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At a Court of the Sowjdaree Udaulut

Present,

Monday. 3rd July 1837. John Bird Esqr. ——— 2nd Assistt Judge.
A. D. Campbell Esqr. — Acting 3rd Assistt Judge.

Read Petition presented on the 1st May 1837 by S. Appiah Vakeel on behalf of Sangana Sabanah of the Zilla of Rajahmundry.—

Here enter M. D. No. 51.

The Petitioner, who is the Defendant in Case No. 3 of the Rajahmundry Calendar 1st Sessions of 1837, states the circumstances under which she alleged the property, the robbery of which formed the subject of the said Trial No. 3 on the Rajahmundry Calendar, was taken from her and related the cause of so much of the proceedings as Respects 79 47-8— as was discovered from this prisoner in the said case not having been delivered to her—

It appeared that the right to the property in question is disputed by one Lelahmee who has been desired to file a suit to determine it. The object of the Petitioner is to obtain from the Sowjdaree Udaulut an order to the Court of

to limit to a periods of 6 months the time within which "Letchmee" may bring a suit to try her "right" and in the event of the suit not being instituted to restore to Petitioner the property on his security being given by her.—

3. The Court of Foujdaree Udalut are of opinion that if Letchmee has not preferred the suit necessary to determine her right to the property in question it should be delivered to Petitioner on her producing good and sufficient security.—

Ordered accordingly, that Extract from these Proceedings with copy of the translation of the above Petition be sent to the Provincial Court for the Northern Division for their information and guidance by Precept returnable in 14 days after receipt to—

(sent following Precept No 962.)

Ordered also that Extract from these proceedings be furnished to Petitioner on her application.—

Read letter dated the 8th Ultimo from the Acting Joint Criminal Judge at Coimbatore, reporting in reply to the letter from the Foujdaree Udalut of the 31st May last that Ranoomunta Naick late Jail Duffadar at Coimbatore was placed over the

the working party "from which the convict "Mundacutty Mauree" effected his escape, and that he had no authority to quit the "Brick field" from which that prisoner made his escape.—

(Here enter No 1154.)

Read also again Petition presented on the 1st May last by Ranoomunta Naik praying to be restored to his situation as Jail Duffadar.—

(Here enter M. P. No 52.)

As Ranoomunta Naik has been reported to have been placed on the 26th November last in charge of the prisoners and presses, and to have quitted his post without authority, thereby affording the prisoner "Mundacutty Mauree" a facility to escape, the Court of Foujdaree Udalut cannot comply with the prayer of his Petition and direct him to be restored to his situation but they do not wish to prohibit his re-appointment as Peon.—

Ordered accordingly that the Petition No 52 be rejected, and that Extract from these proceedings be furnished to Petitioner on his application.—

Read Extract from the Minutes of Consultation in the Judicial Department under

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under date the 13th June 1837 - No. 536 - forwarding
a copy of a letter from the Magistrate of
Malabar dated the 6th of the same month
and directing that "if the provisions of
"Regulation II of 1829 are considered by the
"Judges of the Foujdaree Udalut to be ap-
"plicable to the case referred to in that
"letter, they will be pleased to convey to the
"Magistrate of Malabar, on the part of
"Government, the authority solicited for bring
"ing the accused to trial" &c.

[Here enter Ft. No. 1164 of 1837]

Read also the following letter
from the Magistrate of Malabar dated the
24th June 1837 -

[Here enter Ft. No. 1289 of 1837]

In his letter of the 24th Ultimo
the Magistrate of Malabar reports that
"the offence with which H. Lamparambil
"Chattoo stands charged, was committed at
"Codoongaloor, a Village within the Cochin
"Rajah's Territory;" that "the property
"which he knowingly received formed part
"of the booty obtained by a Gang of Robbers
"who plundered a house situated in the de
"Village;" that H. Lamparambil Chattoo was
"apprehended by the Police of Codoongaloor,
"but being a British subject was made
over

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over to the Tahsildar of the adjoining Talook
"in this District" and that "the perpetrators
"of the laying Robbery are all inhabitants
"of the Cochin Rajah's Territory".

Under this explanation and in
pursuance of the instructions contained in the
Extract from the Minutes of Consultation
under date the 13th Ultimo, the Court of
Foujdaree Udalut direct that the authority
of Government for bringing the accused to
trial before the Criminal Court at Calicut
and eventually before the Court of Circuit
in conformity to the provisions of Regulation
II of 1829 be communicated to the Magis-
trate of Malabar -

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

sent in No. 963

Ordered further that Extract
from these proceedings be sent to the Chief
Secretary to Government for the information
of Government -

sent in No. 964

Read letters dated respectively
the 23d and 24th Ultimo from Mr Vaughan
the 2d Judge on Circuit in the Western
Division submitting copy of a correspondence
with

with the Magistrate of Canara respecting the number of persons under his custody charged with the commission of crimes against the state, and adverting to the style and tenor of Mr Lewin's perusal, and to his "disposition to evade compliance with the requisitions of his "precepts," requesting that the Court of Foujdaree Udalut will "obtain for "him their support of his "authority, and the enforcement of the Subordination "which the "Regulations prescribe."

/Here enter Nos 1278. 1285 and 1292./

1. The cause of the Acting 2d Judge first addressing the Magistrate on the subject of the number of prisoners in his custody charged with crimes against the State, is stated, in his letter of the 17th June 1837, to have been to "enable him to communicate to the "Court of Foujdaree Udalut on the subject of "the duties required of "him; and he accordingly requested to be informed of the number of Prisoners in his custody who were likely to be brought before the Special Commissioners.

Magistrate's letter dated 19th June 1837.

2. In reply the Magistrate informed the 2d Judge that he had not been able to make all the enquiry necessary to a due answer to the question, but that he had "15 Cases then ready for the Special Commission,

Commission, and that he conceived at least 30 more would come before it.

3. The 2d Judge on Circuit considering this information insufficient for the purposes for which he required it, pointed out to the Magistrate in a letter dated the 19th of the same month, that he wished to be informed of the number of Prisoners likely to be brought before the Special Commission "and begged he would do him "the "favor to say how many "he had "in custody "and give even a rough estimate of the "number likely to be brought to trial."

4. The Magistrate replied in the course of the same day that he was unable to answer the question "with even an approximation to correctness;" that the number of prisoners to be brought before the Special Commission would "depend on a variety of "circumstances, which" he could not at that "time embrace;" that "the various shades "of guilt in each Case must be considered;" also "whether the case be for a Court "Martial or the Special Commission;" and that "these questions" involved "a "sifting of evidence for which there" had "not as yet been sufficient time."

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Vide Proc. of the Court of Circuit of the 20th June 1837.

5. Upon receipt of this letter the 2nd Judge on Circuit issued a precept to the Magistrate, pointing out "that the Regulations "as well as the first principles of Justice "obviously required that the Magistrate should "lose no time in making a list of all persons "in his custody or confined under his orders, "shewing the date of apprehension and the "cause of it" as it was "very possible that "amid so much confusion innocent persons" had "been arrested." that on the 2nd Judge "visiting the Jail on the 26th of the preceding "month (May) "verbal complaints of unjust "arrest" had been "made" to him, but that he had not deemed "it necessary to call for ex- "planation then, as the number in confine- "ment afforded reasonable ground for con- "clusion that even a slight inquiry, to "warrant detention, could hardly have been "held in all cases, tho' even by that time "much might have been done: that "such "reason for non interference no longer "existed. and that he could "foresee no difficulty as "to making sufficient enquiry to ascertain "whether any have been groundlessly seized "a measure of obvious duty "as soon had been "taken so far back as 6th of April / since the

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"Magistrate, Joint Magistrate and two or "Assistants "had "all been at the station for "a considerable "time" that therefore he had "resolved "with reference to a petition from "one Patta Shetty "complaining "of the un- "just detention of his brother Pudma Shetty "an inhabitant of Mysore; to require the "Magistrate to "submit a list of all prisoners "then "in confinement who had not been "brought to trial, the dates of apprehension "and grounds for detention;" "in order that the "Judge on Circuit may be enabled to call "for any further explanation or to make a "representation to higher authority."

6. The 2nd Judge on Circuit at the same time observed that he "would "not wish to embarrass the Magistrate "or to interfere unnecessarily with the "execution of his duty, but as he was "aware that the Magistrate had a large "body of men under a Military Guard, in- "dependently of 237 whom he found in the "regular Jails of the Zillah, who may have no "friends or other means to bring the hard- "ship of their cases to his notice, and "consequently before the higher authorities, "and as further he had heard of most dis- "tressing

"distressing cases of despondency which an
"might naturally be expected when there
"were such frequent instances of persons
"being led out for execution he considered it
"an urgent duty to call for such Statement
"without further delay."

7. Instead of conforming to the instructions contained in this precipt, or shewing cause for not doing so, the Magistrate in his return of the 22d Ultimo merely acknowledged its receipt, stating that he had wished to avoid collision with the Circuit Judge, but finding this almost incompatible with his requisitions he had determined to apply for the orders of the Government.

8. The Court of Foujdaree Udalut cannot but consider such a return addressed to a Superior Officer as highly unsubordinate. If the Magistrate objected to furnish the information required by the Judge of Circuit, he should have stated the grounds of such objection, and awaited the further instructions of the Superior Courts and in the event of the final orders being in his opinion contrary to the Regulations it would have been open to him to have requested a reference to yet higher authority.

9. At the same time the Judges must observe that they consider the proceedings of the 2nd Judge of the 20th June 1837 open to objection; inasmuch as the reference made to the Magistrate respecting all prisoners in his custody, involved a call for information respecting prisoners liable to be tried by Martial Law over whom the 2nd Judge could exercise no jurisdiction; and with reference to the state of the District, the press of business, and the difficulties surrounding the Magistrate the call for any information on the subject was perhaps inopportune.

10. The Court of Foujdaree Udalut however give full credit to Mr Vaughan's assertion that humane and public motives alone dictated his interference.

11. With respect to the return made by the Magistrate under date the 26th Ultimo to the precept issued by the Judge on Circuit on the same date calling for information in respect to the confinement of Purmaya Shetty, the Court of Foujdaree Udalut have only to observe that if Mr Lewin had confined himself to the explanation afforded in para. 2 of his return there could have

have been no cause of objection; but to proceed to "caution" the 2d Judge in the style and tone adopted in the 3d and 4th paras of his return; is an instance of disrespect and contempt of Superior authority which in the opinion of the Foujdaree Udalut deserved severe reprehension.

12. The Governor in Council having called upon the Magistrate to furnish the information in respect to the number of prisoners in confinement charged with crimes against the State, and the nature of the evidence against them, which it was the object of the precepts issued by Mr Vaughan to obtain, the matter is of course taken out of the hands of the 2d Judge, but the Court of Foujdaree Udalut deem it necessary to submit the correspondence for the consideration and orders of the Governor in Council, as the Judges feel persuaded that unless such repeated instances of insubordination on the part of Mr Sewell be speedily checked, serious interruption to important business will be the consequence.

Ordered, that Extract from the proceedings together with the original correspondence referred to above be forwarded to

to the Chief Secretary to Government for the purpose of being laid before the Governor in Council.

Sent in No 965.

Read letter dated the 20th Ultimo from the Third Judge on Circuit in the Centre Division submitting for the consideration and final judgment of the Court of Foujdaree Udalut the Record of Case No 4 on the Chinglepute Calendar for the first Sessions of 1837.

Here enter F.C. No 1239 of 1837.

1. In this case, the prisoner Mooroogapiah Moodely stood charged before the Court of Circuit with having at 3 o'clock on the morning of the 6th February 1837 or 26th Tye of the year corresponding, stabbed and wounded Mooroogapiah Moodely, son of the prosecutor with a sharp instrument on his head and forehead while he was sleeping in the house of Soobaroya Moodely at Chinglepute, and thereby caused his death.

2. The Court of Foujdaree Udalut observe that both the Prosecutor and the Prisoner state that on the night of the Murder, besides the Prisoner and the deceased the "brother" of the deceased slept in

in the hall of the house of Seobaraya Mooly-

3. It may be that this "brother" is one of the boys or children of whom mention is made in various parts of the Record but it was of importance in a case wherein the accused is on Trial for his life that this should be clearly shown.-

4. Before proceeding to pass Judgment the Court of Foujdaree Udalut probe to direct that the Judge of Circuit be instructed to ascertain and Report the age of the said "brother" of the deceased.-

5. If he be of too tender age to comprehend the nature of an oath, the Judge of Circuit will at once certify the same; but if on the contrary his years be sufficient to warrant his examination, that Officer will instruct the Criminal Judge of the Chingleput to procure his attendance before the Criminal Court, and in the presence of the prisoner take his evidence on oath touching the circumstances which caused on the night of the murder.

6. The Criminal Judge will permit the prisoner to cross-examine the witness and to offer any thing further in his defence, should he wish it, at the close of the examination.-

The

7. The Judge of Circuit will annex an English and Persian Translation of the additional evidence so taken to the Record and will 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 of the Trial, be sent to the Third Judge on Circuit in the Centre Division by Receipt returnable within fifteen days from and after its receipt.-

Sent following Precept No. 966

Read letter dated the 26th Ultimo from the Magistrate of North Arcot furnishing explanations relative to certain cases in the Chittoor Criminal Reports for the month of May - perused by the Foujdaree Udalut in their proceedings of the 20th Ultimo.

/Here enter No. 1281./

Report re Case 96.

1. The Head of Police of Tirooputty having forwarded to the Criminal Court the prisoner in this case charged with receiving stolen Ghee valued at one anna and 9 Pice from the Pagoda, the Court of Foujdaree Udalut deemed it proper to notice the apparent impropriety of the

Conduct

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conduct of the Police Officer in transmitting such a "Petty theft".

2. In the above return it is explained that "the prisoner" is a Public Peon "and was at the time in guard at the Pagoda "from whence he committed the theft".

3. Under this circumstance the Court of Foujdaree Udalut are of opinion that the Head of Police acted correctly in forwarding the prisoner to the Criminal Court and the Magistrate will accordingly be directed to communicate to that Officer that his conduct on this occasion has been approved of.

Ordered, that Extract from these proceedings be sent to the Magistrate of North Arcot for his information and guidance.

/Sent in No.

Read letter dated the 21st Ultimo from the Third Judge of the Provincial Court of Circuit in the Western Division transmitting copies of the Tellicherry Additional and Second Additional Calendars for the Second Quarter Sessions of 1837.

/Here enter 7th Ult. No 1284 of 1837/

Additional Calr
Case No III.

The Court of Foujdaree Udalut see no objection to the sentence passed by the Court of Quarter Sessions in this case.

Ordered

5. Fdc.

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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.

Read letter dated the 27th Ultimo from the Magistrate of Nellore submitting an explanation required by the Foujdaree Udalut on the 21st Ultimo, relative to Case No 46 on the Nellore Criminal Reports for the month of May.

/Here enter No 1287/

The Court of Foujdaree Udalut direct that the Magistrate of Nellore be informed that they consider the above explanation quite satisfactory.

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

/Sent in No.

Read letter dated the 21st Ultimo from the Acting 3rd Judge on Circuit in the Northern Division, reporting the opening of the Court of Circuit 1st Sessions of 1837 at Chicacole.

/Here enter No 1263./

Read letter dated the 23rd Ultimo from

from the Acting Magistrate in the Zillah of Rajahmundry submitting the explanation called for in the Contract proceedings of the Foujdaree Udalut under date the 17th instant relative to the committal by the Police Officer of the 3d prisoner in Case No 20 of the Supplemental Report of Rajahmundry for the month of May

/Here enter No 1265/

Read return dated the 24th Ultimo from the Acting Joint Criminal Judge at Masulipatam to the Precept of the Foujdaree Udalut dated the 20th June 1837 directing him to forward the Statement required by the Circular Order No 80 or to certify that it is "Blank"

/Here enter No 1267/

Read return dated the 23d Ultimo from the Criminal Judge at Mangalore to the Precept of the Foujdaree Udalut dated the 16th June 1837 conveying their observations and orders on the Criminal Reports of the Zillah of Canara for the month of May

/Here enter No 1275/

Read letter dated the 28th Ultimo from the Officiating 2d Judge in Circuit in the Centre Division forwarding the original Death Warrant Vz Vz in Case No 6 on the Chingleput

Chingleput Calendar for the Second Sessions of 1836.

/Here enter No 1286/

Read return dated the 26th Ultimo from the Acting Joint Criminal Judge at Guntoor to the Precept of the Foujdaree Udalut dated the 22d June 1837 conveying their observations and orders on the Guntoor Criminal Reports for the month of May

/Here enter No 1288/

Read return dated the 26th Ultimo from the Provincial Court of Circuit in the Southern Division to the Precept of the Foujdaree Udalut dated the 22nd June 1837 calling for a return to the Precept of the 29th April 1837 communicating the sanction of Government for the reduction of the sentences upon the 8 Convicts who assisted the Jailor in repelling the attack of a party of Convicts under the Magistrate of Tanjore who attempted to effect their escape

/Here enter No 1293/

Read return dated the 23d Ultimo from the Provincial Court of Circuit in the Northern Division to the Precept of the Foujdaree Udalut dated the 22d May 1837 communicating the orders of Government on

3d July 1837.

on the proposed measures for increasing the efficiency of the Convict Courts in the Provinces.—

[Here enter No. 1295.]

Read return dated the 26th Ultimo from the Acting Joint Criminal Judge of Coimbatore to the Precept of the Sunjdaree Adalut dated the 22d June 1837, conveying their observations and orders in the Coimbatore Criminal Reports for the month of May—

Ent'd

[Here enter No. 1296.]

Fr. Us.

At a Court of the Sunjdaree Adalut

Present,

Tuesday, 4th July, 1837.

John Bird Esqre ——— 2nd Puisne Judge,
Alexr Duncan Campbell Esqr Acting 3d Puisne Judge.

Read letter from the Acting 1st Judge on Circuit in the Southern Division forwarding copy of a communication from the Joint Criminal Judge at Tinnevelly, with the translation of the Petition, thereon referred to, relative to the orders of this Court which directed the restoration of certain property to the prisoners in Case No. 16 on the Tinnevelly Calendar for the 1st Sessions of 1837.—

(Here enter No. 1294)

The Petition in question, it is observed,

1 is from the Prosecutor in the Case No. 16, and he prays that the property alluded to may not be restored until he shall have been able to make good his claim to it, which, he states he proposes to do before "the higher tribunals" and further he requests that a copy of the futwah acquitting the prisoners may be furnished to him on stamp'd Paper.—

It doesn't appear to the Sunjdaree

2 Adalut that any sufficient cause has been shewn by the Petitioner for the suspension or modification of their orders, which, should accordingly be carried into

into effect.

Ordered that the same be communicated to the Acting 1st Judge on Circuit in the Southern Division by Precept requiring return in obedience thereto, within 20 days after receipt thereof.

(Sent following Precept No.

Read letter dated the 22d Ultimo from the Acting 3d Judge late on Circuit in the Southern Division, forwarding a Statement for the Second Sessions of 1836, required by the Circular Order of the Jaffnapatam Adalut No. 4.

(Here enter No. 1241.)

Read return dated the 25th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Centre Division to the Precept of the Jaffnapatam Adalut dated the 20th June 1837, conveying their observations and orders on Case No. 1 on the Calendar for the Second Supplemental Session of 1836.

(Here enter No. 1243.)

Read letter dated the 20th Ultimo from the Acting Joint Criminal Judge at Tryagapatam, transmitting the Reports shewing the punishments inflicted under Section VI Regulation X of 1832.

(Here enter No. 1254.)

Read return dated the 24th Ultimo from the Acting Criminal Judge at Nellore, to the

Precept of the Jaffnapatam Adalut dated the 21st June 1837, conveying their observations and orders on the Nellore Criminal Reports for the Month of May.

(Here enter No. 1258.)

Read letter dated the 28th Ultimo, from the Acting Joint Criminal Judge of Guntoor, transmitting statement shewing the manner in which the Convicts under the Magistrate of Guntoor were employed during the Month of May 1837.

(Here enter No. 1301.)

Read letter dated the 30th Ultimo, from the Magistrate of Tanjore, forwarding explanation relative to the case No. 175 on the Combaconum Criminal Report No. V for the Month of April last.

(Here enter No. 1307.)

Ex 4th. 33

At a Court of the Fouydaree Udalut

Present,

Thursday 6th July 1837. John Bird Esqre 2nd Puisne Judge
Alexr Duncan Campbell Esqr Acting 3d Puisne Judge

Read Return dated the 28th Ultimo
from the Acting First Judge on Circuit in the Southern
Division, to the Precept of the Court of Fouydaree Udalut
under date the 21st June 1837, conveying their observations
and orders on the Cumbacconum Calendars for the
first Sessions of 1837.

(Here enter F. Ud. No. 1302 of 1837.)

The proceedings of the Court of
Circuit in these two cases are approved.

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.

Read letter dated the 29th Ultimo, from
the Officiating Magistrate of Cuddapah, reporting the result
of the measures adopted for the apprehension of the Gang
of Robbers referred to in his letter of the 15th May last.

(Here enter No. 1297)

In the above letter the Officiating
Magistrate reports that the prisoner Paupegadoo to whom
the tender of a conditional pardon was authorized by the
Fouydaree Udalut on the 19th May last, having been
sent

sent out with certain Peons - 14 persons have been appre-
-hended, but that of these 3 only are mentioned in the
deposition of Paupegadoo - the others being persons
whom he pointed out afterwards: that "two" whom
apprehended gave up property which has been recognized
as part of that robbed and on the house of a thugg (Cume
-sala Sheshu) a pair of earrings have been found which
are sworn to as a part of the property lost: but which he
states that he can prove by witnesses to be his own: and
that though he has "committed" the prisoner on whom
the property was found", considering that their conviction
will undoubtedly be established, he has deemed it
proper only to require security from four others in as
much as he does not think he would be warranted
in sending them to the Criminal Court without further
evidence than can be at present adduced against them -

2. The Officiating Magistrate explains
that he has not availed himself of the permission of the
Sirjdaree Udalut to offer to Paupegadoo a conditional
pardon, because he does not regard him simply as
an "accessary" and the Circular Order of 5th April 1833
excludes "principals" from the benefit of the tender of such
pardon - and further because he does not think
Paupegadoo's testimony "absolutely necessary".

3. But the Officiating Magistrate, at the
same time, observes that "Paupegadoo" has a strong or
"slame"

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-claim "to "indulgence" since "whatever has been done
has been owing to his assistance," and, in stating that
he has, under the circumstances, "deemed it better
to send "Paupegadoo" up to the Criminal Court as a
prisoner he suggests that "instructions regarding his
admission as approver may be forwarded direct to the
Criminal Judge -

4. The Court resolve to direct that
copy of the correspondence between the Magistrate
and the Sirjdaree Udalut be sent to the Criminal
Judge at Cuddapa, and to convey to him authority
to admit Paupegadoo as an approver against the
other prisoners in the case -

Ordered accordingly, that extract from
these proceedings, together with copy of the correspondence

Letter from Off. Mag. dated 15th } May 1837 referred to, be sent to the Criminal Judge at Cuddapah
Reply of 7th dated 19th }
Letter from Off. Mag. dated 23rd June 1837 -

for his information and guidance by Precept returnable
in 8 days, after receipt -

(Sent following Precept No.

Ordered also, that extract from these
proceedings be sent to the Officiating Magistrate of
Cuddapah for his information -

(Sent in No.

Read letter dated the 29th Ultimo
from the Sr. Judge on Circuit in the Centre Division,
forwarding a statement of Batta paid to the prosecutors
and

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and witnesses attending before the Court of Circuit for the 1st Sessions of 1837.

(Here enter No. 1309)

Read return dated the 30th Ultimo from the Criminal Judge of Salem to the Precept of the Tanjore Udalut of the 24th Ultimo, conveying their orders on the Salem Criminal Reports for May—

(Here enter No. 1312.)

Read letter dated the 28th Ultimo, from the Provincial Court of Circuit in the Western Division, reporting the measures adopted by the Magistrates of Canara, in consequence of the orders of the Tanjore Udalut of the 18th July 1836, relative to the Prisoner in Case No. 4 of the Circuit Calendar 1st Sessions 1836.

(Here enter No. 1313)

Read Letter dated the 29th Ultimo from the Special Commissioners at Mangalore, forwarding the original Death Warrant 4 Prs in Case No. 2 tried by the Special Commission.

(Here enter No. 1319.)

Read return dated the 1st Instant from the Acting Criminal Judge of Madura to the Precept of the Tanjore Udalut dated the 26th June 1837, conveying their observations and orders on the Madura Criminal Reports for the Month of May—

(Here enter No. 1325.)

F. Cr.

At a Court of the Tanjore Udalut.

Present,

Saturday. 8th July 1837.

John Bird Esqre ——— 2nd Puisne Judge

Alexr. Duncan Campbell Esqr. Acting 3d Puisne Judge

Read Return dated the 27th Ultimo from the Third Judge on Circuit in the Centre Division to the Precept of the Court of Tanjore Udalut under date the 22nd May 1837 directing him to take a Futwa from the Mahommedan Law Officer of the Court of Circuit in Cases No. 1 and 2 of the Bellary Supplemental Calendar for the First Sessions of 1837 and to forward the Records of those Trials for the final judgment of the Tanjore Udalut.—

(Here enter F. Cr. No. 1282 of 1837)

1. The Court of Tanjore Udalut are unable to proceed to judgment in these cases, until evidence has been taken to the Confessions of the first, third, fourth, sixth and seventh Prisoners before the Criminal Court.—

2. The Court accordingly direct that the Records English and Persian of those Trials be sent back to the Third Judge on Circuit in the Centre Division with instructions to issue a Precept to the Criminal Judge of Bellary, requiring him to have the Confessions

confessions in question read and proved in open Court
and then to retransmit the Records to the Tanjore
Udalut.

Ordered, that extract from these pro-
ceedings with the Records of Cases Nos. 1 and 2 be sent
to the Third Judge on Circuit in the Centre Division by
Precept returnable within twelve days from and after
its receipt.

(Sent following Precept No.

Read return dated the 29th Ultimo from
the Criminal Judge at Combaconum to the Precept of the
Tanjore Udalut of the 8th Ultimo, conveying their orders
on the return of the Criminal Judge to their former Precept
relative to the Combaconum Criminal Reports for
March last.

(Here enter No. 1305)

1. In the above return the Criminal
Judge explains that 18 Convicts whose remaining
period of imprisonment may exceed 6 months have
on the 17th Ultimo been transferred to the Jail at
Trichinopoly, and the prisoners regarding whom the
sentence of the late Court of Circuit may arrive hereafter
will be also transferred to Trichinopoly.

"67 prisoners were transferred to Negapatam
Jail to complete the Magistrate's number on the 1st
Ultimo, and 10 to Myaveram for the Joint Magistrate
on the 27th of May last.

2. The number of prisoners trans-
ferred by the orders of Government to the charge
of the Magistrate of Tanjore is 200 and the
Court of Tanjore Udalut are not of opinion that
the Criminal Judge at Combaconum ought to place
under the orders of that Officer more Convicts than
will suffice to keep up this number. The Court
are aware that, on a particular occasion, authority
was granted for the increase to the above of 50
prisoners, but that was intended only to be a temporary
arrangement to meet a specific object.

Ordered, that extract from these
proceedings be sent to the Criminal Judge at
Combaconum for his information and future
guidance.

(Sent in No.

Read Statement dated the 1st Ultimo
from the Officer Commanding at Samulcottah, of the
work performed by 100 Prisoners employed under the
Officer Commanding Samulcottah.

(Here enter No. 1194)

Read letter dated the 15th Ultimo
from the 1st Judge of the Provincial Court of Circuit in the
Northern Division, reporting his intention to open the
2d Sessions of 1837 at Nellore on the 3d July 1837.

(Here enter No. 1196)

Read

8th July 1857.

Read Statement dated the 1st Instant,
from Captain E. S. Morgan in charge of Convicts at the
Red Hills, shewing the number employed out of
the Convicts at the Red Hills during the Month of June 1857.

(Here enter No. 1324)

Read return dated the 29th Ultimo
from the Acting Joint Criminal Judge of Vizagapatam
to the Receipt of the Foujdaree Udalut of the 21st Ultimo
conveying the orders of the Foujdaree Udalut on the
Vizagapatam Criminal Reports for the Month of May.

(Here enter No. 1331)

Read Statement dated the 5th Instant
from the Magistrate of Chingleput, shewing the manner
in which the Prisoners at Conjeeveram have been
employed during the Month of June 1857.

(Here enter No. 1333)

Fo. 1 to 7

At a Court of the Foujdaree Udalut.

Present,

Monday 10th July 1857

John Bird Esqr. ——— 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. Acting 3rd Puisne Judge

Read letter dated the 29th Ultimo, from
the Special Commissioners at Mangalore, submitting
for the final judgment of the Foujdaree Udalut the
record of case No. 11 tried by the Special Commission
at Mangalore.

(Here enter No. 1320.)

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 oob Cozat and Mooftees
of the Foujdaree Udalut, confirm the said Futwa of
the Cazee oob Cozat and Mooftees aforesaid, and
order the finding of Cohoobut declared in that
Futwa, and in conformity with the provisions of
Sections II and III, Regulation I of 1834, sentence
the prisoners

1st Cunha
and
2nd Kalloo

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

The

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 11 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 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.

Read return, dated the 5th Instant, from the Criminal Judge in the Zillah of Combaconum to the Precept of the Foujdaree Udalut of the 27th Ultimo, conveying their orders on the Combaconum Criminal Reports for May.—

(Here enter No. 1338.)

Read letter dated the 5th Instant, from the 1st Judge on Circuit in the Northern Division, reporting the opening of the 2nd Sessions of 1837 at Vellore and the state of the Calendar.—

(Here enter No. 1342.)

Read return, dated the 1st Instant from the Acting Joint Criminal Judge of Tellicherry to the Precept of the Foujdaree Udalut dated the 24th June 1837, conveying their observations and orders on the Tellicherry Criminal Reports for the Month of

May.—

(Here enter No. 1345.)

Read letter dated the 5th Instant, from the Magistrate of Madura, submitting explanation relative to certain cases on the Criminal Reports for the Zillah of Madura for the Month of May.—

(Here enter No. 1347.)

Read letter, dated the 6th Instant, from the Acting Circuit Judge in the Centre Division, reporting that the 2nd Sessions of 1837 will be opened at Cuddapah on the 10th Instant.—

(Here enter No. 1354.)

Read Order of Government dated the 3rd Instant, directing the Board of Revenue to call upon the Local Officer at Cuddapah to report upon case No. 84 of the Cuddapah Criminal Reports for the Month of May 1837, and to submit their own opinion on the case.—

(Here enter No. 1356.)

Sent'd.

45

145

At a Court of the Foujdaree Udalut

Present,

Charles May Lushington Esqr. 1st. Puisne Judge

Tuesday 11th July 1837 — John Bird Esqr. ——— 2d. Puisne Judge.

Alexr. Duncan Campbell Esqr. Actg 3d. Puisne Judge

Read letter dated the 23d. Ultimo from the Provincial Court of Circuit in the Southern Division, transmitting for the orders of the Court of Foujdaree Udalut a letter from the Acting Joint Criminal Judge at Coimbatore, submitting the question whether a Police Officer, in investigating a Criminal Case which under Clause fourth Section XXII Regulation XI of 1816 he is about to send up to the Criminal Court, is authorized under any pretence whatever to examine witnesses for the defence.—

(Here enter No. 1261.)

1. The Acting Joint Criminal Judge submits that a Magistrate even, is not expected to take evidence for the defence, and that in his opinion it would be inexpedient to give that power to a Police Officer. he states that he is not aware that the practice obtains in any other Zillah, and that he imagines

imagined it prevails in Coimbatore from a misconception of the Circular Order of the Foujdaree Udalut under date the 1st August 1835 /No. 48/ which appears to him to be intended simply to point out to the Criminal Courts, the Magistrates and their Officers subordinate to them, that they are not justified in refusing to examine witnesses on behalf of a Prisoner whenever there may be reason to believe that they can depose to circumstances which might in part exculpate them; in case the final decision of which is left to themselves - and he adds that the practice observed in Coimbatore by the Police Officers in taking evidence for the defence in cases not punishable by themselves is in his opinion directly at variance with the spirit of the Circular Order itself, inasmuch as the evidence in support of the defence instead of being recorded after the evidence for the prosecution has been gone through is now in part recorded before the Prisoner is brought up to the Criminal Court.

2. The Provincial Court submit that in their opinion the question should be answered in the negative - that the Circular Order No. 48 regarding the manner in which a Prisoner's defence should be taken refers only to

to the deposition to be taken from the Prisoner himself, and that it was not thereby intended that Police Officers should send for and examine witnesses in support of the defence except in cases disputable by themselves.

3. The Court of Foujdaree Udalut concur in the view taken of the case by Mr. Forsyth and by the Provincial Court of Circuit in the Southern Division, and they desire that it may be pointed out to the Magistrate of Coimbatore that in cases adjudicable by the Criminal Court the Police Officers have no authority to take evidence for the defence, at the same time it should be pointed out that the provisions of Section XXVII Regulation XI of 1816, which authorize the Police Officer, previous to the apprehension of an accused Person, to "make such enquiries as may be necessary to ascertain whether any credit be due to the accusation," must not be overlooked, and that it is unquestionably the duty of the Police Officer to refer in his Report to any witnesses who can give evidence in favor of the accused.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, with

11th July 1837.

with instructions to communicate copy of the same to the Acting Joint Criminal Judge, and the Magistrate of Coimbatore for their information and guidance respectively.—

(Sent in &c.

Minute of the 2nd Puisne Judge.

The Police Officer had not in my opinion any authority to take evidence for the defence of a prisoner. He is not competent in my opinion to do more than ascertain whether there is evidence sufficient to justify sending him for trial to the Criminal Court.—

It was only by Regulation XIII of 1832 that power to take the defence of a Prisoner was given to the Criminal Courts, and in the proceedings of the Sanjdaree Adalut of the 19th of May 1819 this Court ruled "that a strict adherence to the letter "of the Provisions of Section XXII Regulation "IX and of Section IX Regulation X of 1816 "is to be observed by Judicial Officers in the "investigation of all cases not punishable by "them to the exclusion of all evidence on behalf "of the person accused, the admission of which "would in the opinion of the Court be highly "objectionable as anticipating his defence &c "before the higher tribunals."—

So

2.

F 16.

11th July 1837.

See Circular Order of that date in the printed Book.

So far from allowing a Police Officer to take the defence of an accused person liable to be sent to the Criminal Court it was not till the 30th of September 1824 that this Court authorised a Police Officer to dismiss any case after the Prisoner had been once apprehended and evidence taken, and in respect to the practice, I was a Criminal Judge for 7 Years but I never knew an instance of a deposition taken by the Police Officer on the defence of the accused.—

In my opinion the proposed draft is correct, but I would add to it to the effect I have written in pencil.

15th July 1837. (Signed) John Bird.

Minute of the Acting 3rd Puisne Judge.

I have also reconsidered the Draft with reference to the 1st Puisne Judge's pencil remarks and concur with the 2nd Puisne Judge.—

As it has been found necessary by an express enactment to enable the committing authority (the Criminal Courts) to

to enter into an examination of the evidence for the defence, I do not think the legislature ever intended the inferior Police Officer who apprehends to do so.—

There is no doubt a latitude given to the Head of District Police by Clause 2nd Section 27 Regulation XI 1816 referred to by the 1st Puisne Judge to examine not only the "witnesses who may be present" but also "such other persons who may be able to give evidence material to the case": But this I think clearly refers to the case before him, which is that for the prosecution exclusively - he is not the Judge to decide on the case - or on the guilt or innocence of the accused he does not even commit him for trial, he merely arrests him - and if a probable case is made out against him, sends him to enter upon his defence before those whom the law has appointed to take it.

In the grave cases of crime, such as murder, robbery &c., which the Police Officers are not competent to determine, to allow the Police to enter upon the defence might not only

only hamper the prisoner when he came to make it before the proper authority, but lead to great abuse, - for they might release the worst offenders, upon an alibi -, which even when sworn to before the proper Court, may neither be credited, nor credible.

(Signed) A. D. Campbell.

15th July 1837.

Minute of the 1st Puisne Judge.

I entirely dissent from all and every part of this. I consider the inferences drawn, entirely erroneous. and that this Doctrine will be productive of incalculable mischief - By this a power is given to any one so inclined to disgrace any man however respectable by sending him up to the Court - What would they say in England, to a man not being allowed to prove his defence in the first stage of Enquiry

I of course cannot oppose this pending against my Colleagues, but I hereby record my dissent both to the Order itself and the pending and arguments upon which it is founded —

18th July 1837. (Signed) C. M. Lushington

Jge

11th July 1837.

I see nothing to induce me to alter my opinion and I would send the letter.

/Signed/ J. B.

with the penail alterations in it.

/Signed/ A. D. C.

Minute of the First Puisne Judge.

There are few cases, in which I should feel at all disposed to press my opinion against the majority of this Court, but I conceive their late order prohibiting persons accused before the Tahsildars bring also heard in defence; to be utterly repugnant to every principle of Justice, and tending in its results in such intolerable and inadmissable evils; that I feel myself called upon to leave upon record, my entire dissent and disapproval.

The 2nd Judge states that it is only lately, "that Criminal Judges have been allowed to take evidence for the defence in committable cases." But what I ask does this prove? nothing less than the most deplorable ignorance on the part of this Court,

and

F. 16.

11th July 1837.

and exhibiting a strong lesson of the folly of being guided by it's precedents.—

As regards the issuing of this order, and continuing in operation this one sided kind of Justice,- my Colleagues of course possess the power of so doing- but though my opinion may be useless to condemn so extraordinary an anomaly in the administration of Justice,- I will fearlessly tell them, they can produce no example among the civilized nations, where the accused before the first tribunal is not allowed to examine witnesses in his defence.—

Take the English Law for instance, I quote from Chitty's Criminal Law- "It is "absolutely necessary that the testimony of "the accuser and his witnesses, should be "taken in writing, or it will be of no effect- "all this must be done in the presence of "the party accused that he may have the "advantage of cross examining the witnesses "and contradicting their testimony- 1st 2nd 3rd 4th

"This is very important, in order that the "witnesses may be tied down to their first "narrative- and not left open to the influence "of those impressions either of pity or revenge "which may affect them during the intervals"

And

"and tho' the words of the statute (like our
"own stupid regulations) seem only to include
"of necessity the testimony adduced in support
"of the charge (like the late precious order)
"the Justice ought to take) and certify as well
"the informations, proof and evidence, which
"tend to favor the Prisoner, as those which
"are brought forward against him"—

Can words be clearer than these,
or can a greater difference exist between the
late order and the English Law? and the
same author gives the reason why it should
be so, and which reason applies with tenfold
force to this Country—"By this means
"a conspiracy to overwhelm a prisoner will be
"detected, and undue motives to protect him
"from interest or pity will be prevented from
"obstructing the progress of Justice."

If this protection to the prisoner
be necessary in England, is it less needful
here? are conspiracy and intrigue less prev-
lent? If not. I would ask, why the means
in this country should be denied the means
of repelling the accusation, in having by a
fair, full and open investigation? By this
stifling the enquiry, before the Police Officer,

the only check to conspiracy is effectually
removed, and the precise converse of the
proposition is almost invariably realized,
namely "the witnesses are not tied down to
"their first narrative they are left open to
"impressions of pity or revenge- and" by this
means a conspiracy to overwhelm a Prisoner
may, may probably will be effected—

It may possibly be objected
that a grand jury like the Tahsildar under
the late order only examines witnesses in
support of the accusation- True, but be it re-
membered a previous fair and full examina-
tion of all evidence, both against and for
the prisoner, had been gone into before the
Bill comes to the grand jury, and the
probability is, therefore that the accusation
is true! and but the order of this Court,
sinking the evidence in favor of the Prison-
renders accusation and criminality nearly
synonimous, and in its effect intrinsically
the same—

Let it not be for a moment sup-
posed that because a Criminal Judge so
ultimately dismisses a charge, no evils re-
sult from the accusation,- nothing can be
more fallacious, and untrue; the more fact

of

11th July 1837.

of the accusation, and dragging the accused unheard to Court, is in itself a disgrace and considered as such both by the accused and the accuser who has gained his end - How often must every man, who has exercised authority in the Mofussil have felt this! How constant are the unfounded complaints from the Pullers to the Southward, and Lumpter to the Northward, against their masters? Do not they constantly accuse them of crimes merely in revenge? and how is this evil provided for by the order of this Court? Why by prohibiting the accused being heard at all in the first instance, and most probably the only true investigation - and that too when the accused, might probably prove by 50 witnesses, not only the improbability but the absolute impossibility of his having committed the crime -

This however now can never take place. The Sahebs Clerk acts as the Grand Jury without the previous and plenary investigation upon which the Bill is founded, and the result is the accused, however respectable however improbable he should have committed the crime, must be hauled to Court -

I can

F. 86.

11th July 1837.

I can imagine no more intolerable evil - and in short in whatever light I consider this order, whether comparing it with the principles of English Law, the interests of Justice, or even common sense, it appears to me equally defective and mischievous -

18th October 1837 - (Signed) C. M. Lousthington
1st Judge

Minute of the Acting 3rd Puisne Judge

There can be no doubt of the soundness of the principle, advocated by the first Puisne Judge, that in all judicial enquiries into crime, the evidence for as well as against the prisoner should, as early as possible, be examined - But we are not sitting in this Court to make the law - We are bound to administer it as made by the Legislature -

In the gravest crimes adjudicable by this Court and the Courts of Circuit, the committing officer is the Criminal Judge; and I am sorry to say that the principle in question has been only partially adopted by the Legislature respecting them; for, although the Preamble to Regulation 13 of 1832 acknowledges the propriety of modifying Clause 3 Section 9 Regulation 10 of 1816 which in committable cases was not construed to extend

examination

examination to the evidence for the defence - in the enacting Section 2nd, it does not, as I think it would have been desirable, require them, but merely declares them "competent, at their discretion, to take evidence on behalf of the accused before committment for trial."

Now it is quite clear to me that when an enactment of the law was by the Legislature deemed requisite to give this power to the European Officer who commits, it would be quite illegal for us, to confer it, in such cases; upon the Native Officer - I consider the first Prisons Judge mistaken the Jahadlaar's position altogether, in such cases. He is neither the Justice of Peace of whom Mr Chitty speaks, nor the tribunal of primary investigation established by foreign powers in Europe - but the mere head constable, whose tendency to abuse, this law restricts, by requiring him to reduce his enquiries into writing -

In cases of a heavier grade and judicable by the Criminal Courts alone, the Jahadlaar becomes the committing Officer - But even the Magistrate, his Europeans Superior,

Superior, in such cases, is directed in Clause 2d Section 24 Regulation 9 of 1816 not "to go further into the examination, than to satisfy himself that there is presumption of guilt" he is himself directed to send up the case in 48 hours, and within that period it is impossible, in general, that he can enter regularly and fully into the defence - though I conceive that, in this second class of offences, there will be no objection to his examining any one within reach, named by the accused, whose evidence he may under Clause 2. Section 27 Regulation 11 of 1816 deem "material to the case" - I think that the Regulations do not contemplate his delaying the transmission of the case, in order that he may enter at large on the defence, but contemplate his naming to the Court such witnesses, not at hand, as may be alleged by the accused to be requisite for his exculpation, - and leaving the Prisoner, unhampered by any specific defence, to make the best defence he can, before the Court which is to try him -

In cases cognizable by the Native Police we are all agreed that the defence must be fully taken by them -

Signed/ A. D. Campbell
21st Octr 1837.
Minute

11th July 1837.

Minute of the 2nd Puisne Judge

That the Law is such as the Acting 3d Judge and myself suppose, I do not entertain the least doubt, and until it has been altered this Court have not the power to construe it otherwise than they have done in their order of the 11th of July last

I entirely agree with the Acting 3d Judge in what he has stated in the last para of his minute of the 15th of July and in my opinion the Legislature would quite right in not giving authority to the Office of Native Police to take the Depositions, and appreciate the conflicting evidence and could not left for their Decision.—

23d October 1837.

/Signed/ John Bird

F. 16.

At a Court of the Foujdaree Udalut

Present,

Wednesday 12th July 1837.

Charles. May Lushington Esqre 1st Puisne Judge

John Bird Esqre _____ 2d Puisne Judge

Alexr Duncan Campbell Esqre Acting 3d Puisne Judge

Read letter dated the 22d 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. 3 on the Chingleput Calendar for the first Sessions of 1837.—

/Here enter F. 16. No. 1251 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. Coozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee.ool. Coozat and Mooftee aforesaid: and considering the charge of Returning from Transportation to be established against the prisoner

Coollen Caroopaty

sentence him to be retransported to such place

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.

1. It appears by a Note at page 29 of the English Record of the Trial that in consequence of the absence of the second and third witnesses for the prosecution, it was ordered that Ramasawmy and Mahomed Osman the Individuals who had attested the depositions of the above two witnesses before the Criminal Court be examined.

2. The Court of Foujdaree Udalut desire that this proceeding being wholly unauthorized, may not be again resorted to, excepting only in cases where a witness's attendance may be prevented by the causes specified in the Circular Order of the 8th May 1833.

Ordered, that Extract from this proceedings be sent to the 3d Judge on Circuit in the Centre Division for his information.

Sent following Letter No.

Read Letter dated the 1st Instant from the Acting First Judge on Circuit in the Southern Division, forwarding a copy of the Salem Calendar for the First Session

Sessions of 1837.

Here enter Jail Calendar No. 1328 of 1837.

Case No. 4

1. In this case, five prisoners were charged with having, on the night of the 13th November 1836 or 30th Appedy of Doormoory, at Vellapuddee in the Talook of Caroor, in the District of Coimbatore, proceeded in company with some others not apprehended to the house of the Prosecutor with Torches &c., and broken the door with an axe, with the intent to commit plunder therein.—

2. The prisoners being convicted of the crime charged, the Presiding Judge sentenced them from 2nd to 5th inclusive to seven years imprisonment under Clause 4th Section IV, Regulation XV of 1803. The Presiding Judge adds "as the 1st Prisoner has "yet 8 years and 10 months of his former "punishment to run, any sentence which "might now be passed on him under the "above Clause and Section would merge "in such unexpired period."—

3. The Court of Foujdaree Udalut observe that the provision here quoted applies solely to "Persons convicted of going forth with a Gang of Robbers for the purpose

purpose of committing Robbery, but appre-
hended before they have committed such or
have made any violent attempt for the
"purpose".-

4. In the present case it is clear
that "a violent attempt" was made and
that the offence consequently falls under
the "provisions of Clause third, Section IV,
Regulation XV of 1803.-

5. The Court of Zeujdaree Udalut
being of opinion that the first Prisoner is
liable to a sentence of punishment which
it is not competent to the Court of Circuit
to impose, the trial must be referred for
their final orders.-

Case No. 8. 6. In this case, thirteen prisoners
were charged with having, in concert with
some others, gone forth on the night of the
8th December 1836 or 25th Kartigay of the
Doormoogy to the house of the Prosecutor
at Cudbah Kanout in the District of
Salem, entered it with weapons and forcibly
broken open the wooden boxes and taken
therefrom ready money and ornaments of
the value of Rupees 6,235-5- after having
beaten and ill-treated the Prosecutor and
the Inmates of his house:-

This

7. This trial was postponed in
consequence of the absence of the principal
"witness for the prosecution (the Approver) and
"of so many witnesses for the defence" Vide
8. The Court of Zeujdaree Udalut
in the Extract from their proceedings under
date the 6th February 1837 sanctioned the offer
of a conditional pardon to the prisoner
Ramasawmy Naidoo.-

9. The Court direct that it be
explained under what circumstances that
Individual was permitted to be at large, and
what measures were taken by the Criminal
Judge for procuring the attendance before the
Court of Circuit of the other absent Witnesses.-

Case No. 11. 10. In this case, three prisoners
were charged with having, on the night of the
2nd February 1837 or 22nd Tye of Doormoogy
gone with sticks to the first Prosecutor's cattle
shed at Angellaputtee in the Talook of
Ashtoor in the Zillah of Salem, "stripped
the three prosecutors of their articles valued
at Rupees 11-8-- after having beaten the
Second and third prosecutors." Vide.-

11. The first and third prisoners
were convicted and sentenced to imprison-
ment Vide for fourteen years and the second

paid

was acquitted but required to find security—

12. The Acting First Judge of Circuit will be pleased to explain more fully in what respect the evidence against the third differed from or was considered more conclusive than that against the second prisoner—

Case No. 13. 13. In this case, two prisoners are charged with having, in concert with some others, attacked the complainants on the high way and after beating and ill treating them, robbed them of property valued at Rupees 5823.

14. The prisoners are convicted, but on the ground that the second prisoner &c "declared that so far from their having joined in the personal violence offered to himself and daughter they dissuaded the other robbers from it, the presiding Judge begs leave to recommend that their punishment be mitigated to seven years' imprisonment or even less, if it should seem good to the Court of Foujdaree Udalut."

15. The Court of Foujdaree Udalut having maturely considered the circumstances of this case, resolve to accede to the recommendation of the Presiding Judge and under the authority vested in them by the Clause Third, Section III, Regulation I of 18

direct

I direct that the prisoners

1st Naugan

and

2nd Goorooveun

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. 17. 16. In this case, two prisoners were charged with having in concert with three others not apprehended attacked the Prosecutors on the high-way and robbed them of Property of the value of Rupees 5—

17. The prisoners are convicted: on "but as the amount of property stolen is very "small and the degree of violence used, in- "considerable." the Judge of Circuit "conceives "that the ends of Justice will be sufficiently "met by a sentence of ten years' imprisonment."

18. The Court of Foujdaree Udalut concurring in the view taken of this case by the Presiding Judge, resolve, under the Provisions of Clause Third, Section III Regulation I of 1825, to direct that the prisoners

1st Dojon

and

2nd Raumjee

be imprisoned and kept to hard labour in

irons

irons on the public roads or other public works for and during the period of /10/ ten years.

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge on Circuit in the Southern Division by Receipt returnable within ten days from and after its receipt.

/Sent following Receipt./

Read letter dated the 6th Instant from the Magistrate of Tellicherry, submitting explanation relative to certain cases in the Combaconum Criminal Reports for the month of March last.

/Here enter No. 1348/

Report V
Case 143.

With reference to the explanation given in the above letter regarding the detention of the prisoners in this case, the Court of Fouzdaree Udalut observe that each prisoner, as soon as he is taken into custody, should be sent to the Head of District Police without delay, as his detention by the Village Officers is liable to abuse as exhibited in the Case No. 148.

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

/Sent in No.

F. 16.

At a Court of the Fouzdaree Udalut.

Present.

Thursday 13th July 1837. Charles. May Lushington Esqre. 1st Puisne Judge
John Bird Esqre. ——— 2nd Puisne Judge
Alexr. Duncan Campbell Esqre Acting Puisne Judge

Read again letter dated the 26th Ultimo from the Special Commissioners at Mangalore submitting for the Judgment of the Fouzdaree Udalut the Record of Proceedings held in Case No. 1.

/Here enter F. 16. No. 1087 of 1837./

Read also Order of Government dated the 8th Instant Commuting the sentence of Death upon the 1st and 2nd prisoners in Case No. 1 tried by the Special Commission at Mangalore to Transportation for Life: and desiring that the Magistrate of Canara may be called upon to state what he knows of the representations of the witnesses relative to their exertions in repelling the attack on Cufsergodee.

/Here enter No. 1350./

Under the authority of the Right Honorable the Governor in Council, the Court

Court do accordingly direct that the Prisoners

1st Beerana

2nd Mottanna Gowda

and

3rd Looba Poon

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 their natural lives: and that the Prisoners

4th Coonha

5th Kristna

6th Devapah

and

7th Mangana Looba

be severally imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of fifteen years.

The Court likewise direct that Extract from their proceedings under Date the 18th Ultimo be sent for the information and guidance of the Mangalore Special Commission.

(Sent following letter No.

Read

13th July 1837.

Read Extract from the Minutes of Consultation in the Judicial Department under date the 8th July 1837 conveying the observations and orders of the Governor in Council on Trial No. 1 from the Special Commission at Mangalore.

(Here enter F.C. No. 1350 of 1837.)

The Court of Foujdaree Udalut direct that a copy of parah: 3 of the Extract from the Minutes of Consultation be sent to the Special Commission at Mangalore with instructions to call upon the Magistrate of Canara to report what he knows of the Statements of the witnesses therein referred to, and whether he has reason to believe them true: and in that case, to require Mr. Lewin to state what in his opinion would be suitable rewards to be conferred on such of the party as were foremost in resisting the Rebels in their attack on Caspergode.

Ordered, that Extract from the proceedings be sent to the Special Commission at Mangalore by Precept returnable within fifteen days from and after its receipt.

(Sent following Precept No.

Read

13th July 1837.

Read letter dated the 1st Instant from the Criminal Judge of Canara transmitting the Criminal Reports for the month of June 1837.-

/Here enter No. 1362/

Read Criminal Reports dated the 5th Instant from the Acting Assistant Judge of Rajahmundry for the month of June 1837.-

/Here enter No. 1363/-

F. Cts

At a Court of the Foujdaree Adalut.

Present,

Friday, 14th July 1837.

Charles May Lushington Esqre. 1st Puisne Judge,
John Bird Esqre. _____ 2nd Puisne Judge,
Alexr. Duncan Campbell Esqre. Acting 3rd Puisne Judge.

Read return, dated the 30th Ultimo from the Principal Sudr Ameen at Honore, to the Precept of the Foujdaree Adalut of the 22nd Ultimo conveying their orders on the Honore Criminal Reports for the month of May last.-

/Here enter No. 1351/

Report V
Case 38.

Under the explanation afforded in the above return the Court of Foujdaree Adalut are of opinion that the second prisoner in this case should be required to find security to the extent which his circumstances in life may appear to the Principal Sudr Ameen to justify. The Court are not of opinion that there is evidence against the said prisoner sufficient to warrant his committal.-

Ordered, that Extract from these proceedings be sent to the Principal Sudr

14th July 1837.

Sudr Ameen at Honore for his information and guidance by Precpt returnable in 3 days after receipt.

Ent Wit.

Ck

/Sent following Precpt No

WS

WS

F. Cl.

At a Court of the Foujdaree Udalut

Present

Monday 17th July 1837.

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre ——— 2nd Puisne Judge

Alexr Duncan Campbell Esqre Acting 3rd Puisne Judge

Ck

WS

Read order of Government dated the 4th Instant No 606 upon the Extract from the Proceedings of the Court of Foujdaree Udalut under date the 24th June 1837 - communicating the result of their enquiry into the matter of the Petition No 1565 of 1836 addressed to the Right Honorable the Governor in Council by the Inhabitants of certain villages in the Palaoks of Panjamaul and Calaccaudoo, in the District of Tinnevelly, praying for the release from confinement of the eleventh prisoner in Case No 3 on the Tinnevelly Calendar for the first Sessions of 1833.-

/Here enter F. Cl. No 1357 of 1837./

Read also 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

under date the 24th June 1837- reporting the
issue of orders for the release of all the
prisoners in Case No. 3 on the Tinnevelly
Calendar for the first Sessions of 1833 as
directed by this Court-

Here enter Fl. No. 1339 of 1837//

1. It is remarked in the Order
above recorded that while the Governor in
Council "entirely concurs with the Tongdarce
"Udalut in opinion that the eleventh prisoner
"should be immediately released, if as he
"understands the Court the allegation in
"the petition that the prisoner in question
"was mistaken for another person has been
"ascertained by them to be correct; yet, he is
"not perfectly satisfied as to the propriety
"of unconditionally releasing all the other
"prisoners in the case who have been duly
"convicted, on the general suspicion of the
"prosecutor and witnesses being unworthy of
"credit." It is added that "the Governor in
"Council does not desire that the present
"decision of the Judges should be disturbed
"if on a further consideration and the receipt
"of any additional explanation that the 1st
"Judge of the Court of Circuit for the South
"Division may have to offer, they are still

"of opinion that all the prisoners should
"be released."-

2. The Court of Foujdaree Udalut
observe that by the provisions of Section
XXV. Regulation X of 1816. they are expres-
sly vested with power "to call for the pro-
"ceedings of any Court of Circuit, whenever
"it may appear requisite, and to pass such
"orders thereupon as that Court may deem
"just and proper:"- and this power they
have never failed to exercise, whenever upon
review of the Calendars submitted by the
Courts of Circuit, or upon information
coming before them through any other
channel, the Interests of Justice appeared
to render it necessary, that the record of
a trial should be called up before them
for their review and final orders-

3. As already observed in the Ex-
tract from their Proceedings under date the
25th Ultimo, it was in consequence of the
information contained in the Report of the
18th April last from the Acting First
Judge of Circuit in the Southern Division,
that the Court of Foujdaree Udalut
in this instance deemed it necessary to
"call up the Case No. 3 on the Tinnevelly
Calendar

Calendar for the First Sessions of 1833, and after a most mature consideration of the Record, the Court arrived at the conclusion that not only was the evidence for the Prosecution utterly worthless, but that the witnesses for the Defence were more worthy of credit than those brought forward in support of the charge some of the most unexceptionable, having deposed to facts altogether irreconcileable with the truth.-

4. It further appeared to the Court of Foujdaree Udalut that a conviction founded on evidence of the character enumerated in the preceding paragraph must be examined, and entertaining this opinion it became their imperative and unavoidable duty to set aside the sentence of punishment passed by the Court of Circuit and order the release of the prisoners: and this they did on the grounds recorded in the Extract from their proceedings under date the 24th Ultimo.

5. In consequence of the above orders of the Governor in Council on the Order above recorded, the Court of Foujdaree Udalut have again referred to the evidence given by the Witnesses in this Case by the several Tribunals: and their opinion as to the worthlessness of that for the Prosecution remains unshaken.-

6. The Court at the same time resolve to represent to Government that as they already have before them the entire Record of the Trial, no new information can be obtained from the Judge of Circuit and that a further reference to that Officer would consequently be of no avail. Added to which, the Judge of Circuit in his Return of the 3d Instant, has certified that orders have been already issued for the release of all the Prisoners.-

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

Sent in No.

Read letter dated the 5th Instant from the Provincial Court of Circuit in the Northern Division, transmitting for the consideration and orders of the Court of Foujdaree Udalut an Extract from their Proceedings of the same date.-

(Here enter F16. No. 1367 of 1837.)

From the papers which accompanied the letter above recorded, it appeared that

that one Mangaty Rungupah was charge
before the Joint Criminal Court at Cuntoo
with beating with a Lattie and thereby pro
injuring a female who had been formerly
in his service; and being convicted and
sentenced to imprisonment and hard labour
in irons for six months, and to pay a fine
of One hundred Rupees commutable if
not paid to imprisonment for the further
period of six months, under Section VII
Regulation X of 1816.

2. The Acting 2d Judge of the Pro
vincial Court of Circuit being alone present
at the Sudr Station and being of opinion the
the severity of the injuries on the person of
the complainant is of that nature to have
removed the case out of the cognizance of
the Criminal Court, resolved to refer the
subject as to the propriety of the prisoners
commitment before the First Judge now
on Circuit, for the determination of the
Foujdaree Udalut.

3 The Court of Foujdaree Udalut
are of opinion that considering the prisoners
advanced age stated in the Petition
No 201 of 1837 to be eighty years, it would
not be advisable to disturb the sentence
passed

passed by the Joint Criminal Court with
the view of increasing the punishment.

Ordered, that Extract from
these proceedings be sent to the Provincial
Court of Circuit in the Northern Division
for their information.

/Sent in No

Read letter from the Criminal
Judge in the Zillah of Canara, submitting
copy of a letter from the Assistant Criminal
Judge, requesting authority to offer a condition
al pardon to one "Mookree," and in the event
of his consenting to become an approver,
to one "Abadoo" also, in the hope that the
evidence of these prisoners may prove
sufficient to convict the principals of the
murder of one Berana and his wife.

/Here enter No 1371/

Under the authority vested in
them by Section XII Regulation XIII of 1832
the Court of Foujdaree Udalut sanction
the offer of a conditional pardon to the
prisoner named "Mookree," and conditionally
to the prisoner "Abadoo" also, which they
declare may be made in the terms prescribed
in the Circular Order of the 3d of April 1832

Ordered, that Extract from these
proceedings

proceedings be forwarded to the Criminal Judge in the Zillah of Canara for his information and guidance.

/Sent in No.

Read letter dated the 6th Instant from the 3rd Judge of the Court of Circuit in the Western Division forwarding a State-ment received from the Acting Joint Criminal Judge of Malabar of Batta paid to Prosecutors and witnesses during the 2nd Quarter Sessions of 1837.-

/Here enter No. 1370./

Read the Criminal Reports dated the 1st Ultimo from the Joint Criminal Judge of Tinnevelly for the month of June 183-

/Here enter No. 1376/

Read the Criminal Reports dated the 12th Instant from the Criminal Judge of Tchingleput for the month of June 1837.-

/Here enter No. 1389/

Read letter dated the 8th Instant from the Special Commissioners at Mangalore forwarding the original Death warrant passed in Case No. 4 tried by the Special Commission.

/Here enter No. 1398/

F.C.

F.C.

At a Court of the Foujdaree Udalut.

Present.

Tuesday 18th July 1837.

Charles May Lushington Esqre. 1st Puisne Judge

John Bird Esqre. _____ 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. Acting 3rd Puisne Judge

Read letter dated the 24th 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. 1 on the Chingleput Calendar for the first Sessions of 1837.-

/Here enter F.C. No. 1250 of 1837/

This is an Indictment for Perjury - and the charge against the prisoner Bawa Saheb - as indicated in the arraignment adopted by the Court of Circuit is as follows.

"You are charged with having appeared as a claimant to receive a certain sum of money from the Additional Government Commissioner on account of arrears of pay due to the late Mahommud Raja and being called upon to depose to certain matters of fact regarding the same, did, on the 30th March 1835 or 19th Rungoony of the year Jayah

Jayah after having been duly sworn, deposes on
oath in words to the following effect: Mahom
Rajah has three daughters: one named
Manshabee, another Cuttesabee; and the other
Noorbee. Manshabee is now in the Bandy; he
husband died whose name I do not recollect
the said Cutterjabee also is in the Bandy.
Whereas in truth and in fact the said Cutte
jahbee was not in the Bandy, but was at
Bangalore at that very time. In consequence
of which false swearing you received the
amount of arrears of salary due to the father
of the said Cutterjahbee and that you well
knew at the time of the said swearing the
the deposition so given was false."

2. The Court of Foujdaree Udalut
observe that the foregoing assignment is
essentially defective inasmuch as it contains
no averment that the "point" respecting which
the alleged false deposition was given was
"material to the issue" of the Inquiry then
pending before the Additional Government
Commissioner.

3. The omission in the first instance
by the Criminal Judge and the neglect of the
Circuit Judge to rectify it are the more
reprehensible seeing that the definition of the

18th July 1837.

page 3. Pt. 01

the crime of Perjury in Section IV Regulation
VI of 1811 is to precede, and that the Circ-
-cular Order of the Court of Foujdaree Udalut
of the 31st January 1814 distinctly declares
that "failure of proof on any one of the
points specified in the definition of Perjury
contained in Section IV, Regulation VI.
of 1811 must be fatal to the prosecution;
because the crime is defined to consist,
not in one or more of these particulars, but
in all and every one taken together."

4. With the Circular Order of the
31st January 1820 was circulated for the
guidance "of the several Courts of Circuit
and Criminal Judges" a form of Indict-
-ment in Trials for Perjury which was to
be "in all instances conformed to, as far
as the nature of the case will admit."
That those "instructions" have been regarded
neither by the committing officer nor the
Judge of Circuit is wholly unaccountable.

5 Being of opinion that the
omission here pointed out necessarily and
absolutely vitiated the whole proceedings, the
Court of Foujdaree Udalut resolve to quash
the Trial and to direct that the Third
Judge of Circuit do instruct the Crimina

Judge

18th July 1837.

Judge of Chingleput to take the necessary steps for bringing the prisoner Buswa Sahib for Trial before the Court of Circuit upon a provided arraignment, when it will be his duty to endeavour to produce evidence to prove not only "the falsehood of the words on which the perjury is charged", but also that they were uttered on a point "material" to the issue of the Judicial proceeding upon which should likewise be "descended" upon it may be.—

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

Sent in No.

Read letter dated the 29th Ultimo from the Third Judge on Circuit in the Centre Division transmitting copies of the Calendars for the Primary and Supplemental Calendars for the First Sessions of 1837.—

Here enter F.C. No. 1308 of 1837.

Case No. 1.

1.

It appears from the Remarks of the Judge Presiding that "with no hopes of being able to complete this trial of this case" he "deferred it until the last Court day in "order to allow time for the attendance of

F.C.

18th July 1837.

"the first, second and third witnesses, whose "evidence is most material to the prosecution "but they having to the last moment failed "to attend the Court, he examined the "prosecutor and the fourth, fifth and sixth "witnesses who were in attendance and has "been obliged unavoidably to postpone the "case" Vide.—

The Court of Foujdaree Adalut

2

observe that this proceeding is directly at variance with their Circular Order of the 28th June 1827. It would seem that before commencing the Trial, the Circuit Judge had satisfied himself that it could not be brought to a close upon the testimony of the witnesses present: and it ought therefore not to have been commenced.—

* Printed copy page 142.

The recognizances being forfeited

3.

the Judges of Circuit will report whether orders were issued for the levying of the same from the absent witnesses

The Judges of Circuit will

4.

likewise report "what measures were adopted by the Criminal Court, either spontaneously, or under his orders, to procure "the attendances of the parties, specifying "the dates of such orders as may have been

"been issued on the subject: and will further
"detail the circumstances which have rendered
"those efforts abortive;" as required by the
"Circular Order No. 53 dated the 24th September 18
5. It is observed that no mention
is made of the causes of the non attendance
of the witnesses.-

Case No. 3. 6. It is stated in the Calendar
that "the Fetwa is approved of as to the
"acquittal of the prisoner but his confession
"before the Head of Police and of his having
"been identified by the first witness supplies
"strong suspicion against the prisoner he is
"therefore required to find two sureties" &c.-
7. According to the Abstract of
the evidence in the Calendar the Prosecutor as
well as the first witness identified the prisoner
on the night of the Robbery. The Mahom-
medan Law Officer of the Court of Circuit
has recorded his reasons for acquitting the
prisoner, but the Judge of Circuit has not;
and as the evidence of the Prosecutor and the
first witness was not deemed by the latter
Officer objectionable, the Court of Sunjarat
Adalut are unable to understand upon what
grounds he could convict on this acquittal
of the accused.-

Case No. 6. 8. In this case the Circuit Judge
remarks that "strong suspicion attaches to
"the second prisoner on the ground of his
"having been identified by the Prosecutor and
"of his confession before the Head of Police.
"Moreover some of the witnesses depose to
"have seen him with the first prisoner
"when apprehended."-
9. In the opinion of the Court
of Sunjarat Adalut, the testimony of the
Prosecutor coupled with the confession before
the Police Officer was sufficient to justify
the conviction of the second prisoner.-

Case No. 7 10. It is stated in the Calendar
that "the Prosecutor and two of his witnesses
"identified the second and third prisoners
"who likewise confessed the crime before
"the Head of Police. From these circumstan-
"ces, the Fetwa is approved of as to
"their acquittal."-
11. It thus appears that the Judge
of Circuit acquitted the second and third
prisoners, notwithstanding they were iden-
tified by the Prosecutor and two witnesses
and were proved to have confessed before
the Police Officer.-
12. This decision of the Judge of
Circuit

Circuit requires explanation.-

Case No. 14. 13. The Court of Tonjdaree Udalut do not consider the reasons assigned by the Judge of Circuit for the acquittal of the first and second prisoners in this case, satisfactory.-

Ordered, that Extract from these proceedings be sent to the Third Judge on Circuit in the Centre Division by Peon[illegible] returnable within ten days from and after its receipt.-

/Sent following Precept No

Read letter dated the 8th Inst. from the Acting Judge on Circuit in the Centre Division reporting the commencement of the second Sessions of 1837 at Cudapah.-

/Here enter No. 1384./

Read letter dated the 12th Inst. from the 3d Judge on Circuit in the Western Division reporting the commencement of the Sessions at Calicut.-

/Here enter No. 1382./-

At a Court of the Tonjdaree Udalut.

Present

Wednesday 19th July 1837. Charles May Lushington Esqr. 1st Puisne Judge
John Bird Esqr. ——— 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. Acting 3d Puisne Judge

Read again letter dated the 28th Ultimo, from the Special Commission at Mangalore, submitting for the final judgment of the Tonjdaree Udalut the record of the case No. 11 tried by the Special Commission at Mangalore.

(Here enter No. 1320.)

Read also Order of Government dated the 15th Instant, confirming the sentence passed by the Court of Tonjdaree Udalut in Case No. 11 tried by the Special Commission at Mangalore.

(Here enter No. 1406.)

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoners

1st Kunha
and
2nd Kallo

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

18th July 1837.

The Court likewise direct that
extract from their proceedings under date the 10th
Instant, be sent for the information and guidance
of the Mangalore Special Commission
(Sent following letter No.

Read letter dated the 15th Instant
from the Officiating 2nd Judge of the Court of
Circuit on the Centre Division, transmitting copy of
the Chittoor 11th Supplemental Calendar for the 2nd
Quarter Sessions of 1837.

(Here enter No. 1401)

Read letter dated the 7th Instant
from the Acting 3rd Judge on Circuit on the Northern
Division, reporting with reference to the letter from
the Sanjdaree Adalut of the 26th Ultimo. that he closed
the Sessions at Chicacole on the 7th Instant, and that
the Mahommedan Law Officer has been instructed to
proceed to Masulipatam with as little delay as
possible.

(Here enter No. 1409)

Read letter dated the 13th Instant
from the Criminal Judge of Chittoor, forwarding the
working statement received from the Commanding
Officer at Arcot for the Month of June.

(Here enter No. 1415)

Read letter dated the 13th Instant
from the Magistrate of Salem, submitting the

19th July 1837.

explanation called for in the extract proceedings
of the Sanjdaree Adalut under date the 26th Ultimo,
relative to case No. 75 of 1837 on the file of the
Criminal Court of Salem.

(Here enter No. 1415)

Read letter dated the 8th Instant, from
the Magistrate of Coimbatore, submitting explana-
tions called for by the Court of Sanjdaree Adalut in
their proceedings under date the 20th May 1837, re-
lative to certain cases on the Criminal Reports
for the Month of April 1837.

(Here enter No. 1416)

Read Criminal Reports dated
1st Instant from the Criminal Judge of Salem for
the Month of June 1837.

(Here enter No. 1420)

Read letter, dated the 12th Instant,
from the Magistrate of Canara, forwarding a
copy of a letter from the Joint Magistrate of Canara
explanatory of case No. 48 on the file of the
Criminal Court of Mangalore for the Month of
June, noticed in the extract proceedings of
the Sanjdaree Adalut under date the 22nd
June 1837.

(Here enter No. 1422)

F. 66

At a Court of the Foujdaree Udalut

Present

Charles Mary Lushington Esqr. 1st Puisne Judge

Thursday 20th July 1837. John Bird Esqre _____ 2nd Puisne Judge

Alexr Duncan Campbell Esqre Acting 3d Puisne Judge

Read the Report prescribed by Section XXXVII Regulation VII of 1802 of the Acting Third Judge late on Circuit in the Southern Division for the second Sessions of 1836 dated the 29th April 1837

Here enter F. 66. No 904 of 1837

Read also Return dated the 23d Ultimo from the same Officer to the Precept of the Court of Foujdaree Udalut under date the 29th May 1837 directing him to send up copies of all the Calendars laid before him by the several Magistrates in the Southern Division with copies of the proceedings on which he may have held thereon as required by the order of the 29th February 1836

Here enter F. 66. No 1262 of 1837

Paras 11 & 13. The Court of Foujdaree Udalut have ascertained that on the date on which the remarks contained in these paras were recorded

recorded the Extract from their proceedings under
date the 25th November 1836 laid before Govern-
ment, wherein the request of the Judge of
Combaconum to be relieved from the duty of
drawing the Abstract of Pleadings in Pow
his own handwriting, was pronounced to
be inadmissible, had not reached that Officer.

2.

The Court do not doubt that
Mr. Lewin has subsequently conformed to the
ordered issued for his guidance in this respect.

Parahs. 17 & 20.

3.

The Court of Tanjore Udalut are
not of opinion "that the punishment provided
"by the Regulations in force is inadequate to
"the suppression" of Gang Robbery and they
observe that the suggestion in para. 17 that
"in all cases of Gang Robbery of an aggravated
"nature the Judge or Cuzzat should have au-
"thority to pass or recommend a sentence of
"capital punishment - commutable to transporta-
"tion for life - to be carried into effect exclusive
"ally as an example to deterr others" carries the
Law now stands, be adopted in the cases
specified in Clause Second, Section IX, Regu-
lation XV of 1803.-

Parah. 20.

4.

The "opinion" of the Acting Third
Judge "that the powers of the Magistrates and
the Heads of Police ought to be extended in the

"advantage" is obviously too General to admit
of any discussion: but if that Officer should
think proper to come forward with any dis-
tinct suggestion on the subject, the Court
of Tanjore Udalut will be prepared to
take it into their consideration.-

5.

The Acting Third Judge goes on
to argue "that Police Officers should be again
"empowered to inflict corporal punishment in
"cases of petty theft."-

6.

On this point no doubt opinion
may but it appeared to the Court of Tanjore
Udalut that the Supreme Government, who
have already taken the power of inflicting
corporal punishment from European Officers
in Bengal by Regulation II of 1831 of the
Bengal Code, will certainly not vest it in
Native Officers of the Presidency of Fort St. George.

Moreover the Native Officers

7.

of Police under the provisions of Clause
Second, Section IV, Regulation IV of 1821 are
still competent to apply to the Magistrate
whenever they may be of opinion that in
cases of Petty Theft the punishment they
are empowered to inflict is not adequate
to the offence committed.-

Parahs. 22 & 31.

8.

In these parahs. the Acting
Third

Third Judge comments "on the inconvenience
"attending the present system of summoning
"witnesses for examination before the Court of
"Circuit in behalf of prisoners" and suggests
certain arrangements by which the inconvenience may be diminished—

9. It doubtless not unfrequently happens as remarked by the Acting Third Judge that "after all, their evidence is frequently useless" but nevertheless it seems to the Court of Foujdaree Udalut that no accused person can be debarred of his right to call witnesses for his defence and until they have been examined, it is not possible to determine whether they will be useful or not. The Court see no reason to doubt the sufficiency of the various orders which have been issued, and of the existing Regulations on this subject—

10. Indeed in the twenty seventh paragraph of his Report the Acting Third Judge admits that he is "at a loss to suggest any adequate remedy for these evils and at the "same time to give every prisoner a fair chance "of establishing his innocence if he can do so "to deprive him of which" he justly remarks "would be an infinitely more serious evil than

"those complained of"—

11. Being of opinion that there is quite enough committed to the Native Police Officers already, the Court of Foujdaree Udalut are unable to concur in the suggestion offered in paragraph 28. that "the Criminal Courts" be "authorized to cause the depositions "of such witnesses to be taken by the Police "Officers on the points they were called to "prove; and on these depositions being forwarded to them to exercise their discretion "as to whether the said witnesses should be sent up to them for further examination or "not, according as their evidence proved "favorable to the Prisoners or otherwise"—

12. The Acting Third Judge allows that "this might be objected to, on the "ground that the witnesses would be dissuaded "by the Police from deposing in favor of "the prisoners, even when able to do so" and the Court of Foujdaree Udalut will add that such witnesses would too frequently plead ignorance for the sake of escaping from the personal trouble and inconvenience which a journey to the Station of the Criminal Court would necessarily involve—

In respect of the suggestion

13. in

in Parah: 30. "that in forwarding to the Cou
"of Circuit all witnesses named by Prisoners
"in their defence, the Police Officers should be
"enjoined invariably to send along with them
"Report stating who they are, what are their
"characters and means of livelihood and what
"they are related to, or any way connected
with, the Prisoners for whom they are cited
to appear and give evidence" the Court of Fouj
-daree Udalut observe that in their opinion
such a "Report" would not be sufficient to
justify the rejection by the Criminal Court
of the evidence offered in behalf of the ac
-cused; nor could its fidelity be depended on
to say nothing of the time and labour which
would be consumed in attempting to attain
the information.-

Parahs: 40 & 45. 14. The prisoners in the Jail at
Coimbatore complained "that their health and
"suffering, and their teeth loose and falling
"out, from their being wholly debarred from
"the use of Betel and Tobacco" and the
Acting Third Judge deem "a moderate
"quantity of such stimulants to be absolutely
"necessary for the preservation of the health
"of people who are accustomed from their
"childhood to the use of them, and to whom
"the

"the sudden and total deprivation of them
"must necessarily be injurious".-

The Court of Foujdaree Udalut
15 observe that if any modification of the ex-
isting orders on this subject be requisite at
Coimbatore, it should be adopted on a pe-
presentation of the necessity of the same
being made by the Medical Officer in
charge: but no such representation has e
hitherto been submitted: and although "the
same complaint was made "to the Acting
Third Judge "at almost every Jail" he e
"visited on the Circuit," yet there is nothing
in his present Report to show that e
the health of the prisoners in any other
jail than that at Coimbatore was injured
by their abstinence from those prohibited
articles.-

Parah: 47. 16. As, subsequently to the date
of the Acting Third Judge's Report, no
application has been received from the
Officer Commanding the Neilgherries,
the Court of Foujdaree Udalut presume
that the required repairs of "the Cook
rooms and other small buildings" at
Ootacamund have been completed.-

Maqtee Calendars
Coimbatore
Cases 41 & 55.

17. In these eleven cases, the e

Defendants

Defendants were charged with having ille-
gally exacted from different persons, sums
varying in amount as compensations for
expences alleged to have been incurred in
procuring the committal of the late Talliar
of the Village in which the Complainant
resided, to the Jail; and as "consideration"
for procuring the appointment of another
Taliary &c.—

18. The Complaints were dismissed
and in Case No. 44 the Defendants were
reprimanded, "as from the general tenor of
"the Statements of the Witnesses there was
"are persons of considerable property, had
"attempted to obtain undue influence in the
"part of the country in which they resided"

19. The Acting Third Judge will
be pleased to call upon the Magistrate of
Coimbatore to submit a fuller Statement
of the particulars of these cases than the
Calendar contains: and will report the
result to the Court of Sessions. Bathie

Tanjore
No. 59.

20. In this case, four persons were
charged with beating the Complainants
daughter and so causing her death—

21. It is stated in the Calendar that

The

F. 66.
20th July 1837.

"the deceased before her death gave her depo-
"sition in which she stated that the co
"prisoners had beaten her, and named wit-
"nesses as being present. These witnesses
"deny all knowledge of the beatings, and by
"the evidence of the deceased's father, it
"appeared that she was out of her mind.
"The prisoners all denied the charge and
"were dismissed."—

The Acting Third Judge will
be pleased to report whether he ascertained,
by personal inquiry, in what way the de
deceased, if she was actually insane,
at the time.—

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

Sent following Precept No.

Ordered also that Extract
from these proceedings with a copy of
the Report be sent to the Chief Se
Secretary to Government to be laid
before

before the Governor in Council

/ Sentrin No.

Read letter dated the 10th Instant
from the Acting 2nd Judge on Circuit in
the Southern Division reporting the opening
of the Second Sessions of 1837 at Mooreah
on the 8th Instant.-

/ Here enter No. 1388 /

Read return dated the 7th Instant
from the Criminal Judge of Malabar to the
Precept of the Foujdaree Udalut dated the
28th June 1837- conveying their observations
and orders on the Criminal Reports of
the Zillah Court of Malabar for the
month of May.-

/ Here enter No. 1392 /

Read Criminal Reports &c &c
the 30th Ultimo from the Acting Joint
Criminal Judge of Tellicherry for the
month of June 1837.-

/ Here enter No. 1402 /-

Ent Wh.

WB

At a Court of the Foujdaree Udalut

Present

Friday 21st July 1837.

Charles Mary Rushington Esqre 1st Puisne Judge
John Bird Esqre ——— 2nd Puisne Judge
Alexr Duncan Campbell Esqre Acting 3rd Puisne Judge

Read the Honore Criminal Reports
prescribed by Section XXXV Regulation X 1816 for the
Month of June.
(Here enter No. 1395.)

Sessns Report.
Case 58.

The prisoner in this case was
charged with having effected his escape while
in Custody of a Peon under a charge of robbery
and he has been sentenced to "one Months imprison-
ment with — labor, without irons". The Principal
Sudr Ameen observes that "the prisoner merely
"attempted to escape without being able to effect
"it, being seized immediately".-

The Court of Foujdaree Udalut being
of opinion that the prisoner was not punishable
under Clause 3d Section V Regulation VII 1822
for the mere attempt to escape, resolve to direct
that he be released.-

Ordered, that extract from these
proceedings be sent to the Principal Sudr Ameen
at Honore for his information and guidance

by

21st July 1837.

by Precept returnable in 3 days after receipt —

(Sent following Precept No.

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

(Rec.d enter No. 1425)

Report V
Case 103.

1. It appears to the Tondiarr Udalut, as far as they are able to judge from the Report, that the case of the prisoner "Alagan" falls under Clause 3d. and not Clause 2d. Section V. Regulation VII of 1822, and that he is liable only to a sentence not exceeding 6 months imprisonment. Should the Acting Criminal Judge have no explanation to offer he will be pleased to modify the sentence accordingly —

Report IX

2. There are four cases entered in this Report, of which the trials No.s 1 and 2 were disposed of in the month of May and the trial No. 1 was disposed of on the 17th Ultimo. The Court of Tondiarr Udalut do not understand therefore, why their orders on the said cases were not communicated to the Criminal Court before the end of the Month of June —

3. The case No. 3 should not have appeared in this Report at all, as it has not been under reference to the Tondiarr Udalut —

Ordered, that extract from these proceedings be sent to the Acting Criminal Judge at Madura for his information and guidance —

21st July 1837

by Precept returnable in 3 days after receipt —

(Sent following Precept No.

Read the Bellare Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of June —

(Rec.d enter No. 1394)

Read also return from the Criminal Judge at Bellare dated the 5th Instant to the Precept of the Tondiarr Udalut of the 20th Ultimo conveying their orders on the Bellare Criminal Reports for the Month of May —

(Rec.d enter No. 1349)

In the Criminal Report for "May"

June Sess.n Report Case 69.

1. it was stated that this case, had not been disposed of in consequence of a reference having been made to the Provincial Court of Circuit, and the Court of Tondiarr Udalut accordingly called for an explanation of the subject of the reference —

In the above return the required

2. explanation is given by the Criminal Court, but, it is observed, that the case is still undisposed of. The Court of Tondiarr Udalut deem it proper to direct that copy of the cases 69 and 70 (which latter case is also still on the Criminal Court's file, awaiting a reply to the same reference) as they stand in the Report be sent with an extract

extract from these proceedings to the Provincial Court of Circuit who will be pleased to state why the reference in question was not answered in time to enable the Criminal Court to dispose of the cases during the Month of June. In the event of the answer having been sent to the Criminal Court previous to the receipt of these proceedings the Provincial Court of Circuit will communicate it to the Tonjadare Udalut.

Ordered, accordingly; that copy of cases 69 and 70 with extract from these proceedings be sent to the Provincial Court of Circuit on the Centre Division for their information and guidance by Precept returnable in 3 days after

(Sent following Precept No.

Read the Cuddalore Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for the Month of June.

(Here enter No. 1403)

Sessions Report Case 81.

The Court of Tonjadare Udalut, being of opinion that there are not sufficient grounds shewn in the Report for the requisition of security from the prisoners in this case, resolve to direct, if the Acting Joint Criminal Judge should have no further explanation to offer, that

Fort St. George.

21st July 1837

that the prisoners be released if in confinement or that the bailbonds be cancelled if the required security has been furnished.

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.

Read the Vizagapatam Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of June.

(Here enter No. 1429)

Report V Case 32

Under the circumstances of this case the Court of Tonjadare Udalut direct that copy of it 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 Head of Police of Anthapilly, and report direct to the Tonjadare Udalut what notice he has deemed it proper to take of it.

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.

Read

21st July 1837

Read the Chittoor Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of June.

(Here enter No. 1404)

Sessns Report Case 90.

In this case it is observed that the property produced in Court was shewn not to be the same which was taken from the prisoner. The Court of Foujdaree Adalut deem it proper 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 conduct of the Head of Police of Tautgoor and report direct to the Foujdaree Adalut what notice he has found it necessary to take of the irregularity which would appear to have been committed in this case during the time it was under investigation 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 3 days after receipt.

Sent following Precept No.

Ed W.

AD

WB

O. F. U.

At a Court of the Foujdaree Adalut

Present

Saturday 22nd July 1837

Charles Mary Lushington Esqre 1st Puisne Judge

John Bird Esqre 2nd Puisne Judge

Alexr Duncan Campbell Esqre Acting 3d Puisne Judge

Read letter dated the 13th Instant from the Criminal Judge in the Zillah of Cuddapah submitting copies of certain papers connected with 5 cases on the Calendar laid before Mr Bushby the Acting Judge of Circuit, which Mr Angelo considers to have been improperly returned to the Criminal Court, observing that "it will be attended with the most lamentable consequences "should the Circuit Judge be permitted thus to "defeat the good done by the Subordinate Tribunals", and submitting his opinion that the papers forwarded "so completely proves to demonstration the mischief "which must arise from Mr Bushby retaining "the power of pursuing his present course as to "demand the instant interference of higher "authority".

(Here enter No. 1397)

Read also letter dated the 14th instant from the Criminal Judge in the Zillah of Cuddapah submitting "two more "instances of that pernicious facility of acquittal "which

"which characterizes the proceedings of the Judge
"who unhappily for the ends of justice has been
"selected to conduct the Sessions at Cuddapah, and
"calling upon the Court of Fouzdaree Udalut quickly
"to interpose between outraged justice and the
"incapacity of Mr Bushby."

(Here enter No 1417.)

Read also letter from Mr Bushby the Acting Judge on Circuit in the Centre Division forwarding for the consideration of the Fouzdaree Udalut a copy of a correspondence between himself and the Criminal Judge of Cuddapah, relative to certain cases committed for Trial before the Court of Circuit and by that Court returned to be disposed of by the Criminal Judge.

(Here enter No 1418.)

1.

The communications which the Criminal Judge of Cuddapah has thought proper to address to this Court and to the Judge on Circuit in the Centre Division are replete with observations so unprecedented, unbecoming, and contemptuous towards the Court of Circuit, that the Court of Fouzdaree Udalut feel themselves imperatively called upon to submit without delay a copy of the papers recorded above for the consideration and orders of the Governor in Council.

2.

In the absence of the Calendars laid before the Court of Circuit at Cuddapah the Court of Fouzdaree Udalut are unable to express any conclusive opinions on the proceedings held by the Court of Circuit in the cases referred to in Mr Angelo's letters, but whatever errors may have been committed by the Judge on Circuit the cognizance of them appertains only to the Superior authority, whilst nothing can justify the terms and spirit of Mr Angelo's extraordinary communications.

3.

Indeed the tone of disrespect and insubordination which pervades the whole of the Criminal Judge's correspondence on this subject, is such as to constitute, in the opinion of the Fouzdaree Udalut a case of aggravated misconduct such as the Court is directed to report to the Governor in Council under the provisions of Section XXIV Regulation VIII of 1802.

Ordered accordingly, that a copy of the foregoing letters and the original of the enclosures which accompanied them, together with an extract from these proceedings be transmitted to the Chief Secretary to Government for the purpose of

22nd July 1837.

of being laid before the Governor in Council.

(Sent in N.)

Read letter dated the 12th Instant from the 1st Judge on Circuit in the Northern Division, reporting his intention to open the Sessions at Gunturr on the 3. August 1837.

(Here enter N. 1137)

Read letter dated the 15th Instant from the Provincial Court of Circuit in the Western Division, transmitting the Sessions Commitments Reports for the Month of June 1837.

(Here enter N. 1142)

Read return dated the 17th Instant from the Provincial Court of Circuit in the Western Division to the Precept of the Jongdance Udalut dated the 26th June 1837, conveying their observations and orders on the Sessions Criminal Reports for the Month of May.

(Here enter N. 1163)

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24th July 1837.

Read Petition presented on the 3d Instant
by Annuntacharry of the Zilla of Chittoor.
(Here enter Mis. D. No. 68)

1

The Petitioner states that the 1 prisoner
in Case No. 1 of the 3d Supplemental Calendar 2d Sessions
Sessions of 1837 at Chittoor together with one Cothachellum
having beaten and wounded him severely, he complained
to the Head of Police who apprehended the parties
that the 1 prisoner in the said Case No. 1 were committed
and tried but that the Presiding Judge improperly
released them.

2.

Petitioner avers that the said 1 prisoner
did beat and wound him with the intent to kill him
and he prays the Court of Sudder Adalut to take for
the proceedings and adjudge punishment to them.

3.

The Petitioner is informed that the
Sudder Adalut have no power to over rule an acquittal
by a Court of Circuit, and that the prayer of his Petition
is inadmissible.

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

Read Petition presented on the 8th
Instant by Sectaramah Naik - Madar Khan

and

24th July 1837.

and Syed Hussain.
(Here enter Mis. D. No. 61)

The Petitioners, representing themselves to
be State Prisoners of the Gaol in the Zillah of Chingleput, state
the circumstances under which they have been dismissed
and alleging their acquittal to be unjust, pray the Court
to issue orders for their restoration to their situations.

The Court of Sudder Adalut direct

2

that the Petitioners be informed that they see no
reason to interfere in their behalf.

Ordered accordingly and that Extract
from these proceedings be furnished to the Petitioners
on their application.

Read Petition presented on the 8th Instant
by Moottiah Moodely of the Zillah of Chingleput.
(Here enter Mis. D. No. 62 of 1837)

The Petitioner states the circumstances,

1

which, as he alleges, led to the commitment and trial of
the two prisoners in Case No. 2 of the Chingleput Calendar
1st Sessions 1837. He asserts the irregularity of the proceedings
held in the trial has been the cause of the release of the
prisoners, and he prays that they may be re-apprehended
and tried again.

The Court of Sudder Adalut see
nothing

2

24th July 1837.

nothing in the unexceptionable assertions of the Petitioner which calls for their interference. He is informed that the acquittal of the prisoners by the Circuit Court is a bar to any further proceedings against them on the same charge.—

Ordered accordingly that the prayer of the Petition No. 62 be rejected and that Extract from these proceedings be furnished to Petitioner on his application.—

Read Miscellaneous Petition presented on the 3d instant by Parayen Caroopen of the Zillah of Madura.—

(Here enter Mis. D. No. 63 of 1837)

The Petitioner prays that orders may be issued for the release from confinement of his brother Ramasawmy the second prisoner in Case No. 1 on the Madura Supplemental Calendar for the 1st Sessions of 1837 who was sentenced by the Court of Circuit to imprisonment with hard labour in irons for fourteen years.—

2 The Court of Sudder Adawlut direct that the Petitioner be informed that the sentence of the Court of Circuit has been set aside, and that an order has been issued for the release of the prisoner in question on his producing security for his future good behaviour.—

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

Read

2)

24th July 1837.

Read letter from the Provincial Court of Circuit in the Centre Division soliciting instructions regarding the mode of proceeding to be observed in certain cases of prosecution for the crime of Forgery.—

(Here enter No. 1865 of 1837)

1. The first question proposed by the Provincial Court of Circuit is whether when "a party in a "Civil suit depending or decided in the Court of a District "Moonsiff discovers that his opponent has filed a forged "document in that suit, and is desirous of prosecuting "him for that offence" "is the Zillah Judge or the Magistrate "the proper authority to take cognizance of the charge".

2. The Court of Sudder Adawlut are of opinion that in such case the Magistrate alone has jurisdiction, as the restriction imposed by Section VIII Regulation X of 1816 refers to all cases of forgery not falling under the judicial view of the Zillah Court.—

3. Under the opinion recorded above any answer to the 2d Question proposed by the Provincial Court of Circuit would appear to be unnecessary.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information.—

(Sent in No.

Read

Read letter dated the 8th instant from the Officiating Second Judge of the Provincial Court of Circuit in the Centre Division, forwarding copies of the Thirteenth 7th - 8th - and 9th Supplemental Calendars for the second Quarter Sessions of 1837.-

(Here enter D.L. No. 1386 of 1837)

Read also letter dated the 18th instant from the same Officer forwarding the Thirteenth 4th - 6th 7th - and 10th Supplemental Calendars for the same Sessions.-

(Here enter D.L. No. 1400 of 1837)

Fourth Supp.l Cal.r Case No. 1.

1. The Prisoner in this case was charged with having in company of five others, assaulted the Prosecutor and certain other persons on the high way, and robbed them of property valued at Rupees 184-4.-

2. The Prisoner was acquitted: but the Presiding Judge considering that strong suspicion attached to him, required him to find security for his future good behaviour.-

3. The Court of Enquiry are unanimous in opinion that the Presiding Judge was not authorized to dispose of this case without requiring the Indemnification of the Law Officer to declare by a second Fiat, whether or not the charge would be substantiated in the event of the evidence of the Prosecutor being admitted.-

4. This he will now do, and in case of conviction by the Law Officer he will proceed according to the Regulations; and in the event of the acquittal of the Prisoner, he will report the same to the Court of Enquiry for their information.-

Sixth Supp.l Calendar.

5. The Officiating Second Judge will be pleased to instruct the Magistrate of South Arcot to urge the Police of his District to use their best exertions for the reapprehension of the first Prisoner in the case on this Calendar - escaped since the close of the Trial.-

Eighth and Ninth Supp.l Calendars.

6. The Court of Enquiry are unanimous in objection to the sentences passed by the Court of Quarter Sessions in the cases on these Calendars.-

Ordered, that extract from these Proceedings be sent to the Officiating 2d Judge of the Provincial Court of Circuit in the Centre Division by Precept returnable within five days from and after its receipt.-

(Sent following Precept)

Read Extract from the Minutes of Consultation in the Judicial Department under date the 29th June 1837 No. 591- wherein (Parah 5) the Governor in Council "adverting to the observations of the Enquiry Judges that the Acting 2d Judge of the Provincial Court in the Centre Division had not nearly completed the business connected

connected with the 2d Sessions of 1836. the Governor in Council
desires to be informed if the Judges are aware of the cause
of this delay, and if not, that they will lose no time in calling
upon Mr. Hare for an explanation of the same which they
will submit to Government with their own opinion on the
subject.—

(Here enter S.R. No. 771 of 1837)

Read also letter dated the 7th instant from
the officiating Second Judge Sate on Circuit in the Centre
Division submitting the required explanation—

(Here enter P.G. No. 1384 of 1837)

1. In the fourth paragraph of his letter,
the officiating Second Judge after remarking that the
delay in closing the business connected with his last Circuit
is attributable "chiefly to the comparative inefficiency of the
Establishment of the Centre Provincial Court," observes that
"the great number of Trials referred and called up during"
his "last Circuit must not be overlooked in estimating the
labour of the Circuit" and that "the servants have great
difficulty in translating and copying fair the triplicate and
quadruple sets of proceedings before the different authorities
in each case, which are sometimes most unnecessarily prolix."

2. The Court of Sovereign Equity observe
that the Trials referred by and called up from the Civil
Courts

amount

3)

P.G.

24th July 1837.

amount in number to twenty seven, of which the Records of only twenty have yet been received. In the Western Division, the Judge of Circuit had nineteen referible Trials, which were all received by the 2d December last: and in the Southern Division, the Judge of Circuit had twenty two referible Trials which were also received by the 14th April.

It may further be observed that - excepting only in certain specified cases - the Judge of Circuit is, by the standing orders of the Court of Sovereign Equity, empowered at his discretion to dispense with the proceedings held before the Native Police and the European Magistracy.—

3. In respect of the suggestion in paragraph 6 that "in order to expedite the preparation of the translations of the proceedings of the Court of Circuit in the referred and called up Trials" "additional Translators at fixed salaries may be ordered to be employed at each of the several stations at which Gaol Deliveries are held in each Division" the Court of Sovereign Equity observe that there is no delay (and therefore no necessity for incurring any such extra expenditure) in the Western Provincial Court of Circuit, and no material delay in the Southern Court. The delays which have occurred in the Centre Provincial Court have arisen doubtless in a great measure from the inefficiency of the Native Ministerial Establishment: but it is probable also in some degree from bad management on

24th

on the part of the Circuit Judges. For example - John H. Peterson the date of his arrival at Cossapoo - namely the 9th July - and the end of December, Mr. King out up six cases only; in the Western Division Mr. Vaughan during the same period submitted nineteen. And even in the Centre Division, Mr. Davis had already with a single exception sent up the whole of his referible trials - twelve in number for the first Sessions of 1837.—

4. But it is obvious to remark that six inefficient servants should be discharged, and that the Judges of the Court of Circuit should not themselves procure the services of individuals fully competent to perform the duties required from them.

5. The Court of Enquiry declare that we are from imputing any intentional neglect to Mr. King, but they feel bound to state their opinion that the inefficiency of the Native Establishment is not the sole cause of the great delay which has occurred in closing the business of his last Circuit; but that it is in a considerable degree to be ascribed to his own defective arrangements.—

(paragraph 5)

6. In respect of the proposition to reduce the Batta of 70 Rupees monthly at present allowed to the Native English Translators while on Circuit, which they" he thinks "be one cause of those officers endeavouring to protract the period of the Circuit, and if necessary for this

salaries to them"; the Court of Enquiry declare that no delay in referring Trials can neither hasten nor retard the termination of the Circuit: and that consequently such a motive can hardly be deemed to have any influence on the Native Establishment: unless indeed - the Batta instead of ceasing with the Circuit, is continued until the business connected with the Circuit is closed. If such a measure has been allowed, it is a great abuse and must be immediately put a stop to: and the officiating Second Judge will be pleased to submit a report upon this point without delay.—

Ordered, that extract from these proceedings be sent to the Chief Secretary to Government with a copy of the letter of the officiating 2d Judge stating on Circuit in the Centre Division for the information of the Governor in Council.—

(Sent in No

Ordered also that extract from these proceedings be sent to the officiating 2d Judge stating on Circuit in the Centre Division by Precept, returnable within 6 days from and after its receipt.—

(Sent following Precept No

F. 66

At a Court of the Foujdaree Adalut

Present,

Charles May Lushington Esq^re 1^st Puisne Judge

Tuesday 25^th July 1837 — John Bird Esq^r. _____ 2^nd Puisne Judge

Alex^r Duncan Campbell Esq^re Acting 3^d Puisne Judge

Read return dated the 12^th Instant from the Criminal Judge of Cud-dapa, to the Court of Foujdaree Adalut of the 27^th Ultimo, conveying their orders on the Cuddapa and Cumbum Criminal Reports for the month of May.—

/Here enter № 1396/

Suppl^t. Report Case 62. 1. The Criminal Judge, with reference to the first para: of the proceedings of the Foujdaree Adalut of the 27^th Ultimo states in the above return "that the Assistant Judge, who disposed of the Case 62 of the Supplemental Report, had been directed to make the required communication to the Magistrate".—

2. The Foujdaree Adalut desire it may be pointed out to the Criminal Judge that he should himself have made the communication in question. He was, they observe, instructed to do so, and it had been ruled

puted that all communications between the Offices of "the Criminal Court" and "the Magistrate" shall be conducted by the heads of the departments.-

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Cuddapah for his information and future guidance.-

/Sent in No:

Read the Guntoor Criminal Reports prescribed by Section XXXV Regulation X. 1816 for the month of June.-

/Here enter No: 1426/

Report V Case 35.

1. In this case it is stated that "the Pt. prisoner desired to call witnesses to prove that he was during that part of the night at another village and did not return till late, but the Acting Joint Criminal Judge did not think it necessary to summon his witnesses." The Court of Foujdaree Udalut observe that the sentence awarded on this prisoner has expired, but they deem it proper to call upon the Acting Joint Criminal Judge to explain why he declined to call for the witnesses in question.

Case 39.

2. Under the circumstances of this Case, the Court of Foujdaree Udalut resolve to direct that copy of it as it stands in the Report and of this paragraph be sent from their Register's Office to the Judge on Circuit, who will be pleased to look into the proceedings and pass upon them such orders as he may deem proper, with reference to Section XXIII Regulation X 1816.-

25th July 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 3 days after receipt.-

/Sent following Precept No:

Ordered also, that Extract from these proceedings /para: 2/ with copy of Case 39 be sent to the Judge on Circuit in the Northern Division for his information and guidance by Precept returnable in 30 days after receipt.-

/Sent following Precept No:

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

/Here enter No: 1427/

Report V Case 50.

1. The Court of Foujdaree Udalut understanding from their Law Officers that

that the offence charged against the prisoners in this case amounts under the Mahomedan Law only to a misdemeanour, or forbidden act" deems it proper to direct the modification of the recorded sentence with reference to the provisions of Section VII Regulation X of 1816 under which the case falls.-

2. The Acting Criminal Judge will report for the information of the Foujdaree Adalut the modified sentence he may pass under these orders.-

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.

Read the Masulipatam or Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of June.-

/Here enter No. 1446/

Report v
Case 26.

1. In this case it is stated that of the seven prisoners the 6 first confessed the crime charged, before the Police. That the

the first prisoner "confessed" before Captain Vallancey "that he had committed the crime" and that "before Captain Vallancey the 3d., 4th. and 5th. prisoners admit a part of their depositions taken by the Police." Two witnesses appear to have deposed before the Joint Criminal Court that they accompanied the 1st prisoner to his house from which he produced the Jewels which were identified before the Joint Criminal Court.-

The Acting Joint Criminal

2. Judge acquitted all the prisoners "there being not the slightest evidence against them."-

The Court of Foujdaree Adalut,

3. under the circumstances of the case, deem it proper to direct that copy of it as it stands in the Report be sent with Extract from these proceedings from their Register's Office to the Judge presiding at the Quarter Sessions at Masulipatam, who will be pleased to look into the proceedings and pass upon them such orders, with reference to Section XXIII Regulation X of 1816 as they may appear to him to deserve.-

Ordered, that Extract from these proceedings with copy of Case No. 26 be sent to the Judge presiding at the Quarter

Quarter Sessions at Masulipatam for his information and guidance by Precept pe= returnable in 8 days after receipt.-

/Sent following Precept No.

Read letter dated the 8th Instant from the Acting Assistant Criminal Judge in charges of the Zillah Court of Ishiacole, trans= mitting the Reports prescribed by Section XXXV Regulation X of 1816 for the month of June 1837.-

/Here enter No. 1428./

Read return, dated the 13th Instant from the Acting 3d Judge on Circuit in the Northern Division, to the Precept of the = dance Adalut dated the 30th June 1837, conveying their observations and orders on the Vizagapatam Calendar for the first Sessions of 1837.-

/Here enter No. 1438./

Read letter dated the 21st Instant from the Officiating 2nd Judge of the Court of Circuit in the Centre Division, trans= mitting copy of the Chittoor 5th Supplemental Calendar for the 2nd Quarter Sessions of 1837.-

/Here enter No. 1459/

Read Statement dated the 20th Instant from the 3d Judge late on Circuit

in the Centre Division, required by Circular Order No. 4.-

/Here enter No. 1463./

Read letter dated the 21st Instant from the Criminal Judge of Chittoor, for= warding a Statement required by the Circular Order of the Foujdaree Adalut No. 88 for the 2nd Quarter of 1837.-

/Here enter No. 1470./

At a Court of the Foujdaree Udalut.

Present,

Charles Mary Smithington Esqre 1st Puisne Judge

Wednesday 26th July 1837 — John Bird Esqre ——— 2nd Puisne Judge

Alexr Duncan Campbell Esqre Acting 3rd Puisne Judge

Read again letter dated the 20th Ultimo from the 3rd Judge on Circuit in the Centre Division, transmitting the record in Case No. 4 of the Chingleput Calendar for the 1st Sessions of 1837.

(Here enter No. 1239)

Read also return dated the 17th Instant from the 3rd Judge late on Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 3rd July 1837, returning for explanation the Record of Case No. 4 on the Chingleput Calendar for the first Sessions of 1837.

(Here enter No. 1447)

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 Futwas of the Cazee-ool-Coozat and Mofteis of the Foujdaree Udalut, confirm the said

said Tuttwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the prisoner

Mooroogapa Moodely

of murder on strong Presumptive Proof and awarding Ookoobut, and under the provisions of Section X Regulation VIII of 1817, sentence him to suffer death by being hung at the usual time and place of execution.

/Sent following letter No.

Read letter dated the 21st Instant, from the Acting Assistant Criminal Judge of Bellary, submitting the Quarterly Statement of the amount realized by the Labor of the Convicts.-

/Here enter No. 1486/

Read order of Government Dated the 25th Instant, communicating the Governor in Council's entire approval of the orders issued by the Foujdaree Udalut for the release of all the prisoners in Calendar No. 3 on the Sunnuelly Calendar for the first Sessions of 1833.-

/Here enter No. 1488/

Thursday 27th July 1837.

F. U.

At a Court of the Foujdaree Udalut.

Present,

Charles May Lushington Esqr.- 1st Puisne Judge

John Bird Esqr. ———— 2nd Puisne Judge

Alexr. Duncan Campbell Esqr.- Acting 3rd Puisne Judge

Read letter dated the 8th Instant from the Acting Third Judge on Circuit in the Northern Division, submitting a copy of the Chicacole Calendar for the first Sessions of 1837.-

/Here enter F. U. No. 1424 of 1837/

This Trial was postponed in consequence of the absence of the 1st-9th and 11th Witnesses.-

Case No. 1.

1.

Of the particular steps taken to procure the attendance of those persons, an account is given in the Calendar.-

2.

But it appears to the Court of Foujdaree Udalut that the measures adopted by the Criminal Court were indufficient-

3.

The first prisoner in this case was charged with having caused the death of a female named Parvaty by beating her with a stick: and the second with having aided and abetted him.-

Case No. 7.

4.

27th July 1837.

5. It is remarked in the Calendar that "in this Case the Assault seems to have originated in a family dispute. No evidence was taken as to the deceased having come by her death from the effect of the blows given her by the Prisoner nor was the corpse inspected, and a Punchayatnamah made out, nor is there any evidence to shew whether the murder was intended or accidental" and "as the commitment or non-commitment of the Prisoners depends on the above points the Case was returned to be re-investigated by the Criminal Court.

6. It appears to the Court of Foujdaree Udalut that all the information necessary for the elucidation of this case might have been obtained from the Witnesses in attendance before the Court of Circuit, and that the trial need not have been postponed.

Case No. 8. J. Of this case, wherein two prisoners were charged with having caused the death of one Domayeeaug by cutting him with a sword on various parts of the body, the Record was returned to the Criminal Court with instructions "to obtain all the evidence procurable and ascertain the cause of the deceased's death."

The

27th July 1837.

The Court of Foujdaree Udalut

8. are unable to discover any sufficient reason for the postponement of this Trial.

The prisoner in this Case was

Case No. 12. J. charged with having, in concert with some others, plundered the Prosecutor's house of property valued at Rupees 48-5-4. and further with having wounded the Prosecutor's father on the throat with an arrow which occasioned his death in the following morning.

The Trial of this case was

10 postponed in consequence of the absence of the second witness for the Prosecution - reported by the Nazir to be prevented from attending by reason of severe sickness.

The Court of Foujdaree Udalut

11. observe that this Trial might have proceeded, if the Judge of Circuit had referred to their Circular Order of the 8th May 1833, which declares that "the deposition of a witness taken upon oath in the presence of a prisoner who has been brought before the Magistrate on a charge of felony, may be given in evidence on the trial of an Indictment for the same felony, if it be proved on oath to the satisfaction of the Court that the informant is dead or prevented by

Pc. Cty pag. 336.

27th July 1837.

Case No. 14.

by sickness from attending.—

12.

The prisoner in this Case was charged with having on the 6th May 1837. at midnight, broken into the Prosecutors' houses and stolen therefrom property of the value of Rupees 137-12.—

13.

The prisoner is convicted, but as he appears to be a Ryot not addicted to such crimes as the present, and it was from his simplicity alone that he was prevailed upon to be concerned in it, the Judge of Circuit recommends that the punishment to which he has rendered himself liable be reduced to imprisonment Vizt. for three years.—

14.

Under the authority vested in them by Clause Third, Section III. Regulation I of 1825, the Court of Foujdaree Udalut, not deeming the sentence proposed by the Judge of Circuit adequate to the offence proved, resolve to direct that the prisoner Hasem Nayadar be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of four Years.—

Case No. 15.

15.

In this case, the prisoner was charged "with having, with some other Gang Robbers,

27th July 1837.

Robbers, attacked the Prosecutors' houses on the night of the 24th April 1837, and plundered them of property" of the aggregate value of Rupees 48-8-8.—

"The Futwa convicts the Prisoner of Gang Robbery on the evidence of the Prosecutors and the 1st and 2d Witnesses added to that of the 4th witness, and awards Corporal—

"The Acting Third Judge coincides as regards the conviction, but not as to the charge being Gang Robbery. The charge brought home to the Prisoner is merely his having received stolen property knowing it to have been procured by Robbery by open violence. The Prisoner confesses this before the Court of Circuit..... He is therefore sentenced to seven years imprisonment..... under Clause 2d Section IV, Regulation VI of 1822."—

16.

The Judge of Circuit, as he differed from the Mahommedan Law Officer in respect of the offence proved against the prisoner was not competent to pass sentence in this case.—

17.

He will therefore submit in due course an English and Persian Translation of the Proceedings for the final Judgment of the Court of Foujdaree Udalut.—

The

27th July 1837.

Case No. 16.

18. The two prisoners in this case are charged with having on the night of the 1st May 1837, broken into the Prosecutor's house, and stolen therefrom Property of the value of Rupees 331-4-

19. They are convicted and sentenced the first prisoner to seven years' and the second to three years' imprisonment with hard labour in irons—

20. The Court of Fouzdaree Adalut, doubting the sufficiency of the evidence against the second prisoner in this case, deem it proper to direct that an English Translation of the Record be submitted for their consideration

Case No. 19.

21. In this case, the prisoner, who is described as "an old offender" is convicted of breaking into the Prosecutor's house "with the intent to steal" and sentenced to seven years' imprisonment and hard labour in irons under Section XXI, Regulation VII of 1802—

22. The Acting Third Judge will be pleased to report the offences of which this prisoner was formerly convicted, and the punishments awarded in each case, with the ground for supposing in the present instance, "the intent to steal" also what account the prisoner gave of the affair—

27th July 1837.

Case No. 20.

23. The two prisoners in this case were charged with having broken into the house of the Prosecutor on the night of the 5th June 1837, and stolen therefrom property of the value of Rupees 136-6-6—

24. The prisoners are convicted but the Judge of Circuit recommends a reduction of the punishment to which they have rendered themselves liable, as "the Prosecutor stated before the Criminal Court that the value of the stolen property is above 100 Rupees, and before the Court of Circuit, that it was about 136 Rupees. He also made the same statement before the Police, but to the Acting 3d Judge he appears not to have a proper knowledge of the value; and had it not been for an excess of 36 Rupees, the crime would have been cognizable by the Criminal Court and punished with imprisonment for a period not exceeding two years—

25. The Court of Fouzdaree Adalut, on a consideration of the circumstances represented by the Judge of Circuit, resolve, under the authority vested in them by Clause Third, Section III Regulation I of 1825, to direct that the prisoners

1st Allakee Potwarzoo

and

2d Lobbah Naiko

be

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of [2] two years

26. The Judge of Circuit has properly noticed the insufficient abstracts of the evidence in this Calendar: and he will be pleased to apprize the Criminal Court that the defect has attracted the notice of the Court of Foujdaree Adalut, who desire that the Calendar, in this respect, may in future be amended.

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

Sent following Precept No.

In the Court of the Foujdaree Adalut.

Present,

Friday, 28th July, 1837. Charles Reay Cashmore Esqre 1st Puisne Judge,
John Bird Esqre ——— 2d Puisne Judge,
Alexr. Duncan Campbell Esqre officiating 3d Puisne Judge,

Petition dated 27th Ultimo from the Officiating 2d Judge late on Circuit in the Central Division transmitting the Papers in Case No 1 of the Calendar for Sessions of 1836.

(Vide entry No 13 of 44).

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

No 1 Mokuteeah

and

2 Tantagary Syce,

is sufficient to convict them of the offence charged, and under the authority with which they are vested by clause first, Section V Regulation VIII of 1831, and Clause Sixth, Section III, Regulation I of 1818, convict them thereof: but, considering that the imprisonment they have already undergone is sufficient to meet the ends of justice, the Court resolve to remit further punishment, and accordingly direct

direct that the prisoners aforesaid, be set at liberty.—

(Sent following letter No.

Read letter dated the 28th ultimo from the Acting First Judge on Circuit in the Eastern District submitting for the final judgment of the Court of Inquiara Edatut the Record of Case No. 18 on the Calendar for the first Sessions of 1837.—

(Here enter S.R. No. 1299 of 1837)

Mr. Pinchington,
Mr. Bird,
and
Mr. Campbell,

The Court of Inquiara Edatut having maturely considered the proceedings held before the Judge on Circuit, the Letters of the Provincial Law Officer and the Letters of the Cazee ool Cozat and Interpreter of the Inquiara Edatut, confirm that part of the said conviction as convicts the prisoner,

T. Maroodi

of an unlawful Act: and such part as acquits the prisoner

C. Pungley.

and under the provisions of Clause Sixth, section VII, Regulation XV of 1803, sentence the prisoner

T. Maroodi

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

during the period of (2) two years: and direct that the prisoner

C. Pungley

be set at liberty.—

And being of opinion that the prisoners

2. Lumaraspilley,

3. Condum,

4. Veeraspilley,

and

5. Moottiaspilley,

are not convicted on presumptive proof or on their evidence of creditable witnesses, or on their own confessions notwithstanding the Letters of their Law Officers, the Court do accordingly acquit them: and under the provisions of Clause Sixth, section II, Regulation XV of 1803 direct that they be set at liberty.—

1. The Court of Inquiara Edatut have been unable to convict the prisoners in this case of the offences charged against them respectively considering the evidence generally unsatisfactory and insufficient.

2. With reference to paragraph 15 of the Letter of Reference, the Court of Inquiara Edatut observe

observe that as the Trial was necessarily reportible there was no occasion for a second Question to the Honble = medan Law Officer.—

3. Moreover - Section VIII Regulation I of 1825 does not apply to the Rules of evidence referred to by the Judge of Circuit. Section VIII Refers to personal objections, not to Rules of Law.—

Ordered, that extract from these proceedings be sent to the Acting 1st Judge on Circuit in the Southern Division for his information.—

(Sent in No.

Read letter dated 19th Instant from the Head Assistant Magistrate in charge of Tinkinkoly, submitting the explanation called for in the extract proceedings of the Loyd Gen Gl dated under date the 27th Ultimo relative to Case No. 161 on the file of the Madura Criminal Court for 1837.—

(Here enter No. 1471.)

Read Statement dated 30th Ultimo from the Head Assistant Magistrate in charge of Tinkinkoly exhibiting the amount realized by the labour of the Convicts in the Jail from 1st April to 30th June 1837.—

(Here enter No. 1472)

Read

Read letter dated 22nd Instant from the Acting 2d Judge on Circuit in the Southern Division Reporting his intention to open the 2d Sessions of 1837 at Tinnevelly on the 14th Proximo.—

(Here enter No. 1495)

Read return dated 24th Instant from the Criminal Judge of Chittoor to the Precepts of the Loyd Gen Gl dated the 21st Ultimo conveying those orders on the Chittoor Criminal Reports for June 1837.—

(Here enter No. 1496)

Read letter dated 25th Instant from the Acting Judge on Circuit for the Centre Division reporting his intention to open the Sessions at Bellary on the 7th Proximo.—

(Here enter No. 1502).—

At a Court of the Zoujdaree Adalut

Present,

Saturday, 29th July, 1837. Charles Gray Lushington Esqre 1st Puisne Judge,

John Bird Esqre 2d Puisne Judge,

Alex. Duncan Campbell Esqre acting 3d Puisne Judge,

Read letter dated 15th instant from the Special Commissioners at Bangalore, submitting for the final judgment of the Zoujdaree Adalut the record of Case No. 12 tried by the Special Commissioner at Bangalore

(Here enter No. 14469)

The Court of Zoujdaree Adalut, having

Mr. Bird and Mr. Campbell,

maturely considered the proceedings held before the Special Commissioner, the Extract of the Provincial Law Officer, and the Extract of the Cazee cul Corzat and Muftee of the Zoujdaree Adalut, conform in most part of the said Extract of the Cazee cul Corzat and Muftee aforesaid, as contained the present

3d Bawoo Cootee

of being concerned in Rebellion and awards Cazee, and under the provisions of Section II and III, Regulation I of 1824 and Clause Third Section VIII, Regulation XV of 1803, sentence him to be banished to the District of Coimbatore, there to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during

during the period of (10) ten years.—

And being of opinion that the proofs against the prisoners

1st Mittabagil Cobraya

and

2d Potail Emma,

is sufficient to convict them of Murder and Robbery the Court do, under the authority with which they are vested by Clause Firt, Section II, Regulation I of 1819. convict them thereof and under the provisions of Sections II and III Regulation XII of 1823 sentence the prisoner

1st Mittabagil Cobraya

to be imprisoned without labour or bond in the Jail of the Zillah of Canara at Mangalore for and during the period of (4) four years and the prisoner

2d Potail Emma

to be imprisoned and kept to hard labour in irons on the Public roads or other Public works for and during the period of ten (10) years.—

The Court of Enquiry hereby submit their sentence in the Trial No. 12 from the Special Commission at Mangalore, together with the whole of the proceedings held in the case, this transmitted to the Chief Secretary to Government for the purpose of being laid before the

the Governor in Council, to the intent that the Court may in conformity with the provisions of Section V Regulation XX of 1802, receive the orders of Government, before they direct their sentence to be carried into execution.—

(Sent in No.

Read letter dated 13th instant from the 2d Judge on Circuit in the Western Division, transmitting the record in Case No. 2 on the Circuit Calendar 1st Session of 1837.—

(Here enter No. 1 of 30)

Mr. Bird,
and
Mr. Campbell,

The Court of Enquiry having, on deliberate consideration of all the circumstances of the case, in evidence before them, being of opinion that the proofs against the prisoner

Rojiya

is sufficient to convict him of Murder committed in the perpetration of Gang Robbery by open violence, do, under the authority with which they are vested by Clause Firt, Section II, Regulation I of 1819, convict him thereof, and under the provisions of Clauses Firt and Fifth, Section II Regulation XII of 1823, 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 term of his natural life.—

(Sent following letter No.

Read

29th July 1837.

Read extract from the Proceedings of Consultation under date the 31st May 1837, transmitting copies of certain papers received from the Governor of Prince of Wales's Island on the subject of the employment of the Convicts transported from that Presidency to the Straits, for any observations the Court of Directors of Egypt may desire to offer in reference to the suggestion contained in their letter of the 25th of April 1836, that if the means of fulfilling the sentences of this Court of hard labour in irons on the roads or other public works, do not exist at Malacca and Singapore, the Convicts now at those Stations be removed to the Penang Province

(Here enter No. 1094 of 1837)

The object of the communication addressed to Government by the Governor of Prince of Wales Island Malacca and Singapore is to remove the impression existing at Madras "that the Convicts in the Straits are not kept properly at work" and he had accordingly transmitted a copy of the rules in operation in the Straits for the Government of the Convicts transported from the different Presidencies.

The Court of Directors Egypt not having before had an opportunity of perusing the

54.

29th July 1837.

rules for the management of the Convicts in the Straits, their opinion of the discipline applied to those in confinement at Malacca was formed from the manner in which the Convicts were employed as exhibited in the Annual Returns of Madras Convicts periodically transmitted to Government.

It appears however from the rules now furnished that the indulgences extended to those Convicts are not conferred until after a considerable period of trial and until experience has shown that their behaviour is unexceptionable. Some of the objections therefore urged in the letters addressed by this Court to Government under the 22nd August 1835 and 25th April 1836 have not the same force which they would have, if it were discretionary with the controlling authority to extend them at any period after their arrival.

The rules in question are exceedingly lenient and were they applied to Convicts of any other description there could be no objection to the discipline which they prescribe; but it must be borne in mind that sentences of transportation is never passed by the Court of Egypt Calcutta except upon persons for whose crimes 14 years imprisonment with hard labour in irons is considered an insufficient punishment that it is resorted to here upon the consideration that it

it is meet in severity to Capital Punishment, and that were there not such a Punishment (which an able judicial Officer has represented to be more dreaded than death) in many cases Capital Punishment would be enforced in its stead.—

It appears that the subject of the discipline applied to the Convicts in the Straits Settlements referred for the consideration of the Law Commission in connection with the general question of Prison discipline, but in the mean time the Court of Singapore Malacca are of opinion that the Convicts sentenced to transportation for life should be sent to that place where the sentence of transportation will be carried into effect, and not to those places where all punishment saving their incarceration may be remitted in 12 years in case of Murder, and in 8 years in any other case of transportation for life.—

If however it is deemed desirable to send more Convicts to Singapore where it is stated that "public works of every description have yet to be constructed" a sufficient number might be removed from Penang and Malacca, at the former of which Settlements it would appear there is "not much work for Convicts, "all the Roads and Communications being complete."—

Ordered

29th July 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 &c.)

Read the further remarks recorded by the 1st Judge of the Provincial Court of Circuit in the Northern Division under date the 6th instant on the proceedings held by the Court of Singapore Zillah on the 22d of June last on the subject of the return made by the 1st Judge on the 20th of May last to the Precept of the Singapore Zillah Court of the 27th of April last, conveying to him the observations and orders of the Right Honorable the Governor in Council on his Circuit Report for the Sessions of 1836.—

(Here enter No. 1383 of 1837)

1. In the 3d para: of this paper the 1st Judge states that he perceives that the Court of Singapore Zillah "in these proceedings under acknowledgment have "expressed their disapprobation of his sentences in 3 cases, "whose concurrence in the disposal of which he had from "the former proceedings of this Court, no reason to doubt," he "submits therefore "remarks upon the 3 cases now newly "brought against him."—

2. In regard to case No. 10 of the Singapore Calendar and Case No. 12 of the Chingalee Calendar for the

29th July 1837.

the 1st Sessions of 1836 he states that he could have wished that the Register Court had communicated to him their disapprobation of his sentence in this case, when reviewing the Calendar, and "not have reserved this expression of "their sentiments of disapproval to the present period "when from his not having the records of the Trial "with him he is not able to offer any further explanation "as to the grounds of his decision".

3. Upon this the Court of Enjeara Kelatte would observe that they have frequently occasion to disapprove of proceedings upon which they do not comment when reviewing the Calendars, because no end would be answered by doing so; and it was considered unnecessary to make any special reference to Case No. 10, when reviewing the Vizigapatam Calendar, because the same grounds urged by the 1st Sudge for the acquittal of the prisoner in that Case were combated in other cases of the same Calendar, and their remarks on that head apply to No. 10 equally as to the cases specially noticed.

4. The disapprobation of disapprobation at the period noticed by the Pasha was elicited by the 1st Sudge's proceedings of the 25th of May 1837, in which he stated that his "decision" in Case No. 10 of the Vizigapatam Calendar "was not disapproved by the Court

Vide para: 9.

29th July 1837.

para: 10.

"of Enjeara Kedatut", and that he did not find that "any of his sentences were disapproved of, excepting those" noticed in the 11th and subsequent paragraphs of his return of the above date.—

5. The 1st Sudge is correct in his supposition that the Court of Enjeara Kedatut did not upon the whole disapprove of the acquittal of the prisoner in Case No. 7 of the Chicacole Calendar for the 1st Sessions of 1836, they only disapproved of one of the grounds of acquittal, (Viz: that the two deositions on which the Perjury was charged was proved only by the 1st witness who reduced them to writing) and in his view of the second deposition given by the Prisoner before the Magistrate.—

6. With reference to para: 10 of the 1st Sudge's proceedings now under consideration, the Pasha is informed that the Court of Enjeara Kedatut so constituted when the Chicacole Calendar for the 1st Sessions of 1836 was received, were of opinion that the 1st Sudge should have caused the informality in the commitment of the prisoner charged in Case No. 2. to have been amended, and should not have released the prisoner leaving it to the Magistrate to recommit the Case should he deem it proper to do so.—

&c

7. As regards Crl. Jurisdiction of the Tanjore System Calendar the Tr. Judge submits that the true adaptation of violence having been exercised towards the prisoners was not established, yet that no after enquiry instituted for another object, viz: after bringing to punishment the Head of Police, can in any degree impeach the justice of the sentence given upon the proceedings at the Trial.

8. The Judges were aware that the "after enquiry" was made with a view to bringing to justice the Head of Police, but it is not the less to be regretted that the delinquents have escaped the punishment they so justly deserved, and it may be observed that there was nothing to prevent the Tr. Judge before closing the Trial making the enquiry, ultimately ordered by the Court of Enquiry Adalut, by which means the little credit due to the defence of the prisoners would have been at once ascertained.

9. The Tr. Judge is very desirous of it supposed that the Court of Enquiry Adalut in ordering the proceedings to be enquired that "he had wilfully misrepresented" no such imputation was made in any proceedings rescinded by the Court of Enquiry Adalut, and they are not aware that Mr. Baskes "misapprehension in this "decision" had ever been called in question.

29th July 1837.

The description of the principle of the Law of evidence in respect to the nature of proof "necessary to validate a written confession, renewed in para: 16 of the Tr. Judge's proceedings, was recalled for, and the Court decline again to agitate the question, and being of opinion that no object would be gained by submitting a copy of the Tr. Judge's remarks to the Government, they desire that extract from these proceedings be furnished Mr. Baskes for his information.

Sent in Mr.

Read return dated 25th Instant from the Acting Joint Criminal Judge at Cuddalore, to the Precis of the Tanjore Adalut dated the 21st July 1837, conveying their observations and orders on the Cuddalore Criminal Returns for the month of June.—

(Here enter No. 1504)

Read letter dated 25th Instant, from the Criminal Judge of Salem, reporting the acquittal of the Tr. prisoners in Case No. 13 on the Salem Calendar for the Tr. Sessions of 1837.—

(Here enter No. 1505)

Read return dated 25th Instant from the Acting Criminal Judge of Madura, to the Precis of the Tanjore Adalut dated the 21st July 1837, conveying their observations and orders on the Madura Criminal Returns for the month of June.—

(Here enter No. 1507)—

F. U.

At a Court of the Foujdaree Udalut

Present,

Charles May Lushington Esqr. 1st Puisne Judge

Monday, John D. Bird Esqr. ——— 2nd Puisne Judge

31st July 1837. Alexr. Duncan Campbell Esqr. Acting 3rd Puisne Judge

Read petition presented by

Tofpaya Pillay alias Mungala Moodia

Pillay of Tinnevelly.

/Here enter M. P. No. 57 of 1837/

The prayer of this petition is that the Court will call for the record of the Trial in Cases Nos. 4. 5 and 6 of the Tinnevelly Calendar for the 1st Sessions of 1837 and order the release of the Petitioner's younger brother Vadee Naigum Pillay, one Soobbareddy and one Sooryalinga Pillay, who he asserts have been unjustly sentenced by the Court of Circuit to 7 years' imprisonment.

The Court of Foujdaree Udalut having referred to the Tinnevelly Calendar for the 1st Sessions 1837, see no reason, with reference to the matter urged in this Petition, to question the justness of the sentences passed by the Court of Circuit in the case of

cases referred to, and the prayer of the petitioner is accordingly rejected.-

Ordered, that the above be communicated to the Petitioner and that an extract from these proceedings be furnished to him on his application.-

Read letter dated the 17th Instant from the Special Commissioners at Mangalore submitting for the final Judgment of the Foujdaree Udalut the record of Case No. 17 tried by the Special Commissioners at Mangalore.-

/Here enter No. 1454/

Mr. Sushington and Mr. Campbell

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 Cazeerut Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazeerut Coozat and Mooftees aforesaid, convicting the prisoners

1st Dolpady Poota

and

2d Codimbal Narrapah

of Treason and Rebellion against the State, and awarding Ockoobut; and under the provisions of Sections II and III, Regulation I of 1834, sentence the prisoner

1st Dolpady Poota

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

2d Codimbal Narrapah

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 natural life.-

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 17 from the Mangalore 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 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.

Read letter dated the 18th Instant from the Special Commissioners at Mangalore submitting for the final Judgment of the Foujdaree Udalut the record of Case No. 18 tried by the Special Commissioners at Mangalore.-

/Here enter No. 1455/

The

31st July 1837.

