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Jordanee

Proceedings

1st Part

1838

3532

S. C.

At a Court of the Fouydaree Adalet

Present

Tuesday 2nd January 1838. Charles May Lushington Esq. 1st Puisne Judge

John Bird Esq. 2nd Puisne Judge

Alex. Duncan Campbell Esq. 3rd Puisne Judge

125

Read letter dated the 2nd of October 1837 from the Acting 2nd Judge Sadr Court Southern Division, submitting the Report required by Section XXXVII Regulation XII of 1807 for the Sessions of 1837.

(Reference No. 2066 of 1837.)

1. The only notice that the above Report needs is as regards para. 20 in which mention is made of the filthy state of the prison in the Jail Hospital at Trichinopoly.

2. The want of proper accommodation for the sick prisoners in confinement in the Jail at Trichinopoly was made the subject of a Special reference to the Provincial Court of Sadr Adalet Southern Division, and in the event of their deeming it advisable to recommend the erection of a separate building for the sick belonging to the Jail, as suggested by the Magistrate, they were required to fix upon the

2nd January 1838.

in communication with the Magistrate and Surgeon; and to cause an estimate of the probable expence to be prepared.

3. In their return dated the 10th of November 1837, and laid before the Court of Foujdaree Udalut on the 15th of the same Month, the Acting 2nd and 3rd Judges of that Court state, that, in company with the Magistrate, "they proceeded in person "to the Fort and satisfied themselves that the only "available, and at the same time desirable, spot, "on which to pitch for the erection of a new Hospital, "detached from the Jail, is a dilapidated Stone "Muntasium, at a convenient distance from ob- "taining possession of which no trouble whatever "is anticipated, on the site of which the new "Hospital might be built, and the materials of "which might partially be rendered available "in the erection of the new building;" that "the "Garrison Surgeon has expressed his concurrence "in the opinion, as to it's being the sole eligible "spot for the purpose;" that an "estimate and "plan of the work shall be submitted as soon "as completed, but" that "in the meantime the "Judges would venture to suggest for consideration

"whether

2nd January 1838.

"whether the erection of a new Jail, in an open "and airy situation, more contiguous to the usual "sites of the principal part of the prisoners work, "may not be more advisable and even e- "conomical."

4. They submit also "for consider- that "the present Jail stands the Government "Rupees 233-5-4 a Month, has already been an "to them of upwards of a lac of Rupees, and is an "objectionable as regards ventilation, from its com- "situation, immediately under the wall of the Fo "and as regards the work required of the "prisoners, from it's great distance from the usua "scenes of their labour."

5. The estimate and plan of a Jail Hospital above referred to, have not yet been laid before the Court of Foujdaree Udalut, but when submitted, the Judges will be prepared to give the above suggestion their consideration, and in the meantime they would request to be informed of the terms on which the building occupied as a Jail at Trichinopoly is at present rented by Government, and whether by the Month, or for a stated Number of years.

2d January 1838.

6.

In the Provincial Courts letter of the 16th. of September 1834. submitted to government on the 27th. of the following Month, the 1st. Judge Mr. Garrows, communicated his opinion that no thatched building fit for a Jail is to be either rented, or purchased at Tellicherry, and unless therefore the Government were enabled at the expiration of the lease, to obtain the premises belonging to Colonel Lennon, on terms more favorable than those specified in the order of Government of the 23d. September 1834. [No. 782] it may be a question whether the building a new Jail at once would not prove the most economical arrangement in the end.

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. 1)

Ordered also, that extract from these proceedings be forwarded to Mr. Harington for his information.

(Sent in No. 2.)

F. 46.

At a Court of the Tellicherry Adalut

Present

Thursday 4th. January 1838.

Charles Mary Lushington Esqr. 1st. Puisne Judge
Solvin Bird Esqr. 2nd. Puisne Judge
Alex. Duncan Campbell Esqr. 3rd. Puisne Judge

Read Return dated the 15th. Ultimo from the Second Judge late on Circuit in the Western Division to the Precept of the Court of Tellicherry Adalut under date the 17th. November last conveying their observations and orders on the Calendar of the Criminal Court at Mangalore, and the Court of the Principal Sudr Ameens of Honore and Sirsee for the first Sessions of 1837.

(Vide enter F. 46. No. 2668 of 1837.)

Honore Calendar Case No. 1

Of this Case the Second Judge begs a further consideration, with a perusal of the Prisoner's confessions before the Police and Criminal Court, of which he encloses translations. These and the confession before the Court of Circuit, being thereby proved for the conviction of the prisoner, and as they shew the simplicity with which his appearance corresponds, the Second Judge deems it his duty earnestly to beg a revision of the sentence against him. The Second Judge adds that the prisoner's youth (apparently correctly

2nd Jany 4th January 1838.

stated at 20 years) also claims notice.

2. The Court of Foujdaree Adaulut having reconsidered this case, and perused the confessions made before the lower tribunals by the prisoner, and now forwarded by the Second Judge, resolve to accede to the earnest recommendation of that officer, and accordingly direct that the prisoner

Muggun Poorea

be imprisoned and kept to hard labour [redacted] road in the public roads, or other public works, for and during the period of one year.

Case No. III

3. The Second Judge states that he has put another question to the Law Officer, on correction of the second [illegible] put, in which the evidence of the prosecutrix was not noticed; and as the answer now given would warrant the Judge on Circuit to dispose of the case under Clause 1st Section VII Regulation VII of 1829, he trusts that it will be deemed unnecessary for him to send up an English and Persian translation of the Record.

4. Under this explanation and after mature consideration of all the circumstances of this case, the Court of Foujdaree Adaulut will not withhold their sanction from the mitigated punishment recommended by the Second Judge in his Remarks in the Calendar, and accordingly direct

4th January 1838. direct that the prisoners

2nd Mungoo

and

3rd Jenna

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

Ordered, that extract from the proceedings be sent to the 2nd Judge late on Circuit in the Western Division by Precept returnable within seven days from and after its receipt.

(Sent following Precept No. 7.)

F. 16

At a Court of the Fouzdaree Adaulut

Present

Friday 5th January 1838.

Charles Mary Lushington Esqr — 1st Puisne Judge
John Bird Esqr ——— 2nd Puisne Judge
Alexr Duncan Campbell Esqr 3rd Puisne Judge

Read letter dated the 15th from the third Judge on Circuit in the Western Division, sending a copies of Calendars of the Criminal Court at Jessore for the second Sessions of 1837 — (Reference F. 16. No 2689 of 1837)

Case No 1.

1. On this date, nine Prisoners were charged with having, in company with one Mungo absconded seized the Prosecutor and the 1st and 2nd Witnesses while going along the road, assaulted them and robbed them of property value Rupees 47-2-8 —

2. The seventh, eighth, and ninth Prisoners were acquitted and discharged the sixth Prisoner was convicted of knowingly receiving the plundered property, & sentenced to two years imprisonment (R)

3. In favor of the first five Prisoners who are convicted of the Robbery the

the Judge of Circuit recommends a mitigation of the penalty to which they have rendered themselves liable on the grounds that they committed the offence by order of their employer, but without using any other violence than snatching the property from the prosecutor and his companions, who, with many others, were hastening from Mangalore in the general panic occasioned by the attack of the Indian prisoners are slaves who can have [illegible] to know better.

4. After due consideration of the circumstances of this case, the Court of Sudder Adawlut resolve to accede to the recommendation of the Judge of Circuit, and under the authority vested in them by Clause third, Section III, Regulation X of 1825, direct that the prisoners

1st Pimpje
2nd Coatlee
3rd Kunnyanna
4th Kutta
and
5th Mauny

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

for and during the period of three years.

Case No. 10.

5. In this case, four prisoners were charged with having beaten the prosecutor and the 1st and 2nd Witness for while passing along the road and robbed them of property valued at ten Rupees.

6. The prisoners were convicted and sentenced by the Judge of Circuit according to Clause Seventh, Section II, Regulation XV of 1803, to be each imprisoned and kept to hard labour in irons for two years.

7. The Court of Sudder Adawlut observe that the Provision quoted is inapplicable to this case, which is obviously one of Highway Robbery by open violence, and is specifically provided for by Clause Third, Section IV, Regulation XX of 1803.

8. The Judge of Circuit must accordingly revise his sentence, and should he deem the punishment to which the prisoners have rendered themselves liable too severe, he will of course submit his grounds for that opinion, and recommendation of such mitigation as he may think proper, for the consideration and orders of the Court of Sudder Adawlut.

Case No. 11.

9. The foregoing remarks apply to this case also, wherein the prisoners were

Sangs

charged with having, in company with one other individual not apprehended, assaulted the first witness on the sea shore and plundered the property belonging to him and his female companions; and that Rs. 55-0-0. and being convicted, were sentenced to imprisonment for three years, according to Clause seventh, Section II, Regulation XV of 1803."

Code No. 21. 10. In this case, the prisoner Pudmanaik was charged with having struck the Mahomedan Custom Officer, who was five months gone with child, with his hand on the temple, and kicked her on her side, in consequence of which ill treatment she died on the same day.—

The Law Officer, it is stated in the Sentence declared in his Futwa that although the crime of Kutl Shibe Umd was proved against the prisoner, still the Prosecutor having declined prosecuting him, he (the prisoner) could not be convicted; and on these grounds he acquitted the prisoner.—

12. The Judge of Cuttack being of opinion that the case must not one which required exemplary punishment for the ends of public justice, acquitted of this Futwa, and accordingly acquitting the Prisoner, discharged

5th January 1838. directed him to be forthwith released and discharged.

13. The Court of Sudder Adalut cannot concur with the Judge of Cuttack in acquitting the prisoner. It was competent to that Officer to overrule the technical objection raised against the conviction by the Mahomedan Law Officer. But under the circumstances of the case, the Court of Sudder Adalut will not disturb the order for the Prisoner's release.—

Ordered, that Extract from proceedings be sent to the Third Judge of Cuttack in the Western Division by the next returnable within twelve days from date after its receipt.—

(Sent following Precept No. 12

Read return dated the 28th Dec. from the Criminal Judge of Cuttack to the Precept of the Court of Sudder Adalut under date the 23rd December 1837, communicating their observations and orders on the Calendar Criminal Reports for the month of November

(Here enter S. Ab. No. 13 of 1838)

The explanations afforded in this Return regarding Case No. 171 on the Supplemental Report is considered satisfactory.—

Ordered

5th January 1838.

Commanding at Arrest and Arnee to explain the cause of the alteration of the number of the Convicts under their charge respectively.—

(Here enter F. G. No. 2705. of 1837.)

It appears from the Return above recorded that the alteration of the number of the Convicts at Arrest and Arnee was pursuant to the orders of the Provincial Court of Circuit, exercising the authority granted them by the Fouzdaree Udalut under date the 16th June last.—

The Court of Fouzdaree Udalut observe that the transfer of the Convicts from Arnee to Arrest should have been reported for their information: and they resolve to request the Provincial Court of Circuit to bear this in mind on all future similar occasions.—

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

(Sent in No. 16.)

F. G.

Saturday 6th January 1838.

Present

Charles Mayo Lushington Esqr 1st Puisne Judge

John Bird Esqr ——— 2nd Puisne Judge

Alexr Duncan Campbell Esqr 3rd Puisne Judge

Read letter dated the 20th ult. from the Special Commissioners at Mangalore submitting for the final judgment of the Fouzdaree Udalut the record of Case No. 108 tried by the Special Commissioners.—

(Here enter No. 2699.)

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 Kazee ool Kozzat and Muftee of the Fouzdaree Udalut, confirm the said Futwa of the Kazee ool Kozzat and Muftee aforesaid acquitting the prisoner

Bheedreyan

of the nine charges and do accordingly acquit him: but considering that strong suspicion though not amounting to conviction attaches to him, the Court direct under the provisions of Clause Sixth, Section II, Regulation XX. of 18[illegible]

Clerk

5th January 1838.

Commanding at Arcot and Arnee to explain the cause of the alteration of the number of the Convicts under their charge respectively.-

(Here enter F. H. No. 2705. of 1837.)

It appears from the Return above recorded that the alteration of the number of the Convicts at Arcot and Arnee was pursuant to the orders of the Provincial Court of Circuit, exercising the authority granted them by the Foujdaree Udalut under date the 16th June last.

The Court of Foujdaree Udalut observe that the transfer of the Convicts from Arnee to Arcot should have been reported for their information: and they resolve to request the Provincial Court of Circuit to bear this in mind on all future similar occasions.-

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

(Sent in No. 16.)

F. H.

At a Court of the Foujdaree Udalut.

Present

Charles Mary Lushington Esqre 1st Puisne Judge

Saturday. John Bird Esqre _____ 2d Puisne Judge

6th January 1838. Alexr Duncan Campbell Esqre 3d Puisne Judge

Read letter dated the 20th

from the Special Commissioners at Mangalore

Submitting for the final judgment of the Foujdaree Udalut the record of Case No. 185 tried by the Special Commissioners.

(Here enter No. 2699.)

Mr. Bird. The Court of Foujdaree Udalut

having maturely considered the proceedings

and held before the Special Commission, the

Mr. Campbell. Letter of the Provincial Law Officer, and the

Opinion of the Judges at Bengal and Moorshedabad

Foujdaree Udalut, confirm the finding

of the Court on the seven Other Convicts

Future [illegible] after mentioned, upon

a perusal [illegible] and the first and seventh

of the [illegible] High way, besides their

him, but [illegible]

though [illegible]

to him, the Court [illegible]

of Arcot [illegible]

that he be required to find two sureties in fifty 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 of Sessions Malabar observe that there is no evidence whatever to establish the charge that the Prisoner was a Leader of the Rebels and though there can be no doubt that he is a mischievous person and was well inclined towards the Insurgents it does not appear to the Court that any thing is brought home to him which can be held to constitute "Rebellion".

The Court of Sessions Malabar are therefore unable to concur in the view taken of this case by the Special Commissioners though, referring to that part of their sentence, and the circumstantial character of the Individual charged, affected by the Record of the Trial, the Court have deemed it proper to require from him security for his future good behaviour, to the extent specified in the sentence.

The Court of Sessions Malabar direct that their sentence in the Trial No 104 from the Mangalore Special Commission, together with the whole of the proceedings held in the case, be

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 24.)

Read letter dated the 29th ult from the Third Judge of the Provincial Court of Circuit for the Centre Division, sending a copy of the seventh Supplemental Calendar of the fourth Quarter Sessions of 1837 holden at Chittoor.

(Reference Fort St. Geo. No 1 of 1838.)

1. In the case entered in this Calendar, the first prisoner was charged with having, on the morning of the 11th October 1837 together with seven other persons, armed with swords and other weapons, attacked the house of the Prosecutor and the first and second contrafact on the Highway, beaten them and robbed them of property value at Rupees 92

2. The prisoner is convicted, but the Presiding Judge recommends that the punishment to which he has rendered himself

himself liable, be reduced to five years imprisonment with hard labour in irons," in consideration of his not being (an) old offender and the robbery not being attended with any personal injury; and as it may be inferred from the evidence of his witnesses who depose to his good Conduct previous to this occurrence that he probably committed this crime through the ill-persuasion of the offenders not apprehended."

3. The Court of Sanjiang Udalut are of opinion that the sentence proposed by the Third Judge would in the present instance be insufficient for the ends of justice; and the Court accordingly resolve to direct, under the authority vested in them by Clause third, Section III, Regulation I of 1825, that the prisoner Simmadoo 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 the Third Judge of the Provincial Court of Circuit in the Cutta Division by Parcel Post returnable within three days from and after its receipt.

(Sent following Precept No 26.)

Read

2.

F. Ct.

6th January 1838.

Read return dated the 30th Ultimo from the Criminal Judge of Chittoor to the Precept of the Court of Sanjiang Udalut under Date the 21st December 1837 - conveying their observations and orders on the Chittoor Criminal Reports for the month of November

(Here enter F. Ct. No 2 of 1838.)

The Criminal Judge states the twelve Peons referred to in paragraph 2 of the Extract proceedings of the Sanjiang Udalut of the 21st Ultimo, were employed to levy during the absence, and in place of the Peons ordered to relieve others at the Red Hills.

The Criminal Judge has omitted to explain by what authority the Peons at the Red Hills were so relieved. He is therefore required to furnish information on this point, and at the same time to send up an Account Extensive of the expence actually incurred in consequence of the employment of the additional Peons, in order that (should the Court of Sanjiang Udalut see sufficient ground for recommending it,) the same may be submitted for the sanction of Government.

Ordered, that Extract from the

these proceedings be sent to the Criminal Judge of Chittoor by Precept returnable within five days from and after its receipt.—

(Sent following Precept No 26.

Read letter dated the 17th October 1837 from the 3d Judge of the Provincial Court of Circuit in the Centre Division, forwarding for the orders of the Sessions Adalut a copy of an Extract from his proceedings and of the return thereto by the Criminal Judge of Chittoor on the subject of the employment of the Convicts for hire on the grounds of private individuals.—

(Here enter No 2186 of 1837.)

