Supplemental Calendar 4th Quarter Sessions of 1836.

(Here enter No. 65.)

Read letter dated the 11th Instant, from the 3rd Judge of the Provincial Court of Circuit in the Western Division, forwarding a Statement of Batta paid to the Prosecutors and Witnesses attending at Tellicherry during the Fourth Quarter Sessions of 1836.

(Here enter No. 119.)

Read letter dated the 16th Instant, from the 3rd Judge on Circuit in the Centre Division, reporting the arrival of the Court of Circuit at Cuddapah the opening of the Sessions and the state of the Calendar.

(Here enter No. 124.)

Read letter dated the 16th Instant, from the Acting 3rd Judge on Circuit in the Northern Division, reporting the opening of the Court of 1st Sessions of 1837 at Nellore.

(Here enter No. 130.)

Read Return dated the 16th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division to Precept of the 7th Instant

Udalut

Udalut dated the 5th January 1837 directing the immediate release of the prisoner Lutchmana Sing, referred to in the correspondence between the Court of Quarter Sessions and the Criminal Judge of Chittoor, and that the Criminal Judge be called upon to explain the circumstances connected with his being placed in custody of the Nazir.

(Here enter No. 133.)

Read letter dated the 14th Instant, from the 1st Judge on Circuit in the Western Division, reporting the arrival of the Court of Circuit at Calicut the opening of the Sessions and the state of the Criminal Calendar.

(Here enter No. 132.)

F. U.

At a Court of the Foujdaree Udalut.

Present,

Monday, 23d January, 1837. Charles May Lushington Esqre 1st Puisne Judge.

John Bird Esqre ---------- 2nd Puisne Judge

William Rudleston Esqre ---- 3d Puisne Judge.

Read Petition by Coopparnoottoo Padiachy of the Zillah of Combaconum presented on the 9th Instant.—

/ Here enter M. P. No 1 of 1837 /

The Petitioner referring to the Order of the Court of Foujdaree Udalut of the 26th Ultimo, on his Petition No 120 of 1836, whereby he was informed that the prisoners for whose release he petitioned had been discharged, prays the Court of Foujdaree Udalut to order the restitution to him of his property now in the Talook Cutcherry.— The property he alludes to having, as he alleges, been lodged there, after it had been taken from his house, during his absence, under the pretence that it must be laid before the Criminal Court with the Case in which the prisoners above referred to, were concerned.—

2 He further prays the Court of Foujdaree Udalut to inflict an adequate punishment on Chedumbara Kundeyan who preferred the false charge in the Case in question.—

The

3. The Petitioner is informed that he should address the local authorities.

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

Read Miscellaneous Petition presented on the 9th instant by Sonnappa Naicken, Moohtiyar Vakeel on behalf of Patcheyammaul wife of Raghava Naicken Prisoner in Case No. 9 on the Chingleput Calendar for the second Sessions of 1836.

(Here enter M. P. No. 2 of 1837.)

1. The Petitioner prays that orders may be issued for the release from Confinement of her husband, who has been convicted, before the Court of Circuit, of aiding the prisoners in Case No. 4 on the Calendar to commit Gang Robbery, and receiving a part of the plundered property knowing the same to have been stolen, and sentenced to imprisonment for fourteen years and to receive one hundred and ninety five lashes of a Cat of nine tails.

2. The Petitioner is informed that the Case will be referred to the Court of Foujdaree Udalut and be disposed of in due course.

3. The attention of the Foujdaree Udalut being again called to Cases No. 4 and 9 on the Chingleput Calendar for the second Sessions of 1836, the Court observe that the objection of the Mahommedan Law

23d January 1837. Law Officer to the thirteenth witness which was overruled by the Court of Circuit, was that this witness had been a prisoner originally in the Case.

4. This objection appears to the Court of Foujdaree Udalut to be one of those referred to in their Circular Order No. 36 dated the 4th April 1835 and inasmuch as it would seem from the Abstract of the evidence that the conviction of the fifth prisoner (prisoner in No. 9) depended "principally," on the evidence of this thirteenth witness (first witness in No. 9), the Court are of opinion that the sentence passed upon him was illegal.

5. The Officiating Second Judge late on Circuit in the Centre Division, will therefore send up in due course an English and Persian Translation of Case No. 9: and if that Case was tried as being one case with No. 4, the Court of Foujdaree Udalut direct that the Record of the latter Case also, be referred for their consideration and final Judgment.

Ordered, that Extract from these proceedings (paras 1 and 2) be furnished to the Petitioner's Vakeel on his application.

Ordered also, that Extract from these proceedings (paras 3-4 and 5) be sent to the Officiating Second Judge late on Circuit in the Centre Division by Precept, returnable within five days from

23th January 1837. from and after its receipt.

(Sent following Precept No. 100.)

Read Petition presented on the 9th Instant by Pouneyanimah of the Tillah of Chingle-put.

(Here enter No. P. No 3 of 1837.)

1. The Petitioner, representing herself as the wife of "Maya Gounden", 1st prisoner in Case No. 1 of the Chingleput Calendar for the second Sessions of 1835, prays the Court of Foujdaree Udalut, in consideration of the circumstances detailed by her, to order the release of her husband.

2. The Court direct that the Petitioner be informed that they are unable to comply with the prayer of her Petition.

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

Read the Chittoor Criminal Reports prescribed by Section XXXV. Regulation X 1816 for the month of December.

(Here enter No. 90 of 1837.)

Report V

Case 197

1. The prisoner in this Case was detained from the 17th November till the 10th December. It is stated that the prisoner appeared before the Assistant Magistrate on the 21st November. The Court of Foujdaree Udalut

2. 7.0

23th January 1837. Udalut require to be informed where the prisoner was in the interval between his apprehension, and his being brought before the Assistant Magistrate, and also to be made acquainted with the Cause of the non attendance of "the witnesses" before the 7th December, for whom Summonses are stated to have been issued on the 15th November. This date also appears to require explanation with reference to the apprehension of the prisoner being made on the 17th November. The Criminal Judge will send Copy of the Case as it stands in the Report, and of this paragraph, to the Magistrate, who will furnish the desired information direct to the Foujdaree Udalut.

Case 199.

2. The Criminal Report does not inform the Court of the manner in which the Criminal Judge thought proper to dispose of this Case after the reference made by him to the Provincial Court. It appears that the prisoners were found in the District of Chittoor in possession of Counterfeit Coins, and were likewise charged with tendering in payment, Counterfeit Coin "to the Prosecutor in the District of Salem." The Provincial Court of Circuit have instructed the Criminal Judge to investigate the Case, and after the trial if there appear to the Criminal Judge grounds for establishing the "graver offence" it will then be necessary to forward the prisoners to the Magistrate in whose

whose District it was committed.—

3. The Court desire to be informed of the result of the investigation

Case 206. 4 The Court of Foujdaree Udalut direct that Copy of this Case as it stands in the Report, and of this paragraph, be sent by the Criminal Judge to the Acting Magistrate, who will be pleased to transmit direct to the Foujdaree Udalut some further explanation as to the detention of it in the Talook. The prisoner is entered as having been apprehended on the 15th April but appears not to have been forwarded by the Police Ameen till the 28th December. The Court desire to be informed how long the prisoner was in Confinement in the Talook.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Chittoor for his information and guidance by Precept returnable in 4 days after receipt.

(Sent following Precept No. 101

Read the Nellore Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of December.

(Here enter No. 104)

Report V 1.

Case 121. If the prisoner in this Case was found to have broken into the grain-pit of the prosecutor—this being a place used for the custody or preservation of property

property—the Sentence should have been recorded under Clause Sixth, Section II, Regulation VI of 1822, instead of Section VII Regulation X—1816.—

Case 124. 2 The prisoner in this Case has been sentenced under Clause Sixth, Section II Regulation VI of 1822 to "be imprisoned for 18 months with hard "labour in irons, and to receive 50 lashes," at two months after date, and a similar number on the day of his release." This mode of apportioning the Corporal punishment by Stripes, is irregular—Under the Circular Order of the 21st October 1830, the Stripes cannot in such Cases be inflicted till two months after the date of the Sentence, but the Special reason for this delay is therein explained, and, on the principle laid down in respect to the infliction of Stripes under a Sentence by a Court of Circuit, viz. that the only admissible Cause of delay in inflicting them, is the inability of the Convict to bear them without endangering his life, the Foujdaree Udalut do not consider it discretionary with a Criminal Court on adjudging "Stripes," to direct their infliction at particular separate periods.—

3. (The Court of Foujdaree Udalut observe in the Statement annexed to the Reports that 4 Convicts having given "away part of their Batta to "persons of their family, contrary to the Jail Rules, they were

23rd Ja 23d January 1837. "were each punished with 24 lashes" under Clause third "Section VI Regulation X of 1832." The Court require an explanation as to this transfer of "Batta" - they wish to be informed whether by "Batta" the prisoners in question were in possession of "money", and also how it happened that the prisoners had an opportunity of communicating with their families in a manner to enable them to give part of their Batta -

Ordered, that Extract from these proceedings be sent to the Assistant Criminal Judge in charge of the Criminal Court at Nellore for his information and guidance by Precept returnable in 4 days after receipt. -

(Sent following Precept No 102)

Read the Salem Criminal Reports prescribed by Section XXXV, Regulation X of 1816 for the month of December.

(Here enter No 106)

Report V

Case 145. 1. In this Case it is stated that the 1st prisoner is an old offender, having been confined for a period of 9 years according to the sentence of the Circuit Court. The Court of Foujdaree Adawlut will not now disturb the sentence recorded but they desire it may be pointed out to the Acting Criminal Judge that under Clause second, Section II Regulation VI of 1822 the whole of the prisoners in the Case should

F 6.

23rd January 1837. as the 1st was an old offender, have been "committed" and consequently that the Case was not referible to the Sudr Ameen -

Case 153. 2. In his note upon this Case the Acting Criminal Judge observes that the 2d prisoner is also committed, and suggests as he has confessed throughout, and inculpated all the others, his being released with a view to his becoming "Kings evidence". If the Acting Criminal Judge continues of opinion that a tender of Conditional pardon should be made to this prisoner, it will be his duty to submit an application, for authority to make the offer, in the usual way.

Case 154. 3. This appears to be a case of simple theft of grain, and the prisoner therefore would seem to be punishable under Section VII Regulation X of 1816. -

Cases 155 and 156 4. The same prisoner is concerned in both these Cases, but the date of his apprehension is given in the former, the 22nd December, in the latter, the 16th December. The correct "date" should have been inserted.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Salem for his information and guidance by Precept returnable in 5 days after receipt

(Sent following Precept No 103)

Read

2d 23d January 1837. Read the Tellicherry Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of December.

(Here enter № 115)

Report V Case 153. 1. The prisoners in this Case appear to have been sent to Court on insufficient grounds. If therefore the Joint Criminal Judge has not already communicated to the Magistrate the circumstances of the Case, with reference to the Circular Order of the 21st of May 1823, he will be pleased to make the Communication upon receipt of these instructions.—

2. The explanation of the detention of the same Case in the Talook is far from satisfactory, and the Court of Foujdaree Udalut accordingly desire that Copy of it, as it stands in the Report, and of this paragraph, be sent by the Joint Criminal Court to the Magistrate, who will make enquiry into the Conduct of the Police Officer and take such notice of it as it may then appear to him to deserve. The Court also require to be informed by whose order the 2nd prisoner was, as stated in the Column of Remarks, "released on Bail."

Case 156. 3. In the order of the Joint Criminal Court it is stated that this seems to be a Case which should be brought under the notice of the Principal Collector and Magistrate, the Court of Foujdaree Udalut

23d January 1837. conclude that the circumstances have been thus brought under the notice of that Officer.—

№ 160. 4. The note of the Joint Criminal Court upon this Case is to the effect that there were no grounds to warrant its "transmission to the Court." It will be the duty of the Joint Criminal Judge, with reference to the Circular Order of the 21st May 1823, to communicate the circumstances of the Case to the Magistrate, who will be pleased to enquire into them, and take such notice of the conduct of the "Police Ameen" as it may seem to him to deserve.

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge at Tellicherry for his information and guidance by Precept returnable in 6 days after receipt.

(Sent following Precept № 104.

Read letter dated the 19th Instant, from the First Judge of the Provincial Court of Circuit in the Centre Division, transmitting Chittoor 8th Supplemental Calendar 4th Quarter Sessions of 1836.

(Here enter № 138)

Read letter dated the 16th Instant from the First Judge of the Provincial Court of Circuit in the Northern Division, transmitting the Statement of Cases referred or called for during the 2d half year of 1836.

(Here enter № 143)

Read

23d January 1837.

Read return dated the 18th Instant from the Acting Second Judge late on circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated the 9th January 1837, directing him to instruct the Acting Criminal Judge of Chicacole to forward Criminal Case No. 64 of the Report No. V for the month of August last, to the Collective Court of Circuit for the Northern Division so soon as he shall have completed the further investigation directed on the 27th Ultimo, and not to commit it as he was then directed to do.—

[Here enter No. 144]

Read letter dated the 20th Instant from the First Judge of the Provincial Court of Circuit in the Centre Division, transmitting Copy of the Chittoor Primary Calendar for the First Quarter Sessions of 1837.—

[Here enter No. 145]

At a Court of the Foujdaree Udalut

Wednesday 25th January 1837.

Present

Charles May Lushington Esqre. 1st. Puisne Judge

John Bird Esqre. _____ 2nd. Puisne Judge

William Hudleston Esqre. 3rd. Puisne Judge

Read the Madura Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of December.—

(Here enter No. 103.)

Sessns. Report Case 137.

1. It is stated that the witness Modanen in this case was fined, by the Criminal Court, 5 Rupees, for withholding the name, he ex mentioned before the Magistrate, to the Court. The Acting Criminal Judge will be pleased to explain further the cause of this fine, in order to enable the Foujdaree Udalut to decide as to its legality.

Case 141.

2. The Court observe an omission of the period for which the 1st. and 2nd prisoners have been required to give security for their good conduct. As the term of imprisonment "in default" is specified to be 6 Months, the Court conclude it was intended to be stated, that the requisition of security was for good conduct for the same period.

The

Cases 146
147.

3

The detention of the prisoners in these cases in the Talook has been occasioned, (it is stated by the Head Assistant Magistrate) "solely by the negligence of the Ameen". The eight first prisoners however in No. 147 were apprehended between the 9th and 25th October, the two last prisoners on the 13th November. In Case 146. the seven prisoners were apprehended on the 15th November.

4.

The charge in Case 147 having been preferred before the Head Assistant Magistrate, who was not competent to refer it to the Police, the Court do not understand why the delay in question is to be attributed solely to the Police Ameen. The Criminal Judge will send copy of the cases to the Magistrate as they stand in the Report, and of this and the preceding paragraph.

See S. C. pro. 16th Nov. 1825 founded on the rule laid down on 22d June 1824.

Case 149.

5.

With reference to the observations of the Acting Criminal Judge in this case, there does not appear to the Judges to be any reason for suspecting that any person was murdered on the occasion in question, and they direct that enquiry be made as to the fact. With this view the Court desire that copy of the case as it stands in the Report, and of this paragraph, be sent by the Criminal Court to the Magistrate, who will be pleased to make this enquiry and report the result thereof

thereof to the Sunjdaree Adalut direct.

Case 155.

6

The Court of Sunjdaree Adalut direct that the apparent error in the Report as to the date of the apprehension of the prisoners may be explained to them. In the Column headed "Apprehension", the date given is the 12th December, but this is contradicted by the statement of the Head of Police who reports that the prisoners were produced before him on the 3rd December.

Ordered that Extract from these proceedings be sent to the Acting Criminal Judge at Madura for his information and guidance by Precept returnable in 4 days after receipt.

(Sent following Precept No. 188.

Read the Chucaree Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of December.

(Here enter No. 87.)

Under the circumstances of this case

Report V
Case. 98.

1.

the Court of Sunjdaree Adalut resolve to direct that copy of it, as it stands in the Report, and of this paragraph be sent to the Provincial Court of Circuit in the Northern Division from this Office. The Provincial Court of Circuit will be pleased to call for the proceedings and report to the Sunjdaree Adalut whether in their opinion, the case has been correctly disposed

25th January 1837.-

disposed of.-

Case 102.

2. In this case the prisoner was charged with having accompanied the prisoners in the following case to commit Burglary; and the Acting Criminal Judge recorded the following order.- "The prisoner" "must be discharged he acknowledges having gone with the prisoners in the following case, intending to rob, but his intention was never put into execution."

3. The Court of Foujdaree Udalut direct that copy of their question to their Law Officers touching this case, and of the reply, be sent to the Acting Criminal Judge for his information and future guidance in any similar Case. He will observe that the prisoner might have been punished under the Mahomedan Law.

Suppl. Report. Case 94.

4. It was stated in the last report that application had been made to the Magistrate to report the date of the apprehension of the prisoners in this case - but the date not being given in this Report, the Court direct that copy of the case as it stands in the Report, and of this paragraph, be sent by the Acting Criminal Judge to the Magistrate, who will be pleased to report direct, and without

delay

25th January 1837.-

delay, to the Foujdaree Udalut, the date in question.

Ordered that extract from these proceedings be sent to the Acting Criminal Judge at Chicacole for his information and guidance by Precept returnable in 4 days after receipt.-

(Sent following Precept No. 109.

Ordered also that extract from these proceedings viz. para 1 with copy of Case 98 be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by Precept returnable in 15 days after receipt.-

(Sent following Precept No. 110.

Question.

A prisoner is charged with having accompanied certain other prisoners to commit housebreaking by night. He acknowledges to have gone forth with the parties in question intending to rob but avers that his intention was not put into execution.-

Is the prisoner, under these circumstances, liable to punishment under the Mahomedan Law.-

Answer.

In the event of the prisoner confessing that he went with others with the intention

intention to commit robbery he is liable to Tazeer, imprisonment and flogging, beyond the imprisonment already undergone.-

Read return dated the 3d Instant, from the Acting Joint Criminal Judge at Vizagapatam to the Precept of the Foujdaree Adalut dated the 24th December 1836, conveying their observations and orders on the Vizagapatam Criminal Reports for the Month of November.-

(Here enter No. 75.)

Read letter dated the 20th Instant, from the 1st Judge of the Provincial Court of Circuit in the Centre Division, forwarding the Statement of Batta paid to the Prosecutors and Witnesses attending at Chittoor during the 4th Quarter Sessions of 1836.-

(Here enter No. 148.)

Read letter dated the 20th Instant, from the Officiating 2d Judge on Circuit in the Centre Division forwarding a copy of an extract from his proceedings under date the 3d instant, communicating the result of his review of Case No. 90 of the Chingleput Criminal Report for the Month of June last, ordered in the extract from the proceedings of the Foujdaree Adalut under date the 20th July 1836.-

(Here enter No. 150)

Read

Read letter dated the 19th Instant from the Acting Joint Criminal Judge of Guntoor forwarding the report of the labour performed by the Convicts under the charge of the Magistrate of Guntoor for the Month of December 1836.-

(Here enter No. 153.)

Read letter dated the 19th Instant, from the Magistrate of Tanjore, submitting an explanation, with reference to the extract from the proceedings of the Foujdaree Adalut under date the 23d Ultimo, regarding certain cases on the Combaconum Criminal Reports for the Month of November.-

(Here enter No. 172.)

intention to commit robbery he is liable to Sayeer, imprisonment and flogging, beyond the imprisonment already undergone.-

Read return dated the 3d Instant, from the Acting Joint Criminal Judge at Vizagapatam to the Precept of the Foujdaree Adalut dated the 24th December 1836, conveying their observations and orders on the Vizagapatam Criminal Reports for the Month of November.-

(Here enter No. 75.)

Read letter dated the 20th Instant, from the 1st Judge of the Provincial Court of Circuit in the Centre Division, forwarding the Statement of Batta paid to the Prosecutors and Witnesses attending at Chittoor during the 4th Quarter Sessions of 1836.-

(Here enter No. 148.)

Read letter dated the 20th Instant, from the Officiating 2d Judge on Circuit in the Centre Division forwarding a copy of an extract from his proceedings of his review of Case No. 90 of the Chingleput Criminal Report for the Month of June last, ordered in the extract from the proceedings of the Foujdaree Adalut under date the 20th July 1836.-

(Here enter No. 150.)

Read

Read letter dated the 19th Instant from the Acting Joint Criminal Judge of Guntoor forwarding the report of the labour performed by the Convicts under the charge of the Magistrate of Guntoor for the Month of December 1836.-

(Here enter No. 155.)

Read letter dated the 19th Instant, from the Magistrate of Tanjore, submitting explanation, with reference to the extract from the proceedings of the Foujdaree Adalut under date the 23d Ultimo, regarding certain cases on the Combaconum Criminal Reports for the Month of November.-

(Here enter No. 172.)

Ent.

F. U:

At a Court of the Foujdaree Udalut.—

Present,

Friday 27th January 1837. Charles Mary Lushington Esqre 1st Puisne Judge.

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

William Hudleston Esqre ..... 3rd Puisne Judge.

The Provincial Court of the Northern Division having omitted in their return of the 30th Ultimo, to the Precept of the Foujdaree Udalut of the 12th of November last to furnish the Statement of Escapes &c from the Jail under charge of the Magistrate of Guntoor, Ordered that they be required to submit the same without delay, and to ascertain and report, at the same time, what has been the strength of the Guards in charge of the Convicts transferred to that Officer.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information and guidance, by Precept returnable in 15 days from and after its receipt.

(Sent following Precept No 130.)

Read return and supplemental return from the Provincial Court of Circuit in the Northern Division dated respectively the 19th Ultimo and the 7th Instant to the Precept of the Foujdaree Udalut of the 15th Ultimo

27th January 1837. Ultimo, requiring ~~[illegible]~~ the Acting Joint Criminal Judge at Vizagapatam who had dismissed the Jemadar Davoo-condah Croostniah, to explain, why the Jailor was exempted from the responsibility annexed to his Station in the Jail, and calling for a Special report from the Acting Joint Criminal Judge upon the absence of all discipline in the Jail at Vizagapatam.—

/Here enter Nos. 2292 of 1836 and 131 of 1837./

1. The Acting Joint Criminal Judge explains that "the dismissal of the Jail Jemadar did not rest "solely on the general relaxed State of discipline, but on "the one particular instance mentioned, the general neg-"lect, and a former instance of the same, being brought "forward to shew the necessity of insisting on the removal "of this Officer who was always considered by the Acting "Joint Criminal Judge as responsible for the discipline "of the Peons."

2. On this point of duty the Court of Foujdaree Udalut are of opinion that the responsibility cannot be placed upon the Jemadar alone. The Jailor, and not the Subordinate Officer, the Jemadar, is, in such cases, the person upon whom the duty devolves of providing for the proper exercise of discipline in the Jail.

3. It does not appear to the Court of Foujdaree Udalut that sufficient grounds have been shewn for the dismissal of the Jemadar, and they accordingly resolve

27th January 1837. resolve to confirm the Order of the Provincial Court for his restoration. At the same time the Court desire that it be intimated to Davoo Croostniah that any future neglect of duty will subject him to immediate dismissal.

4. The Acting Joint Criminal Judge states that a set of Jail Rules have now been issued, and will probably have the desired effect of improving the discipline. The Acting Joint Criminal Judge must however beg that the Court will urge the necessity of making the Jail sufficiently secure to prevent those who feel imprisonment intolerable, from escaping, which it now is not.

5. The Correspondence respecting the Jail at Vizagapatam has been for some time before the Government, and arrangements respecting it are in Contemplation.—

6. The Acting Joint Criminal Judge concludes by suggesting "that he may be allowed to "exercise his own discretion in all Cases where he may "consider Peons useless or insufficient" (inefficient). Peons of this description must of course be discharged, and with reference to the general Question of retaining or dismissing Servants on his Establishment, the Acting Joint Criminal Judge must be aware that, on proper grounds shewn, there cannot be any difficulty in the removal of persons from his Establishment

27th. 27th. January 1837. Establishment who may be incompetent, or who may neglect, to perform the duties required from them.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division for communication to the Acting Joint Criminal Judge at Vizagapatam for his information and guidance by Precept returnable in 3 days after receipt.

Sent following Precept No. 131

F. U.

At a Court of the Foujdaree Udalut.

Present,

Saturday 28th January 1837. Charles May Lushington Esqre. ... 1st Puisne Judge

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

William Hudleston Esqre. ... 3d Puisne Judge.

The Court of Foujdaree Udalut observing that the Record of Trial No. 1 on the Vizagapatam Primary Calendar for the second Sessions of 1836, exhibits defects similar to those noticed in the Extract from their Proceedings under date the 20th Instant, resolve to direct that the English and Persian Translation of the Case be returned to the Acting Second Judge late on Circuit in the Northern Division, with instructions to cause the same to be completed according to the Regulations, and returned to this Court.

Ordered, that Extract from these proceedings be sent to the Acting Second Judge late on Circuit in the Northern Division by Precept returnable without delay.

Sent following Precept No. 132.

Read letter dated the 31st Ultimo from the Third Judge of the Provincial Court of Circuit in the Centre Division, submitting the Report required by Section XXXVII Regulation VII of 1802 for the 2nd and 3d Quarterly Sessions of 1836. (Here enter No. 24.)

The

The Report submitted by the Third Judge not requiring any remark by the Court of Foujdaree Udalut. Ordered that Copies thereof, in triplicate, be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.—

Sent in No. 133.

Read the Calicut Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of December.—

[Here enter No. 103]

Suppl. Report Case 312 1 In this Case, wherein the 1st prisoner appears to be convicted of a petty theft, the Sudr Ameen has sentenced him to 9 Months' imprisonment "and hard labour in irons, under Clause Eighth, Section III Regulation V 1822". There is a manifest error as to the authority quoted for the Sentence, and the Sentence itself is evidently illegal.— The Criminal Judge should have required the Sudr Ameen to amend it: He will now be pleased to call upon the Sudr Ameen to modify the Sentence with reference to Section VII Regulation X of 1816, which applies to the Case.—

Report V Case 338 2 The grounds of the Acquittal of the 2nd 3rd 4th and 5th prisoners in this Case should have been specified.—

Ordered, that Extract from these proceedings

28th January 1837. proceedings be sent to the Criminal Judge at Calicut for his information and guidance by Precept returnable in 3 days after receipt.

[Sent following Precept No. 134.

Read the Sussee Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of December.

[Here enter No. 146]

In this Case the Sentence should

Report V Case 76 have been passed under Clause fourth, Section IV. Regulation VI. of 1822.—

Case 78. 2 The Court of Foujdaree Udalut direct that Copy of this Case, as it stands in the Report, and of this paragraph, be sent by the Provincial Court of Circuit to the Magistrate, who will be pleased to point out to the Sayer Coinavis-dar and Police Ameen, that the detention of one prisoner, pending measures being taken for the apprehention of another, is unauthorized.— He will further instruct the said Police Officer that the Circular Order No. 62, of the 26th February 1836, requires the Cause of the "reference" to the Magistrate to be stated to the Criminal Court, where such reference has been the reason for the detention of any Case in the Talook.—

Case 80. 3 In this Case the prisoner was charged with

28 28th January 1837. with having along with others, not apprehended, clan-
destinely felled, in opposition to the Sirkar's Order,
Teak trees, valued, according to the Sirkar's selling
price, at half a Rupee and 43 reas. "The Crime
"having been proved against the prisoner by his own
"Confession, he "has been" sentenced to be imprisoned
"and kept to hard labour in irons for 10 days, and to
"receive 15 lashes"" according to Section VII Regulation X of 1816.

4. The Court of Foujdaree Udalut do not understand that the prisoner was convicted of theft, for which offence alone he would be punishable by stripes under Section VII Regulation X of 1816. They require to be informed what distinct offence was established against the prisoner, and how the Sentence has been recorded under Section VII Regulation X of 1816.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division for communication to the Principal Sudr Ameen for his information and guidance by Precept returnable in 5 Days after receipt.

/Sent following Precept No. 135./

Read letter dated the 20th Instant from the Acting Third Judge late on Circuit in the Southern Division transmitting a Copy of the Calendar

2. F.U

28th January 1837. Salem Calendar for the Second Sessions of 1836

/Here enter F.U No 167 of 1837./

Case No 3 — In this Case, the prisoner Mooneyan stood charged with having, in concert with some others not apprehended, stopped the Prosecutor on the highway, and after beating him and wounding him on the head with a Stick, robbed him of property valued at Rupees twelve, and Annas five.—

2. The trial of the Case was postponed in consequence of the absence of the second witness for the prosecution—

3. But as it appears from the return of the Acting Criminal Judge that the witness in question was prevented from attending by "severe illness", the trial should not have been postponed, but the course, indicated in the Circular Order of the Court of Foujdaree Udalut of the 8th May 1833, have been pursued.—

Case No 7. 4. In this Case, five prisoners were charged with having, at night, entered the Prosecutor's house during his absence, and after beating his wife and others, robbed therefrom property to the value of Rupees four hundred and twenty nine.—

5. The first prisoner was convicted and sentenced by the Court of Circuit to imprisonment with hard labor in irons for fourteen years.

Con

and the third, fourth and fifth prisoners (the second having died) being acquitted were nevertheless severally required to furnish Security for their good behaviour for three years in two sureties of thirty five Rupees each.

6.

The Court of Foujdaree Udalut are unable to discover any evidence whatever against the third, fourth and fifth prisoners in this Case; and nothing in fact but their confessions before the Police.

7.

The Judge of Circuit will be pleased to explain the grounds on which he required Security from those prisoners of whose Commitment for trial before the Court of Circuit, the Court of Foujdaree Udalut see reason to question the propriety.

Case № 11.

8.

It appears that in this Case "the Prosecutor and first witness on the part of the prosecution having prevaricated in their evidence, were fined "fifty Rupees each, Commutable, if not paid, to one "Months' imprisonment."

9

The Court of Foujdaree Udalut perceive that the circumstances and condition of life of the offending party received due consideration from the Acting Judge: but it appears to the Court that if they are poor people, the fine is very heavy.

Case № 13

10.

In this Case, the prisoner "Caroopalany" was charged with having, on the night of the 5th June 1836, attempted

28th January 1837. attempted to set fire to the Prosecutor's house, and to rob the property.

11.

The prisoner was further charged with having effected his escape from the Talook Cutcherry on the night of the 13th June 1836.

12.

The trial of this Case was postponed in consequence of the absence of the fourth witness for the prosecution, who, it appears from the return of the Acting Criminal Judge, was "reported by the "Police Officer to have been absent from his Village, "and he does not know where he is, although Orders "were sent twice regarding him."

13.

The Court of Foujdaree Udalut do not consider the absence of this witness to constitute a sufficient ground for the postponement of the Trial, inasmuch as he appears to have been called to prove the same points as could have been proved by the first, second and third witnesses.

14.

The prisoner should not be tried on the charge of escape: but the attention of the Criminal Judge of Salem should be called to the Circular Order of the Court of Foujdaree Udalut - № 29 - dated the 4th February 1835, which directs that all "Cases of escape "brought before the Criminal Courts under Clauses Second "and Third, Section V, Regulation VII of 1822, be invariably "disposed of by the Criminal Judge, and in no instance Committed

28th January 1837. "committed for trial before the Court of Circuit."

Cases Nos 13-14 and 16.-

15.- The Court of Foujdaree Udalut, being unable from the abstract of evidence in the Calendar, to determine with sufficient accuracy, the correctness of the Judgments passed by the Court of Circuit in Cases Nos 13- 14 and 16- direct that an English Translation of each of those Cases be prepared and submitted in due course for their consideration —

Ordered, that Extract from these proceedings be sent to the Acting Third Judge late on Circuit in the Southern Division by Precept returnable within 10 days from and after its receipt.

/Sent following Precept No 186.

Read return dated the 20th Instant from the Second Judge late on Circuit in the Western Division to the Precept of the Court of Foujdaree Udalut under date the 14th January 1837 requiring him to explain the grounds on which he considered the prisoner in Case No 44 on the Calicut Calendar for the Second Sessions of 1836, a proper object of Corporal and ignominious punishment.

/Here enter J.U. No 176 of 1837/

1. In this return the Second Judge of Circuit states that "he passed the said sentence in "obedience, as he conceived, to the opinion of the Court "of Foujdaree Udalut, who, refusing to mitigate the prescribed

J.U.

28th January 1837. "prescribed sentence, declared that they were "not of opinion that the "prisoner was a proper object of "Mercy, and the Law was to "be allowed to take its "course:" and that "it appeared to him that he had "no course but to order the Stripes and exposure, "the infliction of which is a part of the punishment "prescribed by the Law alluded to."

2. The Court of Foujdaree Udalut deem it proper to observe for the information and future guidance of the Second Judge, that the Law does not require that the prisoner shall be sentenced to public exposure and to Stripes; but leaves the infliction of that part of the punishment to the discretion of the Judge before whom the Trial may be held.-

Ordered, that Extract from these proceedings be sent to the Second Judge late on Circuit in the Western Division for his information and future guidance.-

/Sent in No 137.

Read return and Supplemental return dated respectively the 5th and 23rd Instant from the Provincial Court of Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 24th December 1836, directing them to report the result of the inquiry which the Magistrate of North Arcot was instructed to make in Case No 141 of the Chittoor Criminal Report No 5 for the Month of

28th January 1837. of September last.

/Here enter Nos 38 and 175./

Read letter dated the 6th Instant from the Acting Joint Criminal Judge at Vizagapatam, reporting that no public works of the nature indicated in the Circular Order of the Foujdaree Udalut No 45 dated the 18th May 1835 has been executed under his Superviision.

/Here enter No 77/

Read letter dated the 13th Instant from the Magistrate of Vizagapatam, submitting the explanation called for in the proceedings of the Foujdaree Udalut under date the 24th December 1836 respecting Case No 67 on the Vizagapatam Criminal Report for the month of November.

/Here enter No 127/

Read letter dated the 18th Instant from the Acting Criminal Judge at Bellary, transmitting the Criminal Reports for the month of December 1836.

/Here enter No 141/

Read again letter dated the 8th Ultimo from the Acting Third Judge on Circuit in the Southern Division, transmitting the record of trial in Case No 23 Combaconum Calendar 2nd Sessions of 1836.

/Here enter F.U. No 2163 of 1836/

Read also return dated the 18th Instant from the

28th January 1837. the Acting Third Judge late on Circuit in the Southern Division, to the Precept of the Foujdaree Udalut dated the 24th December 1836, calling for the Tundulcoorcopoo account marked A referred to in Case No 23 on the Combaconum Calendar for the second Sessions of 1836.

/Here enter F.U. No 151 of 1837./

Mr Lushington and Mr Thudleston. The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the prisoner

Chedumbara Chetty

is sufficient to convict him of the Crime charged, do, under the authority with which they are vested by Clause First, Section II, Regulation I of 1818, convict him thereof, and under the provisions of Classes First and Third, Section III, Regulation XI of 1811 - Sentence him to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of /1/ one year.-

(Sent following letter No 138.

Read again letter dated the 21st November 1836, from the Acting Third Judge on Circuit in the Southern Division, transmitting the record in Case No 26 on the Combaconum Calendar - Second Sessions of 1836.

/Here enter F.U. No 2077 of 1836/ Read

2 28th January 1837.

Read also return dated the 20th Instant from the Acting Third Judge on Circuit in the Southern Division, to the Precept of the Fouzdaree Udalut dated the 23d December 1836, directing that the evidence on behalf of the 1st prisoner in Cafe No 26 Combaconum Calendar for the 2nd Sessions of 1836, be taken, and that an English Translation of the same be submitted to the Fouzdaree Udalut.

(Here enter F.R. No 162 of 1837.)

Mr Lushington
Mr Bird
and
Mr Hudleston

The Court of Fouzdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-coozat and Mooftees of the Fouzdaree Udalut, confirm the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, convicting the prisoners

1st Sooben

and

2nd Amaravathy

of the crime charged, on strong Presumptive Proof, and awarding Dohoobut: and under the provisions of Section X, Regulation VIII of 1802, sentence them to suffer death by being hanged at the usual time and place of execution.—

Sent following letter No 139.

F.R.

At a Court of the Fouzdaree Udalut

Present

Monday, 30th January, 1837.

John Bird Esqre ——— 2d Puisne Judge,
William Hudleston Esqre ——— 3d Puisne Judge,

Read Petition presented on the 16th Instant by Canoonmutaroo Pakeel on behalf of Nursein of the Zillah of Salem.—

(Here enter Mr. D. No 4 of 1837.)

The object of the present Petition is to induce the Court of Fouzdaree Udalut to over rule the acquittal by the Court of Circuit in a Case wherein certain Prisoners were concerned, who, as the Petitioner alleges, were guilty of the crime charged.—

He prays the Court to call up the record of the Trial and pass a just order thereupon.—

The Petitioner is informed that the Court of Fouzdaree Udalut have no power to over rule an acquittal by a Court of Circuit.—

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

Read Petition presented on the 16th Instant by Mohideen Nchaw alias Cuvil Pillay at Cuddapah.—

(Here enter Mr. D. No 7 of 1837.)

The Petitioner states his former services and represents the circumstances under which he has been dismissed from

from his situation on the establishment of the Jail at Cuddapah, and fined to the amount of the salary due to him during the months in which he was discharged.

The prays the Court of Enjdarewlaalut to order his restoration to his former situation.

The Court of Enjdare Dedalut do not see any sufficient ground for their interference in the case of the Petitioner.

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

Read Miscellaneous Petition presented on the 23d instant by Coondaramooden and eight others late Sepoys of the 40th Regiment N. I.

(Here enter Mis: Pet: No. 9 of 1887)

The Petitioners represent that through the sinister influence of a Havildar named Cooloo, their Commanding Officer caused them to be placed in confinement and sent up to the Criminal Court at Chittoor on a charge of being concerned viz a Robbery committed in the Mess House of the 40th Regiment N. I., that though immediately released by the Criminal Court they were nevertheless discharged by their Commanding Officer from the Corps and that their subsequent application to His Excellency the Commander in Chief to be restored to the Service has been unsuccessful.

Produceing

Producing an extract from the proceedings of the Criminal Court of Chittoor, with other documents, and alleging in general terms their innocence of the charge preferred against them, the Petitioners pray that the Court of Enjdaree Dedalut will take their case into consideration.

The Petitioners are informed that a case of this nature is altogether beyond the Jurisdiction of the Enjdaree Dedalut.

Ordered accordingly that the Petition be rejected, and that extract from these proceedings be furnished to the Petitioners on their application.

Read Miscellaneous Petition presented on the 23d instant by Jungama Setty of the Zillah of Nellore.

(Here enter Mis: Pet: No. 11 of 1887)

The petitioner who on three previous occasions had addressed the Court on the same subject (Vide Pet: Nos. 93. 96. and 108 of 1886) referring to the Extract from the proceedings of the Enjdaree Dedalut under date the 28th November 1886 admits that the Magistrate of Nellore instructed the Head of Police of the Curvapilley Taluk to inquire into the case, but alleges that the latter Officer falsely reported that the Witnesses whom he examined had failed to prove the charge: and he now prays that the Magistrate of the District or the Court of Circuit may be required to investigate the matter personally.

No new circumstances are advanced in support of this request; and the Petitioner is referred to

to the order of the Supreme Court of the 28th November 1836.

The Petitioner does not appear to charge Slight and his remedy would seem to be by a Civil Suit for the recovery of the property.—

Ordered that extract from these proceedings be furnished to the Petitioner upon his application.—

Read Miscellaneous Petition presented on the 23d instant, by Harojee of the Zillah of Cuddapah.—

(Vide entries Pet. No. 18 of 1837)

The Petitioner represents that he served as a Peon in the Jail of the Zillah of Cuddapah for a period of about 24 years: that on the night of the 28th September 1836, some prisoners then under Trial, effected their escape from the Jail; and that he and another Peon who were on night to have been on guard, at the Gate through which the fugitives made their way, were in consequence dismissed by the Criminal Judge and imprisoned for two months.—

The Petitioner prays that he may be restored to his situation, in consideration of his length of service, his numerous family and the circumstance of the prisoners in question having been since re-apprehended.—

The Petitioner is informed that in a case of this nature, the Court of Sudder Adawlut do not deem it proper to interfere.—

Ordered, that the prayer of this Petition be rejected, and that Extract from these proceedings be

be furnished to the Petitioner upon his application.—

Cotundaramoodoo and 7 others, Sepoys of the 46th Regiment N.I., move the Court to return the recognizance in their Miscellaneous Petition No. 9 of 1837.—

Ordered accordingly.

At a Court of the Foujdaree Udalut—

Present,

Tuesday 31st January 1837. John Bird Esqre ..... 3rd Puisne Judge.

William Rattleston Esqre .. 3rd Puisne Judge.

Read return dated the 16th Instant from the Third Judge late on Circuit in the Western Division, to Precept of the Foujdaree Udalut of the 4th Instant, communicating the orders of the Court and of the Right Honorable the Governor in Council on his Circuit Report for the First Session of 1836—

/Here enter No. 152./

Read also Order of Government dated the 16th Instant upon the proceedings of the Foujdaree Udalut of the 4th Instant—

/Here enter No. 107./

The Third Judge explains that he does not, under the circumstances noticed in the last paragraph, of the above return, consider it necessary that the Magistrate should now be directed to enquire into the Case adverted to in para. 5 of the proceedings of the Court of Foujdaree Udalut of the 4th January last. The Court of Foujdaree Udalut considering the explanation sufficient direct that Copy of the above return and of the enclosure be laid before

Government

1st January 1837. Government—

Ordered accordingly, that Extract from these proceedings with Copy of the above return be sent to the Chief Secretary to Government to be laid before the Right Honorable the Governor in Council, with reference to the proceedings of the Foujdaree Udalut under dates the — 15th November 1836 and 4th January 1837.—

7 Jan 1837

/Sent in No 144/

Read letter, dated the 26th Instant, from the Acting Third Judge on Circuit in the Northern Division, forwarding Copy of a letter from the Assistant Criminal Judge, stating that another Case will be laid for trial before the Court of Circuit 1st Sessions 1837.—

/Here enter No 186/

Read return dated the 27th Instant, from the Criminal Judge of Chittoor, to the Precept of the Foujdaree Udalut dated the 23d January 1837, conveying their observations and orders on the Chittoor Criminal Report for the month of December 1836.—

/Here enter No 194/

Read letter dated the 23d Instant from the Second Judge Late on Circuit in the Western Division, forwarding the Original Death Warrant [illegible]

31st January 1837 in lieu No 12 on the Mangalore Calendar for the Second Sessions of 1836.

/Here enter No 193/

Read return, dated the 26th Instant, from the Criminal Judge of Mangalore to the Precept of the Foujdaree Udalut dated the 19th January 1837—conveying their observations and orders on the Criminal Reports of the Zillah of Canara for the month of December 1836.

/Here enter No 194/

Read return, dated the 26th Instant, from the Acting Joint Criminal Judge of Guntoor, to the Precept of the Foujdaree Udalut dated the 21st January 1837, conveying their observations and orders on the Guntoor Criminal Reports for the month of December 1836.

/Here enter No 196/

Read the Bellaree Criminal Reports prescribed by Section XXXV. Regulation X 1816 for the month of November—

(Here enter No 2224.)

Read also letter dated the 10th October last from the Magistrate of Bellaree transmitting explanations, as required by the proceedings of the Foujdaree Udalut of the 27th

31st January 1837

27th August, relative to certain cases in the Criminal Reports for July and laying before the Court copies of two letters addressed to him by the Arad Assistant Magistrate containing an account of the proceedings held in Case 56 in the Talook.—

(Here enter No. 1814.)

Suffl. Report Case 56.

1. In this Case 18 prisoners stand charged with several murders between the month of December 1834 and December 1835 but specifically with the murder of 19 persons named in the charge.— The Magistrate in his letter of the 10th October last states it will be observed that the case is not one of Thuggee though it equals them in atrocity.— The 3rd and 6th prisoners deaths are reported to have occurred on the 11th July and the 24th August last. The 1st 2d 4th 7th 8th 10th 11th 12th 17th and 18th prisoners have been released by the Criminal Court. The 5th 13th 14th and 16th prisoners have been "committed."—

2. The Court of Foujdaree Udalut direct that the Acting Criminal Judge may be called upon to state whether he has taken any measures to punish the 7th witness in this Case who gave contradictory evidence

F. 86.

31st January 1837.

evidence on oath. the 1st 2d 3d 4th 5th and 8th of the Witnesses appear to have rendered themselves liable to be tried for 'Perjury.'—

3. The Court also direct that a copy of the case as it stands in the Report and of this paragraph be sent by the Criminal Court to the Magistrate who will be pleased to forward direct to the Foujdaree Udalut explanation of the concluding note of the Acting Criminal Judge, which states that the Sathgoa people were first confined as tortured as alleged for one month and afterwards were released to stand forth as evidences against the Cafferfully people with a threat that if they did not implicate them before the Assistant Magistrate they would hereafter suffer.—

4. The Court further desire that a copy of the case as it stands in the Report and of the above communication of the 10th October from the Magistrate be sent from this Office to the Judge of the Provincial Court of Circuit about to proceed on circuit with Extract from these proceedings and that translations of the whole of the proceedings in the case be sent by the Criminal Court to the said Judge about to proceed

on Circuit, before whom the case will be laid at the ensuing Sessions. By a previous perusal and consideration of the Record he will have time to issue such orders as may appear necessary and will have it in his power to ascertain whether there may not be found evidence either by offer of conditional pardon, or rewards, or otherwise to bring to justice the perpetrators of these atrocious murders. And in order that no probable means of bringing them to justice may be passed over the Court of Foujdaree Udalut direct that the Judge about to proceed in Circuit be requested to call upon the Magistrate to report to the Superintendent of the Thuggee department in these territories the circumstances of the case should it appear, eventually to have been perpetrated by Thugs.—

Suppl. Report Case 114.

5. In this case the prisoner was charged with having caused the death of the Complainant's husband by beating him with a club and in the order upon the case the Acting Criminal Judge observes "From the evidence of the 1st and 2d Witnesses it appears that prisoner hit the Prosecutrix's husband with a club, from having received in the first instance a blow from the Slipper by the

deceased without any intention to kill him owing to some abusive language to each other. As this death is purely accidental and on defence partly justifiable the prisoner is ordered to be released."—

6. The Court of Foujdaree Udalut cannot understand how, in this instance, the 'death' of the Complainant's husband can be called 'accidental'. He was struck and killed by the blow of the Club used by the prisoner, and although the previous affray might be pleaded in defence on a charge of murder, the case as it stands recorded cannot be regarded as one of justifiable or accidental homicide. Under the circumstances the Court of Foujdaree Udalut are of opinion that the prisoner, Sunjeevadoo should be placed on his trial for the murder of the Prosecutrix's husband. They accordingly desire that copy of the case as it stands in the Report and of this and the preceding paragraph be sent by the Criminal Court to the Magistrate who will be pleased to take measures for the apprehension of Sunjeevadoo and his transmission to the Criminal Court together with the witnesses against him. The Acting Criminal

Judge

Judge on the arrival of the prisoner will commit him to take his trial for the crime of murder.—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Bellare for his information and guidance by Precept returnable in 6 days after receipt.—

(Sent following Precept No.

Ordered also that Extract from these proceedings para: 4 and of the communication therein referred to be sent with copy of the case to the Judge about to proceed on Circuit in the Centre Division for his information and guidance by Precept returnable without delay.—

(Sent following Precept No.

F. U.

At a Court of the Foujdaree Udalut.

Wednesday 1st February 1837.

Present.

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

William Hudleston Esqre ... 3rd Puisne Judge.

Read letter dated the 18th Ultimo from the Second Judge late on Circuit in the Western Division, requesting the Judges of the Foujdaree Udalut to reconsider their Order of the 10th Ultimo which directed that in all future Trials, the cross examination by the prisoners of each witness for the prosecution should be allowed to take place immediately on the close of the examination in chief and "to leave it to the discretion of a Presiding Judge "to continue examinations, with reference to the circumstances of the Case, in the way which may "appear to him to be most beneficial to Justice."

(Here enter F. U. No. 170 of 1837.)

1. It appears to the Court of Foujdaree Udalut that the only objection made by the Second Judge to their Order of the 10th Ultimo, which is at all important, is that in the case referred to, the "benefit "of cross examination might have been frustrated by "either or both of the 2nd and 3rd Witnesses learning "what questions had been put by the prisoner to the 1st, "before their examination on the following day." It

1st February 1837. 2. It is obvious that this objection to the rule laid down by the Foujdaree Udalut in their proceedings of the 10th Ultimo, can be applicable to that rule only in Cases where several witnesses depose to "the same fact" and where this may happen the second Judge's objection could always be obviated by taking the examinations of such witnesses in the early part of the day—

3. The Court of Foujdaree Udalut do not see any sufficient reason for modifying the Order in question which prescribes that Course which is the most regular and calculated to enable a prisoner to cross-examine the witnesses for the prosecution in the most effectual and satisfactory manner

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

/Sent in No. 157./

Read letter, dated the 27th Instant, from the Acting Third Judge late on Circuit in the Southern Division, transmitting Copy of the Coimbatore Calendar for the Second Sessions of 1836

/Here enter No. 202/

Read return, dated the 28th Instant, from the Criminal Judge of Salem, to the Precept of the Foujdaree Udalut dated the 23rd January 1837

Conveying

1st February 1837. Conveying their observations and orders on the Salem Criminal Reports for the month of December 1836—

/Here enter No. 203/

Read letter, dated the 26th Instant from the Magistrate of Salem, forwarding a further explanation from his Head Assistant relative to the detention in the Talook of Case No. 129 on the Salem Criminal Report No. V noticed in the Extract from the Proceedings of the Foujdaree Udalut under date the 24th December 1836.

/Here enter No. 205/

F. U.

At a Court of the Foujdaree Udalut.

Present.

Thursday 2nd February 1837. John Bird Esqre ..... 1st Puisne Judge.

William Hudleston Esqre 3d Puisne Judge.

Read return dated the 23d Ultimo from the Acting Third Judge late on circuit in the Southern Division to the Precept of the Court of Foujdaree Udalut under date the 29th December 1836 conveying their observations and Orders on the Commitment Calendar for the second Sessions of 1836.

(Here enter F. U. No. 181 of 1837).

Case No. 2.

1. In this case, the Acting Third Judge referring to the remarks of the Foujdaree Udalut in the third paragraph of their proceedings under date the 29th December last, states that "after a further "mature consideration of all the circumstances" he "is prepared to propose that the punishment be "reduced to two years imprisonment with hard "labour in irons."

2. The Court of Foujdaree Udalut resolve to accede to the recommendation of the Acting Third Judge, and accordingly direct that the prisoner

Narainpillay

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

the period of two [2] years.

3

This mitigated Sentence will commence to take effect from the date of the fresh warrant to be issued by the Acting Third Judge.

Supplemental Calendar 4

Case No. 4.

The circumstances of this Case are recorded in the seventh paragraph of the Extract from the Proceedings of the Fouzdaree Udalut under date the 29th December last, wherein it was observed that the Court entertained doubts of the "Corrupt intention" of the prisoner.

5

The Acting Third Judge now transmits an English Translation of the Record remarking at the same time that "he was led to put the prisoner "upon his trial for Perjury, not only because he felt "satisfied of his having wilfully and corruptly deposed "in direct Contradiction to his former evidence, but because "having been informed that prevarication and false "swearing were very common in the Combaconum Court, "he was determined to make an early example in order "to deter others from the commission of those Offences"

6.

The prisoner having in his examination before the Court of Circuit as well as in that before the Criminal Court, deposed that he recognized the accused Mootachy Candoorsorgan at the Robbery, the Court of Fouzdaree Udalut do not perceive in the variance between his Statements on those occasions regarding the

the light, sufficiently "strong grounds to presume" his corrupt intention.

7.

The Court of Fouzdaree Udalut deem it necessary therefore to set aside the Sentence of the Court of Circuit in this Case, and to direct that the prisoner

"Sinnachetty"

be immediately and unconditionally released.

Ordered, that Extract from these proceedings be sent to the Acting Third Judge late on Circuit in the Southern Division, by Precept returnable within five days from and after its receipt.

113

Sent following Precept No. 162.

F. 66.

At a court of the Foujdaree Udalut

Present:

Friday 3d. February 1837.

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

William Hudleston Esqr. 3d. Puisne Judge

1/3

Read again letter dated the 9th. August 1836 from the Acting First Judge late on Circuit in the Southern Division, transmitting case No. 3 Madura Calendar 2nd. Sessions of 1836

(Here enter No. 1405 of 1836)

Also read again return dated the 20th. December 1836 from the Acting 1st. Judge late on Circuit in the Southern Division, to the Precept of the Foujdaree Udalut dated the 29th. August 1836, requiring further evidence in case No. 3 on the Madura Calendar for the Second Sessions of 1836.

(Here enter No. 2258 of 1836)

Read also return dated the 16th. Ultimo from the Acting 1st. Judge late on Circuit in the Southern Division, to the Precept of the Foujdaree Udalut dated the 5th. January 1837, calling for further explanation relative to case No. 3 on the Madura Calendar for the Second Sessions of 1836.

(Here enter No. 125)

Mr. Bird and Mr. Hudleston. The Court of Foujdaree Udalut, having maturely considered the proceedings held before the

3d. February 1837

the Judge en Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftees of the Fouzdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, convicting the prisoners

1st. Veerabudrun Ambalom alias Veeriah

and

2nd. Roya Podian

of Murder: and under the provisions of Section XVII. Regulation VIII of 1802, sentence them to be transported to such place beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of their natural lives respectively.

(Sent following letter No. 170)

Read Return, dated the 25th Ultimo by the Acting Criminal Judge at Rajahmundry to the Precept of the Fouzdaree Udalut of the 17th Ultimo conveying their observations and orders on the Rajahmundry Criminal Reports for December 1836.

(Here enter No. 195)

In the above return the Acting Criminal Judge explains that the case No. 900 which the Court concluded was one of "Perjury" in

3d. February 1837

a case of a false and malicious accusation of a crime coming under the provisions of Regulation IX of 1832."

The Court observe that the "false accusation" in question was presented before the Magistrate of Rajahmundry. The provisions of Regulation IX of 1832 would not therefore apply to the case - and the Court accordingly request a further explanation of the circumstances under which it has been brought before the Criminal Court.

Ordered, that extract from these proceedings be sent to the Acting Criminal Judge at Rajahmundry for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 171)

Read return dated the 26th Ultimo from the Assistant Criminal Judge in charge of the Criminal Court at Nellore to the Precept of the Fouzdaree Udalut of the 23d. Ultimo, conveying their observations and orders on the Nellore Criminal Reports for the Month of December.

(Here enter No. 133)

The explanation, contained in the above return, given with reference to para 3 of the

3d. February 1837

the proceedings of the Court of Foujdaree Udalut of the 23d. Ultimo, appearing satisfactory, the Court direct that their opinion be communicated to the Assistant Criminal Judge in charge of the Court at Nellore.

Ordered accordingly, that extract from these proceedings be sent to the Assistant Criminal Judge in charge of the Criminal Court at Nellore for his information.—

(Sent in N.o 172)

Read the Cuddapah and Cumbum Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of December 1836.

(Vide enter N.o 179.)

Report V

Case 167. 1. The Police Officer, who forwarded this case was not, apparently, justified in sending the prisoners to the Criminal Court. If therefore the Acting Criminal Judge has not, with reference to the Circular Order of the 21st. May 1823, already communicated the circumstances of the case to the Magistrate, he will now be pleased to do so.—

Case 170. 2. In this case, the date of the apprehension of the prisoner has not been given. The Court of Foujdaree Udalut accordingly direct that copy of the case as it stands in the Report and of this paragraph be sent by the Criminal Court to the Magistrate, who will report the date direct to the Foujdaree Udalut.—

(2)

F. Ub.

3d. February 1837

This case appears to be one of simple

Case 172. 3. theft in which sentence should have been passed under Section VII Regulation X. of 1816. The Court direct that the Mooftee Sudr Ameen be called upon to explain the grounds upon which he deemed it proper to record a sentence under Clause 4th. Section III. Regulation VI 1822.—

Case 179. 4. Under the circumstances represended in the Report, the Court of Foujdaree Udalut direct that copy of the case as it stands in the Report and of this paragraph be sent by the Criminal Court to the Magistrate, who will be pleased to report upon the case direct to the Foujdaree Udalut after such investigation by himself or his European Subordinate as may appear proper. The Court of Foujdaree Udalut are of opinion that the circumstances favor the supposition that the Police may have been in league with the real Murderer of the deceased "Chinna Wobo."—

Case 181. 5. The Court direct that copy of this case as it stands in the Report be sent by the Criminal Court to the Magistrate, with copy of this

the proceedings of the Court of Foujdaree Udalut of the 23d Ultimo, appearing satisfactory, the Court direct that their opinion be communicated to the Assistant Criminal Judge in charge of the Court at Nellore.

Ordered accordingly, that extract from these proceedings be sent to the Assistant Criminal Judge in charge of the Criminal Court at Nellore for his information.—

(Sent in No. 172)

Read the Cuddapah and Cumbum Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of December 1836.

(Were enter No. 179)

Report V Case 167. 1. The Police Officer, who forwarded this case was not, apparently, justified in sending the prisoners to the Criminal Court. If therefore the Acting Criminal Judge has not, with reference to the Circular Order of the 21st May 1823, already communicated the circumstances of the case to the Magistrate, he will now be pleased to do so.—

Case 171. 2. In this case, the date of the apprehension of the prisoner has not been given. The Court of Foujdaree Udalut accordingly direct that copy of the case as it stands in the Report and of this paragraph be sent by the Criminal Court to the Magistrate, who will report the date direct to the Foujdaree Udalut.—

Case 172. 3. This case appears to be one of simple theft in which sentence should have been passed under Section VII Regulation X of 1816. The Court direct that the Mooftee Sudr Ameen be called upon to explain the grounds upon which he deemed it proper to record a sentence under Clause 4th Section III Regulation VI 1822.—

Case 179. 4. Under the circumstances represented in the Report, the Court of Foujdaree Udalut direct that copy of the case as it stands in the Report and of this paragraph be sent by the Criminal Court to the Magistrate, who will be pleased to report upon the case direct to the Foujdaree Udalut after such investigation by himself or his European Subordinate as may appear proper. The Court of Foujdaree Udalut are of opinion that the circumstances favor the supposition that the Police may have been in league with the real Murderer of the deceased "Chinna Wobo".—

Case 181. 5. The Court direct that copy of this case as it stands in the Report be sent by the Criminal Court to the Magistrate, with copy of this

this paragraphe the Magistrate will be pleased to point out to the Police Officer that under the Circular Order of the 26th February 1836 N. 62 an explanation should have been given of the cause of the reference by him to the Magistrate.

Cumbum Report N. Case 36.

6 It is stated that in this case the prisoner "was apprehended at a distance of 20 miles from the Station" of the Police Officer. It appears to the Court of Foujdaree Udalut that the Magistrate should, with reference to the provisions of Clause 1st Section III Regulation IV of 1821, prevent by the appointment of Subordinate Police Officers, the necessity of the transmission of a prisoner to a Police Officer at so great a distance. The Criminal Court will be pleased to send copy of the case as it stands in the Report and of this paragraph to the Magistrate for his information.

Case 38.

7 There appears to the Court of Foujdaree Udalut to have been evidence sufficient for the commitment of the prisoner. The Court accordingly direct that copy of the case as it stands in the Report, and of this paragraph be sent to the Judge on Circuit from this Office by Precept returnable without delay. The Judge on

Circuit will be pleased to look into the case and pass upon it such orders as to him may appear proper, with reference to the provisions of Section XXIII Regulation X 1816.

Case 39.

8 In this case it is stated "the 1st and 2nd Witnesses deposed before the Police Officer that they overheard the prisoners dispute about the divisions of the booty, and they denied the circumstance before the Court, they are therefore fined each two Rupees." The Court of Foujdaree Udalut have ruled that a fine cannot be legally imposed on a witness for retracting before the Criminal Court a deposition given before the Police. They accordingly direct that the Principal Sudr Ameen be required to refund the above fine to the parties if it has been paid.

9 With reference to the Circular Order N. 40 dated the 18th April 1835, the Court of Foujdaree Udalut direct that the Acting Criminal Judge be called upon to explain why the above Reports were not laid before them on or before the 15th of the Month.

Ordered, that Extract from these

3d February 1837

these proceedings be sent to the Acting Criminal Judge at Cuddalore for his information and guidance, and for communication to the Principal Sudr Ameen of such parts thereof as concern him for his information and guidance by Precept returnable in 5 days after receipt.

(Sent following Precept N. 173)

Ordered also, that extract from these proceedings viz. para. 7 with copy of case N. 38 of Cumbum Report be sent to the Judge at Trichinopoly for his information and guidance by Precept returnable without delay.

(Sent following Precept N. 174)

E. 16.

At a Court of the Foujdaree Udalut.

Present,

Saturday, 4th February, 1837

John Bird Esqre. ——— 2d Puisne Judge,

William Rudderton Esqre. ——— 3d Puisne Judge,

Read Miscellaneous Petition presented on the 1st. instant by Iramiantha Chachoo Iremon late a Gomastah in the Court of the District Moonsiffs of Ellichpore

(Here enter Petr's Ext. N. 8 of 1837)

1. The Petitioner, being at the time a Gomastah on the Establishment of the District Moonsiffs of Ellichpore, was charged in N. 29 of 1836 on the file of the Criminal Court of Malabar, with having extorted a Bribe of four Rupees and three fanams from Coatapoorathe Ittyjee Plaintiff in Suit N. 38 of 1835 on the file of the said Moonsiffs, and being convicted, was sentenced by the then acting Joint Criminal Judge to receive fifteen Lashes in front of the Cutcherry Adawlut, and to be imprisoned with hard labour in irons for six months.

2. The circumstances of the case have already been brought to the notice of the Foujdaree Udalut in a Petition (N. 37 of 1836) presented on behalf of the prisoner by his Brother Iramiyeth Chuppoo Iremon, which was disposed of under date the 25th April 1836.

3. The petitioner on the present occasion re-iterates the complaint urged by his brother regarding the

the irregular proceedings of the (late) Acting Joint Criminal Judge, generally asserts his innocence of the charge preferred against him, and prays that the Court of Inquiries Sudder will reverse the sentence of the Joint Criminal Court, acquitting him not Guilty of the offence of Bribery, and restore him to instatement in Office and the payment to him of the arrears of Salary up to the present period.

4.

The Court of Inquiries Sudder, after maturely considering all the circumstances of the case, are unable to grant the Petitioner's prayer.

5.

In their proceedings under date the 11th March 1836, the Provincial Court of Circuit "having considered the proceedings in Case No. 29 of 1836" recorded their opinion that "the charge is proved against the prisoner" and the Court of Inquiries Sudder in the latter from their proceedings under date the 25th April 1836, have pronounced also in favor of that conviction.

6.

The Petitioner's objections to the evidence against him were or might have been laid before the Provincial Court of Circuit.

7.

The Court of Inquiries Sudder regret to observe that the proceedings of the late Acting Joint Criminal Judge (Mr. Smyth) in this case, are marked by irregularities which in their opinion call for the most decided reprobation.

8.

In the month of January 1836 the Provincial

Criminal Court in the Western Division forwarded a reference from Mr. Smyth on the subject of the charge of Bribery against this Petitioner, and requested the opinion of the Sudder Adalut whether it was cognizable by the Civil or Criminal Tribunals.

The Court of Sudder Adalut in their proceedings

9.

under date the 20th February 1836 recorded their opinion that the case in question "must be treated as a Criminal prosecution, "and the charge brought in the first instance before the "Magistracy or some Police Officer under the provisions of "Section III, Regulation X of 1816."

10.

It would appear that on this opinion being communicated to him, Mr. Smyth addressed a letter under date the 3d March 1836 to the Assistant Magistrate of Malabar, transmitting to that Officer the original Depositions taken before him in the case of Bribery referred to, and requesting him to order the Tellicherry Ameen, before whom he had desired the parties to attend, "to send up the case "to the Joint Criminal Court with the least possible delay" adding in the second paragraph that "as" he had "already gone fully into the merits of the case, all that "remains to be done is to read over those depositions to the "parties concerned which will not occupy many hours."

11.

This letter of Mr. Smyth to the Assistant Magistrate shows a complete misconception of the instructions contained in the Extract from the proceedings of the Court of Sudder Adalut of the 20th February 1836, while this suggestion in

in the second paragraph of that letter as to the course to be followed by the Tellicherry Cutcherry goes to encourage an irregularity of the worst description.—

12. The Police officer's examination if conducted according to that suggestion, was a mere mockery, an evasion of the Law: and the whole proceeding against the Petitioner was tainted with irregularity.—

Ordered, that the prayer of the Petition No. 8 of 1837 be rejected, and Extract from these proceedings (Paragraphs 1—2—3—4—5 and 6) be furnished to the Petitioner upon his application.—

Ordered also that extract from these proceedings be sent to Mr. R. R. Knyvett, late Acting Joint Criminal Judge of Tellicherry for his information.—

(Sent in No. 177.)

Read return dated the 25th Ultimo from the Acting Joint Criminal Judge at Mananjattam to Court of the Court of Dewanee Adalut of the 17th Ultimo calling upon him to explain why the orders of the Court of the 28th May last decreeing the discontinuance of the practice of employing Jail Peons for other than Jail purposes should not been carried into effect.—

(Here enter No. 197)

1. In the above return the Acting Joint Criminal Judge explains that the very inadequate establishment of Peons for the Auxiliary Court has made it

necessary to employ the Peons on the Jail Establishment for the purposes declared by the Court improper.—

2. The Court direct that it be pointed out to the Acting Joint Criminal Judge that it is not the duty of the Jail Guard to watch the Cash Chest in the Court. The Cash Chest should be under the charge of the Regular Peons.—

3. And with reference to the explanation given of one Jail Peon being allowed to the Medical Officer, the Court of Dewanee Adalut desire it may be intimated to the Acting Joint Criminal Judge that they have no authority to permit the services of any Jail Peon being diverted from the duties proper to his situation on the Establishment of the Joint Criminal Court.—

4. If the Acting Joint Criminal Judge should continue of opinion that the Establishment of the Auxiliary Court is inefficient, in respect to the number of Peons, it will be his duty to bring the subject before the Sudr Adalut, with a view to obtaining from Government sanction for its increase.—

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

(Sent in No. 178.)

Read

4th February 1837.

Read Return dated 27th Ultimo from the Acting Principal Sudr Ameen at Jaffna of the Proceedings of the Foujdaree Udalut dated the 2d January 1837 enclosing their observations and orders on the Jaffna Criminal Calendar for the Months of December 1836.

(Here enter No. 227)

Ent'd

4th February 1837.

No. 96.

At a Court of the Foujdaree Udalut.

Present,

Monday 6th February 1837. John Bird Esqre ..... 2nd Puisne Judge.
William Hudleston Esqre ..... 3rd Puisne Judge.

Read Miscellaneous Petition presented on the 31st December 1836 by Mootoo Cumaren Moosendrum and Ramanaja Moockunden of the District of Timevelly.

(Here enter Mis: Pet: No 132 of 1836)

1. The Petitioners complain of the judgment passed by the Court of Circuit against Arnooga Peroomaul Mooeunden the first prisoner in Case No 9 on the Timevelly Calendar for the second Sessions of 1836, who being (according to the arraignment in the Calendar) charged with forging a bond in support of Suit No 180 of 1835 on the file of the Nellyambalam District Moonsiff, instituted by Seramanogagnum Pillay - the second prisoner in the same Case acquitted was convicted and sentenced to imprisonment with hard labour in irons for four years.

2. The Petitioners allege that the charge against the prisoner was trumped up for the purpose of getting rid of the suit above referred to: that the Seventh Defendant in that suit did actually execute a bond to the prisoner, and that the latter cannot have

6th February 1837. have forged the document, because he is unable either to read or write.—

3. They therefore pray that Orders may be issued for his release from Confinement.—

4. The Petitioners are informed that the Court of Foujdaree Udalut have called for the record of the Case, and on its receipt, will pass such Orders as they may deem requisite—

5. The Court of Foujdaree Udalut having had their attention again called to Case No. 9 on the Tinnevelly Calendar for the second Sessions of 1836, observe that the charge against Kumooga Perumal Morcumber, the first prisoner in that Case, is, in the Calendar, incorrectly expressed. It is manifest that he was tried for procuring the forgery of the bond and not for forging it, which last was attributed by the Joint Criminal Judge of Tinnevelly to the second prisoner - but erroneously, accordingly to the concluding paragraph of the Acting Third Judge of Circuit's return dated the 2d October last in which that Officer states that "it seems to have been "founded on a mere supposition of the Joint Criminal "Judge unsupported by any kind of proof whatever" that "there is nothing in the proceedings either of "the Criminal Court or before the Court of Circuit to "warrant such an assertion, and the Acting Third Judge

6th February 1837. "Judge has not the least suspicion that such was "the Case; — on the contrary he is convinced that the "second prisoner was quite ignorant of the Document "being a Forgery."

6. It is thus shown that the Joint Criminal Judge made an important mistake in respect to the second prisoner in No. 9; and it is obvious that as yet no person has been convicted of the forgery, charged (as above noticed and as the Futwa in No. 9 states) to have been procured by the first prisoner.—

7. A reconsideration of all the circumstances and of the Futwas delivered by the Mahommedan Law Officers of the Court of Circuit in Nos. 7 and 9 (which are intimately connected) lead the Court of Foujdaree Udalut to doubt the propriety of the conviction of the first prisoner in No. 9.—

8. It is accordingly resolved to direct that English Translations of both the Cases above mentioned be submitted with as little delay as may be possible for the consideration of this Court; and that in the meanwhile the sentence passed in No. 9 on the first prisoner be suspended, and that individual detained in the Jail without labour or irons until the Courts final Orders shall be communicated.

Ordered

6th February 1837.

Ordered that Extract from these proceedings (paraks 1 2 3 and 4) be furnished the Petitioners upon their application.

Ordered also that Extract from these proceedings (paraks 5 6 7 and 8) be transmitted to the Acting Third Judge late on Circuit in the Southern Division by Precept returnable within 7 days from and after its receipt.

(Sent following Precept No 184)

Read Miscellaneous Petition presented on the 16th Ultimo by Yagnesswa Dodian of the Zillah of Madura.

(Here enter Mis: Pet. No 6 of 1837)

1.

The petitioner - referring to the Petition No 79 of 1836 - presented on the 22nd August last by himself and Coomaravaloo Sevvykaren conjointly - now prays that Orders may be issued for the release from confinement of his younger brother Royaroodrian, the second prisoner in case No 3 of the Madura Calendar for the Second Sessions of 1836. alleging in support of his application that the person of that name who has been apprehended, is the son of Eneyasoo Moottoo Odayan whereas the individual actually concerned in the offence charged though still at large is Royaroodrian the son of Chowree Moottoo Odayan -

The

J 01

6th February 1837. 2

The Petitioner is informed that the Court of Foujdaree Udalut after giving to the Case in question their most deliberate consideration, have passed a final Sentence convicting both the prisoners of Murder and adjudging them to be transported for life beyond seas.

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

Read Miscellaneous Petition presented on the 23rd Ultimo by Lutchmy Davumma of the Zillah of Rajahmundry.

(Here enter Mis: Pet. No 14 of 1837)

The Petitioner complains of the

1.

judgment passed by the Court of Circuit against her Son Eavanee Soobbarayadoo, the prisoner in Case No 2 on the Rajahmundry Calendar for the Second Sessions of 1836.

The prisoner in question was con-

2.

victed of having forged a receipt for Rupees 402 14 8 and tendered the same to the Court in Special Appeal No 129 of 1835, alleging that it had been given to him by the Respondents in that Suit, on his paying their claim, while in fact the Respondents had never given any such receipt, and was sentenced to imprisonment &c. for Seven years. -

But

6th February 1837 the Court of Zoujdaree Udalut under the authority vested in them by Section XII, Regulation XIII of 1832, sanction the offer of a conditional pardon to the prisoner named Ramasawmy Nadan—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Salem for his information and guidance—

(Sent in №1861)

Read return, dated the 28th ultimo, from the Criminal Judge at Combaconum, to the Precept of the Zoujdaree Udalut dated the 21st January 1837, conveying their observations and orders on the Combaconum Criminal Reports for the month of December 1836.

(Here enter №209)

Read return dated the 26th ultimo from the Joint Criminal Judge at Tinnevelly, to the Precept of the Zoujdaree Udalut dated the 21st January 1837, conveying their observations and orders on the Tinnevelly Criminal Reports for the month of December 1836.

(Here enter №210)

Ex 15

13

Ex 15

At a Court of the Zoujdaree Udalut.

Present,

Wednesday, 8th February, 1837. John Bird Esqre —— 2d Puisne Judge
William Rudlleston Esqre —— 3d Puisne Judge

Read letter dated 28th ultimo from the Acting 3d Judge late on Circuit in the Southern Division, transmitting the record in Case №11 on the Combaconum Calendar of 2d Sessions of 1836—

(Here enter №182 of 1837)

Mr. Bird and Mr. Rudlleston

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

Caumooryen

is sufficient to convict him of the crime charged, do, under the authority with which they are vested by Clause 2nd Section II, Regulation I of 1818 convict him thereof, and under the provisions of Clause 2nd Section III, Regulation II of 1811, sentence him to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (4) four years—

(Sent following letter №189)

Read letter dated the 1st instant from the Provincial Court of Circuit in the Centre Division, submitting copy of a letter dated 31st December 1836 from the

6th

8th February 1837.

the Magistrate of Bellary containing his Report on the state of the Police of his District for the year 1836, together with translated copies of the Reports made by the Heads of District Police for the same period.

(Here enter No. 19 of 1837)

1.

In the 2d para: of his letter the Magistrate observes "that the matter" contained in the reports by the Heads of Police, "is specially of the description which enlarged forth "the Circular Order No. 69 dated 19th January 1836, and as that "order received" since "just at the moment that" his "Head "Assistant" the Cutcherry "had commenced to translate them, and "concerned such a mass of extraneous matter would not be "forwarded, and in consequence thereof Mr. Daly to stop the "work."

2.

It was obviously the intention of the Court of Enjaree Adalut in issuing the Circular Order No. 69. to prevent the transmission to this office by the Magistrate of any Reports prepared by the Heads of District Police which might not contain any useful information, or any suggestions for improving the existing system of Police, and the error of the Magistrate would often therefore to the Court to convict him having omitted certain to mention why the translations promised in his letter of the 11th of February 1836 were not prepared and submitted

Ordered, that extract from these proceedings, together with copy of the Magistrate's letter to the

8th February 1837.

the Heads of the Provincial Court of Circuit in the Centre Division dated the 31st December 1836 be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council, and with reference to para: 16. of the Minutes of Consultation under date the 15th of December 1836, the Court of Enjaree Adalut would respectfully request to be informed whether with reference to the Magistrate's letter above referred to, it is the wish of the Right Honorable the Governor in Council that copies of the Police Officers reports should be laid before the Government in triplicate.

(Sent in No. 190)

+To Govt. No. 53.

Ordered also, that para: 1 and 2. of these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division, to be by them communicated to the Magistrate of Bellary for his information and future guidance.

(Sent in No. 191.)

Read letter dated the 20th ultimo from the officiating Second Judge on Circuit in the Centre Division submitting for the final judgment of the Court of Enjaree Adalut the Record of Case No. 7 on the Cuddapah Calendar for the second Session of 1836.

(Here enter Ele. No. 189 of 1837)

1.

The Court of Enjaree Adalut observe that the Mahommedan Law officer of the Court of Circuit declares

declared the third and fourth prisoners in that case liable to Punishment only on a finding which, as has been frequently explained - is tantamount to any acquittal, - and as the Judge of Circuit in the concluding paragraph of his letter of reference, submits his opinion that the evidence for the prosecution is insufficient to convict any of the prisoners: the reference of the Trial as it regards those two persons was obviously unnecessary.-

2. The Officiating Second Judge will forward to Cuttack for the information of the Court of Sudder Adalut what has become of the Original letter addressed to have been addressed by three of the prisoners to Wudda Pedda Unkadoo, of which a copy is entered in the Appendix to this Trial.-

Ordered, that extract from these proceedings be sent to the Officiating 2d Judge on Circuit in the Centre Division by Precept returnable within four days from and after its receipt.-

(Sent following Precept No. 1921)

Read letter dated the 30th Ultimo from the 2d Judge late on Circuit in the Western Division, forwarding the original Death Warrant (No. 4) in Case No. 7 on the Criminal Calendar for the 2d Sessions of 1836.-

(Here enter No. 235)

Read

8th February 1837.

Read letter dated 2d Instant from the Acting Criminal Judge of Cuttack forwarding the translations of Depositions taken by the Assistant Criminal Judge relative to the escape of a prisoner named Rattee Seamangoon from a working party: and the punishment, by dismissal, degradation and fine of the Peons and Cuffaures for neglect.-

(Here enter No. 239)

Read letter dated 28th Ultimo from the Magistrate of Canara, submitting an explanation respecting the delay in sending up to the Criminal Court the case No. 100 on the Canara Criminal Report for the month of December 1836, noticed in the Extract proceedings of the Sudder Adalut under date the 21st January 1837.-

(Here enter No. 240) on

F. H.

At a Court of the Foujdaree Udalut.

Present,

Thursday 9th February 1837. John Bird Esqr. ---------- 2d Puisne Judge
William Hudleston Esqr. ... 3d Puisne Judge

Read Supplemental return dated the 24th Ultimo from the Officiating Second Judge on Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 3d October 1836, directing him to submit an English and Persian Translation of the proceedings in Case No. 40 of the Cuddapa Calendar - Second Sessions of 1836.

/Here enter F. H. No. 180 of 1837./

Mr. Bird and Mr. Hudleston. The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid acquitting the prisoner Linganapulley Maudega Gungooloogan of the charge of causing the death of the deceased Atchy and do accordingly acquit him of so much of the charge but being of opinion that the proof against him is sufficient to convict him of an assault, the Court convict him thereof but considering the imprisonment

At a Court of the Foujdaree Udalut.

Present,

Thursday 9th February 1837. John Bird Esqr. ---------- 2d Puisne Judge
William Hudleston Esqr. --- 3d Puisne Judge

Read Supplemental return dated the

24th Ultimo from the Officiating Second Judge on Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 3d October 1836, directing him to submit an English and Persian Translation of the proceedings in Case No. 40 of the Cuddapah Calendar - Second Sessions of 1836.

(Here enter F. H. No. 180 of 1837.)

Mr. Bird and Mr. Hudleston.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid acquitting the prisoner

Linganapulley Maudega Gungooloogandoo

of causing the death of the deceased Atchy and do accordingly acquit him of so much of the charge but being of opinion that the proof against him sufficient to convict him of an assault, the Court convict him thereof but considering the imprisonment

4th February 1837 he has already undergone to be a sufficient punish-
=ment for that offence, the Court direct that he be
forthwith set at Liberty.

/Sent following letter No 193/

Read letters dated respectively the 30th
Ultimo and 1st Instant, from the Acting Criminal
Judge in the Zillah of Bellary submitting with
reference to Case No 56 on the Bellary Supplemental
Criminal Report for the month of November 1836,
Copy of a letter addressed to him by Captain Elwall
the Officiating Superintendent of the Thug Depart-
=ment, and of certain depositions taken by Captain
Elwall from a Thug approver, named Osman Khan,
from which communication the Acting Criminal
Judge infers that the party taken up by Mr. Petty,
the Head Assistant Magistrate, are innocent of the
Crime of Murder laid to their charge; and that the
5 prisoners who have been committed to take their
trial before the Court of Circuit, on the grounds of
their confession before the Head Assistant Magistrate,
were induced to criminate themselves and others
under an apprehension of meeting with the same
maltreatment, as it is stated they had already
undergone, in the Dhurmavar Talook by the Police
Peons.

/Here enter No 236 and 238 of 1837/

Previous

9th February 1837 1

Previous to issuing any orders
respecting the five prisoners who have been com-
=mitted for trial by the Acting Criminal Judge
of Bellary, the Court of Foujdaree Udalut deem
it necessary that further enquiry should be made
by Captain Elwall in respect to the murder of
"five Gollah Peons near Kaffirpullee," referred
by the informer Osman Khan in the last para-
of his deposition dated the 10th of December last.

2. There appears every probability
that this is the murder for which the 5 prisoners
have been committed in case No 56 of the Crimi-
file, and if the Statement made by Osman Kha
should prove true, and the said prisoners are
innocent of the Murder imputed to them, it will
be the duty of the Magistrate to bring to justice
those persons by whom their confessions were extort

3. Strict enquiry into this matter
the Court of Foujdaree Udalut desire may be ma
by the Magistrate, and the result that Officer
be pleased to communicate to this Court togeth
with the explanation called for in para: 3. of the
proceedings of the Foujdaree Udalut of the 31st Ult

4 And in view to the enquiry sugg
in para: 1 of these proceedings, it appears necessary
that the whole of the papers respecting the Case
shou

9th February 1837 Judge now on Circuit in the Centre Division.—

(Sent in Nos 194 & 195 & 196)

Read letter dated the 28th Ultimo from the Acting Second Judge on Circuit in the Southern Division, reporting that there is a prospect of a Supplemental Calendar at Madura of from 10 to 15 Cases.

(Here enter No. 211.)

Read letter dated the 28th Ultimo from the Acting Second Judge on Circuit in the Southern Division, reporting his intention to open the First Sessions of 1837 at Tinnevelly on the 6th March next.

(Here enter No. 213.)

Read return dated the 31st Ultimo from the Acting Criminal Judge of Madura, to the Precept of the Foujdaree Udalut dated the 25th January 1837 conveying their observations and orders on the Madura Criminal Reports for the month of December.

(Here enter No. 228)

Read letter dated the 7th Instant from the Acting Third Judge on Circuit in the Northern Division, reporting the opening of the Court of Circuit - 1st Sessions of 1837 at Guntoor.—

(Here enter No. 241)

Read letter dated the 2nd Instant from the Magistrate of Madura, submitting an explanation

February 1837 should be furnished by the Criminal Judge to Captain Elwall, who should at the same time be requested to ascertain, in Communication with the Magistrate, and by means of his informers, whether the Murders were actually perpetrated by Thugs and the result the Court of Foujdaree Udalut desire may be reported to them.—

5. Of such importance do the Court consider the complete investigation of these Cases, that they resolve to direct the Magistrate of Bellary either himself to proceed with Captain Elwall, who the Court conclude will find it necessary to proceed to Kaffirpullee, or to send his Head Assistant Mr. Pelly, who is perhaps more particularly conversant with the Case, in order that the investigation may be conducted on the Spot.

6. In the meantime the Court resolve to direct the Judge on Circuit in the Centre Division to suspend execution of the Orders contained in the 4th para: of the proceedings of the Foujdaree Udalut of the 31st Ultimo.—

Ordered that Extract from these proceedings be forwarded to the Acting Criminal Judge and the Magistrate of Bellary for their information and guidance, and that a Copy of the same be furnished for the information of the

Judge

Feb. 9th February 1837. explanation with reference to certain Orders on the Madura biennial Reports for the month of December 1836 noticed in the Extract from the Proceedings of the Foujdaree Adalut under date the 26th January 1837.

Ent. 113 /Here enter No 347/—

At a Court of the Foujdaree Adalut.

Present,

Friday, 10th February 1837. John Bird Esqre ——— 2d Puisne Judge,
William Sudleston Esqre ——— 3d Puisne Judge,

Read letter dated 26th Ultimo from the

113 Officiating 2d Judge on Circuit in the Centre Division

Transmitting the record in Case No 7 on the Criminal side

Calendar 2d Sessions of 1836—

(Here enter No 189 of 1837)

The Court of Foujdaree Adalut having

maturely considered the proceedings held before the Judge on

Circuit, the Futwa of the Provincial Law Officers and the

Futwa of the Cazee ool Cozaut and Mooftee of the Foujdaree

Adalut, confirm the said Futwas of the Cazee ool Cozaut

and Mooftee aforesaid, acquitting the Prisoner

2d Buttoolachima Sunkadoo,

and

1st Doraisola Sooltadoo,

and do accordingly acquit them; and direct that the

Prisoner

1st Doraisola Sooltadoo,

be set at liberty

But being of opinion that strong suspicion

though not amounting to conviction attaches to the Prisoner

2d Buttoola Chima Sunkadoo,

the Court direct, under the provisions of Regn VIII, Section V

Regulation

Regulation VIII of 1806 and Clause 4th Section 7, Regulation XI of 1809, that he be required to furnish the sureties in (illegible) one hundred Pagodas each surety for his good behaviour and appearance when required within three years and that in default thereof he be retained for three years in confinement

(Vide following letter No. 198)

Read letter dated 30th Ultimo from the Judge in Circuit in the Western Division, transmitting the record in Case No. 6 on the Southern Calendar for the Sessions of 1837—

(There enter No. 198 of 1837)

The Court of Sudder Adawlut having maturely considered the proceedings held before the Judge in Circuit, the Return of the Provincial Court of Appeal and Circuit and Register of the Zillah Adawlut, comprising the said Return of the Court and Register and Register of proceedings, and under the provisions of Section X, Regulation VIII of 1827, sanctions the sentence passed by the Provincial Court of Appeal

and

the Circuit Judge

namely to suffer death by being hanged by the neck till dead

(Vide following letter No. 199)

Read letter dated 27th Ultimo from the

Acting 3d Judge in Circuit in the Northern Division transmitting copies of the Magistrates Calendars for the 3d Quarter Sessions of 1836 called for in the Extract proceedings of the Sudder Adawlut under date the 4th January 1837—

(There enter No. 221)

Read return dated 20th Ultimo from the 3d Judge of the Provincial Court of Circuit in the Western Division to the Register of the Sudder Adawlut dated the 4th January 1837 requiring the transmission of the Magistrates Calendar for the 3d Quarter Sessions of 1836

(There enter No. 146)

Read letter dated 4th Instant from the Acting Magistrate of Guntoor submitting an explanation respecting Case No. 69 on the Guntoor Supplemental Criminal Report for the Months of December 1836, noticed in the Extract proceedings of the Sudder Adawlut under date the 27th January 1837—

(There enter No. 267)

Read return dated 3d Instant from the 2d Judge late in Circuit in the Western Division to the Register of the Sudder Adawlut dated the 10th January 1837 conveying their observations and orders on the Mangalore Calendar for the second Sessions of 1836—

(There enter No. 257)—

Ft. 116

At a Court of the Fouydaree Adalut

Present

Saturday 4th February 1837 John A Bird Esqr ..... 2d Puisne Judge

William Hudleston Esqr ..... 3d Puisne Judge

Read letter dated the 31st Ultimo from the Third Judge of the Provincial Court of Circuit in the Western Division, transmitting Copies of the Tellicherry Calendars for the First Quarter Sessions of 1837.

[Here enter Ft. No 284 of 1837]

In this Case, the prisoner

Additional Calendar Case No 1. Poollanhadew Corote Number stood charged with having on the 27th Chingon 1011 or 10th September 1836, in the day time, set fire to the Corote house belonging to the prosecutor, by throwing firebrands thereon, and burnt it together with property therein, valued at about 500 Rupees.

The Law Officer stated in his Futwa "that the Prosecutor having himself admitted that "the prisoner was a part owner of the house and "property which had been destroyed by fire, he, "the prisoner, was answerable for the loss of the "common property."

The Presiding Judge approved of

2

"this Futwa, and in Commutation of the forfeiting fine

11th February 1837 fine to which it declared him liable, sentenced the prisoner to imprisonment with hard labour in irons for eight months from the date of Warrant, under Clause Second, Section XXXIX, Regulation XII of 1803.

3 The Mahomedan Law Officers of the Zillah Adalut having been called upon with reference to the foregoing Petition to state whether or not a Brass mounted Tulwar by selling on fine of Sicca Rupees which he may have a good property with which have declared that in such a Case, besides indemnifying the other owners for the Sicca Rupees deducted from the fine, he would be liable to Tazeer.

4 The Court of Zillah Adalut direct that a Copy of their Law Officers reply be sent to the Third Judge, with instructions to communicate the same to the Magistrate for his future guidance.

5 The sentence passed by the Acting Judge would have been legal under the provisions of Clause Seventh, Section II, Regulation XV of 1803, and was not therefore to be disturbed, but Clause Second Section XXXIX, Regulation XII of 1803 is applicable to the Case.

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

(Section No 3 of 8)

11th February 1837

Read return dated the 6th Instant from the Acting Third Judge late on Circuit in the Southern Division, to the Precept of the Court of Zillah Adalut under Date the 28th January 1837 - conveying their observations and orders on the Salem Calendar for the second Sessions of 1836.

[Here enter J.R. No 361 of 1837.]

Referring to the remarks of the Zillah Adalut on Cast No 7 contained in the fourth paragraph of the Extract from their proceedings under date the 28th Ultimo, the Acting Third Judge explains that "the Law Officer did not altogether acquit the 3d, 4th and 5th prisoners, but declared that there was Sycomaw against them under their confessions before the Police Officer, and that they were liable to Tazeer and the Acting Third Judge being of opinion that the said confessions which were duly proved by the attesting witnesses, and bore from their truth like details every appearance of being genuine, were sufficient to warrant his demanding security from the said prisoners, it was ordered accordingly."

9 The Court of Zillah Adalut direct that it be intimated to the Acting Third Judge that the Court have always held that a Police Confession

11th February 1837 Confession is no sufficient ground for committing Security

3 — The Acting Third Judge will be pleased to reconsider the subject and should he at length deem himself precluded from cancelling his order, he will submit an English Translation of the Record of the Trial for the consideration of the Foujdaree Udalut

4 If the prisoners have already furnished the required Security, the Court would not require that the Bail bonds shall be cancelled, but in the event of their failing to do so, the Court doubt the propriety of their detention in Confinement.

Ordered, that Extract from these proceedings be sent to the Acting Third Judge sitting on Circuit in the Southern Division, by Precept returnable within seven days from and after its receipt.

(Sent following Precept No 306)

Read return dated the 9th Instant from the Acting Circuit Judge of Chingleput, to the Precept of the Foujdaree Udalut dated the 30th January 1837 conveying their sentences and orders on the Chingleput Criminal Reports for the month of December 1836—

(Here enter No 263)

Read letter dated the 7th Instant from the Third Judge on Circuit in the Southern

11th February 1837 Division, reporting that the first Sessions of 1837 will be opened at Bellary on the 1st Proximo

(Here enter No 272)

Read return dated the 3rd Instant from the First Judge of the Provincial Court of Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated the 31st January 1837 requiring him to look into Case No 53 of the Masulipatam Criminal Report No V for the month of December 1836 and to pass on it such orders as may appear to him proper.—

(Here enter No 275)

Read return dated the 6th Instant from the Acting Third Judge late on Circuit in the Southern Division, to the Precept of the Foujdaree Udalut dated the 3rd February 1837 sanctioning the proposed mitigation of punishment in Case No 2 on the Primary Calendar, and directing the immediate and unconditional release of the prisoner in Case No 4 on the Supplemental Calendar of the Zillah of Coimbatoor for the Session of 1836.

(Here enter No 277)

At a Court of the Foujdaree Udalut.

Present,

Monday 13th February 1837. John Bird Esqr. 2nd Puisne Judge.
William Hudleston Esqr. 3rd Puisne Judge.

Read Petition presented on the 16th ultimo by Ramanoojun Pillay of the Zillah of Combaconum

(Hereunder M. P. No 5 of 1837)

The Petitioner states the circumstances connected with certain grievances to which he has been subjected and with crimes committed by parties to whom he refers by name in the above petition: but his allegations are unsupported by any documents. Nor does the Court perceive that he has applied for redress of the alleged acts of injustice, either to the Magistrate or the Court of Circuit, without success.

The Court accordingly considers the Petition unworthy of attention and direct that it be rejected.

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

Read Miscellaneous Petition presented

13th February 1837 presented on the 23rd Ultimo by Moottoovera Moodelee of the Jillah of Cuddalore

(Here enter M.P. No. 10 of 1837.)

1. The petitioner represents himself to be the second Complainant in Case No. 53 on the file of the Joint Criminal Court of Cuddalore wherein five persons were charged with having on the afternoon of the 16th June 1836 severely beaten with sticks one Loobaroya Moodely and thereby occasioned his death on the 21st of the same month.

2. The petitioner who is brother in law of the deceased complains that the prisoners were acquitted and released by the Joint Criminal Judge on the ground that the charge originated in malice, and that the deceased met his death while taking part in an affray between a mob of weavers, of whom he was one, and a right-hand Caste marriage party: though "by whom the blows were inflicted it was impossible to ascertain.

3. The Provincial Court of Circuit having declined to interfere, the Petitioner prays that the Court of Foujdaree Udalut will be pleased to order the apprehension and punishment of the acquitted persons.

4. The Court of Foujdaree Udalut

Concur

13th February 1837. - concur with the Provincial Court of Circuit in opinion that there is no room to question the propriety of the decision passed by the Joint Criminal Court.

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

Read Miscellaneous Petition presented on the 23rd Ultimo, by Lutchmana Moodely Vydeyalinga Moodely and Caroppoo Moodely of Cuddalore.

(Here enter M.P. No. 12 of 1837.)

1. The Petitioners complain of the sentence passed by the Joint Criminal Judge of Cuddalore upon their brothers Dadoo Moodely: Nullaperooma Moodely and Salay Moodely, prisoners in Case No. 54 on the file of that Court.

2. It appears that the prisoners in question being of the left-hand Caste, at the head of a Mob of 1,000 people, attacked a Marriage party of the right-hand Caste, wounded several persons and caused a serious disturbance.

3. The petitioners allege that the evidence for the prosecution does not support the charge, and pray that Orders may be issued for the release of the prisoners from Confinement.

The

13th February 1837 4.

The Court of Foujdaree Udalut concur with the Provincial Court of Circuit (to whom also the petitioners have addressed themselves) in opinion that there is no room to question the propriety of the Sentence of Imprisonment &c. passed by the joint Criminal Judge in the case in question.

Ordered, that the Petition be rejected and that Extract from these proceedings be furnished to the Petitioners on their application.

Read petition presented by the Duffadars and Peons of the Nellore, Cuddapah, Trichinopoly and Cuddalore Jails at present employed at Guindy.

[Here enter M.P. No 15 of 1837]

1. The Petitioners state that the expenses to which they are subjected in consequence of the high price of provisions at Guindy, renders the "Salary" they respectively receive hardly sufficient for their maintenance, and they pray the Court to issue Orders for their relief by a new set of Duffadars and Peons.

2. The Court direct that the Petitioners be informed that their application cannot be complied with, it being uncertain how much longer the Convicts at present under their charge will remain

F. U.

13th January 1837 remain at Madras.

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

Read return, and supplemental return dated respectively the 20th and 25th Ultimo from the Provincial Court of Circuit in the Northern Division to the Precept of the Foujdaree Udalut of the 7th Ultimo, directing that measures be taken for the early transmission of Convicts from the several Jails in the Northern Division to Masulipatam to be there employed under the Civil Engineer.

[Here enter Nos 207 and 231]

Read also the Orders of Government dated the 23rd Ultimo (on the proceedings of the Foujdaree Udalut No 8, and on the latter from the Foujdaree Udalut No 11, both dated the 7th Ultimo) the one approving of the Orders of the Foujdaree Udalut under date the 7th Ultimo and requesting to be informed by the Foujdaree Udalut of the exact number of Convicts who may be placed under the Civil Engineer of the Northern Division for employment on the works at Masulipatam, the other authorizing the Officer Commanding at Lanmaconda to employ a writer on a Salary of 8 Rupees per

13th February 1837 4

The Court of Foujdaree Udalut concur with the Provincial Court of Circuit (to whom also the petitioners have addressed themselves) in opinion that there is no room to question the propriety of the Sentence of Imprisonment &c. passed by the Joint Criminal Judge in the Case in question.—

Ordered, that the Petition be rejected and that Extract from these proceedings be furnished to the Petitioners on their application.—

Read petition presented by the Duffadars and Peons of the Nellore, Cuddapah, Trichinopoly and Cuddalore Jails at present employed at Guindy.

/Here enter M.P. № 15 of 1837/

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/Here enter №s 207 and 231/

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13th February 1837 per Newsem - and suggesting that a portion of the Convicts now employed at Samulcottah may be withdrawn and placed under the Civil Engineer at Masulipatam.