3.

Mr. Bird
and
Mr. Campbell.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid convicting the prisoner

Jathana Buntta

of Treason and Rebellion and awarding Ashoobut and under the provisions of Sections II and III, Regulation I of 1834, and Clause Third, Section VIII Regulation XX of 1803, sentenced him to be banished to the District of Canara 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.

The Court of Foujdaree Udalut direct that their sentence on the Trial No 15 from the Mangalore 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 Governor in Council, to the intent that the Court may in conformity with the provisions of Section V, Regulation

F. 66.
31st July 1837.

Regulation XX of 1802, receive the orders of Government before they direct their sentence to be carried into execution.—

Sent in No.

Read letter dated the 18th Instant from the Special Commissioners at Mangalore submitting for the final judgment of the Foujdaree Udalut the record of Case No 24 tried by the Special Commissioners at Mangalore

[Here enter No. 1456.]

Mr. Leshington
and
Mr. Campbell.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Special Commission the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid convicting the prisoner

Arampady Poota Gowda

of being concerned in Treason and Rebellion and awarding Ashoobut, and under the provisions of Sections II and III, Regulation I of 1834, 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 [7] Seven Years.—

The

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 24 from the Mangalore 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 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.

Read the letter dated the 25th. Instant from the Criminal Judge in the Zillah of Cuddapah bringing to the notice of the Foujdaree Udalut "an additional instance of the "infirmity of Mr. Bushby's mind and his "utter inacapacity for any judicial trust;" and entreating "the attention of the Foujdaree Udalut to a proceeding" connected with the disposal of Case No. 18 of the Cuddapah Calendar, "which in Mr. Angelo's opinion" must "impress on every impartial mind "a distressing conviction of the corruption, "as well as unfitness of" Mr. Bushby.

/Here enter No. 1503 of 1837./

Ordered that a copy of the letter recorded above, together with the original papers which accompanied it, be forwarded to the Chief Secretary to Government for the purpose of being laid before the Governor in Council, accompanied by the opinion of the Court of Foujdaree Udalut that an Officer so forgetful of his own position as to accuse the Judge on Circuit of corruption, upon what would appear to be mere inference, and so utterly ignorant of the most obvious principles of his duty, as to consider himself justified in addressing to them observations so devoid of the slightest notion of respect or even decency, as those to be found in Mr. Angelo's communications of the 13th. 14th. and 25th. Instant, is deserving of some mark of the severest displeasure of Government.

As observed in their proceedings submitted to Government on the 27th. Instant, the Court, in the absence of the Calendars laid before the Court of Circuit at Cuddapah, are unable to express any conclusive opinion on the proceedings held by Mr. Bushby in the cases referred to in this correspondence, but

31st July 1837.

but whatever errors may have been committed by the Acting Judge on Circuit the cognizance of them appertains only to the Court of Sonjaree Adalut.

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

/Sent in No.

Read Supplemental Return dated the 14th Instant from the Officiating Second Judge late on Circuit in the Centre Division to the Precept of the Court of 31st July 1837. calling for an English Translation of the Record of Case No. 3 on the Criminal Calendar for the Second Sessions of 1836.

/Here enter F. Ub. No. 1399 of 1837./

With this Supplemental Return, the Officiating Second Judge sends up an English Translation of the Record of the Trial above mentioned.

And the Court of Sonjaree Adalut after an attentive consideration of the same, see no grounds for disturbing the Sentence passed by the Court of Circuit.

Ordered

F. Ub

31st July 1837.

Ordered, that Extract from these proceedings be sent to the Officiating 2nd Judge late on Circuit in the Centre Division for his information.

/Sent in No.

Read the Calcutt Criminal Reports prescribed by Section XXXV. Regulation X. of 1816 for the month of June.

/Here enter No. 1483./

Suppl. Report Case 111.

1. The Court regret to observe that this case remains still undisposed of. If on the receipt of these proceedings by the Criminal Judge the required witness and the Prosecutor have not appeared before him he will be pleased to send copy of the case as it stands in the Report, and of this paragraph, to the Magistrate, who will report direct to the Sonjaree Adalut the reason why the parties in question have not been sent up to the Criminal Court.

Report Case 184.

2 The prisoner in this case was charged with preferring a false complaint "to the Police", and has been held to security on "strong suspicion". The Court of Sonjaree Adalut having ruled that the demand of security in such cases is incorrect, resolve to direct that the prisoner be released

if

31st July 1837.

if in confinement or that the Bailbond be cancelled if the security has been 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

Read return dated the 24th Instant from the Acting 1st Judge of the Provincial Court of Calicut in the Southern Division to the Precept of the Foujdaree Udalut of the 4th July 1837 containing their orders on the Petition of the Prosecutor in case No 16 Tinnevelly Calendar 1st Sessions 1837.—

/Here enter No 1513/

Read return dated the 27th Instant from the Principal Sudr Ameen at Honore to the Precept of the Foujdaree Udalut of the 14th Instant conveying their orders on the Criminal Reports for the month of May 1837.—

/Here enter No 1517/—

Tuesday 1st August 1837.

F. U.

At a Court of the Foujdaree Udalut.

Present.

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre _____ 2nd Puisne Judge

Alexr Duncan Campbell Esqre Acting 3d Puisne Judge

Read letter dated the 15th Instant from the Special Commissioners at Mangalore Submitting for the final Judgment of the Foujdaree Udalut the precd of Case No 16 tried by the Special Commissioners at Mangalore.—

/Here enter 1450./

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid convicting the prisoners

1st Appaya Gowda

and

2d Malapa Gowda

of Treason and Rebellion, and awarding to Pattoobut; and under the provisions of Section II, Regulation I of 1834, sentence them to suffer death by being hanged at the usual

usual time and place of execution.-

The Court of Foujdaree Udalut direct that their sentence in the Trial No 16 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 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 1107

Read the Coimbatore Criminal Reports prescribed by Section XXIV Regulation X 1816 for the month of June.-

/Here enter No 1490/

Suppl. Report
Case 111.

As far as the Court of Foujdaree Udalut are able to judge of this case from the Statement given in the Report, they are of opinion that it falls within the provisions of Section VIII Regulation XIII of 1832. The Acting Joint Criminal Judge will be pleased to give a further explanation of the circumstances of the case and suspend, until further orders, the infliction of the

Report
Case 134.

corporal punishment adjudged to the 2d prisoner.

2. The Court conclude that it was intended to state that the 1st, 2nd and 3rd prisoners in this case were convicted and the 4th pleased, but they direct that copy of it as it stands in the Report be sent to the Acting Joint Criminal Judge, who will be pleased to explain what alteration should be made, in order to render it correct.-

3. The Acting Joint Criminal Judge will send copy of the case, as it ought to stand in the Report and of this paragraph to the Magistrate, who will forward direct to the Foujdaree Udalut an explanation of the ground on which he desired the prisoners to be sent up to the Joint Criminal Court. It appears to the Court to be a case which might have been disposed of by the Police Officer himself or by the Magistrate.-

Case 139.

4. It is observed that the cases of Cattle stealing sent up to the Joint Criminal Court are very numerous and that in the present instance as well as in other cases the sentences passed on the prisoners convicted have been too lenient

lement. Considering the prevalence of this offence in this District, the Court of Foujdaree Udalut are of opinion that the Acting Joint Criminal Judge should endeavour to suppress the crime of cattle stealing by visiting the offenders with severe punishment.

Ordered, that Extract from these proceedings be sent with copy of Case 134 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. 1103

Read letter, dated the 28th Ultimo from the 1st Judge on Circuit in the Northern Division, transmitting a Statement of Batta paid to the parties who attended on the Circuit Court at Nellore for 2nd Sessions of 1837.

/Here enter No. 1521./

Read letter dated the 1st Instant from Captain Otter in charge of the Convicts at Ipinsy, transmitting the Statement of Prisoners for the month of July 1837.

/Here enter No. 1526./

F. 66.

At a Court of the Foujdaree Udalut.

Present,

Thursday 3rd August 1837.

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre _____ 2nd Puisne Judge
Alexr Duncan Campbell Esqre Acting 3rd Puisne Judge

Read letter dated the 13th Ultimo from the 3rd Judge on Circuit in the Western Division, transmitting the Record in Case No. 18 on the Malabar Calendar 2nd Sessions 1837.

/Here enter No. 1436./

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

Korrotoom Chalil Challakel Cherree Tanoy

is sufficient to convict her of the crime of Manslaughter, do, under the authority with which they are vested by Clause First, Section II, Regulation I of 1818. convict her thereof, and under the provisions of Clause Second of the same Section and Regulation, direct their Law Officers to declare by a second Futwa, to what sentence the prisoner would be

be liable if she had been convicted on full legal evidence of that crime.-

Answer-

In the event of the prisoner abovementioned being convicted by the evidence of credible witnesses of the crime of Manslaughter she Akila would be liable to a Deyut of ten thousand Dutkens to be paid to the heirs of the deceased in three years.-

Mr. Washington and Mr. Bird.

The Court of Foujdaree Udalut in commutation of the penalty of Deyut declared in the foregoing Futwa, sentence the prisoner

Horrotoom Chalel Challakel Cheroniee Tenoo

to be imprisoned and kept to hard labour as suitable to her sex, without irons for and during the period of [3] three years.-

[Sent following letter No. 1120

Read the Calendar and Cumbum Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of June.-

[Here enter No. 1505.]

Cuddapa Report Cases 94-99 and 100.

1. The case 94 appears to have been undisposed of during the month of June, in consequence of the Prosecutor and property not having been forwarded, and it is stated in cases No. 99 and 100 that, the prosecutor and witnesses not having been sent, the Criminal Court was unable to enter upon the examination of these two cases.-

2. The Court of Foujdaree Udalut request that copies of these three cases as they stand in the Report and of this and the preceding paragraph, be sent by the Criminal Court to the Magistrate, who will be pleased to report direct to the Foujdaree Udalut why the Prosecutors Witnesses and "the property" were not forwarded with the cases in question to the Criminal Court. The Magistrate will endeavour to prevent irregularity in this respect by his Heads of District Police.-

Cumbum Statement of Cases under C.O. No. 77

3. This Statement does not appertain to the Criminal Reports and the Court of Foujdaree Udalut accordingly direct that the attention of the Principal Sudr Ameen be pointed to the Circular Order No. 77 which enjoins a Statement of this description to be transmitted to the Civil Auditor but not to the Foujdaree Udalut.-

Ordered, that Extract from these proceedings be sent to the Criminal

Judge

3d. August 1837.

Judge at Tuddapa for his information and guidance, and for communication of paras. 3 to the Principal Sub. Ameen for his information, by Precept returnable in 3 days after receipt.-

/Sent following Precept. No. 1121

Read letter dated the 20th Ultimo from the Acting 1st Judge late on Circuit in the Southern Division, forwarding an attested translation of the prisoners confession before the Criminal Court in Case No. 9 on the Primary Calendar of the Zillah of Combaconum for the first Sessions of 1837.-

/Here enter No. 1500./

Read return, dated the 28th Ultimo, from the Acting Criminal Judge of Nellore to Precept of the Tongaree Udalut of the 25th Ultimo, conveying their orders on the Nellore Criminal Reports for June Last.-

/Here enter No. 1524/-

Ft. Wo.

At a Court of the Tongaree Udalut

Present

Monday, 7th August, 1837.

Charles May Lushington Esqr. 1st Puisne Judge.
John Bird Esqre _____ 2nd Puisne Judge.
Alexr. Duncan Campbell Esqr. Acting 3d. Puisne Judge.

Read Miscellaneous Petition

presented on the 1st May last by Nanaina Padiachy

(Hereenter Mis. Pet. No. 530 of 1837.)

The Petitioner prays that orders may be issued for the release from confinement of Appavoo Padiachey, the prisoner in Case No. 3 on the Cuddalore Calendar for the second Sessions of 1836, who was convicted by the Court of Circuit of Gang Robbery, and sentenced to imprisonment &c. for fourteen Years.-

The Petitioner asserts that the charge against the Prisoner was false and malicious.-

The Petitioner is informed that the Court of Tongaree Udalut have had the Record of the case in question laid before them, and after a mature consideration of the same, have seen no room to question the correctness of the judgment of the Court of Circuit which, therefore, will not be disturbed.-

Ordered, that the prayer of this Petition

Petitions be rejected and extract from these proceedings be furnished to the Petitioner on his application.-

Read Petition presented on the 3d July 1837 by Wooriamala Ummal of the Zilla of Combaconum.

(Here enter M. P. No. 60 of 1837)

Read also Petitions presented on the 10th July 1837 by Umma Mottummal and Chinnummal both of the Zilla of Combaconum.

(Here enter M. P. Nos. 69 and 70)

The object of the above three Petitioners is to obtain from the Faydaree Udalut an order for the release of their immediate relations, who are prisoners sentenced by the Court of Circuit in Case No. 11 Combaconum Calendar 1st Sessions 1837.

The Petitioners are informed that there is no appeal from the sentence of the Court of Circuit, and, moreover, that the Court of Faydaree Udalut, having referred to the Calendar, see no grounds for their interference in behalf of the prisoners in question.-

Ordered accordingly that the Petitions be rejected and that extract from these proceedings be furnished to Petitioners on their respective applications.-

Read.

Read Petition presented on the 10th Ultimo by Cadambee Sesh Iyengar of the Zilla of Chittoor.-

(Here enter M. P. No. 68)

The Petitioner states that on his prefering to the Joint Magistrate a complaint against certain parties, his complaint was referred by that Officer to the Head of Police, by whom it was accordingly investigated. He alleges that his object in addressing the Joint Magistrate was to secure a proper investigation of the case, and that his object has been defeated since the Head of Police, receiving bribes from the defendants, has unjustly dismissed them.-

His application to the Joint Magistrate to examine the parties himself having been disregarded, and his house having been robbed during his attendance on the Joint Magistrate, Petitioner prefered a second complaint the investigation of which was likewise delegated to the Head of Police by the Joint Magistrate. Petitioner then applied to the Magistrate, and obtaining no redress, he gave in to the Provincial Court of Circuit two petitions upon which they recorded an order on the 17th May last to the effect that his complaints had been fully investigated and correctly decided. The Provincial

Court

7th August 1837.

Court, at the same time, declaring his Petitions to be false and groundless, sentenced Petitioner as under Section VII Regulation XIII 1832 to pay a fine of Rupees 30, or, in default of payment thereof, to be imprisoned in the Zilla Jail for the period of one Month.

Against this order of the Provincial Court of Circuit the Petitioner now complains, and he prays the Sudder Adalut to set it aside by causing the amount of the fine to be refunded and to direct his case to be properly examined by the Magistrate.

The Court direct that Petitioner be informed that the Joint Magistrate in returning his complaint to the Head of Police for investigation, pursued a course of proceeding which it was competent to him to adopt under Section XIX Regulation IX of 1816, previous to the apprehension of the parties charged; and that the Court see nothing in the present petition to make them question the propriety of the order of the Provincial Court of Circuit of the 17th May 1837.

Ordered accordingly and that an extract from these proceedings be furnished to Petitioner on his application.

Read Petition presented on the 17th Ultimo by Ramasawmy Chetty of the Zilla of Madura (Here enter M.P. No. 72.)

F. Uo:
7th August 1837.

Petitioner states that he preferred to the Magistrate a complaint against Vellen Chetty and certain other persons, charging them with plundering his house & property and cattle & that the Magistrate referred his complaint to the Tahsildar before whom it was proved that the Police Servants, having been bribed would not deliver to Petitioner his property, though the order for its restoration was recorded - that the Defendants were released, and that having often complained to the Magistrate without effect, he presented a Petition to Government who referred him to the Circuit Judge, who again referred him to the Magistrate, that by the Magistrate in consequence of the machinations of the Court Servants he was placed in temporary confinement, and admonished not to complain again to the authorities, that he then complained to the Circuit Judge, who passed an order on the 28th February 1837, declaring he saw no ground for issuing any order beyond that which was recorded on the 14th December 1838 by the Judge then on Circuit.

2. Petitioner returning to the Presidency, presented to Government another Petition, who called upon him for the orders of

of the Circuit Court and he adds that he was finally referred by Government to the Foujdaree Udalut.—

3. He prays the Court of Foujdaree Udalut to call for the papers connected with his case and to cause his property to be restored to him and the offending parties to be punished.—

4. The Foujdaree Udalut observe that the order of the Judge on Circuit of the 28th February 1837 is in these terms.

" The Court having read the return of the Magistrate to their precept of the 13th Instant together with its accompaniment, see no ground for issuing any order beyond that issued by the 1st Judge on Circuit on the 14th December 1833."

5. The Court of Foujdaree Udalut deem it necessary to have before them copy of the said "return" of the Magistrate, and of the order of the 14th December 1833 above specified, and the Acting 1st Judge will accordingly be pleased to obtain and forward the same.—

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 10 days after receipt.

(Sent following Precept No. 1128

Ordered also that extract from these proceedings be furnished to Petitioner on his application.—

Read

Read Petition presented on the 17th Ultimo by Dawany Ammal of Madras.—

(Reverter M. P. No. 73.)

The Petitioner, alleges that her husband, the prisoner in case No. 5 of the Chingleput Calendar 1st Sessions of 1837, has been unjustly sentenced by the Court of Circuit to four years imprisonment, and prays the Foujdaree Udalut to call for the record of the trial and remit the punishment adjudged.—

The Court direct that Petitioner be informed that the record has been laid before them, and that on due consideration of the proceedings they found no ground for disturbing the sentence passed by the Court of Circuit."

Ordered accordingly and that extract from these proceedings be furnished to Petitioner on her application.—

Read Petition presented on the 17th July 1837 by Gengy Muthoory and Reddichy alias Meenatchy.

(Reverter M. P. No. 75.)

Read also Petition presented on the 24th July 1837 by Tullee Mooney, and Co Vencatty of Cuddalore.—

(Reverter M. P. No. 83.)

The

7th August 1837.

The six Petitioners, representing themselves to be the immediate relations of the six prisoners in case No. 3 of the Cuddalore Calendar 1st Sessions of 1837, pray the Court of Foujdaree Udalut to call for the record of their trial and to order the discharge of said prisoners.—

The Court of Foujdaree Udalut direct that the Petitioners be informed that there is no appeal from the sentence of the Court of Circuit, and moreover, that the Calendar has been referred to, and the Foujdaree Udalut see no reason to doubt the justice of the sentence recorded.—

Ordered accordingly and that extract from these proceedings be furnished to Petitioners on their respective applications.—

Read Miscellaneous Petition presented on the 17th Ultimo by Appoo Chetty of the Zillah of Combaconum.—

(Here enter Mis. Pet. No. 78 of 1837.)

The Petitioner prays that orders may be issued for the release of his Brother Ayyathoray Chetty, who, as he represents was convicted by the Court of Circuit of having maliciously mixed a certain

F. Ud.

7th August 1837.

poisonous substance with his (Petitioner's) food, and was sentenced to seven Years imprisonment &c.—

The Petitioner asserts that his brother is entirely innocent, and that his confession of the charge was occasioned either by fear, or temporary mental alienation.—

He states his strong suspicion that the offence in question was the work of certain Rats, who had previously occasioned some trouble in his house, and for whose destruction he had himself purchased and distributed the poisonous substance.—

The Petitioner's statements are undeserving of credit: and the Court of Foujdaree see no ground to doubt the correctness of the Judgment of the Court of Circuit in the case referred to.—

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

Read Petitions presented on the 3rd Ultimo by Meenatchee Ammal and Narayena Pillay of the Zilla of Combaconum.—

(Here enter M. P. No. 39 and 64.)

The object of both the Petitioners is to obtain the reversal of the sentence passed by the Circuit Court in case No. 30 of the Combaconum Calendar

7th August 1837 — Calendar 1st Sessions of 1837.—

The Court of Fouzdaree Udalut see nothing in the present Petitions or in the Calendar, to which they have referred, to induce them to doubt the propriety of the sentence recorded in the said case N.o 50. They direct that Petitioners be informed of this and that there is no appeal from the sentence of a Court of Circuit.—

Ordered accordingly and that extract from these proceedings be furnished to Petitioner on their application.—

Read Petition presented on the 10th Ultimo by P. Punchatcharasawmy.—

(Vide enter M.r P. N.o 41.)

It appears that certain persons having charged Petitioner with "abusive language" he was fined one Rupee by the Tahsildar that Petitioner then complained to the Magistrate against the said persons that his complaint was referred to the Police and that eventually Petitioner was fined by the Magistrate in the sum of 5 Rupees for preferring a vexatious and groundless complaint.—

Petitioner then addressed the Judge on Circuit who recorded the following order on the 2d of April last." From the Chingleput Magistrate's return to this Court's Precept of the 30th December last dated the 3d February last, it appears that the Petitioner

7th August 1837 — was deservedly fined by the Assistant Magistrate and the Head of Police, and the Court therefore consider it unnecessary to pass any further orders upon the Petition."

The object of Petitioner in his present Petition is to obtain from the Fouzdaree Udalut an order for the amount of the fines to be returned to him.

Previous to passing any final order the Court of Fouzdaree Udalut resolve to direct the Officiating 2d Judge late on Circuit in the Centre Division to lay before them copy of the return of the Magistrate of Chingleput, dated the 3d February last, on which the above cited order of the 2d April last was founded.—

Ordered that extract from these proceedings be sent to the Officiating 2d Judge late on Circuit in the Centre Division for his information and guidance by Precept returnable in 8 days after receipt.—

(Sent following Precept N.o 1129.

Read return dated the 24th Ultimo from the Provincial Court in the Northern Division to the Precept of the Fouzdaree Udalut of the 3d Instant requiring the property referred to by Petitioner Sangamee Anthamah, Prosecutrix in Case N.o 3 Rajahmundry Calendar 1st Sessions 1836, to be delivered to her on production of good and sufficient security, in the event of Lutchmee not having filed a suit to determine her

7th August 1837 — her right to it.—

(Here enter No. 1512.)

JB

WS

F. C.

At a Court of the Foujdaree Udalut

Present,

Charles Mary Lushington Esqr. 1st Puisne Judge

John Bird Esqr. ——— 2d Puisne Judge

Alexr. Duncan Campbell Esqr. Acting 3d Puisne Judge

Tuesday 8th August 1837

Read return dated the 28th July from the Acting Joint Criminal Judge at Guntoor to the Precept of the Foujdaree Udalut of the 25th of the same month, conveying their orders on the Guntoor Criminal Reports for the month of June.—

(Here enter No. 1523.)

The Court of Foujdaree Udalut direct that the Acting Joint Criminal Judge be informed that the witnesses for the first prisoner should, as they were named by him, have been sent for and examined, since, until their evidences had been given, the importance to be attached to it could not possibly be decided.—

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

(Sent in No. 1132

Read

8th August 1837.

Read letter dated the 27th Ultimo from the Magistrate of Coimbatore, forwarding explanation called for by the Tongdaree Udalut on the 22nd June last, regarding certain cases in the Coimbatore Criminal Reports for the month of May—

/Here enter No. 1525./

Suppl. Report Cases 41. 62. and 81. Report Cases 66.

1. The explanation afforded by the Magistrate in the above letter regarding the cases noted in the margin appears to the Tongdaree Udalut satisfactory. In case 81. the Magistrate reports that the Police Officer who by his presence tacitly encouraged the maltreatment of the witnesses and others on this occasion, although he did not actively interfere in person, has been suspended, pending a reference to the Board of Revenue, and that he had "recommended his removal from his situation."—

2. The Court of Tongdaree Udalut will be glad to receive from the Magistrate a report of the result of this reference in question to the Board of Revenue—

Ordered, that Extract from these proceedings be sent to the Magistrate of Coimbatore for his information and guidance—

/Sent in No. 1133

8th August 1837.

Read letter dated the 27th June last from the Special Commission at Mangalore forwarding, in reply to the letter of the Tongdaree Udalut of the 22nd June last copy of one from the Magistrate of Canara, in which he expresses his opinion that the business to be brought before the Special Commission at Mangalore need not occupy it beyond 6 or 8 weeks.—

/Here enter No. 1303./

Read letter dated the 5th Ultimo from the Acting Assistant Criminal Judge of Bellaree, reporting with reference to the letter from the Tongdaree Udalut of the 30th June last, that none of the prisoners at present committed have any objections to be tried by Mr. Bushby.—

/Here enter No. 1346./

Read return dated the 8th Ultimo from the Acting 3d Judge on Circuit in the Northern Division, to the Precept of the Tongdaree Udalut dated the 29th June 1837 requiring him to state on what date the record of Case No. 25 on the file of the Criminal Court of Rajahmundry was referred to the Collective Court of Circuit.—

/Here enter No. 1408./

F. 66.

At a Court of the Fouzdaree Udalut

Present,

Charles Mary Lushington Esq.re 1st. Puisne Judge

Wednesday — John Bird Esq.re ——— 2nd. Puisne Judge

9th. August 1837. — Alex.r Duncan Campbell Esq.re Acting 3d. Puisne Judge

Read return dated the 31st. Ultimo from the Officiating Second Judge of the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Fouzdaree Udalut under date the 24th. July 1837, conveying their observations and orders on the Chittoor 1st. 4th. 6th. 7th. 8th. 9th. and 10th. Supplemental Calendars for the Second Quarter Sessions of 1837.—

/Here enter F. 66. No. 1530 of 1837/

1. Referring to the Remarks of the Court of Fouzdaree Udalut on Case No. 1 of the Fourth Supplemental Calendar - the Officiating Second Judge reports that he has obtained a second Futwa in the said case which declares that although the Prosecutor's Statement be admitted as the testimony of a witness, yet, he being a single witness against the Prisoner, his evidence is insufficient to convict him of any crime: and he

the

the Officiating Second Judge - also begs to add that the Prosecutor was not himself robbed of any property, and though near, was not within sight of the women when they were robbed."

2. The Court of Foujdaree Udalut observe that notwithstanding the circumstances referred to by the Officiating Second Judge, the testemony of the Prosecutor was most material and important: and when corroborated by the confession of the accused before the Police and the collateral evidence adduced on the Trial, was, in the opinion of the Court amply sufficient for the conviction of the prisoner.

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

/Sent in No. 1146/

Read letter dated the 29th Ultimo from the Joint Magistrate in charge of Coimbatore, forwarding copy of a letter from the Joint Magistrate of Coimbatore, explanatory of the circumstances of the Case No. 55 on the Coimbatore Criminal Reports, in which it was alleged that a prisoner had been illtreated by the Moniagar of Coorsum

in the Talook of Caroor.

/Here enter No. 1536/

Read letter dated the 27th Ultimo from the Acting 1st Judge late on Circuit in the Southern Division, forwarding Statements received from the several Criminal and Joint Criminal Courts in the Southern Division, of Batta paid to Prosecutors and Witnesses during the 1st Sessions of 1837.

/Here enter No. 1553/

Read return dated the 28th Ultimo from the Principal Sudr Ameen at Honore, to the Precept of the Foujdaree Udalut dated the 21st July 1837 - conveying their observations and orders on the Honore Criminal Reports for the month of June.

/Here enter No. 1554/

Read letter dated the 4th Instant from the 3d Judge of the Court of Circuit in the Centre Division, forwarding copy of the Chittoor first Supplemental Calendar for the 3d quarter Sessions of 1837.

/Here enter No. 1560/

At a Court of the Foujdaree Udalut

Present

Thursday 10th. August 1837.

Charles May Lushington Esqr. 1st. Puisne Judge

John Bird Esqr. _____ 2nd. Puisne Judge

Alexr. Duncan Campbell Esqr. Actg. 3d. Puisne Judge

Read Letter dated the 24th. June last from the Officiating 2nd. Judge of the Court of Circuit in the Centre Division, transmitting the record in Case No. 1 on the Chittoor Primary Calendar for the 2nd. Quarter Sessions of 1837.

(Here enter No. 1387.)

Mr. Lushington
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, as far as it respects the proof of the fact that the prisoner

"Chinnapiem"

killed his infant daughter; but being of opinion that the prisoner was in a state of Insanity at the time he committed the fatal act of violence established by the evidence and considering him an unfit person to be at large, the Court direct

10th August 1837. direct that he be detained in custody until in the opinion of the Criminal Judge of Chittoor, founded on the Report of the Medical Officer, he may be released without danger to the community, or until trustworthy persons can be found to undertake such charge of him as may prevent his doing further mischief: and that he be not released without the orders of this Court.

(Sent following letter No. 1154

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

(Here enter No. 1458.)

Sessions Report Cases 207-208 and 209

The Court of Foujdaree Udalut regret to observe that these cases have not been disposed of in consequence of the Prosecutor and Witnesses not having been duly forwarded. They direct that copy of the cases as they stand in the Report and of this paragraph be sent by the Criminal Court to the Magistrate, who will be pleased to report direct to the Foujdaree Udalut the reason why the parties could not be forwarded previous to the close of the Month of June.

Report V Case 245.

2.

In this case the two prisoners were charged with stealing "Documents amounting to Rupees 4,000, "the Stamps cadjans of which value Rupees 14 and Annas 10." the 2d prisoner has

10th August 1837 been released and the 1st has been sentenced to 12 Months imprisonment with labor in irons under Clause 4th Section III Regulation XII of 1822. It is not clear to the Foujdaree Udalut that this is a case falling within the cognizance of the Mooftee Sudr Ameen the value of the property stolen rendering it apparently beyond his jurisdiction, and they accordingly direct that an explanation may be given of the grounds on which he thus disposed of it.

Cases 251. 267.

3.

The explanation given in the Report of the cause of the detention of these cases in the Jalook is far from satisfactory. The Criminal Judge will forward copies of the cases as they stand in the Report and of this paragraph to the Magistrate, who will be pleased to transmit direct to the Foujdaree Udalut a further explanation of the circumstances which occasioned the delay.

Statement of Convicts at Trichinopoly.

4.

In the statement noticed in the margin, it is reported that 45 prisoners are "sick," and that "the total number of prisoners in hospital both sick and weak included in Column 2 is 52."

The Court desire that the Magistrate

5.

be called upon to explain direct to the Foujdaree Udalut whether any and what measures have been adopted to check the prevalence of sickness among the prisoners in this Jail, and whether there are at present any particular causes for their unhealthiness.

The

10th August 1837

The Criminal Judge will accordingly be pleased to send copy of this paragraph to the Magistrate.—

Ordered, that extract from these proceedings be sent to the Criminal Judge at Combaconum for his information and guidance by Precept returnable in 5 days after receipt.—

(Sent following Precept N. 1155

Read letter dated the 31st Ultimo from the 3rd Judge of the Provincial Court of Circuit in the Western Division, submitting his Report on the 4th Quarterly Sessions of 1836 and the 1st and 2nd Quarterly Sessions of 1837 at Tellicherry.—

(Here enter N. 1564.)

The above report not appearing to require any remark from the Court of Tanjore Adalut. Ordered a copy thereof in triplicate be forwarded to the Chief Secretary to Government for the purpose of being laid before the Governor in Council.—

(Sent in N. 1156.

Read return dated the 28th Ultimo from the Provincial Court of Circuit in the Centre Division to the Precept of the Tanjore Adalut of the 21st July 1837 calling for explanation relative to the delay of the Provincial Court in replying to the reference made to them by the Criminal Judge as to the mode in which he ought to proceed in cases 69 and 70 on his Criminal files.—

(Here enter N. 1529.)

(2)

S. Ho.

10th August 1837.

Read letter dated the 29th Ultimo from the Joint Magistrate of Tanjore, forwarding explanation called for by the Tanjore Adalut, relative to cases N. 157–161 and 190 of the Combaconum Criminal Reports for May.—

(Here enter N. 1532

Read statement dated the 1st Instant from Captain E. S. Morgan 50th Regiment in charge of the Convicts at Red Hills.— shewing the number employment &c. of the convicts at the Red Hills during the Month of July 1837.—

(Here enter N. 1533.)

Read return dated the 31st Ultimo from the 3rd Judge late on Circuit in the Centre Division to the Precept of the Tanjore Adalut dated the 13th July 1837 conveying their observations and orders on the Cuddalore Calendar for the first Sessions of 1837.—

(Here enter N. 1565.)

Read letter dated the 1st Instant from the Acting 3rd Judge late on Circuit in the Northern Division, forwarding a copy of a statement of Batta paid to Prosecutors and Witnesses during the first Sessions of 1837 at Vizagapatam.—

(Here enter N. 1580.)

F. 66

At a Court of the Foujdaree Udalut

Present

Charles May Lushington Esq.re 1st. Puisne Judge.

Saturday 12th. August 1837. John Bird Esq.re ——— 2d. Puisne Judge

Alex.r Duncan Campbell Esq.re Acting 3d. Puisne Judge

Read letter dated the 29th.

Ultimo from the 3d. Judge late on Circuit in the Centre Division, transmitting the Records in Cases No. 2 of the Cuddalore Primary and No. 7 of the Supplemental Calendar for the 1st. Sessions of 1837.—

/Here enter No. 1527/

Case No. 2

Mr. Lushington

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, are of opinion that the prisoners

1st. Savaudapandom

2d. Aroonachellum

3d. Canacasabapaty

4th. Chellum

5th. Appasawmy

6th. Chinnapien

7th. Ragaven

and

8th. Moottapillay

are not convicted on presumptive proof or on the evidence

evidence of credible witnesses or on their own confessions, 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 First, Section V. Regulation VIII of 1831 and Clause Sixth, Section II, Regulation XV of 1803, that they be severally required to find two sureties in /100/ one hundred Rupees each surety for their good behaviour and appearance when required within two years: and that in default thereof, they be detained for two years in confinement.-

/Sent following letter No. 1477

Case No. 1.

Mr. Washington.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Udalut, are of opinion that the prisoner

Moottoosawmy

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

accordingly acquit him: but considering that strong suspicion though not amounting to conviction attaches to him, the Court direct, under the provisions of Clause First, Section V, Regulation VIII of 1831 and Clause Sixth, Section II, Regulation XV of 1803, that he be required to find two sureties in /100/ one hundred Rupees each surety for his good behaviour and appearance when required within two Years, and that in default thereof, he be detained for two Years in confinement.-

/Sent following letter No. 1478

Read letter dated the 24 Ultimo from the Acting Judge on the Circuit in the Centre Division forwarding with reference to his letter of the 13th Instant a Copy of his Correspondence with the Criminal Judge of Cuddapah respecting Cases Nos. 24 & 25 on the Calendar of that Station for the Sessions of 1837.

Here enter No. 1501

Read letter dated 26 Ultimo from the Acting Judge on Circuit in the Centre Division forwarding further Explanation from his Proceedings with Reference to the Correspondence between him and Mr. Angelo already transmitted to the Sudr, Requesting Cases 24 & 25 of the Cuddapah Calendar.-

Here enter No. 1542-

Read letter dated 1 Instant from the Acting Judge on Circuit in the Centre Division forwarding with Reference to his letter of the 26 July last a Copy of his Return made by the Criminal Judge of Cuddapah to the second Precept from the Court of Circuit in Case No. 25 on the Cuddapah Calendar.

Here enter No. 1661-

12th Dec

J. 116

At a Court of the Foujdaree Udalut held

Present,

Charles May Lushington Esqr. 1st Puisne Judge,

Monday, John Bird Esqr. ——— 2nd Puisne Judge,

14th August, 1837. Alexr. Duncan Campbell Esqr. Acting 3rd Puisne Judge.

Read Miscellaneous Petitions

presented respectively on the 3rd 10th and 17th

Ultimo by Moottoosawmy Cadavarayen Auravandi

Mootloovarayer Cadava Rayen of the Zillah of Combaconum

Here enter Mis. Pets. Nos. 55. 65. 76. 86. and 87 of 1837

The Prayer of each of the

Petitions above recorded is one and the same,

and of the circumstances therein set forth

as constituting the ground of the Petitioners'

complaint the following is a summary—

On the night of the 21st Carteye

2.

of the year Doormuky, one Khistnasawmy,

accompanied by about twenty five persons,

armed and carrying lighted torches, entered

the Petitioner's house, robbed it of property

of considerable value, severely wounded the

Petitioner and seriously injured his wife

at that time far advanced in pregnancy—

The outrage being made known

3.

to the local Police authorities, a Warrant

was

was issued for the apprehension of the offenders and its execution entrusted to the Petitioners brother Appavoo Caudavarayen who, supported by a Police Duffadar and Peon, succeeded, after considerable exertions, in capturing two of the Gang - namely - Venkatasawmy and Maroothum - whom they produced before the Tahseeldar: and that Officer, having examined them sent them up to the Criminal Court together with eight witnesses, nominated by the Petitioner, in support of his charge. Subsequently, the Petitioner effected the apprehension of Kistnasawmy Naiken the alleged leader of the Gang and one other person name unknown: and produced them before the Tahseeldar.-

4 The Petitioner then proceeds to state that matters standing thus, and while the case in which he was complainant remained yet undecided by the Criminal Court the said Kistnasawmy Naiken, being a man of considerable property and widely-extended influence, through the connivance of the Native Officials of the Cutcherry and Court induced one Ramasawmy to prefer a counter-complaint against Petitioner's brother and his principal witnesses to

to the effect that they had robbed the said Ramasawmy on the high-way of the Circar Kists. At the same time, as the Petitioner alleges, the prisoner Maroothan above mentioned was "acquitted and released" by the Criminal Court: and the Judge of Circuit having arrived to open the Sessions at Combaconum proceeded to try the charge preferred by Ramasawmy at the instigation of Kistnasawmy Naiken, which, it appears, terminated in the conviction of the Defendants, to wit, the principal witnesses in support of the charge brought in the first instance by the Petitioner.-

5. Petitioner alleges that his other witnesses, subordinate indeed, but nevertheless capable of substantiating the main facts of the complaint being made acquainted with the fate of his principal witnesses, and being themselves included in the charge preferred by the abovementioned Ramasawmy, grew alarmed and kept themselves out of the way: and that thus, the case wherein he was complainant, could not, by reason of the absence of the witnesses, be brought to a Trial.-

Miscellaneous

14th August 1837.

6 Miscellaneous Petition N°. 65. does but recapitulate the circumstances above referred to: but in N°. 76, the Petitioner asserts the "notoriously bad character" of Kistnasawmy Naicken and gives a sufficiently numerous catalogue of offences in which that Individual was a principal Actor. and of which he has been either convicted, or from the consequences of which he has escaped with impunity by means of his alleged sinister influence with the native Servants of the Government.-

7. And the Petitioner concludes by praying that the lower Courts may be commanded to render him justice, and that measures may be taken to enable his witnesses to appear without personal danger. that, their evidence being taken Kistna. sawmy Naicken and his companions may undergo the punishment their crimes deserve.

8. The Court of Foujdaree Udalut observe that the cases referred to by the Petitioner are N°s. 37 and 55 on the Common Calendar for the first Sessions of 1837. of which, N°. 37. wherein the Petitioner was the Complainant was postponed in consequence of the absence of the Prosecutor and witnesses

2 F. Uc.

14th August 1837.

witnesses whose "non. attendance." observed the Judge of Circuit in the Extract from his proceedings under date the 16th May 1837. "is attributable to their having got out of the way to elude a warrant in another case. In N°. 55. the accused parties were convicted and sentenced by the Court of Circuit to imprisonment with hard Labour in irons for fourteen years.-

9 But it is observed that of the witnesses whose non. attendance occasioned the postponement of N°. 37. named by Appavoo Cadavorayen:- Letchmanen:- Cutlan Cadavorayen:- and Yasoodanoo - none were concerned as prisoners in N°. 55 / though the Petitioner alleges that there is a warrant against them all including himself. on account of the charge in N°. 55 / and that of the other witnesses in N°. 37 one only is a Prisoner in N°. 55, and that it was not on his account that the Trial of the former N°. was postponed.-

10. But after maturely considering all the circumstances connected with the three Petitions, and especially the allegation of the Petitioner that he himself and the witnesses abovementioned were afraid to appear lest before

before they could give their evidence they should be apprehended to answer the alleged counter charge in No. 55: the Court of Fouzdaree Udalut are of opinion that the course most expedient to pursue will be to suspend the sentence passed by the Court of Circuit in No. 55. in the hope that the parties may be thereby induced to come forward and the charge in No. 37 be duly investigated at the approaching Sessions of Jail Delivery.—

11. The Acting First Judge late on Circuit in the Southern Division will accordingly be pleased to instruct the Criminal Judge of Combaconum to detain the prisoners in No. 55 in confinement free from Irons and labour, and to keep them so until the order of the Court of Fouzdaree Udalut on the Combaconum Calendar of the Second Sessions of 1837 shall be communicated to him through the usual channel.—

12. Should the Acting First Judge be in possession of any well authenticated facts either in confirmation or contradiction of the matters set forth he will consider himself at liberty to make a communication on the subject to the Court of Fouzdaree Udalut.—

The

13. The Court of Fouzdaree Udalut consider it expedient to direct that a copy of the foregoing order be transmitted / from their Register's Office / to the Judge now on Circuit in the Southern Division for his information.—

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge late on Circuit in the Southern Division for his information and guidance by Precept returnable within ten days from and after its receipt.—

/ Sent following Precept No. 1183

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

/ Sent in No. 1184 /

Ordered also that the purport of the foregoing order be communicated to the Petitioner and that Extract from these proceedings be furnished to him on his application.—

Read Petition presented on the 17th Ultimo by Vandama Naicken of the Zilla of Madura.—

/ Here enter M. P. No. 74 /

The

14th August 1837.

111.

1. The Petitioner, representing himself to be the husband of Lutchmee the prisoner in Case No. 11 of the Madura Calendar for the 1st Sessions of 1837, alleges that his wife has been unjustly sentenced by the Judge on Circuit to 5 Years imprisonment, and, he prays the Foujdaree Adalut to order certain witnesses to be examined, who will prove her innocence of the crime charged against her.-

2. The Court direct that Petitioner be informed that his prayer cannot be complied with. and that the sentence on the case in question was passed by the Fouj. Adalut on full consideration of all the evidence adduced.-

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

Read Petition presented on the 24th Ultimo by Immedee Setty Venkatanya Setty of the Zilla of Chittoor.-

[Here enter M. P. No. 79.]

1. The Petitioner states the circumstances under which he was brought to trial in Case No. 34 of the Chittoor Criminal Reports for February 1837. He alleges that the

3. F. P.
14th August 1837.

the trial and the sentence passed on him was unjust, and he prays the Court to call for the proceedings and to suspend the sentence pending their decision on the case.-

2. The Court observe that the sentence against which Petitioner complains has been carried into effect: and they direct that he be informed that they see no sufficient reason to think the punishment awarded unjust.-

Ordered accordingly and that Extracts from these proceedings be furnished to Petitioner on his application.-

Read Petition presented on the 24th Ultimo by Syed Fakeeroodeen of the Zillah of Cuddapa.-

[Here enter M. P. No. 80.]

1. The Petitioner, referring to the order of the Foujdaree Adalut of the 1st May last upon his former Petition No. 79 of 1837, prays the Court to order his restoration to his situation on the Jail Establishment at Gooty.-

2. The Court direct that the Petitioner be informed that they have enquired into the circumstances of his case and see no reason to direct his reinstatement in the

the situation from which he has been so dismissed.—

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

Read Petition presented on the 24th Ultimo by Ramasawmy of the Zillah of Chittoor.—

/Here enter M. D. No. 82/

1. The Petitioner states that he addresses the Foujdaree Adalut on behalf of Venkata Dasaree, the prisoner in Cause No. 1 of the 3d Supplemental Calendar of Quarterly Sessions of 1835 at Chittoor. His object is to induce the Court to call for the record of the trial and to order the release of the said prisoner.—

2. The Court direct Petitioner to be informed that the prayer of his Petition is inadmissible.—

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

Read Miscellaneous Petition presented on the 31st Ultimo by Mahomed Ruzah.—

/Here enter Mis. Pet. No. 93 of 1837/

Petitioner

Petitioner represents that in the capacity of a Jail Peon he accompanied the Convicts transferred from the Zillah of Nellore for employment at Guindy Va. that suffering from indisposition, he obtained leave of absence from Captain Otter for two months. that his recovery being slow. he exceeded his leave of absence by two months and upwards and that when he at length returned to his duty, Captain Otter apprized him that the individual employed during his absence as his substitute, would not now be removed.—

Petitioner prays that an order may be issued for his restoration to his situation.—

The Court of Foujdaree Adalut see no ground for their interference in this case.—

And from a communication recently received from Captain Otter, it would appear that the Convicts Va. at Guindy are considered subject to the control of the Board of Revenue.—

Ordered accordingly and that Extract from these proceedings be furnished to Petitioner upon application.—

Read

14th August 1837.

Read return dated the 2nd Instant from the Acting Joint Criminal Judge at Vizagapatam to the precept of the Foujdaree Adalut dated the 21st July 1837 conveying their observations and orders on the Vizagapatam Criminal Reports for the month of June.—

(Here enter No. 1594)

Read letter dated the 3d Instant from the 1st Judge on Circuit in the Northern Division reporting the opening of the Sessions at Guntoor and annexing a Statement of the number &c. of the cases on the Calendar.—

(Here enter No. 1602)

Read letter dated the 7th Instant from the Acting Judge on Circuit in the Centre Division reporting the opening of the Sessions at Bellary and annexing a Statement showing the state and of the Calendar.—

(Here enter No. 1609)

Read letter dated the 12th Instant from the Criminal Judge of Tchingleput transmitting the Criminal Report for the month of July 1837.—

(Here enter No. 1622)

Fo: 46:

At a Court of the Foujdaree Adalut

Present,

Tuesday 15th August 1837

Charles May Lushington Esqr. 1st Puisne Judge
John Bird Esqre. _____ 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. Actg. 3d Puisne Judge

Read again letter dated the 18th Ultimo from the Special Commissioners at Mangalore submitting for the final Judgment of the Foujdaree Adalut the record of Case No. 18 tried by the Special Commissioners at Mangalore.—

(Here enter No. 1455)

Read also Order of Government dated the 8th Instant, confirming the sentence passed by the Court of Foujdaree Adalut in Case No. 18 tried by the Special Commission at Mangalore.—

(Here enter No. 1606)

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Mr. Bird and Mr. Campbell

Jathana Buntta

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.—

The Court likewise direct that extract from their proceedings under date the 31st Ultimo be sent for the information and guidance of

of the Mangalore Special Commission—

(Sent following letter No. 1190

Read again letter dated the 15th Ultimo from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Udalut the record of case No. 12 tried by the Special Commissioners at Mangalore—

(Here enter No. 1549)

Read also Order of Government dated the 5th Instant, confirming the sentence passed by the Court of Foujdaree Udalut in Case No. 12 tried by the Special Commission at Mangalore—

(Here enter No. 1610)

Mr. Bird
and
Mr. Campbell

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

5th Bawoo Coottee

be banished to the District of Coimbatore, 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 (10) ten years: and that the Prisoner

1st Mitabagil Soobraya

be imprisoned without labour or irons in the Jail of the Zillah of Canara at Mangalore for and during the period of (4) four Years: and that the Prisoner

2nd Potail Timma

be

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—

The Court likewise direct that extract from their proceedings under date the 29th Ultimo be sent for the information and guidance of the Mangalore Special Commission—

(Sent following letter No. 1191

Read letter dated the 24th Ultimo from the Acting 2nd Judge on Circuit in the Southern Division, transmitting the record in case No. 3 of the Madura Calendar 2nd Sessions of 1837

(Here enter No. 1509)

Mr. Sushington
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-ood-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ood-Coozat and Mooftees aforesaid convicting the prisoner

Veeranen alias Mola Veenen

of wilful Murder and awarding Kissaad 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

of execution.—

(Sent following letter No. 1192

Read letter dated the 24th Ultimo from the First Judge on Circuit in the Northern Division, forwarding copies of the Nellore Primary and Supplementab Calendar for the Second Sessions of 1837—

(Here enter F. C. No. 1499 of 1837.)

Primary Calendar Case No. 2— 1 In this case the prisoner Maurella Soobbaiah was convicted before the Court of Circuit of wilful and corrupt Perjury, under the provisions of Regulation III of 1826.

2. "The prisoner"—it is stated in the Calendar—"was sentenced to the mitigated punishment of two years' imprisonment with hard labour and to be publicly exposed in the mode commonly denominated Tashcer"; and the Judge of Circuit recommends "that this mitigated sentence may be confirmed" as "the prisoner is a female and appears ignorant" and "she alleges that the large promises made to her induced her to give the contradictory testimony before the Court of Circuit."

3. The First Judge has apparently overlooked the Circular Order of the Court

Foujdaree Adalut of the 20th March 1834, the last paragraph of which declares that the Judge of Circuit shall "when purposing to recommend a mitigation of punishment, merely intimate to the prisoner the penalty to which by law he has rendered himself liable." Vide

4. It is possible however that the entry in the Calendar may be erroneous: and in that case, the Court of Foujdaree Adalut deeming the grounds of the Circuit Judge's recommendation insufficient, would consider themselves precluded from authorizing any mitigation. But if sentence has actually been passed, the Court upon being certified of the same, will not withhold their sanction.—

Case No. 3. 5. The Court of Foujdaree Adalut entirely approve of the order of the Court of Circuit on this case.—

Cases No. 7 and 8. 6. In both these cases the prisoners were convicted of Highway Robbery: the property stolen in No. 7 being valued at Rupees 22—6: and in No. 8 at Rupees 1—12.—

7. In No. 7—the First Judge recommends the mitigated sentence of seven years imprisonment—as "the prisoner did not exercise any personal violence towards the Prosecutrix—

the

She states that on her asking the prisoner to return her earrings, he threatened to beat her with a stick he had then, and the value of the property stolen is not great. The Prosecutrix could not describe the size of the stick. therefore it was uncertain if it could be regarded in the light of a weapon.

8. And in No. 8 the First Judge recommends the mitigated sentence of five years' imprisonment as the prisoner was not armed at the time he committed the Robbery. He gave the Prosecutrix a slap only. He did not use further violence towards her and the value of the property was very small.

9. After a due consideration of all the circumstances of these cases, the Court of Sudder Adalut 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 in Case No. 7 the prisoner

Poottah Naroydoo

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; and the prisoner

Colloroo Chengulroydoo

in case No. 8 for and during the period of (5) five years.

10. It appears that in these two cases also, the Circular Order above referred to has been overlooked.

11. In case No. 1 on this Calendar the 'Abstract of examination' is rather a copy than an Abstract of the evidence. The unnecessary and improper diffuseness of this part of the Nellore Calendars has been noticed on two former occasions, namely on review of the Calendars of that Zillah Court for the second Sessions of 1836 and first Sessions of 1837.

12. The First Judge of Circuit will be pleased to call the especial attention of the Criminal Court to this point and enjoin on it a strict adherence in future to this Court's orders on the subject.

Ordered, that extract from these proceedings be sent to the First Judge on Circuit in the Northern Division by Precept returnable within ten days, from and after its receipt.

(Sent following Precept No. 1193

Read Return dated the 5th Instant from the Special Commission at Mangalore to the Precept of the Court of Sudder Adalut under date the 15th July 1837 directing them to call upon the

15th August 1837

the Magistrate of Canara to report what he knows concerning the statements made by some of the witnesses in Case N.1. tried by the Special Commission relative to their exertions in repelling the Insurgents in their attack on Caspergode and in the event of his seeing reason to believe them true, to state what in his opinion would be suitable rewards to be conferred on such of the party as were foremost in resisting the Rebels.

(There enter J. Uo. No. 1584 of 1837)

With this Return, the Special Commission forward a copy of a letter dated the 2nd instant from the Magistrate of Canara furnishing the information called for in the Court's Precept above referred to.

Ordered, that a copy of the Magistrate's letter be sent to the Chief Secretary to Government to be laid before the Governor in Council, with reference to parah 3 of the extract from the Minutes of Consultation under date the 8th July 1837. No 632.

(Sent in No. 1164

Read letter dated the 3rd Instant from the Provincial Court of Circuit in the Southern Division, forwarding copies of a letter and its enclosures from the Acting Joint Criminal Judge of Coimbatore, relative to the refractory and desperate conduct of a convict in his jail.

(Here enter No. 1563.)

J. Uo.

15th August 1837

1. The prisoner whose conduct forms the subject of the above letter, is stated to have been sentenced in Case No. 9 of the Coimbatore Calendar for the 1st Sessions of 1837 to 14 Years imprisonment with hard labor in irons for highway robbery.

2. Under the peculiar circumstances of the case, the Court of Foujdaree Adalut resolve to direct that an English translation of the proceedings on the said Trial No. 9 of the Coimbatore Calendar be immediately laid before them.

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance by Precept returnable in 8 days after receipt.

Sent following Precept No. 1195

F 16

At a Court of the Foujdaree Udalut

Present,

Charles, Mary Lushington Esqr. 1st. Puisne Judge

Wednesday — John, Bird Esqr. —— 2nd Puisne Judge

16th August 1837. — Alexr. Duncan Campbell Esqr. — Acting 3d. Puisne Judge

Read again letter dated the 18th Ultimo from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 24 tried by the Special Commissioners at Mangalore.—

/Here enter No. 1456/

Read also Order of Government dated the 8th Instant, confirming the Sentence passed by the Court of Foujdaree Udalut in Case No. 24 tried by the Special Commission at Mangalore

/Here enter No. 1606/

Mr. Lushington (and) Mr. Campbell. — Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Arampady Poota Gowda

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

works, for and during the period of 17 Seven years.-

The Court likewise direct that Extract from their proceedings under date the 31st July 1837, be sent for the information and guidance of the Mangalore Special Commissioners

/Sent following letter No. 1197

Read letter dated the 29th Ultimo from the Acting 3rd Judge on Circuit in the Southern Division, transmitting the record in Case No. 11 on the Madura Calendar for the 2nd Sessions of 1837.-

/Here enter No. 1545/

Mr Lushington and Mr Bird.

The Court of Sudder Adawlut, having maturely considered the proceedings held before the Judge on Circuit, the Fatwa of the Provincial Law Officer, and the Fatwa of the Large ad. Coorgt and Moofftees of the Sudder Adawlut, confirm the said Fatwa of the Large ad. Coorgt and Moofftees aforesaid, convicting the prisoner Soondrum, alias Menatchy Soondrum, of Murder, on strong Presumptive Proof and awarding Ashoobut, 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. 1198

Read letter dated the 2nd Instant from the Acting First Judge late on Circuit in the Southern Division, transmitting a copy of the Coimbatore Calendar for the first Sessions of 1837.-

/Here enter F. Ll. No. 1596 of 1837/

1. In this case, the prisoner Sawmy Malasan stood charged with having proceeded at night with his two sons, to the Cattle pen of the first Complainant and after severely beating and wounding the second Complainant, robbed him of a Cumbly and four Sheep.-

2. The trial was postponed for the second time in consequence of the absence of the 8th, 9th and 10th witnesses for the prosecution and of the 2nd, 3rd, 4th and 5th witnesses for the defence.-

3. The second postponement of this case is much to be regretted.- In point of fact the evidence of the 8th, 9th and 10th witnesses for the prosecution is immaterial. The 8th witness merely deposes to having with others seized the prisoner, and to finding the property Nos. 1 and 2. among the pumpkin plants behind his hut, and the 9th and 10th to the other witnesses seizing the prisoner

prisoner previous to their coming up, and to hearing from them that the property Nos 1 and 2 was found among the pumpkin plants near the prisoner's hut.-

4. As the 3d, 4th and 5th witnesses for the defence were reported by the Peons: William Polligar to have "absconded from their village on the day on which the prisoner was apprehended:" and "there appeared to be little chance of procuring their attendance," the Trial need not have been postponed on their account.-

5. And the evidence of the 2nd witness for the defence who is reported to be too ill to travel: might have been taken subsequently to the Trial.-

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge late on Circuit in the Southern Division for his information.-

Sent in No 1199.

At a Court of the Coyajara Adalut

Present

Thursday, 17th August, 1837. Charles May Lushington Esqr — 1st Puisne Judge,
John Bird Esqr — 2d Puisne Judge,
Alexr Duncan Campbell Esqr — Acting 3d Puisne Judge,

Read Return dated the 31st Ultimo from the Officiating Second Judge late on Circuit in the Centre Division to the Precept of the Court of Coyajara Adalut under date the 21st July 1837 conveying his sentence on his letter of the 4th Ultimo explanatory of the delay in bringing to a close the business connected with his late Circuit: and calling for a Report on the System obtaining in the Centre Division in respect of Batta to the Circuit Court Establishment.-

(Here enter D.R. No 1531 of 1837)

Read also Statement submitted by the same Officer under date the 30th Ultimo, in the form prescribed by the Circular Order of the Coyajara Adalut No 6 dated the 5th July 1834- showing the number of days intervening between the date on which each Trial referred to or called up by the Coyajara Adalut was closed, and that on which the Record was reported to that Court.-

(Here enter D.R. No 1479 of 1837)

Read also order of Government dated the 5th August 1837- No 712 requesting the Judges of the Coyajara

Engineer Redactt will point out to Mr. King the particular points in which his arrangements are considered defective, and desire him to improve them accordingly.

(Here enter D.O. No. 1575 of 1837)

4. In his Return of the 31st ultimo, the officiating Second Judge reports that Batta has always been drawn by the Native Servants who accompany the Judges in Circuit from the date of their departure from the Sudr Station until their return to it: that the Head Translator having as Head Servant drawn Batta for himself and the whole Native establishment for 17 days beyond the period to which (from reference to the accounts for former Circuits) the officiating 2nd Judge finds they were entitled to it, the amount thus over drawn for that period has been ordered to be refunded and remitted to the Criminal Collector Treasury: and that servant has been fined in the sum of Rupees 50 for gross neglect of his duty.

2. The Court of Engineer Redactt are of opinion that for the gross attempt as also for his inefficiency frequently reported by Mr. King the Head Translator should be dismissed from his situation: but before issuing any definitive order on this point, the Court deem it proper to call upon the Officiating Judge of Circuit to report the circumstances under which this particular transaction occurred: and also to submit their opinion regarding the general character of that Native Servant for efficiency &c.

3. The Court of Engineer Redactt have no difficulty in particularizing the points in which Mr. King's arrangements

arrangements are defective, in consequence of their not being aware of the mode in which the proceedings on Circuit are conducted. But as a general Rule it may be observed that the Judge of Circuit should commence with a Trial, the nature of which affords ground for believing that it will be eventually referred: and the moment the Trial is closed, the Translator should immediately be employed upon it; by which means the Record would be ready in a very few days for correction by the Judge, after which the preparation of the fair Copy would be speedily accomplished. And by the time the Record was dispatched, the Judge of Circuit, under ordinary circumstances, could have no difficulty in bringing to a close at least one other referrible Trial, in respect of which the same process would be observed as above indicated. In saying so much this Rule, it is of course assumed that the Translator is confined to that is strictly speaking his only legitimate occupation: that of Translation: and is not called away therefrom to do the duty of an Interpreter to the Judge of Circuit.

4. That no Rule of this nature has been observed by Mr. King; that, on the contrary his mode of conducting the duties of the Circuit is utterly deficient in Method is obvious from the Result exhibited by the Statement above Recorded as required by the Circular Order No 6. The 'Abstract' of that Statement shows that out of Twelve Trials referred to

to the Employees Redress - the "shortest delay" between the close of any Trial and the Dispatch of the Record to this Court is days 108 or rather more than three months: the "longest delay" is days 210 - or seven months: while the "average delay" is days 168 or five and a half months.

5. Now the amount of suffering which such delay must entail upon the accused parties who, in Referable Trials, are necessarily detained in close confinement until the decision of the Employers Redress is made known - is taken into consideration: - when too, it is remembered that of such parties, all must be considered innocent until the Court of last Resort have pronounced them guilty, and that of some, it may be, the cases are referred [illegible] the Judge of Circuit deems them innocent - a Result such as that exhibited by the Statement above Recorded cannot but be viewed with deep regret by every person at all concerned for the character of our administration of Criminal Justice under this Presidency.

6. Mr. Kaij indeed alleges that this as he himself designates it - "great delay" is wholly imputable to the inefficiency of the Head Translator; but the experience of the Judges of the Employers Redress must preclude them from admitting this excuse while it is obvious to remark that as the alleged misconduct and neglect of the Head Translator must

Case

E.R.
17th August 1837.

have been manifest almost at the very commencement of the Circuit - it became the bounden duty of the Judge to take immediate and decided measures for remedying the defect in that most important Department of his official establishment -

Ordered that Extract (paras 1 and 2) be sent to the Provincial Court of Circuit in the Centre Division by Receipt returnable within seven days from and after its receipt -

(Sent following Receipt No. 1201

Ordered also that extract from the Proceedings be sent to the Officiating 2d Judge late on Circuit in the Centre Division for his information -

(Sent in No. 1202

Ordered also that extract from the Proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Governor in Council -

(Sent in No. 1203

Read Return dated the 28th ultimo from the Acting First Judge late on Circuit in the Southern Division, to the Precept of the Court of Employers Redress under date the 13th July 1837 - conveying their observations and orders on the Salem Calendar for the first Session of 1837 -

(Here enter E.R. No. 1544 of 1837)

Read also letter dated the 5th instant from

from the Acting Erst Judge state on Orient in the Southern Division, forwarding a copy of a letter from the Criminal Judge of Salem furnishing the explanation requested by the Court of Enjoiare Adalut under date the 12th July 1837 regarding the absent witnesses in Case No. 8 on the Salem Calendar for the first sessions of 1837.—

(Here enter E. R. No. 1600 of 1837)

1. Respecting the first witness the approver the Criminal Judge of Salem explains that as soon as that person had fully deposed on oath, he thought that by treating him as a witness to the facts he had sworn to, he would best encourage him to abide by his evidence and also prevent his being cajoled by the Chief and the other Prisoners of the Gang who, if he were as a Prisoner in Court with them would have found occasion to cajole him into a recantation of his evidence and urged the circumstance of his being in Jail as a means of creating a mistrust as to the Pardon &c.—

2. The Court of Enjoiare Adalut observe that this proceeding of the Criminal Judge is not only a source of regret with reference to its results, but that it was wholly unauthorized; inasmuch as upon his failing to fulfill the conditions of the offer of Pardon the Prisoner was liable to be put on his trial, a measure which for the time at least has been frustrated by his premature release from confinement.—

3. The Acting Erst Judge will be pleased

to take notice that in submitting information subsequent to the first Return to a Precept and Extract Proceedings of the Court of Enjoiare Adalut, the more regular and convenient mode of doing so, is by Supplemental Returns, and not by Diary Letters.—

Ordered, that extract from these Proceedings be sent to the Acting 1st Judge Zillah on Orient in the Southern Division for his information and future guidance and the information of the Criminal Judge of Salem.—

(Sent in No. 1204

Read returns dated 7th Instant from the Criminal Judge in the Zillah of Salem to the Precepts of the Enjoiare Adalut dated the 31st July 1837 conveying their observations and orders on the Criminal Reports from the Zillah Court of Malabar for the months of June.—

(Here enter No. 1624 of 1837)

Read letter dated 5th Instant from the Joint Magistrate of Combatore, submitting an explanation respecting Case No. 134 of 1837 on the Criminal File of the Auxiliary Court of Combatore, noticed in the Extract from the proceedings of the Enjoiare Adalut under date the 1st August 1837.—

(Here enter No. 1626 of 1837)

Read statement dated 1st Instant from the Criminal Judge of Salem of Cases of the Prisoners in the second Quarter 1837.—

(Here enter No. 1629 of 1837)

Read

17th August 1837.

Read letter dated 8th Instant from the Principal Sudr Ameen at Honore, submitting the Criminal Reports for the month of July 1837.

(Here enter N° 1657 of 1837)

Fº 110:

At a Court of the Foujdaree Udalut

Present

Friday, 18th August, 1837.

Charles Mary Lushington Esqr. 1st. Puisne Judge,

John Bird Esqr. _____ 2nd. Puisne Judge,

Alexr. Duncan Campbell Esqr. Acting 3d. Puisne Judge,

Read again letter dated the 17th Ultimo from the Special Commissioners at Mangalore submitting for the final judgment of the Foujdaree Udalut the record of case N°. 17 tried by the Special Commissioners at Mangalore.—

(Here enter N°. 1454)

Read also Order of Government dated the 14th Instant, commuting the sentence of Death against the Prisoner Dolpady Porta in case N°. 17 from the Special Commission at Mangalore into transportation for life, and directing that with that Modification the sentence of the Foujdaree Udalut in that case be carried into effect.—

(Here enter N°. 1636)

Mr. Lushington and Mr. Campbell.

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

1st. Dolpady Porta

and

2nd. Codimbal Narrapiah

be

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 their natural lives.

The Court likewise direct that an extract from their proceedings under date the 31st Ultimo be sent for the information and guidance of the Mangalore Special Commission.

Sent following letter No 1708

Read again letter dated the 29th April 1837 from the Third Judge late on Circuit in the Centre Division, submitting for the final judgment of the Court of Sudder Adalut the Records of cases Nos 1 and 2 on the Supplemental Calendar of the Zillah of Bellary for the first Sessions of 1837.

(Vide enter F. Vol. No. 897 of 1837.)

Mr. Sudlington
Mr. Bird
and
Mr. Campbell.

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

1st Hoosain Saib
2nd Ellee Saib
4th Ibraheem Jemadar
6th Chota Ibraheem
and
7th Emam Saib

of the crimes charged and awarding Sazeer-i-sheedeed and under the provisions of Section X Regulation XIII of 1803 sentence the prisoners

1st Hoosain Saib
4th Ibraheem Jemadar
and
7th Emam Saib

to suffer death by being hanged as soon as conveniently can be after the receipt of this warrant at convenient spots, to be selected by the Criminal Judge of Bellary in the immediate vicinity of the high roads:- the first and fourth prisoners in the neighbourhood of Bellagoopah in the Talook of Royadroog in the Zillah of Bellary: and the seventh prisoner in the neighbourhood of Moonoor in the same Talook and Zillah: their bodies to be subsequently suspended in chains on high gibbets to be erected on the same spots: and the prisoners

2nd Ellee Saib
and
6th Chota Ibraheem

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

for

for and during the period of their natural lives respectively.—

(Sent following letter No. 1209

1. In the seventh paragraph of his letter of reference, the Third Judge of Circuit after submitting his opinion regarding the sentences to be passed upon the several prisoners in these cases, suggests "that the crime for which they suffered be engraved on stones to be affixed near the Gallows in order that Travellers may be cautious with whom they associate on their journey in future, and also as a warning to the remainder of the Thugs who may be at large, and who may still evince a disposition to pursue so unlawful and wicked a calling."—

2. The Court of Foujdaree Udalut approve of the suggestion offered by the Third Judge of Circuit who will accordingly be pleased to instruct the Criminal Judge of Bellary to take the necessary steps for giving effect to the same as soon as practicable after the sentence of death now passed upon the first, fourth, and seventh prisoners, has been carried into execution.—

Ordered, that extract from these proceedings be sent to the Third Judge late on Circuit

Circuit in the Centre Division by Precept returnable within fifteen days from and after its receipt.—

(Sent following Precept No. 1210

Read Supplemental Return dated the 9th instant from the Acting Third Judge late on Circuit in the Northern Division to the Precept of the Court of Foujdaree Udalut under date the 22nd June 1837. directing him to forward an English Translation of the Proceedings in Case No. 9 on the Rajahmundry Calendar for the first Sessions of 1837; together with translations of any proceedings tending to support the supposition of the Acting Third Judge that "the prisoner was a "Robber by profession."—

(Reenter F. Ufo. No. 1645 of 1837.)

With this supplemental Return

1. the Acting Third Judge sends up the English Record of the case above referred to.—

The Court of Foujdaree Udalut

2. do not find any proof of the Prisoner's having been a notorious Robber, and as there is no proof of any aggravating circumstances in this case, and the value of the property plundered was trifling, the Court are of opinion that the punishment prescribed by the Regulations may

19

may with propriety be mitigated.—

3. The Court accordingly, under the provisions of Clause Third, Section III, Regulation I of 1825, resolve to direct that the prisoner

Nayala Venkadoo

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.—

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

(Sent following Precept No. 1211

Read Report required by the Circular Order Fouzdaree Adalut of the 9th December 1819 from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division for the 2nd Quarterly Sessions of 1837.—

(There enter No. 1373.)

p. 12. 17

1. The Court of Fouzdaree Adalut regret to observe that the alterations and improvements in the Jail at Masulipatam for the execution of which Government were pleased to grant sanction on the 24th May 1836, at a charge of Rupees 598—1—6, have not yet been made. They fear that the cause to which the Acting 2d Judge ascribes this delay is correct, but they deem it proper to direct the Acting 2nd Judge to ascertain, from the Officers who have severally had charge of the Auxiliary and Joint Criminal Court, why the works in question have not been executed and report the reasons for the information of Government and of the Fouzdaree Adalut. The Court trust that so soon as the season will permit no further time will be lost in carrying into effect charges which are so obviously necessary.—

The practice in this Jail of se-

2.

p. 16.

-curing the prisoners at night in the "four angular apartments" and the omission to provide cots for the sick in hospital, in breach of the 49th of the Jail rules contained in the Circular Order Fouzdaree Adalut of the 8th October 1831 appear to require explanation. The Acting 2nd Judge will be pleased to call for and submit it.—

Under the disadvantages to which

3.

the sick, and the prisoners generally, are here described to be exposed, it is satisfactory to the Fouzdaree Adalut to remark the small proportion of the prisoners in hospital.—

The provision of Cookrooms for the

4.

p. 18 19 20.

use of the prisoners in the Jail at Masulipatam being

18th August 1837.

being yet under consideration, the Court of Fouzdaree Udalut do not deem any observation on these paragraphs of the Report called for.—

p. 21 5. If the employment of "two Peons" in the Jail as "Barbers" still obtains, the Acting 2nd Judge will issue orders for the discontinuance of the practice. If there are no prisoners in Jail able to officiate in this capacity application should be made for sanction to incur the charge of hiring a Barber.—

6. The Acting 2nd Judge is apparently under some misapprehension as to the fact of "12 Court Peons" being employed "over the treasury for the protection of that, and other property received in Civil and Criminal Cases," in as much as the total number of Peons attached to the Assistant Judge's Court is only 12. The Acting 2nd Judge will be pleased to ascertain and report what description of Peons are employed on this duty.—

p. 23 7. It does not appear to the Fouzdaree Udalut that an alteration, such as is suggested by the Acting 2nd Judge in the provisions of Section XXXII Regulation X of 1816 is requisite. The limitation of the bounty of Government to prisoners who have been confined for 6 Months and upwards was, doubtless, advisedly made, and the Court are not aware that any thing has since occurred, nor do they think that the Acting 2nd Judge has shewn any sufficient reason, to render it expedient to

3.

F. Ud.

18th August 1837 to extend to other than the prisoners in Section XXXII the liberality which it has hitherto been the pleasure of Government to grant to the extent specified.—

p. 34 8. With the view of enabling the Judges of Circuit to form an "accurate opinion respecting the Police Agency," the Acting 2nd Judge suggests at the close of his Report that the Magistrates be instructed to furnish "a separate Memorandum," exhibiting "the strength of the Police Establishment with any changes introduced into it," "with the list of officers performing Police duties now delivered at each Sessions." The Court of Fouzdaree Udalut do not see that any advantage would be derived from the adoption of this suggestion.—

Ordered that extract from these proceedings together with Copy of the Report be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council

Sent in No. 1212

Ordered also that extract from these proceedings be sent to the Acting 2nd Judge of the Provincial Court of Circuit in the

18th August 1837.

the Northern Division for his information and guidance by Precept returnable in 10 days after receipt.—

(Sent following Precept No. 1213.

Read return dated the 31st Ultimo from the 3rd Judge late on Circuit in the Centre Division to the Precept of the Fouzdaree Udalut dated the 8th July 1837 requiring the confessions before the Criminal Court of the prisoners in Cases Nos. 1 and 2 on the Bellaree Supplemental Calendar for the 1st Sessions of 1837 to be read and proved in open Court viz.

(Here enter No. 1536.)

F. 16.

At a Court of the Fouzdaree Udalut

Present

Saturday 19th August 1837.

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre —— 2nd Puisne Judge
Alexr Duncan Campbell Esqre Acting 3d Puisne Judge

Read letter dated the 27th Ultimo from the Special Commissioners at Mangalore submitting for the final Judgment of the Fouzdaree Udalut the record of Case No. 13 tried by the Special Commissioners at Mangalore.—

(Here enter No. 1534.)

Mr Lushington and Mr Campbell

The Court of Fouzdaree Udalut having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftees of the Fouzdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid convicting the prisoners

1st Deoo Condi

2nd Beermanna Samani

and

3rd Bellanja Namapah

of Treason and Rebellion and awarding to each

and

and under the provisions of Sections II and III, Regulation I of 1834, sentence the prisoners

1st Deoo Conde

and

3rd Bellanjee Namapah

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

2nd Beermanna Samani

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

The Court of Sessions Vizagapatam Circuit further pass their sentence in the Trials No. 73 from the Mangalore 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 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.

/Sent following letter No. 1217

Read the Rajahmundry Criminal Reports prescribed by Section XXXV

Regulation X 1816 for the month of July 1837.

/Here enter No. 1593/

Report Case 36.

1. The Statement of the circumstances of this case appears to the Sessions Court unsatisfactory - and the sentence illegal, inasmuch as it was not competent to the Acting Criminal Judge to adjudge an "one years imprisonment" in commutation of fine, and from the nature of the case it is not clear to the Court that the prisoner should not have been committed to take his trial before the Court of Circuit.

2. The Court therefore resolves to direct that copy of the case as it stands in the Report be sent from their Register Office to the Judge on Circuit who will be pleased to look into the proceedings and pass on the case, with reference to the provisions of Section XXIII Regulation X of 1816, such orders as it may appear to him to require.-

Ordered accordingly that copy of the case 36 as it stands in the Report be sent with Extract from these proceedings to the Judge on Circuit in the Northern Division for his information and guidance by Precept returnable in 15 days after receipt.

/Sent following Precept. No. 1218

Order

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

/Sent in №. 1219.

Read letter dated the 9th Instant from the Officiating Second Judge of the Provincial Court of Circuit in the Centre Division, forwarding as required by the Circular Order of the Court of Foujdaree Udalut №. 35. a Statement of Batta disbursed to the Prosecutors and Witnesses attending before the Court at Chittoor during the second quarterly Sessions of 1837.-

/Here enter F. Ud. №. 1607 of 1837./

The Statement now recorded shows that in many instances the parties appearing before the Court of Quarter Sessions were detained for periods varying from fifteen to thirty one days.

The Court of Foujdaree Udalut deem it necessary to call upon the Officiating Second Judge to explain the cause of this detention, which, it is obvious, goes to defeat the object of the Circular Order of the 22nd of March 1830 Page 185 of the printed Circular Orders of the Foujdaree Udalut.

Ordered, that Extract from these proceedings

proceedings be sent to the Officiating 2nd Judge of the Provincial Court of Circuit in the Centre Division by Precept returnable within three days from and after on its receipt.-

/Sent following Precept №. 1220

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

/Here enter №. 1648./

Report V Case 199. 1. The three prisoners in this case have been committed, but, the grounds of the commitment not being satisfactorily explained in the Report the Court of Foujdaree Udalut direct that the Acting Assistant Criminal Judge be called upon to submit a further explanation.-

Case 212. 2. From the Statement of this case it is not clear to the Foujdaree Udalut that there was any proof of the property in question having been stolen. The Acting Assistant Criminal Judge in charge of the Criminal Court will be pleased to require from the Sudder Ameen an explanation on this point and forward the same to the Foujdaree Udalut for their information.-

According

18 19th August 1837.

Statement of Officers and Items entertained as Jail Guard. at Calicut

3. According to this Statement, a guard for 252 prisoners. 2 Duffadars. 6 Naiques and 67 Peons were entertained at the close of last month. For the 252 prisoners however only 63 Peons are allowable and two per cent on that guard to meet cases of absence and sickness, would authorize 65 not 67 Peons. and one Naique being tantioned for every 20 Peons. three and not five Naiques ought to have been employed. It will be the duty of the Acting Assistant Criminal Judge in charge to make an immediate reduction of the unauthorized number of Naiques and Peons.—

Ordered, that Extract from these proceedings be sent to the Acting Assistant Criminal Judge in charge of the Criminal Court at Calicut for his information and guidance by Precept returnable in 3 days after receipt.—

/Sent following Precept No 1224

Read return dated the 1st Instant from the Acting 3d Judge late on Circuit in the Northern Division to the Precept of the Fouzdaree Adalut dated the 22d June 1837. conveying their further observations and orders on

19th August 1837

on the Rajahmundry Calendar for the first Sessions of 1837.—

/Here enter No 1579/

Read letter dated the 12th Instant from the 3d Judge of the Court of Circuit in the Centre Division transmitting the Chittoor Primary Calendar for the 3d Quarterly Sessions of 1837.—

/Here enter No 1633/

Read return dated the 10th Instant from the Criminal Judge of Cuddapah to the Precept of the Fouzdaree Adalut dated the 3d August 1837. conveying their observations and orders on the Cuddapah and Cumbum Criminal Reports for the month of June.—

/Here enter No 1641/

Read return dated the 9th Instant from the Acting 2d Judge of the Provincial Court of Circuit in the Northern Division to the Precept of the Fouzdaree Adalut dated the 25th July 1837. directing him to review the proceedings of the Joint Criminal Court of Masulipatam in Case No 26 on the Criminal file for the Month of June.—

/Here enter No 1643/

Read

19th August 1837.

Read letter dated the 16th Instant from the 3d Judge late on Circuit in the Centre Division transmitting the original Death Warrant &c. in Case No. 4 on the Chingleput Calendar for the first Sessions of 1837.

/Here enter No. 1659/

Read letter dated the 15th Instant from the 3d Judge of the Court of Circuit in the Centre Division transmitting a copy of the Chittoor Second Supplemental Calendar for the 3d Quarter Sessions of 1837.-

/Here enter No. 1672/

Read letter dated the 16th Instant from the Criminal Judge of Madura transmitting the Criminal Report for the month of July 1837.-

/Here enter No. 1673/

Read letter dated the 15th Instant from the 1st Judge on Circuit in the Northern Division transmitting the Statements of Batta paid to the Parties attending the Court of Circuit at Guntoor for the 2d Sessions of 1837.-

/Here enter No. 1677/

Ent'd W. [illegible]

J. Hill

J. 16.

At a Court of the Foujdaree Adalut

Present,

Monday 21st August 1837.

Charles May Lushington Esqr. 1st Puisne Judge
John Bird Esqr. ——— 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. Acting 3d Puisne Judge

Read again Petition presented on the 10th Ultimo by L. Dunchatcharadawmy.-

/Here enter Mk. P. No. 14/

Read also return, from the Officiating 2nd Judge late on Circuit in the Centre Division dated the 12th, to the Precept of the Foujdaree Adalut of the 4th Instant, directing him to forward copy of the return dated the 3d February last from the Magistrate of Chingleput on the subject of the above Petition.-

/Here enter No. 1620/

The Court of Foujdaree Adalut took the case of Petitioner into consideration on the 7th Instant, but deemed it proper to have before them the above return of the Magistrate of Chingleput previous to passing any final order on the prayer of the Petition,- which is to the effect that the Foujdaree Adalut will order the amount

of

of the two fines to which Petitioner has been subjected, to be refunded to him.—

The Court do not see any reason to infer that Petitioner had been illegally or unjustly fined: and they direct that he be informed that the question in respect to his alleged right to the Priestly Office which has been the cause of his present embarrassment can, if disputed, be disposed of only by a Civil Suit.—

Ordered accordingly, and that Extract from these proceedings and from the proceedings of the 7th Instant be furnished to Petitioner on his application.—

Read Miscellaneous Petition presented on the 17th Ultimo by Pennatipa Naicker, Mookhteyar Vakeel of Puchapum. mault of the Zillah of Chingleput.—

[Here enter Mis: Pet. No 17 of 1837]

The Petitioner refers to her former Petition No 2 of 1837. and prays that orders may be speedily passed for the liberation of her husband Ragava Naick the prisoner in Case No 9 on the Chingleput Calendar for the second Sessions of 1836 from confinement.—

The Petitioner is informed that the Court of Foujdaree Udalut, having had under

under their consideration the Record of the case in question have confirmed the Sentence passed by the Court of Circuit against the prisoner Ragava Naicker.—

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

Read Petitions presented on the 24th Ultimo and 7th Instant by Soobbaroya Tauker by his Private Vakeel Chuckrapany Iyengar of Tinnevelly.—

[Here enter Mis. Pets Nos 81 and 100]

The Petitioner complains of the Joint Criminal Judge not only having released the prisoners in Case No 16 of the Tinnevelly Calendar 1st Sessions of 1837 but of his being about to restore to the said prisoners the property, brought into Court in that Case, which, Petitioner avers, belongs to his master the Prosecutor in the case in question.—

2. He prays the Court of Foujdaree Udalut to call for the record of the case and after enquiry, in the course of which his master's right to the property will be established, to desire the property to be

be placed in the hands of the rightful owner his master.—

3. The Court of Foujdaree Udalut direct that Petitioner be informed that the proceeding of the Joint Criminal Judge, of which he complains, is agreeably to the express orders of the Foujdaree Udalut under date the 3rd June 1837, and which, inasmuch as the Court had then under consideration the whole record of the case, they see no reason to modify.—

4. There is nothing to prevent the Prosecutor bringing a Civil action should he think proper to do so.—

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

Read letter dated the 3rd Instant from the Special Commissioners at Mangalore, Submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 15 tried at Mangalore.—

/Here enter No. 1597/

Mr. Bird and Mr. Campbell

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Special Commission, the Futwas of the Provincial Law Officer and the Fut-

-twas of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwas of the Cazee-ool-Coozat and Mooftees aforesaid, convicting the prisoner

Moneegar Narnapah.

of Treason and Rebellion, and awarding to Koobut; and under the provisions of Section II, Regulation I of 1834, sentence him to suffer death by being hanged at the usual time and place of execution.—

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 15 from the Mangalore Special Commission, together with the whole of the proceedings held in the case, be transmitted to the Chief Secretary to Government, for the purposes of being laid before the Governor in Council, to the intent that the Court may in conformity with the provisions of Section V, Regulation XX of 1802, receive the orders of Government before they direct their sentence to be carried into execution.

/Sent following letter No. 1223

Read letter dated the 3rd Instant from the Special Commissioners at Mangalore, Submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 15 tried

tried at Mangalore.—

/Here enter No. 1599/

Mr. Cushington and Mr. Birch

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, convicting the prisoners

1st. Pean Vencata

and

2d. Cograny Yellamba

of Treason and Rebellion and awarding Ackerbut: and under the provisions of Sections II and III, Regulation I of 1834, sentence them 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 their natural lives respectively.—

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 19 from the Mangalore 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 Governor in Council, to the intent that the Court may, in conformity with the provisions of Section V, Regulation XX of 1802, receive the orders of Government, before they direct their sentence to be carried into execution.—

/Sent following letter No. 1223

Read letter dated the 5th Instant from the Special Commissioners at Mangalore.—Submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 23 tried at Mangalore.

/Here enter No. 1598/

Mr. Cushington and Mr. Campbell

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, convicting the prisoner

Goroo Santa

of Treason and Rebellion, and awarding

Ackerbut

Ookoobut: and under the provisions of Section II, Regulation I of 1834 - sentences him to suffer death by being hanged at the usual time and place of execution.

The Court of Foujdaree Udalut direct that their sentence in the Trial No 22 from the Mangalore 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 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 following letter No 1224

Read letter dated the 5th Instant from the Acting 1st Judge late on Circuit in the Southern Division, transmitting the Record in Case No 15 Salem Calendar 1st Sessions 1837.

/ Here enter No 1604 /

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

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 Dalany of wilful murder: and do accordingly convict him of that crime: but being of opinion that the punishment to which under the finding of Kisaas declared in that Futwa the prisoner is liable, would - by reason of certain extenuating circumstances in the case, be too severe, the Court 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 natural life -

/ Sent following letter No 1225.

Read the Mangalore Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of July -

/ Here enter No 1615 /

Report V Cases 146 149.

1. In the case 146 the prisoner Chatoo was charged with knowingly having in

in his possession stolen property viz. one tooth brush, seven iron hoops, 55 gun flints and 14 ball cartridges, the latter the property of Government." It is stated that the prisoner has been returned to the Magistrate for trial by the Special Commission."

149. 2. In the Case 149 the prisoner Doowannee, was charged with having in his possession a musket acquired during the rebellion, being the property of Government and with not giving information or producing it before the police authorities. He has been sentenced under Clause 4th. Section IV. Regulation VI of 1822.

3. The Court of Foujdaree Udalut direct it may be explained on what grounds the prisoner Chatoo was returned to the Magistrate for trial by the Special Commission, whilst the case of a prisoner Doowannee was disposed of by the Criminal Court.

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

Sent following Receipt No. 1226

Read

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

[Here enter No. 16.32.]

Suppl. Report Case 127. 1. Under the circumstances of this case, the Court of Foujdaree Udalut are of opinion that a more severe sentence, than that which has been recorded, ought to have been passed on the prisoner — "Vatoyooda q Hoodrig."-

Case 128. 2. In this case nothing is stated as to the account given by the parties who purchased the stolen cattle from the prisoner as to the circumstances attending the purchase. The Court of Foujdaree Udalut see reason to doubt the propriety of the manner in which the case has been disposed of, and resolve to direct that copy of the case as it stands in the Report be sent from their Register's Office to the Provincial Court of Circuit who will be pleased to call up the proceedings and pass orders, such as they may deem necessary, thereon, reporting the same for the information of the Foujdaree Udalut.-

Statement of Labor. 3. In the Statement of Labor

forwarded

forwarded by the Criminal Judge at Chittoor it is mentioned that 40 Convicts are employed in repairing the roads of Arcot and Palma-
-nair under the Magistrate. The Provincial Court of Circuit will call upon the Magistrate of North Arcot to forward by the 5th of each month, thro' the Criminal Judge at Chittoor, the usual statement of the labor of the Con-
-victs under his charge, the form of which the Provincial Court of Circuit will at the same time furnish him with. The Provincial Court of Circuit will also transmit to the Magistrate for his information and guid-
-ance, copy of the Circular letter of the 8th March 1837, explaining that a note is to be added to "the Statement of labor" shew-
-ing the number and the monthly pay of the Jemadars, Duffadars and Peons employed to guard the Convicts under his charge.—

Ordered accordingly that copy of case 128 be sent to the Provincial Court of Circuit in the Centre Division with Extract from these proceedings viz. paras 2. and 3. for their information and guid-
-ance by Precept returnable in 8 days after receipt.—

/Sent following Precept No. 1227

Ordered

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

Sent in No. 1228

Read return, dated the 7th Instant, from the Acting Joint Criminal Judge at Coimbatore, to the Precept of the Foujdaree Adalut dated the 1st August 1837. conveying their observations and orders on the Coimbatore Criminal Reports for the month of June.—

/Here enter No. 1625./

Read letter dated the 14th Instant from the 2nd Judge on Circuit in the Southern Division, reporting his intention to proceed to Tinnevelly with all practicable haste to deliver the Jail at that Station agreeably to the orders of the Foujdaree Adalut.—

/Here enter No. 1678./

Read letter dated the 17th Instant from the Acting Joint Criminal Judge at Guntoor, forwarding a Statement of Convict Labour under the Magistrate of Guntoor for the month of July.—

/Here enter No. 1690./

Read

Read letter dated the 16th Instant from the Acting 3rd Judge late on Circuit in the Northern Division, submitting statement of Batta paid to the Prosecutors and witnesses who attended on the Court of Circuit for the 1st Sessions 1837 in the Zillah of Chicacole.—

/Here enter No. 1700/

Read letter dated the 16th Instant from the Magistrate of Mangalore at Canara, forwarding copies of two letters relative to cases No. 56 and 57 of the Criminal Report for June 1837 of the Principal Sudder Ameen of Honore.—

/Here enter No. 1701/

Read letter dated the 15th Instant from the Joint Magistrate in charge at Coimbatore, reporting with reference to the Extract from the proceedings of the Foujdaree Adalut under date the 8th August 1837 that the Board of Revenue have authorized the removal of Bhavee Row from the Office of Tahsildar of Palachy.—

/Here enter No. 1702/

F. C.

At a Court of the Foujdaree Adalut

Present

Tuesday 22nd August 1837.

Charles Mary Pushington Esq. 1st Puisne Judge
John Bird Esq. 2nd Puisne Judge
Alex. Duncan Campbell Esq. Acting 3d Puisne Judge

Read Supplemental Return dated the 15th June 1837 from the Officiating 2nd Judge late on Circuit in the Centre Division, to the Receipt of the Court of Foujdaree Adalut under date the 23rd January 1837, directing him to submit for that Court's final judgment the Records of Cases Nos. 4 and 9 on the Chingleput Calendar for the Second Sessions of 1836.—

(Here enter F. C. No. 1460 of 1837.)

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

1st Cora Gungan
2nd Vencategan
3rd Chinnegan
4th Cunnegan
and
5th Ragava Naick

is sufficient to convict them namely the first, second, third and fourth prisoners of Gang Robbery

Robbery by open violence, and the fifth prisoner of receiving the plundered property knowing that the same had been acquired in the perpetration of Gang Robbery - do, under the authority with which they are vested by Clause First, Section II, Regulation I of 1818, and Clause first, Section V, Regulation VIII of 1831 convict them thereof and under the provisions of Clause Third, Section IV, Regulation XV of 1803, sentence the prisoners

1st Cord Gungeen
2nd Vencategan
3rd Chinnegan
and
4th Cunnegan

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 (14) fourteen Years: and under the provisions of Clause Second, Section IV, Regulation VII of 1822, the prisoner

5th Ragava Naick

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: the sentence against all the prisoners to be considered as having commenced to take effect from the date of the warrant issued originally

by the Court of Circuit - namely the 20th December 1836.

The Court of Foujdaree Udalut direct that the Officiating Second Judge be informed that Corporal Punishment by stripes has not been included in their sentence upon the fifth prisoner

Ragava Naick

as it appears that that Individual has already undergone that part of the sentence originally awarded by the Court of Circuit.-

Ordered that extract from these proceedings be sent to the Officiating 2nd Judge late on Circuit in the Centre Division for his information.-

(Sent following letter No. 1238

Read the Nellore Criminal Reports prescribed by Section XXXI Regulation X 1816 for the Month of July.-

(Here enter No. 1663.)

Report V
Case 85.

With reference to the Statement of 1. this case in the Criminal Report the Court of Foujdaree Udalut resolve to direct that copy of it as it there stands and of this paragraph be sent by the Acting Criminal Judge to the Magistrate who will be pleased to enquire into the circumstances attending the

27th August 1837. the alleged confinement of the prisoner in the stocks and take such notice of the conduct of the parties concerned as it may then appear to him to require.-

Statement of extra Peons

2. According to this statement 89 extra Peons were employed as a guard over 534 Convicts at work Viz. 77 Peons throughout the Month and 12 more from the 12th to the 31st.-

3. If according to the statement there were 334 Convicts liable to labor out side the Jail at the commencement of the Jail the authorized guard would have been 83 Peons adding to which three Peons at 4 per Cent on the guard (to meet cases of absence and sickness) the compliment or would have been 86 and 89 And of Naigues and of Duffadars the proper number would have been four not five and to this the establishment should be at once reduced.-

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 Receipt No. 1239.

Read letter dated the 4th instant from the Acting Second Judge on Circuit in the Southern Division, submitting for the final judgment of the Court of Foujdaree Udalut, the Record

of

2

J. Ub.

22nd August 1837. of Case No. 12 on the Madura Calendar for the Second Sessions of 1837.

(Here enter J. Ub. No. 1391 of 1837.)

1. In this case, the prisoner Narrainen stood charged before the Court of Circuit, with having on the night of the 11th Arpesy of the Year Doormahe or 25th October 1836 stabbed his wife Carooppyee aged 20 years in his house at Awarunceandoor coodeyerooppoo in Cudah Shevagungah, Zillah Madura, with an Iron stick, from the effect of which she died six days after.-

2. From a note at page 1 of the English Record it appears that the eighth and ninth witnesses for the prosecution were reported "absent from their village and that their attendance "is not at present procurable": and the Court of Circuit "on referring to their Depositions before the "Criminal Court found their evidence to be im= "material to the case at issue and therefore "proceeded "to try the case without those witnesses."-

3. It appears to the Court of Foujdaree Udalut that the evidence of the eighth witness Ordiackaul the sister of the prisoner was most important and should not have been dispensed with.-

Deposition of Mootten the Native Doctor and 8th witness for the prosecution

4. It was proved in evidence before the Criminal Court (p. 81 et pass) that after the Prisoner had admitted to the Police Officer that he has

his wife "had abused him shamefully he had
stabbed her with a Coondalom": he was asked
"where the Coondalum was" upon which "he said
"that it was lying in the house; but on searching
"for it, it was not to be found there. The Prisoner,
"addressing his eldest sister" the abovenamed
Oodyachaub "told her to bring the Coondalum. She,
"upon this, took the Peon and the Cauvilgar
"and they produced the Coondalum marked No. 4,
"which is now before the Court, at the Cutcherry
"and said that the said female had given it to
"them. The point of this weapon was stained with
"blood".

5. The eighth witness herself when examined before the Criminal Court (page 74 Vide) stated that on proceeding one morning to the house of her brother the prisoner she found a number of people assembled in the Yard, and standing at the door observed the deceased female lying on the ground with stains of blood on her cloth Vide: that being interrogated by the Police Officer, she denied all knowledge of the matter, and then went away: that "three days afterwards" she went again to the Prisoner's house and found his wife still alive; and then adds "the Coondalum marked No. — now before the Court was "lying near a corner of the house with stains "of blood on it. Stock the same to my house". The

witness then proceeded to state that the Prisoner on being examined by the Police Officer, admitted that he had stabbed his wife with the Coondalum "and that it was lying in the house." "On my being questioned" she continues "by the Police Officer I said that the Coondalum had been lying in the house, but fearing that it would be taken away by some person, I had taken it home to my house and had secured it. After this, I took the Cauvilgar to my house, and delivered the Coondalum to him".

6. It is absolutely necessary that the eighth witness should be made to attend before the Criminal Court and be strictly examined respecting this alleged discovery and removal by herself of the "Coondalum": and should she adhere to her former narrative, she must be required to state by what means her brother the prisoner ascertained that the Coondalum was in her possession: a knowledge which would seem to be implied in the circumstance related by the Native Doctor Moothen that the prisoner "addressed his sister and told her to bring the Coondalum".

7. It will further be necessary to procure the attendance of the Peon and the Cauvilgar "referred to by the same Native Doctor Moothen (pa. 81) and examine them as to what occurred

22nd August 1837

occurred in their presence before the Police Officer and as to the actual delivery of the Coondaulum to them by the eighth witness and the condition in which that Instrument was when so delivered: and also to require the attendance of the Native Police Officer who conducted the preliminary investigation, and examine him as to what took place before himself when the prisoner's confession was taken down: and especially as to the alleged fact of the prisoners having desired his sister the eighth witness to produce the Coondaulum.—

8 The eighth witness when examined before the Criminal Court, swore that she did not know to whom the Coondalum in question belonged: and the ninth witness Moottoocaroppen the son of the prisoner in like manner failed to recognize it, though he identified several other articles produced in Court, as belonging to his family.—

9. It is of importance to discover to whom the Coondaulum belonged: and it will accordingly be the duty of the Criminal Court to endeavour by all means to obtain all available evidence on this point.—

10. The prisoner in his Defence stated that on the night in question, while he

22nd August, 1837- he was sleeping in his own house, four persons whom he did not know came and carried him off to a jungle where they robbed him of his cloth and Roomaul &c.: and the fifth witness for the prosecution named Caleyanee deposes that when the prisoner was found in the jungle he had on "a single cloth:" but was "in the habit of wearing two cloths and a Roomaul."

11. In justice to the prisoner it is necessary that further inquiry on this point should be made; and that some of the nearest neighbours of the prisoner should be examined as to whether they know of any attack having been made on the night in question on the prisoner's house, and whether any noise was then heard which could lead to the supposition that he or any one of his household was undergoing personal violence: and if not it should if possible be ascertained what became of the said cloth and roomaul.—

12. The Acting Criminal Judge will likewise inquire of the prisoner whether from the period of his leaving his home until he was discovered lying in the jungle he had nothing to eat: and occasion may be taken to ask the Police Officer whether on the prisoner's being

22 22nd. August 1837.

being brought before him, there was any thing in his appearance to support his assertion that he was then in a state of Intoxication from the Arrack given him by his son: and whether there was then any ground for believing that long abstinence from food and severe physical suffering had at all tended to disturb his rationality.-

13. Finally the Court of Foujdaree Udalut direct that the Record of this case English and Persian be sent back to the Judge now on Circuit in the Southern Division with instructions to issue a Precept to the Acting Criminal Judge of Madura requiring him to cause the attendance before himself of the persons herein before refered to, and in the presence of the prisoner, take their examination upon oath on the several points indicated in the preceding paragraphs of this Order.-

14 The Acting Criminal Judge as will permit the Prisoner to cross examine the witnesses and to offer any thing further in his Defence should he wish it, at the close of the examination.-

15. The Judge on Circuit will annex an English and Persian Translation of the additional evidence &c. taken to the

Record

22nd. August 1837.

Record, and will retransmit the same for the consideration and final Judgment of the Court of Foujdaree Udalut.-

Ordered, that extract from these proceedings be sent to the Judge on Circuit in the Southern Division by Precept returnable within six weeks from and after its receipt.-

(Sent following Precept No. 1240.)

Read further return dated the 4th. Instant from the Officiating 2nd. Judge late on Circuit in the Centre Division to the Precept of the Foujdaree Udalut dated the 23d. January last calling for English and Persian Translation of the proceedings in cases Nos. 4 and 9 on the Chingleput Calendar for the 2nd. Sessions 1836.-

(Here enter No. 1557.)

F. 16

At a Court of the Foujdaree Adalut

Present

Charles May Lushington Esq.re 1st. Puisne Judge
John Bird Esq.re ——— 2nd. Puisne Judge
Alex.r Duncan Campbell Esq.re Acting 3d. Puisne Judge

Wednesday
23d. August 1837.

Read Extract from the Minutes
of Consultation under date the 7th. Instant
communicating for the information of the
Foujdaree Adalut, with reference to the order
of Government of the 28th. of June last, a
copy of a letter addressed by the Resident
at Nagpore to the Secretary to Government
in the Public Department under date the
20th. of July 1837 notifying that Veerasawmy
Moodeley late Head Writer in the Post
Office at Nagpoor, who is charged with
Forgery, quitted Nagpoor under a guard
of Sepoys on the 17th. of that month, on
route to Kattore, accompanied by the wit-
nesses named in the margin of his com-
munication, and stating that the only
other persons required by the Prisoner on
his defence are Mrs. Owers, the wife of a
Conductor at Secunderabad, and Mr. Newla-

a

a Conductor now Stationed at Madras, and notifying that application has been made to the Resident at Hyderabad requesting that he will cause the attendance of Mr. Owers at Nellore.—

/Here enter No. 1640./

Read also Extract from the Minutes of Consultation under date the 16th. August 1837 communicating for the consideration and report of the Foujdaree Adalut an extract from the Minutes of Consultation in the Public Department under date the 11th. Instant, in which, with reference to a letter addressed to Government by the Resident at Hyderabad, notifying that Mr. Owers will be unable to leave Hyderabad before the end of September 1837, it is ordered to be ascertained "whether the attendance of "Mr. Owers to give evidence on the Trial of "Veerasawmy, the late Post Office Writer at "Nagpoor, for forgery, can, by means of written "interrogatories, be dispensed with."—

/Here enter No. 1675./

1. Excepting under the circumstances contemplated in the Circular Order of the Foujdaree Adalut of the 8th. May 1833, which

/which is inapplicable to the case under consideration,/ the testimony of a witness required on the Trial of a prisoner can only be received when given orally on oath before the Court, in the presence of the prisoner; consequently the measure proposed in the Minutes of Consultation in the Public Department of the 11th. Instant, of procuring Mr. Owers's evidence by means of "written interrogatories", cannot be adopted; and inasmuch as it is impossible to determine what effect her evidence may have on the evidence for the prosecution, the Criminal Judge would not be warranted in dispensing with her examination as an evidence on the defence.—

2. With reference to the long period during which the witnesses will necessarily be detained at Nellore in the event of the prisoner Veerasawmy being committed to take his Trial before the Court of Circuit, the Sessions at which Station will not commence before January 1838, the Judges would suggest that all parties be ordered down to Chingleput, where eventually the prisoner may, under orders to

is

to that effect by Government, be tried by Mr. Oakes, who will complete the present Sessions in the Centre Division.—

Ordered, that Extract from these proceedings, together with the 3 original enclosures in the Minutes of Consultation under date the 16th. Instant be forwarded to the Chief Secretary to Government for the purpose of being laid before the Governor in Council.—

/Sent in No. 1244

Read letter, dated the Instant from the Acting Magistrate of Vizagapatam, submitting an explanation respecting the escape of the prisoner referred to in the Extract from the proceedings of the Foujdaree Udalut under date the 21st. July 1837 from the Ankapilly Police Darogah.—

/Here enter No. 1705./

Fd. Co.

At a Court of the Foujdaree Udalut

Present

Thursday 24th. August 1837.

Charles May Lushington Esqre. 1st. Puisne Judge
John Bird Esqre. 2nd. Puisne Judge
Alexr. Duncan Campbell Esqr. Acting 3d. Puisne Judge

Read letter dated the 7th. and received on the 24th. Ultimo, from the Officiating Second Judge late on Circuit in the Centre Division, submitting for the final judgment of the Foujdaree Udalut the English Record of Case No. 11 on the Bellaree Calendar for the Second Sessions of 1836.—

(Here enter F. Co. No. 1461 of 1837.)

Read also a letter dated the 31st. Ultimo from the same Officer sending up the Persian Translation of the proceedings in Case No. 11 on the Bellaree Calendar for the Second Sessions of 1836.—

(Here enter F. Co. No. 1528 of 1837.)

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 prisoners

Mr. Lushington
Mr. Bird
and
Mr. Campbell.

1st. Pedda Ramjee
and
2nd. Dhongreyah

is

is sufficient to convict them of the crime of Gang Robbery by open violence accompanied by Murder &c, under the authority with which they are vested by Clause First, Section II Regulation I of 1818, convict them thereof; and under the provisions of Clause first, Section IV, Regulation XV of 1803, sentence them to suffer death by being hanged so soon as conveniently can be after the receipt of this warrant on the Hill in the vicinity of Siddarampoorum in the Pencondah Talook in the Zillah of Bellaree on which the corpse of the Robber Koobah was found lying: their bodies to be afterwards suspended in Chains on high Gibbets to be erected on the same Hill.

1. In this case, the prisoners

1st Pedda Ramjee

2nd Dhongreah

and

3rd Nimbah

of the Lumbady Caste, stood charged before the Court of Circuit with having on the night of the 5th April 1836, in company with twenty or thirty others in a gang armed and carrying torches, proceeded to the village of Chinnaroyenapully in the vicinity of Seddarampoorum in the Pencondah Talook of the Zillah of Bellaree, and

and there entered the Yard of the house of the first Prosecutor Nootalee Chinnaygadoo, and attempted to break into and rob the inner apartments, and cut and severely wounded the fourth prosecutor and two of the Villagers named Tungum Baulapah and his son Tungum Yarroogandoo, the first and second witnesses for the prosecution by whom they were resisted and ultimately repelled; and robbed and carried away therefrom certain arms belonging to the first Prosecutor, valued at ninety Rupees, and set fire to the Village whereby twenty four houses with the property and Cattle contained therein to a large amount were consumed and thirty six persons were burnt to death.—

2. The third prisoner was acquitted and released by the Court of Circuit: and the first and second prisoners have been convicted by the Court of Foujdaree Adalut and sentenced to be hanged in Chains on the Hill in the vicinity of the scene of the outrage; whereon the dead body of one of the Gang was found.—

3. The following is a Summary of the facts of this Case as established by the evidence for the prosecution.—

4. When the attack on the house of the first prosecutor was commenced, the first and

24th August 1837

and Second witnesses named Baider Jungum Balapah and his son Jungum Yerroogaudoo, being in their hut in the Jungle close to the village of Chinnarayenapully and hearing the uproar, armed themselves with rude lances and proceeded to the spot. On entering the village they were assailed with stones; but they notwithstanding advanced to the house of the first prosecutor where they discovered a Gang of Robbers with Torches whom they immediately attacked, and after a short, but desperate conflict, in which they killed one Robber, mortally wounded another, severely wounded two others whom they captured, and themselves received numerous severe wounds, succeeded in beating off.-

5. It is further proved that the Gang on being thus repulsed, set fire to the village in revenge from which act ensued the serious loss of human life and destruction of property indicated in the charge against the prisoners.-

6. In the concluding paragraph of this letter of reference, the Judge of Circuit observes:- "considering the gallant behaviour and undaunted courage displayed by the 1st and 2nd witnesses Baudappah and his son Yerragaudoo in engaging alone and vanquishing so large a gang of Lumbady robbers who are seldom deficient in courage, on the night of the

24th August 1837

the robbery so strongly contrasted as it is with the pusillanimous conduct of the rest of the villagers, I most strongly recommend with reference to the annexed Return from the Magistrate of Bellaree to my Precept of the 27th October last, that the sanction of Government may be obtained for granting them four acres of the best Runjee land as Inaam and silver Medals commemorative of the event in which they so honorably distinguished themselves.-

7. The Court of Foujdaree Adalut resolve to forward a copy of the Magistrate's Return above alluded to, to Government, and at the same time to recommend that sanction be granted for giving effect to the suggestion of the Officiating Second Judge-

8. Should the Governor in Council see fit to accede to this Court's recommendation it would seem desirable that the Medals should be bestowed, and the announcement of the Grant of Land as a token of the approbation of Government made by the Magistrate of Bellaree in the most public manner possible.-

Ordered, that extract from these

24th August 1837.

these proceedings be sent to the Chief Secretary to Government, for the purpose of being laid before the Governor in Council.—

Sent in No. 1247

Ordered also, that extract from these proceedings be sent to the Officiating 2nd Judge late on Circuit in the Centre Division for his information.—

Sent following letter No. 1248.

Read letter dated the 10th Instant from the Special Commissioners at Mangalore submitting for the final Judgment of the Sonjdaree Adalut the Record of case No. 29 tried by the Special Commission at Mangalore.

(Here enter No. 1653.)

Mr. Bird and Mr. Campbell.

The Court of Sonjdaree Adalut, having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Cozat and Mooftees of the Sonjdaree Adalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the prisoner

Coonha Buntа

of Rebellion and awarding oottoobut and under the provisions of Sections II and III, Regulation

24th August 1837

Regulation I of 1834, sentence him to be imprisoned and kept to suitable labour in irons within the limits of the Jail at Mangalore for and during the period of seven (7) Years.—

The Court of Sonjdaree Adalut direct that their sentence in the Trial No. 29 from the Mangalore 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 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. 1249

Read letter dated the 28th Ultimo from the 3rd Judge on Circuit in the Western Division, transmitting the record in case No. II on the Malabar Calendar for the 2d Sessions of 1837.—

(Here enter No. 1559.)

Mr. Sushington and Mr. Campbell.—

The Court of Sonjdaree Adalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being

24th August 1837.

being of opinion that the proof against the prisoners

1st Karoovalil Koroo Nair

2nd Pelatary ooney Koren

4th Pelatary Cherria Imbichy

and

5th Chalil Erechen

is sufficient to convict them of the crime of Murder, do, under the authority with which they are vested by Clause First, Section II, Regulation I of 1818, convict them thereof, and under the provisions of Section X, Regulation VIII of 1802, sentence the prisoner

2nd Pelatary ooney Koren

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 natural life; the prisoners

4th Pelatary Cherria Imbichy

and

5th Chalil Erechen

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

1st Karoovalil Koroo Nair

to 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.

Sent following letter No. 1250

Read

F. C.

24th August 1837.

Read again letter dated the 15th Ultimo from the Special Commissioners at Mangalore submitting for the final Judgment of the Foujdaree Adalut the record of Case No. 16 tried by the Special Commissioners at Mangalore.

(Here enter No. 1450.)

Read also Extract from the Minutes of Consultation dated the 18th Instant, commuting into Transportation for life the sentence of death passed by the Court of Foujdaree Adalut against the two prisoners in Case No. 16 tried by the Special Commission at Mangalore; and declaring the resolution of Government to hang no more prisoners, excepting only those proved to be leaders or Instigators.

(Here enter No. 1694)

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

Mr. Sushington and Mr. Bird — Prisoners

1st Appaya Gowda

and

2nd Malapa Gowda

be transported to the Tenasserim Provinces, 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.

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. 1251

Read

24th August 1837.

Read the Bellarce Criminal Reports prescribed by Section XXXX Regulation X 1816 for the Month of July.—

(Here enter No. 1649.)

Suppl. Report. Case 86. 1. In this case the prisoner is charged with "escape" — in the preceding case he is committed for "Robbery by open violence" — The Court of Fojdarce Udalut conclude that the charge of escape has been investigated and that the Acting Assistant Criminal Judge merely awaits the result of the trial of the prisoner for the highway Robbery, to record his sentence in the case of "escape".—

Report V Case 100. 2. The Acting Assistant Criminal Judge states that against the 3d prisoner in this case there is "great suspicion" "sufficient" in his opinion "to imprison him for one Month" — The Court of Fojdarce Udalut presume that security was required from the said 3d prisoner under Clause 1st Section IV Regulation II 1822 and they wish to be informed to what extent it was demanded and whether it was given —

Case 101. 3. As this is an important case and the evidence is not full, the Court resolve to direct the Acting Assistant Criminal Judge to send copy of the case as it stands in the Report, and of this paragraph to the Magistrate, who will be pleased to use his best endeavours to procure further evidence, and should any be forthcoming to forward the parties capable of giving it to the Criminal Court.—

In

24th August 1837.

Case 111 In this case it is stated "there is no proof whatever" of the guilt of the prisoners. They are accordingly ordered to be released". Should the Acting Assistant Criminal Judge not have communicated the circumstances of the case, agreeably to the injunction of the Circular Order of the 21st May 1823. page 87 of the printed orders he will now be pleased to do so.—

Ordered, that extract from these proceedings be sent to the Acting Assistant Criminal Judge in charge of the Criminal Court of Bellarce for his information and guidance by Receipt returnable in 3 days after receipt.—

(Sent following Receipt No. 1252

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

(Here enter No. 1651.)

Report V Case 34. The prisoners in this case are represented to have been apprehended on the 24th June and to have appeared before the Head Assistant Magistrate on the 30th of that Month. No account being given as to where the prisoners were from the 24th to the 30th, the Court 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 ascertain, and explain direct to the Fojdarce Udalut, what became of the prisoners during those six days.—

Ordered

24th August 1837

Ordered that extract from these proceedings be sent to the Joint Criminal Judge at Tinnevelly for his information and guidance by Receipt returnable in 7 days after receipt.

(Sent following Receipt No. 1253

Read the Chicacole Criminal Reports prescribed by Section XXXV Regulation X. 1816 for the Month of July.

(Here enter No. 1662.)

Suppl. Report Case 75.

1. The three prisoners in this case have been committed for trial. the third witness has been fined 10 Rupees, for grossly contradicting himself, under Section VII. Regulation XIII. 1832. The Court of Foujdaree Udalut do not disapprove thereof, but are of opinion that, in case of committal, the fining witnesses should be avoided if possible and they direct that the Acting Assistant Criminal Judge in charge be called upon to state clearly the nature of the contradictions uttered by the said 3rd Witness.

Report Case 73.

2. In this case it is stated that "the third prisoner will be kept in custody till instructions can be received from the Foujdaree Udalut." The Court direct an explanation may be submitted why this reference, which they have not yet received, has been delayed.

Ordered that extract from these proceedings be sent to the Acting Assistant Criminal Judge at Chicacole for his information and guidance

4

Fort St. Geo:
24th August 1837

by Receipt returnable in 4 days after receipt.

(Sent following Receipt No. 1254

Read letter dated the 10th instant from the Acting Magistrate of Vizagapatam requesting permission to offer a conditional pardon to Maurtoor Gooravanah and Nagoolapilly Boosanah supposed to have been concerned in the Assassination of Custoory Appiah late Head Sheristadar of the Vizagapatam District.

(Here enter No. 1664.)

Under the authority vested in

1. them by Section XII Regulation XIII of 1832 the Court of Foujdaree Udalut sanction the offer of a conditional pardon to the prisoners named as

"Maurtoor Gooravanah"

and

"Nagoolapilly Boosanah"

such offer to be made in the terms prescribed in the Circular Order of the 3rd of April 1828.

At the same time the Court of

2. Foujdaree Udalut direct that the attention of the Acting Magistrate of Vizagapatam be called to the Circular Order of the 13th May 1824, under which it was his duty to have distinctly shewn that each individual to whom it is proposed to make the tender of a conditional pardon "is "strictly speaking an accessary and not a principal,

and

24th August 1837

and that his information "is likely to lead to the "apprehension or conviction of the principal offender or offenders."

Ordered, that extract from these proceedings be forwarded to the Acting Magistrate of Vizagapatam for his information and guidance.

Sent in No. 1255.

Eq. No.

WS

WS

F. 66.

At a Court of the Foujdaree Adalut.

Present

Charles May Lushington Esqr. 1st. Puisne Judge.

Friday

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

25th. August 1837.

Alexr. Duncan Campbell Esqr. Acting 3d. Puisne Judge.

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

Here enter No. 1670.

WS

Report Case 46.

1. In this case the prisoner, proved guilty of the offence of "escape," is sentenced "to six months' imprisonment in addition to any sentence he may receive."—

The Acting Joint Criminal Judge was correct in investigating this case, but the rule of the Foujdaree Adalut is, when a prisoner is committed in one case, and this prisoner is committed in Case 48, and charged with escape in another, that the sentence for the escape shall not be recorded until the result of the trial of the prisoner by the Circuit Court is known.—

2. Ordered, that Extract from these

these proceedings be sent to the Acting Joint Criminal Judge at Ipentoor for his information and guidance by Precept returnable in 3 days after receipt.-

Sent following Precept № 1257

Read the Salem Criminal Reports prescribed by Section XXXV Regulation X 1816 for July.-

Here enter № 1671.

Report Case 94.

1. The prisoner in this case is described to have been punished and imprisoned for a long period on a former occasion. The crime for which the prisoner was formerly punished is not specified, but the circumstance would appear to render the Case 94 a committable one. Although the sentence need not be disturbed, the Criminal Judge will in future similar cases, attend to that provision in Clause 2nd Section II Regulation VI. 1822, which declared a case shall be committed if any of the prisoners shall appear to have been before convicted of Burglary, robbery or other heinous crime."-

Statement of Rents.

2. According to Column 7. of the Statement of labor "there were 42 prisoners worked outside the Jail, and with reference to the rules of the 22nd May last there should not have been employed more than 10 Peons as a guard: so that there appears to have been one Naique and 2 Peons entertained beyond the authorized establishment.

3. The Court direct that unless the Criminal Judge should have any explanation to offer, the requisite reduction of the one Naique and two Peons be immediately made.-

Suppl. Report Cases 38 and 341.

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 № 1258

Read the Vizagapatam Criminal Reports prescribed by Section XXXI Regulation X 1816 for the month of July.-

Here enter № 1674.

The Court of Foujdaree Adawlut resolve to direct that copy of these cases as they stand in the Report, be sent by the Acting Joint Criminal Judge with copy of this paragraph to the Acting Magistrate

Magistrate, who will be pleased to report direct to the Foujdaree Udalut, why the prosecutors and material witnesses whose attendance is requisite for the disposal of the cases could not be forwarded before the close of the month of July.-

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Vizagapatam by Express Post returnable in 3 days after receipt.-

Sent following Precept No. 1259.

F. 66.

At a Court of the Foujdaree Udalut.

Present

Charles May Lushington Esqre. 1st Puisne Judge.

Saturday, 26th August 1837. John Bird Esqre. _____ 2nd Puisne Judge.

Alexr. Duncan Campbell Esqre. Acting 3d Puisne Judge.

Read letter dated the 2nd Instant from the Acting First Judge late on Circuit in the Southern Division, submitting for the final judgment of the Court of Foujdaree Udalut the Record of Case No. 1 on the Combaconum Calendar for the first Sessions of 1837.-

(Here enter F. 66. No. 1592 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 such part of the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid as acquits the prisoners

2nd Viapoory

5th Rangoonauden

and

8th Paratien

and do accordingly acquit them: and direct that

that they be set at liberty.

And being of opinion that the prisoners

3rd Puttany
4th Cunnoo
6th Soobramaneyen
7th Pareyatomby
and 9th Lutchoomanen

are not convicted on presumptive proof, or on the evidence of credible witnesses or on their own confessions, notwithstanding the Futwa of their Law Officers, the Court do accordingly acquit them: and under the provisions of Clause Sixth, Section II, Regulation XV of 1803, direct that they be set at liberty.-

1. The Court of Foujdaree Udalut are unable to place any reliance on the evidence of the first four witnesses for the prosecution in this case, who, in the opinion of the Court, upon their own showing, could not possibly have recognized the Robbers, inasmuch as they admit that the faces of the latter were smeared with ashes: and it appears that none of them were present when on the following day the Tahseeldar entered upon the investigation of the case: that their

pretended communications to the fifth witness did not lead that individual to denounce any of the prisoners: and that nearly forty days elapsed during which they did not accuse any of them by name.-

2. The Court of Foujdaree Udalut view the evidence respecting the finding of the alleged stolen property as most suspicious and worth nothing: and are of opinion that the second, fourth and fifth prisoners as well as the sixth prisoner have fully proved that they were not engaged in the Robbery.-

3. The ninth prisoner, at least, ought not to have been committed. He appears to have been included in the charge solely because an Article alleged to have been stolen was found in his brothers house.-

4. The Court of Foujdaree Udalut regret to observe that Ramier the Head of Police of Nunnargoody Talook did not do his duty in this case: and that the investigation held by that Officer immediately after the occurrence of the outrage, was most insufficient.-

Ordered

26th August 1837.

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

/Sent following letter No. 1263

Read letter dated the 11th Instant from the Acting 3d Judge late on Circuit in the Northern Division, submitting English and Persian translations of the record in Case No. 13 on the Chicacole Calendar for the 1st Sessions of 1837.-

/Here enter No. 1668./

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, so far as it convicts the prisoner

Rajoo Narrainadoss.oo.

of murder: but being of opinion that the Capital Punishment to which under the finding of Hidaet declared in that Futwa the prisoner is liable, would, by reason of certain alleviating circumstances, in the present case, be

be too severe - the Court sentence the said prisoner 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 natural life.-

/Sent following letter No. 1264.-

Read letter dated the 15th Instant from the First Judge on Circuit in the Northern Division, reporting his having issued the usual Proclamation to the Criminal Judge at Rajahmundry for opening the second Sessions of 1837 at that station on the 14th proximo.-

/Here enter F. Ud. No. 1681 of 1837./

1. The Court of Foujdaree Udalut observe that the First Judge arrived at Guntoor on the 3d Instant, and there found only seven cases including eleven prisoners awaiting Trial: and from Guntoor to Rajahmundry the distance does not exceed one hundred and ten miles.-

2. This being the case, the Court of Foujdaree Udalut are concerned to find that the Sessions will not be opened at

Rajahmundry

Rajahmundry before the 14th proximo.—

3. It was reasonable to expect that the Business of the Circuit would have advanced with greater expedition.—

Ordered, that Extract from these proceedings be sent to the 1st Judge on Circuit in the Northern Division for his information.—

/Sent in No. 1265

Read return dated the 19th instant from the Acting 1st Judge late on Circuit in the Southern Division, to the Precept of the Foujdaree Udalut dated the 19th June 1837, directing him to review the proceedings held before the Joint Criminal Court at Tinnevelly in Case No. 20 on the Report for the month of May 1837.—

/Here enter No. 1716/

Read Order of Government dated the 25th Instant observing that the Extract from the proceedings of the Foujdaree Udalut under date the 18th August 1837 on the Report of the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division for the 2nd Quarter Sessions of 1837. does not require any remark from Government.—

/Here enter No. 1732/

Ft. Ud.

At a Court of the Foujdaree Udalut

Present

Monday 28th August, 1837.

Charles Mary Lushington Esqre 1st Puisne Judge

John Bird Esqre ——— 2nd Puisne Judge

Alexr Duncan Campbell Esqre Acting 3d Puisne Judge.

Read petition presented by Narraina Pillay of the Zillah of Combaconum.—

(Here enter M. P. No. 85 of 1837.)

The Petitioner merely reiterates the prayer contained in his Petition No. 64 presented on the 2nd instant that the sentence passed by the Court of Circuit in Case No. 30 of the Combaconum Calendar for the 1st Sessions of 1837 may be reversed.—

The Petitioner was informed on the 7th instant that the Court of Foujdaree Udalut saw no reason to doubt the propriety of the sentence recorded by the Court of Circuit in the case in question, and to that order the Petitioner is referred, and informed that no further petition on this subject will be received from him.—

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

Read petition presented by the Vakeel Kristnamachaary on behalf of Pallikundy Koongoossa of Tellicherry.—

(Here enter M. P. No. 94 of 1837.—

The

28th August, 1837.

The Petitioner represents that the suit which he brought against Thacharakel Coonhy Poker in No. 121 of 1831, was decided by the Pundit Sudr Ameen of the Provincial Court in the Western Division in his favor, but that on an Appeal being preferred to the Assistant Judge, the judgment was reversed on the ground that in the Bond, the subject of the suit, two letters had been erased and others written, for which Petitioner was committed to take his trial before the Court of Circuit in No. 1 of the 6th Additional Calendar for the 1st Quarterly Sessions of 1837, and the Judge presiding having recorded his opinion that there were not sufficient grounds for proceeding to Trial he was released accordingly.—

This opinion of the Court of Circuit was recorded under date the 10th of May 1837, and the Judge presiding having considered it objectionable to grant Petitioner a copy of it, for the purpose of filing it as an exhibit in a Special Appeal which he intends to prefer to the Zillah Court of Malabar, he prays that either a copy of the proceedings of the Court of Quarterly Sessions in the case in question may be furnished to him from the records of the Toujdaree Adalut, or that the Court of Circuit may be instructed to comply with his request.—

The proceedings of the Court of

28th August, 1837.

of Quarterly Sessions in the case No. 1 of the 6th Additional Calendar for the 1st Sessions of 1837 not being material to the Petitioners application for the admission of a Special Appeal, the Court of Foujdaree Adalut do not deem it proper to comply with the prayer of this petition, which is rejected accordingly.—

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

Read return dated the 23d instant from the late Acting 1st Judge late on Circuit in the Southern Division, to the Precept of the Foujdaree Adalut of the 14th Instant, containing their orders on the Petition of Moottoosawmy Cadavaroyen of the Zillah of Combaconum, and requiring suspension of the sentence of the Circuit Court in Case No. 55 of the Combaconum Calendar 1st Sessions 1837.—

(Here enter No. 1734.)

S. W.

At a Court of the Foujdaree Udalut

Present

Tuesday 29th. August 1837.

Charles May Lushington Esqre. 1st. Puisne Judge
John Bird Esqre. _____ 2nd. Puisne Judge
Alexr. Duncan Campbell Esqre. Actg. 3d. Puisne Judge

Read letter dated the 10th. Instant, from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut, the Record of Case No. 33 Tried by the Special Commissioners at Mangalore.—

(Here enter No. 1656.)

Mr. Lushington and Mr. Bird.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, convicting the prisoner

Goodde Tummunna

of Treason and Rebellion, and awarding ookoobut, and under the provisions of Section II Regulation I of 1834, sentence him to suffer death by being hanged at the usual time and place of execution.—

The prisoner in this case is convicted by the evidence of having taken part in the Rebellion: and from his own admissions it appears that from the commencement of the insurrection, he was concerned as a leader, and in that capacity carried

29th August 1837

carried off the Treasure, and took part in the attack upon the Company's Troops at Bellary, in the two attacks upon Mangalore and in the hoisting of the Rebel Flag on the Flag-Staff at the last named station.

2. Under these circumstances, the Court of Foujdaree Udalut consider the prisoner deserving of Death, and are unable to concur with the Special Commissioners in thinking "that his free "declaration of his guilt gives him a claim to relief "from capital punishment."

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 33 from the Mangalore 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 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. 1271)

Read letter dated the 10th Instant, from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 34 Tried by the Special Commission at Mangalore.

(Here enter No. 1652.)

29th August 1837

Mr. Lushington
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 such part of the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid as convicts the prisoner

2nd Timiah Shanabhoga

of Treason and Rebellion and awards to Roobut: and under the provisions of Sections II and III Regulation I of 1834, and Clause Third, Section VIII Regulation ~~XV~~ of 1803, sentence him to be banished to the District of Coimbatore to be imprisoned in the Jail of the Auxiliary Court 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 proof against the prisoner

1st Shantiya Chokeydar

is sufficient to convict him of taking part with the Rebels, the Court 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 Sections II and III Regulation I of 1834 sentence him to be imprisoned without irons or labour in the

the

the Jail at Mangalore for and during the period of (6) Six Months.—

The Court of Foujdaree Udalut do direct that their sentence in the Trial No. 34 from the Mangalore Special Commission, do 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 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. 1272

Read letter dated the 10th Instant from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut, the Record of Case No. 26 Tried by the Special Commission at Mangalore.—

(Here enter No. 1654.)

Mr. Sushington and Mr. Campbell.

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

Moortyaja

is sufficient to convict him of the crime of Treason and

and Rebellion, 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 Section II and III, Regulation I of 1834, 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 natural life.—

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 26 from the Mangalore 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 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. 1273

Read letter dated the 10th Instant, from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 27 tried by the Special Commissioners at Mangalore.—

(Here enter No. 1655.)

Mr. Sushington and Mr. Campbell

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-Cozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid convicting the prisoner

Dewada Carengal Ithwara

of the crime charged and awarding ookoobut, but considering that

29th August 1857

that the ends of Justice will be sufficiently attained by the imprisonment he has already undergone, the Court resolve to remit further punishment, and to direct that the said prisoner be discharged with an admonition.—

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 27 from the Mangalore 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 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. 1274

Read letter dated the 11th Instant, from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the record of case No. 31 tried by the Special Commissioners at Mangalore—

(Hereinter No. 1867)

Mr. Sushington
Mr. Bird
and
Mr. Campbell

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-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid convicting the prisoner

1st Adanna Conde alias Adessiya

of Treason and Rebellion, and acquitting the prisoner

2nd Cauntoo

and under the provisions of Sections II and III Regulation I

29th August 1857

of 1834, sentence the prisoner

1st Adanna Conde alias Adappa

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

2nd Cauntoo

the Court direct that he be set at liberty.

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 31 from the Mangalore 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 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. 1275

In the concluding paragraph of their letter of reference, the Special Commission observe—"we take this opportunity to request authority to release upon bail, pending a final decision on their cases such prisoners as we may acquit of Rebellion. It is at all times due to those charged with crime that they should cease to be detained in confinement when their guilt has failed of proof; and the present crowded and sickly state of the Jail urgently demands that no innocent man should be imprisoned in it a moment longer than is necessary to his trial."—

Concurring

29th August 1837

2.

Concurring in the remarks above quoted the Court of Fouzdaree Udalut resolve to authorize the Special Commissions to release upon Bail, pending the final decision on their cases, such persons as they may deem not connected of the crime of Rebellion.—

Ordered, that extract from these proceedings be sent to the Special Commission at Mangalore for their information.—

(Sent in No. 1276

Read letter dated the 9th Instant from the Magistrate of Canara, forwarding for the orders of the Fouzdaree Udalut copy of a letter dated the 7th Instant, from the Joint Magistrate, objecting to a decision of the late Acting Principal Sudr Ameen of Honore in a case of smuggling salt.—

(Here enter No. 1695)

1.

The case to which the above letter refers is No. 47 of 1837 in the Court of the Principal Sudr Ameen at Honore. The prisoner Sunna Tumma was charged in it with possessing 10 Mercals of smuggled salt valued at Rupees 2-2-50 which was found in a heap of straw near his house on the noon of the 5th of May 1837. The Acting Principal Sudr Ameen released him, though two witnesses proved that the salt was found on the spot in question, because the prisoner denied the charge and stated that his enemies had placed the salt there because it appeared that the heap was outside the house and was accessible to others without prisoner's knowledge and because there were other houses in the vicinity and the prisoner has some enemies

2.

This explained by the Joint Magistrate

3.