Also read return dated 30th October 1837, made by the Criminal Judge of Chittoor to the precept of the Sessions Adalut of the 23d of the same month, requiring the Criminal Judge to explain under what authority 21 prisoners were employed during the month of September "to repair the hedges for hire" and one prisoner as "Carpenter for hire".—

(Here enter No 2270)

The Criminal Judge explains that he considered the proceedings of the Court of Sessions Adalut of the 19th January 1831 authorized him to make a charge for work done by the Convicts that he has long been in the practice of doing so, in reference to the monthly accounts which he drew, and that with the view of producing for Government the largest returns from their labor, he considered it his duty to employ the Convicts in this manner when there was no particular public work on hand, but that the practice was discontinued on receipt of the instructions conveyed to him by the Judge on Circuit.—

The practice of allowing Convicts to work on the private grounds of the Europeans Civil Officers of Government at the stations is specially prohibited by the Circular Order of the 1st of August 1827, and the Court of Sessions Adalut are of opinion that there are objections to the employment of Convicts in any private grounds, or works for hire which render it inexpedient to authorize a practice, which certainly was not contemplated in the order of the 19th of January 1831, referred to by the Criminal Judge.—

The order of the 3d Judge is accordingly approved of and confirmed.—

Ordered, that Extract from these proceedings be forwarded to the 3d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.—

(Sent in No 27)

6th January 1838.

Read letter dated the 20th Ultimo from the Magistrate of Canara submitting a copy of a letter from the Joint Magistrate of Canara, explanatory of Cases Nos. 107 and 99 of the file of the Principal Sudr Ameen for October last.—

(Here enter No. 2694 of 1837)

The explanation afforded in this communication regarding Cases Nos. 107 and 99 on the file of the Principal Sudr Ameen for October last is considered satisfactory.—

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

(Sent in No. 28)

Read letter dated the 22d Ultimo from the 3d Judge on Circuit in the Western Division, forwarding a Statement of Batta paid to the parties appearing before the Court of Circuit at Mangalore during the second Sessions of 1837.—

(Here enter No. 6)

F. 66.

At a Court of the Foujdaree Udalut.—

Present,

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

Monday 8th January 1838.

Read Miscellaneous Petition presented on the 18th ultimo by Kassy Doss.—

(Here enter No. 2. No. 172 of 1837)

The Petitioner puts in a Petition addressed to the Right Honorable the Governor and prays to the effect that he should apply to the Sudr Udalut.—

The Court of Foujdaree Udalut observe that the Complaint which forms the subject of the Petition was disposed of by the Court in their orders dated respectively the 22nd February and 14th March 1836 — and that it is not in their power to do more for the Petitioner than they have already done —

The Petitioner is at liberty to take copies of the orders in question, if he think proper to do so.

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

Read Miscellaneous Petition presented on the 18th ultimo by Soobaroya Setty — a Gomastah of Kavalee Lutchmaniah — Jaghirdar of Tronamore in the Zillah of Chingleput.—

(Here enter No. 3. No. 173 of 1837)

It is set forth in this Petition that the above named Jaghirdar mortgaged the Village of

Tronamore

6th January 1838.

Read letter dated the 20th Ultimo from the Magistrate of Canara, submitting a copy of a letter from the Joint Magistrate of Canara, explanatory of Cases Nos. 107 and 99 of the file of the Principal Sudr Ameen for October last.—

(Here enter No. 2694 of 1837)

The explanation afforded in this communication regarding Cases Nos. 107 and 99 on the file of the Principal Sudr Ameen for October last is considered satisfactory.—

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

(Sent in No. 28)

Read letter dated the 22d Ultimo from the 3d Judge on Circuit in the Western Division, forwarding a Statement of Batta paid to the parties appearing before the Court of Circuit at Mangalore during the Second Sessions of 1837.—

(Here enter No. 6)

Sd/ [illegible]

13

J. Uc.

At a Court of the Tondaree Udalut.—

Present,

Monday 8th January 1838.

Charles May Lushington Esqr. 1st Puisne Judge
John Bird Esqr. ..... 2d Puisne Judge
Alexr. Duncan Campbell Esqr. 1st & Sessions 3d Puisne Judge

Read Miscellaneous Petition [illegible] dated on the 18th ultimo by Kafoy Dosa.

13

15[redacted]

(Here enter M. P. No. 172 of 1837)

The Petitioner puts in a Petition addressed to the Right Honorable the Governor and in the effect that he should apply to the Sudr Udalut—

The Court of Tondaree Udalut observe that the Complaint which forms the subject of the Petition was disposed of by the Court in their orders dated respectively the 22d February and 4th March 1836— and that it is not in their power to do more for the Petitioner than they have already done—

The Petitioner is at liberty to take copies of the orders in question, if he think proper to do so.

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

Read Miscellaneous Petition presented on the 18th ultimo by Soobarova Setty a Commercial of Kavalee Lutchmaniah - Sagheerdar of Tirunamoor in the Zillah of Chingleput.—

(Here enter M. P. No. 173 of 1837)

It is set forth in this Petition that the above named Jaghirdar mortgaged the City of

Tiromanoor to a Sowcar named Sreadenkara pondyajee, but that the debt having been at length liquidated, he proceeded to "exact" the Village: that the Mortgagee complained to the Collector of Chingleput that the Jaghirdar had taken away the Umbarum, or grass produce, whereupon the Collector issued an order prohibiting the interference of the Jaghirdar "in the Management of the Cirkar Mairwarum Rights of the Village, with the exception of his own cultivation": that accordingly in the month of March 1837 the Jaghirdar reaped the crops "raised on the lands of his own cultivation," and carried away the produce: that the Mortgagee again complained to the Collector who fined the Jaghirdar fifty Rupees on the ground that he had acted contrary to the orders.

It is further stated that the Jaghirdar having petitioned the third Judge on Circuit, that Officer recorded his opinion that the fine had been imposed on insufficient grounds, and issued a Precept to the Collector requiring him to refund the amount levied from the Petitioner: but that he subsequently cancelled this order on receiving an Explanation from the Collector.

Of this proceeding the Petitioner complains: and, alleging that the fine has been illegally imposed, he prays that a Precept may be issued to the Third Judge of Circuit instructing him to annul the order of the Collector, and remit the fine in question.

The Court of Foujdaree Adalut observe that the matter here referred to did not properly come within the cognizance of the Court of Circuit, whose

interference either on the one side or the other was unauthorized. If the fine alleged to have been imposed by the Collector, was illegally imposed, it is open to the Petitioner to sue in Court for the recovery of the amount.

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

Read letter dated the 28th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division, transmitting the record in case No. 1 the Tellicherry 2nd additional Calendar 4th Quarterly Sessions of 1837. (Here enter No. 2707.)

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 prisoner

Mr. Bird and Mr. Campbell

Jean Chamel Chenia Cheikone

is sufficient to convict him of Murder, committed in the perpetration of Robbery, &c, under the authority with which they are vested by Clause first, Section II, Regulation I of 1818, convict him thereof, and sentence him to be transported to such place or places beyond Sea as the 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. 29.)

Read letter dated the 20th Ultimo from the Special Commissioner at Mangalore, submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 118 by the Special Commission. (Here enter No. 2688.)

Teromanoor to a Sowcar named Sreadenkaraponduyajee, but that the debt having been at length liquidated, he proceeded to "zuft" the Village: that the Mortgagee complained to the Collector of Chinglepet that the Jaghierdar had taken away the Kambarum, or grass produce, whereupon the Collector issued an order prohibiting the interference of the Jaghierdar "in the Management of the Circar Mairwarum Rights of the Village, with the exception of his own cultivation:" that accordingly in the month of March 1837 the Jaghierdar reaped the crops raised on the lands of his own cultivation, and carried away the produce: that the Mortgagee again complained to the Collector who fined the Jaghierdar fifty Rupees on the ground that he had acted contrary to his orders.

It was further stated that the Jaghierdar having petitioned the third Judge on Circuit, that Officer recorded his opinion that the fine had been imposed on insufficient grounds, and issued a Precept to the Collector requiring him to refund the amount levied from the Petitioner: but that he subsequently cancelled this order on receiving an Explanation from the Collector.

Of this proceeding the Petitioner complains: and, alleging that the fine has been illegally imposed, he prays that a Precept may be issued to the Third Judge of Circuit instructing him to annul the order of the Collector, and remit the fine in question.

The Court of Foujdaree Adalut observe that the matter here referred to did not properly come within the cognizance of the Court of Circuit, who do

interference

interference either on the one side or the other was unauthorized. If the fine alleged to have been imposed by the Collector, was illegally imposed, it is open to the Petitioner to sue in Court for the recovery of the amount.

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

Read letter dated the 28th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division, transmitting the record in case No. 1 the Tellicherry 2nd additional Calendar 4th Quarterly Sessions of 1837 (Here enter No. 2707)

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 prisoner

Mr. Bird and Mr. Campbell

Jean Chemel Xavier Cheikouz

is insufficient to convict him of Murder, committed in the perpetration of Robbery, &c, under the authority vested in them by Clause first, Section II. Regulation I of 1810, 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 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. 29.)

Read letter dated the 20th Ultimo from the Special Commissioner at Mangalore, submitting for the final Judgment of the Foujdaree Adalut the record of case No. 113 by the Special Commission

(Here enter No. 2658)

8th January 1838.

Mr Bird
and
Mr Campbell

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 Cazie-ool-coozat and Mooftees of the Foujdaree Adalut, confirm the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, convicting the prisoner

Moosaine

of the Crime charged and awarding Tazeer and under the provisions of Sections II and III, Regulation I of 1834, and clause third, Section VIII Regulation XII of 1802, sentence him to be banished to the District of Combatoor, to be imprisoned in the Jail of the Assisting 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 Adalut direct that their Sentence in the Trial No 118 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 30.)

Read letter dated the 27th Ultimo from the Special Commissioners at Mangalore, submitting for the Judgment of the Foujdaree Adalut the record of

8th January 1838.

of Case No 96 by the Special Commissioners

(Here enter No 4)

Mr Bird
and
Mr Campbell

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-coozat and Mooftees of the Foujdaree Adalut, confirm the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, convicting the prisoner

Imaum

of Rebellion and awarding Sookoobut 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 three years

The Court of Foujdaree Adalut direct that their Sentence in the Trial No 96 from the Bangalore 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 31)

Read letter dated the 29th ultimo from the Acting Third Judge of the Provincial Court of Circuit for the Northern Division, stating the Expiration of the Primary and First and Second Supplementary

Calendar

8th January 1838

Read Return dated the 27th Ultimo from the Acting Criminal Judge of Chingleput to the Receipt of the Court of Fojdaree Adalut under date the 28th December 1837 communicating their opinion that the escape of the Convicts working under the orders of the Brigadier commanding St Thomas's Mount were solely attributable to the shameful conduct of the Peons in charge of the party, and directing that those Peons be committed for trial before the Court of Circuit on a charge of Conn

(Here enter F.R. No. 2698 of 1837)

The Acting Criminal Judge repo

1.

that of the five Peons concerned in the escape of the con-victs, the Peon Chinnoo Naick - the Prisoner in Case No. 151 of 1837 - has been released - the charge against him not having been proved; and requests instructions regard his re-apprehension and committal -

2. The Court of Fojdaree Adalut ha

referred to the copy of the proceedings of the Criminal Court under date the 4th November 1837, which accompa-nied the Return above recorded, - are of opinion that the available evidence against Chinnoo Naick affords no reasonable prospect of the conviction of that Prison-er before the Court of Circuit; and will not, in analogy distinct the order for his release -

Ordered, that Extract from these Proceed-ings be sent to the Acting Criminal Judge of Chingle-put for his information -

(Sent in No. 33)

Read

8th January 1838.

Read letter, dated the 4th Instant from the Provincial Court of Circuit in the Centre Division; transmitting the original death warrant &ca in Cases Nos 1. & 2. of the Delagoa Bay Supplimental Calendar for the 2d Sessions of 1837.

(Here enter No 47)

Read Miscellaneous Petition presented on the 18th Ultimo by Nanchammmal of the Tillah of Chingleput.

(Here enter M. P. No 171 of 1837)

The Petitioner prays that order may be issued for the release of her husband Tarovengada Setty from confinement.

Tarovengada Setty prisoner in Case No 7 in the Chingleput Calendar for the Second Sessions of 1837. was convicted before the Court of Circuit of Wilful and Corrupt Perjury in having given two contradictory depositions on oath. the one before the Assistant Magistrate the other before the Criminal Court of Chingleput, touching a matter of fact material to the issue of a charge preferred against the Cutwal of Conjeveram, of his having received a bribe to release certain persons in his Custody on a criminal charge: and was sentenced to imprisonment for five years, and to receive One hundred and fifty lashes &c.

The Petitioner prays that the Sentence may be remitted on the alleged ground that the prisoner is in the habit of uttering incoherent things while intoxicated: and that he was in that State when the depositions in question were taken from him.

The

8th January 1838.

The Court of Foujdaree Adalut have considered the case in question as it is given in the Calendar, and are of opinion that the conviction was correct and the Sentence just and proper.

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

E. H. L.

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F 16

At a Court of the Foujdaree Udalut

Present,

Charles May Lushington Esqr. 1st Puisne Judge

Wednesday 10th January 1838. John Bird Esqr. 2d Puisne Judge

Alexr. Duncan Campbell Esqr. 3d Puisne Judge

Read return dated the 30th

£75 / £5 Ultimo from the Acting First Judge of
Circuit in the Southern Division, to the
Receipt of the Court of Foujdaree Udalut
under date the 23d December 1837. convey-
ing their deliberations and orders on the
Calcutta Calendar for the second Sessions of
1837.—

(There enter F 16. No 32 of 1838.)

The explanations afforded by the
Acting First Judge relative to cases No 3
considered by the Foujdaree Udalut satisfac-

Case No 10. Respecting this case, the Acting
First Judge observes that he would have
held the Prisoners to security had he not
considered them a vagrant and pedlard, and other
offenders who were likely to abscond, to be
the sort of Criminals from whom alone
security ought to be taken.

The Court of Foujdaree Udalut

observe that the remarks of the Acting First Judge is correct when applied to cases in which the object of security is to ensure the appearance of parties, but not when the object in view is their future good conduct.

Ordered, that Extract from this proceedings be sent to the Acting First Judge late on Circuit in the Southern Division for their information.

(Sent in No. 41.)

Read letter dated the 27th Ultimo from the Acting 1st Judge on Circuit in the Southern Division, forwarding the Statement of Batta paid to the Prosecutors and witnesses appearing before the Court of Circuit at Salem and Coimbatore during the two Sessions of 1837.

(Here enter No. 9.)

Read return dated the 27th Ultimo from the Acting 1st Judge on Circuit in the Southern Division to the Precept of this date calling upon him to report what notice has been taken by the Magistrate of Tanjore of the misconduct of the Peishkar referred to in the Record of Case No. 37 Coimbatore Supplemental Calendar 2nd Sessions of 1837.

(Here enter No. 10.)

Read

Read letter dated the 26th Ultimo from the 3rd and Acting 2nd Judge on Circuit in the Northern Division, forwarding a Supplemental Calendar containing one of the Zyloondah Cases and the Printed Statement of Batta for the 2nd Sessions of 1837 at Vizagapatam.

(Here enter No. 12.)

Read return dated the 26th Ultimo from the Acting Joint Criminal Judge of Coimbatore to the Precept of the Sanjeevi Udalut dated the 20th December 1837 conveying their observations and orders on the Coimbatore Criminal Reports for the month of November.

(Here enter No. 15.)

Read return dated the 26th Ultimo from the Acting Joint Criminal Judge of Tellicherry to the precept of the Sanjeevi Udalut dated the 20th December 1837 conveying their observations and orders on the Tellicherry Criminal Reports for the month of November.

(Here enter No. [illegible])

Read Supplemental return dated the 2nd Instant from the 1st Judge on Circuit in the Southern Division to the Precept of the 4th December 1837, requiring the Judge

Judge on Circuit to look into the proceedings of the Criminal Court of Cannanore in Case No. 150 of the Supplemental Report for the month of October 1837.—

(Here enter No. 35.)

Read petition dated the 30th Ultimo from the Acting Criminal Judge at Calicut to the Precept of the Foujdaree Udalut dated the 23rd December 1837, conveying their observations and orders on the Matters Criminal Reports for the month of November.—

(Here enter No. 38.)

Read letter dated the 2nd Instant from the 3rd and late Acting 2nd Judge on Circuit in the Northern Division, forwarding the Original Death Warrant &c. &c. in Case No. 7 Rajahmundry Calendar Second Sessions of 1837.—

(Here enter No. 61.)

Read letter dated the 8th Instant from the 2nd Judge on Circuit in the Northern Division, reporting his return to from the 1st Sessions of 1838 at Cannanore on the 29th Instant.—

(Here enter No. 65.)

F. 116.

At a Court of the Foujdaree Udalut,

Present,

Thursday 11th January 1838.—Charles May Lushington Esqr. 1st Puisne Judge

John Bird Esqr. 2nd Puisne Judge

Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

Read again letter dated the 25th November last from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the record of case No. 2 tried by the Special Commission.—

(Here enter No. 2517 of 1837.)

Read also extract from the Minutes of Consultation dated the 2nd Instant, commuting the sentence of death recorded against the 1st prisoner in Mangalore Special Trial No. 2 and confirming the sentence of the Foujdaree Udalut against the 2nd prisoner in the same Case.—

(Here enter No. 28 of 1838.)

Mr. Lushington and Mr. Campbell.

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

1st Mungesha Shetty

be transported to Singapore, there to be imprisoned and kept to hard labour in irons or the fuller

roads or other public works, for and during the period of his natural life: and that the Prisoner

2nd. Maum Beary

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 [illegible] fourteen years.

The Court likewise direct that extract from their proceedings under date the 20th. Ultimo be sent for the information and guidance of the Mangalore Special Commission.