(Here enter Nos. 159 and 160)

Read also letter from the Provincial Court of Circuit in the Northern Division, dated the "23rd January 1837" forwarding Copy of a Communication from the Acting Criminal Judge at Rajahmundry, wherein that Officer requests to be informed if he may be allowed to postpone for a period of two months, the transfer to Masulipatam of certain Convicts required to be thereby removed by the proceedings of the Soujdaree Adalut of the 7th Ultimo.—

(Here enter No 206)

1. The above Supplemental return from the Provincial Court of Circuit conveys copies of the returns received from the Officers incharge of the Courts at Nellore, Guntoor and Masulipatam.—

2. The Assistant Criminal Judge incharge of the Court at Nellore states his expectation that the few Convicts now available for transfer to Masulipatam will be immediately required to meet an increased demand for Paper upon the Manufactory in the Jail at Nellore.—

13th February 1837 - 3

The Court of Soujdaree Adalut are not aware whether this "expectation" is based on just grounds. If however the Superintendent of Stationery should not be in possession of instructions from Government to increase his demand for paper from the Manufactory in the Jail at Nellore, about 50 Convicts may be at once transfered from that Station. And should the Government be of opinion that the services of the 30 Convicts, described in the last "Statement of labor" received from Nellore, as "employed in digging a new Tank in the plain where the Principal Collector proposes to have a new Village erected", are not more required for their present employment than for the works at Masulipatam, these prisoners may also be transffered.

4. Under the circumstances represented by the Acting Joint Criminal Judge at Guntoor it is obvious that until the Jail there may be finished, the removal of any of the Convicts from that Station will be inexpedient.

5. With reference to the return of the Acting Joint Criminal Judge at Masulipatam the Court of Soujdaree Adalut would observe that the Convicts at present employed in weaving, and those occupied in cultivation of the

per Mutem - and suggesting that a portion of the Convicts now employed at Samulcottah may be withdrawn and placed under the Civil Engineer at Masulipatam.

(Here enter Nos 159 and 160)

Read also letter from the Provincial Court of Circuit in the Northern Division, dated the "23d January 1837" forwarding Copy of a Communication from the Acting Criminal Judge at Rajahmundry, wherein that Officer requests to be informed if he may be allowed to postpone for a period of two months, the transfer to Masulipatam of certain Convicts required to be thereto removed by the proceedings of the Foujdaree Adalut of the 7th Ultimo.

(Here enter No 206)

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4. Under the circumstances represented by the Acting Joint Criminal Judge at Guntoor it is obvious that until the Jail there may be finished, the removal of any of the Convicts from that Station will be inexpedient.

5. With reference to the return of the Acting Joint Criminal Judge at Masulipatam the Court of Foujdaree Adalut would observe that, the Convicts at present employed in weaving, and those occupied in cultivation of the

13th February 1837.

the gardens of the Fellah and Provincial Courts should be employed on the Causeway.

6. From Samulcottah the Court of Foujdaree Udalut, with reference to the second paragraph of the Order of Government № 71 of the 23d Ultimo (Copy of which should be furnished by the Provincial Court of Circuit to the Officer Commanding at that station), direct the Provincial Court of Circuit to cause the transfer to Masulipatam of all the Convicts exceeding 100.

7 The Acting Criminal Judge at Rajahmundry in his application for instructions regarding the transfer to Masulipatam of 64 Convicts, under the orders of the Foujdaree Udalut of the 7th Ultimo, having stated that their services are required for the completion of the Jail buildings at Rajahmundry, which, he expects, will be finished in two months, the Court of Foujdaree Udalut have † authorized him to detain the said prisoners for that period.

† Letter to Provl. Court of Circuit dated 4th February 1837—

8. The Court of Foujdaree Udalut having received no return from the Acting Criminal Judge at Chicacole are not aware of the exact number of Convicts under his charge which may be made available for the present purposes, but they anticipate that about 120 will be transferable to Masulipatam.—

But

13th February 1837. 9.

* From Nellore 80
Samulcottah 60
Chicacole 120
Masulipatam 264
at present and also additional number noticed in these proceedings to be employed in the Causeway. 524 Convicts

But under these* arrangements there will still be a deficiency which can be supplied either from the Jail at Bellary, or from the Jail at Guindy, should there be more Convicts than are required at the Presidency, and the Court await the instructions of Government on this point.

10. The Provincial Court of Circuit in the Northern Division will be pleased to communicate to the Officer Commanding Samulcottah and the Acting Criminal Judge at Rajahmundry the sanction of Government for the employment of a Writer on the Jail Establishment at Samulcottah, with reference to the letter from the Criminal Judge at Rajahmundry dated the 14th November 1836.—

Ordered, that Extract from these proceedings with Copy of the returns from the Officers in charge of the Courts at Nellore, Guntoor, Masulipatam and Rajahmundry be sent to the Chief Secretary to Government to be laid before the Government.

(Sent in № 210)

* Jo. Sel. № 44.

Ordered also, that Extract from these proceedings with Copy of the above Orders of Government be sent to the Provincial Court of Circuit in the Northern Division for their information and

13th February 1837 and guidance by Precept returnable in 12 days &c

receipt.

/Sent following Precept №211/

Read return dated the 10th Instant from the Criminal Judge at Cuttack to the Precept of the Foujdaree Udalut of the 28th Ultimo, conveying their observations and orders on the Calicut Criminal Reports for the month of December.

/Here enter №365/

Suppl. Report Case 310.

Under the explanation submitted in the above return, the Court of Foujdaree Udalut direct that the Criminal Judge be informed that the sentence recorded on the 1st prisoner in the Cadjan noted in the margin may stand, the provision cited in the Criminal Reports being changed to Clause Fourth, Section III, Regulation VI 1822.

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

/Sent in №212.

Read further return, dated the 1st Instant, from the Provincial Court of Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated the 7th January 1837, relative to the transfer of Convicts to Masulipatam for employment under the Civil Engineer.

/Here enter №297/

Ex. Ud.

1x

Ex. Ud.

At a Court of the Foujdaree Udalut

Present,

Tuesday 14th February 1837.

The Honorable C. M. Lushington Esqre 1st Puisne Judge

John Bird Esqre 2nd Puisne Judge

William Hudleston Esqre 3rd Puisne Judge

Circular Order

№ 83.

It has hitherto been the practice to consider Guards in charge of Convicts temporarily transferred from a Zillah Jail to a Military station subject to the appointment and removal of the Criminal Judge alone, on the ground that they are still paid by the Criminal Judge, & borne on the Establishment of the Criminal Court.

It being essentially necessary however that the Officer responsible for the Custody and due employment of the Convicts should have full control over the Jail Guard, the Court of Foujdaree Udalut with the Sanction of the Right Honorable the Governor in Council have resolved to declare by a Circular Order that all Guards so transferred with Convicts to Stations Civil or Military shall be placed under the exclusive control of the Officers under whom the Convicts

are

are employed and that those Officers shall have authority on sufficient grounds to dismiss such Guards and to supply vacancies as occasion may require.—

It is not however intended by these instructions to sanction any alteration in the existing arrangements for providing funds for the maintenance of the Convicts and the pay of the Peons.—

To be communicated to the several Officers Civil as well as Military in charge of Jails within the Centre, Southern, Northern and Western Divisions—

(Sent following Circular Order No. 213 & 214

To the Offr. incharge of the Convicts at Guindy.

Read further Return dated the 31st Ultimo from the First Judge late on Circuit in the Northern Division, to the Precept of the Court of Foujdaree Adalut under date the 3rd December 1836 directing him to instruct the Magistrate of Vizagapatam to institute an inquiry into the conduct of Bhyrauze Nursiah the Head of Police of Chodavenum Talook relative to the allegation of violence having been used by that Officer towards the prisoner in Case No. 12 on the Vizagapatam Calendar for the First Sessions of 1836 and to report the result to the Foujdaree

(Henter F. A. No. 258 of 1837)

1. The First Judge forwards a Copy of a Return from the Magistrate of Vizagapatam who certifies that "having deputed his Assistant "to investigate upon the spot into the conduct of "Bhyrauze Nursiah Head of Police of the Chodaveram "Talook, he has received the report of which the "enclosed is a copy, in which the Assistant "Magistrate states his opinion that the charges "are unfounded; and with which view the "Magistrate concurs"—

2. The First Judge also Reports that he has "gone over the whole of the proceedings "received with this Return which do not establish "the allegation of violence having been exercised "towards the prisoners in question by the Head of "Police Bhyrauze Nursiah: and adds "the evidence "is very contradictory and the depositions of the "Witnesses show them to be altogether unworthy "of credit."

3. It only remains for the Court of Foujdaree Adalut to record their opinion that the evidence for the prosecution in this case was sufficient to convict the first, second, third and

and fourth prisoners of a most [illegible] and their deep regret that by a failure of justice, those prisoners should have escaped the punishment due to their crime.

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

(Sent in No. 215.)

Read return, dated the 1st Instant from the Joint Criminal Judge of Tellicherry to the Precept of the Sirajdaree Udalut dated the 25th January 1837 conveying their observations and orders on the Tellicherry Criminal Reports for the Month of December 1836.

(Here enter No. 276.)

Read return dated the 1st Instant, from the Judges of the Provincial Court of Circuit in the Northern Division, to the Precept of the Sirajdaree Udalut dated the 27th January 1837, directing the restoration of the Jail Jemadar Davaraeendah Croostniah in the Zillah of Vizagapatam to his situation.

(Here enter No. 296.)

Read letter dated the 7th Instant, from the Criminal Judge of Canara, transmitting Criminal Reports for the Month of January 1837.

(Here enter No. 315.)

Pt. 66

At a Court of the Sirajdaree Udalut

Present,

Wednesday 15th February 1837.

John Bird Esqr. ——— 2d Puisne Judge,

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

Read letter dated 12th February from the Acting 3d Judge late on Circuit in the Southern Division, transmitting the Record in Case No. 38 on the Combaconum Calendar for the 2d Sessions of 1836.

(Here enter No. 116 of 1837.)

The Court of Sirajdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Cozat and Mooftee of the Sirajdaree Udalut, confirm the said Futwa of the Cazee ool Cozat and Mooftee aforesaid, and under the finding of Account and Eazer declared in that Futwa and in conformity with the provisions of Clause Third, Section IV Regulation XV of 1803, sentence the prisoner

2d Cantam,

and

3d Irabana Lahab.

to be imprisoned and kept to hard labour in irons on the public roads, or other public works, for and during the period of (14) fourteen years: and acquitting the prisoner

4th Chinnapparoten,

and

5th Chinnagunnyporoten,

Direct

Direct that they be sent at Liberty.

(Sent following letter No. 224

Read return, dated the 7th Instant, from the Acting Criminal Judge of Bellary to the Court of the Sujdaree Adalut of the 31st Ultimo, conveying the orders of the Sujdaree Adalut on the Bellary Criminal Report for the Month of November last.

(Here enter No. 287)

With reference to the concluding Paragraph of the above return, the Court of Sujdaree Adalut direct that the Acting Criminal Judge be informed that they do not see grounds for altering their orders of the 31st Ultimo regarding the Case No. 114. and that those orders are accordingly to be carried into effect.

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

(Sent in No. 225)

Read return dated 8th Instant from the Acting Criminal Judge of Rajahmundry to the Court of the Sujdaree Adalut dated the 2d February 1837 requiring further explanation of the circumstances under which Case No. 90 on the file of the Criminal Court of Rajahmundry for the year 1836, was sent up to the Criminal Court.

(Here enter No. 810)

Read

15th February 1837.

Read letter dated 10th Instant from the Acting Civil & Criminal Judge of Guntoor, forwarding a statement of works performed by the Convicts under the Magistrate of Guntoor for the months of January 1837.

(Here enter No. 320)

Read letter dated the 7th December last from the 1st Judge late on Circuit in the Northern Division submitting the Report required by Section XXXVII Regulation VII of 1802 for the 1st Sessions of 1836.

(Here enter No. 2241)

In the 6th Paragraph of this Report the Judge urges the expediency of building a new Court House and Gaol at Vizagapatam; the Gaol to be on the plan of that now erecting at Guntoor.

2. The suggestions of the Court of Sujdaree Adalut on this subject are already before the Government and will be found detailed in a letter addressed to the Chief Secretary to Government under date the 31st of August 1836; it remains with the Right Honorable the Governor in Council to determine which of the plans suggested in the correspondence which accompanied that communication should be adopted. The insecurity however of the building now occupied as a Gaol could not in the opinion of the Court have rendered necessary the placing in confinement in irons the Prisoners committed to take their trial before the Court

15th February 1837

Court of Circuit for Perjury, and the Judges therefore desire that instructions may be issued to the Acting Assistant Criminal Judge of Trinidad against prohibitory of the practice brought to the notice of the Court in this part of the 1st Judge's report.

6. With reference to the Assistant Surgeon's report given in Appendix No. 1 of the Report the Court of Enquiry Ordered that would not recommend any alteration being made in the Supplies of condiments now at present served out to the Prisoners in confinement at Gallows but the Court do consider the practice referred to in the 7th para. of the 1st Judge's report, "if stating a small quantity of Rice from "the daily allowance of each Prisoner to pay the Watchmen, "Barber and Spot maker" objectionable, and direct that the practice be discontinued.

7. The subjects censured in paras. 8 and 10 of this Report have already been brought to the notice of the Right Honorable the Governor in Council.

8. In para. 12 the 1st Judge states that the orders of the Enquiaree Ordaint dated 31st January 1814 and 15th April 1833 in respect to the preparation of indictments are but little attended to; and that "those documents" are "for the most part left to the Head Writer or some ministerial "Officer of the Court to prepare."

9. Under the standing orders of the Enquiaree Ordaint the indictments are required to be prepared by the Criminal Judge himself in strict accordance with the evidence

15th February 1837

evidence to be received on the Trial, and the Criminal Judge is accordingly answerable for their correctness; the departure from this rule observed by the 1st Judge during his late Circuit has the Court conclude been brought to the notice of the several Judges in the Northern Division, and in event of the charges in the Cases submitted to the Court of Circuit in the Northern Division not being in future prepared with greater care and circumspection, it will be the duty of the 1st Judge to report the names of the Officers by whom indictments so incorrectly prepared, are submitted, in order that due notice may be taken by the Higher Court of their neglect.

7. The fact brought to notice in para. 8 of the Report viewed in connexion with other irregularities and instances of neglect of duty on the part of the Rev. Mr. Brey impresses upon the Court of Enquiry and Enquiaree Ordaint the conviction that this gentleman ought not to hold the important office of Judge and Criminal Judge.

8. In the 16th para. the Rev. Mr. Parke observes that "some amendment to the present method of procuring attestations "to the Taboh confessions of Prisoners is required" that "in "general they are attested by illiterate men who cannot even "write their names" and that he "cannot think that they "can retain a recollection of declarations not unfrequently extending "to 4 or 6 pages, sometimes sheets" and that though "the "Court of Enquiaree Ordaint have held that it is not necessary "that the attesting witnesses to a Prisoner's declaration should

Law

"have perfect recollection of all the contents of that document,"
and that "it is too much to expect witnesses to recollect after
an interval of nine or ten months the contents of a prisoner's
declaration - nor is such recollection necessary" he hopes to be
pardoned for expressing his opinion "that a perfect recollection
"of all the material points at least of a confession is necessary"
and that he does not "know how a party without such
recollection can identify a paper as the declaration given
by the prisoner."—

9. The opinion of the Court of Enquiry stated upon this subject was recorded in their proceedings & addressed to the Pt. Judge under date the 30th of December last a copy of which the Judges beg leave to annex for the information of the Right Honorable the Governor in Council.—

10. The extreme impropriety of allowing "persons not conversant with the language in which "the confession was dictated" "to subscribe the endorsement "as witnesses" and of permitting "the declaration of the accused" to be "taken down in a language other than "that in which it was dictated" has been repeatedly & pronounced by the Court of Enquiry stated, and serious notice is taken of such proceedings whenever their occurrence may come to the knowledge of the Court.—

The

11. The subject mentioned in para: 16 of the Pt. Judge's report is already under the consideration of the Right Honorable the Governor in Council.—

12. The interference with the personal liberty of the lowest grades of the people, and the vexations & surveillance exercised over them by the Village Police under the orders of the Magistrates, has already been declared by this Court to be unjustifiable and illegal, and the Judges therefore propose to direct that the order addressed by the Magistrate of Rajahmundry to the Heads of Police of his District, entered in para: 16. of the Pt. Judge's report, be immediately recalled and cancelled.—

13. The Court of Enquiry deem it right to notice the notice taken by the Pt. Judge of the irregularities & observable in the Calendars of the Magistrates and Criminal Judges referred to in the 18th para. of the Report will prevent a recurrence of such proceedings.—

14 In para: 19 of his Report the Pt. Judge draws the attention of the Court to two returns made by the Magistrate of Vizagapatam on the subject of the state of the Police in the Zemindaries of Jayapore and Bobbilee; but with reference to the disturbed state of several of the Zemindaries in the Northern Division the Judges are not at present prepared to suggest a remedy.—

With

16. With reference to paras 20 of the Report the Court of Foujdaree Udalut would submit that they are not of opinion that it is necessary to fix the escort to be furnished by the Magistrates to the Judges "when on Circuit," as the number of Sepoys furnished as a Guard and required for the purpose of escorting the Baggage and official Records of a Judge on Circuit must necessarily vary with circumstances.—

16. The Report not appearing to require further remark—Ordered that Copy thereof together with extract from these proceedings and Extract of the proceedings of the Court of Foujdaree Udalut under date the 30th December 1836 be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent in No. 226

Ordered also that extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Northern Division for his information and guidance by precept returnable in 15 days from and after its receipt.—

(Sent following Precept No. 227.

Ex. Do.

At a Court of the Foujdaree Udalut

Present

Thursday 16th February 1837.

The Honble C. M. Lushington Esqre 1st Puisne Judge
John Bird Esqre _____ 2nd Puisne Judge
William Hudleston Esqre 3rd Puisne Judge

Read again Extract from the Minutes of Consultation under date the 7th Ultimo communicating the observations and orders of the Right Honorable the Governor in Council on the Report on the administration of Criminal Justice for the 1st half of the year 1836, submitted to Government under date the 15th of November last.—

(Here enter No. 50.)

Also read order of Government dated the 9th instant communicating the remarks of the Right Honorable the Governor in Council on the proceedings of the Foujdaree Udalut of the 16th January 1837, submitting certain explanations called for by Government on the subject of the Report on the administration of Criminal Justice for the 1st half of the year 1836.

(Here enter No. 267.)

Also read letter dated the 6th instant

instant from the Provincial Court of Circuit in the Northern Division, submitting a copy of the explanation furnished by the Acting Magistrate of Masulipatam relative to the inoperative state of the Village Police as in that District.

(Here enter N°. 305.)

1. The orders contained in paras 3-4-5-6-7-8 and 9 of the Minutes of Consultation under date the 7th January 1837 have already been communicated, and such explanations as were required submitted to Government under date the 16th Ultimo, it remains therefore only for the Court to submit the explanations called for in paras 10 and 11 of the Minutes of Consultation under date the 7th of January 1837.

2. In the 10th para of the Minutes of Consultation it is observed, "there would appear to "have been 3 cases of committal, in one District for "the offence of Suttee" and that "the Right Honorable "the Governor in Council is anxious to know how these "cases were ultimately disposed of, and whether there "is any reason to imagine that the crime of Suttee "is prevalent in the Northern District".

3. The Court of Sunjarce Adalut would respectfully explain that the Statements laid before the Government on the 15th of November last exhibited but

but one case of Suttee, and in the 39th para: of their proceedings under date the 15th of November 1836 the Court endeavoured to shew how that case had been disposed of: it was observed in the para: referred to, that "the Calendar laid before the Judges of "Circuit at Chicacole contained a Case of Suttee, but "the prisoners charged with the crime were ultimately "released for want of evidence".

4. If the Government have been misled by the Statement entered in the Margin of para: 33 of the proceedings of the Sunjarce Adalut of the 15th of November last, the Judges would respectfully explain that that Statement was simply designed to shew the circumstances under which certain cases entered in the Calendars laid before the Court of Circuit were returned to the Criminal Court to be disposed of, and that by the remark entered opposite to cases Nos 8 and 9 of the Chicacole Calendar, it was intended to convey, that the same ground existed for the return of those cases to the Criminal Court, as existed in case N°. 4 of that Calendar.

5. And from the circumstances of the statement of crimes furnished to this Office for the years 1834 and 1835 exhibiting only 4 cases of Committal for this offence (the persons charged in another case eluded apprehension) the Judges do not see any

any reason to imagine that the crime of Suttee is prevalent in the Northern Districts.-

6 With reference to para: 11 of the Minutes of Consultation under date the 7th Ultimo, the Court of Foujdaree Udalut beg leave to submit a statement shewing the grounds recorded by the Courts of Circuit in the Northern Division for the unconditional release of the 75 prisoners acquitted by them during the 1st half of 1836, and containing the orders thereon recorded by the Court of Foujdaree Udalut on review of the Calendars.

7 With reference to the order of Government of the 9th instant, the Court of Foujdaree Udalut would beg leave to explain that "the full and circumstantial confession of the" prisoners (convicted in Case No 2 of the Chinglepet Calendar 1st Sessions of 1836) before the Head of Police taken under the provisions of Clause third Section XXVIII Regulation XI of 1816, was used against the prisoners, and that it is to this a regularly received and authorized confession, that the remark in the Appendix applies, which is refered to in the order of Government.

8 With reference to para 4 of the Minutes of Consultation of the 7th January last, the Court of Foujdaree Udalut beg leave to submit a copy of the explanation received from the Acting Magistrate of Masulipatam relative to the unoperative state of his Village Police.-

Ordered

Fo 10

16th February 1837.

Ordered, that extract from these proceedings be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.-

(Sent in No. 231.)

Read letter dated the 6th Instant, from the Acting Criminal Judge in the Zillah of Chicacole, forwarding the Criminal Reports prescribed by Section XXXV Regulation X of 1816.-

(Here enter No. 327.)

Read Criminal Reports dated the 31st Ultimo from the Acting Joint Criminal Judge of Vizagapatam for the Month of January 1837.-

(Here enter No. 330.)

Read letter dated the 13th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, forwarding copy of the Chittoor 1st Supplemental Calendar for the 1st Quarter Sessions of 1837.-

(Here enter No. 331.)

Read letter, dated the 13th Instant, from the Criminal Judge of Chittoor, transmitting the Criminal Reports for the Month of January 1837.-

(Here enter No. 337.)

F. Co

At a Court of the Foujdaree Adalut

Present,

Friday 17th February 1837 — The Honble C. M. Lushington Esqre 1st Puisne Judge
John Bird Esqre ——— 2nd Puisne Judge
William Hudleston Esqre 3rd Puisne Judge

Read letter dated the 31st Ultimo

175

from W. W. Arbuthnot one of the Special Commissioners at Chicacole, submitting for the final judgment of the Court of Foujdaree Adalut the Record of case No. 10 sent up by the Magistrate of Vizagapatam under instructions from the Honorable Mr. Russell.—

(Here enter F. Co. No. 270 of 1837.)

Observing that the defence of the second prisoner is not entered either in the English or Persian Translation of this Trial, but merely the names of the Witnesses he requested might be cited to speak in his behalf, the Court of Foujdaree Adalut direct that the whole Record be returned to the Special Commission with instructions to cause the same to be duly completed, and retransmitted to the Court with the least possible delay: should the 2nd prisoner's defence not have been taken, he must be called upon

upon to state what he has to urge in his defence.

2. The attention of the Special Commissioner is likewise required to the Circular Order of the Foujdaree Adalut dated the 27th September 1824 the last paragraph of which directs that "in cases referred, the pages of the English Translation of the Record be all numbered, as well as the questions put in the examinations held before the Criminal Judge and the Court of Circuit, respectively."

Ordered, that extract from these proceedings be sent to Mr. W. Ab. Arbuthnot with the English and Persian Record by Precept returnable without delay.

(Sent following Precept N. 232)

Read letter dated the 2nd Instant from Mr. W. Arbuthnot Special Commissioner at Chicacole submitting for the final judgment of the Court of Foujdaree Adalut an English and Persian Translation of the proceedings in Case N. 11 sent up to them by the Magistrate of Vizagapatam under instructions from the Honorable Mr. Russell

(Revenue F. Co. N. 309 of 1837.)

It is observed that the Persian Translation of the Record of this Trial is defective and

and disagrees with the English Translation. The answers of the accused in their arraignment before the Court of Special Commission (besides other parts) are omitted: and this is of importance as regards the second prisoner who, according to the English Translation pleaded guilty to the charge.

2. The Court of Foujdaree Adalut resolve in consequence to direct that the Persian Translation of the Record be returned to the Special Commission with instructions to cause the same to be corrected and duly completed according to the Regulations, and retransmitted to this Court with the least possible delay.

Ordered that extract from these proceedings be sent to the Special Commission at Chicacole with the Persian Translation of the Record by Precept returnable without delay.

(Sent following Precept N. 233)

Read return dated the 13th Instant from the 3rd Judge on Circuit in the Centre Division to the Precept of the Foujdaree Adalut dated the 3rd February 1837 directing him to review the proceedings held in Case N. 38 on the Cumbum Criminal Report V, and with reference to the provisions

upon to state what he has to urge in his defence.

2. The attention of the Special Commissioner is likewise required to the Circular Order of the Sonjdaree Udalut dated the 27th September 1824, the last paragraph of which directs that "in cases referred, the pages of the English Translation of the Record be all numbered, as well as the questions put in the examinations held before the Criminal Judge and the Court of Circuit, respectively."

Ordered, that extract from these proceedings be sent to Mr. W. Ab. Arbuthnot with the English and Persian Record by Receipt returnable without delay.

(Sent following Receipt No. 232)

Read letter dated the 2nd Instant from Mr. W. Arbuthnot Special Commissioner at Chicacole submitting for the final judgment of the Court of Sonjdaree Udalut an English and Persian Translation of the proceedings in Case No. 11 sent up to them by the Magistrate of Vizagapatam under instructions from the Honorable Mr. Russell

(Here enter S. C. No. 309 of 1837.)

It is observed that the Persian Translation of the Record of this Trial is defective and

and disagrees not with the English Translation. The answers of the accused in their arraignment before the Court of Special Commission (besides other parts) are omitted: and this is of importance as regards the second prisoner who, according to the English Translation pleaded guilty to the charge.

2. The Court of Sonjdaree Udalut resolve in consequence to direct that the Persian Translation of the Record be returned to the Special Commission with instructions to cause the same to be corrected and duly completed according to the Regulations, and retransmitted to this Court with the least possible delay.

Ordered that extract from these proceedings be sent to the Special Commission at Chicacole with the Persian Translation of the Record by Receipt returnable without delay.

(Sent following Receipt No. 233.)

Read return dated the 13th Instant from the 3rd Judge on Circuit in the Centre Division to the Precept of the Sonjdaree Udalut dated the 3rd February 1837 directing him to review the proceedings held in Case No. 38 on the Cumbum Criminal Report No. 1, and with reference to the provisions

17th February 1837.

provisions of Section XXIII, Regulation X of 1816 to pass such orders on it as may appear to him proper.

Ent.

(Here enter No. 345)

WS

WS

At a Court of the Dewanee Adalut

Present,

Saturday, 18th February, 1837.

The Honble C. M. Lushington Esqr. 1st Puisne Judge,
John Bird Esqr. ——— 2d Puisne Judge
William Rudleston Esqr. ——— 3d Puisne Judge

Read letter dated 15th instant from the 3d Judge on Circuit in the Centre Division, transmitting the record in Case No. 16 on the Cussapaka Calendar for the 1st Sessions of 1837.—

(Here enter No. 248 of 1837)

Mr. Bird, and Mr. Rudleston,

The Court of Dewanee Adalut having maturely considered the proceedings held before the Judge on Circuit, the Vakeel of the Provincial Law Officer and the Vakeel of the Cazee-ool-Coozat and Mooftee of the Dewanee Adalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid convicting the Prisoner

Pyrongoo Ermalaegadoo

of the crime charged on strong Presumptive Proof, and awarding Ko-kolut, and under the provisions of Section X, Regulation VIII, of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.—

(Sent following letter No. 238)

Read the Calcutta Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of January.—

(Here enter No. 339)

The

18th February 1837.

Statement of Contra Pawns

The Court of Inquiry Adalut observe that one 'Duffadar' is entered in this statement as absently in excess of the prescribed proportion of 'Duffadars' to the 'Band' on the Sail Establishment, and they direct that the Acting Joint Criminal Judge be called upon to explain the cause.—

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Canara for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 236)

Read the Zillah Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of January.—

(Here enter No. 329)

In the Statement of punishments under Section VI Regulation X 1832 accompanying the above Reports a prisoner had been entered as sentenced to solitary confinement for 14 days, on the ground that he disobeyed in getting "his head (hair) and beard cut off" the express order of the Joint Criminal Judge. The Court of Inquiry Adalut require to be informed of the reason why the 'express order' in question had been issued to the Convicts in the Sail at Zillah.—

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge at Zillah for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 240)

And

18th February 1837.

Read the Chingleput Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of January.—

(Here enter No. 328)

Supt. Report Case 249.

In this case 184 the prisoner Bava Sahib had been sentenced by the Criminal Court for 'fraud and embezzlement' under Section VII Regulation X 1816 and in the case noted in the margin he stands committed for 'Perjury'. The Court of Inquiry Adalut direct it to be pointed out to the Acting Criminal Judge that the sentence in Case 184 should be suspended until the result of the prisoner's Trial for Perjury may have been declared.—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Chingleput for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 240)

Read the Salem Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of January.—

(Here enter No. 325)

Report V Case 4.

In this case the order recorded for the requisition of security from the prisoners is defective, in as much as the penalty in default of the production of the ordered security has not been specified.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Salem for his information and

and future guidance.—

1111 (Sent in No. 242.)

Read the Weekly Batam Criminal Report prescribed by Section XXXV Regulation X 1816 for the month of January.—

(Here enter No. 316)

Report V
Case 13.

1 In this case, sent up by the Assistant Magistrate, the prisoners were detained in the Cells from the 9th to the 29th of January. The only explanation of the delay is that it occurred in receiving the Magistrate's report on the subject. It would have been satisfactory to the Court of Sujdaree Adalut to have received a more full explanation than the above, with reference to their Circular Order of the 8th February 1830. The Acting Joint Criminal Judge will be pleased to send copy of the case, as it stands in the Report, and of this paragraph, to the Magistrate for his information and future guidance.—

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Batam for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 243.)

Read the Ignition Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of January.—

(Here enter No. 324)

E.G.

18th February 1837.

Report V
Case 1.

1 In this case the prisoner has been forwarded to the Joint Criminal Court for having preferred a false complaint to the Head of Police, and has been sentenced under Section II Regulation IX 1832. It appears however that the charge was made before the Magistrate and then by him endorsed to the Head of Police.

2 The Court of Sujdaree Adalut have ruled that under Section XXIV Regulation IX 1816 a Magistrate cannot refer to the Police a charge preferred before him. Under this circumstance the case of the prisoner does not fall under Regulation IX 1832, and he should be released. The Sujdaree Adalut direct that copy of the case as it stands in the Report, and of this and the preceding paragraph, be sent by the Joint Criminal Court to the Magistrate for his information and future guidance.—

Case 7.

3 The prisoner in this case was forwarded on the charge of "having addressed a false and malicious letter to the Head of Police", and has been sentenced to one months' imprisonment with hard labor in irons under Section II Regulation IX. 1832. This sentence will have expired before the receipt, by the Joint Criminal Court, of these proceedings. But there is no authority for the Police to proceed to the apprehension of the parties implicated in a charge preferred by letter. The Court accordingly direct that copy of the case as it stands in the Report and of this paragraph be sent by the Acting Joint Criminal Judge

Judge to the Magistrate who will warn the Head of Police of Vingtquatrenum Division that he should not receive charges preferred by letter, and that a false and malicious complaint involved therein is not punishable under Regulation IX 1832.

Statement of Labor.

4. It is observed that the prisoners are employed in "erecting a bridge on the public road of Cumbumbagaroo - and 34 in digging a well on the above public road." The Court of Enquiree Adalut direct that it may be explained what obstacle there is to the transfer of these prisoners to Guandipatam, for the purpose of being employed on the public works at that station. It does not appear at present to the Enquiree Adalut that there is any such necessity for their continuing at Guntoor, and they did not understand from the return of the Acting Joint Criminal Judge of the 28th January 1837 to the Provincial Court (with reference to the Precept of the Enquiree Adalut of the 7th Instant) that the "public works" alluded to in that return were the public roads.

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Guntoor for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 344.)

Read the Calicut Criminal Reports of January.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Calicut for his information and guidance by Precept returnable in 4 days after receipt.

(Sent following Precept No. 345.)

Read the Supplemental Report for prescribed by Section XIII Regulation X 1816 for the month of January.

(Here enter No. 328)

Suppl. Report Case 340.

1. The Court of Enquiree Adalut direct that an explanation may be given as to the grounds upon which the prisoner in this case have been held to security. Unless it was upon strong suspicion of some specific act of criminality the requisition would not be supported by the authority cited.

Case 341.

2. In this case no sufficient grounds are assigned for the requisition of security from the prisoner and an explanation is therefore requisite. The order is likewise defective, the penalty in default of production of the prescribed security not being specified.

Case 340.

3. Under the circumstances of that case the Enquiree Adalut direct that Copy of it as it stands in the Report, and of this paragraph, be sent by the Criminal Court to the Magistrate, who will be pleased to cause further investigation to be made respecting the party stated to be missing; and further to ascertain whether there is not more evidence procurable against the accused than has yet been adduced. He will report direct to the Enquiree Adalut the result of the additional enquiry now ordered.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Calicut for his information and guidance by Precept returnable in 4 days after receipt.

(Sent following Precept No. 345.)

Read

Read Criminal Reports dated 31st Ultimo from the Joint Criminal Judge at Ellichipoy for the month of January 1837.—

(Here enter No. 340)

Read return dated 13th Instant from the Acting 3d Judge late on Circuit in the Southern Division to the Precept of the Foujdaree Udalut dated the 8th February 1837, calling for English Translations of Cases No. 7 and 9 on the Criminal Calendar for the second Sessions of 1836

(Here enter No. 357)

Read the order of Government dated 14th Instant observing that the proceedings of the Foujdaree Udalut sending up the Report of the 3d Judge of the Provincial Court of Circuit in the Centre Division for the second and third Quarter Sessions of 1836 held at Chittoor do not call for any remarks by the Government.—

(Here enter No. 335).

At a Court of the Foujdaree Udalut

Present

Monday 20th February 1837. The Honble C. M. Lushington Esqr 1st Puisne Judge.

John Bird Esqr ..... 2d Puisne Judge

William Headleston Esqr ... 3d Puisne Judge

Read Miscellaneous Petition presented on the 13th instant by Junguin Shetty of the Villahs of Nellore

(Here enter Mis. Pet. No. 16 of 1837)

The Petitioner for the fourth time repeats his allegations of misconduct on the part of the Police Officer, and his request that the persons who took away his property may be punished and it restored to him.

2. The Petitioner is informed that the Order of the Court of Foujdaree Udalut of the 30th Ultimo is final; and that any further application on the same subject will not receive attention.—

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

Read Miscellaneous Petition presented on the 13th Instant, by Ramastawmy and Venkataperoomalloo of Chittoor.

(Here enter Mis. Pet. No. 17 of 1837)

20th February 1837. 1. The Petitioners complain of the sentence passed upon the prisoners who in Case No 1 on the Chittoor Third Supplemental Calendar for the First Quarter Sessions of 1835 were convicted of Robbery.

2. The Petitioners allege that the charge was false and malicious and pray that Orders may be issued for the release of the Convicts from Confinement.

3. The Court of Foujdaree Adalut have referred to the Calendar, for no reason to question the propriety of the conviction and sentence in the Case in question.

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

Read Miscellaneous Petition presented on the 13th Instant by Yajnyaseshu Boddeu of the Tillah of Madura

(Here enter Mis. Pet. No 18 of 1837)

1. The petitioner prays that Orders may be issued for the release from Confinement of his brother Royerooddeau, the second prisoner in Case No on the Madura Calendar for the second Sessions of 1836 who being convicted by the Foujdaree Adalut of Madura

20th February 1837 was sentenced by that Court to transportation for life.

2. The Petitioner asserts that his brother did not commit the Crime being at the time absent from his Village: and that he was moreover unjustly apprehended through the malice of the Prosecutor instead of another person also bearing the name of Royarooddeau.

3. The Petitioner is informed that the Sentence of which he complains was passed after a mature consideration of all the circumstances of the Case, and will not be disturbed: and that Petitions against the Sentences of the Foujdaree Adalut are inadmissible.

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

Read return dated the 3rd Instant from the Second Judge late on Circuit in the Western Division to the Precept of the Court of Foujdaree Adalut under date the 10th January 1837 conveying their observations and Orders on the Canara Calendar for the second Sessions of 1836.

(Here enter F.H. No 257 of 1837.)

1. With this return, the second Judge sends up an English and Persian Translation of the Proceedings in Case No 10 on the Calendar. The

20th February 1837. 2.

The circumstances of this Case and the grounds on which it was called up, are recorded in the Extract from the Proceedings of the Foujdaree Udalut under date the 10th Ultimo. (paraks 13 & 15)

3 The Court of Foujdaree Udalut observe that although neither of the prisoners, in his Confession before the Police Officer or before the Criminal Court admits that he put to death the deceased yet each of them in their confessions charge certain others with seizing her by the throat and holding her down; and the prosecutor deposes that she was found lying dead in the morning after the robbery.

4 Before the Criminal Court the ninth and tenth witnesses gave testimony sufficient in the opinion of the Foujdaree Udalut in addition to the evidence contained in the confessions of the prisoners and in the deposition of the prosecutor, to prove that the deceased was strangled: and under this view, the Case falls within the scope of the provisions of Clause first, Section IV, Regulation XV of 1803.

5. From the Memorandum at page 104 of the Record, it appears that the ninth and tenth witnesses were not examined "in Consequence of the Contradictions in the evidence of the 11th witness who was "the only witness who was said to have seen any of the "prisoners at the time of the Robbery: and as there is no evidence

20th February 1837. evidence to prove when Mamatty died or by whom "she was injured."

6 Not considering the reason here given for the non-examination of the ninth and tenth witnesses, satisfactory; the Court of Foujdaree Udalut resolved to direct that the Record of this Trial be returned to the Second Judge with instructions to issue a Precept to the Criminal Judge of Canara, requiring him to procure the attendance of the said two witnesses, and in the presence of the prisoners take their examination upon oath touching their knowledge of the facts of the Case; and likewise to send for the Prosecutor and the eleventh witness, and in like manner to re-examine them, and question them as to the fact of the woman having slept in the house and having been found lying dead there on the night of the robbery.

7 On the receipt of the depositions which may be taken pursuant to these instructions, the Second Judge will require the Mahommedan Law Officer of the Court of Circuit to deliver a fresh Futwa with reference to the additional evidence, and will then proceed to dispose of the Case, in conformity with the provisions of the General Regulations.

8. The Second Judge will instruct the Criminal Judge to permit the prisoners to cross-examine the witnesses and to offer any thing further in their defence

20th February 1837. defence, should they wish it, at the close of the examination.

Ordered, that Extract from these proceedings, together with the English and Persian Translations of the Record, be sent to the Second Judge late on Circuit in the Western Division, by Precept returnable within twenty five days from and after it's receipt

(Sent following Precept No. 249)

Read return dated the 11th Instant, from the Acting Third Judge late on Circuit in the Southern Division, to the Precept of the Foujdaree Udalut dated the 11th February 1837 – suggesting a reconsideration of his Order, requiring Security from the 3d, 4th and 5th prisoners in Case No. 7 on the Salem Calendar for the second Sessions of 1836 –

(Here enter No. 364)

Read letter, dated the 15th Instant, from the First Judge of the Provincial Court of Circuit in the Centre Division, submitting Copy of the Chittoor Seventh Supplemental Calendar Fourth Quarter Sessions of 1836

(Here enter No. 365.)

Read letter, dated the 14th Instant from the Acting Magistrate of Guntoor, reporting the date of the apprehension of the prisoner in Case No. [illegible] on

20th February 1837. on the Guntoor Criminal Report for the month of November 1836 noticed in the Extract from the proceedings of the Foujdaree Udalut under date the 23d December 1836 –

(Here enter No. 366)

Read letter dated the 8th Instant from the Joint Magistrate incharge of the Ganjam District, submitting an explanation relative to Case No. 94 on the Chicacole Criminal Report for the month of December 1836, noticed in the Extract from the proceedings of the Foujdaree Udalut under date the 25th January 1837.

(Here enter No. 367.)

Read the Nellore Criminal Report prescribed by Section XXXV Regulation X 1816 for the month of January

(Here enter No. 338.)

Report VIII

In this Report the Court observe 10 Cases including 22 prisoners entered as committed in "previous months" The Court require to be informed, if this entry is correct, why the Cases have not been disposed of by the Court of Circuit. If they have been thus disposed of, they should not appear in the Report No. VIII.

Ordered, that Extract from these

20th February 1837 these proceedings be sent to the Assistant Crimi-
-nal Judge incharge at Nellore for his informa-
-tion and guidance by Precept returnable in 3
days after receipt.

Sent following Precept No. 24 A.

F. U.

At a Court of the Foujdaree Udalut.

Present,

Tuesday 21st February 1837. The Hon.ble C. M.cLuthington Esq.re 1st Puisne Judge

John Bird Esq.re ..... 2d Puisne Judge

William Haudleston Esq.re 3d Puisne Judge

Read the Rajahmundry Criminal Reports prescribed by Section XXXV Regulation X 1816 for the months of January.

/Here enter No. 328/

Read also again return, dated the 8th Instant, from the Acting Criminal Judge at Rajahmundry to the Precept of the Foujdaree Udalut of the 3d Instant, calling for an explanation of the circumstances of Case No. 90 of 1836 entered in the Criminal Reports for December last.

/Here enter No. 310/

Suppl.y Report Case 90.

The prisoner, in this Case, represented in the Criminal Reports as charged with preferring a false and malicious Complaint to the Magistrate, has been sentenced by the Criminal Court to three month's imprisonment under Section II Regulation IX of 1832.—In the above return it is explained that the "Original Charge" is stated to have been preferred to the Head of Police of Nagarum, but it having been

been refuded in his Office the charge was prefered to the Magistrates Office, and investigated by the Head Assistant Magistrate by whom it was refered to the Criminal Court.

2. The Court of Foujdaree Udalut being of opinion that the Case does not fall under the provisions of Regulation IX of 1832 deem it proper to direct that the Sentence be set aside as illegal, and that the prisoner be released. The Acting Criminal Judge will be pleased to send Copy of the Case as it stands in the Report and of this, and the preceding para; to the Magistrate for his information and future guidance.

Case 93. 3 Under the circumstances stated, the Court of Foujdaree Udalut are of opinion that Bail should be taken from the prisoners in this Case, and they accordingly direct that Copy of the Case as it stands in the Report, and of this paragraph be sent from this Office to the Court of Circuit, who will be pleased to instruct the Criminal Judge with reference to Section XI Regulation X 1816, "to accept sufficient Bail" instead of keeping the accused in confinement whilst "the charge against them" is under trial.

Report V Case No 2. 4 The prisoner in this Case charged with "knowingly receiving stolen goods" obtained by housebreaking by night, the property robbed on the occasion being valued at 40 Rupees, has been "committed" on

on the ground that he is an "old offender." In explanation of the term of "old offender" it is stated that the prisoner had been ordered in Case No 45 of 1825 Criminal file, to find Security in 200 Rupees.

5. Unless the Acting Criminal Judge should have further explanation to offer, he will proceed to dispose of this Case, which would seem to be triable by the Criminal Court, inasmuch as the fact of the previous requisition of Security from a prisoner on strong Suspicion of a Crime charged cannot be held to constitute an "old offender."

Case 3. 6. The Court of Foujdaree Udalut remark that the authority cited by the Criminal Judge in support of his Order for the release of the prisoner in this Case is not applicable to it.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Rajahmundry for his information and guidance by precept returnable in 4 days after receipt.

Sent following Precept No 250.

Ordered also, that Copy of Case 93 be sent with Extract from these proceedings viz. para: 3 to the Judge on Circuit in the Northern Division for his information and guidance by Precept returnable in 4 days after receipt.

Sent following Precept No 251.

Read

21st February 1837.

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

/Here enter No 348/

Report V
Case 1.

The explanation given of the Cause of the detention of the prisoners in this Case from the 28th November to the 30th December is unsatisfactory. The date of apprehension in the appropriate column is stated to be the 28th November, but in the column of remarks it is declared that the Tahsildar was informed, on the 13th of that month of the apprehension of the 2nd, 3d and 4th prisoners. The Foujdaree Udalut will be glad to receive an explanation of this discrepancy.

Case 6. 2. The prisoner in this Case charged with Murder has been held to Security on strong suspicion of the Crime. The Court of Foujdaree Udalut direct that the Magistrate be called upon to ascertain whether further evidence is not procurable against him.

3. The Acting Principal Sudr Ameen will send Copy of the above Cases as they stand in the Report and of this Extract from the proceedings of the Foujdaree Udalut to the Magistrate, who will make return direct to the Foujdaree Udalut in conformity with the instructions above issued.

Ordered, that Extract from these proceedings.

F. U.

21st February 1837. proceedings be sent to the Acting Principal Sudr Ameen for his information and guidance by Precept returnable in 2 days after receipt.

(Sent following Precept No 252.)

Read return, dated the 15th Instant from the Acting Criminal Judge of Cuddapah to the Precept of the Foujdaree Udalut dated the 3d February 1837, conveying their observations and Orders on the Cuddapah Criminal Reports for the month of December 1836.

/Here enter No 378/

Read letter, dated the 14th Instant from the First Judge of the Provincial Court of Circuit in the Northern Division, transmitting the Original Death Warrant in Case No 2 on the Masulipatam 1st Calendar. 4th Quarter Sessions of 1836.

/Here enter No 380/

At a Court of the Foujdaree Udalut

Present,

Wednesday
22nd February 1837. The Honble C. McLushington Esqr 1st Puisne Judge.
John Bird Esqr ..... 2nd Puisne Judge.
William Hudleston Esqr .. 3rd Puisne Judge.

The English translation of the
record in Trial Nº 32 of the Cuddapah Calendar
for the second Sessions of 1836 called for in this
Court's proceedings of the 3rd October last not
having been received

Resolved that the Officiating
Second Judge on Circuit in the Centre Division
be required to send up the record in question within
15 days from the receipt of these instructions and
to explain the Causes which have hitherto delayed
its transmission.—

Ordered, that Extract from these
proceedings be sent to the Officiating Second
Judge on Circuit in the Centre Division by
Precept returnable within 6 days from and
after it's receipt.

Sent following Precept Nº 263.

Read Criminal Reports dated
the 31st Ultimo from the Acting Joint Criminal
Judge

22d February 1837. Judge of Coimbatore for the month of Janry

/Here enter No 372/

Read letter, dated the 18th Inst

from the Acting Third Judge on Circuit in the

Northern Division, reporting the closing of the

Court of 1st Sessions of 1837 at Nellore

/Here enter No 394/

Ent'd

W

W

W

F. 76.

At a Court of the Foujdaree Udalut.

Present,

Thursday

23d February 1837 The Honble C. McLushington Esqre 1st Puisne Judge

John Bird Esqre ..... 2d Puisne Judge

William Hudleston Esqre ... 3d Puisne Judge.

No return having been received

W

from the Officiating Second Judge on Circuit in the

Centre Division to the Precept of this Court of the

24th December 1836, returning for further evidence

the record of the trial for Case No 30 on the Cuddapah

Calendar for the second Sessions of 1836.

Ordered, that the Officiating Second

Judge on Circuit in the Centre Division be required

by Precept returnable in 5 days from and after its

receipt to shew what may have been done in pur-

suance of the instructions issued to him under

date the 24th December 1836, and that he be required

to make return to the Precept aforesaid without

any further delay.

/Sent following Precept No 264/

Read return dated the 20th Instant,

from the Acting Criminal Judge of Chingleput to

the Precept of the Foujdaree Udalut dated the 18th

February 1837, conveying their observations and

Orders

23rd February 1837. Orders on the Chingleput Criminal Reports for the month of January.

(Here enter No 396)

Read letter dated the 15th Instant from the Joint Criminal Judge of Tellicherry forwarding a Copy of a letter from the Magistrate of Malabar, containing the information called for in the Extract from the proceedings of the Foujdaree Udalut under date the 23rd January 1837 - relative to Case No 153 on the Tellicherry Criminal Report for the month of December 1836.

(Here enter No 398)

Read return, dated the 6th Instant, from the Magistrate of Canara having reference to the proceedings of the Foujdaree Udalut of the 19th Ultimo, conveying their observations and orders on the Mangalore Criminal Reports for December 1836.

(Here enter No 321.)

Mangalore Report V Case 161.

The Court of Foujdaree Udalut direct that it be explained to the Magistrate that the observation contained in para: 3 of their proceedings of the 19th Ultimo on this Case was intended to convey their opinion that the Case being one of "suspected false complaint" to the Magistrate, if it did not amount to Perjury, did not involve any punishable offence. The Court also direct that the Magistrate be advised with

23rd February 1837. with reference to the 2nd para: of the above return

*22nd June 1824 that they have ruled that a Complaint preferred before a Magistrate under Section XXIV Regulation IX 1816 cannot be "remitted" to the Police -

Ordered, that Extract from these proceedings be sent to the Magistrate of Canara for his information and future guidance -

Sent in No 2265

Ed Rd

HB

F. U.

At a Court of the Foujdaree Udalut.

Present,

Friday
24th February 1837. The Honble C. M. Lushington Esqre 1st Puisne Judge
John Bird Esqre ---------- 2nd Puisne Judge
William Hudleston Esqre --- 3d Puisne Judge

Read letter dated the 15th Instant from the Acting Second Judge on Circuit in the Southern Division, transmitting the record in Case No. 2 on the Madura Calendar for the First Sessions of 1837.

(Here enter F. U. No. 342 of 1837)

Mr. Bird
and
Mr. Hudleston.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, as acquits the prisoner

2nd Caroopanen

and accordingly direct that he be set at Liberty.

And being of opinion, that the prisoner

1st Cullyanny

is not convicted on presumptive proof, or on the evidence of credible witnesses or on his own confession, notwithstanding

24th February 1837. notwithstanding the Futwa of their Law Officers, the Court do accordingly acquit him, and under the provisions of Clause Sixth, Section II, Regulation XV of 1803, direct that he be set at Liberty.

(Sent following letter No 271.

Read letter dated the 15th Instant from the Third Judge on Circuit in the Centre Division, transmitting the record in Case No 34 on the Cuddapah Calendar for the 1st Sessions of 1837.

(Here enter F.H. No 369 of 1837.)

Mr. Bird and Mr. Huddleston.

The Court of Foujdaree Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Adalut, confirm the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, acquitting the prisoners

1st Peddapotoo Luttra Badeegaudoo

and

2nd Jinkala Wobeegaudoo

and accordingly direct that they be set at Liberty.

(Sent following letter No 272

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

(Here enter No 323)

24th February 1837.

Report V

Case 5

In this Case of "escape" the prisoner is represented, in "the charge" as having been "sentenced "for 21 years confinement" The adjudication of 21 years imprisonment being unintelligible the Court of Foujdaree Adalut direct that an explanation may be submitted to them as to the date and tenor of the sentence under which the said prisoner "Mootto "=curpen" was confined when he made the escape for which he has here been sentenced: and the Court deem it necessary also that Copies should be obtained and laid before them of the several sen= =tences, which made up the term of 21 years impris= =onment, adjudged against the said individual.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Chingleput for his information and guidance by Precept returnable in 4 days after receipt.

(Sent following Precept No 272

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

(Here enter No 370.)

Suppl. Report Cases 146 — 147.

With reference to the remarks of the Criminal Court upon the circumstances of these Cases in which the prisoners have been required to give Security - the Court of Foujdaree Adalut would

24th February 1837. would observe that if there was proof of the offence charged forthcoming, the parties should have been committed for trial.

Report V
Case 6. 2. The Court of Foujdaree Udalut are of opinion that the prisoner in this case should be allowed to give Bail and they accordingly direct that the Acting Criminal Judge be required, with reference to para: 7 of the Circular Order No 2 dated the 3rd July 1834, to call upon the prisoner "Perea "alagen" for moderate Bail.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Madura for his information and guidance by Precept returnable in 3 days after receipt.

Sent following Precept No 274

Read letter dated the 18th Instant from the First Judge on Circuit in the Western Division, forwarding Warrant under which 3 prisoners in Case No 5 Malabar Calendar First Sessions of 1837 have been executed.—

Here enter No 411 /—

F. C.

F. C.

At a Court of the Foujdaree Udalut

Present

Saturday 25th February 1837

The Honble C. M. Lushington Esqre 1st Puisne Judge
John Bird Esqre _____ 2nd Puisne Judge
William Hudleston Esqre 3rd Puisne Judge

Read letter dated the 18th Instant from the Acting Third Judge on Circuit in the Northern Division, submitting copies of the Calendars of the Zillah of Nellore for the first Sessions of 1837.—

(Here enter F. C. No 388 of 1837.)

Case No 1 1. The Court of Foujdaree Udalut observe that "as the third prisoner was released according "a warrant issued by the Acting Second Judge on "Circuit for the Second Sessions of 1836, under date the "16th July 1836" he should not have been included in the present Calendar.—

Case No 2. 2. It is stated in the remarks in the Calendar that "the 1st Futwa acquitted the prisoner "by reason of some personal objections to the evidence" and a similar observation is recorded in three cases on the Calendar.—

3. The Court of Foujdaree Udalut observe that

that the particular objections of the Law Officer and the particular Witnesses to whom the objections were made should have been stated in the remarks in the Calendar.—

Case No. 3. 4. The prisoner in this case is convicted of having in concert with seven other persons assaulted the Prosecutor and the first Witness on the Highway, and robbed them of property valued at Rupees 8½-1—

5. In a Note affixed to the case, it is stated that "the fourth witness, one of the "apprehenders, is proved to have boldly attacked the "Robbers, and in defending himself committed a "homicide. The Acting Third Judge, therefore "deems it proper to recommend that a reward of 20 "Rupees be granted to him for his bravery, which "will be a stimulus to others to follow his example."

6. The Court of Zinjdaree Udalut, approving of the suggestion of the Judge of Circuit, resolve, under the provisions of Section XXIII Regulation IX of 1816, to authorize the payment of the sum of (20) Twenty Rupees to the said fourth Witness.

Case No. 7. 7. In this case, the prisoner is charged with having in conjunction with another person, gone forth armed with sticks and a sword, assaulted and beaten the prosecutor on the highway, and robbed him of cloths valued at five Rupees.

8. In the remarks in the Calendar, it is stated that "the first Futwa rejects the evidence "by reason of personal objections, which being removed "by a second Futwa, the Law Officer declares the "prisoner convicted of Highway Robbery and liable "to Ookoobut."—

9. The Court of Zinjdaree Udalut observe that the First Futwa of the Law Officer declares the prisoner to be fully convicted of Highway Robbery and liable to Ookoobut. Bud being barred in his favour because he pleaded Not Guilty before the Court of Circuit, and the value of his share of the plunder does not amount to the Nisaab: and "the crime for which "the prisoner is declared liable to discretionary "punishment" is "specially provided for" by Clause First, Section III Regulation XV of 1803.—

10. It was not therefore necessary to take a second Futwa; but the Judge of Circuit should have proceeded in the mode directed by Clause Second, Section II, Regulation XV of 1803.—

Case No. 8. 11. The prisoner, in this case charged with assaulting the prosecutor (whom he was attending in the capacity of a Khanna Doss) on the highway, and

25th February 1837.

and robbing him of property valued at one Anna and nine pice was convicted by the Second Futwa of the Mahommedan Law Officer and declared liable to a fine of two limbs: but the judge of Circuit recommends that the sentence to which the prisoner is liable be mitigated to five years, as he was alone and unarmed, there is no aggravating circumstance, he left the property excepting only ½ duit on the spot where the act was committed, he is a young man, and this is the first act of the kind he has been guilty of.—

12. The Court of Foujdaree Udalut having duly considered all the circumstances of this case, resolve to accede to the recommendation of the Judge of Circuit, and under the provisions of Clause Third Section III Regulation I of 1825, direct that the prisoner Vuncapoody Nurseegaudoo—

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

Ordered, that extract from these proceedings be sent to the Acting Third Judge on Circuit in the Northern Division by Precept returnable within 10 days from and after its receipt.—

(Sent following Precept No. 281.

Read the Sirsee Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of January.—

(Here enter No. 401.)

In

F. 16.

25th February 1837.

Report V

Cases 19—10

In these cases a reference to the

1. Magistrate is stated to have been made by the Police Officer, but the object of the reference has not been specified as it ought to have been, under the instructions contained in the Circular Order No. 62 dated 26th February 1836.

The Provincial Court of Circuit will

2. be pleased to send copy of these cases as they stand in the Report, and of this and the preceding, paragraph to the Magistrate, who will call the attention of the Police Officer to the Circular Order in question.—

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance, and for communication to the Principal Sudr Ameen at Sirsee by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 282.)

Read Miscellaneous Petition presented on the 13th instant by Mooneasawmy Setty and Adeappa Setty of the Zillah of Chittoor.—

(Here enter Mis. Pt. No. 19 of 1837.)

1. The prayer of this Petition is the same as that of No. 126 of 1836 presented by the same

25th February 1837.

same parties, and on which, an order was passed by the Foujdaree Udalut under date the 9th January 1837.

2. The Court of Foujdaree Udalut direct that the Petitioners be informed that the Record of the case to which they refer has been called for, and that orders will be passed thereon in due course.

3. The Court of Foujdaree Udalut having had their attention called to case No. 1 on the Chittoor Second Supplemental Calendar for the Fourth Quarter Sessions of 1836, and being desirous of obtaining a more accurate knowledge of the facts of the case than is supplied by the Calendar resolve to direct that an English Translation of the Record be prepared and submitted for their consideration without delay.

Ordered, that extract from these proceedings be furnished to the Petitioners upon their application

Ordered also, that para. 3 of these proceedings be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable within 15 days from and after its receipt.

(Sent following Precept No. 283

WB

F. U.

At a Court of the Foujdaree Udalut.

Present

Monday 27th February 1837. The Honble C. M. Lushington Esqre 1st Puisne Judge

John Bird Esqre ..... 2d Puisne Judge

William Hudleston Esqre ... 3d Puisne Judge.

WB

Read Miscellaneous Petition presented on the 20th Instant by Vadoogattal Munigattal, Veerummaul and Vakeel Sobaroya Pillay of the Zillah of Chingleput.

(Here enter Mis. Pet. No. 21 of 1837)

The Petitioners represent themselves to be relatives of the Prisoners in case No. 14 on the Chingleput Calendar for the first Sessions of 1834 who were convicted before the Court of Circuit of Robbery and sentenced to imprisonment with hard labour in irons for fourteen years.

2. The Petitioners first urge that the punishment is too severe; and next assert the malice of the prosecutor, the falsity of the charge and the entire innocence of the accused: and pray that Orders may be issued for the immediate release of the Convicts from Confinement.

3. The Petitioners are informed that there is no appeal from the Sentence of a Court of Circuit; and that the Court of Foujdaree Udalut having

27th February 1837. having refered to the Calendar, see no room to question the propriety of the Sentence Complained of.

Ordered, that the Petition be rejected and that Extract from theds proceedings be furnished to the Petitioners upon application.—

Read Miscellaneous Petition presented on the 20th Instant by Mahommud Khaja—

/Here enter. Mis. Pet. No 22 of 1837./

1. The Petitioner represents that he was a Peon attached to the Jillah Court of Cuddapah and came to Guindy in charge of the Convicts employed under the Breakwater Committee that on the 2nd Instant, he and another Peon were conducting seven convicts to Sydapet, when he fell sick by the way, and in consequence left the Convicts in charge of the single peon and proceeded to the Hospital: and that the Officer incharge of the Jail at Guindy being aware of the circumstance, took away his Belt.

2. He prays that Orders may be issued for his reinstatement in his Situation—

3. The Court of Foujdaree Udalut observe that the Officer in charge of the Jail, reports, under date the 7th Instant, that he had dismissed the Petitioner in consequence of his having "absented "himself from his charge without leave, and in direct

27th February 1837. "direct disobedience to orders, given over the convicts "entrusted to his charge to another Peon who had "already charge of four convicts:" and added "as "I had reason to believe that this species of irre- "gularity was very prevalent, I had expressed "my determination to dismiss the first peon guilty "of such misdemeanor only a few days previous "to my detection of the abovementioned delin- "quency"

4. The Court of Foujdaree Udalut, seeing no room to question the propriety of Captain Otter's proceedings in this Case, resolve to reject this Petition.—

Ordered, that the same be com- municated to the Petitioner, and that Extract from these proceedings be furnished to the Petitioner upon application.—

Read the Cuddapah and Cum- bum Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of January—

/Here enter No 389./

Suppl. Report Case No 183— 1 The Court of Foujdaree Udalut direct that it be pointed out to the Criminal Judge that the wording of the Order upon this Case betrays a want of revision which they trust will not be again exhibited in a Report to which his signature may

may be attached.

Report V

Case 3.

2. The offence charged in this case being punishable under Section VII Regulation X 1816 the Sentence, as it stands recorded, is illegal. The Criminal Judge will be pleased to reduce it to the extent authorized by that provision of the Regulation reporting the same for the information of the Court of Foujdaree Udalut.

Case 7.

3. It is represented in this Case that the prisoner was apprehended on the 27th October. The Court of Foujdaree Udalut require to be informed where the prisoner was from that date till the 18th December, on which day he is stated to have been brought before the Assistant Magistrate. Copy of the Case as it stands in the Report, and of this paragraph, should be sent by the Criminal Judge to the Magistrate, who will be pleased to transmit the information now called for direct to the Foujdaree Udalut.

Case 9.

4. The charge in this Case appears to be for "housebreaking", and if the prisoners were convicted of it, Clause fourth, Section IV Regulation VII of 1822 is inapplicable. If they were not convicted of the Crime charged but only of knowingly receiving stolen property" a note of the circumstance should have been made with reference to the Circular Order

Case 11

5. This Case appears to be one of housebreaking also. and, if by representing the prisoner as an "old offender," it is meant that he has been before Convicted of the same, or of a heinous Crime, he should have been committed. The Court of Foujdaree Udalut do not however now desire to disturb the Sentence recorded.

Statement of Extra Jail Peons

6. The Court direct that the Criminal Judge be informed that the number of Duffadars as well as of the Peons should be notified in this Statement.

Cumbum Criminal Report V

Cases 3 and 4.

7. Certain of the witnesses in these Cases have been fined, each three Rupees for having denied before the Principal Sudr Ameen's Court the Statements made by them before the Police, corroborative of the Statements of the Prosecutor and Prosecutrix. There being no authority for imposing upon witnesses a fine for retracting before a Criminal Court their alleged depositions before the Police. the Court of Foujdaree Udalut direct that the amount of the fine levied may be returned to the parties respectively.

8. The Criminal Judge will communicate to the Principal Sudr Ameen the last paragraph for his information and guidance.

Ordered

27th February 1837

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Cuddapah for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept № 287)

Read letter dated the 21st Instant, from the First Judge of the Provincial Court of Circuit in the Centre Division, submitting Copies of the Chittoor Second and Third Supplemental Calendars for the First Quarter Sessions of 1837.

(Here enter F. R. № 416 of 1837.)

Second Supplt. Calendar Case № 1.

1 In this Case, the first prisoner was charged with having forged a receipt in the name of the Prosecutor who was Plaintiff in Suit № 278 of 1836 wherein the Prisoner was Defendant, for fifty six Rupees, and with having got the said Receipt attested by the third and fourth prisoners: the second prisoner with having by desire of the first prisoner fabricated a receipt and forged the Signature of the Prosecutor thereto: and the third and fourth prisoners with being accessaries, in attesting the said Receipt.

2. The prisoners were acquitted before the Court of Quarter Sessions as "not a little of evidence "has been adduced on which to convict them." "Still" observes the Presiding Judge — "under Clause Sixth, "Section II, Regulation XV A. D. 1803, and Clause First, Section

27th February 1837. "Section X, Regulation VI, A. D. 1827, it is considered "proper to require from the first prisoner who is a "Bricklayer Maistry, Security for good behaviour "in the Sum of Rupees 500, two Sureties each in "250 Rupees for three years, or in default of fur- "nishing it, that he be then detained that period "in Custody: since it is quite evident this prisoner at- "tempted a deceit in having caused the third witness "Vurdapah to Copy a Motion dated 5th November 1836, "which was submitted to the Zillah Judge, in which "this prisoner represented that he had paid the "Prosecutor on the 24th August 1836, the Sum of 56 "Rupees, which was evidently false, since the debt "due to him was not paid into the hands of the "Nazir's Goomastah, until the 12th December of that "year."

3 The Court of Foujdaree Adalut observe that the circumstances noticed in the remarks of the Presiding Judge might have justi- -fied the punishment of the first prisoner under the provisions of Regulation I of 1832, but that a re- -quisition of Security on any other grounds than those indicated in Clause Sixth, Section III Regulation XV of 1803, namely Strong Suspicion of the offence forming the immediate subject of the charge or notorious bad character, is illegal.

The

27th Febry 1837.

Ordered, that Extract from these proceedings be sent to the First Judge of the Provincial Court of Circuit in the Centre Division by Precept returnable within three days from and after its receipt.

(Sent following Precept No 288)

Read Extract from the Minutes of Consultation under date the 17th Instant, communicating the Concurrence of Government in the sentiments of the Foujdaree Udalut relative to the dismissal of Sunker Row from his Office of Tahseeldar of the Kunnalapoorum Talook in the District of Cuddapah and requesting the Board of Revenue to reconsider the Case of that individual with reference to the expediency of again employing him in the Public Service.

(Here enter No 374)

Read return dated the 18th Instant from the Officiating Second Judge late on Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 8th Febuary 1837 conveying their observations and orders on Case No 7 on the Cuddapah Calendar for the second Sessions of 1836 and requiring him to State what has become of the Original letter alleged to have been addressed by three of the prisoners to Muddy Pedda Venkadoo.

(Here enter No 382)

Read

27th Febry 1837.

The Presiding Judge will cancel his Order for Security; and direct that the prisoner if in confinement in default, be immediately set at Liberty; or if already at large, that the Bail be cancelled.

Third Suppt No 5.
Calendar
Case No 1

The prisoner in this Case was charged with Perjury in having, when appearing as Plaintiff in Case No 1 of 1837 before the Criminal Court falsely sworn "that the Signature affixed by him "in a Complaint dated 1st December 1836, preferred "to the Collector against one Ramabadra Setty "is not his."

Second Suppt
Calendar
Case No 1.

6

The Court of Foujdaree Udalut observe that in the framing of the Indictment, their Circular instructions of the 31st January 1835 have not been conformed to. The Charge does not describe the "Judicial proceeding, to the false of which the "perjury" was "material": while in respect of the "cision" with which a Charge for Perjury ought to be "framed" - it is worthy of remark that the Indictment in this Case after setting forth the purport of the Prisoner's Deposition before the Criminal Court does not that the said Signature was his, but "affirmed to be his both from its resemblance to his Signature "in his deposition taken" &c.

Ordered

27th February 1837.

Read return dated the 25th Instant from the Acting Criminal Judge of Chingleput, to the Precept of the Foujdaree Udalut dated the 21st Febru-ary 1837 conveying their observations and orders on the Chingleput Criminal Reports for the month of January 1837.-

(Here enter No 431)

Read letter dated the 20th Instant from the Special Commissioner at Chicacole, for-warding the Warrant of the execution of Romana Ramunna Prisoner in No 7 of the Special Com-mission.

(Here enter No 432)

Read return dated the 23d Instant from the Assistant Criminal Judge of the Zillah Court at Nellore, to the Precept of the Foujdaree Udalut dated the 20th February 1837 conveying their observations and Orders on the Nellore Criminal Reports for the month of January 1837.

(Here enter No 433)

Read letter dated the 22nd Instant from the Criminal Judge of Bellary, acknowledg-ing the receipt of two Copies of the 4th, 5th and 6th Volumes of the Futawa-e-Alumgeeree.

(Here enter No 434)

Read letter dated the 20th Instant from the Magistrate of Masulipatam reporting the

27th February 1837.

the cause of the delay in transmitting the prisoners in Case No 87 on the Masulipatam Criminal Report for the month of December 1836, noticed in the Extract from the proceedings of the Foujdaree Udalut under date the 17th January 1837.-

(Here enter No 436)

Read return dated the 15th Instant from the Provincial Court of Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated the 25th January 1837, directing them to review the proceedings in Case No 98 on the Chicacole Criminal Reports for the month of December 1836.

(Here enter No 426)

F. U.

At a Court of the Foujdaree Udalut—

Present,

Tuesday
28th February 1837 — C. M. Lushington Esqre ... 1st Puisne Judge
John Bird Esqre ... 2d Puisne Judge
William Hudleston Esqre 3d Puisne Judge—

13

Read letter dated the 9th Instant from the Acting Third Judge Late on Circuit Southern Division, submitting for the final Judgment of the Court of Foujdaree Udalut the Record of Case No. 25 on the Combaconum Calendar for the second Sessions of 1836—

/Here enter F.U. No. 322 of 1837./

Mr. Bird and Mr. Hudleston— The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid acquitting the prisoner

Appauconagheon alias
Renganadha Conghcon

and do accordingly acquit him; but as from the evidence adduced, he appears to be of a character so notoriously bad and dangerous as to render his

28th February 1837 his release without substantial security evidently unsafe and improper, the Court direct that he be required to produce three Sureties in (500) five hundred Rupees each Surety for his future good behaviour and appearance when required; and that in default thereof, he be detained in confinement under the provisions of Clause second, Section X, Regulation VI of 1827.

(Sent following letter No. 289.

It is observed that the Acting Magistrate of Trichinopoly, in the third paragraph of his letter to the Provincial Court of Circuit in the Southern Division dated the 29th May 1835, states that "a warrant is now out against "him (Appaucongheon) from the Magistrate of Tanjore "on account of a gang Robbery recently committed "in that District, and I am informed by the Peons "who carry the Warrant that he was apprehended "on a charge of the same nature in 1832, but effected "his escape. A warrant is also out against him "from the Magistrate of Salem"—

2 The Court of Foujdaree Udalut resolve to direct that the Magistrates of Tanjore and Salem be called upon to report whether they have evidence sufficient to warrant their proceeding against the prisoner Appaucongheon for Crimes committed

28th February 1837 committed within their respective Jurisdictions.

Ordered, that Extract from these proceedings be sent to the Acting Third Judge late on Circuit in the Southern Division by Precept returnable within twenty days from and after its receipt.

(Sent following Precept No. 290

Read letter dated the 13th Instant from the Acting Third Judge late on Circuit in the Southern Division, submitting for the final Judgment of the Court of Foujdaree Udalut, the Record of case No. 45 on the Combaconum Calendar for the second Sessions of 1836—

(Here enter F. U. No. 350 of 1837.)

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

Moorogappa Moodely

of the Crime charged and awarding Cothobut, and under the provisions of Clause Third, Section VII, Regulation XV of 1803, and Clause third, Section II Regulation

2. 28th February 1837 Regulation I of 1825, and Section IV Regulation VIII of 1828, Sentence the said prisoner to receive one hundred and ninety five lashes of a Cat of nine tails and to be transported to such place beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.-

Sent following letter No 291.

1. It appears from the evidence for the prosecution in this Case, that one Arundy Veera=pen of Paidauny Keoil - who has not been appre=hended - took an active part in the infliction of that ill treatment which occasioned the death of the deceased Naugappen.-

2. The Court of Foujdaree Udalut deem it necessary to direct that the Magistrate of Tanjore be urged to use his best exertions to effect the apprehension of the said Arundy Vee=rapen: and they resolve, in virtue of the authority vested in them by Section XXI, Regulation IX of 1816 to sanction the offer of a reward of Rupees (100) One hundred, payable under the provisions of Section VI, Regulation I of 1818, on the delivery of the above named individual to the Magistrate of Tanjore or to the Ma=gistrate in whose Jurisdiction he may be apprehended.

Ordered

401

2. F.U.

28th February 1837.-

Ordered, that Extract from these proceedings be sent to the Acting Third Judge late on circuit in the Southern Division by Precept returnable within 10 days from and after its receipt.-

Sent following Precept No 292

No final return having been received from the Provincial Court of Circuit in the Centre Division to the Precept of this Court of the 12th December last, forwarding a translation of a Petition No 115 of 1836 presented to this Court by Ananta Charry Son of Ariasanopula Rangava charry and directing the Provincial Court of Circuit to call upon the Magistrate of North Arcot to institute an enquiry into the Complaint of the Petitioner and to report the result for the information of this Court-

Ordered, that the Provincial Court of Circuit in the Centre Division be required by Precept returnable in 5 days from and after its receipt to call upon the Magistrate of North Arcot to submit the required information without further delay, and to explain why the orders of the Foujdaree Udalut have not been earlier confirmed to.-

Sent following Precept No 293

Read letter, dated the 23rd Instant, from the Magistrate of the Northern Division of Arcot

28th February 1837. addressed to the Judges of Circuit by the Governor in Council and recorded in the Minutes of Consultation dated 2nd January 1824, "that the Report "of the Circuit Judge" should be "drawn up in as "Condensed a form as may be compatible with "perspicuity, and with a distinct Statement of "any information which that document may "exclusively furnish."

2. The Report now before the Court Contains much extraneous matter, and the Subjects treated of are discussed in language abstruse and in some instances unintelligible.

3. In the 14th para of his Report the Acting Second Judge refers to a practice hitherto permitted in the Jail at Nellore of taking a small quantity of Rice from the daily allowance of each prisoner to pay the barber.

4. The Right Honorable the Governor in Council will observe that the Court of Foujdaree Adalut in the 3d para: of their proceedings under date the 15th instant directed that such practice be discontinued in the Jail at Nellore; but in the event of there being no prisoner in Confinement at that Station competent to perform the duties of a Barber, the Judges would suggest that the Criminal Judge receive Sanction to employ a person to shave the prisoners and

28th February 1837. and to remunerate him in the manner suggested by the Acting Second Judge.

5. The Subjects discussed in para: 16. 17. and 18 of the Report have already been brought

Vide Pro: F.U. 15th August 1836 para: 36. under the consideration of the Right Honorable the Governor in Council and disposed of in para: 10 of the Minutes of Consultation under date the 15th of November 1836.

6. Para: 22 and 23 of the Report are Composed of Extracts from the Report made by the Magistrate of Nellore on the State of the Police of his District for the year 1835 which Report was laid before Government on the 15th of August 1836, and the Subject fully Considered in para: 7 and 8 of the Minutes of Consultation dated 15th November 1836.

7. The Right Honorable the Governor in Council has already before him the rules proposed for working prisoners in gangs at a distance from the Jails, and as all the Convicts available in the Northern Division have lately been ordered to be transferred to Masulipatam it appears unnecessary further to notice in this place the Subject of para: 25, 26 and 27 of Mr. Boileau's Report.

8. In para: 28 of his Report the Acting

28th February 1837. Arcot, Submitting an explanation respecting certain Cases on the Chittoor Criminal Reports for the month of December 1836 noticed in the Extract from the Proceedings of the Foujdaree Udalut under date the 23d January 1837.

(Here enter No. 437)

Read letter dated the 24th Instant from the Magistrate of Madura, stating with reference to his letter of the 2d Instant that the Ameen of Mauznad has reported his inability to elicit any thing further in respect of Case No. 149 on the Criminal Report for December 1836.

(Here enter No. 442)

Read letter, dated the 25th Instant, from the 3d Judge on Circuit in the Centre Division, forwarding the Original Death Warrant &c. in Case No. 16 on the Cuddapah Calendar for the 1st Sessions of 1837.

(Here enter No. 443)

Read return, dated the 23d Instant, from the Acting Joint Criminal Judge of Guntoor, to the Precept of the Foujdaree Udalut dated the 18th February 1837, conveying their observations and Orders on the Guntoor Criminal Reports for the month of January.

(Here enter No. 445)

Read

28th February 1837.

Read letter dated the 31st of December 1836 from the Acting Second Judge on Circuit in the Northern Division, submitting the Report required by Section XXXVII Regulation VII of 1802 for the Second Sessions of 1836.

(Here enter No. 59)

Also read letter dated the 21st ultimo from the Acting Second Judge late on Circuit in the Northern Division, submitting Copy of a return from the Magistrate of Vizagapatam forming part of the Appendix No. 1 to his Circuit Report for the 2d Sessions of 1836.

(Here enter No. 173)

Also read letter dated the 4th Instant from the Acting Second Judge late on Circuit in the Northern Division submitting Copy of a return from the Joint Magistrate in charge of the Zillah of Ganjam relative to the petty Calendars laid before the Court of Circuit at the past Sessions to complete the Appendix No. 1 of his Circuit Report dated the 31st December 1836.

(Here enter No. 259)

The Court of Foujdaree Udalut regret to observe that in preparing the Report required by Section XXXVII Regulation VII of 1802 the Acting Second Judge has wholly lost sight of the remarks addressed

28th February 1837. addressed to the Judges of Circuit by the Governor in Council and recorded in the Minutes of Consultation dated 2nd January 1824, "that the Report "of the Circuit Judge" should be "drawn up in as "condensed a form as may be compatible with "perspicuity, and with a distinct Statement of "any information which that document may "exclusively furnish."

2. The Report now before the Court contains much extraneous matter, and the subjects treated of are discussed in language abstruse and in some instances unintelligible.

3. In the 14th para of his Report the Acting Second Judge refers to a practice hitherto permitted in the Jail at Nellore of taking a small quantity of Rice from the daily allowance of each prisoner to pay the barber.

4. The Right Honorable the Governor in Council will observe that the Court of Foujdaree Udalut in the 3d para: of their proceedings under date the 15th instant directed that such practice be discontinued in the Jail at Nellore; but in the event of there being no prisoner in Confinement at that Station competent to perform the duties of a Barber, the Judges would suggest that the Criminal Judge receive Sanction to employ a person to shave the prisoners and

28th February 1837. and to remunerate him in the manner suggested by the Acting Second Judge.

5. The Subjects discussed in para: 16. 17. and 18 of the Report have already been brought

Vide Pro: F.U. 15th August 1836 para: 36. under the consideration of the Right Honorable the Governor in Council and disposed of in para: 10 of the Minutes of Consultation under date the 15th of November 1836.

6. Para: 22 and 23 of the Report are composed of Extracts from the Report made by the Magistrate of Nellore on the State of the Police of his District for the year 1835 which Report was laid before Government on the 15th of August 1836, and the Subject fully Considered in para: 7 and 8 of the Minutes of Consultation dated 15th November 1836.

7. The Right Honorable the Governor in Council has already before him the rules proposed for working prisoners in gangs at a distance from the Jails, and as all the Convicts available in the Northern Division have lately been ordered to be transferred to Masulipatam it appears unnecessary further to notice in this place the Subject of para: 25, 26 and 27 of Mr. Boileau's Report.

8. In para: 28 of his Report the Acting

28th February 1837. Acting Second Judge observes that "no Cells for "Solitary imprisonment have been erected in any "part of" the District of Nellore, and he suggests that the Magistrate "should have the power which "he has not at present of carrying into effect the "provisions of the Regulation in this respect."

9 In the 3rd para. of the Minutes of Consultation under date the 19th of November 1836 it was stated that the Right Honorable the Governor in Council was "concerned to observe "that the enactment for the infliction of Solitary "Confinement had been so seldom brought into "operation", and that he expects the Judges will submit their opinion on the subject, "when they "shall have decided on the effects observed to "result from Solitary Confinement, or have resolved "on some general plan for enabling the several "authorities to carry it into execution."—

10. In reference to these observations of the Government the Court of Foujdaree Udalut desired those Criminal and Joint Criminal Judges whose Jails may afford the means of imposing Solitary ~~confinement~~ imprisonment, to try the effects of Solitary imprisonment; and the Provincial Courts of Circuit were directed to ascertain and report what would be the expense of building a sufficient number

of Solitary Cells in the Jails within their which do not at present afford the means carrying such punishment into effect.—

11. The returns received from the Subordinate Authorities shew that the Jails at Calicut, Trichinopoly, Salem, Coimbatore (and Rajahmundry to a limited extent) already afford the means of imposing Solitary Confinement, as will the new Jail at Tinnevelly so soon as it may be Completed.—

12 But from the Estimates laid before the Court of Foujdaree Udalut, a Statement of which is appended, it would appear that the erection of a sufficient number of Solitary Cells in the Jails at Tellicherry, Canara, Madura, Combaconum, Chittoor, Cuddapah, Bellary, Chingleput, Nellore, Vizagapatam and Chicacole would involve an outlay of Rupees 5,914-11-3½ an expense which the Court are disinclined to recommend should be incurred before they have the means of deciding "on the effects observed to result from "Solitary Confinement."—

Vide Statement appended.—

13 They would suggest therefore that for the present the estimates submitted by the Officers in charge of the Jails at Combaconum, Cuddapah, Nellore and Vizagapatam do only receive the Sanction

Pop.
Combaconum 280-0-0
Cuddapah 21-2-0
Nellore 123-8-0
Vizagapatam 110-14-4

of

28th February 1837. of the Right Honorable the Governor in Council, leaving the expediency of incurring the larger outlay for Solitary Cells in the remaining Jails to be determined when the Court shall have "decided on the "effects observed to result from Solitary Confinement"

14 The suggestion of the Acting Joint Caiminal Judge that the 10 Solitary Cells in the Fort at Masulipatam, which are stated to be rarely used by the Military Authorities, should be transfered to the Judicial Department to enable him to carry into operation the enactment for the infliction of Solitary Confinement, would appear to be deserving of the consideration of the Right Honorable the Governor in Council.

15. With reference to paras 31 32 33 34 35 and 36 of this Report the Court of Foujdaree Udalut resolve to convey to the Acting Second Judge their concurrence in his construction of Clause first, Section III, Regulation II of 1822 communicated to the Magistrate of Nellore, - viz "that a Magistrate is not "Competent to order the Confinement of persons described "in Section III, Regulation II of 1822 and to impose "any period of imprisonment without first demanding "from the party security for appearance."

16. This view of the Regulation is supported by the wording of Clause first, Section VIII and

28th February 1837. and Clause first, Section XIII, Regulation VII of 1827 and by the Circular Order of 25th of February 1824, and 22nd May 1828 quoted by the Acting Second Judge, but it will be perceived that the question was finally set at rest by the Circular Order issued by the Court of Foujdaree Udalut under date the 5th of August 1831.-

17. With reference to para 40 and 41 of the Report the Court of Foujdaree Udalut would observe that when the Jail now building at Guntoor may be completed they will take into consideration the expediency of continuing under the charge of the Magistrate the prisoners placed at his disposal in 1831. - at present the Acting Joint Caiminal Judge has not the means of providing accommodation for them, and tho' under the Charge of the Magistrate they are employed on works connected with the building of the new Jail.-

18. With reference however to the Order of Government of the 18th of August 1836 (No 692) intimating that "for the reasons contained in the "Order of Government dated 18th December 1835 "the Governor in Council declines at present "acceding to the recommendation of the Judges "of the Sudr Udalut, that a new Court House be erected at Guntoor," but that he will be prepared to

28th February 1837. "to sanction an increase of 30 Rupees to the Rent
50 Rupees per Mensem" of the present Court House on the proprietress com-
-pleting the provision of additional accommodation"
the Court of Foujdaree Udalut would respectfully
solicit the attention of the Right Honorable the
Governor in Council to the remarks contained in
paras 43. 44. 45. 46 and 47 of the Acting Second
Judge's Report.

19 It will be perceived that the rent
(50 Rupees per Mensem) now paid for the building
occupied as a Court House is considered "exorbitant"
and that even with the addition contemplated
(a detached building) for which the rent is to be
raised to 80 Rupees per Mensem, the Bungalow
will afford inadequate accommodation.

Vide letter from Joint Crim. Judge 11th December 1836 in Appendix.

20 The Acting Second Judge and the
Acting Joint Criminal Judge therefore recommend
that a House, near the Cle of the new Jail, be
adapted for a Court House, and the rent of which is
only 60 Rupees per Mensem, be engaged by the Govern-
ment and to this recommendation the Court of
Foujdaree Udalut are disposed to give their support.

21. The suggestion contained in paras
55 and 56 is matter for the consideration of the
Board of Revenue, and it would not appear to
be the province of the Court of Foujdaree Udalut

28th February 1837. to enter into the subjects discussed in paras 64-65.
66. 67. 68. 69. 70 and 71 of the Report.

22. With reference to paras 75 and 90
Vide Order of Govt dated 7th February 1837. it may be right perhaps to mention that the
Government have lately sanctioned an Estimate
for the repair of the Doors &c. of the Jail at
Rajahmundry, and also the employment of a
Gomastah at Samulcotta to prepare the States-
Vide Order of Govt dated 23d January 1837. -ments &c. of the Labour of the Convicts employed
under the Orders of the Officer Commanding at
that Station.

23. In reference to paras 94. 95. 96
97 and 98 the Court of Foujdaree Udalut will
intimate to the Acting Second Judge their con-
-currence in the construction of Clause first, Section
IV. Regulation II of 1822 viz: that it confers no
authority on the Criminal Judge to liberate a
prisoner on his Enochilka, a Course of proceeding
which it is competent only to the Court of Circuit
to adopt under Clause third, Section IV, Regulation
II of 1822.

24. The Court of Foujdaree Udalut
would also record their concurrence in the Construc-
-tion of Section III Regulation VIII of 1832 given in para 104
of the Acting Second Judge's Report, and they desire
that the Magistrate of Vizagapatam be instructed
that

28th February 1837 — that as Section XXXVII Regulation IX of 1816 has been rescinded in toto all punishments awarded by the Magistracy must be included in the Calendar to be laid before the Court of Circuit, and in no Case are the Magistrates altogether relieved from recording the examinations they may take, as even in the investigation of the Complaints preferred under Sections XXXII, and XXXIII, Regulation IX of 1816 they are required by Clause first, Section III, Regulation VIII of 1832 to take down in writing the Complaint and so much of the evidence as shall be material together with the defence of the Accused; and this additional record is required to accompany the Calendar prescribed by Clause first, Section XI Regulation IX of 1816.—

25. It is true that the provisions of Regulation VIII of 1832 have been found to operate inconveniently in practice, and in compliance with the instructions of the Honorable the Court of Directors a draft of an enactment for modifying the provisions of Clause first, Section III, Regulation VIII of 1832 was accordingly laid before the Right Honorable the Governor in Council on the 14th of September 1835.—

26. Paras 105. 106. 109 and 110 refer to the expediency of building a new Court House and

28th February 1837 and Jail at Vizagapatam, Subjects which were treated of in paras 1 and 2 of the proceedings of the Foujdaree Adalut of the 15th February 1837 on review of Mr Pastie's Circuit Report for the 1st Sessions of 1836.

27. In their proceedings under the above date the Court of Foujdaree Adalut took occasion to point out that the insecurity of the building now occupied as a Jail at Vizagapatam could not in the opinion of the Court have rendered necessary the placing in Confinement in irons the prisoners committed to take their trial before the Court of Circuit for Perjury, and the Judges desired that instructions be issued to the Acting Joint Criminal Judge prohibitory of the practice; the Acting Second Judge will now be directed to prohibit the practice observed by the Acting Joint Criminal Judge of Confining in irons prisoners detained on a requisition of Security, brought to the notice of the Foujdaree Adalut in the 107th and 108th paras of his Report.

28. In reference to paras 120. 121. 122. 123. 124. 125. 126. 127. 128 and 129 it may be necessary only in this place to notice that the Court of Sudr Adalut under date the 21st February 1837 Submitted

28th February 1837. Submitted to Government their opinion that circumstances required that the Zillah Court of Chicacole should be transferred to Vizagapatam and that a mutual exchange should be effected between the jurisdiction of that Court and the Auxiliary Court now at Vizagapatam.

29. The allowance prescribed by the Orders of the Foujdaree Adalut of the 2nd June 1831 for prisoners in Confinement in the several Jails within the Northern Division is one Seer of Rice to each daily - the issue of money for the purchase of firewood, Curry Stuff, Oil, Salt and other necessaries is prohibited and these Articles ordered to be supplied under the Order of the Officer incharge of the Jail at a fixed Allowance of 30 Cash per diem - the rates prevailing in the Jail at Chicacole would appear therefore to be correct, and the Court resolve to call upon the Acting Second Judge to ascertain and report the grounds on which a reduced allowance has been made to the prisoners confined in the several other Jails within the Northern Division as alleged in the 134th para. of his report.

30. The arrangement noticed in the 135th para. as obtaining in the Jail at Rajahmundry appears to be similar to that lately established

28th February 1837. established in the Jail at Chittoor, and the Judges of the Foujdaree Adalut see no objection to it.

31. In reference to para. 157 the Court of Foujdaree Adalut would observe that they do not Concur in opinion with the Acting Second Judge, that on the record of Trials postponed to another Sessions, on account of the absence of a material witness, "the opinion" of the Judge "before whom it was at first Committed" should be "expressed when postponing it", because until the whole of the evidence had been gone thro' no Correct judgment Could be formed of the merits of the Case, and in the opinion of the Foujdaree Adalut none under such Circumstances ought to be recorded - they do not however see any objection to his pointing out for the Consideration of the Judge who may eventually dispose of the Case any irregularity that may have passed "within his observation in the antecedent investigation."

32. In order to facilitate reference and to enable the Judge on Circuit to ascertain whether or not the representations of parties have or have not been preferred to Judges presiding at former Sessions, the Acting Second Judge suggests that all petitions presented to the Presiding Judge be

be transferred to the one next proceeding on duty.

33. In the opinion of the Court of Foujdaree Udalut it would be sufficient if the Judge proceeding on Circuit were to take a Copy of the Orders passed on Petitions presented during the previous Sessions, the Petitions themselves being deposited in the records of the Provincial Court of Circuit, in the same manner as other papers received by a Judge while on Circuit are required to be made over to the Provincial Court by the Circular Order of the 2nd of June 1827.

34. The irregularity in the proceedings of the Officer in charge of the Criminal Court of Nellore observable in the Calendar laid before the Court of Circuit and noticed in the 160th para. of this Report has already been brought to the notice of the Officers whom it Concerned; but in reference to para. 162 the Court of Foujdaree Udalut would record for the information of the Acting Second Judge their opinion that if the subscribing witnesses to a Confession are "fully acquainted with "the language in which the accused both dictated "his Confession and in which it was taken down", there is nothing objectionable in their being required to do so, be their persuasion what it may.

35. With reference to para. 166 of the Report

Report the Judges would observe that if the final Sentences of the Courts of Circuit are prepared, as directed in the Circular Order of the 15th June 1826, in the form observed by the Foujdaree Udalut, they would not shew the grounds of the pleade of the prisoners who may have been acquitted and ordered to be discharged, and the object therefore desired would not be gained by furnishing the Criminal Courts with a Copy thereof - but whenever the judgment of the Court of Circuit may be affected by any error or omission in the proceedings held by the Lower Courts it is the duty of the Judge of Circuit to record the same for the information and future guidance of the Subordinate Tribunals, and this Court the Judges have reason to believe is generally adopted by the Courts of Circuit: - the reasons for which the Court of Foujdaree Udalut deem expedient to abstain from recording the grounds of their Sentences for the information of the Subordinate Officers were fully explained in their proceedings Submitted to Government under date the 21st of April 1835.

36. In the 170th para. of his Report Mr. Boileau States his opinion that the Circular Order No. 7 (requiring Criminal Courts and the Officers

Officers of Police in all Cases where the prisoners do not confess to ask each prisoner where he was at the time the Crime was Committed—) interferes with the freedom of a Prisoner's defence.—

37. It will be observed from the 4th para: of the proceedings of the Foujdaree Udalut submitted to Government under date the 25th July 1834 that the rule in question was adopted by the Court as affording the best test of the value of an Alibi (the Common defence set up) upon which it is of im-portance that a Correct decision should be formed.—

38 From the proceedings however in a trial which has been lately laid before the Court, the Circular Order No. 7 would appear to have injuriously affected the Accused, and as it moreover gives a Police Officer the power of weakening a prisoner's defence the Court resolve to cancel it accordingly.—

39. The Court of Foujdaree Udalut see no sufficient reason for an Order on the subject noticed in para: 171 of Mr. Boileau's Report, the Circular Order of the 27th December 1815 appears to be sufficiently explanatory.—

40. With reference to para: 172 of the Report the Court of Foujdaree Udalut would state for the information of the Right Honorable the Governor

Governor in Council that having it in Contemplation to suggest that a Gallows on a good principle should be erected at every Station where no proper one may be in use, they have directed that the Several Criminal and Joint Criminal Judges be called upon to describe the Drop in use at their respective Stations, and when all the returns have been received the Court of Foujdaree Udalut will address the Government on the subject.—

41. A Copy of the proceedings held by the Foujdaree Udalut under date the 12th November 1836 and on the escape from the Chiacole Jail noticed in paras 174–175–176–177–178–179–180 and 181 of the Report have already been laid before the Right Honorable the Governor in Council.—

42 In reference to para: 184 of the Report the Judges would record their opinion that it is not requisite in the petty Cases dis-posable by the Magistrates that their Calendars should be laid before the Court of Foujdaree Udalut at an earlier period than is observed at present.—

43. The question discussed in paras 185 and 186 of the Report was disposed of in the proceedings of the Foujdaree Udalut submitted

Vide para: 52.—

to

28th February 1837 to Government under Date the 15th of August 1836 and the Acting Second Judge should have been aware that in practice the Sudr Ameens are not permitted to exercise jurisdiction in the Cases of persons charged with Breaches of the Revenue Laws, and any deviation from this rule is invariably brought to the notice of the Officer in charge of the Criminal Court.

44. The Court of Foujdaree Udalut are not of opinion that any extention of the powers already vested in the Magistrate by Clause first Section 1st, Regulation XI of 1816 are required to prevent the forcible occupation or seizure of lands or Crops, inasmuch as the Magistrate has cognizance of any breach of the peace that may be Committed in an attempt to become forcibly possessed of such property.

45. With reference to paras 191 to 206 inclusive the Court of Foujdaree Udalut would record their opinion that it is not desirable that the Jail rules in respect to the maintenance of Prisoners under examination in the Talooks, should be extended to Prisoners under the Police whose detention seldom extends beyond a few days.

46. The concluding paras of Mr Boileau's letter contain his views of the ultimate effect

28th February 1837 effect of legislation", and the Court of Foujdaree Udalut having no further observation to record with reference to the Report direct that Extract from these proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Governor in Council.

Sent in No 294.

Ordered also that Extract from these proceedings be forwarded to the Acting Second Judge late on Circuit in the Northern Division for his information and guidance by Precept returnable in 20 days from and after its receipt.

Sent following Precept No 295

Ordered also that paras 36. 37 and 38 of these proceedings be forwarded to the 4 Provincial Courts of Circuit by Precept returnable in 6 days from and after its receipt, requiring them to Communicate the same for the information and future guidance of the several Officers whom it may Concern.

Sent in No 296,

Read letter dated the 16th Ultimo from the Provincial Court of Circuit in the Northern Division forwarding copies of returns by the several Criminal and Joint Criminal Judges in the Northern Division containing estimates for the construction of solitary cells.

(Here enter No 167)

Note

28th February 1837.

Read letter dated the 1st Instant from the Provincial Court of Circuit in the Centre Division transmitting copies of Returns from the Criminal Judge of Chittoor, the Acting Criminal Judges of Cuddapah and Bellary and the Acting Joint Criminal Judge of Cuddalore and of their enclosures shewing the expence of building solitary cells in their Jails.

(Here enter No. 2321)

Read letter dated the 10th Instant from the Provincial Court of Circuit in the Southern Division forwarding copies of Reports from the several subordinate Officers in charge of Jails excepting the Acting Joint Criminal Judge of Coimbatore, on the subject of solitary imprisonment

(Here enter No. 346)

Read letter dated the 16th Instant from the Provincial Court of Circuit in the Western Division forwarding copies of Reports from the subordinate Judicial Officers in the Western Division relative to the probable expence of building solitary cells in their Jails.

(Here enter No. 345.)

F. U.

At a Court of the Foujdaree Udalut.

Present,

Friday 3rd March 1837. Charles Mayne Lushington Esqr. 1st Puisne Judge
John Bird Esqr. ---------- 2nd Puisne Judge
William Hudleston Esqr. ---- 3rd Puisne Judge

Read letter dated the 18th Ultimo from the Acting Second Judge on Circuit in the Southern Division, transmitting the record in Case No. 4 on the Madura Calendar for the 1st Sessions of 1837.

(Here enter F. U. No. 409 of 1837.)