No. 66.
29th August 1837

that "the agency of an enemy" is the usual defence of smugglers when salt is found on the premises they occupy. that "Sunna Tumma lives in a small garden completely surrounded by a stone wall" the enclosure being "in his entire occupancy" and "no house but his own within it" and that the salt rather more than three cooly loads in quantity was discovered in his own stack of straw within a few feet of his house."—

3.

Under these circumstances it is matter of regret that the Acting Principal Sudr Ameen should have acquitted and discharged the prisoner—but since he was competent to dispose of the case, and the prisoner has been released, the Court of Fouzdaree Udalut are of opinion that he cannot be reapprehended and tried again for the same offence.— The Court deem it proper to direct that the Principal Sudr Ameen be warned against adopting the decision in this, as a precedent in a future similar case.—

Ordered, that extract from these proceedings be sent to the Principal Sudr Ameen at Honore for his information and guidance.

(Sent in No. 1277

Ordered also, that extract from these proceedings be sent to the Magistrate of Canara for his information.—

(Sent in No. 1278

Read

29th August 1837.

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

(Here enter No. 1650)

Report V
Case 63.

1. The Court of Foujdaree Udalut, presuming that the Prosecutor has recovered his Cattle, direct that the Acting Joint Criminal Judge do return to the 2nd prisoner the 13 Rupees referred to. The prisoner having been acquitted of the charge of purchasing the cattle knowing them to have been stolen, there are no grounds for withholding the money.—

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. 1279

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

(Here enter No. 1676.)

Suppl. Report
Case 38.

1. The Court of Foujdaree Udalut do not desire to disturb the order for the requisition of security from the 1st, 2nd and 3rd prisoners in this case, but they deem it proper to notice that the Acting Joint Criminal Judge would have been justified in convicting them under the circumstances and the evidence adduced.—

29th August 1837.

Report V
Case 40.

2. In this case the prisoner Mauroory Naugodoo charged with having escaped from the custody of Police Peons. whilst he was being conveyed to Hydrabad has been sentenced to six Months imprisonment. The Court of Foujdaree Udalut require a further explanation regarding the circumstances of this case. They wish to be informed why the prisoner was sent to Hydrabad and when it is now purposed to forward him to that station.—

Statement of Peons

3. It appears to the Foujdaree Udalut that one Duffadar and one Naique have been employed in excess of the authorized proportion of these Officers to the Peons entertained. Had there been 140 Peons the due proportion would then only have been 7 Duffadars and 7 Naiques. The Acting Joint Criminal Judge will be pleased to make the requisite reduction.—

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 4 days after receipt.—

(Sent following Precept No. 1280

At a Court of the Zoujdaree Udalut.

Present,

Wednesday 30th August, 1837. — Charles Reay Lushington Esqr. — 1st Puisne Judge,
John Bird Esqr. ——————— 2d Puisne Judge,
Alexr. Duncan Campbell Esqr. — Acting 3d Puisne Judge,

Read the Combaccum Criminal Reports prescribed by section XXXV. Regulation X. 1816 for the month of July.—

(Here enter No. 1724)

Report V
Case 288.

1. In this case it is represented that the 1st prisoner was apprehended on the 19th of May and the 2d on the 4th of June. and that they were not produced before the said Assistant Magistrate till the 24th of June—

2. The Court of Zoujdaree Udalut 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 report direct to the Zoujdaree Udalut where the prisoners respectively were from the 19th May and 4th of June till the 24th June.—

Case 290.

3. The Court of Zoujdaree Udalut require to be informed whether a charge or what offence was established against the prisoners in this case— as the case

30th August 1837.

case is represented in the Report. The prisoners do not appear to have been liable to "fine".—

Trichinopoly
Statement of Labor and Rates.

4. In this statement the Jail guards is thus specified "1 Jailor – 4 Duffadars – 4 Peons – 20 Peons inside fenced guard – 53 outside guard". and a note is added stating "that some of the Duffadars Peons and Peons having been employed only part of the month did not receive the whole pay." The Court of Foujdaree Udalut wish to be informed upon what calculation this Jail guard has been fixed, and the Criminal Judge will accordingly send copy of this paragraph to the Magistrate, who will transmit the information asked for to the Foujdaree Udalut.—

Ordered, that Extract from these Proceedings be sent to the Criminal Judge at Combaconum for his information and guidance by Precept returnable in 5 days after receipt.—

Ext. No. 8

(Sent following Precept No. 1285.

Sp. Us.

At a Court of the Foujdaree Udalut

Present

Thursday 31st August 1837.

Charles Mary Lushington Esqre. 1st Puisne Judge
John Bird Esqre. _____ 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. Acting 3d Puisne Judge

Read letter dated the 9th Instant, from the Special Commissioners at Mangalore submitting for the final Judgment of the Foujdaree Udalut the Record of case No. 25, tried by the Special Commission at Mangalore.—

(Here enter No. 1637.)

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid convicting the prisoners

Mr. Lushington and Mr. Campbell

1st Doddalotta Soobraya
and
2nd Devada Namapa Potail

of Treason and Rebellion and awarding each but and under the provisions of Sections II and III, Regulation I of 1834, and Clause Third Section VIII Regulation XV of 1803, sentence the prisoner

2nd Devada Namapa Potail

to suffer death by being hanged at the usual time

31st August 1837

time and place of execution and the prisoner

1st Doddalotta Soobraya

to be banished to the District of Coimbatore 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 seven Years.

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 25 from the Mangalore 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 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. 1288.

Read again letter dated the 27th Ultimo from the Special Commissioners at Mangalore submitting for the final judgment of the Foujdaree Udalut the record of Case No. 13 tried by the Special Commissioners at Mangalore.

(Here enter No. 1534.)

Read also extract from the Minutes of Consultation dated the 25th Instant, commuting to transportation the sentence of death awarded by the Foujdaree Eldalut on the prisoners Devo Conde and Bellanjee Narnapah

31st August 1837

in No. 13 of the Mangalore Special Commission & authorising the sentence of the Foujdaree Udalut on the 2nd prisoner Beermanna Samani to be carried into effect and approving of the reference to the Magistrate of the claims of some of the witnesses in the said trial to reward.

(Here enter No. 1735.)

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

Mr. Sushington and Mr. Campbell

Prisoners

1st Devo Conde

and

2nd Bellanjee Narnapah

be transported to Singapore there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of their natural lives and that the Prisoner

2nd Beermanna Samani

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 extract from their proceedings under date the 19th Instant be sent for the information and guidance of the Mangalore Special Commission.

(Sent following letter No. 1289.

Read letters dated respectively the 1st and 12th Instant from the Officiating 2nd Judge late on Circuit in the Centre Division, transmitting the English and Persian translations of

31st August 1837.

of the Record in case No. 16 of the Cuddalore Calendar 2nd Sessions of 1836.

(Here enter Nos. 1558 and 1646.)

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 ood Coozat and Mooftees of the Foujdaree Udalut, are of opinion that the prisoner

Vencatachellum

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the crime of wilful Murder notwithstanding the Futwa of their Law Officers; and do accordingly acquit him of that crime but being of opinion that the proof against him is sufficient to convict him of the crime of Manslaughter, the Court do convict him thereof and require their Law Officers to declare by a second Futwa to what sentence the prisoner would have been liable under the Mahommedan Law, if he had been convicted by full legal evidence.—

Answer.

If the prisoner were legally convicted of the crime of Manslaughter he would be liable to a Deyut of ten thousand Durhems to be paid to the heirs of the deceased in three years.

Mr. Bird and Mr. Campbell

In commutation of the penalty of Deyut declared in the foregoing Futwa, and under the provisions of Clause Third, Section VII. Regulation

F. W.

31st August 1837.

of 1803, the Court of Foujdaree Udalut sentence the prisoner

Vencatachellum

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

(Sent following letter No. 1290

Read letter dated the 21st Instant from the Acting Judge on Circuit in the Centre Division, transmitting the Record of Trial in case No. 2 Cuddapa Calendar 2nd Sessions of 1837.—

(Here enter No. 1730.)

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 ood Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee ood Coozat and Mooftees aforesaid convicting the prisoner

Allacoontah Chingadoo

of wilful murder: and under the provisions of Section XV. Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.—

(Sent following letter No. 1291

Read letter dated the 19th Ultimo from the First Judge on Circuit in the Northern Division, submitting

Mr. Bird and Mr. Campbell.

31st August 1837.

submitting for the final Judgment of the Court of Foujdaree Udalut, the Record of case No. 6 on the Nellore Calendar for the second Sessions of 1837.

(Here enter F. Co. No. 1686 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-ood-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ood-Cozat and Mooftees aforesaid, acquitting the prisoner

Broogoomellah Sembhoodoo

and accordingly direct that he be set at liberty.

Mr. Lushington and Mr. Bird

The good character borne by the accused previously to the occurrence of the Robbery—the evidence by no means undeserving of credit in support of his plea of Alibi—and other circumstances apparent on the Record, all tend to raise a Doubt whether the Boy and the Girl on whose testimony the charge exclusively rests, may not be mistaken in respect of the Identity of the prisoner with the person who robbed them: and the Court of Foujdaree Udalut have considered themselves bound to give the prisoner the benefit of that Doubt.—

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

(Sent following letter No. 1293

Ead Dk.

31st August 1837.

Read letter dated the 14th Instant, from the Acting Judge on Circuit in the Centre Division, forwarding a copy of the Cuddapah Calendar for the second Sessions of 1837.—

(Here enter F. Co. No. 1679 of 1837.)

Read also letter dated the 19th instant from the same Officer forwarding a copy of the Cumlum Calendar for the second Sessions of 1837.—

(Here enter F. Co. No. 1706 of 1837.)

In this case, the prisoners Jail

Cuddapah Calendar Case No. 3.

1. Peons, were charged before the Court of Circuit with having, on the 1st March 1837, allowed a Convict named Bonoorgaudoo, under sentence of fourteen Years imprisonment, to effect his escape from their guard while employed in cutting Branches for Baskets in the wood close to the Town of Cuddapah.—

The Case was returned to be disposed of by the Criminal Court the Judge of Circuit observing in the extract from his proceedings under date the 8th July 1837 that "the prisoners confessed that the Convict effected his escape while "they were in a state of insensibility from giddiness;" that "the second prisoner attributes this giddiness to the fugitive Convict having enchanted him as well as the first prisoner:" and that hence, the charge of allowing the fugitive convict "to

2.

"to escape is not established, nor is there any proof
"adduced to their having connived thereat."

3.

The Court of Foujdaree Adalut are
of opinion that the prisoners ought to have been
tried by the Court of Circuit. Connivance on their
part is clearly inferible from the statements by
which they endeavoured to account for the escape
of the Convict. If the Circuit Judge required further
evidence, it was in his power to call for it.

4.

There can be no security for the safe
custody of the worst Criminals, if Peons are in this
way to be allowed to escape with impunity.

5.

If the prisoners have been sentenced
by the Criminal Court under the provisions of Clause
first Section XI Regulation XIII of 1832, as directed
by the Acting Judge, the sentence of that Court will
not be disturbed.

Case No. 4.

6.

In this case the prisoner
Mahommed Sahib
was charged with having on the night of the
19th February 1837 gone to the house of the third
complainant and inflicted sundry wounds
upon her and upon the first and second
complainants, with a Cocks Spur and Case Knife

7.

The Judge of Circuit observes in
the extract from his proceedings under date the
8th July 1837 that "this case should not have been

Fr. No.
31st August 1837

"committed before the Court of Circuit, the Prisoner
"having perpetrated the alleged acts of violence
"while labouring under a deranged state of
"mind, as clearly established by the statements
"made by the second and third prisoners" and
calling the attention of the Criminal Judge to the
Circular Order of the Foujdaree Adalut of the 1st
June 1829 "as to the mode of procedure to be adopted
"with respect to insane persons" desires that Officer
to "allow the Prosecutors and witnesses to return to their
"own houses."

8.

This proceeding evinces an un-
accountable misapprehension on the part of
the Judge of Circuit of the meaning of the Circular
Order to which he has called the attention of the
Criminal Judge.

9.

It is obvious that the charge against
the prisoner from its very nature, is cognizable by
the Court of Circuit only: and the order in question
requires that "persons charged with having com-
"mitted any criminal act in a state of Insanity
"shall be brought, in the usual manner, before
"the Officer who has cognizance of the crime of
"which they are accused": that the said Officer
"shall investigate the state of their mind when
"brought to the bar, and if they be then in an
"undoubted state of sanity, he shall place them

on

"on their trial when the state of their mind at the
"time of the act charged against them will form
"a natural object of inquiry. If the eventual derang-
"-ment of the prisoner at the time of the crime
"charged against him is established, he will as
"of course be acquitted, and the same recorded in
"the usual manner."

10.

The prisoner must be brought for
Trial before the Court of Circuit at the next ensuing
Sessions of Jail Delivery: and the Acting Judge
will accordingly issue the requisite orders on the
subject to the Criminal Judge of Cuddapah.—

Case No. 5.

11.

The prisoner in this case was
charged with having assaulted the Prosecutrix'
brother Byrunnah aged sixteen years beaten him
with his hands and pushed him down so that he
died on the spot

12.

The prisoner was released, the
impression of the Judge of Circuit being that the
fatal accident was the result of a scuffle between
the Prisoner and the deceased, occasioned by
the latter having in the first instance assaulted
the prisoner; that "as there was no mark percepti-
ble on the corpse" of the deceased; his death cannot
be considered to have been occasioned by the blow
or push, but must be ascribed more to accident
or to the visitation of God than to any other cause

without any wilful or intentional design on the part
of the prisoner to commit homicide."—

The Court of Foujdaree Udalut see no
13.
objection to the judgment pronounced by the Acting
Judge of Circuit in this case. The circumstances of
the case certainly afford no room for concluding
that the prisoner was deserving of punishment.—

The two prisoners in this case were
Case No. 8.
14.
charged with having attacked one Cauder Sahib
in a wood and robbed him of property value
unknown.—

The prisoners are convicted but
15.
as in the opinion of the Circuit Judge of which
he details the grounds it is not clearly ascertained
that the robbery was committed upon the per-
son of Cauder Sahib the complainant in this case,
and the value of the property robbed does not exceed
ten Annas, no personal injury was inflicted, and
the second prisoner is under age, the Judge of
Circuit recommends a mitigation of punishment to
two years imprisonment with irons and labour."

As from the exposition of the Acting
16.
Judge of Circuit, there seems reason to doubt whe-
ther the prisoners in this case did actually rob
the complainant, the Court of Foujdaree Udalut,
before passing any order on the present recom-
mendation, deem it necessary to direct that
an English Translation of the Record be
sent

sent up for their consideration as early as may be practicable.—

Case No. 10

17. In this case, the prisoners two in number were charged with having at midnight on the 11th January 1837. with some others gone forth armed in a gang to the house of the Prosecutor, entered it by getting over the wall, beaten the Prosecutor's wife and children with their hands, and robbed from the house property valued at thirty one Rupees.—

18. The first prisoner is convicted, and the second acquitted and ordered to be released on security.—

19. In favour of the first prisoner the Judge of Circuit recommends that the punishment prescribed by the Regulations, be mitigated to five years imprisonment "by reason of the amount of stolen property not exceeding thirty one Rupees — unaccompanied by violence and of no injury being sustained by the Prosecutor."

20. The Court of Foujdaree Adalut being of opinion that in a case of this nature, the sentence proposed by the Judge of Circuit would be inadequate, resolve under the authority vested in them by Clause Third, Section III Regulation

I. of 1825. to direct that the prisoner Maulachinnoogaudoo alias Pillazottoowadoo 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. 22

21. In his remarks in the Calendar, the Acting Judge of Circuit observes that "although the Mahommedan Law Officer acquits the 2nd prisoner in this case, he having been concerned in No. 22 do. do."—

22. The Acting Judge will find on referring to the Futwa that the Mahommedan Law Officer distinctly declares both the prisoners convicted of Gang Robbery; but states that the second prisoner, so far as regards this case, may be set at liberty because he is concerned in a similar charge in No. 22.—

Case No. 16.

23. In this case, six prisoners were charged with having, at noon, on the 19th March 1837, attacked the four Prosecutors in a Choultry, beaten the first Prosecutor with a stick, and carried away "public revenue" amounting to Rupees 137-14 of which the said

Complainants

31st August 1837 - complainants had charged.

24. For the reasons detailed in the Calendar the Judge of Circuit concurred in the Futwa of acquittal delivered by the Mahommedan Law Officer.

25. The Court of Foujdaree Udalut are of opinion that the evidence in this case was sufficient to prove an assault against the prisoners. Indeed, the Circuit Judge himself assigns as the reason of his dispensing with the evidence of the 3d, 5th, 6th, 8th and 9th witnesses, the fact that they established the same points as respects the assault already proved by the witnesses who have been examined.

26. It therefore appears to the Court of Foujdaree Udalut that the Judge of Circuit erred in concurring with the Mahommedan Law Officer in acquitting the prisoners of that part of the charge.

Case No. 17. 27. In this case, the prisoner

Woolasala Condadoo

was charged with having, on the 4th April 1837 at midnight, entered the house of the prosecutor by removing the Tat from the Door, with the intent to commit Theft: and stabbed the said prosecutor on the head with a Dagger.

28. The Judge of Circuit returned the case to be disposed of by the Criminal Court, on

31st August, 1837 - the ground that there was not sufficient evidence to authorize the committal of the accused for Trial before the Court of Circuit.

29. The Court of Foujdaree Udalut concur deserve that the charge being for Housebreaking accompanied with wounding, was clearly cognizable by the Court of Circuit. Against the prisoner there was his confession which he did not deny and which was capable of being proved by the person who committed it to writing. This confession was corroborated by the fact of a knife traced to the prisoner having been found on the premises after the prosecutor's house was entered in the manner indicated in the charge: and hence, there was certainly sufficient ground for putting the accused on his Trial.

30. And the Court of Foujdaree Udalut deem it necessary to direct that the prisoner in question be reapprehended and recommitted to take his Trial before the Court of Circuit at the ensuing Sessions of Jail Delivery: and the Acting Judge of Circuit will issue the necessary orders on this subject to the Criminal Judge of Cuddapah.

Case No. 18. 31. In this case, the prisoner

Chunteemulloo Mullapah

was charged with having on the 5th May 1836 answering

31st. August, 1837.

answering to Mummadah year. Vishaka Sooddah 5th. forged a Document to support his case as 1st. Defendant in original Suit No. 155 of 1836."

32. The Judge of Circuit ordered the release of the prisoner on the ground that there was "no proof whatever to the forgery having been committed by" him.—

33. The Court of Foujdaree Udalut observe that the charge as given in the Calendar is insufficient and unintelligible: and the explanation of the Judge of Circuit does not satisfactorily elucidate it.—

34. In order to a clear understanding of the case, the Court of Foujdaree Udalut resolve to direct that the Original Document marked A. together with translations of the Plaint and answer in suit No. 155 of 1836 and Rough Translations of the case as laid before the Judge of Circuit, be sent up for their consideration.—

Cases Nos. 24 and 25

35. In No. 24 the prisoner Chentsoo Nanainareddy was charged "with Forgery in having altered the a Document marked A which was filed by Pitchiah and another Defendant in a Civil Suit No. 131 of 1836 pending before the District Moonsiff of Jungatoor": and in No. 25 the prisoner "Pitchiah" was charged with having suborned the prisoner in No. 24 to commit

S. Ho:

31st. August, 1837

the Forgery in question.—

36. The Criminal Judge was directed by the Court of Circuit to "dispose of these two cases by ordering the immediate release of the two prisoners, as the present charges, as they at present stand worded, cannot be considered either in the light of forgery or subornation of forgery."

37. The Indictment in these cases is as insufficient as in No. 18: and the Court of Foujdaree Udalut find it necessary to direct that the two Original Documents marked A and B described by the fourth witness as being "two lists showing the description of the Inam Lands to be held by Goorooummah the adoptive mother of Pitchiah, and Poollummah" be sent up for their consideration, together with Translations of the Plaint and Answer in the suit No. 131 of 1836 and the Rough Translations of the cases No. 24 and 25 as laid before the Judge of Circuit.—

Cumbum Calendar Case No. 1.

38. In this case, the first and fourth prisoners were charged with having on or before the 6th November 1836 entered, at night, the house of the prosecutor, by breaking through the Roof, and stolen therefrom property valued at Rupees 310 4 0.—

39. The prisoners are convicted, "but owing to the extreme youth of the 4th prisoner, the Acting Circuit Judge "recommends" him for a mitigation of punishment to two Years imprisonment with labour in irons.—

Before

31st August 1837.

40 Before passing orders on this recommendation, the Court of Foujdaree Udalut resolve to direct that the age of the fourth prisoner be reported to them.-

Case No. 2. 41 In this case, the Judge of Circuit is concurred "in the Sutwa convicting the 2d and 3d prisoners of Theft, and the 1st of having caused it to be committed by others" and sentenced those prisoners to seven Years imprisonment "under Section XXI, Regulation VII of 1802."-

42 The Court of Foujdaree Udalut observe that the Provision of the Law here quoted does not apply to the first prisoner who being convicted simply of an "unlawful act," and not of Theft, was not liable to Mud. His case falls under Clause seventh, Section II Regulation XV of 1803: but as under that provision he is punishable to the same extent, the sentence of the Court of Circuit need not be disturbed.-

Case No. 3. 43 The two prisoners, in this case, were charged with having attacked the prosecutrix, beaten her with a stick, and robbed her of property valued at ten and a half annas.

44 The Court of Circuit ordered "the immediate release of the two prisoners": not considering "the contradictory proof sufficient grounds for committal."-

31st August 1837.

45 It is likewise stated in the Calendar that "the Prosecutrix is represented to be a wandering beggar, and to have no fixed place of residence": and that "her presence before the Court of Circuit cannot be looked upon with any degree of certainty, as no one knows to what place she has gone, or whether she is alive or dead."

46 The Court of Foujdaree Udalut observe that if there was the least chance of finding the prosecutrix, the release of the prisoners was very improper.-

Ordered, that extract from these proceedings be sent to the Acting Judge late Presiding at the Second Sessions of 1837 at Cuddapah by Precept returnable within fifteen days from and after its receipt.-

(Sent following Precept No. 1293

Read letter dated the 17th instant from the Acting Second Judge of the Provincial Court of Circuit in the Northern Division Presiding at the Third Quarter Sessions of 1837 at Masulipatam

(Here enter F. Uc. No. 1715 of 1837.)

The Acting Second Judge submits

1. a "Translated copy of a Petition presented to" him "by all the Prisoners in the case now under enquiry, report of which was made on the 25th Ultimo" and recommends

31st. August 1837.

recommends "that they may be permitted to be at large on Bail during the remainder of the investigation".-

2. It is observed that although the case in question was brought before the Court of Quarter Sessions on the 25th. Ultimo, the Acting Second Judge on the 17th. instant reports that "the enquiry is likely to continue tedious by its length".-

3. The Court of Fouzdaree Udalut see no ground for authorizing the release of the parties on Bail but they deem it necessary to direct that the Acting Second Judge be called upon immediately to complete the Investigation of the case in question, and at the same time to explain for their consideration the circumstances which have occasioned a delay so unprecedented and unaccountable in the disposal of the charge.-

Ordered, that extract from these proceedings be sent to the Acting Second Judge of the Provincial Court of Circuit in the Northern Division by Precept returnable within two days from and after its receipt.-

Sent following Precept No. 1294.

JB

WS

1

F. 46.

At a Court of the Fouzdaree Udalut.

Present,

Saturday 2nd. September 1837.

Charles May Lushington Esqre. 1st. Puisne Judge
John Bird Esqr. _____ 2nd. Puisne Judge
Alexr. Duncan Campbell Esqre. Acting 3d. Puisne Judge

Read letter dated the 15th. Ultimo from the 3d. Judge on Circuit in the Western Division, transmitting the Trial in Case No. 20 on the Calicut Calendar 2d. Sessions of 1837.-

WS

R

/Here enter No. 1709./

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

Nayaddy

is sufficient to convict him of the crime of Manslaughter- do, under the authority with which they are vested by Clause First, Section V, Regulation VIII of 1831 and Clause First, Section II, Regulation I, of 1818, convict him thereof; and under the provisions of Clause second of the latter Section and Regulation

Regulation, direct their Law Officers to de-
clare by a Second Futwa to what sentence
the prisoner would have been liable under
the Mahommedan Law, if he had been
convicted by full legal evidence.-

Answer

If the prisoner were convicted by
the evidence of credible witnesses of the crime
of Manslaughter, his Aakila would be
liable to a Deyut of Ten thousand Dirhems
to be paid to the heirs of the deceased in
three years.-

Mr. Campbell.

The Court of Foujdaree Udalut,
in commutation of the penalty of Deyut de-
clared in the foregoing Futwa, and under the
provisions of Clause First, Section V, Regula-
tion VIII of 1831- and Clause Third, Section
VII, Regulation XV of 1803, sentence the
prisoner

Nayaddy

to be imprisoned and kept to hard labour
in irons on the public roads, or other pub-
lic works, for and during the period of
/3/ Three years.-

/Sent following letter №. 1301

No return having been received
from the Judge on Circuit in the Western
Division to the precept of this Court of the

the 15th March 1837. transmitting copy of a
letter from the Magistrate of Canara dated
the 24th February last, with Case №. 1 on
the Honore Criminal Report for January
1837. and directing him 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, that the 2nd Judge on
Circuit in the Western Division, be required
by precept returnable in 20 days from and
after its receipt, to shew what may have
been done in pursuance of the instructions
issued to the Judge on Circuit under dated
the 15th March 1837, and that he be re-
quired to make return to the precept
aforesaid without delay.-

/Sent following Precept №. 1302

No return having been received
from the Judge on Circuit in the Western
Division, to the precept of this Court of the
21st April last, directing him to look into
the proceedings in Case №. 22 of the Honore
Supplemental Report for the month of
March 1837. and to report for the informa-
tion of this Court whether in his opinion
the

the Acting Principal Sudr Ameen has taken a correct view of the case.-

Ordered, that the 2nd Judge of Circuit in the Western Division be required by precept returnable in 20 days from and after its receipt to shew what may have been done in pursuance of the instructions issued to the Judge on Circuit under date the 21st April last, and that he be required to make return to the precept aforesaid without delay.-

/Sent following Precept No. 1303

No return having been received from the Criminal Judge at Cuddapah to the precept of this Court of the 6th July last, conveying to him the authority of the Foujdaree Udalut to admit Poupeegadoo as an approver against the other prisoners concerned in the Robbery referred to in the correspondence which accompanied this Court's proceedings of the 6th July 1837.-

Ordered, that the Assistant Criminal Judge in charge of the Criminal Court at Cuddapah, 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 under date

date the 6th July last, and that he be required to make return to the precept aforesaid without any further delay.-

/Sent following Precept No. 1304

Read the Tellicherry Criminal Reports prescribed by Section XXIV Regulation X 1816 for the month of July.-

/Here enter No. 1736/

Report V.-

1. This Report, it is observed, includes cases 58 to 69.- In the case 58 the sentence was passed on the 8th July 1837.- In case 59 the prisoner was discharged on the 29th of the month, and in case 60, the prisoner was committed on the 31st of the month.- All the other cases are still under examination.- The prisoners in Cases 59 to 69 are stated to have arrived at the Joint Criminal Court on the 6th, 10th, 17th, 20th, 24th, 26th, 27th and 29th July.-

2. The Court of Foujdaree Udalut deem it proper, under these circumstances, to require the Acting Joint Criminal Judge to explain why he did not dispose of any of the above cases between the 8th and 29th July, and why so many cases have been left undisposed of.-

The

3. The Court also desire to be informed upon what principle so many as 51 Extra Peons have been entertained from the 12th. to the 31st. July. the number of convicts appears to have been 177 and supposing that all there were liable to be worked outside the Jail. the prescribed number of Peons would be no more than 44 at 1 Peon to 4 Convicts and 2 additional peons at the utmost, at the rate of 4 peons in every 100 Peons allowed in excess, total 46 Peons instead of 51. The Acting Joint Criminal Judge will also state why the Reports under consideration, were not dispatched so as to arrive at Madras by the 15th. of the month.—

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

Sent following Precept No. 1305

4 N.J.

W3

105

E. G.

At a Court of the Cuddapah Adalut.

Present,

Monday 4th. September, 1837.

Charles Gray Lushington Esqr. 1st. Puisne Judge

John Bird Esqr. ——— 2d. Puisne Judge

Mr. Duncan Campbell Esqr. Acting 3d. Puisne Judge

Read again letter dated 31st. Ultimo

W4

W3

105

from the Special Commissioner at Mangalore, submitting for the final Judgment of the Cuddapah Adalut the Record of Case No. 19 tried at Mangalore.—

(Here enter No. 1699)

Read also order of Government dated 21st. Ultimo, confirming the sentence of the Cuddapah Adalut in Case No. 19 tried by the Special Commission at Mangalore.—

(Here enter No. 1780)

Mr. Lushington, and Mr. Bird,

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

T. Veeran Veeratty

and

2d. Aagrany Yellamba,

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

during the period of their natural lives respectively.—

The Court likewise direct that Extract from their proceedings under date the 31st August 1837 be sent for the information and guidance of the Mangalore Special Commission.—

(Sent following letter No. 1309

Read again letter dated 15th Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Conjeave Ed[illegible] the Record of Case No. 29 Tried by the Special Commissioners at Mangalore—

(Here enter No. 1853)

Read also order of Government dated 31st Ultimo, confirming the sentence of the Conjeave Ediant in Case No. 29 tried by the Special Commission at Mangalore—

(Here enter No. 1784)

Mr. Bird,
and
Mr. Campbell,

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

Coomba Bunta

be imprisoned and kept to suitable labour in irons within the limits of the Gaol at Mangalore for and during the period of (7) seven years.—

The Court likewise direct that Extract from their proceedings under date the 24th August 1837 be sent for the information and guidance of the Mangalore Special Commission.—

(Sent following letter No. 1310

Read letter dated 17th Ultimo from the Acting 3d Judge late on Circuit in the Northern Division, submitting English and Persian translations of the record No. 4 on the Chuckla Calendar for the 1st Session 1837.—

(Here enter No. 1723)

Mr. Washington

The Court of Conjeave Ediant, on a deliberate consideration of all the circumstances of the case in evidence before them, having of opinion that the proof against the Prisoners

1st Awoola Syalo,

and

2d Badah Sahib,

is sufficient to convict them of the crime of Highway Robbery, &c, under the authority with which they are vested by Clause first Section V, Regulation VIII of 1831, and Clause first, Section II Regulation I of 1828 convicts them thereof: and under the provisions of Clause third and fifth, Section IV, Regulation XV of 1803, sentence the Prisoner

1st Awoola Syalo

for and during the period of (7) seven years.—

and the Prisoner

2d Badah Sahib

for

for and during the period of (5) five years.

(Sent following letter No. 1311

Read Return dated the 26th Ultimo from the First Judge on Circuit in the Northern Division to the Precept of the Court of Zuydaree Udalut under date the 15th August 1837- conveying their observations and orders on the Hollow Calendar for the Second Session of 1837.-

(Here enter F. Cs. No. 1756 of 1837)

Premiary Calendar
Case No. 2.

As it appears from this Return that the prisoner in Case No. 2 was not sentenced, but that it was merely intimated to her that the Court of Circuit would recommend in her favour a mitigation of the punishment to which she had rendered herself liable by the Court of Zuydaree Udalut, with reference to the observations in Sparah: 2 of the extract from their proceedings under date the 15th Ultimo, unless to sanction any mitigation of the penalty prescribed by the Regulations.-

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

Sent in No. 1312

F. C.

At a Court of the Zuydaree Udalut.

Present.

Tuesday, 5th September, 1837.

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre ——— 2nd Puisne Judge
Alexr Duncan Campbell Esqre Acting 3rd Puisne Judge

Read again Petition presented on the 17th July last by Ramaswamy Chetty of the Zilla of Madura.-

(Here enter M. P. No. 72 of 1837.)

Read also return dated the 18th from the Acting 1st Judge late on Circuit in the Southern Division, to the Precept of the Zuydaree Udalut of the 7th Ultimo, calling for a copy of the Magistrates return and of an order of the 14th December 1833 referred to in the order of the Judge on Circuit of the 28th February 1837 having reference to the above Petition.-

(Here enter No. 1691.)

The Petitioners case is described in the proceedings of the Court of the 7th Ultimo: but the Court did not deem it proper to dispose of the prayer of his Petition until the above papers, connected therewith, had been laid before them.-

They

They have now given due consideration to the circumstances of Petitioner's case and see no sufficient ground for their interference in his behalf.-

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

Read Miscellaneous Petitions presented on the 31st July last by Sadayen and Pinnavanattoo Pillay of the Zillah of Combaconum.-

/Here enter Mis: Pets: No 88 and [redacted] of 1837/

On the third July last a Petition was presented to the Court of Foujdaree Udalut by one Veerayee, praying for the release of her son Veerun or Veerusperu, convicted by the Court of Circuit in Case No 35 on the Combaconum Calendar for the first Sessions of 1837- of Gang Robbery, and sentenced to imprisonment Vea for fourteen years.-

Pinnavanattoo Pillay the Petitioner in No 89- reiterates the same request, expressing his apprehensions that Veerayee- who his is mother-in-law, being a female, had been unable to put the matter in a proper light before the Court, and that on that account her application had been unsuccessful.-

Sadayen

Sadayen- the Petitioner in No 88. prays for the release of his father Manathien Padiachee, convicted in the same case, and sentenced to the same punishment.-

The Court of Foujdaree Udalut direct that the purport of the order passed on Veerayee's Petition under date the 24th July last, be communicated to each of the Petitioners; namely- that there is no appeal from the sentence of a Court of Circuit, and that the Court of Foujdaree Udalut having referred to the Calendar- see no ground to question the propriety of the judgment of the Court of Circuit in the case referred to.-

Ordered, that the Petitions be rejected, and that Extract from these proceedings be furnished to the Petitioners upon their application.-

Read Miscellaneous Petition presented on the 31st July last by Alemalummaul of the Zillah of Combaconum.-

/Here enter Mis: Pet: No 90 of 1837/

The Petitioner prays for the release of her husband Gopaloo, the fourth prisoner in Case No 7 on the Combaconum Supplemental Calendar for the Second Sessions of 1836, convicted

convicted by the Court of Circuit of Gang Robbery and sentenced to imprisonment for fourteen years.—

The Petitioner alleges that the Depositions given by the Prosecutor and certain of his witnesses before the Criminal Court, and the Court of Circuit, differ essentially from those taken from the same parties in the first instance by the Police; that when the Robbery occurred the Prosecutor himself admitted that he had no witnesses, and suspected no one of the acts; and that it was not until a month afterwards that he brought forward some individuals to support his charge against the prisoners which the petitioner alleges is, so far as her husband is concerned, both false and malicious.—

Before passing a final order on this Petition the Court of Foujdaree Udalut deem it proper to direct that the Acting Third Judge of the Provincial Court of Circuit in the Southern Division be instructed to obtain and send up for their consideration, the undermentioned Documents referred to in paras 1. 3. and 4. of the Petition, a translation of which will be furnished him, namely, the Original Deposition given by the Prosecutor Vadamalay before

before the Sub Police Officer Vno 1.— The Original Deposition given by the Village Talaiar Veeramoottoo before the same Officer, and the Report made on the subject of the charge by the Head of Police to the Joint Magistrate.—

These papers must be accompanied by attested Translations.—

Ordered, that Extract from these proceedings with a Translation of the Petition be sent to the Acting Third Judge of the Provincial Court of Circuit in the Southern Division by Precept returnable within twelve days from and after its receipt.—

Sent following Precept No. 1315.

Read Miscellaneous Petition presented on the 31st July last by Balamaul of the Zillah of Combaconum.—

Here enter Mis. Pet. No. 91 of 1837.

The Petitioner prays for the release of her husband Sashachella Naicken the second prisoner in Case No. 16 on the Combaconum Calendar for the first Session of 1837, who has been convicted and sentenced by the Court of Circuit to imprisonment for fourteen years, on what the Petitioner alleges was a false and Malicious charge of Gang Robbery.—

The

The Petitioner is informed that there is no appeal from the sentence of a Court of Circuit; and that the Court of Fouj-daree Udalut, having referred to the Calendar, see no room to question the correctness of the judgment of the Court of Circuit in the Case in question.-

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

Read Petition presented on the 7th Ultimo by Seetarama Naicken, Madar Khan, and Syed Hoossain Jail Deors of the Zilla of Chingleput.-

/Here enter M. P. No. 95/

The Petitioners reiterate the prayer of their former Petition, No. 61 of 1837, on which the Court passed an order under date the 24th of July last/; viz. that the Court of Foujdaree Udalut will desire their restoration to the situations from which the Criminal Judge at Chingleput has dismissed them.-

In their order of the 24th of July last the Foujdaree Udalut stated that they saw no reason to interfere in behalf of Petitioners and nothing in the present Petition induces them

them to modify that order. The Petitioners are accordingly referred to it.-

Ordered, that Extract from these proceedings be furnished to Petitioners on his application.-

Read Petition presented on the 7th Ultimo by Anantacharier of the Zilla of Chittoor.-

/Here enter M. P. No. 96/

The Petitioner states that he understands the Court have passed orders on his former Petition, in which he complained of the release of the 4 prisoners in Case No. 1 of the Chittoor Calendar 1st Sessions 1837 viz., and he prays the Court to furnish him with a copy of the said order and the sentence of the Circuit Court.-

The Court direct Petitioner to be informed that they have already desired a copy of their order of the 24th of July last on his Petition No. 58, to be furnished him on his application, and that for the copy of the sentence of the Circuit Court Petitioner should apply to that Court.-

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

Read

Read Miscellaneous Petition presented on the 7th Ultimo by Appavoo representing himself to be the agent of one Kistnarow a Descendant of the Dewan of the former Rajahs of Tanjore.-

/Here enter Mis. Pt. No. 97 of 1837./

The Petitioner on behalf of his master, prays that a Moturpha and Loom tax, alleged to have been imposed contrary to custom, by the Principal Collector of Tanjore, on the Mocassah Village of Ramachendrapooram, may be remitted; and likewise recounts various atrocities supposed to have been committed by one Kistna naickeu and his Gang.-

The Statements contained in this Petition are rambling and unintelligible and the Court of Foujdaree Udalut direct that it be returned to the party.-

Ordered, that the same be communicated to the Petitioner.-

Read Petition presented on the 7th Ultimo by Manekkyavasum of Tinnevelly

/Here enter M. Pt. No. 98./

The Petitioner representing himself to be the father of Arroota Naiquen a prisoner in Case No. 1 of the Tinnevelly Calendar for

the 1st Sessions of 1837. prays the Court of Foujdaree Udalut to overrule the sentence passed by the Court of Circuit on his son.-

The Court direct that Petitioner be informed that the Calendar has been laid before them, and that they see no reason to question the justice of the sentence recorded in the said case.-

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

Read Petitions presented on the 14th and 28th Ultimo by Sasha Iyengar of the Zilla of Chittoor.-

/Here enter M. Pts. Nos. 104 and 113 of 1837./

The Petitioner reiterates the prayer of his Petition No. 68 upon which the Court of Foujdaree Udalut passed orders on the 7th Ultimo. But the Court see nothing in the present Petitions to induce them to modify their orders of that date.-

To those orders they accordingly direct that Petitioner be referred.-

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

Read Miscellaneous Petition presented

presented on the 11th Ultimo by Namasevayen of Cuddalore.—

/Here enter Mis: Pet: No: 105 of 1837/

The Petitioner prays for the release of his father and his elder brother, who, he represents, were convicted by the Court of Circuit during the first Sessions of 1837 at Cuddalore, of Forgery, and were sentenced to four years imprisonment.—

The Court of Foujdaree Udalut see no ground for their interference in this case.—

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 14th Ultimo by Tota Veerapah of the District of Masulipatam.—

/Here enter Mis: Pet: No: 106 of 1837/

The prayer of this Petition is the same as that of No: 37 of 1837. on which an order was passed by the Court of Foujdaree Udalut under date the 10th April 1837. to the effect that "there is no appeal from the "sentence of a Court of Circuit," and that the Court considered the sentence "recorded" in Case No: 8 on the Masulipatam Calendar for

the Fourth Quarter Sessions of 1835, "correct."—

The Court of Foujdaree Udalut direct that the Petitioner be referred to that order: and that he be apprized that the same is final.—

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

Read Petition presented on the 21st Ultimo by Immedeedetty Venkata: roya Setty of the Zilla of Chittoor.—

/Here enter M. P. No: 107/

1. The Petitioner, with reference to the order of the Foujdaree Udalut of the 14th Ultimo upon his former Petition /No: 79/ repeats his prayer for the Courts' interference in his behalf, and avers that the sentence passed on him by the Criminal Judge at Chittoor in Case No: 34 contained in the Chittoor Criminal Reports for February 1837 "has not been executed up to the present day."

2. The Court of Foujdaree Udalut have referred to the Criminal Reports, and observe that the sentence on Venkataroya Setty, "to one months' imprisonment in Jail, according to Section VII Regulation X 1816,

was

was recorded on the 28th February 1837.-

3. They cannot therefore understand how the Petitioner's allegation can be correct, but previous to passing a final order on his Petition the Court resolve to call upon the Criminal Judge to inform them how the fact stands.-

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. 1316

Read Petition presented on the 21st Ultimo by Kalateeta Padyachee of Cuddalore.-

/Here enter M.P. No. 108./

The Petitioner states certain circumstances connected with the case of his brother "Ramapadyachee", sentenced by the Court of Circuit in the year 1832, and he prays the Court to order his brother's release.-

The Court direct Petitioner to be informed that he ought to have addressed them when the sentence he complains against was recorded, and that, at this period, his Petition is inadmissible.-

Ordered accordingly and that Extract

F. 16.

5th September 1837.- Extract from these proceedings be furnished to Petitioner on his application.-

Read Petition presented on the 21st Ultimo by Canakummal of the Zilla of Cuddalore.-

/Here enter M.P. No. 109./

The Petitioner prays the Court of Foujdaree Adalut to order the release of his brother "Comarapareddy," a prisoner in cases Nos. 3. 10 and 11. on the Cuddalore Calendar 1st Sessions of 1837, who has been sentenced, unjustly as he alleges, by the Court of Circuit.-

Petitioner states that his son Venkataramareddy formerly presented to the Foujdaree Adalut a Petition on this subject, but that he has not been informed what order was passed on it.-

The Foujdaree Adalut observe that the Petition of Venkataramareddy was presented on the 27th July 1835 (No. 56 of that year) and that the order recorded on it, dated "the 3rd of August 1835," was to the effect that it was "irregular and inadmissible."

The Court direct that Petitioner be informed that the Judges see no grounds for their interference.-

Ordered

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

Read Petition presented on the 21st Ultimo by Govinda Naicken of Cuddalore.

/Here enter M. P. No. 110./

The object of the Petitioner is to obtain from the Foujdaree Udalut an order for the release of his brother Paroomal Naicken, who was sentenced by the Court of Circuit in the year 1833, to 14 years imprisonment.-

The Court direct that Petitioner be informed that there is no appeal from the sentence of the Court of Circuit, and that the sentence against which he complains was approved of by the Foujdaree Udalut upon review of the Calendar.-

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

Read Petition presented on the 21st Ultimo by Hussain Beebee of Cuddalore.

/Here enter M. P. No. 111./

The object of the Petitioner is to obtain from the Foujdaree Udalut a modification of their order of the 25th of April

last on her Miscellaneous Petition No. 63 presented on the 27th March last.-

But the Court of Foujdaree Udalut, having attentively considered her case, in support of which her present petition contains nothing new or material, direct that she be informed that they see no sufficient reason to disturb their former order, and that she is at liberty to move the Zilla Court for a review of the order passed by it, against which she complains, if she is able to shew it to be unjust.-

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

Read Miscellaneous Petition presented on the 28th Ultimo by Chuckrapany Iyengar on behalf of Soobraya Thakoor of the District of Tinnivelly.-

/Here enter Misc. Pet. No. 115 of 1837./

The Petitioner referring to the remarks in the concluding parah: of the order passed by the Court of Foujdaree Udalut under date the 21st Ultimo, on Miscellaneous Petitions Nos. 81 and 100 of 1837, to the effect that "there is nothing to prevent the Petitioner bringing a Civil action should he think

thinks proper to do so.- prays that a Precept may be issued to the Auxiliary Court at Tinnevelly, with instructions either to keep the Property in deposit, until the action be decided, or to make it over to the Plaintiff, (Petitioner), on his producing adequate security; or in the event of the Defendants (state prisoners) being allowed to retain possession of it, to require them to furnish a sufficient security in ready money.-

The Petitioner is informed that an application should be preferred to the Civil Court in which he may bring his action; but that the Court of Foujdaree Adalut are unable to issue any instructions on the subject.-

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

Raunasaumy Chetty of the Zilla of Madura, moves the Court to return the enclosures in his Miscellaneous Petition No. 72 of 1837.-

Ordered accordingly.-

Read letter dated the 7th Ultimo from the Acting 1st Judge late on Circuit in the

F.16.

5th. September 1837.

the Southern Division, transmitting the Record in Case No. 17. Salem Calendar 1st. Session 1837.-

(Here enter No. 1644.)

The Court of Foujdaree Adalut,

Mr. Lushington and Mr. Bird

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

Naradimmon

of Wilful murder, on strong Presumptive Proof, and awarding Cokoobut; 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. 1317.

Read Extract from the Minutes of Consultation under date the 26th August 1837. No. 789. requiring the Court of Foujdaree Adalut with reference to the Extract from their proceedings under date the 17th Ultimo to deliver more fully their sentiments on the subject of the qualifications of Mr. Haig as

as a Judge of Circuit.—

/Here enter F. Co. No. 1744 of 1837/

The information called for in parah: 1 of the Extract from the Minutes of Consultation, will, as soon as it is received from the Provincial Court in the Centre Division, be submitted for the consideration of Government.—

2 With reference to the Remarks in parah: 2. the Court of Foujdaree Udalut observe that the delay in the preparation of the Records of Referrible Trials must of necessity be partly attributable to Mr. Haig. If the Translator was employed exclusively in his own department it is impossible that so great delay could occur; unless indeed that Officer was utterly inefficient, in which Case it was Mr. Haig's duty to take measures for obtaining another. The fact is however that no complaints of this nature have been preferred by Judges who preceded Mr. Haig on Circuit in the Centre Division.—

3. The Court of Foujdaree Udalut are of opinion that neither deficiency of Talent, nor want of Capacity generally, can be justly attributed to Mr. Haig:

but from a reference to the Records of their Office, the Court are satisfied that instead of exerting himself <u>while on Circuit</u> to effect the due and regular preparation and transmission of his Referrible Trials, he neglected that part of his duty until his return to the Sudr Station: and that to this cause, and not solely to the inefficiency of the Translator, is the great delay which has occurred in that Department, to be ascribed.—

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

Sent in No. 1318.

Read return dated the 19th Ultimo from the Acting 3d Judge late on Circuit in the Northern Division to Precept of the Foujdaree Udalut of the 27th July 1837 conveying their Remarks on the Chittacole Calendar 1st Sessions of 1837.—

/Here enter No. 1733./

Read return dated the 24th Ultimo from the Acting 3d Judge late on Circuit in the Northern Division to the Precept

5th September 1837.

Precept of the Foujdaree Udalut dated the 18th August 1837 - directing that the sentence of the Court of Circuit upon the prisoner in Case No. 9 on the Rajahmundry Calendar for the first Sessions of 1837 be reduced to ten years imprisonment.—

(Here enter No. 1741.)

Read letter dated the 25th Ultimo from the Provincial Court of Circuit in the Southern Division, forwarding the original Death Warrants &c. &c. in Cases Nos. 3 and 11 on the Madura Calendar for the Second Sessions of 1837.—

(Here enter No. 1748.)

Read letter dated the — Ultimo from the Magistrate of Cuddapah, submitting the explanation called for in the Extract proceedings of the Foujdaree Udalut under date the 3d Ultimo, related to cases Nos. 94. 99 and 100 on the Criminal File of the Zillah Court of Cuddapah.—

(Here enter No. 1749.)

Ex. H.

WB

WB

P. 76.

In Court of the Foujdaree Udalut

Present

Wednesday, 6th September 1837.

Charles May Lushington Esqr. 1st Puisne Judge,
John Bird Esqr. ——— 2d Puisne Judge,
Lieut. Duncan Campbell Esqr. Acting 3d Puisne Judge,

Read again letter dated 3d Ultimo from the Special Commissioners at Mangalore submitting for the final Judgment of the Foujdaree Udalut, the Record of Case No. 16 Trial at Mangalore.—

(Here enter No. 1697)

Read also Order of Government dated 4th Instant communicating the Sentence passed by the Court of Foujdaree Udalut on Special Commission Trial No. 16 to transportation for Life.—

(Here enter No. 1791)

Mr. Bird and Mr. Campbell,

Under the authority of the Governor in Council the Court do accordingly direct that the Prisoner Monagar Namapah be transported to Singapore, 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 likewise direct that Extract from their proceedings under date the 2d August 1837 be sent for the information and guidance of the Mangalore Special

Special Commission.—

(Sent following letter No. 1321

Read letter dated 9th Ultimo from the 8th Judge on Circuit in the Eastern Division, transmitting the Record of Case No. 11 of the Calicut Calendar 2d Sessions of 1837.

(Here enter No. 1687)

Mr. Cushington,
and
Mr. Bird,

The Court of Sudder Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftees of the Sudder Adalut, are of opinion that the prisoner

Canaka Cheroonen Coreu

is not convicted on Presumptive Proof, or on the evidence of credible witnesses or on his own confession of Murder notwithstanding the Futwa of their Law officers, and do accordingly acquit him of that crime: but considering that the proof against him is sufficient to convict him of Manslaughter, the Court do convict him thereof, and direct their Law officers to declare by a second Futwa to what sentence the Prisoner would have been liable under the Mahommedan Law, if he had been convicted by full legal evidence.—

Prisoner.

If the Prisoner were convicted by the evidence of credible witnesses of the crime of Manslaughter his Wakils would be liable to a Deyut of ten thousand Dirhems to be paid to the heirs of the deceased in three years.

The

The Court of Sudder Adalut, in commutation of the penalty of Deyut declared in the foregoing Futwa, and under the provisions of Clause third Section VII Regulation XV of 1803 sentence the prisoner

Canaka Cheroonen Coreu

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.

(Sent following letter No. 1322

Read letter dated the 17th Ultimo from the Acting Third Judge late on Circuit in the Southern Division, submitting for the final judgment of the Sudder Adalut, the Record of Case No. 10 on the Palgaut Calendar for the first Sessions of 1837.

(Here enter S.D.A. No. 1722 of 1837)

Mr. Cushington,
and
Mr. Bird,

The Court of Sudder Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftees of the Sudder Adalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, acquitting the prisoners

1st Chimey Pantroodo,

and

2d do Comanah,

and do accordingly acquit them; but considering that strong

strong suspicion strongly not amounting to conviction attaches to them, the Court direct, under the provisions of Clause Sixth, Section II. Regulation XI of 1833, that they be severally required to find two sureties in (100) one hundred Rupees each surety for their future good behaviour and appearance when required within three years: and that in default thereof, they be detained for three years in confinement.—

1.

The Court of Conjeeveram Zillah are of opinion that there is ground for the strongest suspicion against the prisoners in this case: and if the first witness had not qualified before the Court of Circuit his positive evidence before the Police officer and the Criminal Court, and of the second prisoner's clothes had been forthcoming, and their appearance had justified the evidence respecting them of the ninth and tenth witnesses, the Court would not have hesitated to convict them.

2.

But as on the trial before the Court of Circuit, there is the evidence of only one witness to the positive identification of the Prisoners, and as there was no light by which he could distinctly discern the murderers, the Court of Conjeeveram Zillah cannot do otherwise than acquit the accused: though at the same time they see no better in their favour, as that

that they have thought it necessary to require from them heavy security.—

3.

Vide his letter of reference the Acting Third Judge sends up copies of extracts from the proceedings and of a Return thereto by the Acting Joint Criminal Judge of Vizagapatam, relative to the non-production before the Court of Circuit of a certain cloth described as stained with blood and belonging to the accused prisoner, which the tenth witness was reported to have "run away with", and the production of which would in the opinion of the Court of Circuit, "have been a most valuable evidence."

4.

The Acting Joint Criminal Judge in his Return of the 20th June 1837 states that "it subsequently appeared the cloth was not sent up that previous to the prisoner who had it in Court:" that "as the value of the testimony the cloth would afford depended entirely on its having been sent up in the same state as it was first discovered in, it did not appear necessary to make any communication:" and that "he does not believe the person ever received charge of the cloth, and it is evident it was merely a surmise of theirs that the 10th witness had taken it: as the fact was it was never taken proper care of by the Head of Police.—

This cloth, it is observed, was entered

5.

in the List sent up by the Head of Police of Allamondah and

and specially referred to by that officer, and this being the case, the Court of Conjeeveram Zillahut are surprized that the Acting Joint Criminal Judge did not immediately make the necessary inquiries regarding it. The importance of this Cloth as corroborative of the charge against the prisoners must have been apparent to the Acting Joint Criminal Judge, when he came to examine the ninth and tenth witnesses for the prosecution: nevertheless he made no inquiry whatever on the subject.—

6. The Court of Conjeeveram Zillahut see no reason to doubt that the Cloth was sent up by the Head of Police: but they are of opinion that much blame attaches to the Acting Joint Criminal Judge for his negligence in failing to make it the object of his particular investigation.—

Ordered, that extract from these proceedings be sent to the Acting 3d Judge late on Circuit in the Northern Division for his information, and that of the Acting Joint Criminal Judge of Vizagapatam.—

(Sent in No. 1323

Read the Cuddapa and Cumbum Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of July.—

(Here enter No. 1769)

Cuddapa Sessns. Report Case 55.

1. The Court of Conjeeveram Zillahut having ordered in these proceedings upon the Cuddapa Calendar recently submitted, that the prisoner "Mulcala Concadoo" should be recommitted, any further remark here upon the case appears unnecessary.—

Case 85.

2. In this case it is stated that "there being no doubt of the prisoners having committed the horrid murders with which he is charged," in a state of derangement, he is released and put under medical arrangement. The Court of Conjeeveram Zillahut conclude that by the expression "released" it is not to be understood that the case has been disposed of. The Circuit Court, alone with reference to the Circular Order Conjeeveram Zillahut of the 1st June 1827, can take cognizance of it.—

Case 98.

3. It is represented in this case that "on the 3d prisoner was found a bag which was claimed by the prosecutor and also by the prisoner. This bag has been mislaid by the carelessness of the Nazir — as the prisoner has not an opportunity of proving the same he is ordered to produce 2 securities for his recognizance of 10 Rupees each in case the bag when found be proved not to be his, in failure of which to be imprisoned for 6 months."—

If the Assistant Criminal Judge has no further explanation to offer regarding the requisition of security from the prisoner, he should be released, the grounds specified above being quite insufficient for such requisition. It appears to the Conjeeveram Zillahut that the

the Gaoler carelessness should be visited by the imposition of a fine.—

Report V Case 108. 5. In this case, the Prosecutor is stated to have exposed to the prisoner being "an idiote and deaf" the prisoner has nevertheless been sentenced to 6 months imprisonment. The Assistant Criminal Judge in charge will cause the worthy Gaoler Ameen's sentence to be suspended and forward his explanation of the grounds on which he passed it, and of the evidence taken in respect to the alleged idiotcy and deafness of the prisoner.—

Report VIII 6. The Court of Enquiry Edantut requires to be informed why the 84 cases "committed" were not also "delivered to the Circuit Judge".—

Cumbum Report V 7. In this case the sentence will have expired before the receipt of these proceedings by the Principal Gaoler Ameen, but the Court deem it proper to express their regret that the prisoner should have been sentenced to the punishment specified in the Report. The grounds of the sentence, as they are recorded, lead the Court to doubt its propriety.—

Case 30. 8. Only "the cloths stolen from the Prosecutors house" and said to have been found in the prisoners house", were proved to have been found thereon, the requisition of security from the prisoner was improper and the Principal Gaoler Ameen will release the prisoner if in Gail or cancel the bail bond if the security

6th September 1837.

security has been furnished.—

Statement under C. C. No. 77. The Court direct that the Principal Gaoler Ameen be informed that this Statement should be sent to the Civil Auditors office as explained in the Circular Order No. 77 itself. and that a blank Statement under Circular Order No. 80 was unnecessary—a note annexed to the preceding Statement specifying that it was blank would have been sufficient intimation to the Conjeeveram Edantut of the cause of the omission.—

Ordered, that Extract from these proceedings be sent to the Assistant Criminal Judge in charge of the Criminal Court at Cumbum for his information and guidance, and for communication to the Principal Gaoler Ameen at Cumbum of such parts as concern him, for his information and guidance by Precept returnable in 6 days after receipt.—

(Sent following Precept No. 1324)

Read letter dated 7th Ultimo from the Provincial Court of Circuit in the Western Division transmitting the Circuit Criminal Reports for the month of July 1837.—

(Here enter No. 1703 of 1837)

Read return dated 26th Ultimo from the Criminal Judge of Combaconum to the Precept of the Conjeeveram Edantut dated the 18th August 1837 conveying their observations and orders

6. September 1837.

order on the Commencement Criminal Reports for the month of June.—

(Here enter No. 1708 of 1837.)

FB

No 6

F. 66.

At a Court of the Foujdaree Udalut

Present,

Thursday 7th September 1837.

Charles May Lushington Esqre. 1st Puisne Judge

John Bird Esqre. ——— 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. Acting 3d Puisne Judge.

Read letter dated the 19th Ultimo from the 3d Judge on Circuit in the Western Division, transmitting the record in Case No. XIII on the Malabar Calendar for the 2nd Sessions of 1837.—

FB

No 6

(Here enter No. 1745.)

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 Malayapaniken Rarapen. is not convicted of Wilful murder. notwithstanding the Futwa of their Law Officers, and do, accordingly acquit him of that crime, but considering that the proof against him is sufficient to convict him of Manslaughter, the

the Court do, accordingly, convict him thereof, and direct their Law Officers to declare by a second Futwa to what sentence the prisoner would have been liable under the Mahommedan Law, if he had been convicted by full legal evidence.—

Answer

If the prisoner were convicted of the crime of Manslaughter by the evidence of credible witnesses, his Aakila would be liable to a Dayut of ten thousand Dirhems to be paid to the heirs of the deceased in three years.—

Mr. Campbell

The Court of Foujdaree Udalut, in commutation of the penalty of Dayut declared in the foregoing Futwas, and under the provisions of Clause Third, Section VII, Regulation XV of 1803, and Clause first, Section V, Regulation VIII of 1831 sentence the prisoner

Malayapaniken Rarapen

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of 1/1 one year.—

/Sent following letter No. 1329

Read letter dated the 15th Ultimo from the First Judge on circuit in the Northern Division, transmitting a copy of the Guntoor

Guntoor Calendar for the Second Sessions of 1837.—

/Here enter F. Cs. No. 1685 of 1837./

This Trial was postponed for the second time in consequence of the non-attendance of the Prosecutor and the first witness" and in his letter of the 1st Ultimo to the Acting Joint Criminal Judge, the Chief Magistrate and Superintendant of Police at Madras states that "unless public information is furnished with respect to their calling and relations" he does "not consider it probable that the men will be found."—

Case No. 1.

The Court of Foujdaree Udalut

2. are of opinion that some person or persons who may be able to identify the persons of the parties in question should be dispatched from Guntoor to Madras to aid the Police in their inquiries: and the First Judge will be pleased to make the requisite communication on the subject to the Acting Joint Criminal Judge of Guntoor.—

Case No. 2.

"The prisoner in this case having

3. pleads that he is subject to attacks of Insanity and also to fits of epilepsy and that he has been once in a state of Insanity since he was received into the Zillah Jail:" and the Zillah Surgeon though he certified that

that the prisoner had never while under his care shown "any symptoms of Insanity:" and that "to the best of" his "judgment he is not subject to Epilepsy." having declined to give an opinion, respecting the present state of the prisoner's mind "unless he be placed under his immediate observation." the Trial of the case was postponed, and the Acting Joint Criminal Judge was instructed "to place the prisoner under the immediate care of the Zillah Surgeon. and to continue him under his care till the next Sessions of the Court of Circuit."

4. The Court of Foujdaree Udalut are unable to discover any grounds for the doubt entertained by the Judge of Circuit respecting the sanity of the prisoner when brought to the bar: and the Court view this second postponement of the Trial with great regret considering the inconveniences to which the complainant and the Witnesses will be thereby necessarily exposed.—

Case №. 3. 5. The Judge of Circuit remarks that "the Prosecutor's Vakeel does not depose "that the prisoner when she gave up the "money in question said that it appertained "to those which had been plundered" as "entered in the Calendar:".... "neither did the prisoner

"prisoner in her declaration as a prisoner before "the Joint Criminal Court declare that" "at the Prisoner Raumauvah Rauze, Dr. "Ankoo and Coppavee Bauva, gave her "25 Rupees and 35 Dubs to conceal, & "telling her at the same time they were "stolen property. she concealed them;- as "entered in the Calendar."—

6. The Judge of Circuit will be pleased to call upon the Acting Joint Criminal Judge of Guntoor to explain the discrepancies above referred to, and will submit his explanation to the Foujdaree Udalut.—

Case №. 4. 7. In Case №. 4. against the Judge of Circuit remarks that "not one of the witnesses who were acquainted with the deceased Ullavaloo, saw her corpse after her alleged decease. They only heard of her death. The witnesses who examined the corpse of a female near the Paralavagoo were not acquainted with the person when living and cannot therefore speak to its being the corpse of the female mentioned in the charge. The dead body of this person has not been identified by any person examined on the Trial."—

Yet

8. Yet according to the Abstract of the evidence given in the Calendar. "The 5th 6th and 7th witnesses depose that they inspected the body of the deceased Allemaloo 7th

9. Of this circumstance the Judge of Circuit will be pleased to require the Acting Joint Criminal Judge to afford an explanation.

Ordered, that Extract from these proceedings be sent to the First Judge on Circuit in the Northern Division by Precept returnable within twelve days from and after its receipt.-

Sent following Precept No. 1330

Read letter dated the 21st Ultimo from the late Acting First Judge late on Circuit in the Southern Division, submitting for the final Judgment of the Court of Foujdaree Udalut the Record of Case No. 29 on the Cumbaconum Calendar for the first Sessions of 1837.-

(Here enter F.C. No. 1729 of 1837)

The Circular Order of the Foujdaree Udalut dated the 5th June 1837 - No. 86 requires that in every case of forgery submitted for that Courts 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

These instructions not having been complied with in the present instance, the Court of Foujdaree Udalut direct that the late Acting First Judge be instructed to send up the alleged forged Documents which form the Ground of the charge so against the Prisoners in Case No. 29.-

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

Sent following Precept No. 1331

Read letter dated the 19th Ultimo from the Acting 1st Judge late on Circuit in the Southern Division, submitting his sentiments regarding the case No. 54 on the Cumbaconum Calendar for the 2nd Sessions 1837. in which 37 prisoners stand charged with a violent attempt at escape from custody while at work, forwarding a Statement of the injuries sustained by each prisoner to enable the Judges to estimate the correctness or otherwise of the scale of punishment proposed by him and stating that he will await the final orders of the Foujdaree Udalut.-

(Here enter No. 1742)

The

7th September 1837.

1. The Acting 1st Judge suggests that the 29th 30th 33d 34th 35th 36th and 37th prisoners should not be sentenced to any punishment for "the escape" as they have suffered so much from the injuries they sustained in making the attempt.

2. At the present stage of the proceedings the Court of Foujdaree Udalut are incompetent to issue any "orders" touching the sentences which the Acting 1st Judge should record, yet, as he has applied for their opinion they direct that he be apprised of their concurrence in the general view he has taken of the case, and that they think not only that the said 29th 30th 33d 34th 35th 36th and 37th but also that the 8th 16th 18th 20th 21st 23d 24th 25th 26th 27th and 28th prisoners have received sufficient punishment in the severe wounds that have been inflicted on their persons.—

3. To the sentences which the Acting 1st Judge proposes to pass on the other prisoners the Court of Foujdaree Udalut see no objections.

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge late on Circuit in the Southern Division for his information.—

/Sent in No. 1332

W.S.

W.S.

W.S.

J. C.

At a Court of the Foujdaree Udalut.

Present,

Friday, 8th September, 1837.

Charles Mary Lushington Esqre 1st Puisne Judge,
John Bird Esqre _____ 2d Puisne Judge,
Alexr Duncan Campbell Esqre Acting 3d Puisne Judge.

Read again letter dated the 5th Ultimo from the Special Commissioners at Mangalore submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 22 tried at Mangalore.—

/Here enter No. 1598./

Read also Extract from the Minutes of Consultation under date the 4th Instant commuting the sentence of Death passed by the Court of Foujdaree Udalut in Special Commission Trial No. 22 to Transportation for Life.—

/Here enter No. 1791./

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

Mr. Lushington and Mr. Campbell

Gooroo Santa

be transported to Singapore, there to be imprisoned and kept to hard labour in irons

on

on the public roads, or other public works, for and during the period of his natural life.-

The Court likewise direct that Extract from their proceedings under date the 31st Ultimo, be sent for the information and guidance of the Mangalore Special Commission.-

/Sent following letter No 1335

Read Extract from the Minutes of Consultation under date the 8th August 1837. No 1726- conveying the observations and orders of the Governor in Council on the Circuit Report of the Acting Third Judge late on Circuit in the Southern Division for the Second Sessions of 1836- submitted with the Extract from the proceedings of the Court of Fouzdaree Udalut under date the 20th July 1837.-

/Here enter F. Cl. No 1589 of 1837./

Parahs. 1. In parah: 1 it is stated that the Governor in Council will be glad to find that the subject of the present mode of summoning witnesses, for examination before the Court of Circuit, is taken into the serious consideration of the Fouzdaree Udalut, and that the suggestions offered by the Acting Third Judge, "particularly those contained in the 29th and 30th parahs: of his Report, would seem to be entitled to further consideration."-

Parah:

2. Parah: 30 of the Report of the Acting Third Judge appears to the Court of Fouzdaree Udalut to be irrelevant: for even were the Police required to furnish a Report of the nature therein indicated, which this Court continue to deem undesirable, it would not obviate the necessity for sending up the witnesses to the Court of Circuit: and it is for that alleged evil, that the Acting Third Judge in parahs: 22 & 30 labours to discover a remedy.-

3. Parah: 29 contains a proposition which in the opinion of the Court of Fouzdaree Udalut would vest an objectionable discretion in the Criminal Court, occupy a considerable portion of its time, and after all afford no substantial relief for the evil complained of- the attendance of the witnesses at the Station- such a system, even if successful, would be very unequal in its operation, for according to the Acting Third Judge's plan "such witnesses" are to be "sent for and examined" in those cases only, "in which there may be time to do so before the arrival of the Circuit Court". In those Courts in which there is a constant press of Civil and Criminal Business, and there are

are several such under this Presidency - either the supposed advantage derivable from such a course would be enjoyed by a very limited number of Cases, or in consequence of its universal observance, a serious check would be given to the progress of other and more important matters.-

4. In their Circular Order of the 20th June 1834, the Court of Foujdaree Udalut recommended to the several Judges on Circuit to adopt whenever they might consider it practicable, the plan suggested by Mr. Vaughan for securing the "attendance of prosecutors and witnesses before the Court of Circuit."-

5. That plan - which was Circulated for the sentiments of the Courts of Circuit under date the 13th February 1833, was to request each Criminal Judge to call in the witnesses required to appear before the Court of Circuit, at different times, instead of causing all to be in attendance on the first day of the Sessions, as the usual practice is;" and was reported by Mr. Casamajor to have been tried by him when on Circuit in the Northern Division "with the most complete success."-

p. 230 Pt. Copy of C.Cs.

6. The Court of Foujdaree Udalut with

with the sanction of Government resolve now to direct by a Circular Order that whenever a Judge of Circuit may not adopt the plan suggested by Mr. Vaughan, and recommended by Mr. Casamajor, he shall report for the consideration of this Court, the circumstances which led him to deem it impracticable or inexpedient.-

7. It seems proper to observe that the objections of the Acting Third Judge are levelled exclusively at the "system of summoning witnesses on behalf of prisoners," and that the General Question of the attendance of witnesses before the Courts of Circuit he has left untouched.-

8. The measures whereby the attendance of witnesses before the Courts of Circuit may be rendered less harrassing to themselves, and less burdensome to Government, have frequently engaged the attention of the Foujdaree Udalut: and to any plans appearing at all calculated to produce practical benefit, the Court will ever be ready to give their most attentive and serious consideration.- But the Court cannot lend their sanction to any measure tending to abridge the undoubted privilege of every accused

accused person to offer evidence in his defence:
nor, when it is considered that in charges of
"Gang Robbery" to which Mr. Hooper seems
specially to refer. the question pending before
the Court of Circuit is whether the prisoners
shall be restored to their friends and to
society, or be consigned to a miserable im-
prisonment for a long series of years, can the
Court join with the Acting Third Judge in
denouncing the examination of the evidence
adduced by the accused, for the purpose of
rebutting the charge, as a "mere form", or
"nothing less" than a "farce."-

Parah. 2. 9. The Magistrates have been calle
upon for their sentiments respecting the ef-
fect of depriving the Native Police officers
of the powers of Corporal Punishment by
stripes: and their Reports with the opinion
of the Court of Foujdaree Udalut on the subject
shall be laid before Government in due course

10. The Court of Foujdaree Udalut
in the mean while beg to refer the Govern-
ment to the Extract from their Proceedings
under date the 15th August 1836. parahs 46
@ 50 inclusive. wherein it was observed that
the Statements of Petty Thefts for the Year
1835 afforded room to doubt whether the
objections

objections urged against the suppression of
corporal punishment by Clause First, Section
V, Regulation XIII of 1832, were well founded.

Parahs 3 and 4. 11. The Court of Foujdaree Udalut
observe that the sole reason of their not
having exercised the power vested in them
to inflict capital punishment in cases of
Gang Robbery of an aggravated nature.
but not attended with Murder. is that no
cases of that Description have yet come
before them in which they saw grounds to
deem Transportation for Life, an inadequate
punishment. With reference to the concluding
remark in parah. 10 of the Acting Third
Judge's Report. it is to be observed that in
all cases the Judge of Circuit is authorized
to recommend any sentence which he may
deem expedient, and may be in conformity
with the Regulations.-

12. Upon reference to the Returns
of Gang Robberies actually perpetrated in
Tanjore, within the three Years ending the
31st December 1836. there does not appear
to have been any increase of the crime in
that District. During the first half of 1834,
the number of Cases was 20. of persons concerned
300. during the second half of the same year.
the

the number of Cases was 20- of persons 281.-
during the first half of 1835. the number of
Cases was 14- of persons 178. during the second
half of the same year the number of Cases
was 13. of persons 226. during the first half
of 1836. the Cases were 23. the persons 88.-
during the second half of that year. the Cases
were 13. the persons 122. It is very satisfactory
to observe that the exertions of the Police
during the half year referred to by the
Acting Third Judge were very great and
successful. One hundred and fifty four persons
were apprehended charged with being con-
cerned in no less than seventeen cases of
Gang Robbery perpetrated previous to the
half year in question.-

13. Gang Robbery however is still
so prevalent in the District of Tanjore,
that the Court of Foujdaree Udalut deem it
necessary that the utmost penalties of the
Law should be enforced to check it. But
with reference to the preceding paragraph,
the Court see no reason to fear that the
enforcement of the severer penalties authorized
by the Law by way of example- combined
with the continued exertions of the Police
in discovering and apprehending the offenders,
will

will not at length have the effect of check-
-ing the crime.-

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

/Sent in № 1336

Read return dated the 28th
Ultimo from the Acting Joint Criminal
Judge at Guntoor to the Precept of the
Foujdaree Udalut dated the 25th August
1837. conveying their observations and orders
on the Guntoor Criminal Reports for the
month of July.-

/Here enter № 1770/

Read return dated the 30th
Ultimo from the Provincial Court of Circuit
in the Centre Division to the Precept of the
Foujdaree Udalut dated the 21st August
1837 directing them to call for and review
the proceedings in Case № 128 on the
Chittoor Supplemental Criminal Report
for the month of July.-

/Here enter № 1788./

Read return dated the 28th
Ultimo from the Criminal Judge in the
Zillah

Zillah of Mangalore to the Precept of the Foujdaree Udalut dated the 21st August 1837 conveying their observations and orders on the Criminal Reports of the Zillah Court of Canara for the month of July.-

/Here enter No. 1789/

Read letter dated the 29th Ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division reporting the receipt of a Supplemental Calendar from the Joint Criminal Court at Masulipatam.-

/Here enter No. 1792/

Read return dated the 30th Ultimo from the Acting Assistant Criminal Judge in charge of the Criminal Court at Bellary, to the Precept of the Foujdaree Udalut dated the 24th August 1837, conveying their observations and orders on the Bellary Criminal Reports for the month of July.-

Ea 7th JB

/Here enter No. 1794/-

JB

Fr. Us.

At a Court of the Foujdaree Udalut

Present

Saturday 9th September 1837.-

Charles Mary Lushington Esqre 1st Puisne Judge.
John Bird Esqre ——— 2nd Puisne Judge.
Alexr Duncan Campbell Esqre 3rd Puisne Judge.

JB

Read further return dated the 24th Ultimo, from the Acting 3rd Judge late on Circuit in the Northern Division to the Precept of the Foujdaree Udalut dated the 27th July 1837, calling for the trials in cases Nos. 15 and 16 on the Chicacole Calendar 1st Sessions of 1837.-

(Here enter No. 1763.)

Case No. 15.

Mr. Campbell.

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

Jombongo

is sufficient to convict him of the offence of Receiving plundered property knowing at the time of receiving the same that it had been obtained in the perpetration of robbery by open violence, do under the authority with which they are vested by Clause First, Section II. Regulation I of 1818 and Clause First Section V. Regulation VIII of 1831 convict him thereof; and under the provisions of Clause Second Section IV Regulation

9th September 1837.

Regulation VI of 1822, 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 (7) seven years: the sentence to be considered as taking effect from the 5th July 1837.-

The Court remark that the warrant issued by the Circuit Judge in this case did not correspond with the crime, of which alone, from the Calendar, it appears that the Circuit Judge convicted the Prisoner.

Ordered that extract from these proceedings be sent to the Acting 5th Judge late on Circuit in the Northern Division for his information and guidance.-

(Sent following letter No. 1344

Read letter dated the 25th Ultimo from the Acting Judge on Circuit in the Centre Division, transmitting the Record in Case No. 6 on the Cuddapah Calendar 2nd Sessions of 1837.-

(Here enter No. 1750)

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

Yamana Veera Gooravadoo

9th September 1837

is sufficient to convict him of Manslaughter, do, under the authority with which they are vested by Clause First, Section II Regulation I of 1818, convict him thereof, and under the provisions of Clause Second of the same Section and Regulation, direct their Law Officers to declare by a Second Futwa, to what sentence the prisoner would be liable under the Mahommedan Law if he were convicted on full legal evidence.-

Answer.

If the prisoner were legally convicted of the crime of Manslaughter his akila would be liable to a Dejut of ten thousand Dirhems to be paid to the heirs of the deceased in three Years.-

Mr. Sushington, and, Mr. Bird.

The Court of Foujdaree Udalut, in commutation of the penalty of Dejut declared in the foregoing Futwa, and under the provisions of Clause Third, Section VII, Regulation XV of 1803, sentence the prisoner

Yamana Veera Gooroovadoo

to be imprisoned and kept to labour in the workhouse of the Jail at Cuddapah for and during the period of (2) two Years.-

(Sent following letter No. 1345

Read letter dated the 30th Ultimo, from the Third Judge of the Provincial Court of Circuit in the Centre Division forwarding copies of the 3rd 4th 5th 6th and 7th Supplemental Calendars of the Third Quarter

9th September 1837. Quarter Sessions of 1837 holden at Chittoor.

(Here enter F. Ho: No. 1772 of 1837.)

Fifth and Sixth Supplemental Calendars Case No. 1.

1.

The first, second and third prisoners were charged with having in concert with some others, gone forth at night, armed with swords &c. and carrying lighted torches to the house of the two complainants, broken into the house, beaten and illtreated them and the Inmates of the house, and plundered therefrom property of the value of Rupees 639-1-: and the fourth and fifth prisoners, with having received and melted down a part of the plundered property, knowing that the same had been acquired by Gang Robbery.

2.

The first and third prisoners are convicted; but in consideration of their not being old offenders, and the robbery not being attended with any severe personal injury, the Third Judge recommends a mitigation of the punishment, prescribed for this offence by the Regulations, to eight years imprisonment with hard labour in Irons."

3.

The Court of Foujdaree Adalut see no sufficient ground for authorizing any mitigation of the penalty to which the prisoners have rendered themselves liable, and the Law must be allowed to take its course.

4.

The other Calendars do not appear

F. Ho.
9th September 1837. to call for any Remark.

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

(Sent in No. 1346

Read return dated the 4th Instant from the Acting Joint Criminal Judge at Cuddalore to the precept of the Foujdaree Adalut dated the 29th August 1837. conveying their observations and orders on the Cuddalore Criminal Reports for the Month of July.

(Here enter No. 1797.)

Read return dated the 5th Instant from the 3d Judge late on Circuit in the Centre Division to the Precept of the Foujdaree Adalut dated the 18th August 1837 directing that the crime for which the prisoners in Cases Nos. 1 and 2 of the Bellaree Supplemental Calendar 1st Sessions 1837 suffered be engraven on stones near the Gibbet.

(Here enter No. 1803.)

Read letter dated the 1st Instant from the Acting 1st Judge on Circuit in the Southern Division, reporting the opening of the Sessions at Tinnevelly and the state of the Calendar.

(Here enter No. 1805.)

Read

Read letter dated the 1st Instant from the Acting 1st Judge on Circuit in the Southern Division, reporting his intention to open the second Sessions of 1837 at Combaconum on the 2nd October next.

(Here enter No. 1806)

Read return dated the 31st Ultimo from the Joint Criminal Judge at Tinnevelly to the Precept of the Foujdaree Udalut dated the 24th August 1837 conveying their observations and orders on the Tinnevelly Criminal Reports for the Month of July.—

(Here enter No. 1807)

Read return dated the 5th Instant from the Assistant Criminal Judge in charge of the Criminal Court at Cuddapah to the Precept of the Foujdaree Udalut dated the 6th July 1837, directing the Criminal Judge of Cuddapah to admit the prisoner Pauperagadoo as an approver.—

(Here enter No. 1814.)

Read return dated the 5th Instant from the Assistant Criminal Judge in charge of the Criminal Court at Cuddapah to the Precept of the Foujdaree Udalut dated the 2nd September 1837 calling for a Return to the Precept of the 6th July 1837.—

(Here enter No. 1815.)

F. C.

At a Court of the Foujdaree Udalut.

Present.

Monday, 11th September, 1837.

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre ——— 2nd Puisne Judge
Alexr Duncan Campbell Esqre Acting 3rd Puisne Judge

Read Petition presented on the 28th Ultimo by Gunesh Dass Vakeel on behalf of Coonata Koonjoo Comaya of Tellicherry.—

(Here enter M. P. No. 112.)

The Petitioner states that a cu passage has been cut through his garden by the orders of the Joint Magistrate, for the purpose of forming a Water channel—that he has addressed the Magistrate, but without effect, to render him justice—and that he appealed to the Court of Quarter Sessions but that the Judge Presiding declared he saw no ground for interfering in the case.

The Petitioner prays the Court to reverse the above orders.—

It appears from the Extract from the proceedings of the Court of Quarter Sessions of the 30th May last, of which the Petitioner has laid before the Foujdaree Udalut an

an attested copy, that the order of the Joint Magistrate against which Petitioner complains was for the re opening "of a watercourse, which it is said has been improperly blocked up: that the grounds of it were distinctly & specified to Petitioner, and that he did not allege the Statement of the facts of the case as given in the documents he presented to the Court of Quarter Sessions, to be incorrect.—

The Court of Foujdaree Udalut desire Petitioner to be informed that they perceive no grounds for their interference in the manner prayed for.— But that it is open to him to institute a suit if he shall deem it proper to do so.—

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

Read letter dated the 25th Ultimo from the 2d Judge on Circuit in the Western Division transmitting the Record in Case No. VII on the Canara Calendar for the 1st Sessions of 1837.—

/Here enter No. 1765./

Mr. Cushington. 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.

Bullojee

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. 1348

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

/Here enter No. 1731./

Suppl. Report Case 119.

It appears to the Foujdaree Udalut that, under the circumstances presented in the Report, the Acting Joint Criminal Judge would have been justified in passing a sentence on the prisoners more severe than that which he has passed.

In this case the charge is for

Case 161.

robbery. but the prisoners appear to have been convicted merely of theft. The Court deem it proper to call upon the Acting Joint Criminal Judge to explain how the theft

"theft" was committed.-

Statement of labor and Peons.

3. The Acting Joint Criminal Judge will be pleased to explain upon what co prisoners he has calculated the guard, pro=vided under the rules of the 22nd May last. If the calculation were made upon the co number in Column 7. 64 Peons would be the number authorized, namely 62 at 1 Peon to 4 prisoners, and 2 Peons at 4 in addition for every 100 Peons, if upon the number in Column 2 which it should be 74 Peons would be the proper proportion.-

Return of the Convicts in the Jail at Cotacamund

4. It is observed that there are 38 Peons entered as employed throughout the month of July, and three more as enter=tained on the 14th of the month. The co authorized standing guard is 12 Peons and for the 99 convicts 25 peons is the proper proportion. another Peon is also allowable to meet the deficiencies which may arise on account of absence or sickness at the rate of 4 per cent on the guard. This appears to be the complement of Peons under the rules of the 22nd May last, and the Court of Foujdaree Udalut request that the Officer Commanding on the Neilgherries will reduce the 3 additional Peons "entertained on the 15th

P. 26.

15th July". The Acting Joint Criminal Judge will be pleased to send copy of this para=graph to the Officer Commanding the Neilgherries.-

Ordered, that Extract from these proceedings be sent to the Acting Joint co Criminal Judge at Coimbatore for his in=formation and guidance by Precept return=able in 3 days after receipt.-

Ent'd

Draft in Ar.

/Sent following Precept No. 1349

Read return dated the 31st Ultimo from the Criminal Judge at Salem to the Precept of the Foujdaree Udalut of the 25th Ultimo conveying their orders on the Salem Criminal Reports for the month of July.-

/Here enter No. 1786/

The Criminal Judge explains that there were 51. prisoners worked outside the Jail at the beginning of the fusly 1247, or 12th July 1837, but that the number was reduced to 42 by the last day of July.-

It is observed that, according to Column 2 of the Statement of labor, there were 48 Convicts in the Jail at Salem at the close of July 1837: and the Court of Foujdaree Udalut, considering it proper to take this column as the guide in co calculating

calculating the guard to be entertained under the rules of the 22nd May last, resolve to direct that the Criminal Judge be informed that the 12 Peons will be allowed, but that "the Naique" must be discharged as his employment is not authorized under the rules in question.—

F.H. pros: 27th Augt 1835: on the Salem Criminal Reports for July 1835.
Return dated 2 Sept 1835 to the above (1593)
F.H. pros: dated 13th Sept 1835 on the above return.
Return to the F.H. pros: 12th Sept 1835 (1691)

Referring however to the correspondence noted in the margin, the result of which was that the Criminal Judge at Salem was permitted to keep up the large standing guard of 2 Duffadars and 31 Peons (and no extra Peons), the Court deem it proper to direct that a reduction in the said "standing guard" be immediately made to correspond with the increase of his Jail guard allowed in the preceding paragraph, viz: from 31 to 20 Peons.—

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: 1350

Read further return dated the 28th Ultimo from the Provincial Court of Circuit in the Northern Division to the Precept of the Foujdaree

Udalut dated the 3rd July 1837 requiring the property referred to by Petitioner Sangam Unkesh Prosecutrix in Case No: 3 Rajahmundry Calendar 1st Sessions of 1836 to be delivered to her on production of good and sufficient security in the event of Lutchmee not having filed a suit to determine her right to it.—

(Here enter No: 1785.)—

115

At a Court of the Foujdaree Udalut

Present

Tuesday, 12th. September, 1837.

Charles May Lushington Esqre. 1st. Puisne Judge,
John Bird Esqre. ——— 2nd. Puisne Judge,
Alexr. Duncan Campbell Esqre. 3rd. Puisne Judge

Read letter dated the 2nd. Ultimo, from the Officiating 2nd. Judge late on Circuit in the Centre Division, transmitting the Record in Case No. 13 on the Cuddalore Calendar 2nd. Sessions of 1836.—

(Here enter No. 1590.)

Read also letter, dated the 26th. Ultimo, from the Officiating 2nd. Judge late on Circuit in the Centre Division, transmitting the Persian translations of the Proceedings in Case No. 13 of the Cuddalore Calendar 2nd. Sessions of 1836.—

(Here enter No. 1753.)

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, &c. confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid convicting the prisoners

1st. Poojary Curyamalay
and
2nd. Malpaude Narrainen.

of the crime charged on strong Presumptive Proof — and awarding Cohoobut: and under the Provisions of Section X, Regulation VIII of 1802, sentence the prisoner

1st Poojary Cunjamalay

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

3d Malpaude Narrainen

to be 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 publics works for and during the period of his natural life.—

(Sent following letter No. 1354.

Read return dated the 30th Ultimo, from the 1st Judge on Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated the 25th July 1837, directing him to review the proceedings in case No. 39 on the Criminal File of the Auxiliary Court of Guntoor, and pass such orders as may appear to him requisite.—

(Here enter No. 1796.)

Read return, dated the 1st Instant, from the Acting Joint Criminal Judge at Vizagapatam, to the Precept of the Foujdaree Udalut dated the 25th August 1837, conveying their observations and orders on the Vizagapatam Criminal Reports for the Month of July.—

(Here enter No. 1821.)

Read

12th September 1837.

Read return, dated the 5th Instant, from the Acting 2d Judge of the Court of Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated the 31st July 1837, requiring him to explain the cause of the delay in disposing of case No. 1 on the Masulipatam Calendar of the 2nd Quarter Sessions of 1837.—

(Here enter No. 1829.)

F. Ud:

At a Court of the Foujdaree Udalut

Present,

Wednesday, 13th. September, 1837.

Charles May Lushington Esqre. 1st. Puisne Judge,

John Bird Esqre. _____ 2nd. Puisne Judge,

Alexr. Duncan Campbell Esqre. 3rd. Puisne Judge.

Read further Return dated the 24th. Ultimo, from the Acting Third Judge late on Circuit in the Northern Division, to the Precept of the Court of Foujdaree Udalut under date the 27th. July 1837. conveying their observations and orders on the Chicacole Calendar for the first Sessions of 1837.

(Here enter F. Ud: No. 1763 of 1837.)

With this Return, the Acting Third Judge sends up an English Translation of the Record of Case No. 16 on the Calendar above mentioned called for by the Foujdaree Udalut in consequence of that Court's doubting the sufficiency of the evidence against the second prisoner in the case.

2. The nature of the charge against the prisoners, and the result of the Trial before the Court of Circuit, will be found recorded in the extract from the proceedings of the Foujdaree Udalut under date the 27th. July 1837. paras 18 and 19.

3. The Court of Foujdaree Udalut see no ground to doubt the correctness of the Judgment

Judgment of the Court of Circuit in respect of the first prisoner "Bareena Appoya."

4. But against the second prisoner Jenagum Lutchmy there is nothing but a Partial confession before the Police: and the Court of Fouzdaree Udalut deeming the evidence against her insufficient for conviction, resolve to set aside the sentence of the Court of Circuit so far as that prisoner is concerned, and accordingly direct that she be immediately and unconditionally released.-

5. The Court of Fouzdaree Udalut observe that the Acting Third Judge ought not to have omitted to take the evidence for the defence, even though that evidence was to all appearance of little or no importance.-

Ordered, that extract from these proceedings be sent to the Acting Third Judge late on Circuit in the Northern Division by Precept returnable within four days from and its receipt.-

(Sent following Precept No. 1858

Read letter, dated the 2nd Instant, from the Acting Judge on Circuit in the Centre Division forwarding a copy of the statement of Batta paid to Prosecutors and witnesses during the 2nd Sessions of 1837 at

 at Cuddapah.-

(Here enter No. 1833.)

Read letter, dated the 5th Instant, from the Acting Judge on Circuit in the Centre Division, reporting that previous to the receipt of the letter from the Fouzdaree Udalut of the 30th Ultimo, he has issued a second Precept calling for a Return to his former Precept.-

(Here enter No. 1834.)

Read letter, dated the 9th Instant, from the 3rd Judge of the Provincial Court of Circuit in the Centre Division, transmitting copy of the Chittoor Eighth Supplemental Calendar for 3rd Quarterly Sessions of 1837.-

(Here enter No. 1847.)

Read letter, dated the 9th Instant, from the Acting Joint Criminal Judge at Cuddalore, submitting Criminal Report &c. for the Month of August last.-

(Here enter No. 1848.)

F. C.

At a Court of the Foujdaree Adalut

Present,

Thursday 14th. September 1837.—

Charles Mary Lushington Esqre. 1st. Puisne Judge

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

Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

Read letter dated the 24th. Ultimo,

from the Second Judge on Circuit in the Western Division, submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 5 on the Canara Calendar for the first Sessions of 1837.—

(Here enter F. C. No. 1764 of 1837.)

In this case, the prisoner

Munjoonathia Poy

stood charged before the Court of Circuit with having, during the night of Tuesday the 1st. Ashweeja Bahoola of Doormoohly, corresponding with the 25th. October 1836, at or about 2 o'Clock, in company with others, aided and assisted in the wilful murder of the Prosecutor's younger brother Kinnyunna alias Anunta, by strangling him with a Rope, and otherwise suffocating him in a lane, close to a Tank, near the Mahamaya Dewastan, in the town of Mangalore, and with having then robbed ornaments valued at about 34. Rupees from his person.—

The

14th September 1837.

2. The Judge of Circuit will be pleased to send up for the consideration of the Court of Foujdaree Udalut translations of the Report of the Police Officer, prescribed in Clause fourth, Section XXVII Regulation XI of 1816, or of the Assistant Magistrate prescribed by Section XXV Regulation IX of 1816, and of every document received from the Ameen or Assistant Magistrate in this case.

page 11. 3. In his second Declaration before the Assistant Magistrate dated the 2[illegible]ember 1836 the prisoner stated that being questioned by the Tahseeldar respecting the circumstances of the alleged murder of Kinnicunna he "informed him of all the particulars verbally but not in writing."

4. The Court of Foujdaree Udalut require translations of the entire proceedings held before the Native Police Officers, including the examination of the Prisoner: and if no written examination was taken from him an explanation of the cause of the omission. The Court likewise direct that the Tahseeldar be sent for and examined touching the purport of the verbal statement alleged to have been made to him by the Prisoner, and the cause of its not having been reduced to writing.

5. The Court of Foujdaree Udalut further require an explanation of the cause of the detention of the prisoner by the Police for six days

14th September 1837.

as affirmed by himself in his Declaration before the Assistant Magistrate: and they desire to be informed whether the Police authorities were called upon to explain the cause of the prisoner's being kept without food so that on appearing before the Assistant Magistrate he "fell down senseless" as sworn to by the fourteenth witness for the prosecution — the Peon Pocka — before the Court of Circuit.

6. In his examination before the p. 16. Criminal Judge, the Prosecutor's Vakeel Nunnoo states as follows: "Next day, in the evening, a person arrived with an order from Mr. Maltby, and delivered it to the Police Ameen, who desired me to give in an Urzee immediately. I said that I ought to ask the Prosecutor, but he observed to me that that would not do, and, having got an Urzee drawn out, he took my signature thereto. The Police Goomastah Ananta caused that Urzee to be written by a Boy. I do not know the contents thereof".

7. The Court of Foujdaree Udalut deem it proper to direct that an explanation be given of the grounds of Mr. Maltby's interference at the juncture above referred to: and that the Ameen be required to state why he took the signature of the Prosecutor's Vakeel to a complaint committed to writing by a boy of the contents of which the Vakeel swears he was ignorant.

With

1 14th. September 1837.

8 With reference to the evidence of the Prosecutor's vakeel, in which he swears that the Police assured him that the Prisoner, on the night of the 30th. October had given up all the property; and that the third witness, on that day apparently, placed the property No. 4 fraudulently in the house of the concubine of the released prisoner Arunta and to the admission of the said witness, at page 55 of the record that he was suspended for a fraud in this very case, the Judges desire to know whether or not all the property has been recovered; and if so what became of the most valuable part of it, the gold string of 30 Rupees value. They also desire information as to the nature of the alleged fraud on the part of the Police, the precise date of each article reaching their hands, and how the above evidence to the discovery of the whole on the 30th. October is to be reconciled with the prisoner's production of the rings alone, on the 2nd. November following.

9. It is requisite also that an explanation should be given why, as admitted at page 51 of the record, the first witness was suspended in the case of "Wujeer Mahomed", and whether as stated at page 7 the Tahseeldar was also suspended in that case; likewise whether, as alleged, both suspensions occurred in consequence of the evidence given in that Case

2.

J. W.

14th. September 1837.

case, by the individual who is now the Prisoner in this case.

10. The Court of Foujdaree Udalut consider it necessary that "Iyemba" who is alleged to have been the only person present unconnected with the Police when the property was given up by the Prisoner, should be sent for and examined touching that fact, and the exact date of its occurrence.

11. Although all allege that the Prisoner and the deceased left the Play which was being performed at the house of Shaishiya Shanabhogue in company with one "Seetarama a boy of 16 Years age". The latter has nevertheless not been examined.

12. The Court of Foujdaree Udalut deem it necessary that that boy, and also the female Soobbo who is alleged to have gone forth at night with the deceased Kunniunna, should be examined touching their knowledge of the facts of the case.

13. The Court of Foujdaree Udalut accordingly direct that the Record of this case be returned to the second Judge on Circuit in the Western Division, with instructions to issue a Precept to the Criminal Judge of Canara, requiring him to cause the attendance of the requisite parties and in the presence of the prisoner take their examination on oath on the points before noticed.

14. The Criminal Judge will permit the

14th September 1837

the prisoner to cross-examine the witnesses and offer any thing further in his defence, should he wish it, at the close of the examination.—

15. The second Judge of Circuit will annex an English and Persian Translation of the additional evidence so taken to the Record, and will retransmit the same, together with the several Documents, explanations &c. now called for, for the consideration and final judgment of the Sanjdaree Adalut.

Ordered, that extract from these proceedings be sent to the 2nd Judge on Circuit in the Western Division with the whole Record of the case by Precept returnable within one Month.

(Sent following Precept No. 1365.

No. 16.

Friday, 15th September, 1837.

Present

Charles May Purrington Esqr. 1st Puisne Judge,
John Bird Esqr. 2d Puisne Judge,
Alexr. Duncan Campbell Esqr. Acting 3d Puisne Judge,

Court of the Sanjdaree Adalut

Read again letter dated the 7th Instant from the Special Commissioners at Tellicherry submitting for final Judgment of the Sanjdaree Adalut the Record of Case No. 34 tried by the Special Commission at Tellicherry

(Here enter No. 1662 of 1837)

Read also again letter dated the 11th Instant from the Special Commissioner at Tellicherry submitting for the final Judgment of the Sanjdaree Adalut, the Record of Case No. 31 tried by the Special Commission at Tellicherry

(Here enter No. 1667 of 1837)

Also read Order of Government dated 11th Instant confirming the sentence passed in Cases No. 31 and 34 tried by the Special Commission at Tellicherry

(Here enter No. 1857 of 1837)

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

Case No. 34.
Mr. Pushington,
Mr. Bird, and
Mr. Campbell,

2d Cuicah Chanabhogu

be banished to the District of Coimbatore, to be imprisoned in the Gaol of the Auxiliary Court and kept to hard labour in irons on the public roads, or other public works, for and during

during the period of (14) fourteen years - and that the Prisoner

Tr. Shantiya Chokeyan

be imprisoned without irons or labour in the Gaol at Trincomalee

for and during the period of (6) six Months.—

Case No. 31.

Under the authority of the Journal in

Mr. Reid
Mr. Campbell,

Consult, the Court do accordingly direct that the Prisoner

Tr. Adamma Cobeatias Rasiyas

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

2d. Caunto

the Court direct that he be set at Liberty.—

The Court likewise direct that Extracts

from these Proceedings under date the 29th Ultimo in Cases Nos. 3 and 4 be sent

for the information and guidance of the Trincomalee

Special Commission.—

(Sent following letters No. 1371

Read Letter dated 17th Ultimo from the

Provincial Court of Circuit in the Southern Division forwarding

for the opinion of the Conjeeveram Adalut a copy of a Letter

from the Criminal Judge of Galle suggesting that in

all cases sent up to the Criminal Court Police Peons be

admitted as attesting witnesses unless there be a Special

objection.—

(Here enter No. 1690 of 1837)

Circular

Circular Order

No. 91.

It has been represented to the Court of

Conjeeveram Adalut that much inconvenience has resulted from

the operation of that part of their Circular Order of the 29th

April 1822 which disqualifies "Police Peons" strictly so called

who are directly employed in the seizure of the offenders from

attesting confessions delivered by Prisoners before the Native

Officers of Police.—

The Court of Conjeeveram Adalut having

maturely considered this subject, are of opinion that the

removal of the disqualification will tend to facilitate

the administration of Public Justice and to lessen to Private

Individuals those annoyances to which, under the present

system, they are too frequently exposed: and at the same

time will do no more than carry out to their legitimate

extent the Intentions of the Legislature as indicated in the

Preamble to Regulation V of 1813.—

The Court accordingly, resolve to direct

in modification of their Circular Order above referred to—

that the several Police Officers empowered to receive confessions

be instructed in all cases wherein there may be no special

objection to the proceedings — to cause any free and voluntary

confessions that may be delivered by Prisoners to be taken

in the mode prescribed in Clause Third, Section XXVII,

Regulation XI of 1816 by the Peons (or any two of them) whom it

it may be intended to send in charge of the parties to the Criminal Courts, such Peons being, in all practicable cases, different from those who arrested the Prisoners originally.

(Sent following Circular Order No. 1372

Read letter dated the 4th Instant from the Acting 2nd Judge of the Provincial Court of Circuit Northern Division forwarding with reference to his return of the 31st ultimo copy of his Precept, as Judge presiding at the late Quarter Sessions, directing the employment of a hired Barber to shave the Prisoners in the Jail at Mandalé Katam.

(Here enter No. 1828)

The Court of Enquiry Katam proceeding from the above communication that one of the Prisoners in the said at Mandalé Katam is capable of performing the office of "Barber" deem it proper to direct that the acting 2nd Judge be called upon to explain why he did not issue orders for that Prisoner to be employed instead of directing a "Barber" to be hired.

Ordered, that Extract from that Proceedings be sent to the Acting 2nd Judge of the Provincial Court of Circuit Northern Division for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 1373

Read

E.H.

16th September 1887.

Read letter dated the 25th of July 1887 from the Officiating 2nd Judge late on Circuit in the Centre Division submitting the Report required by Section XXXVII Regulation VII of 1872 for the 2nd Session of 1886.

(Here enter No. 1404)

Mr. Haig commences his letter with a

1.

Statement of the causes which have delayed the earlier submission of his Report. They are stated to be the inability of the Examinators and Writers to complete the translations and fair copies of the proceedings in the numerous Trials called up and referred to the Enquiry Examinators, viz. one third of the whole number tried during his late Circuit.

In the 3rd para. of his Report Mr.

2.

Haig observes that "consisting to the very large proportion "of Trials for Perjury, being about one fifth of the whole "cases laid before" him, "and the fact that only one of the "persons accused in one of them was convicted and punished"

he is "of opinion that the Criminal Judges should be "directed invariably to exercise the power with which "they are vested by Section II Regulation XIII of 1882 of "satisfying themselves by taking evidence on behalf of "the accused in prosecutions of this nature that there "is a reasonable probability of their being convicted before "committing them for Trial."

Referring to the Calendars the Court

3.

proceeds

Of these that of the 9 Cases laid before Mr. Haig during the 2d Sessions 1836-21. were Prosecutions for Perjury - 14 of which Cases were committed by the Acting Assistant Criminal Judge then in charge of the Criminal Court of Cuddalore - 2 by the Criminal Judge of Chingleput, and 5 by the Joint Criminal Judge at Cuddalore -

* Nos. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 24. 37. 38. 39. of the Calendar

4 Of the 14 Cases committed by the Acting Assistant Criminal Judge at Cuddalore 6 of the Prosecutions arose out of the same judicial investigation before the Magistrate of the District and in the Calendar were numbered 13. 14. 15. 16 and 17 -

5 In Case No. 18 the prisoner Comaraz Comaraz stood charged with Perjury in having when examined before the Magistrate in a Case in which he was Prosecutor and Timmiraw the Tahsildar of Porto Novo was Defendant accused of having extorted a bribe from the said Prosecutor, sworn that the said Tahsildar had received from him a bribe of 80 Rupees and one Pooty of Colavalos under the circumstances detailed in the indictment -

6 In Cases Nos. 21 and 22. the two prisoners stood charged with Perjury in having sworn that they witnessed the payment of the said bribe to the Tahsildar whereas in truth and in fact the said Ramen Comaraz did not pay 80 Rupees and one Pooty of Colavalos to the Tahsildar as he pretended -

Mr.

Mr. Haig "though convinced in his own mind of the guilt of the prisoner" in No. 18 concurred in the Intent of acquittal and directed his release as well as that of the prisoners in Cases Nos. 21 and 22 who were also acquitted by the Mahomedan Law officer who presided at the Trial -

7 On review of the Cuddalore Calendar the Court of Conjeveram Sudder Adalut pointed out to Mr. Haig that the prisoner in Case No. 21 in his deposition before the Magistrate swore that Comaraz desired him to go to the Tahsildar's House - that he went that the Tahsildar was sitting in his house, that himself and the prisoner in Case No. 22 sat down when the Tahsildar asked Comaraz for the Rupees promised - that Comaraz opened a parcel and placed the Rupees before the Tahsildar who counted and received 80 Rupees, that Comaraz said he had no Colavalos, and desired him to furnish the Tahsildar with the same - that he agreed and returned to his village and sent one Pooty of Colavalos upon a Cart with 4 Bullocks to the Tahsildar - that his Servants went, returned and informed him that they had delivered the Colavalos in the Tahsildar's House -

8 The first of these allegations the Court of Conjeveram Sudder Adalut deemed highly improbable they observed that it could not for a moment be supposed

supposed that the Tahsildar would have allowed two persons to be present apparently for the express purpose of witnessing his delinquency but that the truth or falsity of the second allegation could have been established, and in the event of its being shown that the grain was not sent they recorded their opinion that the prisoner should have been committed.—

10. The commitment of the prisoner in Case No. 24 of the Cuddapah Calendar for perjury was made by order of the 1st Judge of the Provincial Court of Circuit in the Centre Division and the trial terminated in an acquittal.—

11. In Case No. 37 the prisoner was committed on a charge of subornation of perjury by the Acting Assistant Criminal Judge then in charge of the Cuddapah Court — on review of the Monthly Criminal Returns the Court of Enquiries Adalut decided that the commitment should be set aside on the ground that as no Perjury had been or could be proved, the form of Indictment required to be observed in Order of Subornation of Perjury could not be sustained. These instructions however were not received until the evening of the day on which the trial was closed — which as might have been expected terminated in the acquittal of the prisoner.—

The

12. The Trials of the prisoners for Perjury in Cases Nos. 38 and 39. also terminated in an acquittal. the Committal of the prisoner in the latter case was obviously an improper commitment. Not with reference to the in= =cogference of the officer then in charge of the Criminal Court at Cuddapah the Court of Enquiries Adalut are not of opinion that any necessity exists for circulating other instructions on the subject of Prosecutions for Perjury than are already to be found in the Circular Order of the Enquiries Adalut of the 31st of January 1834.—

13. The two cases of Perjury tried at Chingleput during the 2d Sessions of 1836 were numbers 3 and 8 of the Calendar, and in both cases the prisoners were convicted. in Case No. 3 the prisoner was sentenced to 4 years imprisonment, and in Case No. 8 to one years imprison= =ment and hard labor in irons.—

* Nos. 1. 2. 4. 5. and 19 of the Calendar. 14. Of the 5* cases of Perjury tried at Cuddalore during the 2d Sessions of 1836 Nos. 1 and 2 were committed under orders issued to the Joint Criminal Judge at Cuddalore, by the 2d Judge of the Provincial Court of Circuit under date the 19th of August 1835; the Trials in these two cases terminated in acquittals, the 1st prisoner in Case No. 1 was considered guilty of only prevarication.—

Cases Nos. 4 and 5 were prosecutions

15

for Perjury alleged to have been committed in evidence given before the Joint Criminal Court, and the commitment

for

of the prisoners in these cases was evidently made on insufficient grounds.—

16 In Case No. 19 - the prisoner who was acquitted by the Court of Circuit was charged with having committed in certain evidence given before the Head assistant Magistrate; and had the Joint Criminal Judge judiciously exercised the discretionary power vested in him by Clause 1st Section III Regulation VIII of 1829, the prisoner would not have been put upon his Trial for this offence.—

17. In Case No. 23 of the Cuddapah Calendar the charge of Highway Robbery, Mr. Haig observes, "was "evidently false and groundless, and had been got up "by the Prosecutor and his Master the 6th witness for the "Prosecution, in consequence of the prisoners having com- "plained to the Magistrate against the latter and obtained "a warrant for his apprehension," which warrant Mr. Haig conceives "must have been in his village on the very "day on which the Robbery was charged to have been "committed." "Cases of this kind," Mr. Haig continues, "are "not uncommon and it is highly important that when "they do occur they should be thoroughly investigated on "the spot by the Head Police officers or Magistracy"

Sparas 4.

18. The reason why the parties were not committed to take their trial for perjury, was the Court conclude, because no sufficient evidence was attainable to establish the charge against them, but entertaining

entertaining the opinion expressed in para. 6 of his Report the Court of Sudder Adawlut conclude that a communication was addressed to the Magistrate on the subject by the officiating 2d Judge; on this point however the Judges resolve to call upon Mr. Haig for explanation.—

19. The notice of the results of the Trials No. 20 on the Cuddapah Calendar is some what erroneous.—

20 It is not correct that the 4 men originally charged with the murder of the Girl named Ramakah were acquitted and released.—

21. Two of the men, Viz. the 1st and 2d prisoners, were sentenced by Mr. Haig himself, on strong suspicion of having been concerned in the murder, to find two Sureties, each in the sum of 50 Rupees, for their good behaviour for 3 years, and in default to be imprisoned for that period; the 3d and 4th prisoners only, were acquitted and ordered to be unconditionally released.—

22. But for the apprehension and "incarceration" of these men, blame is not in the opinion of the Sudder Adawlut justly chargable to the Police - indeed Mr. Haig himself in his letter to the Sudder Adawlut referring the Trial states that after a perusal of the proceedings he suspected that the 1st and 2d witnesses for the prosecution were concerned in the murder, and that accordingly he ordered the said witnesses

Para. 8.

witnesses to be committed to close custody and returned to the Acting Magistrate with the Police proceedings, with instructions to that Officer to render further enquiry to be made on the spot where the murder was committed in order to obtain further evidence and a ground plan of the houses of Rajee and the prisoners whom she criminated (which included the 3rd and 4th prisoners) to be prepared and forwarded to the Criminal Court with the said witnesses as prisoners, in order that the Criminal Judge might then determine whether they should be admitted to give their evidence as approver against the other prisoners or committed for trial themselves before the Court of Circuit; and the Acting Criminal Judge in his return to the Court of Circuit stated that the Acting Magistrate considered it unnecessary to recommend an offer of pardon to either of these persons and that they had therefore been committed for trial with the other prisoners.—

23. The Court of Sunjarat Sudder will also observe that Abbe Haig having referred to the case No. 30 in his Report, should not have omitted to mention that the witnesses who were examined on the part for the prosecution) were ordered by the Court of Sunjarat Sudder to be committed to take their trial before the Court of Circuit for the crime of perjury

Spread 7 and 8: 24 Neither are the Court of Sunjarat Sudder prepared

prepared to admit that the escape of a most cruel murderer, referring to the sentence passed in Case No. 3 of the Cumlum Calendar, is justly attributable to any "defective and unsatisfactory local investigation" by the "Police Officers" indeed so complete did Abbe Haig consider the evidence against the prisoners concerned in this Case, that in his letter referring the trial he recorded his opinion that the prisoners had been committed "of a "wilful and malicious but not a premeditated homicide," and accordingly recommended "that a sentence of "perpetual imprisonment be passed upon him" the Court of Sunjarat Sudder however did not consider the prisoners committed, but being of opinion that strong suspicion attached to them they directed that he be required to find two sureties in 50 Rupees each surety for 3 years or in default to be imprisoned for that period.—

But entertaining the opinion expressed

25. in para. 8 of his Report of the proceedings of the Police in the cases referred to, the Judges resolve to call upon Abbe Haig to explain whether any communications on the subject were addressed by him to the Magistrate of the District the insinuation of their neglect in his Circuit Report at this late period could be attended with little benefit even if there had been grounds for the charge made against the native Police.—

In

26. In the 9th Para of his Report abt Khoj referring to certain "instances of Child Murder for the "sake of ornaments" recommends "that some Legislative measure" may "be adopted by Government prohibiting Parents allowing "their children to run about with valuable ornaments upon "them on pain of fine or forfeiture of the Jewels"

Vide Letter to Govt dated 15th November 1836

27. The Sentiments of the Court of Sujawee Dedatut on this subject are already before the Government and on the 8th of January 1836 the Court of Sujawee Dedatut were informed by Government that the subject had been referred for the consideration of the Indian Law Commissioners

28. In Para 10 of his Report abt Khoj, with reference to some of the Trials for the crime of Murder held by him during the 2d Sessions of 1836, states his opinion that strict orders should be issued to the Police Officers to enable persons who may appear to be labouring under insanity to be placed under restraint.

29. By the Circular Order of the Sujawee Dedatut of the 1st of June 1829 the Magistracy are required to send to the Criminal Judge or Joint Criminal Judge all insane persons from whose insanity they may have reason to apprehend fatal effects, unless their friends shall enter into engagements to take such care of them as to prevent the possibility of their doing any mischief — such persons are required to be confined in the Hospital attached to the Gaol, under the care of the European Medical Officer, and on his report the Criminal Judge may restore them to the charge of their friends, without applying for Special permission from the Higher

Higher Courts, but in cases considered by the Medical Officer to come under the description of confirmed Lunacy where the liberation of the party would be dangerous to the community, such persons are to be forwarded by the Criminal Judge, under proper custody, to the Superintendent of Police at Madras in order that they may be lodged in the Lunatic Hospital

30. In execution of this duty the Magistracy are of course competent to require the aid of the Native Police but to vest in them Native Officers the power to "place under restraint" without reference to the Magistracy persons who may appear to them to be labouring under insanity, would in the opinion of the Sujawee Dedatut be inexpedient, as any such power would no doubt be liable to be much abused.

31. The subject of the present mode of summoning witnesses for examination before the Court of Circuit, referred to in the 11th Para of this Report, the Governor in Council will perceive has been fully considered in the proceedings of the Sujawee Dedatut of the 8th instant, in reply to the observations and orders of the Governor in Council on the Circuit Report of the Acting 3d Judge Eastern Circuit in the Southern Division, contained in the Extract from the Minutes of Consultation under date the 8th of August 1837.

32. In the 12th Para of his Report abt Khoj states his opinion that the Criminal Judges should be invested

directed carefully to observe and bring to the notice of the Magistracy any irregularities or omissions in the proceedings of the Head Police Officers in important committable cases forwarded by them to the Criminal Courts.

32. Upon this the Court of Cuttack Circuit would observe that it is the bounden duty of the Criminal Judge to bring to the notice of the Magistrate any neglect that may be observable in the proceedings of a Police Officer; and such has been expressly declared in the Circular Orders issued by the Court of Cuttack Circuit under dates the 29th of April 1822, 27th of May 1823 and 20th of July 1829.

34 Further orders on this subject the Judges do not deem it necessary should be circulated; it will be sufficient if those already in force are rigidly acted up to; and if during his late Circuit Mr. Hay shall observed on the part of any Criminal Judge a wilful neglect of the duty enjoined upon him by these orders it was his duty to report the same for the orders of the Cuttack Court.

35. With reference to paras: 13 and 14 of this Report the Judges would observe that a plan and estimate for the construction of a Gaol at Cuddapah was forwarded from this office to the Secretary to the Board of Revenue in the Department of Public Works on the 8th of August 1837; but as objections have been made to the arrangement there proposed no time will be

* paras. 3 4 5 and 6.
o last para:
* para: 4th

lost in suggesting some other arrangement.

36 The non observance on the part of the Criminal Judge of Cuddapah of the 8th Rule of the Gaol Rules circulated under date the 8th of October 1821 requires explanation which the Officiating 2d Judge will accordingly obtain and submit without delay.

Para: 16.

37 The state of Crime in the Cuddapah Zillah has already formed the subject of a Special Report to Government, and the causes now assigned by Mr. Hay for the crime committed in that District and the inefficiency of the Police are the same as those assigned by Mr. Casamajor in his Police Reports submitted to Government with the Proceedings of the Court of Circuit of the 15th of August 1836, and the whole subject connected with the state of the Police and of the Gaols in the District of Cuddapah having been referred for the consideration of the Board of Revenue the Judges would recommend that a copy of paras 22. 23 and 24 of Mr. Hay's Report may also be communicated to them for their consideration.

38 Para: 25. of the Report contains a suggestion for the establishment of Provincial Branch Banks, which the Governor in Council may consider deserving of attention; and measures for the improvement of inland communication by means of Roads and Canals, the Court has reason to believe have already engaged the attention of Government.

Para 39

39 Paras 26. 27 and 28 contain the Report prescribed by Section IX Regulation II of 1819 regarding the health and treatment of the state Prisoners confined at Nyhoor and Bellary and visited by the Officiating 2d Judge during his Circuit for the 2d Sessions of 1836.

40 In Para: 32 Mr. Reid suggests that "the Penalty for Robbery committed by means of administering Poisonous and deleterious drugs" be enhanced, "as it must be very difficult to guard against the "crime or detect the offenders by whom it is perpetrated."

41 The punishment in such cases extending under Clause 3d Section VII Regulation XV of 1803 to transportation for life, is in the opinion of the Court of Sudder Dewanny Adawlut ample; and they are not disposed therefore to recommend the enactment of any further legislative provision on the subject.

42 The gallant conduct of Bundesah and his son Yerrowgaudoo on the occasion of a Gang of Robbers attacking the house of one Chinnarayadoo, and setting fire to the Village of Chinnarayenpolley, referred to in the 34th and 35th Paras: of Mr. Reid's report has already been made the subject of a representation to the Governor in Council and in their proceedings of the 24th Ultimo the Court of Sudder Dewanny Adawlut recommended that the sanction of Government be given for

Case No. 11 of the Bellary Calendar 2d Sessions 1837.

16th September 1837.

for granting the said witnesses "four acres of the "best Runjee land as Enam and Silver medals comme "morative of the event in which they so honorably "distinguished themselves."

43 In reference to the Trial of these Robbers, who were chiefly Lumbadies, Mr. Reid in the 36th Para: of his Report takes occasion to draw the "attention of Government to the circumstance of large "bodies of thieves and Robbers being allowed to "traverse our Provinces without let or hindrance from "the Police" and in the 37th Paras: Mr. Reid recommends that the measures proposed by Colonel Munro in his Police Report for the Ceded Districts dated the 15th April 1806, or some "other effectual Police regulations "be immediately adopted for protecting the people "against the murderous Projects and felonious and thievish "practices of all persons belonging to castes who have no "fixed abode and Honest means of gaining their livelihood "and are prowling like wild beasts in search of their "prey all over the Country."

44. The suggestion offered by Colonel Munro was that "if an order was issued throughout the Country to apprehend and confine them, it would do more in putting a stop to theft and robbery than any Police Regulations could effect in a long course of

years

"years; that as the adoption of such a measure without any
"previous attempts to reform them, would hardly be justifiable,
"it would be proper that they should first have a trial"
and he accordingly suggested that the Collector should be
"authorized to take them up and settle them in certain
"villages to give them lands at a low rent to give them tools and for the purchase of
"agricultural stock, to prohibit them from going beyond
"the limits of the village without a pass, and to
"confine and employ in hard labour all who should
"act contrary to this order": that the Collector "should also
"be authorised to treat all other vagabonds in the same
"manner."

45 The present Acting Judge of this Court when the 3rd Judge of the Provincial Court of Circuit in the Centre Division in the 31st para: of his Circuit Report submitted to Government on the 8th of March 1825 also recorded his opinion that all the castes and pretext of being public offenders should be placed under a greater and more rigid surveillance of the Police than it is necessary or would be possible to apply to the whole of the Community in general.

46. All the suggestions however which have been offered on this subject involve an infraction of the liberty of these suspected Castes, and the Court of

15th September 1837.

Tanjore Dedatut contains of opinion that Section II Regulation I of 1802 renders illegal any rules affecting the persons of individuals which may not be enacted by the Legislature.

47 But the Court of Tanjore Dedatut propose to lay their views on the subject fully before the Government in the general Police Report which they are about to submit on the last half of 1836.

48 In the 40th para: of his Report Mr. Haig suggests that "as many of the Totails Reddies and "other Headmen of villages and such individuals are "frequently concerned in Gang Robberies," "it is desirable "that persons convicted of Gang Robbery and Theft "should be declared liable to the penalty of forfeiture "of lands and chattels in addition to the punishments "prescribed by the Regulations for these crimes."

49 The question of the practicability of uniting the punishment of the offender with reparation to the injured party is already under the consideration of the Indian Law Commission, and an extract from a letter addressed by the Tanjore Dedatut to that authority containing the opinion of the Court on the subject the Judges have directed should be appended to these proceedings for the information of the Governor in Council.

* Dated 25th February 1837 para: 9 & 10 and 11.

para: 57. 50. The Court of Tanjore Dedatut entirely
concur

concur in the order issued by Mr. Haig to the Magistrate in the Southern Division of Arcot on the occasion of the inadequate punishment awarded, with his sanction, by the Assistant Magistrate, on the Prisoners charged with the crime of applying an instrument of torture called a "Kittee to the hand of the Complainant for the purpose "of extorting money"—

57. The concluding paras of Mr. Haig's Report are occupied in the discussion of matters connected with the administration of Civil justice, foreign to a Report of this nature, and the Court conceiving that such subjects would be more fitly introduced into the Civil Reports to be hereafter submitted to Government, abstain from offering any comment on them on the present occasion.—

Ordered, that extract from these proceedings together with copy of Mr. Haig's Report be forwarded to the Chief Secretary to Government for the purpose of being laid before the Governor in Council.—

(Sent in No. 1374

Ordered also that extracts from these proceedings be forwarded to the Officiating 2d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.—

(Sent in No. 1375

Read Return dated the 8th instant from the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Sujdaree Adalut under date the 1st August 1837. directing them to report on the alleged misconduct of the Head Translator of the Court of Circuit in drawing more than the due amount of Batta for himself and the Circuit establishments, and to submit their opinion respecting the general character of that native servant for efficiency &c.—

(Here enter T. Dis. No. 1869 of 1837)

1. Among the Papers which accompany this Return are a "Memorandum" furnished by the Head Translator to Government "showing the dates on which each referible "case was translated and delivered to the Officiating Second "Judge and those on which Letters of Reference were given by "that Judge": and a copy of an examination taken under the order of the Court of Circuit by their Register from the Head Translator.—

2. The Court of Sujdaree Adalut observe that in his examination the Head Translator states that the Circuit "establishment left Cuddalore on the night of "the 5th and arrived at the Cole Station on the 19th &c &c "he (the Head Translator) stated to the Officiating Second "Judge that the establishment would arrive about the 20th of

the

"the month at the Sub Station, and requested him as a favor
"to allow the Batta to be drawn for the remaining days of the
"month, and that Gentleman was pleased to allow it and
"accordingly affixed his signature to the Indent; but
"otherwise he would only have drawn Batta to the time
"of his arrival at Cuttoor."

3.

Before recording any comments on the proceedings now brought under their consideration, the Court of Foujdaree Udalut deem it necessary to direct that the Officiating Second Judge late on Circuit in the Centre Division be required to state whether he has any objections to make to the correctness of the "Memorandum" above referred to: whether the account given by the Translator of the circumstances under which the Cootoor Batta was drawn is correct; and whether he did or did not authorize by that individual sign the Indent: and if he did so, to state any thing he may wish to urge why he should not be held responsible for that act.

Ordered, that Extract from these proceedings be sent to the Officiating 2d Judge late on Circuit in the Centre Division by Precept returnable within 3 days from and after its receipt.

(Sent following Precept No. 1376.)

In Ct.

At a Court of the Foujdaree Udalut

Present

Saturday 16th September 1837.

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre _____ 2nd Puisne Judge
Alexr Duncan Campbell Esqre 1st & 3d Puisne Judge

Read again letters dated the 10th Instant from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut, the Record of Cases Nos. 26 27 and 33, tried by the Special Commissioners at Mangalore.

(Here enter Nos. 1654 1655 and 1656.)

Read also Order of Government dated the 11th Instant, commuting the sentence of death passed by the Foujdaree Udalut in case No. 33, and confirming the sentences passed in Cases Nos. 26 and 27 tried by the Special Commissioners at Mangalore.

(Here enter No. 1851.)

Case No. 26.

Mr. Lushington and Mr. Campbell.

Under the authority of the Governor in Council, the Court do accordingly direct that the Prisoner Moortyapa 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 natural life.

Under

Case No. 27.

Mr. Sushington and Mr. Campbell.

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

Devada Caingal Ishwara

be discharged with an admonition.—

Case No. 33.

Mr. Sushington and Mr. Bird.

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

Gooddee Tummunna

be transported to Singapore 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 likewise direct that Extracts from their proceedings under dates the 29th Ultimo. on Cases Nos. 2 & 27 & 33. be sent for the information and guidance of the Mangalore Special Commission.—

Sent following letter No. 1380

Read letter dated the 7th Instant. from the Magistrate of Trichinopoly, forwarding explanations called for by the Fouzdaree Adalut under date the 10th Ultimo regarding certain Cases in the Combaconum Criminal Reports for the Month of June, and also respecting the state of the health of the prisoners in the Jail at Trichinopoly.—

(Here enter No. 1864.)

1. The Magistrate forwards "a copy of a letter from the Garrison Surgeon" which "explains the cause of the large number of sick at present" at Trichinopoly, to be attributable in some degree to the prevalence of

of disease at this season of the year all over the Southern Division".—

2. The Garrison Surgeon, however, adds that the sickness in the Jail is "more particularly caused by the transfer of people in ill health from other Jails" and he notices that sometime ago a batch of prisoners about 50," he believes, "were received from Combaconum and afterwards another gang of a smaller number, almost every individual of whom were laboring under some disease or other".—

3. The Court of Fouzdaree Adalut resolve to direct that copy of this report of the Garrison Surgeon be sent through the Provincial Court of Circuit to the Criminal Judge at Combaconum, who will be pleased to submit any explanation he may have to offer respecting the removal of prisoners from Combaconum to Trichinopoly whilst in the state of health described by the Garrison Surgeon.—

4 With reference to the three concluding paragraphs of the report of the Garrison Surgeon and the two last paras of the above letter from the Magistrate, the Court of Fouzdaree Adalut resolve to direct that the Provincial Court of Circuit collectively be called upon to make a Special report relative to the stated want of accommodation for the sick at Trichinopoly. If it should appear to the Provincial Court of Circuit advisable to recommend the erection

of

16th September 1837

"of a separate building for the sick detached from the "Jail," as suggested by the Magistrate, they will be pleased to fix upon a spot for the building in communication with the Magistrate and Surgeon and cause an Estimate to be prepared and forwarded.—

Ordered, that extract from these proceedings with copies of the report of the Garrison Surgeon and of the two last paras of the above letter from the Magistrate be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance by Precept returnable in 15 days after receipt.—

Sent following Precept No. 1381

Read Return dated 14th June 1837 and Supplemental Return dated the 31st Ultimo, from the Provincial Court of Circuit for the Centre Division, to the Precept of the Fouzdaree Udalut of the 22nd May last, conveying instructions respecting the Guard proposed to be employed for the custody of the prisoners "liable to labor outside the Jail in the Centre Division."

(Here enter Nos. 1195 and 1804.)

Read also letter dated the 31st Ultimo from the Provincial Court of Circuit in the Centre Division stating that the above Supplemental Return had been made on that day:—

(Here enter No. 1804)

According

2.

F. D.

16th September 1837

Chittoor

1. According to this Statement the guard entertained at Chittoor by the Criminal Judge for fusly 1247 is comprised of 54 Peons 3 Duffadars and 3 Naigues.—

2. The number of prisoners given in the Statement as liable to labor outside the Jail being 208 the guard under the rules of the 22nd May should be 54 Peons two Duffadars and two Naigues. The Provincial Court of Circuit will accordingly desire the immediate reduction of 1 Duffadar and 1 Naigue.—

Vellore.

3. According to this Statement the guard entertained at Vellore by the Officer Commanding for fusly 1247, is comprised of one "Jailor" 2 Duffadars two Naigues and 40 Peons.

4. The member of prisoners at Vellore being 154 the proper guard under the rules of the 22nd May will be 39 Peons 2 Duffadars and 2 Naigues. The "Jemadar" now termed "Jailor" in the Statement was employed under the order of Government dated the 19th November 1833 and his salary was fixed at Rupees 12-4 per mensem. It is true that Brigadier Stewart, in his letter of the 29th June, received by the Fouzdaree Udalut that the Provincial Court of Circuit recommended the Jemadar to be retained and his pay augmented but

but the Judges are not aware that any increase in the Jemadar's pay has been authorized. all that they observed with respect to the Jemadar was that he was not affected by the rules of the 22d. May last as there was Special Sanction for his employment.—

See letter of F. Gr. dated 9th Augt. 1837 to the S. G. of Bs.

5. Neither are the Court aware of the allowance of 4½ Rupees being sanctioned for a Gomastah as it is entered in the Statement. The sanction of Government was for the employment of a Gomastah at 7/ seven Rupees per mensem.—

See the above letter of 9th Augt.

6. The Provincial Court of Circuit will accordingly be pleased to advise the Officer Commanding Vellore of the extra expenditure and request him to reduce it. His establishment will then stand as noted in the Margin.—

p. Mensem.
1 Jemadar at — 12 — 0
1 Gomastah at — 7 — 0
2 Duffadars
2 Naiques
39 Peons.

Arcot.

7. This Statement shews one Duffadar and 7 Peons as the Guard for the 28 prisoners at Arcot and the Judges have no remark to make upon it as it is correct.—

1 Duffr. 7 Rs. under former Sanction
7 Peons at 5 p. Rs.

Bellaree.

8. The Court do not understand this statement. There is no intention whatever that the rules of the 22d. May last should affect the fixed guard of any Jail, as previously sanctioned. There being 434 prisoners at Bellaree on the 11th July 1837 liable to labor outside the Jail, the correct guard under the rules of the 22d. May last will be 125 Peons 6 Duffadars and

6 Naiques. The Provincial Court of Circuit will be pleased to issue instructions accordingly to the Officer in charge of the Jail at Bellaree.—

Cuddapa.

9. Neither do the Court understand how this Statement has been framed. No account was required about the "Jailer" "Jemadar" or Vakeel. The number of prisoners liable to labor outside the Jail on the 11th July 1837 being 241 the guard prescribed by the rules of the 22d. May last will be 62 Peons 3 Duffadars and 3 Naiques. The Provincial Court of Circuit will be pleased to direct this guard to be entertained for fusly 1247 at Cuddapa.—

Cumbum.