(sent following letter No. 42.)

Read letter dated the 2nd. instant from the First Judge on the Centre Division forwarding copies of the Cuddalore Primary and Supplemental Calendars for the Second Sessions of 1837.

(Received F. Ltr. No. 40 of 1838.)

Primary Calendar Case No. 1.

1.

The first Judge requests the instructions of the Court of Foujdaree Adalut in respect of the disposal of the Prisoners in this case, which, in consequence of the non-attendance of the first three witnesses for the prosecution has been postponed for the second time: and he suggests that, if the Court should determine on their release, they be required to furnish good and sufficient security for their future good conduct, since they

they are represented as being men of desperately bad characters.

2.

The Court of Foujdaree Adalut observe that the case must lie over until the next ensuing Sessions; and in the mean while every exertion must be made to procure the attendance of the witnesses.

3.

The information required by para. 2 of the Circular Order of the 24th. September No. 52 has not been furnished. The First Judge will be pleased to submit a copy of any Return which may have been made by the Joint Criminal Judge, shewing the measures which were adopted to procure the attendance of the absent parties.

Case No. 7

4.

As it appears from his remarks in the Calendar that the Presiding Judge is by no means satisfied with the evidence for the prosecution in this case, the Court of Foujdaree Adalut deem it proper to direct that an English Translation of the Record be submitted for their consideration.

Second Supplt. Calr. Case No. 2.

5.

The first four prisoners in this case are convicted of having, on the night of the 30th. of September 1837 in company with some others, forcibly entered the house of the Prosecutor situated at Chavadi beaten and ill-treated him, and the other inmates and plundered from the house, property valued

11th January 1838.

at Rupees 16,564 — 14 —

6.

The Prisoners have been sentenced by the Court of Circuit to fourteen years imprisonment but in respect of the third prisoner the Presiding Judge observes, that he "is possibly not upwards of fourteen or fifteen years of age; and "this circumstance" he adds "may induce the Higher Court to remit a portion of the sentence."

7.

The Court of Foujdaree Udalut, in consideration of the extreme youth of the third prisoner Tumboogam

resolve, under the authority vested in them by Clause third, Section III, Regulation I of 1825, 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 seven years.

Before passing any order on the recommendation of the Presiding Judge in favour of the Prisoners in this case, the Court of Foujdaree Udalut deem it necessary to direct that an English Translation of the Record be submitted for their consideration.

Ordered, that extract from these proceedings be sent to the First Judge Latecandiment in the Centre Division by Precept returnable within twenty five days from and after its receipt.

(Sent following Precept No. 43.)

Fourth Sessions Cal. 8.
Case No. 6

F. 66.

At a Court of the Foujdaree Udalut

Present

Saturday 13 January 1838.

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre ——— 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read letter dated the 25th Ult from the Special Commissioners at Moorshedabad submitting for the final Judgment of the Foujdaree Udalut the record of Case No 6 tried by the Special Commission.

(Here enter No 33.)

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 Officers, and the Futwas of the Lawes and Law Assessors of the Foujdaree Udalut, confirm the said Futwas of the Lawes and Law Assessors aforesaid, convicting the Prisoners

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of Treason and Rebellion, and sentencing the said Prisoner and under the provisions of Section II Regulation I of 1834, doth order the said Prisoner to suffer death by being hanged by the usual Mode and Law of execution.

The

The Court of Sanjdaree Adalut
direct that their sentence in the Trial No. 107
from the Mangalore Special Commission be
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. 49)

Read return dated the 2nd Instant
from the Acting First Judge Late on Circuit
in the Southern Division, to the Precept of
the Court of Sanjdaree Adalut under date the
28th November 1837 conveying their determination
and orders on the Calendar of
the Second Sessions of 1837—

(Here enter Fth. No. 43 of 1838)

Case No. 39

Under the application offended
in the Return above recorded, the Court of Sanj
Jaree Adalut will not withhold their sanction
from the mitigated sentence recommended by
the Acting First Judge, and accordingly
direct that the prisoner

2nd Mootasuddy

13th January 1838.

2nd Mootasuddy
and
3d Cairoopeon

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

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

(Sent following Precept No. 50)

Read return dated the 3d Inst
from the Acting 1st Judge late on Circuit in
the Southern Division to the Precept of
the Sanjdaree Adalut dated the 13th Novem
1837, requiring him to ascertain from the
Magistrate and report the cause of the
body of the deceased female in Case No. 1
Cottaconum Calendar 2nd Sessions of 1837
being allowed to remain so long in the wa

(Here enter No. 51.)

Read letter dated the 5th Inst
from the Acting 3d Judge of the Court of
Circuit in the Southern Division reporting
his intention to open the 1st Sessions of 1838
at Mutwar on the 8th Proximo—

(Here enter No. 73.)

Pens

The Court of Forfeiture Adalat
direct that their sentence in the Trial No. 107
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. 19)

Read return dated the 2nd Instant
from the Acting First Judge Late on Circuit
in the Southern Division, to the Precept of
the Court of Forfeiture Adalat under Date the
28th November 1837 consigning their Execution
and orders on the Commitment Calendar for
the Second Sessions of 1837—

Case No. 39

(Here enter Sentence No. 43 of 1838)

Under the infliction affixed
in the Return above recorded, the Court of Forf
feiture Adalat without withholding their Sanction
from the mitigated Sentence recommended by
the Acting First Judge, and unanimously
direct that the Prisoner

2nd Mootoocurpen

13th January 1838.

2nd Mootoocurpen
and
3d Cairoopen

be imprisoned and kept to hard labour in
irons, on the public roads, or other public wo
for and during the period of three years
Ordered, that Extract from t
proceedings be sent to the Acting First J
Late on Circuit in the Southern Divisio
by Precept returnable within three days
from and after its receipt—

(Sent following Precept No. 50)

Read return dated the 3rd Ins
from the Acting 1st Judge Late on Circuit in
the Southern Division to the Precept of
the Forfeiture Adalat Dated the 13th Novem
1837, requiring him to ascertain from the
Magistrate and report the [illegible] of the
body of the deceased female in Case No. 1
Cottaconum Calendar 2nd Sessions of 1837
being allowed to remain so long in the ad
(Here enter No. 51)

Read Letter dated the 8th Inst
from the Acting 3d Judge of the Court of
Circuit in the Southern Division reporting
his intention to open the 1st Sessions of 1838
at Madura on the 5th Proximo—

(Here enter No. 73)

Read

The Court of Sanjhans Adalat direct that their sentence in the Trial No. 107 from the Mangalore Special Commissioners together with the whole of the proceedings held in the case be transmitted to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council to the intent that the Court may in conformity with the provisions of Section V Regulation XX of 1803 receive the orders of Government before they direct their sentence to be carried into execution.

(Sent in No. 49)

Read return dated the 2nd Instant from the Acting First Judge Late on Circuit in the Southern Division, to the Precept of the Court of Sanjhans Adalat under Date the 28th November 1837 conveying their observations and orders on the Commitments for the Second Sessions of 1837.

(Here enter Page No. 13 of 1838)

Case No. 39

Under the reflections offered in the Return above recorded, the Court of Sanjhans Adalat will not withhold their sanction from the mitigated sentence recommended by the Acting First Judge, and accordingly direct that the prisoners

2nd Mootoocurpen

13th January 1838.

2nd Mootoocurpen

and

3d Cairoopen

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.

Ordered, that Extract from the proceedings be sent to the Acting First Judge Late on Circuit in the Southern Division by Precept returnable within three days from and after its receipt.

(Sent following Precept No. 50)

Read return dated the 3rd Instant from the Acting 1st Judge Late on Circuit in the Southern Division to the Precept of the Sanjhans Adalat dated the 13th November 1837, requiring him to ascertain from the Magistrate and report the cause of the death of the deceased female in Case No. 1 Cutcherry Calendar 2nd Sessions of 1837 being allowed to remain so long in the Jail.

(Here enter No. 51)

Read letter dated the 5th Instant from the Acting 3rd Judge of the Court of Circuit in the Southern Division reporting his intention to open the 1st Sessions of 1838 at Mulkee on the 5th Proxima.

(Here enter No. 73)

Pass

The Court of Sanjitana Udalut
direct that their sentence in the Trial No. 107
from the Mangalore Special Commission be
together with the whole of the proceedings held
in the case be transmitted to the Chief Secretary
to Government for the purpose of being laid
before the Right Honorable the Governor in
Council to the intent that the Court may in
conformity with the provisions of Section V
Regulation XX of 1803 receive the orders of
Government before they direct their sentence
to be carried into execution.

(Sent in No. 49)

Read return dated the 2nd Instant
from the Acting First Judge late on Circuit
in the Southern Division, to the Precept of
the Court of Sanjitana Udalut under Date the
28th November 1837 conveying their observations
and orders on the Commitment Calendar for
the Second Sessions of 1837.

Case No. 39

(Here enter Extract No. 43 of 1838)

Under the explanation afforded
in the Return above noted, the Court of San-
jitana Udalut authorize the Acting Judge in this Division
from the sentence passed by
the Acting First Judge, and accordingly
direct that the Prisoners

2nd Mootooswamy

2nd Mootooswamy
and
3rd Cumaroopere
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
Ordered, that Extract from the
proceedings be sent to the Acting First
Judge on Circuit in the Southern Division
by Precept returnable within three days
from and after its receipt.

(Sent following Precept No. 50)

Read return dated the 3rd Instant
from the Acting 1st Judge late on Circuit in
the Southern Division to the Precept of
the Sanjitana Udalut dated the 13th November
1837, requiring him to ascertain from the
Magistrate and report the cause of the
body of the deceased female in Case No. 1
Cumaroopere Calendar 2nd Sessions of 1837
being allowed to remain so long in the state
being.

(Here enter No. 51.)

Read letter dated the 5th Instant
from the Acting 3rd Judge of the Court of
Circuit in the Southern Division reporting
his intention to open the 1st Sessions of 1838
at Mudgere on the 8th Proximo.

(Here enter No. 73.)

Read

Read return dated the 9th Instant from the 3rd Judge of the Provincial Court of Circuit in the Centre Division to the Precept of the Tenjore Udalut dated the 6th January 1838. Sanctioning the mitigated punishment of 7 years imprisonment on the 1st prisoner Timmadoo in the 7th Supplemental Calendar 4th Quarter Sessions of 1837.—

(Here enter No. 76.)

Read Supplemental return dated the 10th Instant from the 3rd Judge of the Provincial Court of Circuit in the Centre Division to the Precept of the Tenjore Udalut dated the 13th November 1837 respecting Case No. 1 on the Calendar 15th Supplemental Calendar for the 3rd Quarter Sessions of 1837.—

(Here enter No. 91)

Read letter dated the 28th December 1837 from the 1st Judge of the Provincial Court in the Western Division reporting his intention to open the 1st Sessions of 1838 at Coimbatore on the 1st February next.—

(Here Enter No. 21.)

F. Ub.

At a Court of the Tenjore Udalut

Present

Monday 15th January 1838.

Charles May Lushington Esqr. 1st Circuit Judge

John Bird Esqr. ——— 2nd Circuit Judge

Alexr. Duncan Campbell Esqr. 3rd Circuit Judge

Read Miscellaneous Petition presented on the 13th Ultimo by Akkenaiye Pattyanundum; Ma Baday Balajee and Parentaloo.—

(Here enter M. P. No. 169 of 1837)

The Petitioners represent that they were dismissed by the Acting Collector of Tanjore from their respective situations of Manager on the Magistrate's Cutcherry, Cutwal of Tanjore and Duffadar and Peon of the Cutwals Choultry, in consequence of a charge preferred against them that they had received bribes from one Thyagaraz that notwithstanding they have been acquitted of the charge both by the Criminal and Council Courts, the Magistrate still declines to restore them to their situations.

Petitioners pray that orders may be issued for their restoration to their respective offices.

With reference to the orders of Government of the 5th October 1837 Petitioners are informed

that it is not in the power of the Court of Foujdaree Udalut to interfere in this matter.

Ordered that extract from these proceedings be furnished to the Petitioners with the enclosures of their Petition.

Mullala Govindiah of the Zilla of Cuddapah, moves the Court to return the enclosures in his Miscellaneous Petition No. 163 of 1837.

Ordered accordingly.

Read letters dated the 4th Ultimo from the late Acting Judge on Circuit in the Centre Division, submitting for the final judgment of the Court of Foujdaree Udalut the Records of cases Nos. 14 and 16 of the Bellaree Calendar for the second Sessions of 1836.

(Here enter F. Cs. Nos. 2563 and 2569 of 1837)

1.

In Case No. 16 the prisoners

1st Sillah

2d Buseenah

and

3d Dodda Busapah

were charged (with two others acquitted) with having on the afternoon of Friday the 28th April 1837. attacked the 1st 2d and 4th complainants and Hunmah the Brother of the 2d complainant, while they were watching the Ghaut on the road between the Villages of Tallatkilly and Ammantakully in the Talook of

of Murpanchelly struck the first complainant with a stick, and wounded the aforesaid Hunmah with a hunting hatchet, robbed a gun and other articles from the first complainant, of the value of five Rupees and a gun &c. of the value of Rupees 5 12 from the aforesaid Hunmah. The said Hunmah the Indictment further sets forth deed of his own on the 6th May 1837.

2. The crimes which form the body of Trials Nos. 15 and 16, are charged to have been perpetrated on the same evening: and were it proved that the third prisoner Dodda Busapah headed the Gang which committed the Robbery in No. 15. that fact would be corroborative of the evidence against him in No. 16 provided the places at which the crimes were committed are in the neighbourhood of each other.

3. The Prosecutor Puttumbutty Boodum in Case No. 15. is stated in the Abstract of evidence on the Calendar to have identified the prisoner in question and to have overheard the Robbers conversing together about robbing the people of the Ghaut.

4. It appears further that the second and third prosecutors in the same case No. 15. were not examined either before the Magistrate or the Criminal Court, while the Judge of Circuit on his remarks in the Calendar has not shewn what they stated before him.

The

that it is not in the power of the Court of Foujdaree Udalut to interfere in this matter—

Ordered that extract from these proceedings be furnished to the Petitioners with the enclosures of their Petition—

Mullala Govindsiffa of the Zilla of Cuddapah, moves the Court to return the enclosures in his Miscellaneous Petition No. 168 of 1837—

Ordered accordingly—

Read letter dated the 4th Ultimo from the late Acting Judge of Circuit in the Centre Division, submitting for the final judgment of the Court of Foujdaree Udalut the Records of cases Nos. 14 and 16 of the Bellaree Calendar for the second Sessions of 1836—

(Here enter F. Cs. Nos. 2558 and 2559 of 1837)

1.

In Case No. 16. the prisoners

1st Sellah

2nd Busswah

and

3rd Dodda Beseapah

were charged (with two others acquitted) with having on the afternoon of Friday the 28th April 1837. attacked the 1st 2nd and 4th complainants and Hunmah the Brother of the 2nd complainant, while they were watching the Ghaut on the road between the Villages of Tallashilly and Annantahully in the Talook of

Kurpanhully struck the first complainant with a stick, and wounded the aforesaid Hunmah with a hunting hatchet, robbed a gun and other articles from the first complainant, of the value of five Rupees and a gun Do. of the value of Rupees 5. 10. from the aforesaid Hunmah. The said Hunmah the Indictment further sets forth died of his wound on the 6th May 1837—

2.

The crimes which form the subject of Trials Nos. 15 and 16, are charged to have been perpetrated on the same evening: and were it proved that the third prisoner Dodda Beseapah headed the Gang which committed the Robbery in No. 15. the fact would be corroborative of the evidence against him in No. 16 provided the places at which the crimes were committed are in the neighbourhood of each other.

3.

The Prosecutor Puttumbradhy Boodoo in Case No. 16. is stated in the Abstract of evidence in the Calendar to have identified the prisoner in question and to have overheard the Robbers conversing together about robbing the people of the Ghaut—

4

It appears further that the second and third prosecutors in the same case No. 15. were not examined either before the Magistrate or the Criminal Court, while the Judge of Circuit in his remarks in the Calendar has not shewn on what they stated before him—

5. The Court of Toydaree Adalut deem it necessary, however, before proceeding to judgment to direct that the aforesaid Puttunhulby Boodum and the second and third Complainants in No. 15 also be examined as to the fact of the third prisoner in No. 16 having headed the Gang on the occasion referred to in No. 15. and that evidence be likewise taken in respect of the distance between the scenes of action in No. 15 and 16.

6. The Criminal Judge of Bellaire will accordingly take measures for procuring the attendance of persons capable of affording information on the latter point, and the attendance of the said Boodum Buffapah and Chinna Veerapah and will, in the presence of the prisoners examine them upon oath.

7. 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.

8. The Criminal Judge will annex an English Translation the additional evidence so taken to the Record and will retransmit the same for the consideration and final judgment of the Court of Toydaree Adalut.

Ordered that extract from these proceedings together with the English Translation of the Record be sent to the Criminal Judge of Bellaire.

15th January 1838.

by Receipt returnable within twenty one days from and after its receipt.

(Sent following Receipt No. 35)

Read letter dated the 2nd instant from the First Judge of the Provincial Court of Circuit in the Western Division, forwarding copies of the Calendars of the Fourth Quarter Sessions holden at Tellicherry.

(Here enter F. 16. No. 64 of 1838.)