Mr. Bird and Mr. Hudleston

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, so far as it convicts the prisoner

Coonden

of Murder: and do accordingly convict him thereof: but being of opinion that there are alleviating circumstances in the Case which would render the punishment to which, under the finding of Hidaad declared in that Futwa, the prisoner would be liable, too severe, the Court according to the provisions of Clause Second, Section VI, Regulation I of 1825, sentence him

3d March 1837. him to be transported to such place beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.

(Sent following letter No 305

Read letter dated the 27th Instant from the Third Judge on Circuit in the Centre Division, transmitting the record of proceedings in Case No 4 of the Cumbum Calendar for the 1st Sessions of 1837.

(Here enter F.C. No 420 of 1837.)

Mr Bird and Mr Huddleston.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers and the Futwa of the Cazee-ool-cozzat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-cozzat and Mooftees aforesaid, convicting the prisoner

Bheeka Mullechaur

of Wilful Murder and awarding Kissaas, and under the provisions of Section X, Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No 306.)

Read

3d March 1837. Read return from the Acting Joint Criminal Judge at Cuddalore, dated the 22d, to the Precept of the 18th Ultimo, conveying the Orders of the Foujdaree Udalut on the Cuddalore Criminal Reports for the month of January.

(Here enter No 419.)

With reference to the explanation contained in the above return, the Court of Foujdaree Udalut direct that the Acting Joint Criminal Judge be informed that "the Duffadar attached to the Jail fixed guard," should not be entered in the Statement of "Extra Peons."

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

(Sent in No 307

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

(Here enter No 4324

Report V Case 1.

The Court of Foujdaree Udalut cannot regard as satisfactory the explanation, given in the Report, of the cause of the detention of this Case before the Head Assistant Magistrate. They accordingly direct that Copy of the Case, as it stands in

3d March 1837. will send Copy of the Case as it stands in the Report and of this paragraph to the Magistrate, who will be pleased to enjoin the Head of Police not to permit a delay of this nature in future.—

The Court of Foujdaree Udalut

Case 48. 5 with to be informed as to the period when the sentence in this Case is to be carried into effect, with reference to the term of the prisoner's detention under requisition of Security by the Court of Circuit."

Case 49. 6 Copy of this Case as it stands in the Report and of this paragraph should be sent by the Criminal Court to the Magistrate, who will ascertain and report direct to the Foujdaree Udalut the date of the apprehention of the 1st, 2nd, 3rd and 4th prisoners stated to be "unknown."

Case 51. 7 As far as the Foujdaree Udalut are able to judge from the notice of this Case in the Report, it appears to them that the point on which the Perjury is charged can hardly be viewed as material to the issue of the trial in which it arose. As however the Court of Circuit may be shortly expected at Combaconum, they do not with the Commitment to be disturbed.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Combaconum for his information and guidance

by

3d March 1837. in the Report, and of this paragraph be sent by the Criminal Court to the Magistrate, who will be pleased to communicate the opinion of the Foujdaree Udalut to the Head Assistant Magistrate with the view to prevent, in future, the detention of prisoners before him on similar grounds.

Case 41. 2 Of this Case, also, and of this paragraph a Copy should be sent by the Criminal Court to the Magistrate, from whom the Court await a further explanation, addressed to them direct, of the Cause of the delay in transmitting the Case to the Criminal Court. The Statement of the Case already given does not explain it clearly—

Case 44. 3. It appears to the Court of Foujdaree Udalut that No 44 was a Case which might have been disposed of by the Criminal Judge. The commitment however of the prisoner having been recorded need not be disturbed.—

Case 45. 4 The reason assigned by the Head of Police for the detention of this Case before him is not satisfactory— He should have adopted effectual measures for bringing before his Office "the Prosecutor and Witnesses," and not have allowed the prisoners to be "unexamined" on this account, from the 29th December to the 18th January— The Criminal Judge will

3rd March 1837 by Precept returnable in 5 days after receipt—

(Sent following Precept No 308

Read return dated the 21st Ultimo, from the Joint Criminal Judge at Tinnevelly to the Precept of the Court of Foujdaree Udalut of the 18th Ultimo, conveying the Orders of the Foujdaree Udalut on the Tinnevelly Criminal Reports for the month of January—

(Here enter No 455)

Under the circumstances stated in the above return, it appears to the Court of Foujdaree Udalut that if proper instructions on the subject referred to had been given to the guard in whose Custody the prisoner was placed, and if these instructions had been attended to the prisoner could not have disobeyed the orders of the Joint Criminal Judge in the manner he did. The guard and not the prisoner would seem to have been the most proper object of punishment—

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge at Tinnevelly for his information—

(Sent in No 309.)

Read letter, dated the 30th January last, from the Acting Judge in the Zillah of Cuddapah, stating, with references to the Extract from

3rd March 1837 from the proceedings of the Foujdaree Udalut dated the 14th November 1836—that Ramasawmy the Head Writer is not calculated for his situation: and requesting permission to reinstate him in his former employment of Native Register: and that an Individual fully qualified to perform the duties of Head Writer may be dispatched from Madras—

(Here enter No 218)

Read letter, dated the 25th Ultimo, from the Acting Third Judge on Circuit in the Northern Division, reporting the opening of the 1st Sessions 1837 at Guntoor on the 25th February 1837—

(Here enter No 450)

Read letter, dated the 24th Ultimo, from the Third Judge on Circuit in the Centre Division, forwarding a Statement of Batta paid to Prosecutors and Witnesses attending before the Court of Circuit at Cuddapah during the First Sessions of 1837—

(Here enter No 453)

Read further return dated the 17th Ultimo from the Provincial Court of Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated the 25th January 1837, relative to Case No 98 on the Chicacole Criminal

Report

3d March 1837. Report No V, for the month of December 1836.

/Here enter No 454/

Read letter, dated the 27th Ultimo, from the Acting Third Judge late on Circuit in the Southern Division, transmitting the Original Death Warrant Vide in Case No 26 on the Combaconum Calendar for the 2d Sessions of 1836.

/Here enter No 459/

At a Court of the Foujdaree Udalut.

Present,

Tuesday 7th March 1837. Charles Mary Lushington Esqre 1st Puisne Judge

John Bird Esqre ..... 2d Puisne Judge

William Rusdleston Esqre .... 3d Puisne Judge.

Read, Miscellaneous Petition presented on the 20th Ultimo, by Ramanoojum Pillay of the Zillah of Combaconum.

/Here enter Miss. Pet. No 20 of 1837./

The Petitioner reiterates the Complaint set forth in his Petition No 5 of 1837, on which an Order was passed by the Court of Foujdaree Udalut under date the 13th Ultimo; and again prays that the Court will either issue immediate Orders for the apprehension and punishment of the Poligar, who, he alleges, has worked him so much injury — or will take measures for relieving him from the burden of his existence.

2 The Petitioner, who still produces no documents in support of his allegations, is informed that the Court's Order of the 13th Ultimo, is final: and that the Court cannot permit the time of their Establishment to be wasted in the translation of Petitions containing so many absurdities as that under consideration.

Ordered

7th March 1837.

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

Read Miscellaneous Petition presented on the 27th Ultimo by Mootteveera Mondely of Cuddalore.

(Here enter Mis. Pet. No 23 of 1837.)

1. The Petitioner repeats the request contained in his Petition No 10 of 1837 on which an Order was passed by the Court of Foujdaree Udalut under date the 13th February 1837.

2. The Petitioner is informed that that Order is final, and that if he again trouble the Court on this subject, he will render himself liable to be fined for contempt.

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

Read Miscellaneous Petition presented on the 27th Ultimo by Malapullee Raumoodoo of the Zillah of Nellore.

(Here enter Mis. Pet. No 24 of 1837.)

1. The Petitioner complains of the Judgment of the Court of Circuit in Case No 2 on the Second Supplemental Calendar of the Zillah of Nellore for the First Sessions of 1835, wherein the prisoner

7th March 1837. prisoner Mayaherla Veneados was convicted of Robbery.

2. The petitioner alleging that the Statements of the Complainant are inconsistent and improbable, and that the Villagers apprehended the prisoner solely because he failed to trace out the actual offenders, prays that the Record of the Trial may be called for and orders issued for his release from Confinement.

3. The Court of Foujdaree Udalut observe that there is no Appeal from the Sentence of a Court of Circuit: and that in the present Case, the prisoner was not only clearly convicted of the offence charged, but appears also to have been known as an old offender.

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

Read Miscellaneous Petition presented on the 27th Ultimo by Lutchmana Moodely Vydelinga Moodely and Varoopana Moodely of Cuddalore.

(Here enter Mis. Pet. No 25 of 1837.)

1. The Petitioners repeat the request contained in their Petition No 12 of 1837 on which an Order was passed by the Court of Foujdaree Udalut under

7th March 1837. under date the 13th February 1837.

2. The Petitioners are informed that that Order is final; and that any further application on the same subject will not receive attention.—

Ordered, that the Petition be rejected, and that Extract from these proceedings be furnished to the Petitioners upon application.—

Read Miscellaneous Petition presented on the 27th Ultimo by Ponnisspa Naicken, Vakeel on behalf of Cucheyammaul—

(Here enter Mis: Pet. No 26 of 1837.)

1. In the Extract from their proceedings under date the 23rd January 1837— the Court of Foujdaree Udalut directed the late Officiating Second Judge, late on Circuit in the Centre Division, to submit for their final Judgment English and Persian Translations of the Records of Cases Nos 4 and 9 in the Chingleput Calendar for the second Sessions of 1836.—

2. The Petitioner states she has been given to understand that the Criminal Judge of Chingleput is about to inflict Corporal punishment on her husband Rhagava Naicken the prisoner in No 9 in pursuance of the Sentence of the Court of Circuit.—

3. The Court of Foujdaree Udalut resolve

2. F. U.

7th March 1837. resolve to direct that the Criminal Judge of Chingleput be instructed to suspend the execution of the Sentence passed by the Court of Circuit on Raghava Naick prisoner in the two Cases above mentioned, until their final Judgment thereon shall be made known.—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable within three days from and after its receipt.

(Sent following Precept No 317.)

Ordered also, that Extract from these proceedings be furnished to the Petitioner upon application.—

Read letter, dated the 27th Ultimo, from the Acting Third Judge on Circuit in the Northern Division, transmitting a Statement of Batta, required by the Circular Order No 35 of the 25th March 1835, from the Zillah of Nellore.

(Here enter No 462)

Read return, dated the 27th Ultimo from the Acting Criminal Judge of Madura, to the Precept of the Foujdaree Udalut dated the 24th February 1837, conveying their observations and orders on the Madura Criminal Reports for the

7th March 1837. the month of January.

(Here enter No. 466)

Read letter dated the 1st Instant from the Third Judge on Circuit in the Centre Division, repeating the opening of the Sessions at Bellary and the State of the Calendar.

(Here enter No. 474)

Read return, dated the 1st Instant, from the Acting Third Judge on Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated the 21st February 1837 - directing that the Criminal Judge of Rajahmundry be instructed to hold to bail the prisoners in No. 98 on the file of his Court for the month of January last.

(Here enter No. 475)

Read letter dated the 27th Ultimo from the Acting Second Judge late on Circuit in the Northern Division, forwarding the Statement required by the Circular Order No. 4 for the Second Sessions of 1836.

(Here enter No. 476)

Read return dated the 28th Ultimo from the Acting Criminal Judge at Rajahmundry to the Precept of the Foujdaree Udalut dated the 21st February 1837, conveying their observations and orders on

7th March 1837. on the Rajahmundry Criminal Reports for the month of January.

(Here enter No. 477)

Read Statement dated the 3d Instant, from the Magistrate of Chingleput, of Convict Labour for the month of February 1837.

(Here enter No. 479)

Read letter dated the 27th Ultimo from the First Judge on Circuit in the Western Division, repeating that the 6th of April next has been fixed for opening the First Sessions of 1837 at Mangalore.

(Here enter No. 480)

Encl.

Fr. Ud.

At a Court of the Foujdaree Udalut

Present,

Wednesday 8th March 1837. Charles May Lushington Esqr. 1st. Puisne Judge
John Bird Esqr. _____ 2nd. Puisne Judge
William Hudleston Esqr. 3rd. Puisne Judge

Read letter dated the 28th. Ultimo,

WB from the Magistrate of the Northern Division of Arcot submitting the explanation required by the Court of Foujdaree Udalut in their proceedings of 23rd. December last reviewing the Chittoor Criminal Reports for the Month of November.-

(Here enter No. 467.)

1. In explanation of the cause of the transmission of the prisoners in Cases 186 and 187 of the Chittoor Criminal Reports, the Magistrate forwards copy of a letter from the Joint Magistrate &c dated the 25th. Ultimo.-

2. From this it appears to the Court of Foujdaree Udalut that the offence of the prisoners was one which might have been adequately punished by the Magistrate. The circumstances of the case were not such as required the transmission of the prisoners to the Criminal Court, and their detention

8th. March 1837.

detention, previous to the case being laid before the Criminal Judge, seems to the Court of Foujdaree Udalut to have been unnecessary.-

3. In communicating this opinion to the Joint Magistrate, the Court of Foujdaree Udalut direct that the Magistrate will point out to him the impropriety of his remarks upon the Criminal Judge.-

4. It would have been more satisfactory if the Joint Magistrate had confined himself strictly to furnishing the information called for by the Foujdaree Udalut.-

Ordered, that extract from these proceedings be sent to the Magistrate of the Northern Division of Arcot for his information and communication to the Joint Magistrate.

(Sent in No. 321.)

Read return, dated the 1st. Instant, from the 1st. Judge of the Provincial Court of Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 27th. February 1837, conveying their observations and orders on the Chittoor 2nd. and 3d. Supplemental Calendars for the First Quarter Sessions of 1837.-

(Here enter No. 473.)

Read

8th. March 1837.

Read letter, dated the 4th. Instant, from the 1st. Judge on Circuit in the Centre Division, submitting Chittoor 4th. Supplemental Calendar for the 1st. Quarter Sessions of 1837.-

(Here enter No. 481.)

Read letter, dated the 28th. Ultimo, from the 3d. Judge of the Provincial Court of Circuit in the Western Division, submitting Tellicherry 3d. Additional Calendar for the 1st. Sessions of 1837.-

(Here enter No. 491.)

Read return dated the 3d. Instant, from the Criminal Judge at Cuddapah, to the Precept of the Foujdaree Udalut dated the 27th. February 1837, conveying their observations and orders on the Cuddapah and Cumbum Criminal Reports for the Month of January.-

(Here enter No. 492.)

Read return, dated the 27th. Ultimo from the Criminal Judge at Calicut, to the Precept of the Foujdaree Udalut dated the 18th. February 1837, conveying their observations and orders on the Malabar Criminal Reports for the Month of January.-

(Here enter No. 494.)

Read

8th March 1837.

Read return, dated the 2nd Instant from the Acting Joint Criminal Judge of Masulipatam to Precept of the 15th Ultimo, conveying the orders of the Foujdaree Udalut on the Masulipatam Criminal Reports for "January".—

(Here enter N.o 502.)

Read return, dated the 27th Ultimo, from the Acting Principal Sudr Ameen at Honore to Precept of the 21st Ultimo, conveying the orders of the Foujdaree Udalut on the Honore Criminal Reports for the Month of January.—

(Here enter N.o 503.)

F. U.

At a Court of the Foujdaree Udalut.—

Present,

Friday, 10th March, 1837.

Charles Mary Lushington Esqr. 1st Puisne Judge
John Bird Esqr. ..... 2d Puisne Judge.
William Hudleston Esqr. ..... 3d Puisne Judge.

Read letter dated the 23d Ultimo from the Acting Third Judge late on Circuit in the Southern Division, submitting an English and Persian Translation of the Proceedings in Case N.o 14 on the Combaconum Calendar for the Second Sessions of 1836.—

(Here enter F. U. N.o 441 of 1837.)

Mr. Bird and Mr. Hudleston.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, acquitting the prisoner Moothoosawmy, and accordingly direct that he be set at Liberty.—

(Send following letter N.o 335.)

Read the Bellary Criminal Reports prescribed by Section XXXV, Regulation X of 1816 for

8 10th March 1837 for the month of January.

(Here enter No 371)

Report V 1. The Court of Foujdaree Udalut do
Case 7 not observe any reference to the depositions of wit-
nesses in this Case. They accordingly resolve to direct
that the Criminal Judge be called upon to report
whether there were any witnesses, in it, forwarded
to the Criminal Court, and if so, what was the
purport of their evidence.

Case 8. 2. It appears to the Court of Foujdaree
Udalut that the Criminal Judge was not competent
to dispose of this Case; he will, therefore, be pleased
now to bring it under the cognizance of the Court of
Circuit, the prisoners being admitted to Bail.

Ordered, that Extract from these
proceedings be sent to the Criminal Judge at
Bellary for his information and guidance by Precept
returnable in 3 days after receipt.

(Sent following Precept No 336)

Read letter dated the 26th Ultimo
from Captain Elwall Officiating Superintendent
for the Suppression of Thuggee submitting a
report of the result of his further enquiries respecting
the supposed Murder of the 5 Gollah Peons at
Capapullee.

(Here enter No 484)

10th March 1837 1. It would appear from this Com-
munication that the five Prisoners Committed
in Case No 56 of the Bellary Criminal File
were innocent of the Murder imputed to them,
and Captain Elwall inclines to the opinion that
the 5 Gollah Peons were murdered and buried
by Thugs - that their bodies were in the first place
Scratched up by wild Animals and seen by
"the Villagers - who then as is the usual practice
"re-interred them in some other locality - fearing
"that the Murder might be laid to their charge"
that with reference to the confessions of these
Villagers "it would seem that the six men were
"murdered chiefly by blows from Sticks or other
"blunt instruments," that "had this been so, it is
"probable that some one or more of the Skulls
"would have been fractured, which does not
"appear to have been the Case with those produced
"before Mr Pelly, as - those of the Gollah Peons -

The Court of Foujdaree Udalut
2. entertain little doubt but that the facts of the
Case are, as supposed by Captain Elwall, and
they resolve therefore to instruct the Criminal
Judge of Bellary not to put the prisoners in
question on their trial as principals in the Murders
but for having buried or otherwise put away the
bodies

10th March 1837 bodies, bearing signs of violence, without having given information to an Officer empowered to hold an inquest, they are liable to be brought to trial, and this Course should be observed if there is clear evidence, to that extent, against them, totally independent of their confessions.-

3. There are the strongest grounds for believing that the confessions of these five prisoners were extorted, and the Court of Foujdaree Udalut deem it imperatively necessary that the Conduct of the Police Officers by whom the proceedings against them were held should be fully investigated, in view to the due punishment of such as may have been concerned in acts so atrocious and subversive of the administration of justice. The Court, therefore, direct that a Copy of Captain Elwall's letter of the 26th Ultimo and of these proceedings be sent to the Magistrate, who will report the result of his investigation to this Court, with reference to paras 2 and 3 of this Court's proceedings of the 9th Ultimo.-

4. With reference to para 15 of Captain Elwall's letter the Court of Foujdaree Udalut resolve to instruct the Magistrate immediately on the apprehension of a person suspected of being a Thug, or of belonging to a Gang of Thugs, to communicate the circumstance to the Officiating Superintendent for

10th March 1837 for the Suppression of Thuggee, and long as Captain Elwall may remain in the District of Bellary such persons should be immediately made over to his charge, should he notify such to be his wish.-

Ordered, that Extract from these proceedings be forwarded to Captain Elwall for his information.

(Sent in No 337)

Ordered also that Extract from these proceedings together with Copy of Captain Elwall's letter of the 26th Ultimo be furnished to the Criminal Judge and to the Magistrate of Bellary for their information and guidance respectively.-

(Sent in No 338 & 339.)

At a Court of the Foujdaree Udalut.

Present,

Saturday,
11th March, 1837. Charles May Lushington Esqre 1st Puisne Judge,
John Bird Esqr ..... 2d Puisne Judge,
William Hudleston Esqre ... 3d Puisne Judge,-

The Court of Foujdaree Udalut,

With reference to a late Communication from Captain Elwall, deem it proper to intimate to the several Magistrates, that in Districts where one of the Officers, specially employed for the Suppression of Thuggee, may be present, persons suspected of being Thugs should immediately be made over to such Officer;- and that the freest Communication and most perfect Cooperation should be maintained between the departments of the Magistracy and the said Officers, on all points connected with the important duty on which they are employed.-

Ordered, that Extract from these proceedings be sent to the 4 Provincial Courts of Circuit for communication to the Several Magistrates for their information and guidance.-

Sent in № 340.

Read letter dated the 1st Instant from Captain R. H. F. Otter Incharge of the Convicts at

11th March 1837. at Guindy, forwarding Statements for the month of February 1837 showing the number, employment and Punishment of the Convicts in the Guindy Jail.

(Here enter No. 461)

Read letter dated the 28th Ultimo from Captain Elwall Officiating Superintendent for the Suppression of Thuggee, stating that the Certificate referred to in the 10th parah of his letter of the 26th February 1837, has not yet been received from the Assistant Magistrate but shall be forwarded as soon as received.

(Here enter No. 485.)

Read return dated the 3rd Instant from the Provincial Court in the Northern Division, to the Precept of the Foujdaree Udalut Dated the 13th February 1837, communicating the final instructions of Government respecting the transfer of Convicts to Masulipatam under the orders of the Civil Engineer; and authority for the employment of a Writer on a Monthly Salary of 8 Rupees under the Officer Commanding Samulcottah.

(Here enter No. 511)

F. U.

At a Court of the Foujdaree Udalut.

Present,

Monday, 13th March, 1837. Charles May Lushington Esqre 1st Puisne Judge,
John Bird Esqre ..... 2d Puisne Judge,
William Hudleston Esqre .. 3d Puisne Judge.

Read letter dated the 22nd Ultimo from the Acting Second Judge on Circuit in the Southern Division, transmitting the record in Case No 11 on the Madura Calendar for the 1st Sessions of 1837.

(Here enter F.U. No. 446 of 1837)

Mr Bird and Mr Hudleston.

The Court of Foujdaree Udalut, having maturely Considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Udalut, are of opinion that the prisoner

Lutchoomy Ummaul

is not convicted on Presumptive Proof, or on the evidence of Credible witnesses, or on her own Confession, notwithstanding the Futwa of their Law Officers, and do accordingly acquit her thereof: but being of opinion that the proof against her is

Sufficient

13th March 1837

sufficient to convict her of the crime of Manslaughter, the Court do accordingly convict her thereof, and direct their Law Officers to declare by a second Futwa to what Sentence the prisoner would be liable under the Mahommedan Law, if she were convicted by full legal evidence.-

Answer.-

In the event of the prisoner above-mentioned being convicted by the evidence of credible witnesses of the crime of Manslaughter, her Akila would be liable to a Deyut of five thousand Dirhems, to be paid to the heirs of the deceased in three years.-

In commutation of the penalty of Deyut declared in the foregoing Futwa, the Court of Foujdaree Udalut Sentence the prisoner

Lutchoomy Ummaul

to be imprisoned and kept to labour suitable to her Sex, without irons, for and during the period of (5) five years.

(Sent following Letter No. 362)

Read again Petition presented on the 28th November 1836, by Ananda chanier son of Arasanapola Ragava chanier of the Talluk of Tiruvattoor in the Zillah of Chittoor.

(Here enter M. P. No. 115 of 1836)

Read

13th March 1837.

Read also return and supplemental return from the Provincial Court of Circuit in the Centre Division, dated respectively the 3rd January last and the 3rd Instant to the Precept of the Foujdaree Udalut of the 12th December 1836, forwarding to the Provincial Court the above Petition with instructions to call upon the Magistrate of North Arcot to institute an enquiry into the Complaint of the Petitioner, and report the result for the information of the Foujdaree Udalut.-

(Here enter Nos. 33 and 487)

Read also return dated the 3d Instant from the Provincial Court of Circuit in the Centre Division, to the Precept of the Foujdaree Udalut of the 28th Ultimo requiring them to forward the report called for on the 12th December 1836 and to explain the Cause of delay

(Here enter No. 486)

The Petitioner's Case is recited in

1 the proceedings of the Foujdaree Udalut of the 12th December 1836, but previous to passing on it any final order the Foujdaree Udalut deemed it proper to refer to the Magistracy.

It appears from the Supplemental

2 Return from the Provincial Court of Circuit dated

13th March 1837. dated the 3d Instant that the Petitioner having named 12 Witnesses to substantiate the charge he prefered against certain persons for stealing from his house, they all were examined and that there was not a little of proof, nor even the slightest suspicion, against the parties charged.— It is also represented that Petitioner was forwarded to this Criminal Court to take his trial for prefering a false and malicious charge on this occasion, and that he was released by the Criminal Court only, because the witnesses against him were not forthcoming.—

3

Under these circumstances the Court of Foujdaree Udalut do not consider Petitioner entitled to the interposition of the Foujdaree Udalut in the manner prayed for by him.—

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

Read letter dated the 6th Instant from the Acting Third Judge on circuit in the Northern Division, reporting that Precept has been issued for the opening of the 1st Sessions 1837 at Rajahmundry on the 1st April 1837.

(Here enter No. 514)

Read

2

F. U.

13th March 1837.

Read return dated the 7th Instant from the Acting Third Judge late on Circuit in the Southern Division, to the Precept of the Foujdaree Udalut dated the 28th February 1837— directing that the Magistrate of Tanjore be urged to use his utmost exertions to effect the apprehension of Aundy Veerappen the absconded person referred to in Case No. 45 on the Combaconum Calendar for the Second Sessions of 1836.

(Here enter No. 515)

Read return dated the 3d Instant from the Provincial Court of Circuit in the Western Division, to the Precept of the Foujdaree Udalut dated the 25th February 1837, conveying their orders on the Sirdee Criminal Reports for January 1837.—

113

(Here enter No. 523)

F. U

At a Court of the Foujdaree Udalut—

Present,

Tuesday 14th March 1837. Charles Mary Lushington Esqr. 1st Puisne Judge—

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

William Hudleston Esqr. ... 3d Puisne Judge—

Read Return dated the 22nd Ultimo and Supplemental Return dated the 3rd Instant from the Acting Second Judge late on circuit in the Northern Division, to the Precept of the Court of Foujdaree Udalut under date the 20th January 1837— sending back to that Officer the Records of Cases No. 2 on the Primary Calendar, and No. 1 on the Supplemental Calendar of Vizagapatam for the second Sessions of 1836, with instructions to cause the same to be completed according to the Regulations—

(Here enter F. U. Nos. 440 and 504 of 1837)

Read also Return dated the 15th Ultimo from the same Officer to the Precept of the Court of Foujdaree Udalut under date the 28th January 1837, sending back to him with similar instructions the Record of Case No. 1 on the Primary Calendar of Vizagapatam for the second Sessions of 1836—

(Here enter No. 399 of 1837)

The Court of Foujdaree Udalut have now before them the Records of Cases Nos. 1 and 2 on the

1.

the

14th March 1837. the Primary and Nos 1 and 2 on the Supplemental Calendar of Vizagapatam for the second Sessions of 1836.

2. On comparing together the Records of the Proceedings in the two former Trials, it appears to the Court of Foujdaree Udalut abundantly manifest that the Judge of Circuit has violated their orders against trying more than one individual at a time for Perjury, and holding two Trials at once.

C. O. 6th August 1832.
C. O. 21st January 1833.

3. In respect of Cases Nos 1 and 2 on the Supplemental Calendar, it appears to be quite clear that but one trial was held for those Cases: and that moreover the examinations of Godavy Sooria Narayanarow and of Dantaurium Vasoodaivarow - in these Cases the fifth and sixth witnesses - in Nos 1 and 2 on the Primary Calendar the seventh and eighth witnesses, - dated the 20th October 1836 - served for all the four Cases, as also did the examination of the said Dantaurium Vasoodavarow continued on the 22nd of October, as far as the answer to the 19th question.

4. The Court of Foujdaree Udalut resolve to direct that the Acting Second Judge be instructed to submit an immediate explanation of the circumstances noticed above; and if as the Court believe, the irregularities referred to did obtain in the conduct of the Trials under consideration, to explain his that wilfully

F. U.

14th March 1837. wilfully setting at nought the Regulations, and the orders laid down for his guidance: and also why in submitting the Trials amended under the orders of the 20th and 28th January last, he did not explain what had occurred instead of furnishing the Record of each Case, as if the Deposition had been distinct and separate; by which apparent proceedings are exhibited, which would seem not to have taken place.

Ordered, that Extract from these proceedings be sent to the Acting Second Judge late on Circuit in the Northern Division, by Precept returnable within twenty four hours after receipt.

(Sent following Precept No 344.)

Read letter dated the 11th Ultimo from the Third Judge of the Provincial Court of Circuit in the Western Division, transmitting a Copy of the Tellicherry Second Additional Calendar for the First Quarter Sessions of 1837.

(Here enter F. U. No 418 of 1837.)

The prisoner

Case No 1. "Padanakaran Bapoo"

was charged before the Court of Quarter Sessions with Perjury in having falsely deposed on oath when examined as a witness for the Defendants in

14th March 1837 in Original Suit No 71 of 1830 on the 25th April 1834, before the Provincial Court Pundit Sudr Ameen that the Plaintiff Ruhumut Oolla did one day, ten years before, make over in his (witness') presence, to his (Plaintiff's) wife Ajoona by writing, on account of her jointure, the house and other effects which were the subject of that Suit: whereas in truth and in fact, no such assignment was made in the presence of the prisoner: Ruhumut Oolla still holding the title to the said property, which he has not relinquished.

2. The Prisoner was called to the Bar and discharged without Trial; the Presiding Judge being of opinion that the fact stated in the amended Indictment, was not even in issue when the Prisoner's deposition was given:- that the alleged Perjury was not material to the issue; and that the charge itself was "irregular - on the ground that it was "not competent to the Joint Criminal Judge to take "cognizance of it, except in the mode prescribed in "Section III, Regulation VIII of 1829."

3. In this view of the Case, the Court of Foujdaree Adalut are unable to concur. In the course of the Inquiry it was considered of importance to ascertain whether the husband of the deceased Ajoona had, previously to his departure to Bombay, really drawn

14th March 1837 drawn out a Document by which as asserted by the Petitioner - he made over his property to his wife and himself relinquished all claim to it; or whether the Instrument in question was as the Plaintiff alleged, nothing more than a declaration that he possessed such and such goods and Chattels and that during his absence he consigned them to his wife for the purpose of safe custody only. Thus, the fact may be fairly deemed to have been in issue, and likewise to have been material to the issue.-

4. The Presiding Judge records his opinion "that even had the point which the prisoner "was cited to prove, been the one really in issue, it "would have still been very questionable whether the "alleged Perjury could have been held to be material "to that issue - for taking the whole of the prisoner's "deposition together, as it stands in the Calendar, "it is by no means clear that the Statement it "contains would be taken as proof of the alleged "written assignment having been actually made."

5. This opinion appears to be founded upon an erroneous view of the intendment of the provisions of Clause First, Section IV Regulation VI of 1811.-

6. That Clause requires that the false

"false deposition" shall be "upon a point material" that is to say shall relate to some point material but it no where declares that one of the conditions requisite to the completion of the Crime of Wilful Perjury shall be the probability of the false Statement being "taken as proof" of the thing deposed to.—

7. Under the views of the Case recorded in the preceding paragraphs, the Court of Foujdaree Udalut deem it necessary to direct that the Joint Criminal Judge be instructed to adopt the necessary measures for recommitting the prisoner to take his Trial before the Court of Quarter Sessions for the Perjury charged.—

8. In respect of the general question discussed in the Joint Criminal Judge's Communication dated the 15th February 1837 (enclosure No 3) as to the mode of proceeding in the event of a Court of Appeal having occasion to consider that a Witness in his examinations before the Court of Original Jurisdiction, has committed Perjury—the Court of Foujdaree Udalut are clearly of opinion that under such circumstances, it is perfectly Competent to, and is the duty of the Superiour Court "to take steps for having the giver of the "false deposition brought to trial for Perjury;" and that it is not requisite and would be manifestly improper for the Superiour Court to apply for, or be guided

guided by "the opinion of the Subordinate Court "upon the sufficiency of grounds for such pro- "ceeding."

9. It may often happen that addi- -tional evidence which Courts of Appeal are em- -powered by the Regulations to take for reasons recorded on their proceedings - may show that a Witness has committed Perjury in his evidence before the Lower Court; in this Case the grounds for the opinion that such Perjury has been com- -mitted are before the Court of Appeal; and it would be quite anomalous to rule that those grounds must be laid before the Subordinate Court for the latter to decide as to whether, or not the witness should be proceeded against for Perjury.—

10. It appears to the Court of Fouj- -daree Udalut that the provisions of Section VIII, Regulation VIII of 1829 are inapplicable to the Case above described; and merely prescribe the Course of proceeding to be observed in the totally different Case of a person's being consi- -dered by either of the tribunals, mentioned in Clause first, to have committed Perjury in his evidence given before such tribunal.—

11. With reference to the Queries put in

14th March 1837. in the Joint Criminal Judge's return dated the 9th February 1837, (enclosure No. 4) the Court of Foujdaree Udalut are of opinion 1st. that the Successor of the Officer, before whom Perjury may have been Committed, is clearly competent "to institute a prosecution thereon:" 2ndly. that under Regulation III of 1826, the contradiction must be "direct and "positive," in order to which, the party must have given "two contradictory depositions in regard to "the same matter or matters of fact," but it is not requisite that the two Statements should be Contradictory "in set terms:" 3rdly. that under Section XI, Regulation II of 1811 it "is not material to "the issue of" the party's "motion to be released from "confinement" that an Article Concealed by him should be one of value: 4thly. that a witness Swearing falsely on a point material to the issue of a Judicial proceeding may be convicted of perjury, although such witness may not have been "cited to prove" the said point: 5th that a witness Swearing falsely to "the execution of a deed in his presence," is guilty of perjury, provided the fact of such execution were material to the issue of a Judicial proceeding.

Case No. 2. 12 In this Case the Indictment charges that

14th March 1837. that the prisoner

Paliykandy Mainava

appearing as a Civil Debtor, and having moved the Court to be relieved from Confinement on a Surrender of all his property, did, on the 2nd December 1833, depose on oath before the Assistant Judge of Malabar, that he had no property of any description whatever beyond certain Sums due to him as indicated in a list previously furnished under the provisions of Section XI, Regulation II of 1811 - and that afterwards on the 13th February 1836 - he delivered another deposition on oath before the Acting Assistant Judge of Malabar from which it appeared that on the date first mentioned, he was possessed of property: to wit - of a Lanthorn of the value of five Rupees.

13 The prisoner was discharged without trial, the Presiding Judge considering his Commitment to be "unauthorized and irregular" on the grounds detailed in the Extract from the proceedings of the Court of Quarter Sessions under date the 7th February 1837.

14. The Court of Foujdaree Udalut concur in the view taken of this Case by the Presiding Judge.

15. It was not a Case for prosecution under

14th March 1837 under Regulation III of 1826 and in making the Commitment, the Joint Criminal Judge did not attend to the injunctions contained in the Circular Order of the Foujdaree Udalut of the 31st January 1814.

Case No 4.

16. The two prisoners in this Case were charged with having, on the night of the 3rd December 1836, forced open from outside the bolt of the door of the Toddy Shop where the Prosecutor was lying, entered in, and stolen therefrom property belonging to him, valued at Rupees 184-15-8.

17. The prisoners are convicted: but the Presiding Judge recommends a mitigation of the punishment to which they have rendered themselves liable on the grounds that "there were no aggravating "circumstances in the Case; that it was their "first "offence; that they confessed throughout; and that they "delivered up the greater part of the stolen "property, which did not much exceed, in value, "the amount with which their offence would have "been punishable by the Criminal Court."

18. The Court of Foujdaree Udalut, after maturely considering all the circumstances of this Case, resolve to accede to the recommendation of the Presiding Judge and under the provisions of Clause Third, Section III, Regulation I of 1825, direct that

14th March 1837 that the prisoners

1st Jean Matumeola Canhirahandyil Coonden

and

2nd Jean Cotattil Canen

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

19. In the fourth paragraph of his letter accompanying the Calendar, the Presiding Judge requests the Judges of the Foujdaree Udalut "will have the goodness to declare whether they "approve of the manner in which "his" proceedings "in the Cases in question have been scrutinized "by the Joint Criminal Judge. It appears to me," observes the Presiding Judge, "that the full and "free comments in which he has indulged on "my proceedings are as uncalled for as they "would seem to be inconsistent with the deference "due to an Official Superiour" &c.

20. The Court of Foujdaree Udalut observe that when a Subordinate Judicial Officer may think that the orders issued to him by a Provincial Court are founded upon an erroneous construction of the Regulations, such Officer is at liberty to make known his opinion to the said Court, and to request eventually a reference to the

14th March 1837. the Sudr or Foujdaree Udalut

21. But it was never intended and cannot be allowed that a Subordinate Officer should at his option discuss, and take to pieces every order and resolution of the Superiour Court with which his own preconceived opinion may happens to be at variance: and it is to be regretted that on the present occasion the Joint Criminal Judge had in this respect stept beyond the proper line of duty as the Subordinate Officer who committed the Cases in question for trial by the Court of Quarterly Sessions.

22. The Court of Foujdaree Udalut acquit the Joint Criminal Judge of any intentional disrespect to the Court of Quarter Sessions but they deem it necessary to direct that he be cautioned against indulging in a line of conduct not contemplated by the Regulations, inconsistent with the deference due from a Subordinate to his Official Superiour, and which, if generally pursued would constitute a formidable impediment to the due and regular dispatch of Public Business.

Ordered, that Extract from this proceeding be sent to the Third Judge of the Provincial Court of Circuit in the Western Division by

14th March 1837. by Precept returnable within five days from and after its receipt.

(Sent following Precept No 345.)

Read letter dated the 7th Instant, from the Acting Second Judge on Circuit in the Southern Division, reporting the opening of the Sessions at Tinnevelly

(Here enter No 525.)

Read return, dated the 10th Instant from the First Judge of the Provincial Court of Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 7th March 1837, directing that the Criminal Judge of Chingleput be instructed to suspend the execution of the Sentence passed by the Court of Circuit upon the prisoner Ragava Naicken in Cases Nos 4 and 9 on the Chingleput Calendar for the Second Sessions of 1836.

(Here enter No 529.)

Read letter, dated the 8th instant, from the Joint Magistrate in charge of the Zillah of Cuddapah, submitting an explanation relative to the delay in Case No 7 on the Cuddapah Criminal Reports for the month of January, called for in the Extract from the Proceedings of the Foujdaree Udalut

14th March 1837. Udalut under date the 27th February 1837.

(Here enter No. 533.)

Read letter, dated the 8th Instant from the First Judge on Circuit in the Western Division, reporting the close of the Sessions at Calicut, and his intention to proceed without delay to Mangalore via Tellicherry.

(Hereenter No. 534.)

F. U.

At a Court of the Foujdaree Udalut.

Present,

Wednesday 15th March 1837.

Charles May Lushington Esqre. 1st Puisne Judge
John Bird Esqre. ---------- 2nd Puisne Judge
William Hudleston Esqre. 3rd Puisne Judge.

Read letter dated the 25th Ultimo from the First Judge on Circuit in the Western Division, submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 3 on the second Additional Calendar of the Zillah of Malabar for the First Sessions of 1837.

(Here enter F. U. No. 463 of 1837.)

Mr. Bird and Mr. Hudleston.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, convicting the prisoner Cola Cheroomen Chelly of Wilful Murder; and under the provisions of Section XV, Regulation VIII of 1802, and Clause third, Section II, Regulation I of 1825, sentence the said prisoner to receive one hundred and ninety five lashes of a Cat of nine tails, and to be transported to such place beyond

15th March 1837. beyond Sea, as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.-

The Court of Foujdaree Udalut direct that the Judge of Circuit be informed that the punishment of death to which the prisoner is liable, has been mitigated, on the ground that the Court do not consider an intention to kill to be established with reference to all the facts in evidence.

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

(Sent following letter No. 349

Read letter, dated the 24th Ultimo, from the Magistrate of Canara, reporting the circumstances connected with Case No. 1 of the Honore Criminal Reports for January 1837, and requesting that the Acting Principal Sudr Ameen may be directed to reinvestigate the charge against the prisoners in it.-

(Here enter No. 469)

Under the circumstances represented by the Magistrate, the Court of Foujdaree Udalut resolve to direct that Copy of his letter of the 24th Ultimo and

15th March 1837 and of the Case No. 1, as it stands in the Report, be sent from this Office to the Judge on Circuit, who will be pleased to call for the proceedings and pass upon the Case such orders as to him may appear proper, with reference to the provisions of Section XXIII Regulation X of 1816.-

Ordered accordingly, that Extract from these proceedings be sent to the Judge on Circuit in the Western Division, together with a Copy of the Case No. 1 and of the above letter for his information and guidance, by Peccept returnable in 20 days after receipt.-

(Sent following Precept No. 350

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

(Sent in No. 351.

Read the Criminal Reports dated the 28th Ultimo from the Acting Joint Criminal Judge of Vizagapatam for the month of February 1837.

(Here enter No. 527)

Read letter, dated the 6th instant, from the Criminal Judge of Canara, submitting the Criminal Reports for the month of February 1837.-

(Here enter No. 528) Read

14

15th March 1837.

Read letter, dated the 7th Instant, from the Criminal Judge of Bellary, forwarding with reference to his return of the 31st January last, translations of depositions taken from the witnesses named by the deceased 3rd prisoner Golla Pedda Siddadoo in support of the property found on him having been in his possession Vrs for several years past.

(Here enter No 537)

F. U.

At a Court of the Foujdaree Udalut.

Present,

Thursday, 16th March, 1837. Charles Mary Lushington Esqre 1st Puisne Judge.

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

William Hudleston Esqre 3rd Puisne Judge.

Read again letters dated respectively the 31st January and 2nd February 1837 from W. U. Arbuthnot Esqre, Special Commissioner at Chicacole, submitting for the Judgment of the Foujdaree Udalut, the Records of proceedings held in Cases Nos 10 and 11 before the Special Court.

(Here enter F. U. Nos 270 and 309 of 1837)

Read also return dated the 24th ultimo from the same Officer to the Precept of the Court of Foujdaree Udalut under date the 17th February 1837 sending back for revision and correction the Persian Translation of the Record of Case No 11.

(Here enter F. U. No 495 of 1837)

Read also return dated the 1st instant from the same Officer to the Precept of the Court of Foujdaree Udalut under date the 17th February 1837 - sending back the English and Persian Translations of the Record of Case No 10 with instructions to cause the defence of the second prisoner to be therein

15th March

16th March 1837. therein entered.

(Here enter F/A № 513 of 1837)

Read also letter dated the 6th Febry 1837 from the same Officer submitting for the judgment of the Fouzdaree Udalut the Record of Proceedings held in Case № 12 before the Special Court.

(Here enter F/A № 333 of 1837)

4th No. 1

Mr. Bird

and

Mr. Hudleston

The Court of Fouzdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwas of the Provincial Law Officer and the Futwas of the Cazee-ool-cozzat and Mooftees of the Fouzdaree Udalut, confirm that part of the Futwa of the Cazee-ool-cozzat and Mooftees aforesaid, in Case № 12, - as acquits the prisoner

5th Ishala Brochia

and do accordingly acquit him; but considering the strong suspicion, though not amounting to conviction, attaches to him, the Court direct, under the provisions of Clause Sixth, Section II, Regulation XV of 1803, that he be required to find two Sureties in one hundred (100) Rupees each Surety, for his good behaviour and appearance when required for three (3) years; and that in default thereof, he be detained for three years in confinement.

And, being of opinion that the

16th March 1837. proof against the prisoners

1st Gootla Sunneadey Dorah

and

2nd Vanoola Lutchan Dorah

in all three Cases; and against the prisoners

3rd Gama Tummiah

and

4th Junny Soocaroodoo

in Case № 11 - is sufficient to convict them of the Crime of Treason and Rebellion against the State, the Court do, under the authority with which they are vested by Clause first, Section II, Regulation I of 1818, convict them thereof; and in conformity with the provisions of Sections II and III, Regulation I of 1834, sentence the prisoners

1st Gootla Sunneadey Dorah

and

2nd Vanoola Lutchan Dorah

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

3rd Gama Tummiah

and

4th Junny Soocaroodoo

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

The

16th March 1837.

1. The Court of Foujdaree Udalut direct that their sentence in the Trials Nos. 10. 11. and 12 from the Chicacole Special Commission, together with the whole of the proceedings held in those Cases, be transmitted to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may in Conformity with the provisions of Section V, Regulation XX of 1803, receive the Orders of Government before they direct their sentence to be carried into execution.

2. Referring to the recommendation of the Commissioner in his letter, accompanying the Case, No. 10, in favor of the 1st prisoner "Goolla Suneaty Dorah" the Court of Foujdaree Udalut are not of opinion, that there is any thing in his Case, that would have warranted their passing any other Sentence than that of Death,- the confirmation, or the commutation of that Sentence must be left to the pleasure of the Right Honorable the Governor in Council.

3. It appears from the evidence for the prosecution that Boddakonjah Nundumbo, the first witness in Case No. 12 evinced great gallantry and resolution on the occasion of the attack upon his house by the Gang of Rebels of whom the prisoners in the

F. 41.

2

16th March 1837.

the abovementioned Cases formed a part.

4. When the attack commenced, he armed himself with a large knife and posting himself at the door prepared to defend the passage. Finding that the Gang had effected an entrance by another quarter, he climbed up to the ceiling, whence they desired him to descend, and on his refusing to do so, two of them commenced thrusting at him with Spears, the head of one of which he struck off with his knife, but received a wound from the other. By desire of their Leader, three of the Gang then ascended to where he was, but he cut down two of them, himself receiving sundry Spear wounds. At length when they succeeded in setting fire to the house, he jumped down and they immediately surrounded him, but he cut his way through them, wounding several of them, and one very severely on the shoulder, and proceeded to the Military Guard at the neighbouring village of Gopaulpillay. On this occasion he received two wounds on the left arm and four on the back.

5. In the seventh paragraph of his letter of reference under date the 6th February 1837, the Special Commissioner records his full concurrence in the remark made by the Magistrate that

16th March 1837 "that the first witness is deserving of some reward:" and adds "were the same gallantry displayed by "the people generally in defence of their lives and "property, the disturbances created by small bodies "of the inhabitants of the hills would soon cease."

6 The Court of Foujdaree Udalut resolve to submit their recommendation to Government that a Reward of Rupees (150-) one hundred and fifty be conferred upon Boddahoyla Narsimloo for his Conduct upon the occation in question

Ordered, that Extract from these proceedings be sent to the Chief Secretary to Govern.ment for the purpose of being laid before the Right Honorable the Governor in Council.-

(Sent in No. 362.

Read letter dated the 17th Ultimo from the Second Judge late on circuit in the Western Division, reporting the death of Hollya the 6th prisoner in No 2 of the Sircar Calendar- 2nd Sessions of 1836.

(Here enter No. 412)

Read letter dated the 9th Instant from the Acting 2nd Judge on circuit in the Southern Division, reporting his intention to open the 1st Sessions of 1837 at Combaconum on the 8th instno.-

(Here enter No. 365)-

Fo. 46.

At a Court of the Foujdaree Udalut

Present

Friday 17th March 1837- Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre _____ 2nd Puisne Judge
William Hudleston Esqre 3rd Puisne Judge

No final return having been received from the 1st Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Foujdaree Udalut dated the 9th December 1836 directing him, should he see cause on review of the proceedings held in cases Nos. 52-53 and 54 of the Magistrates Calendar, to disapprove of the order of the Magistrate of Chingleput, to notice the same to that officer, and to submit a copy of any proceedings that may be held on those cases for the information of the Foujdaree Udalut.-

Ordered that the 1st Judge of the Provincial Court of Circuit in the Centre Division be required by precept returnable in 5 days from and after its receipt to shew what may have been done in pursuance of the instructions issued by the Sudr Udalut under date the 9th December 1836.-

(Sent following Precept No. 365

Read

17th. March 1837.

Read letter dated the 24th. Ultimo from the Third Judge on Circuit in the Centre Division, forwarding copies of the Primary and Supplemental Calendars of the Zillah of Cuddapah and of the Calendar of the Native Court at Cumbum for the first Sessions of 1837.

(Here enter F. H. No. 447 of 1837)

Cuddapah Calendar Case No. 7

The prisoner in this case was charged with having, at noon of the 22nd. August 1836 attacked the prosecutrix's mother on the highway, and after beating her on the head with a stick and lacerating her ear, robbed her of property valued at Rupees 10-8-0.

2. The first Futwa of the Mahommedan Law Officer of the Court of Circuit declares "the prisoner's confession of the crime before the Tahseeldar" to be unworthy of credit* it having been made "before a Police Officer."

Note * This is incorrectly rendered "in the Calendar" inadmissible

3. This objection is disposed of by the Regulation "if the confession on the part of the prisoner had not been before a Police Officer" viz: and the prisoner being thereupon convicted is sentenced to imprisonment viz for fourteen years.

4. The Court of Sudder Dewanny Adalut observe that the Judge of Circuit was not competent to overrule the objection to the prisoner's confession as given before

17th. March 1837.

a Police Officer. He must now put an amended Question, and eventually dispose of the case by reference or otherwise, according to the provisions of the General Regulations.

Case No. 8

5. The prisoner in this case was charged with having, at midnight of the 12th. August 1836, entered the house of the prosecutor by removing the bolt of the door, and stolen therefrom property valued at Rupees 205-3-0.

6. The first Futwa on this case declared the prisoner convicted of taking part in the Theft, and liable to Hoodood: that being barred in his favor "in consequence of the place where the property was deposited not being a secure one."

7. The second question put by the Court of Circuit is as follows:- "if the prisoner had been convicted by full legal evidence, to what specific punishment would he have been liable under the "Mahommedan Law?"

8. The Court of Sudder Dewanny Adalut observe that the second Question is not in point.-

9. The prisoner is declared liable to discretionary punishment, not "in consequence of "the evidence not being such as the Mahommedan Law requires for a sentence of Hud; but because that penalty is barred by a Shoobah "not affecting the nature and criminality of the offence:-

The

17th March 1837.

10. The Second Question should therefore have been framed according to the latter part of Clause Fourth, Section II, Regulation XV of 1803.

Case No. 9.

11. In this case, the first prisoner was charged with having on the night of the 11th August 1836 broken into the houses of the first and second prosecutors, and stolen therefrom property of the aggregate value of Rupees 257-13- and the second prisoner with having received part of the stolen property, knowing it to be stolen.

12. The prisoners were both acquitted and released; the Judge of Circuit remarking that "the second prisoner confessed no crime before any "authority: nor is there any evidence to bring home "the charge to him."

13. The Court of Foujdaree Udalut direct that the Criminal Judge of Cuddapah be informed that his commitment of the second prisoner "Conda Jagunnathum" when his conviction was obviously unattainable, is considered very improper.

Case No. 11.

14. In the first Futwa on this case, the first prisoner is declared entitled to his release, his declarations before the Tahseeldar and the Reddies and Curnums being inadmissible as given before Police Officers: but the Question being put "if the confession of the first prisoner before the Reddies "and

Fo. 66.

17th March 1837.- "and Curnum was proved by respectable witnesses, "of what crime would he be convicted" &c. he is declared convicted of Gang Robbery, and was accordingly sentenced to fourteen years imprisonment.

15. The second Question thus put was irregular. The Village Police could not receive the confession: and the Record of the Trial English and Persian must be referred for the final judgment of the Foujdaree Udalut.

Case No. 14.

16. The two prisoners in this case were charged with having, at midnight of the 16th July 1836, attacked the prosecutor in the village of Roodravarum and beaten him with sticks on the head.

17 They were both convicted and the Judge of Circuit sentenced the first prisoner to Three and the second to five years imprisonment with hard labour in irons under Clause seventh, Section II, Regulation XV of 1803.

18. The Court of Foujdaree Udalut being of opinion that the sentence passed by the Court of Circuit is more severe than, under all the circumstances of the case, is requisite for the ends of Justice, resolve to suggest to the Presiding Judge the expediency of reducing the punishment.

19 Should he however deem himself precluded

precluded from doing this, he will be pleased to submit an English Translation of the case for the consideration of the Court of Foujdaree Udalut.

Case No. 17.

20. The prisoner in this case was charged with having, on the night of the 26th September 1836, attacked the Prosecutor in a house in the village of Reddapetta, and stabbed him and the second witness Ramandoo with a case knife, and wounded them in several parts of their bodies.

21. On the grounds detailed in the Calendar, the prisoner was acquitted but required to furnish security for his future good conduct.

22. The Court of Foujdaree Udalut are not satisfied that the evidence for the prosecution in this case was not sufficient for the conviction of the prisoner.

Case No. 19.

23. The prisoners in this case were charged with having, at midnight of the 12th September 1836, gone forth in a gang armed to the house of the Prosecutor in the village of Condapetta, broken into the house, and after beating and wounding his servants, plundered and carried off property of the value of Rupees 2,355-8.

24. The prisoners were convicted and sentenced by the Court of Circuit to imprisonment with hard labour in irons for fourteen years.

The

S. Ud.
17th M. 1

25. The Court of Foujdaree Udalut, deeming the evidence for the prosecution as given in abstract in the Calendar, questionable, resolve to direct that an English Translation of the case, be prepared and submitted for their consideration.

Case No. 23.

26. The prisoner in this case was charged with having, at noon of the 4th November 1836 attacked the prosecutor in a field, and stabbed him upon the right eye-ball with a sickle which occasioned the loss of sight.

27. The prisoner was acquitted and released.

28. The Presiding Judge remarks that "the evidence of the first and second witnesses "for the prosecution before the Court of Circuit is "neither to the commission or the confession of the "crime by the prisoner but merely hearsay."

29. This being the case, the Court of Foujdaree Udalut deem it necessary to call upon the Judge of Circuit to explain why he did not order the first witness for the prosecution to be brought to trial for Perjury: since it appears from the Calendar that before the Criminal Court, that individual swore to his having "seen the prisoner "strike the prosecutor with a sickle upon his right "eye which was broken and thereby occasioned loss

of

"of its sight."

Cuddalore Calendar Case No. 2.

30. The prisoner in this case was charged with having, on the morning of the 28th May 1836, assaulted the prosecutor in a field, and robbed him of property of the value of Rupees 1-2-3.

31. The prisoner is convicted, but "in consideration of his not being an old offender, and "the robbery not being attended with any personal "injury, and the value of the stolen property being "very trifling, the Third Judge recommends a Miti-"-gation of the punishment prescribed for this offence "by the Regulations, to Five years' imprisonment."

32. The Court of Sudder Adalut having maturely considered all the circumstances of this case, resolve to accede to the recommendation of the Judge of Circuit, and under the authority vested in them by Clause Third, Section III, Regulation I of 1825, direct that the prisoner

Mulloogadoo

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

Case No. 3.

33. The prisoner in this case was charged with having at noon of the 9th October 1836 with some others their faces being "smeared with "ashes"—attacked and beat the prosecutor in a Path, and

and robbed him of property of the value of Rupees 5-9-3.—

34. The prisoner being convicted of Highway Robbery, the Judge of Circuit recommends that the Prescribed punishment be mitigated to the same extent and on the same grounds as in the preceding case.—

35. The Court of Foujdaree Adalut are of opinion that the proposed punishment would be inadequate considering the circumstances under which and the place where the offence in question was perpetrated: and accordingly, resolve to direct that the prisoner

Gooravadoo

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

Case No. 5.

36. The prisoner in this case was charged with having, on or about the 6th November 1836 at midnight, broken into the house of the prosecutor in the Town of Budwail, and stolen therefrom property valued at Rupees 310-4.—

37. In his first Fetwa, the Mahommedan Law Officer of the Court of Circuit declared the prisoner convicted of Theft and liable to Ookoobut; "but being barred" in consequence of the stolen "property

17th March 1837.

property not having been secured in a place of safety:-

38 The Judge of Circuit will require the Law Officer to report for the information of the Court of Foujdaree Udalut, the grounds on which he considers a "house" not to be a place of "safety".

Ordered that extract from these proceedings be sent to the Third Judge on Circuit in the Centre Division by Precept, returnable within ten days from and after it's receipt.-

(Sent following Precept No. 366.)

No final return having been received from the 1st Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Foujdaree Udalut dated the 30th December 1836 conveying their observations and orders on his report for the 2d and 3d Quarter Sessions of 1835 and 1st Sessions of 1836, prescribed by Section XXXVII Regulation VII of 1802.-

Ordered that the 1st Judge of the Provincial Court of Circuit in the Centre Division be required by precept returnable in 6 days from and after it's receipt to shew what may have been done in pursuance of the instructions issued by the Foujdaree Udalut under date the 30th December 1836.-

(Sent following Precept No. 367.)

Read

17th March 1837.-

Read Miscellaneous Petition presented on the 7th instant by Nallummay of the Zillah of Combaconum.-

(Here enter Mis: Pet: No. 27 of 1837.)

The petitioner who, on a former

1. occasion appeared before the Court by Petition No. 121 of 1836 again prays that orders may be issued for the release from confinement of her son Narrain Pillay, prisoner in Case No. 2 on the Combaconum Calendar for the Second Sessions of 1836, in whose favor she understands the Court of Foujdaree Udalut have mitigated the sentence originally passed by the Court of Circuit.-

The grounds of this application

2. are detailed in the first and second paragraphs of the extract from this Court's proceedings under date the 26th December 1836.

The Petitioner is informed that

3. the Court of Foujdaree Udalut have resolved to call for the Record of the Trial on which orders will be passed in due course: but as she complains of the length of time she has been detained at Madras and as her presence can in no wise affect the decision, she is recommended to return to her home and there await the result.-

The

17th. March 1837.

17th. March 1837.

4 The Court of Fouzdaree Udalut having had their attention again called to the circumstance of Case No. 2 on the Combaconum Calendar for the Second Sessions of 1836 resolve to direct that an English Translation of the Record of that Trial be prepared and submitted for their consideration.

Ordered that Extract from these proceedings (paras 1 & 3 inclusive) be furnished to the Petitioner upon her application.

Ordered also that extract from these proceedings (para 4) be sent to the Acting Third Judge late on Circuit in the Southern Division by Precept, returnable within fifteen days from and after its receipt.

(Sent following Precept No. 368.)

Read again Miscellaneous Petition presented on the 31st December 1836 by Mootoo Cumnun Moocundun and Ramanaja Mookunden of the District of Tinnevelly.

(Here enter Mis. Pet. No. 132 of 1836.)

Read also Return dated the 13th Ultimo and Supplemental Return dated the 2nd instant from the Acting Third Judge late on Circuit in the Southern Division to the Precept of the Court of Fouzdaree Udalut under date the 6th February 1837 calling for English Translations of the Records of Cases Nos. 7 and 9 on

on the Tinnivelly Calendar for the Second Sessions of 1836.

(Here enter F. Ud. Nos. 351 and 497 of 1837.)

1. With the Supplemental Return of the 2nd. instant, are forwarded English Translations of the proceedings held in the abovementioned cases, and the Court of Fouzdaree Udalut have had the same under their attentive consideration.

2. The nature of the charge which formed the subject of those Trials, and the circumstances which led the Fouzdaree Udalut to doubt the propriety of the conviction of the first prisoner in No. 9 are recorded at length in the Extract from the proceedings of that Court under date the 6th ultimo (paras 1 & 7.)

3. It is now observed that the translation of the Futwa in case No. 9 given in the Record does not correspond with the copy of the Futwa, sent with the Calendar.

4. It appears, however, that the first prisoner was charged before the Court of Circuit with forgery, and not as stated in the copy of the Futwa with having procured the forgery alluded to.

5. It is essential to the validity of an Indictment for Forgery that the instrument alleged to have been forged be "set out verbatim" in the body of such indictment; and in order to a conviction of Forgery it is among other things necessary that the said

17th March 1837.

said instrument so recited in the Indictment, be given "in evidence" at the Trial.-

6. The Indictment in Case N.9 (like that in N.7.) is bad, in as much as it contains no recital "verbatim," or even so much as a general description of the tenor of the alleged forged instrument: and the evidence at the Trial is alike defective, in that the said instrument was not given in evidence.-

7. Whatever, therefore, may be the truth as to the prisoner's guilt, or innocence,- the Court of Foujdaree Udalut are clearly of opinion that the conviction in Case N.9 of "Forgery" cannot stand- and accordingly resolve to quash it and direct that the prisoner "Auroomooga permaul mookurdum" be immediately and unconditionally set at liberty.-

Ordered, that extract from these proceedings be sent to the Acting Third Judge late on Circuit in the Southern Division by Precept returnable within three days from and after its receipt.-

(Sent following Precept N.369)

Ordered further that this Court's decision be communicated to the Petitioners and that extract from these proceedings be furnished to them upon their application.-

Read return dated the 15th Ultimo, from the Provincial Court of Circuit in the Western Division to the Precept of the Foujdaree Udalut dated the

17th March 1837.

the 28th January 1837 conveying their observations and orders on the Sirsee Criminal Reports for the Month of December 1836.-

(Here enter N.383.)

Read letter dated the 10th Instant from the Assistant Criminal Judge of the Auxiliary Court at Guntoor, forwarding the Criminal Reports for the Month of February 1837.-

(Here enter N.549.)

Read Criminal Reports dated the 1st Instant from the Joint Criminal Judge at Tinnevelly for the Month of February 1837.-

(Here enter N.556.)

Read letter dated the 11th Instant from the Acting 3rd Judge on Circuit in the Northern Division, reporting that the 1st Sessions of 1837 at Guntoor have been closed.-

(Here enter N.560.)

17th March 1837.

F. 16.

At a Court of the Foujdaree Udalut.

Saturday, 18th March, 1837. Present,

Charles May Lushington Esqr. 1st Puisne Judge,

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

William Hudleston Esqr. ... 3rd Puisne Judge.

Read Supplemental return dated the 8th instant from the Acting Third Judge late on Circuit in the Southern Division to the Precept of the Court of Foujdaree Udalut under date the 28th January 1837 - conveying their observations and orders on the Salem Calendar for the Second Sessions of 1836.

/Here enter F.C. No. 539 of 1837./

With this Return is forwarded an English Translation of the Record of Case No. 14 on the Salem Calendar for the Second Sessions of 1836, called for in the fifteenth paragraph of the Extract from the Proceedings of the Foujdaree Udalut under date the 28th January last - on the ground that that Court was unable from the Abstract of Evidence in the Calendar to determine with sufficient Accuracy, the correctness of the decision of the Court of Circuit in that Case.

The prisoners,

1st Ammakal

and

2nd Peraumey were

18th March 1837 were charged before the Court of Circuit, the first prisoner with having on the night of the 23d October 1836 or 9th Aspedy of Doormookee, at Ummapettah in the Talook and District of Salem, taken medicine from the second prisoner for the purpose of procuring abortion, she being then five months gone with Child, and thereby caused her miscarriage: and the second prisoner with having given the said Medicine to the said first prisoner with the said intent.

2. The Futwa of the Mahommedan Law Officer of the Court of Circuit declared both the prisoners convicted and liable to Dohroobut: and the Judge of Circuit concurring in that finding sentenced them to imprisonment with hard labour without Irons — in Consideration of their Sex, the first prisoner for three, and the second for one year.

3. And the Court of Foujdaree Udalut, after a mature consideration of all the circumstances of the Case, see no ground for doubting the Justice of the Conviction, or questioning the propriety of the Sentence of the Court of Circuit.

Ordered, that Extract from these proceedings be sent to the Acting 3rd Judge late on Circuit in the Southern Division for his information.

(Sent in № 370)

Read

18th March 1837.

Read the Honble Criminal Reports prescribed by Section XXXV, Regulation X of 1816 for the month of February.

(Here enter № 351.)

Report V

Case 19. From the circumstances of this Case as represented in the Report the Court of Foujdaree Udalut are not of opinion that Clause fourth, Section III, Regulation VI of 1822 under which the prisoner has been Sentenced, is applicable to it. They accordingly direct that the Sentence recorded be modified with reference to the provisions of Section VII Regulation X of 1816, under which, as a Case of "fraud" it should have been, in the first instance, disposed of. The Acting Principal Sudr Ameen will report the modified Sentence for the information of the Foujdaree Udalut.

Ordered, that Extract from these proceedings be sent to the Acting Principal Sudr Ameen for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept № 371)

S.F. No.

At a Court of the Foujdaree Udalut

Present

Monday, 20th March, 1837. Charles Mary Lushington Esqr. 1st. Puisne Judge,

John Bird Esqr. 2nd. Puisne Judge,

William Hudleston Esqr. 3rd. Puisne Judge,

Read letter dated the 9th Instant from the Joint Magistrate in charge of the Zilla of Cuddapah submitting explanation, regarding certain cases in the Cuddapa Criminal Reports for the Month of December 1836, called for by the proceedings of the Foujdaree Udalut of the 3rd February 1837.

(Here enter No. 334)

The Court of Foujdaree Udalut direct that "the Joint Magistrate in charge" be informed that they consider his explanation, as relative to the cases noticed by them in their proceedings of the 3rd Ultimo, to be satisfactory.

Ordered, that extract from these proceedings be sent to the Joint Magistrate in charge of the Zilla of Cuddapah for his information.

(Sent in No. 375)

Read the Circuit Criminal Reports prescribed by Section XXXV Regulation X. 1816 for the Month of February.

(Here enter No. 346)

Sufft. Reasons Case 207 / The Court of Foujdaree Udalut are

of opinion that the circumstances of this case as stated in the report would have warranted the commitment of the prisoner "Moneyguedee" for trial. They resolve now to direct that the said prisoner be committed to take his trial at the Quarter Sessions.

Case 7. 2 The Criminal Judge will be pleased to explain for the information of the Tongsaw Adalut the grounds upon which the prisoners have been held to security in this case under the "orders" of the Provincial Court of Circuit."

Report V Case 27 3 In this case it appears to the Tongsaw Adalut that the prisoner might have been committed on the evidence adduced against him, they will not however disturb the order for the requisition of security as it has been recorded.

Case 36 4 As the first prisoner in this case was committed of House breaking and had been before imprisoned for two years, for theft, the Prisoner should have been committed under Section second Section III. Regulation VII. of 1832 the sentence however recorded upon him by the Criminal Court, need not now be disturbed.

Case 40 & 41 5 The Court of Tongsaw Adalut do not observe that there was any proof of theft adduced against the prisoners in these cases, altho' it appears that he was found in possession of the cloths lost by the Prosecutor. The Court

await an explanation as to the fact of the theft having been established as the sentence has been recorded under Clause 5th Section III Regulation VII 1822.

Statements of labor and of Peons 6 The Criminal Judge will be pleased to explain why 25 Peons were entertained throughout the Month of February, the number of prisoners specified in Column 7 of the Statement of labor being only 80.

Ordered that extract from these proceedings be sent to the Criminal Judge at Chittoor for his information and guidance by Dawk.

Receipt returnable in 4 days after receipt.

(Sent following Receipt No. 376.)

Read letter dated the 6th Instant from the Acting Joint Criminal Judge at Guntoor forwarding the Statement of works performed by the convicts under the Magistrate of Guntoor for the Month of February.

(Here enter No. 378)

Read Statement dated the 13th Instant from the Criminal Judge at Salem of the labour of the Convicts employed under the orders of the Magistrate of Salem.

(Here enter No. 391)

Read further return dated the 10th Instant from the Judges of the Provincial Court of

20th March 1837.

of Circuit in the Northern Division to the Precept of the Foujdaree Udalut dated the 15th February 1837 directing the transfer of a portion of the Convicts under the Officer Commanding Samulcottah to the charge of the Civil Engineer of the Northern Division at Masulipatam.—

(Here enter N.594.)

Read Return dated the 15th Instant from the Criminal Judge at Bellary to the Precept of the Foujdaree Udalut dated the 10th March 1837 conveying their observations and orders on the Bellary Criminal Reports for the month of January.—

(Here enter N. 595.)

Read letter dated the 14th Instant from the 3rd Judge on Circuit in the Centre Division forwarding the original Death Warrant &c in case N.4 on the Cumbum Calendar for the first Sessions of 1837.—

(Here enter N.597)

Ed. W.

E. 16.

At a Court of the Foujdaree Udalut.

Present,

Tuesday, 21st March 1837. Charles Gray Luchington Esqr. 1st Puisne Judge.

John Bird Esqr. ——— 2d Puisne Judge.

WS William Braddon Esqr. ——— 3d Puisne Judge.

Read the Chicacole Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Months of February.—

(Here enter N.568)

Report V Case 26. The charge against the first and second prisoners in this case is improper — if they were forwarded under a charge of some specific act of criminality it should have been entered — if they were transmitted simply on the general charge as stated in the Report, the Acting Criminal Judge will be pleased to send copy of the case as it stands in the Report and of this paragraph to the Magistrate, who will warn the Police Ameen of Chicacole against the transmission of prisoners to the Criminal Court without some distinct complaint being preferred against them.—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Chicacole for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept N. 384)

Read

the Circular Order No. 80, and they direct that the Joint Criminal Judge be called upon to explain why they have not been forwarded—

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge at Tanjore for his information and guidance by Precept returnable in 4 days after receipt—

(Sent following Precept No. 386

Read the Madura Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of February—

(Here enter No. 571)

Report V Case 1st. 1. The detention of the prisoner in this case before the Head of Police having been occasioned by a reference to the Magistrate, the Court of Sudder Adawlut direct that copy of the case as it stands in the Report and of this paragraph be sent by the Acting Criminal Judge to the Magistrate, who will instruct the Police officer who forwarded the case to observe in future the injunction of the Circular Order No. 62, dated the 28th February 1836, which requires that it shall be explained why a reference to the Magistrate may have been made—

Case 2d. 2. The case also as it stands in the Report and of this paragraph, copy should be sent by the Acting Criminal Judge to the Magistrate. The detention of the 1st, 2d and 3d prisoners appears, as represented in the Report

J. H.

21st March 1837.

Report, unauthorized and unjustifiable. The Magistrate will be pleased to enquire into the circumstances of the case and report direct to the Sudder Adawlut what notice he may deem it proper to take of the conduct of "the "Police Officer of the Canjeombo Talook"—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Madura for his information and guidance by Precept returnable in 3 days after receipt—

(Sent following Precept No. 387.

Read Letter dated the 8th instant from the First Judge on Circuit in the Western Division, submitting Copies of the Primary and Supplemental Calendars of the Zillah of Malabar for the First Session of 1837—

(Here enter Ltr. No. 540 of 1837)

Primary Calendar Case No. 1. 1. The First Futwa of the Mahommedan Law Officer of the Court of Circuit having declared certain of the prisoners in this case not convicted "in consequence of the "witnesses in support of the prosecution being Jewmees"—a Second Futwa was taken "according to Clause third, Section II, Regulation XV of 1803."—

2. The Court of Sudder Adawlut observe that the offence of which the prisoners are convicted (Highway Robbery) being "specifically provided for" by the Regulations, the provision quoted by the Judge of Circuit is inapplicable—

Case No. 4.

3. In this case, four prisoners were charged with having, on the night of the 9th August 1836 gone to the prosecutor's hut, armed with sticks, entered it by breaking open the Cadjan door thereof, and robbed therefrom property valued at twelve annas and seven pice.—

4. The third and fourth prisoners were acquitted and released.—

5. The first and second prisoners were convicted as "the prisoners are all poor Cheromeers." The "robbery "was not attended with any aggravating circumstances:" no violence was offered to the Prosecutor: the value of the stolen property was very trifling; and the prisoners have been already "in confinement for a period of about six months" the Judge of Circuit recommends that the prescribed punishment be mitigated to "six months imprisonment and hard labour in irons, which" he deems "quite sufficient to answer the ends of Criminal Justice."—

6. The Court of Judicature Adaulut, having given due consideration to this case resolved to accede to the recommendation of the Judge of Circuit, and under the authority vested in them by Clause Third, Section 10, Regulation I of 1825, direct that the prisoners

1st Kanaka Cheromeen Pooliar,

and

2d Do Marondan,

7th March 1837.

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of six months.—

Second Assistant Calpentyn 7

Case No. 6.

In this case, the prisoner

Sambikel alias Madatabil Chowony

stood charged before the Court of Circuit with having, on the 11th December 1836, severely wounded the prosecutor on the breast, by stabbing him with a knife.—

8. The case was returned to the Criminal Judge to be disposed of by that officer; the Judge of Circuit recording his opinion that "there is nothing in "the proceedings warranting even a suspicion that "the act was premeditated, or from the slight scar "apparent, that the prosecutor has sustained any "serious injury:" and that "the Criminal Judge is vested "with full powers to pass sentence proportionate to "the offence committed."—

9. The Court of Judicature Adaulut deem it proper to call the attention of the Judge of Circuit to the remarks of Government respecting "the great frequency "of cases of cutting and maiming consequent on the "universal wearing of the knife in Malabar" and the "imperative" necessity "that the offence should be visited "with far greater severity than in countries in which a "similar state of things does not prevail."—

Spark 9. Ex Imis Cons. 16th Nov. 1836 comm. by 3 Sh. under date 16th Dec. 1836.—

Ordered

Ordered, that Extract from these proceedings be sent to the Civil Judge on Circuit in the Western Division by Precept returnable within five days from and after its receipt.—

(Sent following Precept No. 388)

Read letter dated 8th Instant from the Special Commissioner at Cheirakole, forwarding his Report in No. 14 of the Special Commission held at Cheirakole.—

(Here enter No. 618)

Attn. Reid, and Attn. Huddleston,

The Court of Zeyjaree Adaulut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law officer and the Futwa of the Cazee-ool-Cozat and Mooftee of the Zeyjaree Adaulut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid, and under the provisions of Section III Regulation I of 1834 and Clause Third, Section VIII Regulation XV of 1803, sentence the prisoner

Dundah Syungnah

to be banished to the District of Cuddapah, 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 (7) seven years.—

The Court of Zeyjaree Adaulut direct that their sentence in the trial No. 14 from the Cheirakole Special Commission, together with the whole of the proceedings

proceedings held in the case, be transmitted to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may, in conformity with the provisions of Section V, Regulation XX of 1832, receive the orders of Government before they direct their sentence to be carried into execution.—

(Sent in No. 389.

Read letter dated the 8th Instant, from the Provincial Court of Circuit in the Western Division, transmitting the statements of Crimes and Misdemeanors for the half year ending the 31st December last and Copies of the Reports from the Magistrate of Malabar and Canara (with original enclosures from the latter Officer) on the state of Police in their respective districts for the last half year, with an Extract from the Court's Proceedings thereon.—

(Here enter No. 538 of 1837)

1. The Court of Zeyjaree Adaulut, concur in opinions with the Provincial Court of Circuit that the Report of the Joint Magistrate of Canara, referred to in Para: 18 of their Court's proceedings under date the 9th ultimo contain "much valuable information and many suggestions "deserving the attentive consideration of the higher authorities, "particularly with regard to the police establishment in "the Balaghaut, and to the measure proposed in Para: 14

for

"for permitting Merchants to pay money into the Government
"Treasuries for orders on the Collectors of other Districts, with a view
"to relieve them from the risk attendant on carrying large sums
"about the country."

2.

It appears to the Court of Inquiry Dedatut
that the adoption of such an arrangement as is here assented
of feasible, might be expected to promote the success of
the operations for the suppression of Thuggee, a crime, it
it is to be feared in the Western Division, as well as in
other parts of the territories under this Presidency.

3.

The Court of Inquiry Dedatut would
respectfully solicit the attention of the Right Honorable the
Governor in Council to the suggestions offered by the Provincial
Court in Paras: 14 of their proceedings.

4.

The important matters presented in Mr. E.
Mathew's report of the 25th January last, and in the proceedings
of the Provincial Court induce the Court of Inquiry Dedatut
to lay those papers before the Government immediately without
awaiting for the transmission of the usual half yearly
Criminal Report.

5.

For a very different reason the Court of
Inquiry Dedatut are imperatively called upon to submit without
delay for the consideration of the Right Honorable the
Governor in Council a copy of the report of Mr. Hugh Ewing
the Magistrate of Canara, dated the 13th ultimo, which is
also alluded to in the same proceedings of the Provincial Court.

The

6.

The Right Honorable the Governor in Council
having in the Extract from the Minutes of Consultation in the
Judicial Department, No. 269 under date the 14th Instant
noticed with disapprobation this officer's style in his correspondence
"with his official superiors," the Court of Inquiry Dedatut would
not under ordinary circumstances have brought forward
another complaint of this nature, before the effect of the
observations of the Government on Mr. Erwin's conduct
should have been tried, but this Officer has in the report
in question permitted himself to record remarks, so
insulting to the Provincial Court and to the Court of Inquiry
Dedatut, as to render it absolutely necessary that the grave
interference of the Government should be prayed in
vindication of the contemned authority of those tribunals.

It will be observed, that in para: 6 the

7.

Magistrate designates the Criminal Courts generally as "a scourge,"
that in para: 10 he describes the "seat of justice" as "a terror
"to the best part of the community," and "our judicial
"institutions" as "equally if not more hateful to the just than
"the unjust:" and that in para: 11 he has recorded the
following remarks:- "if our Courts of Criminal justice have
"at the present time a good name with any, it is with the
"Criminals who are brought before them, that this should
"be the case is not surprising, if we consider that they
"are the only class that has no reason to complain of them
"with them the merit of a Court ascends in the ratio of its
"elevation

elevation, and the chances of holes out of escape, and the higher the crime the higher the calculation of impunity.

8. It is of course open to a Magistrate in a report on the police to offer suggestions for the removal of any practical evil, or the furtherance of any arrangement calculated to promote the peace of the country, and the prevention of crime.

9. But when an officer holding this subordinate office so far forgets his own position and the deference due to those placed in authority over him, as to add to these observations, the contemptuous and utterly inconsistent with the slightest notion of respect, as those above quoted, the inference is plain, that he requires to be instructed as to the most obvious principles of his duty.

10. It has been the painful task of the Board of Enquiry [illegible], on many former occasions, to lay before the Government, communications from subordinate officers, which appeared to the Court to merit severe reprehension. But past experience does not furnish any parallel to the tone of contempt, and misbehaviour, which marks the report under consideration from the Magistrate of Canara.

Ordered, that copies of the Extract from the Proceedings of the Provincial Court of Circuit in the Western Division dated the 27th Ultimo and of the reports

E.C.
21st March 1837.

reports from the Magistrate and Joint Magistrate of Canara therein referred to, with Extract of these Proceedings be sent to the Chief Secretary to Government for the consideration and orders of the Right Honorable the Governor in Council.

(Sent in No. 390.)

F. U.

At a Court of the Foujdaree Udalut

Present,

Wednesday 22nd March 1837. Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre ..... 2nd Puisne Judge
William Hudleston Esqre 3rd Puisne Judge.

Read the Rajahmundry Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of February.

(Here enter No 550)

Suspn Report Case 4. There appears to have been so little ground for the transmission to the Criminal Court of the prisoner in this Case "Dontumsetty Veerapah" that Copy of the proceedings of the Criminal Court have been already furnished to the Magistrate by the Acting Criminal Judge. In those proceedings however, mention is made that of the witnesses "whose names are affixed to the proceedings of the Punchayet Inquest "held by the Head of Police, 19 Pecheka Tantee, 20 "Baraka Gungoolov and 21 Allada Lingapah, deny "having either been present or having signed the "report." The Court of Foujdaree Udalut resolve to call upon the Magistrate to report direct to them as to the conduct of the Police Officer in holding the Inquest referred to. The Acting Criminal Judge will accordingly be pleased to furnish

21st March 1837- furnish the Magistrate with Copy of this para-
graph for his information and guidance.

Report V
Case 5.- 2. In this Case the grounds of Com-
mitment have been peciled in too much detail.
A concise but distinct note of them would have been
sufficient to satisfy the Foujdaree Udalut of the pro-
priety of the proceeding of the Criminal Court in
Committing the prisoners.

3 Ordered, that Extract from these
proceedings be sent to the Acting Criminal Judge
at Rajahmundry for his information and guidance
by Precept returnable in 3 days after receipt.

(Sent following Precept N°391.)

Read the Salem Criminal Reports
prescribed by Section XXXV, Regulation X 1816 for
the month of February.

(Here enter N°570)

Report V
Case 13.- 1. The Sentence on the prisoners in
this Case appears to the Court of Foujdaree
Udalut lenient with reference to the prevalence of
the Crime of "Stealing Cattle" in the Districts of
Salem and Coimbatore.

Case 19.- 2. The Court of Foujdaree Udalut regret
to observe that considerable irregularity has been
allowed to occur in the Talook proceedings connected
with this Case. The Criminal Judge will be pleased to

22nd March 1837- to send Copy of the Case as it stands in the Report,
and of this paragraph, to the Magistrate, and the
Court of Foujdaree Udalut will be glad to receive
direct from the Magistrate any further explanation
it may be in his power to afford.

Case 27.- 3. Of this Case also as it stands in
the Report and of this paragraph Copy should
be sent by the Criminal Judge to the Magistrate,
who will be pleased to report further direct to the
Foujdaree Udalut as to the detention of the prisoners
in the Talook from the 24th January to the 9th February,
the explanation given in the Report being unsatis-
factory.

Case 30. 4 The fine imposed on the 2nd Witness
in this Case seems to the Court of Foujdaree
Udalut to have been fixed too high, unless it was
within the knowledge of the Criminal Judge that
he was a man of property.

Case 31. 5 The tenor and phraseology of the
note of the Order of the Sudr Ameen on this Case
exhibits a want of revision on the part of the
Criminal Court. It will be the duty of the Crimi-
nal Judge, or of his Assistant, in future to correct
any ungrammatical expressions which may in the
first instance appear in the Criminal Reports when
about to be laid before the Foujdaree Udalut.

In

22nd March 1837.

Statement of punishments of Convicts.-

6 In this Statement is entered the punishment of a Convict for effecting his "escape". This is not an offence punishable under Section VI, Regulation X of 1832, but under Section V, Regulation VI of 1822, and the charge for it should accordingly have formed a number in the Criminal Reports. The Criminal Judge will cause this error now to be amended.-

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Salem for his information and guidance by Precept returnable in 15 days after receipt.

(Sent following Precept No 392.)

Read the Nellore Criminal Reports prescribed by Section XXXV, Regulation X 1816 for the month of February.

(Here enter No 575.)

Report V Case 15.

1. The Sentence on the prisoner "Condah Naugoloo" is stated to be passed under Clause fourth, Section IV, Regulation VI 1822, as regards this number, and Nos 17 and 18, and under Section VII Regulation X of 1816 as regards No 16.- The Court of Foujdaree Udalut direct that it be pointed out to the Acting Criminal Judge that Sentence having been passed under the former provision, there is no further Sentence under the latter.

Cases 20- 22-

2. In the Case 20. the 2d and 3d prisoners are

2. F U.

22nd March 1837.

are declared to have been sent up without any evidence against them, and in Case 22 the 3rd prisoner is stated to be released "as there appears "to be no evidence against him". If therefore the Acting Criminal Judge has not already communicated as enjoined by the Circular Order of the 31st May 1823, the circumstances of these Cases to the Magistrate, he will now be pleased to send Copy of the Cases as they stand in the Report, and of this paragraph, to the Magistrate, who will report direct to the Foujdaree Udalut why these prisoners were sent up, and whether the Conduct of the Police Officers, who forwarded the prisoners, has been noticed by him and in what manner.-

Report No VI

3 It is observed that the death of a prisoner, "Tunneroo Colado," at Madras," is entered in this Report. The Court direct that the Acting Criminal Judge be informed that the entry of Casualties of prisoners not in his Jail is unnecessary, a report thereof being made direct to the Foujdaree Udalut by the Officer in whose charge the Convict may be at the time of his decease.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at

22nd March 1837 at Nellore for his information and guidance by
Precept returnable in 3 days after receipt
(Seal) following Precept No 393.
Read Criminal Reports dated
the 28th Ultimo from the Joint Criminal Judge
of Malabar, for the month of February 1837.
(Here enter No 585/)

Fr Ho

At a Court of the Foujdaree Adalut.
Present,

Thursday, Charles May Lushington Esqre 1st Puisne Judge,
23rd March, 1837 John Bird Esqre ——— 2nd Puisne Judge,
William Hudleston Esqre 3rd Puisne Judge.

Read again letter dated the 16th
December 1836, from the Second Judge (late) on Circuit
in the Western Division, submitting for the final
judgment of the Court of Foujdaree Adalut the Record
of Trial No 2 on the Sirsee Calendar for the Second
Sessions of 1836.
(Here enter Fr Ho No 2250 of 1836.)
Read also Return dated the 27th
Ultimo from the same Officer to the Receipt of the
Court of Foujdaree Adalut under date the 20th January
1837 sending back the Record of Case No 2 on the Sirsee
Calendar for the second Sessions of 1836 with
instructions to cause the evidence of the Witnesses
named by the first prisoner in support of his plea
of alibi, and that of the Peshkar Nammuppa to be
taken.—
(Here enter Fr Ho No 496 of 1837.)

Mr Lushington and Mr Hudleston

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

that the proof against the prisoners

1st Kendiya
2nd Chenna Veera
3rd Ballanabeed Bushea
4th Hullepoik Bheema
5th Dher Guidda
7th Modlococsipa Busavy
and
8th Muttada Busavy

is sufficient to convict them of the crime of Murder committed in the perpetration of Gang Robbery by open violence, do, under the authority with which they are vested by Clause First Section II, Regulation I of 1813, convict them thereof; and under the provisions of Clauses First and Fifth, Section IX, Regulation XX of 1803, sentence the prisoners

1st Kendiya
2nd Chenna Veera
and
3rd Ballanabeed Bushea

to suffer death by being hanged, so soon as conveniently can be, after the receipt of this Warrant, at a spot, to be selected by the Principal Sudr Ameen of Sirsee, in the immediate vicinity of the Town of Bunnavasse, their bodies to be afterwards suspended in chains on a high Gibbet to be erected on the said spot: and the prisoners

4th Hullepoik Bheema
5th Dher Guidda

7th Modlococsipa Busavy
and
8th Muttada Busavy

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

(Sent following letter No 410.)

1. Sentence on the prisoners in this case, having been passed, it only remains to dispose of the suggestions in the sixth and tenth paragraphs of the second Judge's letter of reference under date the 16th December 1836.

2. And in respect of the prisoner "Ojeya." the Court of Foujdaree Udalut resolve to direct that the Second Judge be instructed to take the necessary steps for having that individual brought to trial before the Court of Circuit as a principal in the murder of Linganamutty Bussumma.—

3. The Court of Foujdaree Udalut are not prepared to direct "that Muny Bassuppa be removed "with disgrace from the Patailship of Linganamutty" but they are of opinion that the Second Judge should bring the misconduct of that Individual to the notice of the Magistrate of Canara.

Ordered, that extract from these proceedings be sent to the Second Judge late on Circuit in the Western Division by Precept returnable

25th March 1837

that the proof against the prisoners

1st Kendiya

2nd Chenna Veera

3rd Ballanabeed Bushea

4th Hullepoik Bheema

5th Dher Guidda

7th Moolloocoopa Busvy

and

8th Muttada Busvy

is sufficient to convict them of the crime of Murder committed in the perpetration of Gang Robbery by open violence, do, under the authority with which they are vested by Clause First Section II, Regulation I of 1813, convict them thereof; and under the provisions of Clauses First and Fifth, Section IV, Regulation XX of 1803, sentence the prisoners

1st Kendiya

2nd Chenna Veera

and

3rd Ballanabeed Bushea

to suffer death by being hanged, as soon as conveniently can be, after the receipt of this Warrant, at a spot, to be selected by the Principal Sudr Ameen of Sirsi, in the immediate vicinity of the Town of Bunnarapoor, their bodies to be afterwards suspended in chains on a high Gibbet to be erected on the said spot: and the prisoners

4th Hullepoik Bheema

5th Dher Guidda

25th March 1837

7th Moolloocoopa Busvy

and

8th Muttada Busvy

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

(Sent following letter No. 410.)

Sentence on the prisoners in this

1.

case having been passed, it only remains to dispose the suggestions in the sixth and tenth paragraphs of the second Judge's letter of reference under date the 16th December 1836.

And in respect of the prisoner

2.

"Ojiya" the Court of Foujdaree Udalut resolve to direct that the Second Judge be instructed to take the necessary steps for having that individual brought to trial before the Court of Circuit as a principal in the murder of Linganamutty Bussumma.

The Court of Foujdaree Udalut are

3.

not prepared to direct "that Mumy Bassuppa be removed "with disgrace from the Potaildship of Linganamutty: but they are of opinion that the Second Judge should bring the misconduct of that Individual to the notice of the Magistrate of Canara.

Ordered that extract from these proceedings be sent to the Second Judge late on Circuit in the Western Division by Precept returnable

23d. March 1837

returnable within seven days from and after its receipt.

(Sent following Precept No. 411.

None of the Trials set down for reference during the present Sessions by the Acting Third Judge on Circuit in the Northern Division having yet been submitted, the Court of Foujdaree Adalut resolve to direct that that Officer be instructed to use his best exertions towards expediting the preparation and transmission of the Records of the Cases in question, and to report what progress has been made up to the present time, in that Department of his Office.

Ordered, that extract from these proceedings be sent to the Acting Third Judge on Circuit in the Northern Division by Precept returnable within two days from and after its receipt.

(Sent following Precept No. 412.

Read letter dated the 13th Instant from the Acting Second Judge late on Circuit in the Northern Division.

(Here enter F. C. No. 593 of 1837)

1. It appears from the papers which accompany this letter that in case No. 51 of 1836 four persons were charged before the Sudr Ameen of the Joint Criminal Court at Vizagapatam, with housebreaking and Theft, and under Clause Sixth, Section II. Regulation

F. C.

23d. March 1837.

Regulation VI of 1822, were sentenced by that Officer to imprisonment with hard labour in irons for two years and corporal punishment of twenty four lashes each.

2. In his proceedings under date the 17th November 1836 the Acting Second Judge being then on Circuit at Vizagapatam, directed the Joint Criminal Judge to "suspend the sentence," and "examine the witnesses named by each of the prisoners "which the Sudr Ameen has neglected to do."

3. Subsequently, a Petition No. 45 of 1837 being presented to the Acting Second Judge when at the Sudr Station, on the subject of the sentence passed against the prisoners, that Officer in his proceedings under date the 6th Ultimo, called for the Record of the case, and now recommends that the fourth prisoner should be set at liberty, the evidence against him being "any thing but conclusive."

4. The Court of Foujdaree Adalut observe that the Acting Second Judge having issued the order of the 18th November 1836, had nothing further to do with the case, and his taking cognizance of the Petition No. 45 of 1837 and passing an order upon it, in his capacity of Judge of Circuit, was wholly unauthorized.

5. It was his duty to bring the case before the Collective Court of Circuit: and this course must now be pursued.

The

6. The Court of Fouzdaree Adalut observe that it was not intended by the Circular Order of the 27th August 1832, that cases of the nature therein contemplated, should be referred to this Court, but to the Provincial Collective Court of Circuit, as distinctly indicated by the quotation in that order of Section XXIII Regulation X of 1816, in conformity with which the order of the 19th November 1836 should have been worded.

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance.

(Sent in No. 413.)

Read letter dated the 11th instant from the Acting Third Judge on Circuit in the Northern Division submitting Copies of the Guntoor Primary and Supplemental Calendars for the first Sessions of 1837.

(Here enter Fr. Do. No. 582 of 1837.)

Primary Calendar Case No. 2. 1. It is stated in the Remarks in the Calendar that "the first Futwa acquitted the "prisoner" in this case, "on the ground that the "declaration of the deceased, and the evidence of the "seventh witness, are not admissible, the first the "person giving the declaration, being like a Prosecutor and

"and the other, the seventh witness, being very "young and son of the deceased, and also on the "grounds of contradictions as regards the other "witnesses, and on the ground of their not seeing "the prisoner commit the crime"; and further that "the personal objections above alluded to being "removed, the prisoner is convicted."

2. The Court of Fouzdaree Adalut deem it necessary to point out to the Judge of Circuit that he is not competent to overrule objections of the nature above stated; those only excepted which refer to persons who "are prosecutors or stand in the "situation of prosecutors"; or who are "near relations "of the prosecutor".

Ordered, that extract from these proceedings be sent to the Acting Third Judge on Circuit in the Northern Division for his information and future guidance.

(Sent in No. 414.)

Read letter dated the 16th Instant, from the Acting 3d. Judge on Circuit in the Northern Division, transmitting a Statement of Batta required by the Circular Order No. 35 of the 25th March 1835, from the Joint Criminal Court of Guntoor.

(Here enter No. 609.)

At a Court of the Foujdaree Udalut—

Present,

Saturday 25th March 1837. Charles May Lushington Esqre 1st Puisne Judge

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

William Haudleston Esqre 3rd Puisne Judge—

Read Order of Government dated the 23d Instant, notifying that the Right Honorable the Governor in Council approves of the draft of instructions to the subordinate Authorities pointing out the mode of proceeding to be observed in bringing to trial persons charged with the offence provided for by Act No XXX of 1836, and with the Crime of Murder by Thuggee, and desiring that the same be circulated without delay.—

(Here enter No 629)

1. Until Special legislative provision may be made, prescribing the mode of proceeding to be observed in bringing to trial persons, charged with the offence, provided for by the Act, No XXX of 1836, and with the Crime of Murder by Thuggee—all such persons are to be made over for Commitment, in Cases under the Act to the nearest Criminal Judge, and in Cases of Murder by Thuggee to the Criminal Judge of the Zillah, in which the Murder may have been Committed, unless

25th March 1837.

Cumbum Suppl. Report Case 1.

5. From the circumstances of this Case stated in the Report, the Court of Foujdaree Udalut are of opinion that there are not sufficient grounds for requiring security from the 1st and 2nd prisoners. The Principal Sudr Ameen will accordingly release them if in Jail, or cancel the Bailbonds if they have been entered into.

Case 9.

6. It appears to the Court of Foujdaree Udalut that the Amount of Security required from the prisoner in this Case is very high, but they will not now disturb the order recorded.

Case 10.

7. The Court conclude that the prisoner in this Case was charged with housebreaking with intent to steal. They require, however, explanation as to the Specific Crime proved against him, as it appears from the Report that the offence did not amount to more than an attempt to break through the wall of Prosecutor's house.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Cuddapah for his information and guidance, and for communication to the Principal Sudr Ameen at Cumbum for his information and guidance of such parts as concern him, by Precept returnable in 6 days after receipt.

(Sent following Precept No 474)

Read

F. U.

25th March 1837.

Read letter dated the 7th instant from the Acting Second Judge on Circuit in the Southern Division, submitting a Copy of the Madura Calendar for the First Sessions of 1837.

(Here enter F.U. No 526 of 1837.)

Read also letter dated the 15th instant from the same Officer (now Acting First Judge) submitting a Copy of the Supplemental Calendar of the same Zillah and Sessions.

(Here enter F.U. No 588 of 1837.)

Primary Calendar Case No 6.

1. It is stated in the Calendar that the Seventh, eighth and ninth prisoners in this Case, who were convicted of the offence of knowingly receiving Stolen property, were sentenced to two years' imprisonment with hard labour in irons "under Clause Seventh, Section II, Regulation XV of 1803."

2. The Court of Foujdaree Udalut observe that the provision quoted does not apply to an offence Specifically provided for by the Regulations — namely by Section IV, Regulation VI of 1822.

Cases Nos 16 and 17.

3. The Court of Foujdaree Udalut, not being satisfied of the propriety of the convictions in these two Cases, resolve to direct that English Translations of the Records be prepared and submitted for their consideration.

The

25th March 1837.

Case No 22

The prisoner in this Case, stood charged before the Court of Circuit with having, on a certain day in the month of December 1836, in company with one other person, beaten the prosecutor on the highway and robbed him of his earrings Vis valued at Rupees 2 3.

5 The Futwa of the Mahommedan Law Officer of the Court of Circuit declared him liable to Hud of the right hand and left leg in which finding the Presiding Judge concurred; but "in consideration of the absence of any gross "violence and the very small value of the property "stolen" - recommends that the prescribed punishment be mitigated "from fourteen to seven years

6. The Court of Foujdaree Udalut having duly considered all the circumstances of this Case, resolve to accede to the recommendation of the Presiding Judge, and under the authority vested in them by Clause third, Section III, Regulation I of 1825, direct that the prisoner

Vencatauchellum

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

Case No 23.