10. The Provincial Court of Circuit will communicate to the Principal Sudr Ameen at Cumbum that the Court of Foujdaree Adalut do not consider the rules of the 22d. May last to be applicable to the Jail at Cumbum the guard at which will accordingly remain as it was previous to that date.—

Chingleput

11. This statement is not framed at all upon the principles contained in the rules of the 22d. May last. It appears that on the 11th July last there were at Chingleput 110 prisoners liable to labor outside the Jail. For this number the proper guard under the rules of the 22d. May last will be 28 Peons, 1 Duffadar and one Naique. The Provincial Court of Circuit will accordingly intimate

16th September 1837

to the Criminal Judge at Chingleput that such is to be the guard for fusly 1247 at his Jail under the said rules.-

Cuddalore. 12. This statement appears correct. There being 352 prisoners, 91 Peons 4 Duffadars and 4 Naigues have been entertained as the guard during fusly 1247.-

13. The Court of Foujdaree Udalut await the returns from the Officers at St. Thomas Mount and Arnee.-

14. In communicating the above order to the Officers concerned, the Provincial Court of Circuit will notice to them that under the third of the rules of the 25th May last an extensive increase of prisoners will authorize their application for an augmentation of the guards fixed at the commencement of the fusly.-

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by Precept returnable in 15 days after receipt.-

(Sent following Precept No. 1382)

Read return dated the 2nd Instant, from the Acting Criminal Judge at Chicacole to the Precept of the Foujdaree Udalut of the 24th Ultimo, conveying their orders on the Chicacole Criminal

Reports

F. 16.

16th September 1837. Reports for July.-

(Here enter No. 1842.)

From the above return it appears

Report V
Case 72. that "the reference" to which allusion was made in the Report was conveyed in the Report itself. The Court of Foujdaree Udalut having duly considered the circumstances of the case as therein represented, see no grounds upon which the third prisoner can be committed.-

Ordered, that extract from these proceedings be sent to the Acting Criminal Judge at Chicacole for his information and guidance and for communication to the Acting Assistant Criminal Judge late in charge of the Court.-

(Sent in No. 1383)

Read again letter dated the 5th Ultimo from the Provincial Court of Circuit in the Southern Division forwarding copies of a letter and its enclosures from the Acting Joint Criminal Judge of Coimbatore, relative to the refractory and desperate conduct of a Convict named Rungun confined in the Jail under his charge.-

(Here enter F. 16. No. 1563 of 1837.)

Read also Return dated the 8th instant from the Provincial Court of Circuit in the Southern Division, to the Precept of the Court of Foujdaree Udalut under date the 15th August 1837 calling for an English Translation

16th September 1837

Translation of the Record of Case No 9 on the Coimbatore Calendar for the first Sessions of 1837.

(Here enter F.No: No. 1853 of 1837.)

1. The Court of Foujdaree Udalut consider the evidence in support of the charge against the prisoner Rungun unexceptionable: and see not the slightest reason to doubt his guilt.—

2. He appears to the Court of Foujdaree Udalut to be a desperate ruffian; and it is necessary that the greatest care be taken to prevent his committing further mischief.—

3. The Court of Foujdaree Udalut observe that if the convict cannot by any other means be induced to work, he should be kept in the strictest solitary confinement upon a low diet until he become tractable.—

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information, and that of the Acting Joint Criminal Judge of Coimbatore.

Sent in No. 1384

Entd.

18

F. No.

At a Court of the Foujdaree Udalut.

Present,

Monday 18th September 1837.

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre ——— 2nd Puisne Judge
Alexr Duncan Campbell Esqre Acting 3rd Puisne Judge.

Read Miscellaneous Petition presented on the 14th Ultimo by Auckamah and Cantee of the District of Guntoor.—

(Here enter Mis. Pet. No 101 of 1837.)

The Petitioners represent themselves to be relatives of the prisoners in Case No 38 on the Guntoor Calendar for the first Sessions of 1835. who, were convicted by the Court of Circuit of Gang Robbery and sentenced to imprisonment with hard labour viz. for fourteen years.—

The Petitioners assert the innocence of the accused: and affirm that the Prosecution was malicious and instituted to gratify a personal grudge: and pray that the prisoners may be released.—

The Petitioners are informed that the Case has been under the consideration of the Foujdaree Udalut and that that Court

see

see no room to question the correctness of the judgment of the Court of Circuit, and no ground for their interference.—

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

Read Miscellaneous Petition as presented on the 11th Instant by Balummaul of the Zillah of Combaconum.—

(Here enter M. P. № 118 of 1837.)

The prayer of this Petition is the same as that of the Petition № 91 of 1837, presented by the same party, on which an Order was passed by the Court of Foujdaree Udalut under date the 5th Instant.—

The Court of Foujdaree Udalut direct that the Petitioner be informed that that order is final.—

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

C. Punchatcharasaumy moves the Court to return the enclosures in his Miscellaneous Petition № 71 of 1837.—

Ordered accordingly.—

Read letter dated the 28th Ultimo from the Acting Second Judge late on Circuit in the Southern Division, submitting for the final Judgment of the Foujdaree Udalut the Record of Case № 4 on the Calendar for the first Sessions of 1837.—

(Here enter Fld. № 1783 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-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the prisoners of the crime charged and awarding Ockoobut, and under the discretionary power vested in the Court by the latter part of Claude Third, Section IV, Regulation XV of 1803, sentence the prisoner

1st Muttusamy

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 natural life: and under the general provisions of the same Clause and of Claude fifth of the same Section and Regulation, sentence the C.

pr 1st

prisoners

2d Alagherrynaik

3d Soobanaik

4th Uthamanaik

and

5th Chinnandy.

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 sentence to be considered as commencing to take effect from the 1st July 1837. the date of the warrant issued in the first instance by the Court of Circuit.-

It appears from the Calendar that the Prosecutor in this case has received a Reward of fifty Rupees from the Magistracy of Coimbatore for having been the means of apprehending the first prisoner who is an escaped convict: and the Court of Foujdaree Udalut are not of opinion that the circumstances of the case render it necessary to recommend to Government the grant of a further reward to the same Individual as suggested by the acting 2d Judge of Circuit.-

Ordered, that Extract from these proceedings be sent to the acting 2d Judge late on Circuit in the Southern Division for his information

(Sent following letter No. 1395

Read

Read again letter dated the 9th Ultimo from the Special Commissioners at Mangalore Submitting for the final Judgment of the Foujdaree Udalut, the Record of Case No. 25 tried by the Special Commission at Mangalore.-

(Here enter No. 1637)

Read also Extract from the Minutes of Consultation dated the 11th Instant Commuting to transportation the sentence of Death awarded by the Foujdaree Udalut on the Prisoner Devada Narnapa in Trial No. 25 of the Special Commission at Mangalore and authorizing the sentence of the Foujdaree Udalut on 1st Prisoner as Doddalotta Soobraya in the same Trial to be carried into effect.-

(Here enter No. 1863)

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

Mr. Lushington.
and
Mr. Campbell.

2d Devada Narnapa

be transported to Singapore, 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 that the prisoner.

1st

1st Doddalotta Soobraya
be banished to the District of Coimbatore,
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 likewise direct that
Extract from their proceedings under date the
31st Ultimo be sent for the information and
guidance of the Mangalore Special Com.
-mission.—

(Sent following letter No. 396

Read letter dated the 2nd Ultimo
from the Third Judge on Circuit in the Western
Division submitting for the final judgment of
the Foujdaree Adalut the Record of Case No. 12
on the Calicut Calendar for the Second Sessions of 1837.

[Here enter F. G. No. 1618 of 1837.]

1. In this case, the prisoners
1st Pareyan Chuckan's son Karimban
2nd Pareyan Karimban's son Rekan
alias Kola alias Kundy.
and
3rd Pareyan Moondan's son Cheria
Ittiaken.
were charged before the Court of Circuit with
having, on the night of the 9th Khoomkhom 1012

or 18th February 1837, gone to the Prosecutor's
house, taken his wife named Nawoo, out of
it by means of sorcery, broken her neck by
twisting it, kicked her on the abdomen,
beaten and otherwise ill treated her, in con-
sequence of which she died on the 16th Ca-
Khoomkhom or 25th February.—

The Court of Foujdaree Adalut

page 48. 2. observe that the Prosecutor Corridreeat Ramen
in his "further examination" before the Crimi-
-nal Court deposed that "on the 14th Vrishi-
-gom" he "sent for Pauren Kyar and made
him make an astrological calculation, when
he said that the disease proceeded from
some one having done it through sorcery.
It was the 1st Prisoner who appeared in
the astrological calculation to be the person
who had done it through sorcery, and it
was after this that he was brought, and
the circumstance mentioned to him:" and
further on (page 49.) the same person states
that at the moment of his wife's death,
"there was no one else there but myself,
Nawoo's mother, Moondy, and the 1st and
2nd Witnesses".—

3. Before coming to any final
decision on this case, the Court of Foujdaree
Adalut

Udalut resolve to direct that the two persons above mentioned be sent for and examined. the first Paunen Kyer as to what occurred when he was called in by the Prosecutor, and his knowledge of any matters in any way connected with the death of the deceased female Nawoo: or the original cause of suspicion against the 1st. Prisoner and the latter Moondy as to the illness and condition of her daughter, and whether her daughter was actually with child and if so whether subsequent to the alleged ill usage she experienced, her appearance warranted the conclusion that the child, with which she is stated to have been gone eight months, was still "in utero".

4. With the view of obtaining more satisfactory information on this last mentioned point, the Court of Foujdaree Udalut deem it necessary to direct that the Grave in which the woman Nawoo was interred be opened, and the European Medical Officer in charge of the Civil Establishment at Calicut, be deputed carefully to examine the remains, and that his opinion be then taken before the Criminal Court as to whether those remains afford evidence that at

at the time the deceased was buried, the child was then in utero.

5. The Court of Foujdaree Udalut accordingly direct that the Record - English and Persian - of this case be sent back to the Third Judge on Circuit in the Western Division with instructions to issue a Precept to the Criminal Judge of Calicut, requiring him to cause the attendance of the parties above mentioned, and in the presence of the prisoners take their examination on oath touching the points above referred to, and issue the requisite instructions to the Medical Officer respecting the examination of the remains of the deceased &c.

6. The Criminal Judge will permit the prisoners to cross examine the witnesses, and to offer any thing further in their defence, should they wish it, at the close of the examination.

7. The Third Judge will annex an English and Persian Translation of the additional evidence so taken to the Record, and will retransmit the same for the consideration and final Judgment of the Court of Foujdaree Udalut.

Ordered

Ordered, that Extract from these proceedings together with the whole Record of the case be sent to the Third Judge on circuit in the Western Division by Precept returnable within one month from and after its receipt.

(Sent following Precept No. 1397

In Circuit No. 1956.

Read Order of Government dated the 11th September 1837. No. 830. on the Extract from the proceedings of the Court of Foujdaree Udalut under date the 25th August 1837.

(Here enter F. Ct. No. 1857 of 1837.)

Pursuant to the instructions contained in the order above recorded, the Court of Foujdaree Udalut direct that a copy of the said order of Government be sent to the Officiating Second Judge late on circuit in the Centre Division with instructions to furnish transcripts of the same and of the Extract from their proceedings under date the 24th Ultimo, to the Magistrate of Bellaree, and desire that Officer to make the announcement of the Gifts awarded by Government to the two individuals therein referred to, in the most public manner possible.—

Ordered, that Extract from these proceedings be sent to the Officiating 2nd Judge late on circuit in the Centre Division by

by Precept returnable within five days from and after its receipt.—

(Sent following Precept No. 1398

Read letter dated the 19th Ultimo from the Special Commissioners at Mangalore submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 10 tried by the Special Commissioners at Mangalore.—

(Here enter No. 1721.)

Mr. Bird and Mr. Campbell.

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

1st Rookroomoodeen,
2nd Jackree, son of Hussanabah,
3rd Jackree, son of Bachoo Eedinay,
4th Uhmuday, son of Palliamah,
5th Hoossaina, younger brother of Uhmuday,
6th Awah, son of Curta Siddy,
7th His son Uhmuday
8th Awah, younger brother of Manoo Moocreedinay
9th Bormaddy Coyapah
10th Boodah, son of Mohideen Beary
11th Imam

11th Imamoo, younger brother of Bapoo,
12th Coonhay Uhmuday
13th Chayee Beary
14th Abdool Cadry, son of Edinay Beary
15th Hoosaina, son of Coottially Beary
16th Uhmuday, son of Awah Beary
17th Coonhee Uhmuday son of Ajee Uhmuday
18th Mohideenay, son of Caje,
19th Rejubah.
20th Hoosainay, son of Coottially
21st Uhmuday, son of Codoowa Mameo
22nd Uhmuday, younger brother of Edinay
23rd Cadry, son of Cotially
24th Packeeray, younger brother of Bormadaj Ismaly
25th Gunjaloo,
26th Dollyna Daiwoo
27th Hoomaray, son of Awah Beary
28th Sairee alias Cadry son of Moonchamah
29th Sheyabah, son of Hussainay
30th Beatoo Uhmuday
31st Awah Beary
32nd Cadry, son of Badavidaj goodday Shaikay
33rd Sanamboor Seyoo
34th His younger brother Hoosainy
35th Abdool Cadry, uncle of Coyah Ajenah
37th Cadreey son of Kedinay Beary - younger brother of the 30th prisoner

38th Shaikh

FU.
18th September 1837.

38th Shaikh Madar alias Shaikh Koomur
40th Ijah son of Uhmuday
42nd Bapoo Seroogara
43rd Abdool Cadry son of Aboonhy Beary.

and

44th Commarey son of Jackree Moilar

of Treason and Rebellion, and awards Sazeer. and under the provisions of Sections II and III, Regulation I of 1834, and Clause Third, Section VIII, Regulation XV of 1803, sentence the prisoners

1st Rookoomoodeen
2nd Jackree, son of Hussanabah
3rd Jackree, son of Bachoo Kedinay
43rd Abdool Caudry, son of Aboonhy Beary

and

44th Commarey son of Jackree Moilar

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 la. bour in irons on the public roads or other co. public works for and during the period of their natural lives respectively:- the prisoners

1st Uhmuday, son of Salliamah
5th Hoosaina, younger brother of Uhmuday
7th Uhmuday, son of Awah
8th Awah, younger brother of Manoo Moocrea Kinay
9th Bormad

9th Bormaddy Coyasah

10th Boodah, son of Mohideen Beary

11th Imamoo, younger brother of Bapoo

12th Coonhay Uhmuday

14th Abdool Cadry son of Redinay Beary

15th Hoossaina, son of Cottially Beary.

16th Uhmuday son of Awah Beary

17th Coonhee Uhmuday, son of Ajee Uhmuday

18th Mohideenay, son of Cajee

19th Rejubah

20th Hoossainay, son of Cottially

22nd Uhmuday, younger brother of Redinay

24th Pateeray, younger brother of Bormady Semaly

26th Dollyna Daiwoo

29th Cheyabah, son of Hussainay

30th Beatoo Uhmuday

32nd Cadry, son of Badavidayy goodday Shaikay

33rd Sanamboor Seypor

34th Hoossany his younger brother

35th Abdool Cadry uncle of Coyah Asenah

38th Shaik Madar alias Shaik Hoomur

and

42nd Bapoo Seroogar.

to be imprisoned in the Jail of the Zillah of Bellaree, and kept to hard labour in Irons on the public roads or other public works in that District. for and during the period

period of (14) fourteen years: the prisoners.

6th Awah, son of Curia Siddy

13th Chayee Beary

and

31st Awah Beary.

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

21st Uhmuday son of Coodoowa Mamoo

23rd Cadry, son of Cottially

25th Guyaboo

27th Hoomaray son of Awah Beary

28th Sairee alias Cadry, son of Moonchamah

and

40th Ijah, son of Uhmuday.

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

The Court of Foujdaree Uda.

but further direct in consideration of the circumstances urged by the Special Commission. that the prisoner

37th Cadry son of Erdinay Beary, younger brother of the 30th prisoner.

be released with a strong admonition.

And being of opinion

that

that the prisoners

36th. Mahomed Sallay

and

41st. Ebram Saib

are not convicted on presumptive Proof or on the evidence of credible witnesses or on their own confessions, notwithstanding the Futwa of their Law Officers, the Court do, accordingly acquit them: but considering that strong Suspicion, though not amounting to Conviction, attaches to them, the Court direct, under the provisions of Claude Sixth, Section III, Regulation XV of 1803, that they be severally required to find two sureties in (1000) One thousand Rupees each surety, for their good behaviour and appearance when required, within three (3) years, and that in default thereof, they be detained for (3) three years in confinement.-

The Court of Foujdaree Udalut direct that their sentence in the Trial No 10 from the Mangalore 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 Governor in Council, to the intent that the Court may

may in conformity with the provisions of Section V Regulation XX of 1802, receive the orders of Government before they direct their sentence to be carried into execution.-

(Sent following letter No 1399.

Read return dated the 11th Instant from the Acting 3d Judge late on Circuit in the Southern Division, to the Precept of the Foujdaree Udalut dated the 20th July 1837. conveying their observations and orders on his Circuit Report for the Second Sessions of 1836.-

(Here enter No 1868.)

Read letter dated the 7th Instant from the Special Commissioners at Manga. lore reporting the death of Ithmuday, the 22d prisoner in Special Case No 10.-

(Here enter No 1869.)

Read letter dated the 11th Instant from the Magistrate of Tinnevelly forwarding a copy of a letter from the Head Assistant Magistrate of Tinnevelly relative to Case No 34 on the Tinnevelly Criminal Reports for the month of July. noticed in the Extract proceedings of the Foujdaree Udalut under date the 24th August 1837.-

(Here enter No 1887.)

F. U.

At a Court of the Foujdaree Udalut

Present

Tuesday 19th September 1837.

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre ——— 2nd Puisne Judge

Alexr Duncan Campbell Esqre Acting 3rd Puisne Judge

113

Read letter dated the 26th Ultimo from the Special Commissioners at Mangalore submitting for the final judgment of the Foujdaree Udalut the record of Case No. 20 tried by the Special Commission at Mangalore.—

(Here enter No. 1782.)

Mr. Bird and Mr. Campbell.

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-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the prisoners

1st Timapa Gowda

2nd Potail Koty (dead)

and

3rd Kedla Deranna

of Treason and Rebellion and awarding to each

and

and under the provisions of Sections II and III, Regulation I of 1834, sentences the prisoner

1st Timapa Gowda

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

2nd Lotail Koty (dead)

and

3rd Kedla. Deranna)

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

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 20 from the Mangalore 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 Governor in Council, to the intent that the Court may pursuant to the intent that the Court may pursuant 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.-

Note.

Since the date of these proceedings, the

the Court of Foujdaree Udalut have received a letter from the Special Commissioners, reporting the death of the second Prisoner Lotail Koty.-

Sent to Govt No. 237. (Sent following letter No. 1902

Read letter dated the 13th Instant from the Magistrate of Trichinopoly, reporting the escape of two Convicts from a working party.-

(Here enter No. 1905.)

Read return dated the 13th Instant from the Criminal Judge of Combaconum, to the Precept of the Foujdaree Udalut dated the 30th August 1837, conveying their observations and orders on the Combaconum Criminal Reports for the month of July.-

(Here enter No. 1907.)

Read letter dated the 13th Instant from the Acting Criminal Judge of Madura, reporting the death of the 1st prisoner in Case No. 22 on the Madura Calendar for the second Sessions of 1837.-

(Here enter No. 1908.)

Read Order of Government dated the 14th Instant approving the modification in the Circular Order of the 3rd October 1817. proposed

proposed by the Foujdaree Udalut and de-
siring that notice thereof may be given to
the Board of Revenue in the Department
of Public Works.-

(Here enter No. 1876.)

Circular Order
No. 92.

The Court of Foujdaree Udalut
having cause to believe that the observance
of the instructions contained in their Circular
Order of the 3rd of October 1817, respecting the
enlargement of Convicts at the expiration of
their term of imprisonment, is no longer ex-
pedient, and would, under the contemplated
employment of the Convicts in Zillahs where
their services are most urgently required, in
many cases be impracticable, and in all
instances would be attended with much
and perhaps an unnecessary expenditure of
the Public money;- they resolve, with the
sanction of Government, to modify so much
of the Circular Order of the 3rd October 1817
as directs the transfer of Convicts from one
Station to another, for the purpose of their
being discharged by the Criminal Judge
of the jurisdiction in which they were
committed for Trial; and in lieu thereof

to

to direct that whenever a Convict, sentenced
to temporary imprisonment, may on the
arrival of the period fixed for his dis-
charge, be in confinement in a jurisdiction
different from that in which he was com-
mitted for Trial, the Officer in whose
charge such Convict may then be, shall
carry into effect the warrant for his dis-
charge, giving due information of his
enlargement to the Magistrate of the Zillah,
and also to the Magistrate of the juris-
diction in which he formerly presided, fur-
nishing the person to be discharged not
only with the allowance for his subsistence
on the way back to his village at the
prescribed rate of diet money, for the cal-
culated period of his journey, but also with
the allowance for one months maintenance;
not exceeding 5 Rupees, to which Convicts
released after an imprisonment of 6
months or upwards, and appearing to be in
want of such assistance, are entitled under
Section XXXII. Regulation X. of 1816.-

Sent following Circular Order No. 1403

F. C.

At a Court of the Foujdaree Udalut

Present.

Wednesday 20th September 1837.

Charles Mary Lushington Esqre. 1st Puisne Judge

John Bird Esqre. ——— 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. Acting 3rd Puisne Judge

Read letter dated the 25th Ultimo from the First Judge on Circuit in the Northern Division, submitting for the final judgment of the Court of Foujdaree Udalut, the Record of Case No. 1 on the Nellore Calendar for the second Sessions of 1837.—

(Here enter F.C. No. 1812 of 1837.)

Mr. Bird and Mr. Campbell.

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

1st Buddleca Vamadoo

and

2nd Billoopauty Condoo.

is sufficient to convict them of the crime of Gang Robbery by open violence, attended with aggravating circumstances. do under the authority with which they are vested by Clause First, Section II, Regulation I of 1808, convict

convict them thereof; and under the provisions of Clause second Section IV Regulation XV of 1803, sentence them to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned 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. 1606

In the concluding parah: of his letter of reference, the First Judge of Circuit refers to the remarks in the Nellore Calendar of the second Sessions of 1837, respecting the third prisoner in this case — Buddeea Nurdeegadoo — who was reported by the Medical Officer in charge of the Jail at Nellore to be "in an unsound state of mind, and unfit "to be placed on his trial;" and whose trial in consequence had not been completed, and requests instructions as to the disposal of that Individual.—

The Court of Foujdaree Udalut, referring to the Report of the Medical Officer, and considering moreover that the evidence against the third prisoner is insufficient for his conviction of the crime charged, resolve, in concurrence with the suggestion of the First Judge of Circuit, to direct that the said prisoner be unconditionally released, provided that the Medical Officer do certify that in his opinion it may be done without danger to the community, and the prisoner's friends shall engage to take due care of him.—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division by Precept returnable within twelve days from and after its receipt.—

(Sent following Precept No. 1607

Read letter dated the 7th Instant from the Acting Judge on Circuit in the Centre Division, submitting for the final judgment of the Court of Foujdaree Udalut the Record of Case No. 21 on the Bellaree Calendar for the second Sessions of 1837.—

(Here enter F. C. No. 1845 of 1837.)

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 Timmadoo alias Naugadoo is sufficient to convict him of the crime charged,

do,

20th September 1837.

do, under the authority with which they are vested by Clause First, Section V, Regulation VIII of 1831. and Clause First, Section II, Regulation I of 1818, convict him thereof; and under the provisions of Clause second of the latter Section and Regulation, direct their Law Officers to declare by a second Futwa to what sentence the prisoner would be liable under the Mahommedan Law, if he had been convicted by full legal evidence.—

Answer. If the prisoner abovementioned was convicted of the crime charged, by the evidence of credible witnesses, he would be liable to amputation of the right hand and left foot.—

Mr. Bird. The Court of Foujdaree Udalut, being of opinion that the punishment to which the prisoner is liable under the second Futwa of their Law Officers, would, under the circumstances of the case, be too severe, sentence the said prisoner

Timmadoo alias Naugadoo

under the authority vested in them by Clause Second, Section VI, Regulation I of 1825, and Clause First, Section V, Regulation VIII of 1831, to be imprisoned and kept to hard labour in irons on the public roads or other public

F. C.

20th September 1837

public works for and during the period of (7) seven years.—

The Court of Foujdaree Udalut observing that in this as in another Trial submitted by the Acting Judge, he has omitted to offer an opinion as to the precise sentence to be passed on the accused, direct that his attention be called to their Circular Order of the 11th March 1834. which prescribes the duty of a Circuit Judge in this respect.—

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

(Sent following letter No. 1408.

113

105

F. Us.

At a Court of the Foujdaree Udalut

Present

Thursday 21st September 1837.-

Charles May Lushington Esqr. 1st Puisne Judge
John Bird Esqr. _____ 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. Actg 3d Puisne Judge

Read letter without date from the late Acting Second Judge late on Circuit in the Southern Division, submitting for the final judgment of the Court of Foujdaree Udalut, the Record of Case No. 22 on the Madura Calendar for the Second Sessions of 1837.-

(Here enter F. Us. No. 1811 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 cum Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee cum Cozat and Mooftees aforesaid, acquitting the prisoners of the crime charged, and do accordingly acquit them: and direct that the prisoners

Mr. Lushington and Mr. Campbell

1st Parea Caroopathaven
2nd " Valivittaun
3rd " Soodaumony
4th " Sorochen alias Valivittaun
5th " Saumipthaven alias Saumyannen
6th " Valivittaun
7th " Kittan alias Valoyoodun
8th " Caroopanen alias Monyttauthen
9th "

21st September 1837.

9th Woodyar
10th Swaqroonauden
11th Sooraythaven
12th Navaneetha Krishnen
15th Ramalingum
16th Caroopiaren
17th Arasappen
and
18th Soobbramonien
be set at liberty.

But being of opinion that strong suspicion though not amounting to conviction attaches to the prisoners

13th Moottannen
and
14th Thavaseyannen

the Court direct, under the provisions of Clause sixth, Section II, Regulation XV of 1803, that they be severally required to find two sureties in 50/ fifty Rupees each surety for their good behaviour and appearance when required within (3) three years: and that in default thereof, they be detained for (3) three years in confinement.

The great discrepancies in the evidence of all the parties before the several tribunals, the length of time the complainants allowed to elapse before they preferred the charge, the ignorance on the part of their neighbours of the perpetration of the alleged outrage, and other circumstances apparent on the Record, tend to cast so much doubt and suspicion on the evidence

21st September 1837.

evidence for the prosecution in this case, that the Court of Foujdaree Udalut are unable to convict upon it.-

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information.-

(Sent following letter No. 1418

Read letter without date from the late Acting Second Judge late on Circuit in the Southern Division, submitting copies of the Madura Calendar for the Second Sessions of 1837.-

(Here enter F. Ltr: No. 1309 of 1837.)

In this case the prisoner is convicted

Case No. 4.

1. of having beaten the Prosecutor near a Jungle with a Cudgel and robbed him of a cloth of the value of eight anas.-

The Judge of Circuit being of opinion

2. that the punishment to which the prisoner is liable under the Futwa of the Mahommedan Law Officer, which awards amputation of two limbs, would be 'much too severe' recommends a mitigation of the same to two years' imprisonment with hard labour in irons.-

The Court of Foujdaree Udalut are

3. of opinion that the proposed sentence would be inadequate, and accordingly direct that the prisoner Vellayen

21st September 1837 — 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.

Cases Nos 6 and 9 and Case No 3 Suppl. Cal.re — 4. The offence of which the prisoners in the cases noted in the Margin are severally convicted, is similar to that in No 4. namely Highway Robbery: and in each case, the Judge of Circuit recommends a mitigated sentence: in No 6. imprisonment for three years: in No 9. one years imprisonment: and in No 3 on the Supplemental Calendar four years imprisonment with hard labour in irons.

5. The Court of Fouzdaree Udalut are unable to sanction the proposed mitigated sentences considering them to be inadequate: and accordingly direct that the prisoners be severally imprisoned and kept to hard labour in irons on the public roads or other public works: the prisoner

Ponnen

in Case No 6: for and during the period of (7) seven years: the prisoner

Veeren

in Case No 9: for and during the period of five years: and the prisoners

1st Vaulen alias Vauloo Naiken

and

2nd Mookoospoory Caroopen Chetty

in

21st September 1837 — in No 3 on the Supplemental Calendar for and during the period of (5) five years.

Case No 15 — 6. The prisoner in this case was charged with having gone to the Prosecutor's house and broken his arm with a Cudgel.

7. The Judge of Circuit recording his opinion that "the evidence for the prosecution fully established the fact of the prisoner having, without the least provocation, assaulted the prosecutor in his own house, with a stick whereby he fractured his arm, the use of which the prosecutor is entirely deprived of for the present", and that "this wanton attack upon an inoffensive person merits severe chastisement, Sentenced the prisoner to imprisonment with Labour for eighteen Months under Clause seventh, Section II Regulation XV of 1803.

8. The Court of Fouzdaree Udalut consider this sentence to be much too lenient.

Case No 24. — 9. And the same remark applies to case No 24, in which five prisoners were convicted of Culpable Homicide in having caused the death of a female by beating and otherwise ill treating her, and were sentenced to imprisonment viz. for two years.

Case No 16 — 10. The prisoner in this case was charged with having waylaid the second complainant, the Mother of the first complainant on

the

the high road and robbed her of property valued at one Rupee and four Anas.-

11. The prisoner is convicted but the Judge of Circuit recommends a mitigation of the punishment to which the prisoner is liable, as the value of the property stolen was trifling and the wounds inflicted not of a very serious description".-

Case

Case

12. The Court of Foujdaree Udalut having maturely considered all the circumstances of this case concur in opinion with the Judge of Circuit, and resolve, under the authority vested in them by Clause Third, Section III, Regulation I of 1825, to direct that the prisoner

Vacooren

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.-

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable within five days from and after its receipt.-

(Sent following Precept No. 1419

Read return dated the 15th Instant from the Criminal Judge of Salem to the Precept of the Foujdaree Udalut dated the 11th September 1837 directing him to discharge the Inaiger and reduce the standing Jail Guard to 20 Rems.-

(Here enter No. 1911.)

Read

Read letter dated the 13th Instant from the Provincial Court of Circuit in the Western Division, transmitting the Sirsee Criminal Reports for the Month of August 1837.-

(Here enter No. 1921.)

Read letter dated the 11th Instant from the 3d Judge on Circuit in the Western Division, reporting that the Sessions will be opened at Mangalore on the 12th proximo.-

(Here enter No. 1926.)

Read Order of Government dated the 19th Instant, sending back the Record of Case No. 1 on the Chittoor Calendar for the 2nd Quarter Sessions of 1837.-

(Here enter No. 1933.)

Read letter from the Provincial Court of Circuit in the Southern Division dated the 6th Instant. submitting copy of a correspondence with the Superintending Surgeon in the Southern Division, respecting the crowded state of four of the Jails in the Southern Division, viz. those of Trichinopoly, Coimbatore, Combaconum and Madura and suggesting that measures may be taken for remedying the inconvenience.-

(Here enter No. 1837.)

According to the last returns submitted to the Court of Foujdaree Udalut the

number

21 21st September 1837.

number of prisoners in confinement in the Jail at Trichinopoly was Prisoners 341 - the Jail being capable of containing - 350. -

Coimbatore - 395 ——— Do. ——— Do. ——— 350. -

Combaconum - 512 ——— Do. ——— Do. ——— 350. 6450

Madura - 400 ——— Do. ——— Do. ——— 385. -

From the above statement, as also from a letter received from the Magistrate of Trichinopoly since the date of the Superintending Surgeon's letter above referred to, it appears that the Jail at Trichinopoly is not at present too crowded; nor under the circumstances of 30 Convicts having been recently ordered to be transferred from Madura to the Paumbum Pass, does it appear necessary further to relieve the Jail at that station. -

2. But with reference to the crowded state of the Jail at Combaconum measures must be taken for the removal of some of the Prisoners, and the Judges accordingly resolve to direct the Provincial Court of Circuit in the Southern Division to issue the necessary orders for the immediate removal from that station to the charge of the Acting Joint Criminal Judge at Cuddalore of all Convicts whose period of imprisonment exceed 3 Months. -

3. With respect to the Jail at Coimbatore, the Provincial Court of Circuit will be pleased to direct the Acting Joint Criminal Judge at that station to hold in readiness 50 Convicts, to be transferred to the charge

J. 116.

21st September 1837. charge of the Magistrate of Trichinopoly for the purpose of being employed on the Carour Road, as soon as that officer can procure accommodation for the number of Convicts which the Government have determined shall be employed on that work under the orders of the Board of Revenue in the Department of Public Works. -

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, for their information and guidance by precept returnable in 20 days from and after its receipt. -

(Sent following Precept No. 1420)

F. Cl.

At a Court of the Foujdaree Udalut.

Present.

Charles May Lushington Esqre. 1st Puisne Judge

Friday 22nd September 1837. John Bird Esqre. ——— 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. Acting 3d Puisne Judge

Read letter without date from the late Acting 2nd Judge late on circuit in the Southern Division transmitting the record in Case No. 2 on the Madura Calendar for the 2nd Sessions of 1837.—

(Here enter No. 1810.)

The Court of Foujdaree Udalut,

Mr. Lushington 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-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees afore-said, convicting the prisoner

Alagoo

of Gang Robbery and awarding Cokoobut, and under the providions of Clause Third, Section IV, Regulation XV of 1803 sentence him to be imprisoned and Kept to hard labour in

in front on the public roads or other public works for and during the period of (14) fourteen years.—

(Sent following letter No. 1425

Read letters dated respectively the 4th August and 8th September 1837 from the Officiating Second Judge late on Circuit in the Centre Division submitting with the former the English and with the latter the Persian Translation of the Proceedings in Case No. 9 on the Cuddalore Calendar for the Second Sessions of 1836, for the final Judgment of the Court of Foujdaree Udalut.—

(Here enter Fls. Nos. 1631 and 1846.)

Mr. Bird.

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 prisoners

2d. Auroomoogum

and

3d. Ramen alias Rama Odian

is sufficient to convict them of Gang Robbery by open violence, do, under the authority with which they are vested by Clause First, Section V, Regulation VIII of 1831 and Clause First, Section II, Regulation I of 1818, convict them thereof,

XII

and under the provisions of Clause Third, Section IV, Regulation XV of 1803 and Clause third, Section II, Regulation I of 1825 sentence them to be imprisoned and kept to hard labour in front on the public roads, or other public works, for and during the period of (14) fourteen years, and to receive (195) One hundred and ninety five lashes of a Cat of nine tails, the sentence of imprisonment to be considered as having commenced to take effect from the 14th January 1837.—

(Sent following letter No. 1426

The Officiating Second Judge will be careful to warn the Acting Joint Criminal Judge of Cuddalore that the punishment by Stripes now awarded by the Court of Foujdaree Udalut, is to be inflicted only in case of any thing having occurred to prevent that part of the sentence originally passed by the Court of Circuit, being carried into effect.—

Ordered, that Extract from these proceedings be sent to the Officiating Second Judge late on Circuit in the Centre Division by Precept returnable within Eight days from and after its receipt.—

(Sent following Precept No. 1427.

Read

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

(Here enter No. 1865.)

The above Reports do not appear to require any remark, but the Court observe that the Criminal Judge has forwarded three "Statements" separately from the Reports. They accordingly direct that it be pointed out to the Criminal Judge that although printed "forms" have been lately supplied, it is not intended that there should be any departure from the former practice of transmitting the "Statements" duly annexed to the Reports.

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

(Sent in No. 1428

Read the Tinnevelly Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of August.

(Here enter No. 1870.)

Report Case 38.

1. The grounds stated in the Report for the commitment of the 3rd and 4th prisoners in this case being insufficient, the Court of Foujdaree

Foujdaree Adalut direct that the Joint Criminal Judge be called upon to explain what other evidence there is against them.

The reasons assigned for the

Case 42. 2. detention of the prisoner in this case in the Talook are unsatisfactory, and the Court 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 enquire into the conduct of the Police Officer and take of it such notice as he may think it deserves.

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. 1429

Read the Tellicherry Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of August.

(Here enter No. 1871.)

With reference to the Circular Order No. 29 dated the 4th February 1835 the Acting Joint Criminal Judge will be pleased to amend his order for the commitment of the

Suppl. Report Case 64.

the prisoner in this case. The Acting Joint Criminal Judge will not however record his Sentence on the prisoner until the result of his trial before the Court of Circuit vide Order Nos. 63 and 66 is Known.—

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

(Sent following Precept No. 1430

Read return from the Acting Joint Criminal Judge at Tellicherry dated the 9th Instant to the Precept of the Foujdaree Adalut of the 2nd Instant conveying their orders and observations on the Tellicherry Criminal Reports for the month of July.—

(Here enter No. 1875.)

The explanation afforded in the above return respecting the cause of delay in the disposal of the cases before the Joint Criminal Court in the month of July being satisfactory, the Court direct that the same be intimated to the Acting Joint Criminal Judge.—

Ordered accordingly, that Extract from these proceedings be sent to the Acting Joint

Joint Criminal Judge at Tellicherry for his information.—

(Sent in No. 1431

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

(Here enter No. 1882.)

Statement of Extra Peons

According to this Statement 16 Peons and 2 Duffadars were employed during the month of August. The Court of Foujdaree Adalut have not yet been informed of the precise number of prisoners in the Jail at Rajahmundry on the 11th July last and have not been able therefore to check the Jail guard authorized by the rules of the 22nd May last. But they deem it proper to call upon the Criminal Judge to explain by what authority two Duffadars were entertained during August "Sixteen peons," if the rules of the 22nd May were strictly apply, would not authorize the employment of any Duffadar certainly not two Officers of that Class.—

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

(Sent following Precept No. 1432

Raa

22nd

Read the Nellore Criminal
Reports prescribed by Section XXXV Regulation
X 1816 for the month of August.
(Here enter No. 1894.)

Suppl. Report
Case 82.

1. It is stated that the 1st prisoner, in this case, had already been sentenced to 6 months imprisonment with hard labour in irons and to receive 100 lashes. He is therefore now sentenced to two years imprisonment with hard labor in irons. No mention however is made in the Report as to when this sentence to 6 months imprisonment was passed nor for what offence it was adjudged. The Court of Foujdaree thereupon await an explanation on these points.

Report
Case 88.

2. The Court require it to be explained whether there was any and what further ground of suspicion against the prisoner beyond his Police confession. If the moofee Sudr Ameen has required security from him merely on account of his uncorroborated police confession he should be at once released on the bail bond cancelled if the security has been furnished.

See C.C. F. 16. No. 30.

Ordered, that Extract from these proceedings be sent to the Assistant Criminal Judge in charge of the Court at

F. 16
22nd September 1837.

at Nellore for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 1433)

Read the Honore Criminal
Reports, prescribed by Section XXXV Regulation
X of 1816, for the month of August.
(Here enter No. 1895.)

Report
Case 85.

This appears to be a case in which 1. the provisions of Clause 3rd Section III Regulation II of 1829 ought to have been followed. As far as the Court are informed by the Report the prisoner was not forwarded to the Magistrate but was sent up to the Principal Sudr Ameen's Court by the Tahsildar. Nor does it appear that the sanction of Government has been obtained for the prisoner's trial at Honore. The Principal Sudr Ameen will be pleased to explain the circumstances.

Ordered, that Extract from these proceedings be sent to the Principal Sudr Ameen at Honore for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 1434)

Read the Chicacole Criminal
Reports, prescribed by Section XXXV Regulation X
1816

continued

22nd September 1837.

1816 for the month of August.—

(Here enter N°. 1896.)

Report N°
Code 107.

1. The offence of the prisoner, in this case, who has been committed for trial before the Court of Circuit is one for which he ought not in the opinion of the Fouj.=daree Udalut, to have been admitted to bail but as he has been "released on bail" the Court of Foujdaree Udalut will not require the order of the Criminal Court to be annulled.—

2. The Acting Criminal Judge will be pleased to forward "the Statement of Peons" for August which has not accompa.=nied his Criminal Reports for that month.

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°. 1435

Read letter dated the 13th Instant from the Special Commissioners at Manga.=lore reporting the Death of Potail Koty the 2nd prisoner in Special Case N°. 20.—

(Here enter N°. 1923)

JPS
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F. W.

F. W.

Saturday 23d. September 1837.

At a Court of the Foujdaree Udalut

Present

Charles Mary Lushington Esqre. 1st. Puisne Judge
John Bird Esqre. ——— 2nd. Puisne Judge
Alexr. Duncan Campbell Esqre. 15d. Puisne Judge

Read Return dated the 12th instant from the Acting Judge on Circuit in the Centre Division to the Precept of the Court of Foujdaree Udalut under date the 31st August 1837 conveying their observations and orders on the Cuddapah and Cumbum Calendars for the second Sessions of 1837.—

(Here enter F. W. N°. 1883 of 1837.)

The Acting Judge of Circuit will be pleased to report in what way case N°. 3 has been disposed of by the Criminal Court of Cuddapah: and whether the requisite instructions were issued to the Criminal Judge for bringing to trial before the Court of Circuit at the next ensuing Sessions of Jail Delivery, the prisoner in Case N°. 4.—

Cuddapah Calendar Cases N°s. 3 and 4.—

1.

The Acting Judge of Circuit reports that "the age of the 4th Prisoner for whom Mitigation of punishment was solicited is 14".—

Cumbum Calendar Case N°. 1.

2.

The Court of Foujdaree Udalut having maturely considered all the circumstances of the case, resolve to accede to the recommendation of

23. September 1837.

of the Acting Judge of Circuit; and under the authority vested in them by Clause Third, Section III Regulation I of 1825, direct that the prisoner

4th Nunseegadoo

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

Ordered that extract from these proceedings be sent to the Acting Judge on Circuit in the Centre Division by Precept returnable within five days from and after its receipt.-

(Sent following Precept No. 1445

Read return dated the 16th Instant from the Criminal Judge of Cuddapa to the Precept of the Tondaree Udalut of the 6th Instant, conveying the orders of the Tondaree Udalut on the Cuddapa and Cumbum Criminal Reports for the Month of July-

(Here enter No. 1916.)

Report V Case 108

1. It appears from the above return that no evidence was taken by the Mooftee Sudr Ameen as to the supposed insanity of the prisoner in this case, because he had nothing to say in his defence and because he confessed the crime.-

2. But the Court of Tondaree Udalut deem it proper to direct that the attention of the Mooftee Sudr Ameen be called to the Circular Order of the 1st of June 1839 under which as "the prisoner "appeared

25th September 1837.

"appeared insane" it was his duty to have "investigated the state of the prisoners mind". The Criminal Judge will continue the suspension of the sentence recorded pending the enquiry enjoined in such a case, by the Circular Order in question and the Court are of opinion that the Criminal Judge should himself conduct the enquiry or delegate it to his Assistant.-

The Court of Tondaree Udalut notice

Report VIII and p. 4 of the return

3. with regret that the 3 cases committed on the 1st "10th and 17th July" were not delivered to the Circuit Court in a Supplemental Calendar as they ought to have been.-

Ordered that extract from these proceedings be sent to the Criminal Judge at Cuddapa for his information and guidance by Precept returnable in 6 days after receipt.-

(Sent following Precept No. 1446

Read the Bellary Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of August.-

(Here enter No. 1880.)

In both these cases it is stated in the

Suppl. Reports Cases 115 116

1. Report that "there is no proof whatever against the prisoners. The Court of Tondaree Udalut accordingly resolve to direct that copy of the cases as they stand in the Report and of this paragraph be sent by the

Crimina

23rd September 1837 Criminal Court to the Magistrate who will be pleased to ascertain and report direct to the Foujdaree Udalut, the grounds upon which the prisoners were sent up.—

Report V Cases 119. 120. 2. Should the prisoners in case 119 and the four first prisoners in Case No. 120 be acquitted of the "murder" they should be separately indicted for the offence described in Act XXX of 1836. The fifth prisoner in case 120 does not appear to be charged with murder but with the crime of having belonged to a Gang of Thugs and as such received the spoil taken by Thuggee. His case therefore should have been kept distinct and indeed might now to be separated from that of the other four prisoners about to be arraigned for murder by Thuggee.—

Case 124 3. In this case the prisoners have been held to security and the Court will not now disturb the order for its requisition but it appears to them, that if the complainant's daughter aged 10 years recognized the prisoners there was evidence upon which they might have been convicted.—

Statement of Peons 4 The Court of Foujdaree Udalut require to be informed with reference to the rules of the 22nd May last why one extra peon was entertained for two days and another for 10 days. Under the rules in question the guard fixed at the commencement of the jusly cannot be increased during it, except by special sanction and the charge for the two peons in question being therefore "unauthorized" the Acting Assistant Criminal

J. Uo.

28th September 1837 Criminal Judge will be responsible for it.—

Ordered that Extract from these proceedings be sent to the Acting Assistant Criminal Judge in charge of the Zillah Court of Bellary for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 1447

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

(Here enter No. 1881.)

Report V Case 57. 1. The Court of Foujdaree Udalut direct that an explanation of the circumstances of this case may be supplied by the Acting Joint Criminal Judge. There does not appear to have been any forcible entry into the Prosecutor's house and if not the sentence recorded appears illegal and requires amendment.—

2. The statement required by the Circular Order No. 80 not having been forwarded, the Court conclude that it is "blank" but if so the fact should have been stated in the letter which accompanied the Criminal Reports.—

3. The Court do not find the "Statement of extra Peons," and the Acting Joint Criminal Judge will therefore be pleased now to forward it, for the Month of August.

4. In the statement of labor none of the prisoners are described as employed in the construction

construction of the Jail and the Court of Fouzdaree Udalut therefore deem it proper to call on the Acting Joint Criminal Judge to report whether the Jail is finished, and if not why the services of the prisoners are not applied to that building.—

5. The Acting Joint Criminal Judge will be pleased in future to transmit his Reports and Statements annexed to each other; on the present occasion they have been sent up detached and this practice if continued would be productive of much inconvenience.—

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 4 days after its receipt.—

Sent following Precept No. 1448

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

(Here enter No. 1892.)

Report V
Case 112.

1. In this case the prisoner has been held to security. The Court of Fouzdaree Udalut do not desire to disturb the order for the requisition of the security but they direct it may be pointed out to the Criminal Judge that if, as it is presumed she did, the Wife of the prisoner deposed to the fact of her husband having cauterized her with a hot iron, the

Case 117.

the evidence was sufficient for his conviction.—

2. The 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 point out to the Police Officer his misconduct in detaining "the other prisoners" whilst he "deputed a Peon with a Warrant to apprehend the absconded prisoner Caroppen" and will report direct to the Fouzdaree Udalut what became of the prisoners from the 9th of August the date of their apprehension until the 17th on the evening of which they are stated to have been "brought to the Talook Office."—

* See C.O. 26th Jan. 1822. p. 66 of the printed vol.

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

Sent following Precept No. 1449

At a Court of the Foujdaree Udalut

Present,

Monday 25th September 1837.

Charles May Lushington Esqr. 1st Puisne Judge

John Bird Esqr. _____ 2nd Puisne Judge

Alexr. Duncan Campbell Esqr. 1st & 3rd Puisne Judge

Read again letter dated the 4th May last 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 first Quarter Sessions of 1837.

(Here enter No. 946.)

Read also again return dated the 10th June last from the same Officer to the Precept of the Foujdaree Udalut of the 22nd May last, conveying the observations and orders on his Report for the 4th Quarter Sessions 1836 and 1st Quarter Sessions 1837.

(Here enter No. 1135.)

Read also return dated the 18th July last from the same Officer to the Precept of the Foujdaree Udalut of the 30th June last, conveying further orders on his Report for the 4th Quarter Sessions 1836. and 1st Quarter Sessions 1837.

(Here enter No. 1448.)

Read also Supplemental Returns dated

dated 28th July and 22nd August last from the same Officer to the above Precept of the Fouzdaree Udalut of the 30th June last.—

(Here enter Nos. 1520 and 1740.)

1. In their proceedings of the 22d May and the 30th June last, the Court of Fouzdaree Udalut have recorded the observations which the above Report appeared to them to require. They would however here explain, with reference to the first para of the Report that a successor to the Cazee Noorally was appointed on the 20th of February last. and they regret to find that he did not take up his official duties before the close of the Quarter.—

2. The Court beg leave to recommend for sanction the estimate (the original of which accompanies these proceedings) "of the probable "expence of constructing a pukka well for the use of "the prisoners in the Cell under the western "Rampart of the Fort of Masulipatam at the "current prices of the station, prepared, at the "requisition of the Joint Criminal Judge" by "the Superintending Engineer" in the Northern Division—and amounting to Rupees (4) four and Annas (4) four.—

Ordered

Ordered, that extract from these proceedings with extracts from the proceedings of the 22nd May and 30th June last together with copies of the Report and the returns above mentioned be sent to the Chief Secretary for the purpose of being laid before the Right Honorable the Governor in Council.—

(Sent in No. 1454

Ordered also, that extract from these proceedings be sent to the 1st Judge of the Provincial Court for the Northern Division for his information.—

(Sent in No. 1455.

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

(Here enter No. 1911.)

Report V
Case 136

1. The following is stated to be the reason of the prisoner in this case being brought before the Criminal Court "The prisoner was the 1st Witness in Supplemental Calendar No. 4 of 2nd Sessions 1837 and was ordered by the Court of Circuit to be on his trial as a prisoner on the 31st July 1837." As the prisoner has been committed, the Court will not quash the proceedings which have been held but the course which ought to have been adopted was to bring the prisoner to trial through the intervention of the Magistrate.—

See C.O. Feb. 28th Oct. 1822: p. 79 of the printed vol.

H

25th September 1837.

Case 165.

2. The Head of Police who forwarded the prisoner in this case is represented to have reported that the prisoner was detained for 6 days by the Mettoo Gomastah. 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 enquire into the conduct of the Mettoo Gomashtah on the occasion in question and notice it in the manner it may appear to deserve.

Statement of extra Rows

3. It appears from this statement that the number of extra Rows at the Jail at Madura fluctuated throughout the Month. The Court of Foujdaree Udalut require an explanation on this point, for although they have not yet received the Report, which ought long since to have been submitted, of the guard for July 1837, the rules of the 22nd May last are altogether opposed to such fluctuation in the number of the Peons as is here exhibited.

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. 1456

Read the Vizagapatam Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for the Month of August.

(Here enter No. 1893.)

Report V
Case 63.

1. The prisoner in this case having been held

(2) F. U.

25th September 1837.

held to security for one year, the Acting Joint Criminal Judge states that "as it appears unsafe to provide for "his release after this he will not then be released "unless he furnished security for a similar amount "for one year further under Clause third Section V "Regulation VII 1827." The Court of Foujdaree Udalut conclude that Section VIII not Section V was intended to be quoted by the Acting Joint Criminal Judge and it will be his duty to report upon the matter to the Court of Circuit as required by Clause 4th of the same Section.

Case 64.

2. Under the circumstances of this case, the Court resolve to direct that copy of it as it stands in the Report and of this paragraph be sent from their Register's Office to the Judge on Circuit, who will be pleased to call for the proceedings and pass upon them such orders as they may appear to him to require, with reference to the provisions of Section XXIII Regulation X 1816.

Supplemental Report
Case 41.

3. The Court of Foujdaree Udalut judging from the circumstances of this case as represented in the Report, are of opinion that the evidence against the prisoner in this case was ample for conviction. The Court of Foujdaree Udalut will not however now disturb the order for the requisition of security which has been recorded.

4. The Acting Joint Criminal Judge will in future annex his "Statements" and Reports, the one to the other, instead of forwarding them separately as he has done on the present occasion.

Ordered, that extract from these proceedings

25th September 1837.

25th September 1837.— 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. 1457

Ordered also, that copy of Case 64 with extract from these proceedings wit. para. 2 be sent to the Judge on Circuit in the Northern Division for his information and guidance by Precept returnable in 12 days after receipt.—

Sent following Precept No. 1458.

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

(Here enter No. 1910)

Supplemental Report. Case 214.— 1. The Court of Sunjdaree Adalut are of opinion that the sentence on the prisoners in this case is too lenient, with reference to the prevalence of the crime of wounding in the district of Malabar.—

Case 215. 2. In this case the Court conclude an "assault" was established against the prisoners who would not otherwise be liable to punishment under Section VII. Regulation X 1816, the Court require to be informed if this conclusion is correct — and if not to be made acquainted with the circumstances under which the Acting Joint Criminal Judge considered himself authorized to pass the sentence recorded.—

Case 227.— 3. If there was no "theft" proved in this case, the Court think the punishment of the prisoners to the extent stated is excessive. They direct the Acting Criminal Judge to look into the cases and

25th September 1837.— and substitute a fine for the sentence of imprisonment if it appears that "theft" was not committed by the prisoners.—

Report V Case 228. 4. Into this case also the Court resolve to direct the Acting Criminal Judge to enquire with the view of reducing the punishment awarded by the Moofter Sudr Ameen; as far as the Court are enabled to judge from the Report the sentence as it stands, is too severe.—

Case 250. 5. It does not appear that any "breaking" was committed by the first and second prisoners in this case. but previous to reducing the sentence, the Court require it to be explained whether this offence wit breaking was established.

Case 260. 6. The three first columns of the Report of this case are alone filled up. no date of apprehension &c. are entered. no information as to what has been done with the prisoner is given. The Court accordingly require an explanation of this omission and the requisite information to be now supplied.—

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

Sent following Precept No. 1459.

Read

25th September 1837.

Read the Chingleput Criminal Reports prescribed by Section XXXI Regulation X 1816 for the Month of August.

(Here enter No. 1872.)

Report V
Case 108.

1. Under the circumstances of this case as represented in the Report, the Court of Foujdaree Udalut resolve to direct that copy of the case and of this paragraph be sent from their Register's Office to the Judge on Circuit who will be pleased to call for the proceedings and pass upon them such orders, with reference to the provisions of Section XXIII Regulation X of 1816 as they may appear to him to require reporting the same to the Foujdaree Udalut for their information.—

2. The Court of Foujdaree Udalut direct that the Criminal Judge be informed that, although he has been furnished with printed forms, it is not intended that the Reports should be forwarded separately. The Criminal Reports and statements should be sent up annexed the one to the other as heretofore.—

Ordered, that extract from these proceedings be sent to the Criminal Judge at Chingleput for his information and future guidance.—

Sent in No. 1460

Ordered also, that extract from these proceedings viz. para. 1. together with copy of

25th September 1837

of case 108 be sent to the Judge on Circuit in the Centre Division for his information and guidance by Receipt returnable in 8 days after receipt.—

(Sent following Receipt No. 1461.

Read again Petition presented on the 21st August 1837 by Immedeesetty Vencatroya Setty of the Zilla of Chittoor.—

(Here enter M. P. No. 107.)

Read also Petition presented on the 13th Instant by Munnaroo Kristnamah of the Zilla of Chittoor.—

(Here enter M. P. No. 119.)

Read also Return dated the 13th Instant from the Criminal Judge at Chittoor to the Precept of the Foujdaree Udalut of the 5th Instant, calling upon him to explain how the fact stands the Criminal Reports having shewn that Immedee Setty Vencatroya Setty was sentenced to one Months imprisonment in the Month of February last and Immedeesetty Vencatroya Setty having averred in his Petition presented on the 21st of August last, that his sentence had not been carried into execution up to that date.—

(Here enter No. 1884.)

The Court of Foujdaree Udalut are informed by the above return. that the sentence passed by the Criminal Court in February last on the Petitioner Immedee Setty Vencatroya Setty

was suspended in consequence of his application to the Provincial Court for their interference in his behalf, and that the sentence of the Criminal Court having been confirmed by the Provincial Court after a consideration of the proceedings in the case, was carried into execution on the 13th. Instant.—

The Petitioner Munnaroo Kristnama=nah, representing himself to be Immedeesetty Veneatroya Setty's brother=in=law complains against the order of the Criminal Court for the imprisonment of his brother=in=law and prays the Tonjadore Udalut to order his release.—

The case of the Petitioner Immedee=setty Veneatroya Setty having met with the full and attentive consideration of the Provincial Court of Circuit and the sentence of the Criminal Court having been confirmed by them, the Court of Tonjadore Udalut do not see that there exist any grounds for their interference in the manner prayed for by the Petitioners.—

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

Read Miscellaneous Petition presented on the 28th. Ultimo by Palany Andya Pillay and Moottoo

Moottoo Reddy of the Zillah of Madura—

(Here enter Mis. Pet. No. 114 of 1837.)

The Petitioners represent themselves to be the first named the elder brother of the first Prisoner and the second the brother=in=law of the fifth prisoner in Case No. 24 on the Madura Calendar for the Second Sessions of 1837.—

Those prisoners they observe were charged before the Court of Circuit with the Murder of one Annummay, and being convicted, were sentenced to two years imprisonment.—

The Petitioners urge that the accu=sation was false and malicious: that the deceased female who was advanced in years and for some time previous had been suffering from Fever died a natural death and that it was a quarrel between the complainants and the second prisoner respecting the decision of certain property, and the successful result of an application made by the latter to the authorities of the District for their interference that induced the complainants out of revenge, to use Annummay's death as an occasion for trumping up a charge of Murder.—

Petitioners pray that orders may be issued for the release of the parties.—

The Court of Tonjadore Udalut on reviewing the Madura Calendar for the Second Session

of

25. 25th September 1837 — of 1837 saw reason not only entirely to concur with the Judge of Circuit in the conviction of the prisoner of Culpable Homicide, but likewise to record their opinion that the sentence passed by that Officer was "much too lenient."—

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

Read Miscellaneous Petition presented on the 11th instant by Manicka Vasagum of the District of Tinnevelly.—

(Here enter Mis: Pet: No. 117 of 1837.)

The Petitioner reiterates the request preferred in his former Petition No. 98 of 1837— that his son Amroda Naigum— convicted in case No. 7 of the Tinnevelly Calendar for the first Sessions of 1837 of Forgery and sentenced to four years imprisonment, may be released from confinement; on which an order was passed by the Court of Foujdaree Udalut under date the 5th September 1837 to the effect that the Court having referred to the Calendar saw no room to question the correctness of the Judgment of the Court of Circuit.—

The Court of Foujdaree Udalut direct that the Petitioner be referred to that order and informed that the same is final.—

Ordered

F. Uo.

25th September 1837 — Ordered, that extract from these proceedings be furnished to the Petitioner upon his application.—

Read letter dated the 19th Instant, from the Acting Joint Criminal Judge at Cuddalore, forwarding a statement of the amount realized by the labour of the Convicts in the Jail at Cuddalore during the 2nd Quarter of 1837—

(Here enter No. 1943)

Read letter dated the 16th Instant from the Acting 2nd Judge late on Circuit in the Northern Division, reporting with reference to the letter from the Foujdaree Udalut of the 12th instant that he had made the requisite communication to the Acting Joint Criminal Judge of Guntoor on the subject of the house proposed to be rented at that station as a Court House.—

(Here enter No. 1955.)

Read letter dated the 15th Instant, from the Acting Judge on Circuit in the Centre Division, forwarding the original Death warrant &c. in Case No. 2 on the Cuddapah Calendar for the Second Sessions of 1837.—

(Here enter No. 1957.)—

F. 66.

At a Court of the Foujdaree Adalut

Present,

Tuesday 26th. September 1837.

Charles Mary Lushington Esqre. 1st. Puisne Judge

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

Alexr. Duncan Campbell Esqre. Ag 3rd. Puisne Judge

Read letter dated the 2nd. Instant from the Acting 2nd. Judge late on Circuit in the Southern Division, transmitting the record in Case, No. 2 on the Salem Calendar 1st. Sessions of 1837.—

(Here enter No. 1823.)

Mr. Lushington. and Mr. Campbell.

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

2nd. Mosa Counden

is sufficient to convict him of the crime of Wilful murder, do, under the authority with which they are vested by Clause First Section II, Regulation I of 1818, convict him thereof, and sentence him to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be

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 №. 1462

Read letter dated the 7th. Instant from the Acting Second Judge of the Provincial Court of Circuit in the Northern Division, sending up the Masulipatam Calendars of the Third Quarter Sessions of 1837.—

(Here enter F.C. №. 1864 of 1837)

Primary Calendar Case №. 1.

1. In respect of this case, the Acting Second Judge remarks it "is unquestionable that there was a most serious affray respecting some Crops in Heaps, between the villagers of Moosoonoor belonging to the Nayed Zamindar, and Goopavarum the Mokasa tenure of the 4th. Prosecutor; and also that there is still a dispute respecting the Boundary of these Villages, between their Proprietors; and it has also been admitted by the Prosecutors and their evidence that they were included in a charge previously preferred by some of the Prisoners who are residents of Moosoonoor, for the forcible removal of their grain; and the bearings of this case tends to the belief that this charge was

brought in counter-crimination as a party faction".—

2. It appears to the Court of Foujdaree Udalut to be highly desirable that the Collector and Magistrate of Masulipatam should adopt early measures for the settlement of the Boundary Dispute if any such exist: and should likewise hold to security any person or persons who, he may see reason to apprehend, are contemplating the committal of a breach of the peace.—

Suppl. Calendar Case №. 1.

3. The Court of Foujdaree Udalut see no objection to the sentence in this case, or to the warrant issued by the Acting Second Judge respecting the prisoner therein convicted.

4. The Court of Foujdaree Udalut direct that the Acting Second Judge be furnished with copies of such parts of their proceedings under dates the 4th. July 1831 and 28th. July 1824 as have reference to the subjects noticed in para. 3 of his letter of the 7th. Instant.—

Ordered, that Extract from these proceedings be sent to the Acting 2nd. Judge of the Provincial Court of Circuit in the Northern Division for his information.—

(Sent in №. 1463

Read

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

(Here enter № 1879.)

Suppl. Report. Case 139. 1. It has not been stated in the Report whether the prisoner uttered the bond with the fabrication of which he is charged. If he and his accomplice (not apprehended) did utter it, the charge for uttering it should be distinctly framed and entered.-

Statement of Peons. 2. In this Statement the Court observe that one Peon has been entered as employed from the 2d. to the 31st. and another from the 7th. to the 31st.- The prescribed number of Peons Duffadars and Naiques for the Jail at Chittoor, under the rules of the 22d. May last, have been shown in the proceedings of the Foujdaree Udalut, Extract of which will have been furnished ere this, to the Criminal Judge; but the Court direct that his attention be called to the rules in question, wherein it is stated that the guard fixed under them shall be for the whole Jusly, unless special sanction be obtained for an increase, and that he be advised that the employment of the above two Peons from the 2d. and 7th. to the 31st. will

*dated 16th. Sept. 1837.

will be an "unauthorized charge" for which he will be responsible.-

3. The Court direct that the Criminal Judge be required to annex his "Statements" to the Reports instead of forwarding them separately as he had done on this occasion.-

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

(Sent following Precept № 1464)

Read Extract from the Minutes of Consultation under date the 12th. September 1837. № 838. requiring the Court of Foujdaree Udalut to circulate to the several Judicial and Magisterial Officers in the Provinces para. 62 of the Judicial Letter from the Honorable the Court of Directors dated the 1st. June 1836.- № 3.- in which are digested and recited, in a set form, the Jurisdiction Rules laid down by the Government of India in their Officiating Chief Secretary's letter of the 9th. October 1834.-

(Here enter F16. № 1897 of 1837.)

Pursuant to the instructions contained in the Extract from the Minutes of

26th. September 1837.

of Consultation above recorded, the Court of Foujdaree Udalut direct that a copy of the sixty second paragraph of the Dispatch from the Honorable the Court of Directors dated the 1st June 1836. No. 3. be sent to each of the Four Provincial Courts of Circuit with instructions to furnish transcripts of the same without delay to the several Magisterial and Judicial Officers subordinate to them, for their information and guidance.—

Ordered, that Extract from these proceedings be sent to the Four Provincial Courts of Circuit by Precept returnable within ten days from and after its receipt.

(Sent following Precept No. 1465

Read the following Order of Government. No. 861. dated the 18th. September 1837. on the Extract from the Proceedings of the Court of Foujdaree Udalut dated the 5th. September 1837. No. 271. submitting the further explanation required by the Extract from the Minutes of Consultation under date the 26th. August 1837. No. 789. relative to the character Vide of Mr. Haig's proceedings, while Officiating as a Judge of Circuit in the Centre Division.—

(Here enter F. No. 1918 of 1837)

By

1. By the foregoing Order the Judges of the Foujdaree Udalut are required to furnish Mr. Haig with an Extract paras: 3 & 6 of their proceedings dated the 17th Ultimo No. 246. and para: 2nd. of the observations and orders of Government thereon, together with an Extract paras: 2nd. and 3rd. of the proceedings recorded above for his information, and at the same time to take the opportunity seriously to exhort that Gentleman to a more diligent and zealous discharge of the high and important duties entrusted to him.

2. It is observed that Mr. Haig has already been furnished with an Extract from the Court's proceedings of the 17th. Ultimo.

3. Pursuant to the instructions contained in the Order above recorded, the Court of Foujdaree Udalut direct that Mr. Haig be furnished with a copy of paras: 2nd. of the Extract from the Minutes of Consultation under date the 26th. August 1837. No. 789. and with copies of paras: 2 and 3. of the Extract from the Courts proceedings under date the 5th. September 1837. No. 271. and that that Gentleman be seriously exhorted to a more diligent and zealous discharge of the high and important duties entrusted to

to

to him.—

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

(Sent in No. 1466

Read letter dated the 9th July last from the Criminal Judge of Salem, reporting the death of the 1st prisoner in Case No. 2 on the Salem Calendar for the first Sessions of 1837.

(Here enter No. 1384)

Read letter, dated the 19th Instant, from the Assistant Criminal Judge of Nellore, submitting a Statement of the amount realized by the labour of the Prisoners in the Jail of the Zillah of Nellore in the 2nd Quarter of 1837.

(Here enter No. 1959)

Read letter dated the 16th Instant from the Acting Magistrate of Vizagapatam forwarding explanation regarding the Cases No. 38 and 47 of 1837 called for in the Proceedings of the Foujdary Adawlut Court dated 25th August 1837.—

JB
WC

(Here enter No. 1961.)

Fr. No.

Fr. No.

At a Court of the Foujdaree Udalut

Present

Wednesday 27th September 1837.

Charles Mary Lushington Esqr. 1st Puisne Judge
John Bird Esqre. ——— 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

Read letter dated the 15th Instant

JB
WC

from the Special Commissioners at Mangalore submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 45 tried by the Special Commissioners at Mangalore.—

(Here enter No. 1936)

The Court of Foujdaree Udalut having

Mr. Bird and Mr. Campbell

maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ob-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ob-Cozat and Mooftees aforesaid, convicting the prisoner

Abokray

of Rebellion and awarding ookoobut and under the provisions of Section II. Regulation I of 1834. & sentence him to suffer death by being hanged at the usual time and place of execution

The Court of Foujdaree Udalut

direct

27th September 1837 direct that their sentence in the Trial No. 45 from the Mangalore 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 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. 1469.

Read return dated the 18th Instant, from the Acting Joint Criminal Judge at Coimbatore to the Precept of the Fouzdaree Udalut of the 11th Instant, conveying their observations and orders on the Coimbatore Criminal Reports for the Month of July.-

(Here enter No. 1960)

Suppl. Report Case 161

1. The Court of Fouzdaree Udalut in their proceedings of the 11th Instant enquired, as the charge in this case was for robbery and the prisoners appeared to have been convicted of theft, how the "theft" was committed. In reply the Acting Joint Criminal Judge states "that the two prosecutors, who alleged that they "were beat by some robbers, but cannot prove the fact "or identify the individuals, claimed some Cholum "which was found in the house of the 7th Prisoner "whose statement tends to criminate himself, but "as

27th September 1837 "as it cannot be proved that the Cholum, of which a "small quantity was found, belonged to the Prosecutor, "it was impossible to obtain a conviction".-

2. It does not appear to the Fouzdaree Udalut that this explanation sufficiently answers the enquiry made in their proceedings of the 11th Instant, and they accordingly direct that a further explanation be transmitted by the Acting Joint Criminal Judge according to whose remarks the Prisoners ought not to have been convicted even of theft.-

Ordered accordingly, that extract 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. 1470

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

(Here enter No. 1948.)

Suppl. Report Case 345

1. This appears to the Fouzdaree Udalut to be a case of "fraud" and not of theft. The Sentence therefore passed under Clause 4th Section III Regulation VI 1822 requires amendment. The Criminal Judge will be pleased to cause the Mooftee Sudr Ameen to revise it and will report to the Fouzdaree Udalut the

27th. September 1837

the revised sentence which he may pass under ∽
Section VII. Regulation X. 1816.

Statement of Proceedings

2. The Court of Foujdaree Udalut direct that the Criminal Judge be called upon to explain this statement, for, with reference to the rules of the 22d. May last, enjoining that the guard be fixed for the ∽ justly, they do not understand the entry of

1 Extra Peon from 12th. to 31st.

2 Do. Do. 1st. to 28th.

2 Do. Do. 1st. to 30th.

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. 1471

Read return dated the 20th. Instant, from the Officiating 2nd. Judge late on Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 18th. September 1837, directing him to instruct the Magistrate of Bellaree to announce the gifts awarded by Government to the two persons who resisted a Gang of Robbers, in the most public manner possible.

(Here enter No. 1956.)

4. Extract

WB

WC

X

At a Court of the Coimbatore Udalut

Present

Wednesday 28th. September 1837.

Charles May Lushington Esqr. 1st. Circuit Judge,

John Bird Esqr. ——— 2d. Circuit Judge,

Alexr. Duncan Campbell Esqr. officiating 3d. Circuit Judge,

Read letter dated 11th. Instant from the Special Commissioners at Mangalore, submitting the final

WB Judgment of the Coimbatore Udalut the record of Case No. 30 tried by the Special Commissioners at Cuangalore

(Here enter No. 1889 of 1837.)

The Court of Coimbatore Udalut, having

Mr. Bird, and Mr. Campbell, maturely considered the proceedings held before the Special Commission, the Extract of the Provincial Law officer and the Extract of the Cazee-ool-Cozat and Mooftees of the Coimbatore Udalut, confirming the said Extract of the Cazee-ool-Cozat and Mooftees aforesaid convicting the Prisoners

1st. Cocumma Bunta Pillay

2d. Beramma Gowda Pillay,

3d. Kemmar Narana Pillay

and

4th. Munjiya Gowda of Bellary,

of Rebellion and awarding ∽ Koolut and under the provisions of Section II Regulation I of 1814, sentence the Prisoners aforesaid, severally to suffer death by being hanged at the usual time and place of execution.

The

The Court of Enjaare Edalut direct that their sentence in the Trial No. 30 from the Trangalore Special Commission, together with the whole of the proceedings held in the case, be transmitted to the Chief Secretary to Govern=ment, for the purpose of being laid before 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. 1474

Read letter dated 14th Instant from the Special Commissioners at Trangalore, submitting for the final Judgment of the Enjaare Edalut the Record of Case No. 35, tried by the Special Commissioners at Trangalore—

(Here enter No. 1935 of 1837)

Mr. Cushington, and Mr. Campbell,

The Court of Enjaare Edalut, having maturely considered the proceedings held before the Special Commission, the Vakeels of the Provincial Law offices, and the Vakeels of the Cazee ool-Cozat and Mooftees of the Enjaare Edalut, confirm the said Futwa of the Cazee ool Cozat and Mooftee aforesaid, so far as it convicts the Prisoners of the offence of joining a Rebel Force, and do accordingly convict them thereof: but being of opinion that the imprisonment they have already undergone is under all the circumstances of this case, a sufficient Punishment for the offence proved against them, the

the Court direct that the said Prisoners

1st Kondy Jattey,

2d Timapa Amaya,

and

3d Koodungay Ramah,

be released with an admonition—

The Court of Enjaare Edalut direct that their Sentence in the Trial No. 35 from the Trangalore 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 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 Govern=ment, before they direct their sentence to be carried into execution—

(Sent in No. 1475

Read letter dated 15th Instant from the Special Commissioners at Trangalore, submitting for the final Judgment of the Enjaare Edalut, the Record of Case No. 66 tried by the Special Commission at Trangalore—

(Here enter No. 1949 of 1837)

Mr. Britt, and Mr. Campbell,

The Court of Enjaare Edalut, having maturely considered the Proceedings held before the Special Commission, the Futwa of the Provincial Law Officer, and

and then Futwa of the Cazee-ool-Corgat and Mooftee of the Toojdaree Udalut, confirm the said Futwa of the Cazee-ool-Corgat and Mooftee aforesaid, convicting the prisoner

Rollo Runjuma Ptair

of Treason and Rebellion, and awarding Poteoolut: and under the provisions of Section II Regulation I of 1834, sentence him to suffer death by being hanged at the usual time and place of execution.—

The Court of Toojdaree Udalut direct that their sentence in the Trial N. 66 from the Bungalow 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 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

(Sent in N. 1476.

F. Uo.

At a Court of the Toojdaree Udalut

Present

Friday 29th September 1837.

Charles May Lushington Esqr. 1st Puisne Judge

John Bird Esqr. ——— 2d Puisne Judge

Alexr. Duncan Campbell Esqr. 3d Puisne Judge

Read Return dated the 13th Instant from Mr. Haig, officiating second Judge late on Circuit in the Centre Division to the Precept of the Court of Toojdaree Udalut under date the 15th September 1837. calling for an explanation relative to the extra Battah drawn by the Head Translator attached to the Circuit Establishment in the Centre Division on account of himself and the other Native Servants.

(Here enter F. Uo. N. 1950 of 1837.)

Read also again Return dated the 5th instant from the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Toojdaree Udalut under date the 17th August 1837. requiring them to report on the alleged misconduct of the Head Translator, in drawing more than the authorized amount of Batta for himself and the Rest of the Circuit Establishment; and to submit their opinion respecting the general character of that Native Servant for efficiency &c.—

(Here enter F. Uo. N. 1819 of 1837.)

The

28

29th September 1837.

1 The circumstances under which the extra Batta was drawn are briefly mentioned in parah: 2 of the Extract from the Proceedings of the Tonjdaree Udalut under date the 15th instant: and the number of days for which that extra Batta was drawn is there shown to be eleven namely from the 20th to the 31st March 1837 and not seventeen days as reported in the first instance by Mr. Baig.-

2. Mr. Baig having been called upon to state whether the Account given by the Translator of the circumstances under which the extra Batta was drawn is correct, and whether he did, as asserted by that individual, sign the Indent: and if he did so, to state any thing he may wish to urge why he should not be held responsible for that act- has submitted with his Return of the 18th instant above recorded, "the Drafts of "the letter and Abstracts for the Batta in "question in the handwriting of the Head "Translator without his initial, and hopes the Higher "Court will do him the justice to believe that he signed "the order for this unprecedented advance of Batta under "the impression that the same indulgence had been "always granted to the Native Establishment on Circuit "on the eve of his departure for the Presidency. The

29th September 1837.

3. The Court of Tonjdaree Udalut observe that if Mr. Baig had paused for one moment to consider the nature of the request preferred by the Head Translator, he could not have failed to perceive that it was such as it was his duty to refuse. He must have seen that the native Public Servants were not entitled to the smallest fraction in excess of the allowance authorized by Government and that any "indulgence" not contemplated by the orders of Government was an unauthorized indulgence. Moreover as Mr. Baig must have signed the fair Draft of the Batta Indent- the mere circumstance of the Rough Drafts or Abstracts not bearing his initials, cannot be admitted as constituting any valid excuse.- Indeed- it appears to the Court of Tonjdaree Udalut that Mr. Baig's conduct in thus yielding without any inquiry- his ready assent to the unprecedented and unwarrantable application of the Head Translator- is highly reprehensible.-

4. In his Return dated the 31st July last, Mr. Baig certified that "the amount thus over- "drawn has been ordered to be refunded, and re- "mitted to the Principal Collector's Treasury.-

5. The Provincial Court of Circuit will be pleased to report whether the instructions issued by Mr. Baig have been conformed to: and if not, they will take measures for causing the immediate refund

29th September 1837

refund of the amount overdrawn.—

6. The Court of Fouzdaree Udalut cannot concur in the opinion recorded by Mr. Davis, the Third Judge of the Provincial Court, that the Head Translator's "overdrawing the amount of Battah" is "attributable" to his having mistaken the orders of "his Superiour on the occasion" &c.; on the contrary, the Court consider that individual as very blameable in preferring a request for allowances to which, he must have been well aware, neither himself nor any part of the Circuit establishment had the slightest claim.—

7. It is unnecessary now to discuss any further the Question of the Delay which occurred in the preparation and transmission of the Referible Trials of Mr. Haig's late Circuit and the Court will only observe that the Memorandum furnished by the Head Translator, to which Mr. Haig, though invited to do so, has offered no objection, affords ample evidence that the Delay is ascribable quite as much to that Gentleman as to the Translator.—

8. But the Court of Fouzdaree Udalut are compelled to record their dissent from the opinion of Mr. Davis "that the Head Translator has most fully and satisfactorily accounted for the disposal of his time during the period he was employed on the late Circuit of the Officiating 2nd. Judge, and also for the delay, as far as he was concerned, in the

29th September 1837 the transmission of the referible trials.—

9. On the Translators own showing it appears that from the 25th. July 1836 until the close of that year, he translated only seven trials, being at the rate of little more than one in a Month: which circumstance alone is sufficient evidence of culpable neglect and remissness. Indeed but for the circumstance of his having, subsequently to the period last mentioned, made considerable exertions in his Department, and the many excellent testimonials of good conduct he has produced, the Court of Fouzdaree Udalut would have felt bound to order his removal from Office. As it is, the Court resolve to direct that A. Goorroomoorty be informed that his proceedings are considered as extremely unsatisfactory, and in respect of the extra Batta highly culpable; and that he be strongly admonished of the necessity of conducting himself in future with the utmost circumspection, and paying the strictest attention to the performance of the duties of his situation.—

10. In respect of the fine levied from the Head Translator, the Court of Fouzdaree Udalut observe that however deserving he might be of the punishment, yet, as already remarked, the conduct of the Officiating Second Judge in granting, was to the full as blameable as that of the

29th September 1837 the Translator, in preferring the request: and in the hope that their leniency on the present occasion will have a beneficial effect on his future conduct the Court resolve to authorize the Provincial Court to remit the fine in question.—

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. 1482

Ordered further that extract from these proceedings be sent to J. Haig Esquire late officiating 2nd Judge late on Circuit in the Centre Division for his information.—

Sent in No. 1483

Ordered also that extract from these proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Governor in Council with reference to parah 1 of the Extract from the Minutes of Consultation under date the 26th August 1837 No. 789.—

Sent in No. 1484.

Read letter dated the 13th September 1837 from the Provincial Court of Circuit in the Centre Division transmitting copies of certain papers connected with the disposal by the Criminal Court of case 63 in

29th September 1837 in the Chittoor Criminal Reports for April 1837.—

(Here enter No. 1903)

The case brought under the consideration of the Court of Foujdaree Udalut in the above papers is as follows—

Three prisoners were forwarded to the Criminal Court, by the Assistant Magistrate of Chittoor on the 5th April 1837, the first Appoo Chetty and the second Kistnama Chetty, charged with "having on the 20th January 1836 fabricated a document on a stampt paper, sold by the Cirkar on the 20th January 1836, as if executed by the 1st to the 2nd prisoner on the 30th January 1832" the third Baula mottoo charged with being an "accessary to the above prisoners, "in attesting the said forged document."—

The Assistant Criminal Judge committed the prisoners on these grounds. "The "prisoners asserted before the Assistant Magistrate "that the document was executed by them 4 years "ago—but before this / the Criminal / Court they "acknowledge they executed in the year 1836—but "the said document bears date 1832—and it is "proved that the stamp paper was only sold in "the year 1836, and then presenting to the "Magistrate the said fabricated document to "defraud the Cirkar—purporting that 1st prisoner "had

1st September 1857. "had mortgaged his property to second prisoner in
"year 1832 renders it a fraudulent injurious fabrication"

3. But the Ciminal Judge annulled this commitment stating, in the Ciminal Reports as his reason, that the commitment "appears "illegal the case appears to have been irregularly "sent up the Magistrate posesses no original juris= "diction in cases of forgery committed by a party in "a Civil matter. The 1st prisoner moved the Court "to prosecute the Principal Collector in formâ "pauperis. the Principal Collector was called upon "according to Section VI Regulation VII of 1818 "to shew cause against his suing as pauper, and "in place of so doing has committed the complainant "for forgery, this being considered illegal the "proceedings committing the prisoners by the "Assistant Ciminal Judge to the Court of Circuit "are quashed, and the Government Vakeel "directed to bring the same to the attention of "the Principal Collector, who will shew cause "against the admission of the prisoners to sue "as paupers," and the Ciminal Judge accordingly ordered the prisoners to be released under Clause 1st Section IX. Regulation X, 1816.

4. The Magistrate having brought the

(3) F. W.

29th September 1857. the matter to the notice of the Provincial Court of Circuit, they recorded their opinion that when, as in the present case, a Collector in the course of an enquiry regarding the assets of a Revenue defaulter, discovers that a bond has been forged by him for the express purpose of evading the payment of the Circar dues it is fully competent to that officer, in his capacity of Magistrate, to investigate the case and forward the accused with his pro= ceedings to the Ciminal Court for examination, and eventual commitment for trial before the Court of Circuit, if the evidence for the prosecution should be deemed sufficient to support the charge."

5. And the Provincial Court of Circuit accordingly suspended the Ciminal Judge's order, and directed him to cause the Magistrate to reapprehend the prisoners, and forward them to the Ciminal Court. The Provincial Court of Circuit at the same time called for the whole proceedings in the case.

6. The Ciminal Judge in submitting the proceedings expressed his regret that the Provincial Court of Circuit should have issued their last order previous to the receipt of any explanation from him, and he stated as the grounds of his decision in the case - That on the 31st December 1856 Appoo Chitty the 1st prisoner filed a motion on the Civil side of the

29th September 1837 — the Court praying for permission to bring an action in forma Pauperis against the Principal Collector. That the Collector was consequently according to Regulation VII of 1818 called upon to shew cause against the said applicant being permitted to sue as Pauper — That on receipt of this the Collector entered into an examination regarding the property professed by the Pauper-applicant (not regarding the assets of a Revenue Defaulter). and then discovered that a part of the said property was mortgaged by bond which bond the Magistrate considered there were reasons for supposing had been forged for the purpose of enabling the Applicant to sue as Pauper."—

7. The Criminal Judge contends that the regular course of proceeding for the Collector was to have brought the fact to the attention of the Zilla Court, instead of sending up the case of forgery to the Criminal Court; and he adds that he thought he had performed his duty, as the whole proceedings appeared to him illegal, in discharging the prisoners, and by instructing the Government Vakeel to move the Court to take security for the supposed offenders — which was accordingly done —

8. In reply to the above the Provincial Court of Circuit noticed that from the prisoner's defence before the Criminal Court, it appeared that when

29th September 1837 — when the Head Sheristadar was enquiring by order of the Collector into the prisoners means of discharging the arrears of rent due by him to the Circar, the 2d prisoner produced the forged bond in proof of his lien as mortgagee upon 1st prisoner's flower-garden — that the mortgage bond in question was not, apparently, specified in the Schedule of the Pauper Plaintiff's property — and that it was clear to them that the prima facie case to be made out before the party was committed, was before the Magistrate. the Provincial Court of Circuit therefore directed the prisoners to be recommitted, and called the attention of the Criminal Judge to the animadversion of the Honorable Court of Directors on the culpable practice of complying with the mere forms of judicial proceeding and disregarding the substantial ends of Justice."—

9. The Criminal Judge considering these orders of the Provincial Court of Circuit directly opposed to the Circular Order Fouzdaree Adalut of the 12th February 1834, made a return stating that he would duly obey the orders of the Provincial Court of Circuit, but that he had referred the matter to the Fouzdaree Adalut —

10. This reference by the Criminal Judge being regarded as irregular, the Criminal Judge was informed that the Fouzdaree Adalut would be

2 29th September 1837 — be prepared to take the subject into consideration if he thought proper to transmit the papers thro' the Provincial Court of Circuit by whom they have, at his request been now submitted.—

11 It appears to the Tonjdaree Udalut that the Provincial Court of Circuit have taken quite a correct view of the matter under reference. The Tonjdaree Udalut entirely agree with them that the Magistrate acted properly in sending up the case to the Criminal Court, and that the Acting Assistant Criminal Judge's commitment was right and founded upon very sufficient grounds.—

12. But the Court are quite at a loss to account for the hasty proceedings of the Criminal Judge. It is true that security was taken for the reappearance of the prisoners but from the papers before them, the Court understand neither the prisoners nor their sureties are forthcoming. For the present therefore the measures of the Criminal Judge have defeated the ends of justice, and the Court desire to be informed whether the amount of security has been levied by the seizure and sale of the property of the sureties.—

13. Had the Criminal Judge acted, as it might have been expected he would have done, merely by suspending the order of his Assistant, and making a reference either to the Provincial Court of Circuit

F. Uc.

29th September 1837 — Circuit or to the Tonjdaree Udalut the error might have been easily corrected but the Court of Tonjdaree Udalut are surprised that an Officer of his experience should have proceeded so hastily in a matter which turned, bonâ fide, on a construction of the Regulations and which consequently was one wherein he had no authority whatever to issue immediate and decisive orders, without reference to the Superior Court.—

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance and for communication to the Criminal Judge at Chittoor by Precept returnable in 5 days after receipt.—

(Sent following Precept No. 1485

Mr Lushington & Mr Reid

Read letter dated the 9th instant from the Third Judge of the Provincial Court of Circuit in the Centre Division, submitting for the final Judgment of the Tonjdaree Udalut, the Record of Case No. 3 on the Third Supplemental Calendar for the third Quarter Sessions of 1837 holden at Chittoor.—

(Here enter F. Uc. No. 1955 of 1837.)

Does not see the case yet the name of the Judge

In this case, the prisoner Muddagan was arraigned before the Court of Quarter Sessions on the following charge: namely that on the night of the 20th September 1836 corresponding with the 7th Panittary

Pauttasy of the year Jaranah, he went forth with twenty or thirty other persons to commit a Robbery in the house of the Prosecutor situated at Yalawvoor in the Talook of Suttavade in the Zillah of Chittoor and after wounding the Prosecutor who then came out and finding his design of Robbery frustrated by the Inmates closing the Doors against him, set fire to the said house in consequence of which, property valued at eight thousand eight hundred and odd Rupees was destroyed, and the Prosecutor's Uncle and nineteen other persons perished in the flames.-

The mode in which this Trial has been conducted both by the Criminal Judge of Chittoor and the Judge presiding at the Court of Quarter Sessions, would seem to imply that those Officers imagined that the facts as above stated, would be taken for granted by the Court of Foujdaree Adalut. On any other supposition their notion that the bare evidence of the Prosecutor, all inconclusive and unsatisfactory as it is would suffice for the conviction of the accused is inexplicable.-

The Court of Foujdaree Adalut, being unable, in the present state of the Inquiry, to proceed to Judgment, resolve to direct that the Record of the Trial be sent back to the Third Judge with instructions to issue a Precept to the Criminal Judge of

of Chittoor, requiring him to search for and produce evidence to substantiate the facts charged in the arraignment: namely first that the alleged outrage and consequent loss of life and Property did actually occur: and secondly, should there be any evidence to that point, that the Prisoner Muddagan was a participator in the offence: and it is presumed that a reference to the Record of Case No. 1 of the Chittoor Calendar for the first Quarter Sessions of 1826, will afford the Criminal Judge ample information and assistance in the prosecution of the Inquiry.-

The Criminal Judge having obtained the attendance of the witnesses will produce them before the Third Judge, who will examine them on oath, in the presence of the prisoner, and will then proceed to complete the Trial in conformity with the provisions of the General Regulations.-

Ordered, that extract from these proceedings be sent to the Third Judge with the Record of the Trial by Precept returnable within five weeks from and after its receipt.-

(Sent following Precept No. 7486.

Read the Coimbatore Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of August.-

(Here enter No. 1964.)

The Court of Foujdaree Adalut direct

Sessions Report Case 129.

29th September 1857.

29th

direct that a further explanation of the circumstances of this case be submitted to them. It appears to the Court that if the four prisoners were liable to punishment the Acting Joint Criminal Judge was incompetent to pardon them: but nothing is stated in the Report touching their guilt or innocence.

Case 159 2. Although the second and third prisoners may have been punishable for a misdemeanour the Court of Sunjdaree Adalut are of opinion that Clause 4th Section III Regulation VI of 1827 which are the provisions under which the sentence has been passed are inapplicable and they require explanation

Report V Case 190 3. The Acting Joint Criminal Judge will be pleased to state why the prisoners in this case have been committed. As given in the Report the case is one of housebreaking and theft to the extent of only Rupees 4-12 and might have been disposed of by the Joint Criminal Court.

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 3 days after receipt.

Sent following Precept No. 1487.

W5

W5

W5

No. 16.

At a Court of the Sunjdaree Adalut.

Present,

Saturday 30th September 1857. Charles Gray Lushington Esqre 1st Puisne Judge,
John Bird Esqre 2d Puisne Judge,
Alexr Duncan Campbell Esqre Acting 3d Puisne Judge,

Read letter dated 15th Instant from the Special Commissioners at Mangalore, submitting for the final Judgment of the Sunjdaree Adalut, the Record of Case No. 67 tried by the Special Commissioners at Mangalore.

(Here enter No. 1987 of 1857)

The Court of Sunjdaree Adalut having

Mr. Bird and Mr. Campbell

maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Cozat and Mooftees of the Sunjdaree Adalut, confirm the said Futwa of the Cazee ool Cozat and Mooftees aforesaid, convicting the prisoner

Karikar Sheevunna

of Rebellion and awarding a Corroboot: and under the provisions of Sections II and III, Regulation I of 1834, and Clause Third Section VIII, Regulation XV of 1833, sentence him to be banished to the District of Coimbatore, and imprisoned in the Gaol of the Auxiliary Court and kept to hard labour in irons on the public roads or other public works for and during the period of (14) fourteen years.

The Court of Sunjdaree Adalut direct that their

their sentence in the Trial No. 87 from the Mangalore 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 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 award their sentence to be carried into execution.—

(Sent in No. 1488.

Read letter dated the 25th Ultimo from the Third Judge on Circuit in the Western Division, submitting for the final Judgment of the Sovjdaree Adalut, the Record of Case No. 15 on the Calicut Calendar for the second Sessions of 1887—

(Here enter S.R. No. 1790 of 1887)

Mr. Cushington and Mr. Bird

The Court of Sovjdaree Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law officer, and the Futwa of the Cazee ool Cozat and Mooftees of the Sovjdaree Adalut, confirm such part of the said Futwa of the Cazee ool Cozat and Mooftees aforesaid as acquits the prisoner

2d. Perootyil Kroodan Koty

and do accordingly acquit him, and direct that he be set at liberty—

And having of opinion that the Prog against the prisoner

1st. Perootyil Koorty Ayen

is sufficient to convict him of having deliberately and maliciously attempted

intended to murder the first Witness Keeran, and of having, in the prosecution of that intention accidentally killed the deceased Moideen, the Court do convict him thereof, and in conformity with the provisions of Clause first, Section IV, Regulation I of 1818, require their Law officers to declare by a second Futwa to what punishment the prisoner would have been liable, if the Homicide had been committed as intended by the prisoner

Answer

If the first prisoner had stabbed the first witness as he intended to do, he would have been liable to Kissas, on the fulfilment of all the conditions requisite thereto—

Mr. Cushington and Mr. Bird,

The Court of Sovjdaree Adalut, having of opinion that the punishment to which the prisoner is liable under the finding of Kissas declared in the foregoing Futwa, would, under all the circumstances of the case, be too severe, sentence the said prisoner

1st. Perootyil Koorty Ayen

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the space of (14) fourteen years

The Court of Sovjdaree Adalut observe that

1.

it is not necessary to have recourse to the English law for guidance in cases of this nature, as they have been specially provided for by Clause First Section IV, Regulation I of 1818—

But

2 But the provisions of that enactment do not include the cases of persons situated as is the second prisoner in this trial; now in the opinion of the Court of Enquiree Adalut, was it the intention of the legislature that they should be extended to such cases.—

3. Acted under this view, the Court of Enquiree Adalut have considered the second prisoner entitled to an acquittal.—

Ordered, That a extract from these proceedings be sent to the Third Judge on Circuit in the Western Division for his information.

(Sent in No. 1489.

Read letter dated 21st Instant from the Acting 2d Judge late on Circuit in the Southern Division, forwarding the Original Death warrant &c. &c. in Case No. 17 on the Calom Calendar for the first Sessions of 1837.

(Here enter No. 1968)

Read Return dated 21st Instant from the Acting 3d Judge late on Circuit in the Northern Division to the Precept of the Enquiree Adalut dated the 13th September 1837 conveying their observations and rulers on Case No. 16 on the Chicacole Calendar for the first Sessions of 1837.

(Here enter No. 1969)

Read letter dated 20th Instant from the 2d Judge on Circuit in the Western Division forwarding the Original Death Warrant &c. &c. in Case No. 7 on the Canara Calendar for the first Sessions of 1837.

(Here enter No. 1970)

Read return dated 26th Instant from the

the Officiating 2d Judge late on Circuit in the Centre Division to the Precept of the Enquiree Adalut dated the 22d September 1837 conveying their observations on Case No. 9 Cuddalore Calendar 2d Sessions of 1836.

(Here enter No. 1978)

Read letter dated 22d Instant from the Acting 2d Judge of the Provincial Court of Circuit in the Northern Division, reporting his intention to open the second Sessions of 1837 at Rajahmundry on the 2d proximo.

(Here enter No. 1980)

Read letter dated 23d Instant from the Acting 1st Judge on Circuit in the Southern Division, forwarding Statements of Batta to Prosecutors and witnesses before the Court of Circuit at Bradwar and Seriously during the second Sessions of 1837.—

(Here enter No. 1989)

Read letter dated 27th Instant from the Officiating 2d Judge on Circuit in the Centre Division, transmitting the Original Death Warrant &c. in case No. 13 on the Cuddalore Calendar for the second Sessions of 1836.

(Here enter No. 1994)

Read letter dated 27th Instant from the Magistrate of North Arcot submitting the explanation called for in the Extract proceedings of the Enquiree Adalut under date the 21st July 1837 relative to a case in the Criminal Return for the month of June.—

(Here enter No. 1995.)

Read

30th September 1837

Read letter dated 28th Instant from the Acting 2nd Judge in Circuit in the Northern Division, advising that he has received from the 1st Judge the proceedings of the Foujdaree Adalut dated the 19th ultimo, directing the review of Case No 36 on the file of the Criminal Court of Rajahmundry for the month of July and that he will examine the proceedings on his arrival at Rajahmundry

(Here enter No 1999)

WB

No 46

At a Court of the Foujdaree Adalut

Present

Monday 2nd October 1837

Charles May Lushington Esqr 1st Puisne Judge

John Bird Esqr ——— 2nd Puisne Judge

Alexr Duncan Campbell Esqr No 3 Puisne Judge

Read letter dated the 11th Ultimo from the Special Commissioners at Mangalore submitting for the final Judgment of the Foujdaree Adalut the record of Case No 41 tried by the Special Commissioners at Mangalore.—

(Here enter No 1990.)

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

Coody Deranna

is sufficient to convict him of the offence of Taking part with Rebels do under the authority with which they are vested by Clause First, Section II of Regulation I of 1813 convict him thereof, and under the provisions of Sections II and III Regulation I of 1834, and Clause Third Section VIII, Regulation XV of 1803, sentence the said prisoner to be banished to the District of Coimbatore and imprisoned in the Jail of

Mr Bird and Mr Campbell

of the Auxiliary Court, and kept to hard labour on roads on the public roads, or other public works, in that District, for and during the period of (10) ten years.—

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 41 from the Mangalore 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 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. 1498

Read letter dated the 11th Ultimo, from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 43 tried by the Special Commissioners at Mangalore.—

(Here enter No. 1891.)

Mr. Sushington and Mr. Campbell

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

Peer Mahomed Khan

is sufficient to connect him of the crimes of Treason and

and Rebellion, & under the authority with which they are vested by Clause First, Section II, Regulation I of 1813, convict him thereof and under the provisions of Section II, Regulation I of 1834, sentence him to suffer death by being hanged at the usual time and place of execution.—

The Court of Foujdaree Udalut direct

1.

that their sentence in the Trial No. 43 from the Mangalore 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 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.—

The Court of Foujdaree Udalut, although

2.

they consider the prisoner in this case deserving of capital punishment, yet deem it their duty to bring to the notice of the Government the statement of Roofsaun Khan the first witness for the Prosecution in reply to a question put by the prisoner respecting the fact of the latters having interposed to prevent the witness and others from being put to death.—

/ p4 of the word /

Sent in No. 1499

Read letter dated the 11th and received on the 18th Ultimo, through the Third Judge Late on Circuit

2nd. October 1837. Circuit in the Centre Division, from the Acting Assistant Criminal Judge in charge of the Zillah Court of Bellaree, reporting the execution of the Convicts in cases Nos. 1 and 2 on the Bellaree Supplementary Calendar for the first Sessions of 1837.—

(Here enter F. Co. No. 1906 of 1837.)

The Third Judge will be pleased to call upon the Officer in charge of the Zillah Court of Bellaree to report what progress has been made in giving effect to that part of the order of the Court of Sunjaree Udalut of the 18th. August 1837. which relates to the fixing near the Gibbets, of stones with inscriptions commemorative of the Crimes for which the Prisoners, in the cases above referred to, suffered.—

Ordered, that extract from these proceedings be sent to the Third Judge latest on Circuit in the Centre Division by Precept returnable within ten days from and after its receipt.—

Sent following Precept No. 1500

Read again letter dated the 9th. August 1837 from J. Haig Esquire (late) Officiating Second Judge of the Provincial Court of Circuit in the Centre Division, forwarding as required by the Circular Order of the Court of Sunjaree Udalut No. 35. a Statement of Batta disbursed to the Prosecutors and Witnesses attending before the Court at Chittoor during

F. Co.

2nd. October 1837. during the second Quarter Sessions of 1837.—

(Here enter F. Co. No. 1607 of 1837.)

Read also Return dated the 8th.— Supplemental Return dated the 9th. and further Return dated the 11th. Ultimo from the (late) Officiating Second Judge of the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Sunjaree Udalut under date the 19th. August 1837 requiring him to explain the cause of the detention of the parties appearing before the Court of Quarter Sessions for periods varying from fifteen to thirty one days.—

(Here enter F. Co. Nos. 1831–1852 and 1867 of 1837.)

Amongst other Papers which accompanied his Return of the 11th. Ultimo, Mr. Baig has sent up a "statement showing the periods during which parties and witnesses on trials were detained before the Court of Circuit at the 2nd. Quarter Sessions 1837" which, on examination, is found to be totally at variance with the statement received with his letter of the 9th. August.—

2. Case No. 1 on the Calendar may be quoted as an example of the glaring Discrepancies which the two Statements when compared together exhibit.—

3. According to the Statement first received from Mr. Baig, the number of days during which the parties in that case drew Batta Amounts

amounts in the aggregate (and in each instance multiplying the number of days by the number of persons) to one hundred and thirty four: while the second Statement furnished by that Gentleman makes the aggregate number of days to amount to no more than sixteen.—

4. The Court of Foujdaree Adalut direct that copies of the two Statements be sent to the Criminal Judge of Chittoor with instructions to explain the cause of the discrepancies they exhibit, and if possible to reconcile them.—

5. It is observed that in the Statement dated the 7th August 1837 and bearing the signature of Mr. Sadelles, are entered several Numbers on the File of the Criminal Court of Chittoor in each of which a charge for Batta is made.—

6. The Criminal Judge will be pleased to submit an explanation of this circumstance.—

Ordered, that extract from these proceedings be sent to the Criminal Judge of Chittoor by Precept returnable within seven days from and after its receipt.—

Sent following Precept No. 1501

Read return dated the 19th Ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division to the Precept of the Foujdaree Adalut of the 15th Ultimo requiring him to explain why he authorized the employment of a Barber when there was a prisoner in the Jail at

at Masulipatam duly qualified to perform the operation of shaving on his fellow prisoners.—

(Here enter No. 1954.)

Under the explanation contained in the above return, the Court of Foujdaree Adalut see no objection to the employment of the Barber ordered by the Acting 2nd Judge of the Provincial Court of Circuit under date the 31st August 1837.—

Ordered, that extract from these proceedings be sent to the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division for his information.—

Sent in No. 1502

Read letter dated the 20th Ultimo from the Acting First Judge on Circuit in the Southern Division, submitting a copy of the Salem Calendar for the Second Sessions of 1837.—

(Here enter F. Do. No. 1967 of 1837.)

Case No. 2

It appears to the Court of Foujdaree Adalut that as it was satisfactorily proved that the prisoner was labouring under insanity at the time she committed the act laid to her charge, and that she was likewise "subject to temporary derangement of mind", the precaution should have been observed of giving her over to the charge of her friends.—

Ordered, that extract from these proceedings be sent to the Acting First Judge on Circuit

2nd October 1837.- Circuit in the Southern Division for his information.-

Sent in N.o 1503

Read return dated the 18th Ultimo from the 1st Judge on Circuit in the Northern Division to the Precept of the Foujdaree Udalut dated the 7th September 1837 conveying their observations and orders on the Guntoor Calendar for the second Sessions of 1837.-

(Here enter N.o 1953.)

Read letter dated the 21st Ultimo from the Acting 2nd Judge late on Circuit in the Southern Division, forwarding the two statements called for in the letter from the Foujdaree Udalut of the 15th Ultimo.-

(Here enter N.o 1971.)

E.W.S. WS

Foujdaree Udalut

Circular Order

N.o 93.

The Court of Foujdaree Udalut having had again under their consideration certain proposed measures for rendering the attendance of witnesses before the Courts of Circuit, less harassing to themselves and less burdensome to Government, resolve with the sanction of Government to direct that all Judges of Circuit be required in future to adopt the plan of summoning witnesses suggested by Mr. Vaughan in his letter of the 31st December 1832 circulated under date the 13th

2nd October 1837.-

F. Ur. C. O. P.o c.f.y p. 250.
vide C. O. F. Ur. 20th June 1834.
P.o C.f.y: 269 p.

13th February 1833.- and recommended by Mr. Ca[illegible]major, whenever the same may be practicable.-

2. And the Court further direct that whenever a Judge of Circuit may not adopt Mr. Vaughan's plan, he shall submit for the consideration of the Foujdaree Udalut a Statement of the circumstances which in his opinion rendered it impracticable or inexpedient.-

E.W.S.

(Sent in N.os 1504 & 1505

F. Ud.

At a Court of the Foujdaree Udalut

Present

Tuesday
3d. October 1837

Charles May Sushington Esqr. 1st. Puisne Judge
John Bird Esqre. _____ 2nd. Puisne Judge
Alexr. Duncan Campbell Esqr. A. 3d. Puisne Judge

Read letter dated the 9th Ultimo from the Acting Judge on Circuit in the Centre Division, submitting for the final judgment of the Foujdaree Udalut the Record of case No. 6 on the Bellaree Calendar for the second Sessions of 1837.-

(Herewith F. Ud. No. 1378 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 Mooftee of the Foujdaree Udalut, are of opinion that the prisoner

Penjauree Minoollah

is not convicted of wilful Murder, notwithstanding the Futwa of their Law Officers, and do accordingly acquit him of that crime: but being of opinion that the proof against him is sufficient to convict him of the crime of wounding, the Court do convict him thereof, and

and acquire their Law Officers to declare by a second Futwa to what sentence the prisoner would be liable under the Mahommedan Law if he had been convicted by full legal evidence.—

Answer.

If the prisoner abovementioned were convicted of wounding on the evidence of credible witnesses, he would be liable to Tazeer.—

Mr. Lushington and Mr. Bird.—

The Court of Foujdaree Udalut under the finding of Tazeer declared in the foregoing Futwa, and in conformity with the provisions of Clause Third, Section VII. Regulation XV. of 1803, sentence the prisoner Penjaurea Minoollah 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 natural life.—

The Court of Foujdaree Udalut observe that the Declaration taken from the deceased Mungher before the Head of Police of the Godlaurra Talook, should have been read and proved on the Trial before the Court of Circuit.—

2.

And in accepting and recording

a Written statement from the Medical Officer respecting the nature &c of the wounds inflicted on the deceased, and the result of the Post Mortem examination of the body, the Acting Judge of Circuit infringed the Circular Order of the Court of Foujdaree Udalut of the 14th April &c. 1828. which declares that "whenever the testimony of a Medical man is required on the trial of a prisoner, it shall only be received when given orally on oath before the Court in the presence of the prisoner."—

But a still greater omission is

3.

observable in the proceedings of the Court of Circuit. The prisoner was not arraigned for Murder, but only on the charge of wounding the deceased, and the persons who went to apprehend him. This flaw in the arraignment is fatal to a conviction of Murder. And had the case been of such a nature as in the opinion of the Court of Foujdaree Udalut to call for Capital punishment, this unaccountable omission on the part of the Presiding Judge would have operated as an effectual bar to its infliction.—

Ordered, that extract from these proceedings be sent to Mr. H. Bushby, Acting Judge on Circuit in the Centre Division for his information.—

Sent following letter No. 1513 &c.

F. U.

At a Court of the Foujdaree Udalut.

Present,

Wednesday, 4th October, 1837.

Charles May Lushington Esqr. 1st Puisne Judge,
John Bird Esqr. 2nd Puisne Judge,
Alexr. Duncan Campbell Esqr. 3d Puisne Judge,

Read letter dated the 15th Ultimo, from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Udalut the Record of case No. 28 tried by the Special Commissioners at Mangalore.-

(Here enter No. 1934.)

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 Cajee-ob Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cajee-ob Cozat and Mooftees aforesaid convicting the prisoners

1st Stanie Govinda

and

2nd Appaya Coodanaya

of Rebellion and awarding Ochoodut and in conformity with the Provisions of Sections II and III Regulation I. of 1834- sentence the said prisoners to be transported to such place or places beyond Sea, as the Governor

in

Mr. Lushington and Mr. Campbell

4th October 1837.

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 Adalut direct that their sentence in the Trial No. 28 from the Mangalore 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 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. 1516

Read letter dated the 20th Ultimo from the Joint Magistrate in charge of the District of Ganjam requesting that he may receive authority to offer a conditional pardon to Jagadam Appaya and Mogalipoori Narrappa accomplices in a case of Housebreaking and Robbery to the amount of Rupees 265, in the house of one Jagadam Dalawa, whose evidence is considered necessary for the conviction of the Principals in the case.-

(Here enter No. 1991.)

Under the authority vested in them by Section XII Regulation XIII of 1832 the Court of Foujdaree Adalut

4th October 1837.

Adalut sanction the offer of a conditional pardon to the prisoners named

"Jagadam Appaya"

and

"Mogalipoori Narrappa"

which must be made in the terms prescribed in the Circular Order of the 3rd of April 1828.-

Ordered, that extract from these proceedings be forwarded to the Joint Magistrate in charge of the District of Ganjam for his information and guidance.-

Sent in No. 1517

Read return dated the 28th Ultimo from the Criminal Judge in the Zillah of Rajahmundry to the Receipt of the Foujdaree Adalut dated the 22nd September 1837 conveying their observations and orders on the Rajahmundry Criminal Reports for the month of August.-

(Here enter No. 2029.)

Read return dated the 25th Ultimo from the Provincial Court of Circuit in the Centre Division to the Receipt of the Foujdaree Adalut dated the 22nd May 1837 forwarding additional Jail Rules to take effect from the commencement of the ensuing Fusly.-

(Here enter No. 2038.)

Read return dated the 29th Ultimo from

4th October 1837.

from the Acting Criminal Judge of Madura to the Precept of the Foujdaree Udalut dated the 25th September 1837 conveying their observations and orders on the Madura Criminal Reports for the Month of August.

(Here enter No. 2043.)

Read return dated the 28th Ultimo from the Joint Criminal Judge at Tinnevelly, to the Precept of the Foujdaree Udalut dated the 22nd September 1837 conveying their observations and orders on the Tinnevelly Criminal Reports for the Month of August

(Here enter No. 2044)

Read return dated the 28th Ultimo from the Acting Joint Criminal Judge at Tellicherry to the Precept of the Foujdaree Udalut dated the 22nd September 1837 conveying their observations and orders on the Tellicherry Criminal Reports for the Month of August.—

(Here enter No. 2045.)

Read letter dated the 2nd Instant from the Acting 1st Judge on Circuit in the Southern Division reporting the arrival of the Court of Circuit at Combaconum, the opening of the Sessions, and the state of the Calendar.—

(Here enter No. 2047.)

Ext W.

WD

WB

F. C.

At a Court of the Foujdaree Udalut

Present,

Thursday 5th October 1837.

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre 2nd Puisne Judge
Alexr Duncan Campbell Esqre Actg 3d Puisne Judge

Read letter dated the 14th Ultimo from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 32 tried by the Special Commission at Mangalore.

WD

WB

(Here enter No. 1919.)

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Moofteer of the Foujdaree Udalut, are of opinion that the prisoner

Mr. Lushington. and Mr. Campbell.

11

Rama Naik

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; but considering that

strong

strong suspicion though not amounting to conviction attached 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 Rupees each surety for his good behaviour and appearance when required within three years, and that in default thereof, he be detained for three Years in confinement.

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 32 from the Mangalore 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 Governor in Council, to the intent that the Court may, in conformity with the provisions of Section V Regulation XX of 1802, receive the orders of Government before they direct their sentence to be carried into execution.—

(Sent following letter No. 1578

Read letter dated the 11th Ultimo from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 36 tried by the

the Special Commission at Mangalore.—

(Here enter No. 1920.)

Mr. Southington. and Mr. Campbell.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, convicting the prisoner

Goodah Bunta Potail

of Rebellion and awarding Octroobut: and under the provisions of Sections II and III, Regulation I of 1834, sentence the said prisoner 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 natural life.—

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 36 from the Mangalore 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 Governor in Council to

5th October 1837.

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 executions.—

(Sent following letter No. 1519

Read letter dated the 31st August last, from the Acting Judge on circuit in the Centre Division, transmitting the record in Case No. 19 on the Cuddapah Calendar 2nd Sessions of 1837.—

(Here enter No. 1799.)

Mr. Bird.

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.

Boya Tippadoo

is sufficient to convict him of the crime of Highway Robbery attended with aggravating circumstances, do, under the authority with which they are vested by Clause First, Section V, Regulation VIII of 1831. and Clause First, Section II, Regulation I of 1818, convict him thereof, but do not sentence him in this case, as he has been sentenced to transportation for Life in Case No. 20 of the Calendar.—

(Sent following letter No. 1520

Read

F 16.

5th October 1837.

Read letter dated the 19th Instant from the Acting Judge on circuit in the Centre Division, transmitting the record in Case No. 20 on the Cuddapah Calendar 2nd Sessions of 1837.—

(Here enter No. 1987.)

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 Mooftee of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid as convicts the prisoners

1st Golla Baulegaudoo

and

2nd Nareshetty Caulegaudoo

and under the provisions of Clause First, Section V, Regulation VIII of 1831. Clause Third, Section II, Regulation I of 1825, and Clause Second, Section IV, Regulation XV of 1803, sentence the said prisoners severally to receive one hundred and ninety five lashes of a Cat of nine tails, and to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons

irons on the public roads or other public works for and during the period of their natural lives respectively.-

And being of opinion that the proof against the prisoners

3rd Rallapully Vengunnah
5th Yeddoo Dauseree Nauregadoo
6th Naugaree Madoogoo Timmadoo
7th Boya Tippadoo

and

8th Bullapooreddy Nauregadoo.

is sufficient to convict them of Gang Robbery by open violence attended with aggravating circumstances, the Court do, under the authority with which they are vested by Claude First, Section V, Regulation VIII of 1831. and Claude First, Section II, Regulation I of 1818, convict them thereof; and under the provisions of Claude Third, Section II, Regulation I of 1825, and Claude Second, Section IV, Regulation XV of 1803, sentence them severally to receive one hundred and ninety five lashes of a Cat of nine tails; and to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or

(7)

other public works for and during the period of their natural lives respectively.-

(Sent following letter No. 152)

Read letter dated the 18th Ultimo, from the Acting Judge on Circuit in the Centre Division, submitting for the final judgment of the Foujdaree Udalut, the Record of Case No. 22 on the Cuddapah Calendar for the Second Sessions of 1837.-

(Here enter F. Th. No. 1944 of 1837.)

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

2nd Bullapooreddy Nauregadoo

and

4th Koorba Gungadoo

is sufficient to convict them of the crime of Gang Robbery by open violence, attended with aggravating circumstances, do, under the authority with which they are vested by Claude First, Section V, Regulation VIII of 1831. and Claude First, Section II, Regulation I of 1818, convict them thereof; and under the provisions of Claude Third, Section II, Regulation I of 1825, and Claude

5th October 1837.-

Clause second, Section IV, Regulation XV of 1803, sentence the prisoner

4th Koorba Gungadoo

(the second prisoner having been already sentenced in Case No. 20) to receive one hundred and ninety five lashes of a Cat of nine tails, and to be transported to such place or places beyond sea, as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.-

(Sent following letter No. 1522

The Court of Foujdaree Udalut, observe that Yerrenaneh Venkatah the first prisoner in this case, is charged with Gang Robbery in Case No. 11 on the Calendar for the second Sessions of 1837. the Trial of which case was postponed by the Acting Judge of Circuit.-

But as that prisoner has already been convicted and sentenced to fourteen years imprisonment in Case No. 12 on the Calendar it is unnecessary to proceed with the Trial of No. 11. and the Acting Judge will accordingly issue the requisite instructions on this point to the Criminal Judge of Cuddapah.-

Ordered

3

F.C.
5th October 1837.-

Ordered, that Extract from these proceedings be sent to H. Bushby Esqr. Acting Judge of Circuit in the Centre Division by Precept returnable within 5 days from and after its receipt.-

Sent following Precept No. 1523

Read Extract from the Minutes of Consultation in the Revenue Department under date the 15th September 1837. No. 1290. requesting the Judges of the Foujdaree Udalut to "issue the necessary instructions for transferring the 2nd & 8th prisoners inclusive in Case No. 13 of the Chicacole Special Commission to the charge of the Acting Magistrate of Vizagapatam to whom a Warrant under the provisions of Regulation II of 1819 is ordered to be issued for their detention in custody, until they furnish the security that may be required from them or can be set at large without danger to the peace of the country."-

(Here enter F.C. No. 1924 of 1837.)

Pursuant to the instructions conveyed in the foregoing Extract from the Minutes of Consultation, the Court of Foujdaree Udalut direct that the Acting Criminal Judge of Chicacole be instructed to

to take the necessary steps for forthwith transferring to the custody of the Acting Magistrate of Vizagapatam the prisoners from the 2nd to the 8th inclusive in Case No 13. of the Chicacole Special Commission of 1837.-

2. The Court of Foujdaree Udalut further direct that the Acting Second Judge of Circuit in the Northern Division be instructed on the occasion of the approaching Sessions at Vizagapatam to visit the Prisoners above referred to, and submit to Government the Report required by Clause Second, Section IV, Regulation II of 1819.-

Ordered, that Extract (para: 1.) be sent to the Acting Criminal Judge of Chicacole for his information and guidance by Precept returnable within seven days from and after its receipt.-

(Sent following Precept No 1524

Ordered further, that Extract (para: 2) be sent to J. Boileau Esqre Acting 2nd Judge on Circuit in the Northern Division for his information and guidance by Precept returnable within three days from and after its receipt.-

(Sent following Precept No 1525

Read return dated the 26th Ultimo

from the Acting Joint Criminal Judge at Guntoor to the Precept of the Foujdaree Udalut of the 23rd Ultimo, conveying their observations and orders on the Guntoor Criminal Reports for the month of August.

(Here enter No 1998.)

Reports Case 57.-

1. From the explanation given in the above return, it appears that the prisoner in this case was proved guilty of entering the house of the Prosecutor by the vacant space between the roof and the wall.- His offence, therefore, as already ruled by the Foujdaree Udalut being house breaking, the sentence recorded on him by the Acting Joint Criminal Judge need not be disturbed.-

2. The Statement of Peons shews that the authorized guard for the Fusly 1247 has been fixed on the proper scale, but as no orders have been issued by the Foujdaree Udalut for the discontinuance of the transmission of the monthly Statement, the Acting Joint Criminal Judge will forward it in future with his monthly Criminal Reports.-

Ordered, that Extract from these proceedings be sent to the Acting Joint

5th October 1837.

Joint Criminal Judge at Guntoor for his information and guidance.—

Sent in N°. 1526

Read return dated the 27th Ultimo from the Criminal Judge of Salem to the Precept of the Foujdaree Udalut dated the 23rd September 1837— conveying their observations and orders on the Salem Criminal Reports for the Month of August.—

(Here enter N°. 2016.)

Read return dated the 25th Ultimo from the Acting Joint Criminal Judge of Masulipatam, to the Precept of the Foujdaree Udalut dated the 29th August 1837. conveying their observations and orders on the Masulipatam Auxiliary Court's Criminal Reports for the month of July—

(Here enter N°. 2018.)

Read return, dated the 30th Ultimo from the Criminal Judge of Chittoor to the Precept of the Foujdaree Udalut dated the 26th September 1837. conveying their observations and orders on the Chittoor Criminal Reports for the month of August.

(Here enter N°. 2020.)

F. U.

At a Court of the Foujdaree Udalut

Present,

Saturday 7th October 1837.

Charles May Lushington Esqre. 1st Puisne Judge
John Bird Esqre. _____ 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. N°. 3. Puisne Judge

Read again letters dated respectively the 19th and 26th August last from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Udalut the Record of Cases N°. 10 and 20, tried by the Special Commissioners at Mangalore.—

(Here enter N°. 1721 and 1782.)

Read also Order of Government dated the 3rd Instant, commuting the sentence of Death passed by the Foujdaree Udalut against the prisoner Timapa Gowda in Case N°. 20. of the Special Commission at Mangalore: confirming the sentence against the 3d. prisoner in that case and also the sentence in N°. 10.—

(Here enter N°. 2036.)

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

Case N°. 10.
Mr. Bird
and
Mr. Campbell.

Prisoners

1st Rookoomoodeen

2nd Jacheer, Son of Mussanabah

7th October 1837

3rd .. Jackree, son of Bachoo Cedinay

43rd .. Abdool Cadry son of Aboonky Beary

and

44th .. Bommarey son of Jacey Moilan

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 their natural lives respectively: that the prisoners

4th .. Uhmuday, son of Pallianah

5th .. Hossaina Younger brother of Uhmuday

7th .. .. Uhmuday son of Awah

8th .. Awah younger brother of Manoo Moorreedinay

9th .. Bormaddy Coyapah

10th .. Boodah, son of Mohideen Beary

11th .. Imanoo, younger brother of Bapoo

12th .. Coonhay Uhmuday

14th .. Abdool Cadry, son of Edinay Beary

15th .. Hossaina, son of Cottially Beary

16th .. Uhmuday son of Awah Beary

17th .. Coonhee Uhmuday, son of Ajee Uhmuday

18th .. Mohideenay, son of Cajee

19th Bujubah

20th .. Hossainay, son of Cottially

22nd .. Uhmuday, younger brother of Edinay

24th .. Pakeeray, younger brother of Bormaday Lemaly

26th Dallyna Daiwoo

29th .. Cheyabah son of Hussainay

30th

7th October 1837

30th .. Beatoo Uhmuday

32nd .. Cadry son of Badaridayy goodday Thaikay

33rd .. Panamboor Seyoo

34th .. His younger brother Hossainy

35th .. Abdool Cadry Uncle of Coyah Apenah

38th .. Shaikh Madar alias Shaikh Koomur

and

42nd .. Bapoo Serooqara

be imprisoned in the Jail of the Zillah of Bellaree and kept to hard labour in irons on the public roads or other public works, in that District, for and during the period of (14) fourteen Years: & that the prisoners

6th .. Awah son of Cuita Siddy

13th .. Chayee Beary

and

31st .. Awah Beary

be imprisoned and kept to hard labour in irons on the public roads or other public works in the Zillah of Canara for and during the period of (7) Seven Years: that the prisoners

21st .. Uhmuday son of Codoowa Manoo

23rd .. Cadry, son of Cottially

25th .. Guyaloo

27th .. Koomaray, son of Awah Beary

28th .. Jairee alias Cadry son of Moonchamah

and

40th .. Jyah son of Uhmuday

be

7th October 1837

be imprisoned and kept to hard labour in irons on the publice roads or other public works, for and during the period of (2) two years: that the prisoner

37th Cadry Son of Eedinay Beary

Younger brother of the 30th prisoner

be released with a strong admonition; and that the prisoners

36th Mahomed Sallay

and

41st Ebram Sail

be severally required to find two sureties in (1000) one thousand Rupees each surety for their good behaviour and appearance when required within three (3) Years, and that in default thereof they be detained for three (3) Years in confinement.

Case No. 20
Mr. Bird
and
Mr. Campbell

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

1st Timapa Gowda

be transported to Singapore, there to be imprisoned and kept to hard labour in irons on the publice roads or other public works, for and during the period of his natural life: and that the prisoner

3d Kedla Deranna

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 publice roads or other public works for and during

7th October 1837.

during the period of his natural life.—

The Court likewise direct that extra

from their proceedings under date the 18th and 19th Ultimo

on Cases Nos. 19 and 20 be sent for the information and

guidance of the Mangalore Special Commission.—

(Sent following letter No. 1529.

Read letter dated the 30th Ultimo

from the Magistrate of Madura, submitting the

explanation called for in the Extract proceedings

Foujdaree Udalut under date the 25th September 1837

relative to a case on the Madura Criminal Report

for the Month of August.—

(Here enter No. 2049.)—

F: U:

At a Court of the Foujdaree Udalut

Present,

Monday 9th October 1837.

Charles May Lushington Esqr. 1st Puisne Judge
John Bird Esqre _____ 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. 3d Puisne Judge

Read letter dated the 5th Ultimo from the 3d Judge on Circuit in the Western Division, transmitting the record in Case No. 28 on the Calicut Calendar for the 2d Sessions of 1837—

(Here enter No. 1856.)

Question.

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

Nayaddy

is sufficient to convict him of the crime of culpable Homicide do, under the authority with which they are vested by Clause First, Section II, Regulation I of 1818 convict him thereof: and in conformity with the Provision of Clause Second of the same Section and Regulation direct their Law Officers to declare by a second Futwa to what sentence the prisoner would be liable under the Mahommedan Law, if he were convicted by full legal evidence

Answer.

If the prisoner was convicted on

the

9th October 1837

the evidence of credible witnesses of Culpable Homicide, his akila would be liable to a Deyut of ten thousand Dirhems to be paid to the heirs of the deceased in three years.—

Mr. Lushington and Mr. Bird

The Court of Foujdaree Udalut, in a commutation of the penalty of Deyut declared in the foregoing Futwa, sentence the prisoner [redacted]

Nayaddy

to 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.—

Sent following letter No. 7532

Read letter dated the 8th Ultimo, from the 3d Judge on Circuit in the Western Division, transmitting the record in case No. 5 on the Malabar additional Calendar 2nd Sessions of 1837.—

(Here enter No. 1909.)

Mr. Lushington and Mr. Bird

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

Velentoputta Ahamod

is sufficient to convict him of the crime of Wilful Murder, do under the authority with which they are vested by Clause first, Section II Regulation I of 1813 convict him thereof; and under the provisions of Section X, Regulation VIII of 1802 sentence

9th October 1837

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

Sent following letter No. 7533

[redacted]

115

F. 46

At a Court of the Foujdaree Udalut

Present:

Tuesday 10th. October 1837.

Charles May Lushington Esqr. 1st. Puisne Judge
John Bird Esqr. ——— 2d. Puisne Judge
Alexr. Duncan Campbell Esqr. Actg. 3d. Puisne Judge

Read Petition presented on the 25th. Ultimo by M. Govindappa late Duffadar of the Jail at Cuddapa.—

(Here enter M. P. No. 120.)

The Petitioner represents that he took part in the defence of the Cuddapa Treasury on the occasion of its being attacked by robbers under date the 24th. April 1833. and that he was dismissed from his situation in consequence of the Medical Officer having reported that Petitioner and the other Peons had apparently run away.—

Petitioner states that he has addressed the Criminal Judge and Judge on Circuit, without effect, and he prays the Foujdaree Udalut to take his case into their consideration and to order his restoration to the place of Duffadar.—

The Court direct Petitioner to be informed that they have referred to the reports

reports made to them of the circumstances which attended the robbery of the Cuddapa Treasury, and they see nothing to entitle Petitioner, (who clearly neglected his duty) to expect their interference in his favor.—

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

Read Petitions presented on the 25th Ultimo by Punchatcharaswamy of the Zilla of Chittoor.—

(Here enter M. Ps. Nos. 121 and 122.)

In the order of the Foujdaree Udalut of the 21st August last, the Petitioner was informed that "his alleged right to the priestly office could if disputed," be disposed of only by a Civil Suit."—

With reference to this order the Petitioner prays in his Petition No. 121. that the Court of Foujdaree Udalut will order the Magistrate to supply him with copies of certain specified documents necessary to enable him to institute the suit.—

The Court of Foujdaree Udalut direct Petitioner to be informed that he should himself apply to the Magistrate

10th October 1837.

In his Petition No. 122 Petitioner prays the Foujdaree Udalut to order the Magistracy and Police not to "interfere with the prohibitions or other restraints to which the defendants may be subjected by the caste people pending the final result of the investigation of the suit."—

The Court of Foujdaree Udalut desire Petitioner to be informed that they cannot comply with a request of this nature.

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

Read Petition presented on the 25th Ultimo by Doolum Nagummah of the Zilla of Cuddapa.—

(Here enter No. 124.)

The Petitioner prays the Court of Foujdaree Udalut to order the release of her brother, Vallapooreddy Narapah, 2nd prisoner in Case No. 22. Cuddapah Calendar 2nd Sessions 1837.—

The Court direct that Petitioner be informed that the trial in question is now under their consideration and will be disposed of in due course.—

Ordered accordingly, and that Extract

Extract from these proceedings be furnished to Petitioner on his application.—

Read letter dated the 7th Ultimo from the Acting 1st Judge on Circuit in the Southern Division transmitting the record in Case No. 1 on the Tinnevelly Calendar for the 2nd Sessions of 1837.—

(Here enter No. 1854.)

Mr. Lushington 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, so far as it convicts the prisoner.

Pareyatumby

of Murder, and do accordingly convict him thereof: but being of opinion that the punishment to which he is liable under the finding of Hissaas declared in that Futwa, would under all the circumstances of the case, be too severe, the Court sentence him, under the provisions of Clause second Section VI Regulation I of 1825, to be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned

F 66.

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. 1588

Read, return and Supplemental return dated respectively the 23rd June and 12th July last from the Provincial Court Northern Division to the Precept of the Foujdaree Udalut of the 22nd May 1837 communicating the new rules sanctioned by Government relative to the "Extra Peons" attached to the Jails in the Provinces.—

(Here enter No. 1295 and 1480.)

Read also letter dated the 21st August last from the Provincial Court for the Northern Division submitting with reference to the Precept of the Foujdaree Udalut of the 22nd May 1837 Statements of the Extra Peons entertained for the fusly 1247 at the several Jails in their Division.—

(Here enter No. 1751.)

Read letters dated the 15th and the 19th Ultimo from the Acting Joint Criminal Judge at Guntoor and from the Acting Criminal Judge at Chicacole, the

Criminal

Criminal Judge at Rajahmundry and the Acting Joint Criminal Judge at Vizagapatam reporting the number of "prisoners in their Jails liable to labor outside" on the 1st July 1837.

(Here enter Nos. 1913-1965-1976 and 1981.)

Chicacole. 1. It appears that there were in the Jail at Chicacole on the 1st July 1837 96 prisoners liable to labor outside the Jail. For these the Extra Guard under the rules of the 22nd May 1837, to be continued throughout the fusly will be 25 Peons 1 Duffadar and 1 Naique.—

Vizagapatam. 2. On the same date there were 90 prisoners of this description in the Jail at Vizagapatam. For these the authorized Extra Guard for the fusly will be 23 Peons 1 Duffadar and 1 Naique.—

Rajahmundry. 3. On the same date there were 57 prisoners in the Jail at Rajahmundry of the same description. For these the authorized Extra Guard for the fusly will be fourteen Peons and one Naique may be allowed.—

Nellore. 4. On the same date there were 334 prisoners of the same description in the Jail at Nellore. For these the authorized Extra Guard for the fusly will be 86 Peons 4 Duffadars and 4 Naiques.—

Guntoor. 5. On the same date there were 317 prisoners of the same description in the Jail at Guntoor. For these the authorized Extra Guard for the fusly will be 82 Peons 4 Duffadars and 4 Naiques.—

Samulcottah 6. On the same date there were 99 prisoners of the same description in the Jail at Samulcottah. For these the authorized Guard for fusly 1247 will be 26 Peons 1 Duffadar and 1 Naique.—

Masulipatam 7. On the same date there were 513 prisoners of the same description in the Jail at Masulipatam. For these the authorized Extra Guard for the fusly will be 133 Peons six Duffadars and 6 Naiques.—

Letter from S.C. of 21st August 1837 8. With reference to the correspondence laid before the Foujdaree Udalut between the Provincial Court and the Joint Criminal Court at Masulipatam regarding the pay of the Peons at Masulipatam the Court of Foujdaree Udalut are of opinion that under the instructions conveyed in their letter to the additional Judge on Circuit in the Northern Division dated the 5th March 1835, the Acting Joint Criminal Judge has correctly fixed the monthly

monthly pay of the Extra Peons at five and a quarter Rupees.—

Guntoor Magistrate's Jail. 9 The prisoners under the charge of the Magistrate at Guntoor do not come within the rules of the 22nd May and the Court therefore have no observations to make respecting them.—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance and for communication to the several Officers named of such parts as concern them respectively by Precept returnable in 4 days after receipt.—

(Sent following Precept No. 1539

Read the Cuddapa and Cumbum Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of August.—

(Here enter No. 2000.)