The Court of Toydaree Adalut see objection to the sentence passed by the First Judge in case No. 11 of the additional Calendar.

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

(Sent in No. 66)

Read letter dated the 29th Ultimo from the Third Judge on Circuit in the Western Division, forwarding copies of the Honore and Sessy Calendars for the Second Sessions of 1837.

(Here enter F. 16. No. 65 of 1838.)

Honore Calendar Case No. 12.

In this case, six prisoners were charged with having, on the night of the 16th August 1837 in company with about four others not apprehended armed with clubs and carrying lighted torches gone to the Prosecutor's house with their faces besmeared with white paint pushed open the Tatty door thereof rushed in, beaten the Prosecutor and the Inmates

with

with clubs, and otherwise maltreated them, and plundered therefrom property valued at Rupees 132—4—7½.—

2. The prisoners from the second to the fifth inclusive were convicted and sentenced by the Court of Circuit to imprisonment Vic. for three Years under Clause seventh, Section II, Regulation XV of 1803.—

3. The Court of Foujdaree Adalut observe that the provision quoted is inapplicable. The case would seem to be one of Gang Robbery by open violence and would therefore fall under Clause third of Section IV, Regulation XII of 1803. But if the case be considered Housebreaking only, the prisoners would be liable to Bud upon the technical objections of limitation removed by means of a Special question. In either case, the present sentence is incorrect and must be amended, unless indeed the value of the property does not exceed the Jisaab, or three Rupees, which with reference to the charge can hardly be the case.

4. The Court of Foujdaree Adalut observe that assented in the Future of the Mahommedan Law Officer of the Court of Circuit, that the first prisoner's confession was obtained under the express promise of a pardon by the Duffadar, desire to be informed whether the Record of the Trial exhibits any proof

of that assertion: and if so, whether any notice has been taken of the irregularity by the third Judge.—

Ordered that extract from these proceedings be sent to the Third Judge on Circuit in the Western Division by Precept returnable within ten days from and after its receipt.

(Sent following Precept No. 57)/o

Fol.

At a Court of the Foujdaree Udalut

Present

Tuesday 16th January 1838.

Charles Mary Lushington Esqr. 1st Puisne Judge

John Bird Esqr. ——— 2d Puisne Judge

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

113

115

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. 116 by the Special Commission.

(Here enter No. 2611)

Read also Extract from the Minutes of Consultation dated the 8th Instant confirming the sentence of the Foujdaree Udalut in Mangalore Special Trial No. 116.

(Here enter No. 78)

Mr. Bird and Mr. Campbell.

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

Cogoli Soobba

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.

The Court do likewise direct

the

that Extract from their proceedings under
Date the 23rd ultimo be sent for the in-
formation and guidance of the Mangalore
Special Commissioner.

(Sent following letter No 58)

Read the Criminal Reports
prescribed by Section XXXV Regulation X
of 1816 submitted by the Acting Joint Cri-
minal Judge of Cuddalore for the month
of December 1837.—

(Here enter No 69)

The above Reports do not ap-
pear to call for any remarks from the Court
of Fouzdaree Adawlut.—

Ordered therefore, that Extract
from these proceedings be sent to the Acting
Joint Criminal Judge of Cuddalore for
his information.—

(Sent in No 83)

Read the Criminal Reports
prescribed by Section XXXV Regulation X
of 1816 submitted by the Acting Criminal
Judge of Chingleput for the month of De-
cember 1837.—

(Here enter No 70)

The above Reports do not appear
to call for any remarks from the Court of
Fouzdaree

Adawlut.

Ordered therefore, that Extract
from these proceedings be sent to the Acting
Criminal Judge of Chingleput for his
information.—

(Sent in No 70)

Read letter dated the 6th Inst.
from the 3rd and late Acting 2nd Judge on
Circuit in the Northern Division, transmit-
ting the Primary Calendar of Vizagapatam
for the 2nd Sessions 1837.—

(Here enter No 93.)

Read return dated the 8th
Instant from the Acting 4th Judge late on
Circuit in the Southern Division, to the
Precept of the Fouzdaree Adawlut dated the
22nd August 1837. returning the English
and Persian translations of the Record of
in Case No 12 on the Madura Calendar
2nd Sessions of 1837 calling for additional
evidence taken in the case.—

(Here enter No 96)

Read return dated the 8th
Instant from the Acting Joint Criminal
Judge of Vizagapatam to Precept dated
26th December last communicating the
observations and orders of the Fouzdaree
Adawlut

16th January 1838.

Abstract on the Criminal Reports for the month of November 1837.-

(Here enter No 97.)

Read letter dated the 8th Instant from the 3rd Judge late on circuit in the Western Division, submitting the Statement of Batta paid to Prosecutors and witnesses during the 2nd Sessions of 1837.-

(Here enter No 99.)

Read return dated the 9th Instant from the 2nd Judge late on circuit in the Western Division, to the Precept of the 1st January 1838 conveying their observations and Orders of the Honore Calendar for the Sept Sessions of 1837.-

(Here enter 105.)

Read letter dated the 13th Instant from the 2nd Judge on circuit in the Centre Division, reporting the commencement of the Sessions at Chandragherry and the state of the Calendar.-

(Here enter No 112.)

F. C.

At a Court of the Fouzdaree Adalut.-

Present

Wednesday 17th January 1838.

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

Read letter dated the 18th Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Fouzdaree Adalut the Record of Case No 107 by the Special Commission.-

(Here enter No 2687.)

Mr Lushington
Mr Bird
and
Mr Campbell.-

The Court of Fouzdaree Adalut, having maturely considered the Proceedings held before the Special Commission, the Fetwa of the Provincial Law Officer, and the Fetwa of the Cazee ul Cozat and Mooftees of the Fouzdaree Adalut, confirm the said Fetwa of the Cazee ul cozat and Mooftees aforesaid, acquitting the Prisoner

1st Appaya Dandy

and convicting the

2d Oomana Mookiah, Total

of joining and aiding the Rebels, and do accordingly direct that the Prisoner

1st Appaya Dandy

be set at liberty.-

The Judges further being of opinion that the imprisonment already undergone by the Prisoner

2nd Oomana Mookiah, Total

is more than sufficient Punishment for his crime - in consideration of the Extenuating Circumstances attending it, direct that he also be set at liberty.-

The

At a Court of the Fouzdaree Adalut

Present,

Thursday 18th January 1838.

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre ——— 2d Puisne Judge
Alexr Duncan Campbell Esqre Actg 3d Puisne Judge

173

Read letter dated the 3d Instant from the Provincial Court of Circuit in the Centre Division, submitting for the orders of the Court of Fouzdaree Adalut a copy of a letter addressed to the Provincial Court of Circuit by the Acting Criminal Judge of Chingleput, requesting to be informed how he should proceed with regard to the disposal of certain property belonging to one Rajah Ram, which has been illegally taken charge of by the Cantonment Cutwall at Palaveram —

(Here enter No. 46 of 1838.)

The Court of Fouzdaree Adalut having referred to the Papers which accompanied the Provincial Courts letter of the 3rd Instant, — are of opinion that the Property belonging to Rajah Ram having been illegally taken possession of by the Police authorities at Palaveram, the Zillah Judge has no jurisdiction under clause 2nd Sec. XXI Regulation III of 1802 — and that opinion the Provincial Court of Circuit will communicate to the Acting Criminal Judge of Chingleput for his information and guidance —

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

(Sent in No. 74)

Read

18th January 1838.

Read the Criminal Reports pre-
scribed by Section XXXV Regulation X of 1816 submitted
by the Criminal Judge of Chittoor for the month of
December 1837—

(Here enter No. 104.)

The above Reports do not appear
to call for any remark from the Court of Foujdaree
Adalut—

Ordered, therefore that Extract from
these proceedings be sent to the Criminal Judge of
Chittoor for his information—

(Sent in No. 75)

Read the Reports prescribed by
Section XXXV Regulation X of 1816 submitted by the
Criminal Judge of Rajahmundry for the month of
December 1837—

Case No. 70.

(Here enter No. 107.)

The Court of Foujdaree Adalut do not
disapprove of the Commitment of the 1st, 2d, 3d, 4th, 5th and
7th prisoners in Case No. 70 of the Supplemental Report
but the evidence against the whole particularly the four
last prisoners being defective, the Criminal Judge
will cause every exertion to be made to procure further
evidence before the Trial—

2.

And adverting to the sentence passed
by the Criminal Judge on the 6th prisoner in the same
Case, it is ordered that the attention of the Criminal
Judge be called to the Circular Order of the Foujdaree

Adalut

18th January 1838.

Adalut of the 30th of April 1829 declaring that the terms
for which Security whether by personal recognizances
or by the responsibility of Sureties is to be given and the
term for which a Prisoner may be detained in confine-
ment in default of giving Security, should be the
same — and that he be instructed to amend the Sentence
on the said 6th Prisoner accordingly —

3.

With reference to the charge in Art. No.
12. of the Report No. 8, the Court of Foujdaree Adalut
desire that the Criminal Judge be called upon to
explain, if from the evidence and the circumstances of
the Case, there were grounds to charge the Prisoner
with "intent to kill"—

Ordered, that Extract from these
proceedings be forwarded to the Criminal Judge of
Rajahmundry for his information and guidance by
Dawk post returnable in 5 days, from and after its
receipt—

(Sent in No. 76)

Read the Criminal Reports pre-
scribed by Section XXXV Regulation X of 1816 sub-
mitted by the acting Joint Criminal Judge at
Tellicherry for the month of December 1837—

(Here enter No. 110)

The above Reports do not appear to
call for any remark from the Court of Foujdaree Adalut

Ordered, therefore that Extract from
these proceedings be sent to the acting Joint

Criminal

17th January 1838

agreeably to the letters received from the Acting Secretary in the Department of Public Works and from Captain Morgan in charge of Convicts at Red Hills: of which communications the Criminal Judge forwards copies.

4. The Court of Foujdaree Adalut deem that the Zillah Judge is inaccurate in stating that the Peons were relieved by "order" of the Board of Revenue. In his letter of the 26th October last to the Zillah Judge, the Board's Acting Secretary stated that various Petitions" had "been presented to the Board by Duffadars and Peons in charge of Convicts from several of the Jails in the Provinces, stating that they have been upwards of two years from their Native Country, and expressing a strong desire to be relieved by the same description of persons still employed at the Jails: and that he was directed by the Board to bring the subject to the "notice" of the Zillah Judge; "in the hope that he" may be enabled whenever an occasion presents itself, to have the whole, or any portion of these, detached from" his "Jail, exchanged for others".

5. The Acting Secretary added that could it be so arranged, the Board would wish that no Peons should be detached for a longer period than eighteen months.

6. Captain Morgan's letter merely intimates that "one Duffadar and twelve Peons" of the Chittoor Jail, "employed at the Red Hills, wish to be relieved".

The

19th January 1838

The Criminal Judge ought not to have relieved the Guard without making a Report on the subject to the Court of Foujdaree Adalut: and his employment of the additional Peons without the sanction of Government previously obtained through that Court, was irregular.

8. The Court of Foujdaree Adalut direct that the account Particulars furnished by the Criminal Judge be laid before Government with their recommendation, that sanction be granted for the expence actually incurred in the employment of the additional Duffadar and Peons amounting to Rupees 39-3-6 thirty nine, annas three and puce four.

9. The Criminal Judge will be pleased in future to conform to the order of Government contained in the 13th of the Rules regarding correspondence dated the 22nd November 1833, and published in the Fort St. George Gazette No. 204: which directs that the sum Total of all Bills &c. be entered in words at length as well as in figures.

Ordered, that extract from these proceedings be sent to the Chief Secretary to Government with the Account Particulars to be laid before Government.

(Sent in No. 36.

Read the Criminal Reports presented by Section XXXV Regulation X of 1816 submitted by the Acting Criminal Judge of Malabar for the Month of December 1837.

(Here enter No. 108.)

19th January 1838.

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 Criminal Judge of Malabar for his information.

(Sent in N.o 87.

Read the Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Acting Joint Criminal Judge of Tinnevelly for the Month of December 1837.

(Here enter N.o 109 of 1838.)

Case N.o 73 1. The fine imposed upon the prosecutor in Case N.o 73 of the Supplemental Report the Court of Foujdaree Udalut consider illegal. If there was any proof that the charge preferred by the prosecutor in Case N.o 73 was false, the crime amounted to Perjury and the prosecutor should have been proceeded against accordingly, but the imposition of a fine under the circumstances explained the Court do not consider authorized by Section XIII Regulation XIII of 1832, and the Acting Joint Criminal Judge is accordingly directed to cancel his sentence and to remit the fine if paid, or to release the prosecutor if in confinement in default of payment.

Case N.o 85. 2. The same observations may possibly apply

19th January 1838. apply to the sentence passed by the Acting Joint Criminal Judge on the prosecutor and the 6th witness in Case N.o 85 of the Report N.o 3, and unless therefore there grounds than those recorded on the sentence in N.o 73, can be shewn for the imposition of the fines imposed on the said prosecutor and the 6th witness, the sentence in this case also must be cancelled by the Acting Joint Criminal Judge.

Ordered, that extract from these proceedings be forwarded to the Acting Joint Criminal Judge at Tinnevelly for his information and guidance by precept returnable in 3 days, from and after its receipt.

(Sent following Precept N.o 88.)

Ex. Pl. 105

115

F. 116.

At a Court of the Fouzdaree Udalut

Present.

Charles Mary Lushington Esqr. 1st Puisne Judge.

Saturday, John Bird Esqr. 2nd Puisne Judge.

20th January, 1838. Alexr. Duncan Campbell Esqr. 3rd Puisne Judge.

Read letter dated the 9th Instant

115 from the Acting Joint Sessions Judge at Cuttack reporting the escape of a convict on the morning of the 2nd Instant, & submitting translations of the depositions taken, and requesting sanction for the offer of a reward of 100 Rupees for his reapprehension.

(Here enter No. 92 of 1838.)

The Acting Joint Sessions Judge states that he is led to believe that the prisoner "escaped by the gateway" of the Jail, "thro' the carelessness or connivance of "the Guard", that on the evening of the day on which the prisoner escaped the Jemadar Mahomed Cassim, and two Burkundazes and the constable went round outside of the rear wall of the Jail, and that two of the invalid Sepoys state that one of the Burkundazes took some bites off the wall, and that

that they consulted together to make it appear that the Prisoner escaped over the wall, that the evidence of the Jailer's Daughter on this point is "contradictory" and that of the prisoners "utterly unworthy of credit," but that as the "prisoner who escaped had the means of bribing" he entertained "strong suspicion" against the Jailer and Deputy Gaoler, "the Deputy Gaoler Mahomed Cassim," "the Peon of the Jail," Sheik Adam, and that consequently he has "suspended" them "until the orders of the Judge of the Supreme Adalut are received."

2. The Court of Sessions Adalut having perused the depositions transmitted by the Acting Joint Criminal Judge are of opinion that the evidence is sufficient to justify the conclusion that these persons were necessary to the escape, and they accordingly direct that the Jailer and Deputy Jailer be restored to their situations; but that as there is strong suspicion against the Peon either of connivance, or great negligence, he be not restored until he shall be exonerated by the re-apprehension of the escaped Convict.

3. With regard to the reward proposed

proposed to be offered for the re-apprehension of the escaped Convict, the Acting Joint Criminal Judge is informed that the Court of Sessions Adalut will give due consideration to an application of this nature, if submitted after it had been ascertained that the ordinary process for his re-apprehension would be ineffectual.

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

(Sent in No. 89.)

Read letter dated the 10th Instant from the 1st Judge of the Court of Circuit in the Western Division transmitting a Statement required by the Circular Order of the Sessions Adalut No. 6 dated the 5th July 1834.

(Here enter No. 116.)

Read letter dated the 18th Instant from the Criminal Judge of Salem reporting the death of the 2nd prisoner in Case No. 12 Salem Calendar 2nd Sessions 1837.

(Here enter No. 139.)

Read

20th January 1838.

Read returns dated the 15th Instant, from Hugh Montgomerie Esqre late Officiating Judge of the Provincial Court of Circuit in the Northern Division, to the Precept of the Sunjdaree Udalut dated the 8th January 1838, conveying their observations and orders on the Masulipatam Calendar of the 4th Quarter Sessions of 1837.—

WB

Exd 7th

(Here enter No 154)

F N

At a Court of the Sunjdaree Udalut—

Present;

Monday 22nd January 1838.

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre ——— 2d Puisne Judge.
Alexr Duncan Campbell Esqr No 3d Puisne Judge.

WB

Read Miscellaneous Petition presented on the 6th Instant by Tumbor Naiken of the Tillack of Chittoor—

(Here enter M. P. No 3 of 1838)

The Petitioner was tried on a charge of Robbery and wounding before the Court of Quarter Sessions of Chittoor—in case No 1 of the twelfth Supplemental or Calendar of the third Quarter Sessions: and was acquitted but required to find Security for his appearance when required within two years, in two Sureties of fifty Rupees Each.—

The Petitioner alleges that the Prosecutors in that case and some others—bring his enemies committed a violent assault upon him one day at Street, and compelled him to take refuge in his house which they then attempted to break open:—that he preferred a complaint against them to the Head of Police, which they met by a fictitious and groundless counter charge, which, through their superior influence they caused to be first investigated and that he was finally committed for Trial, the result of which is stated above—

The Petitioner prays that his Security bonds may be cancelled—.

The Petitioner is informed that the

Court

Court of Tonjore Adalut see no grounds whatever for their interference.