In this Case, the prisoner "Soobramonyen"

Stood

25th March 1837. Stood charged before the Court of Circuit with having - in the day time - taken the prosecutor's Son aged twelve or thirteen years to a field, under pretence of catching mice, and there murdered him, and stolen the Jewels from his person valued at Rupees 126.-

1 8 The prisoner was acquitted but required to find Security for his future good Conduct -

9. After carefully Considering the circumstances of this Case as they appear in Abstract in the Calendar, the Court of Foujdaree Udalut are unable to understand on what grounds the prisoner was deemed Not Guilty; and deem it necessary to require the Judge of Circuit to explain in what respects the evidence against him was considered insufficient for his conviction.-

Supplt Calendar Cases 1 a 9 -

10. It would appear that the charges in these nine Cases arose out of one and the same affray which occurred in the month of July 1835 - "among certain people regarding their privelege "of taking the water and ashes on the day the "Car was drawn at Candadawy" - and the Court of Foujdaree Udalut do not understand why they were made Separate Cases in the Calendar.-

11. Moreover if Case No 1 was really distinct from Cases Nos 5 and 6 - it was necessary that a Separate Futwa should be taken in each Case: but

25th March 1837. but if on the contrary, the charge was one and the same, the Judge of Circuit had no authority to pass sentence upon the second prisoner in Case No 1.—

12 The Judge of Circuit will submit an explanation on this Subject—

13 The Court of Foujdaree Udalut observe that throughout the Calendar the Judge of Circuit has omitted to state "succinctly and clearly his opinion on each Case, and the "grounds" of his concurrence in, or dissent from, the Futwa of the Mahommedan Law Officer. This defectiveness is particularly observable in Cases Nos 3 18 and 23 on the Primary Calendar—

14 The Judge of Circuit will be pleased, in future, to conform to the Circular Order of the Court of Foujdaree Udalut of the 19th June 1828.—

15 In the second paragraph of his letter of the 7th instant, the Judge of Circuit reports "that "a Case of Robbery of Cardamom Seeds with five "prisoners was sent up by the Magistrate of Madura, "under Regulation II of 1829 according to the accom- "panying Copy of his report" and adds that "the "Prisoners being declared liable to Goomauns by the "Law Officer were directed to furnish Security and "a Copy of the Futwa accompanies the Calendar "with others."

F. U.

25th March 1837. 16 The Judge of Circuit will explain why this Case is not included in the Calendar, and if, as there seems reason to believe, the prisoners were sent up by the Magistrate to the Court of Circuit direct, the Judge of Circuit will report under what provision of the Regulations he con- ceived himself authorized to try the prisoners without the intervention of the Criminal Court—

Ordered, that Extract from these proceedings be sent to the Acting First Judge on Circuit in the Southern Division by Precept return- able within seven days, from and after its receipt—

(Sent following Precept No 125

Read further Returns dated the 15th instant from the Acting Third Judge late on Circuit in the Southern Division to the Precept of the Court of Foujdaree Udalut under date the 28th January 1837 conveying their observations and orders on the Salem Calendar for the Second Sessions of 1836—

(Here enter F. U. No 589 of 1837.)

The Acting Third Judge now sends up an English Translation of the Record of Case No 13 on the Salem Calendar for the Second Sessions of 1836 in pursuance of the instructions of the Court of Foujdaree Udalut, contained in the fifteenth paragraph

25th March 1837— paragraph of the Extract from their proceedings under date the 28th January last—

2. In that Case, the prisoner Naunaghan stood charged before the Court of Circuit with having on the night of the 11th October 1836 or 28th Paratandee of Doornookee in Vooleyenpully in the Talook of Pollore in the District of Salem, murdered the Prosecutor's younger brother named Arunendee by stabbing him in the stomach with a knife, and further with having murdered his own wife Tamakee near the aforesaid place immediately after the perpetration of the former act, by tying her by the neck to a tree and pulling her by the legs, so as to strangle her.—

3. The prisoner was acquitted; but required to find Security for his future good conduct under the provisions of Clause Sixth, Section III, Regulation XV of 1803.—

4 It appears from the evidence of the Complainant and of the first witness for the Prosecution, that the Karkoon of Podanapully on receiving information of the Murder proceeded to the Spot, inspected the Corpse of the deceased Arunendee, apprehended the prisoner in his hut, and interrogated him, when the latter confessed that he had stabbed the deceased with

25th March 1837— with a knife, because he had held criminal intercourse with his wife: and further admitted that he had put to death his wife Tamakee, "and showed the Corpse of that woman which "was lying fifty yards off from that of the other; and that" after the inquest, the Karkoon ordered the "Corpses to be buried, which was accordingly done."

5. The Court of Foujdaree Udalut are unable to account for the omission to send for the Karkoon and examine him respecting his knowledge of the facts of the Case, and the nature of the Communication made to him in the first instance by the Prosecutor—

6. If the Statements of the Prosecutor and the first witness on the points above noticed had been confirmed by the Karkoon, the evidence would, in the opinion of the Court of Foujdaree Udalut have been sufficient for the conviction of the accused.—

7. The Court see no reason to doubt the guilt of the prisoner: and are of opinion that the ends of Justice have been defeated by the omission of the Judge of Circuit to require the further evidence abovementioned.—

Ordered, that Extract from these proceedings be sent to the Acting Third Judge Late

25th March 1837. Late on Circuit in the Southern Division for his information.

(Sent in No 326.)

Fr: Ud:

At a Court of the Foujdaree Udalut

Present,

Monday 27th March 1837.- Charles May Lushington Esqre 1st Puisne Judge.
John Bird Esqre _____ 2nd Puisne Judge
William Rudleston Esqre 3d Puisne Judge

Read Miscellaneous Petition presented on the 13th instant by Vengummah and three others of the Zillah of Chingleput.

(Here enter Mis: Pet: No 28 of 1837.)

The petitioners represent themselves to be the relatives of certain prisoners now in confinement in the Criminal Jail of the Zillah of Chingleput and they complain of sundry acts of alleged irregularities on the part of the European Head Jailor Dogherty, and the Native Deputy - which irregularities appear to consist in depriving the Convicts of a portion of the regulated allowance of Rice, and Money furnishing them with inferiour Rice: subjecting them to corporal punishment without the warrant of the Criminal Judge: and employing them on works intended for the individual benefit of the said Dogherty, as Gardens, Stables &c.-

2. The Court of Foujdaree Udalut deem it proper to direct that a copy of the translation of this Petition be sent to the Criminal Judge of

25th March 1837. Late on circuit in the Southern Division for his information.-

(Sent in No 526.)

Fo: 60:

At a Court of the Foujdaree Udalut-

Present,

Monday 27th March 1837- Charles May Lushington Esqre 1st Puisne Judge-
John Bird Esqre ____ 2nd Puisne Judge
William Cudleston Esqre 3d Puisne Judge-

Read Miscellaneous Petition presented on the 15th instant by Vengummah and three others of the Zillah of Chingleput-

(Here enter Mis: Pet: No 23 of 1837-)

The petitioners represent themselves to be the relatives of certain prisoners now in confinement in the Criminal Jail of the Zillah of Chingleput and they complain of sundry acts of alleged irregularities on the part of the European Head Jailor Dogherty, and the Native Deputy- which irregularities appear to consist in depriving the Convicts of a portion of the regulated allowance of Rice, and Money furnishing them with inferior Rice: subjecting them to corporal punishment without the warrant of the Criminal Judge: and employing them on works intended for the individual benefit of the said Dogherty, as Gardens, Stables &c.-

2. The Court of Foujdaree Udalut deem it proper to direct that a copy of the translation of this Petition be sent to the Criminal Judge of

of Chingleput with instructions to report on the allegations therein contained.

Ordered, that extract from these proceedings with translation of Petition be sent to the Criminal Judge of Chingleput by Precept returnable within seven days from and after its receipt.

(Sent following Precept. No 430)

Ordered also, that extract from these proceedings be furnished to the Petitioners upon their application.

Read Miscellaneous Petition presented on the 13th instant by Ramasawmy and Chokkums Oddian of the Zillah of Madura.

(Here enter Mis. Pet. No 29 of 1837)

The Petitioners allege that the evidence upon which the prisoners in Case No 3 on the Madura Calendar for the Second Sessions of 1836 have been convicted and sentenced by the Frydaree Adalut to Transportation for life, has not been fairly dealt with by the Subordinate Courts; and they pray that orders may be issued for the re-examination of the case by another Criminal Judge, or by the Judge now on Circuit; and that in the mean while the sentence may be suspended.

The Petitioners are informed that their

their request is inadmissible.

Ordered, that Petition be rejected and extract from these proceedings be furnished to the Petitioners upon their application.

Read Miscellaneous Petition presented on the 13th instant by Syed Hoosain.

(Here enter Mis. Pet. No 30 of 1837)

The Petitioner represents that he was a Peon on the Establishment of the Jail at Trichinopoly and came to Guindy in charge of a Gang of Convicts detached for employment on the Breakwater &c. and that he has since been dismissed.

He prays that orders may be issued for his reinstatement in his situation.

Petitioner does not state the circumstances which led to his dismissal, but simply alleges that he is the victim of a conspiracy between the Jailor, Jemadar, Duffadar and Writer.

The Court of Frydaree Adalut see nothing in the present case to warrant their interference. The Petitioner should return to Trichinopoly where it is not improbable the Magistrate may feel disposed to provide him with employment.

Ordered, that Petition be rejected and extract from these proceedings be furnished

27th March 1837 furnished to the Petitioner upon his application.

Read Miscellaneous Petition presented on the 13th instant by Shaik Dawud & Mahommud Khan and P. Ramunnah.

(Here enter Mis. Pet. Nos. 31 32 and 33 of 1837.)

The Petitioners representing that they were Peons on the Establishment of the Zillah Court of Cuddapah; complain of their removal from their situations to make room for certain others recently returned from Nellore, whither they had proceeded in charge of a Gang of Convicts destined for employment in that Zillah.

The petitioners suggest that some other arrangement might be effected which would not involve their removal; and pray that orders may be issued for their reinstatement.

The Petitioners are informed that in a case of this nature, the Court of Fouzdaree Adalut do not deem it proper to interfere.

Ordered, that the prayer of this Petition be rejected, and that extract from these proceedings be furnished to the Petitioners upon their application.

Read return from the Criminal Judge at Combaconum, dated the 14th to the Precept

S. No.

27th March 1837 Precept of the Fouzdaree Adalut of the 3d Instant conveying their observations and orders on the Combaconum Criminal Reports for the Month of January.

(Here enter No. 577.)

Case 48. 1. The explanation regarding the disposal of this case, given in the above return, is far from clear.

2. It appears that the prisoner Rungen was required, by an order of the Court on Circuit to find "security"; or, in default, to be detained in jail, for a period of "two years" that, having failed to produce the "security", he remained in prison till the 18th May 1835 that he then "escaped" and that, having committed a theft on the 3d January 1837, he was sent up to the Criminal Court, and stood charged in No. 47 with the said theft and "in No. 48 with "the escape"

× dated 1st October 1834

3. In the case 47 Rungon was sentenced to 6 Months imprisonment with stripes, and in the case 48 to 6 Months imprisonment for the distinct offence of escape.

4. These sentences having been recorded on the "31st January 1837," will expire on the 31st January 1838 and if he can then furnish the security required under the order of the Court of Circuit of the 1st of October 1834 he will be released: if not his detention in Jail

27th March 1837

that when the Statement is not forwarded the cause of its omission should be specified at the close of the other Reports.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Calicut for his information and guidance by Precept returnable in 4 days after receipt.—

(Sent following Precept No. 432.)

Read return, dated the 20th Instant, from the Acting 3d Judge late on Circuit in the Southern Division, to the Precept of the Foujdaree Udalut dated the 17th March 1837, directing the release of Avoomooga permaul Mookundun the 1st prisoner in Case No. 9 on the Tinnivelly Calendar for the Second Sessions of 1836.—

(Here enter No. 626.)

Read return, dated the 16th Instant, from the Second Judge late on Circuit in the Western Division, to the Precept of the Foujdaree Udalut dated the 20th February 1837, calling for further evidence in Case No. 10 on the Mangalore Calendar for the Second Sessions of 1836.—

(Here enter No. 627.)

Read letter, dated the 25th Instant, from the Officiating 2nd Judge on Circuit in the Centre

Fd.

27th March 1837 — Centre Division, transmitting a Statement of Batta paid to the Prosecutors and witnesses for the second Sessions of 1836 in the Zillah of Cuddalore.—

(Here enter No. 638.)

Read return, dated the 20th Instant from the 3d Judge of the Provincial Court of Circuit in the Western Division, to the Precept of the Foujdaree Udalut dated the 14th March 1837 conveying their observations and orders on the Tellicherry Calendars for the First Quarterly Sessions of 1837.—

(Here enter No. 644.)

Read letter, dated the 25th Instant, from the 3d Judge on Circuit in the Centre Division forwarding a Statement of the Batta paid to the Prosecutors and Witnesses attending before the Court of Circuit at Bellary during the 1st Sessions of 1837.—

(Here enter No. 645.)

Read letter, dated the 18th Instant, from the Criminal Judge of Bellary, forwarding the Criminal reports for the Months of February last.—

(Here enter No. 617.)

F. U.

At a Court of the Foujdaree Udalut

Present,

Wednesday 29th March 1837 — Charles Mary Lushington Esqre 1st Puisne Judge

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

William Hudleston Esqre .... 3rd Puisne Judge

Read the following Letter from the Third Judge Presiding at the First Quarter Sessions of 1837 at Tellicherry

[Here enter F. U. No 522 of 1837.]

1. The Third Judge sends up an Original Calendar &c. laid before him by the Joint Criminal Judge of Malabar wherein the prisoner "Moyan Apatan" is charged with Subornation of Perjury under the circumstances detailed in the Indictment: and with reference to the Letters from the Foujdaree Udalut dated respectively the 24th November and 23d December 1836, and "to the "charge as exhibited in this Calendar" requests the Court's opinion "whether it is sufficient to declare "that the Prisoner' at the time that he cited and "produced the said Krishnan and the said "Kelloo and Kannen to swear as aforesaid, well "knew that such evidence on the one side or the "other was false' and that he 'did so therefore "corruptly suborn and procure either the said Krishnan

or

29th March 1837 "

"or the said Kellos and Kannen, to commit wilful
"and Corrupt perjury."

2.

The Court of Foujdaree Udalut
are at a loss to understand the Joint Criminal Judge's
apparent Conclusion that the instructions of this Court
contained in their letters above referred to, and given in
answer to the two references made at his desire on the
subjects of this Case, warranted his Committing
"Morgan Anatan" for Subornation of Perjury.—

3.

In the instructions in question,
it was endeavoured to be pointed out, that under the
circumstances explained by the Joint Criminal Judge,
a Conviction of Subornation of Perjury could not
be obtained.—

4.

The Court of Foujdaree Udalut
see no reason for altering that opinion. In the
present Case, the Perjury alleged, is founded upon
the provisions of Regulation III of 1836—but under
that Regulation no Conviction of Perjury could
in this instance—take place—and Consequently no
prosecution for Subornation of Perjury can be
maintained.—

Ordered, that Extract from these
proceedings together with the Original Calendar
and Communication from the Joint Criminal
Judge be sent to the Third Judge Presiding at

29th March 1837. the Tellicherry Quarter Sessions for his information

(Sent in №439.)

Read return and supplemental
return dated respectively the 26th December 1836 and
the 13th instant made by the First Judge of the Pro-
vincial Court of Circuit in the Centre Division
to the Precept of the Foujdaree Udalut of the 9th of
December 1836 requiring the First Judge to call
for and submit translations of the proceedings
held by the Magistracy of Chingleput in Cases №s
53 and 54 in which certain prisoners in Confinement
at Poonamallee were charged with an assault—in
the first Case on the person of a prisoner also in
Confinement at Poonamallee, and in Case №54
on the person of one Venkatachella Chitty a passenger
on the road where the prisoners were working; and
having reviewed the proceedings held in the three
Cases №s 52. 53. and 54. requiring the First Judge,
should he see Cause to disapprove of the Order
of the Magistrate in any instance, to notice the
same to the Magistrate in Conformity to the latter
part of Section VIII, Regulation X of 1832, and to
submit a Copy of any proceedings that may
be held on these Cases for the information of
the Foujdaree Udalut.—

/Here enter №2285 of 1836 and 581 of 1837/
Together

29th March 1837. 1. Together with the return dated the 13th instant the First Judge in Conformity to the orders of the Foujdaree Udalut transmits translation of the proceedings held by the Magistracy in Cases Nos 53. and 54. and Submits his opinion "that there is "evidence to Convict" the prisoners Concerned in the Cases Nos 52. 53 and 54 of the offences charged against them, but taking into consideration that the prisoners previously to their transfer to the Poonamallee Jail were not Compelled to feed in Messes, and such practice not obtaining in any other Jail within the Centre Division, nor being authorized by any Jail Rules hitherto promulgated, and considering moreover that the Magistrate's order directing the observance of the practice in question was not notified in the Poonamallee Jail for general information, the First Judge states that he "is disposed "to look upon the offence of the prisoners with lenity" and to consider that "their punishment was unnecessarily severe;" and that the extra punishment of 50 lashes awarded to Calleteeta pillay for Contempt to the Assistant Magistrate was "unauthorized."-

2. The Court of Foujdaree Udalut concur in opinion with the First Judge that the additional Stripes awarded to the prisoner Calleteeta pillay were unauthorized on the grounds recorded; but in respect to the other prisoners the Court of Foujdaree Udalut Consider they were legally and properly punished to the extent shewn in the proceedings of the Magistracy, for though the practice observed in the Jail at Poonamallee of requiring the prisoners to feed in Messes is not prescribed in any Standing Order of the Foujdaree Udalut, yet it is a common practice to appoint Cooks to prepare the meals for the Convicts, and in certain of the Jails under this Presidency such practice has been adopted under the express orders of the Foujdaree Udalut.-

3. But admitting the practice to have been "novel" to the inmates of the Jail at Poonamallee, it was not in the opinion of the Court of Foujdaree Udalut sufficient to justify insubordination, and the punishment awarded to the Convicts is not therefore considered to have been unnecessarily severe.

Ordered, that Extract from these proceedings be forwarded to the First Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.-

(Sent in No. 440.)

Ordered

29th March 1837.

29th M

Ordered also that Extract from the Proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council with reference to para: 25 of the proceedings of the Foujdaree Udalut submitted to Government under date the 30th of December 1836.

(Sent in No 441)

Read the Coimbatore Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of February.

(Here enter No 611)

Suppl. Report Case 157 of 1836

1.

In this Case it is stated that the 9th and 10th prisoners appear to have been apprehended on an erroneous notion that they were the individuals of the same name who are brought to trial for the same offence in Criminal Case No 4/37 and that they (the said 9th and 10th prisoners) "were releaded by Mr. Forsyth when the mistake was discovered on the 24th January."

2.

The Court of Foujdaree Udalut are much concerned to observe that these prisoners have thus been wrongfully imprisoned for a period of two months. The cause of their apprehension is by no means satisfactorily explained, the prisoners in No 4 of 1837 were taken into custody on the 28th December whereas

29th March 1837.

the said 9th and 10th prisoners in this Case were apprehended on the 24th November, and were before the Joint Criminal Court on the 26th November, or upwards of a month before the apprehension of the parties for whom it is stated they have been mistaken. The Court of Foujdaree Udalut resolve to direct that Copy of the Cases No 4 of 1837 and No 157 of 1836, as they stand in the Report, be sent with Copy of this and the preceding paragraphs to the Magistrate by the Joint Criminal Court. The Magistrate will be pleased to enquire into the proceedings of the Police Officer who forwarded the said Cases, and report direct to the Foujdaree Udalut whether he has deemed it necessary to take any and what notice of his conduct.

Report V Case 31

3.

In one Column of the Report it is stated that all the prisoners in this Case are to be unprisoned and in another that the 5th is "releaded". The Acting Joint Criminal Judge will cause this inaccuracy to be brought to the notice of the Sudr Ameen who disposed of the Case, and will be more Cautious himself in future in providing the Criminal Reports previous to their Submission to the Foujdaree Udalut.

Case 35

4.

It appears to the Court of Foujdaree Udalut that in point of fact, no Crime was

29th March 1837 was charged against the prisoners in this Case and they accordingly resolve to overrule the order for the requisition of Security. If therefore the prisoners are in Jail the Acting Joint Criminal Judge will release them and if the Bail bonds have been entered into they should be at once Cancelled.

Case 38 5 The reasons assigned for the detention of the 1st prisoner in this Case are not Satisfactory The Acting Joint Criminal Judge will therefore send Copy of the Case as it stands in the Report and of this paragraph to the Magistrate who will warn the Police Officer against detaining a prisoner in future before him beyond the prescribed period on grounds declared inadmissible.

Statement of punishment under C. D. No. 80 6. It is represented in this Statement that 'the whole' of the prisoner's (Palavadum) pice and Batta, was Stopped for two days for his contumacious behaviour. The Court of Foujdaree Udalut direct that an explanation be Submitted regarding this Case. They require to be informed what food was actually provided for the prisoner during these days.

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Coimbatore for his information and guidance by Precept returnable in 4 days after receipt.

(Sent following Precept No. 442.)

Read

F. U.

29th March 1837.

Read the Combaconum Criminal Reports prescribed by Section XXXV, Regulation X 1816 for the month of February.

(Here enter No. 625.)

Sappl. Report Cases 383. 384-385 386. In these four Cases respectively the prisoners Chediembara Chitty - Mootookarepalla-varayen - Pethaumpalavarayen and Ramasawmy Mundier have been held to Security but the Court of Foujdaree Udalut are not of opinion that the requisition of Security is authorized in such Cases as these. They accordingly direct that the prisoners be released if in Jail or that the Bail bonds be Cancelled if they have been entered into.

Case 25. 2 From the 2nd prisoner in this Case it does not appear to the Foujdaree Udalut that there are grounds Sufficient to warrant the requisition of Security. He should therefore be released if in Jail, or the Bail bond be Cancelled, if it has been entered into.

Case 31. 3 Against the 1st prisoner in this Case there seems to have been no evidence beyond his Police Confession. This is manifestly insufficient for his Conviction and, should the Pundit Sudr Ameen have no explanation to make, the Court direct that the said first prisoner be released

29th March 1837— released on receipt of these instructions—

Case 40. 4. The Mooftee Sudr Ameen has not specified sufficient grounds for the requisition of security from the prisoners in this Case, and the Court accordingly direct, if he should have no explanation to offer, that the Bail bonds be cancelled if they have been provided, or that the prisoner be released if still in Jail.—

Case 59. 5 Copy of this Case as it stands in the Report and of this paragraph should be sent by the Criminal Court to the Magistrate who will be pleased to warn the Head of Police of Arcalore that the simple Criminination of a person by a prisoner is not a Sufficient ground for his transmission of such person to the Criminal Court—

Statement of punishment under C. C. No. 80—

Case 64. 6. The Court of Foujdaree Udalut require an explanation of the grounds of the acquittal and release of the prisoner in this Case. As they are given in the Report they are not intelligible.

Report V Case 69 7. The reasons assigned for the rejection of this Case in the Talook are not satisfactory. The Court of Foujdaree Udalut therefore direct that Copy of the Case as it stands in the Report and of this paragraph be sent by the Criminal Court to the Magistrate who will enquire into the proceedings in the Talook and take such notice of the conduct of the Police Officer as it may then seem to him to deserve.—

29th March 1837— Copy of this Case, also, and of this

Case 71 8 paragraph should be sent by the Criminal Judge to the Magistrate who will be pleased to report to the Foujdaree Udalut direct the reason of the prisoner not having reached the Police Ameen till the 13th January although his apprehension was effected on the 1st of that month.—

Case 74. 9 It does not appear to the Fouj-daree Udalut that there are grounds sufficient for the requisition of Security in this Case from the 1st prisoner. He should therefore be released if in Jail, or the Bailbond cancelled if it has been entered into.—

Case 77 10. No explanation is given in this Case of the delay on the part of the Prosecutor in attending before the Head of Police. The Criminal Court will send Copy of the Case as it stands in the Report and of this paragraph to the Magistrate who will enquire into the proceedings in the Talook and notice the Conduct of the Police Officer who forwarded the Case in the manner he may then deem proper.— It

29th March 1837.

Case 80. It is not clear to the Court of Foujdaree Udalut that "theft" was proved against the 1st prisoner in this Case and they require an explanation on the point.—

Case 92. The Criminal Court will send Copy of this Case as it stands in the Report to the Magistrate and of this paragraph. It is stated that the delay was occadioned by a reference to the Magistrate "on the Subject of the Case but the grounds of reference are not explained." The Magistrate will be pleased to require the Police Officer to give clear information as to the object of the reference, in future similar Cases, agreeably to the injunction of the Circular Order No. 62 dated the 26th February 1836.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Combaconum for his information and guidance by Precept returnable in 6 days after receipt

(Sent following Precept No. 443.)

Read letter dated the 22nd Instant from the Criminal Judge of Malabar, forwarding Copies of two warrants of the Court of Circuit for the banishment of the prisoners in Cases No. 1 and 5 on the Malabar 2nd Additional

Calendar

29th March 1837. Calendar for the First Sessions of 1837 to a Zillah to be selected by the Foujdaree Udalut.—

(Here enter No. 643.)

The Court of Foujdaree Udalut direct that the prisoners

Jean Koyparambata alias
Moodalakoolangare Chope Koothy
and
Potayilil alias Poorandata Coochen Nair

be removed to the Jail at Chingleput there to be imprisoned, agreeably to the terms of their Sentence.

Ordered, that Extract of these proceedings be sent to the Criminal Judges of Malabar and Chingleput for their information and guidance respectively.—

Sent in Nos. 444 & 445

Sep.r March 1837

F. W.

At a Court of the Foujdaree Udalut.

Present,

Thursday 30.th March 1837.

Charles May Lushington Esq.r 1.st Puisne Judge

John Bird Esq.r _____ 2.nd Puisne Judge

William Hudleston Esq.r 3.d Puisne Judge

Read Return dated the 25.th instant from the Officiating Second Judge late on Circuit in the Centre Division, to the Precept of the Court of Foujdaree Udalut under date the 22.nd February 1837. requiring him to expedite the preparation and transmission of the English Translation of the Record of Case No. 32 on the Cuddapah Calendar for the Second Sessions of 1836.

(Here enter F. W. No. 636 of 1837.)

With this Return, the Officiating Second Judge sends up an English Translation of the Record of the case abovementioned.

2. The nature of the charge against the prisoners, the result of the Trial before the Court of Circuit, and the grounds on which the case was called up, are detailed in the extract from the proceedings of the Court of Foujdaree Udalut under date the 3.d October 1836.

3. The Court of Foujdaree Udalut consider the evidence of the Prosecutor before the Court of Circuit, with reference to his previous statements before the Police Officer, to be unworthy of

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of credit: and that of the first witness besides that it stands alone to be of little more value than that of the complainant.

4. It moreover appears to the Court of Sonjdaree Udalut that more credit is due to the evidence for the defence than to that for the Prosecution.

5. Under this view of the case, the Court of Sonjdaree Udalut deem it necessary to set aside the sentence of the Court of Circuit and to direct that the prisoners

3rd Mala Rameegaudoo

and

4th Kullooree Nauiappah

be immediately and unconditionally set at liberty.

Ordered, that extract from these proceedings be sent to the Officiating 2nd Judge late on Circuit in the Centre Division by Precept returnable within five days from and after its receipt.

(Sent following Precept No. 446.)

Read Supplemental Return dated the 21st Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, to the Precept of the Sonjdaree Udalut dated the 9th December 1836 directing a review of the proceedings held by the

30th March 1837

the Magistrate of Chingleput in cases Nos. 53 and 54 of 1836.

(Here enter No. 650.)

Read Return dated the 21st Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, to the Precept of the Sonjdaree Udalut dated the 17th March 1837, requiring him to show what may have been done in pursuance of the Precept of the Sonjdaree Udalut under date the 9th December 1836, relative to the cases Nos. 52, 53 and 54 on the Chingleput Magistrate's Calendar.

(Here enter No. 652.)

Read Return, dated the 25th Instant, from the Acting Criminal Judge at Nellore to the Precept of the Sonjdaree Udalut dated the 22nd March 1837, conveying their observations and orders on the Nellore Criminal Reports for the Month of February.

(Here enter No. 653.)

Read Return, dated the 27th Instant, from the Acting 3rd Judge late on Circuit in the Southern Division to the Precept of the Sonjdaree Udalut dated the 28th February 1837, directing that the Magistrates of Salem and Tanjore be called upon to

30th March 1837.

to report whether they have evidence sufficient to enable them to institute proceedings against the notorious offender Appaucaungheon, for crimes as committed within their respective jurisdictions.

(Here enter No. 657.)

J. C.

J. C.

Saturday 31st March 1837.

At a Court of the Fouzdaree Udalut

Present,

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre 2nd Puisne Judge

William Hudleston Esqre 3rd Puisne Judge

J. C.

Read letter dated the 25th Instant, from the Officiating Second Judge on Circuit in the Centre Division, submitting a copy of the Cuddalore Calendar for the Second Sessions of 1836.

(Here enter J. C. No. 635 of 1837.)

Case No. 3.

1. The two prisoners in this case were charged before the Court of Circuit with having, on the morning of the 1st July 1836, attacked the Prosecutor and his Mother on the high way, and robbed them of property valued at Rupees 12 10 0.

2. They were convicted, but as "from "the circumstance of the prisoners having confessed "their guilt before the Joint Criminal Judge, and "the manner in which the Robbery was committed, "the Judge of Circuit has no doubt that the prisoners "are Novices in crime, and in consideration of the "very trifling amount of the property charged "to have been robbed, and the absence of any "aggravating circumstances" that Officer re-commends "that

"that a mitigated sentence of eight years hard
"labour in irons be passed upon them.—

3. The Court of Foujdaree Udalut having duly considered all the circumstances of this case, resolve to accede to the recommendation of the Presiding Judge and under the authority vested in them by Clause Third, Section III, Regulation I of 1835, direct that the prisoners

1st Iyvinden
and
2nd Malayen

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (8) eight years.—

Cases 9 10 and 12.

4. In the first Futwa of the Mahommedan Law Officer of the Court of Circuit on Case No. 9 the Prosecutor's statement is declared "unworthy of credence, because it is different from that given by him before the Criminal Court and Zalook Cutcheery: and that the same person's statement and those of the first and eighth witnesses before the Court of Circuit "do "not correspond with those given by them before the "Criminal Court."—

5. It is observed that "the second Futwa declares that in consequence of there not being "much variance in the evidence of the first, third, "and

"and eighth witnesses, the second and third prisoners "would have been convicted" &c.—

6. In case No. 10 among other objections to the evidence adduced in support of the charge, it is stated that "the Prosecutor's and the first witness's recognition of the Prisoners who were under disguise among the thieves, was impossible; and the first witness has differed in his statements given before the Circuit and Criminal Courts: and the second Futwa declares that "if the Prosecutor's statement were admitted as the testimony of a witness, and if the evidence of the first, third, fourth and fifth witnesses were admissible, the third prisoner would have been convicted" &c.—

In case No. 12 the first Futwa

7. declares that "the 2nd, 3d, 5th, 6th, 7th, 8th, 11th, 12th and 14th witnesses having differed in their statements and the 10th witness having also varied a little in his deposition, suspicion attaches to their testimony": and the second Futwa assuming the admissibility of their evidence declares certain of the prisoners convicted.—

In respect of case No. 9, the Court of

8. Foujdaree Udalut observe that a conviction founded on the "absence of much variance" cannot be allowed "to stand: while in that case and in cases Nos. 10 and 12 "it appears to the Court that the objections above noticed "taken by the Mahommedan Law Officer, were on "grounds separate and distinct from the personal "exceptions"

"exceptions" specified in Clause First Section II Regulation VII of 1829, which alone the Judge of Circuit is competent to overrule.—

9. The Judge of Circuit will therefore in due course, refer the three Trials in question for the consideration and final Judgment of the Court of Fouzdaree Udalut, and will in the mean while issue instructions for detaining the prisoners in confinement without Irons or labour.—

Case No. 14. 10. In this case, the prisoner was charged with having on the morning of the 30th June 1836 in company with two others, not yet apprehended, assaulted the prosecutor on the high-way and robbed him of his clothes valued at Rupees 3-14.—

11. The prisoner is convicted, but the Judge of Circuit "considering the very trifling amount "of the property robbed and the absence of any "aggravating circumstances," recommends "a mitigated "sentence of five years imprisonment with hard labour "in irons".—

12. The Court of Fouzdaree Udalut, concurring in the view taken of the case by the Judge of Circuit, direct that the prisoner

Gutteyan

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

13. The Court of Fouzdaree Udalut deem it

necessary to direct that the Officiating Second Judge be called upon to explain the cause of the delay which occurred in disposing of this Calendar.—

14. Though by no means a heavy Calendar either in point of the number or the character of the cases, it occupied the Officiating Second Judge for a period of two months: while the Court of Fouzdaree Udalut dont perceive that any thing whatever was done from the 5th to the 12th February inclusive.—

Ordered, that extract from these proceedings be sent to the Officiating 2nd Judge late on Circuit in the Centre Division by Precept returnable within five days from and after its receipt.—

(Sent following Precept No. 649.)

F. 26.

At a Court of the Foujdaree Udalut.

Monday
3rd April 1837 — Present,

Charles May Lushington Esqre. 1st Puisne Judge
John Bird Esqre. ..... 2nd Puisne Judge
William Hudleston Esqre. — 3rd Puisne Judge.

Read Miscellaneous Petition presented on the 20th Ultimo by Comatchee and Lutchmee of the District of South Arcot —

(Here enter Mis. Pet. No. 31 of 1837.)

The Petitioners pray that orders may be issued for the release from Confinement of the prisoners in Case No. 12 on the Cuddalore Calendar for the Second Sessions of 1836 — who they allege have been convicted and sentenced by the Court of Circuit to imprisonment Vic. for fourteen years, on a false and malicious charge of Highway Robbery —

2. The Petitioners are informed that the Case to which they allude will be referred to the Foujdaree Udalut and by that Court, be disposed of in due course —

Ordered, that Extract from these proceedings be furnished to the Petitioners upon application —

Read Miscellaneous Petition presented

3rd April 1837. presented on the 20th Ultima by Manicutty Thakoo Menon late a Goomastah in the Court of the District Moonsiff of Tellicherry—

(Here enter Mis: Pet: No 35 of 1837.)

1 The Petitioner prays that an Order may be passed on his Petition No 8 of 1837—presented on the 16th January last, of which, he asserts that no notice has yet been taken—

2 It is observed that the Petition in question was disposed of by the Court of Foujdaree Udalut under date the 4th February 1837—

3 And the Petitioner on his applying for the same will be furnished with a Copy of the Extract from the Court's proceedings of the date abovementioned—(paras 1 to 6 inclusive.)

Ordered, that Extract from these proceedings be furnished to the Petitioner upon application—

Read letter dated the 11th Ultimo from the Acting First Judge on Circuit in the Southern Division, submitting for the final Judgment of the Foujdaree Udalut, the Record of Case No 1 on the Madura Calendar for the First Sessions of 1837—

(Here enter F. C. No 561 of 1837.)

The Court of Foujdaree Udalut having maturely considered the proceedings held before

Mr. Bird and Mr. Huddleston

3rd April 1837— before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, as convicts the prisoner

1st Cotapoody

of wounding, and awards 5 hundred: and under the provisions of Clause Third, Section VII, and Clause Third, Section VIII, Regulation XV of 1803, Sentence him to be banished to the District of Chingleput, 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 (14) fourteen years—

And being of opinion that the prisoner

2nd Moottusawmy

is not Convicted on presumptive proof, or on the evidence of Credible witnesses or on his own confession, notwithstanding the Futwa of their Law Officers, the Court do accordingly acquit him: but considering that strong Suspicion though not amounting to Conviction attaches to him, the Court direct, under the provisions of Clause Sixth, Section II, Regulation XV of 1803, that he be required to find two

3rd April 1837 two Sureties in (100) one hundred Rupees each Surety for his good behaviour and appearance when required for three (3) years, and that in default thereof, he be detained for three years in Confinement.

1 It is observed that the two last witnesses Coolanny and Mutucumatchy described as witnesses for the prosecution were irregularly examined after the first prisoner's defence had been taken.

2 The Court of Foujdaree Udalut observe that if these persons were examined with a view to support the defence, the only ground on which they could then have been properly examined, it should have been so stated: and their examinations entered in the proper place in the Record, namely after the defence.

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

(Sent following letter No 458

Read letter dated the 7th Ultimo from the Acting First Judge on Circuit in the Southern Division, submitting for the final Judgment of the Court of Foujdaree Udalut, the Records of Cases No 10 on the Primary and 11 on the Supplemental Calendar

F.U.

3rd April 1837 Calendar of the Zillah of Madura for the First Sessions of 1837.

(Here enter F.U. No 610 of 1837.)

Primary Calendar Case No 10.

Mr Bird and Mr Hudleston.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Udalut, confirms the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, in so far as it convicts the prisoner

Vanengamoody
alias
Veeravanengamoody

of Murder, and do accordingly convict him thereof: but being of opinion that there are circumstances in the Case which would render the punishment of Death to which the prisoner is liable under the finding of Kisaad declared in that Futwa, too severe, the Court Sentence him to be transported to such place beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard Labour in irons on the public roads or other public works for and during the period of his natural life.

(Sent following letter No 459)

The

3rd April 1837.

Suppt. Calendar

Case No. 11

No. Bird

and

No. Huddleston.

The Court of Foujdaree Udalut, having maturely Considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Udalut, are of opinion that the prisoners.

1st Moottoocaroppen Ambalagadoo

and

2nd Vanengamoody alias Veerasanengamoody.

are not Convicted on Predumptive Proof, or on the evidence of Credible witnesses or on their own confession notwithstanding the Futwa of their Law Officers, and do accordingly acquit them: but considering that strong Suspicion though not amounting to Conviction attaches to them, the Court direct, under the provisions of Clause Sixth, Section II, Regulation XV of 1803, that the prisoner

1st Moottoocaroppen Ambalagadoo

(the second prisoner being convicted and Sentenced to transportation for life - in Case No. 10 on the Primary Calendar) - be required to find two Sureties in (100) one hundred Rupees each Surety, for his good behaviour and appearance when required within three (3) years; and that in default thereof he be detained for three years in Confinement.—

(Sent following letter No. 460)

In

3rd April 1837.

In the second paragraph of his letter of reference, the Judge of Circuit states that "in these Cases the Law Officer gave one Futwa, "declaring the first prisoner convicted on Zunn- "i-ghalib of Kutl and in No. 10, and both of the "Crime charged in No. 11."—

2. The Court of Foujdaree Udalut observe that this was an irregular and unauthorized proceeding.—

3. The two Cases are in no wise connected with each other: and the second prisoner in No. 11 had no Concern in the offence forming the subject of Trial No. 10.—

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

(Sent in No. 460)

Read letter dated the 14th Ultimo from the Provincial Court of Circuit in the Western Division, transmitting Sixtee Criminal Reports for the month of February 1837.—

(Here enter No. 598)

Read return, dated the 28th Ultimo from the Criminal Judge of Salem to the Precept of the Foujdaree Udalut dated the 22nd March 1837 conveying

3d 3d April 1837. conveying their observations and orders on the Salem Criminal Reports for the month of February—

(Here enter No. 663)

Read return, dated the 21st Ultimo from the Acting Principal Sudr Ameen at Honore, to the Precept of the Foujdaree Udalut dated the 18th March 1837 conveying their observations and orders on the Honore Criminal Reports for the month of February—

(Here enter No. 666)

Read return, dated the 27th Ultimo from the Acting Third Judge on Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated the 23d March 1837—directing him to expedite the preparation and transmission of the referible Trials of the 1st Sessions of 1837—

(Here enter No. 668)

Read return dated the 27th Ultimo from the Joint Criminal Judge at Masulipatam, to the Precept of the Foujdaree Udalut dated the 21st March 1837, conveying their observations and orders on the Masulipatam Criminal Reports for the month of February

(Here enter No. 669)

4 p. d

E. 6.

At a Court of the Foujdaree Udalut.

Tuesday, 4th April 1837. Present,

Charles Gray Cushington Esq.re 1st Puisne Judge,
John Bird Esq.re ——— 2d Puisne Judge,
William Hudleston Esq.re ——— 3d Puisne Judge,

Read Letter dated the 30th Ultimo, from the Third Judge on Circuit in the Centre Division, submitting a copy of the Bellary Calendar for the first Sessions of 1837—

(Here enter F. L. No. 648 of 1837)

Case No. 1. 1. The Trial of this case, which was postponed by the Officiating Second Judge Presiding at the second Sessions of 1836, and of which the leading circumstances were noticed in the fourth and two following paragraphs of the Extract from the Proceedings of the Court of Foujdaree Udalut under date the 14th November 1836, has terminated in the acquittal and release of the accused—

2. No reference is made in this Calendar to the Widow of the deceased Pearl Merchant, whose non-appearance during the preceding Sessions occasioned the postponement of the Trial—

3. The Judge of Circuit will be pleased to report what measures were taken by the Criminal Judge of Bellary during the period which intervened between

between the close of the first Trial and the 7th March 1837.
for procuring the attendance of the said females and
by what circumstances his efforts if any were made were
rendered unsuccessful.

Case No. 2. 4. In his remarks in the Calendar, the Judge
of Circuit after stating a variety of circumstances which
make strongly for the accused observes that "the witnesses
"examined in behalf of the prisoners clearly establish an
"alibi in their favour" and immediately adds that "there
"being grounds for suspicion against them though not
"amounting to conviction, they are required to give security
"for their good conduct" &c.

5. The Court of Sudder Adawlut, being unable
to comprehend how suspicion can attach to persons in whose
favour an alibi is "clearly established" deem it necessary to
direct that the prisoners

1st Pedda Berrador,
2d Chinna Berrador,
3d Dandagandoo,
4th Nullawadoo,
5th Lingadoo,
6th Chenchoogadoo,
and
7th Gangadoo,

be immediately set at liberty if still in confinement under the

the requisition of security: and that if they have produced
the required bail, the Bail-bonds be cancelled.

Case No. 3. 6. In this case, six prisoners were charged
before the Court of Circuit with having in concert with some
others on the night of Tuesday the 8th March 1836 proceeded
armed and with torches, to the Prosecutors house at Kimboor,
broken the door with hatchets, entered the house and
plundered therefrom property valued at Rupees 283-12.

7. The first five prisoners are convicted
but "in consideration of them not being old offenders,
"and the robbery not being attended with any personal
"injury, and the first prisoner having in other cases
"been admitted as an approver" the Judge of Circuit
"recommends a mitigation of the punishment prescribed
"by the Regulations to seven years imprisonment with
"hard labour in irons".

8. The Court of Sudder Adawlut are of opinion
that in a case of this nature, the punishment proposed
by the Judge of Circuit, would be insufficient for the
ends of Justice: and accordingly direct that the prisoners

1st Lingadoo,
2d Polladoogandoo,
3d Thogatee Kanoomuntadoo,
4th Yerna Kadergadoo,
and
5th Imadeya Kanoomoogadoo,

be

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (10) ten years.

Case No. 6. 9. The two prisoners in this case were charged with having, in the afternoon of Thursday the 8th September 1836. assaulted the three Prosecutors on the high way, and robbed them of property of the aggregate value of Rupees 239-8-—

10. On the grounds detailed in the Calendar, the Judge of Circuit concurred in the Futwa of acquittal delivered by the Mahommedan Law Officer, and ordered the unconditional release of the prisoners.—

11. The Court of Sudder Dewanny Adawlut observe that in the remarks of the Judge of Circuit, no reference is made to the statements of the three Complainants who all swore that they recognized the prisoners on the occasion of the Robbery.—

12. The Judge of Circuit will submit an explanation on this subject.—

Case No. 7. 13. In this case the prisoner was charged with having falsely asserted to the Prosecutor that his brother in-law and sister were very ill at Koosbet and desired to see his mother; and when the latter being sixty years of age accompanied him for that purpose murdered her on the road, and stolen from her person Bangles &c. valued at Rupees 20—

14. The prisoner was acquitted; but as it appeared that he "conducted the prosecutor mother away from her village under suspicious circumstances" he was required to furnish security for his future good conduct.—

15. The Judge of Circuit will be pleased to report for the information of the Sudder Dewanny Adawlut whether the body of the deceased female was found; and if not whether any and what inquiry and search were made by the Police or others.—

Ordered, that extract from these proceedings be sent to the Third Judge on Circuit in the Central Division by Precept returnable within ten days from and after its receipt.—

(Sent following Precept No. 161.)

Read return dated 11th Instant from the Acting 3d Judge on Circuit in the Northern Division, to the Precept of the Sudder Dewanny Adawlut dated the 25th February 1837. conveying their observations and orders on the Calendar for the First Sessions of 1837.—

(Here enter No. 562)

Read return, dated 9th Instant, from the First Judge on Circuit in the Northern Division, to the Precept of the Sudder Dewanny Adawlut dated the 15th February 1837, conveying their observations and orders on his Circuit Report for the first Sessions of 1836.—

(Here enter No. 563)

4th April 1837.

Read return, dated 15th Ultimo from the 1st Judge on Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 25th February 1837, calling for an English Translation of the Record of Case No. 1 on the Chittoor 2d Supplemental Calendar for the fourth Quarter Sessions of 1836.—

(Here enter No. 564)

Read return 28th Ultimo from the Acting Criminal Judge at Madura to the Precept of the Foujdaree Udalut dated the 27th March 1837 conveying their observations and orders on the Madura Criminal Reports for the months of February.—

(Here enter No. 670)

Read letter, dated 28th Ultimo, from the Magistrate of Madura, submitting an Explanation &c respecting certain cases on the Madura Criminal Reports for the months of February noticed in the Extract Proceedings of the Court of Foujdaree Udalut under date the 27th March 1837.—

(Here enter No. 671.)

Ept.

Ft. 116.

6th April 1837 1 this & adherents

At a court of the Foujd at the

Wednesday Present, this

6th April 1837— Charles May Lushington Esqre. 1

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

William Hudleston Esqre. 3rd Puisne Judge.

Read return, from the Criminal Judge at Chittoor, dated the 28th, to the Precept of the Foujdaree Udalut of the 20th March 1837, conveying their observations and orders on the Chittoor Criminal Reports for the month of February.

(Here enter No. 662)

Suppl. Report Case 207. 1. The Court of Foujdaree Udalut observe that the Criminal Judge in his notice of the circumstances of this Case has overlooked the fact of the confession of the prisoner before the Police.—

Suppl. Report Case 7. 2 It does not appear to the Court of Foujdaree Udalut that there are any sufficient grounds for the requisition of security from the prisoners in this Case, and they accordingly resolve to order their discharge.

3 Upon para. 4 of the above return the Court of Foujdaree Udalut have to remark that the departure of the 20 convicts from the Jail of the Criminal Court at Chittoor should have been reported; and that a note, explanatory of the excep

of

4th April 1837 37 of the number of Extra Peons beyond the due proportion of Convicts in Column 7 should have been entered in "the Statement," for the information of the Foujdaree Udalut.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Chittoor for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No 467.

Read return, dated the 1st Instant, from the Officiating Second Judge late on Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 30th March 1837- Communicating the result of their Review of the proceedings held in Case No 32 on the Cuddapah Calendar for the Second Sessions of 1836.-

(Here enter No 683)

Read return, dated the 27th Ultimo, from the First Judge on Circuit in the Western Division, to the Precept of the Foujdaree Udalut dated the 21st March 1837- conveying their observations and orders on the Calicut Calendars for the Second Sessions of 1836.-

(Here enter No 687)

Read return, dated the 28th Ultimo, from the Acting Criminal Judge at Rajahmundry to

5th April 1837 to the Precept of the Foujdaree Udalut March 1837, conveying their observa the Rajahmundry Criminal Re of February.

(Here enter No 689)

Read letter, dated the 27th Ultimo, from the Magistrate of Canara, submitting the explanations called for in the Extract from the proceedings of the Foujdaree Udalut under date the 21st February 1837- respecting certain Cases on the Canara Criminal Reports for the month of January last.-

(Here enter No 692)

Read letter, dated the 1st Instant, from Captain R. H. F. Otter in charge of the Convicts at Guindy, submitting a Statement shewing the manner, in which the Convicts at Guindy were employed during the month of March 1837.-

(Here enter No 694)

Read return, dated the 28th Ultimo, from the Acting Criminal Judge at Chicacole, to the Precept of the Foujdaree Udalut dated the 21st March 1837, conveying their observations and orders on the Chicacole Criminal Reports for the month of February.

(Here enter No 695)

6th April 18 4 his adherents ent the this rdor

only of the form, prescribed in the proceedings of the Court of Foujdaree Udalut of the 17th September 1836,- (laid before Government) being prefaced thereto the most material part of those instructions which directed the insertion of the overt act, or acts, "to be established in evidence" having been unattended to in the framing of this arraignment.-

3. It is only by attending to precision in charging the overt acts that a trial for Treason and Rebellion can be satisfactorily conducted: it is on proof of these overt acts that the conviction of the accused entirely depends: and it is necessary that they should be so described by the particular mention of place, date &c. &c. as to enable the accused to meet, and, if innocent, to repel the charge against him.

4. The Special Commissioner in his letter of reference, specifies different "acts" of which, if considered to be overt acts of treason, a specification should have been made in the arraignment of the prisoners.-

5. Instead of this, it is vaguely charged that the first prisoner "did in the Month of February "1836 conspire against the life of Jummadavummah, "the late Zamindar of Gobicondah, with a view thereby, "and

"and by creating through the means of his adherents "disturbances in that Zamindary, to subvert the "established order of Government," and that this he was accessary both before "and after the murder "of the said Jummadavummah, which deed was "perpetrated on the night of the 19th May 1836, and to the disturbances which have since been made by him (prisoner) and his adherents.-

6. The arraignment of the remaining prisoners is still more indefinite and at variance with this Court's said instructions: it charges them with having been concerned in the disturbances created by the followers of the first prisoner in the "Zamindary "of Gobicondah," and accessary both before and after "the murder of the late Jummadavummah, and to the "commotions that have been raised in that Zamindary."-

7. The instructions of this Court above referred to are in conformity with the rule of the Law of England that in cases of Treason "the evidence "must be applied to the proof of the overt acts and "not to the proof of the principal treason; for the "overt act is the charge to which the prisoner must "apply his defence" whether "the overt act proved "be a sufficient overt act of the principal treason "laid in the indictment, is matter of law to be "determined by the Court.-

Now

4th April 1837.

only of the form, prescribed in the proceedings of the Court of Foujdaree Udalut of the 17th September 1836, (laid before Government) being prefaced thereto the most material part of those instructions which directed the insertion of the overt act, or acts, "to be established in evidence" having been unattended to in the framing of this arraignment.

3. It is only by attending to precision in charging the overt acts that a trial for Treason and Rebellion can be satisfactorily conducted: it is on proof of these overt acts that the conviction of the accused entirely depends: and it is necessary that they should be so described by the particular mention of place, date &c. &c. as to enable the accused to meet, and, if innocent, to repel the charge against him.

4. The Special Commissioner in his letter of reference, specifies different "acts" of which, if considered to be overt acts of treason, a specification should have been made in the arraignment of the prisoners.

5. Instead of this, it is vaguely charged that the first prisoner "did in the month of February "1836 conspire against the life of Jummadavummah, "the late Zamindar of Golcondah, with a view thereby, "and

6th April 1837.

"and by creating through the means of his adherents "disturbances in that Zamindary, to subvert the "established order of Government," and that thus he was accessary both before "and after the murder "of the said Jummadavummah, which deed was "perpetrated on the night of the 19th May 1836, and to the disturbances which have since been made by him (prisoner) and his adherents.

6. The arraignment of the remaining prisoners is still more indefinite and at variance with this Court's said instructions: it charges them with having been concerned in the disturbances created by the followers of the first prisoner in the "Zamindary "of Golcondah," and accessary both before and "after "the murder of the late Jummadavummah, and to the "commotions, that have been raised in that Zamindary."

7. The instructions of this Court above referred to are in conformity with the rule of the Law of England that in cases of Treason "the evidence "must be applied to the proof of the overt acts and "not to the proof of the principal treason; for the "overt act is the charge to which the prisoner must "apply his defence" whether "the overt act proved "be a sufficient overt act of the principal treason "laid in the indictment, is matter of law to be "determined by the Court.

Now

8.

Now the Court of Foujdaree Udalut do not perceive that any overt act of treason and "rebellion against the State" is charged against either of the prisoners in this case. The first prisoner is charged with conspiracy (not against the State) but against the life of a private individual & then it is alleged that he so conspired with a view thereby and by creating disturbances" to subvert the "established order of Government" - and then it is added that thus he was accessary both before and after (not to treason) but to the murder of that person and to certain (undescribed) "disturbances".

9.

An arraignment more at variance with this Court's orders and with the principles to be observed in framing a charge of Treason could hardly have been devised.

10.

The Court of Foujdaree Udalut are of opinion that with these defects in the charge, the case for "Treason and Rebellion" cannot be sustained.

Ordered, that extract from these proceedings together with the Record of Case No. 13 of the Chicacole Special Commission be sent to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

Sent in No. 469.

Read

Copy of the Remarks sent to the Magistrate of Vizagapatam Sent in No. 470.

Hon Lushington
&
Hon Henderson

Read Return dated the 18th Ultimo from the Acting Second Judge late on Circuit in the Northern Division, to the Precept of the Court of Foujdaree Udalut under date the 14th March 1837 requiring him to submit an immediate explanation of certain apparent irregularities in the proceedings held before himself in Cases Nos. 1 and 2 on the Primary and Nos. 1 and 2 on the Supplemental Calendar of Vizagapatam for the Second Sessions of 1836.

(Here enter F. C. No. 622 of 1837.)

1.

Upon a reconsideration of all the proceedings held in the cases above refered to, & viewed in connexion with the Return of the 18th Ultimo, the Court of Foujdaree Udalut are perfectly satisfied that the four Trials in question are so tainted with irregularity as to make it impossible to found upon them the proper conviction of either of the prisoners.

2.

Being of opinion that the prisoners are entitled to the benefit of the flaws in the proceedings, the Court of Foujdaree Udalut resolve to direct that they namely.

Tatevarty Mullah
Gunday Narsimloo
and
Mulnady Appunnah

be immediately and unconditionally released.

The

3 The Court of Foujdaree Udalut cannot pass from the consideration of these cases, without recording their opinion that the proceedings held thereon from first to last are discreditable to the Judge of Circuit; while the attempt of that Officer in the fourth paragraph of his Return to explain away the irregularities referred to in this Court's previous proceedings, has had no other effect than that of exhibiting those irregularities in a still more unfavorable light.

4 In excusing his non-observance of the Circular Order of the 6th August 1832 the Acting Second Judge alleges that "this being the first "instance of a trial for Perjury laid before him where "more than one individual was implicated and "tried, the order referred to did not occur to him."

5 But the Court of Foujdaree Udalut cannot suppose that no case of this description ever came under the cognizance of Mr. Boileau in his capacity of Criminal Judge: and by the third paragraph of the same Circular Order the attention of "the several Subordinate Criminal "Courts" is especially drawn to this subject and they are required "invariably to make each "charge of Perjury a separate number in the "Calendar

3 F. Uc.

6th April 1837. "Calendar for each individual accused of this crime."

6 The Circular Order of the 21st January 1833 "expressly" prohibits the practice "of holding "more than one trial at the same time."

7 Of instructions so precise and definite, the Court of Foujdaree Udalut deem the misconstruction by the Acting Second Judge to be as unaccountable as it is unprecedented.

8 In short the entire proceedings in these cases have tended to impress the Foujdaree Udalut with so unfavorable an opinion of the proceedings of the Acting Second Judge, that, but for the solemn disclaimer in the fourth Paragraph of his Return of "any wilful infraction "of orders prescribed for general guidance" the Court would have considered it their duty to pursue the course indicated in Section XXIV Regulation VIII of 1802, by making a grave representation on the subject to Government.

9 The Court have however resolved to refrain from adopting this extreme measure in the hope that the present admonition will prove a "sufficient correction," and that the Acting Second Judge will never again permit himself to pursue a course which is directly opposed to every precedent

of

6th April 1837.

of judicial practice, and has in the present instance, essentially contributed to defeat the ends of justice.

10. The omission of the Acting Second Judge to explain "why, in submitting the trials "amended under the orders of the 20th and 28th January "last, he did not" state "what had occurred, instead "of furnishing the Record of each case as if the de- "positions had been distinct and separate" has not escaped the notice of the Faujdaree Udalut, but the Court refrain from pressing this point from a conviction of the inability of the Acting Second Judge to furnish any satisfactory explanation on the subject.

Ordered, that extract from these proceedings be sent to the Acting 2nd Judge late on Circuit in the Northern Division by Precept returnable within three days from and after its receipt.

(Sent following Precept No. 471)

Read again letter dated the 24th February 1837 from the Third Judge on Circuit in the Centre Division, submitting copies of the Cuddapah and Cumbum Calendars for the first Sessions of 1837.

(Here enter F. Co. No. 447 of 1837)

1. On referring again to the Cuddapah Calendar for the first Sessions of 1837, the Court of Faujdaree Udalut observe that in his remarks on Case No. 1. the Third Judge states that "this case being "similar

6th April 1837.

"similar to those alluded to in the proceedings of the "Court of Faujdaree Udalut dated 16th December 1834, "it was returned to the Officiating Second Judge late "on Circuit to enable him to submit the same to the "Higher Court with his opinion, he having concluded "the Trial with the mere exception of taking the "prisoner's defence" &c.

2. As the Officiating Second Judge did not conclude this Trial, having taken neither the prisoner's defence, nor any Fatwa from the Mahommedan Law Officer, he is not competent to dispose of it.

3. That duty obviously devolves upon the Third Judge who will accordingly require a Fatwa from the Mahommedan Law Officer, and proceed thereupon to dispose of the case, by reference or otherwise, according to the provisions of the General Regulations.

Ordered, that extract from these proceedings be sent to the Third Judge on Circuit in the Centre Division for his information and guidance by Precept returnable within ten days from and after its receipt.

(Sent following Precept No. 472)

Ordered also, that extract from these

6th April 1837

these proceedings be sent to the Officiating Second Judge late on Circuit in the Centre Division for his information.—

(Sent in No. 473

Read letter, dated the 29th Ultimo, from the Officiating 2nd Judge late on Circuit in the Centre Division, reporting that some delay will occur in preparing the Record of the Trial No. 5 on the Cumbum Calendar for the Second Sessions of 1836, and that he shall therefore hasten the preparation of the Bellaree referrible Trials.—

(Here enter No. 684)

Friday 7th April 1837

F. U.

At a Court of the Foujdaree Udalut

Present,

Charles Mayne Lushington Esqr. 1st Puisne Judge

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

William Huddleston Esqr. .. 3rd Puisne Judge

Read further Return dated the 29th Ultimo from the Acting Third Judge late on Circuit in the Southern Division, to the Precept of the Court of Foujdaree Udalut under date the 28th January 1837— conveying their observations and orders on the Salem Calendar for the Second Sessions of 1836.

(Here enter F. U. No. 680 of 1837.)

1 With this Return, the Acting Third Judge sends up an English Translation of the Record of Case No. 16— on the Salem Calendar for the Second Sessions of 1836— in pursuance of the instructions contained in the fifteenth paragraph of the Extract from the proceedings of the Court of Foujdaree Udalut under date the 28th January last.—

2 In that Case, the prisoner

Booden Saib

stood charged before the Court of Circuit with having cleared his wife— the Prosecutrix— on several parts of

her

7th April 1837 — her person with a hot iron, after shutting her up in a room, and tying her hands with a rope.—

3. He was acquitted but required to find security for his future good behaviour.—

4. The Court of Foujdaree Udalut entirely disapprove of the proceedings of the Acting Third Judge in this Case.—

5. The evidence adduced in support of the charge, corroborated as it was by the scars of the "burns" on the person of the Complainant, was in the opinion of the Court of Foujdaree Udalut fully sufficient for the conviction of the prisoner: and the concurrence of the Judge of Circuit in the Futwa of Acquittal, is to the Court, perfectly astonishing.

6. It is much to be regretted that a wretch who had so maltreated his pregnant wife should not have received exemplary punishment.—

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

(Sent in No. 478.)

Read return, dated the 30th Ultimo, from the Second Judge late on Circuit in the Western Division, to the Precept of the Foujdaree Udalut dated the 23rd March 1837, conveying

their

7th April 1837. their observations and orders on Case No. 3 on the Circuit Calendar for the Second Sessions of 1836.—

(Here enter No. 704.)

Read letter, dated the 1st Instant, from the Acting Third Judge on Circuit in the Northern Division, reporting the opening of the Court of 1st Sessions of 1837 at Rajahmundry.—

(Here enter No. 713.)

Read Statement, dated the 5th Instant, from the Magistrate of Chingleput shewing the manner in which the Prisoners at Poonamallee have been employed during the month of March 1837.—

(Here enter No. 714.)

Ata Court of the Enjidaree Adalut.

Present,

Saturday, 8th April, 1837. Charles Gray Lushington Esqre 1st Puisne Judge,
John Bird Esqre ——— 2d Puisne Judge,
William Audleston Esqre ——— 3d Puisne Judge,

Read again letter dated 3d Instant, from the Special Commissioner at Chittagong, forwarding his Report in Case No. 14 of the Special Commission held at Chittagong.

(Here enter No. 518.)

Read also Order of Government dated 4th Instant, authorizing the execution of the sentence of the Enjidaree Regulation in Case No. 14 from the Chittagong Special Court, and requesting that in future no convicted person may be sentenced to banishment to any other District than that of Enchinopoly.—

(Here enter No. 412.)

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Dandah Gungapah

be banished to the District of Cuddapah, 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 (7) seven years.—

The

The Court likewise direct that Extract from their proceedings under date the 21st Ultimo be sent for the information and guidance of the Chittagong Special Commission.—

(Sent following letter No. 485.)

Read return, dated the 8th instant from the Criminal Judge at Cuddapah, to the Precept of the Fujdaree Adalut of the 28th Ultimo, conveying their observations and orders upon the Cuddapah and Cumbum Criminal Reports for the months of February.—

(Here enter No. 719.)

Cuddapah Report V Case 30.

From the explanation contained in the above return, it appears to the Fujdaree Adalut questionable whether the commitment of the prisoner in this case is correct, but previous to issuing any final order, they resolve to call upon the Criminal Judge to submit translations of the examinations in which the prisoner is understood to have perjured himself.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Cuddapah for his information and guidance by Precept returnable in 40 days, after receipt.—

(Sent in No. 486.)

Read Return dated the 8th instant from the Officiating Second Judge Sattara Circuit in the Centa Division,

to

8th April 1837.

to the Precept of the Court of Fujdaree Adalut under date the 31st March 1837 - conveying their observations and orders on the Undadoor Calendar for the Session of 1836.—

(Here enter Fde. No. 718 of 1837)

1. Referring to the remarks of the Fujdaree Adalut on Cases Nos. 9 & 10 and 12 on the Calendar the officiating Second Judge observes "that he always understood that the second "Question put to the Mahommedan Law Officer had reference "solely to the competency and not the credibility of the witnesses, "whose evidence might have been entirely rejected in the "first Instance on account of personal exceptions".—

2. The Court of Fujdaree Adalut observe that a Judge of Circuit is competent to overrule by a second Question such objections only as may consist of some of the "personal "exceptions" indicated in Clause First, Section 4th Regulation VI of 1832, while the second Clause of that Section provides that if "as in the Cases above referred to" the Law Officer objects to the "conviction of the prisoner on the ground of the insufficiency "to conviction of the testimony itself, or on any other ground "separate and distinct from the personal exceptions specified "in Clause first, the trial shall be referred to the Court "of Fujdaree Adalut" and a second Trial of course dispensed with.—

3. In explanation of the delay which occurred in disposing of the cases on this Calendar, the officiating Second Judge states "that deducting Sundays, Fridays and

Holy

"Holy days on which Court is not held amounting nearly to 28 days,
"there remained only about 32 days on which the Court could
"have sat from the commencement to the close of the Sessions."

4. The Officiating Second Judge will be desired to furnish a list of the Holy days in question.

5. The Court of Enquiare Adalut observe that by the order of Government of the 3d January 1832 published in the Fort St George Gazette No 1. it was resolved "that hereafter no public servant shall be allowed to "absent himself from his official duties on account of Holy "days except on occasions when the observance of Festivals "peculiar to the caste or class to which he belongs is considered "indispensable: and all Heads of offices are required so to "regulate and distribute their establishments as to render "constantly available the services of a portion of them "sufficient to conduct the current duties on all days, except "Christmas Day, New Years day: Good Friday and Sundays."

6. Considering that the Officiating Second Judge had considerably exceeded the usual period assigned in the Circuit, he was not justified in allowing "Holy days" excepting when it could not possibly be avoided.

Ordered, that Extract from these proceedings be sent to the Officiating Second Judge state on Circuit in the Centre Division by Precept returnable within seven days, from and after its receipt.

(Vide following Precept No 687.)

Read

Read extract from the Minutes of Consultation under date the 14th March 1837 communicating the observations and orders of the Right Honorable the Governor in Council on the Circuit Report by the 1st Judge of the Provincial Court of Circuit in the Centre Division for the 2d and 3d Quarter Sessions of 1835, and the 1st Quarter Sessions of 1836, submitted with an extract from the Proceedings of the Enquiare Adalut under date the 30th of December 1836.

(Here enter No 679)

Read also return dated the 31st Ultimo made by the 1st Judge of the Provincial Court of Circuit in the Centre Division to the Precepts of the Enquiare Adalut dated the 17th of March 1837, calling for a return to their Precepts of the 30th of December 1836, issued on review of his Circuit Report for the 2d and 3d Quarter Sessions of 1835 and 1st Sessions of 1836.

(Here enter No 658)

Also read Supplemental return made by the 1st Judge of the Provincial Court of Circuit in the Centre Division, to the Precepts of the Enquiare Adalut of the 30th of December 1836, conveying their observations and orders on his Circuit Report for the 2d and 3d Quarter Sessions of 1835 and first Sessions of 1836.

(Here enter No 657)

1. With reference to the remarks recorded by the Right Honorable the Governor in Council in respect to the commitment of the Prisoners concerned in Cases Nos 9 and

and 8 of the Cuddapah Calendar, and Case No. 5 of the Cuddalore Calendar for the 1st Sessions of 1836, the Court of Enquiry Adalut would explain that the prisoners concerned in the Cases Nos. 3 and 8. of the Cuddapah Calendar were released on Bail previous to the arrival of the Court of Circuit, and entertaining the opinion expressed in para. 9. of his Report, it had been better the prisoners were not put on their Trial by the Circuit Judge, a course of proceeding which it was competent to him to have adopted under the Circular Order of the 25th November 1826.

2. With reference to para. 29 of the 1st Judge's report and the concluding part of para. 2 of the Minutes of Consultation under date the 14th Ultimo, the Court of Enquiry Adalut would respectfully point out that the remarks recorded by the 1st Judge, that "against eleven prisoners "charged in No. 5 of the "Cuddalore" Calendar there was not a "little of evidence on which to convict, the evidence for the "prosecution was contradictory, nor could the Prosecutors establish "the recovered property which they claimed," apply to the evidence as given before himself, not to that which had been previously taken, and led to the commitment of the prisoners to take their Trial before the Court of Circuit.

3. The evidence given by the prosecutors before the Joint Criminal Judge was to the effect that their houses had been forcibly entered and themselves and their families ill treated, that the 1st prosecutor identified the 1st, 2d, 3d, 4th, 5th, 7th, 8th, 9th, 10th and 11th prisoners and the 2d prosecutor the

the 3d, 7th, 8th, 8th, 10th and 11th, they deposed also to certain articles of property found on the prisoners being their own, and their evidence in this respect was supported by the 1st, 2d and 8th witnesses for the prosecution.

4. The commitment of the prisoners under such circumstances the Court of Enquiry Adalut deem to have been proper, but before the Court of Circuit the Prosecutors contradicted their previous Statements, and failed to prove that the property discovered was their own, this led to the acquittal of the prisoners and consequently to the remarks recorded by the 1st Judge in the 29th para. of his Report; and under this explanation the Judges would respectfully request to be informed, with reference to para. 3 of the Minutes of Consultation under date the 14th Ultimo, whether the Right Honorable the Governor in Council is still desirous that the Court of Enquiry Adalut should call for the entire proceedings in the case.

5. With reference to paras. 4. 5 and 6. of the Minutes of Consultation under date the 14th Ultimo the Court of Enquiry Adalut would observe that they do not conceive that the remarks recorded by the 1st Judge in the 18th para. of his Report, ("that the Native Criminal Judge had not paid his "usual attention to the preparation of the Cases or he would not "have committed the prisoners" whom the 1st Judge was "compelled to release,") was intended to apply to the Cases noticed in paras. 15. 16. and 17. of the Report; because Case No. 6 of the Cuddalore Calendar noticed in para. 15. was a case in which

which the prisoner was released on bail by the Native Criminal Judge, but put upon his trial at the representation of the 1st Judge himself, who on being required by the Conjeeveram Vakeel to satisfy himself that the case was actually one of justifiable homicide, in view to it being determined whether the prisoner was entitled to his immediate and unconditional discharge, submitted that "having perused the whole proceedings in the" "case" he was "disposed to view the conduct of Chinna Aurroboogandoo in a different light to that in which it had appeared "to the Native Criminal Judge" that "the prosecutor deposed that "his brother Chentaroo had illicit intercourse with the wife of "Chinna Aurroboogandoo, who in consequence sent for him to his "house, and after murdered him" that "the eighth witness Maha "Aukey declared that she delivered a message from Chinna "Aurroboogandoo to Chentaroo intimating that Chinna "Aurroboogandoo wished to see him and that on the same "night he was killed in Aurroboogandoo's house" that "Chinna Aurroboogandoo in his statement before the Native "Criminal Judge admitted that after he had knocked "Chentaroo down with a large stick, he repeated his blows, "from which" the 1st Judge "concluded that Chinna "Aurroboogandoo with the aid of his servant Ungadoo "might have secured the deceased without endangering "his life, the more especially as it did not appear that "Chentaroo went armed to his house," and that "under these "circumstances" he was "of opinion that Chinna Aurroboogandoo should

"should be put on his trial for the murder of Chentaroo."

6. The Case noticed in para: 16. of the 1st Judge's Report is Case No 10 on the Cumbum Calendar in which the prisoner was charged "with having murdered his brother "by shooting him with an arrow and striking him with "a sword," and the commitment of the case was proper in order that it might be ascertained on the Trial whether the prisoner was compelled in his own defence to destroy his brother.

7. The Case noticed in para: 17. of the 1st Judge's report is Case No 11 of the Cumbum Calendar, the record of which Trial was referred to the Conjeeveram Vakeel under the provisions of Section XXII Regulation VII of 1827; but so far from the evidence having been considered "both "by the Law Officer as well as the Judge of Circuit," "insufficient" "to justify conviction." The 1st Judge in the concluding para: of his letter transmitting the record of the Trial, distinctly recorded his opinion that he was "induced to consider the evidence "sufficient for the conviction of the prisoner;" and the Court of Conjeeveram Vakeel on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner was sufficient to convict him of the crime of wilful murder, convicted him thereof and sentenced him to suffer death.

Vide letter from 1st Judge of Circuit C. D. dated 17th March 1836.

8. As before observed the Court of Conjeeveram Vakeel do not conceive that the remarks recorded by the 1st Judge in

in the 18th para: of his Report were intended to apply to the Cases noticed in paras: 15. 16. and 17, that the Court deem it necessary that the Tr. Judge should submit an explanation on this point, and also of the discrepancy noticed in preceding para: of these proceedings, between the statement contained in para: 17 of his Report respecting the sufficiency of the evidence produced in Case No. 11 of the Cumlum Calendar, and his opinion on the merits of that Case contained in the concluding para: of his letter transmitting the record of the Trial for the final sentence of the Py. Zillah.

9. With reference to para: 8 of the Minutes of Consultation under date the 14th ultimo, the Court of Py. Zillah resolve to direct that a copy of para: 41. and an extract from para: 42 of the Tr. Judge's Report, be furnished to the 4 Provincial Courts of Circuit, with instructions to require the several Magistrates within their jurisdiction to take the necessary measures for giving effect to the suggestions of the Tr. Judge contained therein.

10. In the 9th para: of the extract from the Minutes of Consultation under date the 14th ultimo, the Right Honorable the Governor in Council, referring to the remark of the Tr. Judge contained in para: 44 of his Report, records his opinion that it is deserving of attention, and that "the Police Officers should be required to note down the particulars ascertained immediately on the apprehension of an accused person."

11. It will be perceived that the Circular Order

No. 7 dated the 18th of July 1834, requires the Police Officers "in every instance in which the Prisoners did not confess, to ask each Prisoner where he was at the time when the crime he is accused of was committed, and for such period before and after it, as according to the distance and other attendant circumstances, would establish the improbability of his having been present."

12. But this rule having been considered "to interfere with the freedom of a Prisoner's defence", and the observance of it in the instance of a trial said before the Py. Zillah Adalut having been found "to have injuriously affected the accused", the Court in the 38th para: of their proceedings of the 28th February 1837 held on review of Mr. Bilcau's Circuit Report recorded their resolution to cancel the Circular Order No. 7, and instructions to that effect having been issued accordingly the Judges await the further instructions of the Right Honorable the Governor in Council previous to giving effect to the orders contained in the 9th para: of the Minutes of Consultation under date the 14th ultimo.

13. In obedience to the orders contained in para: 18 and 17. of the proceedings of the Py. Zillah Adalut under date the 30th of December last, the Tr. Judge

Judge has obtained and submitted an estimate of the expense of adding new ventilators to each apartment of the Gaol and of erecting Cooking Sheds, the original of which estimate is herewith submitted.—

14. It is observed by the Court of Inquiry Establishment that sanction was granted for improving the ventilation of the Cells in the Bellary Gaol under date the 2nd September 1834, but in consequence of the order of Government of the 9th of the same month (No. 718) sanctioning an alteration in the Bellary Gaol, by which certain Court rooms were to be converted into night Cells, it was hoped that the relief afforded by that arrangement would obviate the necessity of making any alteration in the Cells in order to improve their ventilation, and accordingly the order of Government of the 2nd September 1834 was not communicated to the Acting Criminal Judge of Bellary.—

15. But as the better ventilation of the Gaol still appears to be necessary the Judges would respectfully suggest that under this explanation the estimate for 89 new ventilators in the Circular roof of the Prison now submitted amounting to Rupees 85 (eighty five) may receive the sanction of the Right Honorable the Governor in Council.—

16. The estimate for building Cooking sheds the

the Court of Inquiry Establishment are not prepared to recommend may receive the sanction of Government, as the Judges are not of opinion that it is necessary that buildings of this description should be made of such costly materials.—

17. With reference to para: 2 of the 1st Judges return dated the 21st ultimo the Court of Inquiry Establishment desire that that Officer be informed that it is not considered expedient to direct that the 38 Prisoners formerly transferred from Chittoor and still in confinement at Bellary, should be ordered back to the former station, but on the occurrence of vacancies in the Gaol Establishment the Criminal Judge of Chittoor should with reference to the grounds on which they presented their discharge, take into consideration the claims to re-employment of those Cons who accompanied the Convicts to Bellary.—

Ordered, that extract from these proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.—

(Sent in No. 488.)

Ordered also, that extract from these proceedings together with copy of the Extract from the Minutes of Consultation under date the 11th Instant, be forwarded to the 1st Judge of the Provincial Court of Circuit in the Centre

Centre Division for his information and guidance by
Sprecept, returnable in 15 days from and after its receipt.

(Sent following Precept No. 489.)

Ordered also, that Para: 9 of these
Proceedings together with a Copy of Para: 41 and an Extract
from Para: 42 of the Th. Judge's Report and Copy of Para: 8
of the Minutes of Consultation under date the 11th Instt.
be forwarded to the 4 Provincial Courts of Circuit by
Precept, returnable in 20 days from and after its
receipt, requiring them to communicate the same
to the Magistrates within their Jurisdiction for their
information and guidance.—

(Sent following Precepts No. 490)

Ed. W.

W.

W.

J. W.

At a Court of the Foujdaree Udalut.

Monday, 10th April, 1837. Present,

Charles May Lushington Esqr. 1st Puisne Judge
John Bird Esqr. ..... 2nd Puisne Judge
William Hudleston Esqr. 3rd Puisne Judge.

Read Miscellaneous Petitions

W.

presented on the 26th December 1836 and the
27th Ultimo by Ammalayee of the Tillah of
Combaconum.—

(Here enter Mis. Petn. No. 129 of 1836 and 36 of 1837.)

The Petitioner represents herself to
be the wife of Conary Annungar prisoner in
Case No. 25 on the Combaconum Calendar of the
second Sessions of 1834.—

2. She alleges that her husband
had incurred the resentment of one Ramaswamy
Pillay an influential Landholder in the District
of Tanjore in consequence of his having Commu-
nicated to the authorities certain irregular practices
by which that individual had been accustomed
to enrich himself at the expense of the revenue:
that the said Ramasawmy Pillay came one night
with a large party to her husband's house, and after
maltreating the inmates, carried off every thing
that was valuable: and that when her husband

was

10th April 1837 — was about to prefer a Complaint before the Magisthate, Ramasawmy Pillay anticipated him, by asserting that his house had been robbed by a Gang of Thieves of whom Connary Annengar was one; which false charge, being supported by equally false evidence, terminated in her husband's conviction, and sentence to imprisonment Vic. for fourteen years.

3. She prays that Orders may be issued for his release from Confinement.—

4. The Court of Foujdaree Udalut observe that the prayer of this Petition is totally inadmissible. The prisoner in question was convicted upon the most satisfactory evidence; and it appears that he was known to be a Notorious Robber.

Ordered, that the Petitions be rejected and that Extract from these proceedings be furnished to the Petitioner upon application.—

Read Petition presented on the 27th Ultimo by Tota Veeruppa of the Zillah of Masulipatam.—

(Here enter M. P. No 37 of 1837.)

1. The Petitioner states certain circumstances connected with the Case No 8 of the Masulipatam 4th Quarterly Sessions Calendar, 1835. and he prays the Court of Foujdaree Udalut in Consideration thereof to order the discharge of the 2d, 5th and 6th prisoners.—

It

It appears to the Court of Foujdaree Udalut that the Sentence recorded in the Case in question is Correct: and moreover there is no appeal from the Sentence of a Court of Circuit.—

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

Read Miscellaneous Petition presented on the 3rd Instant by Dayya Seetaramoodoo.

(Here enter Mis. Pet. No 39 of 1837.)

1. The Petitioner represents that he is a Peon late attached to the Zillah Court of Nellore, and that he came to Gundy in charge of a Party of Convicts from that Zillah, and has lately been discharged in Consequence of a reduction of the number of the Convicts.—

2. He prays that Orders may be issued for his reinstatement in his situation.—

3. The Court of Foujdaree Udalut observe that the Officer in charge of the Jail at Gundy has already been put in possession of their opinion, that new men should not be entertained while there are persons, without employ, who have been discharged on account of a reduction of the number of the Convicts: and the Court do not doubt that if the Petitioner bring his Case

to

10th April 1837

to the notice of Captain Otter his just claims will be disregarded.

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

Read letter dated the 18th Ultimo from the First Judge of the Court of Circuit in the Centre Division, submitting the record of Trial in Case No 1 of the Chittoor 4th Supplemental Calendar for the First Quarter Sessions of 1837.

(Here enter F. C. No 587 of 1837.

Mr Lushington and Mr Bird

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid as convicts the prisoners

1st Chinnamarauze

2nd Soobbarauze

and

3rd Peddorgandoo

of Wilful Murder, and do accordingly convict them thereof: and under the provisions of Section XV, Regulation VIII of 1802, sentence them to suffer death by being hanged at the usual time and place of execution.

And

10th April 1837

And being of opinion that the proof against the prisoner

4th Venkataneddy

is sufficient to convict him of the Crime of Murder, the Court do, under the authority with which they are vested by Clause first, Section III, Regulation I of 1818, convict him thereof, and sentence him to be transported to such place beyond Sea, as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.

(Sent following letter No 1694.)

Read letter dated the 16th Ultimo from the First Judge on Circuit in the Western Division, transmitting the record in Case No 4 on the second Additional Calendar Zillah of Malabar for the First Sessions of 1837.

(Here enter F. C. No 623 of 1837.)

Mr Lushington and Mr Bird

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

Cyooven Koonata Vellen of

10th April 1837. of wilful Murder and awarding Kisaas:- and under the provisions of Section X, Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No 495)

Ent FH.

F. H.

At a Court of the Foujdaree Udalut-

Present

Tuesday 11th April 1837. Charles Mary Lushington Esqre 1st Puisne Judge

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

William Hudleston Esqre 3rd Puisne Judge.

Read letter dated the 18th Ultimo from the Third Judge on circuit in the Centre Division, submitting for the final judgment of the Court of Foujdaree Udalut the Record of Case No 27 on the Cuddapah Calendar for the First Sessions of 1837-

(Here enter F.H. No 624 of 1837)

Mr Lushington and Mr Hudleston- The Court of Foujdaree Udalut, having maturely Considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool coozat and Mooftees aforesaid, acquitting the prisoners

1st Bhookia Buddoo

2nd Do Chinna Lutchmah

3rd Do Soorah

4th Do Shamah

5th Do Heerah

6th Do Ramepe

7th Pona

10th

11th April 1837.

7th Bhooka Pond Daik

8th Do Bhagah

9th Do Hordy Sheekooroo

10th Do Dhanah

11th Do Pedda Lutchmiah

12th Do Sonah

13th Do Chinna Mandadoo

14th Nullabogeena Yanchala Nangedoo

15th Bhooka Dhakanoo

16th Do Mittoo

17th Do Luckhannah

18th Do Laaloo

19th Do Dauvoo

20th Nullabogeena Yanchala Suttreegandoo

and

21st Dastee Lutcheegadoo

and accordingly direct that they be let at Liberty.

(Sent following letter No 501)

1. The Court of Foujdaree Udalut are of opinion that the several articles of property produced before the Court of Circuit, should be returned to the prisoners from whose huts they were taken.

2. The Third Judge will issue the requisite instructions to the Criminal Judge of Cuddapah on this subject.

Ordered

11th April 1837.

Ordered, that Extract from these proceedings be sent to the Third Judge on circuit in the Centre Division, by Precept returnable within five days from and after its receipt.

(Sent following Precept No 502.

Read return, dated the 25th Ultimo from the Officiating Second Judge late on circuit in the Centre Division, to the Precept of the Court of Foujdaree Udalut under date the 24th December 1836 - sending back for further evidence the Record of Case No 30 on the Cuddapah Calendar for the Second Sessions of 1836.

(Here enter F.U. No 639 of 1837.)

Read also return dated the 25th Ultimo from the same Officer to the Precept of the Court of Foujdaree Udalut under date the 23d February 1837 - calling for an immediate return to the Court's Precept of the 24th December 1836 -

(Here enter F.U. No 637 of 1837.)

Mr Lushington and Mr Puddleston

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, and sentence the prisoners

11th April 1837 prisoners

5th Kaumeenee Naughee

and

6th Kaumeenee Wobo

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

Sent following letter № 503

1. The Court of Foujdaree Udalut observe that the additional proceedings held under this Court's orders of the 24th December 1836, show that the fifth prisoner's assertion on her defence, that she could prove an alibi, was unfounded:— she has not attempted it: but two witnesses namely

"Lurnum Ramaswamy"

and

"Vapooree Venkuppah"

are brought who depose that the fifth and sixth prisoners did not live in the house, where the body and Jewels of the murdered child were found—

2. It may be that this is what the fifth prisoner meant that she could prove, but the whole of the evidence for the prosecution contradicts it: and the Court of Foujdaree Udalut are of

11th April 1837 of opinion that the Witnesses abovenamed who have thus deposed, should be committed to take their trial for Perjury before the Court of Circuit at the next ensuing Sessions of Jail Delivery—

3. The Officiating Second Judge will accordingly issue the requisite instructions on this subject to the Criminal Judge of Cuddapah.—

Ordered, that Extract from these proceedings be sent to the Officiating Second Judge late on Circuit in the Centre Division, by Precept returnable within five days, from and after its receipt.

(Sent following Precept № 304.)

Read Return dated the 3rd Instant from the Acting First Judge on Circuit in the Southern Division, to the Precept of the Court of Foujdaree Udalut under date the 25th March 1837— Conveying their observations and orders on the Madura Calendars for the First Sessions of 1837.

(Here enter F. U. № 7224 of 1837)

1. Referring to the remarks of the Foujdaree Udalut in paras. 15. and 16. of their proceedings under date the 25th Ultimo, the Acting First Judge explains that "as the Order of the "Governor in Council dated 9th August 1836— forwarded with the proceedings of the Case by the Magistrate

11th & 11th April 1837 – "Magistrate, directed him to bring it for Trial before
"the Circuit Court, and as Section IV, Regulation II
"of 1829 states that such order shall be deemed
"sufficient for the trial and punishment of the
"accused, he conceived himself authorized to try the
"prisoners without the intervention of the Criminal Court.

2.

The Court of Foujdaree Udalut
observe that the provisions of Section IV, Regulation II
of 1829, were not intended, and have never been con-
strued, to authorize any departure from the
established mode of proceeding prescribed by the
General Regulations in force, nor is there any thing
in the Order of the Governor in Council referred to,
to warrant the contrary supposition.

3.

The Special Order of Government
for the trial of the accused parties being issued –
all further proceedings against them are to be con-
ducted in like manner as if the offence had been
committed within the British Territories, and the
Case subject to the ordinary Jurisdiction of the Courts.

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

(Sent in No. 505)

Read

11th April 1837 –

Read further return dated the 8th
Instant, from the Acting Third Judge late on Circuit
in the Southern Division, to the Precept of the Foujdaree
Udalut dated the 28th February 1837, directing him
to call upon the Magistrates of Tanjore and Salem
to report whether they have evidence sufficient to
warrant their proceeding against the notorious person
Appaucaughien for crimes committed by him within
their respective Jurisdictions. –

(Here enter No. 730)

Read letter dated the 6th Instant
from the Officiating Second Judge late on Circuit
in the Centre Division, forwarding for the orders
of the Foujdaree Udalut a Copy of a Correspondence
between himself and the Third Judge on Circuit –
relative to Case No. 7 on the Cuddapah Calendar for
the 1st Sessions of 1837 – and the Officer by whom
it is to be refered. –

(Here enter No. 731)

Read letter, dated the 3rd Instant,
from the Magistrate of Masulipatam, submitting
an explanation relative to Case No. 14 on the Masuli-
-patam Criminal Report for the month of February,
called for in the Extract from the Proceedings of the
Foujdaree Udalut under date the 21st March 1837. –

(Here enter No. 734)

Read

11th 11th April 1837.

Read letter, dated the 3rd Instant, from the Special Commission at Vizagapatam, reporting the executions of Pokesing and Moiglee, tried before the Special Commission.

(Here enter No. 736.)

Read letter, dated the 7th Instant, from the Criminal Judge in the Zillah of Cuddapah, submitting a Copy of a letter in Persian and a translation thereof from the Principal Sudr Ameen of Cumbum, submitting the explanation called for in paras 5. 6 and 7 of the Extract from the proceedings of the Foujdaree Udalut under date the 25th March 1837.

(Here enter No. 739.)

Read letter, dated the 6th Instant, from the Magistrate of Salem, submitting an explanation respecting certain Cases on the Salem Criminal Reports for the month of February, noted in the Extract from the proceedings of the Foujdaree Udalut under date the 23rd March 1837.

(Here enter No. 740.)

F. 116.

At a Court of the Foujdaree Udalut

Present,

Wednesday 12th April 1837.

Charles Mary Cushington Esqre. 1st Puisne Judge.
John Bird Esqre. 2nd Puisne Judge.
William Hudleston Esqr. 3d. Puisne Judge.

Read letter dated the 25th Ultimo from the Magistrate of Canara, submitting for the consideration and orders of the Foujdaree Udalut certain papers having reference to cases Nos. 13. 14. and 15 of 1837 in the Honore Criminal Reports for February last.

(Here enter No. 691.)

1. The prisoner "Summa Summa" is the party in whose behalf the present representation is made. He appears to have been concerned in No. 13 with one Timmappa, in No. 14 with one Venkata, and in No. 15 with one Davuppa. The said Venkata and Davuppa were however released by the Acting Principal Sudr Ameen who sentenced "Summa Summa" on grounds recorded in the Report to a fine of 300 Rupees, under Clause 9th Section VI Regulation I. of 1820, which was duly paid.

2. The Magistrate explains that the

the charges in these three cases arose out of the same act that they should not have been forwarded to the Principal Sudr Ameen's Court, by the Tahsildar without first receiving his orders; that "Summa Summa" had an implied or tacit permission to perform the acts for which he has suffered punishment, and if there has been fault any where, it is with the Revenue authorities, and that the injustice in this case having taken place under his authority he thinks "it his duty to bring it to the notice of the judges."

3

Under all the circumstances of the case the Court of Foujdaree Udalut are of opinion that the fine of 300 Rupees imposed on "Summa Summa" in this instance may be remitted, and they accordingly resolve to direct the Acting Principal Sudr Ameen to refund to that Party the amount levied from him.

Ordered, that extract from these proceedings be sent to the Acting Principal Sudr Ameen at Honore for his information and guidance by Precept returnable in 6 days after receipt.

(Sent following Precept No. 510)

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

(Sent in No. 511)

Read

Read return, dated the 4th Instant, from the Criminal Judge at Calicut, to the Precept of the Foujdaree Udalut dated the 27th March 1837 conveying their observations and orders on the Malabar Criminal Reports for the Month of February.

(Here enter No. 746)

Read letter dated the 8th Instant, from the Acting 1st Judge on Circuit in the Southern Division, reporting the opening of the Sessions at Coimbaconum and the state of the Calendar.

(Here enter No. 747)

Read return, dated the 10th Instant, from the Criminal Judge at Chittoor, to the Precept of the Foujdaree Udalut dated the 5th April 1837, having reference to the Chittoor Criminal Reports for the Month of February.

(Here enter No. 750)

Read letter, dated the 7th Instant, from the Acting Second Judge of the Provincial Court of Circuit in the Northern Division, reporting that the 2nd Quarter Sessions of 1837 will be opened on the 20th instant.

(Here enter No. 752.)

Fo: 116:

At a Court of the Foujdaree Udalut

Present

Thursday 13th. April 1837. Charles May Lushington Esqr. 1st. Puisne Judge

John Bird Esqr. _____ 2nd. Puisne Judge

William Hudleston Esqr. 3rd. Puisne Judge

JB

Read letter dated the 3d. Instant from the 3rd. Judge of the Provincial Court of Circuit in the Western Division, transmitting copy of the Tellicherry 5th. Additional Calendar 1st. Quarter Sessions of 1837.

(Here enter No. 7414)

Case 2.

The Court of Foujdaree Udalut, under the circumstances represented by the 3d. Judge, resolve to direct that the mitigated sentence, of (3) three Years imprisonment with hard labor, which he has proposed for the prisoner "Pally Chanhadoovan Coran" be carried into effect.

Ordered, that Extract from these proceedings be sent to the 3d. Judge of the Provincial Court of Circuit in the Western Division for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 514)

Read letter dated the 4th. Instant, from the Acting 1st. Judge on Circuit in the Southern Division

13th April 1837.

Division transmitting the Tinnevelly Calendar for the 1st Sessions of 1837.

(Here enter No. 732.)

Case 1. 1. The prisoner in this case, twice postponed, having been necessarily discharged in consequence of the nonattendance of the "Prosecutor" and "the Witnesses," the Court of Foujdaree Udalut conclude that the amount of the recognizances of the Prosecutor and Witnesses has been levied, if not, orders should be at once issued to that effect.-

Cases 2. and 10. 2. Under the Circular Order 19th June 1823. p. 152 of the printed orders, a statement of the grounds upon which the 1st Judge concurred in the opinion, of his Law Officer, of the innocence of the accused in these cases should have been given.- The Court of Foujdaree Udalut deem it proper now to require the same to be reported for their information.-

also order 6th Sept. 1814 p. 32. of the printed orders.

Case 3. 3. Agreeably to the recommendation of the Acting 1st Judge, the Court of Foujdaree Udalut resolve to sanction a mitigation to 7 years imprisonment of the sentence to which the (1st) first prisoner in this case has rendered himself liable.-

Case 12. 4. With respect to the 1st and 2nd prisoners in this case the sentence is irregular. The provisions, of Clause 1st Section V and 1 Clause 7th Section II Regulation XV. 1803,

13th April 1837

1803, prescribes nothing as the punishment of the convicted prisoner. The Acting 1st Judge will accordingly be pleased to take a second futwa under Clause 3rd Section II Regulation XV 1803, and proceed to pass sentence or commutation of the Dud that may be awarded.-

Cases 13 and 17. 5. The Court of Foujdaree Udalut direct that the irregularity of a single futwa being taken in these two cases be pointed out to the Acting 1st Judge.- The charges in the two cases, it is to be observed, are for crimes totally distinct, although connected with the same transaction.-

Case 14. 6 In this case, the sentence, as it stands, is illegal.- It is stated that the Law Officer, "by his futwa" declared the prisoner convicted of "attempting to commit Gang Robbery- a finding "in which the Acting 1st Judge concurred and "sentenced the prisoner under Clause 4th Section "IV Regulation XV 1803 to 5 Years imprisonment "with hard labor in irons".- It appears to the Court of Foujdaree Udalut that "a vident attempt" to rob was made by the prisoner on the occasion in question, and that consequently his case falls within Clause 5th Section IV and not Clause 4th Section IV. Regulation XV 1803. The Acting 1st Judge will therefore

13th April 1837

therefore revise his sentence and, should he deem the prescribed penalty too severe, he is at liberty to course to offer a recommendation for a mitigation of punishment in behalf of the prisoner.

Ordered, that a Copy of these proceedings be sent to the Acting 1st Judge on Circuit in the Southern Division for his information and guidance by Precept returnable in 8 days after receipt.-

(Sent following Precept No. 515.)

Read letter, dated the 5th Instant from the 3rd Judge of the Provincial Court of Circuit in the Western Division, transmitting Fourth Additional Calendar Tellicherry 1st Quarterly Sessions 1837.-

(Here enter No. 757.)

Read letter, dated the 5th Instant, from the 3rd Judge of the Provincial Court of Circuit in the Western Division, transmitting the Statement of Batta paid to the Prosecutors and Witnesses for the 1st Quarter Sessions of 1837 at Tellicherry.-.

(Here enter No. 758.)

F. U.:

At a Court of the Foujdaree Udalut

Present,

14th April 1837.- Hay Lushington Esqre. 1st Puisne Judge

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

Huddleston Esqre. 3rd Puisne Judge

Read letter dated the 25th Ultimo from 2nd Judge on Circuit in the Southern Division, transmitting the record of Trial on the Nellore Calendar, for March 1837.-

(Enter F.U. No. 660 of 1837.)

Mr. Lushington and Mr. Huddleston.- The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Udalut, confirms the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, convicting the prisoner

Kumboory Poladoo

of the Crime charged and awarding Cohoobut: and under the provisions of Clauses Third, and Fifth, Section IV, Regulation XV of 1803, sentence him to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of [illegible] seven years.-

(Sent following letter No. 519.) Read-

13th April 1837.

Read letters from the Provincial Court of Circuit in the Southern Division and the Magistrate of Tanjore dated respectively the 13th and 17th Ultimo reporting an attempt made on the 8th Ultimo by a party of Convicts at Negapatam to effect their escape from their guards whilst at work.

(Here enter Nos. 674 and 621 of 1837.)

Read also letter dated 29th Ultimo from the Magistrate of Tanjore forwarding translations of the Depositions alluded to in his letter of the 17th March relative to the recent attempt to escape on the part of the Convicts at Negapatam

(Here enter No. 676 of 1837.)

The Magistrate reports that "a gang "of 71 Convicts was employed in stacking a brick kiln "attended by the Jailor and 13 Peons," that "towards "4 P M several of them sprang suddenly on the "Jailor from behind, seized him by the Arms and "round the waist, whilst others snatched their Swords "from 2 peons, with one of which one of the Convicts "pushed upon the Jailor, and inflicted a wound on "his head" that "forty four of the Convicts, having "armed themselves, made off in a body across an "open plain towards the French Territory of Karricaul, "followed by the Jailor and the Jail Peons and 11 "Convicts, who volunteered to assist in their reapprehension;"

that

14th April 1837. that the Jailor having failed in his endeavours to prevail the insurgents to surrender during their retreat "to a distance of 4 Miles, and perceiving "moreover that evening was coming on, and that "they were rapidly approaching a Country enclosed "with thick Thaulawarom hedges, (which had they "reached, the great majority of them must have "escaped) the Jailor Considered it his duty to attack "them in earnest" and "the result was that 14 Convicts "were killed on the Spot, 35 wounded, more or less "severely, and 2 escaped. Of whom one was re ap- "prehended the following Morning by the Village "Police Several Miles off."