Cuddapa Suppl. Report Case 99. The full explanation not being given, which is required by the Circular Order Foujdaree Udalut of the 11th April 1830, of the cause of the delay in disposing of this case, the Court of Foujdaree Udalut direct, (if the Criminal Court cannot furnish the information,) that the Criminal Judge be instructed to send copy of the case as it stands

stands in the Report and of this paragraph to the Magistrate who will be pleased to report direct to the Foujdaree Udalut why the attendance of the Prosecutor and Witnesses could not be procured before the end of the month of August.—

Report Case 120. According to the Report the prisoner in this case was apprehended on the 20th July and left the Talook on the 11th August. The Court of Foujdaree Udalut conclude that the accused was not in custody from the 20th July to the 11th August but they desire to be informed if this conclusion is correct. The Criminal Judge will accordingly be pleased to send copy of this case also as it stands in the Report and of this paragraph to the Magistrate who will transmit the required explanation direct to the Foujdaree Udalut.—

Case 124. In this case the first prisoner was apprehended on the 4th of August and did not leave the Talook till the 16th and no reason is assigned. 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 Judge to the Magistrate who will transmit direct

direct to the Foujdaree Udalut the explana-
tion which ought to have been sent to the
Criminal Court under the Circular Order
of the 8th February 1830.—

Case 125. This appears to have been a
case of housebreaking and theft and if so
the Section and Regulation quoted in sup-
port of the sentence are incorrect. The crimi-
nal Judge will be pleased to report if the
case was one of simple theft.—

Statement of Peons. The authorized Extra Guard for
the Jail at Cuddapah during fusly 1247
being 62 Peons. 3 Duffadars and 3 Naigues.
the Court of Foujdaree Udalut require an
explanation why 65 Peons were employed
throughout the month. They conclude that
the discharge of the Peon entertained from
the 1st to the 9th and of the 5 Peons enter-
tained from the 1st to the 17th occurred in
consequence of the orders issued lately by
the Foujdaree Udalut relative to the Guards
in the Jails in the Centre Division and if
so an explanatory note should have been
annexed to the Statement.—

Cumbum Reports Case 33 In this case the prisoner was
charged with theft, and on strong suspicion
of it he has been required to find one security
in

in the sum of 50 Rupees for his good be-
haviour and appearance when required for
the space of one year or, in default to be
imprisoned for the same period. Should the
security not have been furnished by the
prisoner, the Court of Foujdaree Udalut
resolve to direct that the period of his
imprisonment "in default" be reduced to 6
months beyond which he could not have
been sentenced if the charge had been
established.—

Ordered, that Extract from
these proceedings be sent to the Criminal
Judge at Cuddapa for his information and
guidance and for communication to the
Principal Sudr Ameen at Cumbum of
such part as concerns him for his in-
formation and guidance by Precept re-
turnable in 3 days after receipt.—

(Sent following Precept No. 1540

Read the Masulipatam Crimi-
nal Reports prescribed by Section XXIV
Regulation X 1816 for the month of August.—

(Here enter No. 2009)

Reports Case 48. In this case the 1st prisoner is
charged with attempting to bring about
the death of "Rama Coostna Pundit" by

"Sorcery".

10th October 1837.

"Sorcery" and the 2nd is charged with instigat
ing the 1st prisoner to the deed. It appears
that the Acting Joint Criminal Judge put
a question to the Mahomedan Law Officer
who referred for information whether any and
what injury had happened to the party
intended to be affected by the "Sorcery" and
that a letter has accordingly been addressed
to the Magistrate on this point.—

The Foujdaree Udalut have ruled
2nd July so far back as 1817 that Section XXXIV Regula-
tion XII 1802 virtually prohibits the Crimi-
nal Courts from taking cognizance of any
charge of "Sorcery" and that if such a charge
be brought before a Criminal Judge he should
be careful to ascertain whether or not any
injury has been inflicted on the supposed
sufferer. that if no injury has ensued the
charge is to be dismissed, but if there has
been injury done evidence is to be taken to
the overt act charged and if the prisoner
appear liable to commitment the indictment
is to be framed for such overt act. The
opinion of the Law Officers of the Foujdaree
Udalut was given on the same occasion to
the effect that "a confession of Sorcery does
not subject a person to punishment under
the

P. 16.

10th October 1837.

the Mahomedan Law unless it shall ap-
pear that injury has ensued."

The Acting Joint Crimina
Judge will be guided by these sentiments
in disposing of the above case.—

Statement of Peons. The Court desires it ma
explained why 7 Duffadars and 7 P
have been employed throughout the
the authorized guard for the Jail
Masulipatam under the rules of
last for Fusly 1247 being 133 Peons
and 6 Duffadars.—

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

(Sent following Precept No. 1521 d

At a Court of the Conjeeree Estates

Present,

Friday 13th October, 1837 — Charles Hay Cuckington Esqr. 1st Puisne Judge,

John Bird Esqr. ——— 2d Puisne Judge,

Alexr. Duncan Campbell Esqr. ——— Acting 3d Puisne Judge,

Read letter dated 2d Instant from the

Acting Judge on Circuit in the Centre Division, transmitting the

Record in Case No. 11 on the Bellary Calendar 2d Session of 1837

(Here enter No. 285 of 1837)

The Court of Conjeeree Estates having maturely

Mr. Bird

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 Mooftee of the Conjeeree Estates, confirm

the said Futwa of the Cazee-ool-Cozzat and Mooftee aforesaid

convicting the Prisoner

Peenchah

of Spang Robbery and awarding Ookoobut: and under the

provisions of Clause First, Section V, Regulation VIII of 1831 - and

Clauses second and fifth, Section IX, 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 fourteen years —

(Sent following letter No. 1549

Record returned under the 27th Instant from

the Assistant Criminal Judge in charge of the Criminal Court

at Bellary to the Precept of the Conjeeree Estates of the 22d Instant

conveying

conveying their observations and orders on the Kalutara Criminal Return for August.—

(Here enter No. 2049)

Report V

Case 88. Under the explanation given in the above return the Court of Enquiare Dedatut are of opinion that the grounds of suspicion against the prisoner are not sufficiently strong to warrant the requisition of security from him. The Acting Assistant Criminal Judge in charge will accordingly be pleased to release him if he is in Jail or cancel the Bail bonds if the security has been furnished.—

Ordered, that Extract from these proceedings be sent to the Acting Assistant Criminal Judge in charge of the Criminal Court at Kelani for his information and guidance by Precept returnable in 3 days after the receipt.—

(Here following Precept No. 1880

Read the Report required by the Circular order of the Court of Enquiare Dedatut dated the 9th December 1836 for the Second Quarter Sessions of 1837. Holden at Chilaw by Mr. Hay Esqr. late officiating Second Judge of the Provincial Court of Circuit in the Centre Division dated the 8th September 1837.—

(Here enter F.C. No. 1832 of 1837)

Read also letter dated the 12th ultimo from the same officer sending up the Papers referred to in paragraph 16 of the Report above recorded.—

(Here enter F.C. No. 1866 of 1837)

Paras 4 and 9. 1.

It appears to the Court of Enquiare Dedatut that the Remarks contained in these paragraphs would be perfectly

included in the Calendar rather than in a Report of the nature indicated in Section XXXVIII Regulation VII of 1832.—

With reference to the remarks in paragraph 8.

2.

Case No. 1 Para 8 of Sessl. Calr. it is presumed that the late officiating Second Judge did not omit to call the attention of the Criminal Judge of Chilaw to the fact that the case had been very insufficiently investigated and like many other cases at these Sessions was not ready for trial till long after the Calendar had been submitted but the Court of Enquiare Dedatut deem it proper to direct that the Criminal Judge be called upon to explain the circumstance noticed by Mr. Hay.—

And the Criminal Judge will likewise

3.

Paragraph 13. be pleased to report the present state of the Peacemill which "appeared" to Mr. Hay "to be out of repair" though he does not seem to have taken measures to ascertain whether such was certainly the fact or not.—

The escape of the prisoners Coolooroon alias

4.

Paragraph 14. Ramasamy and Veeromalo alias Moonayen from the Hospital of the Zillah Jail of Chilaw on the night of the 30th June was reported to the Court of Enquiare Dedatut by the Criminal Judge on the 3d July: and a full account of the circumstances attending the escape was furnished by that officer on the 15th July. The three Peons on Guard were dismissed for inattention and neglect of duty: but the Court of Enquiare Dedatut did not see reason to impute the occurrence to any wilful negligence on the part of the Jailer.—

Jr

13th October 1837.

5.

It was in consequence of this escape that the Criminal Judge recommended that the Walls of the Civil Hospital should be raised; and the Government addressed under date the 29th August 1837 to sanction that measure.

6.

Of the Papers submitted with Mr. Raig's letter of the 13th ultimo that only requires notice which exhibits the proceedings of the Court of Orient in the Miscellaneous Petition No. 1. of the 2d Quarter Sessions of 1837 and the three cases therein referred to.

7.

It appears from Mr. Raig's remarks that in the first case, the petitioner charged four Kaffres inhabitants of the Village of Bavaranachetty, situate in the Country South of Colombo in the District of North Arcot with having on the 20th June 1836 prevented his cotton from being weighed by the Cotton weighers, beaten and abused him and his people, and seized and carried away his cotton: and in the second case he charged a Cooly Ministry and his people with having ill treated his servants and prevented them from carrying home 20 Seers of Bread which he had previously purchased.

8.

It further seems to have been clearly proved that in the first case, the Petitioner being unable, after repeated remonstrances to induce the weighers to weigh his cotton, or the Defendants to allow it to be weighed, procured a pair of scales from another shop, and proceeded to weigh it openly in the front of the Village Pagoda; and was about to send it to his own house when the Defendants came with about

E.E.
13th October 1837.

about fourteen of their Servants, assaulted and abused the Petitioner, seized the Cotton and deposited it in the Pagoda.

It appears that the excuse alleged for the

9.

transaction in the second case, was the Petitioner having infringed the custom of the Village.

The Head Police officer forwarded the proceedings

10.

in both cases on the 18th September to the Head Assistant Magistrate: but it was not until the 16th November following that the latter officer disposed of the charges by fining the Defendants and ordering the Cabeer to restore the Cotton to the Petitioner.

In paragraph 6 of this proceedings Mr. Raig

11

remarks that the Head Police officer of Caurera paukt "now pretends to have lost the Petitioner's complaints in the above two cases, evidently in order to conceal the inexcusable delay which had occurred in his investigation of them."

It further appears that on the 2d December

12.

last, or about six months after the Petitioner had attempted to weigh his cotton in the manner above explained, the Cotton weigher and others preferred a Complaint to the Head Assistant Magistrate charging the Petitioner with that act as with an offence: and that Officer on the 5th January last sentenced the Petitioner and others to pay fines of varying amounts: that three Fanams, the sum officiating Second Judge subsequently directed to be refunded.

The Court of Foujdaree Adawlut concur in the

13.

the opinion recorded by Mr. Hay in para: 13 of his proceedings of the 24th May 1837 " that the conduct of the Tahsildar of Cawnepaulk in delaying and endeavouring to prevent Justice throughout the proceedings in this matter has been very reprehensible: " and they resolve to call upon the Magistrate of Nellore to state if he has any thing to urge in favor of that Officer: as otherwise the Court will consider it their duty to order his removal from his situation.—

14. It will be observed that the Magistrate in Sparah: 2: of his Return of the 5th June last explains that "the right claimed by the Complainants in the case of weighing and levying a duty upon all cotton brought to their village has never received any sanction from Government" and that "the custom appears to have been suggested and established for the accommodation of Merchants bringing their Cotton from remote Places and it has been usual from time immemorial to collect some duty in this village as in others upon the Cotton weighed."

15. The Court of Sudder Dewanny Adawlut have considered it right to bring this matter to the notice of Government, in case it should be the opinion of the Governor in Council that a practice which is thus shown to be unauthorized by any Law or by any order of superior authority, should be abolished by Proclamation.—

Ordered, that extract from these proceedings be sent to the Chief Secretary for the purpose of being laid

laid before the Governor in Council together with a copy of Mr. Hay's Report, and of the Extract from his proceedings under date the 24th May 1837 and the Returns &c. which accompanied it.—

(Sent in No. 1551

Ordered also that Extract from the proceedings (Sparahs 2 and 3) with copies of Sparahs 7 and 8 of Mr. Hay's report to the Criminal Judge of Nellore, & Precept returnable within seven days from and after its receipt.—

(Sent following Precept No. 1552

115

At a Court of the Foujdaree Udalut.

Present

Saturday 14th October 1837.

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre ——— 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read Report, prescribed by Section XXXVII Regulation VII of 1802, by the 1st Judge late on Circuit in the Western Division for the 1st Sessions of 1837. as regards the Tilla of Malabar—

(Here enter No. 1766.)

The Court of Foujdaree Udalut have observed, and they think it worthy of the notice of Government, the remarkable fact stated, in the 4th paragraph of the above Report, that out of 31 murders perpetrated and tried during the last and present Sessions, 13 were committed by that degraded class of people the Cheroomers— the Foujdaree Udalut beg to recommend to Government that the local Officers be called upon to report whether measures cannot be devised for improving the condition, and morals, of this most degraded race, professing of humanity little else than

its outward form—

para: 10

2. In para: 10 the 1st Judge refers to the advantage which would be derived from a more frequent use of Carts by the convicts employed in hard labor. He suggests that instead of one Cart six should be made available for the prisoners at Calicut and the Court of Foujdaree Udalut concurring in his opinion beg leave to support his suggestion with their recommendation—

para: 11 and 12.

3 The Court fully approve of the 1st Judge having desired the discontinuance of the measure which he describes in para: 11 as in force in the Jail at Calicut. It is matter of regret that such a course of proceeding should ever have been adopted and the Court deem it proper to direct the 1st Judge to call for and submit any explanation which the Criminal Judge may have to offer respecting it.—

*In one of the pleas Sessions calls 5 found confined a madman and in another a witness waiting examination notwithstanding there were other vacant cells under a plea of preventing his having any intercourse with others prior to his deposition being committed to writing"—

para: 13.

4. In para: 13 the 1st Judge expresses his hope that the Foujdaree Udalut will put a stop to a practice, which prevails at Calicut, "of all convicts and prisoners being ordered to attend capital punishments for it certainly" he adds "forms no part of their sentence and cannot" in his opinion "be attended

in the end with any beneficial results—

The Court of Foujdaree Udalut

5.

have reason to believe that the practice in question is prevalent in most of the Jails—they are not aware whether the effects produced have been good or bad but if the latter the Court are of opinion that it should be discontinued. The Criminal Judges will be called upon to report how the practice is and their opinion of its effects—

para: 14

6. The employment of "so large a number as 20 Malkars as Artificers" at Calicut appears to the Foujdaree Udalut highly objectionable—and the Court resolve to direct that it be discontinued in the Jail at Calicut in accordance with the principle which the Court have always maintained that the Peons entertained as a guard for prisoners should never be employed for any other than Jail purposes. The Judges have no reason to believe the practice obtains elsewhere, and therefore do not consider it necessary to issue general orders on the subject.

para 16 & Sec 75.

7 The Circular Order alluded to by the 1st Judge in para: 16 was issued on the 28th September 1836. and, as explained at the close of it, was framed, in order that the

Foujdaree

14th October 1837.

Foujdaree Udalut might have time to consider the grounds upon which the sentence to corporal punishment in any case may have been awarded. It would not have been promulgated had not the Court been impressed with the necessity of it for the purpose of preventing the possibility of injury and injustice for which no compensation can be afterwards made. The Court do not see in the objections urged by the 1st Judge a sufficient ground for modifying the Circular Order in question.—

Ordered, that Extract from these proceedings be sent to the 1st Judge late on Circuit in the Western Division for his information and guidance by Precept returnable in 8 days after receipt.—

(Sent following Precept No. 1553

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

(Sent in No. 1554

Ordered also, that para 4 para 5 of these proceedings be sent to the Several Criminal and Sessions Judges for their information.—

(Sent in No. 1555

J. C.

At a Court of the Foujdaree Udalut

Present.

Monday 16th October 1837.

Charles May Lushington Esqre. 1st Puisne Judge
John Bird Esqre. _____ 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. Actg 3rd Puisne Judge

Read again letters dated the 11th Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the record of Cases Nos. 41 and 43 tried by the Special Commission at Mangalore.—

(Here enter Nos. 1890 and 1891)

Read also Extract from the Minutes of Consultation under date the 7th Instant, Commuting the sentence of Death recorded by the Foujdaree Udalut against the prisoner in Mangalore Special Case No. 43 and confirming that Courts sentence in No. 41.—

(Here enter No. 2083)

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

No. 43.
Mr. Lushington
and
Mr. Campbell's

Poon Mahomed Khan,

be transported to Singapore, there to be imprisoned

16th October 1837.

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.—

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

No. 41.
Mr. Bird
and
Mr. Campbell.

Coodry Deranna

be banished to the District of Coimbatore, and imprisoned in the Jail of the Auxiliary Court, and kept to hard labor in irons on the public roads or other public works in that District for and during the period of (10) ten years.

The Court likewise direct that Extracts from their proceedings under date the 2d Instant in Cases Nos. 43 and 44 be sent for the information and guidance of the Mangalore Special Commissioners.

(Sent following letters No. 1561

Read letter dated the 29th Ultimo from the Special Commission at Mangalore, submitting for the final Judgment of the Court of Foujdaree Udalut the Record of Special Case No. 54.—

(Here enter F. 16. No. 2046 of 1837.)

Mr. Bird
and
Mr. Campbell

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 Sarpencol Moozat and Mooftees of

16th October 1837.

of the Foujdaree Udalut, confirm such part of the said Futwa of the Sazee-ool-Moozat and Mooftees aforesaid as convicts the prisoner

2d Devo

of the crime charged on strong Presumptive Proof and awards Ookoobut: and under the provisions of Sections II and III, Regulation I of 1834, 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 seven years.—

And being of opinion that the prisoner

1st Pottiya

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 Sauda Sixth, Section II, Regulation XV of 1803, that he be required to find two sureties in one hundred Rupees each surety, for his good behaviour and appearance when required within one year, and that in default thereof he be detained for one year in confinement.—

The

16th October 1837.

1. The Court of Foujdaree Udalut observe that the deposition of the first witness to the fact of the first prisoner's having desired the second prisoner to carry the Sappaul Packets to the Rebel Chief Appuja Gowda is unsupported by that of any other: and the Court, deeming the evidence to that fact inconclusive, have considered it their duty to give the first prisoner the benefit of the doubt.—

2. The Court of Foujdaree Udalut direct that their sentence in the Trial No. 54 from the Mangalore 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 Governor in Council, to the intent that the Court may, in conformity with the provisions of Section V Regulation XX of 1802 receive the orders of Government before they direct their sentence to be carried into execution.—

(Sent following letter No. 1562

Read return dated the 2d instant from the Criminal Judge of Cuddapah, to the Precept of the Foujdaree Udalut of the 23rd Ultimo, relative to the Cuddapah and Cumbum Criminal Reports for the month of

2. F.C.
16th October 1837.

of July.—

(Here enter No. 2058.)

Under the explanation given in

Report. the above return, the Court of Foujdaree
Case 108. Udalut resolve to annul the sentence recorded in this case, and to direct that the prisoner Sasheegundoo be discharged from confinement.—

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 No. 1563

Read, Petition presented on the 25th Ultimo by Ucharnah and Coty of the Zilla of Guntoor.—

(Here enter M.P. No. 123.)

Circumstances having been brought to the notice of the Foujdaree Udalut, which render it necessary in their opinion to have before them the record of the trial No. 38 of the Guntoor Calendar 1st Sessions of 1836, the Court resolve to direct that an English translation of the record of that case be submitted to them without delay.—

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

Court of Circuit in the Northern Division for their information and guidance by Precept returnable in 10 days after receipt.-

(Sent following Precept No. 1564

Read again Miscellaneous Petition presented by Alemalummanel of the Zillah of Combaconum.-

(Here enter Mis. Pet. No. 90 of 1837.)

Read also Return dated the 27th September 1837 from the Acting Third Judge late on Circuit in the Southern Division. to the Precept of the Court of Foujdaree Udalut under date the 5th September 1837, calling for certain Documents connected with cause No. 7 on the Combaconum Supplemental Calendar for the second Sessions of 1836. and referred to in the Petition as above recorded.-

(Here enter F. U. No. 2037 of 1837.)

The Court of Foujdaree Udalut, having considered the Documents submitted with the foregoing Return, and especially the Letter from the Joint Magistrate of Tanjore, respecting the conduct of the Head of Police &c. are of opinion that their further interference in this matter is unnecessary.-

Ordered therefore, that the prayer of the Petition No. 90, be rejected and Extract

Extract from these proceedings be furnished to Petitioner upon application.-

Ordered also, that Extract from these proceedings be sent to G. A. Hooper Esqr. late Acting 3rd Judge late on Circuit in the Southern Division for his information. and that the original Papers received with his Return be sent back to him.-

(Sent in No. 1565

Panchatcharaswamy of the Zilla of Chittoor, moves the Court to return the enclosure in his Miscellaneous Petition No. 122 of 1837.-

Ordered accordingly.-

Read letter dated the 26th August last from the 1st Judge on Circuit in the Northern Division, forwarding for the orders of the Foujdaree Udalut a copy of an Extract from the proceedings of the Provincial Court of Circuit in the Northern Division, declining to grant him any assistance in the preparation of his reference Records &c.

(Here enter No. 1776.)

Read letter dated the 28th Ultimo from the Acting Joint Criminal Judge at Coimbatore, forwarding a copy of the explanation by the Officer Commanding the Nulgherries

16th October 1837

Neil's services of his employment of three Extra Peons noticed in parah. 4 of the Extract proceedings Foujdaree Udalut dated the 11th September 1837.-

(Here enter No. 2026.)

Read return, dated the 30th Ultimo from the Provincial Court of Circuit in the Southern Division, to the Precept of the Foujdaree Udalut dated the 21st September 1837, conveying their observations and orders on the Madura Calendar for the Second Sessions of 1837.-

(Here enter No. 2028.)

Read letter dated the 2nd Instant from the Acting Judge on Circuit in the Centre Division submitting his opinion that the prisoner in No. 6 of the Bellary Calendar 2nd Sessions of 1837 should suffer death.-

(Here enter No. 2052.)

Read letter dated the 2nd Instant from the Acting Judge on Circuit in the Centre Division, submitting that the 2d and 4th prisoners in No. 22 Cuddapah Calendar 2d Sessions 1837 should be transported for Life.-

(Here enter No. 2053.)

Ent'd.

W.S.

W.S.

F. W.

F. W.

At a Court of the Foujdaree Udalut

Present

Wednesday 18th October 1837.-

Charles Mary Lushington Esqre 1st Puisne Judge

John Bird Esqre _____ 2nd Puisne Judge

Alexr Duncan Campbell Esqre Acg. 3d Puisne Judge

Read letter dated the 20th Ultimo from the Third Judge on Circuit in the Western Division, forwarding copies of the Calendars of the Criminal Court of Malabar for the second Sessions of 1837.-

(Here enter F. W. No. 2010 of 1837.)

Case No. 1 and Cases No. 26 and 34.

1.

As the mental derangement of the prisoner in Case No. 1 at the time of his committing the act charged was "fully established" the Court of Foujdaree Udalut presume that when he was acquitted he was given over to the charge of his friends; and the same remark applies to cases Nos. 26 and 34.-

Case No. 3.

2.

In this case, two prisoners were charged with having broken at night into the seventh witness's shop, and stolen seed paddy to the value of Rupees 30-13-9 which the prosecutor had lodged therein a Ben.-

3.

They were both convicted and the first prisoner an old offender and a notorious bad

16th Oct

bad character was sentenced by the Court of Circuit to imprisonment with hard labour for seven years.—

4. But in favour of the second prisoner the Judge of Circuit recommends a mitigation of the prescribed penalty - as he is only about 20 years old, and the present appears to be his first offence. Moreover but for the 1st prisoner having been before punished for a similar offence, the case would have been disposed of by the Criminal Court".—

5. The Court of Foujdaree Udalut, having duly considered all the circumstances of the 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

2d Pailaparambil Moideen

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of [2] two years.—

Case No. 4.

6. In this case, two prisoners were charged with having, at night in company with about twenty five others gone armed with Muskets &c. and with lighted Torches, to the Prosecutor's house, entered it by breaking open the door with axes &c., tied, bound, beaten and otherwise ill treated the Prosecutor so as to inflict wounds and bruises on him and robbed the

the house of property valued at Rupees 103.—

7. The prisoners are convicted, but the Presiding Judge recommends a reduction of the prescribed punishment to imprisonment &c. for seven years, on the following grounds:—"the Prisoners who are respectively 23 and 20 years of age appear to have been drawn into the commission of this their first offence, by Ramen the leader of the Gang. It does not appear that they received any share of the plundered property: while their confessions led to the apprehension of the principal". It is added that "the wounds received by the Prosecutor were slight ones".—

8. The Court of Foujdaree Udalut being of opinion that in a case of this nature it would be inexpedient to reduce the prescribed penalty to the extent proposed by the Presiding Judge, resolve to direct that the prisoners

1st Kannishen Kannoo Panniker

and

2nd Chowoor Chamoo

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. 16.

9. The prisoner in this case was charged with having severely wounded the Prosecutor on several parts of his body with a knife.—

10. The prisoner was convicted and sentenced by the Court of Circuit, according to Clause seventh

18th October 1837

seventh, Section III, Regulation XV of 1803, to imprisonment and hard labour in irons for three years.

11. It is observed that the Prosecutor swore that the prisoner "placed the knife on his throat and drew it with the intent to cut it asunder" and the fifth witness deposed that the Prosecutor's life was in danger.

12. Assuming that there was no ground for discrediting these statements, the Court of Foujdaree Adalut are of opinion that the sentence passed by the Court of Circuit was much too lenient, particularly when the prevalence of the crime of wounding in Malabar is taken into consideration and which the Court trust the Third Judge of Circuit will not lose sight of.

Case No. 17.

13. In this case four prisoners were charged with having, at night, assaulted the Prosecutor on the Highway, and forcibly taken from him property valued at Rupees 22–2–3.

14. They were convicted and the first and second sentenced to imprisonment with hard labour in irons for fourteen years.

15. But the Presiding Judge proposes "to limit the imprisonment" of the third and fourth prisoners "to 7 years each" on the grounds that "they do not appear to have been before accused of any crime" "that" "there were no particularly aggravating circumstances in this case", and that the first and second prisoners having been sentenced to the full punishment prescribed

F. W.

18th October 1837

prescribed for the offence "this example" is "sufficient for the ends of justice."

16. The Court of Foujdaree Adalut concurring in the view taken of this case by the Presiding Judge, resolve to direct that the prisoners

5. Charan Kodangara Konjamod
and
4. Kanisten Kombee Panikar

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

Case No. 29.

17. The Court of Foujdaree Adalut see no objection to the sentence recorded in this case; but it would have been satisfactory to them to have been made acquainted with the grounds on which the first prisoner alone was deemed a fit subject for corporal punishment.

Case No. 31.

18. In this case, four prisoners were charged with having, at night, in conjunction with some others, armed with Muskets &c., gone to the second witness's house, seized, bound and illtreated the Prosecutors who were lying down outside, and robbed them of their Property.

19. The prisoners were convicted and the first, second and third sentenced to imprisonment &c. for fourteen years.

20. In favor of the fourth prisoner, the Presiding Judge recommends that the prescribed punishment be reduced to seven years imprisonment as

18th October 1837.

as "he is an elderly man" and "has hitherto borne a good character": "he appears to have been drawn into this Robbery by the other Prisoners, and there are, as regards him, no aggravating circumstances as in the case of the rest."

21. In a case of this nature the Court of Foujdaree Udalut consider themselves precluded from sanctioning a reduction of the prescribed penalty to the extent recommended by the Presiding Judge: and accordingly resolve to direct that the prisoner

4th Palakat Ramoony Nair

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. 32.

22. The prisoner in this case was charged with having stolen at night from the Prosecutor's Granary property valued at Rupees 178–15–6.

23. The prisoner was convicted but the Presiding Judge recommends a mitigation of the prescribed penalty, as "there proved to be nothing in the circumstances of the case to take it out of the jurisdiction of the Criminal Court."

24. Under the circumstances of this case, the Court of Foujdaree Udalut resolve to sanction the mitigated punishment proposed by the Presiding Judge, and accordingly direct that the prisoner

Koorvodiperwan Changaren

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of two years: and moreover receive one hundred lashes on a cat of nine tails.

In

18th October 1837.

Suppt. Calendar (Case No. 33)

25. In this case, the prisoner

Coornumpoorathia Pathoomah

was charged with having aided and abetted the prisoners in No. 33 who entered the prosecutor's house by perforating the wall thereof and stole therefrom property valued at Rupees 248–7–: and with having further received a panam out of the same.

26. The prisoner being convicted, was sentenced to imprisonment with labour suited to her sex for one year.

27. The Court of Foujdaree Udalut consider the sentence of one year's imprisonment very lenient.

Additional Calendar Cases No. 2 and 3.

28. In the first of these cases the prisoner is charged with having stolen four Buffaloes belonging to the Prosecutor: and in the second case, he is charged with having forged, and afterwards produced as genuine, a Rahdary in order to prevent any hindrance on the road in taking the said stolen Buffaloes for sale.

29. The Trial of both the cases was postponed in consequence of the "unavoidable absence of Material witnesses" for the Prosecution in No. 3.

30. The Court of Foujdaree Udalut regret that the Judge of Circuit did not take into consideration whether the charge in case No. 3 could be substantiated: and whether the fabrication of such a paper as a Rahdaree amounts to Forgery as defined in Clause Third, Section IX Regulation XI of 1811. The Court think it very doubtful whether the Prisoner can be convicted on the charges set forth in case No. 3.

Second Additional Calendar Case No. 3.

31. In this case, eighteen prisoners were charged with having gone at night to the Prosecutor's house armed,

18th October 1837 armed, broken open the door, entered in, illtreated the Prosecutor and his wife and the 1st and 2d Witnesses, so as to inflict bruises on them: and further burnt the Prosecutor's wife with fire and robbed the house of property valued at Rupees 145: and the 17th prisoner was further charged with having received the plundered property, knowing it to have been robbed.

32. The prisoners were all convicted and the 1st 2d 3d 4th 5th 6th 11th 17th and 18th prisoners sentenced by the Court of Circuit to imprisonment &c for fourteen Years: and the 15th prisoner to imprisonment for nine and the 16th prisoner for seven Years.

33. In favor of the remaining prisoners the 7th 8th 9th 10th 12th 13th and 14th the Presiding Judge recommends a mitigation of the prescribed penalty to imprisonment with hard labour for nine Years, on the ground that they "are all young men who have never before been punished" and appear to have been "all drawn in to the Commission of this crime by the older prisoners" and further "on consideration of the number of Prisoners (eight) sentenced to the full term of imprisonment prescribed by the Regulations, the example appearing sufficient for the ends of Justice".

34. The Court of Foujdaree Adalut are unable in a case of Gang Robbery by open violence attended with the circumstances which mark this charge to sanction any mitigation of the prescribed penalties: and the law will therefore be allowed to take its course on all the prisoners.

Ordered, that extract from these proceedings be sent to the Third Judge on Circuit in the Western Division by Precept returnable within twelve days from and after its receipt.

(Sent following Precept No. 568)

W.G.

In a Court of the Foujdaree Adalut,

Present,

Thursday 19th October, 1837 Charles Gray Cushington Esqre — 1st Puisne Judge,

John Bird Esqre — 2d Puisne Judge,

Alexr Duncan Campbell Esqre — Acting 3d Puisne Judge,

Read again letters dated respectively the 11th, 11th and 15th Ultimo from the Special Commissioner at Mangalore, submitting for the Final Judgment of the Foujdaree Adalut the Record of Cases Nos. 30, 36, 46, 57 and 66 tried by the Special Commission at Mangalore.

(Here enter Nos. 1880, 1935, 1936, 1937 and 1949)

Read also Order of Government dated 11th

Instant, commuting the sentences of Death recorded by the Court of Foujdaree Adalut against the prisoners in Mangalore Special Commission Cases Nos. 30, 46 and 66 to transportation for Life: confirming the sentences of that Court in Cases Nos. 36 and 57 and communicating the resolution of Government to abrogate the privileges of office from the families of the prisoners in Cases Nos. 30 and 66.

(Here enter No. 2146)

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

Case No. 30.

Alexr Bird,
and
Alexr Campbell,

1st Coomma Bunta, Potail,
2d Baruma Gowda, Potail,
3d Kenmar Narrana, Potail,
and
4th Nanjeja, Nonagar of Bellare,

be

be transported to Singapore, 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.—

Case No. 36.

Mr. Leshington, and Mr. Campbell,

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

1st. Kooroy Gethy,

2nd. Limaspa Amaya,

and

3rd. Kondungay Ramah

be released with an admonition.—

Case No. 45.

Mr. Bird, and Mr. Campbell,

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

Abokray

be transported to Singapore, 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.—

Case No. 57.

Mr. Bird, and Mr. Campbell,

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

Kurekar Cheemma

be banished to the District of Coimbatore and imprisoned in the Jail of the Auxiliary Court and kept to hard labour in irons, on the public roads, or other public works, for and during the period of (14) fourteen years.—

Case

Case No. 66

Mr. Bird and Mr. Campbell,

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

Bollia Mungumma, Dhotait,

be transported to Singapore, 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 likewise direct that Extracts from their proceedings under dated the 27th 28th and 30th Ultimo in Cases No. 30, 35, 46, 57 and 66 be sent for the information and guidance of the Canara Special Commissioner.—

Sent following letter No. 1572

Read Return dated the 2nd instant from the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Conjeveram dated under date the 29th September 1837. conveying their observations and orders on the Report submitted by Mr. Kay late officiating Second Judge late on Circuit in the Centre Division and the explanation of Acly Coronomooty the Head Translator on the subject of the Extra Batta irregularly drawn by the latter officer for Jumidary and the Circuit establishment.—

(Vide enter Ed. No. 2064 of 1837)

Read also Extract from the Minutes of Consultation under date the 5th October 1837. No. 942. communicating the observations and orders of the Governor in Council on the same subject.—

(Vide enter Ed. No. 2066 of 1837)

Write

10th October 1837.

1. With reference to paragraph 1 of the foregoing Extract from the Minutes of Consultation, the Court of Tanjore Zedalut observe that in their Return above recorded the Provincial Court of Circuit have certified that the sum overdrawn on account of Batta by the Circuit establishment has already been refunded and remitted to the Principal Sheristah's Treasury.—

2. The Court of Tanjore Zedalut direct that a copy of paragraph 2 of the Extract from the Minutes of Consultation be furnished to Atw. Hay for his information, with reference to paragraph 7 of the Extract from the Court's proceedings under date the 29th Ultimo.—

3. The Court of Tanjore Zedalut further direct that a copy of paragraph 3 of the Extract from the Minutes of Consultation be sent to the Provincial Court of Circuit in the Centre Division, with instructions to administer to Mr. Goonoomonty the Head Translator, the warning therein conveyed with reference to paragraph 9 of the Extract from the Court's proceedings under date the 29th Ultimo.—

Ordered, that Extract from these proceedings (paragraph 3) 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. 1573

Ordered also, that extract from these proceedings (paragraph 2) be sent to J. Hay Esquire late Officiating

24.

10th October 1837.

Officiating 2d Judge Eastern Circuit in the Centre Division for his information.—

(Sent in No. 1574.

Read return dated 29th Ultimo from the Acting Judge on Circuit in the Centre Division to the Precept of the Tanjore Zedalut dated the 23d September 1837 requiring him to certify the fulfilment of the orders of the Tanjore Zedalut on cases No. 3 and 4 and 13 on the Cuddapah Calendar for the second Sessions of 1837.—

(Here enter No. 2040)

Read return dated 2d Instant from the Provincial Court of Circuit in the Centre Division to the Precept of the Tanjore Zedalut dated the 16th September 1837 conveying their observations and orders on the Statements submitted by the several Officers in the Centre Division of the guards required for the convicts worked outside the Jail for Early 1838.—

(Here enter No. 2062)

Read letter dated 4th Instant from the 3d Judge on Circuit in the Centre Division transmitting Copy of the Petition tenth Supplemental 3d Quarterly Sessions 1837.—

(Here enter No. 2065)

Read return dated 30th Ultimo from the Acting Assistant Criminal Judge in charge of the Zillah Court of Bellary to the Precept of the 2d Ult. of the 23d September 1837 containing the observations and order of the Court

Court on the Criminal Reports for the months of August last

(Here enter No. 2068)

Read return dated 2d Instant from the Provincial Court of Circuit in the Western Division to the Precept of the Enjoins Edict dated the 26th September 1837 forwarding for circulation among the subordinate Magisterial and Judicial officers in the Western Division paragraph 62 of a Despatch from the Honble Court of Directors dated the 1st June 1836 relative to the Jurisdiction Rules

(Here enter No. 2069)

Read return dated 29th Ultimo from the Principal Sudr Ameen at Rowmy to Precept of the Enjoins Edict dated the 22d Ultimo, containing the observations and orders of the Enjoins Edict on the Criminal Reports for the months of August last

(Here enter No. 2070)

Read letter dated 2d Instant from the Acting 2d Judge on Circuit in the Northern Division reporting the commencement of the Sessions at Rajahmundry

(Here enter No. 2071)

Read letter dated 2d Instant from the 1st Judge Presiding at the Court of Circuit in the Western Division, transmitting copy of the Ellichpore Calendar for the 3d Quarterly Sessions of 1837

(Here enter No. 2072)

Read return dated 8th Instant from the Acting Joint Criminal Judge of Combatore to the Precept of

the Enjoins Edict dated the 27th September 1837 requiring further explanation relative to a case on the Combatore Criminal Report for the months of July

(Here enter No. 2074)

Read return dated 8th Instant from the Acting Joint Criminal Judge of Combatore to the Precept of the Enjoins Edict dated the 20th September 1837 conveying their observations and orders on the Combatore Criminal Reports for the months of August

(Here enter No. 2075)

Read return dated 4th Instant from the Provincial Court in the Northern Division to the Precept of the Enjoins Edict dated the 26th September 1837 transmitting for circulation among the subordinate Magisterial and Judicial officers paragraph 62 of a Despatch from the Honble the Court of Directors under date the 1st June 1836 relative to the Jurisdiction Rules laid down by the Government of India for cases connected with Foreign states

(Here enter No. 2084)

Read return dated 7th Instant from the Criminal Judge of Combaconum to the Precept of the Enjoins Edict dated the 27th September 1837 conveying their observations and orders on the Combaconum Criminal Reports for the months of August

(Here enter No. 2099)

Read Supplemental Return dated 10th Instant from the Provincial Court of Circuit in the Centre Divn to the Precept of the Enjoins Edict dated the 27th Ult

19th October 1837.

directing the Provincial Court of Circuit to review the proceedings held in Case No. 128 on the Chittoor Supplemental Criminal Report for the months of July and to pass such orders thereon as they may deem proper.—

(Here enter No. 2107)

Read return dated 7th Instant from the Provincial Court of Circuit in the Centre Division to the Precept of the Enjoined Edict dated the 26th September 1837 forwarding for circulation among the several subordinate Magisterial and Judicial officers—paragraph 62 of a General Letter from the Honble Court of Directors dated the 7th June 1836—on the subject of the Jurisdiction Rules laid down by the Government of India in cases connected with Foreign States.—

(Here enter No. 2102)

Read letter dated 10th Instant from the Provincial Court of Circuit in the Centre Division forwarding the original Death Warrant Vizt. in Case No. 11 on the Bellaree Calendar for the second Sessions of 1836.—

(Here enter No. 2103)

Read return dated 10th Instant from the 1st Judge on Circuit in the Centre Division to the Precept of the Enjoined Edict dated the 25th September 1837 directing him to review the proceedings held in Case No. 108 on the Criminal Report of the Zillah Court of Chingleput for the months of August and pass such orders thereon as he may deem fit.—

(Here enter No. 2105)

Read

Z.Z.

19th October 1837.

Read letter dated 11th Instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division with copies of the Chittoor Twelfth and Sixteenth Supplemental Calendar for the 3d Quarterly Sessions of 1837.—

(Here enter No. 2109)

Read letter dated 11th Instant from the Acting Joint Criminal Judge of Cuddapah submitting Cuddapah Criminal Report Vizt. for the months of September last.—

(Here enter No. 2111)

Read return dated 18th Instant from the Provincial Court of Circuit in the Southern Division to the Precept of the Enjoined Edict dated the 25th September 1837, forwarding for circulation among the Magisterial and Judicial officers in the Southern Division paragraph 62 of a Dispatch from the Honble Court of Directors dated the 7th June 1836 on the subject of the Jurisdiction Rules laid down by the Government of India in cases connected with Foreign States.—

(Here enter No. 2116)

Read return dated 9th Instant from F. Boileau Esqr. Acting 2d Judge on Circuit in the Northern Division, to the Precept of the Enjoined Edict dated the 6th October 1837 directing him to visit the prisoner in Case No. 13 of the Chicacole Special Commission at Vizagapatam and submit the Report to Government required by Clause 2d Section IV Regulation II of 1819.—

(Here enter No. 2117)

At a Court of the Foujdaree Udalut

Present,

Friday, 20th. October, 1837.

Charles May Lushington Esqr. 1st. Puisne Judge,
John Bird Esqr. _____ 2d. Puisne Judge,
Alexr. Duncan Campbell Esqr. 3d. Puisne Judge,

Read letter dated the 7th. Instant from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the record of Case No. 38 Tried by the Special Commission at Mangalore.

(Here enter No. 2113.)

Mr. Bird and Mr. Campbell.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, convicting the prisoners

1st. Soobapoo Rye

and

2d. Savaura Narmapa

of Treason and Rebellion and awarding ookoobat and under the provisions of Sections III and III, Regulation I of 1834, sentence the prisoner

1st. Soobapoo Rye

to suffer death by being hanged at the usual time and

and

and place of execution: and the prisoner

2nd Savaura Narrapa

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 Foujdaree Udalut direct that their sentence in the Trial No. 33 from the Mangalore 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. 1577

Read letters dated respectively the 29th August last, and 25th Ultimo from J. Haig Esquire late Officiating 2nd Judge late on Circuit in the Centre Division, transmitting the English and Persian Translations of the proceedings in Case No. 12 on the Cuddalore Calendar for the Second Sessions of 1836.—

(Here enter F. Do. Nos. 1773 and 1977.)

Read also letter dated the 11th Instant from the Acting Joint Criminal Judge of Chingleput reporting the precarious state of health of the prisoners in the

20th October 1837

Mr. Lushington
and
Mr. Campbell

the case above referred to.—

(Here enter F. Do. No. 2134 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-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, acquitting the prisoners

1st Parea Modealgan
2nd Vencatapaty
3rd Gopaulen
4th Anoomunden
5th Chengun
and
10th Chinna Modealgan

and accordingly direct that they be set at liberty.—

The Court of Foujdaree Udalut are unable to concur in the view taken of this Trial by Mr. Haig. They consider the evidence for the prosecution to be inconsistent, contradictory and altogether unsatisfactory, and have accordingly acquitted the prisoners.—

The Provincial Court of Circuit in the Centre Division will be pleased to communicate the sentence of the Foujdaree Udalut in this case, to the Acting Joint Criminal Judge of Chingleput

20th October 1837

on the same day upon which it reaches them —

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

(Sent following letter No. 1573

Read letter dated the 12th Instant, from the Acting Joint Criminal Judge of Masulipatam forwarding the statement of the Amount realized by the labor of the Prisoners in the 2nd Quarter of 1837 as per Circular Order No. 88 dated 9th June 1837.

(Here enter No. 2130.)

Read return dated the 7th Instant from the Acting Joint Criminal Judge of Vizagapatam to the Precept of the Foujdaree Udalut dated the 25th February 1837 conveying their observations and orders on the Vizagapatam Criminal Reports for the Month of August.

(Here enter No. 2131.)

Read further return, dated the 11th Instant, from Mr. Bushby late Acting Judge on Circuit for the Centre Division, to the Precept of the Foujdaree Udalut dated the 23rd September 1837 respecting the disposal by the Criminal Judge of Cuddapah of Case No. 3 on the Cuddapah Calendar for the Second Sessions of 1837.

(Here enter No. 2139.)

Ent'd

F. Uc.

At a Court of the Foujdaree Udalut

Present

Saturday 21st October 1837

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre ——— 2nd Puisne Judge

Alexr Duncan Campbell Esqre Actg 3rd Puisne Judge

Read again letters dated respectively the 14th and 15th Ultimo from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Udalut the record of Cases Nos. 32. 36 and 28 tried by the Special Commission at Mangalore.

(Here enter Nos. 1919. 1920 and 1934.)

Read also Extract from the Minutes of Consultation under date the 11th Instant. confirming the sentences of the Foujdaree Udalut in Mangalore Special Commission Cases Nos. 28. 32. and 36.

(Here enter No. 2137.)

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

Case No. 28. Mr. Lushington and Mr. Campbell.

1st Stanic Govinda

and

2nd Appaya Coodanaya

be transported to such place or places beyond the seas

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

Case No. 32.
Mr. Washington and Mr. Campbell.

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

Rama Naik.

be required to find two sureties in one hundred Rupees each surety, for his good behaviour and appearance when required within three years, and that in default thereof he be detained for three years in confinement.—

Case No. 36.

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

Goodah Bunta Potail

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 natural life.—

The Court likewise direct that Extracts from their proceedings under dates the 4th and 5th Instant on Cases Nos. 28. 32 and 36 be sent for the information and guidance of the Mangalore

Mangalore Special Commission.—

(Sent following letters No. 1584

Read letter dated the 25th Ultimo from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 39 tried by the Special Commission at Mangalore.—

(Here enter No. 2011)

Mr. Washington and Mr. Bird.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and the Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and under the provisions of Sections II and III, Regulation I of 1834 and Clause Third, Section VIII Regulation XV of 1803. sentence the prisoner

1st Rudnoor Appaya Sheguday

to be imprisoned and kept to light labour in light chain-fetters, within the Jail of the Zillah Court of Combaconum, for and during the period of fourteen years, and acquitting the prisoner

2d Chinniyapee

direct that he be set at liberty.—

2nd Bll

21st October 1837.

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 39 from the Mangalore 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 Governor in Council, to the intent that the Court may, in conformity with the provisions of Section V Regulation XX of 1802, receive the orders of Government before they direct their sentence to be carried into execution.—

(Sent following letter No. 1585

Read letter dated the 9th Instant from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 55 tried by the Special Commission at Mangalore.—

(Here enter No. 2125.)

Mr. Bird and Mr. Campbell.

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 Larger-ool-Looget and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Larger-ool-Looget and Mooftees aforesaid, convicting the prisoners

1st

2.

F.B.

21st October 1837.

1st Potail, Poottaya,

2nd Sunnaya Shanabhogue

and

3rd Poodinaya Kristnaya

of joining the Rebels, and awarding Astroobut and under the provisions of Sections II and III, Regulation I of 1834, sentence them 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 (10) ten years.—

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 55 from the Mangalore 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 Governor in Council, to the intent that the Court may, in conformity with the provisions of Section V Regulation XX of 1802 receive the orders of Government before they direct their sentence to be carried into execution.—

(Sent following letter No. 1586

Read return dated the 10th Instant from Mr. Bushby, late Acting Judge on Circuit in the Centra Division to the Precept

F

21st October 1837.

of the Foujdaree Udalut dated the 5th October 1837, directing that the prisoner in Case No. 22 on the Cuddapah Calendar for the 2nd Sessions of 1837 be not brought to Trial.

(Here enter No. 2140.)

Read return dated the 11th Instant from the Provincial Court of Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated the 20th September 1837, directing the release of the prisoner in Case No. 1 on the Nellore Calendar for the 2nd Sessions of 1837, provided the Medical Officer be of opinion that he may be set at large without danger to the community.

(Here enter No. 2149.)

Read letter dated the 13th Instant from A. Montgomerie Esqr. Acting 3d Judge late on Circuit in the Northern Division, transmitting the Statement required by the Circular Order of the Foujdaree Udalut No. 4 of 1834 for the 1st Sessions of 1837.

(Here enter No. 2150.)

E. V. L.

W. B.

J. W.

J. W.

In a Court of the Foujdaree Udalut,

Present,

Monday 20th October, 1837.

Charles May Lushington Esqr. 1st Puisne Judge,
John Bird Esqr. 2d Puisne Judge,
Alexr. Duncan Campbell Esqr. Acting 3d Puisne Judge,

Read letter dated 5th Instant from the Special Commissioners at Bangalore, submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 14. tried by the Special Commissioners at Bangalore.

(Here enter No. 2092 of 1837.)

The Court of Foujdaree Udalut, having maturely considered the Proceedings held before the Special Commission, the Return of the Provincial Law Officer and the Return of the Cazee ool Cozat and Inroftee of the Foujdaree Udalut, confirm the said Return of the Cazee ool Cozat and Inroftee aforesaid, convicting the prisoners

1st. Narrapah Shanabhogue,
2d. Coolaya Shanabhogue,
3d. Kristnaya, Daffadar,
4th. Kristnaya, Duffadar,

and

5th. Iguneya Coon,

of Treason and Rebellion and awarding or decreeing: and under the provisions of Sections II and III Regulation I of 1834, and Clause third, Section VIII, Regulation XV of 1832,

Sentence

sentence them severally to be banished to the District of Coimbatore, to be imprisoned in the Jail of the Auxiliary Court, and kept to hard labour in irons on the public roads or other public works for and during the period of (14) fourteen years.—

The Court of Sunjeara Udalut direct that their sentence in the Trial No. 14 from the Mangalore 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 the sentence to be carried into execution.—

(Sent in No. 1592

Read Letter dated the 28th July last from J. Hall Esquire, late officiating Second Judge late on Circuit in the Centre Division, submitting for the final Judgment of the Court of Sunjeara Udalut the English Translation of the Record of Case No. 10 on the Cuddalore Calendar for the second Sessions of 1836.—

(Here enter E.D. No. 1679 of 1837)

Read also letter dated the 28th October from the same Officer sending up the Persian Translation in the same Case.—

(Here enter E.D. No. 2012 of 1837)

The

Mr. Cushington,
and
Mr. Reid,

The Court of Sunjeara Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Return of the Criminal Commissioner and the Return of the Cazee cul Cozzat and Mooftee of the Sunjeara Udalut, confirm the said Return of the Cazee cul Cozzat and Mooftee aforesaid, acquitting the Prisoner

3d Cochem

and accordingly direct that he be set at liberty.—

The Court of Sunjeara Udalut have considered the Prisoner entitled to an acquittal as, in their opinion, the evidence to his recognition is conjectural, inconsistent and unsatisfactory; and that respecting the ownership of the Metal Plate No. 1 is very doubtful.—

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

(Sent following letter No. 1593

Read letter dated 15th Ultimo from the 2d Judge on Circuit in the Western Division, transmitting the record in Case No. 1 on the Canara Calendar for the 1st Sessions of 1837.—

(Here enter No. 1967 of 1837)

The Court of Sunjeara Udalut, on a deliberate consideration of all the circumstances of the Case in evidence before them, having no opinion that the proof against the Prisoners 1st Khajee Bunjee,
and
2d Coollee,

Mr. Cushington
and
Mr. Reid,

is sufficient to convict them of being accomplices in Murder &c,
under the authority with which they are vested by Ordinance 5. of
Section III, Regulation 1 of 1838, convict them thereof and sentence
them to be transported to such place or places beyond the
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.—

(Cont following letter No 1594

Read letter dated 26th Instant from the
Acting Judge on Circuit in the Centre Division, transmitting the
record in Case No. 19 Bellary Calendar 2d Sessions of 1837.—

(Here enter No. 2095 of 1837)

Mr Ludlington
Mr Bird

The Court of Enquiry duly sitting
maturely considered the proceedings held before the Judge on
Circuit, the Extract of the Provincial Law officer, and the Extract
of the Cazee or Cozzat and Interpreter of the Enquiry Catchery,
confirm the said Extract of the Cazee or Cozzat and Interpreter
aforesaid convicting the prisoner

Chetlumberadoo

of the crime charged and awarding retribution, and under the
provisions of Canon Shrid, Section VII Regulation XV of 93, and
Canon Shrid, Section II, Regulation I of 1825, sentence him to be
transported to such place or places beyond the Coss 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

works, for and during the period of his natural life, and
to receive one hundred and ninety five lashes of a Cat of
Nine tails.—

(Cont following letter No 1595.

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

(Here enter No. 2126)

Supplemental Report 1.
Case 84.

1111 In this case the prisoner is charged
with having on the 18th August 1837. committed wilful and
corrupt Perjury before the Criminal Court in the Zillah of
Chingleput.

Although it is unnecessary to enter in the
Criminal Reports the full indictment, the Court of Enquiry
Sudder are of opinion that when a prisoner is accused of
Perjury, the instances should be particularized.—

Ordered, that Extracts from these
proceedings be sent to the Criminal Judge at Chingleput
for his information and future guidance.—

(Cont in No. 1596

Read the Ellichpore Criminal Reports
prescribed by Section XXXV Regulation X 16 for the month
of September.—

(Here enter No. 2127)

Report V
Case 87.

The Court of Enquiry Sudder remark that
the specification of an "intent to rob" has inadvertently
been

is sufficient to convict them of being accomplices in Murder, &c, under the authority under which they are acted by Ordinance 5 of Section III, Regulation 7 of 1818, convicts them thereof: and sentence them to be transported to such place or places beyond the as the Governor in Council shall appoint, there to be employed, 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. 1594

Read letter dated 20th Instant from the Acting Judge of Circuit in the Centre Division, transmitting the record in Case No. 19 Bellary Calendar 2d sessions of 1837—

(Here enter No. 2295 of 1837)

The Court of Confirmation deliberately having maturely considered the proceedings held before the Judge on Circuit, the Return of the Provincial Law Officer, and the Return of the Case and Enquiry and Inspection of the Confirmation Ordinance, do confirm the said Return of the Case and Enquiry aforesaid convicting the prisoner.

Chittambaram

of the crime charged and awarding sentence, and under the provisions of Penal Code, Section VI Regulation XV of 1833, and Penal Code, Section II, Regulation I of 1825, sentence him to be transported to such place or places beyond the seas as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public

works

Abt. Ludhiana
and
Abt. Bridg.

works, for and during the period of his natural life, and to receive one Hundred and ninety five Stashes of a Cat of Ninetails.—

(Sent following letter No. 1595.

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

(Here enter No. 2120)

Supplemental Report 1. Case 114. 1111 In this case the prisoner is charged with having on the 18th August 1837. committed wilful and corrupt Perjury before the Criminal Court in the Zillah of Chingleput.

Although it is unnecessary to enter in the Criminal Reports the full indictment, the Court of Confirmation are of opinion that where a prisoner is accused of Perjury, the instances should be particularized.—

Ordered, that an Extract from these proceedings be sent to the Criminal Judge at Chingleput for his information and future guidance.—

(Sent in No. 1596

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

(Here enter No. 2124)

Report V Case 87. The Court of Confirmation Adalut remark that the Specification of an intent to rob has been inadvertently

omitted

omitted in the charge in this case on which the prisoner was accused "of Arson," "at night, forced open two padlocks of the Prosecutor's shop."

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

(Sent in No. 1597

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

(Here enter No. 2122)

Supplemental Report 1. Case 148. The full explanation required by the Circular Order of the 11th April 1862 page 216 of the printed volume not having been given in this Report, the Court direct that the Criminal Judge be called upon to state more particularly than he has done the reason of this case being still under examination.—

Statement of Labour 2. The Court of Sessions direct that the Criminal Judge will explain under what authority 21 prisoners were employed during the months "to repair the Ledges for Sirs," and one prisoner as "Carpenter for Sirs."

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. 1598

Read

Read the Eminently Criminal Reports prescribed by Section XXXV Regulation X 1816 for the months of September.—

(Here enter No. 2121.)

Supplemental Report 1. Case 46. This case, the Court of Sessions direct observe, was one which might have been disposed of by the Magistrate. The Court conclude however that it was sent up because the prisoner was likewise concerned in the following case.

Case 47. 2. In this latter case it does not appear to the Court that any crime could be proved, and they resolve to direct the remission of the fine imposed on the prisoner as unauthorized.—

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. 1599

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

(Here enter No. 2126)

Report V. Case 188. 1. Under the circumstances of this case as explained in the Report, the Court of Sessions direct are of opinion that the prisoners were improperly sent up to the Criminal Court. It appears to them that the examination by the Head of Police was imperfect or he would not have forwarded

Coelum with Rayen, committed for the purpose of aiding his
accuser in the institution of a Petitions suit respecting certain
Lands - in the name of one Ramyafelay, but without his
knowledge or consent: and the fourth - with having
knowingly affixed his signature as an attesting witness to
the forged Documents uttered by the first Prisoner -

The Petitioners affirm that the charge
was altogether unfounded, and pray that orders may
be issued for their release of the accused -

The Court of Enquiry Estabt observe that
the Record of the Suit in question has been referred for
their final judgment; and that they have acquitted
all the Prisoners in the case and
ordered their immediate
release from confinement -

Ordered that extract from these
proceedings be furnished to the Petitioners on their
application -

Read Petition presented on the 10th Instant
by Tara summah of the Zillah of Cuddapah -

(Here enter Mis: Pet: No. 127)

The Petitioner states that her son, the Ist
Prisoner in Case No. 22 of the Cuddapah Calendar 2d Sessions
1837, having been detained in Jail she accepted the Judge
on Circuit who informed her that the record had been
referred to the Conjeeveram Estabt -

She prays the Court to order her son's release

as

as he is innocent of the crime laid to his charge -

The Court of Enquiry Estabt observe
that the Prisoner above referred to was not convicted in
the case No. 22 - In the case No. 12 it appears he was con-
victed, and the Court upon reference to the Calendar see no
reason to question the propriety of the conviction -

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

Read Miscellaneous Petition presented on
the 10th instant, by Ramasawmy Gramany of Cuddapah -

(There enter Mis: Pet: No. 126 of 1837)

The prayer of this Petition is the same as
that of Miscellaneous Petition No. 105 of 1837 - presented by the
same individual, on which an order was passed by the Court
of Enquiry Estabt under date the 5th September 1837 -

The Petitioner advances nothing new on the
present occasion, and is accordingly referred to the order
above mentioned -

Ordered, that extract from these proceedings
be furnished to the Petitioner upon his application -

Read Miscellaneous Petition presented on the
10th instant by Ramasawmy Naiken of the Zillah of Chittoor -

(There enter Mis: Pet: No. 131 of 1837)

The Petitioner complains of the sentence
passed upon his brother Narasimma Naiken, the tenth
Prisoner

23d Q

23d

Prisoner in Case No. 1 of the Criminal Supplemental Calendar for the third Quarter Sessions of 1837. for receiving stolen property; and
asserts that the silver Ring he was charged with receiving
was pledged to him by the fifth prisoner in the same case
to whom it lawfully belonged, and who had borrowed some
money from him: and he prays that orders may be issued for
the release of the said Prisoner

The Court of Oyer and Terminer having duly
considered the case as it is entered in the Calendar, see
no room to question the correctness of the judgment of the
Court of Quarter Sessions: and this Petition is accordingly
rejected.—

Ordered that extract from these Proceedings
be furnished to the Petitioner on his application.—

Read return dated the 20th October
from the Provincial Court of Criminal Jurisdiction to
the Precept of the Supreme Court of the 18th instant requiring
their observations and orders on the subject of the Gaol
Surgeon and the Magistrate of Prahsing Poh of the crowded
and sickly state of the prisoners in the Gaol at that station

(Here enter No. 2563)

With the above return the Provincial Court
of Criminal Jurisdiction transmitted the observations of the Criminal Judge
at Combaconum, and of the Assistant Surgeon at that station,
relative to the transfer of the prisoners to Prahsing Poh
who were stated to have arrived there in a sickly state

Z.L.

23d October 1837.

2. It appears from this that the prisoners transferred in June last were not taken in a particularly sickly state: that the prisoners removed to Prahsing Poh in February were, in the opinion of the Medical Officer who inspected them, in a fit state to be transferred: and that they were not selected but were taken indiscriminately. The Criminal Judge does state that "it is difficult to select a Batch of able bodied healthy convicts from the Gaol at Combaconum, who belong to a poor sickly race of people, "and likely to fall sick on being transferred from one place to another, particularly a Gaol."

3. The Assistant Surgeon, speaking of the 22 Convicts who formed the body sent to Prahsing Poh on the 17th of June, says "I do not pretend to affirm that all were in robust health, for from it, but few in the Gaol at this station can be said to be in such a state. For the last three or four years, sickness has prevailed to a sad extent, nearly all the prisoners have been more or less frequently in hospital. Thus undermining their constitutions most seriously. Little or no improvement can be expected so long as the Gaol continues in the crowded state it has been of late years."

4. With reference to the above observations of the Assistant Surgeon, the Court desire that the Criminal Judge of Combaconum be called upon direct-

to

23d. October 1837

to report the number of prisoners recently transferred by him to the Jail at Cuddalore, and to state whether he cannot dispose of some of the prisoners in his charge confined under requisition of security, in Chontries or Mentapums.—

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

(Sent following Precept No. 1602

Ordered also, that Extract from these proceedings be sent to the Provincial Court of Circuit Southern Division for their information.—

(Sent in No. 1603

W.J. 1836

W.B

R.W.

F. 40.

At a Court of the Foujdaree Udalut

Present

Tuesday 24th. October 1837

Charles May Lushington Esqre. 1st. Puisne Judge

John Bird Esqre. _____ 2nd. Puisne Judge

Alexr. Duncan Campbell Esqre. 1st. 3d. Puisne Judge

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

(Here enter No. 2144)

W.B 1836

Report V. Cases 129 and 130.

No reason having been assigned for the detention of the prisoners concerned in these cases in the Talook from the 6th. to the 17th. September, 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 Criminal Court to the Magistrate, who will be pleased to call for the requisite explanation and forward it direct to the Foujdaree Udalut.—

Ordered, that extract from these proceedings be sent to the Assistant Criminal Judge in charge of the Criminal Court at Salem for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 1609

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

(Here enter No. 2143)

The

24th October 1837.

Suppt. Report Case 69.

1. The Court of Foujdaree Udalut approve of the Acting Circuit Judge's order for the requisition of security from the prisoners in this case to be annulled. They wish however an explanation of the apparent inconsistency in the following passages of the grounds upon which the Acting Assistant Judge required the security. In one passage it is stated "The evidence is circumstantial, but there is doubt in the opinion of the Acting Assistant Criminal Judge of the prisoners having committed a fraud." In the following passage, however, circumstances are stated as leaving "no doubt in the opinion of the Acting Assistant Criminal Judge of the prisoners being concerned in the fraud."

Statement of Peons.

2. The extra guard fixed for the Jail at Bellaree being 125 Peons, the Court direct it may be explained why there were 126 Peons employed during the whole Month.

Ordered, that extract from these proceedings be sent to the Criminal Judge at Bellaree for his information and guidance by Receipt returnable in 15 days after receipt.

(Sent following Receipt No. 1610

Read the Mangalore Criminal Reports prescribed by Section XXXI Regulation X. 1816 for the Month of September.

(Hereenter No. 2110)

Report V Case 198.

1. In this case the Court of Foujdaree Udalut see reason to doubt the sufficiency of evidence to

24th October 1837

to justify the commitment of the prisoner, but as the Sessions will be held immediately, the Court of Foujdaree Udalut do not now desire to disturb the order which has been recorded.

Case 199

2. The reasons assigned by the Tahsildar for the detention of the prisoners in this case being unsatisfactory, 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 enquire into the conduct of the Tahsildar and notice it in the manner it may then appear to deserve.

Case 202.

3. The Criminal Court will furnish copy of this case also as it stands in the Report and of this paragraph to the Magistrate, who will be pleased to report direct to the Foujdaree Udalut the explanation of the Joint Magistrate of the detention of the prisoners in the Talock from the 25th August to the 9th September.

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

(Sent following Receipt No. 1611

Read return and Suppplement to Month

return dated the 25th Ultimo and the 2nd Instant, from the Provincial Court of Circuit in the Southern Division to the Precept of the Fouzdaree Udalut of the 22nd May last, forwarding the new Jail rules of that date.—

(Here enter Nos. 2001 and 2061)

Madura. 1. From the above return it appears that there were 342 prisoners in the Jail at Madura, "liable to labor ouside" on the 11th July 1837. for these the extra guard authorized under the rules of the 22nd May last will be 88 Peons, four Duffadars and 4 Naigues.—

Tinnevelly. 2. Of the same description of prisoners on the same date there were 59 in the Jail at Tinnevelly. For these this extra Guard authorized under the rules of the 22nd May last for fusly 1247. will be 15 Peons and sanction will be requisite for one Naigue.—

Combaconum. 3. On the same date there were 260 prisoners of the same description at Combaconum, for whom the authorized guard for the fusly 1247 will be 67 Peons, 3 Duffadars and 3 Naigues.—

Trichinopoly. 4. There were 337 prisoners of the same description on the same date at Trichinopoly for whom the authorized guard for fusly 1247 will be 87 Peons, 4 Duffadars and 4 Naigues.

Salem. 5. For the Jail at Salem the Court have lately authorized an extra Guard of one Naigue

F. W.
24th October 1837.

Naigue and 12 Peons - but they at the same time desired a corresponding reduction to be made in the fixed guard attached to the Jail—

1 Jailor
1 Jemadar
2 Duffadars and
31 Peons

Coimbatore. 6. On the 11th July 1837. the number of prisoners "liable to labour outside" at Coimbatore were 272. For these the authorized extra Guard for the fusly will be 70 Peons, three Duffadars and three Naigues.—

7. On the 11th July there were 100 Convicts in the Jail at Ootacamund. For these the authorized extra Guard for the Fusly will be 26 Peons one Duffadar and one Naigue.—

8. To the prisoners under charge of the Magistracy of Tanjore and Coimbatore, the rules of the 22nd May do not apply - and the Court of Fouzdaree Udalut have not therefore, any observation to record upon them.—

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance: and for communication to the Officers in charge of Jails of such parts as concern them by Precept returnable in 4 days after receipt.—

(Sent following Precept No. 1612

Read letter dated the 14th Instant from the Magistrate of Cuddapah, submitting an explanation relative to cases Nos. 120 and 134 on the Criminal File of the Zillah Court of Cuddapah for the Month

24th October 1837

Month of August last noticed in the Extract proceedings of the Faujdaree Adalut under date the 10th October 1837

(Here enter No. 2142.)

Read letter dated the 12th Instant from W. B. Anderson Esqr. 3d Judge on Circuit in the Western Division reporting the opening of the Sessions at Mangalore and the state of the Calendar.

(Here enter No. 2151.)

Read letter dated the 11th Instant from the Acting Joint Criminal Judge of Guntoor transmitting the Criminal Reports for the Month of September 1837

(Here enter No. 2155.)

Read letter dated the 13th Instant from the Criminal Judge of Bajahmundry, reporting with reference to the Circular Order of the Faujdaree Adalut No. 88 that there is no statement of sums realized by the labour of the prisoners for the 2d Quarter of 1837

(Here enter No. 2160)

Read letter dated the 13th Instant from the 1st Judge of the Provincial Court of Circuit in the Western Division, forwarding the statement of Batta paid to the Witnesses during the Third Quarter Sessions of the present year.

(Here enter No. 2162)

[redacted]

[redacted]

[redacted]

public roads or other public works for and during the period
of his natural life: and the prisoner

2d. Appendix

to be banished to the District of Coimbatore, to be imprisoned
in the Gaol of the Auxiliary Court, and kept to hard labour
in irons on the public roads or other public works for
and during the period of ten years.—

The Court of Sessions do also direct
that their sentence in the Trial No. 87 from the Malabar
Special Commission, together with the whole of the proceedings
held in that 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 end that the
Court may, in conformity with the provisions of Section V
Regulation XX of 1802. receive the orders of Government,
before they execute their sentence to be carried into execution

(Sent in No. 1616

Read letter dated 11th Instant from the
2d Judge Circuit on Circuit in the Western Division forwarding
the Mangalore and Cirica Statements of Letter Juria to
Prosecutor and Witnesses attending before the Court of Circuit
during their 7th Session of 1837—

(Here enter No. 2160 of 1837)

Read return dated 17th Instant from
the Criminal Judge of Malabar to the Precept of the
Sessions Gaol dated the 18th October 1837 directing the
release

release of the prisoner in Case No. 88 of the Return for
August last:—

(Here enter No. 2173 of 1837)

F: 16:

At a Court of the Foujdaree Udalut

Present,

Thursday 26th. October 1837. Charles May Lushington Esqr. 1st. Puisne Judge
John Bird Esqr. ——— 2nd. Puisne Judge
Alexr. Duncan Campbell Esqr. 3d. Puisne Judge

Read letter dated the 10th. Instant from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the record of case No. 58 tried by the Special Commission at Mangalore.—

(Here enter No. 2135.)

Mr. Bird and Mr. Campbell

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-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid convicting the prisoner

Veerbhudrayja

of Rebellion and awarding ookoobut: and under the provisions of Sections II and III, Regulation I of 1834, 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

26th. October 1837. 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 Adalut direct that their sentence in the Trial No. 58 from the Mangalore 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. 1618

Read letter Dated the 14th Instant from H. Dickinson Esquire Acting First Judge of Circuit in the Southern Division, submitting for the final Judgment of the Court of Foujdaree Adalut the Record of case No. 25 on the Combaconum Calendar for the Second Sessions of 1837.

(Reverter Ft. No. No. 2136 of 1837.)

1. In this case the prisoner Ramasawmy Ramayyen stood charged before the Court of Circuit with having with a gang of Robbers armed with sticks and other offensive weapons, entered the house of the Prosecutor Mottoosawmy Thaven in the village of Thennungoody in the Talook of Puttoocotty on the night of the 7th Aunee of the year Vezaya corresponding with the 18th June 1833, beaten and otherwise ill treated the Prosecutor and his family and plundered them of property valued at Rupees 493-12-3.-

The Court of Foujdaree Adalut, before proceeding to Judgment in this case, deem it highly desirable that they should be made acquainted with the nature of the statements made by the Prosecutor and his witnesses at the time of the occurrence of the alleged Robbery. and the Court accordingly resolve to call for a translation of the first complaint preferred by the Prosecutor, of any Report which may have been made on the subject by the Police authorities, and of any examination which may have been held at the time: together with a copy of any warrant which may have been issued for the apprehension of the prisoner.-

2.

The Court of Foujdaree Adalut, consider it of the greatest importance that the Doctor "Veeren" or "Veerapperin" of whom it is stated that during the Robbery the prisoner wounded him on the head with a sword, should be found and examined as to what occurred in his

26th. October 1837 — his presence on the night of the Robbery: but if the efforts of the Police to discover that individual, should prove unsuccessful, it must be then ascertained whether he was ever examined; and whether any person answering to his description, was wounded at the time and in the manner alleged by the complainant and the witnesses in support of the Prosecution.—

4. The Court of Fouzdaree Adalut further require to be informed whether the Taliary who is alleged to have been tied to the Pillar by the Prisoner has ever been examined. If not the Court direct that he be now sent for and examined by the Criminal Court touching his knowledge of the facts of the case: and that it be at the same time explained on what grounds that person was omitted to be examined in the first instance.—

5. The Court of Fouzdaree Adalut accordingly direct that the Record of this Trial be sent back to the Acting First Judge on Circuit with instructions to issue a Precept to the Criminal Judge of Combaconum requiring him to procure the attendance before the Criminal Court of the persons refered to in these proceedings and in the presence of the prisoner take their examination upon oath touching

F. Co.

26th October 1837 — touching their knowledge of the facts set forth in the Indictment.—

6. The Criminal Judge will permit the Prisoner to cross examine the witnesses and to offer any thing further in his defence, should he wish it, at the close of the examination.—

7. The Acting First Judge on Circuit will annex an English and Persian Translation of the additional evidence so taken to the Record, and will retransmit the same for the consideration and final Judgment of the Court of Fouzdaree Adalut. In so doing the Circuit Judge will refer the Court to the Calendar containing the case of the other prisoners tried for this crime.—

8. The Acting First Judge will further be pleased to take measures for obtaining and will transmit with the Record, the Papers refered to in parah. 2 of these Proceedings.

Ordered, that extract from these proceedings, together with the Record of the Trial be sent to H. Dickinson Esqure. Acting 1st. Judge on Circuit in the Southern Division by Precept returnable within Six weeks from and after its receipt.—

(Sent following Precept No. 1619

Read

At a Court of the Cuttaree Adawlut

Present

Monday 30th October 1837 — Charles Mayo Lushington Esqr. — 1st Puisne Judge
John Bird Esqr. — 2d Puisne Judge
Alexr. Duncan Campbell Esqr. — acting 3d Puisne Judge

Read Petition presented on the 10th Instant by Cotladen of the Zillah of Ceeacolum

(Here enter the Petn. No. 128)

The Petitioner complains against the Police proceedings and the proceedings of the Criminal Court, and the judgment of the Circuit Court, in the case vide of the Cumbum Calendar 2d Sessions of 1837 — and he prays the Court of Cuttaree Adawlut to order the prisoner in it, who, he alleges, have been unjustly condemned, to be released —

The Court of Cuttaree Adawlut have referred to the Calendar, and finding the allegations of Petitioner to be otherwise than correct, direct that the Petition be rejected, and that Extract from the proceedings be furnished to him on his application —

Read Petition presented on the 10th Instant by Arella Ennjah of Tsjanjatam —

(Here enter the Petn. No. 129)

The Petitioner states that he instituted the Suit No. 476 of 1836 in the Court of the District Moonsiff of Tsjanjaur to recover a sum of 10 Rupees — that, as he reached the house of the District Moonsiff to compromise the matter with

Read letter dated the 17th Instant from the Provincial Court of Circuit in the Western Division, transmitting translations of the Sessions Criminal Reports for the Month of September 1837 —

(Here enter No. 2191)

26th October 1837

with the Defendant, the District Moonsiff abused Petitioner and other disgraceful him - that Petitioner complained to the Magistrate, who referred him to the Civil Courts - that he addressed the Auxiliary Court at Vizagapatam by which the suit was called up - that the Sub Judge gave judgment in his favor, but did not inflict the disgrace to which he had been subjected - that in another suit the same Moonsiff disgraced in a similar manner, Petitioner's Brother - that Petitioner then complained to the Acting 2d Judge on Circuit, who communicated with the Magistrate but Petitioner is ignorant of the result of the communication - that the Judge on Circuit then directed the Acting Assistant Judge at Vizagapatam to enquire into the matter - that on the report of the officer that the complaints of Petitioner and his brother were false, the Judge on Circuit fined each of them in the sum of 2 Rs. and moreover gave his opinion that it was open to the District Moonsiff to bring against them an action, which they understand has, accordingly, been instituted -

From this order the Petitioner appeals and prays the Court to call for the record to reverse the order in question and to treat the District Moonsiff in the manner they think his conduct deserves -

To the Court of Enjaree Dated the order of the Circuit Court, against which Petitioner complains, does not appear objectionable, and the Court accordingly decline to interfere in the manner solicited -

Ordered, that the Petition be rejected, and that extract from these proceedings be furnished to Petitioner on his application -

Read

30th October 1837

Read Petition presented on the 16th Instant by Catchamachoolo of the Zilla of Cuddapah -

(Here enter No. 132)

The Petitioner, representing herself to be the wife of Badrayaya prisoner in Case No. 26 of the Cuddapah Calendar 2d Sessions of 1837, alleges that her husband has been unjustly sentenced by the Judge on Circuit, and she prays the Court of Enjaree Dedutt to call for the record of the trial and issue orders for his release -

The Court direct Petitioner to be informed that they have had before them the Calendar for the 2d Sessions of 1837, and that they see no reason to doubt the propriety of the prisoner's conviction -

Ordered accordingly, and that extract from these proceedings be furnished to Petitioner on her application -

Read letter dated 27th Ultimo from the Special Commissioners at Bangalore transmitting for the final Judgment of the Enjaree Dedutt the Record of Case No. 68 tried by the Special Commission at Bangalore

(Here enter No. 2333)

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

Mr. Bird
and
Mr. Campbell

T. Venkatapa, Dubash,
and
2d Mootah Iyengar,

26

is insufficient to convict them of Treason and Rebellion &c. under the authority with which they are vested by Clause 2nd, Section II, Regulation I of 1808, convict them thereof; and under the provision of Sections II and III Regulation I of 1834, and Clause Third, Section VIII, Regulation XV of 1833, sentence the prisoner

To Penang for Life,

to be banished to the District of Coimbatore, to be imprisoned in the Gaol of the Auxiliary Court, and kept to hard labour in irons on the public roads, or other public works, for and during the period of fourteen years.—

The Court pass no sentence against the second prisoner, he having been sentenced in Case No. 28—

The Court of Sunjarra Adalut direct that the sentence in the Trial No. 68 from the Mangalore 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. 1635.

Read letter dated the 14th instant from the Provincial Court of Circuit in the Centre Division, submitting for the orders of the Court of Sunjarra Adalut, a copy of a correspondence

E.E.

30th October 1837.

correspondence which has passed between the Magistrate of Trichinopoly and the Criminal Judge of Chittoor, relative to the refusal of the latter to furnish certain documents required by the Magistrate, to enable him to enter upon the investigation of a charge of Forgery, in compliance with instructions addressed to him by the Judge who presided at the 1st Quarterly Sessions of the present year.—

(Here enter No. 2104)

1. The Provincial Court of Circuit submit that under the circumstances of the case, the Criminal Judge was bound to furnish the Magistrate with the documents he applied for, and in this opinion the Court of Sunjarra Adalut concur.—

2. The Judges also concur in opinion with the Provincial Court of Circuit, that the mode of communication between the Magistrate and Criminal Judge, by simple letter was regular, but asserting to the fact that the papers required by the Magistrate were in this instance called for by the Acting Head Assistant Magistrate, the Court of Sunjarra Adalut resolve to convey to the Magistrate of Chittoor their opinion, that all correspondence between the offices of the Criminal Judge and the Magistrate, should be carried on between the Heads of the two departments.—

3. The Court of Sunjarra Adalut also join with

with the Provincial Court of Circuit in the expression of their regret, that the Criminal Judge should not have shewn, in the correspondence referred to, that spirit of accommodation and cordiality by which the public service is best promoted.—

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information, and for communication to the Magistrate and Criminal Judge of Chittoor.—

(Cent in No. 1636.

Read extract from the proceedings of Consultation under date the 17th May 1837, requiring the Court of Conjoint Assistant to call for and submit to Government full information as to the receipts and disbursements of the (36 Pagodas) monthly temporary allowance granted under date the 15th April 1825, to be appropriated to the purchase of permanent accommodation for the Judges on Circuit in the Northern Division, and to report how this allowance has been appropriated in the Southern and Western Divisions—directing the discontinuance of the allowance after the present circuit—until further orders; and requesting the Conjoint Assistant to state their sentiments fully on the subject, when they lay before Government the information now called for.—

(Here enter No. 1671)

Read also letter dated the 16th September 1837 from the Provincial Court of Circuit in the Centre Division in reply to the letter from this Office dated the 27th May 1837, requiring them to Report at what stations within the Centre Division, buildings have been purchased, or erected, for the accommodation of the Judges on Circuit, and to submit a statement of the Receipts and Disbursements made by the Provincial Court of Circuit during the period they have enjoyed the allowance of 25 Pagodas, sanctioned by the order of Government of the 22d February 1825.—

(Here enter No. 1612 of 1837)

Also read letter dated the 17th instant from the Provincial Court of Circuit in the Centre Division in reply to the letter from this Office dated the 3d October 1837, requiring them to report whether any, and what sums have been paid by the Superintendent Cavanagh and Davis in the purchase of shares in the Circuit Bungalows—whether they have recovered the same in whole or in part,—the exact amount paid by Lieut. E. A. Oakes to Lieut. Hawkins, as his share of the advance made for the purchase of Bungalows,—whether or not Lieut. E. A. Oakes has been reimbursed from the accumulation of the reserved monthly allowance; and what has been the expense incurred in the payment of Servants at the Circuit Bungalows.—

(Here enter No. 2170)

Read also letter dated 30th May 1837 from the Provincial Court in the Southern Division in reply to the letter

5th October 1837.

Letter from this Court dated 27th May 1837 submitting a report shewing the manner in which the allowance of 25 Pagodas per mensem made to the Court of Circuit under the order of Government of the 15th of April 1825, has hitherto been appropriated.—

(Here enter No. 1098)

Ales Read letter dated 7th June 1837 from the Provincial Court in the Western Division, in reply to the letter from this Court dated 27th May 1837, submitting a report shewing the manner in which the allowance of 25 Pagodas per mensem, made to the Court of Circuit under the order of Government of the 15th of April 1825, has hitherto been appropriated.—

(Here enter No. 1152)

Ales Read letters dated respectively the 6th June and 7th July 1837, from the Provincial Court of Circuit in the Southern Division, to the Superintendent of the Bungalow at Wallajahbad of the 27th May 1837, requiring them to explain how the practice has been introduced in the Southern Division of the Judges in succession, as they proceed on Circuit, of drawing the allowance of 25 Pagodas, sanctioned by Government under date the 15th April 1825, and requiring them to report to what extent accommodation for the Judges on Circuit has been secured in the Southern Division, under the promise contained in the letter addressed to the Court of Sovjdaree Adalut by the Provincial Court of Circuit in the Southern Division under date the 12th March 1826.—

(Here enter No. 1199 and 1218 of 1837)

E.C.

30th October 1837.

1. It appears from the letter addressed to the Court of Sovjdaree Adalut by the Secretary to Government in the Judicial Department dated the 22nd of February 1825, that the following propositions, made by Messrs Newbury and Campbell, being three Judges of the Provincial Court of Circuit in the Centre Division, were ordered to be adopted, namely.—

2. That an allowance of 25 Pagodas per mensem should be drawn by the Register of the Court to be expended by the Court collectively.—

1st In the payment of servants stationed at the Bungalows

2nd In the execution of requisite repairs.—

3rd In the gradual purchase of the Bungalow at Bellary for 600 Pagodas.—

4th In payment of the shares in the Bungalows at Chingleput and Cuddapah, belonging to the estate of an deceased Judge—and Cuddapah, of 400 Pagodas.—

5th In payment eventually of two shares held by Messrs Newbury and Campbell, of 400 Pagodas each or Pagodas 800.—

3d	600
4th	400
5th	800
Total	1800

6. After which the whole to become public property, and the allowance to be discontinued, the expence of occasional repair and of requisite servants at each becoming the only "public charge"

4. The Judges of the Provincial Court of Circuit in the Centre Division have purchased with their private funds a Bungalow at each of the stations noted in the margin, and for which they paid the aggregate sum of "Rupees 6275.—

Cuddapah	2475
Bellary	2100
Chingleput	500
	5075

6.

In the 8th Para of their letter of the 15th Instant it is stated that "the Judges at that time were Mr. "Harris, Newnham and Campbell; when Mr. Baker was appointed "Mr. Newnham succeeded, he paid to that Gentleman the sum "of the allowance made for the above purposes; while Mr. "Harris and Campbell were repaid the amount they had "subscribed, from the accumulation of the reserved monthly "allowance".

6.

It further appears that the Bungalow at Chingleput was sold for 600 Rupees, and that new ones, have been erected at Chingleput and Cuddalore, at the cost of 6682-15-6 for the former, and 8000 Rupees for the latter, and the accounts current shews that this has been accomplished, together with repairs of the Cuddalore and Bellary Bungalows, out of the amount accumulative from the allowance of 25 Pagodas per mensem; and from sums received from the rent of the Bungalows, and (600) on the sale of the old Bungalow at Chingleput, leaving Current 200 Rupees "Balance due by Government".

7.

From the above statement it would seem, that tho the terms upon which the allowance was granted by Government, have not of late been kept in mind by the Judges of the Provincial Court, the sums received have been appropriated, with those sums assigned by the Judges, in providing Bungalows at each of the stations visited by the Judges of Circuit, and that valuable

property

x namely 2 pillars
200 due to Mr. Swamijan
= Mr. Davis.
= Mr. Baker.

property is now forthcoming.—

Whether this property shall be disposed

8.

by the Judges of the Provincial Court, be considered as the private property of the Judges now belonging to the Court, and that they may be permitted to dispose of their interest "in them to their successors"— rests with Government to determine; but it appears to the Court of Sudder Adawlut that, with reference to the terms upon which the allowance was granted, their right is not apparent; and that the property will belong to Government as soon as the balance of the outlay, viz. 2000 Rupees, and the expense incurred for the payment of the servants stationed at Cuddalore, Rupees 168, have been liquidated by means of the allowance, or otherwise, as the Government may determine.

Southern Division 9.

In the 2d Para of the letter from Government dated the 22d of February 1825 it was directed "that a reference may be made to the remaining Divisions "to ascertain how the Judges on Circuit are accommodated "at the several Zillah stations, and the allowance which "should be granted in order to relieve them from expence "on that account," a reference was accordingly made by the Court of Sudder Adawlut under date the 28th of February 1825, to which an answer was returned by the Provincial Court in the Southern Division under date 9th March 1825,

in

in which, after stating that they had purchased a House at Salem for 300 Pagodas, and had provided accommodation, not their own property, at Combaconum; it was intimated that a "Bungalow at Cuddalore, and another at Combaconum, could "not be obtained or erected at less than 800 Pagodas, which "in addition to the sum already paid out, would incur an "expenditure which", they concluded, "the Government would "consider too objectionable to sanction".

10. It was then added, that "should the "Government however be pleased to authorize the provision of "such allowance, which the Provincial Court conceive should "be drawn by the Judges respectively when on Circuit, altho' "it" would "not be sufficient to cover the cost of buildings at "the different stations", would "contribute in some degree to ease "the extraordinary expence" they were "subjected to, in providing" themselves "with accommodation at the several stations".

Southern Provincial Court 12th March 1825.

11. In the answer of the Judges of the Southern Provincial Court it was stated "We consider it necessary to "mention that Mr. Ed. Ross lately purchased a Bungalow at "Vellore for the sum of Rupees 2000, with the view of his "accommodation on the Circuit; but that as no accommodation "of the kind has been provided at Chittoor, we propose "to take the earliest opportunity of purchasing a Bungalow "conjointly, at that Zillah, and to receive reimbursement "by the monthly allowance of 25 Pagodas, as directed by "the resolution of the Honorable the Governor in Council,

"in respect to the arrangements approved on account of the "accommodation of the Provincial Court of the Centre Division".

Western Division 12. In their letter of the 12th of April 1825 the Judges of the Provincial Court in the Western Division state that "to ensure themselves accommodation during their Circuit" they had "been compelled from the first institution of the Court "to engage houses for the whole year, at the different stations, and "to entertain servants to look after the premises during their absence" and that "permanent accommodation" cannot be effected at a "monthly expence" of less than 40 or 50 Rupees, with every attention "to economy". It was added "The Judges are of opinion that the "sum of 25 Pagodas per month will enable them to keep up "the necessary establishment at both stations, on a moderate "scale, and they begged to assure the Government that whatever "may be allowed shall be most scrupulously expended on "the public account".

13. The letters from these 3 Courts were submitted to Government by the Court of Sudder dated on the 11th of April 1825, and on the 15th of the same month it was intimated to this Court, that "the Honorable the Governor in "Council was pleased to grant a monthly allowance of 25 "Pagodas, from the 1st Instant, to each of the Courts of Circuit "for the Northern, Southern, and Western Divisions, with the "view of relieving the Judges from the expence which they "had hitherto incurred for accommodation when on "Circuit".

B

14. It appears by the letters received from the Judges of the Provincial Courts for the Southern and Western Divisions, under dates respectively the 30th of May and the 7th of June last, that the Judges of those Courts have uniformly drawn the amounts authorized, as a personal allowance, and the Judges of the Western Court have urged the grounds upon which they did so.—

15. The request of the Judges of the Provincial Court for the Southern Division, was clearly and distinctly to be allowed the sum of 25 Pagodas per mensem, as that "allowance" which they conceived "should be drawn by the "Judges respectively when on Circuit;" and the Judges of the Provincial Court for the Western Division as clearly intimated their desire to be allowed 25 Pagodas per mensem, not to purchase Bungalows, but to provide accommodations; and it appears to the Court of Sudder Adawlut with reference to the terms of the order of Government dated the 16th of April 1825, that the Judges of those Courts were justified in considering the allowance a personal one.—

16. Whether or not this allowance is to be continued must of course depend upon the pleasure of Government, but the Judges would strongly urge on the consideration of the Right Honorable the Governor in Council that the same expenditure is still incurred by the Judges on Circuit in those Divisions, and that there are the same grounds for now continuing the allowance, as there were for granting it in 1825.—

The

Northern Division.

17. The letters and statements from the Northern Division shew that until the 19th of July 1831 the allowance of 25 Pagodas per mensem was appropriated in the manner suggested in their letter of the 12th of March 1825, namely in the payment of the costs of the Bungalow at Ballore, and in purchasing one at Chicacole, which last it appears has been since sold, and also in providing funds for the rent of Houses for the Judges on Circuit, at stations where there were no Bungalows; but from the 20th of July 1831 until the 31st of December 1836, and from the 16th of January to the 7th of March 1837, the allowance has been appropriated by the Judges on Circuit respectively.—

18. In their letter of the 6th of June last, the Judges of the Provincial Court of Circuit observe that they "are "unable to discover the grounds under which this deviation "from the original practice was introduced," but it could only have been so appropriated from the absence of accommodation at the different stations, excepting Ballore, which perhaps may not have been procurable at the time.—

19. The Court of Sudder Adawlut would observe however, that as the Provincial Court of Circuit in the Northern Division had no authority for so appropriating the allowance they were not justified in doing so.—

20. It appears also that a Bungalow at Rajahmundry with some furniture, was purchased on the 23d of June last, for 1850 Rupees; that the Judges of the Court

of

of Circuit have been in treaty for the purchase of a Bungalow at Guntoor for 2000 Rupees, and that they have a balance in hand amounting to Rupees 2268—0—9.—

21. It rests with the Government now to determine what should be done, with this balance.—The Court of Sunjaree Adawlut would recommend that the Provincial Court of Circuit be authorized to expend it in the purchase of the Bungalow at Guntoor.— That the allowance of 87½ Rupees should be continued for the purpose of keeping the Bungalows at present belonging to the Government in repair, and for purchasing others at the remaining stations; but that the amount should not on any occasion be again appropriated as a personal allowance.—

22. The Provincial Court of Circuit should in the opinion of the Sunjaree Adawlut be also required to report half yearly the state of the property, and the manner in which the funds have been appropriated.—

23. In respect to Mr. Harington and Mr. Montgomerie's applications, the Court of Sunjaree Adawlut are of opinion, with reference to the circumstances under which the allowance was granted to the Northern Provincial Court of Circuit, that these Gentlemen are not entitled, of right, to the allowance they have or earn, or now claim, but they are of opinion that Mr. Harington's claim submitted by himself to Government under date the 5th. May 1837, should be sanctioned upon the same grounds as similar allowances were specially granted to Mr. Cockburn Mr.

Mr. Waters, and Mr. Bax; and that the balances undrawn by Mr. Montgomerie, but drawn by the Provincial Court, should be paid to Mr. Montgomerie out of the funds in deposite, in like manner as the allowance was paid to the Judges on Circuit respectively, subsequently to the 20th. of July 1831.— for in the opinion of the Sunjaree Adawlut Mr. Montgomerie is as much entitled to the allowance as were the Judges who preceded him.—

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.—

113
115

(Sent in No. 1637) [illegible]

F.C.

At a court of the Foujdaree Udalut

Present

Charles May Lushington Esqre 1st Puisne judge

John Bird Esqre 2nd Puisne judge

Tuesday 31st October 1837. Alexr Duncan Campbell Esqre Ag. 3d Puisne Judge

Read letter dated the 26th Ultimo from the Special Commissioners at Mangalore, transmitting for the final judgment of the Foujdaree Udalut the Record of Case No. 52 tried by the Special Commission at Mangalore.—

/Here enter No. 2032./

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Special Commission the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, convicting the prisoners

Mr. Bird and Mr. Campbell.

1st Bidina Krishnaya, Potail,

3d Bungary

4th Kellaginabeed Krishnaya

5th Potail, Parmeshra,

6th Peon, Ramah,

7th

7th " Sheshaguiry
8th " Locaya Bunta
9th " Rama
10th " Beroo Pommunnaya, Potail
11th " Somaya Hegude, Potail
and
12th " Bagby Coonha Gowda

of the crime charged and awarding Cokoobut and under the provisions of Sections II and III, Regulation I of 1834, and Clause Third, Section VIII, Regulation XV of 1803, sentence the prisoners

1st " Bidina Kristnaya Potail
and
6th " Peon, Ramah

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 their natural lives respectively: the prisoner

12th " Bagby Coonha Gowda

to be banished to the District of Coimbatore, to be imprisoned in the Jail of the Auxiliary Court, and Kept to hard labour in irons on the public roads, or other public works, for and during the period of fourteen years:

the

the prisoners

5th " Potail, Parmeshra,
8th " Locaya Bunta
10th " Beeroo Pommunnaya, Potail
and
11th " Somaya Hegude, Potail.

to be imprisoned and Kept to hard labour in irons on the public roads, or other public works, for and during the period of ten years: the prisoner

4th " Kellaginabeed Krishnaya
and
7th " Sheshaguiry

to be imprisoned and Kept to hard labour in irons on the public roads, or other public works, for and during the period of seven years: the prisoner

3rd " Bungary

to be imprisoned and Kept to light labour in irons within the Jail at Mangalore for and during the period of seven years: and the prisoner

9th " Rama.

to be imprisoned and Kept to hard labour in irons on the public roads, or other public works, for and during the period of two years.

The Court of Foujdaree Udalut direct that their sentence in the Trial No 52 from

31st October 1837.

from the Mangalore Special Commission &c 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. 1638

Read letter dated the 27th Ultimo from the Special Commissioners at Mangalore Submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 23 tried by the Special Commission at Mangalore

(Here enter No. 2031.)

The Court of Foujdaree Udalut,

Mr. Sachington
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 such part of the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, as convicts the prisoner

4th. Motta Gowda.

F. Ub.
31st October 1837.

of Treason and Rebellion and awards Otherbut and under the provisions of Sections II and III Regulation I of 1834. sentence the said prisoner to be imprisoned and kept to hard labour in irons within the Jail at Mangalore for and during the period of one year.—

And being of opinion that the proof against the prisoners

1st. Bidina Kristnaya. Potail

2d. Cocha Bunta. Potail

and

3rd. Tamana Gowda. Potail.

is sufficient to convict them of Treason and Rebellion, the Court do, under the authority with which they are vested by Clause First, Section II Regulation I of 1818, convict the thereof, and under the provisions of Sections II and III, Regulation I of 1834, sentence the prisoners.

2d. Cocha Bunta. Potail

and

3d. Tamana Gowda. Potail

(the first prisoner having been convicted and sentenced to Transportation for Life in Case No. 52) to be imprisoned and kept to hard labour in irons on the public roads, or other works, the second prisoner for and during the

the

the period of three years - and the third prisoner - for and during the period of seven years.—

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 23 from the Mangalore 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. 1839

Read Supplemental Return dated the 28th Ultimo and second Supplemental Return dated the 4th Instant from H. Bushby Esquire late Acting Judge of Circuit in the Centre Division - to the Precept of the Court of Foujdaree Udalut under date the 31st August 1837 - conveying their observations and orders on the Cauddapah calendar for the 2nd Sessions of 1837 -

(Here enter F. Cs. Nos. 2008 and 2081 of 1837)

1. With his Return of the 28th Ultimo, the

Translation of the Record of Case No. 8. of the Cuddapah Calendar.—

2. The circumstances of this case and the grounds upon which it was called up, are recorded in the Extract from the Proceedings of the Foujdaree Udalut under date the 31st August last (paras. 14 & 16)

3. The offence proved against the prisoners in this case, appears to the Court of Foujdaree Udalut to be rather of the nature of a misdemeanor than a Robbery: and would be sufficiently punished by a sentence of imprisonment to the extent proposed by the late Acting Judge.—

4. The Court of Foujdaree Udalut accordingly resolve to direct that the prisoners

1st Achooloogandoo

and

2nd Panjeegadoo.

be imprisoned, and kept to hard labour in irons on the public roads, or other public works for and during the period of [2] two Years.—

With his Return of the 4th Instant the late Acting Judge has sent up the Documents connected with the cases noted in the Margin, which were called for, for the reasons

Cases Nos. 18 and
Cases Nos. 34 & 35.

5.

reasons stated in the Extract from the Proceedings of the Foujdaree Udalut above referred to:- (paras: 34 and 37.)-

6. Referring again to the Cuddapah Calendar, the Court of Foujdaree Udalut observe that the Prisoner in Case No. 18 is arraigned on the following charge:- "The prisoner is charged with having on the 3rd of May 1836, answering to Muwwadah year - Vishaka Soodah 5th forged a Document to support his case as 2nd Defendant in Original Suit No. 155 of 1836."

Note. It should have been 1835.

7. It is obvious that a more incomplete and insufficient charge could scarcely have been prepared: and as there was no evidence whatever to prove that the Prisoner himself forged the Document, his trial upon that charge would have been useless.-

8. Thus far therefore the Court of Foujdaree Udalut are of opinion that the Acting Judge of Circuit was right: but it appears to the Court that he took a most erroneous view of the evidence and betrayed great ignorance in pronouncing, as he did in para. 8 of his Proceedings of the 19th July 1837, the Forgery of the Deed not punishable under Regulation VII of 1811.-

9. It seems to the Court that there can be no question that the Deed was produced and filed

filed by the Prisoner for the purpose of proving that the property claimed by the Plaintiff in the Suit in question was not recoverable by him: and if the Document is false, it is clear that it was filed with the object "of defrauding the said Plaintiff:" and although there was no proof that the prisoner himself forged the document, there was, in the opinion of this Court, the strongest evidence to prove that it was a Forgery, and that the Prisoner caused it to be forged: and as according to the latter part of Clause third, Section IX, Regulation VII of 1811 "persons convicted of procuring or causing any such forgery" are "liable to the same punishment as those convicted of having actually committed the Forgery, at the instigation of others;" the late Acting Judge of Circuit, in the opinion of the Foujdaree Udalut most improperly pleaded the Prisoner instead of directing him to be brought to trial on an amended charge.-

10. Entertaining this view of the case, the Court of Foujdaree Udalut deem it necessary to direct that the individual in question - Chuntemulloo Mullapah - be reapprehended and brought to trial before the Court of Circuit at the next ensuing Sessions of

of Jail Delivery: on the Charge first of having procured or caused the Forgery: and secondly of having knowingly uttered the Forged Document.-

Cases Nos 24 & 25.

Charge in No 24.

"The prisoner is charged with Forgery in having altered the Document marked A. which was filed by Petchiah and another Defendant in a Civil suit No 431 of 1836 pending before the District Moonsiffs of Tanjore."

11. The Charges in Nos 24 and 25 are equally defective and insufficient with the charge in No 18. In charges of this description, not only the nature of the Forgery, but the object for which it was perpetrated, should be distinctly set forth in the Indictment, but in Case No 24 - neither one nor the other can even be conjectured from the perusal of the charge, as entered in the Calendar; and after a reference to the evidence, it is not easy to discover how the alleged alteration of the Document A. could affect the claims in Original Suit No 431 of 1836 of the Tanjore Moonsiffs File.-

12. In the eighth paragraph of Mr Angelo's letter to this Court of the 12th July 1837 - the facts of the case are thus represented:- "The Sidhout Sastidar having settled a dispute between two parties, respecting a division "of lands gave each party a counterpart list "exhibiting the result. Petchiah, the adopted "son of one of the parties having occasion to "file the counterpart he held, got Chentsoo "Narain ready to forge an interlineation in his

"favour. It was for that forgery, proved to the "satisfaction of Mr. Murray, that Chentsoo "Narain reddy was committed for forgery, and "Petchia for suborning the same."-

Note. The alleged subornation forms the charge in No 25.-

13. The Court of Foujdaree Udalut observe that there is nothing on the Record to support the Statement that "the Sidhout "Sastidar having settled the dispute between "two parties respecting a division of lands, "gave each party a counterpart list exhibiting "the result." The account given by the fourth witness is as follows:- "There was a dispute "between Goormanah and her Sister Poolamah "for the division of the land. at the desire "of the Sastidar of Sidhout, I prepared two "lists, showing the description of the land, "and gave each of them one:" and the same witness affirmed that he prepared the two lists, "according to the Statement of Goor- "mannah and Poolummah."-

14. The fifth witness deposed that the lists A. and B. were not made out upon inspection of accounts but that "the 4th Witness "Ramanah made out the Lists at the desire "of Goormanah and Poolamah."-

15. The fifth Witness further deposed that "the Curnam Ramanah wrote this

"Document

"Document at the time when the division of
"the land took place between Goormammah
"and Poolummah."

16. The sixth Witness deposed as follows
"Goormummah and Poolamah made a complaint
"to the Tasildar, Venkatrow, of the Siddout Taluk,
"respecting their Maunium land. he sent an
"order to the Villagers of Vontamittah, when
"they prepared two lists showing the descrip-
"tion of the equal portions of the land, except
"the Contahs given as Gift to one Manem
"Venkataramabuttoo, and gave them to the said
"Goormamah and Poolamah."

17. According to the view taken of the evidence by the Court of Foujdaree Udalut, the Documents A. and B. are Lists made out by the fourth witness, according, as alleged, to the Dictation of the first Defendant Goormamah and her sister Poolummah, and are not shewn to be Lists made consequent upon the settlement of any dispute by the Tahseeldar, and so far from it's having been shown in the Record of the Case No. 24, in what respect the List A. has been altered in favor of the late Prisoner Pitchiah, so as to affect the Suit No. 431 of 1836, the Court of Circuit was left to make the discovery itself.

18. The alleged division between Goormammah and Poolamah of the land disputed in Original Suit 431 of 1836. is not even alluded to in the Pleadings in that suit, and no reference whatever is made in those Pleadings to the Documents A. and B. and therefore it was so much the more requisite to the to show in what respect the alteration of the Document A. was fraudulent and injurious, and how it affected the Plaintiff in that suit.

19. Even admitting that the alteration of the Document A. has been effected as stated by the Witnesses, the only object so far as the Court of Foujdaree Udalut can discover - that Pitchiah could have had in view in so altering it, - was to get rid of the evidence against him contained in Document B. in case the Plaintiff should get possession of it. Document B, and Document A. as it originally stood, would have shown that the land in dispute in the suit in question was not specified in those Lists as the property of Goormammah and her sister Poolummah: and the inference might have been drawn from that circumstance that no such land belonged to the said Goormamah, and that thus the claim against Goormamah and

and her adopted son Petchiah would in some degree be supported: but such circumstance could not, in the opinion of the Court of Foujdaree Udalut, have any influence on the decision of the suit, which must have depended upon proof of the facts stated in the pleadings.—

20. Supposing therefore that there was sufficient proof of the alteration of the Document A. still, that Document was a mere Memorandum, not in any way affecting any person's right to any property; and although assuredly such alteration must be with bad intent and unjustifiable, yet, it does not appear to this Court, upon the best consideration they can give to the subject, that it is a "fraudulent and injurious" paper, of the description referred to in Claude Third, Section IX, Regulation VII of 1811. and the Court of Foujdaree Udalut are consequently of opinion that Mr. Bushby was justified in not putting the Prisoners on their Trial, and in directing their release.—

21. At the same time the Court of Foujdaree Udalut deem it proper to direct that Mr. Bushby be informed that the Court do not pretend to understand the Definition of Forgery contained in the latter

latter part of para: 12. of his proceedings of the 22nd July last, or his reference to the English Law in para: 13, and that he will do well in future to confine himself to a strict attention and adherence to the Provisions of Clause Third, Section IX, Regulation VII of 1811, which Clause in Cases of Forgery and Subornation of Forgery contains all that is requisite for his information and guidance.—

Ordered, that Extract from these proceedings be sent to H. Bushby Esquire late Acting Judge on Circuit in the Centre Division by Precept returnable within ten days from and after its receipt.—

(Sent following Precept No. 1640

Read return dated the 10th Instant from the Acting Criminal Judge at Calicut to the Precept of the Foujdaree Udalut of the 25th Ultimo conveying the orders and observations of the Foujdaree Udalut on the Calicut Criminal Reports for the month of August.—

(Here enter No. 2141.)

Suppl. Report Case 215.

1. In this case it appears from the explanation now given that there was no actual breach of the peace committed by the

31st October 1837.

the prisoners on whom therefore the sentence recorded was illegal. The case was one which should have been proceeded with under Section XI Regulation V of 1822. The Acting Criminal Judge will be pleased to send copies of the case as it stands in the Report, and of the paras: of the Proceedings of the Foujdaree Adalut of the 25th Ultimo referring to it, of the paras of his present return containing the explanation, and of this paragraph, to the Magistrate for the information and guidance of the Officer who forwarded the case to the Criminal Court.—

Case 250. 2. This case is now explained to be one of theft, and not of housebreaking. The Acting Criminal Judge will accordingly annul the sentence recorded, and passing a modified sentence, report the same for the information of the Foujdaree Adalut.—

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

Sent following Precept No. 1641

Read return dated the 17th Instant from the Criminal Judge at Cuddapa to

F. No.

31st October 1837.

to the Precept of the Foujdaree Adalut of the 10th Instant conveying their observations and orders on the Cuddapa Criminal Reports for the month of August.—

(Here enter No. 2174.)

Statement of Peons.

"In explanation of the employment," during August, "of a greater number of Peons than appear to have been authorized the Criminal Judge submits a copy of his "return to the Provincial Court of Circuit on the subject."—

From this return the Court of Foujdaree Adalut learn, that "the Statement" which was laid before them by the Provincial Court of Circuit under date the 31st of August, and which the Court understood to specify the number of prisoners in the Jail at Cuddapah, liable to labor outside on the 11th July 1837, exhibited the number liable to labor on the 30th June, and that the actual number of prisoners of this description on the 11th July 1837 was 226 not 244.—

Under these circumstances the Court of Foujdaree Adalut, in adherence to the principle of the rules of the 22nd May last, viz: that the Extra Guard shall be, for the Jusby, in the specified proportion to

to the prisoners liable to labor outside the Jail on the first day thereof, deem it proper to direct that the Extra Rows at the Jail at Cuddapah be reduced and the Extra Guard for the 226 Prisoners in question will be fixed for the present at 58 Peons instead of 62 as declared in the Foujdaree Adalut proceedings of the 16th September 1837 3 Duffadars and 3 Naiques.—

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 No. 1642

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

(Here enter No. 2133)

Report V Case 93. The prisoner in this case is declared to be 12 or 13 years of age. the Court of Foujdaree Adalut are of opinion that he is too young to suffer corporal punishment with the Cat o nine Tails, and they accordingly resolve to remit so much of the sentence recorded as adjudges the infliction of stripes upon the prisoner.—

Ordered, that Extract from these proceedings be sent to the Principal Sudder Ameen at Honore for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 1643

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

(Here enter No. 2154)

Suppl. Report Case 50. In this case the full explanation, of the detention of the prisoners before the Criminal Court undisposed of, which is required by the Circular Order Foujdaree Adalut of the 11th April 1832, has not been given.— The Court accordingly direct that the Acting Joint Criminal Judge be now called upon for it.—

Suppl. Report Cases 46 and 51. and Report VI. 2. In the Cases 46 and 51. the prisoners Jummalajadda Cotadoo and Seenaty Ramoodoo are stated to have escaped on the 6th October 1837. In the Report VI both these prisoners, and another prisoner "Boodoogoo Pottegoudoo," are entered as having escaped on the 6th September 1837. The Court of Foujdaree Adalut direct that this inconsistency may be explained, and that if the usual report of "the escape" had not been sent, it may be furnished without delay.—

Ordered

31st October 1837.

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

(Sent following Precept No. 1644

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

(Here enter No. 2156.)

Report Vol. Case 84.

1. In this case, it is stated, "no charge can be found" and the prisoner are released without trial— The Court of Foujdaree Udalut resolve to 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 Acting Magistrate, who will be pleased to enquire into the conduct of "the Head of Police of Hongaram," in forwarding the case in this shape, and report direct to the Foujdaree Udalut what notice of it he has found it necessary to take—

Statement of punishments of Convicts.

2. The Court of Foujdaree Udalut are of opinion that the corporal punishment of the prisoner Sarika Chundaso for carrying rice out of the Jail when going to labour might have been avoided, particularly if it

read

F. No.

31st October 1837.

read his first offence—

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. 1645

Read the Nellore Criminal Reports prescribed by Section XXXI Regulation X 1816 for the month of September—

(Here enter No. 2157.)

Suppl.l Report Cases 78. 79. 80. 81. and 89. Report Vol. Case 98.

1. The Court of Foujdaree Udalut rely on the Criminal Judge to dispose as speedily as possible of these cases which have now been before him longer than they ought to have been—

Suppl.l Report Cases 92. 94 and 96.

2. In the case 92 it is reported that "Memoranda" for the attendance of Witnesses were sent to the Magistrate on the 4th and on the 22nd of September— In the case 94. some of the Witnesses required were applied for on the 9th of September— of these it is observed a few were forwarded but the remaining witnesses had not appeared up to the end of this month." In the case 96 also, Witnesses, for whose attendance the Criminal Court had made application

application had not been sent up at the end of the month. The Court of Foujdaree Udalut direct that copies of this paragraph be sent by the Criminal Judge to the Magistrate, who will be pleased to report direct to the Foujdaree Udalut why the witnesses in question could not be forwarded to the Criminal Court before the close of the month of September.—

Report 3. This appears to the Court of
Case 100. Foujdaree Udalut to be a case of so serious a nature that it ought to have been brought before the Court of Circuit, instead of being disposed of by the Criminal Court. The Criminal Judge will be pleased to explain what proceedings were taken against the Peons on guard, to whose culpable negligence the prisoners attempt to escape was attributable.

4. The Court of Foujdaree Udalut likewise desire it may be explained why no report was made to them of this attempt to escape; and they direct that the Report be now furnished.—

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

(Sent following Precept No. 1646

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

(Here enter No. 2158.)

The Court of Foujdaree Udalut
1. desire it to be pointed out to the Acting Criminal Judge, that the detail of evidence given in several of the cases in the present reports is quite superfluous, and renders the reports themselves inconveniently bulky. What the Court wish for is a concise note of the grounds of the order, or sentence, in each case, and as this is not the first occasion on which they have had to make this remark, they direct that one of the Criminal Reports from Mangalore be sent to the Acting Criminal Judge for his inspection and for his guidance, in respect to the manner his future Reports ought to be drawn up. He will be pleased to return the Mangalore Report with his own Reports for the month of October.—

The Foujdaree Udalut likewise
2. desire it to be pointed out that as the Acting Criminal Judge was furnished with printed forms of the Criminal Reports he should not have allowed the unnecessary repetition,

repetition, exhibited in the present Reports, of the "heading" in each page in Manuscript. Had this been considered requisite the printed form would have contained it—

Ordered, that Extract from these proceedings, with copy of the Mangalore Criminal × Report for July, be sent to the Acting Criminal Judge at Chicacole, for his information and guidance, by Precept, returnable in 3 days after receipt.—

× to be returned to the F. St. Office.

(Sent following Precept No. 1647.

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

(Here enter No. 2159.)

Statement of Extra Pross.

The Court of Foujdaree Udalut perceive that this Statement has been drawn upon the same principle as that for the month of August last: but, they do not deem any further observation necessary here, as they called for explanation on the point in their proceedings of the 22nd Ultimo.—

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

(Sent in No. 1648

Read the Calicut Criminal Reports

F.U.
31st October 1837.

prescribed by Section XXXV Regulation X 1816 for the month of September.—

(Here enter No. 2185.)

Suppl. Report Case 235.

This is a case of escape and the sentence that has been passed on the prisoner is "to take effect from such period as the decision of the Court of Circuit in 236 is known."— In the Case 236 the prisoner has been committed, and the sentence for the escape should not, according to the rule laid down by the Foujdaree Udalut on this point, have been recorded in Case 235 till the result of the trial of the prisoner before the Circuit Court had been ascertained.—

F.U. from 25th Oct. 1836.

Report Case 270.

The Acting Criminal Judge will send copy of this case as it stands in the report, and of this paragraph, to the Magistrate, who will be pleased to instruct the Tahsildar that the Circular Order of the 24th January 1822 points out, that "time occupied in search of stolen property cannot be admitted as a valid ground" for the infringement of the provision contained in Clause 4th Section XXVII Regulation XI 1816.—

p. 65 of the pr. vol.

Ordered, that Extract from these proceedings be sent to the Acting Criminal

31st October 1837.

Criminal Judge at Calicut for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 1649.

Read letter dated the 23rd. Instant from the Acting 3rd. Judge of the Provincial Court of Circuit in the Northern Division, reporting the opening of the 4th. Quarterly Sessions of 1837.—

(Here enter No. 2227.)

Read letter dated the 23rd. Instant from the 3rd. Judge on Circuit in the Western Division, reporting execution of the sentence of death passed on Velentapitta Ahamad, prisoner in No. 6 Malabar Additional Calendar 2nd. Sessions 1837.—

(Here enter No. 2245.)

Read letter dated the 24th. Instant from the late Acting Judge on Circuit in the Centre Division, transmitting a Statement of Batta paid to the Prosecutor and Witnesses who were in attendance before the Court of Circuit at the 2nd. Sessions of 1837.—

(Here enter No. 2247.)—

F. U.

At a Court of the Foujdaree Udalut

Present

Wednesday 1st. November 1837. Charles May Sushington Esqr. 1st. Puisne Judge
John Bird Esqre _____ 2d. Puisne Judge
Alexr. Duncan Campbell Esqr. 1st. & 3d. Puisne Judge

Read the Coimbatore Criminal

~~No~~ 83 Reports prescribed by Section ~~XXXV~~ Regulation X 1816
for the Month of September

(Herewith No. 220.)

Statement of the labor of Convicts under charge of the Magistrate of Coimbatore

The Court of Foujdaree Udalut direct that the Magistrate of Coimbatore be informed that they do not require any future statements of the description noted in the margin from him; since the Board of Revenue, as explained in the Circular letter of the Foujdaree Udalut of the 29th. July 1837, have the general Superintendence and control of the Convicts now under his charge. The Acting Joint Criminal Judge will be pleased to send a copy of this paragraph to the Magistrate for his information and guidance.

2. The Criminal Reports themselves do not appear to require any remark.

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

1st November 1837.

guidance by Precept returnable in 3 days after receipt.

(Sent pertaining Precept No. 1652

Read letter dated the 17th Ultimo from the Acting Joint Criminal Judge at Masulipatam, forwarding a statement of the amount realized by the labor of the Prisoners in the 3rd Quarter 1837 as per Circular Order of the Foujdaree Udalut No. 88 dated 9th June 1837.-

(Here enter No. 2175.)

Read return, dated the 17th Ultimo from the Acting Joint Criminal Judge of Masulipatam to the Precept of the Foujdaree Udalut dated the 10th October 1837 conveying their observations on the Masulipatam Criminal Reports for the Month of August.

(Here enter No. 2176.)

Read letter dated the 16th Ultimo, from the Magistrate of Bellary, forwarding a copy of a letter from the Joint Magistrate, submitting the information called for in the extract proceedings of the Foujdaree Udalut under date the 25th September 1837, relative to cases Nos. 115 and 116 in the Bellaree Supplemental Criminal Report for the Month of August.-

(Here enter No. 2178.)

Read letter dated the 19th Ultimo from H. Dickinson Esqr. Acting 1st Judge on Circuit in the Southern Division, reporting his intention to open the Sessions of 1837 at Salem on the 20th November.-

(Here enter No. 2134.)

Read

1st November 1837.-

Read return dated the 18th Ultimo from the Criminal Judge of Cuddapah to the Precept of the Foujdaree Udalut dated the 16th July 1837, directing that the prisoner Sheyshegaudoo in Case No. 103 of the Report for the Month of August be discharged from confinement.-

(Here enter No. 2183.)

Read letter dated the 19th Ultimo from the Magistrate of Trichinopoly, submitting the explanation called for in the extract proceedings Foujdaree Udalut under date the 20th August 1837 relative to case No. 283 of the Criminal File of the Zillah Court of Combaconum for the Month of July.-

(Here enter No. 2184.)

Read Supplemental return dated the 19th Ultimo, from T. A. Oakes Esqr. 1st Judge on Circuit in the Centre Division to the Precept of the Foujdaree Udalut dated the 25th September 1837, directing him to review the proceedings in Case No. 105 on the Criminal File of the Zillah Court of Chingleput for the Month of August and pass such orders thereon as he may deem requisite.-

(Here enter No. 2187.)

Read return, dated the 21st Ultimo, from the 3rd Judge late on Circuit in the Centre Division to the Precept of the Foujdaree Udalut dated the 2nd October 1837 directing him to call upon

1st November 1837

upon the Officer in charge of the Criminal Court of Bellaree to report what progress has been made in giving effect to the order of the Fouzdaree Adalut of the 18th August last, which directed the placing of stones with suitable inscriptions near the Gibbets on which were executed the late Thug Murderers at the District of Bellaree.—

(Here enter No. 2188)

Read return dated the 16th Ultimo from the Provincial Court of Circuit in the Northern Division, to the Precept of the Fouzdaree Adalut dated the 10th October 1837, conveying their instructions relative to the number of Peons to be employed by the several Judicial Officers for the present Fusly under the orders of the 22nd May last.—

(Here enter No. 2189)

Read Statement dated the 1st Ultimo from the Criminal Judge of Salem of the amount realized by the labor of the Prisoners in the 3rd Quarter of 1837.—

(Here enter No. 2191)

Read letter dated the 21st Ultimo from the Magistrate of Coimbatore, forwarding explanation of the detention in the Talook of the prisoners in case 117 of the Salem Criminal Reports for the Month of August.—

(Head enter No. 2211.)

1st November 1837.

The Register lays before the Court the following statements drawn up in his Office from the returns received thro' the Provincial Courts of Circuit exhibiting the operations of the Village and District Police and the Magistracy of the Criminal Courts and the Courts of Circuit respectively, and he submits also an abstract of the operations of this Court from the 1st of July to the 31st of December 1836 according to the forms approved by Government.—

(Here enter No. 1 to 9)

Village Police. 2. Statement No. 1 with the details in No. 2 exhibits the number of persons summoned before the Village and District Police and Magistracy for Petty offences punishable by themselves together with the number of acquittals and convictions and the nature of the punishments inflicted.—

3. The total number of persons brought before the Village Police together with the number acquitted or convicted of petty offences, as compared with the preceding half year, or from the 1st January to the 30th June 1836, is as follows.—

	Persons summoned	Persons acquitted after investigation	Persons acquitted without investigation from Paper &c.	Persons punished
From the 1st of January to the 30th of June 1836.	2679	537	638	1504
From the 1st of July to the 31st of December 1836.	3098	633	866	1599

Of

4 Of the 1599 persons punished by the Village Police 1260 were confined in the Village Choultry and 339 in the stocks.-

5 Complaints for Petty Assaults still continue to constitute the great Majority of the Cases brought before the Village Police.

6 Out of 3093 persons brought before them 2690 were for Petty Assaults and 403 for petty thefts, of the former 1235 were punished, of the latter 364.-

7. During the half year under review the district of Masulipatam is the only one in which the Village Police do not appear to have exercised their powers of judicial decision in petty Criminal Cases.-

8 But improvement in the District Police will no doubt induce greater activity on the part of the village authorities in using the powers delegated to them in this respect.

9. The Districts in which resort to the Village Police has been most frequent are

Canara
Trichinopoly
Bellaree
Combaconum
Madura
Verdachellum
Malabar
Tinnevelly
Vizagapatam and
Guntoor.

The

10 The number of persons brought before the Village Police in

Canara is	683	of whom were punished	the small number of	76
Trichinopoly	451	Do.	Do.	370
Bellaree	1,16	Do.	Do.	238
Combaconum	301	Do.	Do.	177
Madura	290	Do.	Do.	214
South Arcot	178	Do.	Do.	124
Malabar	124	Do.	Do.	22
Tinnevelly	119	Do.	Do.	75
Vizagapatam	114	Do.	Do.	92
Guntoor	113	Do.	Do.	7

11. Of the remaining persons there were summoned in

Coimbatore	77	of whom were	punished	74
Cuddapah	51	Do.	Do.	39
Chunglepat	51	Do.	Do.	44
Ganjam	31	Do.	Do.	18
Nellore	30	Do.	Do.	5
Salem	23	Do.	Do.	14
Chittoor	22	Do.	Do.	7
Rajahmundry	21	Do.	Do.	3

12. The Court direct that the Magistrates in Canara, Malabar and Guntoor be requested to contrast the few punishments compared with the number summoned in their own districts with those in other provinces and to explain why so many appear to be unnecessarily summoned by their village Police in cases adjudicable by them.

District Police. 13 The total number of persons brought before the District Police from the 1st of July to the 31st of

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of December 1836 for petty offences punishable by themselves was 45,446 besides 1,247 whose cases were not disposed of at the date of the last report, making a total of 46,693 persons.

14. In the preceding half year the number of persons summoned and under examination before the District Police was 39,366.

15. Of the 46,693 persons brought before the District Police during the half year under review, 13,260 were acquitted, against 334 of whom the charge was considered to be wilfully false and malicious; and 19,341 were discharged upon a mutual settlement of their dispute or without investigation for default or other cause.

16. The total number of persons convicted and punished by the District Police was 11,934, 11,655 without reference to the Magistracy and 279 after reference to that authority; and 1,632 are entered as under examination at the close of the report.

17. Of the persons punished by the District Police 8,464 were fined, 3,241 confined in the Choultry with or without labor, 219 in the stocks, and 10 were flogged by order of the Magistrate upon reference made to that authority under the provisions of Clause 2nd Section IV Regulation IX of 1821.

18. The sum remitted to the Magistra-

on account of the 8,464 persons fined by the District Police, was Rupees (6,252—14—6) six thousand two hundred and fifty two Annas fourteen and Pice six.

19. It is observed from the statement No. 1 submitted by the Magistrate of Malabar that the District Police Officer took cognizance of a charge of "taking possession of lands by force" Disputes of this nature are cognizable only by the Collector under Section XI of Regulation X. of 1822, and the Magistrate will accordingly be advised of the irregularity of the proceedings of the District Police in this respect.

20. The Magistrate of Coimbatore will also be advised of the irregularity of having allowed the District Police under his control to take cognizance of a dispute respecting the irrigation of certain lands.

Magistracy. 21. Before the Magistracy there were brought, for petty offences, in the same period 4,287 persons, and 85 were also before them whose cases had not been disposed of at the close of the last report, making a total of 4,372, of whom 2180 were acquitted against 75 of whom the charge was considered wilfully false and malicious 1434 were convicted and punished, 1016 by fine, 377 by imprisonment, and 91 by flogging; 677 were discharged upon a mutual settlement of their differences and 31 were under examination at the close of the report.

22. During the half year under review

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review 118 persons being Police Officers were charged before the Magistracy with abuse of authority, of whom 76 were acquitted, and 42 punished; 38 by fine, and 4 by imprisonment.-

23. The Judges also observe that during the half year under review 38 persons being native officers of Government were charged with the "illicit collection of customs" whereas the number of persons so charged not being officers of Government was 24. Of the officers of Government charged with the illicit collection of customs 15 were convicted and punished by fine, 2 by imprisonment and 15 were acquitted; and 6 persons, also officers of Government, were discharged upon Rauzeenamah, but as a compromise in such cases should not be admitted, the circumstance will be brought to the notice of the Magistrate of Cuddapah, in whose District the cases in question occurred.-

Crimes and Misdemeanors. Nos. 3 and 4.-

24 The statements Nos. 3 and 4 exhibit the operations of the District Native Police and Magistracy with respect to all crimes and Misdemeanors, not punishable by themselves, but by the higher tribunals.-

25 By the first of these statements it appears that the number of crimes ascertained to have been committed during the six months under review was 3,922 in which 15,148 persons are supposed to have

1st November 1837.

been concerned, being 509 cases and 1,502 persons more than in the preceding six months.-

26. Of the 15,148 persons supposed to have been concerned in the cases ascertained to have occurred during the period under review, 8,158 persons are supposed to have escaped apprehension, which is 58 persons less than were supposed to have eluded apprehension during the previous six months, notwithstanding that the number of persons supposed to have been concerned in the cases ascertained to have occurred exceeds by 1,502, as above stated, the number reported for the previous half year.-

27. Of the Districts named in the margin, in more than one half of the cases ascertained to have occurred, the offenders were altogether unknown to the Police. such result can be accounted for as regards the Districts of Ganjam, Vizagapatam and Rajahmundry by their disturbed state and perhaps as respects Cuddapah with reference to the explanations submitted by the Acting Magistrate of that District in his Police Report for the 2nd Half of the year 1836; but as regards the Districts of Nellore, Guntoor, Salem, South Arcot and Chittoor the want of success on the part of the Police is unsatisfactory.-

Ganjam
Vizagapatam
Rajahmundry
Cuddapah
Chittoor
Nellore
Guntoor
Salem
and
South Arcot.

For instance in Nellore out of 30

28 Gang Robberies ascertained to have occurred, the offenders in only 16 were detected;- out of 91 cases of house-

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house breaking by night, the perpetrators of only 16 Cases were discovered; out of 61 cases of theft the criminals in only 13 were discovered; and the perpetrators of the single case of Robbery and murder which occurred, eluded altogether the discovery of the Police.

29. It may be that the large portion of these cases occured in the Zemindary Talooks where it was stated in Mr. Monhouse's Report for the year 1835 the Government Police is merely nominal, and for the prevention and detection of crime quite ineffectual; but in that case it is to be hoped that the arrangement referred to in the 7th. and 8th. para[s]. of the Minutes of Consultation of the 15th. November 1836, to be carried into operation under the orders of the Board of Revenue, will effect some reform.—

30. In Guntoor the Police apprehended some of the persons concerned in only two of the 6 Cases of Gang Robbery which occured during the last half of 1836, and in only 11 of the 52 Cases of House breaking by night; and of theft and maiming and wounding some of the offenders in only half the cases ascertained to have occured were seized.—

31. In Salem, in only 20 of the 41 Cases of Gang Robbery ascertained to have occurred, in only 9 of the 34 Cases of House breaking by night, and in only 44 of the 150 Cases of theft, were any of the perpetrators discovered.—

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32. In South Arcot in only 12 of the 40 cases of Gang Robbery which occurred, in only 6 of the 10 Cases of Robbery by a single individual, in only one of the 19 cases of house breaking by night, and in only 21 of the 65 cases of theft, were any of the offenders discovered.—

33. In Chittoor 2 Cases of Murder and Robbery occurred, and in neither of them have the perpetrators been discovered.— of the 42 Gang Robberies in only 16 were some of the Criminals discovered; in the one case of Robbery by a single individual the person concerned has not been apprehended; and out of the 72 cases of Housebreaking by night, in only 10, and out of 50 cases of theft in only 28, were the offenders apprehended.—

34. Upon consideration of the unfavourable account of the state of crime in North Arcot given by the Magistrate of that District, the Right Honorable the Governor in Council under date the 14th. February 1837 sanctioned the temporary employment of an extra Police establishment in this District, consisting of a Duffadar and 10 Peons for each of the Talooks; and the Judges of the Sowdaree Adalut were in the meantime requested to submit their sentiments as to the state of crime

in

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in North Arcot, which the Calendars of the 2d Half year of 1836, and the Annual and Circuit Reports of the Magistrate and visiting Judge exhibit, and whether any, and, if any, what increase is necessary to the existing Police Establishment.