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

Kasnydoss moves the Court to return the enclosure in his Miscellaneous Petition No. 172 of 1837

Ordered accordingly.

Alamalor of the Zilla of Combatore moves the Court to return the enclosure in her miscellaneous Petition No. 161 of 1837.

Ordered accordingly.

Read a/n letters dated respectively the 20th and 29th December 1837 from the Special Commissioners at Mangalore, submitting for the final Judgment of the Tonjore Adalut the Records of Cases Nos. 96, 104, and 118, tried by the Special Commission.

(Here enter Nos. abovementioned as per Extract of 4th inst.)

Read also Extract from the Minutes of Consultation under date the 10th instant, confirming the sentences of the Tonjore Adalut in cases Nos. 96, 104, and 118 tried by the Special Commissioners at Mangalore.

(Here enter Nos. 116.)

Case No. 96.
Mr. Bird
and
Mr. Campbell.

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

Imam

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.

Under

Case No. 104
Mr. Bird
and
Mr. Campbell.

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

Bhudriya

be required to find two sureties in fifty 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.

Case No. 118.
Mr. Bird
and
Mr. Campbell.

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

Moostaine

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 likewise direct that Extract from their Proceedings under dates the 20th and 29th December 1837 on Cases Nos. 96, 104 and 118, be sent for the information and guidance of the Mangalore Special Commission.

(Sent following letters No. 91.)

Read the Criminal Reports prescribed by Section XXXIV. Regulation X of 1816. submitted by the Criminal Judge of Canara for the month of December 1837.

(Here enter No. 86.)

The above Reports do not appear to call for any remark from the Court of Tonjore Adalut.

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

Canara

22nd January 1838.

Canara for his information.—

/ Sent in No. 92. /

Read Miscellaneous Petition presented on the 8th Instant by Mr. Mastaty of the Tillak of Chinglepat.

/ Here enter M. P. No. 2 of 1838. /

The Object of this Petition is to obtain an order for the release of one Veerasawmy Pandaram on the Chinglepat Calendar for the Second Sessions of 1837 from Confinement.—

The Prisoner in question was committed before the Court of Circuit of Robbing his Master Ensign Harkness of a Box containing a Watch and other articles valued at Rupees 250.— and was sentenced to imprisonment with hard labor in Irons for Seven Years, under the provisions of Section XXI, Regulation XII of 1802.

The Petitioner who is the wife of the prisoner in general terms asserts her husband's innocence, and complains that neither the Criminal Court nor the Court of Circuit paid sufficient regard to the evidence adduced by the Prisoner in support of his Plea of alibi a Plea which, as observed by the Circuit Judge who tried the case, completely failed.—

The Court of Foujdaree Adalut direct that the Petitioner be informed that this Court having duly considered the Circumstances of the case as they are recorded in the Calendar, see no Room to question the Justice of the Sentence passed by the Presiding Judge.

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

E.K.

In the Court of the Foujdaree Adalut.

Present,

Tuesday
23rd January 1838. The Honble John Bird Esqr. ——— 1st Puisne Judge,
The Honble Duncan Campbell Esqr. ——— 3d Puisne Judge,

Read Letter dated the 10th instant from the Acting First Judge of Circuit in the Eastern Division submitting copies of the Circuit Calendar for the Second Sessions of 1837.

(Here enter Ex. No. 94 of 1838.)

Criminal Calendar
Case No. 11.

The four Prisoners in this case were charged with Burning, on the night of the 25th September 1837, proceeded to the first without Letter folio, and after beating the Prosecutor with sticks, robbed him of property of the aggregate value of Rupees 2.5.2.—

The Prisoners are convicted; but the beating was so slight that the Acting First Judge is of opinion that seven years imprisonment will be an sufficient punishment, and recommends that that sentence be passed upon them.—

The Court of Foujdaree Adalut, there of the Recommendation of the Acting Circuit Judge, and accordingly order, under the authority vested in them by Clause Third, Section III Regulation I of 1825, that the Prisoners

1st Veerasawmy
2nd Ramly
3rd Chinnian
4th Boopathy
and
5th Chinnian

be

be imprisoned and kept to hard labour in irons on the
public roads or other public works, for and during the term of
seven years.

Case A. No. 12.

The prisoner in this case was charged
with having, on the night of the 21st September 1837, broken
to the Dwelling House of the Prosecutor Colin Matheson, and after entering the
said Dwelling House by picking the Lock thereof, stolen
therefrom four Shirts - value £1 - the property of the said
Colin Matheson.

The prisoner is convicted, but the Acting
Circuit Judge submits his opinion, that three years imprisonment
will be a sufficient punishment, as no violence
of a wound must be found on the Prisoner, though
he pointed out a pistol on his attempting to escape
when the said Acting Circuit Judge with assistance of the said Prosecutor
apprehended him.

The Court of Exchequer Scotland, concurring
in the view taken of this case by the Acting Circuit Judge, are of opinion
that the Prisoner

Case A. B.

be imprisoned and kept to hard labour in irons on the
public roads, or other public works for the space
of three years.

In this case seven Prisoners were
charged with having, on the night of the 2d July 1837,
wrongfully

reset and received in part of the Property stolen by
Robert Mitchell and others from the Dwelling House of
Robert Bell Esq. of Woodcot, and which they knew to have been
stolen at Whitsunday 1837, after the said Robert Mitchell and others had
been convicted of the said Theft by the Verdict of a Jury, and
sentenced to Transportation for fifteen years.

The Court of Exchequer Scotland, concurring
in the view taken of this case by the Acting Circuit Judge, are of opinion
that the Prisoners

Case A. No. 1.

be imprisoned and kept to hard labour in irons on the
public roads or other public works for the space
of fourteen years, under clause thirteen,
Section IV, Regulation XV of 1833.

The Court of Exchequer Scotland observe that
if the Presiding Judge was of opinion that the several
charges were not proved against the Prisoners, he should
have entered a Remark to that effect in the Calendar. If
it was proved, the Acting Circuit Judge was incompetent
to dispose of the case, which in that event, was fully
within the provisions of Clause twenty of the Statute above
referred to.

Case A. No. 1.

The six Prisoners in this case were charged
with having on the night of the 22d October 1837, forcibly
in a gang to the fields of the Prosecutor, and there
stolen from a Stack belonging to the first Prosecutor
valued at three Pounds; and seven Bags belonging
to the first Prosecutor valued at one pound ten
with having, and without known as the first, second
and third Indictment, when the latter, in company with the
three

three other persons, attempted to pursue and apprehend them.—

The prisoners were committed, and by a second Letter of the Mahomedan Law Officer of the Court of Circuit pronounced liable to Hud or Amputation of the Right Hand.—

For the reasons recorded in the Calendar, the Acting Dist. Judge recommends that the punishment to which the prisoners are liable may be reduced to three years imprisonment.—

It has been ruled by the Court of Sudder Dewanny Adawlut, although their constitution has not hitherto been circulated, that whenever in the present case the value of the property stolen does not amount to the Dewanah (three Rupees) it is not necessary that the Judge of Circuit should take a second Reference, but that he is at liberty to pass sentence under the provisions of Clause seventh, Section II, Regulation XV of 1803.—

The Acting Dist. Judge is therefore competent to dispose of this case at his discretion, under the finding of Robbery declared in the first Reference, and the provisions of the enactments above referred to.—

The Court of Sudder Dewanny Adawlut observe that the Mahomedan Law Officer of the Court of Circuit should not have omitted to mention in his Letter the circumstance

circumstance of the value of the stolen property not being equal to the Dewanah.—

Ordered, that extract from these proceedings be sent to the Acting 1st. Judge late on Circuit in the Southern Division by Dawk Cheroot returnable within two days from and after its receipt.—

(Last following Dawk No. 103.

Read letter, dated 15th. Instant from the Acting Joint Criminal Judge of Maunbhoom, forwarding a statement of the amounts realized by the labor of the Prisoners in the 4th. Quarter 1837.—

(Vide entry No. 162 of 1838.)

Read letter dated 19th. Instant from the Acting 1st. Judge late on Circuit in the Southern Division reporting the death of the 2d. prisoner in Case No. 12 on the Calendar for the 2d. Sessions of 1837.—

(Vide entry No. 167 of 1838.)

Read return dated 20th. Instant from the Acting 1st Judge late on Circuit in the Southern Division, to the Precept of the Sudder Dewanny Adawlut dated the 19th. December 1837, authorizing the Magistrate to disburse the sum of Rupees 300 among the persons who apprehended the prisoner Ramasamy Ringlee in Case No. 25 on the Cuttack Calendar 2d.

Sessions

23d. January 1838.

23d. Jan

Sessions of 1837.—

(Here enter No. 152 of 1838.)

Read letter, dated 15. Instant, from the Acting Pr. Judge late on Circuit, in the Western Division, to the Director of the Crown Law Office dated 15. January 1838. containing the proposed mitigated sentences in case No. 39 on the Condemned Calendar for the Second Sessions of 1837.—

(Here enter No. 154 of 1838.)

Enrd

JB

15

23d Janu

Sessions of 1837.—

(Here enter No. 162 of 1838)

Read return, dated 18th instant, from the Acting Pr. Judge Court of Assist. in the Eastern Division, to the Queries of the Superior Court dated the 15th January 1838. containing the reasons assigned for sentences in case No. 89 on the Criminal Calendar for the second Sessions of 1837—

Filed

(Here enter No. 184 of 1838.)

At a Court of the Foujdaree Udalut.

Present

Wednesday 24th January 1838. John Bird Esqre ——— 1st Puisne judge.
Alexr Duncan Campbell Esqre 3rd Puisne judge

Read letter dated the 16th Instant

113 from the Criminal Judge of Nellore, submit-

125 ting the Reports prescribed by Section XXXI Regulation X of 1816 for the Month of December 1837.—

(Here enter No 141 of 1838.)

Case No 147. 1. With reference to Case No 146 the Court of Foujdaree Udalut desire the Criminal Judge of Nellore will report the result of the enquiry made before the Head of Police of Nellore and himself as to whether the deceased had thrown herself into the River, or whether there were grounds to conclude from the appearance of the corpse that the deceased met her death by violence —

Case No 148. 2. In Case No 148 the Criminal Judge remarks that the witnesses and the Prosecutor state that the wall of the prisoner's house was found to be somewhat broken but that there is no proof that burglary was committed, but as the Prisoner was found

...ins the Prosecutor's compound at an undate...
...the have strong suspicion attaches to him;
and he is accordingly required to produce
security for his good behaviour and appearance
when required within 6 months
3. Extracts from Section IX. Regulation
...tion II of 1822 authorizes a demand of security
only where adequate proof for conviction is
wanting, and the prisoner stands under a strong
suspicion of guilt arising from the evidence
that has been produced in this case, the Criminal
of Sessions Court ought to direct the Criminal
Judge to explain if there exist evidence
to show that the alleged incident
right on which the prisoner was found in
the prosecutor's compound.
Ordered, that Extract from these
proceedings be forwarded to the Criminal
Judge of Nellore for his information and
guidance by Parcel Post cheerable in 7 days
from and after the receipt.
(Sent following Receipt No 104)
Read the Reports prescribed
by Section XXXV Regulation X of 1816 sub-
mitted by the Criminal Judge of Salem for
the month of December 1837.
(Here enter No 102 of 1838)

Here

Those Reports not appearing to
call for any remarks from the Court of Sessions
Ordered,
Ordered, that Extract from these
proceedings be forwarded to the Criminal
Judge of Salem for his information.
(Sent in No 105)
Read the Criminal Reports
prescribed by Section XXXV Regulation X
of 1816 submitted by the Acting Criminal
Judge of Tahiavoor for the month of Decem-
ber 1837.
(Here Enter No 106)
The above Reports do not ap-
pear to call for any remarks from the Court
of Sessions
Ordered therefore, that Extract
from these proceedings be sent to the Acting
Criminal Judge of Tahiavoor for his inform
(Sent in No 106)
Read the Coimbatore and
Cumbum Criminal Reports prescribed by
Section XXXV Regulation X of 1816 for the
month of December 1837.
(Here enter No 107 of 1838)
Cumbum
Returning to the Statement
shewing the number of prisoners in confine-

in the Jail at Tuticorin and the manner in
which they were employed during the month
of December last, the Court of Sessions there
last perceive that 34 persons are stated to
have been in Jail at the close of the month,
but inasmuch as the number of Convicts and
those held to security at Tuticorin are stated
to be only 18, and none are reported under
examination, the Court of Sessions would
desire to be informed of what descriptions of
persons the remaining 16 are composed.

Convicts ..... 13.
Security prs. 5
Jones 18
Not committed 16
Total 34.

Tondaspaka
Code No. 172.

The Criminal Judge of Tuticorin
having omitted to record the period for which
the security is to be held responsible for the
good behaviour of the prisoner mentioned in
Code No. 172 of the Supplemental Report,
the Court of Sessions would direct that
the sentence be amended with reference to the
Circular Order of the 30th April 1829.

Ordered, that Extract from these
proceedings be forwarded to the Criminal
Judge of Tondaspak for his information and
guidance by present return mail in a Letter
form and after its receipt.

(Sent following Despt. No. 107)

Read letter dated the 28th ultimo
from the Special Commissioners at Trinchinopoly
submitting

F. 16.
21st January 1838.

Submitting for the final Judgment of the
Sessions Court the record of Case No. 92
by the Special Commissions.

(Above entered No. 32.)

Mr. Bird
and
Mr. Campbell.

The Court of Sessions Adawlut
having maturely considered the proceedings
held before the Special Commission, the
Futwa of the Provincial Law Officer and
the Futwa of the Moofty and Cazee and
Moofties of the Sessions Adawlut, confirm
the said Futwa of the Cazee and Cazeet
and Moofties aforesaid acquitting the
prisoners of the crime charged, and ac-
cordingly direct that the prisoners

2nd Nodiah Timmapah
3rd Kolary Soobbah
4th Ramah
5th Gouda Nurtingah
6th Sunnammah Soobbamah
7th Vittla Bhutta
8th Soobbamma Bhutta
9th Ugra Soobbah
10th Bitha Cutty
11th Timmapah
12th Hoolabanna Dey
13th Deva
14th Shamanna

15th Mopla

15th Mafula Pully
16th Deso
17th Chendayan
18th Soobbayan
19th Mahlingan
20th Appunna Bullah
21st Camal and demo
22nd Dere

and

23rd Timmen Sport

be set at Liberty—

The Court of Sessions Uddut do not direct the release of the prisoner.

1st Kedumpully Dewan Roya the said prisoner having been convicted of Treason and Rebellion by the Court of Sessions Uddut in Case No. 107—

The Court of Sessions Uddut direct that their sentence in the Said 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 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

orders of Government, before they direct their sentence to be carried into execution—

(Sent in No. 108.)

Read letter dated the 12th Instant from the Magistrate in the Northern Division of Arcot, submitting the explanation called for in para. 13. of the proceedings of the Sessions Uddut of the 13th of October 1837, respecting the alleged misconduct of the Subsidiar of Conveypauk as brought to notice in Mr. Haig's proceedings of the 21st May 1837, submitted to Government with his Report dated the 8th September 1837 on the Chittoor 2nd Quarterly Sessions of the past Year—

(Here enter No. 100 of 1838)

Also read order of Government dated the 26th of October 1837 communicating the observations and orders of the Right Honorable the Governor in Council in the Report of Mr. Haig late Officiating 2nd Judge of the Provincial Court of Circuit in the Centre Division for the 2nd Quarter Sessions of 1837, and desiring that the reply of the Magistrate of Chittoor to the reference ordered to be made to him in para. 13 of the foregoing proceedings, when received, be submitted for his information, with the sentiments of the Sessions

Judges, before they pass any orders upon them.

(Here enter No. 2202 of 1837)

Ordered accordingly, that a copy of the letter from the Magistrate in the Northern Division of Arcot dated the 12th Instant be submitted to the Right Honorable the Governor in Council for his information accompanied by the opinion of the Court of Sudder Adawlut that the explanation offered by the Magistrate entirely exculpates the Tahsildar Venkapa Row from the charge of having endeavoured to pervert justice throughout the proceedings held by him in the complaints preferred by Seengaputty Veerabhadrapah and others; and that the conduct of the Tahsildar on the occasions in question was censurable only, in that the preliminary investigation into the complaints preferred before him on the 27th of June and 25th of July 1836 was delayed being completed until the 15th of September following.

Ordered further, 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.

(Section No. 109)

Read letter dated the 11th Instant from the Acting Sessional Judge of Madura,

submitting the Reports prescribed by Section XXXV Regulation X of 1816 for the months of December 1837.

(Here enter No. 121 of 1838)

Code No. 210

In Case No. 210 of the Statement Report, the Court of Sudder Adawlut perceive that the prisoners who were charged with stealing property from the prosecutor's hands to the value of Rupees 38. 14. have been sentenced to one year imprisonment and to receive 100 Lashes each on the ground the Court conclude, that they are men of previous bad character.

If however the prisoners have not before been convicted of any heinous offence, and the theft was not attended with any of the aggravating circumstances specified in Clause 4th Section III Regulation VII of 1832, they were not liable to the punishment that has been awarded against them under the provisions quoted by the Assistant Sessional Judge, and exclusive therefore of the grounds of the sentence as required by the Sudder Adawlut on they can confirm the sentence that has been passed in this case.

Code No. 254.