The Magistrate, referring to the assistance given on the occasion by certain of the prisoners, has submitted a list of their names and suggested that "in Consideration of their "good Conduct" a considerable proportion of their respective Sentences may be remitted.

The Judges entirely Concurring with the Magistrate as to the probable good effect of such notice being taken of the Conduct of the prisoners in question, have referred to the documents connected with their Cases, and, with the Sanction of the Right Honorable the Governor in Council propose to issue orders for the reduction of the

Sentences

4th April 1837.

Read letters from the Provincial Court of Circuit in the Southern Division and the Magistrate of Tanjore dated respectively the 13th and 17th Ultimo reporting an attempt made on the 8th Ultimo by a party of Convicts at Negapatam to effect their escape from their guards while at work.

(Here enter Nos. 574 and 621 of 1837)

Read also letter dated 29th Ultimo from the Magistrate of Tanjore forwarding Proceedings of the Depositions alluded to in his letter of the 17th March relative to the recent attempt to escape on the part of the Convicts at Negapatam

(Here enter No. 676 of 1837)

The Magistrate reports that "a Gang "of 71 Convicts was employed in Stacking a brick kiln "attended by the Jailor and 13 Peons," that "towards "4 P. M. several of them sprang suddenly on the "Jailor from behind, seized him by the Arms and "round the waist, whilst others snatched their Swords "from 2 peons, with one of which one of the Convicts "pushed upon the Jailor, and inflicted a wound on "his head" that "forty four of the Convicts, having "armed themselves, made off in a body across an "open plain towards the French Territory of Karricaul, "followed by the Jailor and the Jail Peons and 11 "Convicts, who volunteered to assist in their recapture," that

14th April 1837.

the Jailor having failed in his endeavours to persuade the insurgents to surrender during their retreat to a distance of 4 Miles, and perceiving manœuver that evening was coming on, and that "they were rapidly approaching a Country enclosed "with thick Thaulawaroon hedges, (which had they "reached, the great majority of them must have "escaped) the Jailor Considered it his duty to attack "them in earnest," and "the result was that 4 Convicts "were killed on the Spot, 35 wounded, more or less "severely, and 2 escaped. Of whom one was re ap- "prehended the following Morning by the Village "Police Several Miles off."

The Magistrate, referring to the assistance given on the occasion by certain of the prisoners, has submitted a list of their names and suggested that "in Consideration of their "good Conduct" a Considerable proportion of their respective Sentences may be remitted.

The Judges entirely Concurring with the Magistrate as to the probable good effect of such notice being taken of the Conduct of the prisoners in question, have referred to the documents Connected with their Cases, and, with the Sanction of the Right Honorable the Governor in Council propose to issue orders for the reduction of the Sentences

14th April 1837 sentences recorded against eight of the Convicts named below to the following extent—

In behalf of two of the Convicts the Judges from the circumstances attending the Crimes for which they were originally sentenced have not deemed it proper to advocate any remission of punishment.—

Nullan— this prisoner was convicted in No 6 of the Combaconum Calendar 1st Sessions of 1833, of having assaulted the Prosecutors and robbed them of Sheep and other property valued at 51 Rupees.—

The Sentence upon this prisoner, the Court are of opinion may with propriety be reduced from 14 to 7 years imprisonment from the date of the Warrant.—

Colundavaloo was Convicted, in No 22 of the Combaconum Calendar 2nd Sessions of 1829, of Gang Robbery, the property lost being valued at Rs 4,445 As 13.—

The Court of Foujdaree Udalut consider that a moiety of the remaining period of imprisonment may be remitted in this instance.—

Mocaoonday was concerned in several Cases, viz. in No 8, 9, 10 and 11 of the Combaconum Calendar 2nd Sessions of 1828— In No 8 he was tried for housebreaking and

14th April 1837— and robbery of property valued at Rupees 258—14.—9. In No 9 for resistance to Peons serving Warrants and assaulting them. In No 10 for riotously attacking and ill treating the Head of Police and others on their proceeding to apprehend him, and wounding some of the party in Company with him; and in No 11 for the Crime of "Assault and wounding."

The prisoner would appear to have been a desperate character, and the Court of Foujdaree Udalut being of opinion that his release might be dangerous to the Community are not prepared to propose that the period of imprisonment to which he has been sentenced should be curtailed.—

Suppuney Candyon was convicted in No 16 of the Combaconum Calendar 2nd Sessions 1829 of highway Robbery, the property taken being valued at Rupees 662—11.—

A moiety of the unexpired period of this Sentence the Judges would propose should be remitted—

Paramaseven— was convicted of housebreaking and Gang Robbery in No 17, Combaconum Calendar 1st Sessions 1834, the property taken amounting to Rupees 502—14.—

The Court would propose to reduce his Sentence from 14 to 7 Year's imprisonment from the

14th April 1837 Senten

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14th April 1837 the date of the Warrant.

Alpavoopadiachy was convi
housebreaking and Gang Robbery in No 19
same Calendar, the property robbed being es
at Rupees 666 - 11 -

It appears to the Judges that
remission of a moiety of the unexpired period
his Sentence might be made.

Aponachella Pillay was convicted
Perjury in No 42 of the same Calendar

In this Case also the Court think
that of the unexpired portion of the Sentence
moiety may be remitted.

Tondavaroyen was, with others convi
of a Savage assault, in No 6 of the Combaconum
Calendar - 2nd Sessions 1835.

The Judge who presided at the
Trial observed that there could be no doubt tha
it was the intention of the prisoners in this Ca
to "kill" the party assaulted.

Under these circumstances the Judg
of the Foujdaree Adalut would not advocate any re
remission of the Sentence recorded on this prisoner.

Soopyen was convicted of housebreaking
and robbery in No 10 of the Combaconum Calendar 3rd
Sessions 1831 the property taken being valued at Rupees
58 - 7 -

The

4th April 1837.

The Judges are of opinion that half
of the remaining period of the Sentence on this
prisoner may be remitted.

Rungasuttarayen was convicted of
Gang Robbery in No 22 Combaconum Calendar
1st Sessions 1827 property stolen being estimated
at Rupees 1549-4-9. For this he was sentenced
to 14 Years imprisonment and he was further
sentenced in No 70 of the Combaconum Criminal
Reports for 1832, to 2 years additional imprison-
ment for the offence of escape.

It appears to the Court of
Foujdaree Adalut that a moiety of the unexpired
period of his Sentence may be remitted.

Veyyah Lingoo is the last prisoner
mentioned in the list of the Magistrate, and the
Judges conclude that he is the Rajpoot Sepoy
referred to in the report of the Magistrate, and
whose Sentence was stated to have expired on
the 9th Ultimo.

The Court of Foujdaree Adalut
cannot divest themselves of the belief that the
deficiency of the guard attached to the Party of
Convicts at work on the 8th Ultimo was the temp-
tation which induced the Convicts to endeavour
to effect their escape, and they desire accordingly
that

14th April 1837. 14th April 1837. that the Magistrate will cause the rule to be strictly observed in future that "One Peon to every 4 Convicts "be employed to guard Convicts while at work outside "the Jail."

Ordered, that Extract from these proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent in No. 820.

Ordered also, that Extract from these proceedings be forwarded to the Magistrate of Tanjore for his information and future guidance.

(Sent in No. 821.

Read letter, dated the 8th Instant from the Magistrate of Nellore, submitting the explanation required by the Proceedings of the Foujdaree Udalut dated 22nd Ultimo, upon the Nellore Criminal Reports for the month of February.

(Here enter No. 746)

Report V
Case 20

The Court of Foujdaree Udalut Concurring in the opinion of the Magistrate that, under the circumstances explained in the above letter, the Police Puncew was justified in the transmission to the Criminal Court of the prisoners

F.R.

3. F.R.
14th April 1837. in this Case, desire that their concurrence be Communicated to that Officer.

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

(Sent in No. 822)

At a Court of the Foujdaree Adalut

Present

Saturday, 15th. April 1837.- Charles Mary Lushington Esqre. 1st. Puisne Judge
John Bird Esqre. ——— 2nd. Puisne Judge,
William Hudleston Esqre. 3rd. Puisne Judge,

Read letter dated the 29th. Ultimo,

from the 3rd. judge on circuit in the Centre Division transmitting the trial in Case N°. 10 on the Bellary Calendar for the 1st. Sessions of 1837.-

(Here enter N°. 679.)

The Court of Foujdaree Adalut,

Mr. Lushington having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut, are of opinion that the prisoner

Surjeevadoo

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession. Notwithstanding the Futwa of their Law Officers and do accordingly acquit him: and direct that he be set at liberty.-

(Sent following letter N°. 528.)

Read

15th April 1837.

Read return dated the 8th Instant from the Judges of the Provincial Court of Circuit in the Centre Division to Precept of the Foujdaree Udalut dated 28th February 1837, conveying their observations and orders on the Report from the Acting 2nd Judge on Circuit in the Northern Division for the 2nd Sessions of 1836, and cancelling the Circular Order No. 7.-

(Here enter No. 759.)

Read Criminal Reports dated the 8th Instant, from the Acting Criminal Judge at Rajahmundry for the Month of March 1837.-

(Here enter No. 770.)

Read return dated the 10th Instant from the Judges of the Provincial Court of Circuit in the Northern Division to Precept of the Foujdaree Udalut of the 28th February 1837, cancelling Circular Order Foujdaree Udalut No. 7.-

(Here enter No. 772.)

F. U.

At a Court of the Foujdaree Udalut.

Present,

Monday, 17th April, 1837.

Charles May Lushington Esqre. 1st Puisne Judge,
John Bird Esqre. ——— 2nd Puisne Judge
William Huddleston Esqre. — 3rd Puisne Judge

Read return dated the 3rd Instant from the Criminal Judge of Chingleput, to the Precept of the Foujdaree Udalut of the 27th Ultimo, calling upon him to report on the allegations contained in the Petition presented to the Foujdaree Udalut on behalf of certain of the prisoners in the Jail at Chingleput complaining of irregularity in the conduct of the European Jailor "Dogherty."-

(Here enter No. 711.)

Read also again the Petition presented on the 13th Ultimo by Vengumnah and three others of the Zilla of Chingleput.-

(Here enter M. P. No. 28.)

It appears from the above return that the only allegation contained in the Petition No. 28 for which there is the least foundation, is that wherein it is stated that "Dogherty" employs a prisoner in Metaking Cloths for him, "and one, without the knowledge of the Judge, in instructing his son."

The

15th Ap.

17th April 1837. released by the Court of Circuit, he prays the Foujdaree Udalut to call for the record of the trial and cause a severe sentence to be passed upon the parties in question.

The Court of Foujdaree Udalut direct that the Petitioner be informed that they have no power to overrule an acquittal by a Court of Circuit.

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

Read Petitions presented on the 10th Instant by Jimmakah and Condummah of the Zillah of Cuddapah.

(Here enter Pr. Nos. 10 and 11)

The prayer of the above Petitions is that the Court of Foujdaree Udalut will be pleased to call for the record of the Trial No 19 Cuddapah Calendar 1st Sessions 1837, and direct the release of the prisoners.

2.

The Petitioners are informed that the Court have called for the record of the trial in question and that it will be disposed of in due course. As the presence of the Petitioners can be of no avail in the matter, they are advised to return to their Native Village.—

Ordered

No.

17th April 1837.

Ordered, that Extract from these proceedings be furnished to the Petitioners on their respective applications.

Read Petition presented by Anumtacharry of the Zillah of Chittoor on the 10th Instant.

(Here enter Pr. P. No. 12)

The Petitioner repeats the prayer of his former Petition No 115 of 1836 to which the Court have already given full and attentive consideration, and their final Orders on the subject were recorded in their proceedings of the 13th Ultimo.

To those orders the Court direct that the Petitioner be now referred, and that he be warned against intruding the matter again upon the Court of Foujdaree Udalut.

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

Read letter, dated the 28th Ultimo, from the Officiating Second Judge late on Circuit in the Centre Division, submitting for the final Judgment of the Court of Foujdaree Udalut, the Record of Case No 3 on the Cumbum Calendar for the second Sessions of 1836.

(Here enter F. U. No 661 of 1837.)

The

15th April 17th April 1837 released by the Court of Circuit, he prays the Foujdaree Udalut to call for the record of the trial and cause a severe sentence to be passed upon the parties in question.-

The Court of Foujdaree Udalut direct that the Petitioner be informed that they have no power to overrule an acquittal by a Court of Circuit.-

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

Read Petitions presented on the 10th Instant by Timmakah and Condummah of the Zillah of Cuddapah.

(Here enter M. Ps Nos 10 and 11)

1. The prayer of the above Petitions is that the Court of Foujdaree Udalut will be pleased to call for the record of the Trial No 19 Cuddapah Calendar 1st Sessions 1837, and direct the release of the prisoners.

2. The Petitioners are informed that the Court have called for the record of the trial in question and that it will be disposed of in due course. As the presence of the Petitioners can be of no avail in the matter, they are advised to return to their Native Village.-

Ordered

17th April 1837.

Ordered, that Extract from these proceedings be furnished to the Petitioners on their respective applications.

Read Petition presented by Anunta-chary of the Zillah of Chittoor on the 10th Instant.-

(Here enter M. P. No 12)

The Petitioner repeats the prayer of his former Petition No 115 of 1836 to which the Court have already given full and attentive consideration, and their final Orders on the Subject were recorded in their proceedings of the 13th Ultimo.-

To those orders the Court direct that the Petitioner be now referred, and that he be warned against intruding the matter again upon the Court of Foujdaree Udalut.-

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

Read letter, dated the 28th Ultimo, from the Officiating Second Judge late on Circuit in the Centre Division, submitting for the final Judgment of the Court of Foujdaree Udalut, the Record of Case No 3 on the Cumbum Calendar for the Second Sessions of 1836.-

(Here enter F. U. No 661 of 1837.)

The

17th April 1837.

Mr Cushington
&
Mr Bird.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, acquitting the prisoner:

Neelum Shingareegadoo

and do accordingly acquit him: but considering that strong Suspicion though not amounting to conviction attaches to him, the Court direct, under the provisions of Claude Sixth, Section II, Regulation XV of 1803, that he be required to find two Sureties in (50) fifty Rupees each Surety, for his good behaviour and appearance when required within three (3) years: and that in default thereof he be detained for three years in Confinement.-

1. The Judge of Circuit alludes, in his letter of reference, to the Statement made by the prisoner in his Police Declaration that he "did not see" the deceased on the day on which the latter was missed.-

2. As the said Police declaration was not though it should have been read and proved at the trial, the Judge of Circuit ought not to have alluded to it in his Summary of the evidence.-

17th April 1837. 3

The Judge of Circuit has not attended to the Circular Order of the Court of Foujdaree Udalut of the 3rd November 1824- which directs that in the English Translations of Criminal Records, a note be always inserted of the distance, in feet and inches, between places, and measurement generally.-

4 And not a single Question was asked respecting the prisoner's demeanour on his apprehendion.-

Ordered, that Extract from these proceedings be sent to the Officiating Second Judge late on Circuit in the Centre Division, for his information and future guidance.

(Sent following letter No 557.)

F. 66.

At a Court of the Fouzdaree Udalut

Present,

Wednesday 19th April 1837. Charles Marsh Lushington Esqre 1st Puisne Judge
John Bird Esqre ——— 2nd Puisne Judge
William Hudleston Esqre 3rd Puisne Judge

Read letter dated the 18th Ultimo from E. B. Wray Esqre late Acting Judge of the Provincial Court of Circuit in the Northern Division, submitting the Report prescribed by Section XXXVII Regulation VII of 1802 for the several Sessions at which he presided during the years 1833 1834 and 1835.

(Here enter No. 656)

1. With reference to the late period at which this Report has been submitted for review, the Court of Fouzdaree Udalut are not desirous of recording any observations on the subjects discussed therein.

2. They desire therefore that a copy of the Report be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, intimating with reference to para: 2 of the Minutes of Consultation under date the 22nd of November 1836. that of the explanations and returns required

required to be submitted by Mr Wray, and specified in the accompanying copy of a letter addressed to that Gentleman under date the 26th of November 1836, the Circuit Report now submitted is the only paper that up to this date has been transmitted to the Foujdaree Udalut, tho' the information as to the dates on which the proceedings of the Sudr Udalut of the 25th July and 15th August 1836 were forwarded to the Collector of Rajahmundry has been furnished by the present Acting Judge in the Zillah of Rajahmundry.-

Ordered that Extract from these proceedings, together with copy of the Report and of the letter addressed to Mr Wray under date the 26th November 1836 be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

/Sent in No 545

Ordered also, that Extract from these proceedings be furnished to Mr Wray for his information.-

/Sent in No 540/

Read return dated the 11th Instant from the 3rd Judge on Circuit in the Centre Division to Receipt of the Foujdaree Udalut of the 11th Instant transmitting the final

Sentences

Sentence in Case No 27 Cuddapah Primary Calendar 1st Sessions 1837.-

/Here enter No 803/

Read return dated the 15th Instant from the Officiating 2nd Judge late on Circuit in the Centre Division to Receipt of the 11th April 1837 requiring the commitment for "Perjury" of Cumum Ramadawmy and Vapoor Venkapah examined as Witnesses for the 5th prisoner in Case 30 Cuddapah Calendar 2nd Sessions 1836.-

/Here enter No 806/

Read letter dated the 13th Instant from the Criminal Judge Zillah Nellore forwarding the Criminal Reports Vear for the month of March 1837.-

/Here enter No 812/

F. W.

At a Court of the Foujdaree Udalut.

Present,

Thursday, 20th April, 1837.- Charles May Cushington Esqr. 1st. Puisne Judge,
John Bird Esqre. _____ 2nd. Puisne Judge,
William Hudleston Esqr. 3rd. Puisne Judge.

Read again letters dated respectively the 31st. January and 2nd. February 1837 from W. W. Arbuthnot Esqre., Special Commissioner at Chicacole, submitting for the judgment of the Foujdaree Udalut, the Records of proceedings held in Cases Nos. 10 and 11 before the Special Court.

(Here enter F. W. Nos. 270 and 309 of 1837.)

Read also Return dated the 24th. Ultimo from the same Officer, to the Precept of the Court of Foujdaree Udalut under date the 17th. February 1837, sending back for revision and correction the Persian Translation of the Record of Case No. 11.

(Here enter F. W. No. 495 of 1837.)

Read also Return dated the 1st. instant from the same Officer to the Precept of the Court of Foujdaree Udalut under date the 17th. February 1837, sending back the English and Persian Translations of the Record of Case No. 10 with instructions to cause the defence of the second prisoner to be thereon entered.-

(Here enter F. W. No. 513 of 1837.)

Read

Read also letter dated the 6th February 1837 from the same Officer submitting for the Judgment of the Foujdaree Adalut the Record of Proceedings held in Case No. 17 before the Special Court

(Here enter Fo. No. 335 of 1837.)

Read also Extract from the Minutes of Consultation dated the 11th Instant, confirming the sentences awarded by the Foujdaree Adalut on the Trials Nos. 10 & 12 of the Chicacole Special Commission, sanctioning a reward of 150 Rupees to Boddakoylah Nursimloo, to be presented by the Acting Magistrate in open Cutcherry, with the warm commendation of Government, and directing that the opportunity be taken of exhorting all classes manfully to resist the incursions of robbers.-

(Here enter No. 760.)

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

5th Sekala Boochia.

be required to find two Sureties in one hundred (100) Rupees each Surety for his good behaviour and appearance when required for three (3) Years and that in default thereof he be detained for three years in confinement. and that the Prisoner

20th April 1837.- Prisoners

1st Cyotta Summeady Dorah

and

2nd Vamola Lutchan Dorah

do suffer death by being hanged at the usual time and place of execution: and that the Prisoner

3rd Gama Tummiah

and

4th Jummy Soocaroodoo

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (7) Seven Years.-

The Court likewise direct that an Extract from their proceedings under date the 16th Ultimo be sent for the information and guidance of the Chicacole Special Commission.-

(Sent following Letter No. 547.

In pursuance of the instructions contained in the third paragraph of the foregoing Extract from the Minutes of Consultation the Court of Foujdaree Adalut direct that the Acting Magistrate of Vizagapatam (late Special Commissioner) be required to bestow upon Boddakoylah Nursimloo the first witness in No. 12. in open Cutcherry the sum of (150) one hundred and fifty Rupees sanctioned by Government

20th April 1837.

Government as a reward of his Gallantry and resolution upon the occasion in question: and at the same time to inform him that his conduct has attracted the warm commendation of His Lordship in Council.

The Acting Magistrate will take the same opportunity to exhort all classes manfully to resist the incursions of Robbers, and will distinctly intimate to them that such courageous defence of their persons and property, by force of arms, is an example worthy of imitation throughout the province, and will always meet with the marked approbation of Government.

Ordered that Extract from these proceedings be sent to the Acting Magistrate of Vizagapatam together with copy of Extract from the Minutes of Consultation under date the 11th Instant (para 3) and Extract from the proceedings of the Foujdaree Udalut of the 16th March 1837 (paras 3 & 6) by Precept returnable within fifteen days from and after its receipt.

(Sent following Precept No. 548

Read return dated the 10th from the 3d Judge on Circuit in the Centre Division to the Precept of the Foujdaree Udalut of the 6th Instant requiring a futwah to be taken from the Mahomedan Law Officer in Case No 1 of the Cuddapa Primary Calendar

Fo. 40.

20th April 1837.

Calendar for the 1st Sessions of 1837 and that the case be then disposed of under the general Regulation.

(Here enter No. 791)

In the above return the 3d Judge states that the injunctions of the Higher Court will be duly attended to." The Court of Foujdaree Udalut direct that the 3d Judge be apprised that they await from him a report of the manner in which the case in question may be disposed of by him.

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

(Sent in No. 549.

Read the Circuit Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of March.—

(Here enter No. 767.)

Report V
Case 35

The Court of Foujdaree Udalut being of opinion that the provisions of the Regulations which authorize requisition of security do not apply to cases of suspicion of a breach of the Revenue Laws, resolve to direct that the prisoner in this case be released if in confinement, or that the Bail bond be cancelled, if it has been entered into.

Ordered

Ordered that extract from these proceedings be sent to the Acting Assistant Criminal Judge in charge for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 550.

Read the Chittoor Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of March.

(Here enter No. 768.)

Suppl. Report. Case 47. 1. The prisoner in this case having been sentenced under Clause 6th Section II Regulation VI 1822 the Court conclude that he has been convicted of housebreaking, but the evidence in the Report being insufficient to support that charge an explanation is required.

Report V Case 57. 2. In this case there are three prisoners charged with allowing a prisoner placed in their charge to escape. One is described as "very old and extremely infirm", the two others as "young and weak". The Court direct that copy of this case as it stands in the Report, and of this para: be sent by the Criminal Judge to the Magistrate, who will, the Court are satisfied, at once see the impropriety of allowing persons of this description to be employed in the custody of prisoners.

Case 58. 3. It is observed that the prisoner

in this case is "under trial" for the offence of cattle stealing in 1833. no charge for "the escape" however which he is stated to have effected is entered. The Court accordingly require to be informed why "the escape" has been passed over unnoticed.

Statement of labor. 4. In this statement 10 Convicts are represented to have been employed during the month as Gardeners. 3 "infirm" to assist Gardeners and 17 to draw water from well. The Court direct that the Criminal Judge be called on to explain for what purpose the services of the prisoners have been thus applied.

Ordered that extract from these proceedings be sent to the Criminal Judge at Chittoor for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 551.

Read the Cuddalore Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of March.

(Here enter No. 780)

Report V Case 11. 1. The prisoner in this case has been sentenced under Clause 4th Section III Regulation VI of 1822, but, with reference to the statement of the circumstances in the Report the Court of Foujdaree Adalut are not of opinion that this provision

is

is applicable. The Acting Joint Criminal Judge will accordingly be pleased, should he have no further explanation to offer, to reduce the sentence in conformity with Section VII Regulation X of 1816, reporting the amended sentence for the information of the Zoydaree Udalut.

Case 14. 2. A further explanation of the grounds on which the sentence in this case has been passed is requisite to enable the Zoydaree Udalut to judge of the propriety of it. The Court do not understand what it is intended to be conveyed by the expression, "the 3d prisoner "charged one of the Articles".

Cases 15, 16 and 19. 3. In these cases it is stated that the prisoners have been "proved" guilty, or "convicted," but no mention is made by what evidence the guilt was established. The Court direct it to be explained to the Acting Joint Criminal Judge that a concise but distinct note of the grounds on which each order or sentence is founded is expected to be inserted in the Criminal Reports.

Case 20. 4. It is not specified, as it ought to have been, in what respect the 1st prisoner in this case was a "notorious bad character." With reference however to Clause 2d Section II Regulation VI 1822 it was the duty of the Acting Joint Criminal Judge to have committed all the prisoners in the case

case if the first was, to his satisfaction, proved to be a notorious bad character. The Zoydaree Udalut will not however disturb the sentence recorded.

Case 21. 5. The Court conclude that in this case "housebreaking," was established against the 1st and 2d prisoners, and if so, as they are reported by the Magistrate to be men of notoriously bad character, their commitment became necessary under Clause 2d Section II Regulation VI of 1822. The Zoydaree Udalut will not direct their commitment now, but they desire that the Acting Joint Criminal Judge be advised of the irregularity in his proceedings on the case.

Ordered that extract from these proceedings be sent to the Acting Joint Criminal Judge at Cuddalore for his information and guidance by Precept returnable in 4 days after receipt.

(Sent following Precept No. 55.

Read the Masulipatam Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of March.

(Here enter No. 769)

Report V Case 16. 1. It appears from the statement in the Report that the prisoner in this case, who was apprehended in the Zillah of Guntoor, last forwarded by

20th April 1837.

by the Acting Head of Police at Masulipatam, has been sent up on the mere crimination of other prisoners. The Court of Foujdaree Udalut direct that copy of the case, as it stands in the Report, and of this paragraph be sent by the joint Criminal Judge to the Magistrate, who will be pleased to remind the Acting Head of Police at Masulipatam that the mere crimination of a person by prisoners is not of itself a sufficient ground for the transmission of the party criminated, to the Criminal Court.

Case 17

2. In this case the prisoner would seem to have been acquitted of the crime charged in consequence of the rejection by the Sudr Ameen of the evidence of the Prosecutor. The Court of Foujdaree Udalut direct it to be explained to the Joint Criminal Judge that it will be his duty in future to correct the sentence of his Sudr Ameen, when he may find that evidence has been rejected by that officer on the principles of the Mahomedan Law.

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge at Masulipatam for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 553)

Friday 21st April 1837.

F. C.

At a Court of the Foujdaree Udalut.

Present

Charles Mayo Lushington Esqre. 1st Puisne Judge

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

William Rudleston Esqre. .... 3rd Puisne Judge

Read the Honble Criminal Reports

113 prescribed by Section XXXV, Regulation X of 1816 for the month of March.

(Here enter No. 781)

Suspd. Report Case 22

It appears to the Court of Foujdaree Udalut that the Sentence recorded in this Case is of doubtful propriety, but as it has expired it only remains for the Court to direct that the Judge on Circuit will be pleased to look into the proceedings, and report, for the information of the Foujdaree Udalut, whether in his opinion the Acting Principal Sudr Ameen has taken a Correct view of the Case.

Ordered, that Extract from these proceedings with Copy of Case 22 be sent to the Judge on Circuit in the Western Division for his information and guidance by Precept returnable in 15 days after receipt.

(Sent following Precept No. 564.

Ordered also that Extract from these proceedings be sent to the Acting Principal Sudr

21th April 1837. Sudr Ameen at Honore for his information.—

(Sent in №565.)

Read the Madura Criminal Reports prescribed by Section XXXV, Regulation X 1816 for the month of March.—

(Here enter №796)

Suppl. Report 1.

Case 20.

The Court of Foujdaree Udalut direct that the order for the requisition of security from the 5th. 6th. and 7th. prisoners in this Case be amended with reference to the Circular Order of the 30th April 1829. page 166 of the printed Orders, which declares that "the term for which security" is to be given, and the term for which a prisoner may be detained in Confinement in default of giving security, should be the same."—

Case 21.

Report V

Cases 44 – 45.

2.

It is stated in these Cases that "there is not the slightest evidence against the "prisoners and they are released." The Court of Foujdaree Udalut Conclude that the Acting Criminal Judge has not omitted to make the Communication required by the Circular Order of the 21st May 1823 page 87. of the printed orders, to the Magistrate, where persons are sent up by the Police without any evidence of their guilt or "adequate inquiry."

52.

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In this Case the Acting Criminal Judge observes that the only evidence against the prisoner

21th April 1837. prisoner is his implication by the prisoner in №22. which is no evidence at all.— The Court direct that Copy of the Case as it stands in the Report and of this para; be sent by the Acting Criminal Judge to the Magistrate, who will be pleased to warn the Police Officer who forwarded the Case that the mere Crimination of a person by a prisoner is insufficient grounds for the transmission of the party Criminated to the Criminal Court, as is indicated in Section XXVIII Regulation XI of 1816.—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge at Madura for his information and guidance by Precept, returnable in 4 days after receipt.—

(Sent following Precept №556.

Read the Guntoor Criminal Reports prescribed by Section XXXV, Regulation X of 1816 for the month of March.—

(Here enter №808)

The Statement prescribed by the Circular Order of the Foujdaree Udalut №80, or note shewing that there have been no punishments, not having been furnished with the above Reports, the Court of Foujdaree Udalut direct that the Acting Joint Criminal Judge be now called upon to forward it.—

Ordered

21st April 1837.

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Guntoor for his information and guidance by Precept returnable in 2 days after receipt.

(Sent following Precept No 567.

Read the Tellicherry Criminal Reports prescribed by Section XXXV, Regulation X of 1816, for the month of March.

(Here enter No 811.)

Report V

Case 40

The prisoners in this Case having been detained in the Talook from the 3rd February to the 25th of March, and the only explanation of the detention being that "the time" was "taken up in procuring the attendance of the prosecutor and his witnesses;" the Court of Foujdaree Udalut direct that Copy of the Case as it stands in the Report, and of this paragraph, be sent by the Joint Criminal Court to the Magistrate who will be pleased to enquire into the Conduct of the "Tahsildar" and report direct to the Foujdaree Udalut whether he has found it necessary to take any and what notice of it.

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge at Tellicherry for his information and guidance by Precept, returnable in 3 days after receipt.

(Sent following Precept No 568.)

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F. 40.

At a Court of the Foujdaree Udalut

Present,

Saturday 22nd April 1837. John Bird Esqre 2nd Puisne Judge
William Hudleston Esqre 3rd Puisne Judge

Upon consideration of the circumstances attending the escape of 15 Convicts of the most desperate Character from the Jail at Chicacole, reported to the Court of Foujdaree Udalut under date the 4th July 1836, the attention of the Court was again drawn to the total inefficiency of the description of Guards employed at the Jails, and to the facility with which Convicts effect their escape.

Vide Order of Govt 17th September 1833.

Since the orders of the Court of Foujdaree Udalut of the 30th September 1833, that portion of the Jail guard employed over the Prisoners while at work outside the Jail, has become a wholly fluctuating establishment, and the insecurity with which a Jail Peon consequently views his situation, (a situation which with reference to the duty to be performed, both by day and by night, and to the heavy penalties attached to any neglect of it, is inadequately remunerated) are circumstances which have no doubt contributed to their inefficiency,

to

to the fact of their being so often bribed to connive at idleness on the part of the prisoners, and, as in the instance considered in the proceedings of the 4th November last, to their being indifferent even to the actual escape of their charge.

The subject is one of acknowledged importance and has on various occasions attracted the attention of the Foujdaree Udalut, and the Court deeming the occurrence of the escape at Chicacole, under the circumstances explained in the proceedings of the Foujdaree Udalut of the 12th November 1836, a fit opportunity for requiring the several Officers, Civil as well as Military, in charge of Jails, to report what measures in their opinion should be adopted in view to render the guards over the Convicts more efficient, their sentiments on the subject were solicited, and they were at the same time required to prepare, and to submit to this Office, a Statement shewing the number of escapes from each Jail, or working party, during the last five years, from 1832 to 1836 inclusive.

The original of these reports the Judges desire may be laid before the Right Honorable the Governor in Council, and previous to entering upon their consideration, the Court would observe

that in order to exhibit more distinctly the particulars of these escapes, they have caused two statements marked **A** and **B** to be prepared from the returns, the former shewing the years in which the escapes were effected, their total number, the number of persons who have been reapprehended, the number still at large, and from whence the escapes were made; and the latter shewing the description of Prisoners who have escaped.

The total number of Persons who effected their escape is entered in the reports at 582, but upon examination of the returns it appears that a large proportion of those, namely 210, including 5 who were killed, have been erroneously inserted; in as much as those persons who made the attempt either did not effect their escape at all, or were reapprehended on the same day, and consequently those 210 ought to be deducted from the total number, leaving accordingly 372 Persons who have actually effected their escape within the last five years, a number sufficiently large to shew that the existing system upon which the Prisoners are guarded is defective.

582
210
372.

The returns in question shew also

one

22nd April 1837 also that there are no less than 209 escaped persons still at large, and to effect the recapture of these, the Magistrates will be called upon to use their utmost exertions.

Northern Division.

Chicacole. The prisoners who escaped from this Jail from January 1832 to the end of 1836, were 50, of whom 32 only have been reapprehended; the whole of these escapes were effected from outside the Jail, - all excepting 12, on occasions when working parties had been sent on the other side of the River.

It appears desirable that the Criminal Judge should remind the Magistrate of the number of persons who have not been reapprehended, furnishing him with a list, shewing the names, place of residence, description, and sentence upon them respectively, and that the Magistrate should again require his Police Officers to make search in the Village where each convicts family resides, and to use their best endeavour to reapprehend them.

The Criminal Judge should be prohibited sending the Convicts to work on the other side of the River, excepting when absolutely necessary

F. Co.

22nd April 1837. necessary for some special purpose, in which case the Guards should be picked men, and placed under a Duffadar or other Officer.

Vizagapatam. The only escapes from this Jail occured in 1833 and 1834, comprising 11 Prisoners, of whom 5 are still at large, orders for their reapprehension, similar to those contained in para 8. of these proceedings, should be furnished to the Magistrates to whose Jurisdiction the Villages may belong. of these escapes 9 were from the Jail, and 2 while employed outside.

Rajahmundry. From this Jail, from January 1832 to the present time, there have been 50 convicts who effected their escape, besides 17 others who made the attempt, but failed; of these no less than 30 are still at large, and similar descriptive list, and orders should be sent to the Magistrate for their reapprehension. Of these escapes 8 only (including 2 from the hospital) were effected from the Jail, and the remainder from working parties employed outside.

Masulipatam. There have been only six escapes from this Jail during the period in question

one

one of the persons was reapprehended on the same day, and another subsequently, and the remainder are still at large; similar list and instructions should be sent to the Magistrate of this District—

Guntoor. From the Guntoor Jail seven Persons only have effected their escape, a circumstance which, considering the state of the buildings where the Prisoners were confined, and the great number in custody, is highly creditable to the guards—

Three of these persons are still at large, and fresh instructions for their apprehension, similar to those contained in paras 8, should be issued to the Magistrate thro' the Provincial Court of Circuit. Of these escapes 1 was from the Jail, 2 from the Hospital, and 4 from outside.—

Nellore. Four persons only escaped from this Jail during the period in question, and of these, three were immediately reapprehended, the remark on the conduct of the Guntoor Guards is applicable to those employed at Nellore. The arrangements in these two Jails appear highly creditable to all concerned.—

Western Division Canara Zilla Court. Of the Mangalore Prisoners, 14 persons effected their escape during the period refered to, while employed outside of these 11

were reapprehended on the same day, and 1 only is still at large—

Honore. From this Jail there have been no escapes since 1832 inclusive.—

Sircy. The number of Prisoners who escaped from the Sircy Jail since the 1st of January 1832, amounts to 19 (including 2 who were reapprehended in the same day) of whom 12 Persons are still at Large; Of these 19, fifteen escaped from the Jail, and the remainder while employed outside; fresh instructions should be issued in order if possible to effect the apprehension of those who are still at large.—

Calicut. Forty two Prisoners made their escape from this Jail during the period refered to. 20 of them on one occasion by rising on their Guards in the Jail, and 17 on another by scaling the wall unknown to the Guards; only one of these 42 escaped while outside the Jail, and all have been reapprehended excepting 8, for whose capture fresh instructions should be issued.

Tellicherry. Only 3 persons escaped from this Jail since the 1st January 1832, of these 1 was reapprehended on the same day, and 1 only is still at large: two of these escaped secretly from the

the Jail, and the other while "at the sea beach".

Centre Division.

Chittoor. The number of persons erroneously entered in the Statement as having escaped from the Jail at Chittoor is 132, but of these all who attacked the Guards while at work on the 11th of July 1853, to the number of 98, did not effect their escape, but only attempted to do so, and were most severely handled in consequence; the number therefore who actually escaped during the last five years amounts only to 34, of whom 3 were re-apprehended on the same day - the number of Prisoners escaped who have not been re-apprehended amounts to 21, for whose recovery fresh instructions should be issued to the Magistrate; Of these escapes only four were from the Jail and the rest from working parties.

Cuddapah. From Cuddapah the escapes have been only 11 persons, of whom 2 persons were reapprehended on the same day, and 5 are still at large; 6 of these persons effected their escape from the Jail, and 5 while outside.

Cumbum. Fourteen persons escaped from Cumbum, namely 7 from the Jail, and 7 from outside; Of the total number, 10 are still at large, and lists and fresh instructions should be furnished to the Magistrate.

From

From this Jail the number of persons who escaped amounts to 11, 6 of whom effected their escape only a short time ago from the Cowardice of the Coons employed over them while at work. These 6, and 3 others, are still at large; Of the total number one escaped from the Jail, two from the hospital, and the rest while working outside.

Bellaree.

Chingleput. Twenty two persons effected their escape from Chingleput, of whom 8 were re-apprehended on the same day, and 8 are still at large, all of these were escapes from outside the Jail; fresh orders for the apprehension of the 8 persons should be issued.

Cuddalore. Twenty nine persons effected their escape at this Station, but of these 16 were re-apprehended on the same day, and 6 only are still at large. All these excepting 2 persons escaped from outside the Jail.

Southern Division.

Madura. During the last 5 years only 7 persons have escaped from this Jail, one of whom murdered the peon in charge of him at the place of work, and went off, and the rest escaped from the hospital; of these, 3 were reapprehended including the murderer, and 4 are still at large,

for

Tinnevelly

for whose recapture new instructions should be issued.

From this Jail during the period under review there have been no escapes.

Combaconum.

Twenty five persons have escaped from this Jail within the term specified, of whom 17 have been re-apprehended; of the 8 remaining at large only 2 are Convicts, for whose re-apprehension new exertions should be made, 4 of these persons effected their escape from the hospital, and 21 while employed outside the Jail, the greater part being prisoners on requisition of security.

Salem.

The escaped persons from the Jail at this station amount to only six, of whom only one person is still at large, and he is not a convict; five of the six escaped from the guard, outside, and one from the Jail.

Coimbatore.

The number of Persons who have escaped at Coimbatore, including 18 lately reported, amounts to 38, being 21 from the Jail, and the remaining 17 from custody while outside; of these 11 only have been re-apprehended, but exertions are being made to recapture the 18, who lately escaped.

Jails under Collectors and Magistrates.
Trichinopoly

The number entered as having escaped from this Jail is 55, but of these five were

were killed in the attempt at escape, and two were re-apprehended on the same day, so that in fact 28 only effected escape; of these 8 are still at large, and fresh exertions should be made for their re-apprehension; only one person escaped from the Jail, the rest were escapes from working parties.

Salem.

From the Convicts under the Magistrate of this District, 3 only have made their escape, of whom 2 were re-apprehended, and one only is still at large. The 3 escapes were effected while out at work.

Tanjore

There have been no escapes

Coimbatore

from the Jails under the Magistrates of Tanjore and Coimbatore.

Guntoor.

Of the Convicts under charge of the Magistrate of Guntoor, only 2 have escaped, of whom 1 was re-apprehended.

Jails under Military Officers.
Ootacamund.

The number of escaped convicts from this Jail is 20, of whom 6 only have been re-apprehended; Of the total number, 4 escaped from the Jail, and 16 while at work; fresh exertions for the re-apprehension of those still at large should be directed.

Cannanore.
Samulcottah
Arnee.

From these Jails there have been no escapes.

From

22nd April 1837.

Vellore.

From this jail one person only escaped, and he has been recaptured.

Arcot.

Three only of the Convicts employed at this station effected their escape while outside the Jail. These men murdered the Peon and as have not been reapprehended, enquiry should be made by the Provincial Court in the Centre Division as to what steps have been taken for their seizure, and the Magistrate should be required to use every exertion for their re-apprehension.

The Convicts under the Magistrate of Chingleput at Poonamalee, and those at Guindy, the Mount, and Palaveram, having been at those stations for so short a period, no reports have been required from the Officers in charge. The Court are however aware that there have been several instances of escapes from Guindy, the totab number reported being sixteen.

Upon examination of the Statement of escapes, the relative disproportion between the number of escapes from amongst the Prisoners at the regular Jails, and from those under charge of Collectors and Magistrates, and Military Officers, is remarkable. With the exception of those from Trichinopoly and Cotacamund, the escapes from the Jails

4)

Fr. Do:

22nd April 1837. Jails under Collectors and Magistrates and Military Officers are very few indeed.

This may be accounted for, as far as regards the Convicts under the Magistrates of Salem and Coimbatore, from the circumstance of their establishments being much more effective than those attached to the regular Jails, but this does not appear to be the case as regards the large body of Convicts which for several years has been under the charge of the Magistrate of Tanjore, amongst whom there has been no escape, and only one attempt at escape, by one Person during the whole period embraced in the returns, since that period however there has been a desperate attempt at escape; as specially reported to Government on the 14th Instant.

It may be that the Convicts under the Officers referred to are not kept under the strict discipline that they find in regular Jails, or that the regular Jail establishment of Peons, in the case of the Magistrates, are aided in their duties by Peons from the Collectors Establishment, and in the case of the Military by a Sepoy guard, and consequently that the desire, as well as their

opportunities

opportunities, to effect an escape, are not so great.

It appears to the Judges unquestionable that the plan of a fluctuating guard has not answered, and that until the condition of the Peons has been amended, and themselves more effectually superintended, no improvement in respect to their efficiency can be looked for.

The number of Officers over the Peons, namely one Duffadar for every twenty five Peons, is totally inadequate for this purpose, and consequently while the Prisoners are at work in different gangs there is no sufficient control exercised either over them, or over the Peons, who guard them; and this is no doubt one of the reasons why their labour is so unproductive.

The Court of Foujdaree Adalut entirely agree with Mr. Nelson and Mr. Strange in thinking that the prospect of promotion would be a powerful stimulus to exertion and good behaviour on the part of the Peons; and considering it vain to expect any improvement in their efficiency so long as their situations are not permanently secured to them, the Court approve of the plan suggested by Mr. George Bird and Mr. Forsyth of fixing annually the

the number of guards over the Prisoners liable to work in each Jail, and the Court would suggest that the number to be permanently retained be determined on at the commencement of the Fusly.

The Court are not of opinion that any mistake was committed in regulating the guard at the rate of 1 Peon to every 4 Prisoners worked outside the Jail, but there seems to have been no allowance made on account of sick and absent Peons, an omission which has rendered the condition of the Peon much worse than it otherwise would have been; in as much as no peon can now be absent for a day without finding a substitute. On this account therefore and in order to strengthen the guards when Prisoners are worked in small parties, a measure which it is essentially necessary should be provided for, the Court would recommend that at the time of fixing the number of the guard for the year, an extra number as should be allowed for this purpose; and they conceive that 4. per cent in excess of the proportion of 1 Peon to 4 Prisoners would be found sufficient.

Native Superintendence over the Jail Establishment the Court would recommend should

should be increased from 1 Duffadar to every 25 Peons, to 1 Duffadar and 1 Naig for every 20 Peons, the pay of the former being as at present 7 Rupees per Mensem, and that of the latter 6 Rupees monthly; and although the Government have lately declined to authorize any increase of the pay of the Bellaree Peons, who at present receive no more than Rs. 4—1—4 each per Mensem, the Court of Foujdaree Udalut, for the reasons recorded at the commencement of these proceedings, strongly urge the necessity of placing these Peons, and also those employed in the Jails at Cuddapah and Chicacole, upon a footing with the same description of Guards at other stations, so that no Peon should receive less than 5 Rupees per Mensem.

Bellaree 4—1—4.
Cuddapah 4—15—9.
Chicacole 4—3—...

The increased expenditure which would be the consequence of these measures would be trifling in comparison with the cost now annually incurred for the re-apprehension of escaped Convicts, and when it is considered what injury is suffered by the people by the enlargement of men of the most reckless and desperate Character, the Government will no doubt concur in opinion with the Court of Foujdaree Udalut as to the expediency of the additional charge.—

It

It appears also indispensably necessary that some improvement should be effected in respect to the arms of the guards, and no better suggestion presents itself to the Court, than that of providing a proportion of the Peons with fire arms to be supplied by Government from the Arsenal.—

The number of Peons who should be armed with Carbines or light muskets with Bayonet should be at the rate of two of every ten Peons, and each Officer should be armed with a Pistol.—

Improvement also is needed in the mode in which Convicts are ironed; if the fetters of the Prisoners could be supplied from the Arsenals, or if the Officers in charge of Jails could be supplied with irons made on a better principle than those now in use, so that it would be impracticable to remove them without the aid of a smith, the chances of escape would be most materially reduced.—At present a Prisoner finds not the least difficulty in extricating himself from his irons by means of a stone.—

In

In the 10th Para: of the proceedings of this Court of the 10th of September last, the employment of European Jailors in the different Jails of this Presidency was recommended, and in the 5th Para: of the Minutes of Consultation of the 22nd of November last, it was directed that a special Report on the subject should be called for from the Judge of Chingleput.

A Report on the subject has been obtained from Mr Horsley, and also from Mr Morehead, late Joint Criminal Judge of Cuddalore, at whose Jail this Court were aware a European Jailor was employed. The Gentlemen in question have in their reports, herewith submitted, shewn the great advantages to be derived from the employment of European Jailors, not only as regards the safe custody of the Prisoners, but also with reference to the employment of the Convicts, and the latter Officer has stated that no extra expense has been incurred on that account in the Jail at Cuddalore.

If the Government would authorise the appointment of a Pensioned European, upon the pay authorized to the Jailor, at each Jail, and

would allow the Convicts to erect a house for his accommodation as has been done at Cuddalore, there would appear to be neither difficulty nor increased expence attending the adoption of the measure, supposing proper persons could be found for the situation.

Ordered, that the Reports above-mentioned with extract of these proceedings be sent to the Chief Secretary to Government, for the consideration and orders of the Right Honorable the Governor in Council.

(Section No. 36.)

Read the Salem Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of March.

(Were entered No. 809.)

Sub/ Jt. Report Case 15.

This case is stated to be still undisposed of in consequence of the absence of the Prosecutor who "is reported to be sick." The Court of Foujdaree Udalut require to be informed whether the attendance of the Prosecutor is absolutely necessary, or whether the investigation of the case might not be proceeded with on the prosecution of the Government Vakeel.

This

22nd April 1857.

Case 21

2 This case also appears to be delayed by non attendance of the Prosecutrix: But no reason having been given why her presence cannot be procured the Court direct that the case may be now explained.

Report V Case 38

3 With reference to the prevalence in this District of the crime of Cattle stealing and the circumstances of this case the Court of Foujdaree Adalut are of opinion that the sentence recorded is objectionably lenient.

Case 47

4 Under the circumstances noticed in the order of the Criminal Judge on this case the Court of Foujdaree Adalut resolve to direct that copy of the case as it stands in the Report, and of this paragraph be sent by the Criminal Judge to the Magistrate, who will be pleased to enquire into the proceedings in the Talook, and report whether he has considered it necessary to take any and what notice of the conduct of the Parties alleged to have been concerned.

Case 52

5 The acting Criminal Judge will likewise send a copy of this case, so far as regards the delay of 7 days as it stands in the Report and of this paragraph to the Magistrate who will be pleased to ascertain and report the reason of its

See C.R. F.Re. of the 18th June 1832 p. 220 of the printed orders

detention

F. Re.

22nd April 1857

detention of the prisoners in the Talook.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Salem for his information and guidance by Perruptachumbo on 9 days after receipt.

(Sent following Precpt. No 570.

Read return dated the 15th Instant, from the Criminal Judge at Cuddapah to the Precept of the Foujdaree Adalut of the 8th Instant calling for Translations of the examinations of the prisoner in Case No 30 of the Cuddapah Criminal Report No V for the Month of February 1857.

(Here enter No 737.)

Read also again return, dated the 8th Instant, from the same Officer to the Precpt of the Foujdaree Adalut of the 22d Ultimo, conveying the orders of the Foujdaree Adalut on the Cuddapah and Cuddalore Criminal Reports for the Month of February 1857.

(Here enter No 719.)

1 It appears from the above that the examinations taken from the prisoners Chatter Sahib &c on which the alleged Perjury is instituted were taken on the same day, and the Court of Foujdaree Adalut do not find that the several requisite precautions required by the Circular Order of the 30th January 1814, to be observed previous to the commitment of a Prisoner for the graver offence, were adopted towards

22nd April 1857

Order No. 7

(Here enter No. 785)

Read return, dated the 10th Instant
from the 5th Judge on Circuit on the Central Division
to Precept of the Faujdaree Udalut of the 6th Instant,
enlarging the order of the Faujdaree Udalut on the
Bullary Calendar for the 1st Sessions 1857

(Here enter No. 786)

Read return, dated the 6th Instant
from the 5th Judge on Circuit on the Central Division
to Precept of Faujdaree Udalut of the 17th Ultimo,
enlarging their orders on the Cuddapah Primary and
Supplemental Calendars and on the Cumbum
Calendar for the 1st Sessions 1857

(Here enter No. 788)

Read return, dated the 11th Instant,
from the Judges of the Provincial Court of Circuit on
the Southern Division, to Precept of the Faujdaree Udalut
of the 28th February last cancelling Circular Order No. 7.

(Here enter No. 789)

Read return, dated the 11th Instant
from the Acting 2nd Judge late on Circuit on the
Northern Division, to Precept of the Faujdaree Udalut
of the 6th Instant, directing release of the prisoners noted
in cl 2 of the Primary and in cl 1 and 2 of the Supplemental Vizagapatam
Calendars for the 2nd Sessions 1856, and admitting
him

Cancel this proceeding whether or not they consider the
examinations in question were of that distinct
nature which they ought to have been to make the
charges of Perjury to be substantiated in accordance
with the provisions of Regulation III of 1826, the Court
of Faujdaree Udalut are clearly of opinion that the
commitment cannot stand, in as much as the
procession of proceeding which the Circular Order above
alluded declares to be absolutely necessary has been
omitted.

2. The Criminal Judge will accordingly
be pleased to annul the order of commitment and
release the prisoner with a suitable admonition.

Ordered, that extract from these
proceedings be sent to the Criminal Judge at Cuddapah
for his information and guidance by Precept returnable
in 5 days after receipt.

(Sent following Precept No. 571)

Read Criminal Reports dated the
1st Ultimo from the Joint Criminal Judge and Temporary
for the Months of March 1857

(Here enter No. 779.)

Read return, dated the 6th Instant from
the Judges of the Provincial Court of Circuit in the
Western Division, to Precept of the Faujdaree Udalut
of the 28th February last, cancelling Circular
Order

22

22nd April 1837

Sd

him on account of the irregularities in the proceedings held in those cases)

(Here enter N° 792)

Read return dated the 15th February last from the Provincial Court of Circuit in the Northern Division to the Precept of the Inspector Udalut dated the 27th January 1837 calling for the Statement of escapes from the Jail under charge of the Magistrate of Tyrone

(Here enter N° 637)

Read letter dated the 20th Ultimo last from the Provincial Court of Circuit in the Western Division forwarding copies of a letter and of its accompaniments from the Deputy Assistant Commissary General in charge of the Jail at Carnarvon and reporting that the statement furnished by that Officer respecting the escapes is a Blank one

(Here enter N° 1430)

Read Inspector's letter dated the 27th February last from the Provincial Court of Circuit in the Northern Division to the Precept of the Inspector Udalut dated the 27th January 1837 calling for the Statement of escapes from the Jail under charge of the Magistrate of Tyrone

(Here enter N° 1434)

Read

7.

23rd April 1837

Read letter dated the 27th February last from the Provincial Court of Circuit in the Northern Division forwarding copy of a letter received from the Officer Commanding Sirmoor Bttn stating that no escapes have been effected from the Jails under his charge and reporting the strength of the Military Guards

(Here enter N° 799)

Read return dated the 16th December last from the Provincial Court of Circuit in the Central Division to the Precept dated the 12th Ultimo directing that the General Officers in charge of Jails be called upon to report what measures in their opinion should be adopted in order to render the Guards over the Convicts more efficient

(Here enter N° 2249 of 1836)

Read extract from the Minutes of Consultation dated the 27th December last stating that the Right Honble the Governor in Council is not prepared to entertain the suggestion entertained in para 3 of the letter from the Inspector Udalut of the 19th instant as to the probable increase of expenditure which will result from the proposed measure of employing European Guards in each of the Jails under the Presidency of Fort St George

(Here enter N° 2279 of 1836)

J. & C.

At a Court of the Fougdaree Udalut.

Present.

Monday
25th April 1837

John Bird Esqre —— 2d Puisne Judge
William Hudleston Esqre — 3d Puisne Judge

115 Read return dated the 10th Instant from the Acting 3d Judge late on Circuit in the Southern Division to the precept of the Fougdaree Udalut of the 17th Ultimo, calling for an English Translation of the record in case No 2 Cumbacoonum Calendar 2d Sessions 1836.—

(Here enter No 7604)

Read also again Petition presented on the 7th Ultimo by Nullumonay of the Zilla of Cumbacoonum.

(Here enter M.R. No 27 of 1837)

The Court of Fougdaree Udalut having attentively considered the record of the above trial concur in the opinion of the Presiding Judge as to the conviction of the Prisoner, Narainpillay of a gang fraud. They cannot therefore disturb the Sentence passed.

Ordered accordingly that the Petitioner be informed that the Prayer of his Petition No 27 cannot be complied with, and that a Copy from those proceedings be furnished

24th April 1837.

furnished to the Petitioner on her application.

Ordered that Extract from these proceedings be transmitted to the Acting 3d Judge late on Circuit in the Southern Division for his information.

(Sent in № 580)

Read the Pollums Criminal Reports prescribed by Section XXXI Regulation X of 1816 for the Month of March.

(Here enter № 823)

Suppl. Report Cases 16. 1 The Court of Fouzdaree Adawlut regret to observe that cases still under examination: they require to be informed what steps have been taken to procure the attendance of the necessary witnesses, and what reason, if any, has been assigned for their not having been transmitted to the Criminal Court.

Case 23. 2 So great a detail of the evidence in a case as it given in № 23 does not appear to the Fouzdaree Adawlut requisite in the Criminal Reports. They do not expect the depositions of the several Witnesses to be given, but simply a concise note shewing in substance what has been deposed, and what forms the ground of the order of the Criminal Court. The Criminal Judge should instruct the Writers in his Establishment to draw up the Reports so as to prevent a waste of Stationery. In the present Supplemental report it appears that this point has

24th April 1837.

not been attended to.

Report Case 37. 3 This being a case of cattle stealing Clause 4th Section III Regulation VI 1822 should have been cited, instead of Section VII Regulation X of 1816, as the authority for the sentence.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Pollums for his information and guidance by Receipt returnable in 3 days after receipt.

(Sent following Receipt № 581)

Read return dated the 18th from the Acting 4th Judge on Circuit in the Southern Division to the Receipt of the Fouzdaree Adawlut of the 15th Instant conveying their orders and observations upon the Shirnawthy Calendar 1st Sessions 1837.

(Here enter № 827)

Case 11th 1 With reference to para. 6 of the above return explaining the reason why the Acting 1st Judge passed sentence on the prisoner in this case under Clause 4th Section IX Regulation XV of 1803, the Court of Fouzdaree Adawlut desire it to be pointed out to him that, in the case № 39 for the 1st Sessions of 1835, the Fouzdaree Adawlut found it necessary to adopt a similar course to that which they pursued on this instance in their proceedings of the 15th instant.

2 The Court of Fouzdaree Adawlut con-

19 May 1835 Sent to the 1st Judge on Circuit in the Ist Div. on the latter

24th April 1837

conclude that their proceedings of the 26th March, and 19th May 1835 were duly lodged, as prescribed by the Circular Orders, with the Provincial Court of Circuit on the return of the 1st Judge to the Sudr Station, and will be found among their records

3. Under the circumstances of the case, and agreeably to the recommendation of the Acting 1st Judge, the Court of Faujdaree Udalut resolve to authorize a mitigation to 5 five years imprisonment, with hard labour as regards of the punishment to which the prisoner Maya Sawen has rendered himself liable.

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge on Circuit in the Southern Division for his information and guidance by the first returnable in 3 days after receipt.

(Sent following Extract No. 582.)

Jungama Chetty of the Zilla of Nellore, moved the Court to return the records in his Resettlement Petition No. 96 of 1836.

Ordered according by.

F. C.

F. C.

At a Court of the Faujdaree Udalut.

Present

Tuesday 25th April 1837 — John Bird Esqr. — 2nd Puisne Judge.

William Maddleston Esqr. 3rd Puisne Judge.

Read again letter dated the 3rd Instant from W. C. Arbuthnot Esqr. Special Commissioner at Chicacole, submitting for the judgment of the Faujdaree Udalut the Record of Proceedings held in case No. 13 laid before the Special Court by the Magistrate of Vizagapatam, under instructions from the Honorable G. E. Russell Esqr.

(Here enter F. C. No. 517 of 1837.)

Read also Order of Government dated the 18th Instant, communicating the observations and orders of Government on the Proceedings of the Faujdaree Udalut of the 6th Instant with which was forwarded Trial No. 13 of the Chicacole Special Commission.

(Here enter No. 815.)

Under the authority of the Right Honorable the Governor in Council the Court do accordingly direct that the Prisoner Gokondah Sumalo be put by

&c.

25th April 1857.

be banished to the District of Bellary, and there to be imprisoned on the Hill Fort at Gandy for and during the period of his natural life and that the Prisoner

4th Patela Appagrandoo

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

Orders will be issued by the Right Honorable the Governor in Council as to the disposal of these seven Prisoners Viz.

2nd Pedda Appa Hetteerungo

3rd Thoogathariff

4th Bolloo Balaraindoo

5th Mudsun Sheriff

6th Mahomedan Boatswain

7th Bangodoo Cummadi

and

8th Bangodoo Boatswain

and in the mean time the Court of Foujdaree Adaulut direct that they be detained in confinement.

The Court likewise direct that extract from their proceedings under date the 1st Instant be sent for the information and guidance of the Criminal Appeal Commissioners

(Sent following Letter No. 384)

Read

25th April 1857.

Read letter dated the 16th Instant, from the Head Assistant Magistrate in charge of the Zillah of Rajahmundry, forwarding the explanation called for by the Foujdaree Adaulut on the 22nd Ultimo relative to the Case No. 4 of the Supplemental Rajahmundry Criminal Report for February last.

(Here enter No. 353)

Read return, dated the 18th Instant, from the Criminal Judge of Combaconum, to the Receipt of the Foujdaree Adaulut dated the 29th March 1857, containing their observations on the Criminal Reports for the Month of February 1857.

(Here enter No. 355)

Read letter dated the 20th Instant, from the Acting 2nd Judge of the Court of Circuit in the Northern Division, reporting the opening of the 2nd Quarterly Sessions for 1857.

(Here enter No. 362)

Read letter, dated the 22nd Instant, from the Officiating 2nd Judge of the Court of Circuit in the Central Division, transmitting the Quarterly Calendar for the 2nd Quarter Sessions of 1857.

(Here enter No. 345)

Read

25th April 1837.

Read Statement, dated the 31st Ultimo from the Magestrate of Coimbatore of labor of the Convicts under charge of the Magistrate of Coimbatore for March 1837.

(Here enter No. 316)

Read letter dated the 2d Instant, from the Acting 3d Judge on Circuit in the Northern Division, reporting that Receipt has been issued for the opening of the 1st Sessions of 1837 at Vizagapatam.

(Here enter No. 318)

Read letter dated the 30 January last from the Registrar of Circuits in the Western Division, Forwarding a Copy of a letter from the Criminal Judge of Canara, with the Roll & Return required by the Circular Order of the 8th December last No. 56. and stating that the Criminal and Circuit Criminal Judge of Malabar and Acting Principal Sudr Ameen of Mangalore have Reported that there are no Works under their Superintendence of the Nature Referred to in the Circular Order in question.

Here enter No. 233

Read letter dated the 8 February last from the Registrar of Circuits in the Northern Division Forwarding Returns Required by Circular Order No. 45 dated 18th May 1836.

Here enter No. 123

At a Court of the Foujdaree Udalut.

Present,

Wednesday, 26th April, 1837. John Bird Esqr. 1st Puisne Judge.
William Rudhestone Esqr. 3d Puisne Judge.

Read the Circuit Criminal Returns & Reports prescribed by Section XXXV Regulation X 1816 for the month of March.

(Here enter No. 840)

Return & Code No. 11

In this Case, of the four prisoners the first three were charged with murder, the fourth with harbouring & instigating the other prisoners to commit the crime. The important evidence in the case appears to be that of the deceased's son who is described as a boy of 6 years of age, and incompetent of understanding the nature of an oath. The Court of Foujdaree Udalut do not observe that the course prescribed by the Circular Order 12th July 1825 page 135 of the printed orders, in cases where the evidence of persons of tender age is to be received, was adopted in the present occasion, and they accordingly desire that the attention of the acting Joint Criminal Judge be pointed to these orders and at the same time that he be advised of the inutility of taking as he has done in this instance, the whole of that from

proceedings be forwarded to the Criminal Judge of Salem for his information and guidance (Sent in No 589.)

Read letter dated the 15th Instant from the Acting Criminal Judge at Rajahmundry, inclosing the report for last Month of the 100 Prisoners on work at Samulcottah (Here enter No 817)

Read letter dated the 11th Instant from the Provincial Court of Circuit for the Western Division, submitting the Six Criminal Reports for March (Here enter No 819)

Read return, dated the 19th Instant from the Criminal Judge of Tellicherry deputed to the Sessions of the Tongalore Adawlut of the 17th Instant, requiring him to see that no abuse of authority is exercised in his Jail, with reference to the circumstances connected with the Petition presented to the Sunder Adawlut on which was referred to the Criminal Judge to report upon

(Here enter No 820)

F. 86.

At a Court of the Foujdaree Adawlut.

Present:

Thursday, 27th April 1837. John Bird Esqre ——— 2d Puisne Judge.
William Houdleston Esqre 3d Puisne Judge.

Circular Order

No 84.

1. The Court of Foujdaree Adawlut considering it expedient that their proceedings of the 30th December 1836 with respect to the points ascertaining pecuniary fees to which persons are required to prevent the Trial should be circulated for general information, resolve to direct that the following paras addressed to the 4th Judge of the Provincial Court of Circuit in the Northern Division be forwarded to the 4 Provincial Courts of Appeal for their information and guidance, a copy being also furnished by the Provincial Court to the Judges now on Circuit in each Division—

2. That the foregoing return the 4th Judge intimated that he adhered to the opinion, from which the dissent of this Court had been recorded, that written petitions to the complainant cannot be considered to be

27th April 1837

8. It is also to be borne in mind that these confessions are further authenticated by the signature of the Police Officer receiving them, and that should a case occur where the attesting witnesses might be unable to identify their own signatures or marks affixed to the confession, it is competent to the Court of Circuit to require the attendance of the police Officer, and if thought necessary of the writer of the confession for the purpose of proving its identity; but where this measure may be adopted neither of those persons can properly be required to depose without reference to the written record that such material facts were confessed, but only that the paper before the Court is the record of the confession of the prisoner at the bar.

Sent following Circular Order No 598.

Read Extract from the Minutes of Consultation under date the 31st of March 1837 communicating the observations and orders of the Right Honorable the Governor in Council on the Circuit Report of the 1st Judge of the Provincial Court of Circuit in the Northern Division for the 1st Sessions of 1836 & transmitting to Government with an Extract from the proceedings of the Fouzdaree Adawlut under date the 15th February 1837.

Rec'd entered No 6971

Fb:
27th April 1837

1. With reference to para: 1 of the Minutes of Consultation under date the 31st Ultimo - Ordered that the attention of the 1st Judge of the Provincial Court of Circuit in the Northern Division be called to the observations recorded by the Right Honorable the Governor in Council as to what may properly be comprised in a Circuit Report.

2. And adverting to the remarks recorded by the Right Honorable the Governor in Council at the conclusion of the same paras in respect to the large number of acquittals compared with the convictions in the Cases disposed of by the 1st Judge during the 1st Sessions of 1836, the Judges deem it proper to explain that, many of the 1st Judge's acquittals were disapproved of by the Court of Fouzdaree Adawlut -

3. With reference to para: 3 of the Minutes of Consultation above referred to, the 1st Judge will be pleased to furnish Mr Strong with a copy of para: 13 of his Circuit Report, and of the remarks recorded thereon by the Court of Fouzdaree Adawlut, and to call upon that Gentleman to submit an explanation of the neglect of duty charged to him therein -

4. With reference to para: 16 of the

the 1st Judge's report and para. 12 of the Proceedings of the Sessions held last of the 15th of February last, the 1st Judge is required to conform to the orders of the Right Honorable the Governor in Council conveyed in the 5th para. of the Minutes of Consultation under date the 31st Ultimo

5. Ordered that para. 6 of the Minutes of Consultation under date the 31st Ultimo with copy of para. 10 of the Minutes of Consultation under date the 21st Instant be forwarded to the Provincial Courts of Circuit in the Northern, Central and Southern Divisions by precept, returnable in 15 days from and after its precepts requiring them to communicate the same to the several Magistrates within their jurisdiction for their information and guidance

(Sent following Precepts No. 1349.

Ordered that Extract from these proceedings together with copy of the Minutes of Consultation under date the 31st March 1837 be forwarded to the 1st Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance by precept returnable in 15 days from and after its receipt.

Sent following Precept No. 1350)

Ordered that Extract from the

these proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.-

(Sent in No. 601.)

67th 113

At a Court of the Foujdaree Udalut

Present,

Friday 28th. April 1837. John Bird Esqr. 2nd. Puisne Judge
William Hudleston Esqr. 3rd. Puisne Judge

115

Read the Calcutt Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of March — (Here inter No. 831)

Suffolk Report Case 38 — 1. The prisoner in this case does not appear to have been charged with housebreaking, nor does there seem to be any proof of this offence against him. The Court require an explanation on the point, as sentence has been awarded under Clause 6th Section II Regulation XL of 1832.—

Case 42. 2. The grounds upon which the order for security was issued in this case ought to have been pointed in the Report for the information of the Foujdaree Udalut.—

Case 61. 3. Section VII. Regulation XIII of 1832 seems to appear to have been quoted in support of the sentence in this case erroneously for Section XIII. Regulation XIII of 1832. But this provision does not apply according to the circumstances represented in the Report. The Court of Foujdaree Udalut direct that an explanation

At a Court of the Toungdaree Udalut

Present,

Friday 28th. April 1837. John Bird Esqre. 2nd. Puisne Judge
William Hudleston Esqre. 3rd. Puisne Judge

Read the Calcutt Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of March — Vide inte. No 831

Suppl. Report Cash 38

1. The prisoner in this case does not appear to have been charged with housebreaking, nor does there seem to be any proof of this offence against him. The Court require an explanation on the point, as sentence has been awarded under Calause 6th Section II Regulation XL of 1832.—

Code 42

2. The grounds upon which the order for security was passed in this case ought to have been stated in the Report for the information of the Toungdaree Udalut.—

Code 61

3. Section XII. Regulation XIII. of 1832 seems to appear to have been quoted in support of the sentence in this case erroneously for Section XIII. Regulation XIII. of 1832. But this provision does not apply according to the circumstances represented in the Report. The Court of Toungdaree Udalut direct that an explanation

explanation may be submitted to them.

Report V. Case 62. 4. Of the grounds of the detention in this case does the Court require further explanation. It does not appear to them that Clause 4th Section III Regulation VI. 1822 is applicable to it.

Ordered, that a Extract from these proceedings be sent to the Criminal Judge of Calcutta for his information and guidance by Receipt returned to us as long after as practicable the following Case [illegible] No. 604.

Read the Circular Criminal Reports prescribed by Section XXXV Regulation X. 1816 for the month of March. (Hereunto No. 832.)

Report V. Case 112. 1. The offence in this case charged against the prisoner would appear to fall under Clause 5th Section VIII Regulation XIII of 1832, and not under Section III Regulation VI. of 1822. In the note annexed to the case however it is stated, that the prisoner appeared to have committed the theft for the sake of the latter offence and knowing the stripes would be illegal and unjust to be inflicted.

Case 115. 2. The Acting Joint Criminal Judge will forward copy of this order and it stands in the Report area of this paragraph for the Magistrate, who will be pleased to intimate to the

the Police Officer who transmitted the case to the Joint Criminal Court, that wherever a delay occurs in consequence of a reference to the Circuit, the Circular Order No. 62 dated 16th February 1836, requires that a communication shall accompany this case explaining why that such has been the cause of the detention, and showing why the reference has been made.

Case 47. 3. Copy of this case and paragraph should hereafter be sent by the Acting Joint Criminal Judge to the Magistrate, who will transmit a Duplicate to the Zemindar on explanation of the detention of the prisoner in the Jail beyond the prescribed period.

Case 50. 4. The Circular Order 23d January 1833, at page 180 of the printed work, requires that in case wherein both the evidence for the Crown & prisoner should be recorded the Court Criminal Judge will be pleased to explain what the "answer" in this case was.

Case 58. 5. If the circumstances of this case have not been already communicated to the Magistrate, the Acting Criminal Judge will now send it, & if the case still stands on the Report end of this paragraph it should be inquired into the proceedings of this month & the result if known it may be stated in the next Report, & the case struck off the general Report as not appearing

Case 57. 6 The prisoner in this case having been before committed of "theft" the sentence of transportation then recorded under Clause 3d section III. of section XI of 1827 instead of Section VI. Chapter X of 1816.

Case 60. 7 With reference to the remarks of the Acting Second Criminal Judge in this case it is to be remarked that the offence of the Boy in allowing a prisoner to escape from his custody who had been committed to his care on a complaint of an attempt to steal is clearly distinct from the consideration of the legality or illegality of that commitment & the circumstance that the Boy could have no motive whatever for allowing the prisoner to escape must satisfy the Judge that although the prisoner in this charge effected his escape, the Boy must be liable to punishment under Clause 2 Section XI. Chapter X of 1816.

8 The Acting Second Criminal Judge having omitted to transmit the statement required by the Circular Order No. 87, he will be pleased to remit it forthwith, stating that none was taken in the case.

Ordered, that the Clerk of the Crown do write to the Acting Second Criminal Judge & the Commissioner for the information & instructions he thought necessary in 5 days after receipt.

(Sent following Circ. No. 603.)

Ent.

In the Court of the Recorder of Prince Edward Island.

Present,

Saturday 29th April 1837. Peter Byrd Esqr. ——— 2d Puisne Judge

William Huddleston Esqr. ——— 3d Puisne Judge

113

Read Letter dated 5th Instant from the Officiating 2d Judge stating an Appeal in the Queen Division between Mr. Bain Plaintiff in Case No. 4 of the Autumn Session for the 2d. County of 1836.

(Here enter No. 729.)

The Court of Appeals Island, on a deliberate consideration of all the circumstances of the case in evidence before them, think it proper that the proof against the prisoner

"Guilty"

be sufficient to warrant them in finding him guilty of murder under the authority of the 9th Geo. 4th Chap. 31 sec. 2d & the Statute 1st Victoria Chapter III. Regulation of 1837, & not the statute & under the provisions of Section X. Chapter VIII of 1832 sentence him to suffer death, he being brought at the usual time and place of execution.

(Court following Letter No. 610.)

Read Letter dated 7th Instant from the Officiating 2d Judge Acting as Clerk in the Queen Division, transmitting the Bill in Case No. 8 on the Calendar

Mr. Bain
and
Mr. Huddleston

Bellary Calendar for the 28 August 1834

(Here enter No 7609)

Mr Bird
Mr Huddleston

The Court of Enjore Cutcherry having entered
on their proceedings before the Court on Circuit
the petition of the Peninnee Sun of Jeina and the petition
of the Cazee and Cazee and Inspector of the Enjore
Cutcherry confirming the sentence of the Cazee and Court
and Inspector aforesaid, under which the prisoners petition
X Regulation VIII of 1832 adjudged the prisoner
Timpara Kempanagoda
to suffer death by being hanged by the neck till he
please of Guantee.—

(Cont following Letter No 611.)

Read a letter from Government under date the 28th
instant, transmitting the recommendation for the commutation originally
recorded by the eight Members who constituted the Circuit on the 25th
March last, under a Letter from the Court under date the 5th
Magistracy of Enjore attached thereto

(Here enter No 8094)

The circumstances under which the Court
of Enjore Cutcherry passed the sentence of death upon the
of the Magistrate of Enjore for the execution of the sentence
"Venkama" mentioned in the eight Members which is the majority
"Ramasawmy" &c as per 6—
"Chinny Boodgoo" &c as per 8—
"Ramasawmy" &c as per 9—
"Chundrasekhara" &c as per 10—
"Ramachella Naigue" as per 11—
"Ellan" — &c as per 12—
"Rangamtangen" &c as per 13—

Remark shown in Letter from the proceedings of
the 17th October, from the Right Honorable the Governor
in Council there was therefore the sentence of the
sentence, respecting the Court under date 8 April last

of the Extract from their proceedings of the 4th Instant be
sent to the Provincial Court of Circuit for the Southern
Division, who will be pleased to communicate the same
to the Magistrate of Enjore, and to carry into effect the
intention of the Government, and the Court in behalf of the
Council in granting to each of them the remission
mitigation of the punishment to which he has been legally
sentenced, should be distinctly and publicly made known
in the presence of all the Convicts in Gaol.—

2. So the other two prisoners Veeramma and
Venkatasawmy in whose behalf on the grounds specified
in para 7 XXX 12 and 13 of the proceedings of the 4th Instant,
the Enjore Cutcherry Court recommended their only to
a reversal or remission of punishment, the Magistrate of
Enjore should be instructed to communicate the same in
like manner above prescribed.—

3. The Provincial Court of Circuit will report
to the Enjore Cutcherry as soon as may be after receiving the proceedings
under the present instructions, what measures may be taken
and acted upon by the officers to whom they may be
addressed.—

Ordered, that Extract from the proceedings
with copy of the Extract from the proceedings of the
Enjore Cutcherry of the 4th Instant, be forwarded
to the Provincial Court of Circuit for the Southern Division

for

2d April 1857

for such information and evidence by Receipt returnable in one month after date.

Ent'd

113 (Cert. following Receipt No. 612) No 0

Fo 110.

At a Court of the Tongdance Udalut

Present,

Monday 1st May 1857 — John Bird Esqr. ——— 2nd Puisne Judge

William Ruddleston Esqr. 3d Puisne Judge

Read Petition presented on the

113 17th Ultimo by Coramsang late Duffadar of the

Jail at Coimbatore.

(Recorded in M. P. No 43.)

The Petitioner prays the Court, on

mature consideration of the circumstances set forth

by him in his present petition, to order his restora-

tion to the situation of Duffadar, from which

he alleges that he has been unjustly dismissed

in consequence of 16 prisoners having effected their

escape from the Jail at Coimbatore on the 9th

of January last.

2 The Court of Tongdance Udalut

have had before them the examinations taken

on the occasion of the escape in question;

and they conclude that the dismissal of

Petitioner was grounded on the opinion en-

tertained by Government of his conduct on the night

of the escape.

See p. 394 of Letter from the Md. Jud. Dept. to G. Govt. dated 4th February 1834

As

Sept 5

1st May 1837

3.

As, however, the Court have not been informed whether the Acting Joint Crimin Judge satisfied himself of the Petitioners knowled of the rules contained in the Circular Order No. 16 which he was understood to have knowingly v transgressed, the Court resolve to call upon the Acting Joint Criminal Judge for an explanati on the point.

Ordered accordingly that extrac from these proceedings be sent to the Acting Joint Criminal Judge at Coimbatore for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 613)

Read Petition presented on the 17th Ultimo by Audee Lutchmee of the Zilla of Guntoor

(Here enter M. P. No. 144 of 1837)

The petitioner prays the Court to order the release of her husband who has been unjustly, as she alleges, convicted and sentenced on case No. 6 of the Guntoor Calendar 1st Sessions of 1837.—

The Court direct that the Petitioner be informed that they have refined to the Calendar, and that they see no reason to question the justice of the conviction and sentence awarded on

1st May 1837.—

on her husband Alla Soobbarayadoo.—

Ordered accordingly, that the petition be rejected, and that extract from these proceedings be furnished to Petitioner on her application.—

Read Petition presented on the 17th Ultimo by Anguinmah of the Zilla of Salem

(Here enter M. P. No. 145.)

The Petitioner, representing herself to be the wife of "Vella Gounden" 1st prisoner in case No. 5 of the Salem Calendar for the Sessions 1837, prays the Court of Foujdaree Udalut to call for the record of the trial and to order the release of the said prisoner—

2 The Court of Foujdaree Udalut have refered to the Calendar, but they do not find in the case which the Petitioner has specified the name of "Vella Gounden."—

3. They accordingly direct that the Petitioner be required to inform the Court of the case to which it was intended in her Petition to refer.—

Ordered accordingly and that extract from these proceedings be furnished to Petitioner on her application.—

Read petition presented by Condummah

1st May 1837 - Condummah of the Zillah of Cuddapah.

(Here enter M. P. No. 46 of 1837)

The Petitioner who addressed the Court on the 10th Ultimo on behalf of her husband, a prisoner concerned in Case No. 19 of the Cuddapah Calendar for the 1st Sessions of 1837, and who was informed that the record of the Trial would be referred for the consideration of the Foujdaree Udalut, now prays the Court to suspend execution of the sentence passed by the Court of Circuit, until this Court may have had time to consider the record of the Trial.

2. The Court of Foujdaree Udalut in their proceedings of the 17th of March last, held on review of the Cuddapah Calendar for the 1st Sessions of the present year, directed that an English Translation of the proceedings of the case in question should be prepared and submitted for their consideration, to enable them to judge of the propriety of the conviction, and such order involved a suspension of the execution of the sentence, passed by the Court of Circuit, until the Court of Foujdaree Udalut shall have reviewed the Trial; but lest the instructions of the 17th of March last may have been otherwise understood by the

F. C.

1st May 1837 - the Judge of Circuit, the Court resolve to furnish him with an extract from these proceedings for his information and guidance.

Ordered accordingly that extract from these proceedings be forwarded to the 3rd Judge on Circuit in the Centre Division for his information.

(Sent in No. 614)

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

Read petition presented in person by Manicutti Thachoo Menon late a Gomastah in the Court of the District Moonsiff of Tellicherry.

(Here enter M. P. No. 47 of 1837)

1. The Petitioner with reference to the order passed by the Foujdaree Udalut on his petition No. 8 of 1837, complaining of the proceedings held by the Acting Joint Criminal Judge of Tellicherry in Case No. 29 of 1836, wherein Petitioner was charged with having extorted a bribe of 4 Rupees from the Plaintiff in a suit pending before the Tellicherry District Moonsiff

1st May 1837.

Moonsiff, endeavours in his present address to explain why his objections to the evidence against him were not laid before the Provincial Court of Circuit, by whom the proceedings of the Acting Joint Criminal Judge in the case in question were considered — asserts that the conduct of the Acting Joint Criminal Judge towards Petitioner, during his confinement, was oppressive; and concludes by praying that the proceedings of the Acting Joint Criminal Judge in the case in question may be called for by this Court, or that the Provincial Court of Circuit may be directed to look into them a second time, and if his statement be found to be correct, that he may be declared eligible for any other situation.

2. The Court of Foujdaree Udalut in their proceedings under date the 25th of April 1836, recorded their concurrence in the opinion expressed by the Provincial Court of Circuit in their proceedings under date the 11th March 1836, that the charge made against the Petitioner in Case No. 29 of 1836 of the file of the Joint Criminal Court was proved against him, and the Court of Foujdaree Udalut decline

1st May 1837.

decline acceding to the prayer of the present petition that the case in question may be reinvestigated.

3. The accusations of oppression contained in this petition, had there been any truth in them, might have been brought to the notice of the Court of Circuit during the period of his confinement, or to the Court of Circuit collectively immediately on his release, — as mere assertions they are not entitled to notice.

The prayer of the petition is rejected, and extract from these proceedings ordered to be furnished to the Petitioner on his application.

Read Petition presented on the 24th Ultimo by Tylummah of the Zilla of Combaconum.

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

1. The Petitioner, representing herself to be the wife of Navaloor Mootoosamiah prisoner in case No. 21 of the Combaconum Calendar 1st Session 1836, prays the Court of Foujdaree Udalut to order the release of her husband, who she alleges has been unjustly sentenced.

The Court direct that Petitioner

2. be informed that they have referred to the Calendar, and that they see no reason to question the justice of the sentence recorded in the said case No. 21.

Ordered accordingly, and that extract

1st May 1837.

extract from these proceedings be furnished to a Petitioner on her application.—

Read petition presented by Syed Fukeeroodeen.—

(Here enter M. P. No. 49 of 1837.)

The Petitioner complains of his having been removed, without sufficient cause, from the situation of Jail Peon which he held on the Jail Establishment at Guindy, and he prays that the Court will direct his restoration to office.—

Ordered, that the Petitioner be informed that an enquiry is being made in view to ascertain the nature of the offence for which he was dismissed by Mr. Lacon, from the Magistrates Establishment at Cuddapah; and on the receipt of the necessary information, the Court of Foujdaree Adalut will determine on the propriety or otherwise of his removal from the Jail Establishment at Guindy.—

Ordered further, that extract from these proceedings be furnished to the Petitioner on his application.—

WB

Ex'd.

&c.

In a Court of the Foujdaree Adalut.

Present,

Wednesday, 3d May 1837.

John Bird Esqr. ——— 2d Puisne Judge.

William Sudlaton Esqr. ——— 3d Puisne Judge.

WB

Read return, dated the 24th Ultimo, from the Acting Joint Criminal Judge at Cuddalore to the Precept of the Foujdaree Adalut of the 20th Ultimo, enquiring the orders of the Foujdaree Adalut on the Cuddalore Criminal Report for the month of March.—

(Here enter No. 864)

Report V

Case 16

Under the explanation afforded in the above return, the Court of Foujdaree Adalut are of opinion that the Acting Joint Criminal Judge disposed of the case correctly, and it will be unnecessary for him to alter the sentence recorded in it.—

Case 14.

In this case also the explanation of the Acting Joint Criminal Judge is satisfactory — and the Court approve of the order he has passed on it.—

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

(Sent in No. 616.)

Read return, dated 27th Ultimo, from the Criminal Judge of Salem to the Precept of the Foujdaree Adalut dated 22d April 1837 conveying their observations and orders on the Salem Criminal Report for the month of March 1837.—

(Here enter No. 882)

Ann

Read return dated 27th Ultimo from the Acting Criminal Judge of Ivaadura to the Precept of the Inspicare Edictal dated 27th April 1837 conveying their observations and orders on the Criminal Reports for the months of March 1837.—

(Here enter No. 883)

Read letter, dated 28th Ultimo, from the Acting 1st Judge on Circuit in the Southern Division, stating the date on which he proposes to hold the 1st Sessions of 1837 at Galem.—

(Here enter No. 884)

Read return, dated 28th Ultimo, from the 2nd Criminal Judge at Trincomalee, to the Precepts of the Inspicare Edictal dated the 20th April 1837 conveying their observations and orders on the Criminal Reports of the Trincomalee Auxiliary Court for the months of March 1837.—

(Here enter No. 886.)

Read letter dated 28th Ultimo, from the Magistrate of Trincomalee, forwarding explanation called for by the Inspicare Edictal under date the 3d March last, on reviewing the Combaconum Criminal Reports for January last.—

(Here enter No. 892)

Read letter dated 1st. Instant, from Captain R. H. L. Otter in charge of the Convicts at Hambantotte, transmitting

transmitting Statement shewing the manner in which the Convicts at Hambantotte were employed during the months of March & April 1837.—

893

(Here enter No. 893)

Fr. No.

At a Court of the Foujdaree Adalut

Present,

Thursday 4th. May 1837. John Bird Esqr. 2nd. Puisne Judge
William Cuddleston Esqr. 3rd. Puisne Judge

Read letter, dated the 7th. Ultimo,

No. 78 from the Acting 3rd. Judge on Circuit in the Northern Division, transmitting the record of the trial in case No. 2 Guntoor Calendar 1st. Sessions 1837.

(Here enter No. 777.)

Question.

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

Parvbaina Condrah alias Elchooloo,

is sufficient to convict him of the crime of "wounding with intent to kill," do, under the authority with which they are vested by Clause 1st. Section II Regulation I. of 1818 convict him thereof, and, in conformity with Clause 2nd. of the same Section and Regulation direct their Law Officers to declare by a second futwa to what sentence the prisoner would have been liable under the Mahomedan Law, if he had been convicted by

4th May 1837 by full legal evidence.

Answer.

In the event of the crime of wounding, with intent to kill, being established against the prisoner by full legal evidence, he would be liable to Ookoobut.

Mr. Bird and Mr. Huddleston

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwas of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, concur in the conviction of the prisoner Paraboina Condiah, alias Mekoolo, of the crime of wounding with intent to kill, and under the sentence of Ookoobut, declared in the said futwa, and, under Clause 3d Section VII. Regulation XV. of 1803, direct that he 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.

The Court of Foujdaree Udalut having disposed of the above case, direct that the

4th May 1837 the Acting 3d Judge be informed that the sentence recorded upon the prisoner has been passed on the ground of a doubt as to the immediate cause of the death of the deceased: and further that he be advised that the principle of apportioning the punishment according to the degree of proof, rather than the degree of guilt and criminality of the act established against a prisoner, avowed by the Acting 3d Judge at the conclusion of his letter accompanying the trial, is denounced in the Preamble to Regulation XV. of 1803, and has often been declared erroneous by the Foujdaree Udalut.

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

(Sent following letter No. 627)

Read letter dated the 18th Ultimo from the Acting 1st Judge on Circuit in the Southern Division, transmitting the trials in Cases Nos. 3 4 and 6 of the Madura Supplemental Calendar for the 1st Sessions 1837.

(Here enter No. 828.)

Case No. 4
Mr. Bird and Mr. Huddleston.

The Court of Foujdaree Udalut having maturely considered the proceedings held

4th May 1837

held before the Judge on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, concur in opinion that the prisoner

1st Soobbaroyen

and

2nd Seravaly Cooty

are not convicted on strong presumptive proof, or on the evidence of credible witnesses, or on their own confessions, notwithstanding the futwa of their Law Officers, and acquit them accordingly; but considering that strong suspicion, though not amounting to conviction, attaches to the said prisoners, they direct under Clause 6th Section II Regulation XV of 1808 that they be respectively required to furnish security for their good behaviour and appearance when required, within (2) two years, in two sureties of one hundred Rupees each surety, or in default thereof that they be respectively detained in confinement for that period.

The Court of Foujdaree Udalut perceiving that the 2nd prisoner

Seravaly Cooty

in the above* case, is also concerned in Case No 1 of the same Calendar, deem it proper to direct that

* No 4.

F. 40.

4th May 1837. that the above order for requisition of security from him, be not carried into effect, unless he should be eventually acquitted of the crime with which he is charged in the said case No 1.

2. The Court of Foujdaree Udalut have considered the prisoners in this case* entitled to acquittal, because of the inconsistencies observable in the evidence of the witnesses for the prosecution.

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

(Sent following letter No 628)

* No 4.

Case No 6.

Mr Bird
and
Mr Budleston

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, concur in opinion that the prisoner

Soobramoonien

is not convicted on strong presumptive proof, or on the evidence of credible witnesses, or on his own confession, notwithstanding the futwah

futwah of their Law Officers, and acquit him accordingly; but considering that strong suspicion, though not amounting to conviction, attaches to him, they direct, under Clause 6th Section II Regulation XV of 1803, that he be required to furnish security for his good behaviour and appearance when required within (2) two years, in two sureties of 100 Rupees each surety, or, in default thereof, that he be detained in confinement for that period.

1. The Court of Faydaree Udalut perceiving that the above prisoner

Soobramoneyen

is concerned also in Case No. 1 of the same Calendar, deem it proper to direct that their order in this case for the requisition of security from him be not carried into effect, unless he should be eventually declared not convicted of the crime with which he is charged in that case.

2. The Court of Faydaree Udalut are of opinion that there is sufficient proof that an affray took place, and that the Prosecutor's relative was killed on the occasion: But they cannot place any dependance on the evidence to establish the fact of the prisoner having been a party concerned. It does not appear that the witnesses knew him previous to the occurrence, and there are grounds to

to suppose that they derived their information as to the alleged assailants from the Prosecutor himself, and not from their own observations.

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

(Sent following letter No. 629.)

It is observed that in case No. 4,

1. the second prisoner

Seravaly Cooty

and that in case No. 6 the prisoner

Soobramoneyen

appear as prisoners also in case No. 1 of the above Calendar.

2. The Court of Faydaree Udalut resolve to direct that the English and Persian translation of the said trial No. 1 on the Madura Supplemental Calendar for the 1st Sessions 1837 be submitted for their consideration and final judgment.

Ordered accordingly, that extract from these proceedings be sent to the Acting 1st Judge on Circuit in the Southern Division for his information and guidance by Precept returnable in 15 days after receipt.

(Sent following Precept No. 630)

Read

4th May 1857

Read letter dated the 27th Ultimo, from the Magistrate of Tellicherry, forwarding explanation called for by the Sudder Adalut in their proceedings of the 3d of March last, reviewing the Combaconum Criminal Reports for the month of January 1857.

(Here enter No. 881)

Report V
Case 41

1.

The Magistrate after explaining, in the above letter, the cause of the detention of the prisoners in this case in the Talook and stating that the Head of Police "has been fined and severely reprimanded", adds "It is hoped that this explanation will be satisfactory to the Court, added to that already furnished by the Head of Police, which was chiefly, it is to be supposed, laid before the Sudder Adalut although, as no part is given in the copy of this case received from the Criminal Court, it is not discoverable how much of it was omitted, as immaterial or too lengthy for insertion in the Criminal Report.

2.

From this it appears that a part only of the case No. 41 was transmitted by the Criminal Court to the Magistrate, and the Sudder Adalut accordingly direct it may be pointed out to the Criminal Judge, that the case as it stood in the Report viz. copy of so much of the Criminal Report as refered to this case, should have been sent to the Magistrate and that such

S. Ud.
4th May 1857

such is the intention of the Sudder Adalut whenever, on review of the Criminal Reports, they direct a "copy of the case" to be furnished to the Magistrate.

Ordered, that extract from these proceedings be sent to the Criminal Judge at Combaconum for his information.

(Sent in No. 631)

113

Read return dated the 24th Ultimo from the Provincial Court of Circuit in the Western Division to the Precept of the Sudder Adalut, dated the 3d April 1837, forwarding copy of an extract from the Sudder Adalut proceedings of that date on the Report of the 1st Judge on Circuit in the Centre Division relative to the expediency of encouraging the Natives to put their initials on their moveables and keep inventories of their Jewels for Communication to the Magistracy of Malabar and Canara.

(Here enter No. 878)

Read return dated the 22d Ultimo from the Acting Principal Sudr Ameen at Honore to the Precept of the Sudder Adalut dated 12th April 1837 directing the return to "Summa Summa" prisoner in cases 13 14 and 15 of the Honore Criminal Reports

4th May 1857

Read letter dated the 27th Ultimo, from the Magistrate of Tschinsoly, forwarding explanation called for by the Tsnjdaree Udalut in their proceedings of the 3rd of March last, reviewing the Combaconum Criminal Reports for the Month of January 1857.

(Here enter No. 881)

Report 4
Case 41

The Magistrate after explaining, in the above letter, the cause of the detention of the prisoners in this case in the Talook, and stating that the Head of Police "has been fined and severely reprimanded", adds. "It is hoped that this explanation will be satisfactory to the Court, added to that already furnished by the Head of Police, which was chiefly, it is to be supposed, laid before the Tsnjdaree Udalut although, as no part is given in the copy of this case received from the Criminal Court, it is not discoverable how much of it was omitted, as immaterial or too lengthy for insertion in the Criminal Report.

2. From this it appears that a part only of the case No. 41 was transmitted by the Criminal Court to the Magistrate, and the Tsnjdaree Udalut accordingly direct it may be pointed out to the Criminal Judge, that the case as it stood in the Report viz. copy of so much of the Criminal Report as refered to this case, should have been sent to the Magistrate and that such

T. U.
4th May 1857

such is the intention of the Tsnjdaree Udalut whenever, on review of the Criminal Reports, they direct a "copy of the case" to be furnished to the Magistrate.

Ordered, that extract from these proceedings be sent to the Criminal Judge at Combaconum for his information.

(Sent in No. 631.)

Read return dated the 24th Ultimo from the Provincial Court of Circuit in the Western Division to the Precept of the Tsnjdaree Udalut, dated the 3rd April 1857, forwarding copy of an extract from the Tsnjdaree Udalut proceedings of that date on the Report of the 1st Judge on Circuit in the Centre Division relative to the expediency of encouraging the Natives to put their initials on their moveables and keep inventories of their Jewels for Communication to the Magistracy of Malabar and Canara.

(Here enter No. 878.)

Read return dated the 22nd Ultimo from the Acting Principal Sudr Ameen at Honore to the Precept of the Tsnjdaree Udalut dated 12th April 1857 directing the return to "Summa Summa" prisoner on cases 13 14 and 15 of the Honore Criminal Reports

4th May 1837

Reports for February of the fine levied from him by the Acting Principal Sudr Ameen.

(Here enter No. 898.)

Read letter dated the 29th Ultimo from the Magistrate of Coimbatore forwarding explanation regarding certain cases in the Coimbatore Criminal Reports for February as required by the Tinjdaree Udalut proceedings of the 29th March last.

(Here enter No. 902.)

E.G.

At a Court of the Tinjdaree Udalut

Present

Friday, 5th May, 1837

John Bird Esq.re ——— 2d Puisne Judge

William Rumdleston Esq.re ——— 3d Puisne Judge

Read letter dated the 10th Ultimo from the Officiating 2d Judge late on Circuit in the Centre Division, transmitting the record of the trial in Case No. 7 Bellary Calendar 2d Sessions 1836.

(Here enter No. 797)

The Court of Tinjdaree Udalut having

Mr. Bird and Mr. Rumdleston

maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee vol. Cozzat and Mooftee of the Tinjdaree Udalut, confirm such part of the said Futwas as acquits the Prisoner

2d Tenjin Boorjanee

of the crime laid to his charge, but considering that strong suspicion strongly not amounting to conviction attaches to him, they direct under Clause 6th Section II. Regulation XV. 1803, that he be required to furnish security for his good behaviour and appearance when required within (3) three years, in two sureties of (25) twenty five Rupees each surety, or, in default thereof, that he be detained in confinement for that period.—

And concurring in opinion that the

of the same month conveying their further observations and orders on the Cuddalore Calendar for the 2d Sessions of 1836, and directing the Officiating 2d Judge to furnish a list of the Holy days granted to the Circuit establishment during the Sessions at Cuddalore, on which days no Court was held by the Officiating 2d Judge.—

(Here enter No. 782).

1.

In the above return the Officiating 2d Judge submits the Memorandum required, according to which the Holydays in question were in number 25, inclusive of 9 Fridays, "on which the Mahomedan Law Officer," the Officiating 2d Judge submits, could not as required by Section XV Regulation VII of 1802 have been present during the Trials."

2.

Referring to the Memorandum, the Court observe that Lent leave was unnecessarily granted to the Circuit establishment on the 25th of December 1836, and on the 11th, 20th and 23d of February last; the feasts which occurred on the three last days, it is not absolutely necessary should be observed by Hindoos, and on those particular days leave is not usually granted in the Public offices.

3.