35. To enable the Judges to submit the required information the Provincial Court of Circuit were directed under date the 28th February 1837, to call upon the Magistrate to prepare and submit a statement explanatory of the nature and extent of his Police Establishment, the manner in which the individuals composing it are disposed, and the duties performed by each.

36. Statements containing this information prepared by the Magistrate of North Arcot, were submitted by the Provincial Court of Circuit under date the 27th April 1837, but the Provincial Court having omitted to record their opinion as to the sufficiency of the Police Establishment in the District of Chittoor, the Statements were returned to them for their opinion on the subject, with instructions to ascertain and report whether the Magistrate had included in them the extra Police Establishment of a Duffadar and 10 Peons in each of the Taloks, as sanctioned by Government on the 6th of February last.

37. No reply was received from the Provincial

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Provincial Court of Circuit until the 21st of September under which date a copy of the correspondence that had passed between the Provincial Court of Circuit and the Magistrate of North Arcot, on the subject of his Police Establishment, was laid before the Court of Foujdaree Udalut.

38. It appears that the Provincial Court of Circuit considering the statement shewing the number of Police Peons and their employment in each Talook of the Northern Division of Arcot, furnished by the Magistrate under date the 24th of April 1837, did not contain the information required, desired him by precept dated the 26th of the same Month, "to furnish a more accurate and "detailed explanation of the distribution of the "Police officers and Peons in his District, shewing "the number, names, and situations of the "different Police stations, the number of Peons "stationed at each of them, and the manner "in which they communicate with each other, "report to their superior officers, and are superintend "ed by them with reference to the Provisions of Re- "gulation XI of 1816 and the Police Regulations, "and the important object of enabling them to act "in conjunction with the municipal Police "and Head Inhabitants in the most disturbed

"Districts

4 Of the 1599 persons punished by the Village Police 1260 were confined in the Village Choultry and 339 in the stocks.-

5 Complaints for Petty Assaults still continue to constitute the great Majority of the Cases brought before the Village Police.

6 Out of 3093 persons brought before them 2690 were for Petty Assaults and 403 for petty thefts, of the former 1235 were punished, of the latter 364.-

7. During the half year under review the district of Masulipatam is the only one in which the Village Police do not appear to have exercised their powers of judicial decision in petty Criminal Cases.-

8 But improvement in the District Police will no doubt induce greater activity on the part of the village authorities in using the powers delegated to them in this respect.

9. The Districts in which resort to the Village Police has been most frequent are

Canara
Trichinopoly
Bellaree
Combaconum
Madura
Verdachellum
Malabar
Tinnevelly
Vizagapatam and
Guntoor.

The

10 The number of persons brought before the Village Police in

Canara is	683	of whom were punished	the small number of	76
Trichinopoly	451	Do.	Do.	370
Bellaree	1,16	Do.	Do.	238
Combaconum	301	Do.	Do.	177
Madura	290	Do.	Do.	214
South Arcot	178	Do.	Do.	124
Malabar	124	Do.	Do.	22
Tinnevelly	119	Do.	Do.	75
Vizagapatam	114	Do.	Do.	92
Guntoor	113	Do.	Do.	7

11. Of the remaining persons there were summoned in

Coimbatore	77	of whom were	punished	74
Cuddapah	51	Do.	Do.	39
Chunglepat	51	Do.	Do.	44
Ganjam	31	Do.	Do.	18
Nellore	30	Do.	Do.	5
Salem	23	Do.	Do.	14
Chittoor	22	Do.	Do.	7
Rajahmundry	21	Do.	Do.	3

12. The Court direct that the Magistrates in Canara, Malabar and Guntoor be requested to contrast the few punishments compared with the number summoned in their own districts with those in other provinces and to explain why so many appear to be unnecessarily summoned by their village Police in cases adjudicable by them.

District Police. 13 The total number of persons brought before the District Police from the 1st of July to the 31st of

accordingly called by the Provincial Court of Circuit
to para. 7 of the Minutes of Consultation of the 15th*
November 1836. which contained the order of the
Governor in Council, that the Magistrate should himself
"visit the Zemindaries once annually, but that one or other
"of his Assistants should be required to make his re-
"sidence in them for 3 Months during each year, at three
"separate periods."

* forwarded to him by the Prov.l Court on the 31st December 1836.

44 Independently of these expressly special orders it would appear from Mr. Roberts return that by a Minute of the Right Honorable the Governor recorded about the close of the year 1835, Collectors received general instructions to make a Tour of the Zemindaries in their Districts at the proper season, and to report annually on their state.

45 The observance of these orders of the Government, would have afforded the Magistrate the best possible means of ascertaining the actual state of the Police in the Zemindaries, and the real cause of their inefficiency, - yet both of them appear to have been entirely overlooked.

46. And while Mr. Ogilvie thus neglected to adopt the measures prescribed by superior authority as requisite to place him in possession of a knowledge of the true and actual state of the Police in the Zemindaries &c. within his District, it is apparent from his return of the 6th instant, a copy of which accompanies,

accompanies, that he is himself also without information even as to the number or the emolument of the Village Talians in each Talook of his District; and tho' the Head of Police of Poloor states in his Report that "in certain particular villages" the Talian "Merasies are entirely discontinued, and continued "only in small villages, and even this is not to the "full extent allowed." Yet Mr. Ogilvie submits no explanation on the subject, nor records any reason for considering the extra Police Establishment of a Duffadar and 10 Peons in each of the Talooks, unnecessary, tho' such opinion is opposed to the recorded sentiments of almost all the Heads of Police, employed under him as well as of the late Principal Collector and Magistrate, whose very long residence in the district gave him a knowledge of its localities, which can only be acquired by many years experience.

47. The Court of Foujdaree Adalut are of opinion that grave responsibility attaches to Mr. Ogilvie on this account. They think that the new additional establishment which was sanctioned on the parting recommendation of an officer of the greatest experience in this District, and is nearly unniversally called for by all the Native Heads of Police under his succession, ought to have been entertained without further delay; they also are

of

of opinion that the orders of Government as to the residence of the Magistracy, in the Zemindaries should be enforced — and as no efficient Police can exist, unless the village watchers are not only maintained in their full numbers, but ensured the due receipt of the emoluments allotted to them, they conceive that the Magistrate should not only obtain from his Talook officer in detail the names and emoluments of each Talian attached to each village but that his own attention, as well as that of his subordinates, should be given to the immediate filling up of all vacancies, and to the protection of their emoluments from usurpation, or misappropriation by the Heads of Villages, or others placed in authority over them.

48 The Court now proceed to take into consideration the annual Reports submitted by the Magistrates on the state of their Police in their respective Districts and also the Reports from the Heads of Police required by the 55th para: of the Despatch from the Honorable the Court of Directors under date the 12th October 1831.

Nellore. 49. The Magistrate of Nellore referring to the number of persons charged with petty offences remaining undisposed of at the close of the half year ending 30th June and 31st December 1836, (a number unusually large with reference to the result of the operations of the District Police exhibited in the statements for the year 1835) states, in the 3d para: of his Report, that "it is mainly owing

* 441 persons
° 420 Do.

* 1st half — persons 346.
° 2d Do. — 257.

owing "to the very small number of ca
"the Heads of Village Police, which is par
"own unwillingness to discharge the de
"them, and partly to the fact that whenever there is
"cause of complaint the individual applies at once to
"the District Head of Police, and thus numerous cases
"which might and ought to be settled by the Head
"of Village Police are thrown upon the Tahsildar."
The Magistrate states that he has "however adopted
measures," which he "trusts will remedy this for
"the future".

50. It appears to the Judges that a remedy for the evil is to be found in the observance of the Circular Order of the Sudder Adalut of the 11th April 1831, which directs the several "Magistrates to require "Heads of Villages to take cognizance, on the spot, of every case "within the limits assigned to their power by the Regula- "tions, and to prohibit the Tahsildar from entertaining "any complaint, cognizable by a Head of a Village, except "during his stay at the Village in his tours of duty."

51. In the 8th para: of his Report Mr. Stonhouse remarks that detection in most cases "of "murder" is difficult, and "under the existing rules of evidence in the Courts of Circuit, proof of the fact "sufficient for conviction, is generally unattainable". "direct and ocular proof of the perpetration" Mr. Stonhouse states, "is required," and he submits how

"is this attainable in cases of such a nature!" "circum-
"stantial evidence" he observes, "of the strongest character,
"so strong as to bring the guilt of the accused party home
"to the private conviction of the Magistrate who forwards
"the prisoner to the Court of the Criminal Judge who
"commits, and of the Judge of Circuit who tries the case,
"is acquitted for want of that positive and direct evidence
"to the perpetration, which the Mussulman Law requires
"for conviction on a charge of murder." "The Prisoner," he
observes, is "perhaps called upon under such circum-
"stances to furnish security," but that in the case of
"an influential Reddy," the demand is met without
"difficulty, and thus individuals go forth to society
"with a body of evidence against them of the heinous
"crime of murder, which would probably be sufficient
"in any other Country than India, to secure the extreme
"penalty of the Law against the offender."

52 Towards the conclusion of the same para: 8 Mr. Stonhouse suggests "that tho' there may "not be that direct and positive evidence of the fact, "which is considered necessary to take the life of a "prisoner, the circumstantial evidence may be so "strong, as to fully justify the judgment of his guilt, "where a mitigated punishment might be proper "for the sake of public example, and to show that "public justice will not be entirely defeated."

In

so in the original

53. In this suggestion, which is to the effect that the sentence should be governed by a consideration of the degree of proof against the party accused, rather than by the nature of the crime established against them, Mr. Stonhouse has adopted a principle of Mahomedan Law which has been specially denounced in the preamble to Regulation XX of 1803.

54. These observations of Mr. Stonhouse are moreover founded in misconception and error. Conviction takes place in India in all cases where it could take place in England inasmuch as the Mahomedan Law as regards evidence is superseded by the Regulations. but every person at all conversant with the natives of this Country must or ought to know that an alarming facility of obtaining evidence exists here unknown to our Mother Country.

55. According to the rules of evidence, testimony must be sufficient or there can be no conviction, whatever may be the crime or its punishment. and this Mr. Stonhouse does not appear to dispute.

56. It is hardly necessary to add that the trials decided by this Court contain the most undeniable proof that circumstantial evidence leads to conviction, when sufficient and satisfactory.

tho

57. And to show that persons acquitted of heinous crimes are not necessarily permitted "to go forth to society" without restraint, in cases where the evidence may not be considered sufficient for their conviction, it is only necessary to point out that in cases of strong suspicion, tho not amounting to conviction; as well as upon proof of notorious bad character, the Court of Circuit has authority to direct the detention of the prisoner in custody, until he shall give security for his future good behaviour and appearance when required within 3 years, and if at the expiration of this period his release, without substantial security, is considered unsafe and improper, that the further detention of the prisoner is authorized by Section X Regulation VII of 1827; and if these measures be followed up by the forfeiture of the recognizances in cases where the prisoner may be proved to have misbehaved himself ere the expiration of the term of the security the power at present vested in the Courts of Circuit will in the opinion of the Court of Sudder Udalut be found effectual to restrain such persons from the practice of their evil habits.-

58. The fact mentioned at the conclusion of para: 8, that "natives of the first respectability hesitate "to come forward if the effect of their testimony will "lead

"lead to a sentence of death against a prisoner," would certainly not justify conviction upon insufficient evidence.

59. From the Magistrates printed statement No. 1 it is observed that out of 174 persons brought before the Nellore Magistracy during the 2nd half 1836 only 43 were convicted, and 87 were acquitted and punished, and 44 were discharged on Razeenamah, and without investigation, for default or other cause.- Before the Police of Nellore were brought, during the same period, 4442 persons, of whom only 541 were punished; 1115 were acquitted 2,366 were discharged on Razeenamah, or without investigation, and 420 were under examination,- in both cases it will be perceived the acquittals were rather more than double the convictions, and this result it will be observed is not confined to the District of Nellore.-

60. The subject discussed in para: 10 of the Magistrates report, has already been referred for the consideration of the India Law Commission when they arrive at that stage of their labours to which it belongs as intimated in the Minutes of Consultation of the 8th January 1836.-

61. With respect to the question raised in para: 11 of Mr. Monhouse's Report, as to the legality of Heads of Police punishing receivers of stolen property in common with the principal offender, the Court of Sudder Udalut resolve to point the attention of the Magistrat

Magistrate of Nellore to the Circular Order of the Tonjdaree Adalut of the 26th of November 1822, and to communicate to that Officer their opinion that provided the purchaser or receiver may appear to be implicated only as an accessary in a petty theft, punishable by the native Police under the provisions of Clause 1st Section IV Regulation IV of 1821, and not a notorious or common receiver of stolen property, the case is cognizable by these officers under the general spirit of the Regulations.-

62. In para: 12 the Magistrate of Nellore expresses his doubt as to the authority of a Head of Police to punish prisoners who effect their escape, while under examination, or under punishment, in cases of petty theft.-

63. The Court of Tonjdaree Adalut are clearly of opinion that the native Police Officer possesses no such authority, either in the case of convicts, or in the minor case provided for in Clause 3d Section V Regulation XI of 1822.-

64. The Head of Police of Podelay having represented that the people of his division hesitate to give information respecting offenders, "because if they "acknowledge they know any thing they will be sent as "witnesses to the Criminal Court at Nellore, 120 miles "distant," the Joint Magistrate Mr Parker deems it "worth consideration whether the jurisdiction of the "native Court at Cumbum could not be extended over "a portion of the Venkatagherry Zemindary, the boundary "of

Vide Magistrate's Letter dated 31st January 1838 No 2183-

"of which approaches close up to Cumbum itself".- The Magistrate of the District has made no reference to this proposition in his Report and the Court of Tonjdaree Adalut resolve therefore to call upon him to submit a specific opinion on the subject.-

Masulipatam. 65. The Magistrate of Masulipatam referring to the number of "apprehensions," by the native Police of his District, "compared with the number of "punishments" by the same officers, states, that such "system must continue so long as the Heads of Police "are not empowered to inflict any punishment "themselves for frivolous vexatious and unfounded "complaints on trivial accounts," that he thinks it "a matter of consideration whether some legislative "enactment for the punishment of offences of this "nature ought not to be passed," the provisions of Regulation IX of 1832 being in his opinion "too indirect "to meet the necessity.-

66. The Court of Tonjdaree Adalut being in possession of the fact, that the enactment of Regulation IX of 1832 was regarded by the legislature as of doubtful expediency, are not prepared to recommend that the provisions of Section II of that Regulation be extended, as suggested by Mr Wroughton.-

67. The sentiments of the Court of Tonjdaree Adalut on the general question whether the power of adjudicating corporal punishment in

cases

1st November 1837.-

cases of theft should be restored to Heads of Police were laid before the Government in their proceedings of the 15th of August 1836 (paras: 46 to 50) and of the 8th September 1837 (paras: 9 and 10) and by desire of the Governor in Council a reference has been made to the several Magistrates to ascertain their opinions respecting the effects of the measure which deprived the Native Police of that power.-

68. But referring particularly to the case of theft, described in para: 4 of the Magistrate's Report, wherein the infliction of corporal punishment was considered necessary, the Court of Foujdaree Udalut will point out to the Magistrate that it was obviously the duty of the Head of Police, under the provisions of Clause 2nd Section IV Regulation IV of 1821, to have referred the case of the two persons who were apprehended "bearing away the door of the Provincial Court "House," for the orders of the Magistrate, to whom it would have been competent to direct the Head of Police to inflict such legal punishment, including stripes, as he might have deemed sufficient.-

69. The Court desire that the Magistrate of Masulipatam will Report on the further trial of the arrangement sanctioned by Government for introducing Tahsildars in the place of Heads of Police in the District of Masulipatam not noticed in

F. W.

1st November 1837.- in his present communication.-

Rajahmundry. 70. It is not the intention of the Court of Foujdaree Udalut with reference to para: 10 of the Minutes of Consultation of the 15th November 1836 to insist in these proceedings the general question respecting the remunerations of the Heads of Villages ex officio Moonsiffs, but it appears desirable that para: 8 of the Report by the Head Assistant Magistrate in charge of Rajahmundry should be referred for the consideration of the Board of Revenue.-

Vizagapatam. 71. With respect to the increase in the total number of crimes ascertained to have been committed, as compared with the number reported in the statements for the preceding six months, Mr. Freese states that it "must be attributed to the "disturbances in the Golcondah Zemindary, created "by the adherents of the Rajah Amuntaboopathy, in "order to subvert the established order of Government, "and to quell which it has been found necessary "to call for the aid of regular Troops. A portion of these "offences have also been committed by the Party "of Feetoory Dars in the Bonunghee and Vopadah "Hills, the Sirdars of whom, have since been ap- "prehended and sent under the orders of the "Honorable G. E. Russell Esq.re for trial before Special "Commission at Chicacole."-

Centre Division Cuddapah.- 72. The Magistrate of Cuddapah has submitted a

a most excellent report, to which the Court of Foujdaree Udalut would accordingly solicit the special attention of the Right Honorable the Governor in Council.

73. Mr. Casamajor's suggestion, that all actions of debt against Circar Ryots be made cognizable in the first instance by Punchayets, in the manner prescribed by Regulation XII. of 1816, would appear to have been already laid before the Government in Mr. Casamajor's Jamabundy Report for Fusly 1245, an extract from which is appended to his Police Report.

74. In the opinion of the Court of Foujdaree Udalut no objection exists to extending Regulations XII of 1816 and V of 1822, to claims arising out of transactions, of the nature referred to in paras: 11 to 16 of Mr. Casamajor's Revenue Report above referred to, and it would appear desirable that the suggestion should be referred for the consideration of the Law Commission, when they may arrive at that stage of their labours with which the subject is connected.

75. The measures adopted by Mr. Casamajor towards the Village Police of Dowvoor, for the part they took in the extensive Robbery committed at the Cusbah Town of that Talook the

the Court of Foujdaree Udalut trust, have been approved of by the Board of Revenue.

76. One of the Reddy Meerasdars of Dowvoor himself was found to be the leader of the Gang; and out of the entire body of the Police of that Village, which consisted of 2 Mistul Reddies, 11 Cuttoohuddy Peons, and 2 Police, or Bell Peons, all but one of the Bell Peons were within the Town, and within easy distance of the House robbed, and tho most of them actually heard the alarm, not a single man reached the spot till the Robbers had left it, and carried off their plunder; and tho the whole gang could not, Mr. Casamajor states, have been 100 yards before them, not the slightest attempt was made at pursuit till next morning.

77. Every one of the Police Servants above mentioned, Mr. Casamajor reports, were dismissed from employment all their maniums attached and the Head of Police ordered to recommend the same number of qualified and respectable inhabitants of the Town to be appointed and enjoy the maniums in their room; and the Court of Foujdaree Udalut entirely concur in opinion with Mr. Casamajor that this was the only proper course to produce the

necessary

necessary amendment in a degenerate Village Police.—

78. Mr. Casamajor appears to have availed himself of the most favourable opportunities for impressing upon the people the necessity of every man defending himself and his property, and his example in this respect cannot be too generally followed by the several Collectors and Magistrates.—

79. That to his exertions may be attributed the six instances of effectual resistance to gangs of Robbers which occurred during the 4 Months preceding the date of his Report, the Court of Foujdaree Udalut entertain no doubt, and Mr. Casamajor's endeavours to provide so desirable an end merit much commendation.—

80. In the comparative statement given in the margen to para: 6 of his Report, Mr. Casamajor shews that tho' crimes have lately decreased in the District of Cuddapah there has been a decrease in the proportion of persons apprehended, and chiefly in the Talooks of Chitwale, Poolevendalah and Doovoor.—

81. With reference to para: 10 of Mr. Casamajor's Report the Right Honorable the Governor in Council will observe that a Circular Order No. 93 has been lately issued by the Court of Foujdaree Udalut, directing that whenever a Judge of Circuit may not adopt Mr. Vaughan's plan for rendering the attendance of witnesses in the Courts of Circuit less burdensome to themselves, (circulated under date the 13th February 1833,) he is to submit

submit for the consideration of the Foujdaree Udalut a statement of the circumstances which in his opinion rendered it impracticable or inexpedient.—

82. In para: 11 of his Report Mr. Casamajor observes that "something might be done by instructing "Heads of Police to examine more witnesses in the "first instance," that all need not be sent up to the Courts, that two would be enough "where a number give just the "same account," but that "all should "be sent," "where there is any material difference."—

83. If in any instance District Police Officers neglect to obtain all procurable evidence, material to cases brought before them, it is the duty of the Magistrate to require their attention to the provisions of Clause 2nd Section XXVII Regulation XI of 1816. But having completed the investigation, the Police Officer should in forwarding his proceedings to the Criminal Judge under the provisions of Clause 4th of the same Section, send up only all material witnesses, stating at the same time the nature and substance of the depositions of the other witnesses examined by him, and it will then rest with the Criminal Court to call for the parties if it deems their evidence requisite.—

84. But if a "trial before the Court of Circuit is suspended," while witnesses are "sent for" or "Prisoners

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"Prisoners are acquitted whom there is evidence enough
"to convict, if all the evidence had been duly availed of"
the fault lies with the committing Officer not with the
Head of Police.-

85. The Court will now conclude their
observations on Mr. Casamajor's Report by expressing
their concurrence in the opinion expressed in the 13th
para: that "the grand object is to substitute village
"for District agency and responsibility." that "the Village
"Agency has every thing necessary within itself, and is
"always ready and at hand", that "the District agency
"scarcely ever can be set in motion till long after
"the golden opportunity of effective action is past."

Bellary. 86. With the exception of the event noticed
in the 3d para: of his letter, the Report of the Magistrate
of Bellary doesnt appear to call for remark from
the Court of Foujdaree Udalut.-

87. That event is "the death of a notorious
"robber named Pasoobraggadoo, who was long the
"terror of the part of the Country which he infested,
"and who continued to frustrate every attempt made
"to seize him; he was slain in the Month of may
"last by two of his old associates who themselves
"announced the event, and professed to have been
"actuated solely by the hope of reward; but from
"what transpired a few weeks afterwards the honesty

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"of their motives became doubtful, and as they were
"charged with concealing some valuable property,
"which the deceased Pasoobraggadoo had about
"him, the Head of District Police deemed it his duty
"to send them to the Criminal Judge, who,
"taking a still more unfavorable view of their
"conduct, committed them for trial on a charge of
"Robbery and Murder."

88. The Trial here referred to is No. 10
of the Bellary Calendar for the 2nd Sessions of 1836,
which terminated in the conviction of the Prisoners
by the Court of Foujdaree Udalut of culpable homicide,
and appropriating to their own use the property
found on the person of the deceased.-

89. The Judges were not of opinion
that the object of the prisoners in killing the
deceased who was a proclaimed Robber was
the acquisition of the property found on his
person, but that the prisoners killed him fearing
to attempt taking him alive, and that they could
not resist the temptation of appropriating the
spoil found upon him.- They therefore sentenced
them upon consideration of all the circumstances
of the case to 5 years imprisonment with hard
labor in irons.-

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Chingleput.

90. The Magistrate of Chingleput states that with the exception of two cases of Robbery committed by Individuals sent for from other parts of the Country, "by certain associates of the Right hand Caste, to "enable them to annoy two of their influential op- "ponents of the opposite Caste," "Nothing has occurred "in the District, during the half year under review, "calculated to excite regret, either as regards the "commission of crime, or the efficiency of the District "Police".-

Cuddalore.

91. The letter from the Magistrate in the Southern Division of Arcot is merely occupied in the notice of certain Crimes committed in the District under his charge, which he considers deserving of Special remark.-

No. 13 of the Cuddalore Cal.r S. Sessions 1836.

92. The trial of the 3 persons for the Murder of the Curnum referred to in para.r 3 of Mr. Dent's report, terminated in the conviction of the 1st and 3d. prisoners, and the release of the 2d. on security.-

93 The 1st. prisoner was sentenced to suffer death, and the 3d. prisoner was sentenced to transportation for life.-

No. 16 Cuddalore Calendar 2nd Sessions 1836.

94. The trial in the case of Murder referred to in para.r 9 of Mr. Dent's report, terminated in the conviction of the prisoner of manslaughter; he

1st November 1837. he was sentenced to 5 years imprisonment.-

Vide Letter to Govt. 9th August 1837.-

95. The trial of the notorious Robber Talaverchan, the Right Honorable the Governor in Council has already been informed terminated in his conviction, and he was sentenced by the Court of Sonjdaree Udalut to be hung in chains, at a spot in the vicinity of the place where the Murder, for which he was tried, was committed.-

96. With reference to para. 12 of Mr. Dent's Report, the Court of Sonjdaree Udalut resolve again to inform that officer, and the several other Magistrates subject to their jurisdiction, that cases of Highway Robbery must be entered either under the Head of Robbery or Gang Robbery, according as the crime may have been committed by a single individual, or by a Gang.-

97. The Joint Magistrate in the Southern Division of Arcot in the concluding para.r of his Report, refers to the necessity of an augmentation being made to the Police Establishment in the Talook of Ellavanasore; but the Magistrate not appearing to have given his attention to the subject, will be called upon to state whether a modification of the Police Establishments in the Talooks under the charge of the Joint Magistrate could not be effected

so as to give to the Talook of Ellavanasore a large number of Police Peons.

Southern Division Madura. 98. The Magistrate of Madura in the 2nd para: of his Report draws attention to the progressive improvement, apparent from the statements in the efficiency of the Village Police, and states his belief that there is not now a Village in his Collectorate, "including the Zemindaries, in which the Head of "the Village is not designated, and authority given "him, in writing; and the measure of furnishing each "with a brief consecutive abstract of his duty and his "powers, written on Cadjan leaf, and commenced "during the last year, has," the Magistrate states, "in this year been completed."

99. The Court of Foujdaree Udalut fully appreciate the exertions of the Magistrate in the improvement of the Village Police and the Court in their proceedings of the 29th February 1836 [para: 5] took occasion to bring to the notice of the Right Honorable the Governor in Council the Zeal and ability displayed by Mr. Blackburne in the efficient controul exercised by him over the Police of his District.

100. It will be observed that the Magistrate of Madura has given in his Report the number of deaths from other than natural causes during

during the year 1836 that have come within the knowledge of the Police. The number of deaths by hanging are stated to have been 16. by drowning accidentally, or by design, 113. by fire 5. by lightning 16. by drunkenness and intoxicating and deleterious drugs 4. by wild beasts 75. The Court of Foujdaree Udalut are of opinion that similar information should be given by every Magistrate in his annual Report on the state of the Police of his District. and will direct the same accordingly the deaths by suicide being distinguished from those by accidental causes.

101. The increase of crime observable in the Madura statements is attributed by Mr. Blackburne to the scarcity that existed towards the close of the year.

102. The measures adopted by Mr. Blackburne for the improvement of the Police in the Zemindaries within his Collectorate, have already received the sanction of Government; and it is satisfactory to observe Mr. Blackburn's exertions to effect so desirable an end.

103. The Acting Joint Magistrate has explained in a letter addressed to the Magistrate, that, from the short period he had been in the District, he was unable to make any general Report on the state of the Police in the Talooks under his jurisdiction.

Tinnevelly. 104. The Reports on the state of the Police made

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made by the Magistrate and Joint Magistrate of Tinnevelly do not appear to call for remark from the Court of Foujdaree Udalut.—

Tanjore.

105. The Statements received from Tanjore shew an increase in the number of crimes committed in this District during the year under review and Mr. Kindersley referring to the prevalence of the crime of Gang Robbery in his District, submits his opinion that "the little "effect" that "incarceration" "has, in suppressing this "crime," "seems to call for some severer punishment than "mere personal restraint, with infinitely better food "and lodging, and much less Labor, than falls to the "share of every honest man, who earns his bread by "the sweat of his brow."—

106. The Provincial Court of Circuit in the Southern Division in the 45th para: of their proceedings held on review of the statements and Reports submitted by the several Magistrates record their concurrence in the above opinion, quoted from Mr. Kindersley's Report, and they add that the increase in the crime of Gang Robbery "seems to call for some special act of the legislature "for providing for the punishment of such offenders with "greater severity than is at present in force".—

107. The Court of Foujdaree Udalut in their proceedings of the 20th July last communicated to Government their opinion that the punishment provided by the Regulations in force, for the crime of Gang Robbery, was

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was sufficient; and as it is competent to the Court of Foujdaree Udalut, in cases of an aggravated nature, to pass a sentence of capital punishment, they continue of opinion that provisions more penal than those of Regulation XV of 1803 are not required. The Foujdaree Udalut are prepared to give effect to this law in cases deserving of extreme punishment; and they direct that the 4 Provincial Courts of Circuit be informed that under the Circular Order of the 14th March 1834, it will be the duty of each Judge of Circuit to propose the same where it appears requisite for the ends of justice.—

108. Mr. Hooper in his Report for the 2nd Sessions of 1836, has recorded his opinion that the provisions of Regulation XV of 1803, which provide punishment for persons convicted of the crime of Gang Robbery, are not fully enforced by the Court of Circuit.—

109. The Foujdaree Udalut have of late declined to sanction any mitigation of punishment in such cases in Tanjore except on the strongest grounds, and the Judges of Circuit will be cautious to propose the same unless under circumstances of decided extenuation.—

110. And in view to the more speedy suppression of the crime of Gang Robbery in the District of Tanjore, it would appear advisable that

in

in all cases, occurring in that Collectorate, banishment to a distant Zillah should form a part of the punishment awarded by the Court of Circuit.—

111. The Provincial Court of Circuit remark that "the excellent treatment" met with in a Jail, operates "as a premium for the commission of crime" and that "many persons" "after being set at liberty commit some "offence, with the view to being again restored to such "comfortable quarters."—

112. That such cases do occur in times of scarcity or during the existence of a famine, the Court of Foujdaree Udalut are fully aware, but if the standing orders of the Foujdaree Udalut on the subject of dieting and Jail Discipline are enforced, the "comforts" of a Jail cannot be great.—

113. The Court of Foujdaree Udalut are aware that in certain of the Jails the quantity of labour performed by the Convicts is not that which ought to be exacted; that this arises from the Judges attached to the Courts having no time to superintend the labor of the Convicts, and few natives can be found fully competent to the discharge of the various and responsible duties of a Jailor.—

114. This consideration induced the Court of Foujdaree Udalut in the Proceedings of the 16th. September 1836 and 22nd. April 1837, to recommend that the services of European Pensioners be secured, whenever

vacancies occur among the Jailors a measure which the Right Honorable the Governor in Council was pleased to sanction under date the 10th. of May 1837, if the services of such persons could be obtained at the salaries already fixed.—

Trichinopoly. 115. The subject referred to in the 5th. and 7th. paras. of the Report by the Magistrate of Trichinopoly are, the Court of Foujdaree Udalut conclude, still under the consideration of Government or of the Board of Revenue.

116. With respect to para. 6 of the Report in which the Magistrate refers "to the serious disadvantage as regards the administration of Justice "which the District of Trichinopoly labors under in "the want of a Criminal Court within its limits."— and to the fact that "instances of the practical "evil effect of the distance of the Court at Combaconum, in deterring people from prosecuting and "inducing them to conceal wrongs suffered, are "continually occurring" the Court of Foujdaree Udalut have only to observe that in the extract from the Minutes of Consultation of the 24th. October 1837 they have been requested to state their sentiments relative to a Draft act proposed to be passed by the Government of India for vesting in the Right Honorable the Governor in Council the power to confer on the Magistrate of Trichinopoly the

powers

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powers of Criminal Judge within certain limits including the Cantonment of Trichinopoly.

Salem. 117. The Report of the Magistrate and Joint Magistrate of Salem do not appear to call for any remark.

Coimbatore. 118. The Report of the Joint Magistrate of Coimbatore is almost wholly occupied in remarks & intended to justify the continuance of a system of Police surveillance which existed in that District, previous to the receipt of the orders of the Fouzdaree Adalut of the 24th October 1835, and which has been consequently abolished by the Magistrate as illegal: and Mr. Drury in his letter submitting the Joint Magistrates Report, observes, that "in the absence of "any facts to support the opinions" "expressed" by Mr. Anstruther "respecting the system of Passports, and of "confining suspicious characters and persons of degraded "castes at night," he is "unable to concur in their propriety."

119. "No instance has occurred", Mr. Drury adds, "in the Talooks under his immediate manage- "ment to induce him" to suppose that a facility of "Gang Robbery is afforded by the abolition of this system", that "on the contrary, it may be inferred, as the crime "of Gang Robbery in this District has not increased, "and referring to the small amount of crime, as ob- "served by the Acting Joint Magistrate himself, "that good rather than evil consequences have followed

1st November 1837. "followed the humane intentions of the legislature, "in relieving the lower orders of the people from all "interference with their personal liberty."

120. The illegal practice having been relinquished, it might seem needless to argue further in support of its abolition, but as the Government have in the letter addressed to this Court by the Chief Secretary to Government under date the 17th May 1837 expressed an opinion "that particular practices," or ordinances of "Police, whenever founded on a just & "expediency, and sanctioned by long custom, should "be adhered to; and that "they would seem naturally "and of themselves to rest on the authority of law, were "they not expressly sanctioned by the spirit, if not the "letter, of the Regulations, as expressed in the preamble "to Regulation XI of 1816, wherein it is declared to be "expedient that a system of Police, founded chiefly on "the ancient usages of the country, should be established "throughout the territories subject to this Government."— and that the Governor in Council is "therefore of "opinion that no further legislative enactment is "necessary to empower Magistrates to exercise any "customary surveillance over suspected persons," and that "they should generally be left to the exercise of "their own discretion in framing rules of Police for "the maintenance of the peace and order of their "respective

"respective Districts so long as those rules are not found to "militate against express regulation," the Judges of the Court of Foujdaree Adalut who are bound by their oaths of office to be guided by the Regulations, and whose construction of them is "to be held final and conclusive," deem it their duty respectfully to submit to Government their reasons for considering the practice to be illegal.-

121. The Court of Foujdaree Adalut would submit therefore,-

1st That Section II. Regulation I. of 1802 renders illegal any rules affecting the persons of individuals, which may not be enacted by the legislature.

2nd That the legislature in its wisdom having enacted so much of the Native Police rules as was thought right, no more of those rules can be introduced but by another legislative enactment.

122 Accordingly from 1802 up to the present time rules affecting the persons of the Native subjects of the British Government, have invariably been thus established; and in Regulation XI of 1816 for instance, are contained minute provisions restricting the interference of public officers by positive and carefully defined limitations, which cannot be exceeded without rendering the public officer liable to an action in damages, as well as to penalties, from his employers: and in respect to vagrants, suspicious persons and persons without ostensible means of honest livelihood,

or

or of notoriously bad character, it is sufficiently inferrible from the preambles to Regulation VII of 1822 and XI of 1827 that the measures of precaution and coercion thereby authorized could not have been used previously to their formal enactment.-

3rd That if it were admitted that a system such as that described and advocated by Mr. Anstruther could be legally established without a legislative enactment, or that subsisting before the introduction and upon authority of those Regulations of the general Regulations, it was not utterly overthrown so soon as the Districts in which it prevailed became subject to the law of the British Government,- the admission would go to set aside the whole system of the Civil administration by means of laws formally enacted, and would render it impossible to understand why the numerous rules affecting the liberty of the subject in these territories, which have from time to time formed the subject of legislative provision required, for their introduction or modification, that solemn sanction.-

4th That inasmuch as it is not competent even to the Governor in Council, by an order in Council, to establish rules affecting the persons of individuals (as shewn in the letter addressed by this Court to Government under date the 3d November 1836) the illegality of their prescription by a Magistrate, is evident.-

And

And lastly the Court of Foujdaree Udalut would respectfully submit that the opinion, that Magistrates should generally be left to the exercise of their own discretion "in framing rules of Police for the maintenance of the "peace and order of their respective Districts, so long as "those rules are not found to militate against express "regulations," strikes at the foundation of the whole system of legislation, and would go to constitute the Magistrates to all intents and purposes independent legislators within that limit, - that is to say, to give those officers power to establish rules such as are described in Section II Regulation I of 1802 provided they are not contrary to existing provisions.

123 The preamble to Regulation I of 1802 contains a solemn denunciation of such a system as this.

124. The only legal mode of authorizing the system advocated by Mr. Anstruther, or the continuance of that enforced in the District of Rajahmundry, of requiring persons of certain Castes to leave their family and their home, and compelling them "to sleep every "night in the village Choultry," is by a legislative enactment; but unless it can be clearly shewn that the provisions contained in Regulation II of 1822 and Regulation VI of 1827 are insufficient to accomplish the object for which they were enacted, and that a new law is absolutely required to restrain particular castes from the practice of

of their evil habits, many and weighty arguments might be urged against legalizing such interference on the part of the Police.

125. It would be advisable perhaps previously to suggesting any enactment on the subject to consult the opinion of the Magistrates as to the particular practices or ordinances of Police in this respect, which in their opinion are absolutely necessary to the due maintenance of the peace in their respective Districts and occasion can be taken to do this in calling upon the local officers as directed by Government on the 10th Ultimo, to report on the suggestions originally made, on this subject, by Colonel, subsequently Sir T. Munro.

126. The Magistrate of Coimbatore in his Report on the state of the Police of his District ending 31st December 1835 brought to the notice of the Court of Foujdaree Udalut a practice prevalent in many villages of his District of a Village Watcher, distinguished by the local name of Taliary, being maintained by private contributions of the Ryots, but that being considered a private servant of the inhabitants of the Village, and not the servant of Government, he acts independently of the village officers, and he suggested therefore as a remedy that

1st November 1837 — that all persons acting in the capacity of Taliaries, and receiving allowances in grain or otherwise, by preceptive rules of long usage, distinct from the allowances allotted by Government, be included in the number of authorized village Watchers, and be placed under the immediate authority of the Heads of Villages — Each Taliary receiving a Sunnud of appointment from the Magistrate, and being declared in every respect amenable to the provisions of Regulation XI of 1816.

127. In the Minutes of Consultation under date the 15th November 1836 [para. 21.] the Right Honorable the Governor in Council observed that as the Talliaries in Coimbatore are private Watchmen paid by the people it might be matter for consideration whether they can at once, and without their consent, be made subject to the provisions of Regulation XI of 1816, but requested the Foujdaree Udalut to give the subject further consideration.—

128. It does not appear to the Court of Foujdaree Udalut that, because the Taliaries in Coimbatore are paid directly by the people, that it necessarily follows that they are private servants. Where mauniums or lands rent free or under favorable assessment have been granted by Government to the village officers as well as where they never have been given, the Taliars are often in part, or in whole, maintained by

1st November 1837 — by Merahs, or allowances in grain, from each inhabitant. In many provinces, these have been resumed by Government, who, in such cases, have generally given money, or other allowances to the village officers in lieu thereof; But in the provinces where these Merahs have not been resumed, and they consequently continue to be paid by the people, direct to the village officers, the latter are not the less public Officers, though no doubt more under private control by the contributors, than by the Government, who have not resumed the merahs and do not therefore pay the officers themselves.—

129. If the usual mauniums and Merahs of the Talliaries in Coimbatore have both been resumed by Government, and from the Government omitting to make any allowances to the Taliars in lieu of them, the village people have been driven to hire, at an extra expense, their own watchman, the case may be different.—

130. It would appear desirable therefore that the Board of Revenue should ascertain how the facts stand, as to the tenure of the Talliaries in this district, and be required at the same time to submit some specific proposition on the subject.—

131. With reference to the remarks by the Joint Magistrate of Coimbatore respecting the form of the statement No. 2 furnished for the use of the Magistracy, the Court of Foujdaree Udalut resolve to append

1st November 1837.

append to these reports a copy of their proceedings of the 9th of June 1837 shewing the modification that has been made in the headings of this statement.

Western Division Canara. 132. The Report of the Magistrate and of the joint Magistrate of Canara for the year ending the 31st December 1836 have already been laid before the Right Honorable the Governor in Council, and the matters discussed therein, disposed of in the Minutes of Consultation of the 14th of April 1837.

Malabar. 133. The Police in the District of Malabar appears to be in excellent order and efficiency, but the Magistrate's report does not appear to call for further remark.

134. Mr. Clementson notices however that under the Circular Order of the Sudder Adalut of the 19th June 1836 (No. 59) he has refrained from submitting translations of the Reports of the District Police, as not containing any thing worthy of notice.

135. This remark is applicable to nearly all the Reports made by the Native Officers of Police, and adverting to the trouble occasioned to the Magistrate's Establishment in causing them to be translated, and to the great labour imposed on the Establishment of the Court of Sudder Adalut in preparing triplicate copies of the same, the Judges recommend that the present opportunity be taken to solicit the Honorable the Court of Directors to dispense with them altogether.

Statements

Statements Nos. 5 and 6.

Criminal Courts.

136. Statements Nos. 5 and 6 exhibit the operations of the Criminal Courts from 1st of July to the 31st December 1836.

137. The total number of cases brought before the Criminal Courts during the above period inclusive of those not disposed of at the date of the previous report is 1913 containing 4066 prisoners. In the preceding half year the total number of cases was 1714 containing 3584 prisoners being an increase in the half year under review of 199 cases and 481 prisoners.

138. The following statement exhibits the particulars of the cases before the Criminal Courts during the 2nd half of 1836.

Crime	No. of Cases	No. of prisoners
Murder	129	288
Culpable Homicide	21	49
Robbery and Murder	19	64
Gang Robbery	282	990
Robbery by a single individual	14	13
House-breaking by day	22	31
Do. by night	229	428
Theft	375	611
Arson	22	48
Maiming and wounding	136	308
Perjury	53	56
Subornation of Perjury	3	3
Forgery	20	41
Breaches of the Revenue Laws	328	359

Of

139. Of the 4065 persons brought before the Criminal Courts during the half year under review 867. in cases adjudicable by them were released unconditionally - against 70 of whom the charge was considered wilfully false and malicious.-

157. were released on security.

165 were detained on demand of security.

1034. were convicted and punished.

716 were released in cases punishable by the Court of Circuit.

851. were committed.

270 Under examination

5 Escaped.

4. Died

2. Dismissed from the service.-

4065.-

140. Of the 1034. persons who were convicted and punished by the Criminal Courts.

560 were imprisoned

269 were fined

3 flogged.

63 were imprisoned and fined

139 imprisoned and flogged

1034.

141. The number of persons convicted and punished by the Criminal Courts in the preceding half year was 1020. the number committed was 731. and the number unconditionally released in cases either punishable by themselves or the Courts of Circuit was 1238.*-

* in the half year under review the number as shewn above was 1533.-

142. The Honorable the Court of Directors having in

in the 3d para: of their Despatch of the 13th of July 1836, attributed the decrease in the number of persons under examination before the Criminal Courts, as exhibited in the Statements for the first half of the year 1834/617/ to the aid derived from the employment of the Sudr Ameens in the investigation of Criminal Cases. the Court of Foujdaree Udalut would respectfully point out that the decrease in this respect, observable in the statement brought down to the 30th of June 1834, compared with the number exhibited in the half yearly statements for the previous year (1833), is chiefly to be attributed to the extraordinary influx of prisoners (occasioned by the famine) having during the 1st half of 1834 began to subside.-

143. From the number of persons remaining "under examination," the Honorable Court have inferred that each case is depending before the Criminal Judge for nearly a Month, and the serious attention of Government having been drawn to the adoption of measures for obviating as far as practicable the hardships inflicted by this delay, the Right Honorable the Governor in Council in the 7th para: of the Minutes of Consultation under date the 2d May 1837 has required the Judges of the Foujdaree Udalut to state their sentiments as to the practicability of the adoption of any further measures for the purpose of shortening as much

as

as possible the delay which occurs in the disposal of cases referred to the Criminal Courts.

144. During nearly the whole of the period reviewed by the Honorable Court in their despatch of the 13th July 1836, the effects of the famine were felt, and the Judicial Officers were overwhelmed with cases and prisoners. Under such circumstances no exertions could prevent delay, but in ordinary times cases forwarded to the Criminal Courts are disposed of as received, and no delays except such as are unavoidable, viz. when further evidence for the prosecution is required, and when witnesses for the defence are sent for either occur, or are permitted in the Criminal Courts, whose proceedings monthly pass under the review of the Foujdaree Udalut; and under these circumstances the Judges have abstained from making the reference to the Criminal Judges suggested in the Minutes of Consultation of the 2nd of May 1837.

Statements No. 7 and 8.

Courts of Circuit

145. These Statements exhibit the operations of the Courts of Circuit during the same period.

146. The cases of every description which came before those Courts during the six months under review were 403 including 873 persons, being 45 cases and 7 persons more than were brought before the Courts of Circuit during the 1st Half of the year 1836.

147. Of the 873 persons who were committed for Trial, 239 were released unconditionally, of whom only

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5 were considered to have been falsely and maliciously accused, 101 were released on security, and 300 were convicted and punished. Of these latter

34 were flogged and imprisoned for a term exceeding 7 years.
20 ..... Do. ..... Do. ... for a term not exceeding 7 years.
117 were imprisoned for 7 years and upwards without flogging.
109 imprisoned for 7 years and under without flogging.
300.

148. There were 77 Cases including 149 prisoners referred to the Foujdaree Udalut, 13 Cases were postponed by the Court of Circuit; 19 persons were returned to the Criminal Courts to be disposed of by them; 15 persons were returned to those Courts in order that they might demand security from them if they deemed fit; and 15 persons were discharged without trial; 3 persons died, and one prisoner, being insane, was directed to be placed under the charge of the Zillah Surgeon, as directed by the Circular Order of the Foujdaree Udalut of the 1st of June 1829.

149. Of the 49 persons thus shewn to have been discharged without trial, or returned to the Criminal Courts to be disposed of by them or for a demand of security if they deemed fit, 45 were persons included in the Calendars laid before the Court of Circuit in the Western Division and in explanation thereof the Court of Foujdaree Udalut beg leave to submit extracts from their proceedings under dates the 26th October 1836 and 11th of January 1837 together with

copy

copy of the return dated the 15th November 1836 made by Mr. Vaughan the Judge who presided at the 2d Sessions of 1836.-

150. The greatest number of cases was brought before the Court of Circuit in the Centre Division (Viz. 136) of which 34 cases were referred to the Foujdaree Udalut. In the Southern Division the number of cases was 106 of which 16 were referred to the Foujdaree Udalut. In the Western Division 103 Cases of which 18 Cases were referred; and in the Northern Division 58 Cases, of which 9 were referred to the Foujdaree Udalut.-

151. Of the 77 Trials referred to the Foujdaree Udalut by the Circuit Courts the Futwas delivered by their Law Officers were concurred in by the Court of Circuit in 58 Trials but the nature of the offences made the Trials of necessity referible and 19 Cases were referred because the Courts of Circuit did not approve of the Futwah of their Law Officers.-

152. In the 10th para: of the dispatch of the 13th July 1836 above referred to, the Honorable Court notice the very different results between the Trials before the Courts of Circuit, during the period then under their review, and what has been stated by the Nizamut Udalut at Calcutta to be a "fair proportion" between acquittals and commitments.-

153. The Government it is remarked had pointed out to the Honorable Court that it is already the

established practice to require special explanation in every instance of postponement of a trial by the Courts of Circuit, in order ascertain where the fault lies, and to correct it by immediate notice and animadversion; but if this is not found to be sufficient, the Judges are to consider and report what further measures in their opinion it would be practicable to adopt.-

154. The Court of Foujdaree Udalut would respectfully submit that the orders above referred to, have been found sufficient to diminish to the utmost extent the evil referred to, and the statements now submitted shew that during the 2d half of 1836 only 13 Cases were postponed by the Courts of Circuit. The statement brought down to the 30th June 1834, to which the remarks of the Honorable Court on this subject particularly refer, shewed that the number of postponed Cases during the 1st half of 1834 was no less than 91, containing 431 persons. But it must be remembered that the whole of the returns referred to in 10th para: of the Honorable Court's despatch, included a period of famine, and consequently do not exhibit a fair statement of the operations of the Criminal and Circuit Courts in ordinary times.-

155. To the same cause, viz. the great influx of business occasioned by the famine, may be

be attributed the delay in the preparation of Trials referred to by Mr. Casamajor in his Circuit Report of the 30th of June 1834, and noticed by the Honorable Court in the 13th para. of their Despatch of the 13th July 1836. In ordinary times the delay in the despatch of Trials by the Judges of Circuit is not occasioned from a deficiency of Translators as explained in the proceedings of the Tongdaree Udalut of the 17th of August and the 5th September 1837, but when good reason can be shewn by a Judge on Circuit for additional aid in this respect, the Court of Tongdaree Udalut never fail to solicit the sanction of Government for the measure.

Statement No. 9.

Tongdaree Udalut

156. Statement No. 9 exhibits the operations of the Tongdaree Udalut during the last half of the year 1836.

157. It shews that, at the date of the last report, there were only 4 Cases containing 4 persons which had not been disposed of, and that there were received during the half year 75 Trials including 159 prisoners, making together 79 Trials and 163 prisoners where of 34 were Trials for Murder; 10 Cases of Robbery and Murder; 11 Cases of Gang Robbery; 1 Case of House-breaking by night; 1 Case of theft; 2 Cases of Forgery; 2 Cases of Perjury; 3 Cases of Wounding; 9 Cases of Treason and Rebellion; 1 Case of Aiding and abetting in Murder; 2 Cases of Robbery attended with aggravating circumstances; 2 Cases of Forgery and Subornation of Perjury and

T. Ud.

1st November 1837 - and one Case of Torture.

153. Of these 79 Trials 64 were disposed of within the half year under review, inclusive of 2 Trials in which all the proceedings were quashed, and 1 Trial in which the only prisoner had died, leaving 15 undisposed of at the close of the Report.

159. Of the 61 Cases, containing 122 prisoners, in which the Court of Tongdaree Udalut proceeded to judgment -

27 persons were released unconditionally } Of these 34 persons 13 were considered
7 Ordered to be released on security } convicted by the Judge of Circuit -

86 convicted and sentenced to punishment } Of whom 1 was considered not convicted
1 Insane - and } by the Judge of Circuit -
1 Punished in another case -

122

160. Of the 86 persons convicted

31 were sentenced to suffer death.
1 Flogged and Transported.
18 Transported without flogging.
17 Imprisoned for more than 7 and not more than 14 years without flogging -
18 Imprisoned for 7 years and under without flogging -
1 Fined and imprisoned -

86 Total.

161. Of the Trials disposed of by the Tongdaree Udalut, there were 22 Cases in which the Futwahs of acquittal were overruled, under the provisions of Section II Regulation I of 1813 in 13 of which the Futwahs were founded on exceptions to the competency of the witnesses, and in the remaining 9 on the insufficiency of the evidence adduced.

In

162. In these 22 Cases containing 35 prisoners, sentence of death was passed on 11. 3 prisoners were Transported without flogging; 5 were Imprisoned for more than 7 and not more than 14 years without flogging; 10 Imprisoned for 7 years, and under, without flogging; and 1 was fined and imprisoned.—

163. The grounds on which the Futwahs were overruled in the 9 Cases in which the evidence adduced was considered by the Law officers insufficient, will be found detailed in an Appendix to these proceedings.

164. In conformity to the instructions contained in the 22nd para: of the Extract from the Minutes of Consultation under date the 8th of August 1834, the Judges beg leave to explain that out of the 20 Cases referred to the Foujdaree Udalut in consequence of the Presiding Judge disapproving of the Futwa of the Law officer, in 14 cases the decision of the Judge of Circuit was affirmed by the Foujdaree Udalut.—

165. The subjoined statement exhibits the information required by the Honorable Court of Directors in the 41st para: of their general letter under date the 20th of March 1833 as the "number of sentences passed by each Judge of the Foujdaree Udalut whether sitting singly or whether more than one Judge be present"

	Singly	Conjointly	
C. M. Lushington Esqr. 1st Judge		9	attached to the Court from the 15th Nov. to the 31st Dec. 1836.
Sheg. Bird Esqr. 2d Judge	1	56	during the whole period.
William Rudleston Esqr. 3d Judge		52	
A. D. Campbell Esqr. Acting 3d Judge		38	from the 1st July to 15th November 1836.—

A

166. A statement also is appended shewing "what number of referible Trials have actually been referred to the Foujdaree Udalut within the period under "review, and what has been the least, the greatest and "the average number of days after each Trial, when "the reference was made" as required by the 33d para: of the General letter from the Honorable the Court of Directors dated 20th of March 1833.—

167. In compliance with the orders of the Right Honorable the Governor in Council contained in para: 14 of the Minutes of Consultation of the 2d May 1837, the Court of Foujdaree Udalut have exhibited above the number of prisoners convicted or acquitted by the Foujdaree Udalut in the cases referred to them for judgment, who had been considered convicted or entitled to their release by the Court of Circuit; but with respect to the acquittals by the Court of Foujdaree Udalut, which, during the period under review was less than one third of the whole number of persons whose cases were referred, the Court of Foujdaree Udalut would respectfully refer to the explanation submitted to Government in their proceedings of the 3d October 1835, which the Judges conclude could not have been before the Honorable Court when the remarks contained in para: 15 of their Despatch as above referred to were recorded.—

The

168. The Court greatly regret the delay that has taken place in submitting this report. They would respectfully explain that the whole of the papers referred to were not received until a late period and that afterwards it required a considerable time to arrange them.-

Ordered, that extract from these proceedings together with copies in Triplicate of all Statements and Reports connected therewith 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. 1653

Appendix.

The following is an Abstract of the grounds of conviction in the trials disposed of by the Court of Fouzdaree Udalut under the provisions of Section II. Regulation I of 1813 from the 1st July to the 31st December 1836.-

Chittoor 13 Supplemental Calendar third Quarter Sessions of 1836.

The prisoner, in this case, was charged with having, at night, in concert with some other persons, gone forth to the Village of "Randun", entered the house of the prosecutor Narayana Chitty, beaten, with sticks, and wounded, him and some others, and plundered, from the house and from the persons of his women, cloths &c. valued at 35 Rupees.-

He pleaded "not guilty."

The futwa of the Provincial Law officer acquitted "the prisoner, on the ground of discrepancy in the

City of papers from 49 to 54 sent to the Judge of Nellore for his information (Sent in No. 1654)

o — o from 49 to 64 to the P.C. of C. & T. D. from 72 to 97 - C.D. from 1826 1856 M. D. and from 98 to 121 to R. & S. D. (Sent in Jan. 1856 1858)

1st November 1837. the evidence of the first second and third Witnesses. In the opinion of the Presiding Judge the prisoner stood convicted of the crime charged.

The Cazee-od-Cozat and Mooftee of the Fouzdaree Udalut acquitted the prisoner considering the charge not to have been established against him. The Court of Fouzdaree Udalut concurred in the opinion of the Presiding Judge which was founded on the circumstance of the prisoner having been distinctly recognized by the Prosecutor and his Witnesses who were formerly acquainted with him and on the confession of the prisoner both before the Villagers and Head of Police sentence of 10 years imprisonment with hard labor in irons was recorded upon the prisoner under Clause 1st Section II Regulation I of 1813 and Clauses 3d and 5th Section IV Regulation XV 1803.-

No. 11 Cumbum Calendar 1st Sessions 1836.

The prisoner, in this case both on his arraignment and defence, before the Court of Circuit, pleaded not guilty to the charge of having on a certain night on the high road, put to death "Goorovuppah" the brother of the Prosecutrix by stabbing him with a knife.-

The futwa of the Provincial Law Officer acquitted the prisoner. To the Judge who presided at the Trial the evidence appeared sufficient to convict the prisoner.-

By the Cazee-od-Cozat and Mooftee

1st November 1837

of the Foujdaree Udalut the prisoner was considered entitled to his release, the crime charged "not having been established against the prisoner by the evidence of credible eye witnesses or by credible testimony to his confession."-

In this case the Court of Foujdaree Udalut deemed it necessary, for the ends of justice to call for certain additional evidence and to require the case of the knife, with which the murder was supposed to have been perpetrated to be laid before them.-

The knife case, in question was not in the opinion of the Foujdaree Udalut proved to have belonged to the prisoner; but after considering with the greatest attention the record of the trial, and the additional evidence, the Court saw no reason to doubt the truth of the testimony of two witnesses which was conclusive, in their judgment, of the guilt of the prisoner. It established the fact that the prisoner was seen in company with the deceased when the latter was last seen alive, and within 8 hours of the discovery of the body with 25 wounds upon it and, that when together the prisoner and deceased were abusing each other.-

The Court recorded sentence of death upon the prisoner.-

No. 8 Madura Calendar 2nd Sessions 1836.

Of

1st November 1837.

Of the four prisoners in this case three viz. Chinnacaroopen alias Nauchan- Marroodapichen and Vanny when arraigned before the Court of Circuit pleaded generally guilty to the charge of having in conjunction with some other persons, stopped on the road the second and third Prosecutors, named Nellyan and Cunduppen, and one Chinnanadden, the Cooly of the first Prosecutor Santappen Chetty- killed the said Cooly and carried off the cloths which he was carrying belonging to the first Prosecutor valued at Sixty Rupees.-

When put on their defence "Marroodapichen" and "Vanny" admitted that they took part in the robbery and "Chinna Caroopen" that he carried away the bundle of cloths which the Prosecutors had thrown down in the jungle.-

The other prisoner in the case "Comaren" pleaded not guilty to the same charge.-

The Provincial Law Officer convicting them of highway robbery declared the four prisoners liable to Cokoluck.-

In the opinion of the Presiding Judge it was clear that the murder was committed by the prisoner "Marroodapichen" who

on

on a former occasion had been sentenced for "highway robbery" and that the other three were present at the time the murder and robbery were committed.

The Cazee-ool-Coozat and Mooftees of the Soujdaree Udalut gave a futwa to the following effect" although Chinnacaroopen "Marooda pichen" and "Vanny" did on their arraignment make a general admission of their guilt; still as their subsequent statements, which are more explicit, and their declarations, and that of the prisoner "Coonaren" before the Criminal Judge, contain their confessions of the robbery only and that of the prisoner "Marooda pichen" in the Talook contains his confession to no more than the robbery, and the stabbing of some person with a spear, these prisoners are not convicted of murder either by their previous or present confessions: but the prisoner "Marooda pichen" is convicted of robbery and wounding and the other prisoners are convicted of Gang robbery only. They are all liable to Ookoobut, Hud being barred in their favor by reason of the present denial of one of them, and because the Prosecutor re obtained possession of the plundered property before the complaint was preferred.

The

F. 46.

1st. November 1837.

The crime charged appeared to the Soujdaree Udalut to be fully established against the prisoners. the 2nd. Prosecutor swore to "Marooda pichen" being the person who killed the deceased. The property found in possession of the prisoner was identified as belonging to the 1st. Prosecutor and the confessions of the prisoners were duly attested.

No. 2 Mangalore additional Calendar 1st. Sessions 1836.

The prisoner in this case when arraigned before the Court of Circuit denied the charge of having during the night of Monday the 21st. March 1836, when he and Narrana Podapa the son of the prosecutrix Nursumma were in a boat laden with rice and paddy, twisted a rope and a cloth around the throat of the said Narrana, and by squeezing his throat killed him, thrown the Corpse into a river and taken from his person a silver girdle, and the grain abovementioned and other property to the value of fifty four Rupees. When put on his defence he stated that he found the property in question lying in the boat and took it and kept it in his house.

The Presiding Judge fully approved of the futwa of his Law Officer which declared the prisoner convicted on strong

presumptive

1st. November 1837.

presumptive proof

The Cazee-ood-Coozat and Mooftees of the Foujdaree Udalut considered the evidence sufficient to convict the prisoner of "robbery" "but not of "murder."

In the view of the case taken by the Judge who presided at the Trial, the Court of Foujdaree Udalut fully concurred. The evidence though wholly circumstantial was minute and satisfactory. By the testimony of the prisoner's mother (the 10th Witness in the Case) it was established that the prisoner went from their house for the purpose of taking some rice in a boat that the following day he brought back the silver girdle which belonged to the deceased, & saying that he had got it on loan from a certain person. The prisoner and deceased were seen & together in a boat on the 21st March at 10 P.M. with no other person in company. the corpse was afterwards found in the river with a cloth and rope tight round the neck the other end of the rope having a noose in it as if a stone had been tied in it. The averment of the prisoner that deceased had of his own accord jumped into the river and that the silver girdle by which prisoner said he seized him in order to save him from drowning, remained in his hand, appeared to be wholly unsupported.—

The

1st. November 1837.

The Court of Foujdaree Udalut adjudged the prisoner to suffer death.—

No. 6 Rajahmundry Calendar 1st. Sessions 1836.

The prisoner in this case denied before the Court of Circuit the charge of having on a certain day inflicted a severe wound with a knife on the neck of a woman named "Tanakoo Shamaloo" which occasioned her immediate death; and with having afterwards stabbed himself and his calf with a knife and then set fire to his house by which means thirteen houses were consumed.—

The Provincial Law Officer as well as the Judge who presided at the Trial considered the prisoner to have been fully convicted of murder.

The Cazee-ood-Coozat and Mooftees gave a futwa declaring the crime not to have been established against the prisoner by the evidence of credible eye witnesses or by credible testimony to his confession.—

In the opinion of the Court of Foujdaree Udalut the guilt of the prisoner was undoubtedly established. There were three persons who saw the deceased stabbed by the prisoner and the discrepancies in their evidence before the police

1st November 1837. police and the Circuit Court, upon which the Cayee-ood Coozat and Mooftees dwelt in their futwa did not appear to the Fouzdaree Udalut to affect the credit of it. The death of deceased appeared to be immediate consequence if the wounds after the infliction of which the prisoner retired into his own house, and stabbed a Calf and then himself. A flame was afterwards seen to arise from his house which as well as others were thus consumed. The prisoner was clearly under great excitement, arising apparently out of something that had occurred within his own home, but the Court did not come to the conclusion that he labourred under insanity nor were there any palliating circumstances attendant on the commission of the fatal act. They adjudged the prisoner to suffer death.-

No. 1. Vizagapatam Calendar 1st Sessions 1836.-

Both when arraigned and when placed on his defence before the Court of Circuit, the prisoner denied the charge of having sent the first and second Witnesses to summon to him the Prosecutors Peddagoo Pedda Venkapah and Chinna Vencuppah, given each of the said prosecutors a blow with a stick, and caused them to be confined in his own paddy godown

1st November 1837. godown by the abovementioned Witnesses in consequence of which the second prosecutor suffered much trouble."-

The Provincial Law Officer acquitted the prisoner. The Presiding Judge deemed the fact of the prisoner having confined the two complainants in a close Godown to be proved, but it was evident to him that the Prosecutors had greatly exaggerated the ill treatment they had received from the prisoner. By the futwa of the Cayee-ood Coozat and Mooftees of the Fouzdaree Udalut the prisoner was declared "not guilty".-

In the opinion of the Court of Fouzdaree Udalut the prisoner was convicted of aggravated false imprisonment and his offence was enhanced by his being the Village Moonsiff. The Prosecutor and the 1st and 2d Witnesses distinctly deposed to the fact of the prisoner having confined the prosecutors in a godown which was not ventilated. The Court of Fouzdaree Udalut, accordingly, after taking a second futwa, in which the prisoner was declared liable to Ookoobut, adjudged the prisoner under Clause 3d Section VII Regulation XX 1803 to imprisonment without Labor or irons in the Jail of the

1st November 1837

the Auxiliary Court for 6 Months and to pay a fine of 50 Rupees commutable if not paid to similar imprisonment in the said Jail for the further period of two months.

No. 17 Vizagapatam Calendar 1st Sessions 1836.

In this case the prisoner was charged with having wounded the Prosecutor on the hands & with a knife: and with the same instrument stabbed one Raumoodoo below the left breast, of which wound he died the next day.

The futwa of the Provincial Law Officer acquitted the prisoner. In the opinion of the Presiding Judge the prisoner was convicted of Manslaughter and wounding.

The Cazee-ool-Coyat and Mooftees of the Foujdaree Adalut considered the evidence insufficient for the legal conviction of the prisoner.

Previous to the death of the deceased he stated that Prisoner had stabbed him. the act appeared from the evidence to have been committed by the prisoner in a state of intoxication and when it was dark. in fact the whole party were, it was concluded from the evidence, more or less affected by liquor. the deceased and prisoner were brothers and the wound which was deposed to as being the cause of the death of the deceased had been inflicted without malice.

The

1st November 1837

The Court of Foujdaree Adalut being of opinion that the crime of Manslaughter had been proved against the prisoner, adjudged him, after taking a second futwa, which declared him liable to Deyut, to imprisonment with hard labor in irons for 2 years.

No. 14 Chicacole Calendar 1st Sessions 1836.

The prisoner in this case denied the charge of having on the high way inflicted a severe wound upon the left shoulder of the Prosecutor.

The Provincial Law Officer acquitted the prisoner. The Presiding Judge considered the charge proved by the evidence of the Prosecutor and first witness corroborated as their statements were in some degree by the prisoner himself who admitted having flourished his sword at the time the act of wounding occurred and that he might have hit some person though he urged that he did so on being attacked and beat with sticks by the Prosecutor and his Party.

The Cazee-ool-Coyat and Mooftees of the Foujdaree Adalut considered the evidence to be of too contradictory a nature to found upon it a conviction.

To the Court of Foujdaree Adalut it did not appear that the discrepancies refered to

1st. November 1837

in the futwa of the Cazee ool Cozat and Mooftees were sufficient to nullify the weight of the evidence given — The Prosecutor distinctly declared that he was returning with the two first witnesses from another Village to their own — that on meeting the prisoner he abused them and ordered them to get out of the road — and that on Prosecutor's replying also in terms of abuse, Prisoner cut him on the shoulder with his sword — The 1st and 2d Witnesses the former of whom knew the prisoner before, supported the Prosecutor's statement —

The Court of Foujdaree Udalut considering the charge established, after taking a second futwa which declared the prisoner liable to Kissas, sentenced him under Clause 3d Section VII Regulation XII of 1803 to imprisonment with hard labor in irons for 5 years —

No 5 Chicacole Special Court of 1836 —

The 3 prisoners in this case were charged before the Special Court with having in company with about 40 or 50 armed persons gone forth to the Village of Cottaboroo, plundered the said Village: seized and carried away an inhabitant of it and taken from him a sum of 54 Rupees after which they released him.

The Mahomedan Law Officer of the Special Court considered the crime charged to have

1st November 1837 have been established against the prisoners and the Court of Special Commission also declared the prisoners convicted on their confessions both before the Magistrate and before the Court.

The Cazee ool Cozat and Mooftees of the Foujdaree Udalut declared the prisoners guilty of "Robbery" —

In the judgment of the Court of Foujdaree Udalut the prisoners were convicted of "rebellion against the state" They sentenced the first prisoner to be imprisoned with hard labor in irons for 7 years and the 2nd and third prisoners to be imprisoned with hard labor in irons for 5 Years —

Ed C.R.

No 2

Read letter dated the 17th May last from the Chief Secretary to Government, explaining with reference to the Minutes of Consultation of the 31st March last and extract from the proceedings of the Foujdaree Udalut of the 8th Instant, that Government are of opinion that no further enactment is necessary to empower Magistrates to exercise any customary surveillance over suspected persons and that

the

1st November 1837. the Magistracy generally should use their discretion in framing rules not contrary to express Regulation for the maintenance of peace and order on their Districts.—

(Here enter No. 1009)

Read letter dated the 19th August last from the Provincial Court in the Southern Division forwarding for the consideration of the Tanjore Adalut a copy of a correspondence between the Magistrate and Joint Magistrate of Coimbatore relative to the mischief supposed by the latter officer to have resulted from the order of the Tanjore Adalut of the 25th October 1835 abolishing the system of passports and nightly surveillance.—

(Here enter No. 1727)

Read letter dated the 8th May last from the Provincial Court in the Northern Division forwarding Statement No. 2 received from the Magistrate of Ganjam dated 8th May 1837.—

(Here enter No. 975)

Read letter dated the 27th May last from the Provincial Court of Circuit in the Western Division forwarding copy of a letter from the Criminal Judge at Mangalore stating with reference to the letter from the Tanjore Adalut

1st November 1837. Adalut of the 13th Ultimo that the 4 Prisoners therein alluded to should have been entered in Column 9 of the Statement.—

(Here enter No. 1093)

Read letter dated the 16th June last from the Provincial Court in the Northern Division submitting copies of returns from the Magistrates of Vizagapatam and Nellore to Precepts issued on review of the printed Statements for 2nd Half year of 1836.—

(Here enter No. 1227)

Read letter dated the 2nd August last from the Provincial Court of Circuit in the Centre Division forwarding a copy of a return from the Magistrate of Chingleput affording the explanation required by the Higher Court on the Statement for the 2nd half year 1836.—

(Here enter No. 1366)

Read again letter dated the 20th April last from the Provincial Court of Circuit in the Southern Division transmitting the Statements of Crimes and Misdemeanors for the half year ending December 1836.—

(Here enter No. 872.)

1st November 1837. the Magistracy generally should use their discretion in framing rules not contrary to express Regulation for the maintenance of peace and order on their Districts.—

(Here enter No. 1094)

Read letter dated the 19th August last from the Provincial Court in the Southern Division forwarding for the consideration of the Foujdaree Adalut a copy of a correspondence between the Magistrate and Joint Magistrate of Coimbatore relative to the mischief supposed by the latter officer to have resulted from the order of the Foujdaree Adalut of the 25th October 1835 abolishing the system of passports and nightly surveillance.—

(Here enter No. 1727)

Read letter dated the 8th May last from the Provincial Court in the Northern Division forwarding Statement No. 2 received from the Magistrate of Ganjam dated 8th May 1837.—

(Here enter No. 975)

Read letter dated the 27th May last from the Provincial Court of Circuit in the Western Division forwarding copy of a letter from the Criminal Judge at Mangalore stating with reference to the letter from the Foujdaree Adalut

1st November 1837. Adalut of the 13th Ultimo that the 4 Prisoners therein alluded to should have been entered in Column 9 of the Statement.—

(Here enter No. 1093)

Read letter dated the 16th June last, from the Provincial Court in the Northern Division submitting copies of returns from the Magistrates of Vizagapatam and Nellore to Precepts issued on review of the printed Statements for 2nd Half year of 1836.—

(Here enter No. 1227)

Read letter dated the 3rd August last, from the Provincial Court of Circuit in the Centre Division forwarding a copy of a return from the Magistrate of Chingleput affording the explanation required by the Higher Court on the Statement for the 2nd half year 1836.—

(Here enter No. 1366)

Read again letter dated the 20th April last from the Provincial Court of Circuit in the Southern Division transmitting the Statements of Crimes and Misdemeanors for the half year ending December 1836.—

(Here enter No. 872.)

F. U.

At a Court of the Foujdaree Udalut

Present,

Thursday 2nd November 1837

Charles May Lushington Esqr. 1st Puisne Judge
John Bird Esqr. ——— 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. A. 3d Puisne Judge

Read again letter dated the 21st August 1837 from the late Acting 1st Judge late on Circuit in the Southern Division, submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 29 on the Combaconum Calendar for the first Sessions of 1837.

(Here enter No. 1729)

Read also return dated the 2nd Instant from the late Acting 1st Judge late on Circuit in the Southern Division to the Precept of the Foujdaree Udalut dated the 7th September 1837, directing him to send up the original Documents on which the Forgery is charged in Case No. 29 on the Combaconum Calendar for the first Sessions of 1837—

(Here enter No. 2067)

Vr. Lushington and Vr. 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 th

2nd November 1837 — the prisoners

1st Palaneapilly alias Palaneamoottapillay
2nd Soobroopilly
3rd Ramasawmeapilly
and
4th Annapilly

and accordingly direct that they be set at liberty—

The indictment in this case is in the opinion of the Court of Foujdaree Udalut objectionable— It charges the 1st Prisoner 1st with Barratry, an offence in English law, which may not be punishable under the Mahomedan code; 2dly with forging or causing the forgery, of A 3rdly with uttering it 4th with forging B; and the 3 others with aiding in the forgery of the said Document, without specifying which of the two by attesting it. It is evident A is intended. But in this respect the indictment ought to have been positive, and the first part of the charge, if punishable by the Mahommedan Law, should have been free from English technicalities.—

2. However groundless the Civil suit may have been, as regards the two Defendants, the Court are by no means satisfied that it was not instituted by ex Nagapilly.—

3. The story of him and his son the 2d witness getting them to write out a bond as to date, & upon a lucky day, and signing it and of both discovering after its execution what they must have well known before its preparation, that the title deeds to which it referred, were not in their own names, is most suspicious. Then the son giving it, in this signed state, to the 1st Prisner appears to the Court impossible, unless he was a party in the conspiracy, he admits at Page 109 that he had appropriated Rupees 1676 belonging to the 1st Prosecutor deposited in his house, and it is sufficiently proved that between them enmity on this account existed. he also admits, at page 110 that he had expressly concealed his father at the 1st Prosecutor's request, pending the Civil suit the 9th Witness one of the Defendants in the Civil suit at page 122 expressly says that the 2nd witness admitted to his brother that the suit was actually instituted by his father, and that his mother confirmed this; he also speaks [123] to the 2nd Witness having paid the Peons their Batta. The 11th 12th 13th 14th and 15th Witnesses the Peons break down before the Circuit Court on the alibi of the two Defendants in the civil suit at the date of the bond. The other of the two Defendants examined on the trial [128] states that the 2d witness admitted to himself his father's having preferred the suit, and himself having paid the batta to the peons, which is conclusively proved by the peons themselves in the defence.—

4. As to the document B the Vakeel [17th witness] has uniformly maintained that it was executed by the deceased Nagapilly. he has admitted that another person was introduced to personate him in the Court. But he does not at all implicate the 1st Prisoner in that transaction. he has himself been dismissed

The

2nd November 1837.

6. The 5th Witness says it is not attested by him. But this does not in any way affect these Prisoners. Indeed the 7th Witness before the Criminal Court says he was not sure that this was the individual who attested **B** in that name.

6. It is very remarkable that not a word occurs as to the Document **C** executed to the other Vakeel the 8th Witness, no charge is preferred upon it, yet that man deposes that when he told the 1st Prisoner he suspected its falsity, he disclaimed all knowledge of any thing except that Nagapilly was an acquaintance of his.

7. The Court of Foujdaree Udalut do not understand why the Peons examined for the prosecution in the Criminal Court were not examined for it by the Circuit Judge for supposing the Prisoners had omitted to call them, they ought not thereby to have been deprived of their testimony.

8. For the reason above recorded, the Court of Foujdaree Udalut, deeming the evidence for the Prosecution most suspicious and inconclusive, have considered the prisoners entitled to their acquittal.

Ordered, that extract from these proceedings be sent to W. Harington Esquire late Acting 1st Judge late on Circuit in the Southern Division for his information.

(Sent following letter No. 1665)

Exd

F. 46.

At a Court of the Foujdaree Udalut

Present.

Monday 6th November 1837.

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre _____ 2nd Puisne Judge

Alexr Duncan Campbell Esqre Actg 3rd Puisne Judge

Read Petition presented on the 14th August last by Cupparagonta Nagunnah and Ganadoola Vencatachellum of the Zilla of Cuddapa.

(Here enter M. P. No. 102.)

The Petitioners allege the innocence of the prisoners Yalaka Nagunna and Gavadoola Venaatrayadoo, sentenced by the Court of Circuit in Case No. 1 of the Cuddapa Calendar 2nd Sessions of 1837 to 14 years imprisonment, and pray the Court of Foujdaree Udalut to order their release.

The Court of Foujdaree Udalut, who have referred to the Calendar, see no sufficient ground for their interference in this case.

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

Read

Read Petition presented on the 14th August last by Yarroocoola Veeree and Ignacy of the Zilla of Cuddapa.—

(Here enter M. P. No. 103.)

The Petitioners pray the Court of Foujdaree Adalut to release the prisoners Yarroocoola Veneataramoodoo and Yarroocoola Simmadoo in Case No. 1 of the Cuddapa Calendar 2d Sessions of 1837.— the Acting Circuit Judge having passed on them an unjust sentence of 14 Years' imprisonment.—

The Court of Foujdaree Adalut have referred to the Calendar, but do not see any sufficient reason for their interference in this case.—

Ordered, that Extract from these proceedings be furnished to Petitioners on their application.—

Read Petition presented on the 16th Ultimo by Chendrummah of the Zilla of Cuddapa.—

(Here enter M. P. No. 132.)

The Petitioner states that the conviction of her son Buckereddy prisoner in Case No. 7. Cuddapa Calendar 2d Sessions 1837, has been brought about by the evil machinations of one Casawareddy, who, in order

order to secure to himself the enjoyment of certain property which he had usurped from Petitioner and her said son, caused a false complaint, supported by false witnesses, to be brought against him.—

She prays the Court to interfere in her behalf, and to order the release of her son, who, she alleges, is innocent of the crime for which he has been sentenced.—

The Court have referred to the Calendar— and they find that the prisoner Buckereddy confessed before the Criminal Court the crime charged against him, and that part of the property stolen at the Robbery in which he was concerned was found upon him.—

The Court are therefore constrained to reject the prayer of this Petition.

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

Read Petition presented on the 23d Ultimo by Badoogoo Naradamnah and Bheemanapatee Peddappa of the Zillah of Cuddapah.—

(Here enter M. P. No. 137.)

The Petitioners represent the circumstances

6th November 1837.

circumstances under which the 1st and 3d prisoners in Case No. 25 of the Cuddapa Calendar for the 1st Sessions of 1837 were apprehended, and as they allege, unjustly condemned.—

They pray the Court to call for the record of the trial and order the release of the said prisoners.—

The Court desire Petitioners to be informed that the prisoners in question were tried and convicted on sufficient evidence, and that the Court cannot therefore interfere in their behalf.—

Ordered accordingly, and that a Extract from these proceedings be furnished to Petitioners on their application.—

Read Petition presented on the 30th Ultimo by Cupparagoonta Naugunnah and Ganadoola Venkatachellum of the Zilla of Cuddapa.—

(Here enter M. P. No. 139.)

The prayer of the above Petition is a repetition of the prayer of the Petitioners in Miscellaneous Petition No. 102 presented by them on the 11th August last.—

The Court, as stated in their order on that Petition, do not see any sufficient reason to interfere in the manner solicited

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solicited by the petitioners in behalf of the prisoners Yalaca Nagunnah and Ganadoola Venkatroijadoo.—

Ordered, that Extract from these proceedings be furnished to Petitioners on their application.—

Cauchy Dosz moves the Court to return the enclosures in his Miscellaneous Petition No. 23 of 1836.—

Ordered accordingly.—

Read letter dated the 7th Ultimo from the Special Commissioners at Mangalore submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 40 tried by the Special Commission at Mangalore.—

(Here enter No. 2114.)

Mr. Bird and Mr. Campbell.

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-Corzat and Mooftees of the Foujdaree Udalut, are of opinion that the prisoner

"Ven Kutramma"

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

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own confession,- notwithstanding the Futwa of their Law Officers- and acquitting him accordingly they direct that he be unconditionally set at liberty.—

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 40 from the Mangalore 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. 1666

Read letter dated the 19th Ultimo from the Special Commissioners at Mangalore submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 88. tried by the Special Commission at Mangalore

(Here enter No. 2207.)

Mr. Bird and Mr. Campbell.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Court of Special Commission. the Futwa of the Provincial Law Officer, and the Futwa

Futwa of the Cazee. col. Coozat and Mooftees of the Foujdaree Udalut confirm the said Futwa of the Cazee. col. Coozat and Mooftees aforesaid acquitting the prisoners

1st. Marya

2nd. Puteel Birmanna

3rd. Aytoor Sooboo

and

4th. Sheikh Hufsan

of the crime charged against them and accordingly direct that they be set at liberty.

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 88 from the Mangalore 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. 1667

Read letter dated the 18th Ultimo from the 3rd Judge of the Provincial Court

of

6th November 1837.

6th.

of Circuit in the Centre Division, forwarding copy of the Chittoor 9th Supplemental Calendar for the 3rd Quarterly Sessions of 1837.—

(Here enter No. 2171.)

Read return, dated the 23rd Ultimo, from the Provincial Court of Circuit in the Centre Division, to Precept of the Foujdaree Udalut of the 19th Ultimo, desiring the observations of Government on the conduct of A. Yoroomooty Head Translator.—

(Here enter No. 2210.)

Read return, dated the 27th Ultimo from the Late Officiating 2nd Judge late on Circuit in the Centre Division, now at Madras — relative to the Foujdaree Udalut Proceedings of the 15th September 1837 on his Circuit Report for the 2nd Sessions of 1836.—

(Here enter No. 2221.)

Read letter dated the 23rd Ultimo from the Criminal Judge of Bellary, transmitting a Statement shewing the amount realized by the labor of the prisoners in the 3rd Quarter ending 30th September 1837.—

(Here enter No. 2226.)

W.S.

F. Uc.

At a Court of the Foujdaree Udalut.

Present

Charles May Lushington Esqre 1st Puisne Judge

Tuesday 7th November 1837. John Bird Esqre ——— 2nd Puisne Judge

Alexr Duncan Campbell Esqre Actg 3rd Puisne Judge

Read letter dated the 17th Ultimo from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 56 tried by the Special Commission at Mangalore.—

(Here enter No. 2192.)

Mr. Bird and Mr. Campbell.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Court of Special Commission the futwa of the Provincial Law Officer and the futwa of the Cazee ool Coozat and Mooftee of the Foujdaree Udalut confirming such part of the said futwa of the Cazee ool Coozat and Mooftees aforesaid, as convicts the prisoners

2nd Aya Shetty

and

3rd Annapa

of treason and rebellion, and awards Ootoobut,

and

and under Sections II and III Regulation I of 1834, sentence the prisoner

2nd Aya Shetty

to be imprisoned and kept to hard labour in irons on the public roads or other public works, for the period of (6) six months- and the prisoner

3rd Annapa

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

The Court of Foujdaree Udalut concurring in opinion that the prisoner

1st Pommoo Shetty

is not convicted of the crime charged against him on strong presumptive proof, nor on the evidence of credible Witnesses, nor on his own confession, notwithstanding the futwa of their Law Officers. do accordingly acquit him thereof, but considering that strong suspicion attaches to him. they direct under Clause 6th Section II Regulation XV 1803. that he be required to find two sureties in the sum of 50/ fifty Rupees each surety for his good behaviour and appearance when required within two years. or, in default thereof. that he be detained in confinement for that period.

The

The Court of Foujdaree Udalut direct that their sentence in the Trial No 36 from the Mangalore 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 1676

Read letter dated the 21st Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Court of Foujdaree Udalut the record of case No 61 tried by the Special Commission at Mangalore.-

(Here enter No 2213.)

Mr Bird and Mr Campbell

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Court of Special Commission. the futwa of the Provincial Law Officer and the futwa of the Cazee ul Cuzzat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the

Cazee

7th November 1837.

Cazee col Coozat and Mooftees aforesaid acquitting the prisoner

Cantoo Padrulla

of the crime charged against him and direct that he be set at liberty.—

The Court of Foujdaree Udalut on a mature consideration of the circumstances in evidence in this Case have been unable to arrive at the same conclusion in respect to the guilt of the prisoner, as the Special Commissioners.—

It does not appear to the Court that there exists any sufficient proof to convict the prisoner of rebellion. They think it clear indeed that he took a part in the scene at which he is stated to have been present.—

If any offence be brought home to the prisoner, the Court are of opinion that it is one of omission, not of commission. under this view of the case they have considered him entitled to acquittal and release.—

Ordered, that Extract from these proceedings be sent to the Special Commission for their information.—

The Court of Foujdaree Udalut direct

7th November 1837.

direct that their sentence in the Trial No. 61. from the Mangalore 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. 1647

Read letter dated the 20th Ultimo from the Special Commission at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 79 tried by the Special Commission at Mangalore.

(Here enter No. 2217.)

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 col Coozat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee col Coozat and Mooftees aforesaid as convicts the prisoner

Mr. Cushington and Mr. Campbell.

Appro

"Appoo"

of the crime charged, and awards Retrobut.
but in consideration of the circumstances
urged by the Special Commission. they resolve
to direct that the said

Appoo

be released with a strong admonition.—

The Court of Foujdaree Udalut
direct that their sentence in the Trial No. 79
from the Mangalore 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. 1678

Read again letter dated the
29th September last, from the Special Com.
missioners at Mangalore, submitting for the
final Judgment of the Foujdaree Udalut
the Record of Case No. 54 tried by the
Special Commission at Mangalore.—

(Here enter No. 2046.)

Read

Read also Order of Government
dated the 31st. Ultimo, confirming the Sen.
tence of the Foujdaree Udalut in Case
No. 54 of the Special Commission at
Mangalore.—

(Here enter No. 2264.)

Under the authority of the
Right Honorable the Governor in Council,
the Court do accordingly direct that the

Mr. Bird
and
Mr. Campbell

Prisoner

2nd. Deoo

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

And the Prisoner

1st. Pattiya

be required to find two sureties in one hundred
Rupees each surety, for his good behaviour
and appearance when required within one
year, and that in default thereof, he be
detained for one year in confinement.—

The Court likewise direct that
Extract from their proceedings under date
the 16th Ultimo be sent for the information
and guidance of the Mangalore Special
Commission.—

(Sent following letter No. 1679

Read

Read again letters dated respectively the 25th September last and the 5th 7th, and 9th Ultimo from the Special Commissioners at Mangalore, Submitting for the final Judgment of the Foujdaree Udalut the Record of Cases Nos 39-14-38. and 55 tried by the Special Commission at Mangalore.—

(Here enter Nos 2011-2092-2113 and 2125.)

Read also Extract from the Minutes of Consultation under date the 31st Ultimo, confirming the sentences passed by the Foujdaree Udalut in Trials Nos 14. 38. 39. and 55 of the Special Commission at Mangalore, and commuting the sentence of death awarded the first Prisoner in Trial No 38 to transportation for life.—

(Here enter No 2255.)

Case No 14.
Mr Bird
and
Mr Campbell.

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoners.

1st Narnapah, Shanabhoque
2nd Soobaya, Shanabhoque
3rd Kristnaya, Duffadar
4th Kristnaya, Duffadar
and
5th Yeenaya, Deon

be severally banished to the District of Coimbatore

No 16.
7th November 1837

Coimbatore, to be imprisoned in the Jail of the Auxiliary Court, and Kept to hard labour in irons on the public roads, or other public works, for and during the period of (14) fourteen years.—

Case No 38.
Mr Bird
and
Mr Campbell.

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

1st Soobapoo Rye

be transported to Singapore, 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 that the Prisoner

2nd Savaura Narnapa

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 39.
Mr Lushington
and
Mr Bird

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

1st Pudmoor Appaya Sequeday

be imprisoned and Kept to light labour in light chain fetters, within the Jail of the Zillah Court of Combaconum, for and during the period of fourteen years; and that the

Prisoner

Prisoner.

2d Chinniapagee

be set at liberty.—

Case No. 55.

Mr Bird and Mr Campbell

Under the authority of the Right Honorable the Governor in Council the Court do accordingly direct that the Prisoners.

1st Potail Poottaya,

2nd Sunnaya Shanabhoque,

and

3rd Podinaya Kristnaya.

be severally 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.

The Court likewise direct that Extract from their proceedings under dates the 20th 21st and 23d Ultimo on Cases Nos. 38. 39. 55 and 14 be sent for the information and guidance of the Mangalore Special Commission.—

(Sent following letters No. 1680

Read letter dated the 30th Ultimo from the 1st Judge on Circuit in the Centre Division, reporting the opening of the Sessions at Chingleput.—

(Here enter No. 2249.)

Read letter dated the 31st Ultimo from the 1st Judge on Circuit in the Centre Division

Division, reporting that the day fixed for opening the 2d Sessions of the present year at Cuddalore is the 20th Instant.—

(Here enter No. 2256.)

Read Statement dated the 30th September last from the Criminal Judge of Chingleput, shewing the amount realized by the labor of the Prisoners in the Zilla of Chingleput for the 3d Quarter of 1837.—

(Here enter No. 2257.)

Read return dated the 25th Ultimo from the 2nd Judge late on Circuit in the Western Division, to Precept of the Fouzdaree Udalut of the 14th September 1837 conveying the orders of the Fouzdaree Udalut for certain additional evidence to be taken in Case No. 3 Canara Calendar — 4th Sessions 1837.—

(Here enter No. 2272.)

Read letter dated the 31st Ultimo from the 3rd Judge of the Court of Circuit in the Centre Division, forwarding copies of the Chittoor Primary and 1st Supplemental Calendars for the 4th Quarter Sessions of 1837.—

(Here enter No. 2276.)

Read return dated the 30th Ultimo from

from the Criminal Judge of Salem to the Precept of the Fouzdaree Udalut dated the 24th October 1837 conveying the observations on the Salem Criminal Reports for September last.—

(Here enter No. 2277.)

Read return dated the 26th Ultimo from the 3rd Judge on Circuit in the Western Division, to the Precept of the Fouzdaree Udalut of the 18th Ultimo, conveying the orders of the Fouzdaree Udalut on the Calicut Calendars for the Second Sessions of 1837.—

(Here enter No. 2284.)

Read letter dated the 30th Ultimo from the Special Commissioners at Mangalore, reporting the death of Shetty the 1st Prisoner in Case No. 56 referred on the 19th Ultimo.—

(Here enter No. 2289.)

7.46.

At a Court of the Fouzdaree Udalut

Present

Wednesday 8th November 1837. Charles May Lushington Esqr. 1st Puisne Judge,
John Bird Esqr. 2d Puisne Judge,
Alexr. Duncan Campbell Esqr. acting 3d Puisne Judge,

Read letter dated 20th Ultimo from the Special Commissioners at Mangalore submitting for the final Judgment of the Fouzdaree Udalut the Record of Cases Nos. 44 and 70 tried by the Special Commission at Mangalore—

(Here enter No. 2216)

No. 44.

Mr. Bird, and Mr. Campbell,

The Court of Fouzdaree 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 Cozat and Mooftee of the Fouzdaree Udalut, confirm the said Futwa of the Cazee ool Cozat and Mooftee aforesaid, convicting the prisoners

1st Cutoocolu Chenna Pottail,

and

2d Linaje Chenna,

of Treason and Rebellion, and awarding Capital; and under the provisions of Sections II. and III. Regulation I. of 1834 sentence the prisoner

1st Cutoocolu Chenna Pottail,

to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept

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 prisoner

2d Siraja Hemma

to be imprisoned within the Jail at Cundapoor without Irons, for and during the period of six months.—

No 70

Mr. Bird,
and
Mr. Campbell,

The Court of Enquiry Adalut, having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Cozat and Mooftee of the Enquiry Adalut, confirm the said Futwa of the Cazee ool Cozat and Mooftee aforesaid, convicting the prisoners

1st Kenaya
and
2d Bolla Calla

of Rebellion and awarding Ookoobut; and under the provisions of Sections II and III Regulation I of 1834, sentence them to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (6) six months.—

The Court of Enquiry Adalut direct that their sentence in the Trial Nos 44 and 70 from the Mangalore Special Commission, together with the whole of the proceedings held in the 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

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 sentences to be carried into execution.

(Sent in Nos 1690 & 1691.

Read letter dated the 20th Ultimo from the Special Commissioner at Mangalore submitting for the final Judgment of the Enquiry Adalut the record of Case No 64. tried by the Special Commission at Mangalore.

(Here enter No 2215)

Mr. Bird,
and
Mr. Campbell,

The Court of Enquiry Adalut having maturely considered the proceedings held before the Court of Special Commission the futwa of the Provincial Law officer and the futwa of the Cazee ool Cozat and Mooftee of the Enquiry Adalut concur in opinion that the prisoner

1st Calla Coobla
and
2d Bullya Coobla (dead)

are not convicted of the crime charged on strong presumptive proof, or on the evidence of credible witnesses, or on their own confession, notwithstanding the futwa of their Law officers, and accordingly direct that they be set at liberty.—

1. In the above case there does not appear to the Enquiry Adalut to be any evidence upon which the 1st prisoner Calla Coobla can be convicted of "treason and rebellion". If the prisoner has committed any crime his offence is extortion and robbery and the Court accordingly resolve to direct the Special Commissioner to cause the said prisoner 1st Calla Coobla to be handed over to the Magistrate, who if he deems it proper

8th December 1837.

proper can bring the persons before the Criminal Court on a charge for that offence, unless he deem the imprisonment he has already undergone a sufficient punishment.—

The Court of Conjeare Edaluts direct that their sentence in the Trial No. 84 from the Mangalore 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. 1692

Note.—

Since the date of these proceedings the Court of Conjeare Edaluts have received a letter from the Special Commissioners reporting the death of the second prisoner Baliya Lobha.—

Sent in No. 1693

Read letter dated 21st Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Conjeare Edaluts the Record of Case No. 86, tried by the Special Commission at Mangalore.—

(Here enter No. 2218)

Mr. Cushington, and Mr. Bird,

The Court of Conjeare Edaluts, having maturely considered the proceedings held before the Special Commission, the Extract of the Provincial Law Officer and the Extracts of the Cazee and Cozzat and Moofties of the Conjeare Edaluts, confirm the said Extract of the Cazee and Cozzat and

24.

8th December 1837.

and Moofties aforesaid convicting the prisoner

Moopeya alias Bassiya Naik

of Treason and Rebellion and awarding to Robert, and under the provisions of Section II Regulation I of 1834, sentence him to suffer death by being hanged at the usual time and place of execution.—

The Court of Conjeare Edaluts direct that their sentence in the Trial No. 86 from the Mangalore 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. 1694

Read return, dated the 15th Ultimo, from the Provincial Court of Circuit Centre Division to the Precepts of the Conjeare Edaluts of the 29th September last, conveying the orders of the Conjeare Edaluts on the matter referred to them in the letter from the Provincial Court of Circuit of the 15th Ultimo.—

(Here enter No. 2168)

1. The circumstances, represented in the papers laid before the Conjeare Edaluts in the letter of the Provincial Court of Circuit of the 18th September 1837, and

and recorded in the proceedings of the Conjeeveram Zedutut of the 29th of the same month, led the Court to believe that it was in an investigation ordered by the Collector of Both Arcot, in his official capacity, that the grounds for the charge of forgery instituted in case 63 of the Chittoor Criminal Reports were discovered.—

2. The Criminal Judge however contends that this impression is erroneous, for he remarks, "an examination of the Magistrates" (Assistant Magistrates) "report of the case," when forwarding the prisoners to the Criminal Court, will shew that agreeable to the orders of the Zilla Court, when enquiring whether the 1st prisoner who sued the Principal Collector, as pauper, professed any property, persons were summoned and examined on the subject, when the 2d prisoner produced a bond alleging that the 1st prisoner mortgaged the flower garden." From this Report, the Criminal Judge proceeds to observe, "it is evident that the mortgage bond was discovered when investigating regarding the Civil matter, before the Zedutut Court, and not when making enquiry regarding the affair of a Revenue Defaulter or rent due to the Circar."—

3. If the subject matter of the forgery appeared on the investigation instituted by the Collector on his own behalf as Defendant in the suit in the Zilla Court, the view taken by the Criminal Judge of this part of the case would seem to be correct. But the Provincial Court of Circuit reported otherwise, and the Court of Conjeeveram Zedutut direct that they may be called upon to explain the

the grounds upon which they concluded that the supposed forgery was discovered on examination into the means possessed by the 1st prisoner of "discharging the amount of rent due by him to the Circar."—

4. It is remarked by the Criminal Judge that the proceedings of the Conjeeveram Zedutut inaccurately represent the securities to have absconded. The states that "the prisoner is reported to have fled" is correct, but no intimation has ever been received by the Criminal Judge that the securities have also disappeared. The amount of the security bonds, 60 Rupees, was immediately collected from the securities, and carried to the account of Government."—

5. This inaccuracy the Court of Conjeeveram Zedutut would observe had arisen solely from the obscure wording of the return of the Criminal Judge, which closes with the following passage.

"The Criminal Judge has the honor to state that a security for 60 Rupees was taken from Loobaroya Moodely - Chinnoo Chetty - and Aroomooga Chetty, for the appearance of the prisoners in the case above referred to - copy of the security bonds is herewith forwarded, and that the said securities have been called upon to produce the prisoners, but reported by the Nazir of this Court to be absent."—

6. In his last return dated the 13th October 1837 the

the Criminal Judge expresses his opinion that a careful examination of the document in question will show, that no forgery had been committed," and adds "the mortgagor and mortgagee and "the attesting witness were all committed. The mortgagor "acknowledged that he mortgaged his garden to the mortgagee, "and that he executed the deed in question; the mortgagee "admitted that he received the mortgage deed from the "mortgagor, and the witness that he attested the signature "of the same. Thus it appeared to the Criminal Judge that "the persons committed could not have been indicted for "forgery."

7. The fabrication in 1886 of a deed purporting to be dated in 1882, though signed by the real parties, and attested by the witnesses whose names it may bear, if of fraudulently injurious to any one, (as in this case it would appear to have been) is, in the opinion of the Engjara Edatut forgery, and not fraud.

8. Whether, however, the case was or was not properly originated by the Magistrate - it was forwarded by that Officer to the Criminal Court - and it was committed by the Assistant Criminal Judge, who was competent, thus far, to dispose of it. His order for the commitment should not have been set aside by the Criminal Judge, without the sanction of the Engjara Edatut.

9. The Court resolve to direct the Criminal Court of Circuit to reconsider the record, and if in their opinion

opinion, there is sufficient evidence, to revive the recommitment of the prisoners - if not - to cause the case to be struck off the Criminal file.

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance, and for communication to the Criminal Judge, by Precept returnable in 12 days after receipt.

(Sent following Precept No. 1895

1. The Judge of the Court of Enjjara Edatut resolve to call the attention of the Magistrate of Bellary to the extract from the Proceedings of this Court, furnished to him under date the 10th of March 1897, to the orders contained in which he would appear not to have conformed up to the present date.

2. In these proceedings the opinion of the Enjjara Edatut was communicated to the Magistrate that there were the strongest grounds for believing that the confessions of the five prisoners charged with murder in Case No. 55 of the Bellary Criminal file of the present year, were innocent of the crime imputed to them; and the Magistrate was accordingly directed fully to investigate the conduct of the Police officers by whom the proceedings against them were held, in view to the due punishment of such as may have been concerned in acts so atrocious and subversive of the administration of Justice, and to report the result of the investigation to this office with reference

reference to paras 2 and 8 of the proceedings of the Conjeeveram Cutcherry of the 9th of February 1837.—

3. In the proceedings of the Conjeeveram Cutcherry of the 15th of June 1837, furnished to the Magistrate by the Criminal Judge in the Zillah of Bellary, with copy of the case No 29 of his Criminal file for the month of March last, the Magistrate was required to report the result of his enquiries into the murder committed near the Village of Coogle in the Taluk of Rundeapolleum within your District.—

4. Pending the result of his investigation into that last case, the three Prisoners, as communicated by him in the proceedings of the 15th of June last, have been ordered to be detained in confinement in the Gaol at Bellary;— but notwithstanding this consideration, and although his attention was called to the proceedings of the Conjeeveram Cutcherry above referred to, by a letter from this office dated the 15th of August last, no communication has up to this date been received from the Magistrate on the subject.—

5. The Judges of the Court of Conjeeveram Cutcherry therefore direct that the Magistrate be by Precept required to conform to the orders contained in the proceedings of this Court of the 16th of March and 16th of June 1837, without further delay, and unless the delay that has hitherto occurred is satisfactorily accounted for, the Judges

Judges will consider it their duty to bring the matter to the notice of the Right Honorable the Governor in Council.—

Ordered, that Extract from these proceedings be sent to the Magistrate of Bellary for his information and guidance by Precept returnable in 7 days after receipt.—

Sent following Precept No 1696.

Read return dated 28th Ultimo from the Criminal Judge in the Zillah of Combaconum to the Precept of the Conjeeveram Cutcherry of the 28th Instant calling on the Criminal Judge to report the number of Prisoners transferred by him to Cuddalore and whether the "security" Prisoners cannot be confined in Mud Cottages or Choultries.—

Here enter No 2237.

F. C.

At a Court of the Foujdaree Udalut.

Present.

Charles May Lushington Esqr. 1st. Puisne Judge

Thursday 9th November 1837. John Bird Esqr. 2nd. Puisne Judge

Alexr. Duncan Campbell Esqr. 3d. Puisne Judge

Read letter dated the 20th Ultimo from the Special Commissioners at Mangalore, Submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 60 tried by the Special Commission at Mangalore.—

(Here enter No. 2214.)

Mr. Lushington and Mr. Bird. 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-Coorgat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coorgat and Mooftees aforesaid, convicting the prisoner

Kutty Mulluppa.

of Rebellion and awarding Ookoobut, and under the provisions of Sections II and III, Regulation I of 1834, and Clause Third, Section VIII, Regulation XV. of 1803, sentence the said prisoner to be banished to the District of Coimbatore

Coimbatore to be imprisoned in the Jail of the Auxiliary Court and kept to hard labour in irons on the public roads, or other public works for and during the period of fourteen years.—

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 60 from the Mangalore 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 the Government before they direct their sentence to be carried into execution.—

(Sent in No. 1700

Read letter dated the 25th September 1837, from the Acting First Judge on Circuit in the Southern Division, submitting for the final Judgment of the Court of Foujdaree Udalut the Record of Case No. 8 on the Triminelly Calendar for the Second Sessions of 1837.

(Here enter F.C. No. 2006 of 1837.)

Mr. Lushington.
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 Mooftee of the Foujdaree Udalut, are of opinion that the prisoners

Per Lushington
per Bird
per Campbell

1st. Pamboolor Naicken
2nd. Soobbapanicken
3rd. Raman
and
4th. Seence.

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions, notwithstanding the Futwa of their Law Officers, and do, accordingly acquit them; and direct that they be set at liberty.—

1. The Court of Foujdaree Udalut are of opinion that it would be most dangerous to convict the accused on evidence such as has been produced in support of the prosecution in this case.—

2. Against the first and second prisoners there is evidence to a verbal confession in the Village, and very suspicious evidence (as respects the witnesses) regarding the discovery and production of property alleged to have been stolen.—

Against

9th November 1837.

3. Against the third and fourth prisoners there is evidence to a village confession, and to written ones before the Police Officer, but nothing more; while there is an utter inconsistency in the Statements of the Prosecutor as recorded at pages 2. and 39.-

4. Moreover the whole transaction, as described by the evidence for the prosecution, appears to the Court of Foujdaree Udalut to be stamped with improbability, and the Court deem it very possible that the deceased died a natural death, and that this charge has been got up against the accused for the purpose of promoting some sinister and malevolent designs.-

Ordered, that Extract from these proceedings be sent to H. Dickinson Esquire, Acting 1st Judge on Circuit in the Southern Division for his information.-

(Sent following letter No. 1701

Read letter dated the 17th Ultimo from the Acting 1st Judge on Circuit in the Southern Division, transmitting the Record in Case No. 19 on the Combaconum Calendar for the 2nd Sessions of 1837.-

(Here enter No. 2165.)

The Court of Foujdaree Udalut having maturely

Mr. Bird and Mr. Campbell

9th November 1837.

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.

Cooppummaul.

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

(Sent following letter No. 1702

Read letter dated the 10th Ultimo from H. Bushby Esquire late Acting Judge of Circuit in the Centre Division, reporting with reference to the Extract from the Proceedings of the Court of Foujdaree Udalut under date the 3rd October 1837. that the prisoner in Case No. 6 of the Bellaree Calendar for the Second Sessions of 1837 was arraigned for murder, but that that part of the charge was inadvertently omitted in the English Translation.-

(Here enter F. 16. No. 2119 of 1837.)

The

9th November 1837.

1. The Court of Foujdaree Udalut having duly considered all the circumstances of this case, and being of opinion that the ends of Justice do not require that a more severe punishment than that of Transportation for Life should be inflicted, resolve to direct that their sentence passed under date the 3d Ultimo be carried into effect without further delay.—

2. The Court of Foujdaree Udalut deem it proper to remind Mr. Bushby that they have always held the Judge of Circuit responsible for the correctness of the English Translations of Referred Trials and the Court trust that should that Gentleman be called upon again to fulfil the duties of a Circuit Judge, he will be especially careful to prevent the recurrence of so serious an act of carelessness as that which has now fallen under their consideration, which they consider to call for the most severe censure.—

Ordered, that Extract from these proceedings be sent to R. Bushby Esquire late Acting Judge on Circuit in the Centre Division for his information.—

(Sent in No. 1703)

F. 96

At a Court of the Foujdaree Udalut,

Present.

Friday 10th November 1837.

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqr ..... 2d Puisne Judge
Alexander Duncan Campbell Esqr 3d Puisne Judge

Read letter dated the 24th Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 65 tried by the Special Commission at Mangalore—

(Here enter No. 2238.)

Mr Bird and Mr Campbell.

The Court of Foujdaree Udalut having maturely considered the Proceedings held before the Court of Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Cozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee ool Cozat and Mooftee of the Foujdaree Udalut aforesaid, acquitting the Prisoners—

1st Sunkoo Poonja
2d Appaya Shetty, Potail
3d Tyrumpah Madah, Potail
4th Tanca Adyantaya, Potail
and
5th Munjunna Adyantaya, Potail

of the crime charged against them, and direct that

10th November 1837 that they be set at liberty.

The Court of Fouzdaree Udalut direct that their Sentence in the Trial No. 68 from the Mangalore 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. 1709

Read the Combaconum Criminal Reports prescribed by Section XXXV. Regulation X of 1816. for the month of September.

(Here enter No. 2290)

Suppl. Report Case 239. 1. The Court of Fouzdaree Udalut observe that an order, as respects the first prisoner in this case, similar to that recorded in case No. 228 on the prisoner, Sinnanna Cadoomboorum, should have been passed.

Case 335. 2. Under Regulation IX of 1832 the Party preferring a false and malicious complaint is punishable but the Court do not consider that the penalty can be extended to those who "aid and abet" him. The Criminal Judge will accordingly annul this part of the Sentence of the Moofsee Shiv Ayeen, and desire the Release of the Second and third prisoners.

10th November 1837.

Report V Case 393. 3. The prisoner in this case has been held to Security and in default to be confined for 6 months. The Court, under the circumstances of the case, resolve to direct, if the prisoner is still in Jail that the order for the requisition be modified and that he be discharged on receipt of these proceedings.

Case 401. 4. The Court are of opinion that a similar modification will be proper in favor of the 3rd prisoner in this case, and the Criminal Judge will accordingly cause him to be discharged on the receipt of these proceedings, should he be in Jail on that date.

Case 440. 5. It is observed that no specific grounds for the requisition of Security from the 1st prisoner in this case are assigned.

Ordered that a Tract 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. 1710.

Read return, dated the 13th Ultimo from the Criminal Judge of Chittoor, to the Precept of the Fouzdaree Udalut dated the 2nd October 1837, requiring him to explain the discrepancies between the two Statements received from Mr Haig of Batta disbursed to Parties during the 2nd Quarter Sessions of 1837 at Chittoor.

(Here enter No. 2132.)

Read letter dated the 30th Ultimo from the

10th November 1837

the 3d Judge on Circuit in the Western Division, transmitting Statements of Batta paid to Parties attending before the Court of Circuit at the Calicut 2nd Sessions of 1837-

(Here enter No. 2306)

Read final return dated the 30th Ultimo from the late Acting Judge on Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 31st August 1837, conveying their observations and orders on the Cuddapah Calendar for the second Sessions of 1837.

(Here enter No. 2307)

Read return, dated the 31st Ultimo from the Acting Criminal Judge of Canara, to the Precept of the Foujdaree Udalut dated the 24th October 1837- conveying their observations and orders on the Mangalore Criminal Reports for the month of September last.-

Ex. 1

(Here enter No. 2314)

Read return, dated the 19th Ultimo from the Acting Criminal Judge of Chicacole, to the Precept of the Foujdaree Udalut of the 8th Instant directing him to take the necessary Steps for forthwith transferring to the Custody of the acting Magistrate of Vizagapatam the Prisoners from the 2nd to the 8th inclusive in Case No. 13 of the Chicacole Special Commission for 1837-

(Here enter No. 2328)

Fr. Ud.

At a Court of the Foujdaree Udalut,

Present,

Saturday 11th November 1837-

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre _____ 2nd Puisne Judge
Alexr. Duncan Campbell Esqre 4th & 5th Puisne Judge

Read letter dated the 19th July last, from the 1st Judge on Circuit in the Northern Division, transmitting the Record in Case No. 4 on the Nellore 1st Calendar for the 2nd Sessions of 1837-

(Here enter No. 1974-)

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 prisoners

1st Mulla Goorrovadoo, alias Chinna Vencateegaudoo,
2nd Cadauree Canakadoo, alias Cunnegadoo,

and

3rd Vencateegaudoo

is sufficient to convict them of the crime of Manslaughter, do, under the authority with which they are vested by Clause First, Section II, Regulation I of 1818 convict them thereof, and under the provisions of Clause Second of the same Section and Regulation, direct their Law Officers to declare by a Second Futwa to what sentence the prisoners would have been liable, under the Mahommedan Law, if they had been convicted

11th November 1837

convicted by full legal evidence.—

Answer

If the prisoners were convicted by the evidence of credible witnesses of the crime of manslaughter, their Akila would be liable to a Deyut of ten thousand Pinheros, to be paid to the heirs of the deceased in three years.—

Mr. Lushington and Mr. Bird.

The Court of Foujdaree Udalut, in commutation of the penalty of Deyut declared in the foregoing Futwa, sentence the prisoner

1st Mulla Goorroovadoo, alias Chinna Vencateegadoo,

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

2d Cadaree Canakadoo, alias Cunnegadoo,

and

3d Vencateegaudoo

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

(Sent following letter No. 1717.

F. 16.

At a Court of the Foujdaree Udalut

Present

Monday 13th November 1837

Charles May Lushington Esqr. 1st Puisne Judge

John Bird Esqr. ——— 2d Puisne Judge

Alexr. Duncan Campbell Esqr. No. 3 Puisne Judge

Read Petitions presented on the 16th Ultimo and 6th Instant by Iyya Naick and Mooneesawmy Settty of the Zilla of Chingleput.—

(Here enter M. P. Nos. 134 and 145.)

The Petitioners state that the suit No. 235 of 1831 was instituted in the Zilla Court of Chingleput to try a certain dispute arising out of the left hand Caste people of Peddapalem having forcibly conducted a procession contrary to Mamool that the suit is now pending as appeal No. 23 of 1836 before the Provincial Court— that the left hand Caste people having endeavoured to enforce a continuance of the practice of conducting such procession, in despite of the order of the Zilla Court to the contrary, a complaint was lodged before the Magistrate who by Summuds, No. 209 and 215, prevented the procession that a further summud was issued on the 2d February 1837 by the Magistrate also prohibiting the procession— that the left hand caste people however did conduct the procession through their influence with the Tasildar Abdool Kader, that

Petitioners

13th November 1837.

Petitioners having complained to the Police the case was misrepresented and the examination into its merits both insufficiently and unjustly conducted that in consequence of these improper proceedings, the Magistrate fined Petitioner, Iya Naick, 25 Rupees and attached the Maniam of Petitioner, Moonee-sawmy Chetty.-

The Petitioners add that they have in vain prayed the Magistrate to remit the fine, to remove the attachment of the Maniam, and to furnish them with copies of the said three summuds above referred to- and that their application to the Provincial Court to see their grievance redressed has been without avail.-

They, therefore, pray the Court of Zujdaree Adalut to cause a proper enquiry into their case to be made,- and to order the Magistrate to remit the fine in question, and to remove the attachment of the Maniam - or else to desire the Magistrate to give them copies of the aforesaid "Summuds".

The Court direct Petitioners to be informed that they have attentively considered the circumstances of their case, and that they are of opinion that it is not one which calls for their interference.-

Ordered accordingly, that the Petitions

13th November 1837.

Petitions be rejected, and that extract from these proceedings be furnished to Petitioners on their application.-

Read Petition presented on the 25th ultimo by Vekunna Butten of Negapatam.-

(Now enter M. P. No. 135.)

The Petitioner representing himself to be the head of the left hand caste people in Negapatam states that as his caste erected a pandal in their street and went in procession according to Mamool, certain official servants belonging to the right hand caste committed plunder- that Petitioner and his party complained of this to the Collector and Judge, but no enquiry was made- that they then petitioned Government, who referred them to the Circuit Court that they were informed by the Court of Circuit that they should receive a communication through the Collector that Petitioner's adversaries hereupon made false representations to the Collector, who took Moochilkas from both castes, with the intention of having the dispute settled by Punchayet, but desired that until it was settled neither the Pandal should be erected nor the usual procession conducted- that, nevertheless, Petitioner's adversaries, through the influence of the Cutcheery Servants, continue in

3th November 1837 — in the exercise of their usual privileges, whilst Petitioners, who have in vain complained against the partiality, are prohibited from performing their customary ceremonies.—

2. Petitioner prays the Court to interfere by issuing an order, either that both parties shall enjoy the same and equal privileges, or that the right hand Caste shall not exercise theirs until the decision of the abovementioned dispute by the Punchayet appointed for the purpose.—

3. The Court of Foujdaree Udalut cannot, on allegations of the nature made by Petitioner, without any documentary proof in support thereof, interfere in the manner solicited; but as the question referred to by the Petitioner involves a matter interesting to the community at large, the Court of Foujdaree Udalut resolve to refer the Petitioner to the Magistrate of Tanjore.—

Ordered, that extract from these proceedings, with copy of the translation of the Petition, be sent to the Magistrate of Tanjore for his information.—

Sent in No. 1732

Ordered also, that extract from these proceedings be furnished to Petitioner on his application.—

Read Petition presented on the 23d Ultimo by

F. 40.

13th November 1837 — by Mahomed Khasim of Madras.—

(Here enter M. P. No. 136.)

The Petitioner narrates the circumstances under which his property valued at 200 Rupees has been lost during his confinement in the Jail at Chingleput, under requisition of security. He states that no proper enquiry has been made and that he has in vain endeavoured to obtain restitution of the property which is not forthcoming.— He prays the Court to interfere in his behalf.—

The Court of Foujdaree Udalut deem it proper to direct copy of the translation of the above Petition to be sent to the 1st Judge now on Circuit, who will be pleased to investigate the circumstances of the case, and make a full report of the result of his enquiry to the Court of Foujdaree Udalut.—

Ordered accordingly that extract from these proceedings, with copy of the Petition No. 136 be sent to the 1st Judge now on Circuit in the Centre Division, for his information and guidance by Precept returnable in 6 days, after receipt.—

(Sent following Precept No. 1733

Read Petition presented on the 25th Ultimo by Amoodala Sungeeve Naicken Mooktegar Vakeel to Naranapah of the Zilla of Chittoor.—

(Here enter M. P. No. 138.)

The above Petition is a complaint against the acquittal of the prisoner Nundy Valayoda, Amoodaly

13th November 1837.-

Mordely charged with Perjury in Cases Nos. 1 and 2 of the Tenth Supplemental Calendar 3rd Quarter Sessions of 1837 at Chittoor, and with forgery in case No. 5 of the same Calendar and also against the acquittal of his stated accomplices Toomala Pullay Appiah and Muddala Vishnappa.-

The Court direct Petitioner to be informed that the Foujdaree Adalut have no power to overrule an acquittal by a Court of Circuit.-

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

Read Petition presented on the 30th Ultimo by Doolum Naugummah of the Zilla of Cuddapa.-

(Here enter M. P. No. 140.)

The Petitioner, referring to his former Petition No. 124, and to the order of the Court upon it dated the 25th September last, wherein he was informed that the Foujdaree Adalut had under their consideration the records of the cases 20 and 22 of the Cuddapa Calendar 2nd Sessions 1837 in which his Brother B. Narrapa is a prisoner.- now prays the Court to order the release of his Brother who, he avers, is innocent of the crimes, laid to his charge.-

The Court desire Petitioner to be informed that on mature consideration of all the circumstances in evidence against prisoner B. Narrapah, the Court have deemed it proper to pass upon him a sentence of transportation for life, and that the judgment cannot be disturbed.-

Ordered

13th November 1837.-

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

Read Petition presented on the 30th Ultimo by Yamany Varadummah of the Zilla of Cuddapa.-

(Here enter M. P. No. 141.)

The above Petition is a further application for the release of Petitioner's son, who has been sentenced in case No. 12 of the Cuddapa Calendar 2nd Sessions 1837.-

The Petitioner was informed under date the 23rd Ultimo in reply to the prayer contained in her petition No. 127. for the release of her son, that the Court had referred to the Calendar and saw no reason to question the propriety of his conviction. To that order the Court direct Petitioner to be referred.-

Ordered accordingly and that extract from these proceedings be furnished to Petitioner on her application.-

Read Petition presented on the 30th Ultimo by Coopparayengar of the Zilla of Combaconum.-

(Here enter M. P. No. 142.)

The object of the Petitioner is to obtain from the Foujdaree Adalut an order for the release of the Prisoner Appayengar, the Petitioner's brother in law, who has been sentenced at the 2nd Sessions held at Combaconum during the current year.-

The Court direct Petitioner to be informed

13th November 1837.

informed that there is no appeal from the sentence of a Court of Circuit. The prisoner in question was fully convicted. and the Court, having referred to the Calendar, see no reason whatever to doubt the justice of the sentence passed upon him.—

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

Read Petition presented on the 30th Ultimo by M. Rangapa "Jail Peon" of the Zilla of Cuddapa.—

(Here enter M. P. No. 143.)

The Petitioner states that he and two other Peons, Golla Sashoo, and Abdool Kader, received severe wounds in defending the Treasury of the Zilla Court when it was attacked on the 24th April 1833 and that Golla Sashoo has been promoted and made a Deloget.—

The Petitioner prays the Court, with reference to his services, to desire the Zilla Judge to promote him also to a situation, with an increased salary.—

The Court direct Petitioner to be informed that a compliance with his request is out of their province and power.—

Ordered accordingly and that extract from these proceedings be furnished to Petitioner on his application.—

Read Petition presented on the 6th Instant by Soobbadoo of the Zilla of Cuddapa.—

(Here enter M. P. No. 144.)

The

F. Uo.

13th November 1837.

The Petitioner, again prays for the Court's interference in behalf of the prisoners, Dasadoo, Timmadoo and Basavadoo, in case No. 4 of the Cumbum Calendar 2nd Sessions of 1837.—

The Court observe that Petitioner was informed, with reference to his former Petition, No. 138, on this subject, that the Court had referred to the Calendar and deemed it proper to reject the prayer of his Petition, and the Court, seeing no reason to disturb the said order of the 30th Ultimo on his Petition, No. 138, desire Petitioner to be referred to it.—

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

Read again letters dated respectively the 7th and 19th Ultimo from the Special Commissioner at Mangalore, submitting for the final judgment of the Sunjdaree Udalut the Record of cases Nos. 40 and 88 tried by the Special Commission at Mangalore.—

(Here enter No. 2114 and 2207.)

Read also Extract from the Minutes of Consultation under date the 9th Instant confirming the sentences of the Sunjdaree Udalut in Mangalore Special Cases Nos. 40 and 88.—

(Here enter No. 2335.)

Under the authority of the Right Honorable the Governor in Council, the Court

Case No. 40
Mr. Bird
and
Mr. Campbell

13th November 1837 Court do accordingly direct that the Prisoner

Veneatarannia

be unconditionally set at liberty.—

Under the authority of the Right

Case No. 88.

Mr. Bird and Mr. Campbell Honorable the Governor in Council, the Court do accordingly direct that the Prisoners

1st Marya

2nd Puteel Birmanna

3d Ayton Sooboo

and

4th Sheikh Hussan

be set at liberty.—

The Court likewise direct that extract from their proceedings, in Cases No. 40 and 88, under date the 6th Instant be sent for the information and guidance of the Mangalore Special Commission.—

(Sent following letter No. 1734

Read letter dated the 10th Ultimo from the Acting 1st Judge on Circuit in the Southern Division transmitting the record of the trial No. 1 of the Combaconum Calendar 2nd Sessions of 1837.

(Here enter No. 2108)

Mr. Sushington and Mr. Campbell 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

13th November 1837 aforesaid convicting the prisoner Coolundy of Murder and sentence him 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. 1735)

1. The Court of Foujdaree Adalut observe that the Acting 1st Judge closes his letter referring the above trial with the following passage.

"The infidelity of his wife, cannot justify the prisoner's crime though it must in a great measure extenuate it, I am therefore of opinion that justice would be amply satisfied by his being sentenced to be imprisoned with hard labor in irons for 7 years."—

2. To make the plea of adultery, a justification or extenuation of the act of Murder, the parties offending must be taken in "flagrante delicto." So far however from this having been the case in the present instance, the prisoner still lived with his wife, after he was informed of her having carried on an adulterous intercourse with 2 different persons. It also seems not improbable as

13th November 1837 as stated by the Presiding Judge, that in receiving her back, the Prisoner then "meditated" being further revenged upon her."-

3. The Court see nothing in the circumstances of the case at all extenuatory of the violent conduct of the prisoner, and they would have considered it their duty to have adjudged the last penalty of the law had they not come to the conclusion that it was *possible* that the deceased's life might have been saved, if she had been instantly taken out of the well into which the prisoner pushed her.-

4. The dereliction of duty on the part of the Village Officers in not taking the body of the deceased out of the well immediately on their becoming acquainted with the fact that it was there, merits at least severe reprehension.-

5. The Acting 1st Judge will be pleased to bring their conduct to the notice of the Magistrate who will enquire into it and pass such orders regarding it as it may then appear to deserve.- & reporting the same to the Fouzdaree Udalut for their information.-

Ordered, that extract from these proceedings be sent to the Acting 1st Judge on Circuit in the Southern Division for his information and

F. 116.

13th November 1837.- and guidance by Precept returnable in 4 days after receipt.-

(Sent following Precept N. 1736

Read letter dated the 25th Ultimo from A. Bushby Esquire late Acting Judge of Circuit in the Centre Division, submitting for the final Judgment of the Court of Fouzdaree Udalut the Record of Case N. 24 on the Bellary Calendar for the second Sessions of 1837.-

(Here enter F. 116. N. 2251 of 1837.)

1. In this case the prisoner

Santee

was charged before the Court of Circuit with having on the evening of Monday the 17th July 1837 tied a stone to the body of her son Ramnagah an infant of about seven Months old and thrown him into a well and thereby caused his death.-

2. It is material to know whether there was a stone tied to the body of the deceased infant at the time of its being taken out of the well: but of this there was no sufficient evidence given at the trial.-

3. The Court of Fouzdaree Udalut deem it necessary in consequence, to direct that the Record be returned to Mr. Bushby with instructions to cause the attendance before the Criminal Court of the persons who were present when the body

body was taken from the well, and in the
presence of the prisoner, take their examination
upon oath touching the fact referred to.—

4. The Criminal Judge will allow the
prisoner to cross examine the witnesses and to
offer any thing further in her defence should
she wish it, at the close of the examination: and
will annex an English and Persian Translation
of the additional evidence so taken, to the Record
and retransmit the same for the consideration
and final judgment of the Court of Foujdaree Udalut.

5. The Court of Foujdaree Udalut cannot
pass over unnoticed the unsatisfactory examination
held in this case by the Acting Judge of Circuit
and the Acting Assistant Criminal Judge of
Bellary, which, when contrasted with the excellent
investigation made by the native Police officer,
reflect the greater discredit upon the European
Functionaries.—

6. It is stated in the Futwa of the
Mahommedan Law Officer of the Court of Circuit
that Kisaas is barred in favor of the prisoner by
reason of Koomit-e-coniconnect, that is because
the prisoner is the parent of the deceased. This
plea in bar of Kisaas is translated in the English
Record "as the prisoner is a female".—

7. It was the obvious duty of the Judge of
Circuit to satisfy himself of the meaning of the terms
used in the Futwa, before he certifies the English
Record to be a true translation: but so far from
doing this Mr. Bushby repeats the mistranslation
in the eighth parah. of his letter of Reference.—

8. It required but the most limited
acquaintance with the mere outlines of the provisions
of the Mahommedan Criminal Law, to prevent the
Judge of Circuit from falling into so inexcusable
an error.—

Ordered that extract from these
proceedings together with English and Persian
Record be sent to H. Bushby Esquire late Acting
Judge on Circuit in the Centre Division by
Precept returnable within one Month from
and after its receipt.—

(Sent following Precept No. 1707)

Read letter dated the 31st Ultimo, from
the Magistrate of Madura reporting the circumstances
under which the case No. 188 in the Madura
Criminal Reports for September last was sent up
to the Criminal Court, and requesting permission
to withhold the censure passed on the conduct
of the Police Officer who forwarded it.—

(Here enter No. 2297.)

Under

13th November 1837.

Under the explanation afforded in the above letter, the Court of Tongdarce Udalut resolve to withdraw the censure recorded in their proceedings of the 20th Ultimo upon the conduct of the Police Officer who transmitted the case in question to the Criminal Court.—

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

Sent in No. 1738

Read letter dated the 3rd Ultimo from the 3d Judge of the Provincial Court of Circuit in the Centre Division transmitting copies of the Chittoor 13th 14th and 16th Supplemental Calendars for the 3d Quarter Sessions 1837.—

(Here enter No. 2275.)

15th Suppl. Calr Case No. 1

It is with regret that the Court of Tongdarce Udalut notice the very unsatisfactory result of this trial in which the prisoners

1st Bodama Naidoo
and
2d Nauganah

have been acquitted of the murder charged against them and have been unconditionally released.—

The Court cannot doubt that there has been a barbarous murder committed and the case bears the appearance of the perpetration of it through enmity.—

13th November 1837.

The evidence of the 1st Witness, if it could be depended upon, would establish the guilt of the prisoners, but the Court are constrained to admit that suspicion does attach to it, and also to the testimony of the 2d Witness.—

2

The Court deem it proper to direct the 3d Judge to communicate fully the circumstances of the case to the Magistrate, who will be pleased to use his best endeavours, through a further and strict enquiry to ascertain whether proof exists against any others than the parties acquitted in this instance of this atrocious crime, to justice.—

The Court have received the

3.

p. 2 of Crimal Judge's letter.

Criminal Judge's application for information as to the place to which the 1st prisoner Nulla Dasregaudoo in Case No. 1 of the 14th Supplemental Calendar is to be banished, and will issue orders for his confinement at Bellaree as proposed.—

Ordered that extract from these proceedings be sent to the 3d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by Precept returnable in 5 days after receipt.—

(Sent following Precept No. 1739

Read letter dated the 28th Ultimo from the Special Commissioners at Mangalore transmitting

13th November 1837 transmitting for the Judgment of the Court of Foujdaree Udalut the record of Trial in Case No. 67 of the Special Court held at Mangalore.

(Here enter No. 2281.)

Mr. Bird and Mr. Campbell

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-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid convicting the prisoners

1st Deoo
2d Acari
3d Chelloo
4th Buttoo
5th Shunkra
and
6th Billya

of Rebellion and awarding ockoobut and do accordingly convict them: but in consideration of the circumstances represented by the Special Commissioners in their letter of reference under date the 28th Ultimo, the Court resolve to recommend to Government that the said prisoners receive a free pardon and be released with an admonition.

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 67 from the Mangalore Special Commission, together with the whole

13th November 1837 whole of the proceedings held in the case be transmitted to the Chief Secretary to Government for the purpose of being laid before 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.

(Sentence No.

Read letter dated the 26th Ultimo from the Special Commissioners at Mangalore, submitting for the Judgment of the Court of Foujdaree Udalut the Record of Special case No. 63.

(Here enter F. C. No. 2261 of 1837.)

Mr Sushington and Mr. Bird

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-Cozat and Mooftees of the Foujdaree Udalut confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid acquitting the prisoner

Ammoo

and accordingly direct that he be set at liberty.

1. The Court of Foujdaree Udalut do not consider the guilt of the prisoner in this case to be satisfactorily established.

2. Even though it be admitted that the

13th November 1837

the prisoner was with the Insurgents, there is no proof that he acted as their leader or indeed took any part with them.-

The Court of Foujdaree Udalut direct that their sentence in the Trial N.63 from the Mangalore 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 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 N.1741

J. Uo.

At a Court of the Foujdaree Udalut

Present

Tuesday 14th November 1837

Charles May Lushington Esqr. 1st Puisne Judge

John Bird Esqr. 2nd Puisne Judge

Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

Read letters dated respectively the 26th 28th and 26th Ultimo from the Special Commission at Mangalore submitting for the judgment of the Court of Foujdaree Udalut the Record of Special cases Nos 62 - 80 and 89.-

(Here enter Nos. 2260-2282 and 2262.)