In Case No. 254 of the Report No. 5

No. 5. the Court of Sessions Udalut desire to be informed upon what evidence the 2d prisoner concerned in that case was convicted.

Case No. 255.

In Case No. 255 the Court of Sessions Udalut desire that the Magistrate of Madura be called upon to report in whose custody the prisoner was from the 19th of November to the 25th of the same month, the day on which it is stated the prisoner was produced before the Head of Police of the Madura Talooka.

Case No. 282.

Similar information is required by the Sessions Udalut to the detention of apprehended on the 9th Ult. must have the Talook until the 21st of December 1837.

The Report No. VIII appears to have been withheld by the Acting Criminal Judge because no commitments were ordered during the month under review, the Acting Criminal Judge is accordingly informed that such Statement should have been furnished to shew the total of cases and prisoners committed in previous months.

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

and

and guidance by precept returnable in 7 days from and after its receipt, and with instructions to communicate paras 4 and 5 to the Magistrate of Madura for his information.

Sent following Precept No. 110.

At a Court of the Conjeeveram Adawlut

Present,

Friday 26th January, 1838. John Bird Esqre _____ 1st Puisne Judge,

and Lieut. Duncan Campbell Esqre 3d Puisne Judge,

113

Read the letter dated 26th Ultimo from the Special Commissioner at Bangalore, submitting for the Judgment of the Conjeeveram Adawlut record of Case No. 78 by the Special Commissioner

(Here enter No. 5 of 1838.)

Mr. Bird, and Mr. Campbell,

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

Bachia - Petaiel

is sufficient to convict him of the crime of Treason and Rebellion, as, under the authority with which they are vested by Clause first, Section xth, Regulation I of 1818, convict him thereof: and under the provisions of Sections xth and IIth, Regulation I of 1824, sentence him 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 his natural life.

The Court of Conjeeveram Adawlut direct that their sentence on the said Accused from the Bangalore Special Commission, together with the whole of the proceedings in the case

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 advice of Government, before they direct their sentence to be carried into execution.—

(Sent in No. 124.)

Read again letter dated 28th Ultimo from the Special Commissioners at Trangalore, submitting for the final re Judgment of the Conjeeveram Cutcherry the record of Case No. 10, by the Special Commission.—

(Here enter No. 33 of 1838)

Read also Extract from the Proceedings of Consultation under date the 20th Instant, commuting the sentence of Death awarded against Nedumpully Damodra Roy to imprisonment for life. in No. 107 Trangalore Special Commission

(Here enter No. 18 of 1838)

Mr. Bird, and Mr. Campbell.

Under the authority of the Right Honorable the Governor in Council, the Court proceeding to direct that the prisoner

Nedumpully Damodra Roy

be imprisoned with hard labor 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 18th January 1838 the sentence

for

for the information and guidance of the Trangalore Special Commission.—

(Sent following letter No. 125.)

Read letter dated 2d Instant from the 1st Judge on Circuit in the Centre Division, transmitting the Record in Case No. 5 on the Cuddalore Calendar for the Sessions of 1837.—

(Here enter No. 41 of 1838)

Mr. Bird and Mr. Campbell.

The Court of Conjeeveram Cutcherry, having maturely considered the proceedings held before the Judge on Circuit, the Extract of the Provincial Commissioner, and the Extract of the Cazee and Crogat and Inoftee of the Conjeeveram Cutcherry, confirm the said Extract of the Cazee and Crogat and Inoftee aforesaid, acquitting the prisoner

Ramasamy Koondy

and accordingly direct that he be set at liberty.—

The Court of Conjeeveram Cutcherry direct that in order to render a person liable to the penalties provided for Perjury and Subornation of Perjury, there must be "some Judicial proceeding, Civil or Criminal" and the Perjury must be "upon a point material to the issue" of such Judicial proceeding.—

In the present instance the Complaint against Ramasamy Koondy the Tyrelmundal was on the subject of a division of Family Property in which, it appears to the Court of Conjeeveram Cutcherry the said

Collector

Collecta had no legal judicial jurisdiction, and such being the case, neither the statement of the said Ramasamy Moodely (which, the Court observe, ought not, under the circumstances of the case, to have been on oath) nor the evidence of the witness brought forward by that Individual, could legally be entertained to the issue of any Judicial Proceeding by reason of the illegality of the Conchayet.—

For the reasons above recorded, the Court of Enjoara Udalut have deemed it proper to acquit the Prisoner

Ordered, that intimation from this Proceeding be sent to the 1st Judge this on Circuit in the Centre Division for his information.—

(Sent in No. 126.)

Read letter dated the 9th instant from the Principal Sudr Ameen at Rowe submitting the Return prescribed by Section XXXV Regulation X of 1816 for the months of December 1837.—

(Here enter No. 128 of 1838)

Written information to the remarks by the Principal Sudr Ameen on Case No. 115 of the Return No. 5 the Court of Enjoara Udalut desire to be informed of the particular circumstance of aggravation which brought the Case of the 1st Prisoner within Rule fourth Section III Regulation XI of 1822.—

Ordered that extract from these proceedings be forwarded to the Principal Sudr Ameen at

Rowe for his information and guidance by precept returnable in 7 days from and after its receipt.—

(Sent following Precept No. 127.)

Read further return, dated the 22nd instant, made by the Criminal Judge in the 3d Division of Cuddapah to the precepts of the Enjoara Udalut of the 28th December 1837, conveying the observations and orders on the Dissapah and Cumbum Criminal Reports for the months of November 1837.—

(Here enter No. 124)

Adverting to the explanation subsequently submitted by the Principal Sudr Ameen respecting Case No. 80 the Court of Enjoara Udalut observe that that officer is informed that inasmuch as the complaint was in the first instance made to the Joint Magistrate, the prisoner was not punishable under Regulation IX of 1832, and he must accordingly be immediately set at liberty.—

Ordered, that extract from these proceedings be forwarded to the Criminal Judge of Cuddapah for communication to the Principal Sudr Ameen at Cumbum for his information and guidance.—

(Sent in No. 128.)

Read letter dated the 7th instant from the Provincial Court of Circuit in the Eastern Division submitting the Return prescribed by Section XXXV Regulation X of 1816, prepared by the Principal Sudr Ameen at Ongole for

for the months of December 1837—

(Here enter No 127 of 1838)

The Court of Enjoara Kolattiri are of opinion that sufficient grounds have not been shown for the requisition of security made from the 1st and 2nd prisoner concerned in Case No 67. of the last Quarterly Return, they desire that orders may be issued by the Provincial Court of Circuit for their unconditional release—

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division for their information and guidance—

(Sent in No 129.)

Read return dated the 10th instant from the Criminal Judge of Combaconum to the Rule of the Court of Enjoara Kolattiri under date the 26th December 1837— conveying their observations and remarks on the Combaconum Criminal Reports for the months of November—

(Here enter R.R. No 133 of 1838)

The explanation afforded in this Return regarding Cases Nos 438 and 474 of the above Reports is considered satisfactory, and the Court of Enjoara Kolattiri desire that the same be communicated to the Criminal Judge of Combaconum for his information—

(Sent in No 130)

Read

Read the Criminal Reports prescribed by Section XXXV. Regulation X of 1816 submitted by the Acting Joint Criminal Judge at Trawulipatam for the months of December 1837—

(Here enter No 1423 of 1838)

Cases Nos 64 to 68.

In Cases Nos 64. 65. 66. 67. and 68. the prisoners are charged with "Perjury before the Acting "Head Assistant Magistrate of Trawulipatam"

Although it is unnecessary to note in the Criminal Reports the specific indictment, the Court of Enjoara Kolattiri are of opinion that where a prisoner is accused of Perjury the instance should be particularized

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

(Sent in No 131)

115

Rec

At a Court of the Supreme Judicature

Present

Saturday 27th January 1838. John Bird Esqre ——— Pte Puisne Judge,

Alexr Duncan Campbell Esqre 3d Puisne Judge,

Read a letter dated the 3d instant from the Acting First Judge late on Circuit in the Eastern Division, submitting for the final Judgment of the Court of Supreme Judicature, the Record of Case No 12 on the Salem Calendar for the second Session of 1837.

(Here enter E.L. No 44 of 1838)

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

Th Corfyan

and

2d Overton

is sufficient to commit them of capital Homicide, &c, under the authority with which they are vested by Section first, section II, Regulation I of 1818, commissioned Justices, and under the provisions of Eleven second of the seven sections and Regulation, assist the Law officers of Ceylon by a second Letter, to which letter the said prisoners are to be called upon the Prosecutor and Crown to try and convict by full legal evidence.

Accused

Sessions

If the prisoner was legally convicted of the crime of culpable homicide, he would be liable to a Fine of Five thousand Dollars to be paid to the Heirs of the deceased in three years.

× × ×

The Court of Enquiry be able, in commutation of the Penalty of Fine ordered in the foregoing Sentence, sentence the prisoner

To Confinement

(the second prisoner having paid) to be imprisoned and kept to hard labour in Irons on the public roads or public works for and during the space of ten years

(Start following letter at p. 136.)

In this case, the prisoners

T. Griffiths

and

2d Question

stand charged before the Court of Quarter Sessions having, about the beginning of October last, the prisoners not being known, found and taken one Jose Rungan at Villa of Salem, & made him confess certain thefts which he was charged with having stolen from the effects of the said Rungan and in the Confession

2.

The facts of the case as established by the evidence are briefly these. The deceased Rungan

a very infirm man entered the house of one Indio Coundan - an inhabitant of the Village aforementioned to ask an alms, he being a Beggar by profession. The owner of the house - suspecting that his design was to carry off a certain Brass Plate (though he asserted that nothing was actually stolen) seized him and delivered him to the two prisoners who are Peons of the Village in question. They proceeded to beat and otherwise ill-treat the said Rungan to induce him to confess to some thefts which had been elsewhere committed and of which the perpetrators had not been discovered - and the ill treatment he underwent occasioned his death a few days after =

= wards. -

3. The Court of Enquiry Ed. state are of opinion that there was any intention on the part of the prisoners to kill the deceased: and they think there is ground for believing that in the case of a younger and more robust man the ill-treatment which was undoubtedly inflicted, would not have terminated fatally. -

4. Under these circumstances, the Court of Enquiry are Ed. state are of opinion that the sentence they have passed upon the prisoners namely imprisonment with hard labour in Irons for ten years, will be sufficient for the ends of Justice and reasonable

5. The Court of Enquiry Ed. state direct that copies of these proceedings be sent to the Chief Secretary

to Government for the purpose of being laid before the Right Honorable the Governor in Council, in obedience to the order of Government of the 9th May 1836 - No. 402 -

6. It appears that no mention was made by Jeavons Row the Tahseeldar of the Simoghy Taluk in the Report which accompanied the deceased Rangun to the Criminal Court of the state in which he was when delivered into his custody, and that no Inquest was assayed by that Officer to the Court -

7. The Court of Enjuree Vadalut deem it necessary to direct that the Magistrate of Salem be instructed to obtain from the Tahseeldar and submit for their consideration through the Acting First Judge of Cuddapah an explanation of his conduct in this matter -

8. The Acting First Judge will likewise be pleased to communicate to the Magistrate the opinion of the Court of Enjuree Vadalut that the conduct of the Moonsiff in allowing the deceased Rangun to be detained by the Prisoners in the Village for "sai aay" instead of causing him to be immediately forwarded to the Tahseeldar requires severe notice -

9. From a Note at Page 5th of the Records, the Court of Enjuree Vadalut learn that the deposition of the witness Cheryaman aged ten years - was taken down in writing before the Assistant Criminal Judge "without an oath being administered to the Deponent -

10. The Acting First Judge will be pleased to call the attention of the Assistant Criminal Judge of Salem to the Circular orders of the 15th April 1819 and 12th July 1825: the former of which positively declares that "an infant is in no case to be admitted as evidence without oath" and the latter indicates the mode in which the evidence of persons of tender age is to be received -

11. The Court of Enjuree Vadalut further observe that the Acting First Judge should have caused the deposition taken from the deceased Rangun before the Tahseeldar to be read and proved at the Trial -

Ordered that Extract from these proceedings (paras 1 to 6) be sent to the Chief Secretary to Government for the purpose of being laid before the Right Honble the Governor in Council -

(Sent in No. 136.)

Ordered also that Extract from these proceedings be sent to the Acting First Judge of Cuddapah in the Eastern Division by Dawk to return the within fifteen days from and after its receipt -

(Sent per Canning Dawk No. 137)

Read letter dated the 8th Instant from the 3rd and late Acting 2nd Judge of Cuddapah in the Eastern Division transmitting the Record No. 2 on the Criminal

Calendar

Calendar for the Zillah of Bangalore for the 2d Sessions of 1837 for the final Judgment of the Court of Enjaveree Kodutta.

(Here enter No. 119 of 1838)

Mr. Bird
and
Mr. Campbell

The Court of Enjaveree Kodutta having maturely considered the proceedings held before them on Circuit, the Letter of the Provincial Law Officer and the Returns of the Cazee's Cozzie and Moofties of the Cozzat and Moofussil aforesaid, convicting the prisoner

Thomas Ethan

of wilful murder and sentencing the prisoner to suffer death by the provisions of Section X Regulation VIII of 1802, and the said prisoner to suffer death by being hanged at the usual time and place of execution.—

(Vide following letter No. 138

Read letter under the 15th instant from the 1st Judge of the Court of Circuit in the Centre Division transmitting the Record in Case No. 1 of the Calendar 2d Supplemental Calendar for the 2d Sessions of 1837.—

(Here enter No. 120 of 1838)

Mr. Campbell

The Court of Enjaveree Kodutta, on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against

against the prisoner

T. Ramasawmy Naik

and

2d Lingayen

is sufficient to convict them of the offence charged, viz, 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 third, Section VII Regulation XV of 1808, sentence the prisoner

T. Ramasawmy Naik

to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the space of four years and the prisoner

2d Lingayen

to be imprisoned and kept to hard labour in Irons on the public roads or other public works for and during the space of two years.—

(Vide following letter No. 139

Read letter dated the 16th instant from the Special Commissioner at Bangalore submitting for the final Judgment of the Enjaveree Kodutta the Record of Case No. 82 by the Special Commission.—

(Here enter No. 118 of 1838)

Mr. Bird
and
Mr. Campbell

The Court of Enjaveree Kodutta having maturely considered the proceedings held before the Special Commission,

27th January 1.

Commission, the Return of the Provincial Law officer and the Return of the Court and Records of the Original confirm the said Return of the Register and Court and Proof aforesaid as written the Sentence

Crowner Court

and do accordingly negative said petition that he be set at Liberty.

The Court of Enquiry Court further Respectfully to direct that the Special Commissioners be directed to call upon the Magistrate to inform why no enquiry were held by him in the case of the Prisoners in this Case be sent to the Special Commissioners at Mangalore by Post returnable within twelve days from receipt of this order

(Sent following Court No. 140

The Court of Enquiry Court further directed that the Sentence in the said No. 82 from the Proceedings of the Commission together with the whole of the Proceedings in the case, be transmitted to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council to the intent that the Court may in conformity with the provision of Section XX of 1802 receive the orders of Government before they direct their sentence to be carried into execution

(Sent in No. 141

Read

L.L.

27th January 1838.

Read a letter dated 9th Instant from the Special Commissioners at Mangalore submitting for the final Judgment of the Enquiry Court the Records of Cases Nos. 42, 46, 47, 48, 49 and 78 by the Special Commission

(Here enter No. 117 of 1838)

Case No. 42.

Mr. Bird
and
Mr. Campbell.

The Court of Enquiry Court, 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. Bycumpady Aokapa Beary
2d. Yacoo
4th. Beary Ahmade
5th. Shabo
6th. Edinabba
7th. Dupa Jaro
8th. Shakumaba
9th. Moodine
10th. Abbo
11th. Shaw Sahib
12th. Sooba
13th. Bunga
14th. Ayta
and
15th. Monka

is sufficient to convict them of the crime of Treason and Rebellion, do, under the authority with which they are vested

27th January 1838.

27th January 1838.

Z.H.

27th January 1838.

Read letter dated 9th Instant from the Special Commissioners at Mangalore submitting for the final Judgment of the Conjeera Kaatut the Records of Cases Nos. 42, 46, 47, 48, 49 and 78 by the Special Commission (Remitted No. 119 of 1838)

Case No. 42.

Mr. Bird
and
Mr. Campbell,

The Court of Conjeera Kaatut, 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 Bycumpaddy Aokapa Beary
2d Yacoo
4th Beary Ahmade
5th Shabo
6th Edimulla
7th Ungra Jaro
8th Shakumaka
9th Moidin
10th Abba
11th Ajhow Lubbi
12th Lokra
13th Bonja
14th Ajha
and
15th Booka

is sufficient to convict them of the crime of Treason and Rebellion, as, under the authority with which they are vested

Commission, the Nature of the Provincial Law officer and Return of the Ayen or Court and Register of the Conjeera confirm the said Return of the Ayen or Court and by virtue of and acting under the Section

Cossuman Cooka

and do accordingly acquit him, and order that he be at Liberty.