With regard to the opinion entertained by the Officiating 2d Judge, that the Mahomedan Law Officer is not liable to be called upon to perform his ordinary avocations on a Friday, the Judges desire that the Officiating 2d Judge be referred to the letters addressed from this Office to the 1st and 3d Judges of the Provincial Court of

of Circuit in the Centre Division, under dates respectively the 9th of August 1824 and 28th of January 1825, in which the Court of Sudder Adawlut have declared their opinion, "that although it is usual to grant an exemption from all official duties to persons of the Mahommedan persuasion, on Fridays they are liable to be, and on all occasions of emergency should be, required to perform their ordinary avocations on that day, excepting at the hours of prayer, viz. from 1 to 3 P.M.—

Ordered, that extract from these proceedings be forwarded to the Officiating 2d Judge at Circuit in the Centre Division for his information and future guidance.—

(Cent in No. 634

Read Letter dated the 5th Instant from the Acting 3d Judge on Circuit in the Northern Division reporting the case of Sastra Rajapa now in confinement in the Gaol at Rajahmundry for the orders of the Sudder Adawlut.—

(Here enter No. 870)

1.

It appears, that the prisoner Sastra Rajapah was tried and convicted in Case No. 13 of the Rajahmundry Calendar for the 2d Sessions 1836, that the trial was concluded on the 1st of December 1836, and that a conditional warrant was issued for his imprisonment for (5) five years.—

Sir

5th May 1837.

Read return dated 19th Ultimo from the 3d Judge of the Provincial Court of Circuit in the Western Division, to the Precept of the Fiejarree Edaalut dated 13th April last sanctioning the Instigation of Punishment to the Prisoner Lally chan Kadoo-m Cran in Case No. 2 Tellicherry fifth Additional Calendar Tr. Sessions 1837.

(Here enter No. 862)

Read return dated 26th Ultimo from the Criminal Judge of Cuddapah to the Precept of the Fiejarree Edaalut of the 22d April last directing the release of Chinchen said Prisoner in Case No. 30 Cuddapah Criminal Reports.

(Here enter No. 863)

Read letter dated 28th Ultimo from the officiating 2d Judge Acting on Circuit in the Centre Division, forwarding return of the officiating Magistrate of Cuddapah relative to the wound on the person of Kootchu Lahil, and stating that he will be unable to lay before the Court Edaalut, as soon as he had first expected, the trial No. 11 Cuddapah Calendar 2d Sessions of 1836.

(Here enter No. 867)

Read return dated 28th Ultimo from the Acting Joint Criminal Judge at Guntoor, to the Precept of the Fiejarree Edaalut of the 27th April 1837, requiring the Statement under Circular Order No. 80 for the Months of March to be forwarded.

(Here enter No. 868)

Read

K.G.

5th May 1837.

Read letter dated 25th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Centre Division transmitting Original Warrant of execution in Case No. 1 of the 4th Supplemental Calendar for the 1st Quarter Sessions of 1837.

(Here enter No. 869)

Read letter, dated 27th Ultimo from the 2d Judge Acting on Circuit in the Western Division, transmitting Original Warrant of Execution in Case No. 2 on the Calendar of the Principal Sudr Ameen of Salem for the 2d Sessions of 1836.

(Here enter No. 870)

Read return, dated 1st Instant, from the Acting 1st Judge on Circuit in the Southern Division, to the Precept of the Fiejarree Edaalut dated 24th Ultimo containing their orders in Case No. 14 Trincomalee Calendar 1st Sessions 1837.

(Here enter No. 903)

Read letter dated 28th Ultimo from the 1st Judge Acting on Circuit in the Western Division, transmitting Original Warrant issued in Case No. 4 Record of Additional Dindigul Calendar 1st Sessions 1837.

(Here enter No. 906)

Read return dated 27th Ultimo from the Acting Criminal Judge of Chingleput, to the Precepts of the Fiejarree Edaalut dated 20th Ultimo, conveying their orders on the Chingleput Criminal Reports for March.

(Here enter No. 907)

Read

5th May 1837.

Read return, dated 28th Ultimo, from the Acting Joint Criminal Judge at Ellicherry, to the Precept of the 7th April last, conveying the orders of the Cuzt Adalut on the Ellicherry Criminal Reports for the Months of March—

(Here enter No. 908)

Read return, dated 1st Instant, from the Criminal Judge of Bellary to the Precept of the Cuzt Adalut of the 24th Ultimo, conveying their orders on the Bellary Criminal Reports for the Months of March—

(Here enter No. 909)

5th R. J.

Ell.

At a Court of the Cuzt Adalut.

Present,

Saturday, 6th May, 1837.

John Bird Esqre. ——— 2d Puisne Judge,

William Rudleston Esqre. ——— 3d Puisne Judge,

Read letter dated the 27th Ultimo from the Acting 1st Judge on Circuit in the Southern Division transmitting the record of the trial in case No. 18 Criminally Calendar 1st Sessions 1837—

(Here enter No. 843)

Mr. Bird,
and
Mr. Rudleston,

The Court of Cuzt Adalut, having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozzat and Muftees of the Cuzt Adalut, confirm the said futwa of the Cazee-ool-Cozzat and Muftees aforesaid, convicting the prisoner

Arnachellum,

of murder and awarding Kisias, and under the provisions of Clause 2d Section XI Regulation I of 1825 adjudge him to be transported to such Place or Places beyond sea as the Right Honorable the Governor in Council may appoint, there to be imprisoned and kept to hard labor in irons on the Public roads or other Public works, for and during the Period of his natural life—

The Court of Cuzt Adalut further declare that the declaration of the prisoner before the Police Officer

was

was neither read nor proved at the trial - and that the Presiding Judge omitted his duty to cause the prisoner's declaration before the Criminal Court to be read at the trial, although he examined the attesting witnesses to it. If the these declarations should have been put in and read and proved at the trial in the prescribed manner: and in consequence of the omission on the part of the Presiding Judge the Court of Enquiry Edatat have been constrained to throw this important evidence out of consideration The Presiding Judge will bear in mind that whether or not a prisoner pleads "guilty" it is of the highest importance that his previous declaration or declarations, if confessional as in this instance, should be duly read and proved at the trial before the Court of Circuit.—

Ordered, that extract from these proceedings be sent to the Acting 1st Judge on Circuit in the Southern Division for his information.—

(Sent following letter No. 640)

Read letter dated the 19th Instant from Eltn. Bray Esqre. replying to the letter from the Court of Enquiry Edatat of the 28th of November 1836 by submitting an explanation respecting the delay in giving effect to the orders contained in the prescribed issued by the Court Edatat under date the 17th August 1836, 11th of August and 27th September 1836 - an explanation respecting the delay in serving the Writs on the Respondent in Appeal No. 18 of 1835 on the file of

of this Court, and stating that he unable to certify the dates on which the proceedings of the Court Edatat of the 25th July and 15th August last were forwarded to the Collector of Rajahmundry he is given to understand they were received by him on the 29th of the same month.—

(Sent in No. 642)

Eltn. Bray however has omitted to furnish any explanation of his conduct in respect to the escape of the nine prisoners from the Jail at Rajahmundry which occurred on the 24th of December 1835, and of his proceedings in respect to the escape which occurred on the night of the 17th or morning of the 18th of January 1836, as required in Paras. 12 and 13 of the proceedings of the Enquiry Edatat of the 6th of April 1836, and until a full explanation of all the circumstances attending these cases has been submitted for the information of Government and of the Enquiry Edatat. Eltn. Bray will not have fulfilled the conditions on which the Right Honorable the Governor in Council has determined that "his and pension "from the Office and allowances of Judge and Criminal "Judge of Rajahmundry" shall cease.—

Ordered that extract from these proceedings be forwarded to Eltn. Bray for his information.—

(Sent in No. 641.)

Ordered also that extract from these proceedings together with a copy of Eltn. Bray's letter dated the 19th Instant be forwarded to the Chief Secretary to Government for

8th May 1837.

for the purpose of being laid before the Right Honorable the Governor in Council with reference to the proceedings of the Sudder Adawlut of the 17th April 1837.

(Sent in No. 642)

Ent. Wh.

Sudder Adawlut

At a Court of the Sudder Adawlut.

Present,

Monday, 8th May, 1837.

John Bird Esqre. ——— 2d. Puisne Judge.

William Rudlestone Esqre. ——— 3d. Puisne Judge.

Read the Mangalore Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the months of March.

(Here enter No. 890)

Report V Case 30.

The Court of Sudder Adawlut having referred to their Law Officers for their opinion as to the prisoners in this case having rendered themselves liable to punishment and their reply being to the effect that the prisoners were liable to discretionary punishment under the Mahomedan Law according to the extent in which they were engaged in the fraud charged, and proved against them, the Court direct that the Criminal Judge be instructed to intimate the same to the Law Officers of this Court under whose explanation of the Mahomedan Law the prisoners were released, and to furnish him with the enclosed extract of the Law Officers of this Court.—

2. With reference to the Circular Order of the 28th January 1828 a copy of the answer of the Law Officers of the Criminal Court should have been entered in the Criminal Report.—

Case 37

3. The Court of Sudder Adawlut do not understand for what purpose this case could have been forwarded

forwarded by the Police officer to the Magistrate, as proposed by the Acting Assistant Criminal Judge. It does not appear to the Court that the parties had committed any punishable offence.—

Ordered, that extract from these proceedings be sent to the Criminal Judge at Demerara for his information and guidance by Execute returnable in 3 days after receipt.—

(Vide following Execute No. 643)

Read again Extract from the Minutes of Consultation in the Judicial Department, No. 324, under date the 31st March 1837.—

(Vide entry No. 697 of 1837)

1.

In the 5th para: of the foregoing extract from the Minutes of Consultation it is observed, with reference to para: 16 of the Circuit Report of 6th Dec. dated the 7th December last, that "with regard to the order of the "Magistrate of Pomeroon quoted by the Circuit Judge "that the Right Honorable the Governor in Council is of opinion "that the order should be so far modified as to be worn with "the necessity of Village Monies furnishing lists of inquiries "persons, but he is not prepared to say that the amount "practice of keeping a strict surveillance over such persons "who have no ostensible means of livelihood should be "suddenly abandoned."—

2.

In the 14½ para: of the proceedings of the Court of Demerara dated, entry dated the 15th February

8th May 1837.

it was observed that "the interference with the personal liberty "of the lowest grades of the people and the vexations "surveillance exercised over them by the village Police under "the orders of the Magistrates has already been declared by "this Court to be unjustifiable and illegal" in which passage it was intended to refer to the proceedings of the Court of Demerara dated and dated the 16th July and 24th October 1835 respectively orders of a similar description which had been issued by Magistrates in the Southern Division, and were brought to the particular notice of this Court and of the Government in para: 12 of the Circuit Report of 9th Dec. Cotton, dated 4th June 1835.—

3. The order of the late Magistrate of Pomeroon referred to in the Extract from the Minutes of Consultation under date the 31st March last contains a direction to the village Councils to "cause" such persons, as are therein mentioned, "to sleep every night "in the Village Churches," a measure which has expressly been ordered at in the said proceedings of the Court of Demerara dated, as contrary to law.—

4. If, therefore it be intended by the passage above cited from para: 5 of the Minutes of Consultation to sanction the continuance of the above practice, which upon maturely considering the words of that paragraph, the Demerara dated appear to be unfit

unfit

8th May 1837.

in point, it is the duty of the Court respectfully to point out that there is no mode of authorizing the continuance of the practice in question except by a legislative enactment.—

Ordered, that extract from these proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.—

(Sent in No. 644)

Sr. 46.

At a Court of the Foujdaree Udalut

Present

Tuesday 9th May 1837. John Bird Esqre. 2nd Puisne Judge
William Hudleston Esqre. 3rd Puisne Judge

Read letter dated the 26th Ultimo from the Acting 1st Judge on Circuit in the Southern Division transmitting the trial No. 19 Tinnevelly Calendar 1st Sessions 1837.

(Here enter No. 373)

The Court of Foujdaree Udalut

Mr. Bird and Mr. Hudleston having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cauzee-ool-Coozat and Mooftees of the Foujdaree Udalut confirm the said futwa of the Cauzee-ool-Coozat and Mooftees aforesaid and under the penalty of Kisaas declared in that futwa and in conformity with the provisions of Section X Regulation VIII of 1802 sentence the prisoner

Lutchoomanen

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

Sent following letter No. 645

At

9th May 1837

To 2. "Was Alagiatrichitombalampillay 8th witness present from the beginning to the end of the examination?"

A. "No but after the declarations were taken from the prisoners the Tahsildar sent for him to Palanyyandy Covil and upon his arival read over the declaration of the prisoners and then took their signatures and then he and I attested them as Witnesses."

To 2. "When the prisoner was examined were Caundeymadeymandapilly and Alagiatrichitombalampillay Covil Cannum present?

A. "From the beginning to the end of the examination Caundeymadeymandapilly was present. The Tahsildar sent for Alagiatrichitombalampillay to Palanyyandy Covil and upon his arrival thence the declaration was read over to him and then he attested it."

1. At page 11 of the record of the above trial "Alagiatrichitombalampillay" is entered as one of the attesting witnesses to the confession of the prisoner before the Tahsildar.

2. It appears however from pp 69 and 73 of the record that he was not present when the declaration which he attested as a witness was reduced to writing.

3. The Acting 1st Judge will be pleased to instruct the Magistrate to take serious notice of the irregularity of the said Head of District Police "Veerabudrapillay" in causing Alagiatrichitombalampillay to attest as a Witness the declaration at the reduction of which to writing he was not present a proceeding opposed to the standing orders of the Tonjdaree Udalut as well as to the provisions of Clause 3d Section XXVII Regulation XI of 1816.

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge of Circuit in the Southern Division for his information and guidance by Precept returnable in 5 days after receipt.

(Sent following Precept No. 646.)

Read

9th May 1837

Read letter dated the 28th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Centre Division, requesting to be informed with reference to the extract from the Minutes of Consultation under date the 13th Ultimo regarding the State prisoners referred to in the 1st Judge's Circuit Report for the 3d and 4th Quarter Sessions of 1835 and the 1st Sessions of 1836, whether the indulgence granted to Passim Ramanapah to correspond with his family in Ganjam is to be extended to Runnoomdah Lutchmoodoo.

(Here enter No. 877.)

Ordered, that a copy of the 1st Judge's letter be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council for his orders.

(Sent in No. 647.)

No final return having been received from the 1st Judge of the Court of Circuit in the Centre Division, to the precept of the Tonjdaree Udalut dated the 25th February last, calling for an English Translation of the record in Case No. 1 on the Chittoor 2d Supplemental Calendar for the Fourth Quarter Sessions of 1836.

Ordered

To 2. "Was Alagiatrichitombalampillay 8th witness present from the beginning to the end of the examination"?

A. "No but after the declarations were taken from the prisoners the Tahsildar sent for him to Palanyyandy Covil and upon his arrival read over the declaration of the prisoners and then took their signatures and then he and I attested them as witnesses."

Q 2. "When the prisoner was examined were Caundeymadeymandapilly and Alagiatrichitombalampillay Covil Cunnum present?

A. From the beginning to the end of the examination Caundeymadeymandapilly was present. The Tahsildar sent for Alagiatrichitombalampillay to Palanyyandy Covil and upon his arrival thence the declaration was read over to him and then he attested it."

1. At page 11 of the record of the above trial "Alagiatrichitombalampillay" is entered as one of the attesting witnesses to the confession of the prisoner before the Tahsildar.

2. It appears however from pages 69 and 73 of the record that he was not present when the declaration which he attested as a witness was reduced to writing.

3 The Acting 1st Judge will be pleased to instruct the Magistrate to take serious notice of the irregularity of the said Head of District Police "Veerabudrapillay" in causing Alagiatrichitombalampillay to attest as a witness the declaration at the reduction of which to writing he was not present to a proceeding opposed to the standing orders of the Foujdaree Udalut as well as to the provisions of Clause 3d Section XXVII Regulation XI of 1816.

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge on Circuit in the Southern Division for his information and guidance by Precept returnable in 5 days after receipt.

(Sent following Precept No. 646.)

Read

Read letter dated the 28th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Centre Division, requesting to be informed with reference to the extract from the Minutes of Consultation under date the 13th Ultimo regarding the State prisoners referred to in the 1st Judge's Circuit Report for the 3d and 4th Quarter Sessions of 1835 and the 1st Sessions of 1836) whether the indulgence granted to Patsim Ramanapah to correspond with his family in Ganjam is to be extended to Runnoocondah Sutchoomoodoo.

(Here enter No. 877.)

Ordered, that a copy of the 1st Judge's letter be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council for his orders.

(Sent in No. 647.)

No final return having been received from the 1st Judge of the Court of Circuit in the Centre Division, to the precept of the Foujdaree Udalut dated the 25th February last, calling for an English Translation of the record in Case No. 1 on the Chittoor 2d Supplemental Calendar for the Fourth Quarter Sessions of 1836.

Ordered

9th May 1837.

Ordered, that the 1st Judge of the Court of Circuit in the Centre Division be required by precept returnable in 5 days from and after its receipt to make full and complete return to the precept aforesaid by submitting an English Translation of the record of the Trial in Case No 1 of the Chittoor 2nd Supplemental Calendar for the 4th Quarter Sessions of 1836.

(Sent following Precept No 648.)

Read the Combaconum Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of March.—

(Here enter No 894.)

Suppl. Report Case 33. 1. The Court of Foujdaree Udalut being of opinion that there are not sufficient grounds shewn for the requisition of security from the 2nd prisoner in this case in the event of his being acquitted in the other case in which he has been committed, direct that the order recorded for such eventual requisition be cancelled.—

Case 34. 2 For the eventual requisition also of security from the 1st prisoner in this case there does not appear to the Foujdaree Udalut to be any sufficient ground shewn and the order for it should be cancelled. With reference to the notice

Fr. Co.

9th May 1837.— notice taken in the Report of the examination of the prisoners, the Court of Foujdaree Udalut would remark that the examination of a person by a prisoner forms no ground for any proceeding whatever excepting further enquiry by the Police Officer under Section XXVIII Regulation XI of 1816.

Case 83. 3. In this case the Pundit Sudr Ameen observes that by the proceedings in case No 26 it appears that the prisoners are guilty. The Court direct it may be pointed out to that Officer that the proceedings in one case are not available as grounds for the conviction of a prisoner in another. The Criminal Judge will be pleased to look into this case himself and overrule or confirm the judgment of the Sudr Ameen as to him may appear proper.—

Report No Case 129. 4. The 1st prisoner in this case appears to have been convicted and sentenced on his confession before the Police, and the Court of Foujdaree Udalut therefore direct that the sentence be quashed and the prisoner released unless the Pundit Sudr Ameen should have any explanation to offer.—

Case 131. 5. It does not appear from the Report that any exertions were made to procure the

9th May 1837

Ordered, that the 1st Judge of the Court of Circuit in the Centre Division be required by precept returnable in 5 days from and after its receipt to make full and complete return to the precept aforesaid by submitting an English Translation of the record of the Trial in Case No 1 of the Chittoor 2nd Supplemental Calendar for the 4th Quarter Sessions of 1836.

(Sent following Precept No 648.)

Read the Combaconum Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of March.—

(Here enter No 894.)

Suppl. Report Case 33. 1. The Court of Foujdaree Udalut being of opinion that there are not sufficient grounds shewn for the requisition of security from the 2nd prisoner in this case in the event of his being acquitted in the other case in which he has been committed direct that the order recorded for such eventual requisition be cancelled.

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Fr. 66.

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Report V. Case 129. 4. The 1st prisoner in this case appears to have been convicted and sentenced on his confession before the Police, and the Court of Foujdaree Udalut therefore direct that the sentence be quashed and the prisoner released unless the Pundit Sudr Ameen should have any explanation to offer.—

Case 131. 5. It does not appear from the Report that any exertions were made to procure the

the attendance of the Prosecutor and witnesses in this case before the Police Officer. Without explanation on this point the detention of the prisoners in the Talook is unsatisfactorily accounted for. The Criminal Judge will accordingly be pleased to send copy of the case as it stands in the Report and of this paragraph to the Magistrate, who will enquire into the conduct of the Police Officer and take notice of it in the manner it may then appear to require.

Case 135. 6. The Court require an explanation of the ground on which the order for eventual requisition of security has been founded in this case.—

Case 138. 7. The reasons assigned for the detention of this case in the Talook not being quite satisfactory to the Foujdaree Udalut, they direct that copy of the case as it stands in the Report and of this paragraph be sent by the Criminal Judge to the Magistrate, who will be pleased to enquire into the proceedings in the Talook and notice, if he thinks it necessary, the conduct of the Police Officers concerned.

Case 140. 8. Of this case also as it stands in the Report and of this paragraph, the Court of Foujdaree Udalut direct a copy to be furnished by the Criminal Judge to the Magistrate, who will explain to the Head of Police that prisoners ought not to be detained beyond the prescribed time in order that search may

may be made for the stolen property.—

Case 143. 9. The Criminal Judge will likewise transmit to the Magistrate, copy of this case as it stands in the Report and of this paragraph. The Court of Foujdaree Udalut await a report direct from the Magistrate as to where the prisoners from 1 to 4 and 6 to 10 were from the date of their apprehension till the 25th February.—

Case 142. 10. Of this case as it stands in the Report and of this paragraph the Criminal Judge will be pleased to send a copy to the Magistrate, who will inform the Court of Foujdaree Udalut direct where the prisoners were between the 2nd and 13th of March.—

Case 142 again. 11. If there are no other grounds for the requisition of security from the 5th prisoner in this case besides his confession before the Village Moonsiff, the Court direct that he be discharged if in confinement or that the Bail bond, if it has been entered into, be cancelled.—

Case 149. 12. The grounds stated in support of the order of the requisition of security from the prisoners in this case do not appear to the Foujdaree Udalut sufficient. If therefore the Mooftee Sudr Ameen should have no further explanation to offer, the prisoners should be released if in Jail, or their Bail bonds cancelled if they have been

9th May 1837.

been entered into.

Case 155.

13. In this case the prisoners were detained in the Lalock from the 16th February to the 28th March without any sufficient reason the grounds assigned in the Report being quite inadmissible. The Court direct that copy of the case as it stands in the Report and of this paragraph, be sent by the Criminal Judge to the Magistrate, who will be pleased to enquire into the proceedings of the Head of Police and take such notice of it as he may find it to deserve.

14. The numerous cases in the above Report of protracted detention of prisoners by the Police on grounds unsatisfactory or often declared inadmissible render it necessary for the Court of Tanjore Udalut to direct that the Magistrates of Tanjore and Trichinopoly will take an early opportunity of advising their Police Officers, generally, of the importance attached by the Court and Government to the correct discharge of this part of their duty. The Court do not understand that the Police are ignorant of their duty in this particular but there are grounds for the belief that they at present require to be reminded of it and to be informed that future neglect of it will not be left unnoticed. The Criminal Judge will send copy of this paragraph to the Magistrates referred to in it.

The

F. W.

9th May 1839.

Statement of labor Combaconum.

15. The Court direct that an explanation may be given them of the employment of 109 Convicts in the Jail Garden and in other works. They wish to be informed how many are placed at work in the Jail Garden and with what object.

Statement of punishments.

16. This blank statement need not, under the standing orders, have been forwarded. It would have been sufficient if the fact of its being blank had been intimated in the letter accompanying the Criminal Reports.

Trichinopoly Statement of labor.

17. In this statement two of the prisoners are represented to have died of "small pox". The Court of Tanjore Udalut require to be informed whether the Circular Orders Nos. 14 and 17 have been duly observed in respect to the prisoners on the Jail at Trichinopoly. The Criminal Judge will be pleased to send copy of this paragraph to the Magistrate who will make his report direct to the Tanjore Udalut.

18. The Court of Tanjore Udalut observing the numerous requisitions for security from the prisoners concerned in cases before the Criminal Court at Combaconum for several months past and that, at present, there are no less than 162 prisoners in Jail held to security, deem it proper to require the attention of the Criminal Judge and the subordinate Judicial Officers of this Court to the impropriety of passing such orders except on grounds full and sufficient to warrant the measure. The subject has more than

once

9th May 1837.

been entered into

Case 155.

13. In this case the prisoners were detained in the Lalock from the 16th February to the 28th March without any sufficient reason the grounds assigned in the Report being quite inadmissible. The Court direct that copy of the case as it stands in the Report and of this paragraph be sent by the Criminal Judge to the Magistrate, who will be pleased to enquire into the proceedings of the Head of Police and take such notice of it as he may find it to deserve.

14. The numerous cases in the above Report of protracted detention of prisoners by the Police on grounds unsatisfactory or often declared inadmissible render it necessary for the Court of Foujdaree Udalut to direct that the Magistrates of Tanjore and Trichinopoly will take an early opportunity of advising their Police Officers generally, of the importance attached by the Court and Government to the correct discharge of this part of their duty. The Court do not understand that the Police are ignorant of their duty in this particular but there are grounds for the belief that they at present require to be reminded of it and to be informed that future neglect of it will not be left unnoticed. The Criminal Judge will send copy of this paragraph to the Magistrates referred to in it.

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F. Uo.

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Trichinopoly Statement of labor.

17. In this statement two of the prisoners are represented to have died of "small pox". The Court of Foujdaree Udalut require to be informed whether the Circular Orders No. 14 and 17 have been duly observed in respect to the prisoners in the Jail at Trichinopoly. The Criminal Judge will be pleased to send copy of this paragraph to the Magistrate who will make his report direct to the Foujdaree Udalut.

18. The Court of Foujdaree Udalut observing the numerous requisitions for security from the prisoners concerned in cases before the Criminal Court at Combaconum for several months past and that, at present, there are no less than 162 prisoners in Jail held to security, deem it proper to require the attention of the Criminal Judge and the subordinate Judicial Officers of this Court to the impropriety of passing such orders except on grounds full and sufficient to warrant the measure. The subject has more than

once

9th May 1837

once attracted the notice of the Honorable Court of Directors who have deprecated the practice, remarking, very justly, that in most cases the requisition of security is tantamount to a sentence of imprisonment and desiring that the particular attention of all Judicial Officers be directed to the propriety of demanding security only to the extent which the circumstances and situation in life of the offenders render it probable that they will at once be able to furnish.—

19 It appears to the Tondiarpet Udalut that the Jail at Combaconum must be crowded to excess, and they accordingly resolve to direct that the Criminal Judge be instructed to transmit to the Jail at Trichinopoly every available Convict whose remaining period of imprisonment may exceed six months. The Criminal Judge will be pleased by an early communication, to prepare the Magistrate of Trichinopoly for the transfer to him of the prisoners about to be transmitted to him under these orders and will report for the information of the Tondiarpet Udalut the date of their removal and the number transfered.—

Ordered, that extract from these proceedings be sent to the Criminal Judge at Combaconum for his information and guidance by Precept returnable in 8 days after receipt.—

(Sent following Precept No. 5147)

No. 776.

At a Court of the Tondiarpet Udalut

Present,

Wednesday 10th May 1837

John Bird Esqre. 2nd Puisne Judge

William Hudleston Esqr. 3rd Puisne Judge

Read letter dated the 12th Ultimo from the Officiating 2nd Judge Salem Circuit in the Centre Division, transmitting the trial in Case No. 3 Cumbum Calendar 2nd Sessions 1836.

(Here enter No. 776.)

The Court of Tondiarpet Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee cob Cozat and Mooftees of the Tondiarpet Udalut, confirm the said futwa of the Cazee cob Cozat and Mooftees aforesaid, as far as respects the proof of the fact that the prisoner

Mr. Bird and Mr. Hudleston.

Mootcha Lasb

killed the deceased; And considering that he was in a state of insanity at the time he committed the fatal act of violence, established by the evidence, the Court direct that he be placed under charge of the Surgeon, attached to the Zilla Court of Cuddapah, in view to his eventual confinement in the Lunatic Asylum at Madras under the

the rules prescribed by the Circular Order of the 1st June 1829, and that he be on no account released without the orders of the Sudder Dewanny Adalut to whom a report must be made on the subject after the expiration of 12 Months

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the above case, have not been able to satisfy themselves that the prisoner was of sound mind when he killed the deceased. On the contrary it appears to them that the evidence of the Prosecutor and witnesses tends strongly to establish the fact of the insanity of the prisoner at the time he perpetrated the deed. They have accordingly deemed it proper to give the prisoner the benefit of the doubt in his favor.

Ordered that Extract from these proceedings be sent to the Officiating 2nd Judge on Circuit in the Centre Division for his information.

(Sent following letter No. 654)

Read letter dated the 29th Ultimo from the 3rd Judge on Circuit in the Centre Division submitting the Bellary Supplemental Calendar for the 1st Sessions of 1837 containing two cases of Thuggee with the record of the Trial

(Here enter No. 897)

1. Of the seven prisoners, concerned in the above two cases, it appears that the second and fifth, being "mere boys" and, "totally unacquainted with any of the murders in question", have been released.

2 But the Court perceive, with regret, that they are precluded from disposing of the case of the other prisoners in consequence of the defective nature, and irregularity of the proceedings before the Court of Circuit. They are at a loss to understand how an Officer of the experience of the 3d Judge could have fallen into the errors therein exhibited. He appears to have confused the crime of "murder" by "Thuggee" with the offence for which provision has been made by Act XXX of 1836. Notwithstanding the manifest inapplicability of the Act to that crime.

3. If the Presiding Judge proposed to try the prisoners for "murder" by "Thuggee" the proceedings should have been conducted in strict conformity with Regulation VII of 1802, and a fetwa should have been duly taken from the Provincial Law Officer. If he proposed to try them for the offence provided for by Act XXX of 1836 the charge

charges of murder should have been excluded from the proceedings altogether.

4. In paragraph 3 of his letter accompanying the trial the 3rd Judge states that "on the conclusion of the trial before him the first and third prisoners gave the depositions marked "A and B", of which copies are transmitted with the record, "applying to be made approvers, and that "they would apprehend not only the leaders of "their gangs but point out where some of the "corpses had been buried" - and "that previous "to taking their request into consideration he "requested the Criminal Judge to send the first "prisoner in charge of Peons to a place near "Bellary where he stated he would shew two "corpses, but which he failed to do. The Presiding Judge then refers to the deposition, marked C, of this prisoner, of which he lays before the Court a copy, and concludes by observing that as he had "in the interim ascertained from Captain Elwall that the information they promised to afford had already been given him by other approvers no benefit would be obtained by recommending a compliance with their request.

The

5. The Court of Sunjarar Adalut direct that the 3rd Judge be informed that they regard the proceeding just described as irregular.

6. At page 32 of the record it is observed that on the first prisoner having been arraigned at the bar of the Court of Circuit, and replying "I am not guilty - I was behind - they gave me no share" the following examination is entered upon -

Question. Who murdered the deceased?

Answer. I do not know.

Question. Listen to the reading of the declaration dated 7th March 1837, alleged to have been given by you before the Criminal Judge, state if it be the same?

Answer. I have heard it - It is true that I gave it voluntarily before the Criminal Judge.

And a similar examination is described as taking place after the arraignment of each of the prisoners 3rd, 4th, 6th and 7th.

7. To this proceeding the Court are far from being able to give their approval. It appears to them unauthorized and improper. They have not failed to observe also the omission on the part of the 3rd Judge to cause the declarations of the prisoners

prisoners before the Criminal Judge to be proved by the witnesses in the prescribed manner—

8. After calling on the prisoners severally to state if they had any thing to urge in their defence, the 3d. Judge, at page 25. of the trial, records the following "note"—"The prisoners having confessed the crime the evidence of the first, third, fourth, fifth, eighth, ninth, and tenth witnesses was "dispensed with in this case"—

9. It is with concern that the Court have to remark that in dispensing with the examination of these witnesses, the 3d. Judge has overlooked the Circular Order of the Foujdaree Adalut of the 14th March 1832 (pages 214 and 215 of the printed volume) and that of the 20th November 1832 p. 225 of the same volume—In the former stands recorded the opinion of the Court that the practice of dispensing with the evidence of witnesses, in cases of life and death, is highly objectionable—In the latter that no "distinction should be "made in respect to taking the evidence for the prosecution, whether the prisoner "plead guilty or not guilty."

10. Under these circumstances, although the preliminary proceedings are not affected by the irregularity of the manner in which the trial before

before the Court of Circuit has been conducted, the Court of Foujdaree Adalut are unable to enter upon a consideration of the record with the intent to pass judgment upon it—As a trial for Murder by Thuggee the proceedings of the Circuit Judge are null and void, and it will now be necessary for the 3d. Judge to issue instructions for the detention of the prisoners in confinement, for the purpose of being brought to trial before the Court of Circuit at the next ensuing Sessions of Jail delivery, and to cause timely application to be made to Captain Elwall to secure the reattendance of the approvers at the trial.

Ordered accordingly, that the record be returned to the 3d. Judge on Circuit in the Centre Division with extract from these proceedings for his information and guidance by Precept returnable in 8 days after receipt—

(Sent following Precept No. 655)

Exd. WS

Ft: Uo:

At a Court of the Foujdaree Udalut

Present,

Friday, 12th. May, 1837.

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

William Rendleston Esqre. 3rd. Puisne Judge,

Read extract from the Minutes of Consultation under date the 21st. Ultimo conveying the observations of the Right Honorable the Governor in Council upon the Circuit Report of the Acting 2nd. Judge late on Circuit in the Northern Division for the 2nd. Sessions of 1836.-

(Here enter No. 855.)

1. Ordered that para: 1 of the extract from the Minutes of Consultation under date the 21st. ult. April 1837, be communicated to the Acting 2nd. Judge for his information and future guidance.-

2. Ordered also that para: 3 of the said Minutes of Consultation be communicated to the Acting 2nd. Judge, with instructions to issue the necessary orders to the Acting Criminal Judge of Nellore.-

3. With reference to para: 6 of the Minutes of Consultation above referred to, of which a copy is directed to be furnished to the Acting 2nd. Judge, ordered that the Joint Criminal Judge of Guntoor be required to report thro' the Provincial Court whether the house proposed to be rented as a

Court

Court House at a charge of 60 Rupees per Mensem, can be engaged without injustice to the owner of the house at present occupied as a Court House.

4. Ordered that paras 7-8-10 and 11 of the Minutes of Consultation under date the 21st Ultimo be communicated to the Acting 2nd Judge for his information, with reference to Para 55-56-57-64 to 71 and para 152 of his Circuit Report for the 2nd Sessions of 1836, and to para 28 of the proceedings of the Tondaree Adalut under date the 28th of February 1837.

Ordered further that extract from these proceedings be furnished to the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance.

(Sent in No 669)

Read return and Supplemental Return dated respectively the 6th Ultimo and the 5th Instant, from the 3rd Judge of Circuit in the Southern Division to the Precept of the Tondaree Adalut of the 17th March last, calling for an English translation of the record in case No 19 of the Calendar for the 1st Sessions 1837.

(Vide enter Nos 783 and 916)

In para 3 of the proceedings of the 17th March last the Court of Tondaree Adalut explained that

that they deemed it proper to call for the record of the above trial, because "the evidence for the prosecution, as given in abstract in the Calendar," appeared to them "questionable."

2. The Court have now attentively considered all the circumstances of the case, and are of opinion that the evidence is quite insufficient for the conviction of the (2nd) second and (3rd) third prisoners, and the Court accordingly resolve to direct the 3rd Judge to issue his warrant for the immediate and unconditional release of

"Gudjala Paupiegadoo,"

and

"Cuppararuze Cadega Vencataputty"

against the former of these prisoners, the Court find nothing beyond proof of the fact that he lived in the house where some of the property, stated to have been robbed on the occasion referred to in the charge against the three prisoners, was found - property which he maintains belongs to his family - and altho' the latter has been proved to have received from the 1st prisoner, two articles in a mortgage, the Court of Tondaree Adalut do not see the least reason to suppose that he (the 3rd prisoner), was aware that they were stolen.

3. Of the sentence on the first prisoner the Court of Tondaree Adalut do not question the justice.

Ordered

12th May 1837.

Ordered that Extract from these proceedings be sent to the 3rd Judge on Circuit in the Centre Division for his information and guidance by Precept returnable in 8 days after receipt.

(Sent following Precept No. 670.)

Read the Cuddapa and Cumbum Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of March.

(Here enter No. 824.)

Suppl. Report Cases 20-23 and 28

1. Under the circumstances of these cases the Court of Foujdaree Adalut resolve to direct that copy of them as they stand in the Report and of this para. be sent from this office to the Judge on Circuit, who will be pleased to call for the proceedings and pass upon them such orders as he may deem proper in with reference to Section XXIII Regulation X 1816.

Case 53.

2. The Court observe that the Section and Regulation under which sentence has been passed in this case have been inadvertently omitted.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Cuddapah for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 671.)

Ordered also, that extract from these proceedings, with para 1 with copy of cases 20-23 and 28, be sent

Jud. Dept.
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sent to the Judge on Circuit in the Centre Division for his information and guidance by Precept returnable in 21 days after receipt.

(Sent following Precept No. 672)

Circular Order No. 85.

The Judges of the Court of Foujdaree Adalut in conformity with the declared sentiments of the Government, resolve to direct that in future the Magistrate of the District, and the Committing Officer, be furnished by the Judge of Circuit with official information of the grounds on which sentences of acquittal may have been passed in trials held by that Court.

2. In the case of the Criminal Judges, Joint Criminal Judges and the Principal Sudr Ameens the information is to be appended to the Copies of the Fatwahs of the Law Officers of the Courts of Circuit, furnished to the Lower Courts under the Circular Order of the 15th of June 1826, and in the case of the Magistrates, such information is to be communicated by the Criminal Court by means of a Memorandum to be prepared in the form subjoined.

No. of the Case	Names of the prisoners	Crime charged against the prisoners	The grounds on which the prisoners were acquitted of the crime charged against them.

(Sent following C. O. No. 673.)

F. No.

At a Court of the Faydaree Adalut

Present

Saturday 13th May 1837 — John Bird Esqre — 2nd Pui Judge

— William Cruddleston Esqre 3rd Puisne Judge

Read again Letter dated the 18th Ultimo from the Acting 1st Judge on Circuit in the Southern Division, transmitting the Trials in Cases Nos 3 4 and 6 of the Madura Supplemental Calendar for the 1st Sessions of 1837.

(Here enter No. 828.)

Question

Case No. 3

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

Moothanen

is sufficient to convict him of the crime of being "a Party to an affray, attended with murder", do, under the authority with which they are vested by Clause 1st Section III Regulation I of 1818, convict him thereof, and, in conformity with Clause 2nd of the same Section and Regulation, do hereby require their Law Officers to declare, by a second futwa, to what specific punishment the prisoner would

would have been liable under the Mahomedan Law if he had been convicted by full legal evidence of the said crime.

Answer.

In the event of the prisoner being proved by full legal evidence to have been a "party to an affray attended with murder", he would be liable to Ookoobut.

Mr. Bird and Mr. Budleston

The Court of Foujdaree Adalut under the penalty of Ookoobut declared in the foregoing futwa, and in conformity with the provisions of Clause third, Section VII. Regulation XV. 1803, sentence the prisoner

Moottanen

to be banished to the District of South Arcot, to be imprisoned in the Jail at Cuddalore, and kept to hard labor in irons on the public roads, or other public works, for and during the period of eight (8) years.

(Sent following letter No. 675.

Read letter dated the 18th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Centre Division, to the address of the Foujdaree Adalut of the 8th April 1837, communicating the observations of the Right Honorable the Governor in Council on his Circuit Report for the 3d and 4th Sessions of 1836, and

and the 1st Sessions of 1836 and calling upon the 1st Judge to submit an explanation of the discrepancy between the statement contained in para: 17 of his report, respecting the sufficiency of the evidence produced ge- in Case No. 11 of the Cumbum Calendar, and his re- opinion on the merits of that case contained in m- the concluding para: of his letter, transmitting the Record of the Trial for the final sentence of the Foujdaree Adalut, and requiring also the 1st Judge to explain whether the Court of Foujdaree Adalut are right in their conjecture that the remarks recorded by him in the 18th para: of his Report were not intended to apply to the cases noticed in paras: 15, 16, and 17 of that paper.

(Here enter No. 862 of 1837.)

The 1st Judge explains that the remarks recorded by him in the 18th para: of his Report relative "to the Native Criminal Judge "not having paid his usual attention to the "preparation of the cases" committed for trial, were not intended to apply to the cases noticed in paras: 15, 16 and 17 of the Report, but to other cases of the Calendar, in which the prisoners were released, and in exemplification submits

copy

13th May 1837.

copy of the proceedings held by him in the postponed case of the Cumbeum Calendar (No 1) in which the "Native Criminal Judge" (Principal Sudder Ameen) "omitted to furnish" certain "procurable evidence."

2. With reference to paras 7 and 8 of the proceedings of the Foujdaree Udalut under date the 3d Ultimo, the 1st Judge explains, that on "referring to his letter of the 12th of March 1836, "he observes that the prisoner in No 11 of the "Cumbeum Calendar for the 1st Sessions of 1836, "was, on presumptive evidence, declared in "opposition to the Cazy's opinion liable to the "extreme penalty of the Law, and that the "sentence of Death was carried into effect "previously to the preparation of his Circuit "Report" and that "the notice of the case in "the 17th para of the Report must consequently "be attributable to an error in the memoranda "made from the letter submitting the Trial "for the preparation of the Circuit Report".

3. The 1st Judge will be advised of the opinion of the Court of Foujdaree Udalut, that an error to the extent of declaring in a Circuit Report an opinion on the merits of a

J. Ho
13th May 1837.

a Trial totally at variance with that recorded in submitting the record of the Trial for the final sentence of the Foujdaree Udalut, is not creditable to a judicial Officer.

Ordered, that extract from these proceedings, together with copy of the 1st Judge's return dated the 13th Ultimo, be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent in No 676.)

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

WB

Sent in No 677.

R.W.

copy of the proceedings held by him in the postponed case of the Cumbum Calendar (No 1) in which the 3d "Native Criminal Judge" (Principal Sudder Ameen) "omitted to furnish" certain "procurable evidence."

2. With reference to paras 7 and 8 of the proceedings of the Tondaree Adalut under date the 3d Ultimo, the 1st Judge explains, that on "referring to his letter of the 12th of March 1836, "he observes that the prisoner in No 11 of the "Cumbum Calendar for the 1st Sessions of 1836, "was, on presumptive evidence, declared in "opposition to the Cazy's opinion liable to the "extreme penalty of the Law, and that the "sentence of Death was carried into effect "previously to the preparation of his Circuit "Report" and that "the notice of the case in "the 17th para of the Report must consequently "be attributable to an error in the Memoranda "made from the letter submitting the Trial "for the preparation of the Circuit Report".

3. The 1st Judge will be advised of the opinion of the Court of Tondaree Adalut, that an error to the extent of declaring in a Circuit Report an opinion on the merits of a

Trial totally at variance with that recorded in submitting the record of the Trial for the final sentence of the Tondaree Adalut, is not creditable to a Judicial Officer.

Ordered, that extract from these proceedings, together with copy of the 1st Judge's return dated the 19th Ultimo, be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent in No 676.)

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

113 (Sent in No 677.)

Fr. Uo.

At a Court of the Fouydaree Udalut

Present,

Monday 15th May 1837 — John Bird Esqre. ——— 2nd Puisne Judge
William Cuddleston Esqre. 3rd Puisne Judge

Read letter dated 1st Instant from the 1st Judge of the Court of Circuit in the Centre Division submitting copy of the Chuttoor 5th Supplemental Calendar for the 4th Quarterly Sessions of 1836.

(Here enter No. 910 of 1837.)

1. The Court of Fouydaree Udalut observe that the trial of the prisoner concerned in case No. 1 of this Calendar which commenced on the 15th December 1836 was not brought to a close until the 24th April 1837.

2. The Judges desire that the 1st Judge will explain the cause of the delay in disposing of this Trial.

Ordered, that extract from these proceedings be forwarded to the 1st Judge of the Court of Circuit in the Centre Division for his information and guidance by precept returnable in 5 days from and after its receipt.

(Sent following Precept No. 679.)

Read extract from the Minutes of Consultation in the Judicial Department, No. 431, dated

dated the 6th May 1837.-

(Here enter No. 934 of 1837.)

1. In the foregoing Extract from the Minutes of Consultation, the Judges are required to consider and report upon a letter from the Magistrate of Madura, dated the 21st Ultimo and its enclosures, and "to explain particularly with reference to the "concluding paragh: of their letter to the Court of "Circuit for the Southern Division, dated 9th Sep:- "tember 1836, whether the opinion therein expressed "by them had reference solely to cases of perjury, "or to cases in general of commitment by the Magistrate "before the Criminal Court; and if the latter, the "reasons which may have induced them to authorize "a deviation from the practice, which would seem "to have been observed in strict accordance to the "terms of the Regulation referred to."

2. The Court of Tanjore Adalut observe that an answer to the first of the questions stated in the above extract from the Minutes of Consultation is conveyed in the 2nd para: of their letter to the Provincial Court, dated the 5th Ultimo, in which their instructions are ordered to be given to the Magistrate of Madura, "to furnish the "papers required by Section XXV Regulation IX of 1816," in "English

"English, on every occasion on which he may find it "necessary to proceed under that provision."-

3. This order was issued in explana- tion of that, dated the 9th September 1836, which arose out of a reference, dated the 2nd of the same month from the Provincial Court of Circuit for the Southern Division.-

4. In disposing of the questions, so submitted for the determination of the Tanjore Adalut upon that occasion, it became necessary for the Court to decide as to the construction of the provisions of Section XXV. Regulation IX. of 1816, in regard to a point on which a difference of opinion was found to prevail, and the Court, in exercise of the power vested in them of finally determining the construction of the Regulations, ruled, that the paper required by the Section abovementioned should be in English.-

5. Upon occasions of this nature the Court of Tanjore Adalut are not influenced in their decisions by any practice which may be shewn to have been observed by subordinate Officers, under the construction which those Officers may have given to particular provisions of the Regulations, until the question of construction

construction may be submitted for the determination of the Court it must often happen, that the practice observed will be found to have been at variance with what the Court of Foujdaree Udalut may finally decide to be the right construction of the law.

6. Having offered the foregoing explanation, the Court deem it their duty respectfully to state, in answer to the foregoing Extract from the Minutes of Consultation, that they see no reason to doubt the correctness of the construction given by them to the provisions of Section XXI Regulation IX of 1816.

7. That the "paper" thereby required to be sent by the Magistrate to the Criminal Judge, should be in the English language appears to the Court of Foujdaree Udalut inferable from the circumstance of its being a communication from one European functionary to another, in whose vernacular language, it appears to the Court, that the legislature intended such a communication to be prepared, in like manner as Calendars and other Papers are furnished in the English language by the Magistrate and the Criminal Court, to the Court of Circuit.

8. The Court of Foujdaree Udalut do not find it to be any where authorized by the Regulations, that any communication by a Magistrate to a Criminal Judge, or by a Criminal Judge to a Magistrate may be written in any but the English language; and it appears to the Court that the contrary is to be inferred from the provisions of Section II Regulation III of 1817, in which specific mention is made of Section XXI Regulation IX of 1816, and a "full and free communication between the Criminal Judge and the Magistrate is declared to be the object of the legislature.

9. Communication, maintained in this spirit, appears to the Court of Foujdaree Udalut obviously intended to be in the English language, the language of the principals, rather than in a dialect used by the Native establishments of the district, and the Court see no reason to suppose that the language, intended by the legislature upon the occasion of enacting Section II. Regulation III. of 1817, is a different language from that, in which the communication prescribed by Section XXV Regulation IX of 1816 was intended to be made.

Ordered, that extract from these proceedings be sent to the Chief Secretary to Government, for the purpose of being laid before the

15th May 1837.

the Right Honorable the Governor in Council.

(Sent in No. 660.)

Read letter dated the 3rd Instant, from the Acting 3rd Judge on Circuit in the Northern Division, reporting that the 1st Sessions of 1837 at Rajahmundry is closed.

(Here enter No. 933.)

Ex. Ds. JJS

Fort St. George.

At a Court of the Foujdaree Adalut.

Present,

Tuesday, 16th May, 1837. John Bird Esqr. ..... 2d Puisne Judge.
William Rudleston Esqr. ..... 3d Puisne Judge.

JJS

Read order of Government, No. 430, dated 6th May 1837. communicating the further observations of the Right Honorable the Governor in Council on the Circuit Report by the 1st Judge of the Provincial Court of Circuit in the Centre Division for the 2nd and 3d Quarter Sessions of 1835. and the 1st Quarter Sessions of 1836. with reference to the explanation furnished in the Proceedings of the Foujdaree Adalut of the 8th of April 1837.

(Here enter No. 926.)

Ordered, that Copy of para 3 of the above order of Government be furnished to Mr. Oakes, and that he be desired to communicate to the Criminal Judge of Bellary, that the Right Honorable the Governor in Council sees reason pleased "to sanction the outlay of Rupees 185 eighty five for demolishing the prison at Bellary," and that "he concurs with the

16th May 1837.

the Court of Zongdaree Adalut in Considering the estimate for building Cooking Sheds for the same prison" on a scale of Fencing very much over-proportioned to the object in view, and that they should be revised if the work in question is Considered absolutely necessary."

Ordered, that extract from these proceedings, together with a Copy of para 3 of the order of Government of the 6th instant, No 430, be furnished to the Pt Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.

(Sentin No 685.)

Read Extract from the Minutes of Consultation in the Judicial Department No 433, under date the 6th May 1837.

(Here enter No 432 of 1837)

In para 1 of the above Extract from the Minutes of Consultation the Judges of the Zongdaree Adalut are called upon to submit their opinions upon the suggestions contained in the two last paragraphs of Mr Mac's Circuit Report, dated the 18th March 1837, "of addressing Zemindars falsely charged to establish their innocence, or how

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"on trial, by permitting them to make use "of written defences and for inviting said "Peons to a more active and faithful discharge of their duties by establishing a "graduated scale of remuneration."

2. Mr Mac's suggestions on the first of these points in para 36 of his report is that prisoners should be allowed "either before or at the commencement of "the trial to put the Judge in possession "of the real facts of the case by a written "Argee to be afterwards filed of record as "part of the defence, so as to enable the Judge "to cross examine witnesses on points for the "defence without giving time for the preparation of an answer, which is done by the "question being put by the Prisoner, and "interpreted to the Judge before answered "by the witnesses."

3. The course of proceeding here described would, in the opinion of the Court of Zongdaree Adalut, be at variance with the Regulations, and all established practice, and would not tend to the furtherance of the ends of Justice and it also appears to the Court, that with

reference

16th May 1837.

reference to existing provisions of the legislature any new rule for the purpose stated by Mr Tracy is wholly unealled for.

4 The order of proceeding in trials before the Court of Circuit by which, in accordance with the practice of all Judicial tribunals, the defence of the prisoner is taken after the evidence for the prosecution, is indicated in Clause first Section XV Regulation VII of 1802:- to receive at any other period of the trial a statement to form "part of the defence" would be altogether irregular and improper.

5 The custom of a true statement one containing "the real facts of the case", to be furnished by the accused, appears chimerical. His defence is no more entitled to belief, than is the charge on which he is arraigned; of the one as of the other, so much only can have weight with the Court, as is proved by evidence.

6 The existing rule which requires that the Judge of Circuit shall peruse with attention the preliminary proceedings previously to each trial, among which proceedings are now contained

F.U.

16th May 1837.

contained the examinations, prescribed in Section II Regulation XIII of 1832;- appears to the Court of Foujdaree Adalut amply sufficient to put the said Judge in possession of the case for the prisoner, so as to enable him to cross examine the witnesses, as prescribed in Clause second Section XVIII Regulation VII of 1802, a privilege of the prisoner also, which the proposition of Mr Tracy would seem calculated to curtail. The object of the Judge is simply "a discovery "of the truth", that of the prisoner his own exculpation

7. The duty of the Judge on behalf of the prisoner, is to see, that the proceedings against him are legal and strictly regular, and that he does not suffer from his want of knowledge of law; and this has been given by the highest legal authority as the true meaning of the maxim, that the Judge shall be counsel for the prisoner.

8. But although the suggestion of Mr Tracy, as cited above from his report is considered by the Court of Foujdaree Adalut open to the foregoing observations, there

16th May 1837.

there is nothing in the Regulations or in the established practice to prevent a prisoner's putting in, at the proper time, a written defence, drawn up with care previous to trial, and such defence when offered, the Court of Circuit would be bound to receive.

9. In respect to Mr Wray's recommendation in the 37th para of his report, in favor of a graduated scale of remuneration for Jail peons, the Court of Zillah Adalut beg leave to explain that the additional expenditure alone prevented their adoption. It is to be observed, that 5 Rupees per Mensem is the highest pay now allowed to these peons, and that at the Magistracy of the Stations their pay is only 3 Rupees monthly. In their report of the 22nd Ultimo the Judges of the Zillah Adalut have proposed an arrangement, which having been adopted by orders of Government of the 10th Instant will be attended with an addition to the charges of this department.

10. With reference to para 2 of the above Extract from the minutes of consultation the Court direct, that an Extract from

16th May 1837.

from the Calendar, containing the case of Letter mentioned in the list appended to para 16 of Mr Wray's report, together with a Copy of this Courts order on the subject, dated 3rd September 1834, and of the return thereto from the acting 3rd Judge of Circuit in the Northern Division, dated 24th February 1835, be sent to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.

Ordered, also, that Mr Wray

11 be called upon to furnish the explanation required by the latter part of para 2 of the Extract from the Minutes of Consultation under date the 6th Instant: and that a copy of para 3 thereof be transmitted to him.

The Court of Zillah Adalut

12 having caused the copy of Mr Wray's report to be carefully collated with the original final, that with one exception, the errors contained in the former obtain in the latter, which perhaps it might have been better for the Court to have, in consequence, sent back to Mr Wray. It appears that the omission of the

Examiner's

16th May 1837. Examiner's Signature or initials was accidental, but it is found upon enquiry, that the copy was not submitted to Government unexamined by him.—

Ordered that Extract from the proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.—

WS

(Sentence No. 686.)

5 Pl.

In Court of the Conjeveram Adaulut

Present,

Wednesday, 17th May 1837. John Bird Esqre. ——— 2d Puisne Judge

William Rudderton Esqre. ——— 3d Puisne Judge

WS

Read letter dated the 8th Instant from the Magistrate of Cudalore reporting, as required by the Conjeveram Adaulut on the 21st Ultimo, in reviewing the Calendary Criminal Reports, upon the conduct of the Cahildar who forwarded the case No 10 in those Reports, to the Joint Criminal Court.—

(Here enter No. 961)

The Court of Conjeveram Adaulut, deeming the explanation afforded in the above letter satisfactory, direct that their opinion be communicated to the Magistrate.—

Ordered accordingly that Extract from these proceedings be sent to the Magistrate of Cudalore for his information.—

(Sentence No. 690)

WS

At a Court of the Foujdaree Adalut

Present,

Thursday 18th May 1837 — John Bird Esqre. —— 2nd Puisne Judge
William Rudleston Esqre. 3rd Puisne Judge

Read letter dated the 27th Ultimo

No 13

from the 3rd Judge on Circuit in the Centre Division, transmitting the record of the trial No. 1 on the Cuddapah Calendar for the 1st Session 1837—

(Here enter No. 835—)

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

Mr. Bird and Mr. Rudleston

Bandoobhoyee

of murder on strong presumptive proof and awarding Tazeer and adjudge him to be transported to such place or places beyond Sea, as the Right Honorable the Governor in Council may appoint, there to be imprisoned and kept to hard labor in irons on the publice roads

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

1. At page 32 of the record of the above trial, the Court observe that the Witness Muddoy Gooravadoo was thus examined by the then Acting Criminal Judge—

Question 1st In what language will you have your deposition written?

Answer In Teloogoo.

Question 2nd Did you give a deposition before the Head of the Police of the Shidhout Taluk?

Answer. I did—

Question 3rd Hear it will be read—did you speak thus?

Answer. I have heard—I spoke thus.—

2. The whole of the examination of this Witness after the first Question, the Court of Foujdaree Adalut look upon as irregular and improper—They observe that not a single question was put to him by the Acting Criminal Judge touching his knowledge of the act charged against the prisoner and, in fact, as an investigation of a case before a Criminal Court such an examination could be of no avail

3. And with respect to the examination of the next Witness, Bundala Gungadoo, the same observation is applicable—it being verbatim question and answer the same as that of Gooravadoo.—

Although

4. Although Mr. Glass is no longer in the Judicial Department, the proceeding above described would be equally irregular if adopted by him in conducting an examination in his Magisterial capacity—The Court of Foujdaree Adalut accordingly deem it proper to direct the 3rd Judge to communicate to Mr. Glass now Acting Magistrate of Guntoor for his information and future guidance, so much of these proceedings as concern him.—

5. On referring to Page 61 of the record the Court perceive that instead of the proceedings being entered which were held before the Court of Circuit merely a "note" is given to the effect that "the trial of this case is postponed it being "necessary to examine the Doctor and to forward "the spear marked No. 1 produced in this case to "the Tahsildar in order to ascertain to whom it "belongs".—

6. And again at page 66 the following occurs "no warrant was issued for the further detention of the prisoner in Jail, but the Criminal Judge "was directed by an Extract from the proceedings "of this Court to detain him in custody until the "final decision of the Higher Court be made known "to that Officer, which was communicated to the Prisoner".—

The

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

1. At page 32 of the record of the above trial, the Court observe that the Witness Muddoy Gooravadoo was thus examined by the then Acting Criminal Judge—

Question 1st In what language will you have your deposition written?

Answer In Teloogoo.

Question 2nd Did you give a deposition before the Head of the Police of the Shidhout Taluck?

Answer I did—

Question 3rd Hear it will be read—did you speak thus?

Answer I have heard—I spoke thus.—

2. The whole of the examination of this Witness after the first Question, the Court of Foujdaree Adalut look upon as irregular and improper—They observe that not a single question was put to him by the Acting Criminal Judge touching his knowledge of the act charged against the prisoner and, in fact, as an investigation of a case before a Criminal Court such an examination could be of no avail.

3. And with respect to the examination of the next Witness, Bundala Gungadoo, the same observation is applicable—it being verbatim question and answer the same as that of Gooravadoo.—

Although

4. Although Mr. Glass is no longer in the Judicial Department, the proceeding above described would be equally irregular if adopted by him in conducting an examination in his Magisterial capacity—The Court of Foujdaree Adalut accordingly deem it proper to direct the 3rd Judge to communicate to Mr. Glass now Acting Magistrate of Guntoor for his information and future guidance, so much of these proceedings as concern him.—

5. On referring to Page 61 of the record the Court perceive that instead of the proceedings being entered which were held before the Court of Circuit merely a "note" is given to the effect that "the trial of this case is postponed it being "necessary to examine the Doctor and to forward "the Spear marked No. 1 produced in this case to "the Tahsildar in order to ascertain to whom it "belongs".—

6. And again at page 66 the following occurs "no warrant was issued for the further detention of the prisoner in Jail, but the Criminal Judge "was directed by an Extract from the proceedings "of this Court to detain him in custody until the "final decision of the Higher Court be made known "to that Officer, which was communicated to the Prisoner".—

The

7.

The Court of Faujdaree Udalut are of opinion that at page 61 the proceedings themselves should have been recorded and that a "warrant" should have been issued by the 3rd. Judge and copy thereof entered at page 6 as directed by the Circular Order of the Faujdaree Udalut of the 6th. May 1815. pages 12 and 13 of the printed volume of orders.

Ordered, that Extract from these proceedings be sent to the 3rd. Judge on Circuit in the Centre Division for his information.

(Sent following letter No. 697)

Read the Chingleput Criminal Reports prescribed by Section XXXI Regulation X 1816 for the month of April.

(Here enter No. 951)

Statement of punishments under Regulation X of 1832.

1.

There are two cases entered in this statement in one the prisoner is stated to have been "convicted of having drunk arrack in the tread mill" in the other there are five prisoners "supposed to have bartered thread taken from the Jail, in the Bazar for Tobacco and Betle which were found on their by the Jailor on their return from work" and in both cases the prisoners are ordered to be "placed on half batta for one month".

2.

It appears to the Court of Faujdaree Udalut that the occurrence of these offences belong

a want of proper management in the Jail. The bartering of thread in the Bazar or the introduction of arrack at the tread mill could not have taken place without the knowledge or connivance of the Peons and the Court require to be informed whether any and what enquiry into the conduct of those whose duty it was to prevent these breaches of discipline was made. They also direct that it may be explained to them what is meant by "half batta".

Statement of labor

3.

In this statement it is represented that four prisoners were employed during the Month in making Tatties for the use of the Judge's garden. The Court of Faujdaree Udalut direct that an explanation be submitted to them respecting this employment of prisoners apparently on private works.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Chingleput for his information and guidance by Receipt returnable in 3 days after receipt.

(Sent following Receipt No. 698)

Read the Tinnevelly Criminal Reports prescribed by Section XXXI Regulation X of 1816 for the month of April.

(Here enter No. 960)

Statement of labor

The Court of Faujdaree Udalut perceive that in this statement the Columns numbered

9

9 10 and 11 have been inadvertently left blank. They accordingly direct that the Joint Criminal Judge be called upon to state what entries ought to have been made in those Columns, in order that the omission may be supplied in their Register's Office.

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge at Tinnevelly for his information and guidance by Precept returnable in 5 days after receipt.

(Sent following Precept No. 699)

Read again letter dated the 25th March last from the Officiating 2nd Judge on Circuit in the Centre Division, submitting the Cuddalore Calendar for the 2nd Sessions of 1836.

(Here enter No. 635.)

Circumstances having been brought to the notice of the Fouzdaree Adalut which in their opinion, render it necessary that an English Translation of the record of the Trial No. 3 in the above Calendar should be laid before them, they resolve to direct that the Officiating 2nd Judge be instructed to cause an English translation of the proceedings held in the trial in question to be transmitted for their consideration.

Ordered, that Extract from these proceedings

proceedings be sent to the Officiating 2nd Judge on Circuit in the Centre Division for his information and guidance by Precept returnable in 15 days, after receipt.

(Sent following Precept No. 700)

Read again Petition presented on the 17th Ultimo by Poovan Sing late Duffadar of the Jail at Coimbatore.

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

Read also return dated the 8th Instant from the Acting Joint Criminal Judge at Coimbatore to the Precept of the Fouzdaree Adalut of the 1st Instant, calling on him to state whether "Poovan Sing" was aware of the rules contained in the Circular Order No. 16 on the occasion of the escape of the prisoners on the 9th of January last.

(Here enter No. 956.)

It appears from the above return that from the depositions of the Petitioner, there can be little doubt but that he was aware that the rules in question had been prescribed. The Acting Joint Criminal Judge however concludes his return by stating that he did not after the opinion expressed by the Fouzdaree Adalut consider himself justified in recommending that he "should

Adalut

18th May 1837.

"should be merely reduced to the grade of a peon "though inclined to do so in consideration of his age "and long services."

2. The Court of Fouzdaree Adalut on a further consideration of all the circumstances of the case of the Petitioner resolve to authorize the Acting Joint Criminal Judge to recomplay him.

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

(Sent in No. 701

Ordered also, that extract from these proceedings be furnished to Petitioner on his application.

Read the Cuddalore Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of April.

(Here enter No. 957)

Supplemental Report Case 21.

The Court of Fouzdaree Adalut as far as they are able to judge from the Report before them are not of opinion that Clause 4th Section III Regulation VI of 1822 applies to this case as regards the 3d 4th and 5th prisoners and they accordingly direct that an explanation of the ground on

Fo. 60.

18th May 1837.

on which sentence was passed under that provision may be explained to them.

Ordered, that extract from these proceedings be sent to the Acting Joint Criminal Judge at Cuddalore for his information and guidance by Precept returnable in 3 days after receipt.

JS (Sent following Precept No. 702.)

Read letter dated 4th Instant from the 1st Judge of the Provincial Court in the Northern Division, offering explanation regarding his opinion "that a confession should be rejected upon the ground "that the attesting witnesses do not recollect all the "material facts therein contained," expressed in para. 15 of the Circuit Report, and reviewed by the Fouzdaree Adalut on the 30th December 1836, and requesting information as to the intent of the Circular Order No. 41 directing that the subscribing witnesses to such confession be first examined "as to the contents of the declaration attested by "them; and that such declaration be, after such "examination, read in open Court and the sub- "scription of the witness proved" &c.

(Here enter No. 937.)

1. The 1st Judge states that from paras. 5 and 6 of the Proceedings of the Fouzdaree Adalut

"should be merely reduced to the grade of a peon
"though inclined to do so in consideration of his age
"and long services."-

2. The Court of Fouzdaree Adalut on a further consideration of all the circumstances of the case of the Petitioner resolve to authorize the Acting Joint Criminal Judge to recomplay him.-

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

(Sent in No. 701

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

Read the Cuddalore Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of April.

(Here enter No. 957)

Supplemental Report. Case 21.

The Court of Fouzdaree Adalut as far as they are able to judge from the Report before them are not of opinion that Clause 4th Section III Regulation VI of 1822 applies to this case as regards the 3d, 4th and 5th prisoners and they accordingly direct that an explanation of the ground on

F. C.

on which sentence was passed under that provision may be explained to them.-

Ordered, that extract from these proceedings be sent to the Acting Joint Criminal Judge at Cuddalore for his information and guidance by Precept returnable in 3 days after receipt.-

JS (Sent following Precept No. 702.)

Read letter dated 4th Instant from the 1st Judge of the Provincial Court in the Northern Division, offering explanation regarding his opinion "that a confession should be rejected upon the ground "that the attesting witnesses do not recollect all the "material facts therein contained", expressed in para. 15 of the Circuit Report, and reviewed by the Fouzdaree Adalut on the 30th December 1836, and requesting information as to the intent of the Circular Order No. 41 directing that the subscribing witnesses to such confession be first examined "as to the contents of the declaration attested by "them; and that such declaration be, after such "examination, read in open Court and the sub- "scription of the witness proved" &c.-

(Here enter No. 937.)

1. The 1st Judge states that from paras. 5 and 6 of the Proceedings of the Fouzdaree Adalut

Udalut of the 30th December 1836 it would appear that he had for his object in his remarks, recorded, in his Circuit Report, the substitution of parol evidence of the contents of a written confession for the evidence of the written Record.—

2.

The 1st Judge submits that his observations did not convey such a meaning, and that he only intended that parol evidence of the contents of a written confession should be received as one means of the proof of it, and knowing from experience that the subscribing witnesses to those documents have generally altogether forgotten the contents of them he suggested as a remedy that the writer of them should in all cases of this kind be examined to prove them.—

3.

This suggestion he observes was made by him under the impression that a subscribing witness to a written confession is required to state what the prisoner did confess as in cases of verbal confession—but his error in this respect having been pointed out to him, he submits that he was in the first instance misled in some degree by the Circular Order of the Sudder Udalut No. 41 dated 20th April 1835 wherein it is required that in all trials before the Courts of Circuit when the Prisoner may have confessed the charge before either of the lower authorities "the subscribing witnesses

"witnesses to such confession be first examined as to "the contents of the declaration attested by them; and "that such declaration be, after such examination, "read in open Court, and the subscription of the "witness proved viva voce."—

The 1st Judge therefore asks the

4.

intention of the instructions contained in the order just referred to, directing to question the subscribing witnesses as to the contents of a written confession when a recollection of the contents by them is considered not to be necessary.—

The Court would observe that the

5.

subscribing witnesses should be "examined as to "the contents of the declaration attested by them"; so far as to be asked the general purport of such declaration, the object of such examination being, not to prove that particular facts were admitted by the accused, but that the witness was present at his confession, regarding which point there would be reasonable cause for doubt if the witness should be unable to state, generally its purport.—

The Circular Order No. 41 is not

6.

superseded by the proceedings of the 30th December 1836, which last were intended to meet what was supposed by the Court of Sudder Udalut to be the 1st Judge's view of the principle of the law

of

18th May 1837.

of evidence under discussion, and to prevent his future rejection of a confession upon the ground "that the attesting witnesses do not recollect all the "material facts therein contained." It was, with this view, observed that the written record was deemed to furnish superior evidence to any parol evidence of the contents of the declaration.—

Ordered, that extract from these proceedings be furnished to the 1st Judge of the Provincial Court in the Northern Division for his information.—

Sent in No. 703)

Friday 19th May 1837.

At a Court of the Conjeeveram Adalut

Present,

John Bird Esqre ——— 2d Puisne Judge,

William Sudleston Esqre ——— 3d Puisne Judge,

Read return, dated the 6th instant from the Criminal Judge at Calicut, to the Precept of the Conjeeveram Adalut of the 28th ultimo, conveying the orders of the Conjeeveram Adalut on the Calicut Criminal Reports for the months of March last.—

(Here enter No. 962.)

Suppl. Report Case 61.

The Criminal Judge states that "the error "noticed in this case appears to have arisen from a mistake "of the Copyist for in the Office copy the section entered "is VIII, which circumstance the Criminal Judge trusts renders "further explanation unnecessary."—

2. It will be observed by the Criminal Judge on perusal of the proceedings of the Conjeeveram Adalut of the 28th ultimo, that they remarked the inapplicability of Section VIII Regulation XII of 1832 to the case, "according to the circumstances represented in the Report." The Court therefore direct that the explanation required may now be furnished.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Calicut for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 707)

Read

19th May 1837

18

Read the Vizagapatam Criminal Report prescribed by Section XXXV Regulation X 1816 for the month of April —

(Here enter No. 969)

Suffs Report Cases 16. 17 — 1. In both these cases the prisoners are charged simply with receiving stolen property: the Court conclude that they were in fact tried for the offence of receiving & knowing it to be stolen — and the charge should have been so expressed in the Report —

Case No. 19 — 2. The Court perceive that no authority for the sentence in this case passed on the 1st & 2d prisoners or for the requisition of security from the 3d prisoner has been given. The Court accordingly direct that the Acting Joint Criminal Judge be now asked on to supply the omission —

Ordered, that extract from these proceedings be sent to the Acting Joint Criminal Judge at Vizagapatam for his information and guidance by Precept returnable in 3 days after receipt —

(Sent following Precept No. 708.)

WB

E.W.S.

E.16.

In Court of the Conjeeveram Adaulut

Saturday, 20th May, 1837 — Present,

John Bird Esqr. ——— 2d Puisne Judge,

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

WB

Read the Criminal Reports prescribed by Section XXXV Regulation X 1816 —

(Here enter No. 908)

Report VIII — 1. In this Report are entered 11 cases containing 18 prisoners, as "committed in the previous month" — The Court of Conjeeveram Adaulut are not aware of the reason why these cases have not been disposed of by the Court of Quarter Sessions, and they accordingly direct that a copy of this paragraph be sent from their Register's Office to the Provincial Court of Circuit, who will be pleased to transmit an explanation on the point —

Statements of Labour — 2. It is noticed in this Statement that 12 Convicts were employed during the month at "work in the Circuit Court," and 4 at "work in the Zillah Court" — The Court of Conjeeveram Adaulut direct that the nature of the work in which these convicts were employed may be explained —

Ordered, that extract from these proceedings be sent to the Criminal Judge at Chittoor for his information and guidance by precept returnable in 3 days, after receipt —

(Sent following Precept No. 712)

Ordered

Ordered also, that Extract from these proceedings Vide para. 2 be sent to the Criminal Court of Circuit in the Centre Division for their information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 713.)

Read the Coimbatore Criminal Reports prescribed by Section XXXV Regulation X 1816. for the month of April.—

(Here enter No. 967)

Suspected Report

Case 66.

1. In this case it is stated that the prisoner "denied his guilt, and complained much of the treatment he met with from the Police who from the appearance "of his arms, and the evidence of 2 witnesses cited by him, "leaves no room to doubt that they attempted to extort a "confession." The Court of Conjeeveram Adawlut conclude that a communication on this circumstance had been made to the Magistrate. But if not, the Acting Joint Criminal Judge will now send copy of the case as it stands in the Report, and of this paragraph, to that Officer, who will be pleased to enquire into the conduct of the Police concerned, and report direct to the Conjeeveram Adawlut whether he has found it necessary to take any—and what notice of it.—

Report V

Case 64.

2. The prisoners in this case are represented as having been apprehended on the 7th January, and having the Calook on the 1st of April. No explanation of this detention having been given in the Report, the Court direct that a copy of the case as it stands in the Report, and of this paragraph, be sent from the

the Joint Criminal Court to the Magistrate, who will submit his explanation direct to the Conjeeveram Adawlut.—

Case 65. 3 The Court of Conjeeveram Adawlut require it to be explained why this prisoner concerned in case 59 and 78 as well as 65. is entered in case 69 as having the Calook at the 23d and arriving on the 28th of March before the Joint Criminal Court, is represented in case 65 as having the Calook on the 30th March and arriving at the Joint Criminal Court on the 1st April. and again in the case 73 as having the Calook on the 5th April and reaching the Joint Criminal Court on the 7th of the same month.—

68. 4. Copy of this case as it stands in the Report and of this paragraph should be sent by the Joint Criminal Court to the Magistrate, who will be pleased to admonish the Police Officer to whose want of knowledge of his duty the prisoner in this case "was subjected to most "unnecessary severity." This was a case in which it was incumbent on the Police Officer to refer to the Magistrate previous to the transmission of the prisoner to the Joint Criminal Court.—

84. 5. The Court of Conjeeveram Adawlut require to be informed of the ground on which the sentence recorded on the 1st and 2d prisoners in this case were passed. The one sentence differing so much with the other in the severity of the punishment to which the prisoners are to be subjected, the reason of the difference should have been specified in the Report. The Acting Joint Criminal Judge will now explain this point.

As

Case 85. 6.

As far as the Court can understand the explanation of the Police Officer as given in the Report it appears to them that much unnecessary delay was allowed to occur in the transmission of the prisoners in this case to the Joint Criminal Court. The Court of Tinjdaree Adalut accordingly desire that copy of the case as it stands in the Report and of this paragraph be sent by the Acting Joint Criminal Judge to the Magistrate, who will be pleased to enquire into the conduct of the Police Officer and report direct to the Tinjdaree Adalut whether he has found it necessary to take any and what notice of it.

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Coimbatore for his information and guidance in Precept returnable in 5 days after receipt.

(Ent. following Precept No. 714.

Ent. P.C.

P.C.

At a Court of the Tinjdaree Adalut.

Present,

Monday. 22d May 1837.

John Bird Esqr. ——— 2nd Puisne Judge
William Rudleston Esqr. 3rd Puisne Judge.

113 Read return dated the 10th instant made by the Acting Magistrate of Vizagapatam to the precept of the Tinjdaree Adalut of the 20th April 1837 requiring him, in pursuance of the instructions contained in the third para. of the extract from the Minutes of Consultation under date the 11th of the same month, to restore upon Roddam Royah Narsemloo, in open Cutcherry, the sum of 150 Rupees sanctioned by Government as a reward for his gallantry and resolution upon the occasion of the attack made upon his house by a party of armed Robbers, and at the same time to inform him that his conduct has attracted the favourable commendation of His Lordship in Council, requiring him also to take the same opportunity to exhort all classes to manfully to resist the incursions of Robbers and to intimate to them that such Courageous defence of their persons and property as

by

22nd May 1837.

by force of arms is an example worthy of imitation throughout the province and will always meet with the marked approbation of Government.

(Here enter No 1807)

1. The Acting Magistrate states that the above orders "have been most strictly complied with" - that "the record was first stored "on Bodda Roylah Ayeswaloo in the presence "of several of the inhabitants of his village "and many hundred Ryots who were assembled for the annual settlement:- that "the circumstances which had drawn forth "the approbation of Government were fully "explained, and all classes pointed to follow "his example in the defence of their lives and "property;" and that "a Proclamation has also "been published throughout the District to "make the same circumstances generally "known".

2. The Acting Magistrate concludes by expressing "his conviction that the liberality "of Government on the present occasion and "the publicity which has been given to the "facts will have a most beneficial effect".

Ordered, that extract from the proceedings

22nd May 1837.

proceedings be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council for his information.

(Sent in No 720)

Read letter dated the 4th instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division submitting his Report for the 4th Quarter Sessions of 1836 and the 1st Quarter Sessions of the present year.

(Here enter No 1946)

With reference to para 5 of the Report, the Court of Foujdaree Adalut resolve to direct that the 1st Judge of the Provincial Court of Circuit in the Northern Division be required to call upon the Acting Joint Criminal Judge to report whether any objections exist to the yard of the prison on the East side of the Fort being appropriated as a "Cooking place" for the prisoners;- and if no objections exist to procure and to submit an estimate of the expense of covering the Brick wall stated to be about 4 feet in height, with a tiled roof

23rd May 1837 - roof as suggested by the 1st Judge -

And with reference to para 6 the 1st Judge will require the Acting Assistant Judge to report whether the Cells under the command of the Fort, referred to in Brigadier Wahab's letter of the 6th July 1836, could not be made unobjectionable as Cooking places for the prisoners confined in the prison on the West side of the Fort -

In the 7th para of his Report the 1st Judge suggests that pots for cooking the prisoners rice be furnished at the expense of Government the Acting Senior Criminal Judge states in his return dated the 20th of April last that when pots for cooking their food are required, a deduction is made from their allowance for the purchase of them, and he states that the practice has existed for many years -

If the daily allowance of food actually served out to the prisoners is sufficient for their subsistence, the Court of Sudder Adalut with reference to their Circular Order of the 25th January 1832, do not see any objection to the arrangement made for providing them with pots, and without further

F. C.

22nd May 1837 - further - - - explanation therefore the Court are not prepared to direct its discontinuance -

Ordered, that extract from these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance by precept returnable in 15 days from and after its receipt -

(Sent following Precept at 1721)

Read return dated the 15th instant, made by the 3rd Judge on Circuit in the Centre Division to the precept of the Foujdaree Adalut of the 10th May 1837, declaring the Trials in cases No 1 and 2 of the Bellary Supplemental Calendar for the 1st Sessions of 1837 null and void as trials for murder, pointing out that as the prisoners were tried for murder by Thuggee the proceedings should have been conducted in strict conformity with Regulation VII of 1809, and that the Futwa of the Mahomedan Law Officer can be dispensed with only in Trials for the offence provided for by Act XXX of 1836 - ordering the detention of the prisoners

on

22nd May 1837. Criminal Judge at Chicacole for his information and future guidance.--

(Sent in No 723.)

Read letter dated the 8th Instant from the 3rd Judge on Circuit in the Centre Division, transmitting the Trial in Case No 11 Cuddapah Calendar for the 1st Session 1837 called for by the Sudder Adalut on the 17th March last.

(Here enter F.R. No 940 of 1837.)

Mr Bird and Mr Hudleston. The Court of Sudder Adalut having maturely Considered the proceedings held before the Judge on Circuit, the future of the Provincial Law Officer and the futwa of the Cazee or Cozat and Mooftee of the Sudder Adalut, confirm such part of the said futwa of the Cazee or Cozat and Mooftee aforesaid as convicts the prisoner

2nd Gungoolee Yadoo

of concealing property obtained by robbery - Finding it to be such and under the sentence of Act Robut awarded thereon, and under Clause 2nd Section IV Regulation VII of 1822, adjudge him to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of four (4) years from the 28th of January 1837.

But

F. 6

22nd May 1837.

But being of opinion that the proof against the prisoner

1st Yellaleegandoo

is sufficient to convict him of the crime of robbery by open violence, the Court do, under Clause first Section II Regulation I 1818 convict him thereof and sentence him under Clause 3rd Section IV Regulation XV 1803 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 from the 28th January 1837.-

(Sent following letter No 724)

At page 56 of the record the Court of Foujdaree Adalut observe the following note recorded.

"Note. the Government Vakeel Appoo Row attends the Court and produces the Moor Rleyannamah dated the 23rd January 1837, executed to him by the Acting Criminal Judge of Cuddapah to enable him to conduct the prosecution in this case which was filed on the record and the following question was put"

Then follows the question.

what

22nd May 1837. what complaint the Vakil had to prefer, and his reply.

The Court of Fougdaree Adalut desire that the 2d Judge be advised of the impropriety of his proceeding in taking a charge after the evidence for the prosecution - it was both irregular and unnecessary.

Ordered, that Extract from these proceedings be sent to the 2d Judge on Circuit for his information and guidance by Receipt returnable in 5 days after receipt.

(Sent following Receipt No 2725)

Read order of Government, No 440, dated the 18th of May 1837 upon the proceedings of the Fougdaree Adalut under date the 22nd Ultimo. held on review of the Reports received from the several Officers, Civil as well as Military, in charge of Jails, containing their opinion of the measures that should be adopted in view to render the Guards over the Convicts more efficient; - and on review of the Statement shewing the number of escapes from each Jail or working party during the last 5 years viz from 1832 to 1836 inclusive.

(Here enter No 943)

&c

22nd May 1837. 1. In the 46th para of the proceedings of the Fougdaree Adalut above referred to the Court expressed their concurrence in the opinion entertained by Messrs Nelson and Strange "that the prospect of promotion would be a powerful stimulus to exertion and good behaviour on the part of the Peons," and further considering it vain to expect any improvement in their efficiency so long as their situations are not permanently secured to them as far as the nature of the service will admit of, the Court recorded their approval of the plan suggested by Mr George Dird and Mr Forsyth of "fixing annually the number of guards over the prisoners liable to work in each Jail," and suggested that the number to be retained for the year should be determined on at the commencement of the Year.

2. The Right Honorable the Governor in Council having desired the Fougdaree Adalut to take measures for giving effect to the suggestions contained in para 46 of their proceedings, the Court resolve to direct the

4

22d May 1837 - 4 Provincial Courts of Circuit to require the several Criminal Joint Criminal and Principal Sudr Ameens and Officers in charge of Jails to live at the commencement of the ensuing Sixty the number of the Guard for the year, to be determined on with reference to the number of Convicts liable to work outside the Jail at that time in confinement in the Jail, and calculated at the rate of 1 Peon to 4 prisoners 4 per Cent in excess of the usual proportion of 1 Peon to every 4 Prisoners worked outside allowing allowed for sick and absent Peons.

3. The Right Honorable the Governor in Council has been pleased to authorize in lieu of the present establishment of 1 Duffadar to every 25 Peons 1 Duffadar and 1 Naig for every 20 Peons, the pay of the former being at present 7 Rupees per month and that of the latter 6 Rupees month-ly

4. In the case of the Jail Peons employed at Dellang, Cuddapah and Chicacole, the Right Honorable the Governor

Dellang - 4-1-4
Cuddapah - 4-12-9
Chicacole - 4-8-0

22d May 1837 - Governor in Council has been pleased to sanction an increase of their present allowances shewn in the margin, to Rupees 1½ five per cent, His Lordship concurring in opinion with the Judges Adalut that it is necessary that these Peons should be placed upon a footing with the same description of Guards at other stations.-

5. The 4 Provincial Courts will be pleased to circulate the accompanying additional Jail Rules to take effect from the commencement of the ensuing Sixty, and they will require the several Officers in charge of Jails to submit on the 1st July next detailed statements shewing the number of Officers and Peons maintained for the year, with a memorandum of the additional expence involved in these arrangements.-

6. In respect to the arms of the Guards, the Court of Sangdanee Adalut have suggested that two of every ten Peons be armed with Carbines or light muskets with Bayonets, and

22nd May 1837- 4 Provincial Courts of Circuit to require the several Criminal Joint Criminal and Principal Sudr Ameens and Officers in charge of Jails to fix at the commencement of the ensuing Sixty the number of the Guard for the year, to be determined on with reference to the number of Convicts liable to work outside the Jail at that time in confinement in the Jail, and calculated at the rate of 1 Peon to 4 prisoners 4 per Cent in excess of the actual proportion of 1 Peon to every 4 Prisoners worked outside allowing allowed for sick and absent Peons.

3. The Right Honorable the Governor in Council has been pleased to authorize in lieu of the present establishment of 1 Duffadar to every 25 Peons 1 Duffadar and 1 Naig for every 20 Peons, the pay of the former being at present 7 Rupees per month and that of the latter 6 Rupees monthly

4. In the case of the Jail Peons employed at Dellang, Cuddapah and Chicacole, the Right Honorable the Governor

Dellang- 4-1-4
Cuddapah- 4-2-9
Chicacole- 4-8-0

22nd May 1837- Governor in Council has been pleased to sanction an increase of the present allowances shewn in the margin, to Rupees 5½ five per mensem, His Lordship concurring in opinion with the Foujdaree Adalut that it is necessary that these Peons should be placed upon a footing with the same description of Guards at other stations.-

5. The 4 Provincial Courts will be pleased to circulate the accompanying additional Jail Rules to take effect from the commencement of the ensuing Sixty, and they will require the several Officers in charge of Jails to submit on the 1st July next detailed statements shewing the number of Officers and Peons maintained for the year, with a demonstration of the additional expence involved in those arrangements.-

6. In respect to the arms of the Guards, the Court of Foujdaree Adalut have suggested that two of every ten Peons be armed with Carbines or light muskets with Bayonets, and

22nd May 1837

29th May 1837. and that each Officer / Duffadar a Sang / be armed with a pistol, but previous to issuing any orders on this subject the Right Honorable the Governor in Council desires to be informed of the number and description of fire arms that will be required. The Provincial Courts of Circuit will therefore desire the several Officers in charge of Jails to prepare and submit Indents accordingly.

7. An improvement in the mode of dressing the Convicts is under consideration, and the Provincial Courts of Circuit will be addressed on this subject at a future period

8. Great advantage having been shewn to have been derived from the employment of European Lascars at Chinglepet and Cuddalore, the Right Honorable the Governor in Council has authorized the several Officers in charge of Jails to employ Pensioned Europeans as Jailors wherever vacancies occur, if their services can be obtained at the salaries already fixed, and to employ the labor of the Convicts in guarding

Billary-
Cuddapah-
Chicacole-

22nd May 1837 buildings for their accommodation wherever that labor may not be required for other and more important work &c.

9. The Provincial Courts of Circuit will be pleased to communicate the sanction of Government for the employment of European Jailors on the conditions specified above, and at the same time require the several Officers in charge of Jails to endeavour to prevent collusion between Convicts sentenced to work on the roads and their Guards by frequently alternating the tours of duty of the Peons within and without the Jail without reference to any fixed and known roster.

10 With reference to the returns shewing the number of actual escapes from each Jail or working party during the last five years, amounting in the aggregate to 372 persons / shewing also the number of persons who made the attempt but either did not effect their escape at all, or were

22nd May 1837.

the several Officers to whom it may
Concern:-

(Sent following Precept No 726.)

Rules.

1. Convicts under Sentence of the Sessions Adalat and Court of Circuit to be confined in the most secure cells.-

2. In Jails where there are no watch towers on the walls, Sentries to be posted at night outside as well as inside the walls of the Jail.-

3. At the Commencement of the Jail year the number of Guards for the custody of the Prisoners liable to work outside the Jail shall be regulated for the whole year, at the rate of 1 Man to 4 of such Prisoners, allowing at the rate of 4 per cent for absentees, and no alteration shall take place within the year unless the increase or decrease of the number of Prisoners liable to work shall be extensive, and in that case only with the sanction of Government applied for through the Sessions

22nd May 1837.

were apprehended on the same day
210 persons including 5 who were killed
and the number of escaped persons
still at large, amounting to one less
than 200 persons, some of the most
desperate character, the Court of Sessions
Adalat resolve to direct that the several
Criminal Joint Criminal Sessions Commis-
-sion such Ameens and Officers in
charge of Jails be required to furnish
the Magistrate of the District with a
list of the Convicts still at large, showing
the manner, place of residence, description
and Sentence upon them respectively,
upon the receipt of which list the Ma-
-gistrate should again require list of
Police Officers to make search in the
Village where each Convicts family
resides, and to note their present endeavours
to re-apprehend them.

Ordered that Extract from
these proceedings be forwarded to the
4 Provincial Courts of Circuit by precept
returnable in 20 days from and after
its receipt requiring them to direct
the necessary communication to
the

22nd May 1837- shall be liable to immediate dismissal.

12. When the strength of the Guard will not allow of such relative proportion of Peons to Convicts, a portion of the Convicts shall be worked inside the Jail or on the court house attached to it.

JB

At a Court of the Sonjdaree Adalut

Present,

Tuesday, 23rd May 1837.- John Bird Esqre 2nd Puisne Judge,

Alexr Duncan Campbell Esqre Acting 3d Puisne Judge.

Read the Masulipatam Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of April.

(Here enter No 986.)

JB

Suppl. Report Case 19 Report V Case 20.

1. The Court of Sonjdaree Adalut remark that four persons are represented in case 19 as swearing to the confession of the prisoner that he committed the murder charged against him and under the circumstances of that case and the case No 20, as to the correctness of the disposal of which in the manner reported, they have doubts, they resolve to direct that copy of the cases as they stand in the Report, and of this paragraph, be sent from their Registers Office, to the Judge Presiding at the Quarter Sessions, with instructions to look into the proceedings and pass upon the cases such orders, as to him may then appear proper, with reference to Section XXIII. Regulation X. 1816, and to report the same for the information of the Sonjdaree Adalut.

Report V Case 21.

2 In this case the prisoners have been

been sentenced under Section VII Regulation X 1816 but it is not clear of what crime they were considered to be convicted. The Court accordingly direct an explanation to be submitted to them on this point.

Report VIII 3. Two cases containing eight prisoners, "committed in the previous Months" appearing in this Report, the Court of Foujdaree Udalut direct that copy of this paragraph also be sent from their Register's Office to the Judge Presiding at the Court of Quarter Sessions, in order that he may explain why they have not been disposed of.

Statement of labor 4. In this Statement it is represented that 32 prisoners were occupied during April on sweeping the streets in the Fort 20 in "mending the Chintheudpoody "road" and 13 in repairing the compound of the Jail" The Court of Foujdaree Udalut require to be informed why the services of these prisoners are not employed on "the Causeway".

Ordered, that extract from these proceedings be sent to the Officer in charge of the joint Criminal Court at Masulipatam for his information and guidance by Precept, returnable in 4 days after receipt.

(Sent following Precept No. 728)

Ordered also that extract from these proceedings, viz. paras. 1 and 3, with copy of case 19 and 20, be sent to the Judge presiding at the Quarter Sessions at Masulipatam for his information and guidance, by Precept, returnable in 12 days after receipt.

(Sent following Precept No. 729)

Read the Nellore Criminal Report prescribed by Section XXXV Regulation X 1816 for the Month of April.

(Here enter No. 933.)

Suppl. Report Case 23. 1. Although the full indictment for Perjury is not required to be entered in the Criminal Report, the manner in which the alleged "Perjury was committed should be specified and the "contradiction" described in order to enable the Foujdaree Udalut to judge whether or not the offence charged amounts to "Perjury".

Report V Case 34 2. The Court of Foujdaree Udalut conclude that in this case the two persons, falsely and maliciously accused, were named by the prisoner in her complaint.

" Case 35. 3. It is stated in this case that the "second prisoner was at the time under the direction of the Peons". As the said prisoner was not serving in the capacity of Peon, "sentence ought not to have been

23d May 1837 -

been passed on him under Clause 1st Section XI of Regulation XIII of 1832" - and he should now be released -

Case 36 4. The Section as well as the Regulation under which the sentence was passed should have been recorded: but, the case, according to the charge, being one of Robbery, the Court of Fouzdaree Adalut direct it may be explained how it was reduced to one of simple "theft".

Case 37. 5. According to the statement of the circumstances of this case it appears to the Fouzdaree Adalut that the prisoners might have been convicted on the evidence adduced. The Court however will not now disturb the order for the requisition of security -

Ordered, that extract from these proceedings be sent to the Acting Criminal Judge at Nellore for his information and guidance by Precept returnable in 4 days after receipt -

(Sent following Precept No. 730)

Read the Salem Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of April -

(Here enter No. 990)

Suspt. Report Case 53. 1. The fact of the commitment of the prisoner in this case should have been stated in the Report -

In

23d May 1837
Report V
Case 61.

2. In this case the grounds stated appear to the Fouzdaree Adalut insufficient for the requisition of security from the prisoner, who should accordingly be released by the Criminal Judge if still in jail, and if the Bailbond has been entered into, it should be cancelled -

Case 66. 3. The Court regret that the judgment of the Sudr Ameen in this case should have been overruled, and the prisoner discharged, - the Cazee and Mooftees of the Fouzdaree Adalut having declared the offence, of which the prisoner is stated to have been convicted, punishable under the Mahomedan Law -

Statement of punishments under R. X of 1832.

4. Where there may be no cases to enter in this Statement, it should not be transmitted: but the cause of its absence should be explained by a note annexed to the Reports, or in the letter accompanying them -

Ordered, that extract from these proceedings be sent to the Criminal Judge at Salem for his information and guidance by

2d May 1837.

by Receipt returnable in 3 days after receipt.

(Sent following Receipt No. 731.

J. U.

At a Court of the Foujdaree Adalut

Present

Thursday, 25th May 1837.

John Bird Esqre 2nd Puisne Judge.

Alexr. Duncan Campbell Esqre Acting 3d Puisne Judge.

Read letter dated the 10th instant from the 3d judge on Circuit in the Centre Division submitting copy of a letter and its enclosure from the Criminal Judge in the Zillah of Cuddapah on the subject of the commitment of the 2d prisoner in Case No. 9 of the Cuddapah Calendar for the 1st Sessions of 1837.

× dated 3d May 1837.

(Here enter No. 954.)

In the 2nd para: of his letter addressed to the Register of the Provincial Court of Circuit in the Centre Division under date the 15th April 1837, Mr. Angelo states that in the extract from the proceedings of the Foujdaree Adalut under date the 17th of March 1837, he has been "instructed, that, because the Circuit Judge could "not bring the case "home to the 2d prisoner" "in case No. 9 of the Calendar," his "commitment "of the said Prisoner was very improper;" and in the 3d para: he "laments that the Foujdaree Adalut shou

25th May 1837 by Receipt returnable in 3 days after receipt.

Sent following Receipt No. 731.

Ex. Ct.

115

113

Fo. 46.

At a Court of the Foujdaree Adalut

Present

Thursday, 25th May, 1837.

John Bird Esqre 2nd Puisne Judge.

Alexr. Duncan Campbell Esqre officiating 3d. Puisne Judge.

115

113

Read letter dated the 15th instant from the 3d. Judge on Circuit in the Centre Division submitting* copy of a letter and its enclosure from the Criminal Judge in the Zillah of Cuddapah on the subject of the commitment of the 2nd prisoner in Case No. 9 of the Cuddapah Calendar for the 1st Sessions of 1837.

* dated 3d. May 1837.

(Here enter No. 954.)

In the 2nd para: of his letter addressed to the Register of the Provincial Court of Circuit in the Centre Division under date the 15th April 1837, Mr. Angelo states that in the extract from the proceedings of the Foujdaree Adalut under date the 17th of March 1837, he has been "instructed, that, because the Circuit Judge could "not bring the case "home to the 2nd prisoner" "in case No. 9 of the Calendar," his "commitment "of the said Prisoner was very improper;" and in the 3d. para: he "laments that the Foujdaree Adalut "should

25th May 1837

should in this mere opinion of a Gentleman contemporaneous with himself in the service, proceed to censure a step, which it was his positive duty to adopt.

2. The Criminal Judge, and in alleging the above to be the grounds on which the Court of Foujdaree Udalut declared the commitment of the prisoner in question improper—

3. In the 15th para. of their proceedings above refered to the Court of Foujdaree Udalut directed "that the Criminal Judge of Cuddapah be informed that his commitment of the 2nd prisoner "Linda Jagannatham, when his conviction was "obviously unattainable, is considered very improper" and this observation was recorded, not with reference to the remarks of the Judge of Circuit, but with reference to the abstract of the evidence in the Calendar, according to which the only evidence against the 2nd prisoner, was that of the 1st prosecutor who stated that the Bag, No. 3, which was found in 2nd prisoner's house belonged to him—

4. The Court of Foujdaree Udalut regret that they should have had occasion to point out to Mr Angelo, that a conviction on such evidence could not be procured; and they desire that

25th May 1837.

that he be admonished of the impropriety of his referring to the opinion recorded by the Court of Circuit, on the evidence produced against the 2nd prisoner, in the objectionable terms used in the 3rd para: of his letter to the Provincial Court of Circuit of the 15th April 1837.

Ordered, that extract from these proceedings be forwarded to the 3rd Judge on Circuit in the Centre Division to be by him communicated to the Criminal Judge in the Zillah of Cuddapah.—

Sent in No. 738.)

Read the Madura Criminal Reports prescribed by Section XXXVI, Regulation X. of 1816 for the Month of April.—

(Here enter No. 985.)

Supt Report Cases 37 and 38.

1. The only explanation of the detention of these cases before the Criminal Court is that "the Prosecutor and Witnesses" had not arrived at the date on which the Report was closed. The Court of Foujdaree Udalut observe that this is not the full explanation required by the Circular Order of the 11th April 1832 and they direct that the Acting Criminal Judge be called on to state what measures he took to procure the attendance of the Prosecutor and Witnesses at his Court during the Month of April.