The Court of Foujdaree Udalut having

Case No. 62
Mr. Lushington and Mr. Bird

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 acquitting the prisoner

Bussawa Naik

and accordingly direct that he be set at liberty.-

1. In the fifth paragraph of their letter of reference the Special Commissioners recommend that a reward of one hundred Rupees be conferred upon Bussawa Naik, "for his creditable assistance to the sepoys".-

2. As it appears from the concluding para.

14th November 1837

parah: of the letter of Reference that there were other witnesses not brought before the Court who gave depositions before the Assistant Magistrate against the Prisoner the Court of Foujdaree Udalut do not deem themselves authorized to recommend to Government the grant of the proposed reward.

Case No. 80.

Mr. Sushington and Mr. Bird

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-Cozat and Mooftees of the Foujdaree Udalut confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid convicting the prisoner

Vishnoo

of the crime charged and awarding Ootkoolut and under the provisions of Sections II and III Regulation I of 1834, and Clause Third, Section VIII Regulation XV of 1803 sentence him to be banished to the District of Coimbatore, to be imprisoned in the Jail of the Auxiliary Court, and kept to hard labour in irons on the public roads, or other public works, for and during the period of seven years.

Case No. 89.

Mr. Bird and Mr. Campbell

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Court of Special Commission the futwa of the Provincial Law Officer and the futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut confirm the said

14th November 1837

said futwa of the Cazee-ool-Cozat and Mooftees aforesaid convicting the prisoner

Chendaya Naik

of treason and Rebellion, and awarding ookoobut, and under the provisions of Sections II and III of Regulation I of 1834 sentence him to be imprisoned and kept to labor within the Jail at Mangalore and without irons, for the period of 6/six Months.

The Court of Foujdaree Udalut direct that their sentences on the Trials No. 62-80 and 89. from the Mangalore Special Commission, together with the whole of the proceedings held in the Cases, be transmitted to the Chief Secretary to Government, for the purpose of being laid before 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 sentences to be carried into execution.

(Sent in No. 1742-1743 & 1744

Read return dated the 30th Ultimo from the Provincial Court of Circuit in the Southern Division to the Precept of the Foujdaree Udalut of the 25th Ultimo conveying the orders of the Foujdaree Udalut as to the number of Peons which should form the extra Guard in the several Jails in the Southern Division.

(Here enter No. 2294.)

In

14th November 1837.

1 In the above return the Provincial Court enquire whether para 8. of the proceedings of the Faujdaree Udalut of the 24th October last is not to be communicated also to the Magistrate of Salem, or whether the omission to specify this Officer in that paragraph was intentional.-

2. The prisoners under charge of the Magistrate of Salem being under the general Superintendence and control of the Board of Revenue in the Department of Public Works do not come within the rules of the 25th May last, and the Provincial Court of Circuit will accordingly be pleased to communicate to the Magistrate of Salem, the 8th para of the proceedings of the Faujdaree Udalut of the 24th Ultimo.-

Ordered that extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance.-

(Sent in No. 1745 5

Read the Cuddapa and Cumbum Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of September.-

(Here enter No. 2303.)

1. The charge in this case as given in the Criminal Report is manifestly defective The Criminal Judge

Report V
Case 144.

2

J. 86.

14th November 1837.

"The prisoners are charged with having maliciously assembled 3 or 4 times in the Hills holding arms in their hands."

Judge will be pleased to state for what specific offence the prisoners have been committed.-

2. No explanation of the delay in the transmission of the above Reports having been forwarded, the Court direct that the Criminal Judge be now called upon, with reference to the Circular Order Faujdaree Udalut No. 40, of the 18th April 1835, to explain why the Reports could not be sent up before the 30th of October.-

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

Sent following Precept No. 1746

Read return, dated the 31st Ultimo from the Acting Joint Criminal Judge at Tinnevelly to the Precept of the Faujdaree Udalut of the 25th October 1837, conveying their observations and orders on the Criminal reports for the Month of September 1837.-

(Here enter No. 2302.)

F. C.

At a Court of the Foujdaree Udalut

Present,

Wednesday 15th November 1837.

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre ——— 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

113
105

Read letter dated the 19th Ultimo from H. Bushby Esquire late Acting Judge on Circuit in the Centre Division, submitting for the final judgment of the Court of Foujdaree Udalut, the Record of case No. 23 on the Bellaree Calendar for the second Sessions of 1837.

(Here enter F.C. No. 213 of 1837.)

Mr Lushington and Mr Bird

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

Siddapah.

and accordingly direct that he be set at liberty.

The Court of Foujdaree Udalut are utterly unable to reconcile the opinion of the Presiding Judge, that the Prisoner in this case "should be sentenced to transportation," with the remarks contained

15th November 1837

contained in the extraordinary paragraph with which he concludes his letter of reference, namely that "the Prosecutor was unacquainted with the Prisoner previous to the Robbery," and "the witnesses could not have identified the property if mixed with similar articles."

2. Moreover it is most improbable that the prisoner would have been found wearing ear-rings which he had recently obtained by Robbery.

3. The Court of Foujdaree Adalut, considering the evidence totally insufficient for the conviction of the prisoner, have deemed it their duty to order his unconditional release.

4. And the Court further direct that the property produced in Court during the Trial be given up to the Prisoner.

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division for the purpose of being communicated together with the sentence to Mr. Bushby.

/ Sent following letter No. 1760 /

Read return dated the 31st August last from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division, to the precept of the Foujdaree Adalut dated the 18th August 1837, conveying their

15th November 1837

their observations and orders on his Report for the 2nd Quarter Sessions of 1837.

(Here enter No. 1813.)

Read letter dated the 2nd Instant from the Special Commissioners at Mangalore reporting the death of Sokaya Bunta the 8th Prisoner in case No. 52 referred on the 26th September last.

(Here enter No. 2331.)

Read letter dated the 8th Instant from the Criminal Judge of Combaconum forwarding the statement required by the Circular Order of the Foujdaree Adalut No. 88 for the 3rd Quarter of 1837.

(Here enter No. 2346.)

Read letter dated the 6th Instant from the Special Commissioners at Mangalore, reporting the death of Chinayajiri the 2nd Prisoner on Special Case No. 39.

(Here enter No. 2364.)

Read return dated the 8th Instant from the Acting Joint Criminal Judge of Masulipatam, to the Precept of the Foujdaree Adalut dated the 31st October 1837, calling for explanation respecting the detention of the prisoners in case No. 50 of the Supplemental Report, and the escape of the prisoners in cases No. 46 and 51 of the same Report.

(Here enter No. 2366.)

Read

15th November 1837.

Read letter dated the 7th Instant from the Magistrate of Canara at Mangalore, forwarding a copy of a letter from the Joint Magistrate of Canara, containing the explanation called for in the extract proceedings of the Foy: Adalut under date the 24th Ultimo relative to the delay in the disposal of case No. 202 on the files of the Criminal Court of Mangalore.

(Here enter No. 2365.)

Read return, dated the 6th Instant, from the Acting Criminal Judge of Coimbatore to the Precept of the Foujdaree Adalut dated the 1st November 1837 on the Criminal Reports for the month of September last.

(Here enter No. 2347.)

Eq. Ab.

B

F. Ab.

At a Court of the Foujdaree Adalut

Present,

Thursday 16th November 1837.

Charles Mary Lushington Esqre. 1st Puisne Judge

John Bird Esqre. 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. No. 3rd Puisne Judge

Read again letters dated respectively the 7th and 10th Ultimo, from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Adalut the Records of Cases No. 37 and 58 tried by the Special Commission at Mangalore.

(Here enter No. 2112 and 2135.)

Read also Order of Government dated the 11th Instant, confirming the Sentences of the Foujdaree Adalut on Mangalore Special Trials No. 37 and 58.—

(Here enter No. 2351.)

Case No. 37.
Mr. Bird
and
Mr. Campbell

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

1st Narsima

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 that the prisoner

2nd

15. 16th November 1837.

2nd Oopendra

be banished to the District of Coimbatore, to be imprisoned in the Jail of the Auxiliary Court and kept to hard labour in irons on the public roads, or other public works, for and during the period of ten years—

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

Case No. 58.
Mr. Bird
and
Mr. Campbell

Veerbhudraya

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 natural life.—

The Court likewise direct that extract from their proceedings under dates the 25th and 26th Ultimo on Cases Nos. 57 and 58 be sent for the information and guidance of the Mangalore Special Commission.—

Sent following letters No. 1768

S. U.

At a Court of the Foujdaree Adalut

Present

Friday
17th November 1837.

Charles May Lushington Esqr. 1st Puisne Judge
John Bird Esqr. ——— 2nd " Puisne Judge
Alexr. Duncan Campbell Esqr. No. 3. Puisne Judge

Read letter dated the 24th Ultimo from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Adalut the Record of Case No. 76 tried by the Special Commission at Mangalore.—

(Here enter No. 2248.)

Mr. Lushington
and
Mr. Bird

The Court of Foujdaree Adalut having maturely considered the proceedings held before the Special Commission the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid convicting the prisoner

Nunjur Soboo

of Rebellion and awarding ookoobut; and under the provisions of Sections II and III, Regulation I of 1834 sentence him to be banished to the District of Coimbatore, to be imprisoned in the Jail of the Auxiliary Court, and kept to hard labour in irons on the public roads, or other public works, for and

and during the period of fourteen years.-

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 76 from the Mangalore 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 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 befor they direct their sentence to be carried into execution.-

(Sent in No. 1774

Read letter dated the 7th Ultimo, from the Second Judge late on Circuit in the Western Division, sending up copies of the Calendars received from the Criminal Judge and the Principal Sudr Ameens of Canara for the first Sessions of 1837.-

(Here enter F. Do. No. 2123 of 1837.)

Canara Suppt. Cal. Case No. 1.

1.

The prisoner in this case was charged before the Court of Circuit with wilful and corrupt Perjury in having, when appearing as a witness in a certain inquiry held before the Zillah Court of Canara, regarding the deposition of one Coonja Munda, who offered security for one Vencuppa, who had preferred an Appeal against the Decree in No. 208 of 1833- given a false deposition upon oath touching

17th November 1837

a matter of fact material to the issue of the said inquiry.-

The Prisoner is convicted. but

2.

the Presiding Judge recommends a mitigation of the prescribed Penalty, as the Prisoner appears to be a simple person, and to have been led to commit the offence by a relation for whom the security, to establish which the Perjury was committed, was offered.-

The Court of Foujdaree Udalut

3.

having duly considered all the circumstances of this case, resolve to accede to the recommendation of the Presiding Judge, and accordingly direct that the prisoner

Soobraya

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

Honore Calendar Case No. 1

4.

The prisoner in this case was charged with having, at 4 o'clock of the night of the 22nd November 1836, in company with certain others armed with clubs, gone to the house of Singye Shetty, seized fast hold of the Prosecutor and his people, who were lodging in the porch of the said house, offered them violence, and robbed them of Jewels, cash &c. to the amount of Rupees 97-"-[illegible]86.-

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5. The prisoner is convicted; but the Presiding Judge recommends "that he suffer no more than imprisonment and hard labour for one year;" "he being a simple and quiet looking person, and having immediately and throughout confessed his being present."

6 The Court of Foujdaree Udalut are of opinion that in a case of this nature the proposed punishment would be quite inadequate; and they view the grounds recorded by the Presiding Judge as insufficient to justify a reduction of the prescribed penalty to the extent suggested.

7. The Court accordingly direct that the prisoner

Bujjaru Poorsoor

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

Case No. III. 8 In this case the prisoners

1st Soollany Naya

2nd Munjoo

and

3rd Jenna

were charged with having, on the 2nd Magha Bahoolla of the year Doormookhy, corresponding with the 25th February 1837, at about 8 o'clock of the night, in company with some others not yet apprehended

17th November 1837. apprehended, gone to the house of the Prosecutrix, cut off the rope of the Tatty door of it, entered in; seized fast hold of the Prosecutrix, and the 1st and 2nd witnesses committed a Rape on the 1st and 2nd witnesses, and plundered the Prosecutrix's property valued at Rupees 13 2 12.

9. From the Remarks in the Calendar it appears that the Mahommedan Law Officer in his second Futwa, laying aside certain objections to the evidence of the 1st and 2d witnesses, declared the 2nd prisoner liable to Hud i Sirkut i Kobra," and the 1st and 3rd prisoners to Tohmut from the evidence being that of a single witness."

10. The Presiding Judge being of opinion "that the crime of robbery by open violence (but not rape) was duly proved against the three prisoners," sentenced the 1st prisoner to imprisonment with hard labour in irons for fourteen Years, and recommends that the punishment of the other two prisoners "be mitigated to imprisonment with hard labour in irons for five years" "they being young and apparently led away by the 1st prisoner."

11. The Court of Foujdaree Udalut observe that the 1st and 3d prisoners being declared liable only to Tohmut or suspicion, a finding which has

17th November 1837.

has been frequently explained by the Court to be tantamount to an acquittal, the Presiding Judge was not competent to dispose of the case, which must be referred for the final Judgment of the Sooydaree Udalut.

12. The Presiding Judge will accordingly be pleased to send up an English and Persian Translation of the Record in due course.

Case No. IV.

13. The prisoners in this case were charged with having on a certain day, at half past four o'clock P.M. gone to the house of the Prosecutor who is blind, entered in by the door of it which was left open, seized the Prosecutor, pressed his neck and robbed him of his gold and silver Jewels &c. to the value of Rupees 27-2-31.-

14. The prisoners are convicted: but the Presiding Judge submits "that a sentence of imprisonment with hard labour in irons for five years would be a sufficient punishment for the prisoners" having invariably confessed their crime and being of hitherto unimpeached character."

15. The Court of Sooydaree Udalut approve of the recommendation of the Presiding Judge and under the authority vested in them by Clause third, Section III, Regulation I of 1825 sentence the prisoners 1st Soobha and 2nd Cheeka

to

17th November 1837.

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

Sirsee Calendar 16 In this case nine prisoners were

Case No. 4 charged before the Court of Circuit with having, on sunday the 6th November 1836 at seven oclock of the night, armed with clubs and weapons, gone to the Prosecutor's house, beaten the Prosecutor with a club, and otherwise offered him violence, broken open the front door of the house with a hatchet, rushed in and plundered therefrom property valued at Rupees 180-4-2-

18. The prisoners are convicted and the 1st, 2nd, 3rd, 4th, 6th and 8th prisoners sentenced to imprisonment with hard labour in irons for fourteen years.

18. As the 7th and 10th have invariably confessed, and the 9th on being apprehended gave full information which led to the apprehension of the others, and as they have not been previously punished," the Presiding Judge recommends "that a sentence of imprisonment and hard labour in irons for seven years be passed on each" of those three prisoners.-

19 The Court of Sooydaree Udalut, having maturely considered all the circumstances

of

17th November 1837

of this case, resolve to accede to the recommendation of the Presiding Judge; and accordingly direct that the prisoners

7th Singa
9th Timma
and
10th Budva alias Curya

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

Ordered, that extract from these proceedings be sent to J. Vaughan Esquire Second Judge late on Circuit in the Western Division by Precept returnable within twelve days from and after its receipt.—

(Sent following Precept No. 1775

Foujdaree Udalut
Circular Order
No. 94.

The Court of Foujdaree Udalut having had under their consideration the expediency of modifying their Circular order of the 27th February 1836 No. 63 resolve accordingly to modify it so far as to declare that the Descriptive Rolls of Individuals dismissed under the circumstances therein indicated, shall, in future, be transmitted by the Officer from whose Establishment the servant may have been dismissed, together with a full report of the case to the Office of the Foujdaree Udalut by whom the same will be laid before Government for its consideration and final orders.—

(Sent following C. O. No. 1776 & 1777

F. Ub.

At a Court of the Foujdaree Udalut

Present

Saturday
18th November
1837.

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre ——— 2d Puisne Judge
Alexr Duncan Campbell Esqre Actg 3d Puisne Judge.

Read again letter dated the 2d August 1837 from the Third Judge on Circuit in the Western Division, submitting for the final Judgment of the Court of Foujdaree Udalut, the Record of case No. 12 on the Calicut Calendar for the Second Sessions of 1837.—

(Here enter F. Ub. No. 1618 of 1837.)

Read also Return dated the 31st Ultimo from the same Officer to the Precept of the Court of Foujdaree Udalut under date the 18th September 1837, sending back for further evidence the Record of the case above mentioned.—

(Here enter F. Ub. No. 2337 of 1837.)

Mr. Bird and Mr Campbell.

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

Foujdaree Udalut, are of opinion that there is not adequate proof for the pritoners' conviction of the specific offence charged: but as from the evidence adduced and from their own confessions, the pritoners appear to be of a character so dangerous as to render their release without substantial security evidently unsafe and improper, the Court under the provisions of Clauses Second and third, Section X, Regulation VI of 1827 direct that the pritoner

1st Karumban son of Parrayen Chukkun

be required to find two sureties in (300) three hundred Rupees each surety, for his good behaviour and appearance when required; and that on default he be detained in confinement; provided that if the said pritoner shall not be able to furnish the security required within the period of three years from the date of this order, he shall be brought up before the Judge of Circuit, who may hold the Sessions of Jail Delivery immediately following the expiration of the period of three years above specified, whose duty it will be, after examining the proceedings and making any further enquiries he may judge necessary, to determine whether the said pritoner shall

shall then be released or whether he shall be again remanded, either on the same terms as before, or on any modified terms favorable to the pritoner; provided further that if the Judge of Circuit shall modify the terms of the security required to be taken under this order he shall report the same for the information of the Foujdaree Udalut.

The Court of Foujdaree Udalut further direct that the pritoners

2nd Kekan alias Kola alias Kundy son of Parrayen Karumban

and

3rd Cherrya Attiaken son of Parrayen Moondan.

be severally required to find two sureties, in one hundred and fifty Rupees each surety, for their good behaviour and appearance when required within three years, and that in default thereof, they be detained for three years in confinement.

After the most deliberate and anxious consideration of all the circumstances of this case, the Court of Foujdaree Udalut are led to the conclusion that it would be most dangerous to convict the pritoners of the offence charged against them.—

In

18th November 1837.

In this case, it is obvious to re-
-mark that some of the circumstances confessed
to by the Prisoners cannot possibly be true-
The Record contains no evidence that can
be depended upon to show what was the
state of the body of the deceased after death.
and in the opinion of the Court, the evidence
as to the condition of the young woman
during the five days she was ill, is contra-
-dictory, and as it respects the fact of her
death by violence not conclusive—

It is true that on the other hand,
there are the confessions of the prisoners - un-
-questionably freely given - though exhibiting
proofs of the most lamentable superstition,
and degrading ignorance - and above all, there
is the unhesitating and unqualified opinion
of the Presiding Judge, that the Prisoners
perpetrated the murder of the deceased—

But notwithstanding this, the
Court of Foujdaree Udalut are strongly im-
-pressed with the Idea that these, and other
similar confessions may possibly have been
made for the purpose of supporting and
confirming the belief, unhappily entertained
by the people of Malabar, that the Parryens
are endued with supernatural powers and

in

F. 86.

18th November 1837.

in Cases of this nature, the Court are persuaded
that it is not safe to give credit to such
confessions, unless they are supported by
corroborative evidence of the most satisfactory
description, which in the case under consid-
-eration is wanting, and which the super-
-ficial and insufficient examination re-
-cently held by the Acting Criminal Judge
of Malabar has in no way tended to supply.

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

(Sent following letter No. 1781

Read the Cuddalore Criminal
Reports prescribed by Section XXXV Regulation
X 1816 for the month of October—

(Here enter No. 2341.)

Reports Case 94.

1. The 1st and 2nd prisoners in Case
94 are stated to be "concerned in several other
cases in which they will be disposed of"—

Case 96.

2. The 1st prisoner in Case 96 it is
stated "will be disposed of hereafter"—

3. The Court of Foujdaree Udalut
direct it to be pointed out to the Acting
Joint Criminal Judge that when he refers
to any other case than the one immedia-

before him, he should always refer to it by number. so that the Court may without difficulty follow the course of proceeding intended to be adopted.—

Case 98. 4. In this case. the prisoner is "reported to be a notorious bad character." In such instances as this. a "report" as to character is insufficient. and proof of the fact should always be taken. The sentence however need not be disturbed. there being other, very sufficient, grounds for it.—

Statement of Labor 5. The Court conclude that the 283 Convicts in Column 2 of this Statement are exclusive of the 200 Convicts sent to Mercanum under the orders of the Foujdaree Udalut of the 21st September 1837. It would have been satisfactory to the Court of Foujdaree Udalut. had a note been annexed to the Statement showing how many Convicts had been received by the Acting Joint Criminal Judge from Combaconum.—

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. 1732

Read

Read letter dated the 28th Ultimo from the Special Commission at Mangalore, submitting for the Judgment of the Court of Foujdaree Udalut the Record of Special Case No. 69.—

(Here enter F. No. 2287 of 1837.)

Read also letter dated the 4th Instant from the Special Commission. reporting the death of Mooditaya Narsaya the second prisoner in Special Case No. 69.

(Here enter F. No. 2350 of 1837.)

In this case the prisoners

1. 1st Potail Narnapah

and

2nd Mooditaya Narsaya.

were charged before the Court of Special Commissioners with having, between the 4th and 25th April 1837, compelled the inhabitants of their respective villages Addoor and Moonoor to join the rebels: and the first prisoner further with having written letters to the Potails of the neighbouring Villages to procure armed men to join in rebellion against the Government.—

2. It appears that the first prisoner in this case when called upon for his defence alleged that violence was used towards

towards him to induce him to furnish armed men for the Rebel Force, but that having escaped from the Insurgents sent to seize him, he went to Addoor and remained there with his family for about thirty days - And he requested that Coonjataya Shunkra Nar. -raina, Potail of Kestramungul, and Sheshaya, Potail of Addoor, might be summoned to prove that he was beaten at Nerumpady, and the said Shunkra, and Vasteva the Shanabhogue of the Devasthan of Addoor, to prove that he was at that place as above stated -

3 But the Court of Special Com. -mission have recorded their opinion that "it is unnecessary to send for his witnesses as their evidence could not disturb that for the prose. -cution" "the acts attributed to the 1st" prisoner being clearly voluntary and having embraced a considerable period of time, during which he could have placed himself under the pro. -tection of the Government, had he chosen"

4. The Court of Foujdaree Udalut deem it necessary before proceeding to judg. -ment that the evidence for the defence should be taken: and accordingly resolve to direct the Special Commissioners to summon the parties abovementioned and examine them on oath

in

F. C.

18th November 1837.

in the presence of the first prisoner, on the points indicated in his Defence: and send up an English and Persian Translation of the evidence for this Court's consideration -

Ordered, that Extract from these proceedings be sent to the Special Com. -missioners at Mangalore by Precept returna. -ble within fifteen days, from and after its receipt -

(Sent following Precept No. 1783

Read letter dated the 16th Ultimo from R. Bushby Esquire late Acting Judge on Circuit in the Centre Division, forwarding copies of the Bellaree Calendars for the Second Sessions of 1837 -

(Here enter F. C. No. 2164 of 1837.)

Bellary Primary Calendar Case No. 3.

1. In this case the prisoner was charged with having, at 10 o'Clock in the fore. -noon, with a stick in his hand, intercepted the Prosecutor on the high road, and robbed him of property of the value of one Rupee and five annas -

2. The prisoner is convicted: but on the ground of his not having used any violence and of the trifling value of the property stolen, the Presiding Judge recommends that the prescribed punishment be mitigated to five

ye.

years' imprisonment.—

3. The Court of Foujdaree Udalut approve of the recommendation of the Presiding Judge, and under the authority vested in them by Clause third, Section III, Regulation I of 1825, sentence the prisoner

Soobadoo Baider

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

Case No. 9.

4. In this case, the prisoner

Nungee (a female)

was charged with having "procured abortion, while she was six months pregnant, by taking medicine."—

5. The prisoner was convicted and sentenced to two years' imprisonment without irons, and with light work inside the Jail, or within the precincts of the Court compound.—

6. The Court of Foujdaree Udalut observe that if the prisoner took the medicine for the purpose of causing abortion, the punishment awarded by the Court of Circuit was insufficient: if she did not, she ought not to have been sentenced to punishment at all.—

7. The Court resolve to call upon Mr. Bushby for a further explanation regarding this case.—

The

Case No. 10.

8. The prisoner in this case was charged with having, in the day time, in company with one other, since absconded, assaulted the Prosecutor and his servant on the high way with weapons and robbed them of property valued at Rupees 40-8-0.—

9. The prisoner is convicted; but the Presiding Judge recommends a reduction of the prescribed penalty to ten years imprisonment, in consideration of no violence having been used to the persons of the complainants and of the small value of the property robbed.—

10. It appears to the Court of Foujdaree Udalut that this is one of those cases in which the prescribed punishment may be mitigated to an extent even greater than that proposed by the Presiding Judge, without detriment to the interests of Justice; and the Court accordingly resolve to direct that the prisoner

Timmoorgaudoo

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

Case No. 12.

11. The prisoner in this case was charged with having, in the day time, assaulted the Prosecutrix and the first witness on the High

High-way and robbed them of property of the value of one Rupee and eight annas.—

12. The prisoner was convicted: but the Presiding Judge recommends a mitigation of punishment to three years' imprisonment in consideration of the trifling value of the property stolen, the absence of violence and of the age of the prisoner being only twenty.—

13. The Court of Foujdaree Udalut are of opinion that the offence of which the prisoner is convicted would be inadequately met by the sentence proposed by the Presiding Judge: and accordingly direct that the said prisoner

Venkatagandoo

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

Cases 18 and 23. 14. The Court of Foujdaree Udalut concur in the view taken of these cases by the Judge of Circuit. In case No. 18. the commitment was highly improper, and could answer no other end than that of inflicting much unnecessary vexation and trouble on the complainants.—

15. The Court of Foujdaree Udalut regret to observe that Mr. Hawkins has occasionally committed cases for trial without due consideration.—

In

Case No. 22. 16. In this case, two prisoners were charged with having assaulted the Prosecutor on the high-way while he was travelling with the 2nd prisoner who was his hired servant, struck and wounded him, and plundered from his person a Cumbly of the value of one Rupee.—

17. The first prisoner was convicted and sentenced to fourteen years' imprisonment, but the second prisoner was released by the Court of Circuit on the grounds of the "absence of any proof to" his "having aided the 1st" prisoner in the Robbery, and from the circumstance of the Cumbly stated to belong to the Prosecutor, having been found in the 1st prisoner's house, and by reason of the 2nd prisoner not having made any confession before the Ameen or before the Courts.—

18. The Court of Foujdaree Udalut observe that if the Prosecutor's statement against his servant was clear and distinct, the Judge of Circuit, in their opinion, was not justified in ordering that prisoner's release: and the Court will be glad to have an explanation from Mr. Bushby on this subject.—

Ordered, that Extract from these Proceedings be sent to R. Bushby Esqr. Late

late Acting Judge on Circuit in the Centre Division by Precept returnable within ten days from and after its receipt.—

(Sent following Precept No. 1784

Read letter dated the 11th Instant from the First Judge on Circuit in the Centre Division, forwarding a copy of the Chingleput Calendar for the Second Sessions of 1837.—

(Here enter P. C. No. 2353 of 1837.)

Case No. 2. 1. In this case, four prisoners were charged with having on the 31st May 1837. in the evening stopped the Prosecutrix and her husband on the high way, beaten the Prosecutrix and torn her ear and robbed them of Property of the value of Rupees 31–5–11.—

2. The prisoners are convicted, but "as the Prosecutrix received no personal injury and as it does not appear that the Prisoners were ever before charged with the commission of any offence; while the first prisoner brought evidence to his being respectable and gaining an honest livelihood, and while in all human probability the design of committing the robbery was no sooner engendered than executed," the Presiding Judge recommends that the sentence be mitigated to seven years.—

3. The Court of Foujdaree Adawlut, after

after duly considering 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 prisoners

1st Moonjen

2nd Chinna Cunnen

3rd Ereden

and

4th Cunneyan

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

Case No. 4. 4. The prisoner in this case was charged with having, in concert with two others, assaulted the Prosecutor on the High way and robbed him of Cloths of the value of thirteen annas.—

5. The prisoner is convicted; but the Presiding Judge suggests that the prescribed punishment be reduced to five years imprisonment, "in consideration of the prosecutor not having suffered any ill-treatment, and the value of the stolen property being small—the Prisoner being young, and having expressed deep contrition."—

The

18th November 1837.

6. The Court of Foujdaree Udalut approve of the suggestion of the Presiding Judge and accordingly direct that the prisoner

Vencatadoo

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

Case No. 5. 7. The Court of Foujdaree Udalut deem it proper to direct that an English Translation of this case be submitted for their consideration to enable them to determine whether the ends of Justice demand the infliction of a punishment so severe as that awarded by the Presiding Judge—

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

(Sent following Precept No. 1785

Read letter, dated the 28th Ultimo from the 3d Judge on Circuit in the Western Division, explaining the cause of delay in making his return to the Precept of the Foujdaree Udalut of the 18th Ultimo.—

(Here enter No. 2285/5.

F. Ub.

At a Court of the Foujdaree Udalut.

Present

Monday 20th November 1837.

Charles May Lushington Esqre. 1st Puisne Judge
John Bird Esqre. ——— 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. Actg. 3d Puisne Judge

Read Petition presented on the 6th Instant by Namadevaya Gramany of the Zilla of Cuddalore.—

(Here enter M. P. No. 1147.)

The Petitioner repeats the prayer of his two former Petitions No. 105 and 126 of 1837. on which the Court passed orders on the 5th September last and on the 20th Ultimo.—

The Court observe that Petitioner has been distinctly informed that they "see no ground for their interference in the case" represented by him. They accordingly direct Petitioner to be advised that they can receive no further Petition from him on this subject.—

Ordered, that the Petition No. 1147 be rejected, and that Extract from these proceedings be furnished to Petitioner on his application.—

Read again letters dated respectively the 26th and 27th September last from the Special

20th November 1837.

Special Commissioners at Mangalore, transmitting for the final Judgment of the Sovereign Adalut the Record of Cases Nos. 23. 52 and 68 tried by the Special Commission at Mangalore.—

(Here enter Nos. 2031. 2032 and 2033.)

Read also Extract from the Minutes of Consultation dated the 11th Instant Confirming the sentences of the Fouzdaree Adawlut in Mangalore Special Trials Nos. 23. 52 and 68.—

(Here enter No. 2351.)

Case No. 23.
Mr. Lushington
Mr. Bird.
and
Mr. Campbell.

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

1st. Motta Gowda

be imprisoned and kept to hard labour in irons within the Jail at Mangalore, for and during the period of one year and that the Prisoner

2d. Cocha Bunta, Potail

and

3d. Tamana Gowda, Potail

(the first Prisoner having been convicted and sentenced to Transportation for life in Case No. 52) be imprisoned and kept to hard labour in irons on the public roads or other public works the second Prisoner for and during the

20th November 1837.

the period of three years and the third Prisoner for and during the period of seven years.—

Case No. 52.
Mr. Lushington
Mr. Bird
and
Mr. Campbell.

Under the authority of the Right Honorable the Governor in Council the Court do accordingly direct that the Prisoners.

1st. Bidina Krishnaya, Potail,

and

6th. Peon, Ramah,

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 their natural lives respectively: that the prisoner

12th. Baghy Cooha Gowda

be banished to the District of Coimbatore, to be imprisoned in the Jail of the Auxiliary Court, and kept to hard labour in irons on the public roads, or other public works, for and during the period of fourteen years: that the prisoners

5th. Potail, Parmeshra,

8th. Locaya Bunta

10th. Beeroo Pommunnaya, Potail,

and

11th. Somaya Regude, Potail,

be imprisoned and kept to hard labour in irons

irons on the public roads, or other public works, for and during the period of ten years; that the prisoners

4th Kellaginabeed Krishnaja

and

7th Sheshaguiry

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

3rd Bungary

be imprisoned and kept to light labour in irons within the Jail at Mangalore for and during the period of seven years; and that the prisoner

9th Rama

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

Case No. 68.
Mr Lushington
Mr Bird
and
Mr Campbell.

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

1st Vencuppa, Potail,

be banished to the District of Coimbatore, to be imprisoned in the Jail of the Auxiliary Court, and kept to hard labour in irons on the public roads, or other public works, for and during the period of fourteen years.—

The

Fl. 6.

The Court pass no sentence against the second Prisoner, he having been sentenced in Case No. 23.—

The Court likewise direct that Extract from their proceedings under dates the 30th and 31st Ultimo, on Cases Nos. 23 52 and 68, be sent for the information and guidance of the Mangalore Special Commission.—

(Sent following letters Nos. 1792-1793 & 1794-

Read letters dated respectively the 1st and 2nd Instant from the Special Commission at Mangalore, submitting for the Judgment of the Soudaree Adalut the Record of Special Cases Nos. 74 and 97.

(Here enter No. 2327 and 2330.)

Case No. 74.
Mr Bird
and
Mr Campbell.

The Court of Soudaree Adalut, 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 Soudaree Adalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid acquitting the prisoner

Munjana Keegadi

and do accordingly acquit him; but considering that strong suspicion though not amounting to

to

to conviction attaches to him, the Court direct under the provisions of Clause Sixth, Section II, Regulation XX of 1803, that he be required to find two sureties in three hundred Rupees each surety, for his good behaviour and appearance when required within two years; and that in default thereof, he be detained for two years in confinement.—

With reference to the last paragraph of the foregoing letter, it is to be understood that the demand of security is to be enforced only in the event of the Prisoner being acquitted by the Court of Circuit.—

Case No. 97.

Mr. Bird and Mr. Campbell.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, acquitting the prisoner

Shankra Narraind

and accordingly direct that he be set at liberty.

The Court of Foujdaree Udalut direct that their sentences on the Trials Nos. 74 and 97 from the Mangalore Special Commission, together with the whole of the proceedings held

held in the 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 1802 ——— receive the orders of Government, before they direct their sentence to be carried into execution.—

(Sent in No. 1795-1796 & 1797)

Read return dated the 31st Ultimo from the Criminal Judge of Bellary to the Precept of the Foujdaree Udalut of the 25th Ultimo, containing their observations and orders on the Bellary Criminal Reports for September.—

(Here enter No. 2326.)

Read return dated the 2nd Instant from the 2nd Judge late on Circuit in the Western Division, to the Precept of the Foujdaree Udalut dated the 2nd September 1837, calling for a Return to the Precept of the 21st April 1837.—

(Here enter No. 2332.)

Read return dated the 3rd Instant from the 2nd Judge late on Circuit in the Western Division, to the Precept of the

the Foujdaree Udalut dated the 21st April 1837 directing him to review the proceedings in Case No. 22 of 1837 on the Criminal File of the Principal Sudr Ameen of Honore.—

(Here enter No. 2333.)

Read return, dated the 10th Instant from H. Bushby Esqre late Acting Judge on Circuit in the Centre Division to the Precept of the Foujdaree Udalut dated the 31st October 1837, conveying their observations on certain cases of the Cuddapah Calendar for the Second Sessions of 1837.—

(Here enter No. 2385.)

Read letter, dated the 13th Instant from the Magistrate of Nellore, submitting an explanation relative to certain cases on the Nellore Criminal Reports for the month of September noticed in the Extract from the proceedings of the Foujdaree Udalut 31st October 1837.—

(Here enter No. 2388.)

At a Court of the Foujdaree Udalut.

Present,

Tuesday,
21st November, 1837 Charles May Lushington Esqre —— 1st Puisne Judge,
John Bird Esqre —— 2d Puisne Judge,
Alexr. Duncan Campbell Esqre —— Acting 3d Puisne Judge,

Read letter dated 6th Ultimo from the Special Commissioners at Bangalore submitting for the final Judgment of the Foujdaree Udalut the record of Case No. 76 tried by the Special Commission at Bangalore.—

(Here enter No. 2328)

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 Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee ool Cozzat and Mooftee aforesaid, acquitting the prisoners,

Mr. Lushington,
and
Mr. Bird,

1st Narnah Rainchoge,
2d Namoo,
3d Cobah Atety,
4th Chowkaroo,
5th Kottay Domah,
6th Domanah,
7th Chowadah,
and
8th Edena Durkay

and accordingly direct that they be set at liberty.—

The

The Court of Sujdaree Adawlut remit their sentence in the Trial No. 75 from the Mangalore 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 XI of 1802, receive the orders of Government before they direct their sentence to be carried into execution.—

(Sent in No. 1803

Read letter dated 27th. Ultimo from the Acting 2d. Judge on Circuit in the Northern Division, transmitting the record in Case No. 1 of the Rajahmundry Primary Calendar for the 2d. Sessions 1837.—

(Here enter No. 2252)

Mr. Luchington and Mr. Campbell,

The Court of Sujdaree Adawlut, 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 Sujdaree Adawlut, confirm the said Futwa of the Cazee ool Cozat and Mooftee aforesaid, convicting the prisoner

Bootia Sirputty

of murder on strong Presumptive Proof and awarding absolute and under the Provisions of Section X Regulation VIII of 1802, sentence the said prisoner to suffer death by hanging

Ranged

changed at the usual time and place of execution.—

(Sent following letter No. 1804

Read letter dated 9th. Instant from the Special Commissioners at Mangalore, reporting the death of the 3d. Prisoner in Mangalore Special Case No. 55.—

(Here enter No. 2394)

Read letter dated 11th. Instant from the Acting Joint Criminal Judge of Cuddalore, transmitting the Statement required by the Circular Order of the Sujdaree Adawlut No. 88.—

(Here enter No. 2401)

Read return, dated 11th. Instant, from the Criminal Judge in the Zilla of Cuddapah, to the Precept of the Sujdaree Adawlut dated the 31st. October 1837, directing a reduction of the number of Peons at the Cuddapah Jail.—

(Here enter No. 2411)

Read letter dated 13th. Instant, from the Acting 1st. Judge on Circuit in the Southern Division, reporting that the 6th. of December is the day fixed for opening the 2d. Sessions of 1837 at Coimbatore.—

(Here enter No. 2420)

Read return, dated 11th. Instant from the Acting Joint Criminal Judge of Vizagapatam to the Precept of the Sujdaree Adawlut dated the 31st. October 1837, relative to the Vizagapatam Criminal Reports for the month

21. November 1837.

month of September.

(Here enter No. 2424)

Read letter, dated 9th. Instant from E.H. Thompson Esqr. late Acting Criminal Judge of Madura submitting observations relative to the Remarks of the Court of Enjeara Adalut on the Madura Criminal Reports for the month of August.

(Here enter No. 2425)

E.H.J.

[redacted]

WB

[redacted]

Wednesday,
22d. November,
1837.

At a Court of the Enjeara Adalut

Present.

Charles Gray Lushington Esqr. 1st. Puisne Judge,
John Bird Esqr. ——— 2d. Puisne Judge,
Alexr. Duncan Campbell Esqr. Acting 3d. Puisne Judge,

Read return dated the 8th. Instant

WB from the Acting Criminal Judge at Calicut to the Precept

[redacted] of the Enjeara Adalut of the 31st. October 1837. conveying their orders and observations on the Calicut Criminal Reports for the month of September.

(Here enter No. 2375)

1. The Acting Criminal Judge referring to the proceedings of the Enjeara Adalut of the 31st. Instant requests a copy of the orders of the Enjeara Adalut of the 25th. October 1836. which, he states are "not forthcoming" in his Court.

2. The Court direct that copy of the orders requested, which were passed on review of the Chungatput Criminal Reports for the month of September 1836, be furnished to the Acting Joint Criminal Judge.

p. 3 of the Cir. Proc. of the 25th. Oct. 1836 No. 1796.

Ordered accordingly, and that Extract from these proceedings be transmitted to the Acting Criminal Judge for his information.

(Cont in No. 1887)

Read letter dated the 4th. instant from T. Boileau Esquire Acting second Judge on Circuit in the Northern Division,

Division, forwarding a copy of the Rajahmundry Calendar for the second Sessions of 1837 - together with a Statement of the amount of Batta paid to the Prosecutors and witnesses attending before the Court of Circuit at Rajahmundry during the same Sessions -

(Here enter Ltr. No. 2349 of 1837)

Case No 4. 1. The Prisoner in this case was charged with having beaten the Prosecutor's son Appanamah aged 18 years, with a stick and inflicted on him five wounds which caused his death -

2 The Prisoner was acquitted by the Court of Circuit for the reasons stated in the Calendar: but on the ground that suspicion attached to him, he was required to find security for his future good conduct -

3. The Court of Sudr are desirous see room to question the propriety of the acquittal. The evidence, as it is given in abstract in the Calendar, appears to the Court to make strongly against the Prisoner -

Case No 11. 4. In this case, three Prisoners were charged before the Court of Circuit with having broken into the Prosecutor's house and stolen therefrom Property of the value of Rupees 205 - 4 -

5. The third Prisoner was acquitted: but the first and second Prisoners being declared by the Mahomedan Law officer convicted on Zunnee ghallon strong presumptive Proof

Proof of Theft, and liable to Restitution, were sentenced by the Presiding Judge to be imprisoned for 7 years each, under clause 1st, section V, Regulation XII of 1818 -

6. The Court of Sudr are desirous that the provision quoted is inapplicable. A second Creation under Clause Third, Section II, Regulation XII of 1818 - should have been sent to the Mahomedan Law officer requiring him to declare to what specific punishment the Prisoner would have been liable if he had been convicted by full legal evidence; and sentence have been passed under Section XXI, Regulation VII of 1832 -

7. The Judge of Circuit will accordingly review his sentence -

8. The Acting Second Judge will be pleased to take notice that copies of orders issued to the Criminal Judge, or other subordinate authorities, relating to the cases in the Calendar, should be entered in an Appendix to the Calendar, and not included in the Columns appropriated to the Remarks of the Presiding Judge -

Ordered, that extract from these proceedings be sent to C. Brohier Esquire Acting 2nd Judge on Circuit in the Northern Division by Dawk to be returnable within seven days, from and after its receipt -

(Sent following Receipt No 1868

Read the Pellichery Criminal Reports specified

22nd December 1837

prescribed by Section XXXV Regulation X 1816 for the month of October.—

II (Vide entry No. 2396)

Supplemental Report 1. This case was before the Joint Criminal
Case 82. Court on the 7th September last and it is stated that the
II "necessary evidence" has "not yet arrived." The Court of Sonjaara
Adalut direct that a 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
report direct to the Sonjaara Adalut why the witnesses could
not be forwarded so as to reach the Joint Criminal Court
before the close of the months of October.—

Cases 88 2. The Court desire it to be pointed out to the
90 Report V Case 800. Acting Joint Criminal
is committed or convicted a concise note of the evidence against
the prisoner should be entered. It is not enough merely to
state that the prisoner has been "committed" or "convicted" on
the "evidence of witnesses."—

Carmanon Jail 3 The Court of Sonjaara Adalut resolve to direct
Statement of labor
Report of Casualties. that the officer in charge of the Jail at Carmanon be
requested not to transmit in future the 'Report of
Casualties' any information of the description which would
be inserted in that Report may be added in a note to the
foot of the 'Statement of labor.' The Acting Joint Criminal
Judge will forward copy of this paragraph to that officer
for his information.—

Ordered that Extract from these
Proceedings

ZE.

22nd December 1837.

Proceedings be sent to the Acting Joint Criminal Judge
at Tellicherry for his information and guidance by Precept
returnable in 3 days after receipt.—

Ent'd

(Sent following Precept No. 1809)

At a Court of the Conjeeveram Adalut

Present,

Thursday 23d. November 1837 — Charles Bray Lushington Esqr. — 1st. Puisne Judge,
John Bird Esqr. _____ 2d. Puisne Judge,
Alexr. Duncan Campbell Esqr. — Acting 3d. Puisne Judge,

Read letter dated 4th. Instant from the Special Commissioners at Mangalore, submitting for the final Judgment of the Conjeeveram Adalut the Record of the trial A. 94 tried by the Special Commission

(Here enter A. 2354)

Mr. Bird and Mr. Campbell,

The Court of Conjeeveram Adalut having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law officer and the Futwa of the Cazee ool Cozat and Mooftee of the Conjeeveram Adalut, confirm the said Futwa of the Cazee ool Cozat and Mooftee aforesaid acquitting the prisoners

1st. Cumbly,

2d. Cantoo,

3d. Hanie Vencappa,

and

4th. Shivappoo,

and accordingly direct that they be set at liberty, with a suitable admonition.

The Court of Conjeeveram Adalut direct that their sentence in the Trial A. 94 from the Mangalore Special Commission, together with the whole of the proceedings held

held in the case, be transmitted to the Chief Secretary to Govern-
=ment, for the purpose of being laid before the Right Honble
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 these
sentences to be carried into execution.—

(Sent in No. 1813

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

(Here enter No. 2397)

The above Reports do not appear to the
Conjaree Adalut to require any remark.—

Ordered, that Extract from these proceedings
be sent to the Principal Sudr Ameen at Bhoora for his
information.—

(Sent in No. 1814

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

(Here enter No. 2395)

The above Reports do not appear to the
Conjaree Adalut to call for any remark.—

Ordered, that Extract from these
proceedings be sent to the Acting Criminal Judge at

at Meanjalee for his information.—

(Sent in No. 1815

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

(Here enter No. 2405)

The above Reports do not appear to call
for any remarks from the Conjaree Adalut.—

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

(Sent in No. 1816

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

(Here enter No. 2406)

No remark appears to the Conjaree
Adalut to be required upon the above Reports.—

Ordered, that extract from these pro-
=ceedings be sent to the Acting Joint Criminal Judge
at Gyuntoo for his information.—

(Sent in No. 1817

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

(Here enter No. 2407)

The

23d. November 1837.

Supplementary Report.
Case 96.

The circumstances of this case are not so clearly stated as to enable the Court to judge whether it had been properly disposed of by the Criminal Court. But as the Judge on Circuit will be shortly at Kilkenny, the Court do not deem it proper to issue orders respecting it.

Report V
Cases 110
122.

2. Both these cases appear to have been delayed in the Clerk's in consequence of references to the Magistracy by the Police, and no reason is assigned for this proceeding.

The Criminal Judge will therefore transmit to the Magistrate copy of the cases, as they stand in the Report, and of this paragraph, and that Officer will direct the Police always to report the cause of the reference.

Case 123.

The Criminal Judge will also 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 which caused the delay of the case in the Clerk's from the 4th. to the 20th. October, and report anent to the Conjoint Judge whether he has found it necessary to take any and what notice of the conduct of the Police Officers concerned.

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Kilkenny

E. 4.

23d. November 1837.

Kilkenny for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 1818

F. Ud.

At a Court of the Foujdaree Udalut

Present

Charles May Lushington Esqre. 1st. Puisne Judge

Friday 24th November 1837. John Bird Esqre. 2nd. Puisne Judge

Alexr. Duncan Campbell Esqre. Actg 3d. Puisne Judge

Read letter dated the 30th. Ultimo from the Special Commissioner at Mangalore, submitting for the final judgment of the Foujdaree Udalut the Records of cases Nos. 71. 72 and 77 tried by the Special Commission at Mangalore.—

/Here enter No. 2288./

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Udalut, confirms the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid convicting the prisoners

Case No. 71.
Mr. Lushington
Mr. Bird
and
Mr. Campbell.

1st. Padmanabh

and

2nd. Soobraya

of Rebellion and awarding Cotroobut: and

under

under the provisions of Sections II and III, Regulation I of 1834, and Clause third, Section VIII, Regulation XV of 1803, sentence the prisoner

1st. Padmanaba

to be imprisoned and kept to hard labour in irons on the public roads, or other public works for and during the period of four years: and the prisoner

2nd. Soobraya

to be banished to the District of Coimbatore to be imprisoned in the Jail of the Auxiliary Court, and kept to hard labour in irons on the public roads, or other public works, for and during the period of fourteen years.

Case No. 72.
Mr. Lushington
Mr. Bird
and
Mr. Campbell.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwas of the Cazee-ool-Coorgat and Mooftees of the Foujdaree Udalut, confirms such part of the said Futwa of the Cazee-ool-Coorgat and Mooftees aforesaid, as convicts the prisoner

2d. Kishwa:

of Rebellion and awards Cutcoobut, and under the provisions of Sections II and III, Regulation I of 1834, and Clause Third, Section VIII Regulation

Regulation XV of 1803, sentence him to be banished to the District of Coimbatore, to be imprisoned in the Jail of the Auxiliary Court and kept to hard labour in irons on the public roads, or other public works for and during the period of fourteen years.

And being of opinion that the proof against the prisoner

1st. Padmanaba

is sufficient to convict him of the crime charged, the Court, do, under the authority with which they are vested by Clause First, Section II, Regulation I of 1818, convict him thereof; but do not sentence him in this case, he having been convicted and sentenced in Case No. 71.

Case No. 71.
Mr. Lushington
and
Mr. Campbell.

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

Hurry Row

is sufficient to convict him of the crime charged, &c. 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 Sections II and III, Regulation

24th November 1837.

Regulation I of 1834, 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 seven years.—

The Court of Foujdaree Udalut direct that their sentences on the Trials Nos. 71. 72. and 77 from the Mangalore Special Commission, together with the whole of the proceedings held in the 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 1802 receive the orders of Government before they direct their sentences to be carried into execution.—

(Sent in Nos. 1823. 1824 & 1825

Read again letter dated the 28th Ultimo from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 67 tried by the Special Commission at Mangalore.—

(Here enter No. 2281.)

Read also Extract from the Minutes of Consultations under date the 21st November 1837.

Commuting

commuting the sentence in No. 86 of the Mangalore Special Commission to Transportation for Life: granting a free pardon to the prisoners in No. 67. and confirming the sentence in No. 63.—

(Here enter No. 2446)

Case No. 67
Mr. Bird
and
Mr. Campbell.

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the prisoners—

1st Droo
2d Acari
3d Challoo
4th Buttoo
5th Shunkra
and
6th Billya.

be released with an admonition.—

The Court likewise direct that Extract from their proceedings under date the 13th Instant be sent for the information and guidance of the Mangalore Special Commission.—

(Sent following letter No. 1826

Read Statement dated the 30th September last from the Magistrate of Tinnivelly exhibiting the amount realized by the Labor

labor of the Prisoners in the Jail at Tuchinopoly in July, August and September 1837.-

(Here enter No. 2357.)

Read return dated the 8th. Instant from the Acting Criminal Judge in the Zilla of Malabar at Calicut to the Precept of the Foujdaree Udalut dated the 31st. October 1837. relative to the Criminal Reports of the Zillah Court of Calicut for the month of August.-

(Here enter No. 2374.)

Read return dated the 8th. Instant from the Principal Sudr Ameen at Honore, to the Precept of the Foujdaree Udalut dated the 31st. October 1837. relative to the Honore Criminal Reports for the month of September.

(Here enter No. 2398.)

Read letter dated the 20th. Instant from the 1st. Judge on Circuit in the Centre Division, reporting the opening of the Sessions at Cuddalore and the state of the Calendar.-

(Here enter No. 2438.)

Read Statement dated the 20th. Instant from the 1st. Judge on Circuit in the Centre Division of Batta paid to Prosecutors and witnesses attending before the Court of Circuit at Chingleput during the Second Sessions of 1837.-

(Here enter No. 2440.)

Read return dated the 18th. Instant from the 3rd. Judge of the Provincial Court of Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 13th. November 1837. directing him to communicate the circumstances of Case No. 1 of the Chittoor 1st. Supplemental Calendar 3rd. Quarter Sessions of 1837 to the Magistrate to enable that Officer to make further enquiry.-

(Here enter No. 2441.)

Read letter dated the 15th. Instant from the Acting 2nd. Judge on Circuit in the Northern Division, reporting the opening of the Sessions at Vizagapatam and the State of the Calendar.-

(Here enter No. 2444.)

F. 66.

At a Court of the Foujdaree Udalut.

Present

Saturday 25th November 1837.

Charles Mary Lushington Esqre. 1st Puisne Judge
John Bird Esqre. ——— 2nd Puisne Judge
Alexr. Duncan Camfibell Esqre. Actg 3rd Puisne Judge

Read again letters dated respectively the 21st and 26th Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the Records of Cases Nos. 86 and 63 tried by the Special Commission at Mangalore.—

(Here enter Nos. 2218 and 2261)

Read also Extract from the Minutes of Consultation under date the 21st November 1837 Commuting the sentence in No. 86 of the Mangalore Special Commission to Transportation for Life; granting a free pardon to the prisoners in No. 67, and confirming the sentence in No. 63.—

(Here enter No. 2446)

Case No. 86
Mr. Lushington
and
Mr. Bird.

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Hooseja

Moopya, alias Bapiya Naik
be transported to Singapore, there to be imprisoned and kept to hard labor in irons on the publick roads or other public works for and during the period of his natural life.—

Case No. 63.
Mr. Southington
and
Mr. Bird.

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner.

Ammoo
be set at liberty.—

The Court likewise direct that Extract from their proceedings under dates the 8th and 15th Instant in Cases Nos. 86 and 63 be sent for the information and guidance of the Mangalore Special Commission.—

(Sent following letters No. 1831

Read letter dated the 9th Instant from the Special Commission at Mangalore, submitting for the Judgment of the Foujdaree Udalut the record of Special Cases Nos. 85 and 91.—

(Here enter F. 16. No. 2393.)

Mr. Southington
Mr. Bird
and
Mr. Campbell.

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 Large-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa

Futwa of the Large-ool-Coozat and Mooftees aforesaid as convicts the Prisoners.

1st Birmanna
2nd Padma
3rd Simma
4th Soobba
5th Chollaih
6th Pootta
7th Padma
8th Odudilly Derapoo
9th Billinate Chennapoo
10th Devarhully Soobba
11th Mohusta Coonha
12th Gollaguddee Poota
13th Kandrapady Somoo
and
14th Yennacul Kurreya.

of Rebellion and awards Dokoobut: and under the provisions of Sections II and III, Regulation I of 1834, sentence them severally to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of seven years.—

And being of opinion that the proof against the prisoners
15th Kashy Somoo
and
16th Patte Kotey
is sufficient to convict them of the crime of Rebellion,

Rebellion, 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 Sections II and III, & Regulation I of 1834, sentence them to be imprisoned and kept to hard labour in irons on the public roads, or other public works, for and during the period of seven years.—

The Prisoners in these cases having been taken in arms against the Government, the Court of Foujdaree Udalut have deemed it their duty to sentence them to punishment, but with reference to the recommendation contained in the last paragh: of the letter from the Special Commissioners, the Court beg to leave the case of the Prisoners to the merciful consideration of Government.

The Court of Foujdaree Udalut direct that their sentences on the Trials Nos 85 and 91 from the Mangalore Special Commission, together with the whole of the proceedings held in the 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 1802 receive

receive the orders of Government, before they direct their sentence to be carried into execution.

(Sent in No. 1832

Circular Order

No. 95.

The Court of Foujdaree Udalut direct that in cases of Murder by Thuggee, committed for Trial before the Court of Circuit, whenever sufficient grounds exist, there be, independent of the charge for Murder, a separate Count charging the Prisoner or Prisoners with the distinct offence described in Act No. XXX of 1836.—

(Sent in No. 1833 & 1834

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

(Here enter No. 2383.)

Report & Case 308.

As far as the Court of Foujdaree Udalut are able to judge from the Report, this case is one of "housebreaking," in which property was taken exceeding 100 Rupees in value: unless therefore the Acting Criminal Judge should have any explanation to offer the Court resolve to direct that the sentence on both the prisoners be annulled and that they be committed to take their

trial

trial before the Court of Circuit.—

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. 1835

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

(Here enter No. 2606)

Suppl. Report Case 75. 1. With reference to the depositions of the Witnesses as described in the Report the Court of Foujdaree Udalut would remark that the evidence given in this case will be insufficient to bring home the offence charged against the prisoner. It will be requisite that evidence be procured to prove that the murder in question did actually take place and more satisfactory proof is necessary as to the fact of the prisoner having belonged to a Gang of Thugs.—

Report iv Case 87. 2. In this case it is stated that six out of the seven prisoners have been fined 3 Rupees under Section XVII Regulation I of 1805. The Court of Foujdaree Udalut desire it to be pointed out to the Acting Joint Criminal Judge that where an order imposing

imposing a fine is recorded, a period of imprisonment, in commutation of the fine, should always be specified.—

Case 92. 3. The Court conclude that the prisoners in this Case were "Pons." but they desire to be informed if this conclusion is correct.—

Cases 93 and 103. 4. In the case 93 it is noticed that "a reference to Government appears to have caused the delay in transmitting it to the Court" and in Case 103, in which some of the prisoners in Case 93 are also concerned, it is stated "no remarks is assigned for the delay in transmitting the case to the Court by this Officer (the Magistrate of Vizagapatam) the difficulty of procuring evidence would appear to be the cause." The Court of Foujdaree Udalut direct that copies of these cases as they stand in the Report, and of this paragraph, be sent by the Acting Joint Criminal Judge to the Acting Magistrate, who will be pleased to report direct to the Foujdaree Udalut the causes of the detention of the prisoners for so long a period.—

See C. C. F. Ut. 8th February 1830 p. 183 of the printed Vol. Case 100. 5. The Acting Joint Criminal Judge will likewise send copy of this case as it stands in the Report and of this paragraph

paragraphs to the Magistrate, who will forward direct to the Foujdaree Udalut the explanation of the Joint Magistrate as to the detention of the 9th Prisoner before him from the 29th September to the 1st October.—

6. The Court do not find with the above Reports the Statement of "Extra Diets" at the Jail at Vizagapatam during the month of October. The Acting Joint Criminal Judge will be pleased now to forward it.—

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. 1836

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

(Here enter No. 2417)

The above Reports do not appear to the Foujdaree Udalut to require any remark.—

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

Sent in No. 1837

JJS
WS

Ex. W.S.

At a Court of the Foujdaree Udalut.

Present,

Monday, 27th November 1837. Charles Ray Lushington Esqr. 1st Puisne Judge,
John Bird Esqr. 2d Puisne Judge,
Hector Duncan Campbell Esqr. Acting 3d Puisne Judge,

Read Petition presented on the 6th Instant by Ramasawmy Chetty and Moonoosawmy Appa Rauben of the Zilla of Chittoor.—

(Here enter Mss. P. No. 746 of 1837)

The object of the Petitioners is to obtain an order from the Foujdaree Udalut for the punishment of "Ummbo" prisoner in Case No. 7 of the Dy. Chittoor Supplementary Calendar 3d Quarter Sessions of 1837, who, they aver, is guilty of the crime of which he had been acquitted.—

The Court desire Petitioners to be informed that the Foujdaree Udalut are not competent to overrule an acquittal by a Court of Circuit. They cannot therefore interfere in the manner solicited by the Petitioner.—

Ordered accordingly and that Extract from these proceedings be furnished to Petitioners on their application.

Read Petition presented on the 15th Instant by Sota Ramappa of Masulipatam.—

(Here enter Mss. P. No. 759)

The Petitioner reiterates the prayer of his former Petitions No. 37 and 115 of 1837 on both of which the Court of Foujdaree Udalut have passed such orders as appeared to

to them just and proper.

The Court therefore decline Petitioners to be referred to those orders dated the 10th April and 5th September 1837.

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

Read Petition presented on the 25th instant by Shunkarialu of the Zillah of Chittoor.

(Here enter No. 1 of 1837)

The Petitioner complains of the acquittal by the Court of Quarter Sessions of one Dalavay Chinniah, whom in Case No. 1 of the Thirteenth Supplemental Calendar of the Third Quarter Sessions holden at Chittoor he charged with having in concert with one Yala Syennah forged a Bond purporting to be executed by the Petitioner to the said Yala Syennah for the sum of Rupees 157 8a: and with having, after forging the Petitioner's signature thereto, attested the same with his own signature.

The Petitioner prays that Mr. Davis who tried the case may be instructed to punish the said Dalavay Chinniah; and that orders may be issued for the apprehension of Yala Syennah who has not yet been tried.

The Petitioner is informed that the accused party in Case No. 1 having been acquitted by the Judge Presiding in conformance with the Mahommedan Law officer, it is not competent to the Court of Sujaurs Sudatut in any way to interfere in the matter.

Ordered

Ordered, that the Petition be rejected: and that extract from these proceedings be furnished to the Petitioner on his Application.

Read letter dated 5th Instant from the 3d Judge on Circuit in the Eastern Division, transmitting the record in Case No. 9 Canara Calendar 2d Sessions of 1837.

(Here enter No. 2305)

Mr. Washington and Mr. Bird,

The Court of Sujaurs Sudatut, 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 Cozat and Mooftee of the Sujaurs Sudatut, confirm the said Futwa of the Cazee ool Cozat and Mooftee aforesaid, convicting the prisoners

1st Leeroonna,

2d Coomba,

and

3d Lookra Bhunta

of the crime charged and awarding, absolute: and under the provisions of Section X, Regulation VIII of 1802, sentence the prisoner

3d Lookra Bhunta

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

2d Coomba

to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned

imprisoned and kept to hard labour in irons on the public roads, or other public works, for, and during, the period of his natural life: and the prisoner

Tr. Leeroomal

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

L.S.

Certificate of Pardon.

To

The Tr. Watnes Mahalinga

Whereas under date the 21st June 1837- the Court of Conjeeveram Zillah Court were pleased to authorize the Criminal Judge in the Zillah of Canara to tender an offer of pardon to Mahalinga, on condition of his making a full disclosure of any circumstance within his knowledge relative to the murder on the 15th May 1837- of Coonny appa, an Aggrany inhabitant of Kadeebetto Village, Bellary Mogany, in the Buntwal Taluk, Zillah of Canara, which murder was perpetrated near the road on the side of a Hill situated at Veerarajay Village in the said Mogany—

And whereas the Court of Conjeeveram Zillah are of opinion that the conditions of the said Grant of pardon have been sufficiently fulfilled—

Now these are to certify and declare that in consideration thereof, the Court of Conjeeveram Zillah have been pleased under the provisions of Section XX Regulation VIII of 1832, to confirm

E.C.

27th December 1837.

confirm the pardon conditionally tendered as aforesaid to the said Mahalinga, so far as regards the act therein referred to—

And the Court do hereby confirm the said pardon accordingly—

Given under my hand and the Seal of the Court this 27th day of December in the year of our Lord 1837.

(Signed) C. R. Davidson.

Tr. Asst. to the Regr.

(Sent following letter No. 1838

Read letter dated 27th Ultimo from the Late Acting Judge on Circuit in the Centre Division, forwarding Trial Case No. 1 first Bellaree Supplemental Calendar 2d Session of 1837—

(Here enter No. 2234)

Read also letter dated 22d Ultimo from the Late Acting Judge on Circuit in the Centre Division, forwarding Trial Case No. 2 first Bellaree Supplemental Calendar 2d Session of 1837—

(Here enter No. 2232)

No. 1.

Mr. Cushington, and Mr. Reid.

The Court of Conjeeveram Zillah, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners

Tr. Laid Khan, Jemadar
2d Shaikh Imaukhoonee,
3d Kalakhan,
and
4th Shaikh Koojanin, alias Goodoo,

is sufficient to convict them of the crime of murder committed in the prosecution of the crime of Thuggee as; under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict them thereof: and under the provisions of Section X, Regulation VIII of 1832, sentence the prisoners

1st Laib Khan, Jemadar,
and
2d Shaikh Muckeroom

to suffer death by being hanged as soon as conveniently can be after the receipt of this Warrant, at a spot to be selected by the Criminal Judge of Behar near the high road and in the immediate vicinity of the spot where the bodies of the men murdered persons [illegible] to be afterwards suspended in chains, on a high gibbet to be erected on the said spot:- and a stone with an inscription engraved on it, commemorative of the crime for which they suffered, to be set up in the immediate neighbourhood of the said spot:-

The Court further sentence the prisoners

3d Kala Khan
and
4th Shaikh Hossain, alias Goodoo,

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

No 2

Mr Cushington,
and
Mr Bird,

The Court of Sudder Dewanny Adawlut 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 Mooftee of the Sudder Adawlut, confirm such part of the said Futwa of the Cazee ool Cozzat and Mooftee aforesaid as acquits the prisoner

5th Shaikh Muckeroom

and do accordingly acquit him: but the Court do not direct his release, he being convicted and sentenced in Case No 1 of the same Calendar.-

And being of opinion that the proof against the prisoners

1st Laib Khan, Jemadar,
2d Kala Khan
3d Shaikh Hossain, alias Goodoo,
and
4th Imadar Laib

is sufficient to convict them of the crime of murder by Thuggee, the Court do, under the authority with which they are vested by Clause first, Section II, Regulation I of 1818, convict them thereof, and sentence the prisoner

4th Imadar Laib

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 do not sentence the other

prisoners

prisoners, as they are sentenced in Case No. 1 of the same Calendar.—

(Sent following letter No. 1839)

Read letter dated 2d. Instant from the Special Commissioners at Mangalore, submitting for the final Judgment of the Sonjdaree Adalut the record of Case No. 81 by the Special Commission.—

(Here enter No. 2329)

Mr. Lushington and Mr. Campbell.

The Court of Sonjdaree 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

Bedroy Venkayya

is sufficient to convict him of the crime charged, &c. and the authority with which they are vested by Clause third, Section III, Regulation I of 1818, convict him thereof, and under the provisions of Sections II and III, Regulation I of 1814 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 three years.—

The Court of Sonjdaree Adalut desire that their sentence in the Trial No. 81 from the Mangalore 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

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. 1840

Read again letters dated respectively the 20th and 24th Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Sonjdaree Adalut the records of Cases Nos. 60 and 65 tried by the Special Commissioners at Mangalore.—

(Here enter Nos. 2214 and 2288)

Read Extract from the Minutes of Consultation dated the 27th Instant, reducing the sentence awarded by the Sonjdaree Adalut against the prisoner in Mangalore Special Case No. 60 to 7 years' imprisonment and confirming the sentence in No. 65.—

(Here enter No. 2455)

Case No. 60.

Mr. Bird and Mr. Campbell.

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Kutty Mullappa

be banished to the District of Coimbatore, to be imprisoned in the Gaol of the Auxiliary Court and kept to hard labour in irons on the public roads, or other public works, for, and during the period of seven years.—

Under

Case No. 65

Mr. Bird,
and
Mr. Campbell.

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoners

1st Sunkoo Poonja
2d Appaya Shetty, Potail
3d Tyampa Bradaly, Potail
4th Lama Boyantaya, Potail
and
5th Munjuma Boyantaya Potail

be set at liberty.—

The Court likewise direct that Extract from their proceedings under date the 6th and 8th November 1837 on Cases Nos. 60 and 65 be sent for the information and guidance of the Mangalore Special Commission.—

(Sent following Letter No. 1841

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

(Here enter No. 2382)

The above Reports do not appear to the Conjeeveram Adalut to require any remark.—

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

(Sent in No. 1842

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

(Here enter No. 2415)

The

The above Reports do not appear to the Conjeeveram Adalut to require any remark.—

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

(Sent in No. 1843

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

(Here enter No. 2434)

Report V
Case 60.

As the two prisoners in this case had been previously entered in Case No. 55, their names should have been inserted in "red ink," agreeably to the injunction of the Circular Order of the 8th December 1831 page 208 of the printed Circular Order.—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Eastern Division.—

(Sent in No. 1844

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

(Here enter No. 2446)

Supplemental Report
Cases 57 and 58.

In both these cases it is stated that the attesting witnesses to the depositions given by the prisoners in the Calendar were not present during the time the depositions

depositions were being taken. If the Acting Joint Criminal Judge should not already have communicated this circumstance to the Magistrate, he will now be pleased to do so.—

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

(Sent following Precept No. 1845

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

(Here enter No. 2408)

Supplimental Report. Case 175. 1. The Court of Sonjaram Udalatut do not clearly understand the note of the Assistant Criminal Judge's order on this case, and they direct that he be called upon to explain it. He stated his opinion that the charge is founded in truth, but he has nevertheless merely held the prisoners to security.—

Case 203 2. The prisoner in this case, charged with theft, had been sentenced under Clause 4th Section IV Regulation VII 1822. The Court therefore presume that he was convicted of knowingly receiving stolen property, and it should have been as stated in the Report.—

See C. O. Dt. 4th July 1826 pa 140 of the printed Dt.

Report V Case 209. 3. In this case it is reported that the native doctor who dressed the wounds on the body of the 1st prisoner, declared that the prisoner's removal from the Talook Cutcherry to the

the expiration of 15 days would be attended with fatal consequences. No information however is given as to the manner in which the 1st prisoner was wounded, and if the Assistant Criminal Judge is unable to explain the circumstances he will send copy of the case as it stands in the Report, and of this paragraph, to the Magistrate, who will be pleased to report on the subject direct to the Sonjaram Udalatut.—

Case 210 4. The Court of Sonjaram Udalatut direct that copy of this case as it stands in the Report, and of this paragraph, be sent by the Criminal Court to the Magistrate, who will inform them direct whether any and what enquiry was made or notice taken of the detention of the prisoner for some days by the Ameen of Cumangoody.—

Cases 216. 224. 5. If the circumstances of the confession of the prisoners in these cases having been subjected to torture by the Police have not been already communicated to the Magistrate, the Criminal Court will inform him of them upon receipt of these proceedings.—

Case 228. 6. The Court of Sonjaram Udalatut remark that the charge in this case is defective in as much as the prisoners do not appear to be charged with having known the property in question to have been "stolen property."—

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

(Sent following Precept No. 1846

Read

Read return dated the 11th Instant, from the Criminal Judge of Kelloe to the Precepts of the Conjoint dated the 31st Ultimo conveying their orders on the Kelloe Criminal Reports for September.—

(Here enter No. 2387)

Report V
Case 100.

The Court of Conjoint dedatut regret that the late Acting Criminal Judge did not report, as he ought to have done, that case of "attempt at escape" at the time it occured. The Criminal Judge will at once enjoin the guard attached to his Gaol never to part with their arms for, of course such a practice would of itself tempt the prisoners to endeavour to escape. It is stated that "the two Deens* who suffered themselves to be disarmed by the prisoners were suspended." The Court of Conjoint dedatut desire to be informed whether 'the Duffadar' and the Deen 'Syad Hussain' were also suspended.—

* Ramoolos and Kanhaiah.

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

(Sent following Precept No. 1847

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

(Here enter No. 2409)

Supplemental Report 1.
Case 128.

In this case, one of wounding, it is stated that the wounds on being examined by the Hospital Darogah appeared very trifling. It would seem therefore that sentence might have been passed on the prisoners by the Criminal Court, instead of their being required to attend their trial before the Circuit Judge, unless there are grounds to believe that there was intent to kill, in which case such should form part of the charge against the prisoners.—

Case 131.

2. The sentence in this case will have expired before the present orders can reach the Criminal Court. As far as the statement of the case in the Report enables the Court of Conjoint dedatut to judge, there appears to have been no evidence against the (2d) prisoner beyond that which was contained in his own confession before the Police and the deposition of the other prisoners and he should not therefore have been subjected to any punishment. The provision quoted in support of the sentence is also manifestly erroneous and the error should have been pointed out to the Soubah Ameen by the Acting Criminal Judge.—

Report V
Case 146.

3. Against the 3d prisoner in this case, who has been held to security, the grounds of suspicion appear to be the deposition of the prisoner himself before the Police and the depositions of the 1st and 2d prisoners implicating him. These grounds do not appear sufficient, and unless the Soubah Ameen should have any further explanation to offer the prisoner should be released if in confinement, or the bail bond cancelled, if it have been entered into.—

Ordered, that extract from these proceedings be sent to the Acting Criminal Judge at Chucaibs for his information and guidance by Precept returnable in

27th December 1837.

in 3 days after receipt.—

(Sent following Precept No. 1848

Read the Chingleput Criminal Reports prescribed by section XXXV Regulation X 1816 for the months of October.—

(Here enter No. 2387)

Report V
Case 152. 1. In this case the four prisoners are sentenced to be confined in Gaol for 6 months with labor under Clause first Section XI Regulation XIII 1832." But as the Court of Sunjdara Udalut have called for the case they resolve to direct that the execution of the sentence be suspended until further orders.—

Case 153. 2. There are seven prisoners charged in this case with "escape" on the 12th October 1837. By the 'Report of the circumstances under which 'the escape' was attempted, the Court were informed that there were nine prisoners concerned, and it has been reported that one of the nine has died in hospital. They therefore direct that it may be explained why the other prisoner has not been brought forward on the same charge.—

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

(Sent following Precept No. 1849

Read letter dated 6th Instant from the Special

a Special

2. S. Ub,

F.C.

27th December 1837

Special Commissioner at Trangabar, submitting for the final Judgment of the Court of Sunjdara Udalut, the Records of Case No. 87. tried by the Special Commission.—

(Here enter No. 2363)

Mr. Bird,
and
Mr. Campbell,

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

Narrapa

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 1813, convict him thereof: and under the provisions of Sections II and III, Regulation I of 1834, sentence him to be imprisoned and kept to suitable labour in Irons, within the Gaol, for and during the period of four years.—

The Court of Sunjdara Udalut direct that their sentence in the Trial No. 87 from the Trangabar 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. 1850

a Narrapa

December 1837.

7th November 1837.

Narrainen Chetty and Cromoney upon their
petition of the Files of Chittoor, move the Court to return the enclosures
in their Miscellaneous Petition No. 146 of 1837.

Ordered accordingly.

WB

WB

J. C.

At a Court of the Foujdaree Udalut.

Present,

Tuesday 28th November 1837.

Charles May Lushington Esqre. 1st Puisne judge.
John Bird Esqre. 2nd Puisne judge.
Alexr. Duncan Campbell Esqre. Acting 3d Puisne judge.

Read letter dated the 4th instant from the Acting First judge on Circuit in the Southern Division, forwarding a copy of the Combaconum Calendar for the Second Sessions of 1837.

(Here enter J. C. No. 2304 of 1837.)

Read also letter dated the 15th instant from the same Officer forwarding a copy of the Supplemental Calendar of the same Zillah and Sessions.

(Here enter J. C. No. 2444 of 1837.)

Case No. 2.

The prisoners in this case having been acquitted and released, the sentence passed by the Court of Circuit in Case No. 55 of the Combaconum Calendar for the first Sessions of 1837 which was suspended under the order of the Foujdaree Udalut conveyed in parah 11 of the extract from their proceeding under date the 14th August 1837, will now be carried into effect: and the Acting First judge of Circuit will be pleased to issue the requisite instructions on the subject to the Criminal judge of Combaconum.

The

28th November 1837

Case No. 3.

2. The Court of Foujdaree Udalut see no objection to the proposed sentence in this case.—

Case No. 6.

3. The prisoner in this case was charged with having gone forth at night, with a gang, to the Prosecutor's house, broken into it, maltreated the Prosecutor and plundered from the house property of the value of Rupees 120—15—.—

4. The prisoner is convicted, but the Presiding Judge recommends that he be sentenced to the mitigated punishment of seven years imprisonment, on the grounds that he "is a poor simple creature. No one pretended to have seen him at the time of the Robbery, his own confession being all that appeared against him.—In this he declared that all the part he bore in the transaction, was to stand at a short distance from the house to prevent persons from approaching it, a statement, the truth of which there appears to be no reason to doubt.

5. Under all the circumstances of this case, the Court of Foujdaree Udalut 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, sentence the prisoner

1st Rankin

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

28th November 1837

the period of seven years.—

Case No. 10.

6. The prisoner in this case was charged with having broken into the Prosecutor's shop at night and stolen therefrom property valued at Rupees 1038—12—.—

7. The Prisoner was declared by the Mahommedan Law Officer of the Court of Circuit convicted of the crime charged, on strong Presumptive Proof (Zun-i-ghalib), and liable to Ashrafut: and was sentenced by the Presiding Judge to imprisonment "viz. for seven years" under Clause first, Section V, Regulation XV of 1803."

8. The Court of Foujdaree Udalut observe that the Provision quoted is inapplicable. A second Fatwa should have been taken under Clause third Section II, Regulation XV of 1803, and sentence passed under Section XXI, Regulation VIII of 1802, or under the finding of Hud, which would then have been declared.—

Case No. 21.

9. Of the five prisoners in this case, the first, second, third, and fifth were charged with having assaulted the Prosecutrix and the first witness on the High-way, and robbed the former of Property valued at Rupees 162—0—0; and the fourth prisoner was charged with knowingly receiving a part of the stolen property.—

M

10. It is stated in the Calendar that "the Mahommedan Law Officer in his Futwa convicted the 1st, 2nd and 5th Prisoners on Jumma ghalib of Highway robbery. But in consequence of some exceptions which his Futwa indicates, he declared that Bud was barred: and that the said prisoners were therefore liable to discretionary punishment."

11. The Court of Foujdaree Udalut observe that this explanation of the purport of the Futwa is inaccurate. It declares the first and second prisoners fully convicted of Highway Robbery: and the fifth prisoner convicted of the same offence on strong presumptive proof.

12. It further appears that with reference to the nature of the exceptions which barred Bud, a second Futwa was demanded in the usual way.

13. The Court of Foujdaree Udalut observe that it was unnecessary to take a second Futwa from the Mahommedan Law Officer, since the offence of which the prisoners are convicted - Robbery by open violence - is specially provided for, as well as described by the Regulations; namely by the several Clauses of Sections III and IV, Regulation XV of 1803. The mode of proceeding to be observed by the Presiding Judge when, in cases of conviction of robbery by open violence, the Law Officer of the Court of Circuit declares the prisoner liable to discretionary punishment, is

is indicated in Clause third, Section III, and Clause second, Section II of the same Regulation.

Case No. 26. 14. From a perusal of this case as it is given in abstract in the Calendar, the Court of Foujdaree Udalut are of opinion that there was not sufficient evidence to justify the commitment of the prisoner for Trial: and that the evidence given before the Criminal Court did not afford any reasonable prospect of conviction.

Case No. 34. 15. The prisoner in this case was charged, with having, at night, broken the lock of the door of the Prosecutor's house, entered the house and stolen therefrom property of the value of Rupees 379-15-.

16. The prisoner is convicted, but the Presiding Judge recommends that the punishment to which he has rendered himself liable be reduced to two years imprisonment, since he "is the nephew of the Prosecutor, and as no division of family property has taken place between them, the prisoner is legally entitled to a portion of the property, which he is charged with having stolen."

17. In consideration of the circumstance adverted to by the Presiding Judge, the Court of Foujdaree Udalut resolve to direct that the prisoner

Ramasawmy

be imprisoned and kept to hard labour in irons

on

28th November 1837.

on the public roads, or other public works, for, and during the period of two years.-

Case No. 39.

18. Of the four prisoners in this case, the first was charged with administering Intoxicating Drugs to the first witness and his wife while they were in their house, and with having stolen therefrom property valued at Rupees 52---further with having thrown the child of the first witness into a hedge and set fire to the house: the second and third prisoners with having, on the same night, stolen from the house a carpet valued at Rupees 5---and the fourth prisoner with having received the said Carpet knowing it to have been stolen.-

19 The first prisoner was acquitted.-

20. The third prisoner was convicted of Theft, and in a second Futwa declared liable to Hud. The second and fourth prisoners were convicted on strong Presumptive Proof of the crimes laid to their charge respectively, and declared liable to Ashrobut

21. The Acting First Judge on Circuit concurring in the Finding, recommends that the third prisoner be sentenced to imprisonment vee. for three years, as he "is an old man, and does not appear to have been at all more Guilty than the 2d and 4th prisoners: and he sentenced the second and fourth prisoners to imprisonment vee. for three years "under

"under Clause 1st Section V Regulation XV of 1803."-

22. The Court of Foujdaree Adalut observe that the provision here quoted is inapplicable: if the Presiding Judge considered the second prisoner convicted of the crime laid to his charge, namely Theft, he should have required a second Futwa from the Law Officer under Clause Third, Section II, Regulation XV of 1803, and proceeded to pass sentence under Section XXI, Regulation VII of 1802. And the case of the fourth prisoner who is convicted of Receiving stolen property is provided for by Regulation VI of 1822.-

23. But the Court of Foujdaree Adalut referring to the charge against the prisoners, are unable to ascertain the grounds on which the second, third and fourth prisoners were committed for Trial before the Court of Circuit, or to discern the connection between the cases of those prisoners and that of the first prisoner who has been fully acquitted.-

24. The Court are of opinion that none of these three prisoners should be sentenced to a higher punishment than that which the Criminal Judge is authorized to inflict under the provisions of Section VII Regulation X of 1816 and Clause fourth Section IV Regulation VII of 1822, and that the punishment of the fourth prisoner should not exceed that awarded the second and third prisoners.-

25. The Presiding Judge will be pleased to

8th November 1837. to report what he may do in respect of the prisoners in question and submit an explanation, with reference to the foregoing remarks.

Case No. 42. 26. The Acting First Judge of Circuit will be pleased to call upon the Criminal Judge of Combaconum to explain on what grounds he committed this prisoner: the Circular order of the 4th February 1835 No. 29 having directed that cases of escape be "invariably disposed of by the Criminal Judge and in no instance committed for trial before the Court of Circuit."

Case No. 43. 27. The Presiding Judge will be pleased to bring the conduct of the Cutwall of Tanjore in respect of the twelfth prisoner in this case, to the notice of the Resident for the information of Government.

Case No. 45. 28. The prisoner in this case was charged with wilful and corrupt Perjury in having given two contradictory depositions on oath before the District Moonsiff of Mayaverum relative to certain points, material to the issue of certain Civil Suits pending before the said Moonsiff.

29 The prisoner is convicted, but the Presiding Judge represents him to be "a poor ignorant creature, evidently the tool of his master the Defendant," and "in consideration of the imprisonment he has suffered" recommends "that he should be released unconditionally."

The

3. J. Uo.

28th November 1837 30. The Court of Tanjore Adalut approve of the recommendation of the Presiding Judge, and accordingly direct that the prisoner

Ramapillay

be set at liberty.

Ordered, that extract from these proceedings be sent to W. Dickinson Esquire Acting First Judge on Circuit in the Southern Division by Precept returnable within twelve days, from and after it's receipt.

(Sent following Precept No. 1856)

F 26.

At a Court of the Fouzdaree Udalut.

Present,

Charles May Lushington Esqr. 1st Puisne Judge

Wednesday 29th November 1837. John Bird Esqre _____ 2nd Puisne Judge

Alexr. Duncan Campbell Esqr. officiating 3rd Puisne Judge.

Read letter dated the 6th Instant

115 from the Special Commissioners at Mangalore, sub-
115 mitting for the final Judgment of the Fouzdaree
Udalut the Record of Case No. 99 tried by the Special
Commission at Mangalore.

/ Here enter No. 2355 /

Mr. Lushington and Mr. Campbell. The Court of Fouzdaree 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-Cozat and Mooftees of the Fouzdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the finding of Dishonour recorded in that Futwa, and in conformity with the Provisions of Sections II and III Regulation I of 1834, and Clause third Section VIII, Regulation XV of 1803, sentence the Prisoner

2nd Poovani

to be banished to the District of Coimbatore, to be impri-soned in the Jail of the Auxiliary Court, and kept to hard labour in irons on the Public roads, or other Public

Works,

works for and during the period of two years.

And the Court acquitting the Prisoner

1st Annapa.

direct that he be set at liberty.

The Court of Fouzdaree Udalut direct that their Sentence on the Trial No. 99 from the Manargalore 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. 1862 /

Read again letter dated the 9th September from the 3rd Judge of the Court of Circuit in the Centre Division, transmitting the Record in Case No. 3 on the Chittoor 3rd Supplemental Calendar for 3rd quarterly Sessions of 1837.

/ Here enter No. 1855 /

Read also return dated the 11th Instant from the 3rd Judge of the Provincial Court of Circuit in the Centre Division to the Precept of the Fouzdaree Udalut dated the 29th September 1837 - Sending back for further evidence the Record of Case No. 3 on the Chittoor 3rd Supplemental Calendar for the 3rd Quarterly Sessions of 1837.

/ Here enter No. 2356 /

The

Mr. Ludlington and Mr. Bird.

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

Munddagan

is sufficient to convict him of the crime of Gang Robbery by open violence accompanied by destruction of human life, 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 natural life -

/ Sent following letter No. 1863 /

Read letter dated the 4th Instant from the 3rd Judge on Circuit in the Western Division, transmitting the Record in Case No. 13 on the Manargalore Calendar 2nd Sessions of 1837 -

/ Here enter No. 2377 /

Mr. Ludlington 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 Mooftee of the Fouzdaree Udalut, confirm the said

Futwa

29th Nov

Jaffna of the Cager-col Court and Modliyars aforesaid, and accordingly sentence the Prisoner

1st Caiyan

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 the public works for and during the period of his natural life

And further concurring in opinion that there is not adequate proof for the conviction of the Prisoner

2nd Durappa Sedra

of the specific offence charged, the Court do acquit him thereof: but as he appears from the Evidence adduced to be of a character so notoriously bad and dangerous as to render his release without substantial security unsafe and improper, the Court direct, under the provisions of Clause Second, Section X, Regulation VI of 1827, that he be required to furnish two Sureties, in One hundred and fifty Rupees each surety, for his good behaviour and appearance when required; and that on default of giving such security, he be detained in confinement: provided that if the Prisoner shall not be able to furnish the security required within the period of three years from the date of this order, the said Prisoner shall be brought up before the Judge of Circuit who may hold the Sessions of Gail Delivery, immediately following the expiration of the period of three years above specified, whose duty it will be, after examining the proceedings and making any further

enquiries

enquiries he may deem necessary, to determine whether the Prisoner shall then be released or whether he shall be again remanded, either on the same terms as before, or on any modified terms favorable to the Prisoner; provided further that in the event of the Judge on Circuit modifying the terms of the Security required to be taken under this order, he shall report the same for the information of the Court of Fouzdaree Udalut.

(Sent following letter No. 1864)

Read letter dated the 13th instant from the Acting First Judge on Circuit in the Southern Division, submitting for the final Judgment of the Court of Fouzdaree Udalut, the Record of Case No. 7 of the Combaconum Supplemental Calendar for the Second Sessions of 1837.

(Here enter F.H. No. 2399 of 1837.)

Question.

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

Proof against the Prisoner

Apporsawmy Iyen

is sufficient to convict him of the crime of Rape, &c, under the authority with which they are vested by Clause first, Section V, Regulation VIII of 1831, and Clause first, Section II, Regulation I of 1818, convict him thereof: and under the provisions of Clause second of the latter Section and Regulation; direct their Law Officers to declare the

by

29th November 1837.

by a second Futwa to what Sentence the Prisoner would have been liable under the Mahommedan Law, if he had been convicted by full legal evidence.

Answer

In the event of the Prisoner being legally convicted of the crime charged, he would be liable to Ookoobut.

Sent following letter No. 1265

Mr. Campbell.

The Court of Foujdaree Udalut, under the Finding of Ookoobut declared in the foregoing Futwa, and in conformity with the provisions of Clause First, Section V, Regulation VIII of 1831 and Clause Third, Section VII, Regulation XV of 1803, Sentence the Prisoner Appooravanny Iyen to be imprisoned and kept to hard labour in irons on the public roads, or other public works, for and during the period of seven years: and further to receive One hundred and fifty lashes of a cat of nine tails.

The Acting First Judge will be pleased, with reference to Parah 22 of the foregoing Letter, to ascertain and report what notice has been taken by the Magistrate of the misconduct of the Peishcar.

Ordered, that Extract from these Proceedings be sent to H. Dickinson Esq. Acting 1st Judge on Circuit in the Southern Division by Precept returnable within twelve days, from and after its receipt.

/Sent following Precept No. 1266/

Read

29th November 1837.

Read return by the Criminal Judge at Combaconum dated the 18th, to the Precept of the Foujdaree Udalut of the 10th Instant, conveying their orders on the Combaconum Criminal Reports for the month of September.

/Here enter No. 2449./

The Court of Foujdaree Udalut have fully considered the subject to which the 2, 3, 4, 5th and 6 paragraphs of the above returns refer: and it does not appear to them that the Criminal Judge has advanced any sufficient reason for modifying the construction which the Court have already given to the provisions of Regulation IX of 1832.

Case 335
See C.C. No. 57.

The Criminal Judge will accordingly cause the Second and third Prisoners in Case 335 to be immediately released.

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. 1267/

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

/Here enter No. 2448./

The Court of Foujdaree Udalut remark that the Sudr Ameen, in the cases noted in the margin, rejected certain evidence under the provisions

Suppl. Report cases 379 & 431
Rept. V. Case 431.

provisions of the Mahomedan Law a proceeding which is not authorized, and which the Criminal Judge will direct the Moofter Sudr Ameen not to repeat.

Report V Case 424. 2. In this case it is stated that the prisoner is released, there being no Evidence against him. If the circumstances of the case have not been communicated to the Magistrate already, they should be reported to him on receipt of these Proceedings.

See C. O. 21st May 1823 p. 88. Pr. vol.

Case 436. 3. The Court of Fonjdaree Udalut remark the omission on the part of the Criminal Judge to state in this case the grounds of his requisition of Security from the Prisoners.

Case 445. 4. In this case the Court of Fonjdaree Udalut would observe that if there was Evidence to the fraud charged against the Prisoner, the case has been improperly disposed of.

5. The writing in these reports is by no means creditable to the Copyist.

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. 1868 /

Read return dated the 15th Instant from the Assistant Criminal Judge in charge of the Criminal Court at Madura to the Precept of the Fonjdaree Udalut of the 23d Ultimo, conveying their observations and orders

orders on the Madura Criminal Reports for the month of September

/ Appx enter No. 2432 /

1. In the above returns the Assistant Criminal Judge requests to be informed if he is to carry the instructions conveyed in the 1st para of the Extract from the Proceedings of the Fonjdaree Udalut under date the 24th October 1837, (Copy of which was forwarded to him through the Southern Provincial Court of Circuit) into effect without delay, or await the arrival of the Acting Judge.

2. The Court of Fonjdaree Udalut issued on the 15th Instant circular instructions modifying the rules of the 22d May last, and they conclude that ere this the Assistant Criminal Judge will have been placed in possession of them.

3. From those instructions the Assistant Criminal Judge will learn that the principle of the rules of the 22d May being retained, the Extra Guard is to fluctuate as before, according as Prisoners liable to labor outside the Jail increase or decrease in number.

Ordered, that Extract from these proceedings be sent to the Assistant Criminal Judge in charge of the Court at Madura for his information.

/ Sent in No. 1869 /

Read letter dated the 16th instant from the Acting Magistrate of Vizagapatam requesting that he

he may receive authority to offer a Conditional Pardon to "Sangeena Sopheepadalor" and "Sangeena Lutchemdoo" accessories in the unsuccessful attempt made by certain insurgents from Golanda to plunder the village of Lallum Codoor in the District of Vizagapatam.

/ Here enter No. 2665 /

Under the authority vested in them by Section XII. Regulation XIII of 1832, the Court of Foujdaree Udalut sanctions the offer of a conditional Pardon to the Prisoners named "Sangeena Sopheepadalor"

and

"Sangeena Lutchemdoo"

which must be made in the terms prescribed in the Circular Order of the 3rd of April 1828.—

Ordered, that Extract from these Proceedings be forwarded to the Acting Magistrate of Vizagapatam for his information.—

/ Sent in No. 1870 /

Read return from the Criminal Judge of Cuddapah dated the 18th to the Precept of the Foujdaree Udalut of the 14th Instant. conveying their orders on the Cuddapah and Ambum Criminal Reports for the month of September.

/ Here enter No. 2642 /

In explanation of the cause of the detention of the above Criminal Reports the Criminal Judge observes that "the Quarterly Civil Reports had

"to be prepared during the last month and there is only "an efficient English writer."

The Foujdaree Udalut direct that the Criminal Judge be called upon to explain how it occurs that their is only one 'Efficient English Writer' on his Establishment.—

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 No. 1871).

Fees Rd 15

15

J. C.

At a Court of the Fouzdaree Udalut.

Present

Charles May Lushington Esqr. 1st. Puisne Judge

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

30th. November 1837 — Alexr. Duncan Campbell Esqr. Actg. 3rd. Puisne Judge

Read letter dated the 30th. Ultimo from the 3rd. Judge late on circuit in the Centre Division submitting the Report required by Section XXXVII Regulation VII of 1802 for the 1st. Sessions of the present year.—

(Here enter No. 2291.)

1. Mr. Davis after remarking on the nature of the cases contained in the Calendars laid before him at the 1st. Sessions of the present year, states, in the 6th. para: of his Report, that he "cannot pass over what "he considers to be the harsh treatment "used towards the 1st. prisoner in Case No. 2 "of the Chingleput Calendar, committed for "causing the conviction of the prosecutor and "others upon false evidence, who was the Head "of Police of the Chingleput Talook, and a "highly respectable and trustworthy public "servant, and who was not admitted to Bail

by

"by the Acting Criminal Judge Mr Taylor,
"but was confined in Jail along with the rest
"of the Prisoners, altho' the crime with which
"he was charged was bailable and altho' the
"second Prisoner in the same case had been
"released on Security."—

2. It is true that the Tahseeldar was charged with an offence in which the admission of Bail has not been prohibited by the Regulations, but both the Magistrate and the Acting Criminal Judge of Chingleput having given full credit to the evidence for the prosecution, the Court of Foujdaree Udalut do not consider that Mr Taylor is open to censure for not having held the accused to bail whilst the charge against him was under trial, notwithstanding that the investigation before the Court of Circuit terminated in the acquittal of the Prisoner.—

3. In the 7th para: of his Report Mr David suggests that transportation may form part of the sentence upon all Thugs who may hereafter be condemned to imprisonment for Life.—

4. Upon this suggestion it need only be remarked that such mode of punishment is not authorized by Act XXX of 1836, and

× Vide Minutes of Consultation under date the 13th Decr 1836.

that the omission was made designedly on the × part of the Legislature, no doubt best thro' such means the horrid crime of Thuggee should be introduced into other Countries.—

5. Paras: 9 to 12 inclusive contain Mr David's report in the condition of the several State Prisoners confined within the Centre Division, which is matter for the exclusive consideration of the Right Honorable the Governor in Council.—

6. In the 13th para: of his Report Mr David refers to the want of good management on the part of the Magistrate of Chingleput in the charge of the prisoners employed under his orders at Poonamalee.—

7. The controul over these Convicts has under the recent Orders of Government devolved on the Board of Revenue in the Department of Public Works, but the Court of Foujdaree Udalut have reason to believe that since the date of Mr David's Report the Convicts formerly employed at Poonamalee have been transferred to the charge of Captain Morgan at the Red Hills. The Magistrate of Chingleput being unable to undertake the execution of any important

work

work with so small a Gang as 127 twenty seven.

8. In the 20th para Mr. Davis submits the result of his enquiry into certain allegations of extortion and oppression on the part of Mr. Morehead the late Joint Criminal Judge at Cuddalore, and of the European Jailor Sergeant Dickens, towards the prisoners in confinement at that station, contained in two anonymous petitions presented to the Right Honorable the Governor in Council in the month of March 1837, and referred to the Court of Foujdaree Udalut for such orders as they appeared to require.—

*Order of Govt. dated 18th April 1837.

9. Mr. Davis states that the allegations contained in the two petitions "are a tissue of falsehoods from beginning to end", and appended to his Report is the explanation of the present Acting Joint Criminal Judge on the subject.—

10. On this document the Court of Foujdaree Udalut would record a few observations for the future guidance of the Acting Joint Criminal Judge, and first as regards the mode in which the prisoners are dieted in the Jail at Cuddalore.—

11. The plan adopted for supplying the Convicts with curry stuff, Condiments &c.

as explained in para. 3 of Mr. Baines's letter is proper and needs no alteration—but the practice of furnishing the convicts with meat, at times other than those pointed out by the Medical Officer is unauthorized and should be discontinued, and the Circular Orders of the Foujdaree Udalut of the 25th of January and 27th of October 1830 in this respect must hereafter be enforced.—

12. With reference to paras. 4 and 5 of Mr. Baines's letter the Court of Foujdaree Udalut would observe that if the quantity of Rice supplied to the prisoners is more than is required for their subsistence, the allowance should be reduced, at the discretion of the Acting Joint Criminal Judge, in accordance with the standing Order of the 25th of January 1832.—

13. The practice of selling the "surplus rice", and with the proceeds thereof paying a fund to meet any little necessary expence that may occur is objectionable,—for the estimated cost of all necessary repairs and expences, special application should be made for the sanction of the Right Honorable the Governor in Council.—

para. 8. 14. The employment of a Convict

as

in Cutting grass for the Cows kept at the Jailors "own expence", to enable him "to visit the different out working parties," the Court of Foujdaree Udalut deem it to be objectionable, and the 3d Judge late on Circuit will accordingly direct the immediate discontinuance of such a practice.—

15 With reference to para. 9 of Mr. Baines's letter the Court of Foujdaree Udalut would observe that if the indulgence of taking off his irons has been accorded to the prisoner Geermajee Row, agreeably to the recommendation of the Medical Officer, as prescribed by Section 19. of the Jail Rules of the 8th of October 1821, no objection can be urged to the measure; but if the prisoners fetters have been removed without the advice of the Surgeon, or Special sanction obtained from higher authority, the Joint Criminal Judge has exercised a discretion not vested in him by any Regulation, or standing order of the Foujdaree Udalut.—

16. Adverting to para. 22 of Mr. Davis's Report and para. 10 of Mr. Baines's letter of the 27th of June 1837 the Judges of the Court of Foujdaree Udalut would record their opinion that as the discipline of the Jail

Jail may be impaired by the continuance of the Deputy Jailor in his present employment, it is expedient that he be removed from the situation which he now holds on the establishment of the Auxiliary Court at Cuddalore.—

The Court of Foujdaree Udalut

17 not being satisfied that any advantage would be derived from the enforcement of the suggestion contained in para. 24 of Mr. Davis's Report, and the latter not appearing to call for further remark.— It is ordered that a copy of the Report &c 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. 1875

Ordered also that Extract from these proceedings be furnished to the 3d Judge late on Circuit in the Centre Division for his information and guidance.—

(Sent in No. 1876

Read letter dated the 8th August last from the Officiating 2d Judge late on Circuit in the Centre Division submitting the

the Record of the Trial in Case No. 2 of the 7th Supplemental Calendar 2nd Quarter Sessions 1837. at Chittoor.—

/Here enter No. 1669./

Read also letter dated the 2d Instant from the Provincial Court of Circuit in the Centre Division transmitting Persian Translation of the proceedings in Case No. 2 of the 7th Supplemental Calendar 2d Quarterly Sessions of 1837.—

/Here enter No. 2283./

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Court of Quarter Sessions, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid as convicts the prisoners

1st Ipungun

2nd Andeegun

and

3rd Loutcheegun

of the crime charged, and awards Ootroobut, and under the provisions of Clause first, Section V, Regulation VIII of 1831. and Clauses Third

Third and Fourth, Section II Regulation XI of 1803, direct their Law Officers to declare by a second Futwa, to what punishment the first and third prisoners would have been liable, under the Mahommedan Law, if the Special exception referred to in their Futwa had not existed: and also to what specific punishment the second prisoner would have been liable under the Mahommedan Law if he had been convicted by full legal evidence.—

And being of opinion that the proof against the prisoner

1st Ramanjooloogan

is sufficient to convict him of the crime of Housebreaking and Theft, the Court do, under the authority with which they are vested by Clause First Section V, Regulation VIII of 1831, and Clause First, Section II Regulation I of 1818, convict him thereof, and under the provisions of Clause Second of the latter Section and Regulation, direct their Law Officers to declare by a second Futwa to what sentence the prisoner would have been liable under the Mahommedan Law, if he had been convicted by full legal evidence.—

Answer

Answer

If the exceptions barring Mud in favour of the first and third prisoners had not existed, and if the second and fourth prisoners were convicted by full legal evidence, they would all be liable to Mud or amputation of the Right Hand from the Wrist.

Mr Lushington.

The Court of Foujdaree Udalut in commutation of the Penalty of Mud, declared in the foregoing Futwa, and under the provisions of Clause First, Section V, Regulation VIII of 1831. and Section XXI Regulation VII of 1802, and Section II, Regulation VI of 1827, sentence the prisoners.

1st Gungun

and

3rd Lutcheegan

to be imprisoned and kept to hard labour in irons on the public roads, or other public works, for and during the period of seven years, and to receive one hundred and ninety five lashes of a Cat of nine tails: and the prisoners

2nd Andeegun

and

4th Ramanjooloogan

to be imprisoned and kept to hard labour in

irons on the public roads or other public works, for and during the period of four years.—

(Sent following letter No. 1877

Read letter dated the 15th Ultimo from the late Acting Judge on Circuit in the Centre Division transmitting the Record in case No. 2 of the Bellary Calendar 2nd Sessions of 1837.—

(Here enter No. 2348.)

Mr Lushington and Mr Bird

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

Yerkulleegaudoo

is sufficient to convict him of the crime of Wilful Murder, do, under the authority with which they are vested by Clause First, Section II, Regulation I of 1818, convict him thereof, and 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. 1878.

Fr 86.

At a Court of the Foujdaree Udalut

Present

Saturday 2nd Dcember 1837.

Charles Mary Lushington Esqr. 1st Puisne Judge

John Bird Esqr. 2nd Puisne Judge.

Alexr Duncan Campbell Esqr. Actg 3rd Puisne Judge

Read again letter dated the 28th October last from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 80 tried by the Special Commission at Mangalore.—

/Here enter No. 2282./

Read also Extract from the Minutes of Consultations under date the 28th November 1837, communicating the observations and orders of the Government on Mangalore Special Case No. 80.—

/Here enter No. 2492./

Case No. 80. Mr. Lushington and Mr. Bird.

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Vishnoo

be banished to the District of Coimbatore, to be imprisoned in the Jail of the Auxiliary Court, and kept to hard labor in irons on the

the publics roads, or other publics works, for, and during the period of seven years.—

The Court likewise direct that Extract from their proceedings under date the 14th Ultimo be sent for the information and guidance of the Mangalore Special Commission.

(Sent following letter No. 1886

Read again letters dated respectively the 20th and 21st October last from the Special Commissioners at Mangalore, submitting for the final Judgment of the Sanjdance Udalut the Record of Cases Nos. 44 and 61 tried by the Special Commission at Mangalore—

(Here enter Nos. 2216 and 2213)

Read also Extract from the Minutes of Consultation under date the 28th November 1837 communicating the orders of Government on Mangalore Special Commission Cases Nos. 44 and 61.—

(Here enter No. 2484)

Case No. 44.
Mr. Bird
and
Mr. Campbell.

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

1st. Cutoocolee Cheenna Potail

be imprisoned with hard labor in irons on the publics roads, or other publics works, for and during the period of (14) fourteen years, and that the Prisoner

Prisoner

2nd. Sivajee Cheenna

be set at liberty, with a suitable admonition—

Cases No. 61.
Mr. Bird
and
Mr. Campbell

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Cantoo Pudmulla

be set at liberty.—

The Court likewise direct that Extract from their proceedings under dates the 8th and 7th Ultimo on Cases Nos. 44 and 61. be sent for the information and guidance of the Mangalore Special Commission.

(Sent following letters No. 1887

Read the Coimbatore Criminal Reports prescribed by Section XXXI Regulation X of 1816 for the month of October.—

(Here enter No. 2477)

According to the Statement for the month of September there remained 345 Prisoners in the Jail of Coimbatore at the close of that month. add 53 Prisoners received in October. total 398. deduct 11 Prisoners released as shewn in the Supplemental Report. 16 Prisoners released according to report No. 5, and 107 escaped, died and transferred as exhibited in Report No. 6, total 134 leaving

leaving, remaining 264 instead of 345, which is the number entered in the Statement for October.—

2. The Court of Sunjdaree Udalut accordingly request that it may be explained upon what principle the Statement in question is prepared.—

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge of Coimbatore for his information and guidance by Precept returnable in 10 days from and after its receipt.—

(Sent following Precept No. 1888

Read Return dated the 28th Ultimo from the First Judge on Circuit in the Centre Division to the Precept of the Court of Sunjdaree Udalut under date the 18th November 1837, conveying their observations and orders on the Chingleput Calendar for the second Sessions of 1837.—

(Case entered Fl. No. 2490 of 1837.)

1. With this Return the First Judge sends up an English Translation of the Record of Case No. 3 on the Chingleput Calendar for the Second Sessions of 1837, wherein the prisoner Bawah Sahib was charged before the Court of Circuit with wilful

wilful and corrupt Perjury, in having falsely deposed on oath before the Additional Government Commissioner, on the 30th March 1835, that a female named Khateejabee, a claimant of arrears of pay due to her deceased father Mahomed Rajah, was then in a covered Bandy at the Office of the said Additional Government Commissioner, and ready to execute a Mookhtegarnamah to him (Prisoner), in consequence of which Deposition, a Mookhtegarnamah was drawn out and executed, authorizing him (the Prisoner) to receive on account of the said Khateejabee the sum due to her deceased father, the aforesaid Mahomed Rajah, whereas in truth and in fact, the said Khateejabee was not in a Bandy at the Office of the said Additional Government Commissioner on the day in question: but was then at Bangalore: and did not execute the Mookhtegarnamah to the said Prisoner.—

2. The prisoner being convicted by the Court of Circuit was sentenced by the First Judge Presiding to be publicly exposed in the mode commonly denominated Tasheer to receive one hundred and fifty lashes of a cat of nine tails, and to be imprisoned

imprisoned and kept to hard labour in irons on the public roads, or other public works, for and during the period of seven years.—

3. The Court of Foujdaree Udalut (in paragh: 7 of their Proceedings under date the 18th. Ultimo) called for an English Translation of the case to enable them to determine whether the ends of Justice demand the infliction of a punishment so severe as that awarded by the Presiding Judge:—

4. The Court of Foujdaree Udalut having perused with due attention the Record of this case, conceive that there are grounds for believing that the prisoner did not, in the first instance, intend to defraud Ahutee Jabee, and that he had received some authority from her to obtain the money due to the late Mahomed Rajah; though there can be no doubt that in the end he did obtain possession of the sums claimed by means of Perjury.—

5. Nevertheless the Court of Foujdaree Udalut are of opinion, that the punishment awarded against the Prisoner by the Judge of Circuit is much more severe than the ends of Justice require; and accordingly resolve to set aside such part of the sentence as adjudges Public Exposure and Corporal Punishment

Punishment by Stripes; and to direct that the said Prisoner be imprisoned and kept to hard labour in irons on the public roads, or other public works, for, and during the period of four years.—

Ordered, that Extract from these proceedings be sent to J. A. Oakes Esquire First Judge on Circuit in the Centre Division by Precept returnable within seven days, from and after its receipt.—

(Sent following Precept № 1889

Read letter dated the 20th. Ultimo from the Acting 1st. Judge on Circuit in the Southern Division, reporting the commencement of the Sessions at Salem and the State of the Calendar.—

(Here enter № 2458.)

Read return dated the 21st. Ultimo from the Acting Joint Criminal Judge at Cuddalore to precept of the 18th. November 1837, conveying their observations and orders on the Cuddalore Criminal Reports for the month of October 1837.—

(Here enter № 2459.)

Read letter dated the 24th. Ultimo from James Craig Esqre. late Officiating 2d. Judge of the Provincial Court

of

of Circuit in the Centre Division, submitting a copy of the explanation furnished by the Criminal Judge of Cuddapah, relative to the non-observance of the 34th Jail Rule in that Jail, called for in the proceedings of the Foujdaree Udalut on the late Officiating 2nd Judge's Circuit Report.

(Here enter No. 2461.)

Read letter dated the 21st Ultimo from the Criminal Judge of Nellore, submitting a Statement of the amount realized by the labor of the Prisoners in the Jail of the Zillah of Nellore in the 3rd Quarter of 1837.

(Here enter No. 2464.)

Read return, dated the 17th Ultimo, from the Acting Criminal Judge in the Zillah of Chicacole, to the Precept of the Foujdaree Udalut dated the 31st October 1837, on the Criminal Reports for the month of September

(Here enter No. 2467.)

In the Foujdaree Udalut

At a Court of the Foujdaree Udalut

Present

Monday 4th December 1837 — Charles May Lushington Esqr. 1st Puisne Judge; John Bird Esqr. 2nd Puisne Judge; Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

Read Petitions presented on the 15th and 20th Ultimo by Narrayanswarien of the Zilla of Combaconum.

(Here enter Nos. Nos. 143 and 153.)

Read also Petition presented on the 20th Ultimo by Ramoovien of the Zilla of Combaconum.

(Here enter No. No. 151.)

The object of these Petitioners is to obtain from the Foujdaree Udalut an order for the remission of the sentence passed upon the prisoners "Soobarayen" and "Vydeswararayen" in Case No. 46 of the Combaconum Calendar for the 2nd Sessions of 1837 and for their release.

The Court of Foujdaree Udalut observe

2. that these prisoners have been tried and duly convicted and they see no grounds for their interference with the sentence from which there is no appeal authorized.

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

Read 7 Miscellaneous Petition presented

4th December 1837. on the 13th Ultimo by Ramasawmy Ayen of the Zillah of Combaconum.-

(Here enter M. P. No. 149 of 1837.)

1. The Petitioner represents himself to be the grandson of Venkatsien the prisoner in case No. 13 of the Combaconum Calendar for the second Sessions of 1837 convicted before the Court of Circuit of Forgery and sentenced to imprisonment &c. for five years.-

2. The Petitioner alleging that the charge is utterly unfounded and was supported by the false evidence of persons who had a personal grudge against their relative, prays that orders may be issued for the release of the prisoner and for that of the other persons who being mixed up with the charge, were likewise convicted and sentenced to four years imprisonment.-

3. The Petitioner is informed that the Court of Foujdaree Adalut have referred to the Calendar and see no reason to question the justice of the sentences passed upon the parties referred to.-

Ordered, that the prayer of this Petition be rejected, and that extract from these Proceedings be furnished to the Petitioner upon his application.-

Read Petition presented on the 20th Ultimo by Chella Mottoo of Tinnevelly.-

(Here enter M. P. No. 155.)

1. The Petitioner reiterates the prayer contained

4th December 1837. contained in his two former Petitions No. 69 and 69 of 1835. viz. that the Court will order the release of his son sentenced by the Court of Circuit in case No. 5 of the Tinnevelly Calendar 1st Sessions of 1835.-

2. The Court of Foujdaree Adalut desired Petitioner to be informed that his prayer could not be complied with, and they now therefore direct that he be referred to their orders to this effect passed under dates the 17th August and 7th September 1835, upon his former Petitions.-

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

Read Petition presented on the 20th Ultimo by Ankana Butten of Negapatam.-

(Here enter M. P. No. 156.)

1. The Petitioner states that the orders of the Foujdaree Adalut upon the Petition he recently presented, will not have the effect of ensuring him the redress for which he prayed, inasmuch as his applications to the Magistracy to whom he is again by those orders referred, have been of no avail.-

2. He now therefore prays the Foujdaree Adalut to issue orders that the privileges which appertain to the right and left hand castes may be exercised by both parties & that neither party may be allowed to enjoy them.-

He

14th. December 1837.

3. He further prays the Tondaree Udalut to order him to be furnished with extracts from the two diary orders passed in his case by "Mr. Forbes."

4. The Court desire Petitioner to be informed that they have nothing as yet before them, but his bare assertion, that he has suffered injustice and that if he is dissatisfied with the orders of the 15th. November, on his former Petition, it will be necessary for him to produce extracts from the proceedings to shew that he has represented the alleged acts of injustice to the lower authorities, and that that he has failed in obtaining redress.

5. The Petitioner should apply to "Mr. Forbes" for copies of the orders he refers to at the close of his Petition as passed by that Officer.

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

Read Petition presented on the 20th. Ultimo by Carooppoye and Rungasawmy Gounden of Coimbatore.

(Received Mr. P. No. 157.)

1. The Petitioners pray the Court of Tondaree Udalut to order the release of Chella Comara Gounden, the 6th. prisoner in Case No. 5 Coimbatore Calendar 1st. Sessions of 1834.

2. The Court of Tondaree Udalut desire Petitioners to be informed that, at this late period, their Petition is inadmissible.

Ordered accordingly, and that extract from

F. Uc.

14th. December 1837.

from these proceedings be furnished to the Petitioners on their application.

Read Petition presented on the 27th. Ultimo by Yalay Muddapah of the Zilla of Chittoor.

(Received Mr. P. No. 158.)

1. The Petitioner prays the Court of Tondaree Udalut to order the release of his son "Chengulroydoo," who has been sentenced, as he alleges unjustly, to 4 years imprisonment.

2. The Court of Tondaree Udalut desire Petitioner to be informed that under the circumstances of the case, they see no grounds for their interference in the manner prayed for.

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

Chella Moottoo of Timevelly moves the Court to return the enclosures in his Miscellaneous Petition No. 155 of 1837.

Ordered accordingly.

Read letter dated the 15th. August 1837 from J. Haig Esquire (late) Officiating Second Judge of the Provincial Court of Circuit in the Centre Division, submitting an English Translation of the Proceedings in Case No. 1 on the Chittoor Eleventh Supplemental Calendar for the Second Quarter Sessions of 1837.

(Received F. Uc. No. 1703 of 1837.)

Read also letter dated the 18th. Ultimo from

Received

4th December 1837.

from the Provincial Court of Circuit in the Centre Division sending up the Persian Translation of the Proceedings in the same Case.—

(Rec. enter F. No. 2429.)

Mr. Campbell.

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

1st Nulla Mottoo

2nd Mohun Sing

and

3rd Andeappa Chitty

is sufficient to convict them of the offence charged against them respectively, do, under the authority with which they are vested by Clause first, Section V, Regulation VIII of 1831 and Clause first, Section II, Regulation I of 1818, convict them thereof: and, under the provisions of Clause first, Section III, Regulation VI of 1811, sentence the prisoner

1st Nulla Mottoo

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of three years: and the prisoners

2nd Mohun Sing

and

3rd Andeappa Chitty

to be imprisoned and kept to hard labour in irons on

4th December 1837.

the public roads or other public works for and during the period of six months.—

1. The Court of Foujdaree Udalut feel themselves called upon to remark for the future guidance of Mr. Baig, with reference to the observations contained in the 6th, 7th and 8th parahs of his letter of the 15th August last, that to leave to the "Native Servants" of the Circuit Establishment the important and responsible duty of perusing and comparing together the "Police and Criminal Depositions" in the Trials brought before the Court is highly improper and irregular.—

2. The Court of Foujdaree Udalut are surprized that Mr. Baig should have deemed himself justified in making over the duty of examination to "a youth," who it would appear formed no part of the Public Establishment, but was "doing duty for his brother"; and whose inexperience in the conduct of Public business, independently of his "ignorance and stupidity," manifestly disqualified him for its performance.—

3. But whatever may be the qualification of the Native Servants, it is the Judge of Circuit alone whom the Court of Foujdaree Udalut can hold responsible for errors and omissions of the nature recorded in the parahs above referred to.—

Ordered

4th December 1837

Ordered, that extract from these proceedings be sent to J. Baig Esquire late Officiating 2nd Judge of the Provincial Court of Circuit in the Centre Division for his information.-

(Sent following letter No. 1893 & 1894

Read letter dated the 6th Ultimo from the Special Commissioners at Mangalore, submitting for the final judgment of the Sudder Udalut the Record of Case No. 93 tried by the Special Commission.-

(Here enter No. 2362)

Mr. Bird and Mr. Campbell

The Court of Sudder 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

Kishen Sing

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 Sections II and III. Regulation I. of 1834, 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 seven years.

The Court of Sudder Udalut direct that their sentence in the Trial No. 93 from the Mangalore 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

4th December 1837

being laid before 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. 1895

Read again letters dated respectively the 17th and 20th October last from the Special Commissioners at Mangalore, submitting for the final judgment of the Sudder Udalut the Records of Cases No. 56- 64- 70 and 79 tried by the Special Commission at Mangalore.-

(Here enter No. 2192- 2215- 2216 and 2217.)

Read also order of Government dated the 28th Ultimo, communicating the orders of Government on Mangalore Special Commission Cases No. 56-64-70 and 79.-

(Here enter No. 2484)

Case No. 56-
Mr. Bird and Mr. Campbell

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

1st Bommoo Shetty

and

2nd Aya Setty

be released unconditionally with a suitable admonition and that the prisoner

1st Annapa

be imprisoned with hard labor in irons on the public

4th December 1837

public roads or other public works, &c, and during the period of (3) three years.-

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Case No. 64.
Mr. Bird
and
Mr. Campbell

1st Calla Soobba

be set at liberty.-

Case No. 70.
Mr. Bird
and
Mr. Campbell

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

1st Benaya

be set at liberty with a suitable admonition.-

Case No. 79.-
Mr. Lushington
and
Mr. Campbell

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Appoo

be released with a strong admonition.-

The Court likewise direct that extract from their proceedings under dates the 7th and 8th Ultimo in Cases Nos. 56-64-70 and 79 be sent for the information and guidance of the Mangalore Special Commission.-

Sent following letter No. 1896

Read again letters dated respectively the 1st Ultimo and 31st, 24th and 30th October last, from the Special Commissioners at Mangalore, submitting for the final judgment of the Sudder Udalut the Records of Cases

No.

4th December 1837.

Nos. 74-75-76 and 77 tried by the Special Commission.-

(Were enter Nos. 2327-2328-2248 and 2288)

Read also Extract from the Minutes of Consultation dated the 28th Ultimo, communicating the observations and orders of the Government on Mangalore Special Cases Nos. 74-75-76 and 77.-

(Were enter No. 2492)

Case No. 74.
Mr. Bird
and
Mr. Campbell

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Munjana

be required to find two sureties in three hundred Rupees each surety, for his good behaviour and appearance when required within two years, and that in default thereof he be detained for two years in confinement.-

Case No. 75.-
Mr. Lushington
and
Mr. Bird

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoners

1st Nannah Shanabhogue
2nd Nanno
3rd Soobah Shetty
4th Chowkaroo
5th Kottary Doomah
6th Oomanah
7th Chowadah
and
8th Edene Mookry

be set at liberty.-

Under

4th December 1837.

Case No. 76.
Mr. Sushington
and
Mr. Bird

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Kunguer Soobo

be banished to the District of Coimbatore, to be imprisoned in the Jail of the Auxiliary Court and kept to hard labour in irons on the public roads or other public works, for, and during the period of fourteen years.

Case No. 77.
Mr. Sushington
and
Mr. Campbell

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Bunny Row

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

The Court likewise direct that extract from their proceedings under dates the 17th 20th 21st and 24th Ultimo on Cases Nos. 74-75-76 and 77 be sent for the information and guidance of the Mangalore Special Commission.

(Sent following letter No. 1897

Read the Cuddapa and Cumbum Criminal Reports prescribed by section XXXV Regulation X. 1816 for the Month of October.

(Here enter No. 2463.)

In

4th December 1837.

Cuddapa
Suspn. & Report
Case 150.

F. C.

1. In this case there are four prisoners and, as far as the Court can judge from the circumstances stated in the Report, it appears to them that the evidence against the second and third prisoners would afford sufficient grounds for their commitment if the first and fourth prisoners were admitted as "witnesses". The Court resolve to 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 Judge on Circuit in the Centre Division, who will be pleased to look into the case and report upon this point.—

Report
Case 156

2. The Court direct that the Criminal Judge be called upon to forward the Sudr Ameen's explanation of the circumstances under which he deemed it proper to pass the sentence recorded in this Report. The case appears to the Foujdaree Adalut to be one of an attempt at Robbery by open violence and therefore out of the final cognizance of the Criminal Court. The Court also desire to be informed what Circular Order (28th June) is alluded to by the Sudr Ameen at the close of his order on the case. The Cumbum Criminal Reports do not call for any remark from the Foujdaree Adalut.

Ordered, that extract from these proceedings be sent to the Criminal Judge at Cuddapa for his information and guidance by

Precept

Ordered that extract from these

4th December 1837 Precept returnable in 3 days after receipt.

(Sent following Precept No. 1198

Ordered also, that extract from these proceedings ext. parte, together with copy of case 152 be sent to the Judge on Circuit on the Centre Division for his information and guidance by Precept returnable in 12 days, after receipt.

(Sent following Precept No. 1199

Read the Bellaire Criminal Report prescribed by Section XXXV Regulation X 1816 for the Month of October.

Report X
Case 178

(Recd entered No. 2612)

As far as the Court of Foujdaree are able to judge from the Report, it appears that a fine of eight annas or in default thereof to be imprisoned for 7 days, was a very inadequate sentence for the prisoner who is stated to have been convicted of having used false stamps, and upon whose person a false stamp was found, and they require explanation of it.

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

(Sent following Precept No. 1200

Read Petition presented on the 21st

4th December 1837 20th Ultimo by Jeyaga Roy Moodee of the Zilla of Chittoor.

(Recd entered No. P. No. 152.)

The Petitioner complains against the judgment of the Criminal Court in case No. 206 of 1837, in which he was Prosecutor and against the order of the Criminal Judge requiring him to defray the expences of his witnesses. He states that he appealed to the Provincial Court of Circuit, but that they have declined overruling the orders in question.

He prays the Court of Foujdaree Udalut to interfere in his behalf.

The Court desire the Petitioner to be informed, that they see no reason to doubt the propriety of the orders of the lower Courts.

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

F. 66.

At a Court of the Foujdaree Udalut

Present.

Tuesday 5th December 1837.

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre _____ 2d Puisne Judge
Alexr Duncan Campbell Esqre Actg 3d Puisne Judge

Read again letters dated respectively the 2d and 4th Ultimo from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Udalut the records of Cases Nos 97 and 94 tried by the Special Commission at Mangalore.—

(Here enter Nos 2330 and 2354.)

Read also Extract from the Minutes of Consultations under date the 28th Ultimo, communicating the observations and orders of the Government on Mangalore Special Cases Nos 94 and 97.—

(Here enter No 2492.)

Case No 94.
Mr Bird and Mr Campbell

Under the authority of the Right Honorable the Governor in Council the Court do accordingly direct that the Prisoners

1st Cumbly
2d Cantoo
3d Stanie

5th December 1837

3rd Stanis Vincaspoo

and

4th Shivaspoo

be set at liberty with a suitable admonition

Case No 97.
Mr Bird
and
Mr Campbell

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Shantira Narraina Shanabhogue,

be set at Liberty.—

The Court likewise direct that Extracts from their proceedings under Dates the 20th and 23rd Ultimo in Cases No 94 and 97 be sent for the information and guidance of the Mangalore Special Commission.—

(Sent following letter No 1904

4/12

Fh. 46:

At a Court of the Foujdaree Udalut

Present

Wednesday 6th December 1837

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre ——— 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read again letter dated the 26th October last from the Special Commissioners at Mangalore submitting for the final Judgment of the Foujdaree Udalut the Record of Case No 89 tried by the Special Commission at Mangalore.

(Here enter No 2262.)

Read also order of Government dated the 28th Ultimo communicating the observations and orders of the Government on Mangalore Special Case No 89.—

(Here enter No 2492.)

Mr Bird
and
Mr Campbell

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Cheridaya Naik

be imprisoned and kept to labor within the Jail at Mangalore, and without irons, for the period of (6) six Months.—

The Court likewise direct that extract from their proceedings under date the 14th Ultimo be sent for the information and guidance of the Mangalore Special Commission.—

(Sent following letter No 1906

Fr. 46.

At a Court of the Foujdaree Udalut

Present

Thursday 7th December 1837

Charles May Lushington Esqr. 1st Puisne Judge

John Bird Esqr. ——— 2nd Puisne Judge

Alexr. Duncan Campbell Esqr. 4 & 3d Puisne Judge

Read again letter dated the 26th October last from the Special Commissioners at Mangalore, submitting for the judgment of the Foujdaree Udalut the Record of Case No. 62 tried by the Special Commission at Mangalore.

(Here enter No. 2260.)

Read also Order of Government dated the 28th Ultimo communicating the observations and orders of the Government on Mangalore Special Case No. 62.

(Here enter No. 2492.)

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

Bussawa Naik

be set at liberty.

The Court likewise direct that extract from their proceedings under date the 14th Ultimo be sent for the information and guidance of the Mangalore Special Commission.

Sent following letter No. 1911

Mr. Lushington and Mr. Bird

Read

5th Dean 1

7th December 1837

Read letter dated the 11th Ultimo from the Third Judge on Circuit in the Western Division transmitting the Record in Case No. 22 on the Mangalore Calendar 2nd Sessions of 1837.

(Here enter No. 2462.)

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 Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee ool Cozat and Mooftees aforesaid and sentence the prisoner

Abbasoo

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

(Sent following letter No. 1912

Read again letter dated the 30th October last from the Special Commissioners at Mangalore submitting for the final judgment of the Foujdaree Udalut the Records of Case No. 71 tried by the Special Commission at Mangalore.

(Here enter No. 2288.)

Read also Order of Government dated the 23d Ultimo, communicating the observations and orders of the Government on Mangalore Special Case No. 71.

(Here enter No. 2492.)

8th 9th December 1837.

Mr. Lushington
Mr. Bird
and
Mr. Campbell

Under the authority of the Right Honorable the Governor in Council the Court do accordingly direct that the Prisoner

1st Pudmanaba

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of four years and that the prisoner

2nd Soobraya

be banished to the District of Coimbatore to be imprisoned in the Jail of the Auxiliary Court and kept to hard labour in irons on the public roads or other public works for and during the period of fourteen years.

The Court likewise direct that an extract from their proceedings under date the 24th Ultimo be sent for the information and guidance of the Mangalore Special Commission.

(Sent following letter No. 1913.)

5th December 1837

F. U.

8th

At a Court of the Fouzdaree Udalut.

Present,

Charles May Lushington Esqre 1st Puisne Judge

Friday 8th December 1837. John Bird Esqre ..... 2nd Puisne Judge

Alexr Duncan Campbell Esqre officiating 3rd Puisne Judge

Read letter dated the 15th Ultimo from the late Acting Judge in Circuit for the Cuttack Division, transmitting the Record in Case No. 7 on the Bellary Calendar 2nd Sessions of 1837.—

(Here enter No. 2419.)

Mr. Lushington and Mr. Bird.

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

1st Ma Channoogandoo

and

2nd G. D. Nagapah

is sufficient to convict them of Murder, do, under the authority with which they are vested by Clause first, Section II, Regulation I of 1818, convict them thereof; and sentence them 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 their natural lives respectively.—

(Sent following letter No. 1924)

Read again letters dated respectively

the

the 30th October last and 9th Ultimo from the Special Commissioners at Mangalore, submitting for the Final Judgment of the Fouzdaree Adalut the records of cases Nos. 72. 88. and 91 tried by the Special Commission.

(Here enter Nos. 2288 and 2393.)

Read also Extract from the Minutes of Consultation under date the 28th Ultimo communicating the observations and orders of the Government on the Mangalore Special Cases Nos. 72. 88. and 91.

(Here enter No. 2492.)

Case No. 72.
Mr. Lushington
Mr. Bird
and
Mr. Campbell.

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

2nd Kishwa

be banished to the District of Coimbatore, to be imprisoned in the Jail of the Auxiliary Court and kept to hard labour in irons on the public roads, or other public Works, for, and during the period of fourteen years.

Cases Nos. 88 & 91
Mr. Lushington
Mr. Bird
and
Mr. Campbell.

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the prisoners.

1st Birmana
2nd Padma
3rd Timmah
4th Soobba
5th Chollah
6th Poolla

Padma

7th Padma
8th Obudully Devapoo
9th Billinate Chemapoo
10th Devarbully Soobba
11th Mokuesta Comba
12th Gollagndde Poolla
13th Kandrapady Somoo
14th Yennaeul Kurrya
15th Kathy Somoo
and
16th Patte Koley.

be immediately released from confinement with a suitable admonition.

The Court likewise direct that Extracts from their Proceedings under dates the 24th and 25th Ultimo on Cases Nos. 72. 88. and 91 be sent for the information and guidance of the Mangalore Special Commission.

(Sent following letter No. 1925)

Read letter dated the 22nd Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Fouzdaree Adalut the Record of Case No. 116. tried by the Special Commission.

(Here enter No. 2489)

Mr. Bird
and
Mr. Campbell.

The Court of Fouzdaree Adalut, having maturely considered the Proceedings held before the Special Commission, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Cozat and Mofties

Moofteer of the Fonjdaree Udalut, confirm the said Fatwa of the Cazee-ool-cozat and Moofteer aforesaid, so far as it convicts the Prisoner

Mahommud-Deen

of the offence charged: and do, accordingly convict him: but, in consideration of the circumstances represented by the Special Commissioners, the Court resolve to recommend to Government that he be released with an admonition.

The Court of Fonjdaree Udalut direct that their Sentence in the Trial No. 114 from the Mangalore Special Commission, together with the whole of the proceedings held in the Cutcherry 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. 1926)

Read again letter dated the 6th Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Fonjdaree Udalut the Record of Case No. 87 tried by the Special Commission.

(Here enter No. 2363)

Read also Extract from the Minutes of Consultation under date the 4th Instant, confirming the Sentence of the Fonjdaree Udalut in Mangalore Special Trial No. 87.

(Here enter No. 2537.)