The Court of Conjeera Kaatut are of opinion proper to direct that the Special Commissioners be directed to call upon the Magistrate to explain why no examination were held by him in the case of the Prisoner in this

Ordered that the Record from the Court be sent to the Special Commissioners at Mangalore by Dak returnable within twelve days from the date of this

(Sent following Enclosure No. 140

The Court of Conjeera Kaatut on the Case No. 82 from the Sessions Court of 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. 141

Read

vested by Clause first, section II, Regulation I of 18, convict them thereof, and under the provisions of section II and III, Regulation I of 1834 and Clause third, section VIII Regulation XV of 1803, sentence the prisoners

1st Byeempathy Ashaferi Beary
2d Yacoo
3d Beary Ahmed
4th Shabo
5th Edimalla
6th Ugga Jaco
7th Shakenaha
8th Ouvidine
9th Albert,
and
10th Ighous Saheb

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: and the prisoners

11th Cokra
12th Ronga
13th Ayta
and
14th Roola

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 two years.—

27th January 1838.

Case No. 46.
Mr. Bird
and
Mr. Campbell

The Court of Sunjarar having attended, 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 Chinnoo alias Imahmed Shareef
and
2d Sheikh Koojam

is sufficient to convict them of the crime of Treason and Rebellion, as, under the authority with which they are vested by Clause first, Section II, Regulation I of 18, convict them thereof, and under the provisions of Section II and III, 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 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.—

Case No. 47
Mr. Bird
and
Mr. Campbell

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

Case

is sufficient to convict him of the crime of Treason and Rebellion, as, under the authority with which they are vested by Clause first, Section II, Regulation I of 18, convict him thereof: and under the provisions of Section II, Regulation I of 1834, and Clause third, Section VIII, Regulation XV of 1803, sentence

Section

27th January 1838.

sentence the said Spriviar to be banished to the District of Combatore, 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 Space of fourteen years.—

Case No. 48.

Mr. Bird
and
Mr. Campbell

The Court of Enquiry Ended, on a deliberate consideration of all the circumstances in evidence before them, being of opinion that the proof against the Prisoners

1st Thorpe

and

2d Steele

is sufficient to convict them of the crime of Treason and Rebellion, &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 Sections II and III, Regulation I of 1834 and clause third, Section VIII, Regulation XV of 1808, sentence the said Prisoners to be banished to the District of Combatore, 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 Space of fourteen years

Case No. 49.
Mr. Bird
and
Mr. Campbell

The Court of Enquiry Ended, on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that

that

E.L.
27th January 1838.

that the proof against the Prisoners

1st Absolla

2d Abbo

3d Gromdo Comra

4th Poothe Absolla

5th Samael

6th Awahi

and

7th Edinay

is sufficient to convict them of the crime of Treason and Rebellion, &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 Sections II and III, Regulation I of 1834, and Clause third, Section VIII, Regulation XV of 1808, sentence the said Prisoners

2d Abbo

3d Gromdo Comra

4th Poothe Absolla

5th Samael

6th Awahi

and

7th Edinay

to be banished to the District of Combatore, to be imprisoned in the Gaol of the Auxiliary Court, and kept to hard labour in Irons on the Public roads

27th January 1838.

or other public works for and during the period of fourteen years and the prisoner

Tr. Aboolla

in consideration of his youth, 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 one year.—

Case Nº 78.

Abs. Bird
and
Mr. Campbell

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

T. Syed Ismael
2d. Chegadut
and
Hu. Doty

is insufficient to convict them of the crime of Treason and Rebellion, as, under the authority with which they are vested by Clause first, Section II, Regulation I of 1813, convict them thereof, and under the provisions of Sections II and III, Regulation I of 1834, and Clause third, Section VIII, Regulation XV of 1833, sentence them to be banished to the Eastern Coast of Coromandel, to be imprisoned in the Zillah of the Circuit Court, and kept to hard labour in Irons on the public roads or other public works for and during the period of fourteen years.—

27th January 1838.

The Court of Sudder Adawlut direct that their sentences in the Cases Nos. 42, 46, 47, 48, 49 and 78 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 1832 receive the orders of Government before they direct their sentence to be carried into execution.—

(Sent in Nos. 142, 143, 144, 145, 146, & 147.

Read letter dated the 18th instant from the Criminal Judge of Bellary submitting the Reports prescribed by Section XXXV Regulation X of 1816 for the month of December 1837.—

(There enter Nº 150 of 1838)

Cases Nos. 184 and 197.

The Court of Sudder Adawlut direct that a copy of cases Nos. 184 and 197 as they stand in the Calendar Report be furnished to the Judge on Circuit in the Canara Division who will then proceed to look into the cases and pass such orders thereon as may appear to him proper and consistent with the Regulations.—

Case Nº 189.

2. The Court of Sudder Adawlut do not consider the prisoner charged in Case Nº 189 with a disposition to commit suicide, likely to be committed to take his trial before the Court of Circuit. The case of proceeding to the

observed in such cases was pointed out to the Criminal Judge of Bellary in the letters addressed to him by the Court of Enquiry Ed.abt under date the 8th and 27th of November last, and the Criminal Judge will proceed and dispose of the Case No. 189 accordingly.—

3. In Case No. 202 of the Return No. 8. the Criminal Judge is directed to amend the sentence passed upon the prisoner by recording the period for which the surety is to be held responsible for his good behaviour and appearance when required.—

Ordered that extract from these proceedings be forwarded to the Criminal Judge of Bellary for his information and guidance by express retd. in 7 days from and after its receipt, and that para: 1 of these proceedings, together with copy of the Case referred to therein, be forwarded for the information and guidance of the Judge on Circuit in the Centre Division.

(Cont. following Cons.t Nos. 1484 & 149.

Read the following order of Government dated the 6th January 1838 No. 21. upon the extract from the Proceedings of the Court of Enquiry Ed.abt under date the 28th December 1837 submitting the Report called for in the extract from the Minutes of Consultation under date the 31st October 1837. relative to the attempt to escape by nine convicts working under the order of the Brigade Commanding Dharwar's Mounts on the 12th October last.—

(Here enter Pub.c No. 67 of 1838)

The

1. The Right Honorable the Governor in Council having been pleased in the order above recorded to signify his approval of the recommendation submitted by the Court of Enquiry Ed.abt in the twelfth para: of their proceedings of the 23d ultimo— in favor of the convicts who returned quietly to the Jail and gave information of the escape of their fellow convicts, the Court of Enquiry Ed.abt await that copies of paras: 7 to 12 inclusive of their proceedings above referred to, be sent to the Criminal Court of Circuit in the Centre Division with instructions to furnish transcripts of the same to the acting Criminal Judge of Bangalore and require that officer immediately on the receipt thereof to discharge the prisoners Narrainien: Rangen: Quadum: Lubsuttey: and Veeren: that a remission of one half of the sentences originally passed upon them respectively has been granted by Government: and to make an endorsement to the same effect on each of the Warrants.

2. The Criminal Court of Circuit will be pleased to instruct the acting Criminal Judge of Bangalore to explain to the above named prisoners in the presence of all the other prisoners the reasons which induced the Government to extend this indulgence to them: namely their own good conduct on the occasion of an attempt by their fellow convicts attempting to escape from custody—

Ordered

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division with copies of papers ? @ 12 inclosed of the extract from the proceedings of the Sessions held dated the 23d December 1837 by Bearer returnable within ten days from and after its receipt.

(Sent for Serjeant Bearer No 150.

Ex. CR.

WB

WB

F. 116

At a Court of the Foujdaree Udalut

Present

Monday 29th January 1838.

John Bird Esqre _____ 1st Puisne Judge

Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read Miscellaneous Petitions

WB

presented on the 8th and 15th Instant. by Ramnarayan Moodely of the Zillah of Cuttack

(Have enter'd No Pts No 1 and 8 of 1838.)

The object of these Petitions is to obtain an order for the release of Sukhnidhi Moodely - the sixth prisoner in Case No 53 of the Cuttack Calendar for the Sessions of 1837 -

The Prisoner in question was convicted before the Court of Circuit of a Gang Robbery, accompanied by wounding, and the plunder of property to a large amount, and was sentenced to imprisonment with hard labour in irons for fourteen years and to receive one hundred and ninety five lashes of a cat of nine tails

The Petitioner who is the prisoners brother, alleges that there existed a private feud between the Prosecutor and the Prisoner, which induced the former from motives of Revenge, to transport the latter

on

and support it by false evidence.—

The Court of Foujdaree Udalut have referred to this case, as it is recorded on the Calendar, and see no ground to question the propriety or justice of the sentence of the Court of Circuit, from whose Judgment moreover there is no appeal.—

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

Read Miscellaneous Petition presented on the 8th Instant by Cutty Ramen Menon of the Zillah of Malabar.—

(Here enter Mis. Pet. No. 5 of 1838.)

The Petitioner states that pursuant to the order of the Court of Foujdaree Udalut passed under date the 31st December 1836 upon his Petition No. 125 of that year, he addressed the Judge on Circuit in the Western Division on the subject of the alleged plunder of his property and usurpation of his land, and by that Officer was referred to the Magistrate, who instructed his Assistant to inquire into the case, and that the latter Officer after reviewing the proceedings held by the Tannadaroon Head of Police, passed an order unfavorable to

to his claims; that he subsequently again Petitioned the Judge of Circuit and was by him recommended to bring an action against the parties who had possession of his property.

The Petitioner prays that the Court of Foujdaree Udalut will be pleased to interfere to procure him redress.—

The Court of Foujdaree Udalut observe that the complaint of the Petitioner has been investigated with all the attention it would appear to deserve: that the Assistant Magistrate of Malabar after an examination of the proceedings has pronounced his charge to be unfounded, and that decision has been approved by the Magistrate.—

Under these circumstances the Court of Foujdaree Udalut do not deem it necessary to interfere further in this matter. It is always open to the Petitioner to bring any differences which may exist between himself and the parties against whom he complains, to a decisive issue, by means of a Civil Suit.—

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

Read

29th January 1838.

Read Miscellaneous Petition (por-
dated on the 15th Instant by Arthurus Butler
of Negapatam in the District of Tanjore.—
(Here enter Mo. P. No. 6 of 1838.)

The Petitioner, who has on two
previous occasions addressed the Court in his
Miscellaneous Petitions Nos. 135 and 156 of 1837—
produces a copy of the orders issued by the
Assistant Magistrate of Tanjore to the Natives
of the Town of Negapatam in regard to the
disputes existing between the Right hand and
left hand Caste people, of which latter party
the Petitioner is Head.—

Those orders require the Natives
to take measures for preventing disturbances,
& threaten with fine &c any one acting in contra-
vention of the order, and select nine persons
from each party to be held responsible for any
breach of the peace which may result from
their feuds.—

The Court of Tanjore Udalut
observe that the interference of the Magistracy
has been very properly limited to the taking
of precautionary measures to prevent a breach
of the peace: and as far as the Court understand
the Petitioner, his only object in addressing them
on the present occasion is to obtain an order

enjoining

2. Feb.
29th January 1838.

enjoining a "strict adherence" to the order of the
Magistrate.—

The Court of Tanjore Udalut
observe that any interference on their part
is unnecessary.—

Ordered, that the Petition be
rejected, and that Extract from these pro-
ceedings be furnished to the Petitioner upon
application.—

Arthurus Butler of Negapatam
moves the Court to return the enclosures in his
Miscellaneous Petition No. 6 of 1838.—

Ordered accordingly.—

Read the Reports presented
by Section XXXII Regulation X of 1816 submitted
by the Acting Joint Criminal Judge of Nega-
patam for the month of December 1837.—

(Here enter No. 126 of 1838.)

1. With reference to the explanation
submitted by the Acting Joint Criminal Judge
of Negapatam that he has been unable to
dispose of the charges of Treason and Rebellion
preferred against the prisoners in Cases Nos.
102 and 103. of the Supplemental Report, because
the Witnesses whom the Magistrate promised
to send to the Court, have not yet attended,
the Judges of the Tanjore Udalut desire
that

that the Magistrate be called upon to explain the cause of the delay in procuring the attendance of the Witnesses necessary to enable the Acting Joint Criminal Judge to dispose of the cases of the prisoners forwarded to his Court so far back as the month of October last.—

2. The Magistrate of Vizagapatam will also submit an explanation of the detention of the prisoners concerned in Cases Nos 124 125 and 126 of the Report No 5 before himself from the 9th to the 27th of November 1837.—

Cases Nos 121. and 122. 3. The sentence passed upon the 1st prisoner in Cases Nos 121 and 122 of the Supplemental Report is illegal and must be revised with reference to the provision of Section VIII. Regulation X of 1816.—

4. A prisoner convicted of a number of petty thefts, unattended by any of the circumstances of aggravation specified in Clause 4th Section III Regulation VII of 1822, cannot be punished beyond the extent allowed by Section VIII Regulation X of 1816; and the circumstance of the prisoner having been convicted on the first charge, will not justify his punishment on the second as a person who has been before convicted of theft [illegible] within the intent of Clause 4th Section III Regulation VII of 1822.—

Vide Clause 4th Section III Regn VII of 1822.

but

but as a general rule the Court of Sunjaurs Udalut are disposed to consider a prisoner who has committed several considerable thefts at different times a fit object of commitment for trial before the Court of Circuit under the provision contained in the latter part of Clause 2nd Section III Regulation VII of 1822.—

Cases Nos 128. 129. and 130. 5. And with reference to Cases Nos 128. 129. and 130 of the same Report the Court of Sunjaurs Udalut desire that the Acting Joint Criminal Judge be advised that they deem it improper that the same individuals should at the same time be sentenced twice to punishment. One sentence, within the measure of punishment allowed by Clause 6th Section II Regulation VI of 1822, should have been passed on the whole of the charges of housebreaking proved against the prisoners.

Ordered, that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge of Vizagapatam for his information and guidance by precept returnable in 7 days from and after its receipt, and with instructions to communicate Paras 1 and 2 to the Magistrate of Vizagapatam for his information.

Sent following Precept No 155

Read

29th

29th January 1838.

Read return dated the 12th Instant from the Third Judge late on Circuit in the Western Division, to the Precept of the Court of Foujdaree Udalut under date the 5th January 1838, conveying their observations and orders on the Calendars of the Criminal Court at Munger for the Second Sessions of 1837.

(Here enter F. Uc. No. 152 of 1838.)

Cases Nos. 10 and 18.

The Court of Foujdaree Udalut, approving of the recommendation submitted by the Third Judge in the above Return in favour of the prisoners in the Cases noted in the margin, resolve, under the authority vested in them by Clause third, Section III Regulation I of 1825 to direct that the prisoners in No. 10, namely

1st Doomar

2nd Isree

3rd Sookhra

and

4th Khooshnar

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 from the 27th October 1837: and that the prisoners in No. namely

1st Mooly Apheya

2nd Dher Corrugga

3rd Dher Ka

4th Billa

F. Uc.

29th January 1838.

4th Billa Somaya

and

5th Billah Cojumar

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 from the 16th November 1837.—

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

(Sent following Precept No. 156)

Read letter dated the 20th Instant from the Second Judge on Circuit in the Northern Division, submitting a copy of the Nellore Calendar for the first Sessions of 1838.—

(Here enter F. Uc. No. 189 of 1838.)

Case No. 1. In this case, the prisoners

1st Yanthadeny Settygaudoo

and

2nd Yanthadeny Pennegaudoo

were charged before the Court of Circuit with having, on the morning of the 6th July 1837 in company with four others, gone forth, armed with pikes, and a sword, to waylay the Prosecutor and the first and second Witnesses for

on the highway and robbed them of property valued at Rupees 16-6-0.

2. The prisoners are convicted, but the Second Judge recommends that the punishment to which they have rendered themselves liable be reduced to seven years imprisonment with hard labour in irons on the grounds of the value of the property charged to have been robbed being trifling and no personal injury having been inflicted by them in the perpetration of the offence.

3. The Court of Sudder Adalut regret that they consider themselves precluded from acceding to the recommendation of the Second Judge. Adverting to the fact of the prisoners being "apprehended with arms in their hands and property upon them which they admit to have been obtained by them in the commission of other Robberies" and to the belief entertained that they "belong to a gang of professional robbers," the Court are of opinion that the interests of Justice and the welfare of society alike demand that the offence should be subjected to the full penalty prescribed by Law.

Case No 2. 4. The prisoner in this case was charged with having on the morning of Sunday the

the 9th July 1837. gone with a stone in his hand and attacked the Prosecutor who was gathering leaves on a hill and robbed him of a cloth of the value of Six Annas.

5. The prisoner is convicted: but the Second Judge recommends that the punishment to which he had rendered himself liable, be reduced to six Months' imprisonment with hard labour on the ground of "the extremely trifling value of the cloth robbed and the absence of any aggravating circumstances."

6. The Court of Sudder Adalut are not of opinion that the sentence proposed by the Second Judge would be adequate to the degree of criminality established against the prisoner: and accordingly direct that the said prisoner

Mootaramchy Gundy Poorroorader

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

Ordered that Extract from these proceedings be sent to the Second Judge of Circuit in the Northern Division by Express returnable within five days from and after its receipt.

(Sent following Receipt No 157

Read

29th January 1838.

Read the Report from the Acting Joint Criminal Judge of the Coimbatore for the month of December 1837.

(Here enter No. 190 of 1838.)

If the Acting Joint Criminal Judge has not already brought to the notice of the Police, as prohibited in the proceedings held in the investigation of Case No. 66 of 200 to the notice of the Magistrate, he should be directed now to furnish that Officer with a copy of his remarks as entered in the Report, and request that Officer to report thereon to the Court of Sadr Adawlut.

Ordered, that Extract from the proceedings be forwarded to the Acting Joint Criminal Judge of Coimbatore for his information and guidance.

(Sadr No. 188.)