25th May 1857.

Statement of the Labor of the prisoners at Paumben.

2. The Contremand that of the 50 prisoners employed at Paumben there are no fewer than 10 "sick" and they resolve to direct the Provincial Court of Circuit in the Southern Division to request the Officer in charge of those Convicts to report whether they have any, and what, Medical aid within reach. The Provincial Court of Circuit will, at the same time, inform the Officer in charge that a note, at the foot of the "Statement of Labor," signifying that there have been no instances in which the powers of punishment created by Regulation X of 1832 have been exercised, will suffice instead of a "blank" "Statement of punishments under Regulation X of 1832," where no offences to be included in such statement have been committed.—

Blank Statement of punishments under Regulation X of 1832.

Ordered that extract from these proceedings be sent to the Acting Criminal Judge at Madura for his information and guidance by Receipt, returnable in 3 days after receipt.—

(Sent following Receipt No. 739

Ordered also that Extract from these proceedings Vide para 2. be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance by Receipt, returnable in 5 days after receipt.—

(Sent following Receipt No. 740)

No. 16.

At a Court of the Tondaree Adalut.

Present,

Saturday 27th May 1837.

John Bird Esqre. 2nd Puisne Judge.
Alexr. Duncan Campbell Esqr. Acting 3d. Puisne Judge.

Read the Bellaree Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the 4 Months of April.—

(Here enter No. 1038.)

Suppl. Report Case 16.

1 This case is described as still "under examination," and the Court of Tondaree Adalut resolve to direct that copy of it as it stands in the Report, and of this paragraph, be sent by the Criminal Judge to the Magistrate, who will be pleased to report direct to the Tondaree Adalut why the Witnesses necessary for the disposal of the case have not been forwarded.—

Report V Cases 42 and 43.

2. Copy of these cases also as they stand in the Report should be sent by the Criminal Court to the Magistrate, with copy of this paragraph.—In case 42 the detention in the Talook of the prisoner is unsatisfactorily accounted for, and the Magistrate will be pleased to enquire into the conduct of the Head of Police and

27th May 1837

and report direct to the Foujdaree Udalut whether he has deemed it proper to take any and what notice of it. In case 43 the cause of the reference by the Head of Police has not been explained according to the Circular Order N.62 dated 26th February 1836.

Case 42 again

3. The Court of Foujdaree Udalut think the acquittal of this prisoner, under the circumstances stated in the Report, scarcely satisfactory, but they will not now disturb the order recorded.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Bellaree for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 750.

Read return, dated the 25th Instant from the Criminal Judge at Chingleput, to the Precept of the Foujdaree Udalut, conveying their orders on the Chingleput Criminal Reports for Feb.

(Here enter No. 1041.)

In the above return the Criminal Judge explains that the prisoners entered in the "statement of labor" as "making tallies for the use of the Judge's garden" were employed in making Tallies as work suitable to them, no Lime

subject to "epileptic fits," and another having "a sore leg" that the Criminal Judge furnished grass and other materials and ordered "two others" to assist them that "the Criminal Judge paid the hire of the men," and that he "conceived there could be no more objection to the men being thus employed than there was to his purchasing the cloth or paper made by the prisoners, for his own private use."

2. The Court of Foujdaree Udalut direct that the Criminal Judge be informed that there can be no objection to the manufacture of tallies by the prisoners for sale, but that the entry in the statement of labor should have been worded differently from what it was.

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

(Sent in No. 751.)

Read letter, dated the 15th Instant, from the Acting 3rd Judge on Circuit in the Northern Division, transmitting the 1st and Supplemental Rajahmundry Calendars for the 1st Sessions of 1837.

(Here enter No. 1016.)

Case No. 1

4. The Court of Foujdaree Udalut regret to observe that it has been found necessary to

and report direct to the Foujdaree Udalut whether he has deemed it proper to take any and what notice of it. In case 43. the cause of the reference by the Head of Police has not been explained according to the Circular Order N.62 dated 26th February 1836.

Case 42 again.

3. The Court of Foujdaree Udalut think the acquittal of this prisoner, under the circumstances stated in the Report, scarcely satisfactory, but they will not now disturb the order recorded.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Bellaree for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept N. 750.

Read return, dated the 25th Instant, from the Criminal Judge at Chingleput, to the Precept of the Foujdaree Udalut, conveying their orders on the Chingleput Criminal Reports for that

(Here enter N. 1041.)

In the above return the Criminal Judge explains that the prisoners entered in the "statement of labor" as "making tallies for the use of the Judge's garden" were employed in making Tallies as work suitable to them, one being

subject to "epileptic fits," and another having "a sore leg" that the Criminal Judge furnished grass and other materials and ordered "two others" to assist them that "the Criminal Judge paid the hire of the "men," and that he "conceived there could be no more objection to the men being thus employed than there was to his purchasing the cloth or paper made by the prisoners, for his own private use.

2. The Court of Foujdaree Udalut direct that the Criminal Judge be informed that there can be no objection to the manufacture of tallies by the prisoners for sale, but that the entry in the statement of labor should have been worded differently from what it was.

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

(Sent in N. 751.)

Read letter, dated the 15th Instant, from the Acting 3rd Judge on Circuit in the Northern Division, transmitting the 1st and Supplemental Rajahmundry Calendars for the 1st Sessions of 1837.

(Here enter N. 1016.)

Case N. 1

The Court of Foujdaree Udalut regret to observe that it has been found necessary to

27th May 1837 to postpone, for the second time, the trial of this case. It appears to have been occasioned solely by the absence of the 2nd Witness for the defence and there being nothing to shew what he was called to prove, the Court are without the information necessary to enable them to judge as to the propriety of this 2nd postponement, a proceeding particularly objectionable unless essential to justice. The Acting 3rd Judge will be pleased to forward for the perusal of the Court copy of the return of the Acting Criminal Judge dated the 9th Ultimo to his Receipt of the same date.—

Case No. 2. 2. Although the Acting 3rd Judge was competent to adopt the proceeding recorded in the Calendar respecting "the other prisoners concerned in this case" who were released by the Criminal Judge, the Court do not see any sufficient reason why the trial of the single prisoner in this case should have been postponed. It still remains, the Acting 3rd Judge should bear in mind, uncertain in some measure whether or not the said other prisoners will have to stand their trial.—

Case 3. 3. In the opinion of the innocence of

(3) Of No

2). Of No:

27th May 1837.— of the prisoner, Batty panty Sawmy, which the Acting 3rd Judge has recorded in the Calendar, the Court of Foujdaree Udalut fully concur. They regret to have to remark that the enquiry of the Acting Criminal Judge was so insufficient as to cause the commitment of the prisoner who would, they are confident, have been released by the Criminal Court had the investigation of the case, when before it, been as full as it ought to have been.—

Case 5. 4. With reference to the note appended to this case in the Calendar, the Court of Foujdaree Udalut require to be informed whether the Acting 3rd Judge arraigned the prisoner for the crime of which he has been convicted. The Court conclude that he did so, on perusal of the proceedings.—

Case 6. 5. The Court do not wish now to disturb the order recorded for the requisition of security from the 1st prisoner in this case, but it seems to them that the Acting 3rd Judge might have been warranted in convicting him on the evidence adduced.—

Case 9. 6. In this case the prisoner was convicted of robbery but the amount of property

taken

27th May 1837

The Court of Foujdaree Udalut deem wholly unsatisfactory the reasons assigned by Mr. Whey for delaying the examination of the prisoners and persons connected with the escape which occurred on the 24th November 1835, until the period specified in the 12th para: of the proceedings of the Foujdaree Udalut laid before Government under date the 6th of April 1836, and the explanation of his conduct in omitting to take a single deposition from any one of the parties concerned in the escape which occurred on the 17th or 18th January 1836 up to the period of his suspension from office viz: the 15th of March 1836 and of his omission to submit a report of the circumstances attending these escapes for the information of the Foujdaree Udalut as required by the Circular Order No. 42 dated 27th April 1835.

2. In submitting however this return Mr. Whey has fulfilled the conditions on which the Right Honorable the Governor in Council has determined that his suspension from the office and allowances of Judge and Criminal Judge of Rajahmundry, shall cease; and the Court therefore direct that a copy of Mr. Whey's return dated the 12th instant together with extract from these

J. Do.
27th May 1837

proceedings be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, with an intimation that they will submit to Government at an early period the special report upon Mr. Whey's qualifications as a Judicial Officer required by the Minutes of Consultation under date the 5th instant when as directed they will take a review of that Gentleman's past career in the Judicial Department.

Ordered accordingly, that extract from these proceedings be furnished to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, and that a copy thereof be furnished to Mr. Whey for his information.

(Sent in No. 75 34/54)

Read returns, dated the 3d Instant from the Provincial Courts of Circuit in the Centre and Southern Divisions, to the Precepts of the Foujdaree Udalut of the 8th Ultimo, directing that copy of Para: 41 and an extract from para: 42 of the Report of the 1st Judge of the Provincial Court of Circuit in the Centre Division for the 2d and 3d Quarter Sessions 1835 and the 1st Sessions 1836 be forwarded to the 4 Provincial Courts of Circuit, in order that the Magistrates may be instructed to give effect to the suggestion of the 1st Judge contained therein.

(Here enter No. 913 and 914)

Read

Read return, dated the 2nd Instant, from the Acting 2nd Judge late on Circuit in the Northern Division, to the Precept of the Toujdaree Udalut of the 28th February last, conveying the orders and observations of the Toujdaree Udalut on his Circuit Report for the 2nd Sessions 1836.

(Here enter No. 920.)

Read return, dated the 2nd Instant from the Joint Criminal Judge at Coimbatore to the Precept of the 28th April, conveying the orders of the Toujdaree Udalut on the Coimbatore Criminal Reports for the Month of March last.

(Here enter No. 932.)

Read return dated the 1st Instant from the Acting Joint Criminal Judge of Vizagapatam to the Precept of the Toujdaree Udalut of the 26th April conveying their orders on the Vizagapatam Criminal Reports for March.

(Here enter No. 949.)

Read returns dated the 12th 3th and 25th Instant, from the Provincial Courts of Circuit in the Southern, Northern and Centre Divisions, to the Precepts of the Toujdaree Udalut of the 27th April 1837, conveying the orders of the Toujdaree Udalut with reference to the extract from the Minutes of Consultation of

of the 31st March last on the Proceedings of the Toujdaree Udalut of the 15th February last, reviewing the Circuit Report of the 1st Judge of the Provincial Court of Circuit in the Northern Division for the 1st Sessions of 1836.

(Here enter No. 971. 976 and 1046.)

Read return dated the 20th Instant from the 1st Judge of the Court of Circuit in the Centre Division, to the Precept of the Toujdaree Udalut of the 15th instant, calling on him to explain the cause of delay in disposing of the trial No. 1 of the 5th Supplemental Calendar 4th Quarterly Sessions 1836.

(Here enter No. 1032.)

Read Order of Government dated the 25th Instant, stating it would have been satisfactory to Government to have received when Mr. Wherry's Report was submitted the observations contained in the 9 first paras of the proceedings of the Toujdaree Udalut of the 16th Instant.

(Here enter No. 1050.)

At a Court of the Longford Quarter
Present,

Monday,
29th May 1837.

John Bird Esqre ——— 2d Puisne Judge
Alexr Duncan Campbell Esqre ——— Acting 3d Puisne Judge

Read letter dated the 29th Ultimo from the Acting 3d Judge late on Circuit in the Southern Division, submitting the Report prescribed by section XXXVII Regulation VII of 1827 for the 2d Sessions of 1836.—

(Vide entry No. 904.)

The Acting 3d Judge having omitted to forward with his Report copies of all Calendars that may have been delivered to him by the several Magistrates, and of the proceedings which may have been held by him thereon, as required by the order of the Court of Longford Quarter of the 24th February 1836—Ordered, that his attention be called to the order quoted above and that he be required to submit copies thereof for the information of the Court of Longford Quarter without further delay.—

Ordered, that extract from these proceedings be forwarded to the Acting 3d Judge late on Circuit in the Southern Division for his information and guidance by precept returnable in 15 days from and after its receipt.—

(Sent in No. 758)

Read extract from the minutes of Consultation

Consultation under date the 20th May 1837 communicating copy of a letter addressed to the Chief Secretary to Government by the Criminal Judge of Cuddapah under date the 13th instant, requesting authority to investigate and dispose of a case of murder irregularly sent up to his Court by the Head of Police in the Commr Salem, instead of the Magistrate, as required by Clause 3d Section III Regulation II of 1829 - directing the Court of Foujdaree Adalut to forward to the Criminal Judge of Cuddapah the information contained in that letter (neither the place where the murder was committed, nor the parties concerned being named) - and desiring the Judges to give the necessary orders to the Criminal Judge to dispose of it under the general Regulations upon their being satisfied that it is one of those contemplated in Regulation II of 1829.

(Here enter No. 1020) X

1.

In explanation of the Report having been submitted to Government by himself instead of by the Magistrate, as contemplated in Clause 2d Section III Regulation II of 1829, the Criminal Judge submits that "the Circular "Order of the Court of Foujdaree Adalut prohibits "cases, though "irregularly" forwarded to the Criminal Judge, being "retransmitted".

2.

If the Circular Order here alluded to by the Criminal Judge is that of the 8th December 1831, the Judges desire that he be informed that the said order

order is inapplicable to a case of this nature, which does not come within the ordinary jurisdiction of the Court, until the special order of Government for the trial of the accused parties has been issued; and such order can be obtained only in the manner indicated in Clause Second Section III Regulation II of 1829.

3.

The Criminal Judge is accordingly desired to forward the Prisoners together with the proceedings held by the Head of Police to the Magistrate, who will proceed as directed in the Section and Regulation above quoted.

4.

The Criminal Judge is also directed to be careful in future in addressing the Government to give such complete information on the subject brought to their notice as may enable them to dispose of the matter without further reference.

Ordered, that extract from these proceedings be forwarded to the Criminal Judge in the Zillah of Cuddapah for his information and future guidance; and that extract be furnished to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent in No. 7568757

Read Letter dated 8th Instant from the Joint Criminal Judge at Guntoor submitting the

Criminal

Consultation under date the 27th May 1837 communicating copy of a letter addressed to the Chief Secretary to Government by the Criminal Judge of Cuddapah under date the 13th instant, requesting authority to investigate and dispose of a case of murder irregularly sent up to his Court by the Head of Police in the Doorva Taluk, instead of the Magistrate, as required by Clause 8th Section III Regulation II of 1829 - directing the Court of Sudder Adalut to forward to the Criminal Judge of Cuddapah the information contained in that letter (neither the place where the murder was committed, nor the parties concerned being named) - and desiring the Judges to give the necessary orders to the Criminal Judge to dispose of it under the General Regulations upon their being satisfied that it is one of those contemplated in Regulation II of 1829.

(Here enter No. 1820)

1. In explanation of the Report having been submitted to Government by himself instead of by the Magistrate, as contemplated in Clause 2d Section III Regulation II of 1829, the Criminal Judge submits that "the Circular Order of the Court of Sudder Adalut prohibits "cases" though "irregularly" forwarded to the Criminal Judge, being "retransmitted".

2. If the Circular Order here alluded to by the Criminal Judge is that of the 27th December 1833, the Judges are of opinion that he be informed that the said

order is inapplicable to a case of this nature, which does not come within the ordinary jurisdiction of the Court, until the special order of Government for the trial of the accused parties has been issued; and such order can be obtained only in the manner indicated in Clause second Section III Regulation II of 1829.

3. The Criminal Judge is accordingly directed to forward the Prisoners together with the Proceedings held by the Head of Police to the Magistrate, who will proceed as directed in the Section and Regulation above quoted.

4. The Criminal Judge is also directed to be careful in future in addressing the Government to give such complete information on the subject brought to their notice as may enable them to dispose of the matter without further reference.

Ordered, that extract from these Proceedings be forwarded to the Criminal Judge in the Zillah of Cuddapah for his information and future guidance; and that extract be furnished to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent in No. 756 to 757

Read letter dated 8th Instant from the Joint Criminal Judge at Guntoor submitting the

Criminal

Consultation under date the 27th May 1837 communicating copy of a letter addressed to the Chief Secretary to Government by the Criminal Judge of Cuddapah under date the 13th instant, requesting authority to investigate and dispose of a case of murder irregularly sent up to his Court by the Head of Police in the Dooroo Falook, instead of the Magistrate, as required by Clause 3d Section III Regulation II of 1827 - awaiting the Court of Sudder Adalut to point out to the Criminal Judge of Cuddapah the mode of disposal of the information contained in that letter. (neither the place where the murder was committed, nor the parties concerned being named) - and desiring the Judges to give the necessary orders to the Criminal Judge to dispose of it under the General Regulations upon their being satisfied that it is one of those contemplated in Regulation II of 1827 -

(Here enter No. 1020) X

1.

In explanation of the Report having been submitted to Government by himself instead of by the Magistrate, as contemplated in Clause 2d Section III Regulation II of 1829, the Criminal Judge submits that "the Circular Order of the Court of Sudder Adalut prohibits (even though irregularly) forwarded to the Criminal Judge, being returned."

2.

If the Circular Order here alluded to by the Criminal Judge is that of the 8th December 1815, the Judges deem that he be informed that the said Order is inapplicable to a case of this nature, which does not come within the ordinary jurisdiction of the Court, until the special order of Government for the trial of the accused parties has been issued; and such order can be obtained only in the manner indicated in Clause second Section III Regulation II of 1827 -

3. The Criminal Judge is accordingly desired to forward the Prisoners together with the proceedings held by the Head of Police to the Magistrate who will proceed as directed in the Section and Regulation above quoted -

4. The Criminal Judge is also directed to be careful in future in addressing the Government to give such complete information on the subject brought to their notice as may enable them to dispose of the matter without further reference -

Ordered, that extract from these proceedings be forwarded to the Criminal Judge in the Zillah of Cuddapah for his information and future guidance, and that extract be furnished to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council -

(Sent in No. 756 of 757

Read letter dated 8th Instant from the Joint Criminal Judge at Guntoor submitting the Criminal

Criminal Reports for the month of April 1837

(Here enter No. 965)

Read Return dated 8th Instant from the Judges of the Provincial Court in the Eastern Division, in pursuance of the Enjoinder Mandate of the 8th Instant, requiring the Provincial Court to circulate Copies of the Minutes of Consultation of 14th March last, approving of a suggestion that the inhabitants be urged to cause their initials to be engraved upon household utensils, and their clothes marked in such a manner as shall enable them to identify their property with facility.—

(Here enter No. 970)

Read Letter dated 8th Instant from the Criminal Judge of Amara, transmitting Criminal Reports for April 1837.—

(Here enter No. 988)

Read letter dated 8th Instant from the Acting Principal Sub Amin at Koosa, forwarding the Criminal Reports for the month of April 1837

(Here enter No. 991)

Read return dated 10th Instant from the Judge in Circuit Centre Division, in pursuance of the Enjoinder Mandate of the 12th Instant, directing the release of the second and third prisoners in No. 19 Cuddapa Calendar 1st Sessions 1837.—

(Here enter No. 992)

Read order of Government dated 9th Instant

Stating

Stating that the Right Honorable the Governor in Council presumes that a Copy of the Proceedings of the Enjoinder Mandate of the 6th May last has been furnished to the Acting Judge for his information and guidance.—

(Here enter No. 997)

Read letter dated 15th Instant from the officiating 2d Judge late on Circuit Centre Division, transmitting Warrants issued in Cases No. 4 and 8 Bellary Calendar 2d Sessions 1836.

(Here enter No. 997)

Read return dated 15th Instant from the Acting 1st Judge on Circuit Southern Division, in the Receipt of the Enjoinder Mandate of the 9th Instant, directing that the Magistrate of Tinnevelly be instructed to notice the irregularity of the Head Police Officer in the examination of Case No. 4 Tinnevelly Calendar 1st Sessions 1837.—

(Here enter No. 998)

Read letter dated 16th Instant from the Provincial Court of Circuit in the Eastern Division, transmitting Seven Criminal Reports for the months of March last.—

(Here enter No. 1000)

Read letter dated 12th Instant from the Magistrate of Salem, transmitting explanation called for by the Enjoinder Mandate of the 22d Ultimo, in their review of the Salem Criminal Reports for March.—

(Here enter No. 1002)

Read

Read letter dated 3d Instant from the Acting 3d Judge on Circuit in the Southern Division, reporting the opening of the Court of Sessions of Ongole

(Here enter No. 1073)

Read Criminal Reports dated 3d Instant from the Acting Joint Criminal Judge at Chittoor for the month of April 1837.—

(Here enter No. 1074)

Read letter dated 1st Instant from the Criminal Judge at Cuddapah, forwarding Calendar and Cumulative Criminal Reports for the months of April 1837.—

(Here enter No. 1075)

(Here enter No. 1076)

Read return dated 1st Instant from the Criminal Judge at Cuddapah in Pursuance of the Register Endorsed of the 12th Instant, conveying their sanction to the Cuddapah and Cumulative Criminal Reports for March

(Here enter No. 1079)

Read letter dated 11th Instant from the Late Special Commissioner at Vizagapatam Colonel Morris forwarding the warrant in Nos. 10, 11 and 12 of the Special Commission with copy of a letter from the Acting Criminal Judge of Chicacole.—

(Here enter No. 1024)

Read letter dated 15th Instant from the Acting Third Judge on Circuit in the Southern Division transmitting

a Statement of Extra, required by the Circular Order No. 35 of the 25th March 1836 from the Zillah of Rajahmundry.—

(Here enter No. 1022)

Read letter dated 18th Instant from the Provincial Court in the Southern Division, forwarding copy of a letter from the Joint Criminal Judge at Chittoor explaining why he left blank certain Columns in the Statement of the Labor of the Convicts under his charge in the months of April 1837.—

(Here enter No. 1025)

Read return dated 15th Instant from the Criminal Judge at Bangalore to Precept of the Superior Endorsed of the 8th Instant, on the review of the Criminal reports for the months of March 183[illegible].—

(Here enter No. 1028)

Fo. 66.

At a Court of the Foujdaree Udalut

Present

Tuesday 30th. May 1837.

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

Alexr. Duncan Campbell Esqre. Acting 3d. Puisne Judge

Read letter dated the 12th. Instant,

1/3 from the Officiating 2nd. Judge late on Circuit in the Centre Division, transmitting the record in Case No. 11. Cuddalore Calendar 2nd. Sessions of 1836.

(Here enter No. 963.)

Read also letters dated the 1st. and x

x no date to original letters

March last from the same Officer in the former of which he recommends the payment of a reward of 300 Rupees to the Duffadar and Peons who assisted in apprehending the accomplices of the notorious Talavichen (the 1st. prisoner in the above case) and in the latter returns the enclosures forwarded with his letter of the 1st. March, which, by order of the Court of Foujdaree Udalut, had been sent back to him for translation.

(Here enter Nos. 471 and 543.)

Mr. Bird and Mr. Campbell

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee and Mooftee and

the

30th May 1837.

and Moofteers of the Faujdaree Adalut confirm such part of the said futwa of the Cazee cum Mooft and Mooftees aforesaid as convicts the prisoners

2nd Soobben
and
4th Ramasawmy

of aiding the Murderers of the deceased "Bunding" and under the sentence of ostracism awarded in the futwa, adjudge them to be transported to such place or places beyond Sea, as the Right Honorable the Governor in Council may appoint, there to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for and during the period of their respective natural lives

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

1st Talaviechen
and
3rd Veerasawmy alias Conganee alias Sottyen

is sufficient to convict them of Murder &c, under the authority with which they are vested by Clause 1st Section II Regulation I of 1813, convict them thereof and under Section X Regulation VIII of 1832 sentence the prisoner

1st Talaviechen

to suffer death by being hanged by the common

30th May 1837.

can be after the receipt of this warrant at a spot to be selected by the Acting Joint Criminal Judge of Chingleput, in the immediate vicinity of the place where the murder was committed, his dead body to be subsequently suspended in chains on a high Gibbet to be erected on the said spot, and the prisoner

3rd Veerasawmy alias Conganee alias Sottyen

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. 762.)

In his letter of the 1st March 1837 the Officiating 2nd Judge, with reference to the instructions issued by the Faujdaree Adalut of the 4th November 1836, recommends "most strongly "that the sum of 300 Rupees be granted to" the "persons who performed meritorious service in appre- "hending the accomplices of" "Talaviechen," "two thirds "of that amount to be paid to the Duffadar "Saulah Ineyah and one third to the Peons who "accompanied and assisted him in apprehending

and

and Moofteers of the Toydarce Udalut confirm such part of the said futwa of the 6azee ob Hoogtar and Moofteer aforesaid as convicts the prisoner

2nd Soobben
and
4th Ramasawmy

of aiding the Murderers of the deceased Ramsing and under the sentence of ostracism awarded in the futwa, adjudge them to be transported to such place or places beyond Sea, as the Right Honorable the Governor in Council may appoint, there to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for and during the period of their respective natural lives

The Court of Zoydarce Udalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoners

1st Talaviechen
and
3rd Veerasawmy alias Conganee alias Sottyen

is sufficient to convict them of Murder &c, under the authority with which they are vested by Clause 1st Section II Regulation I of 1813, convict them thereof and under Section X Regulation VIII of 1832 sentence the prisoner

1st Talaviechen

to suffer death by being hanged by the usual manner by the

can be after the receipt of this warrant at a spot to be selected by the Acting Joint Criminal Judge of Chingleput, in the immediate vicinity of the place where the murder was committed, his body to be subsequently suspended in chains on a high Gibbet to be erected on the said spot, and the prisoner

3rd Veerasawmy alias Conganee alias Sottyen

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. 762.

In his letter of the 1st March 1837 the Officiating 2nd Judge, with reference to the instructions issued by the Zoydarce Udalut of the 4th November 1836, recommends "most strongly "that the sum of 300 Rupees be granted to" the "persons who performed meritorious service in appre- "hending the accomplices of" "Talaviechen," "two thirds "of that amount to be paid to the Duffadar "Saulah Meyah and one third to the Peons who "accompanied and assisted him in apprehending

and

30th May 1837

"and securing these prisoners."

2.

The Court of Foujdaree Udalut resolve, under the authority vested in them by Section XXIII Regulation IX of 1816, to direct the Officiating 2nd Judge to instruct the Magistrate of South Arcot to pay to Duffadar Laula Meyah the sum of two hundred Rupees, and to distribute to the Peons who assisted in capturing the said accomplices the sum of one hundred Rupees

Ordered, that extract from these proceedings be sent to the Officiating 2nd Judge late on Circuit in the Centre Division for his information and guidance by Precept returnable in 12 days, after receipt.

(Sent following Precept No. 763.)

Read the supplemental return dated the 22nd Instant from the Officiating 2nd Judge on Circuit in the Centre Division, to the precept of the Foujdaree Udalut of the 14th November last, calling for an English translation of the proceedings in Case No. 9 Bellary Calendar 2nd Sessions of 1836 to enable the Court of Foujdaree Udalut to satisfy themselves of the propriety of the conviction of the 5th Prisoner in that case:—

(Here enter No. 1042.)

The

F. U.

30th May 1837

The Court of Foujdaree Udalut after a due consideration of the proceedings in the above case, are satisfied that the conviction of the prisoner was correct and proper, and approve of the sentence passed by the Presiding Judge

Ordered, that extract from these proceedings be sent to the Officiating 2nd Judge on Circuit in the Centre Division for his information:—

(Sent in No. 764.)

30th May 1837

"and securing these prisoners."

2. The Court of Zuijdaree Udalut resolve, under the authority vested in them by Section XXIII Regulation IX of 1816, to direct the Officiating 2nd Judge to instruct the Magistrate of South Arcot to pay to Duffadar Laula Meyah the sum of two hundred Rupees, and to distribute to the Peons who assisted in capturing the said accomplices the sum of one hundred Rupees

Ordered, that extract from these proceedings be sent to the Officiating 2nd Judge late on Circuit in the Centre Division for his information and guidance by Precept returnable in 12 days, after receipt.

(Sent following Precept No. 763.)

Read the supplemental return dated the 22nd Instant from the Officiating 2nd Judge on Circuit in the Centre Division, to the precept of the Zuijdaree Udalut of the 14th November last, calling for an English translation of the proceedings in Case No. 9 Bellary Calendar 2nd Sessions of 1836 to enable the Court of Zuijdaree Udalut to satisfy themselves of the propriety of the conviction of the 3rd Prisoner in that case.

(Here enter No. 1042.)

Fr. Ho:
30th May 1837

The Court of Zuijdaree Udalut after a due consideration of the proceedings in the above case, are satisfied that the conviction of the prisoner was correct and proper, and approve of the sentence passed by the Presiding Judge

Ordered, that extract from these proceedings be sent to the Officiating 2nd Judge on Circuit in the Centre Division for his information.

(Sent in No. 764.)

At a Court of the Foujdaree Udalut
Present

Wednesday
31st. May 1837

John Bird Esqr. ——— 2nd. Puisne Judge
Alexr. Duncan Campbell Esqr. Acting 3d. Puisne Judge

Read the Sellicheny 6th. Additional
Calendar 1st. Quarter Sessions of 1837
(Here enter No. 1012)

With the above Calendar, containing a single Case, the 3d. Judge Presiding at the Quarter Sessions forwards a copy of an extract from his proceedings under date the 10th. Instant. In them he has recorded the grounds upon which he has formed his opinion that the case for "the prosecution is "not such as to warrant the arraignment of "the accused, on the charge upon which he "stands committed," and of his resolution "not to pass a final order until the Judges "of the Foujdaree Udalut shall have had an "opportunity of considering the case and of "deciding whether the accused ought to be "tried or not."

The

2 The prisoner Pilikandy Coomby Acoya is charged with having altered the word "deed" into "deeds" on a bond for the sum of Rupees 500, executed to him by Tachanakel Moosa on the 11th November 1830, and adduced by him in suit No. 121 of 1831, continued in appeal under No. 89 of 1836 on the file of the Auxiliary Court, in the place where it is provided in the said bond that the account having been adjusted and discharged it was agreed that this deed (deeds) shall be rewived (back) and the said alteration having been made fraudulently with the view of rendering the said Moosa liable for a bond for Rupees 247 and 7/16th of a fanam executed by him to Karnaven Tacharakil Coomby Pochur to his, the prisoner's, Karnaven Palikuredy Sawan deceased on the 24th July 1822, he, the prisoner, has been guilty of the crime of forgery as defined in Clause 3rd Section IV Regulation VI of 1811.

3. And the Court of Foujdaree Adalut concurring in the opinion of the 3rd Judge Presiding at the Quarter Session respecting the disposal of the case direct that he be instructed to pass the order

order he proposes, for the discharge of the prisoner without trial.

Ordered, that extract from these proceedings be sent to the 3rd Judge Presiding at the Quarter Sessions at Tellicherry for his information and guidance and that the original Papers received with his letter be returned to him.

(Sent in No. 769.)

Read return dated the 23rd Instant from the Acting Joint Criminal Judge at Cuddalore to the Precept of the Foujdaree Adalut of the 13th Instant, conveying the orders of the Foujdaree Adalut on the Cuddalore Criminal Reports for April.

(Here enter No. 1049)

Case 21. As the Court understand the above return the 3rd 4th and 5th prisoners have not been convicted of housebreaking, but of being concerned with the 1st and 2nd in a "theft" of property to the value of Rupees 2-4. The sentence should, accordingly, be reduced with reference to the provisions of Section VII Regulation X 1816. The Acting Joint Criminal Judge will be pleased to report the modified sentence he may pass

under

31st May 1837

under these orders.

Ordered, that extract from these proceedings be sent to the Acting Joint Criminal Judge at Cuddalore for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 770.)

Read the Calicut Criminal Reports prescribed by Section ~~XXXV~~ Regulation X 1816 for the month of April.

(Here enter No. 1037.)

Suppl. Report Case 56 and Report Case 107.

1 The Court of Foujdaree Udalut observe in these cases an omission, on the part of the Criminal Judge, to state the grounds on which he committed the prisoners and they direct that he be informed that they expect, in every case in the Criminal Reports, the grounds of the order, or sentence recorded, to be concisely specified.

Case 124.

2. In this case the Criminal Judge has modified the sentence passed by the Sudr Ameen Pundit. The Criminal Judge will be pleased to report for the information of the Foujdaree Udalut the circumstances which induced him to adopt this measure.

These

Fr. Ch.

31st May 1837

Case 136

3. There is some error evidently in the dates assigned for the apprehension of the prisoners and for their leaving the Talook as entered in the Report, the three are stated to have left the Talook on the 21st, but the 1st and 2nd to have been apprehended on the 20th and the 3rd on the 29th April. Again it is represented in the last Column that the third prisoner was before the Tasildar on the 31st April. The Court of Foujdaree Udalut require an explanation on this point.

4. The Court of Foujdaree Udalut remark that numerous cases await examination but they have no doubt that the Criminal Judge, and the authorities under him, will use every exertion to dispose of the arrears.

Ordered, that extract from these proceedings be sent to the Criminal Judge at Calicut for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 771.)

Read return and Supplemental

Return

31st May 1857

Return from the 1st Judge of the Provincial Court of Circuit in the Centre Division to the Precept of the Foujdaree Udalut of the 25th February last calling for an English translation of Case No 1 of the Chittoor 2nd Supplemental Calendar for the 4th Quarter Sessions of 1836.

(Here enter Nos 564 and 1013)

Read also return dated the 15th from the same Officer to the Precept of the Foujdaree Udalut of the 9th Instant calling upon him for a final return to their Precept of the 25th of February last.

(Here enter No 1010)

Read also again Petition presented by Moonesawmy Chetty and Adeappa Chetty of the Zilla of Chittoor.

(Here enter M.P. No 19 of 1857)

1.

In this case there were originally seven Prisoners charged before the Court of Circuit with having at 5 o'Clock in the evening of the 12th of August 1836 gone armed with sticks, attacked the Prosecutor Sashama Chetty and the 1st 2nd and 9th Witnesses who are residents of Cheruvanenchanoor in the Talook of Chiwtoor in the Zilla of Nellore, on the road in the bed of the Tank of Gowramadepody in the Talook of Suttanad in the Zilla of Chittoor and after wounding the 1st and 2nd Witnesses and assaulting the 9th

(83) No 80.

31st May 1857

9th Witness with sticks, with having robbed them of money and property valued at Rupees 1343-10-6.-

The 6th and 7th Prisoners were released

2.

by the Court of Circuit the former unconditionally the latter on security.

The 1st 2nd 3rd 4th and 5th prisoners

3.

were convicted of robbery by open violence and sentenced on the 5th December last to 14 years' imprisonment with hard labor in irons, the Presiding Judge having overruled the objections of the Law Officer to the evidence of the 1st 2nd and 9th Witnesses.-

Upon reference to the evidence

4.

taken in this case it appears that the 1st prisoner having been seen by the Prosecutor on the morning after the robbery, wearing a pair of slippers which had been stolen the day before from the said Prosecutor, was charged with the robbery that subsequently, about 100 of the inhabitants of Balapet having been collected together, the Prosecutor picked out of them the 3rd 4th 5th 6th and 7th prisoners and, afterwards pointing out the 2nd prisoner also, charged them with being the persons who robbed him and the 1st 2nd and 9th Witnesses.-

These three Witnesses also recognized the

5.

perpetrators

the said seven prisoners as the persons by whom they were robbed, and upon the evidence above referred to, the first five were convicted and sentenced as already mentioned.—

6. It was stated, in the complaint dated the 13th August 1836, the day succeeding the perpetration of the robbery, that the Prosecutor and the said 1st 2nd and 9th Witnesses were robbed of property valued at Rupees 1,343-10-6. Of this property it appears that the only articles recovered are the pair of Slippers found upon the 1st prisoner, an iron Betel cutter, and a Cadjan letter.

7. In respect to these Slippers the 1st prisoner uniformly maintained that he found them on the Morning of his apprehension while passing the Tank where the robbery was committed, and then put them on. Although he has not adduced evidence in support of this assertion, it appears so improbable that any man should wear publicly on his feet a pair of Slippers which he had only the evening before plundered from a traveller in the neighbourhood and thereby, as it were, invite detection, that the Court cannot disbelieve his assertion, and they do not think the mere

mere fact of his being in possession of the Slippers, is a circumstance of strong suspicion against him.—

8. In respect to the evidence of the Prosecutor and the said 1st 2nd and 9th Witnesses, it is admitted by them, severally that they did not previously know any of the prisoners and it is scarcely credible that they should, one, and all, have been able to recognize the same persons to the number of seven; and, to describe, as they endeavoured to do, the particular acts each committed. The Court do not think that these persons, strangers to the accused, have charged them maliciously. But, under their experience of the extreme proneness of natives to recognize as the offenders, any one at all resembling them, who may be offered to their view, in the absence of all evidence that they correctly described the perpetrators, to the local Officers, before apprehension; they deem it most hazardous to found a conviction, upon their mere recognition of the accused, unsupported by any testimony except that regarding the Slippers.—

9. The Court of Zoujdaree Adalut cannot believe under the circumstances of the case, that a robbery of this description should have been perpetrated

perpetrated by such persons as the prisoners, four of whom are Chittus and polishers of stones two of whom are Masters employing others in that trade, and all of whom are men of proved good character. It is remarkable, moreover, that in this respect some of the Prosecutors witnesses have borne testimony in favor of several of the prisoners.

10. Further it appears to the Court that the witnesses for the 1st prisoner have clearly proved that he could not have been present at the perpetration of the robbery: and that the 7th prisoner, who is one of the persons more particularly recognized as having been active in the perpetration of the robbery, established an alibi most clearly and satisfactorily.

11. The 3rd prisoner failed to prove an alibi. But the other prisoners brought evidence to establish the fact of their absence from the Robbery and the Court are far more disposed to attach credit to it, than to the evidence for the prosecution.

12. Had the prisoners been the actual perpetrators of the Robbery, the Court can scarcely suppose it possible for them to have so speedily and so effectually secreted the whole plunder

as that not a single Rupee or article stolen should have been found upon them, or in their houses, out of Rupees 13,143 lost.

13. The Court remark that the first witness before the Police (page 19) made the following statement. "The cloth which I had on my girdle was stained with blood shed from the wound inflicted on my head. Ramechetty (the first prisoner) had part of that cloth torn, and the other part, which bore stains of blood and which I had is now produced by me before the Cutcherry." But the Court do not find that, either before the Criminal Court or the Court of Quarter Sessions any steps were adopted to search into the clue here given to distinct evidence against the 1st prisoner on the contrary the 1st Witness subsequently was allowed to drop all mention of the matter.

14. The Court have frequently expressed the importance they attach to the Amildar's report, translation of which has not accompanied this trial. and the want of it leaves them in ignorance whether the cloth stated to have been produced before the Police Officer was actually forwarded to the Superior Tribunals or not.

Under

31st May 1837.

15.

Under all the circumstances of the case to which they have given their most attentive consideration, the Court of Fouzdaree Adalut think it will become their duty to overrule the sentence of the Court of Quarter Sessions and to direct the unconditional release of the 1st 2d 3d 4th and fifth prisoners and also that of the 7th prisoner should he be still in Jail. But desirous to proceed with caution in such a measure, and to obtain the benefit of any explanation which the Presiding Judge may have it in his power to offer, respecting the contrary judgment at which he no doubt most conscientiously arrived; they resolve to defer the issue of final orders until they have offered him an opportunity to place more fully before them, his views on the case in question.—

the bond of the 7th prisoner to be cancelled

Ordered that extract from these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by Precept returnable in 4 days after receipt.—

(Sent following Precept No. 772.)

Ordered also that extract from these proceedings be furnished to Petitioners on their application.—

Ent'd

Thursday 1st June 1837.

Cut

W.

Present,

John Bird Esqre. ... 2d Puisne Judge

A. D. Campbell Esqre. ... Actg 3d Puisne Judge

Read return from the Acting Criminal Judge at Nellore dated the 27th, to the Precept of the Fouzdaree Adalut of the 23d, Ultimo, conveying their orders on the Nellore Criminal Reports for the month of April.—

Here enter 1065

Report 11 Case 36.

The Court of Fouzdaree Adalut do not understand from the above return how this case came to be regarded by the Criminal Court as one of "theft" and not of "robbery": of which according to the charge entered in the report it has all the features, they accordingly direct that the Acting Criminal Judge be called upon to explain more fully the circumstances under which the crime was committed, and the acts established against the prisoner.

Ordered, that extract from these

31st May 1837.-

15.- Under all the circumstances of the case to which they have given their most attentive consideration, the Court of Toydaree Adalut think it will become their duty to overrule the sentence of the Court of Quarter Sessions and to direct the unconditional release of the 1st 2d 3d 4th and fifth prisoners and also that of the 7th prisoner should he be still in Jail. But desirous to proceed with caution in such a measure as to obtain the benefit of any explanation which the Criminal Judge may have it in his power to offer, respecting the contrary judgment at which he no doubt must conscientiously arrived, they resolve to defer the final orders until they have offered him an opportunity of placing more fully before them, his views on the case in question.-

the bond of the 7th prisoner to be cancelled

Ordered, that extract from these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by Precept returnable in 4 days from receipt.-

(Sent following Precept No. 772.)

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

Ent'd

Thursday, 1st June 1837.-

Ent'd

UPS

WB.

Report No. Case 36.

X

No. 66.

At a Court of the Toydaree Adalut

Present,

John Bird Esqre. 2d Puisne Judge

A. D. Campbell Esqre. Acting 3d Puisne Judge

Read return from the Acting Criminal Judge at Nellore dated the 27th, to the Precept of the Toydaree Adalut of the 23d Ultimo, conveying their orders on the Nellore Criminal Reports for the month of April.-

(Here enter No. 1065)

The Court of Toydaree Adalut do not understand from the above return how this case came to be regarded by the Criminal Court as one of "theft" and not of "robbery": of which according to the charge entered in the report it has all the features, they accordingly direct that the Acting Criminal Judge be called upon to explain more fully the circumstances under which the crime was committed, and the acts established against the prisoner.

Ordered, that Extract from these

31st May 1837.-

15.-

Under all the circumstances of the case to which they have given their most attentive consideration, the Court of Foujdaree Adalut think it will become their duty to overrule the sentence of the Court of Quarter Sessions and to direct the unconditional release of the 1st 2nd 3d 4th and fifth prisoners and also that of the 7th prisoner should he be still in Jail. But desirous to proceed with caution in such a measure and to obtain the benefit of any explanation which the Presiding Judge may have it in his power to offer, respecting the contrary judgment at which he no doubt most conscientiously arrived; they resolve to defer the issue of final orders until they have offered him an opportunity to place more fully before them, his views on the case in question.-

the bond of the 7th prisoner to be cancelled

Ordered, that extract from these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by Precept returnable in 4 days after receipt.-

(Sent following Precept No. 772.)

Ordered also that extract from these proceedings be furnished to Petitioners on their application.-

Ent'd

F. 66.

Thursday 1st June 1837.-

At a Court of the Foujdaree Adalut

Present,

John Bird Esqre. ... 2nd Puisne Judge

A. D. Campbell Esqre. ... Actg 3d Puisne Judge

Read return from the Acting Criminal Judge at Nellore dated the 27th, to the Precept of the Foujdaree Adalut of the 23rd ultimo, conveying their orders on the Nellore Criminal Reports for the month of April.-

(Here enters 1 p. 1065)

Report Case 36.

The Court of Foujdaree Adalut do not understand from the above return how this case came to be regarded by the Criminal Court as one of "theft" and not of "robbery": of which according to the charge entered in the report it bears all the features, they accordingly direct that the Acting Criminal Judge be called upon to explain more fully the circumstances under which the crime was committed, and the acts established against the prisoner.-

Ordered, that extract from these

1st June 1837. these proceedings be sent to the Acting Criminal Judge at Nellore for his information and guidance by Peace Post returnable in 3 days, after receipt.

(Sent following Pucca Post 1774)

Read letter dated the 23rd ult. from the Acting 2nd Judge of the Provincial Court of Circuit in the Southern Division, submitting copy of the Calendar for the 2nd Quarterly Sessions of 1837.

(Here enter No. 1037)

1. In the above letter, the Acting 2nd Judge requires to know, when a Juror has "distinctly declared before the Criminal Court" that he has "no witnesses," "he ought to have the privilege of changing" up to the Circuit trial has been closed, except as regards his defence.

2. The Court of Sonjdarcal do not are of opinion that it is discretionary with the Court of Circuit, to allow the Prisoner to name witnesses at any period before judgment has been pronounced and that if the Presiding Judge should think that the examination of such Witnesses could prejudice the

1st June 1837. prisoner, it is clearly his duty to call for them.

3. With reference to the question raised by the circumstance of the present Calendar having been laid before the Court of Quarter Sessions on "foolscap Paper", the Court of Sonjdarcal do not coincide with the Presiding Judge in considering the rule contained in the order published in the Fort St. George Gazette dated the 8th August 1836 to apply to "official correspondence" and not to "Calendars or other reports or Statements."

Ordered, that Extracts from these proceedings be sent to the Acting 2nd Judge of the Provincial Court of Circuit in the Southern Division for his information and future guidance.

(Sent in No. 1775)

Read letter dated the 20th ultimo, from the Special Commissioner at Mangalore, submitting English and Persian translations of the Proceedings

1st June 1839. Proceedings in Case No. 3 of the Mangalore Special Commission.

Received 2nd October 1839.

Mr. Reid and Mr. Campbell.

The Court of Foujdaree Adalut having maturely considered the proceedings held before the Special Commission, the futwa of the Law Officer attached to the Special Commission, and the futwa of the Cazee-ool-Cozat and Mooftee of the Foujdaree Adalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftee aforesaid, and under the sentence of Mokoobut declared in the futwa, do, accordingly under the provisions of Clause third, Section VII Regulation XV of 1803, sentence the prisoner Soobajee to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of fourteen years.

The Court of Foujdaree Adalut direct that their sentence in the trial &c 3 from the Special Commission, together with the whole of the proceedings held

1st June 1839. held in the Case, be transmitted to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may in conformity with the provisions of Section V Regulation XX of 1802, receive the orders of Government, before they direct their sentence to be carried into execution.

Received 2nd October 1839.

Sent in 30th July 1839.

Court of Common Pleas
Dist. Sessions Judge
Asst. Sessions Judge
John Bird Esqre.
A. D. Campbell Esqre.

Read return from the Criminal Court of Common Pleas in the Centre Division dated the 29th ult. to the Record of the 20th ditto ordering 2nd Judge presiding at the 2nd Quarter Sessions 1837 in No. 1. 2. 3. 4. 5. 6. and 7. of the 1st Regulation VIII for the more speedy trial of persons committed on suspicion of murder, and other heinous crimes, and to direct the Register of the Court to send up to this Court a Calendar of such persons as may be committed in previous months, and not have been disposed of.

In the above return it is stated that out of the 11 Cases, 9 have been included in the Calendars submitted by the Criminal Judge to the Office of the Register of the Court of Sessions, and that the 2 remaining Cases, viz. No. 1071. of the 1st and No. 1. of the 2nd Supplemental Calendars, have been discharged.

2. From this statement that the Circular Order of the 22nd March 1830, page 185 of the printed volume, has not been

Statements

2nd June 1837.

been so fully attended to as it might to have been: They now direct that an explanation may be called for, and laid before them, as to when the Cases were submitted to the Court of Quarterly Sessions, why the 9 Cases were not earlier brought forward, and as to the reason of the other two cases not having been yet laid before the Court of Quarter Sessions.

3. The Court attach much importance to the due observance of the Circular Order of the 22nd March 1830 and they direct that strict attention be paid to it in future.

Ordered that Extract from the proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by Receipt returnable in 3 days after receipt

(Sent following Receipt No 786)

Read the Combaconum Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of April

(Here enter No 1036)

Report V.
Case 1st.

1. In this case the Court of Tanjore

2nd June 1837. Tanjore Udalut remark that the detention of the prisoners before the Head of Police from the 24th February to the 6th of March on which latter date, it appears, that officer addressed an Urzee to the Joint Magistrate, requesting instructions how to proceed with regard to the prisoners, has not been accounted for. The Criminal Judge will be pleased to send copy of the case as it stands in the Report and of this paragraph, to the Magistrate who will cause the Head of Police and Joint Magistrate to be informed that such explanation is always expected.

2. The Court do not find with the above reports the Statements of the Labor of the Convicts under the Magistracy of Tanjore during the month of April - Nor have they received the Statements in question for March. The Criminal Judge will send a copy of this paragraph to the Magistrate who will be pleased to forward the required Statements

2nd June 1837. seen to fully attended to as it might to have been: They grow direct that an explanation may be called for, and laid before them, as to when the Cases were submitted to the Court of Quarterly Sessions, why the Q. Cases were not earlier brought forward, and as to the reason of the other two cases not having been yet laid before the Court of Quarter Sessions.

3. The Court attach much importance to the due observance of the Circular Order of the 22nd March 1830 and they direct that strict attention be paid to it in future.

Ordered that Extract from the proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by Precept returnable in 3 days after receipt.

Sent following Precept No 7867

Read the Combacanum Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of April

Here enter No 1036

Report V. Cade 175.

1. In this case the Court of Jaffna

2nd June 1837. Jaffna Circuit remark that the detention of the prisoners before the Head of Police from the 24th February to the 6th of March on which latter date, it appears, that officer addressed an Letter to the Joint Magistrate, requesting instructions how to proceed with regard to the prisoners, has not been accounted for. The Criminal Judge will be pleased to send copy of the Case as it stands in the Report, and of this paragraph, to the Magistrate, who will cause the Head of Police and Joint Magistrate to be informed that such explanation is always expected.

2. The Court do not find with the above reports the statements of the labor of the Convicts under the Magistracy of Tanjore during the month of April. Nor have they received the statements in question for March. The Criminal Judge will send a copy of this paragraph to the Magistrate who will be pleased to forward the required statements

2nd June 1837. Statements direct to the Tongdaree Adalut.-

Ordered that Extract from these proceedings be sent to the Criminal Judge at Combaconum for his information and guidance in the Precept returnable in 3 days after receipt.-

Sent following Receipt No 1784

Read Return dated 25th from the Criminal Judge of Chittoor to the Precept of the Tongdaree Adalut of the 20th ultimo conveying the orders of the Tongdaree Adalut on the Chittoor Criminal Reports for April.-

[Here enter No 1853]

Read letter dated the 28th ultimo from the Joint Criminal Judge at Tinnevelly forwarding a corrected statement of the labor of the Convicts on his Jail in April 1837, to be substituted for the statement in which certain of the Columns had been inadvertently left blank.-

[Here enter No 1861]

Read return dated 24th from the acting Joint Criminal Judge at Combatore

2nd June 1837. Combatore to the Precept of the 20th ultimo conveying the orders of the Tongdaree Adalut on the Combatore Criminal Reports for April.-

[Here enter No 1866]

Read return dated the 24th from the Joint Criminal Judge at Tinnevelly to the Precept of the Tongdaree Adalut of the 18th ultimo conveying the orders of the Tongdaree Adalut on the Tinnevelly Criminal Reports for April.-

[Here enter No 1867]

Read return dated the 30th from the 3d Judge on Circuit in the Centre Division to the Precept of the Tongdaree Adalut of the 22nd ultimo containing their observations on the proceedings held in Case No 11 of Cuddapah Calendar 1st Session 1837.-

[Here enter No 1872]

Read letter dated 30th ultimo from the 2d Judge on Circuit in the Centre Division, reporting the opening of the 1st Session 1837 at Chingleput on

2nd June 1837 on the 30th Ultimo.

[Here enter No. 1074]

Read letter dated the 30th Ultimo from the 3d Judge on Circuit in the Centre Division, reporting his intention of opening the 1st Session of 1837 at Madura on the 15th instant.

[Here enter No. 1075]

Read Statement dated 30th April from the Magistrate of Combatore of Labour of the Convicts under his charge for April 1837.

[Here enter No. 1076]

Ent'd

WB

WB

WB

WB

F. U.

At a Court of the Foujdaree Udalut.

Present,

Saturday 3rd June 1837.

John Bird Esqre. ——— 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. Acting 3rd Puisne Judge

Read letter dated the 13th Ultimo from the Acting 1st Judge on Circuit in the Southern Division, transmitting the record of the trial No. 16 Tinnevelly Calendar for the 1st Sessions 1837.

[Here enter No. 972]

Mr. Bird and Mr. Campbell.

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

1st Vencatadwaren, alias Mustara,

2nd Soondren

and

3rd Soobramoonien

direct that they be set at liberty.

[Sent in No. 789]

The Court of Foujdaree Udalut concurring with the Acting 1st Judge as to the

the insufficiency of evidence for the conviction of the second and third prisoners in the above case, proceed to record the grounds upon which they differ from his opinion respecting the guilt of the first prisoner whom they have directed to be relented.

2. It is by no means probable, if the Prosecutor really expected his house to be attacked by the prisoners at the Bar, that he should have selected the very place of danger for the custody of his treasure; or if concealment was his object, that he should have buried it in the presence of no less than 4 Persons. Still less that he should have confided it to the custody of the 1st Prisoner, whom he had in his pleading before the Court, in the Suit No 26 of 1833, on the 28th September of that year, publickly accused of having fraudulently appropriated his property - and whom he so far back as that year stated had in consequence been dismissed from his service.-

3. On the other hand, not only is there nothing proved against the 1st Prisoner which he does not himself admit, but he even calls the Prosecutor's own Cattle, and other inferior persons employed by the Prosecutor, to search the first prisoner's house in 1834, for the Prosecutor's gold necklace then

then stolen, who prove that he (the said prisoner) was at that time a very wealthy man - that he then acknowledged to them that his property had been acquired by presents - and that numerous articles among those very valuables which are now sworn by the Prosecutor to have been stolen from his house, were then (in 1834) amongst the articles exhibited to them by the first prisoner, yet that the Prosecutor contrary to his present evidence then expressly acknowledged to them that himself and his Ancestors had made presents to the first prisoner.-

4. The very Peon who made the return to the warrant in 1834 says that when himself and others reported to the Prosecutor their unsuccessful search in the 1st prisoner's house, for the necklace, which he was then accused of stealing, but their discovery there of other Jewels, the Prosecutor, stated, (contrary to his present evidence on oath) "you need not speak about them because they were given as a present by me and my ancestors."-

5. The 9th, 10th and 11th Witnesses for the defence of the 1st Prisoner prove the gift by the Prosecutor to the first prisoner of several of the articles now sworn

the insufficiency of evidence for the conviction of the second and third prisoners in the above case, proceed to record the grounds upon which they differ from his opinion respecting the guilt of the first prisoner — whom they have directed to be released.

2.

It is by no means probable, if the Prosecutor really suspected his house to be attacked by the prisoners at the Bar Court, that he should have selected the very place of danger for the custody of his treasure or if concealment was his object, that he should have buried it in the presence of no less than 4 Persons. Still less that he should have confided it to the custody of the 1st Prisoner, whom he had in his pleading before the Court, in the Suit No 186 of 1833 on the 28th September of that year, publickly accused of having "fraudulently misappropriated" his property — and whom he so far back as that year, stated had in consequence been dismissed from his service.—

3.

On the other hand, not only is there nothing proved against the 1st Prisoner which he does not himself admit, but he even calls the Prosecutor's own Cattle, and other inferior persons employed by the Prosecutor, to search the first prisoner's house in 1834, for the Prosecutor's gold necklace, then

then stolen, who prove that he (the said prisoner) was at that time a very wealthy man — that he then acknowledged to them that his property had been acquired by presents — and that numerous articles among those very valuables which are now sworn by the Prosecutor to have been stolen from his house, were then (in 1834) amongst the articles exhibited to them by the first prisoner, yet that the Prosecutor contrary to his present evidence then expressly acknowledged to them that himself and his Ancestors had made presents to the first prisoner.—

4

The very Peon who made the return to the warrant in 1834 — says that when himself and others reported to the Prosecutor their unsuccessful search in the 1st prisoner's house, for the necklace, which he was then accused of stealing, but their discovery there of other Jewels, the Prosecutor, stated, (contrary to his present evidence on oath) "you need not speak about them, because they were given as a present by me and my ancestors."

The 9th 10th and 11th Witnesses

5.

for the defence of the 1st Prisoner prove the gift by the Prosecutor to the first prisoner of several of the articles now sworn

sworn by the Prosecutor to have been stolen-
and the 12th Witness for the defence of the
1st Prisoner that he borrowed and returned
some others of these to the 1st prisoner in
1831- Many of them prove that for several
years back the wife and Children of the
1st prisoner appeared publicly with Diamond
Earrings, and other valuable Jewels-

6. The Court of Foujdaree Udalut
are quite unable to reconcile the search in
1834 of the 1st prisoner's house for the
Prosecutor's necklace, with the Prosecutors
present Statement that he had such pro-
-fuse confidence in him as to entrust to his
charge from 1832 to 1836, the Key of the
room containing the buried treasure. They
think that no man, who had buried such
a Treasure in presence of others, of whom the
1st prisoner was one, and left him in charge
of the Key up to September 1836, would
fail in 1834, when he suspected him of
theft, and was told that he possessed much
valuable property, to have them examined
the buried pot- Even in 1836 when the
three first Witnesses put him in possession
of information to excite suspicion, he never
went to examine the state in which the
Treasure might be- and, on the 24th November
1836, after, as he says, he found it gone- he
quietly

quietly remained without preferring a single
Complaint until the 2d December following-

7. Added to these facts the Court
observe that there appears to have been no
concealment of the property now discovered-
on the contrary, it seems to have been
openly possessed and used by the Prisoner,
a circumstance quite incompatible with the
idea that it was property stolen from the
Prosecutor-

8. The Court of Foujdaree Udalut
direct it may be pointed out to the Ma-
-gistrate that inasmuch as the complaint
of the Prosecutor was in the first instance
lodged with the European Magistracy, it
was irregular and contrary to the orders
of the Court to transfer it for enquiry to
the Native Police-

9. It is concluded that the Presiding
Judge caused the Witnesses to be indivi-
-dually sworn at the trial, although from
pages 146. 178 of the record, it might be
inferred that the oath was administered
to them Collectively-

10. The Court in conclusion direct
that the Acting 1st Judge be informed
that as he did not consider the guilt of
the second and third prisoners to have
been established, he should not have

ordered

ordered them to have been confined in irons pending the performance of the trials.-

11. It will be the duty of the Acting 1st. Judge to order the restoration to the prisoners respectively of the property taken from them.-

Ordered, that Extract from this proceedings be sent to the Acting 1st. Judge on Circuit Southern Division for his information and guidance by Precept returnable in 15 days after receipt.-

/Sent following Precept No. 790/

Read letter dated the 27th Ultimo, from the Magistrate of Coimbatore, forwarding explanation respecting Case No. 47 of 1837 in the Coimbatore Criminal Reports

/Here enter No. 1083./

Read return, dated the 26th Ultimo from the Acting Joint Criminal Judge at Vizagapatam, to Precept of the Foujdaree Adalut of the 19th Ultimo, conveying their orders on the Vizagapatam Criminal Reports for April.-

/Here enter No. 1085./

Read letter, dated the 29th Ultimo from the Officiating 1st Judge on Circuit in the Southern Division, reporting that he has given notice of the opening of the Coimbatore Sessions

Sessions on the 21st Proximo.-

/Here enter No. 1091/

Read letter dated the 29th Ultimo, from the Officiating 1st Judge on Circuit in the Southern Division, reporting the commencement of the Sessions at Salem.-

/Here enter No. 1092/

Sgd.

[redacted]

W.

31st Mr 1837

F. Uo.

At a Court of the Foujdaree Udalut

Present,

Monday, 5th June, 1837. John Bird Esqre 2nd Puisne Judge,
Alexr Duncan Campbell Esqr Acting 3d Puisne Judge.

Read return dated the 15th Ultimo,

1/5
1/5 made by the Provincial Court of Circuit in the
Northern Division to the Precept of the Foujdaree
Udalut of the 5th May 1837 requiring the Provincial
Court of Circuit to explain why the communication
of the Acting Criminal Judge of Rajahmundry
of the 8th December 1836 and repeated under date
the 14th January 1837, soliciting orders respecting
the disposal of a prisoner whose original sentence
of imprisonment appeared to have expired, was
left altogether unnoticed by the Provincial Court
of Circuit.—

(Here enter No. 1033.)

In the above return the
Provincial Court of Circuit submit that "the delay
"was occasioned by the carelessness of the Head
"Writer who received the papers, immediately
"on their arrival, from the Register, with orders
"to lay them before the Court, detained them, as
"he

"he states, to complete the references &c., and when
"questioned as to whether orders had been passed,
"positively asserted that the papers were actually
"before the Court, and that he has been fined for
"neglect; and the Provincial Court of Circuit
conclude their return by expressing their regret at
"the want of Courtesy displayed by the Acting 5th
"Judge on Circuit in writing direct to the Court of
"Toydaree Adalut on the subject, which course
he must have been aware could have no
"other effect than to expose them to the censure of
"the Higher Court, if the delay could not be
"satisfactorily accounted for"

2. On bringing the matter to the notice of the Court of Toydaree Adalut the Acting 5th Judge on Circuit in the Northern Division simply performed his duty, and the Judges would record their opinion that the explanation submitted by the Provincial Court of Circuit in the Northern Division shews a want of arrangement in the office of their Register, which should be remedied without delay.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information and guidance.

(Sent in No. 199)

Circular

Circular Order
No. 86.

The Court of Toydaree Adalut, having experienced difficulty in cases of "forgery," in consequence of the absence from the record sent up to them of the original documents charged to be forged, deem it proper to direct that in every case of "forgery," submitted for their judgment, the original document, in which the forgery is charged to have been committed, be forwarded, with the record of the trial, for their inspection.—

(Sent following C. O. No. 800)

Circular Order
No. 87.

The Court of Toydaree Adalut resolve to direct that all original examinations &c. taken in the Criminal Courts and submitted to the Court of Circuit with the Calendars at the Sessions of Jail Delivery, be returned by the Court of Circuit when no longer required, to the Criminal Court from which they were originally received, in order that they may remain as part of the Records of such Criminal Court

The observance of this rule will obviate the necessity of authenticated Copies of

5th June 1837

of such papers being prepared by the Lower Courts for eventual reference, a practice imposing unnecessary labour on the establishments, which it is observed exists in the Southern Division, and which the Court of Sudder Udalut desire may be discontinued in that, and in every other Division where it may be found to prevail.

(Sent following Cir. No. 801)

H.S.

Ent'd

WS

WS

3d. 46.

At a Court of the Sudder Udalut

Present

Wednesday, 7th June, 1837.

John Bird Esqre. 2nd Puisne Judge,

Alexr. Duncan Campbell Esqr. Acting 3d. Puisne Judge,

WS

WS

Read letter dated the 16th Ultimo from the Acting 1st Judge on Circuit in the Southern Division transmitting the record of the trial in case No. 13 of the Cumbaconum Calendar 1st Sessions of 1837.

(Reference No. 1606)

The Court of Sudder Udalut,

Mr. Bird and Mr. Campbell.

having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee cob Cozat and Mooftees of the Sudder Udalut, confirm such part of the said futwa of the Cazee cob Cozat and Mooftees of the Sudder Udalut, as acquits the prisoner

1st Vydenaudien

of the crime charged against him, and direct that he be set at liberty: and being of opinion that the proof against the prisoners

2nd Samoovien

3rd Caroopapilly

and

4th Ramasawmien

is

as sufficient to convict them of the crime of forging, under the authority with which they are vested by clause 1st Section II Regulation I of 1818, convict them thereof, and sentence them, under clause 5 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 (7) seven years.

1

With reference to the concluding passage of the letter of the Acting 1st Judge the Court of Foujdaree Adalut deem it proper to observe that the sentence passed on the 2nd prisoner, Lomar in Case No 11 of the 2nd Sessions of 1836 will merge in that recorded upon him in the present case.

2.

The Court of Foujdaree Adalut have not been able to coincide in the opinion of the Acting 1st Judge regarding the guilt of the 1st prisoner.

3.

It is perfectly true that the 1st prisoner was a party to the division of the family property between himself, the deceased Soobeen, and the deceased husband of the 1st Witness; but according to the plaint of that witness (page 2 of the record) defence in his behalf (page 11), and the forged document itself (page 15), his interest in the family had ceased with that division, before the death of the 1st Witness husband, by his adoption into another family

4

It is true also that after that a person died, the first prisoner, out of regard to Soobeen, aided him in molesting the 1st Witness, for which he was fined by the Magistracy in common with Soobeen; but though this shews that he took part in the family dispute, the evidence proves that his previous adoption and division of property, excluded him altogether from any interest jointly with his former Parceners.

5

It appears to the Foujdaree Adalut that the first prisoner certainly ought to have allowed the civil suit in question to have proceeded against him by default and that he committed an error, not a crime, in authorizing Soobeen to defend it for him, as well as for himself.

6.

Whatever room there may be to suppose that the first prisoner countenanced the forged deed, the Court of Foujdaree Adalut have considered it their duty to record an acquittal in his favor, inasmuch as they see no reason to believe that he had any concern in the forgery, and they cannot hold him, under the circumstances, responsable for the fraudulent uttering of the deed which was not to result in his benefit.

Ordered

5th June 1837

7th June 1837.

Ordered, that extract from these proceedings be sent to the Acting 1st Judge on Circuit in the Southern Division for his information and guidance.—

(Sent following Letter No. 805.)

Read letter dated the 25th ult. from the Special Commissioners at Mangalore submitting the record of proceedings held in Case No. 2 of the Mangalore Special Commission.—

(Here enter No. 1039.)

Mr. Bird and Mr. Campbell

The Court of Foujdaree Adalut having maturely considered the proceedings held before the Special Commission, the futwa of the law officer attached to the Special Commission, and the futwa of the Cazee-ool-Cozzat and Mooftees of the Foujdaree Adalut, confirm the said futwa of the Cazee-ool-Cozzat and Mooftees aforesaid, and under the sentence of Ookoobut declared in the futwa, do, accordingly, under the provisions of Section II and III, Regulation I of 1834, sentence the prisoner

1st Venkatuppa

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

2nd Choodoo

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

The Court of Foujdaree Adalut direct that their sentence in case No. 2 from the Special Commission together with the whole of the proceedings held in the case, be transmitted to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may, in conformity with the provisions of Section V Regulation XX of 1802, receive the orders of Government before they direct their sentence to be carried into execution.—

(Sent in No. 806)

S. 96.

7th June 1837

Ex 7th

455

115

At a Court of the Foujdaree Adalut

Present

Thursday 8th June 1837 — John Bird Esqre —— 2nd Pusne Judge
Alexr. Duncan Campbell Esqre Acting 3d Pusne Judge

Read order of Government, No. 495, dated 30th of May 1837, recorded with reference to the extract from the proceedings of the Foujdaree Adalut submitted to Government under date the 15th of May 1837.—

(Here enter No. 1080.)

In the foregoing order the Right Honorable the Governor in Council observes that he "is not satisfied that the paper required by Section "XXV. Regulation IX of 1816 should be in English" and that "as much inconvenience must necessarily "be occasioned to the European Magistracy and "the public service from its being ruled so, His "Lordship in Council resolves to request the Judges "of the Foujdaree Adalut to reconsider their order "to that effect, with a view to the continuance of the "former practice of furnishing the document in "question in the native language."—

2. The Court of Foujdaree Adalut as

at

8th June 1837

at present constituted see no reason to doubt the correctness of the construction previously given by the Judges to the provisions of Section XXV Regulation IX of 1816, viz. that the "paper" thereby required to be sent by the Magistrate to the Criminal Judge should be in the English Language; in like manner as calendars and other papers are furnished in the English language by the Magistrates and Criminal Courts to the Courts of Circuit; and, in cases of a complicated or difficult nature, such as Perjury, the Judges fear that public inconvenience would result from the opposite enac-

3.

But although the Court of Sudder Adalut hold this construction to be in accordance with the intent and meaning of Section XXV Regulation IX of 1816, yet as that Section does not especially define the precise language in which the paper should be prepared, the Judges do not wish to maintain or that it will not admit of the different interpretation which the Government have put upon it. On general principles, they are aware that it would be objectionable, without believing the construction already given erroneous, to alter it, merely because it is deemed inexpedient. But in a case of this kind, however, disinclined to disturb the decision already passed, they are prepared to direct that in future the "paper in

vide para 3 of the letter from Govt. dated 17th March 1826.

8th June 1837

question shall be written in the native language of each District, should the Right Honorable the Governor in Council deem the measure desirable.

In the event, however, of directing this document to be furnished in the native language, the Court of Sudder Adalut have reason to believe that the practice now in operation in most districts will be set aside; and with reference to the supposed probability that the rule laid down by the Sudder Adalut in their letter addressed to the Provincial Court of Circuit in the Southern Division under date the 5th of April last, will be the cause of much inconvenience to the Magistrate of Madura, the Judges respectfully submit that upon an average of 5 years, the Magistrate of that District has not had occasion to proceed under the provisions of Section XXV Regulation IX of 1816 to the extent of 2 Cases per mensem.

Ordered, that extract from these proceedings be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council for his orders.

(Sent in No. 808)

Read

8th June 1837

Read return, dated the 28th Ultimo, from the Criminal Judge at Combaconum, to the Precept of the Tondaman Adalut of the 9th Ultimo conveying their orders on the Combaconum Criminal Reports for the month of March—

(Here enter No. 1096)

Supplt. Report Case 83.

1

The Court of Tondaman Adalut conclude that in the above return it was intended to be stated that there is no satisfactory evidence as to the robbery charged in this case—

*In Orig: "there is satisfactory"

Report VI Case 133.

2

Under the explanation now given the Court will not disturb the order for the requisition of security recorded in this case—

3

The Court direct that the Criminal Judge be called on to explain what notice he has taken of the instructions contained in paras 18 and 19 of their proceedings which accompanied the Precept of the 9th Ultimo—

Ordered, that extract from these proceedings be sent to the Criminal Judge at Combaconum for his information and guidance by Precept returnable in 4 days after receipt

(Sent following Precept No. 809)

Read return, dated the 27th from the

8th June 1837

the Criminal Judge at Calicut, to the Precept of the Tondaman Adalut of the 19th Ultimo calling for explanation regarding the case No. 61 of the Calicut Supplemental Criminal Reports for March last—

(Here enter No. 1100.)

Under the circumstances explained

Supplt. Report Case 61.

in the above return the Court of Tondaman Adalut are of opinion that the sentence recorded need not be disturbed, "Clause 4th Section III Regulation VI 1822", being substituted for "Section VIII Regulation XIII 1832."

Ordered, that extract from these proceedings be sent to the Criminal Judge of Calicut for his information and guidance—

(Sent in No. 810.)

Read letter, dated the 3d Instant, from the Officiating 2nd Judge of the Provincial Court of Circuit in the Centre Division, transmitting 2 Copies of the Chittoor 2nd and 3d Supplemental Calendars 2nd Quarter Sessions 1837—

(Here enter No. 1117.)

Under the circumstances represented

Second Supplt Calendar Single Case

in this Calendar the Court of Tondaman Adalut resolve to sanction, under Clause 3d Section III Regulation I of 1825, the mitigation of punishment proposed by the

8th June 1837.

the officiating 2nd Judge in favor of the prisoner Tamboo,
and accordingly direct that he be imprisoned and
kept to hard labor in irons on the public roads or
other public works for the period of one (1) Year.

Third Supplemental.

On the case in this Calendar the Court
deem it unnecessary to record any remark, but they
direct that the officiating 2nd Judge be called upon to
explain why the first Supplemental Calendar has
not yet been forwarded, and also what has been the
cause of the delay in the preparation of the above two
Calendars, the trials in one of which was concluded on
the 26th of April and in the other on the 9th May.

Ordered, that an extract from these pro-
ceedings be sent to the officiating 2nd Judge of the
Provincial Court of Circuit in the Eastern Division for
his information and guidance by Despatch Outward
in 3 days after receipt.

Ent'd. (Sent following Desp.tch No 811)

F. 66.

F. 66.

Sitting Court of the Vuyd'are Adaulut.

Present,

Friday, 9th June, 1837. John Reid Esq.re ——— 2d Puisne Judge,
Alex.r Duncan Campbell Esq.re ——— Acting 3d Puisne Judge.

Circular Order

No. 88.

The Judges of the Court of Vuyd'are Adaulut,
deeming it proper that they should be furnished with
precise information regarding the actual produce of the
labor of the prisoners, and also a specification of the funds
arising therefrom, direct that Statements, in the annexed
form, be submitted to them on the 31st March, the 30th
June, the 30th September and the 31st December, by all officers
in charge of Gaols.

Amount realized by the labor of the prisoners in the first Quarter
of 183—

By the sale of paper — — — Rupees ———
do — — do — Cloth — — Rupees ———
do — — do produce of garden — do ———
do
Total Rupees

Disbursed out of the said Amount
On account of Gunnies for making Paper — Rupees ———
Sundry small Articles required for do — Rupees ———
do — — do — — do — — Gearing — do ———
do — — — do — — do — Garden — do ———
do — — — do — — do — — do — — do ———
Total Rupees
Balance lodged in the Treasury } Rupees ———
and carried to the account of Government }
(Sent following Circular Order No 812.)

Circ.

Read letter dated the 25th Ultimo from the Special Commissioners at Bangalore, submitting the record of proceedings held in Case No. 4 of the Bangalore Criminal Commission.

(Here enter No. 898)

The Court of Sudder Adawlut are of opinion that consideration of all the circumstances of the case the evidence before them, being of opinion that the proof against the prisoner

Shaik Koreeman

is sufficient to convict him of the crime of Treason and Rebellion, committed since the 1st June 1833, but under the provisions of Section II. Regulation XI. of 1806. sentence him to be put to death by being hanged at the usual time and place of execution.

The Court of Sudder Adawlut direct that their sentence in the Trial No. 4 from the Criminal Commissioner at Bangalore, together with the whole of the proceedings held in the case be transmitted to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may in conformity with the provisions of Section V. Regulation XX of 1817, receive the orders of Government, as to the time & manner in which their sentence is to be carried into execution.

(Sent in No. 813)

Read letter from the Commissioner of Coimbatore dated the 7th October, transmitting the proceedings in which the Statement No. 2 for the last year ending 31st December 1836, was drawn out, and submitting also an explanation

explanation of the Joint Magistrate of the District that the total of Cases entered in Columns 3. 7. and 15. do not correspond with Column 1. because from this last Column (No. 15.) have been rejected those cases which upon enquiry were ascertained not to have occurred, but the parties accused having been apprehended and brought before the Police they were accordingly entered in Column 7.

(Here enter No. 999)

Instead of excluding altogether from Column 1. of the Statement, the cases in which the parties were released because on enquiry it was found that the specific offence with which they were charged had never occurred, the Joint Magistrate should have entered the case in Column 1. and included the persons in Columns 6. or 14. (as the case may be) amongst those "against whom the accusation appeared to be wilfully false and "malicious" in the Judges however recognize the inappropriate wording of the heading to Column 1. of the Statement No. 2, which they accordingly resolve to alter, from "number of "cases ascertained to have occurred" to "number of cases "during the above period," when all cases brought forward being entered therein, the total of Columns 3. 7 and 15. must, if the Statement be correctly prepared, correspond with the entry in Column 1.

The Court of Sudder Adawlut observe that

2.

the Magistrate of Masulipatam in the preparation of the Statement No. 2 has acted upon the same principle as the Joint

9th June 1837.

Court Magistrate of Coimbatore, and the Assist Transfer thereof extract from these proceedings be furnished to them for the information of the Provincial Court of Circuit for their future guidance.—

Ordered that extract from these proceedings be furnished to the Provincial Court of Circuit for the information and guidance of the Magistrate with their respective Commissions.—

(Sent in No. 814.)

Read letter dated 3d Ultimo from the Magistrate of Tinnivelly, submitting the explanation called for by the Foujdaree Gaulut on their proceedings for the 2d March last, on the Confirmation Criminal Report for the months of February 1837.—

(Here enter No. 928)

Read Criminal Report dated 8th Ultimo from the Head Assistant Collector in charge of the Sessions Court at Rajahmundry for the months of April 1837.—

(Here enter No. 966)

Read letter dated 7th Instant, from the Officer in charge of the Joint Criminal Court at Guntoor forwarding statement of works performed by the Convicts under the Superintendance of Guntoor for the month of April 1837.—

(Here enter No. 1034)

F. 86.

9th June 1837.

1. The Half yearly Criminal Statements for the 2nd Half of 1836 not having been yet received from the Provincial Court of Circuit in the Centre Division.—

2. Resolved that that Court be called upon to send up immediately the Statements in question and with reference to the Circular Order No. 14 dated 10th June 1835 to explain most fully the cause which has hitherto delayed their transmission.—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by precept returnable within 3 days from and after its receipt.—

(Sent following precept No. 815.)

Ex. 87.

At a Court of the Inquiare Adalut.

Present,

Tuesday, 13th June, 1809.

The Hon.ble Basil Esq.re ——— 2d Puisne Judge,

The Hon.ble Duncan Campbell Esq.re ——— Acting 3d Puisne Judge,

Circular Order

No. 89.

Instances having come to the notice of Government in which the Local Officers having exceeded the limit assigned by the Regulations in the grant of Rewards, for the apprehension of public offenders and also for any meritorious service rendered in their apprehension or discovery, the Court of Inquiare Adalut, under instructions received from Government, resolve to define the extent of reward which, under different circumstances, the several authorities are empowered to offer—

1. In case of Gang Robbery, Murder or other heinous crime, the Magistrate of the jurisdiction in which the crime may be committed, is competent to offer a reward for the discovery and apprehension of the offender or offenders, to the extent of 100 Rupees for a Sirdar, and 20 Rupees for each of the inferior offenders—

2. In any such case which may appear to the Magistrate to require a larger reward, he is required to report the same to the Court of Inquiare Adalut, with his opinion of the amount of reward that should be offered

the

4.

The Court of Enquiries Dekkan in such case

Sect: XXII Reg: IX of 1816. may authorize such reward as shall appear sufficient, not

exceeding the sum of 500 Rupees for a Leader and 100 Rupees

for each of the inferior offenders.—

5.

It rests with the Government exclusively on

the recommendation of the Court of Enquiries Dekkan, to

sanction rewards exceeding the sums specified above, for

the discovery and apprehension of offenders in heinous crimes

6.

It is to be understood that the provisions

of Section XXI Regulation IX of 1816 are not applicable to Convicts,

who may have escaped from Jail, respecting whom a distinct

Sec: VI Reg: I of 1818. rule is hereunder given.—

7.

Specific rewards offered for the apprehension

of Robbers proclaimed by name are payable on the delivery

Sec: XXII Reg: IX of 1816. 8. to the Magistrate of the persons so proclaimed.—

The rewards offered for the discovery and

apprehension of offenders not proclaimed by name are

payable only on the conviction of the offenders before the

Courts of Circuit.—

9.

The Courts of Circuit are however empowered

to direct the payment of any part of the specific rewards

Sec: XXII Reg: IX of 1816. authorized, if the persons apprehended may not be

convicted of the crimes charged against them, if from proof

of their notorious bad character, and the whole of the evidence

there appears to be ground of presumption that the information

given against the prisoners was well founded; they are also

competent to withhold and to prohibit the payment of the whole

or any part of the specific rewards offered for the discovery and

apprehension of offenders, if it should appear on the Trial

Sect: XXII Reg: IX of 1816. that any improper means have been taken by the informer

with a view to the conviction of the accused, or that the latter

has suffered any maltreatment from the former, or from any

person under his influence.—

10.

In any meritorious service by Police Officers

or others, in the discovery and apprehension of Public Offenders,

Sec: XXIII Reg: IX of 1816. for which no specific reward may be payable to them,

Sec: X Reg: XII of 1827. the Courts of Circuit, the Criminal Judges and the Magistrates

are authorized to direct the payment of such remuneration

as may be considered adequate, not exceeding the sum

of 100 Rupees for a Murder, and 10 Rupees for an accomplice.

For a larger reward the decision must be

Sec: XXIII Reg: IX of 1816. 11. made on such occasions a report of the case must be made to

the Court of Enquiries Dekkan, who are authorized to direct

the payment of any sum not exceeding 500 Rupees.—

It rests with the Government exclusively

12.

on the representation of the Court of Enquiries Dekkan

to grant for such services a higher reward than 500

Rupees.—

Whenever it may be deemed necessary

13.

that a reward should be offered for the re apprehen-

sion of a Convict, the Circular Order of the Enquiries

Dekkan of the 16th of May 1832 must be observed.—

(See the following Circular Order No. 825)

Dated

F. 66.

At a Court of the Foujdaree Udalut.

Present,

Wednesday 14th June 1837. John Bird Esqr. ——— 2nd Puisne Judge
Alexr Duncan Campbell Esqr. — Acting 3d Puisne Judge

Read letter dated the 1st Instant from the Special Commissioners at Mangalore, submitting the record of proceedings held in Case No. 1 of the Mangalore Special Commission.—

(Here enter No. 1121.)

The Court of Foujdaree Udalut

Mr. Bird. and Mr. Campbell.

on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners

1st Annaya Gowda
2d Coonha Gowda
3d Timaya Gowda
4th Gowda Bolla
5th Ishwara
6th Billa Rama
7th Mahratti Rama
8th Colari Belli
and
9th Chenaya alias Hoowaya

is sufficient to convict them of the crime of

Treason

Treason and Rebellion, do convict them thereof and under the provisions of Section III Regulation I of 1834, sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (7) Seven Years.—

The Court of Sessions Adalut direct that their sentence in the trial No 7 from the Special Commission at Mangalore, together with the whole of the proceedings held in the case, be transmitted to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may, in conformity with the provisions of Section V. Regulation XX of 1802 receive the sanction of Government before they direct their sentence to be carried into execution.

(Sent in No 832)

Read letter dated the 2d Instant from the Special Commissioners at Mangalore submitting the record of proceedings in the No 8 of the Mangalore Special Commission.

(Here enter No 1126)

Mr Bird and Mr Campbell

The Court of Sessions Adalut on a deliberate consideration of the circumstances of the case in evidence

them, being of opinion that the proof against the prisoners

1st Soobaya
2nd Aryera Vencata
3rd Aryera Colloora
4th Aryera Pakeera
5th Aryera Mullaya
and
6th Ganjana, alias Lingojee,

is sufficient to convict them of the crime of Treason and Rebellion, convict them thereof, and under the provisions of Section III Regulation I of 1834 sentence the prisoner

1st Soobaya

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

2nd Aryera Vencata
3rd Aryera Colloora
4th Aryera Pakeera
5th Aryera Mullaya
and
6th Ganjana, alias Lingojee,

to be severally imprisoned and kept to hard

Treason and Rebellion, do convict them the
and under the provisions of Section III Reg
tion I of 1834, sentence them to be imprisd
and kept to hard labor in irons on the pu
lic roads or other public works, for and dur
the period of life Seven Years.

The Court of Sessions Adalat
direct that their sentence in the trial No 1
from the Special Commission at Mangalore
together with the whole of the proceedings
held in the case, be transmitted to the Chief
Secretary to Government, for the purpose of
being laid before the Right Honorable the
Governor in Council, to the intent that the
Court may, in conformity with the provisions
of Section V. Regulation XX of 1802 receive
the sanction of Government before they direct
their sentence to be carried into execution.

(Sent in No 832.)

Read letter dated the 2d Instant
from the Special Commissioners at Mangalore
submitting the record of proceedings in Case
No 8 of the Mangalore Special Commission.

(Here enter No 1126.)

Mr Bird
and
Mr Campbell

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

1st Soobaya
2nd Aryera Vencata
3rd Aryera Colloora
4th Aryera Pakeera
5th Aryera Mullaya
and
6th Ganyana, alias Singojee,

is sufficient to convict them of the crime
of Treason and Rebellion, convict them of
thereof, and under the provisions of Section
III Regulation I of 1834 sentence the prisoner

1st Soobaya

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

prisoners

2nd Aryera Vencata
3rd Aryera Colloora
4th Aryera Pakeera
5th Aryera Mullaya
and
6th Ganyana, alias Singojee,

to be severally imprisoned and kept to
hard

hard labor in irons on the public roads, or other
public works, for and during the period of
1141 fourteen years.-

The Court of Foujdaree Udalut
direct that their sentence in the trial No 8
from the Special Commission at Mangalore,
together with the whole of the proceedings
held in the case, be transmitted to the Chief
Secretary to Government, for the purpose of
being laid before the Right Honorable the
Governor in Council, to the intent that the
Court may, in conformity with the provisions
of Section V Regulation XX of 1802, receive
the orders of Government, before they direct
their sentence to be carried into execution.-

Sent in No 833.)

Read again letter dated the 20th
Instant from the Special Commissioners at
Mangalore, submitting English and Persian
translations of their proceedings in Case
No 3 of the Mangalore Special Commission

(Here enter No 1052.)

Read also Order of Government
dated the 9th Instant, directing the decision
of the Foujdaree Udalut in Case No 3 Mangalore
Special Commission to be carried into effect.-

(Here enter No 1114.)

No 16.
14th June 1837

Under the authority of the
Right Honorable the Governor in Council,
the Court do accordingly direct that the

Prisoner

Soobajee

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

The Court likewise direct that
Extract from their proceedings under date the
1st Instant be sent for the information and
guidance of the Mangalore Special Commission
Sent following letter No 834).-

Read letter dated the 1st Ultimo
from the Officiating 2nd Judge late on Circuit
in the Centre Division, transmitting the
Record in Case 10 Bellaree Calendar 2nd
Sessions of 1836.-

(Here enter No 964)

Read also letter dated the
15th Ultimo from the Officiating 2nd Judge
late on Circuit in the Centre Division,
forwarding copy of a return from the Magis-
trate of Bellaree bearing reference to the
Officiating 2nd Judge's letter of the 10th Ultimo
and

and to No: 10 Bellaire Calendar.-

(Here enter No: 996)

Question. The Court of Sungdaree Udalut on a deliberate consideration of all the circumstances of the case on evidence before them, being of opinion that the proof against the prisoners

1st Gundla Gungadar
2nd Ragooghadoo
and
3rd Baubeegaudoo

is sufficient to convict them of the crime of "Culpable homicide" and "appropriating the property found on the person of the deceased" require their Law Officers to declare by a futwa, to what specific punishment the prisoners would have been liable under the Mahomedan Law, if they had been convicted by full legal evidence of the crimes aforesaid.

Answer In the event of "culpable homicide" and the appropriation of the property found on the person of the deceased being proved against the prisoners a Deyut of 100 Dirhems is to be paid by the heirs of the prisoners to the heirs of the deceased within the space of three years and further

the prisoners have still in their possession the property in question, they are to deliver the property in question to the heirs of the deceased, or the same to the heirs of the deceased, or else to make good to them the value thereof.-

Mr Bird and Mr Campbell

In commutation of the penalty of Deyut declared in the foregoing futwa, the Court of Sungdaree Udalut adjudge the prisoners

1st Gundla Gungadoo
2nd Ragooghadoo
and
3rd Baubeegaudoo

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for the period of 15 five years

(Sent following letter No: 835)

Read letter dated the 27th Ultimo from the Officiating 2nd Judge late on Circuit in the Centre Division, transmitting the Record of Trial in Case No: 6 of the Chingleput Calendar 2nd Sessions 1836.-

(Here enter No: 1084.)

Mr Bird and Mr Campbell. The Court of Sungdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa

of

No 1

At a Court of the Fouzdaree Adaulut

Present,

Thursday 15th June 1837

John Bird Esqre ——— 2d Puisne Judge,

Alexr Duncan Campbell Esqre officiating 3d Puisne Judge,

105

113

Read letter dated the 31st Ulto from the Special Commissioner at Mangalore, submitting the record of proceedings held in Case No 5 of the Mangalore Special Commission—

(Here enter No 1108)

The Court of Fouzdaree Adaulut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners

1st Mandekol Emiappa,

2d Mavangie Kollia,

3d Mahlinga,

4th Billa Rama,

5th Do Timappah,

6th Kollia,

7th Rama alias Kinkyana,

8th Palatmogar Bollya,

9th Myla alias Dandy,

10th Bellon Combya,

and

11th Bellon Soobbah,

is sufficient to convict them of the crime of Treason and Rebellion, do convict them thereof, and under the provisions of Section III Regulation I of 1834 sentence them

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

The Court of Sessions doth direct
that such sentence in the trial No. 5 from the Special
Commission at Trangalore, together with the whole of
the proceedings held in the case, be transmitted
to the Chief Secretary to Government, for the purpose
of being laid before the Right Honorable the Governor
in Council, to the intent that the Court may, in
conformity with the provisions of Section V Regulation
XX of 1802, receive the orders of Government, before
they direct their sentence to be carried into execution.

(Sent in No. 842)

Read letter dated the 31st Ultimo from
the Special Commissioner at Trangalore enclosing the
record of proceedings in Case No. 6 of the Trangalore
Special Commission.

(Here enter No. 1187)

The Court of Sessions doth direct
consideration of all the circumstances of the case in
evidence before them being of opinion that the proof
against the prisoners

1st Timmapalla
2d Lyphada Comma
3d Cundaiah
and
4th Cuna,

is sufficient to convict them of the crime of Treason and
Rebellion, do convict them thereof, and under the provisions
of Section III Regulation I of 1834 sentence them to be
transported to such place beyond sea, as the Governor
in Council shall appoint, there to be imprisoned and
kept to hard labor in irons on the public roads,
or other public works, for and during the period
of their natural lives respectively.—

The Court of Sessions doth direct
that such sentence in the Trial No. 6 from the Special
Commission at Trangalore, together with the whole of
the proceedings held in the case, be transmitted
to the Chief Secretary to Government, for the purpose
of being laid before the Right Honorable the Governor
in Council, to the intent that the Court may, in
conformity with the provisions of Section V Regulation XX
of 1802, receive the sanction of Government, before
they direct their sentence to be carried into execution.—

(Sent in No. 843.)

Read letter dated the 7th Instant from the
Officiating 2d Judge late on Circuit in the Centre Division, for-
= warding copies of communications, from the Magistrate of
Chingleput and from the Superintendent of Police at Madras,
bearing reference to Case No. 9 of the Chingleput Criminal
Report for June 1806 and respecting the orders of the Court
Dedatted.— (Here enter No. 1193)

15th June 1837.

1.

The Court of Sudr Adawlut by their proceedings of the 29th July 1836, instructed the Officiating 2d Judge to take into the case No 90 and pass orders on its petition reference to Section XXIII Regulation X 1816. On his arrival at Chingleput in January 1837 the Officiating 2d Judge, in fulfilment of the above injunction of the Sudr Adawlut, enquired into the case and issued certain orders to the Magistrate of Chingleput who made return, under date the 3d of February, enclosing copy of a letter from the Superintendent of Police relative to the prisoners concerned in the case in question.

2.

In his letter of the 7th Instant, the Officiating 2d Judge explains that "as it appeared to him from that return, that two out of the three prisoners in Case No 90 had been sentenced to transportation by the Supreme Court at Madras, and the 3d was not to be found, he" considered it unnecessary to pass any further order regarding them, but upon reconsideration, he had "resolved to lay the above documents before the Provincial Sudr Court, in order that the Judges may determine whether the two prisoners who have been sentenced to transportation, can yet be brought to trial before the Court of Circuit for the Jungle" with which they have been charged in Case No 90.

3.

The Court of Sudr Adawlut report that the Officiating 2d Judge allowed so great a delay to occur in deciding as to the present reference, that if it had been made immediately on the receipt of the Register's return of the 3d February, would have placed it in their power, had there been proof that the accused died of the poison administered by the said prisoners, to proceed against them; whereas, now, the sentence of transportation has probably removed them out of the reach of the tribunals of this Presidency.—

Ordered, that Extract from these proceedings be sent to the Officiating 2d Judge Sole on Circuit in Centre Division for his information.—

(Sent in No 8494)

Read return dated 31st Ultimo from the Acting Criminal Judge of Madura to Precept dated the 26th Ultimo, enclosing the observations and orders of the Sudr Adawlut on the Criminal Reports for the Months of April 1837.

(Here enter No 1107.)

Read letter dated 31st Ultimo from the Acting 1st Judge on Circuit in the Southern Division, transmitting the Warrant issued in Case No 19 Criminally Calendared for the 1st Sessions of 1837.—

(Here enter No 1104.)

Read return, dated 1st Instant from the Acting Joint Criminal Judge at Masulipatam to the Precept of the Sudr Adawlut of the 23d Ultimo, conveying their orders on the Masulipatam Criminal Reports for April.—

(Here enter No 1105)

Read

15th June 1837.

Read letter dated 13th Instant from the Acting 3d Judge of Circuit in the Eastern Division of the Presidency of Fort St. George dated the 28th April 1837, writing him to call for the proceedings in Case No. 115 of the Vizagapatam Criminal Reports of 1837 and the same with reference to Section XIII Regulation X 1816.

(Here enter No. 1107)

Read letter dated 8th Instant from Captain R. H. D. Otter in charge of Convicts at Ganjam, transmitting Statement shewing the manner in which the Convicts at Ganjam were employed during the month of May 1837.

(Here enter No. 1111)

Read return, dated 3d Instant from the Criminal Judge of Canara to the Precept of the Superior Court dated 27th Ultimo, conveying their orders on the Criminal Reports for April 1837.

(Here enter No. 1115)

Read letter dated 1st Instant from the Acting 2d Judge of the Provincial Court of Circuit in the Southern Division, reporting that he has given Notice of the opening of the Northern Circuit on the 8th January 1838 on the 8th January

(Here enter No. 1116)

Read return dated 31st Instant from the Acting Joint Criminal Judge of Chittoor to the Precept of the Superior Court dated 6th Ultimo, returning the Records in

15th June 1837.

on the Criminal Reports for April last.

(Here enter No. 1119)

Read statement dated 6th Instant from the Magistrate of Chingleput shewing the manner in which the Prisoners at Poonamalee have been employed during the Month of May 1837.

(Here enter No. 1122)

Read return dated 5th Instant from the Provincial Court in the Eastern Division to the Precept of the Superior Court dated the 22d Ultimo, forwarding for circulation copy of an Extract from the Proceedings of the Superior Court of the same date with additional Jail rules.

(Here enter No. 1131)

Read return, dated 5th Instant from the Acting 2d Judge Presiding at the Quarterly Sessions at Masulipatam to the Precept of the Superior Court dated the 23d Ultimo, conveying their orders on Cases No. 19 and 20 of the Masulipatam Criminal Reports for April.

(Here enter No. 1135)

Read Supplemental Return dated 5th Instant from the Joint Criminal Judge at Masulipatam to the Precept of the Superior Court dated the 23d April last, conveying their orders on the Masulipatam Criminal Reports for April last.

(Here enter No. 1138)

Read letter dated 6th Instant from the

16th June 1837.

— the Magistrate of Coimbatore, forwarding any Question which
to arise by of the Salem Criminal Reports for March last —

(Here enter No. 1162)

Read return dated 7th Instant from the
Provincial Court of Canara in the Cutcherry Division of the
Pergunnah of the Zillah of the 26th Ultimo, requiring
information as to what Judicial Act is referred to the
Commissioners at Caundore —

(Here enter No. 1163)

Read return dated 7th Instant from the
Criminal Judge in the Zillah of Salem to the Register of the
Sudder Adawlut of the 31st Ultimo, enclosing their notes on the
Salem Criminal Reports for April —

(Here enter No. 1164)

Read return dated 7th Instant from the
Acting 1st Judge on Circuit in the Cutcherry Division of the
Pergunnah of the Zillah of the 3rd Instant forwarding
their remarks on No. 16 Criminal Calendar for the Session 1837 —

(Here enter No. 1165)

E.H.1

1167

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1168

E.H.

Tuesday,
15th June, 1837.

At a Court of the Sudder Adawlut

Present

John Bird Esqr. — 2d Puisne Judge,

Alexr. Duncan Campbell Esqr. — Acting 3d Puisne Judge, &c.

Read letter dated the 26th Ultimo from
the Special Commissioners at Mangalore, submitting for
the Judgment of the Sudder Adawlut the Record of
Proceedings held in Case No. 1 —

(Here enter E.H. No. 1087 of 1837)

The Court of Sudder Adawlut having
maturely considered the proceedings held before the Special
Commission, the Futwa of the Provincial Law Officer and
the Futwa of the Cazee of Coorgat and Moofteer of the
Sudder Adawlut, confirm the said Futwa of the Cazee
of Coorgat and Moofteer aforesaid; and under the
finding of Robberbut declared in that Futwa and in
conformity with the provisions of Sections II and III,
Regulation I of 1834 — sentence the prisoners

1st Beeranna,

and

2d Mootuma Gowda,

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

3d Coola Pem

to be transported to such place or places beyond sea
as

the Magistrate of Coimbatore forwarding an Examination stated to exist in a Case of the Salem Criminal Reports for March last.