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Narnapa

be imprisoned and Kept to suitable labour in irons within the Jail for and during the period of four years.

The Court likewise direct that Extract from their proceedings under date the 27th Ultimo in Case No. 87 be sent for the information and guidance of the Mangalore Special Commission.

(Sent following letter No. 1927)

Read return dated the 29th Ultimo from the Criminal Judge of Nellore, to the Precept of the Fonjdaree Udalut dated the 27th November 1837, relative to the Criminal reports for the month of September 1837.

(Here enter No. 2571.)

Fo. 116.

At a Court of the Fouydaree Udalut

Present

Saturday 9th December 1837 — Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3rd Puisne Judge

Fouydaree Udalut

Circular Order

No. 96.

1. The Rules contained in the Circular order of the Court of Fouydaree Udalut of the 25th July 1814 respecting the transmission of Prisoners under sentence of Transportation from a Zillah Station to the Depôt at Chinglepute, are hereby extended to the cases of Prisoners sentenced to Banishment from one District to another, under the provisions of Clause third, Section VIII. Regulation XX of 1803.

2. The Court of Fouydaree Udalut direct that besides the "paper" and "copy of the Surgeon's Certificate", referred to in the third paragraph of the Circular Order abovementioned, the Peon or Deloget accompanying the prisoner, be furnished with a letter to the address of the Officer in charge of the Jail to which the Prisoner is banished.

3. And as doubts appear to be entertained respecting the Officer whose duty it is to depute the

9th December 1837

the "Bar or Delogt in charge of the prisoners the Court of Fouzdaree Udalut resolve to direct that the said Peon be in every instance furnished by the Criminal Court whence the prisoner is sent originally, the Magistrates being required to provide only the escort from one District to another.

(Sent in No. 1934 & 1935.)

Read Return dated 30th Ultimo from the Magistrate of Bellary to precept of the F.A., dated the 8th November 1837 requiring an immediate Report relative to the Forgery Murder case called for in Extract from F.A. dated the 16th June 1837.

(Here enter No. 2554.)

Mr. Bird and Mr. Campbell

F. 16.

At a Court of the Fouzdaree Udalut

Present

Monday 11th December 1837.

Charles May Lushington Esqre. 1st Puisne Judge
John Bird Esqre. 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read again letter dated the 6th Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Fouzdaree Udalut the Record of Case No. 93 tried by the Special Commission.

(Here enter No. 2562.)

Read also Order of Government dated the 8th Instant, confirming the sentence of the Fouzdaree Udalut in Mangalore Special Trial No. 93.

(Here enter No. 2560.)

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Kishen Sing

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

The Court likewise direct that extract from their proceedings under date the 4th Instant be sent for the information and guidance of the Mangalore Special Commission.

(Sent following letter No.

Read

Read again letter dated the 6th Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Tanjaure Udalut the Record of Case No. 99 tried by the Special Commission at Mangalore.—

(Here enter No. 2355.)

Read also Order of Government dated the 7th Instant, commuting the sentence passed on the 2nd Prisoner Poovani in Mangalore Special Trial No. 99 to imprisonment with hard labor in irons for 6 Months, and desiring the release of the 1st Prisoner Annapa.—

(Here enter No. 2357.)

Mr. Sushington and Mr. Campbell

Under the authority of the Right Honorable the Governor in Council the Court do accordingly direct that the Prisoner

2nd Poovani

be imprisoned with hard labor in irons for six Months and that the Prisoner

1st Annapa

be set at liberty.—

The Court likewise direct that extract from their proceedings under date the 29th Ultimo be sent for the information and guidance of the Mangalore Special Commission.—

(Sent following letter No. 1939

Read

Read Miscellaneous Petition presented on the 4th instant by Nylasa Taven of the Zillah of Combaconum.—

(Here enter Misc. Pet. No. 160 of 1837.)

The Petitioner prays for the release of the four prisoners in case No. 1 of the Combaconum Supplemental Calendar for the second Sessions of 1837 who were convicted before the Court of Circuit of assaulting and severely wounding the Prosecutor in the Village of Tinnekotagum in the Terootalayproondy Talook of Tanjore, and sentenced to imprisonment for two years.—

It appears from the Calendar that the parties in the case in question are related to each other; all being Meerassidars of the same Village. They quarrelled on the subject of the building of a Pagoda and observes the Judge of Circuit who tried the case "there can be no doubt but that the violent assault committed on the person of the Prosecutor was done in revenge for his having opposed their wishes on that head."

The Petitioner alleges that the blame lies with the Prosecutor, and that it was owing to one of the accused being overpersuaded by promises of money &c. to admit the charge that the prisoners were convicted.—

The Court of Tanjaree Udalut seeing no room to question the propriety of

11th December 1837 — the Judgment of the Judge of Circuit in the case or the justice of the sentence, direct that the prayer of the Petition be rejected and that extract from these proceedings be furnished to the Petitioner upon his application.—

Extd

WB

Fr. Uc.

At a Court of the Foujdaree Udalut

Present

Tuesday 12th December 1837 — Charles May Lushington Esqre. 1st Puisne Judge
John Bird Esqre. 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. A.M. 3d Puisne Judge

Read again letter dated the 2d Ultimo from the Special Commissioners at Mangalore submitting for the final judgment of the Foujdaree Udalut the record of case No. 81 tried by the Special Commission at Mangalore.—

(Here enter No. 2329.)

Read also Extract from the Minutes of Consultation dated the 4th Instant, confirming the sentence of the Foujdaree Udalut in Mangalore Special Trial No. 81.—

(Here enter No. 2537.)

Under the authority of the Right Honorable the Governor in Council the Court do accordingly direct that the Prisoner

Mr. Lushington and Mr. Campbell

Bedrody Vencuppa

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

The Court likewise direct that extract from their proceedings under date the 27th Ultimo be sent for the information and guidance

11th 12th December 1837

of the Mangalore Special Commission
(Sent following Letter No. 1941

Read letter dated the 24th Ultimo from
the 3d Judge of the Court of Circuit in the Centre Division
transmitting copies of the Chittoor 3d and 4th Supplemental
Calendars for the 4th Quarter Sessions of 1837.

(Here enter No. 2471)

Read return dated the 24th Ultimo
from H. Bushby Esqre late Acting Judge on Circuit
in the Centre Division to the Precept of the Foujdaree
Udalut dated the 18th November 1837 conveying their
observations and orders on the Bellaree Calendar
for the 2nd Sessions of 1837.

(Here enter No. 2486)

Read letter dated the 23d Ultimo from
the Magistrate of Coimbatore submitting an explanation
relative to the delay in sending up 129 and 130 of the
Salem Criminal Report for September, called for in the
extract Proceedings of the Foujdaree Udalut under date
the 24th October 1837.

(Here enter No. 2487)

Read letter dated the 2d Instant from
the Magistrate of Madura, submitting the explanation
called for in extract proceedings Foujdaree Udalut 27th
October 1837 relative to case No. 210 of the Madura Criminal
Report No. V for the Month of October.

(Here enter No. 2556)

12th December 1837

Read return dated the 4th Instant
from the 1st Judge on Circuit in the Centre Division
to the Precept of the Foujdaree Udalut dated the 2d December
1837 reducing the sentence passed by the Court of Circuit on
the prisoner Bawadah in case No. 5 Chingleput Calendar
2d Sessions of 1837.

(Here enter No. 2563.)

Read return dated the 8th Instant
from the Criminal Judge of Combaconum to the
Precept of the Foujdaree Udalut dated the 27th November
1837 conveying their observations and orders on the
Combaconum Criminal Reports for the Month of
October 1837.

(Here enter No. 2577.)

Read letter dated the 25th Ultimo from
the 3d Judge on Circuit in the Western Division reporting
his intention to open the Sessions at Honore on the
16th December.

(Here enter No. 2501.)

Read return dated the 30th Ultimo
from the Criminal Judge of Chingleput to the
Precept of the Foujdaree Udalut dated the 27th
November 1837 conveying their observations and orders
on the Chingleput Criminal Reports for the
Month of October.

(Here enter No. 2502.)

Read return dated the 28th Ultimo
from

8th December 1837.

12th December 1837

from the Criminal Judge of Nellore to the Precept of the Foujdaree Udalut dated the 25th November 1837 conveying their observations and orders on the Nellore Criminal Reports for the month of October.—

(Here enter No. 2503.)

WB

WB

Fr. No.

At a Court of the Foujdaree Udalut

Present.

Wednesday 13th December 1837

Charles May Lushington Esqr. 1st Puisne Judge

John Bird Esqr. ——— 2nd Puisne Judge

Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

WB

WB

Read again Miscellaneous Petition presented on the 25th September last by Uchamah and City of the District of Guntoor.—

(Here enter Misc. Pet. No. 123 of 1837.)

Read also Return dated the 1st and Supplemental Return dated the 27th November from the Provincial Court of Circuit in the Northern Division to the Precept of the Court of Foujdaree Udalut under date the 16th October 1837 calling for an English Translation of the Proceedings held in case No. 38 on the Guntoor Calendar for the first Sessions of 1835.

(Here enter Fr. No. 2340 and 2503 of 1837.)

1. With the Supplemental Return of the 27th Ultimo. the Provincial Court have sent up an English Translation of the Trial above mentioned.

2. The Court of Foujdaree Udalut, having attentively perused the Record, see no ground for disturbing the sentence of the Court of Circuit.

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit

Circuit in the Northern Division for their information.

(Sent in No. 1945

Ordered also, that extract from these proceedings be furnished to the Petitioners upon their application.

Read letter dated the 23rd Ultimo from the Provincial Court of Circuit in the Centre Division submitting for the orders of the Court of Foujdaree Udalut a copy of a communication dated the 25th Ultimo from Mr. H. Bushby Criminal Judge of Bellary and late officiating Judge of Circuit in the Centre Division.

(Here enter F. C. No. 2500 of 1837.)

1 & In his letter of the 25th Ultimo Mr. Bushby takes exception to the sentence and order passed by the Court of Foujdaree Udalut under date the 15th of November 1837 in Case No. 23 of the Bellary Calendar for the Second Sessions of 1837 - which case had been referred by that Gentleman in his capacity of Judge of Circuit for their final judgment, and in the eighth paragraph of his letter, he intimates his resolution to "delay the release of the Prisoner and the restoration of the property to the Prisoner "until further instruction from the higher Court."

2 The prisoner pending this reference is Illegally detained in confinement, and for that Illegality

Illegality Mr. Bushby is solely and individually responsible.

3. It is fitting that Mr. Bushby should understand that when he has referred a Trial for the final Judgment of the Court of Foujdaree Udalut and recorded his opinion thereon, he has performed his part. It only remains for him to carry the sentence of the Higher Court into effect without hesitation and without comment.

4 The Provincial Court of Circuit will be pleased to instruct Mr. Bushby to carry the sentence and order of the Court of Foujdaree Udalut in the case in question into immediate and full effect; and advise him in all future cases to yield a prompt and ready obedience to the orders issued for his guidance.

5 From the remark contained in the first paragraph of his letter of the 23rd Ultimo, the Court of Foujdaree Udalut are led to conclude that Mr. Bushby is unacquainted with their Circular order of the 19th September 1835 - No. 51 which in modification of their order of the 11th July 1809 directs "that their sentences in all referible cases "not finally disposed of previously to the removal "whether temporary or permanent of the officer who

"may

13th December 1237

"may have tied them from his judicial situation,
"be transmitted to the Provincial Court of Circuit,
"whose duty it will be to issue the usual warrants
"for carrying them into execution."

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable within ten days from and after its receipt.

(Sent following Precept No. 1946

Fo. 116.

At a Court of the Foujdaree Udalut

Present

Thursday 14th December 1237

Charles Mary Lushington Esqr. 1st Puisne Judge
John Bird Esqr. 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

Read letter dated the 24th Ultimo from the Magistrate at Mangalore, submitting for the consideration of the Foujdaree Udalut certain papers relating to remarks made by the Principal Sudr Ameen at Honore in the Calendar of cases decided in his Court in the Months of September last.

(Here enter No. 2505.)

In the 4th and 5th paragraphs of the above letter, the Magistrate states that it is not his desire to call upon the Foujdaree Udalut to take the trouble of judging between Mr. Malthy and Mr. Sharkey as the importance of the matter would scarcely justify that, in each case, but that it appears to the Magistrate inexpedient that an opinion should prevail, that remarks which directly or indirectly bear on the conduct of the Police may be made, where the grounds are not clear and indisputable and the Magistrate adds his opinion that such is not the case in the present instance.

The

14th December 1837

2. The Court have referred to the "memorandum" alluded to by the Magistrate as forwarded with Mr. Maltby's letter to his address and they coincide in the opinion above noticed.

3. In the first case (No. 84) the Court certainly think there was suspicion against the prisoner

4. In the second case (No 88) it appears to the Court very clear that there were grounds for sending up the second prisoner "Venea". The transmission of the 8th and 9th prisoners also appears to the Toojdaree Adalut to have been correct, with reference particularly to the Circular Order No. 30 dated 9th February 1835.

5. So also in case 94 the prisoners, as far as the Court can judge from the papers before them, were sent up on sufficient grounds.

6. Under these circumstances the Court of Toojdaree Adalut resolve to direct that a copy of the Magistrate's letter and its enclosures be sent to the Principal Sudr Ameen at Honore, who will be more circumspect in future in recording remarks of this objectionable nature.

Ordered, that extract from these proceedings, with copy of the letter from the Magistrate of Mangalore be sent to the Principal Sudr Ameen at

14th December 1837 at Honore for his information and guidance.

(Sent in No. 1953

Ordered also, that extract from these proceedings be sent to the Magistrate of Canara for his information.

(Sent in No. 1954

Read the following letter dated the 28th Ultimo from the Magistrate of Bellaree.

(Rec'd enter'd T. Co. No. 2530 of 1837.)

Read also Return dated the 8th July from the Acting Assistant Criminal Judge of Bellaree to the Precept of the Court of Toojdaree Adalut under date the 16th June 1837, calling for English Translations of all the Proceedings held in case No. 29 of the Bellaree Criminal Reports for the Month of March 1837: and directing that a copy of the case as given in the Report be furnished to the Magistrate of Bellaree, in view to a full inquiry being made relative to the Murder with which the prisoners in that number stand charged.

(Were enter'd T. Co. No. 1369 of 1837.)

1. The Magistrate's letter above recorded exhibits the result of the investigation held up to the present time on the subject of the Murder committed near the Village of Toogaly, in the Talook of Punchupollem, in the District of Bellaree with

14th December 1837

with which the Prisoners in Case No. 29 on the File of the Criminal Court of Bellaire for the Month of March 1837 were charged. The Magistrate reports that the inquiry has "not yet terminated, and the case still continues involved in the greatest mystery".-

2. The Court of Zoujdaree Udalut are desirous of being informed whether any search was made for "the pair of drawers," and "the silk bordered "upper cloth," which the second prisoner Naugereddy, in his declaration of the 5th March 1837 before Venkatow the Head of Police, stated were taken from the person of the murdered man and thrown into the well: and whether it is known what became of them.-

Parah: 19 3. The Court of Zoujdaree Udalut will likewise be glad to be made acquainted with "the grounds on which the Magistrate is satisfied that the "strong suspicion" in the first instance entertained "that the Prosecutor and the friends of the "Prisoners had compromised matters and that the "person produced in Court was not the real Siddiah "but another brother" is without foundation.- The Court remark that in the 25th para of the Magistrate's letter the Prosecutor's Brother is written Pedda Siddiah instead of Junguru Siddiah.-

Paras 20 & 24. 4. It appears that although a Circular was addressed to the Heads of District Police on the

2. F. 16.

14th December 1837.- the subject of this Murder, with instructions to make the strictest inquiry regarding any missing person in their respective Talocks" only one person has been reported in that predicament." The missing person is stated to be one Mulliah an inhabitant of Culchetta in the Punchapollem Talock It appears that he went to Bussapully to visit certain of his relatives residing in that village. slept there one night, and set out again the following morning, with the intention, as it is supposed of returning to his home: but that he did not return to his village, and has never since been seen or heard of. At the same time, the Magistrate reports

Parah: 22. that "the period of this man Mulliah's disappearance "and that of the murder at Togaly correspond "exactly." The size of the murdered man as given "in the Inquest paper also agrees; and the dress "is similar in several respects."-

5. The Magistrate will be pleased to endeavour to ascertain whether this Mulliah and the female Timmaka, between whom and Junguru Siddiah a criminal Intercourse is said to have existed, were known to each other. If it could be certainly ascertained that Mulliah was acquainted with that female and in the habit of visiting her, the

Case

14th December 1837
parah. 23.

case would be clearer. It appears from the Report that the fifth witness Seetamah being confronted with Jungum Siddiah was asked if he was the man that "came to her house on account of Timmakah"; but she said no and described him as being shorter: It is therefore possible that the man Seetamah saw, was some other paramour of Timmakah, who appears to have been a woman of loose character: and as it seems certain that the missing Mulliah did not return to Cuttabetta, he may have gone to Toogaly and to Timmaka who was then residing there.

6. It is observed that Jungum Siddiah, the person originally supposed to have been murdered no where positively states that he did not go on the day in question to Toogaly: and the Court of Fouzdaree Adalut therefore direct that he be now interrogated on this point.

7. It is stated in the latter part of parah. 21. that Boreddy and Moosalapah "relatives of the missing Mulliah" went to Pusparry and Moosalapah examined the Cloths found on the dead person, but could not recognize any thing belonging to Mulliah"

8. The Court of Fouzdaree Adalut desire to be informed whether at the time the Cloths were shown to those persons, they were still in a state to be identified; and whether the Nomoodarium and

14th December 1837

and Lingum wrapped up in a small handkerchief were shown to them. It appears to the Court that the latter articles might readily have been identified.

Ordered, that extract from these proceedings be sent to the Magistrate of Bellary by Precept returnable within fifteen days, from and after its receipt.

(Sent following Precept No. 1955

Read return and Supplemental return dated respectively the 20th October and 30th November from the Criminal Judge at Chittoor to the Precept of the Fouzdaree Adalut of the 13th October 1837, calling for explanation on certain points noticed in the Report of Mr. Haig for the 2d Quarter Sessions of 1837.

(Here enter Nos. 2182 and 2531.)

1. In the above Supplemental Return the Criminal Judge states that "he has hitherto received no reply to his letter to the Acting Superintending Engineer dated the 10th Ultimo requesting a report on the repairs required in the Tread Mill".

2. The Court of Fouzdaree Adalut resolve to direct the Criminal Judge to repeat his application to the Acting Superintending Engineer without

11th December 1837

without whose report, and estimate of the expence of the required repairs, the Court cannot dispose of the matter—

Ordered accordingly, that extracts from these proceedings be sent to the Criminal Judge at Chittoor for his information and guidance—

(Sent in № 1956

Ent. d.

F. 66

At a Court of the Foujdaree Udalut

Present

Friday

15th December 1837

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre _____ 2nd Puisne Judge

Alexr Duncan Campbell Esqre Agt 3d Puisne Judge

Read letter dated the 25th Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the record of Case № 59 tried by the Special Commission.—

(Here enter № 2518.)

Read also letter dated the 2d Instant from the Special Commissioners at Mangalore, reporting the death of the 1st prisoner in Special Trial № 59.—

(Here enter № 2550.)

Mr Lushington and Mr Campbell.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, convicting the prisoner of the crime charged and awarding Ookoobut and

and under the provisions of Sections II and III, Regulation I of 1834, sentence the prisoners

2d Bhundary Bunta

3d Jetunna Sirenuppa

and

4th Buntir Canja.

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

And in consideration of the circumstances urged by the Special Commission, the Court resolve to recommend to Government that the prisoner

5th Vodiyapa

be discharged with an admonition.—

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 59 from the Mangalore 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. 1965

Read again letter dated the 22d Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgement of the Foujdaree Udalut the Record of Case No. 114 tried by the Special Commission

(Here enter No. 2489)

Read also Order of Government dated the 12th Instant confirming the sentence of the Foujdaree Udalut in Mangalore Special Trial No. 114.—

(Here enter No. 2597)

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoner

Mahommud, from

be released from confinement with a suitable admonition.—

The Court likewise direct that Extract from their proceedings under date the 8th Instant be sent for the information and guidance of the Mangalore Special Commission.—

(Sent following letter No. 1965

Read returns from the Acting 2nd Judge on Circuit in the Northern Division dated the 23d Ultimo, to the Receipt of the Foujdaree Udalut of the 19th August last, directing

15th December 1837.

directing the Judge on Circuit to look into the case No. 36 of the Rajahmundry Criminal Reports for the months of July 1837.

(Here enter No. 2516.)

1. In the above return the Acting 2nd Judge, after explaining his views of the case, No. 36, states that he has submitted the whole of the proceedings to the Sudder Court of Circuit for their final orders under Section XXIII Regulation X 1816.

2. The Court of Foujdaree Udalut direct that the Provincial Court of Circuit be called upon to forward for their information the result of their considerations of the case in question.

Ordered accordingly, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by precept returnable in 10 days after receipt.

(Sent following precept No. 1967.)

Fol. 65
113

F. 116

At a Court of the Foujdaree Udalut

Present

Charles Mary Lushington Esqre 1st Puisne Judge

Saturday 16th December 1837. John Bird Esqre _____ 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read letter dated the 29th Ultimo

113 from the Special Commissioners at Mangalore

165 submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 84 tried by the Special Commission.

(Here enter No. 2535.)

Mr. Bird and Mr. Campbell. The Court of Foujdaree Udalut having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid convicting the prisoners

1st Doogaje

2nd Bejada Nursingray

and

3rd Poovany

of Rebellion; and awarding Cutcherry and under the provisions of Sections II and III, Regulation

Regulation I of 1834; and Clause third, Section VIII Regulation XV of 1803 sentence them to be banished to the District of Coimbatore, to be imprisoned in the Jail of the Auxiliary Court and kept to hard labour in Irons on the public roads or other public works for and during the period of seven years.

The Court of Sunjdaree Udalut direct that their sentence in the Trial No. 84 from the Masulipatam 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 XV of 1802 receive the orders of Government, before they direct their sentence to be carried into execution.—

(Sent in No. 1970

Read letter dated the 2d Ultimo from the Acting Second Judge on Circuit in the Northern Division, submitting for the final Judgment of the Court of Sunjdaree Udalut the Record of Case No. 7 on the Rajahmundry Calendar for the Session of 1837.—

(Here enter F.C. No. 2342 of 1837.)

The

Mr. Lushington
and
Mr. Bird.

The Court of Sunjdaree 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

Bhupee Mulloo

is sufficient to convict him of the crime of wilful murder, do, under the authority with which they are vested by Clause First, Section III, Regulation I 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 the usual time and place of execution.—

(Sent following letter No. 1971

per Lushington & Bird

1. It is observed that the third witness for the prosecution in this case named Kenaditty Veeramah—and described as the "wife of Veeratha, of the Kyfala caste Seva religion, occupation spinning cotton, inhabitant of Siddhantum,"—swore before the Criminal Court that she "was present and saw well the Prisoner in the act of stabbing the said four persons," viz.: while before the Court of Circuit the same individual asserted on oath, that "Chella Veeratha stabbed" her "husband"; that Chella Veeratha

and

and her husband "stabbed each other" and in reply to the question "whether those persons "had, each, a knife", said - "No they individually seized from one another the knife, No. 1 before the Court, and stabbed each other".-

2. The abovementioned depositions are direct and positive contradictions the one to the other - having been wilfully and deliberately given, and there being no room to doubt the corrupt intention of the witness - the Court of Sunjarce Udalut deem it necessary - both for the interests of Justice, and the sake of Example, to direct that the said Peristetty Veeramah be brought to [illegible] for wilful and corrupt perjury under the provisions of Regulation III of 1826.-

3. The Acting Second Judge of Circuit will accordingly be pleased to issue the requisite instructions to the Criminal Judge of Rajahmundry, for the apprehension of the above named female, and her examination before the Criminal Court, with a view to her eventual commitment for Trial before the Court of Circuit at the next ensuing Sessions of Jail Delivery, on a charge to be founded upon the two depositions above referred to.-

Ordered

Ordered, that Extract from these proceedings be sent to J. Boileau Esqre Acting 2nd Judge on Circuit in the Northern Division by Precept returnable within eight days from and after its receipt.-

(Sent following Precept No 1972

Read return dated the 28th Ultimo from the Acting 2nd Judge on Circuit in the Northern Division to the Precept of the Sunjarce Udalut dated the 22nd November 1837 - conveying their observations and orders on the Rajahmundry Calendar for the 2nd Sessions of 1837.-

(Here enter No. 2522.)

Read return dated the 28th Ultimo from the Officiating Joint Criminal Judge of the Auxiliary Court at Tellicherry to the Precept of the Sunjarce Udalut Dated the 22nd November 1837, conveying their observations and orders on the Tellicherry Criminal Reports for the months of October

(Here enter No. 2523.)

Read letter dated the 30th Ultimo from the 3rd Judge of the Court of Circuit in the Centre Division, transmitting copy of the Chittoor 2nd Supplemental Calendar

for

for the 4th Quarter Sessions of 1837.—

(Here enter No. 2529)

Read return dated the 30th Ultimo from the Acting Criminal Judge of Malabar to the Precept of the Foujdaree Udalut dated the 25th November 1837. conveying their observations and orders on the Criminal Reports of the Zillah Court of Cuddapah for the month of October.—

(Here enter No. 2540)

Read return dated the 6th Instant from the Provincial Court of Circuit in the Centre Division, to the Precept of the Foujdaree Udalut dated the 8th November 1837. directing them to review the Proceedings in Case No. 63 of the Chittoor Criminal Reports and issue such orders respecting it, as to them may seem fit.—

(Here enter No. 2569)

Read return dated the 8th Instant from the Criminal Judge in the Zillah of Combaconum to the Precept of the Foujdaree Udalut dated the 29th November 1837, directing the release of the second and third of Prisoners in No. 335 of the Combaconum Criminal Reports.—

(Here enter No. 2576)

Read

Read return dated the 6th Instant from the Acting Joint Criminal Judge of the Auxiliary Court at Vizagapatam to the Precept of the Foujdaree Udalut dated the 25th November 1837. conveying their observations and orders on the Vizagapatam Criminal Reports for the month of October.

(Here enter No. 2578)

Read return dated the 5th Instant from the Acting Joint Criminal Judge of the Auxiliary Court at Masulipatam to the Precept of the Foujdaree Udalut dated the 27th November 1837. conveying their observations and orders on the Masulipatam Criminal Reports for the month of October.

(Here enter No. 2579)

Read letter dated the 5th Instant from the Acting 2nd Judge on Circuit in the Northern Division, forwarding the original Death Warrant &c. &c. in Case No. 1 Rajah, mundry Calendar for the second Sessions of 1837.—

(Here enter No. 2581)

Read letter dated the 7th Instant from the Acting 1st Judge on Circuit in the Southern Division, reporting the arrival of the

16th December 1837.

the Court of Circuit at Coimbatore and the state of the Calendar.—

(Here enter No. 2583.)

Read petition dated the 5th Instant from the Special Commissioners at Mangalore, to the Principal of the Foujdaree Udalut dated the 18th November 1837, sending back the Record of Case No. 69 Mangalore Special Commission with instructions to take the evidence for the defence.—

(Here enter No. 2584.)

Read returned dated the 5th from the Criminal Judge of Bellary to the Principal of the Foujdaree Udalut dated the 4th December 1837, conveying their observations and orders of the Foujdaree Udalut on the Criminal Reports for the Month of October 1837.—

(Here enter No. 2592.)

No. 15

No. 15

No. 16.

At a Court of the Foujdaree Udalut

Present

Monday 18th December 1837

Charles May Lushington Esqre. 1st Puisne Judge

John Bird Esqre. ——— 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

Read Miscellaneous Petition

presented on the 11th instant by Rangaswara Syen and Ramoovien of the Zillah of Combaconum.

(Here enter No. P. N. 162 of 1837.)

The Petitioners reiterate the request preferred in their former Petitions Nos. 148 153 and 154 that orders may be issued for the release of their relatives the prisoners in Case No. 46 of the Combaconum Calendar for the Second Sessions of 1837: and on the present occasion they further pray that if it is considered that the ends of justice demand the infliction of a severer punishment than what is involved in the imprisonment they have already undergone the estate of the prisoners may be declared forfeited to Government, and the persons of the offenders released from confinement.—

The Court of Foujdaree Udalut direct that

that the Petitioner be referred to the order of the 4th instant, and informed that the same is final; and that any future application on this matter will not receive attention.

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 11th instant by Bauhummaul of the Zillah of Combaconum.

(Here enter M. P. No. 163 of 1837.)

The Petitioner reiterates the request preferred in her former Petitions 91 and 118 of 1837 that her husband the prisoner in No. 16 on the Combaconum Calendar for the first Sessions of 1837 may be released from confinement on which orders were passed by the Court of Foujdaree Udalut under dates the 5th and 18th September last.

The Petitioner is referred to those orders, and informed that any further application on this matter will not receive attention.

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

Read

Read letter dated the 12th Instant, from the 3d Judge of the Court of Circuit in the Centre Division, transmitting copy of the Chittoor 6th Supplemental Calendar for the 4th Quarter Sessions of 1837.

(Here enter No. 2605)

Read letter dated the 29th Ultimo from the Acting Joint Criminal Judge at Vizagapatam reporting the escape and reapprehention of the Prisoner named in the accompanying descriptive Roll on the morning of the 27th Ultimo,

(Here enter No. 2624)

Read letter dated the 14th Instant from the 2d Judge of the Provincial Court of Circuit in the Centre Division, reporting his having fixed to open the 1st Sessions 1838 at Cuddapah on the 15th Proximo.

(Here enter No. 2626)

Read letter dated the 8th Instant from the Provincial Court of Circuit in the Northern Division, reporting that the usual notice of the opening of the 1st Sessions of 1838 by Mr. Haig at Nellore on the 5th Proximo has been issued to the Criminal Judge of that Zillah.

(Here enter No. 2627.)

Read return dated the 9th Instant from the Acting 2d Judge on Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated

16th December 1837

18th December 1837 dated the 25th September 1837 directing him to review the proceedings in Case No. 64 of the File of the Criminal Court at Vizagapatam

(Here enter No. 2633)

F. C.

At a Court of the Fouzdaree Adalut

Present,

Charles May Lushington Esqr 1st Puisne Judge

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

Alexr Duncan Campbell Esqr 3rd & 2nd Puisne Judge.

Tuesday 19th December 1837

Read again Letter dated the 14th October 1837 from H. Dickenson Esqre Acting First Judge on Circuit in the Southern Division, submitting for the final judgment of the Court of Fouzdaree Adalut the Record of Case No. 26 on the Cumbaconum Calendar for the Second Sessions of 1837

(Here enter F. C. No. 2136 of 1837)

Read also Return dated the 7th instant from the same Officer to the Precept of the Court of Fouzdaree Adalut under date the 26th October 1837 sending back for further evidence the Record of Case No. 26 on the Cumbaconum Calendar for the Second Sessions of 1837

(Here enter F. C. No. 2599 of 1837)

Mr Bird and Mr Campbell

The Court of Fouzdaree Adalut having maturely considered the Proceedings held before the Judge on Circuit, the Fatwa of the Provincial Law Officer and the Fatwa of the Cazee-ul-cozat and Mooftees of the Fouzdaree Adalut, confirm the said Fatwa of the Cazee-ul-cozat and Mooftees aforesaid convicting the Prisoner

Ramasawmy Roughian

19th December 1837

of Going Robbery and wounding Oshrobut and under the provisions of Clause Second, Section IV Regulation XV of 1803, sentence the said Prisoner 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 natural life.

(Sent following letter No. 1981)

In the concluding paragraph of his letter of the 14th October last. The Presiding Judge observes that "the Prisoner is shown to have been for some years past the terror of the Country, and it was not without considerable Danger and the receiving of wounds from him, that the Party at length overpowered and secured him": and he recommends "that the Magistrate of Tanjore should be authorized to disburse the Sum of 300 Rupees according to his judgment in rewarding those who performed the most meritorious parts in securing him."

The Court of Foujdaree Adalut approve of the recommendation of the Presiding Judge and under the Provisions of Section XXIII Regulation IX of 1816, resolve to authorize the disbursement by the Magistrate of Tanjore of the Sum of Rupees (300.-) three hundred in rewards to the Peadons who apprehended the Prisoner, to be apportioned according to the Judgment of the Magistrate.

The Court of Foujdaree Adalut further approve

19th December 1837.

approve of the suggestions offered in paragraph 5 of the same letter: and the Acting First Judge will accordingly be pleased to instruct the Criminal Judge of Combaconum to take the necessary steps for procuring a suitable Military Guard for the Custody of the Prisoner on his way to Chingleput: and to apprize the Criminal Judge of Chingleput by a written communication of the desperate and dangerous character of the person about to be made over to his charge.

Ordered, that Extract from these Proceedings be sent to H. Dickinson Esqr. Acting First Judge on Circuit in the Southern Division by Precept returnable within twelve days from and after its receipt.

(Sent following Precept No. 1982)

Read letter dated the 29th Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 113 tried by the Special Commission.

(Here enter No. 2536.)

Mr. Lushington and Mr. Bird.

The Court of Foujdaree Adalut, on a deliberate consideration of all the Circumstances of the case in evidence before them, being of opinion that the proofs against the Prisoners

1st Moidine
2nd Hoosein
3rd Narna
4th Mahlinga
5th Raroo
6th Timmoo

7th Ramaya

19th December 1837.

7t. Ramaya
8t. Mallinga
9t. Combiraya
and
10t. Krishna

as sufficient to convict them of the Crime charged, do, under the authority with which they are vested by Clause First, Section II. Regulation I of 1818, convict them thereof: but in consideration of the circumstances urged by the Special Commission, the Court resolve to recommend to Government that the said prisoners be released with an admonition.—

The Court of Fouzdaree Udalut direct that their Sentence in the Trial No. 103 from the Mangalore 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. 1983)

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

(Here enter No. 2698.)

The

The above Reports do not appear to the Fouzdaree Udalut to require any remark.—

Ordered, that Extract from these Proceedings be sent to the Acting Criminal Judge at Calicut for his information.—

(Sent in No. 1934)

Read returns, from the Assistant Criminal Judge in charge of the Criminal Court at Madura dated the 1st Instant to the Precept of the Fouzdaree Udalut of the 24th Ultimo, conveying their orders upon the Madura Criminal Reports for the month of October.—

(Here enter No. 2542)

In their Proceedings of the 27th Ultimo the Court of Fouzdaree Udalut called upon the Assistant Criminal Judge to Explain his note on Case 175 of the Supplemental Report, in which, after stating his opinion that the Charge was Grounded in truth, he had merely held the Prisoners to Security.—

2. The explanation now given is by no means satisfactory, and the Court resolve to direct that a copy of the case as it stands in the Report, with Extract from these Proceedings, be laid before the Judge in the Southern Division about to proceed on Circuit, who will be pleased to look into the case and pass upon it such orders as he may deem necessary, with reference to the provisions of Section XXIII Regulation X of 1816, and report the same for the information of the Fouzdaree Udalut

19th December 1837

19th December 1837.

Udalut—

Ordered accordingly, that Extract from their proceedings with Copy of Case 176 be sent to the Judge about to proceed on Circuit in the Southern Division for his information and guidance by Precept returnable in 15 days after receipt.

(Sent following Precept No. 1985)

Ordered also, that Extract from their proceedings be sent to the Assistant Criminal Judge at Madura for his information—

(Sent in No. 1986)

Read letter dated the 9th Instant from the Magistrate of Malabar forwarding the Joint Magistrate's explanation of the reasons why the witnesses in Case 82 of the Tellicherry Supplemental Criminal Report for the month of October could not be forwarded before the close of that month—

(Here enter No. 2618.)

The only note in the Supplemental Report explanatory of the delay in disposing of Case 82 being that "the necessary evidence in this case had not arrived" the Court of Fouzdaree Udalut deemed it proper to call for further explanation. The causes of the detention of the witnesses are satisfactorily explained in the above letter of the Joint Magistrate, and in the Joint Criminal Court's in possession of the information it should have been given in the Report. The Acting

19th December 1837.

Acting Joint Criminal Judge will be pleased to observe in future the practice of entering in the Reports the causes of similar delays when he may be aware that reasons have been assigned—

Ordered, that Extract from their proceedings be sent to the Magistrate of Malabar and the Acting Joint Criminal Judge at Tellicherry for their respective information—

(Sent in No. 1987)

Read returns dated the 9th Instant from the Special Commissioners at Mangalore, to the Precept of the Fouzdaree Udalut dated the 8th November 1837, directing that Calla Soobba the 1st Prisoner in Special Trial No. 64 be made over to the Magistrate of Canara—

(Here enter No. 2606.)

Extd

115

F. Ub.

At a Court of the Foujdaree Udalut

Present

Wednesday 20th December 1837.

Charles Mary Lushington Esqre 1st Puisne Judge
John Bird Esqr 2nd Puisne Judge
Alexr Duncan Campbell Esqre Actg 3rd Puisne Judge

Read letter dated the 25th

113 Ultimo from the Special Commissioners
at Mangalore, submitting for the final
15 judgment of the Foujdaree Udalut the
record of Case No. 21 tried by the Special
Commission—

(Here enter No. 2517.)

Mr. Lushington and Mr. Campbell.

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 Sazer-ool-borgut and Mofstuss of the Foujdaree Udalut, confirm the said Futwas of the Sazer-ool-borgut and Mofstuss aforesaid convicting the prisoners

1st Munjuppa Shetty

and

2nd Maumi Beary

of Sedition and Rebellion and awarding to Kooboot and Sazer and under the provisions

provisions of Sections II and III, Regulation I of 1834, and Clause third, Section VIII Regulation XI of 1803, sentence the prisoner

1st Munjiappa Shetty

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

2nd Maum Beary.

to be banished to the District of Coimbatore, to be imprisoned in the Jail of the Adaulut Court and kept to hard labour in irons on the public roads or other public works for and during the period of fourteen years.—

The Court of Foujdaree Udalut direct that their sentence in the Trial No. 21 from the Mangalore Special Commissions, 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. 1994

Read

Read the Cuddalore Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of November.

(Seen enter No. 2582.)

Reports Page 113. 1. The Court of Foujdaree Udalut regret that the prisoners in this case were not remanded to the Magistrate, in view to their being proceeded against under Section VII Regulation II of 1822 - but as the prisoners have been discharged, the Court will not now desire their reapprehension.—

Page 114. 2. It is concluded that the four prisoners in this case described as public servants (Peons) have been dismissed from their situations—

Page 116. 3 The Court of Foujdaree Udalut cannot coincide in the opinion of the Acting Joint Criminal Judge that there is "no evidence" against the prisoners on which they can be committed - The Court understand from the Report that the four prisoners 'confessed' before the Police and before the Joint Magistrate - and they accordingly resolve to direct that the said prisoners be committed to take their trial before the Court of Circuit. The Acting Joint Criminal Judge will be pleased to send copy of the case as

as it stands in the Report and of this para-
graph to the Magistrate, who will cause the
prisoners to be returned to the Joint
Criminal Court in view to their commitment
under these orders.—

Ordered, that Extract from
these proceedings be sent to the Acting Joint
Criminal Judge at Cuddalore for his in-
formation and guidance by Precept returnable
in four days after receipt.—

(Sent following Precept No. 1995

Read the Coimbatore Criminal
Reports prescribed by Section XXXV Regulation
X of 1816 for the month of November 1837.—

(Here enter No. 2586)

The above Reports do not appear
to the Sudder Adalut to require any re-
mark, but they observe that the monthly
Statement of Extra Rewards has not been for-
warded. They accordingly direct that the
Acting Joint Criminal Judge be now called
upon to transmit the Statement.—

Ordered, that Extract from this
proceeding be sent to the Acting Joint
Criminal Judge at Coimbatore for his in-
formation and guidance by Precept returnable
in 3 days after receipt.—

Sent following Precept No. 1996

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

(Here enter No. 2589.)

Report
Case 156.

The Court of Foujdaree Adalut
regret that the Criminal Judge did not
overrule the illegal sentence passed by the
Moofstee Sudr Ameen in this case. The
prisoner, with reference to the provisions
of Act No. XXII of 1837 should have been
handed over to the Superintendent of Police
at Madras, but as the prisoner has already
undergone a large portion of the sentence
the Court are of opinion that he should
be discharged.—

Ordered, that Extract from
these proceedings be sent to the Acting
Criminal Judge at Chingleput for his in-
formation and guidance by Precept re-
turnable in 3 days after receipt.—

(Sent following Precept No. 1997

Read the Tellicherry Criminal
Reports prescribed by Section XXXV Regula-
tion X. 1816 for the month of November.—

(Here enter No. 2604)

Suppl. Report
Case 102.

In the case 102 the prisoners
are stated to have been released because
there

20th 20th December 1837

Reports
Case 103.

there was "no evidence" against them. In the Case 103 it is reported that there is "no evidence for the charge". The Court are at a loss to understand why, under these circumstances, the prisoners in the said cases were convicted, unless there is an error in these Statements, and "sufficient evidence" was meant. The Acting Joint Criminal Judge will be pleased to send copies of the cases as they stand in the Report, and of this paragraph, to the Magistrate, who will report direct to the Foujdaree Udalut the grounds on which the prisoners in question were transmitted to the Joint Criminal Court.

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

Sent following Receipt No. 1998.

F. U.

At a Court of the Foujdaree Udalut

Present

Thursday 21st December 1837

Charles May Lushington Esqr. 1st Puisne Judge
John Bird Esqr. 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. A.S. Puisne Judge

Read the Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Criminal Judge of Salem for the Month of November 1837.

(Here enter No. 2650.)

With reference to the charge in Case No. 157 of the Supplemental Report and the evidence produced in support of it, the Court of Foujdaree Udalut are disposed to question the propriety of the Criminal Judge having proceeded to pass judgment in the case. The prisoners would appear to have rendered themselves liable to commitment for trial before the Court of Circuit, but in the present instance the sentence that has been passed by the Criminal Judge will not be disturbed.

Case No. 157

2. In cases Nos. 165. 166. 167 and 168. the Criminal Judge it is observed has recorded the sentence passed upon the prisoners named "Coduni Vardapanaiken," "Venkataramanaiken," "Codigan" and "Yellyan" but has omitted to shew in what manner

Nos. 165. 166. 167 and 168

pranner the remaining prisoners were disposed of the Court of Foujdaree Udalut conclude that they were unconditionally released:-

Ordered, that extract from these proceedings be forwarded to the Criminal Judge of Salem for his information.-

(Sent in No. 2002

Read Return, dated the 15th instant from the Criminal Judge of Cuddapah to the Precept of the Court of Foujdaree Udalut under date the 4th December 1837, conveying their observations and order on the Cuddapah Criminal Reports for the Month of October:-

(Here enter F. Uc. No. 2641 of 1837.)

The explanation furnished by the Criminal Judge in this Return of the sentence passed by the Sudr Ameen in Case No. 156 of the Report No. X, is considered by the Court of Foujdaree Udalut sufficient.-

Ordered, that extract from these proceedings be sent to the Criminal Judge of Cuddapah for his information.-

(Sent in No. 2003

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Principal Sudr Ameen at Honore for the Month of November last.-

(Here enter No. 2624.)

The above Reports do not appear to call for any remark from the Court of Foujdaree Udalut.-

Ordered therefore, that extract from these proceedings be sent to the Principal Sudr Ameen at Honore for his information.-

(Sent in No. 2004

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Acting Joint Criminal Judge of Masulipatam for the Month of November last.-

(Here enter No. 2643.)

The above Reports do not appear to call for any remark from the Court of Foujdaree Udalut.-

Ordered therefore, that extract from these proceedings be sent to the Acting Joint Criminal Judge of Masulipatam for his information.-

(Sent in No. 2005

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Acting Joint Criminal Judge at Tinnevelly for the Month of November last.-

(Here enter No. 2637.)

The above Reports do not appear to call for any remark from the Court of Foujdaree Udalut.-

Ordered therefore, that extract from these proceedings be sent to the Acting Joint Criminal Judge at Tinnevelly for his information.-

(Sent in No. 2006

Read

21st December 1837.

Read the Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Acting Joint Criminal Judge of Guntoor for the Month of November 1837.

(Here enter No. 2654.)

The Reports shewing the Mode in which the several Cases brought before the Auxiliary Court during the Month under review, do not appear to call for remark from the Court of Foujdaree Udalut, but the Judges perceiving from the abstract entered at the foot of the statement No. 6, that 52 Convicts were transfered to the charge of the Magistrate of Guntoor during the Month of November last, they resolve to direct that the Acting Joint Criminal Judge be called upon to explain upon what authority such transfer was made.

Ordered accordingly, that extract from these proceedings be forwarded to the Acting Joint Criminal Judge at Guntoor for his information and guidance by precept returnable in 5 days from and after its receipt.

(Sent following Precept No. 2007

Read return dated the 5th instant made by the Criminal Judge in the Zillah of Cuddapah to the precept of the Foujdaree Udalut of the 29th November 1837, requiring him to explain how it occurs that there is only one efficient english Writer on his Establishment.

(Here enter No. 2565.)

F. W.
21st December 1837.

2

1. In the above return the Criminal Judge explains that there are four English Writers on the Court Establishment, but that the Head Writer, who was sent to the Zillah Court in March last by the Sudr Udalut, is "in fact the only efficient English Writer:" that the other writers can do nothing but copy, and not even that without constant superintendence, that the "Criminal English Writer" is quite incapable of preparing the Reports, and that the whole work consequently devolves on the Head Writer.

2. If as would appear from the foregoing return, the 3 English Writers referred to above are not competent to the discharge of the duties usually allotted to servants of their description, and that the transmission of the periodical Statements to the Court of Sudr and Foujdaree Udalut are delayed by reason of their inefficiency, other and more competent writers should be obtained for the establishment of the Zillah Court, and if not procurable at Cuddapah, the Court of Sudr Udalut will be prepared on an application to that effect from the Zillah Judge, to furnish him with competent Writers from the Presidency.

Ordered, that extract from these proceedings be forwarded to the Criminal Judge in

21st D. 1

21st December 1837 in the Zillah of Cuddapah for his information.
(Sent in No. 2008

W.C.

W.B.

Rod.

F. U.

At a Court of the Foujdaree Udalut.

Present.

Charles May Lushington Esqre 1st Puisne Judge

Friday 22nd December 1837 John Bird Esqre ..... 2nd Puisne Judge

Alexr. Duncan Campbell Esqre Actg 3rd Puisne Judge

Read again letter dated the 24th

W.B. October last from the late Acting Judge on Circuit in the

Centre Division, transmitting the record in Case No. 24

W.C. of the Bellary Calendar 2nd Sessions of 1837.

(Here enter No. 2281.)

Read also return dated the 23rd

Ultimo and supplemental Return dated the 18th instant

from Mr. [illegible] late Acting Judge of Circuit in

the Centre Division, to the Precept of the Court of

Foujdaree Udalut under date the 18th November 1837

sending back for further evidence the record of Case

No. 24 on the Bellaree Calendar for the second Sessions

of 1837.

(Here enter F. U. Nos. 2479 & 2648 of 1837.)

The Court of Foujdaree Udalut, having

Mr. Bird and Mr. Campbell maturely considered the proceedings held before the Judge on Circuit, the Fatwa of the Provincial Law Officer and the Fatwa of the Cazee-ool-cozat and Mooftee of the Foujdaree Udalut, confirm the said Fatwa of the Cazee-ool-cozat and Mooftee aforesaid, convicting the Prisoner

Santee

A

21st December 1837.

22nd December 1837.

of Wilful Murder: but in consideration of certain alle-viating circumstances in the case, sentence her, under the provisions of Section XV, Regulation VIII of 1802, to be imprisoned and kept to labour suitable to her sex - without Irons - for and during the period of seven years.

The Court of Foujdaree Udalut, having in their proceedings under date the 13th Ultimo, observed that "there was no sufficient evidence to the fact of there being a stone tied to the body of the deceased infant when it was taken out of the well, Mr Bushby after referring to the evidence of the second witness has thought proper in the third parah of his Return of the 28th Ultimo to remark that "with this evidence [illegible] taken on the Trial, the late Acting Circuit Judge cannot satisfactorily account for the remarks contained in the 5th and 8th paras."

2. The Court of Foujdaree Udalut observe that as the second witness was not present when the Child was taken out, he could not speak to the fact: the only witness to the point in question was the first, and his evidence was not distinct as to the stone having been attached to the body when it was taken out. Accordingly, Mr Bushby's observation was unasked for and improper, and his reference to parah 8 of the proceedings of the Foujdaree Udalut, as being connected with the insufficiency of the evidence, is not intelligible.

Ordered, that Extract from these proceedings

23rd Dec 1837. proceedings be sent to M. Bushby Esquire late Acting Judge of Circuit in the Centre Division for his information.

(Sent in No. 2018 & 2019.

Read return, dated the 13th Instant from the Acting Joint Criminal Judge of Coimbatore, to the Precept of the Foujdaree Udalut dated the 2nd December 1837 - relative to the Coimbatore Criminal Reports for the month of October.

(Here enter No. 2644.)

21st December 1837

No 116

At a Court of the Foujdaree Udalut

Present

Saturday, 23rd December 1837.

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre ——— 2nd Puisne Judge

Alexr Duncan Campbell Esqre Actg 3rd Puisne Judge

Read Miscellaneous Petition presented on the 4th Instant by Alamalou of the Zillah of Combaconum.—

(Here enter Mo P. No 161 of 1837.)

The Petitioner requests to be furnished with a copy of the order of the Court of Foujdaree Udalut on her Petition No 90 of 1837 - praying for the release from confinement of her husband Gopaulen the prisoner in Case No 7 on the Combaconum Supplemental Calendar for the second Sessions of 1836.—

The Court of Foujdaree Udalut direct that a copy of the order in question be given to the Petitioner, authenticated, - if she produce a stamp paper of the prescribed value; and if unstamped paper, - an unauthenticated copy.—

Ordered that the above be communicated to the Petitioner and that Extract from

23rd December 1837

Read Miscellaneous Petition by Chellappa Gownden and fifty others - Ryots of Vainarpetty and nine other Villages in the Talook of Dharapooram in the District of Coimbatore -

Read also Miscellaneous Petition presented on the 11th Instant by Crishnoyen and Rungasawmy of the District of Coimbatore -

(Heretofore M.to Nos. 165 and 170 of 1837)

The object of these Petitions is to obtain the release of one Sellacoomara Gownden - late Monegar of the Village of Vannarpet - sixth prisoner in Case No. 5 of the Coimbatore Calendar for the first Sessions of 1834, who was convicted by the Court of Foujdaree Udalut of Lyang Robbery and sentenced to imprisonment Vizt for fourteen years -

2. The Petitioners assert that the charge was false and preferred at the instance of a former Canicopoly and a Dwasthanum Monegar of the above named Village -

3. They further urge as a ground for the release of the prisoner, the unhealthy and crowded state of the Jail at Coimbatore and

23rd December 1837

from these proceedings be furnished to the Petitioner upon her application -

Read Miscellaneous Petition presented on the 11th Instant by Lutchmy Ammaul of the Zillah of Combaconum - (Heretofore M.to No. 164 of 1837)

The Petitioner represents herself to be the sister of Soobbarayer - the prisoner in Case No. 10 of the Combaconum Supplemental Calendar for the second Sessions of 1837 - who was convicted before the Court of Circuit of Wilful and corrupt Perjury and sentenced to imprisonment for four years -

2. The Petitioner in general terms first alleges her brother's innocence of the crime charged against him and concludes by praying that the imprisonment he has already undergone may be deemed an adequate punishment, and that the remainder of the sentence may be remitted -

3. The Petitioner is informed that the Court of Foujdaree Udalut, having perused the Calendar, see no reason to question the propriety of the judgment in the case above referred to -

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

Read

23d December 1837.

and of the other Jails in the Southern Division.

The Court of Foujdaree Udalut direct that the Petitioners be informed that their request is inadmissible.—

Ordered that the Petitions be rejected and that Extract from these proceedings be furnished to the Petitioners upon their application.—

Read petition presented by Nunjee, Cullyanu, Veerunnal and 9 others of the Zillah of Chittoor.—

(Here enter M. P. No. 166 of 1837.)

The petitioners complain of the sentence passed by the Court of Circuit on the prisoners confined in Calendar No. 1 of the 2d Supplemental Calendar for the Chittoor 4th Quarterly Sessions of the present year.—

2. The Court of Foujdaree Udalut having referred to the Chittoor Calendar for the 4th Quarterly Sessions of 1837 see no reason to doubt the propriety of the sentence of which the Petitioners complain, and the prayer of their petition is accordingly rejected.—

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

(Read

F. 66.

23d December 1837.

Read Miscellaneous Petition presented on the 18th Instant by Mullala Govindasspah late Jail Duffadar at Cuddapah.—

(Here enter M. P. No. 168 of 1837.)

1. The Petitioner reiterates the request preferred in his Petition No. 120 of 1837. on which an order was passed by the Court of Foujdaree Udalut under date the 10th October last.—

2. So that order the Petitioner is referred and informed that the same is final: and that no further application on this subject will receive attention.—

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

Read letter dated the 9th Instant from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the records of Cases No. 120. 98. 108. 109. 116 and 100 by the Special Commissions.—

(Here enter Nos. 2612. 2607. 2609. 2610. 2611. & 2608.)

Read also letter dated the 12th

12th Instant from the Special Commissioner at Mangalore forwarding a Supplemental charge against the 6th prisoner in No. 100.—

(Here enter No. 2645.)

Case No. 120.
Mr. Bird
and
Mr. Campbell.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, convicting the prisoner.—

Oolwar Kristna

of Treason and Rebellion and awarding to Okoobut: and under the provisions of Section II, Regulation I of 1834, sentence him to suffer death by being hanged at the usual time and place of execution.—

Case No. 98.
Mr. Bird
and
Mr. Campbell.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, convicting the prisoners of Treason and Rebellion and awarding Okoobut, and

under

under the provisions of Sections II and III, Regulation I of 1834, and Clause third, Section VIII Regulation XV of 1803, the prisoners

1st Pocklu Potail

2nd Pillutudukka Channappa

and

3rd Goondluda Soobbuppoo.

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

4th Ammuja Koonna.

to be banished to the District of Coimbatore, to be imprisoned in the Jail of the Auxiliary Court, and kept to hard labour in irons on the public roads or other public works for and during the period of fourteen years.—

Case No. 108.
Mr. Bird
and
Mr. Campbell.

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-Coojat 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 Kedumpady Ramaya Gowda

2nd

23rd December 1837.

2nd Narrapa Potail
3rd Derjo Bacha Potail
and
4th Kockatty Sooboo

of Treason and Rebellion, and awards to Cotoobut; and under the provisions of Section II, Regulation I of 1834, sentence the said prisoners to suffer death by being hanged at the usual time and place of execution.—

Case No. 1
M

And being of opinion that the proof against the prisoner

5th Pillitudutta Chennapoo

is sufficient to convict him of the crime charged, the Court do, under the authority with which they are vested by Clause first Section II, Regulation I of 1818, convict him thereof: but do not sentence him, he having been convicted and sentenced in Case No. 98.—

Case No. 109.
Mr. Bird
and
Mr. Campbell.

The Court of Sunjdaree Udalut, having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer, and the Futwa of the Lauzee-ool-Looqut and Mooftees of the Sunjdaree Udalut, confirm such parts of the said Futwa of the Lauzee-ool-Looqut and Mooftees aforesaid, as convicts

5 Feb.
23rd December 1837

convicts the prisoner

1st Shecoo

of Rebellion and awards Surzer and Cotoobut; and under the provisions of Section II Regulation I of 1834, sentence him to imprisonment for death by being hanged at the usual time and place of execution.—

And being of opinion that the proof against the prisoner

3rd Lotte Coonia

is sufficient to convict him of the crime of Rebellion, the Court do, under the authority with which they are vested by Clause first, Section II, Regulation I of 1818, convict him thereof: and in conformity with the provisions of Sections II and III, Regulation I of 1834, 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 fourteen years.—

Case No. 116
Mr. Bird
and
Mr. Campbell

The Court of Sunjdaree Udalut having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer and the Futwa of the Lauzee-ool-Looqut and Mooftees of the Sunjdaree Udalut,

confirm

23rd December 1837.

confirms the said Fatwa of the Lazzr. col. Coozat and Mooftees aforesaid, convicting the prisoner

Coycoli Soobba

of the crime charged and awarding Ootchutt and under the provisions of Sections II and III, Regulation I of 1834, sentence the said prisoner to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of fourteen years.

As stated in para 4 of the Special Commissioners letter above recorded, by one of the Prisoners thumbs, the four fingers of (the Poor) Kelunjee's right hand have been entirely cut off and he has thus been disabled for life: the Special Commissioners recommend that he be granted a Pension of Rupees (5) five per mensem.

2.

As the Court of Sessions Ude but postponed to submit the final decision of the Right Honorable the Governor in Council towards the recommendation of the Special Commissioner in behalf of the Poor Kelunjee.

As the Court of Sessions Ude

Cadr No 100.
Mr Bird
Mr Campbell.

F. 46.

23rd December 1837.

having maturely considered the proceedings held before the Special Commission, the Fatwa of the Provincial Law Officer and the Fatwa of the Lazzr. col. Coozat and Mooftees of the Sunjeeree Adalut, confirm such part of the said Fatwa of the Lazzr. col. Coozat and Mooftees aforesaid, as convicts the prisoners

1st Comchadukta Ramoo

2nd Lolpicody Simmupa Potail

6th Coyengaje Ramoo

7th Coranje Appaya

9th Dalaly or Bellari Venauta (dead)

and

10th Armoor Soobboo

of Sedition and Rebellion, and awards Ootchutt and under the provisions of Sections II and III, Regulation I of 1834, and Clause third, Section VIII, Regulation XV of 1803, sentence the prisoners

1st Coomchadukta Ramoo

and

10th Armoor Soobboo

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

7th Coranje Appaya

and

9th Dalaly or Bellari Venauta

to be banished to the District of Coimbatore,
to be imprisoned in the Jail of the Auxiliary
Court and kept to hard labour in irons on
the public roads or other public works for
and during the period of ten years and
the prisoner

2d Soolyacooty Timmuppa Pottail
to be banished to the District of Coimbatore
to be imprisoned in the Jail of the Auxiliary
Court, and kept to hard labour in irons on
the public roads or other public works for
and during the period of ten years.

The Court further resolve to re-
commend to Government that the prisoner

6th Cooppuga Ramoo

be released with an admonition, all that is
proved against him being that he joined
and was found in company of the Rebel
Force enamed.—

And being of opinion that the
proof against the prisoners

3d Manibettoo Pootta
4th Dorjingada Soobba
and
5th Arunda Purmeshre

is sufficient to convict them of the crime of
Treason and Rebellion, the Court do, under the

this authority with which they are vested
by Clause first, Section II, Regulation I
of 1818, convict them thereof: and under the
provisions of Sections II and III, Regulation
I of 1834, and Clause third, Section VIII
Regulation XV of 1803, sentence the said
prisoners to be banished to the District of
Coimbatore to be imprisoned in the Jail of the
Auxiliary Court and kept to hard labour in irons on the
public roads or other public works for and during the
period of ten years.—

The Court of Foujdaree Udalut
direct that their sentences on the Trials Nos
120. 98. 108. 109. 116. and 100 from the
Mangalore Special Commission together
with the whole of the proceedings held in
the 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 XI of
1802 receive the orders of Government before
they direct their sentences to be carried into
execution.—

(Sent following letters Nos 2023. 2024. 2025. 2026
2027 & 2028.

Read letter dated the 6th Instant
from

23rd December 1837

from the 3rd Judge of the Provincial Court of Circuit in the Centre Division transmitting the record in Case No 1 on the Chittoor Supplemental Calendar for the 4th Quarterly Sessions of 1837.—

(Here enter No 2549)

Mr Lushington

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

Coracha Venkatarayudoo

is sufficient to convict him of the crime of Gang Robbery by Murder &c, under the authority with which they are vested by Clause first, Section V, Regulation VIII, of 1831: and Clause First, Section II Regulation I of 1818, convict him thereof: and under the provisions of Clauses third and fifth, Section IV Regulation XX 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 five years—

(Sent following letter No 2549)

Read letter dated the 8th Instant from the Acting First Judge on Circuit

23rd December 1837

in the Southern Division, tendering up a copy of the Salem Calendar for the second Sessions of 1837.—

(Here enter F. Dis. No 2587 of 1837)

Case No 1

One of the persons originally included in this case, was admitted, under the authority of the Foujdaree Udalut, to give evidence as an approver:—but before the Trial came on he absconded and has not since been heard of.—

The Acting First Judge observes

2. that this evidence never could have been of the slightest use in any stage of the inquiry, wherein having acted a very prominent part in the robbery he ought to have been punished" and recommends that a reward of two hundred Rupees may be offered for his apprehension.—

The Provisions of Section XXI,

3. Regulation IX of 1816 authorize the offer by the Foujdaree Udalut of a Reward, exceeding the sum of one hundred Rupees, only in the case of a "Sirdar or leader": and in the present instance the expressions employed by the Judge of Circuit do not warrant the Court in viewing the absconded individual in that light.— The Court accordingly considering

considering him as an inferior offender to authorize the Offer of a Reward of one hundred Rupees for his apprehension.

Case No. 5. 4. In this case, four prisoners were charged with having in concert with some others not apprehended, armed and arrayed Sticks, entered at night the house of the Prosecutor, and after ill-treating him and the inmates of the house, plundered therefrom property of the value of Rupees 598.12.—

5. The prisoners were acquitted, and with the exception of the first, who was required to furnish

6. Since it appears from the abstract of the evidence given on the Calendar that the Prosecutor and several other persons (witnesses for the Prosecution) recognized the Prisoners during the Robbery, the Court of Sanjavanee Oodalut deem it necessary to call upon the Judge of Circuit to explain the grounds on which he deemed the testimony of those persons unworthy of credit or insufficient to establish the charge.

Case No. 6. 7. In this case five prisoners were charged with having entered, by night, the Prosecutor's house, by climbing over the wall and snatched from the person

of the Prosecutor's sister ornaments of the value of Rupees 207.—

8. The prisoners are convicted: but the Judge of Circuit recommends a mitigation of the punishment to which they are liable under Clause third, Section IV, Regulation XV of 1803, as "no proof was offered of any of the Prisoners having either arms or Sticks in their hands," and "there was either no wounding, or it was of too trifling a nature to be noticed."—

9. The Court of Sanjavanee Oodalut having duly considered the circumstances of this case, resolve to accede to the recommendation of the Acting First Judge, and under the authority vested in them by Clause third, Section III, Regulation I of 1825, direct that the prisoners

1st Veeramalay,
2nd Parroomaul,
3rd Adicken,
4th Moottoocaroopen,
and
5th Venkatachellom.

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

In

Case No. 10

10. In this case, fifteen prisoners were charged with having, on one occasion of Theft, being the Prosecutor up to the by the Road, beaten them with sticks, and

No. 5. limit the first and second Prosecutor with Forches; and detained them in durance for eight days at Kommuthy Choultry in the Village of Karamadoy, in the District of Coimbatore.—

11. The prisoners were acquitted and released: the Presiding Judge remarking that although the evidence offered was not sufficient to establish the charge it did exist that the Prosecutor received ill treatment from some persons or other, and there was every reason to suppose that the prisoners generally; by desire of the first Prisoner, the Manager, committed it.

12. Reference to the Court of Sudder Adalut that with reference to the remarks of the Acting First Judge, the prisoners should at least have been held to security.—

Case No. 16 13. The Trial of this case was postponed "in consequence of the absence of the third witness for the Prosecution reported by the Nazir of the Court to be sick and unable to attend."—

The

14. The Court of Foujdaree Adalut observe that the third witness being prevented by sickness from attending, the attendance should have been obtained of the person who committed the prisoners confession to writing.—

Case No. 17 15. In this case, five prisoners were charged with having, in conjunction with about thirty others, entered at night the Prosecutors Cattle shed and stolen therefrom a number of sheep valued at Rupees 10— and with having attempted to Stab the Prosecutor.—

The Mahommedan Law Officer of the Court of Circuit declared the first, second and fifth prisoners liable to Retaliation; and the Acting First Judge concurring in the Finding, sentenced them to two years imprisonment, "under Clause seventh, Section III, Regulation XV of 1803."—

17. This Provision of the Law cannot be considered applicable to this case, in which the prisoners are convicted of Theft, and declared liable to Retaliation "in consequence of the evidence not being such as the Mahommedan Law requires for a sentence of Retaliation, though sufficient to

to

to convict the prisoners on their Examination
Prest.

16. A Warrant Letter should have been
taken as required by Circular third, Section
II, Regulation XV of 1803.

19. This must now be done, but on
the punishment to which the prisoners will
be liable under Section XXI Regulation VII of
1802, appears to the Acting First Judge too
severe, the Court authorize a mitigation of the
time to 2 years imprisonment with hard
labor in irons.

Ordered, that Extract from
proceedings be sent to the Acting First Judge
on Circuit in the Southern Division by the
next post returnable within twelve days from and
after the receipt.

(Sent following Precept No 2030

Read the Calicut Criminal
Report prescribed by Section XXXV Regula-
tion X 1816 for the month of November.

(Have entered No 2620.)

Report 1. The same three prisoners are
Order 324 and 325. concerned in both of these cases of theft.
The 1st has been sentenced to imprisonment
for 18 months with hard labor in irons.
The 2nd and 3rd to imprisonment for 9 months

with hard labor in irons under Clause 4th
Section III Regulation VI of 1822.

2. The Court of Foujdaree Udalut
remark that the property stolen in the two
cases does not exceed 50 Rupees in value,
and, since there does not seem to have been
any circumstance of aggravation as respects
the second and third prisoners the Court
resolve to direct that the sentence passed
on them be reduced with reference to the
provisions of Section VIII Regulation X 1816.

Ordered, that Extract from
these proceedings be sent to the Acting
Criminal Judge at Calicut for his in-
formation and guidance by Precept return-
able in 3 days after receipt.

(Sent following Precept No 2031.

Read the Criminal Report
prescribed by Section XXXV Regulation X
of 1816 submitted by the Criminal Judge
of Rajahmundry for the month of
November 1837.

(Have entered No 2657.)

Case No 66. The Court of Foujdaree Udalut
observe that the whole of the persons com-
posing the Gang charged with Robbery
in Case No 66 of the Report No 3 have not been
apprehended

apprehended with the exception of the Curia of the Village who was also recognized as one of the Gang. If the ordinary process prescribed for the apprehension of public offenders has been found ineffectual in the case of this individual the Court of Sudder Adalut in the event of the conviction of the others, would suggest the offer of a reward by the Magistrate for his discovery to be paid on the fulfilment of the conditions specified in Section VI Regulation I of 1818.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Rajahmundry with instruction to communicate a copy thereof to the Magistrate for his information and guidance.—

(Sent in No. 2032

Read the Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Criminal Judge of Cuddapah and this that Officer thereon prepared by the Principal Sudr Ameen of Cumbum for the month of November 1837.—

(Here enter No. 2630)

Cuddapah 1.

The Court of Foujdaree Udalut desire that the Criminal Judge of Cuddapah be called upon to explain upon what grounds he proceeded to pass sentence under Section

Section VII Regulation X of 1816, upon the prisoner concerned in Case No. 171 of the Supplemental Report, who stood charged with having at noon attacked the prosecutor's nephew aged 7, and his uncle's daughter aged 16, whilst they were tending Cattle near a Tank, and robbed them of Gold and Silver Jewels; value Rupees 3-8—

Cumbum 2. The Court of Foujdaree Udalut will not now disturb the order for a requisition of security passed by the Principal Sudr Ameen in Case No. 47 of the Report No. 5, but from the Abstract of the evidence given in the appropriate column of the Report, it would appear that it was sufficient for the conviction of the prisoner.—

3. The sentence passed by the Principal Sudr Ameen in Case No. 50 being illegal, the Court of Foujdaree Udalut desire that it may be immediately cancelled, and the Criminal Judge of Cuddapah will apprize the Principal Sudr Ameen that Regulation IX of 1832 does not authorize the punishment of persons preferring false complaints before the Magistracy.—

4. The Court of Foujdaree Udalut observe that the prisoner charged with Murder

Murder in Case No 32 of the same Report have been committed to take their trial before the Court of Circuit, but the Criminal Judge of Candia has with instruct the Principal Sub Amen that it is expedient that evidence should be taken as to the finding of the body, and as to whether any enmity existed between the prisoners and the deceased.—

Ordered, that Extract from the proceedings be forwarded to the Criminal Judge in the Zillah of Candia for his information and guidance and with instructions to make the necessary communication to the Principal Sub Amen of Court, by precept returnable in 10 days from and after its receipt.—

(Sent following Precept No 2033

Read the Criminal Reports prescribed by Section XXXI Regulation X of 1816 submitted by the Criminal Judge of Canara for the month of November last.—

(Here enter No 2636.)

The above Reports do not appear to call for any remarks from the Court of Sanglee Zillah.—

Ordered

Ordered therefore that Extract from these proceedings be sent to the Criminal Judge of Canara for his information.—

(Sent in No 2034.

The Register lays before the Court the following Statements drawn up in his Office, from the returns received thro' the Provincial Courts of Circuit exhibiting the operations of the Village and District Police and the Magistracy of the Criminal Courts and of the Courts of Circuit respectively, and he submits also an Abstract of the operations of this Court from the 1st of January to the 30th of June 1837 according to the format approved by Government.—

(Here enter No 1 to 9)

Statement No 1 with the details in No 2 exhibits the number of persons summoned before the Village and District Police and the Magistracy for petty offences punishable by them together with the number of Acquittals and convictions and the nature of the Punishments inflicted.—

The

3. The total number of persons brought before the Village Police together with the number acquitted or commuted of petty offences as compared with the preceding half year or from the 1st of July to the 31st of December 1836 is as follows.—

	Persons summoned	Persons acquitted after investigation	Persons acquitted without investigation after Receipt of Fine	Persons punished
From the 1st of July to the 31st of December last.	3098.	633.	366.	1,099.
From the 1st of January to the 30th of June 1837	2,568.	515.	439.	1,614.

4. Of the 1,614 persons punished by the Village Police, 1092 were confined in the Village Choultry, and 522 in the stocks.

5. Complaints for petty assaults or affrays constitute the great bulk of the cases brought before the Village Police.—

6. Out of 2,568 persons brought before them, 1,977 were for petty assaults or affrays, and 591 for petty thefts. Of the former 1069 were punished, of the latter 545.—

7. The Districts in which petty theft punishment by the Village Police has been most frequent are.—

Madura.
Bellaree.
Tinnevelly.
Canara.
Combaconum.
Malabar.
Guntoor
and
Verdachellum.

8. The number of persons brought before the Village Police in

Madura is 472 of whom were punished		448.
Bellaree	384	249.
Tinnevelly	296	183.
Canara	287	70.
Combaconum	240	160.
Malabar	180	21.
Guntoor	124	18.
Verdachellum	124	97.

9. Of the remaining persons there were summoned in

Trichinopoly - 95 of whom were punished		83.
Vizagapatam	90	90.
Nellore	59	24.
Coimbatore	55	54.
Chingleput	43	38.
Cuddapah	35	30.
Rajahmundry	31	17.
Ganjam	24	5.
Salem	24	22.
Chittoor	5	5.

The

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10. The total number of persons brought before the District Police from the 1st January to the 30th of June last, for petty offences punishable by themselves, was 13,181, besides whom there were 1,632 whose cases were not disposed of at the close of the previous Report.

11. In the preceding half year the number of persons summoned before the District Police was 45,416.

12. The subjoined is a comparative statement of the Acquittals and convictions by the District Police during the period under review, and the last half of the year 1836.

Thana H. July to 31st Dec. 1836	46,698.	13,260.	19,841.	11,655.	379.	45,035.	26.	1,637.
Thana H. 1st Jan to 30th June 1837	44,813.	13,413.	18,507.	11,549.	466.	43,985.	24.	794.

13. In the number of persons acquitted as therein above are included those against

whom the complaint was considered to be wilfully false and malicious, amounting to 270, a decrease compared with the preceding half year of 64 persons considered to have been falsely and maliciously accused before the District Police of petty offences only.—

14. The following Statement exhibits the number of persons punished and the nature of their punishment by the District Police for the two periods above referred to inclusive of those punished after reference to the Magistrate.—

Punishment.	Half year ending 31st Dec. 1836	Half year ending 30th June 1837.
Fined	8,464.	7,997.
Confined in the Choultry with or without hard labour	3,241.	3,742.
Confined in the Stocks	219.	217.
Flogged	10.	59.
	11,934.	12,015.

15. The 59 persons entered as having been flogged by the District Police were subjected to corporal punishment by order of the Magistrate upon reference made to that authority under the provisions of Clause 2nd Section IV Regulation IV of 1821.—

Magistracy

16. Before the Magistracy during the half year under review, there were brought

brought 3732 persons for petty offences, besides which there were 31 persons whose cases had not been disposed of at the close of the previous six months, making a total of 3763 persons. In the preceding half year the total number was 4372.

4372.
3763.
609 decrease.

17. The following is a Statement of the Acquittals and convictions, and of the nature of the punishments inflicted by the Magistracy during the 1st half of the present year.

	Persons summoned and under examination	Discharged upon Recognizance to appear when called for	Total disposed of	Persons under examination at the close of the present	Total
From 1st of January to 30th of June 1837	3763.	1646.	434.	1659.	3739.	24.	3763.

Statement shewing the manner in which the persons convicted before the Magistracy were punished.

	Fined	Imprisoned	Flogged	Total Punished
From 1st of January to 30th of June 1837	1057.	471.	131.	1659.

18. Of the 1646 persons acquitted by the Magistracy there were 434 persons against whom the complainants were considered to be wilfully false and malicious, the number of persons considered to have been falsely and maliciously accused before the Magistracy during

during the previous half year was 677.

19. Of the 3763 persons charged with petty offences 2519 persons were brought up for Petty Assaults, 557 persons for petty Thefts and 83 persons for abuse of Authority. Of these last only 25 were convicted and punished, 23 by fine and 2 by imprisonment.

20. The following is a general Statement in which the number of persons brought before the Village and District Police and the Magistracy for Petty Offences, with the number acquitted and punished during the last half of the year 1836, and the 1st half of the present year, have been contrasted.

	During the half year ending 31st December 1836.				During the half ending the 30th June 1837.			
	Summoned and depending	Acquitted	Discharged upon Recognizance to appear when called for	Punished	Summoned and depending	Acquitted	Discharged upon Recognizance to appear when called for	Punished
Village Police	3098.	633.	866.	1599.	2568.	515.	439.	1614.
District Police	46693.	13260.	19841.	1934.	44813.	13413.	18257.	12015.
Magistracy	4372.	2180.	677.	1484.	3763.	1646.	434.	1659.
Total	54163.	16073	21384.	15017.	51144.	15574.	19130.	15288.

21. The above Statement exhibits a decrease as compared with the preceding half

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half year of 3019 persons brought before the Native Police Officers and Magistrates

22. The sums remitted to the Magistrates by the District Police Officers in account of the 7997 persons who were fined by them, amounts to Rupees 6,202-5-6.

Crimes and Misdemeanors.

23. The total number of Crimes and Misdemeanors committed during the half year ending the 30th of June last, as exhibits in the Statement No. 3, with its details in Note, amount to 3991, in which it is calculated 18052 persons were concerned; being 69 Cases and 2904 persons more than in the preceding six months.—

24. Of the 18052 persons suspected to have been concerned in the cases ascertained to have occurred during the period embraced in this report, 7454 persons appear to have escaped apprehension, which is 1296 persons more than are suspected to have eluded apprehension during the previous six months.—

25. The following Statement exhibits the cases of heinous Crimes committed during the 1st half of the year 1837.

Half

	Half year ending the 30th June 1837	
	Cases.	Persons.
Murder	117.	479.
Culpable Homicide	22.	52.
Robbery and Murder	26.	362.
Gang Robbery	779.	9572.
Robbery by a single individual	107.	107.
House breaking by day	45.	65.
Do. by night	1100.	2652.
Theft	922.	2401.
Forgery	27.	67.
Perjury	5.	7.
Maiming or Wounding	172.	498.
Arson	104.	189.
Rape	15.	23.

26. The greatest number of the above Cases have occurred in the undermentioned districts

Coimbatore
Cuddapah
Canara.
Ganjam
and
Bellaree.

27. In Coimbatore the increase of Crime during the half year under review is very great, and the Magistrate will be

be called upon to explain the causes of such increase.—

28. The results observable in the Statements submitted from other Districts cannot on this occasion call for particular remark, as with reference to their proceedings on the Criminal Statements for the 2nd half of 1836, to recently submitted to Government, the Judges at present have no further observations to offer regarding the effect of the present system of Village and District Police.—

Criminal Courts. 29. Statement No 5 with the details in No 6 exhibits the operations of the Criminal Courts from the 1st January to the 30th June 1837.—

30. The total number of Cases brought before the Criminal Courts during the above period, inclusive of those not disposed of at the close of the preceding report, is 2,085 including 4,833 prisoners.—

31. In the preceding half year the total number of Cases was 1,913, including 4,065 prisoners, being an increase in the half year under review of 172 Cases and 768 prisoners.—

Of

32. Of the Cases brought and depending before the Criminal Courts 109 were Cases of Murder, 2 of Murder by Smuggler, 17 of Culpable Homicide, 12 of Robbery and Murder, 328 of Gang Robbery, 20 of Robbery by a single individual, 28 of House breaking by day, 246 of Housebreaking by Night, 316 of Theft 102 of Receiving stolen goods, 29 of Arson, 11 of Rape, 58 of Perjury 15 of Subornation of Perjury, 21 of Forgery, 127 of Maiming and Wounding and 156 Cases of a Breach of the Revenue Laws Vizt. Viz.—

33. Of the 4,833 persons brought before the Criminal Courts.— In Cases adjudicable by them

862. Were released unconditionally—
Against 30 of whom the charge was considered wilfully false and Malicious.
154. were released on Security—
109. were detained on demand of Security.
1242. Were Convicted and punished.

In Cases cognizable by the Court of Circuit.

847. were released by the Crimal Courts—
Against 39 of whom the charge was considered wilfully false & Malicious.
77. Released on Security.
70. Detained on demand of Security—
1177 Committed.

In cases punishable by the Court of Circuit.

273 Under

273. Under examination.
4. Escaped.
7. Died
11. Sent to the Magistrate of Malabar the Appelate Court of Coimbatore having no jurisdiction over the Taluk in which the crime was committed.—

4833.

34. Of the 1242 persons who were convicted and punished by the Criminal Courts
669 were imprisoned.
253. were fined.
11. Flogged.
81. were imprisoned and fined.
228. imprisoned and flogged.
1242.

35. The number of persons convicted and punished by the Criminal Courts in the preceding half year was 1034. the number committed was 851, and the number unconditionally released in Cases either punishable by themselves or the Court of Circuit was 1583.—

x in the half year under review the number as shewn above was 1709.

Statements 7 and 8.

Court of Circuit 36. The Statements Nos 7 and 8 exhibit the proceedings of the Courts of Circuit from 1st of January to the 30th June 1837.—

37. The cases of every description which

which came before those Courts during the six months under review were 378, including 918 persons, being 45 persons more than were brought before the Courts of Circuit during the 2nd half of the year 1836.—

38. Of the 918 persons who were committed for Trial 211 were released unconditionally; of whom only 9 were considered to have been falsely and maliciously accused, 106 were released on security and 394 were convicted and punished.—

39. Of these latter.
4. were flogged and imprisoned for a term exceeding 7. years.
8. were flogged and imprisoned for a term not exceeding 7. years.
206. were imprisoned for 7 years and upwards without flogging.
176. imprisoned for 7 years and under without flogging.

There were 52. Cases including 130 prisoners referred to the Foujdaree Udalut; 20 Cases were postponed by the Court of Circuit, 16 persons were returned to the Criminal Courts to be disposed of by them; 3 persons were returned to those Courts in order that they might demand security from them, if they deemed

23

deemed fit, and 16 persons were discharged without trial, and 1 escaped from the Jail.

40. The greatest number of Cases which were brought before the Court of Circuit in the Southern Division, viz. 15 2, of which 20 Cases were referred to the Singhalese Adalat.

41. In the Centre Division the number of cases was 96, of which 23. were referred to the Singhalese Adalat.

42. In the Northern Division 69 Cases of which 7 6 were referred, and in the Western Division 61 Cases of which 3 were referred to the Singhalese Adalat.

43. Of the 52 Singhalese Adalat by the Circuit Courts, the Sentences delivered by their Law Officers were concurred in by the Court of Circuit in 35 trials, but the nature of the offences made the trials of necessity referible, and 17 Cases were referred because the Courts of Circuit did not approve of the Sentences of their Law Officers.

Statement No 9

Singhalese Adalat 44.

Statement No 9 exhibits the proceedings of the Singhalese Adalat during the first half of the year 1837.

45. It shows that at the date of the last report, there were 15 Cases containing 38 persons which had not been disposed of, and that there were received during the half year 64 Trials including 180 prisoners making together 79 Trials and 218 prisoners whereof 33, were Trials for Murder, 1 Case of Culpable Homicide, 7 Cases of Robbery and Murder, 2 Cases of Murder and Smuggling 1 Case of accessary to Murder, 16 Cases of Treason and Rebellion, 7 Cases of Gang Robbery, 1 Case of Robbery by a single individual, 1 Case of accessary to Robbery, 1 Case of Theft, 1 Case of Returning from Transportation, 2 Cases of Forgery, 4 Cases of Perjury and 2 Cases of Forgery and Subornation of Perjury.

46. Of these 79 Trials 74 were disposed of within the half year under review, inclusive of 1 Case which was returned to the Court of Circuit for disposal and 4 Cases in which all the proceedings were quashed, leaving only 5 undisposed of at the close of the Report.

47. Of the 69 Cases containing 198 prisoners, in which the Court of Singhalese Adalat proceeded to Judgment

43 persons

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43 persons were released unconditionally.
14 Ordered to be released in security.
} Of these 57 persons 43 were considered convicted by the Judge of Circuit.

132. Convicted and sentenced to punishment
1. Sudanese.
7. Punished in other cases
1 Died.
} Of whom two were considered not convicted by the Judge of Circuit.
198.

48. Of the 132 persons convicted 34 were sentenced to suffer death.
2. Flogged and Transported.
36. Transported without flogging.
1. Imprisoned for life without flogging.
11. Imprisoned for more than 7 and not more than 14 years without flogging.
47. Imprisoned for 7 years and under without flogging.
1. Released in consideration of the Imprisonment already undergone having been considered sufficient punishment.
132. Total.

49. Of the Trials subjected of by the Sanjanee Khalut, there were 15 Cases in which the Sentences of Acquittal were overruled, under the provisions of Section II Regulation I of 1813; in 9 of which the Sentences

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Sentences were founded on exceptions to the competency of the witnesses, and in the remaining 6 on the insufficiency of the evidence adduced.—

50. In these 15 Cases containing 33 prisoners, sentence of death was passed on 11, 13 prisoners were Transported without flogging; 2 were imprisoned for more than and not more than 14 years without flogging, and 7 imprisoned for 7 years and under without flogging.—

51. The grounds on which the Sentences were overruled in the 6 Cases in which the evidence adduced was considered by the Law Officers insufficient, will be found detailed in an Appendix to these proceedings.—

52. In conformity to the instructions contained in the 22nd paras of the Extract from the Minutes of Consultation under Date the 8th of August 1834, the Judges beg leave to explain that out of the 15 Cases referred to the Sanjanee Khalut in consequence of the Presiding Judge disapproving of the Sentence of the Law Officers in 6 Cases the decision of the Judge of Circuit was affirmed by the Sanjanee Khalut

Udalut.—

53. The subjoined Statement exhibits the information required by the Honorable Court of Directors in the 34th para: of their general letter under date the 20th of March 1833, as to the "number of sentences "passed by each Judge of the Tinjanore Udalut "Sut, whether sitting singly, or whether more "than one Judge be present."—

C. A. Brushington Esqr 1st Judge. 1—14 for principally attended to it the Court having the whole powers and the previous

John Bird Esqr 2d Judge. 1—63. During the whole period

William Auchterlon Esqr 3d Judge. " —16. From 1st Feb 6 27th Nov 1837

A. D. Campbell Esqr Actg 3d Judge. " —18. " 28th " "

54. A Statement also is appended shewing "what number of referrible Suits have "actually been referred to the Tinjanore Udalut "within the period under review, and what "had been the least, the greatest and the average "number of days after each trial, when the "reference was made"— as required by the 35th para: of the general letter from the Honorable the Court of Directors dated 20th of March 1833.—

Ordered, that Extract from these proceedings, together with copies in Triplicate of all Statements connected therewith be forwarded to the Chief Secretary to Government for

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

(Sent in No. 2035

Ordered also that paras. 26 and 27 of the proceedings be forwarded to the Provincial Court of Circuit in the Southern Division with instructions to procure and to submit an explanation of the cause of the increase of crimes in the District of Coimbatore as exhibited in the Statements of Crimes and Misdemeanors for 1st Half of 1837.—

(Sent in No. 2036

Appendix.

The following is an abstract of the grounds of Conviction in the trials disposed of by the Court of Tinjanore Udalut, but under the provisions of Section II Regulation I of 1818 from the 1st January to the 30th June 1837.—

No. 18 Combaconum Calendar 1st Sessions of 1837.—

There were four prisoners in this case originally. The 1st Vedenandien was charged with having, in Original Suit No. 336 of 1830 on the file of the Moonsiff, in which Sobbien was Plaintiff, and in combination with him, fraudulently forged or

or caused to be forged an agreement bond &c purporting to be executed by Sooburamoniem the husband of Somboretty Ammal and with having uttered the said forged document in the Moonsiffs Cutcherry.—

The second Prisoner Saumooriem was charged with having written the said document and put his signature to it.—

The third and fourth Prisoners were charged with having attested the document in question.—

The Fouzdaree Udalut enquiring with their Law Officers as to the innocence of the 1st prisoner he was released

The Provincial Law Officer declared the 2d, 3d and 4th prisoners convicted on strong presumptive proof of the crime laid to their charge;—and the Presiding Judge concurred in the futwa.—

The Law Officers of the Fouzdaree Udalut gave a futwa to the effect that the crime charged had not been proved against these prisoners on the testimony of credible Witnesses either to their commission or confession thereof.—

It appeared to the Fouzdaree Udalut to have been established beyond the

the least doubt that the document in question was a forgery: and that as the second, third and fourth prisoners had admitted before the Criminal Court that they were parties to its fabrication; The Fouzdaree Udalut considered therefore that all were proved guilty of forgery inasmuch as if several combine to forge an instrument and each executes a distinct part of the forgery they are all guilty as Principals.—

Under this view of the case the Fouzdaree Udalut sentenced the three prisoners under Clause 3d Section III Regulation XVII 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.—

p. Chittoor 4th Supplemental Calendar 1st Quarter Sept. 1837.

The prisoner, Venkatareddy, in this case, stood charged with having in company with others attacked, wounded and killed one Sunna Nangeppa the Prosecutors Brother.—

The futwas of the Provincial Law Officer declared the prisoner guilty and the Presiding Judge concurred in it.—

In the opinion of the Law Officer of the Fouzdaree Udalut who considered the prisoner

were tried and convicted in Case No. 1 of the Cantonment Calendar 1st Sessions of 1836.

From the Sentence Report in that trial it would seem that the prisoner was originally accused by the first prisoner convicted in that case and the first evidence in this case against the prisoner united with the corroborative evidence in that trial appeared to the Sanjdars Udalut to contain very sufficient proof of the guilt of the prisoner. They accordingly sentenced him to transportation.

No. 3. Madura Supplemental Calendar 1st Sessions of 1837.

The prisoner in this case was charged with having, in company with others on a day appointed for drawing the Car of the Deity, in an affray respecting certain privileges, killed the Prosecutors brother.

The Provincial Law Officer gave a futwa convicting the prisoner of aiding and abetting murder.

The Judge who presided at the trial declared his conviction of the guilt of the prisoner.

In the opinion of the Law Officers of the Sanjdars Udalut the the crime of murder was not proved against the prisoner, the

the evidence in the case established the fact of the prisoner having beaten the deceased and he is liable to Cohsobut.

Three were three Witnesses who deposed before the Court of Circuit to having seen the prisoner and some others seizing upon the deceased and beat him with bludgeons and to the foot of another prisoner having, when deceased fell down cut his throat with a Billhook.

The Sanjdars Udalut considering the evidence sufficient to prove that the deceased was killed in an affray and that the prisoner was aiding and abetting sentenced him to eight years imprisonment with hard labor in irons and to be banished to another Zillah.

No. 11. Canibaconum Calendar 2nd Sessions of 1836.

In this case the prisoner Saminoogen was charged with Perjury - in that being one of the Defendants in Suit No. 336 in the Moonsiffs file, and the Cautioner of one of the Defendants - he did on being called to give his evidence deny upon oath his relationship.

The Provincial Law Officer acquitted the prisoner. The Judge who presided at

at the trial did not concur in this acquittal and accordingly referred the case for the final judgment of the Foujdaree Udalut.—

The Cazee-ul-Cozzat and Mofussees of the Foujdaree Udalut observed that the declaration of the prisoner before the Criminal Judge to the correctness of which the third and fourth Witnesses testified, contained his confession that when first on his oath before the Moonsiff he denied being related to one of the Defendants who was nevertheless his Cousin; but that by the terms 'relationship' he imagined was meant only 'Father-in-law' or 'Brother-in-law' and did not conceive it intended 'Cousin'.—

Under this explanation, the Law Officers of the Foujdaree Udalut gave their opinion that the declaration in question indicated no positive contradiction.—

It appeared to the Foujdaree Udalut, that the question of guilty or not guilty in this case turned upon the true meaning of the word Corwee and having ascertained that it meant relationship by consanguinity as well as by affinity (in its strict and proper and not merely popular signification) they recorded their opinion that the evidence

evidence established the crime charged against the prisoner and sentenced the prisoner as proposed by the Presiding Judge to imprisonment with hard labor in irons for four Years.—

Read Extract from the Minutes of Consultation under date the 31st October 1837 No. 1012. forwarding a copy of a Report by the Magistrate of Chingleput of an attempt to escape on the part of nine Convicts working under the orders of the Brigadier commanding St. Thomas's Mount, and requiring the Court of Foujdaree Udalut to furnish a Report of the occurrences noticed in that communication.—

(Here enter F.C. No. 2265 of 1837.)

Read also the following letters dated respectively the 20th 25th and 26th October 1837. from the Magistrate of Chingleput. the Provincial Court of Circuit in the Centre Division, and the Criminal Judge of Chingleput, reporting the escape and re-apprehension of the Convicts above referred to.

(Here enter F.C. Nos. 2190. 2224 and 2240 of 1837.)

Read also letter dated the 23rd Ultimo from the Criminal Judge of Chingleput forwarding a List of the six Convicts who

who returned to the Jail at St. Thomas' Mount and gave intimation of the escape of their fellow convicts on the occasion above referred to—

(Here enter F.C. No. 2460 of 1837)

Read also letter dated the 9th Instant from the Criminal Judge of Islington, past forwarding translations of the examinations held both before the Magistrate and the Criminal Court relative to the attempted escape of the nine Convicts from St. Thomas' Mount—

(Here enter F.C. No. 2572 of 1837)

Read also the Minute recorded under date the 10th Ultimo by the first Puisne Judge of this Court, Mr. C. M. Lushington, detailing such of the circumstances attending the pursuit and capture of the Convicts as fell under his observations—

(Here enty:

1. From the Papers above recorded, it appears that a party of Convicts were employed on the 12th October last, in the neighbourhood of St. Thomas' Mount in cutting down and burning Prickly Pear. In the course of the day, a Pean, named Chinna Naick, brought a Sheep and some Arrack of which the Peons in charge of the working Party, and the Convicts themselves, partook.

The

The Convicts all concur in stating that the Peons became intoxicated, and in that condition lay down on the road, upon which mind of the working party made off; some of them having previously succeeded in getting rid of their Irons and six convicts returned to the Jail and gave information of what had occurred, on hearing which a Duffadar and some Peons set off in pursuit of the fugitives—

2. The latter were overtaken near Poliacarry by Mr. Lushington, who having been apprized by some Villagers of the escape, had, with his servants, gone in pursuit—

The Convicts—who were armed—some with swords (taken from the Peons) and some with bayonets fixed on sticks, refused to listen to Mr. Lushington's repeated entreaties that they would lay down their arms and surrender, and continued to threaten with immediate death any one who should venture to come within their reach—

3. Suddenly—a push was made, and some guns, loaded with small shot, were fired by the people accompanying Mr. Lushington—on which side the push was made does not clearly appear: but

For

for the prisoners stated in the seventh paragraph of his Minute, Mr Cushington inclined to believe that it was on the part of the convicts. The latter however were overpowered and conducted back to Jail.

4th The opinion of the Court of Sudder Adalut respecting what occurred when the prisoners were captured, may be given in few words. It appears to the Court to be quite clear that the Convicts positively refused to lay down their arms and surrender, and that coercive measures were necessary to compel them to do so. Had such measures not been adopted, the Convicts, would, in all

positively handled.

The first point to which the conduct the escape of the convicts is attributable having been tried before the Criminal Court, have been convicted of gross and culpable neglect, and sentenced as prescribed by Clause first, Section XI Regulation XIX of 1832. The Court of Sudder Adalut being decidedly of opinion that the facts proved, or capable of being proved, amount to all intents and purposes to Connivance, perhaps it would be sufficient to direct that the Penalties in question be committed to take their trial before the Court of Circuit, under the provisions of Clause

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Cask No. 9 Narrainen and Naugoor were convicted of House-Robbery by open violence, accompanied by slight personal Injury, and the value of the Property plundered did not exceed Rupees 37-6-. They were sentenced on the 7th January 1834 to fourteen years' imprisonment.

10. Veerum and Sabapetty were convicted in Case No. 15 of the 4th Sessions of 1834 of Highway Robbery, the value of the property plundered being Rupees 7-15-3, and were sentenced on the 27th August 1834 to fourteen years' imprisonment.

11. Veerum was convicted in Case No. 21 of the first Sessions of 1834, of Gang Robbery by open violence, the value of the property charged to have been plundered, being Rupees 336-3-0. The trial being referred to the Supreme Court, that; the prisoner was sentenced to fourteen years imprisonment, from the 10th October 1834.

12. The Court of Sanjistance Adalut referring to the Extract from the Minutes of Consultation above recorded; petition to recommend to Government that the unexpired portion of the sentence against Comberpen be remitted, and that authority be granted for immediate

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immediately petitioning that prisoner; and that in favour of the prisoners Narrainen, Naugoor, Cuttum, Sabapetty, and Veerum, a remission of one half of the sentences originally passed upon them respectively, may be granted.

Ordered, that Extract from the proceedings in the Papers above recorded and a copy of Mr. Cushington's Minute, be sent to the Chief Secretary to Government for the purpose of their being laid before the Right Honorable the Governor in Council.

(Sent in No. 2037

Ordered also that Extract from these proceedings (Nariah. b.) be sent to the Criminal Judge of Chingleput by Receipt returnable within seven days from and after its receipt.

(Sent following Receipt No. 2038

Minute of the First Puisne Judge

With reference to the Letter from the Magistrate of Chingleput and the order thereon from Government directing this Court to make a full report relative to the recapture of the Convicts who escaped from the Mount Gaol. I have to offer the following

following detail of all the circumstances that came within my observation at the time they were perpetrated.

It is I think now about one Month ago, that 2 persons of respectability Salaries came running late in the Evening to Poolcarney - They told me that 11 Convicts having cut down the Pens who had charge of them, were making their escape armed acrost the swamp, and that the Villagers were afraid of going near them - I immediately collected all the Servants, I could mustering to about 5 or 6 in Number, and directed them to proceed with the Ladies following persons that were loaded with small shot, with them - As my Buggy was then standing at the door I followed them almost immediately - And when I got on the Swamp, I discovered at the distance of about 2 Miles off - 9 persons walking rapidly on foot, followed at a respectful distance by a much more numerous body. These 9 persons afterwards proved to be the Convicts originally reported to me as seen. Whenever the persons following pursued all upon the Convicts, the latter turned and gave them a Volley of Stones - This effectually

effectually checked the pursuers and the Convicts then made another effort to gain their point, which was obviously the Thicket Topes situated between Poolcarney and the Sea -

As it was then getting rapidly dark, and as it was evident that if the Convicts once got to the Topes all chance of their recapture was at an end, I drove as fast as very bad ground would permit me, and got between the Convicts and the Topes before mentioned - Directly the Natives saw me between them and the Topes, and that my people with their Guns, were near they stopped and drew up in a Cluster 5 of them appeared to be armed with Swords and the remaining 4 with Bayonets fixed on Sticks. The people that had been pursuing them gathered round my Buggy - and among them, there were 3 persons armed with old Musquets - one of these persons had received a severe cut from a stone, and they all only Volunteered to shoot the Convicts if I gave them orders to do so. I of course desired them not to think of such a proceeding, and to prevent the possibility of it, I ordered them all to

stay

stay behind my Bandy. The whole of the Villagers who had been struck and pelted with stones were almost frantic - but the only one I observed armed with a sword was the Duffadar of Peons who had joined in the pursuit. The Villagers however had almost all their sticks in their hands -

As I had despatched a Messenger to the Mount for a Guard, my object was it arrived but found their subsequent conduct I feel persuaded, I should not have been able even then to have induced them to lay down their Arms - It appeared to me at the time, - and the direction they took in their escape confirmed this impression that they were all more or less hurged - otherwise they would I think have got into the Topes over the fore Swamps of Pulicanny where their escape must necessarily have been observed -

When the Convicts stopped, I sent a Brinnid who happened to be in the Crowd, to desire them to lay down their arms that with fire arms against them they could not possibly escape - and that if they laid

down their Arms quietly - I would take care that no person should either injure or molest them -

I sent this man to them 3 several times - and each time they told him that if he approached any nearer to them they would cut him to pieces, tho' certainly he never approached very close - They assured that they were determined never to be taken with their lives - and that if the Gentleman wanted their Arms he might come and take them himself - The Spokesman on the occasion was the Convict Mootiah - He was armed with a sword which he kept flourishing about, and was evidently the leader of the whole party

I could not see distinctly from the position where I was whether the Convicts had got rid of their Fetters or not - I was in the act of turning the Bandy round with a view of ascertaining this point, when I heard a push and 2 or 3 Shots were fired - but whether the rush was made by the Prisoners themselves, or by the Villagers I am utterly unable to say, having my back turned towards them at the moment - I incline however to think that it

it must have been the Convicts because when the last cleared away and I had got the Buggy round it appeared to me, that the Prisoners were nearer to me then; than they were before I turned the Buggy round.

But however this may be, I immediately discovered that the Convicts had been overpowered and the Villagers were beating them with their sticks most unmercifully. I instantly drove the Buggy between the Villagers and the Convicts, and with the assistance of my People I prevented any further violence.

I then ordered the Prisoners to be secured, and as it was then almost too dark to see to drive I returned home, and succinctly informed Mr. Maclean the Magistrate of what had taken place. I have since understood that about 1/2 an Hour after I had left the spot the Guard arrived and reconducted the Convicts to Work.

(Signed) C. M. Lushington,
10th November 1837.

Read again Miscellaneous Petition presented on the 23rd October last by Mahommud Caudim.

(Here enter M. C. No. 136 of 1837.)

Read

Read also Supplemental Return dated the 5th Instant from the First Judge on Circuit in the Centre Division to the Precept of the Court of Foujdaree Udalut under date the 13th November 1837, forwarding to that Officer a Translation of the Petition above recorded and requiring him to inquire into and report upon the allegations therein set forth.—

(Here enter F. C. No. 2570 of 1837.)

1. As the First Judge has been prevented from making the Inquiry in consequence of the Precept not having reached him until after his arrival at Cuddalore, the Court of Foujdaree Udalut think it right to delegate that duty to the Acting Criminal Judge of Chingleput who will accordingly be directed without delay to investigate fully the several Statements set forth in the Petition of Mahommud Caudim, and report the result of his Inquiry.—

2. The attention of the Acting Criminal Judge is required to the Petition, dated the 1st January last, presented by Mahomed Caudim to Mr. Davis when on Circuit at Chingleput, and which is now among the Records of the Zillah Court.—

&c

23rd December 1837.

3. In the second paragraph of that Petition the applicant asserts that when he was taken to the Jail, the Court caused a List to be prepared of the Property he then had with him, consisting of a silver box, Rubies, Pearls and Madras Cloths, to the value of two hundred Rupees and ordered the same to be deposited in the Khazanah—

4. The Court of Foujdaree Udalut desire to be informed whether such a List was actually written; and if so, whether its contents agree with the description of the articles here given by the Petitioner; and further, in what place the Property was first deposited—

5. Again in paragh 3, the Petitioner states that about fifteen days before he was released, the Jailor Dogharty sent for him to his house and recommended him to remove his property from the Khazanah and place it in the Jail Guard where he (Dogharty) would take care of it: that he accordingly did so, and shortly afterwards Dogharty sent some Peons for the property since when, the Petitioner has not seen it—

6. It is on this point that Inquiry is particularly requisite, and, so far as the Court of Foujdaree Udalut can see, none has yet been made

Of

17. F. 46.

23rd December 1837.

as it is scarcely supposable that a person long since released from Jail would persevere in making such a complaint, unless there were some foundation for it, the Court trust that the Acting Criminal Judge will use his best exertions to arrive at the truth, and ascertain by whom, by whose orders, and under what circumstances, the Property in question was removed from the place of Deposit, and what has since become of it—

7. The Court of Foujdaree Udalut observe for the information of the Acting Criminal Judge that they have already before them the undermentioned Documents referring to this matter: namely. the Return* dated the 2nd Instant from the Criminal Judge of Chingleput to the Precept of the First Judge of Circuit under date the 25th November 1837. The Diary Order of the Acting Criminal Judge Mr. Taylor under date the 24th February 1837. the Petition* presented by Mahomed Cassim to Mr. Davis when on Circuit: and the Return of the 1st July from the Criminal Judge to the Precept of Mr. Davis under date the 19th June 1837—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge

Judge of Chingleput by Precept returnable
within fifteen days from and after its receipt.
(Sent following Precept No 239

Read again Miscellaneous
Petition presented on the 20th Ultimo, by
Sungaroy Moodelee of the Zillah of Chittoor.
(Here enter M. P. No 152 of 1837)

Read also Petition presented
on the 11th Instant by the same Individual.
(Here enter M. P. No 167 of 1837)

The Petitioner represents that he
lodged in the hands of one Venkatakrishnen
Pillay of Vellore and placed in a room of
it, his property consisting of Gold and Silver
ornaments, Cash, Cloths, Brass utensils, some
Documents &c to the value of Rupees 5828.
fastening the door with a Padlock; that
during his absence, his Landlord opened
the Locks of the door by means of a false key;
and removed the said property: that he
preferred a charge of Theft against him in
the Criminal Court of Chittoor, which (after)
was heard and dismissed, on the ground of
his being indebted to the accused; and that
he was moreover called upon by the Zillah
Judge to pay the expenses of the witnesses
who attended in support of his charge &c.

Same

23d December 1837.

from which order he had sought to be relieved
by Petitions both to the First Judge on
Circuit in the Centre Division and to the
Collective Court of Circuit; but in vain.—

In his Petition No 167 Petitioner
persists in declaring that the Zillah Judge
ordered a considerable part of his property
which he values at Rupees 700. consisting
of Gold and Silver Ornaments, valuable
Documents &c to be deposited in the Court
and that he had not been able to get
possession of it since.—

He therefore prays that orders
may be issued for the restoration of his
property to him; and that the accused
Venkatakrishnen Pillay may be punished
for the theft; and the order of the Zillah
Judge requiring him to defray the expense
on account of the Witnesses' Batta, may
be cancelled.—

The Court of Foujdaree Udalut
have already in their proceedings under date
the 4th Instant, recorded their opinion that
there are no grounds for disturbing the
orders passed by the Lower Courts: and
to that opinion they adhere.—

The Court however deem it
necessary

receiving to direct that the Criminal Judge of Chittoor be called upon to furnish through the Provincial Court of Circuit, an explanation of that part of the Petitioners complaint which refers to the depositing in the Zillah Court of the Petitioners property, and the non-restoration of it: and with this view, the Court direct that a copy of the translation of Petition No. 167 be sent to the Provincial Court of Circuit for communication to the Criminal Judge of Chittoor—

Ordered, that Extract from these proceedings with translation of Miscellaneous Petition No. 167 of 1837 be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable within twelve days from and after its receipt—

(Sent following Precept No. 2040)

F. 116.

At a Court of the Foujdaree Adalut

Present

Charles Mary Lushington Esqr. 1st Puisne Judge

Tuesday 26th December 1837. John Bird Esqr. ——— 2nd Puisne Judge.

Alexr. Duncan Campbell Esqr. Actg 3d Puisne Judge

Read Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Acting Joint Criminal Judge of Vizagapatam for the month of November 1837.

(Here enter No. 2649)

With reference to the remarks of the Acting Joint Criminal Judge on Cases Nos. 90 and 99 of the Supplemental Report, the Court of Foujdaree Adalut resolve to direct that a copy of these cases and of the remarks of the Acting Joint Criminal Judge as they stand in the Report, be communicated to the Magistrate of Vizagapatam in view to the conduct of the Police being enquired into particularly with reference to the charge in No. 99 which must have originated with the Head of Police himself—

Cases Nos. 90 and 99.

With reference to the reasons assigned by the Acting Joint Criminal Judge for the delay in disposing of Case No. 108.

Case No. 108.

26th December 1837.

of the Report No 5 the Court of Enquiry
Ordered that the attention of the Ma-
gistrate be called to the delay on the part
of the Head of Police in forwarding the
two enclosures required by the Acting Joint
Criminal Judge—

No 113 3 The Case No 113 of the same
Report, the prisoner, who is convicted of hav-
ing stolen a Gun valued at about 6 Rupees
has been sentenced to one years [illegible]ison-
ment under Section XIII. Regulation X of 1816
The Section and regulation have given
authority only a sentence of imprisonment
not exceeding 6 months in cases of theft
the Acting Joint Criminal Judge is directed
to amend the sentence accordingly—

Ordered, that Extract from these
proceedings be forwarded to the Acting Joint
Criminal Judge of Vizagapatam for his in-
formation and guidance by precept return-
able in 10 days from and after its receipt
and with instructions to make the necessary
communication to the Magistrate for his
information—

(Sent following Precept No 2047

Read the reports prescribed
by Section XXXI Regulation X of 1816 submitted
by

26th December 1837.

by the Criminal Judge of Bellary for the
month of November 1837—

(Here enter No 2651)

The conduct of the Head of
Police of Kurpunthully in detaining the
prisoners enquired in Cases No 181. 182 and
183. of the Report No 5. for a lengthened
period to the Talook, on grounds which
have been specially and repeatedly denoun-
ced by the Court of Enquiry Oddalut is most
reprehensible, and the Judges are desirous
of being informed what notice may have
been taken of the conduct of this Police
Officer by the Magistrate of Bellary—

Ordered, that Extract from
these proceedings be furnished to the Cri-
minal Judge of Bellary with instruc-
tions to communicate copy thereof to the
Magistrate of Bellary for his information
and guidance—

(Sent in No 2048

Read the Sessions Criminal
Reports prescribed by Section XXXI Regulation
X of 1816 submitted by the Provincial Court
of Circuit in the Western Division for the
month of November last—

(Here enter No 2667)

The

Nos 181. 182 and 183.

x from the 7th and various subsequent Letters in September to the 26th of Oct 1837.

26th December 1837.

The Acting Resident do not appear to call for any remarks from the Court of Tanjore this day.

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

(Sent in No 2669)

Read the Reports furnished by Section XXXV. Regulation X of 1816 submitted by the Criminal Judge of Trichinopoly for the month of November 1837.

(Have entered No 2666.)

With reference to the abstract of the evidence given in Case No 433 of the Supplemental Report, the Court of Tanjore Udalut resolve to request the Criminal Judge to refer to the depositions recorded in the case in view to his ascertaining whether there are grounds sufficient for putting the 5th 7th and 8th prisoners particularly the 7th prisoner, on their trial before the Court of Circuit, and if in his opinion there is not sufficient evidence to justify their commitment, to desire he will issue orders for their release in security or unconditionally as circumstances may render proper.

In

F 26.

26th December 1837.

No 462.

In Case No 462 it appears to the Judges that the 2nd prisoner should have been punished under Section IX Regulation XIII of 1832.—

3. The Criminal Judge is also requested to look into Case No 474 of the Report No 5, in view to the unconditional release of the prisoners should there not appear to be grounds sufficient for their commitment for trial before the Court of Circuit.—

No 475.

4. The Magistrate of Tanjore is directed to ascertain the cause of the detention in the Talook for 21 days of the prisoners concerned in Case No 475, and should the reasons assigned by the Head of Police not appear to him satisfactory he is required to take such notice of the Police Officers conduct as may appear to him proper, reporting the result for the information of the Tanjore Udalut.

No 479.

5. The Magistrate of Tanjore is requested to enquire the Head of Police Trichinopoly to be informed that whenever he may have occasion to make a report to the Magistracy respecting any Police investigation, and the same occasions a detention

26th December 1837.

detention of the prisoners beyond the prescribed period, the reasons why such reference was considered necessary should be explained by him when forwarding the case to the Criminal Court.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Combaconum for his information and guidance by precept returnable in 10 Days from and after its receipt, and with instructions to communicate para. 4 and 5 to the Magistrate of Tanjore for his information.—

Sent following Precept No. 2 [illegible]

F16

At a Court of the Fouzdaree Udalut.

Present

Charles Mary Lushington Esqr. 1st Puisne Judge

Wednesday 27th December 1837. John Bird Esqr. 2nd Puisne Judge.

Alexr. Duncan Campbell Esqr. Agg. 3rd Puisne Judge

Read the Reports prescribed by Section XXXI Regulation X of 1816 submitted by the Assistant Criminal Judge in charge of the Zillah Court of Madura, for the month of November 1837.—

(Here enter No. 2638.)

It is stated in the column of remarks that the prisoner in Case No. 234 who was apprehended by the Chaukidar of Ramnad on the 16th of October last, was not produced before the Police Ameen of Ramnad until the 28th of the same month. The Court of Fouzdaree Udalut desire to be informed in whose custody the prisoner was up to the 28th instant, and of the cause of the delay in forwarding him to the Ameen aforesaid.—

Explanation is also required of the grounds of the detention by the Darogah Police Officer of the prisoners concerned in Case

27th December 1837.

Case No. 241 of the Report No. 5.

Case No. 239. 3. The Court of Sessions Uttukut desire also that the Magistrate of Madura will communicate to the Head of Police of Sheriture that he was not authorized to detain the prisoners in Case No. 239 on the grounds, that the real owner, or the person who was robbed of the property, was not to be found before the 3rd of November.—

4. The Head of Police Uttukut Tolooko should be informed that whenever he may have occasion to make a report to the Magistrate respecting any Police investigations, and the same mentions a detention of the prisoners in the Tolooko beyond the prescribed period, the reasons why such reference was considered necessary should be explained by him, when forwarding the case to the Criminal Court.

5. The Court of Sessions Uttukut will not now disturb the sentence that has been passed by the Assistant Criminal Judge in Case No. 250, but they desire that it be informed, that the punishment awarded to the 1st and 2nd prisoners is considered inadequate to the crime of which they were convicted.—

Ordered,

27th December 1837

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Madura for his information and guidance, and with instructions to make the necessary communication to the Magistrate of Madura.

Sent in No. 2053

Read return dated the 5th Instant from the Acting Criminal Judge of Chicacole to the Court of the Sessions Uttukut dated the 27th November 1837, conveying their observations and orders on the Chicacole Criminal Reports for the month of October.—

(Here enter No. 2594.)

115

At a Court of the Foujdaree Udalut,

Present,

Thursday. 28th. December 1837. Charles May Lushington Esqre. 1st. Puisne Judge

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

Alexr. Duncan Campbell Esqr. No. 3. Puisne Judge

Read letter dated the 29th. Ultimo from the Acting 1st. Judge on Circuit in the Southern Division, transmitting the Record of the Trial in Case No. 3 of the Salem Calendar for the 2d. Sessions of 1837.

(Here enter No. 2523.)

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 prisoners

1st. Vengalan

and

2. Cauttan

is sufficient to convict them 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 1810, convict them thereof, and under the provisions of Clauses first and fifth, Section IV Regulation XX of 1803 sentence the said prisoners to be transported to such place or places beyond sea as the

Mr. Lushington and Mr. Bird

December 1837

28th December 1837

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. 2056

Read return, dated the 23d instant made by the Acting Criminal Judge of Chinglepet to the Precept of the Foujdaree Udalut of the 20th of December 1837, conveying the observations and orders of the Foujdaree Udalut on the Criminal Reports for the Month of November 1837.—

(Here enter No. 2678)

In respect to the illegal sentence passed by the Sudr Ameen in Case No. 15 the Acting Criminal Judge explains that the prisoner was apprehended in the act of smuggling Ganjah on the 18th, and was forwarded to the Criminal Court on the 19th of October last. That on his way he made his escape, was reapprehended and again forwarded on the 30th October, and arrived at Chinglepet on the 2d of November, and that he conceives that as the offence was committed on the 18th of October, 12 days previous to the Act XXII of 1837 coming into effect, the Criminal Judge was correct in not overruling the sentence passed by the Sudr Ameen and requesting therefore further orders on the subject

In

28th December 1837 2

Inasmuch as Act XXII of 1837 rendered it incompetent to the Criminal Court of Chinglepet to pass sentence, in a case of the nature referred to above, subsequently to the 1st of November 1837, the Acting Criminal Judge will proceed to give effect to the order of the Foujdaree Udalut of the 20th instant without further delay.—

Ordered, that extract from these proceedings be forwarded to the Acting Criminal Judge of Chinglepet for his information and guidance.—

(Sent in No. 2057

Fr. 110.

At a Court of the Foujdaree Udalut

Present

Friday 29th December 1837. Charles Mary Lushington Esqre. 1st Puisne Judge
John Bird Esqre. 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Foujdaree Udalut
Circular Order
No. 97.

The Court of Foujdaree Udalut having observed that that part of Section VII. Regulation X. of 1832 which declares that the Record of every summary conviction, and punishment of refractory Convicts, shall state the "substance of the evidence," has been occasionally lost sight of, and the Judge of Circuit thereby precluded from performing the duty assigned to him by the latter part of the same Section, resolve to call the attention of the officers in charge of Convicts, to the Provision of the Law above quoted; and to direct that in every such Record there be entered a concise Abstract of the evidence in support of the charge, as well as of any thing which the accused party may urge in his own behalf, and of any evidence he may adduce on his defence.

Sent in No. 2067-A.

Read

December [illegible]

9th December 1837

Read letter dated the 27th Ultimo from the Criminal Judge of Combaconum, submitting for publication in the Government Gazette, in conformity with the Circular Order of this Court of Foujdaree Adalut No. 94 a Descriptive Roll of Sreenivasiengar late Native Register of the Zillah Court of Combaconum dismissed from his situation for Gross Bribery and corruption and committed before the Court of Circuit of subornation of Perjury.

(Here enter J. C. No. 2506 of 1837)

Read also Miscellaneous Petition presented on the 4th instant by Kristnaiengar of the Zillah of Combaconum.

(Here enter Mis. P. No. 159 of 1837)

The Petitioner in No. 159 represents himself to be the son of Sreenivasiengar above mentioned, and prays the Court of Foujdaree Adalut to order the release of his father on the alleged ground that the charges against him are unfounded.

To enable them to judge of the propriety of the conviction of the late Native Register of the Zillah Court of Combaconum, the Court of Foujdaree Adalut resolve to call for an English Translation of the Record of case No. 32 on the Combaconum Calendar for

J. C.

20th December [illegible]

29th December 1837

for the Second Sessions of 1837 wherein that Individual was charged with subornation of Perjury:- and in the mean while defer the adoption of the measure recommended by the Zillah Judge.

Ordered, that extract from these proceedings be sent to A. Dickinson Esquire Acting First Judge on Circuit in the Southern Division by Precept returnable within twenty five days from and after its receipt.

(Sent following Precept No. 2068

Ordered further, that extract from these proceedings be sent to the Criminal Judge of Combaconum for his information.

(Sent in No. 2069

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

Read letter dated the 18th Ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division, submitting the Report required by the Circular Order of the 9th December 1819 for the 3rd Quadrately Sessions of the present year.

(Here enter No. 2495.)

The

9th December 1837.

1. The circumstances connected with the escape of the prisoner from the compound of the jail at Masulipatam on the morning of the 6th of September last, referred to in the 2nd, 3rd, 4th, 5th and 6th paras of this Report, have been duly reported to the Court of Foujdaree Udalut.

2. It appears that the prisoner referred to in para 2 of Mr Boileau's report, in company with two others, escaped from the jail Compound where the entire body of the prisoners had been taken for the purposes of exercise, attended however only by the standing Guard, which then consisted of 19 Peons and 1 Duffadar.

3. Against one of these Peons there appeared to be evidence sufficient for his trial, on a charge of conniving at the escape of the prisoners, and his commitment was accordingly ordered; and the conduct of the jailor, in allowing 371 Convicts to go out into the jail Compound under the charge of only 19 Peons and 1 Duffadar, being considered by the Court of Foujdaree Udalut most reprehensible, explanation was called for, from the Acting Joint Criminal Judges, in view to the jailor's dismissal being ordered, should the circumstance not be satisfactorily explained.

In

J. U.

29th December 1837. 4

In a letter dated the 16th instant the Acting Joint Criminal Judge reported that the Jailor in allowing the Convicts to go out into the Jail Compound under charge of the standing Guard did no more than follow the practice which has obtained at Masulipatam for several years.

5. Under this explanation the Court of Foujdaree Udalut have not considered it proper to direct the Jailor's dismissal, but considering the practice which is stated to have obtained at Masulipatam, of allowing the entire body of prisoners to be in the Jail Compound attended by the standing Guard only, most unsafe, have under this date desired that it may henceforth be abandoned.

6. In the 1st and four following paras of his Report Mr Boileau raised the question as to the applicability of the provisions of Regn V of 1831, to all breaches of the Salt and Tobacco laws, submitting at the same time his opinion that its provisions apply to those breaches of the Salt and Tobacco Laws, where the penalties were formerly recoverable by a Civil Action, to such districts alone, where the monopoly each prevails.

which

7. The Court of Foujdaree Udalut are of opinion that Clause 6th Section III Regulation V of 1831 has reference to all the Tobacco Laws, and that Section IV is properly quited as respects the mode of Trial tho' the penalty specifically prescribed for the offence, in cases of the nature referred to in para 11 of the Report, is to be found in Section XXI Regulation I of 1812.

8. With reference to para. 17 of the Report the Court of Foujdaree Udalut would record their concurrence in the opinion expressed by Mr. Boileau, that charges of extortion, oppression or abuse of authority, by native officers of Police, can be received only by the Magistrate, and this opinion Mr. Boileau will communicate to the Magistrate of Masulipatam for his information and future guidance.

9. And adverting to paras. 19. 20. 21 and 22 of the Report, the Collective Court of Circuit are directed to submit for the information of the Court of Foujdaree Udalut the result of their review of the proceedings held before the Joint Criminal Court at Masulipatam, in the several charges of extortion and receiving bribes considered proved against the late Head of Police of Gollapulley

in the Nizeed Zemindary.

10. With reference to para. 29 of this Report the Court of Foujdaree Udalut observe that alterations in the roof, in view to the better ventilation of the Jail at Masulipatam, were sanctioned by Government on the 13th of February 1835, at an expence amounting to Rupees 112-9-4. And in respect to a Jail Hospital the necessity for erecting which is urged in para. 31 of Mr. Boileau's report, it is observed that the order of Government of the 10th of April 1835, communicating the resolution of Government to take into consideration the plans and estimates for a Hospital "when submitted", was communicated to the Provincial Court of Circuit in the Northern Division under date the 25th of April 1835, but up to this date no plan or estimate for a building of this description has been transmitted to this Court, and it is not within the knowledge of the Judges that any estimates for a Jail Hospital at Masulipatam have been laid before the Government by the Military Board.

11. In para 34 of this Report Mr. Boileau suggests that a part or portion of Convicts in Confinement at Masulipatam, be removed from the "Petta Jail", to certain buildings in the Fort, in view to their employment on the works described in para. 33 which

29th Dec 29th December 1837

which are stated to have been approved of by Government, but before the Court of Sonjdance &c. &c. recommend this measure for adoption, they deem it necessary that they should have before them a Statement of the probable expence that would attend such transfer and Mr. Bateau is accordingly directed to ascertain and report with reference to paragraph of this Report, the expence at which it is estimated the buildings in question could be made fit for the reception of Convicts, and whether in consequence of such transfer it would be necessary that another Jailor and an extra Guard of Peons should be entertained.

12. With reference to paragraph 15 of Mr. Bateau's report, the Judges would submit that in their opinion any further alteration of the forms of the half yearly Criminal Statements furnished to this Office would at present be inexpedient.

Ordered, that extract from these proceedings together with a copy of the Sd. Judges' report 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. 2070

Ordered also, that extract from these proceedings be forwarded to Mr. Bateau for his information and guidance and that paragraphs

F. W.
29th December 1837 communicated for the information and guidance of the Provincial Court of Circuit in the Northern Division.

(Sent in Nos. 2071 & 2072.

Read the Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Criminal Judge of Nellore for the Month of November 1837.

(Here enter No. 2635)

From the remarks in case No. 94

No. 94.

It appears that the letter which the prisoners are charged with having forged, was received by the Head of Police, "in the course of an examination of a complaint relative to the right to certain bushes growing on the Bank of a Pond, which the Prisoner's father had dug for the common use of the Village."

It was not the province of the Head of Police to investigate a case of this nature, and the Court of Sonjdarce Adalut desire that this opinion be communicated to the Magistrate of Nellore for his information and future guidance.

From the remarks of the Assistant Criminal Judge in case No. 81, the Court of Sonjdarce Adalut conclude that the prisoners have been committed to take their Trial before the Court of Circuit, for the crime charged against them in this, as well as for the offences proved against them in Nos. 78 & 79 and

Case No. 81.

Ordered

9th of 1837.

29th December 1837

Ordered, that extract from these proceedings be forwarded to the Criminal Judge of Nellore for his information and guidance, and with instructions to communicate a copy of same to the Magistrate of Nellore for his information.

(Sent in No. 2673)

Read letter dated the 12th Instant from the 3d Judge on Circuit in the Western Division, forwarding the original death warrant &c. in case No. 9 Mangalore Calendar 2d Sessions of 1837.

(Here enter No. 2646)

Read letter dated the 25th Instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division, submitting the Nellore 5th Supplemental Calendar for the 4th Quarter Sessions of 1837.

(Here enter No. 2675)

Read return, dated the 22d Instant from the 1st Judge on Circuit in the Centre Division, to the Precept of the Tondaree Adalut dated the 4th December 1837, requiring him to look into the proceedings of the Criminal Court at Cuddapah in Case No. 150 of the Supplemental report for October 1837.

29th December 1837

Read letter dated the 18th Instant from the Acting 2d Judge on Circuit in the Northern Division reporting his having received a Supplemental Calendar containing one Case.

(Here enter No. 2683)

Read letter dated the 18th Instant from the 3d Judge on Circuit in the Western Division, reporting the opening of the Sessions at Honore and the state of the Calendar.

(Here enter No. 2690)

Read return dated the 25th Instant from the 3d and Acting 2d Judge on Circuit in the Northern Division, to the precept of the Tondaree Adalut dated the 16th December 1837, transmitting the final sentence of the Tondaree Adalut in Case No. 7 of the Rajahmundry Calendar 2d Sessions of the present year.

(Here enter No. 2703)

Read letter dated the 26th Instant from the 2d Judge on Circuit in the Northern Division, reporting his arrival at Nellore.

(Here enter No. 2704)

29th

Exd P. Ur.

Fr. Ur.

At a Court of the Foujdaree Udalut

Present

Saturday 30th December 1857 — Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read again letters dated respectively the 24th and 29th Ultimo from the Special Commissioners at Mangalore, submitting for the final judgment of the Foujdaree Udalut the records of Cases Nos. 59 and 84 tried by the Special Commission

(Recd enter Nos. 2518 and 2535)

Read also Extract from the Minutes of Consultation dated the 22nd Instant confirming the sentences of the Foujdaree Udalut in Mangalore Special Trials Nos. 59 and 84

(Recd enter No. 2674)

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoners

Case No. 59
Mr. Lushington
and
Mr. Campbell

2nd Bhundary Bunta
5th Jetunna Timmuppa
and
4th Bunter Carya

be imprisoned and kept to hard labor in Irons on the public roads or other public works, for, and during the period of 5 years and that the Prisoners

5

29th D 1

30th December 1857

6th Vedyâpa

be discharged with an admonition.

Case No. 84

Mr. Bird

and

Mr. Campbell

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoners

1st Doogaje

2nd Bejada Nursingray

and

3rd Poovany

be banished to the District of Coimbatore, to be imprisoned in the Jail of the Auxiliary Court and kept to hard labour in Irons on the public roads or other public works, for and during the period of seven years.

The Court likewise direct that extract from their proceedings under date the 15th and 16th Instant in Cases No. 69 and 84 be sent for the information and guidance of the Mangalore Special Commission.

(Sent following Letter No. 2076.

Read again letter dated the 29th Ultimo from the Special Commissioner at Mangalore, submitting for the final judgment of the Foujdaree Adalut the Record of Case No. 143 tried by the Special Commission.

(See entry No. 2036)

Read the Order of Government dated the 22nd Instant confirming the sentence of the Foujdaree [illegible]

30th December 1857

Under the authority of the Right Honorable the Governor in Council, the Court do accordingly direct that the Prisoners

Mr. Lushington

and

Mr. Bird

1st Moidena

2nd Moosene

3rd Nama

4th Nidolinga

5th Raroo

6th Timmoo

7th Ramaya

8th Mailinga

9th Coonhiney

and

10th Krishna

be released with an admonition.

The Court likewise direct that extracts from their proceedings under date the 19th Instant be sent for the information and guidance of the Mangalore Special Commission.

(Sent following letter No. 2077

Read return dated the 26th Instant from the Provincial Court of Circuit in the Centre Division, to the precept dated the 13th instant, directing the Provincial Court of Circuit to instruct Mr. Bushby to carry the orders of the Foujdaree Adalut

forwarded by the Criminal Judge at Chittoor it is mentioned that 40 Convicts are employed in repairing the roads of Arcot and Palma-
-nair under the Magistrate. The Provincial Court of Circuit will call upon the Magistrate of North Arcot to forward by the 5th of each month, thro' the Criminal Judge at Chittoor, the usual statement of the labor of the Con-
-victs under his charge, the form of which the Provincial Court of Circuit will at the same time furnish him with. The Provincial Court of Circuit will also transmit to the Magistrate for his information and guid-
-ance, copy of the Circular letter of the 8th March 1837, explaining that a note is to be added to "the Statement of labor" shew-
-ing the number and the monthly pay of the Jemadars, Duffadars and Peons employed to guard the Convicts under his charge.—

Ordered accordingly that copy of case 128 be sent to the Provincial Court of Circuit in the Centre Division with Extract from these proceedings viz. paras 2. and 3. for their information and guid-
-ance by Precept returnable in 8 days after receipt.—

/Sent following Precept No. 1227

Ordered

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

Sent in No. 1228

Read return, dated the 7th Instant, from the Acting Joint Criminal Judge at Coimbatore, to the Precept of the Foujdaree Adalut dated the 1st August 1837. conveying their observations and orders on the Coimbatore Criminal Reports for the month of June.—

/Here enter No. 1625./

Read letter dated the 14th Instant from the 2nd Judge on Circuit in the Southern Division, reporting his intention to proceed to Tinnevelly with all practicable haste to deliver the Jail at that Station agreeably to the orders of the Foujdaree Adalut.—

/Here enter No. 1678./

Read letter dated the 17th Instant from the Acting Joint Criminal Judge at Guntoor, forwarding a Statement of Convict Labour under the Magistrate of Guntoor for the month of July.—

/Here enter No. 1690./

Read

December 1837 Adalut in Case No 25 of the Bellary Calendar 2nd Sessions of 1837 into immediate effect.

(Rec.d entry No 2706)

Read letter dated the 27th Instant from the Acting Magistrate of Vizagapatam forwarding explanation for the detention of Prisoners in cases No 9 and 108, together with a copy of the reply of Captain Bellamy.

(Rec.d entry No 2708)