(Here enter No. 1142)

Read return dated the 7th Instant from the Provincial Court of Circuit in the Southern Division of the Zillah of the Sujdara Adalut for the 20th Ultimo, requiring information as to what medical aid is afforded to the Convicts at Caundore.—

(Here enter No. 1143)

Read return dated the 9th Instant from the Criminal Judge in the Zillah of Salem to the Court of Sujdara Adalut of the 23d Ultimo, covering their orders on the Salem Criminal Reports for April.—

(Here enter No. 1157)

Read return dated 9th Instant from the Acting 1st Judge on Circuit in the Southern Division to the Court of Sujdara Adalut of the 3d Instant forwarding their remarks on No. 16 Criminal Calendar for March 1837.

(Here enter No. 1152)

At a Court of the Sujdara Adalut

Present

Tuesday, 18th June, 1837. John Bird Esqre — 2d Puisne Judge

Alexr Duncan Campbell Esqre — Acting 3d Puisne Judge &c.

Read letter dated the 28th Ultimo from the Special Commissioners at Mangalore, submitting for the judgment of the Sujdara Adalut the Record of Proceedings held in Case No. 1.—

(Here enter S.C. No. 108 of 1837)

The Court of Sujdara Adalut having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee vel Cozzat and Mooftee of the Sujdara Adalut, confirm the said Futwa of the Cazee vel Cozzat and Mooftee aforesaid; and under the finding of Robbery but declared in that Futwa and in conformity with the provisions of Sections II and III, Regulation I of 1834 — sentence the prisoners

1st Beeranna,

and

2d Mootanna Gowda,

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

3d Coola Bem

to be transported to such place or places beyond sea as

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

4th Cruise,

5th Kristna,

6th Ramyah,

and

7th Maryana Pooley,

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

The Court of Sujdara Adalut remarking
the practice continued by the Special Commission of
receiving detailed statements from the accused immediately
after the arraignment, to the objectionable as well as
irregular, resolve to direct that it be discontinued—

Whatever the prisoners may have to
urge in their defence we should be desirous at the
close of the evidence for the prosecution; and in this,
as in all other points, the forms of proceeding observed
by the ordinary Tribunals of Criminal Jurisdiction should
be strictly adhered to by the Courts convened under the
provisions of Regulation XX of 1817—

The

The Court of Sujdara Adalut direct
that their sentence in the Trial of No 1 from the
Special Commission at Mangalore, together with the
entire proceedings held in the case, be transmitted
to the Chief Secretary to Government, for the purpose
of laying said before the Right Honorable the
Governor in Council, to the intent that the Court
may, in conformity with the provisions of Section V
Regulation XX of 1817, receive the orders of Government
before they direct their sentence to be carried into
execution—

(Sent in at No 847.)

Read the Mangalore Criminal Reports
prescribed by section XXIV Regulation X 1816 for the
month of May—

(Here enter No 1150)

The Court of Sujdara Adalut remark
that the period for which the 1st Prisoner in this case
has been required to give security has been inadvertently
omitted—

Sdgt Report
Case 48—

With reference to the examination of
the detention of the prisoner in this case in the Calcutta
Report V
Case 77—

the Court of Sujdara Adalut are of opinion that the
proceeding of the Assistant Magistrate in requiring the
Police

Police Ameen to direct up the case to him, and afterwards returning it to the Police officer, should have been suspended. The Criminal Judge will be pleased to send copy of the case as it stands in the Report, and of this Paragraph, to the Magistrate.—

Case 94

In this case it is stated that as the charge amounts to rebellion, the proceedings have been "suspended until the instructions of Government are "received". The Court direct that the Criminal Judge be called on to explain what rendered the reference to Government for "instructions" necessary.—

Ordered, that Extract from this Proceedings be sent to the Criminal Judge at Mangalore for his information and guidance by Despatch returnable in 3 days after receipt.—

(Sent following Despatch No 848)

Read letter dated the 8th Instant from the Criminal Judge of Canara requesting, with reference to certain Papers enclosed therein, the sanction of the Cutcherry to release the Prisoners who have been committed in Case No 29 of the Canara Criminal Reports for the months of March—

(Here enter No 1143)

1. In the Case No 29 of the Canara Criminal

Criminal Reports for March last, the Prisoners, 1st Putchmeerady — 2d Ramgeeroody — and 3d Engadoo were charged, with having, between the 10th and 13th February 1837 at 7 o'clock A. M. murdered the complainant's Brother named Jungum Siddiah, aged 31 years, by breaking his head with a stone, near a well called "Veerabadra Bhavey," outside of the Village of Soogla, in the Taluk of Kunchapolum; and with having tied a large stone to the body, and thrown it in the above well: and on the evidence adduced before the Criminal Court, they were on the 30th March last duly committed to take their Trial before the Court of Circuit.—

2. It appears from the Papers now laid before the Cutcherry that Jungum Siddiah, the person for whose murder the Prisoners have been committed, has appeared before the Criminal Judge, and that his identity has been proved.—

3. The Judge direct that an English translation of all the proceedings held in this Case may be immediately furnished for their information, and in the mean time they desire that the Prisoners in question may not be released, there appears from the confessions of the Prisoners and from the evidence given

15th June 1837.

quire by the interpreter reason to believe that the murder of some person must have been perpetrated, and it is absolutely necessary that the strictest investigation into the circumstances of the case should be made by the Magistrate:—

4th. The Court accordingly resolved to direct that copy of the case as it stands in the Report and of these proceedings be sent by the Criminal Court to the Magistrate, who will make the fullest enquiry

Ordered, that extract from these proceedings be sent to the Criminal Judge at Bellary for his information and guidance in

returnable in 10 days after receipt.—

(Sent for Comm. Dispatch No. 849)

Read letter dated 8th Instant from the Criminal Judge of Chingleput, transmitting the Criminal Reports for the Month of June 1837.—

(Here enter No. 1160.)

Read letter dated 8th Instant from the 3d Judge of the Court of Circuit in the Western Division submitting the 6th Additional Calendar of the Prisoners in the Jail of Madura for the 2d Quarter of 1837

(Here enter No. 1163)

Read return dated 13th Instant from

15th June 1837.

the Officiating 2d Judge State on Circuit in the Centre Division, to the Precept of the Sessions Dedimus dated the 30th May 1837, directing him to instruct the Magistrate of Conte Arcot to pay to Duffadar Saul Dueyah the sum of Rupees 200 and to distribute among the Peons who assisted at the Capture of the notorious offender Calavirchan the sum of Rupees one hundred.—

(Here enter No. 1171)

Read return dated 12th Instant from the Officiating 2d Judge of the Provincial Court of Circuit in the Centre Division, to the Precept of the Sessions Dedimus dated the 8th June 1837, sanctioning the proposed mitigated sentence in Case No. 1 on the Criminal 2d Supplemental Calendar for the 2d Quarter Sessions 1837, and calling for the 1st Supplemental Calendar and an explanation of the delay in transmitting the 2d and 3d Supplemental Calendars

(Here enter No. 1172)

Read letter dated 13th Instant, from the 1st Judge on Circuit in the Centre Division, signifying his intention to open the second Sessions of 1837 at Cuddapah on the 3d July next.—

(Here enter No. 1174)—

16th June 1837.

given by the Interpreter reason to believe that the murder of some person must have been perpetrated, and it is absolutely necessary that the strictest investigation into the circumstances of the case should be made by the Magistrate:—

4. The Court accordingly resolved to direct that copy of the case as it stands in the Report and of these proceedings be sent by the Criminal Court to the Magistrate, who will make the fullest enquiries

Ordered, that extract from these proceedings be sent to the Criminal Judge at Bellary for his information and guidance by Dawk returnable in 10 days after receipt:—

(Sent following Dawk No. 849)

Read letter dated 15th Instant from the Criminal Judge of Chingleput, transmitting the Criminal Reports for the month of May 1837:—

(Here enter No. 1160)

Read letter dated 8th Instant from the 3d Judge of the Court of Circuit in the Centre Division submitting the 2d Additional Calendar of the Pauliem in the District of Madura for the 1st Quarter of

(Here enter No. 1161)

Read return dated 13th Instant from the Officiating 2d Judge state on Circuit in the Centre Division, to the Precept of the Sujawar dated the 30th May 1837, directing him to instruct the Magistrate of South Arcot to pay to Duffadar Saul Dueyah the sum of Rupees 200 and to distribute among the Peons who assisted at the Capture of the notorious offender Eliavirchan the sum of Rupees one hundred:—

(Here enter No. 1171)

Read return dated 12th Instant from the Officiating 2d Judge of the Provincial Court of Circuit in the Centre Division, to the Precept of the Sujawar dated the 8th June 1837, sanctioning the proposed mitigated sentence in Case No. 1 on the Chittoor 2d Supplemental Calendar for the 2d Quarter Sessions 1837, and calling for the 1st Supplemental Calendar and an explanation of the delay in transmitting the 2d and 3d Supplemental Calendars

(Here enter No. 1172)

Read letter dated 15th Instant, from the 1st Judge on Circuit in the Centre Division, reporting his intention to open the second Sessions of 1837 at Cuddapah on the 3d July next:—

(Here enter No. 1174)

F. 66

At a Court of the Foujdaree Udalut

Present

Saturday 17th June 1837. — John Bird Esqre —— 2nd Puisne Judge
Alexr Duncan Campbell Esqre Acting 3rd Puisne Judge

Read Return dated the 3rd Instant from the Acting First Judge on Circuit in the Southern Division to the Precept of the Court of Foujdaree Udalut under date the 4th May 1837. directing him to submit for their final Judgment the Records of Case № 1 on the Madura Supplemental Calendar for the first Sessions of 1837.

/Here enter F. 66. № 1124 of 1837./

Mr. Bird and Mr. Campbell — The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid acquitting the prisoners

1st Servaicooty

2nd Ramasawmy

and

4th Paradutty Soobien alias Soobramoneya Seervogar

and so accordingly acquit them: but considering that

that strong suspicion though not amounting to conviction attaches to them, the Court direct under the provisions of Clause Sixth, Section II, Regulation XV of 1803, that the prisoners

1st Seravaiyen

and

2d Ramasawmy

be severally required to find two sureties in one hundred Rupees each surety, for their good behaviour and appearance when required within two years, and that in default they they be detained for two years in confinement.

The fourth prisoner having already been required to find security by the Court of Foujdaree Adalut in Case No 6. further orders regarding that prisoner are not required.—

1. The Court of Foujdaree Adalut deemed it necessary to call for the Record of this Case to be disposed of by them in consequence of its connexion with cases Nos 3 and 6 on the same Calendar which had likewise been submitted for their consideration and final Judgment.

2. It is remarkable that when first examined by the Assistant Magistrate on the 26th August last, the Prosecutor so distinctly

distinctly stated that he was not in the village during the celebration of the festival at which the disturbances took place, he having "been to Tondamán's District" and in other respects the evidence of that individual, as also the testimony of the first and second witnesses for the prosecution, appears to the Court of Foujdaree Adalut unsatisfactory and generally insufficient to prove that the prisoners in question took any part in the disturbances which form the subject of the charge.—

3. The Acting First Judge will read and cancel the Warrant for carrying into execution the sentence passed against the second prisoner.—

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

(Sent in No 854)

Read the Rajahmundry Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of May.—

(Here enter No 1161.)

The third prisoner in this case appears

Sessions Report 1.
Case 20.

appears to have been sent up quite unnecessarily to the Criminal Court, and the Court of Fouj: daree Udalut accordingly direct that copy of the case as it stands in the Report, and of this paragraph, be sent by the Acting Criminal Judge to the Magistrate, who will be pleased to enquire into the conduct of the Police Officer and report direct to the Fouj: daree Udalut whether he has deemed it proper to take any and what notice of it.

Code 25. 2 This case appeared to be awaiting the decision of the Collective Court as to the commitment of the prisoners. The Court of Foujdaree Udalut resolve to direct the Acting Criminal Judge to report for their information. when the record of the case was submitted to the Collective Court. It is concluded that it was not delayed for the apprehension of the prisoners.

3. The Court direct that the Acting Criminal Judge be called upon to forward the Statement of punishments under Regulation X of 1832, prescribed by the Circular Order No. 80, or to state that it has been intentionally omitted as blank.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge

Judge at Rajahmundry for his information and guidance by Precept returnable in 3 days, after receipt.

Sent following Precept No. 855

Read letter dated the 23d Ultimo from the 1st Judge late on Circuit in the Western Division, forwarding a Statement of Batta paid to the Prosecutors and Witnesses for the 1st Sessions of 1837.

Here enter No. 1064.

Read return dated the 3d Instant from the Officiating 2nd Judge on Circuit in the Centre Division to Precept of the Fouj: daree Udalut dated 18th Ultimo, calling for English Translations of Trial No. 3 Cuddapah Calendar 2d Sessions of 1836.

Here enter No. 1114.

Read letter dated the 14th Instant from the Criminal Judge at Chittoor, forwarding the working Statement received from the Officer Commanding Arcot for the month of May.

Here enter No. 1180.

Read letter dated the 15th Instant from the 3rd Judge on Circuit in the Centre Division, reporting the opening of the Sessions at

17th June 1837.

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/Here enter No. 1183/

Read return dated the 15th

from the Provincial Court of Circuit in the

Centre Division to the Court of the Fo

Udalut dated the 2d June 1837 enclosing fo

information respecting certain persons entitled

the Letter Circular Report No. 7

the month of April and committed on fu

months.

/Here enter No. 1184/

F. 16.

At a Court of the Foujdaree Udalut

Present

Monday 19th June 1837. John Bird Esqr. 2nd Puisne Judge

A. D. Campbell Esqr. Acting 3rd Puisne Judge

Read letter dated the 5th Instant from the Special Commissioners at Manga-lore transmitting the Record of case No. 9. Mangalore Special Commission.

/Here enter No. 1141/

The Court of Foujdaree Udalut,

Mr. Bird and Mr. Campbell. having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, Convicting the prisoners

1st Soobanna
2nd Angar Gowda
3rd Colari Chendoo
4th Gowda Tyempa
5th Vencapa
6th Bollor Timmapa
7th Bollya Gowda
8th Billa Dere
9th Cuttna
and
10th Ummy Soobraya

of the crime charged and awarding to Stoobut and

and under the provisions of Sections II and III Regulation I of 1834 sentence the prisoners

1st Gowda Iyempa

9th Custora

and

10th Ummy Soobraya

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

1st Soobanna

2nd Angar Gowda

3rd Colari Chendoo

6th Bollor Timmapa

7th Bollya Gowda

and

8th Billad Dere

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

5th Venaapa

to be imprisoned and kept to hard labour in irons on the public roads, or other public works, for and during the period of (6) Six months

The Court of Faujdaree Udalut direct that their sentence in the Trial No 69 from

from the Mangalore Special Commission together with the entire proceedings held in the case, be transmitted to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may - in conformity with the provisions of Section V, Regulation XX of 1802, receive the orders of Government before they direct their sentence to be carried into execution.-

(Sent in No 857)

Read the Tinnevelly Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of May.-

(Here enter No 1167.)

Under the circumstances of this case, the Court of Faujdaree Udalut resolve to direct that copy of it as it stands in the Report be sent from their Registers' Office to the Judge on Circuit in the Southern Division, who will be pleased to call for the proceedings and pass upon them such orders as he may deem proper, with reference to Section XXIII. Regulation X. 1816.-

Report Case 20.

Ordered, that Extract from these proceedings with copy of Case 20 be sent to the Judge on Circuit Southern Division for his information and guidance by

by Precept returnable in 15 days after receipt.

(Sent following Precept. No. 858)

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

(Sent in No. 859)

Read return, dated the 8th instant from the Criminal Judge at Calicut to the Precept of the Foujdaree Udalut of the 21st Ultimo, conveying their orders on the Calicut Criminal Reports for the month of April.

(Here enter No. 1169)

Reports Code 134.

1. Under the explanation afforded in the above return, the Court of Foujdaree Udalut are not of opinion that the sentence in this case as it now stands preceded should be disturbed.—

Ordered, that Extract from those proceedings be sent to the Criminal Judge at Calicut for his information and guidance.—

(Sent in No. 860)

Fr. No.

Fr. No.

At a Court of the Foujdaree Udalut

Present

Tuesday 20th June 1837. John Bird Esqr. ——— 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. Acting 3d. Puisne Judge

Read the Masulipatam Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of May.—

(Here enter No. 1182.)

The Court of Foujdaree Udalut observing that the statement prescribed by the Circular Order No. 80 has not been submitted with the above Reports, direct that the Acting Joint Criminal Judge be called upon now to forward it, or to state that it is "blank."—

Ordered, that extract from these proceedings be sent to the Acting Joint Criminal Judge at Masulipatam for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 861)

Read Return dated the 9th instant from the First Judge of the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Foujdaree Udalut under date the 31st May 1837 calling

calling for a further exposition of his views in respect of case No 1 on the Sutton Second Supplemental Calendar for the fourth Quarter Sessions of 1856.

(Reference to G. O. No 1148 of 1857)

1. In the third paragraph of this Return the First Judge remarks that "in the case under "Review, it must be remembered that the Prosecutor, as "well as the three witnesses who deposed to the Prisoners "being the identical persons who robbed them, had "the opportunity of observing the prisoners features by "day light while standing at the entrance of the "village of Balagopittal" viz

2. The Court of Sudder Adalut think that these persons do not pretend to have seen any others than the fourth, fifth and seventh Prisoners the ninth Witness excepted who does not agree with the others, but alleges that he saw the third, fifth and seventh prisoners.

3. Nor do the Court of Sudder Adalut find any thing on the Record of this trial to support the observation made by the First Judge in the fourth paragraph of his Return, to the effect that these alleged "eye witnesses" all identified the prisoners from among a vast concourse of strangers" On the contrary it is clear that the prisoners were picked

picked out by the Prosecutor only, and afterwards sworn to by the others.

4. The First Judge in the fifth paragraph of his Return calls attention "to the "great apprehension betrayed by the first prisoner "when he met the prosecutor, to the anxiety he "evinced to conceal the stolen slippers; and to his "attempt at escape — as strongly corroborating "the oral evidence."

5. The Court of Sudder Adalut observe that the evidence as given in the Record on these several points is contradictory and that they cannot be considered as satisfactorily proved.

6. Again the First Judge states, that he was disposed to look upon the circumstance of "no property being discoverable in the houses of these "polishers of precious stones, as tending to throw sus- "picion on their general characters: while their being "Chetties could not be allowed as exempting them "from suspicion, since people of their caste are "notorious for receiving stolen property."

7. It appears that the houses of the prisoners were not searched at the time by the Peshkar, which is unaccountable if that Officer believed or suspected that they were concerned in

in the perpetration of the robbery.

8. In the seventh paragraph of his Return the First Judge adverts to "the almost invariable attempt made by prisoners to establish an "alibi, to the facility of obtaining their accomplices "to swear falsely and to the great difficulty of es"tablishing such Perjury" &c.

9. In the present instance the Court of Tanjore Udalut consider the plea of Alibi set up by the first and seventh prisoners to be clearly established.

10. So strong indeed was that of the seventh prisoner, that the First Judge himself could not consider him convicted: and yet the evidence of the prosecutor and witnesses against him, was as strong, as, if not stronger than, that against the other prisoners. And if they were in error in respect of him, and also of the sixth prisoner who was unconditionally released by the Court of Quarter Sessions, it appears to the Judges impossible to rely upon their evidence against the rest of the accused.

11. Upon the foregoing grounds and after again maturely considering the case, the Court

Court of Tanjore Udalut deem it necessary to set aside the sentence of the Court of Quarter Sessions and to direct that the prisoners

1st Raumeechetty
2nd Veerapasoomanloo
3d Rangavaloo
4th Cullayanachitty
and
5th Sashadrechitty

be immediately and unconditionally set at liberty.

12. If the prisoner

7th Padavatan

be still in confinement under the requisition of security, he likewise will be immediately released, if he be at large, his Bail bonds will be cancelled.

13. The Court of Tanjore Udalut are of opinion that the experience of the First Judge should have taught him the impropriety, as well as the legal inadmissibility, of his suggestion to submit the whole proceedings in this case "to the "Advocate General," merely in order that the opinion of that Officer might be obtained, as to whether, on the evidence for the prosecution, he was not justified in convicting the prisoners: for he must be aware that the Advocate General is the legal adviser of the Government, and in

20th June 1837.

no wise connected with the Foujdaree Adalut with whom exclusively the legal determination rests as to the propriety of the conviction.

Ordered, that extract from these proceedings be sent to the First Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by Precept returnable within five days from and after it's receipt.

(Sent following Precept No. 862)

Ordered also, that extract from these proceedings be furnished to the Petitioners in Miscellaneous Petition No. 19 of 1837 on their application.

Read the Chittagong Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of May.

(Here enter No. 1175).

Report V Case 56

1

In this case the charge is stated to be "Murder." Although it was a case of Perjury the full indictment is not required to be given in the Criminal Report the Court of Foujdaree Adalut expect in other cases the fact or facts charged with the dates and also the circumstances attending the commission of the crime to be specified in order to enable them to form a correct judgment as to the propriety of the manner in which the case may have been disposed of.

See C.O. F. Ltr. 31st January 1814 p. 3 para 2nd. first 6 paragraphs

20th June 1837.

No. 51.

2.

The Judges conclude that Juneby was the 2nd witness in this case.

No. 53.

3.

It would have been satisfactory to have had it ascertained whether search was made for the property on the person or at the residence of the person accused by the Prisoner.

Ordered, that extract from these proceedings be sent to the Acting Assistant Criminal Judge in charge of the Criminal Court at Chicacole for his information and future guidance. (Sent in No. 863.)

Read the Cuddalore Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of May.

(Here enter No. 1176.)

The Court of Foujdaree Adalut will

Report V Case 52.

1

not now disturb the sentence recorded, but it appears to them that there were sufficient grounds for the commitment of the Prisoner for trial before the Court of Circuit. They direct that the Acting Joint Criminal Judge be informed of their opinion of the insufficiency of the punishment awarded and they remark that the cause of the offence is not stated in the Report.

It is observed that the provision

Statement prescribed by C.O. No. 30.

2.

of Section VI Regulation X of 1832 under which the

20th June 1837

the prisoner Soondarum was punished has not been cited.

Ordered, that extract from these proceedings be sent to the Acting joint Criminal Judge at Cuddalore for his information and future guidance.

(Sentence No. 864)

Read the Chittoor Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of May

(Reference No. 1166)

Suppl. Report Case 65. 1. Under the circumstances of this case the Court of Sunjdarea Udalut resolve to direct that copy of it as it stands in the Report and of this paragraph be sent from their Registrars Office to the Judge Presiding at the ensuing Quarter Sessions, who will be pleased to call for the proceedings and pass upon them such orders as he may deem proper, with reference to Section XXIII Regulation X of 1816. The Court direct that the Presiding Judge will ascertain and report for their information whether the deceased if in a fit state to be examined, underwent an examination, at the time he was lying ill in the Hospital.

Cases 70. 71. 72. and 73. 2. These cases being still undecided, the

20th June 1837

the Magistrate omitting to reply to the communication of the Criminal Judge regarding them, dated the 5th of May, the Court of Sunjdarea Udalut direct that copy of them as they stand in the Report and of this paragraph be sent by the Criminal Judge to the Magistrate, who will be pleased to report direct to the Sunjdarea Udalut why he was unable to give the Criminal Judge the answers required by him to enable him to dispose of these cases before the close of the month of May.

Cases 82. 83. 84. and 85. 3. The same prisoner is concerned in these four cases and he has been required to furnish security. The Court are of opinion that if all the Prosecutors swore to the prisoner in the 4 cases there was proof enough for his conviction provided their evidence was satisfactory and there was no collusion with each other, if the offences appear all on distinct dates and may not have admitted of other evidence.

4. It appears to the Court of Sunjdarea Udalut that the prisoners in this case have been unnecessarily sent up to the Criminal Court. They direct that copy of the case as it stands in the Report and of this paragraph be sent by the Criminal Judge to the Magistrate, who will warn the Police Officer against transmitting any prisoners in future on the same pre-

Case 96. 5. The Court of Sunjdaree Udalut do not understand why this case of petty theft was sent up to the Criminal Court. The Criminal Judge will be pleased to send copy of it as it stands in the Report and of this paragraphe to the Magistrate, who will enquire into the conduct of the Head of Police of Sunchpet and report direct to the Sunjdaree Udalut whether he has considered it necessary to take any and what notice of it.—

Case 97. 6. Copy of this case and of this paragraph should be sent by the Criminal Judge to the Magistrate, who will require the attention of the Head of Police of Sautgur to the Circular Order of the Sunjdaree Udalut No. 62 dated 28th February 1836, desiring that in cases originating occasioned by a reference to the Magistrate, the reasons of the reference shall be reported in transmitting the case to the Criminal Court.—

Case 98. 7. The Criminal Judge will take care to send copy of this case as it stands in the Report and of this paragraph to the Magistrate, who will call for and transmit direct to the Sunjdaree Udalut the explanation of the Acting Head Assistant Magistrate of the detention of this case before him.—

8. The Criminal Judge having

omitted to forward the Statement required by Circular Order Sunjdaree Udalut No. 80, the Court direct that he be called upon now to transmit it or to state that it is blank.—

9. The Judges desire that the Criminal Judge will ascertain whether some of the prisoners at Vellore may not without public inconvenience be transferred to Arcot.—

Ordered, that Extract from these proceedings viz: para: 1 be sent to the Judge Presiding at the Quarter Sessions at Chittoor with copy of Case 65, for his information and guidance by Precept returnable in 10 days after receipt.—

(Sent following Precept No. 865.)

Ordered also, that Extract from these proceedings be sent to the Criminal Judge at Chittoor for his information and guidance by Precept returnable in 5 days after receipt.—

(Sent following Precept No. 866.)

At a Court of the Foujdaree Adalut.

Present

Wednesday, 21st June, 1837.

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

Alexr Duncan Camfibell Esqre. Acting 3d Puisne Judge.

Read letter dated the 10th Instant from the Acting First Judge on Circuit in the Southern Division transmitting copies of the Combaconum Calendars for the first Sessions of 1837.

(Here enter Ct No. 1158 of 1837.)

In the Remarks in the Calendar it is stated that "the evidence of the witnesses before the Criminal Court which would have gone far to fix the guilt on the 1st and 2nd prisoners was contradicted before the Court of Circuit on the evidence before the Criminal Court as in the case of 3rd Witness / nullifies that before the higher Court."

Primary Calendar Case No. 4.

2. The Court of Foujdaree Adalut have failed to ascertain the purport of the foregoing observation which the Judge of Circuit will accordingly explain. The portion of the evidence before the lower which was subsequently contradicted before the higher Tribunal should have been specified. If moreover, the Witnesses in question did actually give two contradictory depositions on oath, and if there were strong grounds to presume their corrupt

intention

Cases Nos 18 & 22. 13

The prisoner
Vyderadien
in No. 19 having been acquitted by the Court of Tondaree Udalut in Case No. 18 the Acting First Judge must now proceed to dispose of No. 19 and will report the result to this Court.

14

The prisoners in cases Nos. 20, 21 and 22 having been convicted by the Court of Tondaree Udalut in Case No. 18 no sentence in these three cases is necessary.—

Case No. 26. 15.

In this case the prisoners
Peravee
and
Vencatadasary
were charged before the Court of Circuit with adulteryin the Talwa of conviction delivered by the Mahomedan Law Officer of the Court of Circuit "that having no precedent to guide him in awarding punishment, "resolved to refer the case for the final judgment of the "Tondaree Udalut."

16.

The Acting First Judge concurred

17

The reason here assigned is not sufficient to warrant the reference of the trial. The Judge of Circuit must proceed to dispose of the case reporting the sentence to the Court of Tondaree Udalut in conformity to the provisions of Clause seventh, Section II, Regulation XV of 1803 unless he consider

consider the convicted parties to be deserving of more severe punishment than seven years imprisonment.—

In case No. 40, the prisoner

Cases Nos. 40 and 41. 18.

Ponnoosawmy taven
was charged before the Court of Circuit with breaking into the house of the Prosecutrix, and stealing therefrom articles valued at Rupees 57-9 .. In case No. 41 the same prisoner was charged with breaking into the Prosecutor's house and stealing therefrom property valued at Rupees 494-11-5.—

The Judge of Circuit remanded

19.

case No. 40 to the Criminal Court, observing in the extract from his proceedings under date the 9th Ultimo, that "the Assistant Criminal Judge should "not have committed this case. If proved, it was "his duty to have immediately punished in the one "case, though he committed in the other No. 41, e- "case when if conviction had followed in the larger "case the unexpired period of smaller punishment would have merged in the larger." &c.

This proceeding is at variance with

20

the orders of the Court of Tondaree Udalut of the 4th September 1824 and of the 16th April 1834. In the latter it was ruled that "an individual against whom "charges may be preferred and sufficient evidence "adduced of the Commission of two or more offences "one

"one of which is cognizable only by a Court of Circuit,
"cannot regularly be tried for one offence by the
"Criminal Judge and by the Court of Circuit for the
"other or others; but he should be brought to trial
"before the same tribunal upon the several charges
"preferred against him." &c.

21. The Judge of Circuit will furnish a copy of the preceding paragraph to the Criminal Judge for the information and future guidance of that officer.

Case No. 42. 22. In this case it is stated that the "Futwa of the Law Officer on a second question of "fact under Section VIII, Regulation I of 1825, and Clause "first, Section II, Regulation VI of 1829 declared the "prisoner convicted on Zanni-i-Ghalib and liable "to Dokoobut."

23. It is not stated in the Calendar which of the witnesses were objected to, or what was the nature of the objections taken by the Law Officer. Nor are the second Question and Answer included in the Copies of the Futwas which accompanied the Calendar.

24. It becomes also necessary to call the attention of the Acting First Judge to the Circular Order of the Court of Sudder Adalut of the 6th September 1819 which directs Judges of Circuit in all cases to enter in abstract, not only the sentence declared

"declared in the Futwa, but also the grounds, whether
"of confession or of the evidence of credible witnesses, or
"of presumptive proof or of suspicion on which such
"sentence is founded."

In no case in the Calendar under
25 consideration has this rule been attended to.

It is stated in this case that "on
Case No. 53. 26. "the face of the deposition of the 5th witness for the
"prosecution to the fact of undue influence having
"been exercised towards him, with a view to induce
"him to testify falsely, it was impossible to do otherwise
"than acquit the prisoner in this case, independent
"of the other objections urged by the Law Officer."

The Court of Sudder Adalut
37. observing that in the Abstract of the evidence
given before the Criminal Court, that of the fifth
witness is not included, deem it necessary to direct
that an explanation of this circumstance be sub-
mitted. The Judge of Circuit will at the same time
report in detail the precise grounds on which he
concurred in the Mahommedan Law Officer's Futwa
of Acquittal.

Throughout these Calendars the
28 Acting First Judge has omitted to state the nature
of the second Question put to the Mahommedan
Law Officer. In future, he will be careful to cause
the requisite information on this point to be clearly

21st June 1837

clearly given.

Ordered that extract from these proceedings be sent to the Acting First Judge on Circuit in the Southern Division for his information and guidance by Precept, returnable in 10 days from and after it's receipt.-

(Sent following Precept No. 869)

Read the Nellore Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of May.-

(Here enter No. 1192.)

Report V Case 46.

The prisoners in this case having been apprehended on the 6th May are stated to have appeared before the Magistrate on the 20th of that Month. No explanation of their detention in the Jail having been given the Court direct that

See C.O. Fde. of the 9th February 1830 p. 193 of the printed volume.-

copy of the case as it stands in the Report and of this paragraph be sent by the Acting Criminal Judge to the Magistrate who will report direct to the Toojdaree Adalut where the prisoners were between the 1st and 20th of May.-

Ordered that extract from these proceedings be sent to the Acting Criminal Judge at Nellore for his information and guidance by Precept, returnable in 3 days after receipt.-

(Sent following Precept No. 870)

Read the Vizagapatam Criminal Reports

21st June 1837

Reports prescribed by Section XXXV Regulation X 1816 for the Month of May.-

(Here enter No. 1177.)

The prisoner in this case, the Court

Suppl. Report Case 22. 1.

think, might have been released on Bail. The Acting Joint Criminal Judge will be pleased to ascertain if he can now provide it.-

It appears to the Court of Toojdaree

Case 30. 2.

Adalut that the Acting Joint Criminal Judge would have been justified in passing upon the prisoner, who had been from his birth in the service of the party from whom he stole the articles referred to in the charge, a more severe sentence than 6 months imprisonment and labor.-

The Acting Joint Criminal Judge

3.

not having submitted the Statement required by the Circular Order No. 80 the Court direct that he be called upon to forward it or to state that it is "blank".-

Ordered, that extract from these proceedings be sent to the Acting Joint Criminal Judge at Vizagapatam for his information and guidance by Precept returnable in 3 days after receipt.-

(Sent following Precept No. 871)

Read extract from the Minutes of Consultation under date the 2nd ult. transmitting with

with the observations and orders of the Right Honorable the Governor in Council thereon, triplicate General Letter from the Honorable the Court of Directors dated 1st June 1836.

(Here enter No. 912)

1. In compliance with the instructions contained in para 4 of the Minutes of Consultation above referred to and with reference to the Minutes of Consultation under date the 22nd July 1834 the Court of Foujdaree Udalut desire that Messrs Hooper, Angelo and Harington be furnished with a copy of para 7 of the Honorable Court's letter of the 1st June 1836, approving of the retrenchment ordered against them on account of the unauthorized employment by them of certain extra peons.

2. And with reference to the Minutes of Consultation under date the 19th of November 1833, and in compliance with the orders of the Right Honorable the Governor in Council contained in para 6 of the Minutes of Consultation under date the 2nd Ultimo the Court of Foujdaree Udalut desire that Mr Vaughan be furnished with a copy of para 11 of the Honorable Court's Letter of the 1st June 1836 in which they express their concurrence in the view taken by Government of his conduct in interfering with the proceedings of the European Magistracy

Magistracy of Malabar.—

The Court of Foujdaree Udalut

3. desire further that Mr Maclean be furnished with a copy of para 14 of the letter from the Honorable the Court of Directors under date the 1st June 1836 approving of the Government having recalled the censure passed against him when Criminal Judge of Malabar relative to a case of interpolation.—

Ordered that a copy of para 24 of the Minutes of Consultation under date the 2nd Ultimo and of para 45 of the letter from the Honorable the Court of Directors under date the 1st June 1836 together with Persian Translations thereof be furnished to Zeaoodeen Principal Sudr Ameen of Surat for his information.—

In conformity to the orders of the Right Honorable the Governor in Council contained in para 41 of the Minutes of Consultation under date the 2nd Ultimo the Court of Foujdaree Udalut direct that Mr Shakespear be furnished with a copy of para 71 of the letter from the Honorable Court of Directors under date the 1st June 1836, for his information and guidance.—

(Sent in Nos 872 to 878.)

Fol.

At a Court of the Foujdaree Adalut

Present,

Thursday, 22nd June, 1837. — John Bird Esqr. — 2nd Puisne Judge.
Alexr. Duncan Carnfibell Esqre. acting 3d Puisne Judge.

Read return dated the 20th Ultimo made by the 1st Judge of the Provincial Court of Circuit in the Northern Division to the precept of the Foujdaree Adalut of the 27th April 1837 conveying to him the observations and orders of the Right Honorable the Governor in Council on his Circuit Report for the 1st Sessions of 1836.

(Here enter No. 1058)

With reference to the remarks of the Right Honorable the Governor in Council in respect to the large number of acquittals compared with the convictions in the cases finally disposed of by the 1st Judge; and to the observation of this Court that many of the 1st Judge's acquittals were disapproved of by the Foujdaree Adalut Mr. Paske in the 5th and five following paras. of the above return recites the cases entered in the several Calendars laid before him during the 1st Sessions of

of 1836 which were either returned to the Criminal Courts, or on which the trial terminated in the acquittal of the parties accused; and he concludes para: 10 by observing that he does not find that any of his sentences in the cases noticed in those paras were disapproved of, but only his sentences in those cases noticed in subsequent paras of his return viz: cases Nos 2 - 5 - 9 and 12 of the Vizagapatam Calendar, in two of which cases he states that his decisions were ultimately approved of by the Foujdaree Adalut.

2. With reference to this observation, the Court of Foujdaree Adalut deem it right to explain that they disapproved of several other sentences passed by Mr Paske on his Circuit in question, upon some of which they remarked officially, although they abstained from recording upon others the detailed grounds of their dissent.

3. Of these last, was the case No 10 of the Vizagapatam Calendar. One of the grounds assigned by Mr Paske for the acquittal of the prisoner was that the subscribing witnesses to his declaration had not a recollection of its contents, or reasons, as subsequently explained to Mr Paske, insufficient in the opinion of this Court to justify the total rejection of such evidence.

4. Another ground urged for rejecting the

the prisoner's confession was that the subscribing witnesses declared that at the time it was taken, the prisoner "had a rope tied on his arm," a measure of restraint in the case of persons charged with heinous or serious offences, which if unattended by ill usage or intimidation, cannot as pointed out to Mr Paske in a subsequent occasion, be viewed as objectionable, or as affording sufficient ground for withholding credence from the declarations which may be taken under such circumstances.

Ld dep: 25th July 1836

Another case was No 2 of the Chicacole Calendar noticed in para: 10 of the 1st Judge's return in which the Court of Foujdaree Adalut disapproved of the order issued by Mr Paske for the release of the prisoner without trial, because a proceeding grounded as it was on a defect or informality in the preliminary enquiry, which could without difficulty have been remedied, involved in their opinion a sacrifice of the Spirit to the Letter of the Law, and if sanctioned would moreover have been prejudicial to the interests of substantial justice.

5. A third case was No 7 also of the same Calendar. The Court of Foujdaree Adalut did not approve of the grounds of the acquittal of the prisoner who was charged with Perjury.

6. One of the reasons assigned by Mr

7.

Mr Paske for concurring in the acquittal of the prisoner was that the 1st witness alone proved the two depositions on which the Perjury was charged he having refused them to writing before the Magistrate at the prisoner's dictation.

8.

The Court of Foujdaree Udalut pointed out to the Judge of Circuit that in their opinion the evidence of the witness who refused the depositions to writing was amply sufficient to prove them.

9.

In a fourth case No 12 also of the same Calendar the Court of Foujdaree Udalut on consideration of the evidence given by the 1st witness before the Court of Circuit saw reason to doubt the propriety of the acquittal of the prisoner, but no communication was made to the 1st Judge on the subject as it was not intended to obstruct his order for the release of the prisoner on security.

10.

The cases in which English translations of the proceedings held before the Court of Circuit were called for by the Foujdaree Udalut to enable them to judge of the propriety of the decisions passed by Mr Paske were cases Nos 2 5 9 and 12 of the Vizagapatam Calendar.

11.

On perusal of the proceedings held on Case No 2 in which the prisoner stood charged with having stabbed cut and wounded the prosecutor with

F. W.

22nd June 1857

with arms and robbed him of articles valued at 10 Rupees, when he was at the field. It appeared to the Court of Foujdaree Udalut as recorded in their proceedings of the 5th December 1836 that there was ample proof that the prisoner confessed before the Police Officer, and that the Presiding Judge, Mr Paske, was unnecessarily scrupulous in rejecting the evidence of the first and second witnesses for the prosecution. It further appeared to the Court that the truth of the Prosecutor's statement was unquestionable, and that there could not be the slightest doubt that he recognized the prisoner.

Accordingly the Court of Foujdaree

12.

Udalut were of opinion, that Mr Paske, in concurring in the Futwah of acquittal delivered by the Mahommedan Law Officer of the Court of Circuit, erred in judgment and that it was matter for serious regret that the prisoner should have been allowed to escape the punishment due to the diabolical outrage, which on the opinion of the Foujdaree Udalut he undoubtedly perpetrated.

On perusal of the proceedings held

13.

before the Court of Circuit in Case No 5 of the Vizagapatam Calendar, the Court of Foujdaree Udalut resolved not to disturb the orders issued by Mr Paske for the release

of

The

22nd June 1857 - but in what light this was viewed by the Higher Court he is not able to state, their sentiments not having been communicated to him," the Judges would point out to Mr Paske that his return of the 17th December 1836 containing the explanation here alluded to, did little more than intimate, that he adhered to the opinion from which the dissent of this Court had been recorded, that written & talook confessions by Prisoners are not to be considered proved, when the subscribing witnesses do not possess a recollection of the statement made by the accused, and that this question was fully considered in the proceedings of the Foujdaree Udalut of the 30th of December 1836, a copy of which it will be observed was laid before Government together with the proceedings held by the Foujdaree Udalut on Mr Paske's Circuit Report, under date the 15th of February 1857 -

21. The concluding paras of the 1st Judge's return, a copy of which it is resolved to transmit for the purpose of being laid before the Right Honorable the Governor in Council, are occupied in a most unnecessary renewal of the discussion of the principle of the law of evidence in respect to the nature of the proof necessary to validate a written confession, which was laid down for his guidance in those very proceedings, (30th

F. No.

22nd June 1857 - (30th December 1836), and this the explanation of his opinion on this subject given in para: 17 has been already offered by Mr Paske, and decided on by the Foujdaree Udalut in their proceedings of the 18th Ultimo, yet the Court will recapitulate the observations recorded by them on that occasion for the information of the Right Honorable the Governor in Council -

In the 17th para: Mr Paske observes

22.

that from the remarks contained in paras: 5 and 6 of the proceedings of the Foujdaree Udalut of the 30th December 1836, it would appear that the 1st Judge had for his object, in what he stated relative to Talook confessions, the substitution of parol evidence of the contents of a written confession for the evidence of the written record. He submits that his observations do not convey such a meaning; and that he only intended that parol evidence of the contents of a written confession should be received as a means of the proof of it, and knowing from experience that the subscribing witnesses to those documents have generally altogether forgotten the contents of them, he suggested as a remedy that the writer of them should in all cases of this kind be examined to prove them -

This

22nd June 1837 - but on what light this was viewed by the Higher Court he is not able to state, their sentiments not having been communicated to him," the Judges would point out to Mr Paske that his return of the 17th December 1836 containing the explanation here alluded to, did little more than intimate, that he adhered to the opinion from which the dissent of this Court had been recorded, that written Talook confessions by Prisoners are not to be considered proved, when the subscribing witnesses do not possess a recollection of the statement made by the accused, and that this question was fully considered in the proceedings of the Foujdaree Udalut of the 30th of December 1836, a copy of which it will be observed was laid before Government together with the proceedings held by the Foujdaree Udalut on Mr Paske's Circuit Report, under date the 15th of February 1837.

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This

the

28. This suggestion he observes was made by him under the impression that a subscribing witness to a written confession is required to state what the prisoner did confess, as in cases of a verbal confession; which opinion he was first led to adopt from the Court of Foujdaree Adalut having in the Circular Order No. 41 dated 20th April 1835 enjoined that in trials before the Courts of Circuit when the prisoner may have confessed the charge before either of the lower authorities, the subscribing witnesses to such confession be first examined as to the contents of the declaration attested by them, and that such declaration be after such examination read in open Court, and the subscription of the witness proved &c.

24. The 1st Judge therefore in his letter of the 5th Ultimo requested information as to the intention of these instructions, directing that the subscribing witnesses to such confession be first examined as to the contents of the declaration, if all recollection of the contents by them was now considered not to be necessary.

25. In reply the Court of Foujdaree Adalut observed that the subscribing witnesses should be examined as to the contents of the declaration

declaration attested by them, so far as to be asked the general purport of such declaration, the object of such examination being, not to prove that particular facts were admitted by the accused, but that the witness was present at his confession, regarding which point there would be reasonable cause for doubt if the witness should be unable to state generally its purport.

The Court of Foujdaree Adalut

26. pointed out that their Circular Order, No. 41, was not superseded by the proceedings of the 30th December 1836, which last were intended to meet the 1st Judge's view of the principle of the Law of evidence under discussion, and to prevent his future rejection of a recorded confession merely upon the ground that the attesting witnesses do not recollect all the material facts therein contained.

The rule of English Law quoted

27. by Mr. Pasha in para. 13 of his return, as opposed to what is laid down in the proceedings of the Foujdaree Adalut of the 30th December 1836 is to be found at page 119 of Phillipps' Law of evidence, c. 6 s. 1 and contains directions as to the manner in which a written confession taken before a Magistrate is to be proved in an English Court of

22nd June 1837

of Law.—

28. But it appears to the Court of Foujdaree Adalat to be totally irrelevant, to enquire whether or not "the evidence of attesting witnesses to prove a confession would be received in an English Court of justice because the Legislature has specially provided in this behalf by those provisions of Regulations IX. X and XI of 1816 which relate to confessions before a Magistrate Criminal Judge and Head of Police, which provisions have reference to the Mahommedan Law of evidence.—

vide para: 19 of Mr. Paske's return

29. It is presumable that the English rule was not adopted by the Legislature in this Country on the ground of the inconvenience of causing the Officer taking the Confession or his Clerk to attend the Court of Circuit, and the evidence of attesting witnesses being prescribed by the Regulations upon that evidence all confessions have been received as duly and legally proved.—

30. And inasmuch as the determination of the Foujdaree Adalat on the meaning and construction of the Regulations is by Law declared to be final and conclusive and this point disposed by Mr. Paske does not turn on the English Law of evidence the suggestion offered in para: 20 of the

J. 116.

22nd June 1837. the 1st Judge's return, "that the question be submitted to the Honorable Company's Advocate General" is legally inadmissible, and the experience of the 1st Judge should have taught him the impropriety of making such a suggestion.—

Ordered, that extract from these proceedings together with Copy of the 1st Judge's return dated the 20th Ultimo be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.—

(Sent in No. 879.)

Ordered also that extract from these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance.—

(Sent in No. 880.)

Read again letter dated the 22nd Ultimo from the Special Commissioners at Mangalore submitting the record of proceedings held in case No. 2 of the Mangalore Special Commission.—

(Here enter No. 1054.)

Read also Order of Government dated the 20th instant requesting the Judges of the Foujdaree Adalat to cause their sentence in Case No. 2 from the Mangalore Special Commission to be carried into execution.—

(Here enter No. 1209.) Under

22nd June 1837.

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

1st Venkatesppa

do suffer death by being hanged at the usual time and place of execution, and that the Prisoner

2nd Chooddoo

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

The Court likewise direct that extract from their proceedings under date the 7th Instant be sent for the information and guidance of the Mangalore Special Commission.

(Sent following Letter No. 881)

Read the Puisne Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of May.

(Vide entry No. 1191)

Suspse Report Cases 30 and 31

1. These cases are stated to be still undisposed of, though the prisoners were apprehended on the 25th and 27th February last, in consequence of the non arrival of the witnesses who are Peons employed on the employ of Captain Vallancey.

2. The Court of Puisne Criminal Judge be called upon to explain what measures he has adopted to procure the attendance of the Peons apprehended required — and when he anticipates they will make their

22nd June 1837

their appearance before him.

The Report VIII should not have been omitted although there may have been no commitments during the current Month the Court of Puisne Criminal wish to have before them the statement shewing the cases committed in previous months.

Ordered that extract from these proceedings be sent to the Acting Joint Criminal Judge at Cuntoor for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 882)

No return having been received from the Provincial Court of Circuit in the Southern Division to the precept of this Court of the 29th April 1837 directing them to communicate to the Magistrate of Tanjore the sanction of Government for the reduction of the sentences upon the 2 Convicts who assisted the Jailor on the 8th March 1837, when a party of Convicts under his charge attempted to effect their escape, and to carry into effect the intentions of the Government and this Court in behalf of the Convicts in question, to each of whom the cause of this mitigation of the punishment to which he had been legally sentenced was required to be distinctly and publicly

22nd June 1837. publicly made known in the presence of all the Convicts in Jail, and to report so soon as the orders to be issued under those instructions shall have been acknowledged and acted upon by the Officers to whom they may have been addressed.

Ordered, that the Provincial Court of Circuit in the Southern Division be required by precept returnable in 10 days from and after its receipt, to shew what may have been done in pursuance of the instructions issued to them under date the 29th April 1837, and that they be required to make return to the precept aforesaid without any further delay.

(Sent following Precept No. 883.)

Read Return dated the 12th instant from the Acting Third Judge on Circuit in the Northern Division to the Precept of the Court of Foujdaree Adalut under date the 27th May 1837 conveying their observations and orders upon the Rajahmundry Calendars for the First Sessions of 1837.

(Reg. Enter F. Co. No. 1201 of 1837.)

Cases Nos. 1 and 2. 1. The explanations afforded by the Acting Third Judge respecting these two cases are not considered satisfactory. In case No. 1. no reason is assigned for the non attendance of the second witness

F. Co.

22nd June 1837. witness for the Defence the fact of his absence is alone stated. If there was no prospect of procuring his attendance the trial should have proceeded without him: at least on that point the prisoner might have been consulted.

2. In respect of case No. 5. the Court of Foujdaree Adalut observe that whenever on a perusal of the preliminary proceedings the Judge of Circuit may deem the Indictment prepared by the Criminal Court palpably at variance with the evidence to be adduced in support of the charge it is his duty to cause the same to be amended.

3. The Acting Third Judge in quoting the fifth, has apparently overlooked the observations contained in the fourth paragraph of the Circular Order of the Court of Foujdaree Adalut of the 31st January 1834. It is there required that the "statement" to be "adopted as the arraignment when the prisoner is brought to the bar" shall be "the result of all the examinations taken by the Criminal Court" and shall shew the specific crime charged against the prisoner. It is therefore the obvious duty of the Judge of Circuit to adopt as the arraignment no statement in which the required conditions are not

the

22nd June 1837.

not fulfilled.

Case No. 9. 4. The Court of Foujdaree Udalut not considering the explanation afforded by the Acting Third Judge regarding Case No. 9 to be satisfactory, resolve to direct that an English Translation of the Record of that case be submitted for their consideration; together with translation of any proceedings tending to support the assertion of the Acting Third Judge that the prisoner was a Rollen by profession.

Ordered, that extract from these proceedings be sent to the Acting Third Judge on Circuit in the Northern Division by Receipt returnable within 15 Days from and after its receipt.

(Sent following Receipt No. 884.)

Read the Honore Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of May:

(There enter No. 1139.)

Report V. 1. It is remarked that the charge
Case 38. against the 2nd prisoner in this case is defective inasmuch as no mention is made of his having been aware of the Tumbal being stolen property. For the commitment of that prisoner the Court do not see sufficient grounds and they doubt the propriety of the commitment of the second prisoner. If therefore the Principal Sudr Ameen

22nd June 1837.

Ameen should have no explanation to offer beyond what is given in the Report the said second and fourth prisoners should be released.

Case 48. 2. The cause of the detention of the 1st and 2nd prisoners for so long a period is not satisfactorily explained. The Court accordingly direct that copy of the case as it stands in the Report and of this paragraph be sent by the Principal Sudr Ameen to the Magistrate who will be pleased to furnish, direct to the Foujdaree Udalut, a further explanation.

Statement of Extra Peons. 3. In Column 7 of the statement of labor 28 prisoners are entered but from the statement noted in the Margin, it appears that 8 extra Peons were entertained throughout the Month and 3 others for broken periods. The Court of Foujdaree Udalut direct that the explanation on this point required by the Circular Order Foujdaree Udalut No. 33 dated the 13th March 1835 may now be submitted to them.

Ordered that extract from these proceedings be sent to the Principal Sudr Ameen at Honore for his information and guidance by Receipt returnable in 3 days after receipt.

(Sent following Receipt No. 885.)

Read the Coimbatore Criminal Reports

22nd June 1837

Reports prescribed by Section XXXV Regulation X of 1816 for the Month of May.—

(There enter No. 1188)

Suppl. Report Cases 41 and 62.

1

These cases appear to have been "under examination" for a protracted period in consequence of the non attendance at the Joint Criminal Court of the required Witnesses. Of the 3 required only one attended and no reason is given, when he was applied for on the 21st March why he did not arrive until the 24th May. The Court of Foujdaree Udalut direct that copy of the cases as they stand in the Report and of this paragraph be sent by the Acting Joint Criminal Judge to the Magistrate who will be pleased to explain direct to the Foujdaree Udalut why that witness was not earlier forwarded.—

Case 81

2

The Acting Joint Criminal Court will forward copy of this case as it stands in the Report and of this paragraph to the Magistrate who will be pleased to enquire into the circumstances of it particularly as regards the supposed "conspiracy" and report direct to the Foujdaree Udalut whether he has deemed it proper to take any and what notice of the conduct of the parties concerned.—

Report V. Case 106.

3

With reference to the remarks

T. &c.

22nd June 1837

of the Acting Joint Criminal Judge upon this case the Court direct that his attention be pointed to the last paragraph of the Circular Order of the 13th July 1829 page 172 of the printed volume.

Case 106.

4

The explanation of the detention of the prisoners in this case in the Talook as far from satisfactory. The Court direct that copy of the case as it stands in the Report and of this paragraph be sent by the Acting Joint Criminal Judge to the Magistrate who will report direct to the Foujdaree Udalut what was done in respect to the investigation of the case by the Police Officer from the 11th to the 30th April. The Court do not understand why during the absence of the Police Officer, who it appears was "sent for" by the Magistrate, some Officer was not appointed to do his Police duty.—

Ordered that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Coimbatore for his information and guidance by Precept returnable in 4 days after receipt.—

Sent following Precept No. 886

WD

E. W. WS

F. Cb.

At a Court of the Foujdaree Adalut.

Present,

Saturday 24th June 1837. John Bird Esqr. 1st ——— 2nd Puisne Judges
A. D. Campbell Esqr. 3rd Acting 3rd Puisne Judge.

Read Order of Government dated the 10th January 1837, transmitting for the consideration of the Court of Foujdaree Adaulut a Petition No. 1565 of 1836 addressed to the Right Honorable the Governor by the inhabitants of certain Villages in the Talooks of Panjamaul and Calaccaudoo in the District of Tinnevelly.—

/Here enter F. Cb. No. 71 of 1837./

Read letter dated the 18th April 1837, from the Acting First Judges on Circuit in the Southern Division, submitting his Report on the allegations contained in the above Petition.—

/Here enter F. Cb. No. 830 of 1837./

Read also letter dated the 12th Instant from the same Officer transmitting an English Translation of the proceedings held in Case No. 3 on the Tinnevelly Calendar for the 1st Sessions of 1833.—

/Here enter F. Cb. No. 1178 of 1837./

After perusing the Petition

No.

No. 1565 of 1836. the Court of Foujdaree Adawlut deemed it proper to refer the same for the consideration of the Acting First Judge of Circuit in the Southern Division, by whom Case No. 3 on the Tinnevelly Calendar for the First Sessions of 1833 was tried, and on perusing that Officer's Report dated the 18th April 1837. the Court further postponed to call upon an English Translation of the Record of the case above mentioned.—

2. From the Record of that Trial and the Report of the Acting First Judge it appears that a complaint was preferred on oath by the Prosecutor Devenaigamanie before the Assistant Collector of Tinnevelly on the 16th May 1832. wherein he charged twenty seven, though he only named twenty six persons, with having on the night of the 10th May 1832 attacked his House at Padoukeepuddoo, and robbed it of property valued at Fifty three Rupees.—

3. Eleven prisoners were committed for trial on the above-mentioned charge in Case No. 27 on the Tinnevelly Calendar for the Second Sessions of 1832 which was postponed in consequence of the absence of the first, second, third and fourth Witnesses for the Prosecution as well as of several Witnesses for the Defence; and the said case

case appeared again as No. 3 of the Calendar for the first Sessions of 1833.—

4. All the prisoners were convicted and sentenced to fourteen years imprisonment with hard labour in irons.—

5. In the Petition forwarded by Government to the Foujdaree Adawlut, it is alleged that the eleventh prisoner had been wrongfully accused and convicted.—It is stated that one of the persons charged by the Prosecutor was Soobbramunia Nadaun of Careecovil in the Calacadoo Talook, but that instead of this person who, it is stated, is still living in his Village, the Prosecutor caused the apprehension of the eleventh prisoner Arrma=ppermaul and by means of false Witnesses effected his conviction under the name of Soobbramunia Saudan whom he originally accused.—

6. The Petitioners further assert that another person named Iyyenaunnoo Mook=Khundan of Vedachupulley had an like man=ner been apprehended instead of Iyyenaunnoo of Cottangadoo mentioned in the Complaint of the said Prosecutor, and that he was at that time awaiting his Trial before the Court of Circuit.—

7. In respect of this last mentioned person it appears that the individual in question

question was committed for Trial in the said
N.1 of the Tinnivelly Calendar for the first
Sessions of 1836. That the Trial, lastly named
of 1837, was twice postponed, in consequence
of the non-attendance of the Witnesses for the
Prosecution; and that at length the prisoner
was discharged in consequence of neither
the Prosecutor nor witnesses being in attendance
8.
On the subject of this circumstance
the Acting First Judge observes in his letter
of the 18th April that there was so much
ground to suspect a conspiracy to injure the
said Prisoner, their courage to carry the whole
through apparently deserted them at the
last: now it is to be observed that his case
was the same as that of the other prisoners
convicted in the other case, inasmuch as they
were originally charged in common with the
same offence, by the same Prosecutor, and he
was separately committed for trial, merely
because he was not apprehended when the
others were
9.
The papers submitted by the
Acting First Judge of Tinnivelly with his
letter of the 18th April last, appear to the
Court of Foujdaree Udalut to afford the
strongest grounds in support of the truth
of the Petition to Government and on a
examination of the Record of the Trial No.3
on

No 16.
24th June 1837.

on the Tinnivelly Calendar for the first Sessions
of 1833, so far from leading the Court to doubt
the innocence of the eleventh prisoner, satis-
fies them that the Sentence of the Court of
Circuit ought to be set aside; and that not
only in favor of the eleventh prisoner Av-
mooga Permaul but likewise as it concerns
all the other prisoners convicted in that case.
In the opinion of the Court of
10
Foujdaree Udalut the Statements of the Pro-
secutor and his Witnesses are altogether un-
worthy of credit. They did not hesitate
to swear that they not only saw all the
Robbers but counted twenty seven persons;
all of whom they recognized by the light
of the Moon. and that the 4 witnesses were
allowed uninjured to perform this part. This
alone would go far to satisfy the Court of the
utter worthlessness of their evidence: but when
in addition to this, it is found that their
evidence on its face is stamped with every
appearance of having been preconcerted. and
that in Case No.1 of the First Sessions of
1837. they kept out of the way for three
Sessions, and for one Sessions in Case No.3.
the Court of Foujdaree Udalut cannot
think that any sentence founded upon their
evidence should be allowed to stand.
The Court of Foujdaree Udalut
dem
11.

seems it proper to add that Case No. 3 was not by any means sufficiently investigated or satisfactorily disposed of. the Witnesses were not properly cross examined and no weight was allowed to the evidence for the Defence, which in the opinion of the Court was more worthy of credit than that for the Prosecution, the 4th Prisoner in particular, by the most unexceptionable evidence proved an alibi perfectly irreconcileable with the truth of the charge.

13. Under this view of the Case, the Court of Foujdaree Udalut resolve to set aside the sentence of the Court of Circuit and to direct that the prisoners in Case No. 3 on the Seemindy Calendar for the First Sessions of 1833, namely.

1st Dana pereen.
2d Vailoomyloo
3d Palavadem.
4th Vannamaly
5th Shevan
6th Soobun
7th Putchamuttoo
8th Candallynaiden alias Channan Vellien.
9th Nullaunnoo
10th Anenjapermaul
and
11th Annoopapermaul.

be immediately and unconditionally released.

The

Case 74.

The Court of Foujdaree Udalut

13. further resolve to direct the Acting First Judge in Circuit to furnish a copy of these proceedings together with the Record of Case No. 3 and the documents referred to, including those submitted with his letter of the 18th April last to the Joint Criminal Judge of Tinnevelly with instructions to institute a further inquiry and eventually commit the Prisoners and the first, third and fourth witnesses to Trial for Perjury, in swearing against the eleventh prisoner should he be of opinion that there is a reasonable presumption of conviction before the Court of Circuit.

Ordered, that Extract from these proceedings be sent to the Acting First Judge in Circuit in the Southern Division by Receipt returnable within fifteen days from and after its receipt.

(Sent following Receipt No. 891.)

Ordered also, that Extract from these proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent in No. 892.)

Read the Salem Criminal Reports

The

Reports prescribed by Section XXXV. Regulation X 1816 for the month of May.

(Here enter No. 1190.)

Report Case 71. 1. It should be explained whether the iron, plough shares, Bamboo Stick, Basket and 5 gunny bags" ordered to be kept in deposit, were not claimed by any one and why they have not been restored to the person from whom they were taken.—

Case 72. 2. In this case, which was returned in consequence of a reference to the Joint Magistrate, the Police Officer has not assigned any reason for the reference. The Court direct that copy of the case as it stands in the Report and of this paragraph be sent by the Criminal Judge to the Magistrate who will require the attention of the Police Officer of Caroor to the Circular Order Foujdaree Udalut No. 62 dated 26th February 1836.

Case 73. 3. The prisoners in this case appear to have been sent up to the Criminal Court very unnecessarily. The Criminal Judge will be pleased to send copy of the case as it stands in the Report and of this paragraph to the Magistrate, who will enquire into the conduct of the "Tahsildar of Paramathy" and report direct to the Foujdaree Udalut what notice he has deemed proper to take of it.—

The

21st June 1837.

Case 74. 4. The Court conclude, as Section VII Regulation X 1816 has been cited in support of the sentence in this case, that the "breaking" which formed part of the charge, was not established, against the prisoner.—

Case 83. 5. In this case it is stated that "that the prisoner and others appeared at the Talook Cutcherry on the 6th Instant but in the column in which the date of apprehension is entered it is represented that the prisoners were taken into custody on the "17th May". If the Criminal Judge is unable to explain this discrepancy he will furnish copy of the case as it stands in the Report and of this paragraph to the Magistrate, who will communicate the proper explanation direct to the Foujdaree Udalut.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Salem for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 893.)

Read the Tellicherry Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of May.—

(Here enter No. 1193.)

In this case Clause 4th Section

Supplemental Report Case 50.

The

See Circular Order
Foujdaree Adawlut
25th August 1838.

Section III, in View of Clause 6th Sta
Regulation VI of 1832 should have
cited in support of the sentence upo
prisoner.-

Report
Case 51

The prisoner in this ca
convicted of inflicting three wounds
prosecutor with a knife on the left
of his breast, his left temple and
and has been sentenced under Section
Regulation X of 1816 to be imprisone
for three years with hard labour
It appears to the Court of Foujdaree
that the Acting Joint Criminal Judge
ought, in lieu of the wounds mentioned
to have convicted the prisoner
sentence recorded upon a Charge framed
the Circuit Law to the effect of
of the crime of wounding on the Middle
Court, and to the opinion of Sir
recorded in the Contract from the Mad
Constitution dated the 15th November
in the following terms. "The grant
"of cases of killing and maiming
"on the principal meaning of the Regu
Medical officer fully examine and
"is required that the offence should be
"punished with fine greater than
"entered in Clause 2nd Section
Law not from

to take

The Court direct that the Acting
Joint Criminal Judge be called upon now to
explain the grounds on which he passed
sentence in the case.-

Ordered, that Extract from these
proceedings be sent to the Acting Joint
Criminal Judge at Tellicherry for his in-
formation and guidance by Precept returnable
in 3 days after receipt.-

Sent following Precept No. 894.

Read return, dated the 16th co
Instant from the Provincial Court of Circuit
Centre Division, to the Precept of the Fou
daree Adalut of the 9th Instant, calling
upon them to send up the Criminal State-
ments for 2d half of 1836 and to explain
most fully the cause which has hitherto
delayed their transmission.-

Sent enter No. 1197.

The Provincial Court of Circuit,
in the above return, report that the Crimi-
nal Statements for the 2nd half of 1836
"have not been forwarded earlier in conse-
quence of those required from the Magis-
trate of Cuddalore not having been receiv
till the 5th Instant "but that they "wo
now be immediately forwarded."

The Court of Foujdaree Adaw
2. regret to observe that so little attention
as

The

as it has originated, has been paid to the Circular Order Sudr Udalut No. 14 dated the 10th June 1835, and they resolve to direct that the Magistrate of South Arcot be advised that the Court view with disapprobation so manifest a disregard of orders issued with the intention of securing the punctual transmission of the half yearly Statements, an object of earnest desire as well with the Government as the Honorable Court of Directors

3. The Court will hope that the Magistrate of South Arcot will exert himself in future to fulfil the injunction of the Circular Order above referred to.

Ordered, that Extract from these proceedings be sent to the Magistrate of South Arcot for his information and future guidance.

/Sent in No. 895.

Read letter dated the 14th Instant from the Third Judge of the Provincial Court of Circuit in the Western Division; forwarding a copy of the Sessions Calendar for the Second Quarter Sessions of 1837.

/Herewith F.R. No. 1212 of 1837./

The Court of Sudr Udalut

see

F. R.

24th June 1837.

see no objection to the sentences passed by the Court of Quarter Sessions in these three cases.

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

/Sent in No. 896./

At a Court of the Foujdaree Udalut.

Present,

Monday 26th June 1837. John Bird Esqr —— 2nd Puisne Judge

A. D. Campbell Esqr —— Acting 3rd Puisne Judge

Read the Madura Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of May.—

/Here enter No. 1181./

Supplemental Report Case 37-38 59. 60. 66.

Report V. Case 88-91.

The Acting Criminal Judge will be pleased to send copies of the cases noted in the margin, as they stand in the Report, and of this and the following paragraphs referring to them, to the Magistrate who will forward direct to the Foujdaree Udalut the requisite explanations—

In the cases 37-38-59. 60. 66.

2. the Court of Foujdaree Udalut require to be informed why the evidence necessary for the disposal of the cases by the Criminal Court could not be forwarded by the Magistrate, during the month of May.—

Report V Case 84.

3. The Court of Foujdaree Udalut direct it to be pointed out to the Acting Criminal Judge, with reference to the wording of the charge in this case that there is no such offence as felony, cognizable by the law of India.— This

Case 85

4. This case is represented to be under reference to the Sanglaur Udalut: the Acting Criminal Judge should have explained in the Criminal Report under what circumstances the "reference" was made.

Case 86.

5. The Court of Sanglaur Udalut are of opinion that the Acting Criminal Judge ought to dispose of this case instead of awaiting the reapprehension of the two prisoners who have "escaped."

Case 88.

6. In this case the Magistrate is required to explain the cause of the detention of the Prosecutor and Witnesses who are stated not to have arrived on the 31st. May.

Case 90.

7. The Court of Sanglaur Udalut conclude that in this case the offence charged and proved against the prisoners was receiving stolen property, knowing it to be such: it is remarked that no mention has been made of the prisoners being aware of the property in question having been stolen.

Case 91.

8. As the prisoners in this case were apprehended on the 26th April and 6th May, the Court require to be informed where they were from that date till the 20th May on which day they were forwarded by the Police Officer to the Magistrate.

Ordered that Extract from these proceedings be sent to the Acting Criminal Judge

Judge at Madura for his information and guidance by Receipt returnable in 6 days after receipt.—

Sent following Precept No 903/

Read the Sirdee Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of May.—

/Here enter No 1315/

Report 15 Case 25.

The object of the reference made by the Tahsildar to the Joint Magistrate in this case not having been stated, the Court direct that copy of the case as it stands in the Report and of this paragraph be sent from their Register's Office to the Magistrate, who will be pleased to require the attention of the Tahsildar to the injunction of the Circular Order No 62 dated the 26th February 1836 in future similar cases.—

Case 28.

2. In this case the 1st prisoner has been sentenced for "theft" and the 2nd for knowingly receiving stolen property. The Court direct that the Principal Sudr Ameen be called upon through the Provincial Court to explain whether housebreaking i.e. the removal of a tatty door fastened in the usual manner, was or was not established against the 1st prisoner and whether the property taken was sworn

26th June 1837

Sworn to by the Prosecutor as exceeding 100 Rupees. If the case were one of "theft" it had been correctly disposed of, but if "breaking" was effected the case should apparently have been committed.

Ordered, that Extract from the proceedings with parair. with copy of Case 35 as it stands in the report be sent from this Office to the Magistrate of Canara for his information and guidance.

(Sent in No. 904)

Ordered also, that Extract from these proceedings be sent to the Provincial Court of Circuit Western Division for the information and guidance of the Principal Sudr Ameen at Sirsee by Receipt returnable in 10 days after receipt.

(Sent following Receipt No. 905)

Read return, dated the 18th instant from the Criminal Judge of Canara, to the Precept of the Tanjore Udalut dated the 2nd June 1837, conveying their further observations and orders on the Cumtamine Criminal Reports for the Month of April 1837.

(Here enter No. 1227 of 1837.)

F. C.

At a Court of the Tanjore Udalut

Present

Tuesday 27th June 1837 — John Bird Esqre. 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. Acting 3d Puisne Judge

Read Return dated the 21st instant from the Third Judge on Circuit in the Centre Division, to the Precept of the Court of Tanjore Udalut under date the 14th June 1837 calling for an English Translation of the Record of Case No. 5 on the Chingleput Calendar for the First Sessions of 1837.

(Here enter F. C. No. 1228 of 1837.)

With this Return, the Third Judge sends up an English Translation of the Trial in question.

The Court of Tanjore Udalut having duly considered the proceedings held in the case abovementioned, see no ground for disturbing the sentence passed by the Court of Circuit. Ordered, that extract from these proceedings be sent to the Third Judge on Circuit in the Centre Division for his information.

(Sent in No. 923)

Read

The

27th June 1837

Read the Sudder and Cumbum Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of May

(Vide entry No 1211)

Supplt Report Case 62

1 The Police Officer who forwarded the prisoner in this case appears to have done so on sufficient grounds, and if the circumstances of the case have not been already communicated by the Criminal Court to the Magistrate, the communication required by the Circular Order for Tinjdaree Udalut of the 21st of May 1823 should now be made to that Officer, by the Criminal Judge.

Report X Case 71

2 Under the explanation given in the Report, the Court direct that the prisoner "Kalingaudoo" be not sent back to be charged by the "Police" with the offence in question, until the result of his trial upon the charge for which he has been already committed, is ascertained by the Criminal Judge, the particular case in which he has been committed is not specified.

Case 82

3 In this case it is stated two witnesses prove a dying declaration of this prisoner only against the 1st Prisoner. The Court conclude that this is a clerical error for "1st prisoner".

Case 84

4 Under the peculiar circumstances of this case, the Court of Tinjdaree Udalut resolve to direct that a copy of it, as it stands in the Report be sent to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council. The Court would respectfully recommend that an enquiry may be made through the Revenue Authorities into the conduct of the Despatcher and Peddies, and that it may then be noticed in such manner as may be found requisite.

Cumbum Report X Case 22

5 The Court of Tinjdaree Udalut conclude that there was proof of a robbery having been committed, and although they do not now desire to disturb the order recorded, they are of opinion that the Principal Sudr Ameen would have been warranted in convicting the prisoner on the evidence adduced, and this opinion should be communicated to the Officer in question.

Case 25

6 A similar remark is applicable to this case, for the Court conclude, the fact of threatening having been committed was established. The Court think that the demand of "seventy in the room of 50 Rupees" from each of the prisoners, must have been higher than from their situation in life it was probable they could answer. The Principal Sudr Ameen will bear

be sent to the purpose of the Governor

Criminal under Regulation X 1816

evidence Court cases

apply, the case many not case

the

entered into. the

27th June 1837

bear in mind that whenever a prisoner is required to
See C.O. No 13 Dated 2nd September 1834 find security, it should not be demanded to an
extent tantamount to a sentence of imprisonment.

Case 26 — 7. It does not appear in the Report that
there was any "breaking" committed by the prisoners in
this case, and if it was simply a case of "theft", the
Principal Sudr Ameen should have passed sentence
in it. He will now be pleased to cancel the commit-
ment and pass sentence on the 2nd and 5th prisoners,
with reference to the provisions of Clause 4th Section III
Regulation XII of 1822 and Section IX Regulation I of 1825,
if the prisoners stand convicted of "theft" and not of
"housebreaking".

8. The grounds assigned for the requisition
of security from the first and second prisoners in the
same case, being in the opinion of the Court insuf-
ficient, the Principal Sudr Ameen will release them,
if in Jail, or cancel the Bail bonds if they have been
furnished.

Ordered, that extract from these
proceedings be sent to the Criminal Judge at Cud-
dapa for his information and guidance by Receipt
returnable in 8 days after receipt.

(Sent following Receipt No 924)

Ordered also, that extract from these
proceedings

F. No.

2) F. No.

27th June 1837 — proceedings Vide para 6 with copy of case 34 be sent to the
Chief Secretary to Government, for the purpose of
being laid before the Right Honorable the Governor
in Council.

(Sent in No 925.)

Read the Combaconum Criminal
Reports prescribed by Section XXXV Regulation X of 1816
for the month of May.

(Here enter No 1210.)

Suppl. Report Cases 157 and 761 — 1. Both these cases are still "under
examination" in consequence of the required evidence
not having been yet forwarded to the Criminal Court.
The Criminal Judge will forward copy of the cases
as they stand in the Report, and of this paragraph,
to the Magistrate, who will report direct to the
Fouzdaree Adalut why the persons whose testimony
is necessary to the disposal of these cases could not
be forwarded to the Criminal Court before the
close of last month.

Case 175. 2. It does not appear clear to the
Fouzdaree Adalut that there is any proof that a "theft"
was actually committed in this case, and if not the
Criminal Judge will be pleased to order the immediate
release of the 1st and 5th prisoners, if in Jail, or the
annulment of their Bailbonds, if they have been entered into.

The

27th June 1857

27th June 1837.

Report V

Case 190. 3. The Criminal Judge will send copy of this case as it stands in the Report, and of this paragraph, to the Magistrate, who will report direct to the Foujdaree Adalut the grounds on which the Joint Magistrate ordered the prisoner to be forwarded to the Criminal Court.

Case 220. 4. In this case the prisoner appears to have merely made an attempt to escape, and the Court of Foujdaree Adalut are not of opinion that he is liable to the punishment declared for "escape"; they accordingly desire that he be released as regards this charge.

5. According to the abstract annexed to the Report No. V, the Criminal Judge did not dispose of a single criminal case during the Month of May. The Court of Foujdaree Adalut are not of opinion that he should leave the business in the Criminal Department to be performed by his Assistant, and by the Sudr Ameens exclusively especially while the duty is so heavy and the arrears at the expiration of each Month are so considerable.

Statement of Labor.

6. The Court of Foujdaree Adalut anticipate that before the receipt of these proceedings the Criminal Judge will have carried into execution their orders issued on receipt of the Criminal Reports for April

27th June 1857

512

April for the early removal of the bulk of the Convicts in this Jail to the Jail at Trichinopoly. The number of prisoners now at Combaconum is objectionally large, and more than the Jail can contain without being crowded to excess.

Ordered, that extract from these proceedings be sent to the Criminal Judge at Combaconum for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 926)

At a Court of the Faujdaree Adalut

Present,

Wednesday 28th. June 1837.

John Bird Esqr. ——— 2nd. Puisne Judge

Alexr. Duncan Campbell Esqr. Acting 3rd. Puisne Judge

Read letter dated the 10th. Instant, from the Acting 1st. Judge on Circuit in the Southern Division, transmitting the Record in case No. 5 Combaconum Calendar 1st. Sessions 1837.

(See entry No. 1159)

Mr. Bird and Mr. Campbell.

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

Cora Vonnen

is sufficient to convict him of the crime of Gang Robbery by open violence, accompanied by murder, do, under the authority with which they are vested by Clause First, Section II. Regulation I. of 1818, convict him thereof, and under the provisions of Clauses First and Fifth, Section IV. Regulation XV. of 1803, sentence him to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of his

his natural life

(Sent following Letter No. 931)

Read letters dated respectively the 30th and 31st Ultimo 1st and 2nd Instant from the Honorable Commissioners at Mangalore, submitting the records of proceedings held in Cases Nos. 5 6 7 and 8 of the ex Mangalore Special Commission

(Reference Nos. 1102 1118 1121 and 1126)

Read also Order of Government dated the 23rd Instant confirming the sentences passed by the Foujdaree Adalut in Cases Nos. 5 6 7 and 8 from the Special Commission directing that the Special Commissioners be required to bring prominently to notice any instance of attachment to the Government which may appear under these notes, and requesting the Judges of the Foujdaree Adalut to direct the attention of Government to any facts which on the review of trials referred by the Special Commissioners may appear to them deserving of notice

(Their letter No. 1256)

Case No. 5

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoners

1st Mandekol Timapa

2nd Kawaiyo Bolla

3rd Mallinga

4th Billa Raina

5th Billa Timapah

6th Bollia

7th Kimmo alias Kinhyana

8th Palatmogar Bollya

9th Myla alias Paudy

10th Belloor Coanhya

and

11th Belloor Soobbah

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

Case No. 6

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoners

1st Temmapalla

2nd Gopada Doma

3rd Coonticana

and

4th Toma

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

Under

28th June 1837

Case No. 7

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoners

1st Annaya Gowda
2nd Coonha Gowda
3rd Timmaya Gowda
4th Gowda Bolla
5th Subanna
6th Bolla Banna
7th Mahalle Banna
8th Calain Bolla
and
9th Chennya alias Bennaya

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

Case No. 8.

Under the authority of the Right Honorable the Governor in Council the Court do accordingly direct that the Prisoner

1st Sorbaya

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

2nd Angera Kunda
3rd Angera Callooa
4th Angera Rama
5th Angera Mulkay
and
6th Gangana alias

be severally imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (14) fourteen years.

The Court likewise direct that extracts from their proceedings dated respectively the 14th and 15th Instant, be sent for the information and guidance of the Mangalore Special Commission

(Sent following letters No. 932.)

Circular Order.

No. 90.

The Court of Foujdaree Adalut resolve to direct, that in all cases of wounding brought before the Courts of Circuit, whenever from the evidence and the circumstances of the case, there are grounds to charge the Prisoner with "intent to kill" such intent be invariably charged in the arraignment.

(Sent following C. O. No. 933.)

Read the Calcutt Criminal Reports prescribed by Section XXXI Regulation X 1816 for the Month of May.

(Here enter No. 1238.)

In this case it is stated that the wound inflicted by the prisoners on the head of the Prosecutor was "severe" the sentence recorded upon the

Suppl. Report Case 88

C. J. Ch.
28th June 1837

2nd June 1837

inal Reports
16 for the

28th June 1837

Case 7 — the prisoners appears to the Fouzdaree Adaulut objectionably lenient with reference to the frequency of the crime of wounding on the Western Coast.

Case 135 — 2. The Criminal Judge will be pleased to send copy of this case as it stands in the Report with copy of this para: to the Magistrate, who will enquire into the conduct of the Police Ron stated to have extorted the confessions of the first prisoner and take such notice of it as it may then appear to deserve.

Case 137 — 3. It is observed that the order for the requisition of security from the 5. prisoner in this case is defective, in as much as the period of imprisonment to which the prisoner becomes liable on failure to produce the required security is not specified.

Report V Case 151 — 4. Of this case as it stands in the Report and of this paragraph the Criminal Judge will send a copy to the Magistrate, who will enjoin the Tahsildar in future similar cases to report agreeably to the Circular Order No. 62, the reasons of his reference to the Magistracy.

Ordered, that extract from these proceedings be sent to the Criminal Judge at Cuttack for his information and guidance by Receipt returnable in 4 days after receipt.

Sent following Receipt No. 934

Read

28th June 1837

Read the Bellary Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of May

(Here enter No. 1237)

Suffl. Report Case 55 — 1. From the statement in the Report it appears to the Court of Fouzdaree Adaulut that the Criminal Judge would have been justified in convicting the 3rd prisoner on the evidence adduced against him.

Report V Case 65 — 2. The Court of Fouzdaree Adaulut do not desire to disturb the order recorded; but direct that with reference to this case the attention of the Criminal Judge be called to that part of the Circular Order of the 25th February 1829, which refers to the weight to be attached to the evidence of "Prosecutors."

Cases 66 71 and 74 — 3. In the cases noticed in the Margin are exhibited instances of the practice, which appears to prevail in the District of Bellary, of stealing sweveal heads of cattle at the same time. In the suppression of this offence it seems to the Court of Fouzdaree Adaulut that, instead of passing lenient sentences, such as are recorded in those cases, the Criminal Judge ought to visit the offenders with the severest penalty he is authorized to impose.

Case 69 — 4. The Court desire to be informed of the subject of reference to the Provincial Court.

Case 76 — 5. The prisoner in this case would seem to be a determined thief and the Court think that

28th June 1837

that the sentence recorded on the 2nd Months imprisonment with irons and labor, imperfectly terminated.

It is remarked that the above Criminal Reports were not dispatched from the Criminal Court at Bellaree before the 19th of June and as this is not the first occasion on which the Reports have been laid before the Toujdaree Udalut later than is prescribed by the Circular Order 4th Toujdaree Udalut No. 116 the Court direct that the attention of the Criminal Judge be required to the 6th para of that Circular Order wherein the several Criminal Courts are instructed to transmit their Criminal Reports so as to arrive at Madras by the 15th day of the month succeeding that for which the said reports are furnished.

Ordered that extract from these proceedings be sent to the Criminal Judge at Bellaree for his information and guidance by Receipted Dumaulla in 4 days after receipt.

Sent following Receipt No. 9354

Ld

Ld

Ld

that the sentence

lives: the Prisoners

1st Sodanna

2nd Angan Gowda

3d Kolan Chenda

6th Bollor Timmapa

7th Bollya Gowda (dead)

and

8th Billa Dare

be severally imprisoned and kept to hard labor in irons on the public roads, or other public works, for and during the period of (7) seven Years and that the Prisoner

5th Veeranpa

be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (6) six months.

The Court likewise direct that extract from their proceedings under date the 17th Instant be sent for the information and guidance of the Moo[r]e Special Commission

(Sent following letter No. 9397)

(Read return dated the 24th Instant from the 5th Judge on Circuit in the Canara Division

to the Receipt of the Foujdaree Adalut of the 12th Inst. directing him to look into the proceedings in cases Nos. 20 23 and 28 of the Calendar for

reference to Section XXIII Regulation X. 1816"

(Reciter No. 7249)

In the above return the 5th Judge on Circuit reports that he has had under consideration the proceedings in the said cases that being of opinion that there are grounds sufficient to warrant the Committal of the prisoner in No. 20 the proceedings connected therewith have been laid before the Collective Board of Circuit" and that the decision of the Criminal Judge in Cases 23 and 28 "appearing to be consistent with the evidence adduced the same has been communicated to that Officer."

The Court of Foujdaree Adalut direct

2d

the 5th Judge on Circuit to be informed that their object in requiring him to look into the proceedings held in these cases was not exclusively to ascertain whether their disposal was "consistent with the evidence" but also in order that he might satisfy himself, and the Court of Foujdaree Adalut, whether by further investigation the perpetrators of the crimes charged in the several cases might not be brought to justice.

It would have been more

3d

satisfactory to the Foujdaree Adalut had the 5th Judge explained more fully, than he has done

done, the result of his investigation and they deem it proper to point out that on a future similar occasion they expect he will bear in mind these observations.

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

(Sent in N. 940.)

Read return, dated the 27th from the Acting Criminal Judge at Rajahmundry to the Precept of the Foujdaree Udalut of the 17th Instant, conveying their orders on the Rajahmundry Criminal Reports for the Month of May

(Here enter N. 1242.)

Suppl. Report Case 25

1 The Acting Criminal Judge having been called upon to report when the record of this case was submitted to the Collective Court, explains in the above return that the date "does not appear from the records" of his Court and that no date was mentioned in the proceedings of the Acting 3d. Judge on Circuit dated the 24th April 1837.

2 The Court of Foujdaree Udalut direct that copy of the case 25 as it stands in the Report be sent to the Acting 3d. Judge of the Prov

Court of Circuit Northern Division, who will be pleased to state the date on which he referred the record to the Collective Court.

Ordered, that extract from these proceedings, with copy of case 25 be sent to the Acting 3d. Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance by Precept returnable in 4 days after receipt.

(Sent following Precept N. 941.

Read return dated the 24th Instant from the Criminal Judge at Chittoor, to the Precept of the Foujdaree Udalut of the 20th Instant, conveying their orders on the Chittoor Criminal Reports for the Month of May

(Here enter N. 1245.)

Suppl. Report Cases 32. 33. 34 and 35

1 In the above return, the Criminal Judge explains "that the Prosecutors in the cases Nos. 32. 33. 34. and 35 only gave testimony to the perpetration of the acts charged". The Court of Foujdaree Udalut conclude that the Criminal Judge intends it to be understood that the Prosecutors did not identify the prisoner, but simply deposed to the fact of their houses having been broken into and robbed.

2 Under this view of the case, the Court see no reason to disturb the order recorded last

29th June 1837

Read Supplemental Return dated the 21st Instant from the Judges of the Provincial Court of Circuit in the Centre Division to the Precept of the Tanjore Udalut dated the 2nd June 1837, requiring explanation relative to certain cases on the Chittor Criminal Report No. VIII for the Month of April, committed for Trial before the Court of Quarter Sessions.

(Here enter No. 1230)

Read letter dated the 21st Instant from the 3rd Judge on Circuit in the Centre Division submitting the explanation called for in the letter from the Tanjore Udalut of the 15th instant, respecting the Batta paid to five persons in Case No. 3 on the Chingleput Calendar for the first Sessions of 1837.

(Here enter No. 1231.)

Read return dated the 19th Instant from the Provincial Court of Circuit in the Southern Division, to the Precept of the Tanjore Udalut dated the 29th April 1837, conveying their instructions regarding the remission of the sentences of certain convicts employed under the Magistrate of Tanjore, who assisted the Jailor in repelling the attack of a Gang of Convicts who endeavoured to effect their escape at Negapatam.

(Here enter No. 1232.)

Read

29th June 1837

list of the Prisoners identified the Prisoner the Court are of opinion that there would be sufficient to warrant his conviction under the Circular Order of the 25th February 1829.

Ordered, that extract from these proceedings be sent to the Criminal Judge at Chittor for his information.

(Sent in No. 762.)

Read letter dated the 21st Instant from the Special Commissioner at Mangalore, respecting the death of Bally Gowda the 7th Prisoner in Case No. 9.

(Here enter No. 1267)

Read return dated the 17th Instant from the Acting Criminal Judge in the Zillah of Nellore, to the Precept of the Tanjore Udalut dated the 15th June 1837, directing him to set aside the sentence recorded in Case No. 36 on the Criminal Docket No. 4 for April last, and to commit the Prisoner in that case to take his trial before the Court of Circuit.

(Here enter No. 1302.)

Read letter dated the 15th Instant from the Acting 3rd Judge on Circuit in the Northern Division, intimating that the 1st Sessions of 1837 of the

29th June 1837

29th June 1837

Read Statement dated the 1st Instant
from the Magistrate of Coimbatore of Salary of
Convicts under charge of the Magistrate for
Coimbatore for May 1837 -

Rupees No 1250 -

Fwd

WS

105

Fo 10

At a court of the Foujdaree Adalut

Present

Friday, 30th June, 1837 -

John Bird Esqre 2nd Puisne Judge
Alexr Duncan Campbell Esqre Acting 3d Puisne Judge

Read again letter dated the 27th Ultimo
from the Special Commissioners at Mangalore submitting
the record of proceedings held in Case No 4 of the
Mangalore Special Commission -

(Here enter No 1095)

105

WS

Read also Order of Government dated
the 29th Instant, confirming the sentence of the Foujdaree
Adalut in Case No 4 from the Special Commission at
Mangalore -

(Here enter No 1230)

Under the authority of the Right
Honorable the Governor in Council this Court do accord-
ingly direct that the Prisoner
Straik Hoofman,
do suffer death by being hanged at the
usual time and place of execution -

The Court likewise direct that extract
from their proceedings under date the 9th Instant be
sent for the information and guidance of the
Mangalore Special Commission -

(Here enter following letter No 950)

Read

30th June 1837

Read return dated the 18th Instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division to the Receipt of the Fiat dated of the 22nd Ultimo conveying their orders on the Report of the 1st Judge for the 4th Quarter Sessions of 1836 and the 1st Quarter Sessions of 1837.

(Vide entry No. 1183.)

In the 6th para of the Report of the 1st Judge reference was made to a suggestion that the Prisoners confined in the West side of the Fort at Masulipatam should cook their rice in some cells under the Rampart. The 1st Judge observed however that "cooking in the cells under the ramparts "would prove extremely inconvenient there being "no water near them, and open space to the prisoners "they being low, and having no opening on them "or place of exit for the smoke, but the entrance

2.

The Court of Fouzdaree Udalut in reviewing the above report directed that the Acting joint Criminal Judge might be called on to report whether the cells in question could not be made unobjectionable as cooking places

3.

With the above return is forwarded copy of the report of the Acting joint Criminal Judge from which it appears that

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would be made unobjectionable as regards the exit of the smoke they would accommodate only half of the prisoners, who have strongly urged upon the attention of the Acting joint Criminal Judge the distance of the well which supplies them with water

"the yards

That the said Cells would accommodate only half the number of prisoners confined in the Jail on the West side of the Fort, is no valid objection to it being appropriated as a cooking shed as suggested by Brigadier Walsh for if it provides accommodation for but one third of the number of Convicts confined in the Jail, on the West side of the Fort, it will provide room for more prisoners than can be required as Cooks for the whole party

4.

5

The only objection urged, worthy of consideration, is the distance of the well from the said Cells, but as even this objection might be removed by a small pot-well being sunk in its immediate neighbourhood, the 1st Judge will be pleased to require the Acting joint Criminal Judge to prepare and submit an estimate of the probable expence of constructing a well of that description if no objection to the measure is advanced by the Brigadier Commanding at Masulipatam

Ordered

30th June 1837

Ordered that extract from these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance by first post returnable in 10 days from and after its receipt.

(Sent following Disp. No. 951.)

Read letter dated the 16th Instant from the Acting Head Judge on Circuit in the Northern Division transmitting copies of the Vizagapatam Calendar for the First Sessions of 1837.

(Reference No. 1247 of 1837)

Case No. 1.

The prisoner in this case was charged with having when 1st Defendant in case No. 343 of 1835 of the Vizagapatam file, knowingly filed a forged document dated the 10th Aadha of the month Vishee of the year Durmagutta, corresponding with the 27th of December 1835 purporting to be an acquittal from the rent of the lands the property of Peroal Seita Ramchetla which had been contracted for by the Defendants of Father Dantaloory Venkatapatty ranga dated the 3rd of the said Month of Poushia 28 Sunday

2

It was urged that the 1st Defendant the prisoner having been held there bail under the recognizance to appear to his Father the said D. Venkatapatty ranga's death, will shew that

30th June 1837

the said Summons No. XXXI, he then produced, was a forgery.

3

The Acting 3d Judge in the 1st Para. of his Remarks upon this case has properly stated it is necessary to see first if the document No. 31 is a forgery, and secondly if the Prisoner filed it knowing it to be such.

4

Upon the first of these two points he observes that the proof brought forward consists of certain documents and the evidence of witnesses for Plaintiffs in the Civil Suit No. 343 of 1835, all of which go to substantiate the argument of the Plaintiffs, and, as far as the Court of Zaydaree Adalut can understand, he has pronounced the document not proved to be a forgery, merely upon the grounds that the Defendants' documents and witnesses to prove it genuine, had not been examined in the Civil Suit, grounds which appear to the Court insufficient and unsatisfactory.

5

In respect to the 2nd point, namely whether the prisoner filed the document knowing it to be a forgery the Judges are of opinion that the reasons assigned for not considering

...ntradicting the evidence sufficient to justify the ...
...ruth of the Prisoners are equally unsatisfactory ...
...doesn't appear to be questioned that the Prisoners ...
...held the rest of the lands subsequent to the death ...
...of his Father, and it does not appear that he ...
...held them upon any title died them than that ...
...granted to his Father, and further he is shown ...
...to have attempted to set aside by means of the ...
...document alleged to be a forgery & the forgery ...
...proved, the presumption is that the Prisoners ...
...must have been aware that the document was ...
...a forgery and the Court of Appeal do not ...
...think that the inference as shown on ...
...this point is sufficient to put the accused ...
...on his trial for the crime charged. I think that ...
...the Acting S. Judge has erred in refusing the ...
...necessary stay for that purpose to the Acting ...
...Joint Criminal Judge.

...From the conflicting accounts of ...
...the judge & counsel it would appear that there is ...
...a doubt as to the existence of the Criminal Order ...
...of the Kingdom of Ankole of the 8th February 1934 ...
Case No. 7 ...
...changed before the ...

...appellants in the High Court robbed her of gold ...
...plate of the value of Rupees 40/- and ...
...inflicted bodily injury on her by tearing her ear ...

The prisoners were convicted, ...
...sentenced to the third and fourth, the Presiding ...
...Judge recommended a mitigation of punishment ...
...as they are members of respectable & prosperous family ...
...and as this appears the first time they have ...
...been concerned in any acts of criminality, it may ...
...be hoped that a lenient sentence will have the ...
...effect of preventing their again participating in ...
...acts of this nature.

The Court of Kingdom Ankole after ...
...considering all the circumstances of this case ...
...are unable to see the recommendation of the ...
...Presiding Judge, and under the authority vested ...
...in them by Clause Thirty Section III Regulations for ...
...the Administration of Justice Order in Council 1935 ...
...dismiss the prisoners ...
...appeals & confirm the sentences passed by the ...
...Subordinate Courts, namely that the prisoners ...
...Bitwoshi Rumpahah ...
...and ...
...Nuwadoo ...
...be imprisoned with hard labour in one of ...
...the public works for a period of ...
...two years from the date of their entering upon ...
...the execution of their sentences. ...
...Subject to the foregoing Order of the Court ...
...dated the 15th September 1936 which ...
...varied the 15th September ...

were trying the evidence sufficient to justify the
Court of the Prisoner are equally unsatisfactory &
does not appear to be quite made that the Prisoner
held the rent of the lands subsequent to the death
of his Father, and it does not appear that he
held them upon any title died other than that
granted to his Father, and which he is shown
to have attempted to set aside by means of the
document alleged to be a forgery & the forgery
is proved, the presumption is that the Prisoner
must have been aware that the document was
a forgery and the Court of Exchequer decided
Being of opinion that this evidence as shown on
this statement is sufficient to put the accused
on his trial for the crime charged & that that
the Acting Chief Judge be required to appoint the
necessary steps for that purpose to the Acting
Joint Criminal Judge

From the concluding remarks of
the Judge of Circuit it would appear that he is
of opinion that the evidence of the Crown ad-
duced at the trial of the 5th February 1856
charged before the

prosecutor in the high way robbed her of gold do
plain pieces of the value of Rupees 140 - and fur
inflicted bodily injury on her by tearing her ear
The prisoners were convicted, t
on some of the third and fourth, the Presiding
Judge recommended a mitigation of punishmen
they are members of respectable Chiefs family
and as this appears the first time they have e
been convicted in any acts of criminality, it m
is hoped that a lenient sentence will have the
effect of preventing their again participating in
acts of this nature.

The Court of Faujdaree Adalut af
having all the circumstances of this case
under consideration to the recommendation of the
Presiding Judge and under the authority vest
them by Clause Thirty sixth Section III Regulation
was pleased that the prisoners
Bittoorah Rungpore
and
Nowadda
be confined and kept to hard labour in irons
on the public works for and
during the period of fifty seven Years
The attention of the Acting Ma
Magistrate of the Twenty Four Pergunnahs
is called to the Circular Order of the Court
dated the 15th January 1835 No. 1 which

June 1837

Resolved that on the Letter forwarding the Instructions
to the Counsel for the Crown a list of the cases in
which mitigation is recommended

Case No 7 "In this case two persons were
charged with having stopped the Prosecutor on the
highway and robbed him and upon his
[illegible] resisting"

12.

"The trial was postponed on motion
of the Crown for the third sittings for the prosecutor
who is described as very material to the issue of the
case, who is an eye witness to the facts charged
against the prisoner"

13.

"Affirm to the Court of Exchequer
Resolved that in [illegible] of the third witness there
was sufficient for the conviction of the
prisoner and that the Judge of Circuit erred in
postponing the trial"

Ordered that extract from Minutes of
proceedings be sent to the acting third Judge in
Circuit in the Northern Division by Penfold
[illegible] within four days from and after Monday
(Circ following Penfold No 952)

Read letter dated the 23d Instant
from the Secretary Commissioners of Mansion, reporting
the death of the [illegible] prisoner in Case No 5