Read Letter from the Secretary to Government Fort St. George forwarding by the Ship Fort William the 31st October 1837.

(Here enter No. 2103.)

Appeal

F. R.

At a Court of the Tondaree Udalut.

Present

John Bird Esqre. ——— 1st Puisne Judge

Tuesday 30th January 1838. Alexr. Duncan Campbell Esqre. 2nd Puisne Judge

Read again Report dated the 27th November 1837. from the Criminal Judge of Combaconum required by the Circular Order of the Court of Tondaree Udalut No. 94. accompanied by a Descriptive Roll of Sreenivasiengar late native Register of the Zillah Court of Combaconum.

(Here enter F. R. No. 2506 of 1837.)

Before passing orders on this reference, the Court of Tondaree Udalut deem it necessary to direct that copies &c. of the proceedings held in the case of the charges against the late native Register for Bribery and Corruption arising out of Appeal No. 167 of 1834. be submitted for their consideration.

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Combaconum by Precept, returnable within twelve days from and affixed to Precept. (Sent following Precept No. 187 /38.)

Read return dated the 18th instant, from the Acting First Judge late on Circuit in the Southern Division to the Precept of the Court of Tondaree Udalut under date the 29th December 1837. calling for an English Translation of the Record of Case No. 32 of the Combaconum Calendar for the Second Sessions of 1837.

(Here enter F. R. No. 163 of 1838.)

In sending up the Record of Case No. 32. the Acting First Judge states that on the

Large

30th January 1838.

charge of Perjury in Case No. 31 of the Calendar much more evidence was taken than was thought to be necessary in this case.—

With reference to this observation, the Court of Fouzdaree Adalut deem it expedient to direct that an English Translation of Case No. 31 be submitted for their consideration.—

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

/Sent following Dawk No. 118/.

J. H.

At a Court of the Fouzdaree Adalut

Present,

John Bird Esq.re

Wednesday 31st January 1838.

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

Read again letters dated the 9th December 1837 from the Special Commissioner at Mangalore, submitting for the final Judgment of the Fouzdaree Adalut the records of Cases Nos. 98, 100, 108. and 109. by the Special Commission.—

/Here enter Nos. 2607. 2608. 2609 & 2610./

Read also letters dated the 20th and 22nd Instant from the Special Commissioner at Mangalore, reporting the death of the 1st Prisoner in Special Trial No. 98. and of the 9th Prisoner in No. 100. Mangalore Special Trial.—

/Here enter Nos. 2611 & 2612./

Read also Extract from the Minutes of Consultation under date the 23d Instant, commuting the Sentences of Death recorded against the Prisoners in Mangalore Special Trials No. 98. 100. 108. and 109. and confirming the Sentences of Imprisonment passed by the Fouzdaree Adalut in the same cases.—

/Here enter No. 2614./

Case No. 98.
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 Lockla, Potail, Hoo
2nd Lellentuduka Chinnappa
3rd Gondluda Subbyppa

1st to imprisoned ... labor in ... during ...

charge of Perjury in Case No. 81 of the Calendar much more evidence was taken than was thought to be necessary in this case."—

With reference to this observation, the Court of Fouzdaree Adalut deem it expedient to direct that an English Translation of Case No. 81 be submitted for their consideration.—

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

/ Sent following Dreapt No. 188 /

F. A.

At a Court of the Fouzdaree Adalut
Present,

John Bird Esq.re &c.

Wednesday 31st January 1838.

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

Read again letters dated the 9th December 1837 from the Special Commissioners at Mangalore, submitting for the final Judgment of the Fouzdaree Adalut the records of Cases Nos. 98, 100, 105. and 109. by the Special Commission.—

/ Here enter Nos. 2607. 2608. 2609 & 2610. /

Read also letters dated the 20th and 22nd Instant from the Special Commissioners at Mangalore reporting the death of the 1st prisoner in Special Trial No. 98. and of the 9th prisoner in No. 105. Mangalore Special Trial.—

/ Here enter Nos. 1997 & 2112. /

Read also Extract from the Minutes of Consultation under date the 23d Instant, commuting the sentences of Death recorded against the prisoners in Mangalore Special Trials Nos. 98. 100. 105. and 109. and confirming the sentences of Imprisonment passed by the Fouzdaree Adalut in the same cases.—

/ Here enter No. 2016 /

Case No. 98.
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 Pockla, Potail, [illegible]
2d Tellentaduka Carmagiffa
and
3d Goondlunda Sobbagiffa

to imprisoned labor in co during

31st January 1838

30th January 18.

be imprisoned for life, with hard labor in irons on the public roads or other public works, and that the Prisoner

1st Ammye Ponna

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 public roads or other public works for, and during the period of fourteen years.-

Case No. 100.

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 Comchaduka Ramen

and

10th Amen Sorbee

be imprisoned for life, with hard labor in irons on the public roads or other public works- that the Prisoner

7th Corrangee Appiapy

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 public roads or other public works, for, and during the period of two years: that the Prisoner

2d Soobyacody Timmapa, Petail,

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 public roads or other public works for, and during the period of seven years, that the Prisoner

6th Coyangaye Ramen

be released with an admonition and that the Prisoners

3d Meribetten Poolla

4th Dayangoda Sobba

and

5th Oppunde Timmeshra

31st January 1838.

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 public roads or other public works for and during the period of two years.-

Case No. 105

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 Kadumpaty Ramaya Gouda

be transported to Singapore, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for, and during the period of his natural life: and that the Prisoners

2d Narrappa, Petail,

3d Doya Bacha, Petail,

and

5th Korkatty Sobee

be imprisoned for life, with hard labor in irons on the public roads or other public works-

Case No. 109

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 Sheeve

be imprisoned for life with hard labour in irons on the public roads or other public works: and that the Prisoner

3d Calle Comie

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.-

The Court likewise direct that Extract from their proceedings under date the 23d December 1837

on

30th January 18.

be imprisoned for life, with hard labor in irons on the public roads or other public works, and that the Prisoner

A. Ammya Ponna

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 public roads or other public works for, and during the period of fourteen years.

Case No. 108.

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 Comchaduka Ramen

and

10th Ammen Sobbee

be imprisoned for life, with hard labor in irons on the public roads or other public works that the Prisoner

7th Corrangee Affiapy

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 public roads or other public works for, and during the period of ten years; that the Prisoner

2d Sodiyacody Nammapa, Potail,

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 public roads or other public works for, and during the period of seven years, that the Prisoner

6th Coyangee Ramen

be released with an admonition and that the Prisoners

3rd Maribettee Poolla

4th Dayangoda Sobba

and

5th Ommode Immeathee

be

31st January 1838.

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 public roads or other public works for, and during the period of ten years.

Case No. 105

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 Kedumpady Ramaya Gowda

be transported to Singapore, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for, and during the period of his natural life; and that the Prisoners

2d Narrappa, Potail,

3d Daya Bacha, Potail,

and

4th Korkatty Sookee

be imprisoned for life, with hard labor in irons on the public roads or other public works.

Case No. 109

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 Sheero

be imprisoned for life, with hard labour in irons on the public roads or other public works; and that the Prisoner

3d Calle Coonia

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.

The Court likewise

from their proceedings under date the 23

that

3d

30th January 18

be imprisoned for life, with hard labor in irons on the publick roads or other publick works, and that the Prisoner

A. Ammya Hamma

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 publick roads or other publick works, for, and during the period of fourteen years.

Case No. 100.

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. Comachadoka Ramen

and

10th. Arumo Sorbeo

be imprisoned for life, with hard labor in irons on the publick roads or other publick works. that the Prisoner

7th. Corranjee Appiah

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 publick roads or other publick works, for, and during the period of ten years: that the Prisoner

2d. Sothyacody Timmappa, Petail

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 publick roads, or other publick works, for, and during the period of seven years, that the Prisoner

6th. Coyangaye Ramen

be released with an admonition. and that the Prisoners

3rd. Meribetto Poolla

4th. Deyangoda Sobba

and

5th. Corpinde Immaetha

be

31st January 1838.

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 publick roads, or other publick works, for, and during the period of ten years.

Case No. 108

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. Redumpady Dasye Pail

on the

be transported to Singapore, there to remain

hard labor in irons on the publick roads or other

for, and during the period of his natural life and that he

Prisoners

2d. Narrinpa, Petail,

3d. Daye Basha, Petail,

and

4th. Korkutty Sorbo

be imprisoned for life, with hard labor in irons on the publick roads or other publick works

Case No. 109

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. Sheen

be imprisoned for life, with hard labour in irons on the publick roads, or other publick works: and that the Prisoner

3d. Calli Coma

be imprisoned and kept to hard labour in Irons on the publick roads or other publick Works, for, and during the period of fourteen years.

The Court likewise direct that

from their proceedings under date the 23d Dec

3d

on Cases Nos. 98. 100. 108. and 109 be sent for the information and guidance of the Mangalore Special Commission—

/Sent following letters Nos. 173—/

Read letters dated the 17th Instant from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Adalut the records of Cases Nos. 130 and 138 by the Special Commission—

/Here enter Nos. 179 and 180/

No 130
Mr. Bird
and
Mr. Campbell

The Court of Foujdaree Adalut, having maturely considered the proceedings held before the Special Commission, the Fatwa of the Provincial Law Officer and the Fatwa of the Cazee-ool-cozzat and Mooftees of the Foujdaree Adalut, confirm the said Fatwa of the Cazee-ool-cozzat and Mooftees aforesaid convicting the Prisoner

Timmuppa

of Rebellion and awarding Ookoobut: and under the provisions of Sections II and III Regulation I of 1834, and clause third, Section VIII Regulation XII of 1803, sentence the said prisoner 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.

No 138.
Mr. Bird
and
Mr. Campbell

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

Shenja Mulliga

A

31st January 1838.

of Rebellion and awarding Ookoobut: 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 seven years—

The Court of Foujdaree Adalut direct that their Sentences on the Trials Nos. 130 and 138 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 Sentence to be carried into Execution—

/Sent in Nos. 174 & 175—

Read Return dated the 23d Instant from the Third Judge late on Circuit in the Western Division, to the Precept of the Court of Foujdaree Adalut under date the 8th January 1838, conveying their observations and orders on the Honore and Sirsee Calendars for the Second Sessions of 1837—

(Here enter F. R. No. 216 of 1838.)

Honore Calendar
Case No. 4.

The Court of Foujdaree Adalut after having of the recommendation submitted in the above Return on behalf of the prisoner in Case No. 4. of the Honore Calendar—receive, under the authority vested in them by Clause third, Section III, Regulation I of 1825, to direct that the said prisoner namely

2nd Cooba alias Vinata

3d

3d Tipky Dewa
4th Tipky Eera
and
5th Langudgar Monjoo

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 from the 25th December 1837—

Ordered, that Extract from these Proceedings be sent to the Third Judge late on Circuit in the Western Division by Precept returnable within three days from and after its receipt—

/ Sent following Precept No 196 /

Read letter dated the 22d Instant from the 3d Judge of the Court of Circuit in the Ceded Division transmitting the Calendar first Supplemental Calendar for the 1st Quarter Sessions of 1838.

/ Here enter No 201 /

Read letter dated the 25th Instant from the Acting 3d Judge of the Provincial Court of Circuit in the Southern Division, reporting that he has given notice for opening the 1st Sessions of 1838 at Tinnevelly on the 22d Instant—

/ Here enter No 209 /

Read letter dated the 23d Instant from the Special Commissioners at Mangalore, reporting the Death of the 5th Prisoner in Mangalore Special Trial No 95.

/ Here enter No 213 /

Read return, dated the 26th Instant, from the Acting 1st Judge late on Circuit in the Southern

Division

31st January 1838.

Division, to the Precept of the Fouzdaree Adalut dated the 23d January 1838, conveying their observations and orders on the Coimbatore Calendar for the Second Sessions of 1837.

/ Here enter No 221 /

Read letter dated the 24th Instant from the 3d Judge late on Circuit in the Western Division, forwarding the half yearly Statement required by the Circular Order of the Fouzdaree Adalut dated the 5th July 1834 No 4—

/ Here enter No 215 /

F. V.

At a Court of the Fonjdarree Udalut—

Present,

Thursday, 1st February, 1838. John Bird Esqre 1st Judge
Alexr Duncan Campbell Esqre 2nd Judge,

Read letters dated the 17th and 19th Ultimo, from the Special Commissioners at Mangalore submitting for the final Judgment of the Fonjdarree Udalut the record of Cases Nos 111. 112. and 121 by the Special Commission—

/Vide enter Nos 176. 199. and 170./

Case No. 111.
Mr Bird
and
Mr Campbell.

The Court of Fonjdarree 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

Ammor Ariga

is sufficient to convict him of the crime of Treason and Rebellion, &c, under the authority with which they are invested by clause first, Section II, Regulation I of 1819, convict him thereof, and under the provisions of Sections II and III Regulation I of 1834, sentence the said prisoner

Ammor Ariga

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—

Case Nos 112.
Mr Bird
and
Mr Campbell

The Court of Fonjdarree Udalut having maturely considered the proceedings held before the Special

1st January 1838

1st February 1838.

1

Special Commission, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-cozat and Mooftees of the Fonjdaree Adalut, confirm the said Futwa of the Cazee-ool-cozat and Mooftees aforesaid, convicting the prisoner

Runga Rajah

of Rebellion and awarding Sukoobut: 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, 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.

Case No. 121

Mr. Bird

and

Mr. Campbell

The Court of Fonjdaree 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 Fonjdaree Adalut, confirm the said Futwa of the Cazee-ool-cozat and Mooftees aforesaid, convicting the prisoner

Dhoorpanna Shetty

of Rebellion and awarding Sukoobut: 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, 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 Fonjdaree Adalut direct that their Sentences on Trials Nos. 111. 112. and 121 from the Mangalore

1st February 1838

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 1812 receive the orders of Government, before they direct their Sentences to be carried into Execution.—

Sent in Nos. 177. 178 & 179

J. C.

31st January 1838.

F. 76.

At a Court of the Tonjdarce Adalut—

Present

Friday 2nd February 1838. John Bird Esqr 1st Puisne Judge
Alexr Duncan Campbell Esqr 2d Puisne Judge

Read letter dated the 16th Ultimo from the Special Commissioners at Mangalore submitting for the final Judgment of the Tonjdarce Adalut the record of case No. 102 by the Special Commission—

(Here enter No. 77.)

The Court of Tonjdarce Adalut, having maturely considered the proceedings held before the Special Commission, the Fetwa of the Dhromasal Law Officer and the Fetwa of the Cazee-ool-cozat and Mooftee of the Tonjdarce Adalut, confirm the said Fetwa of the Cazee-ool-cozat and Mooftees aforesaid, convicting the prisoners Narnapa Shenabhogue of Rebellion, and awarding Ookoobut and under the provisions of Sections II and III, Regulation I of 1834, sentence the said prisoner to be imprisoned and kept to suitable labour without Irons, in or about the Jail, for and during the period of Six Months—

The Court of Tonjdarce Adalut direct that the sentence in the trial No. 102 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 II of

113

Mr Bird and Mr Campbell

2nd February 1838.

Ent'd

of 1802 receive the orders of Government, before they direct their Sentence to be carried into Execution.—

/ Sent in No. 182. /

F. Ct.

At a Court of the Foujdaree Udalut—

Present,

Saturday 3d February 1838.

John Bird Esqr. ——— 1st Puisne Judge

Alexr Duncan Campbell Esqr. 2d Puisne Judge

Read upon letter dated the 9th December 1837 from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the record of Case No. 120 of the Special Commission.—

/ Here enter No. 2612. /

Read also Extract from the Minutes of Consultation under date the 29th Ultimo, commuting the Sentence of Death awarded the Prisoner in Mangalore Special Trial No. 120 into Imprisonment for Life.—

/ Here enter No. 219. /

Mr Bird and Mr Campbell.

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

Cotwar Krishna

be imprisoned for life with hard labour in irons on the public roads, or other public works.

The Court likewise direct that Extract from their Proceedings under date the 23d December 1837 in Case No. 120 be sent for the information and guidance of the Mangalore Special Commission.—

/ Sent following Letter No. 188 /

Read letter dated the 27th Ultimo from the Magistrate of Bellary, submitting the Explanation called for in the Extract of the Proceedings of the Foujdaree Udalut under date

the 28th December 1837, relative to the conduct of the Chief Police in Cases Nos. 181. 182 and 183 of the file of the Criminal Court of Bellary for the month of November 1837.

/ Here enter No. 228 of 1838. /

The Explanation afforded in this communication regarding cases Nos. 181. 182. and 183 of the file of the Criminal Court of Bellary for November last is considered satisfactory.

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

/ Sent in No. 89 /.

Read petition dated the 25th October from the first Judge late on Circuit in the Western Division, to the President of the Court of Sudder Adalut under date the 16th October 1837 enclosing the Memorandum and orders of that Officer's report of the Proceedings of the Court for Circuit for the first Sessions of 1837. as regards the Cases of Lillah of Malabar - prescribed by Section XXXIII, Regulation VII of 1802.

/ Here enter F.R. No. 27 of 1837. /

Read also letter dated the 29th December 1837 from the First Judge late on Circuit in the Western Division, forwarding a copy of a communication from the Criminal Judge of Malabar, submitting the explanation called for by the Court of Sudder Adalut relative to the confinement in Solitary Cells of an Indian person and of an Individual said to be a Writness in a cause pending before the Criminal Court.

/ Here enter F.R. No. 27 of 1838. /

The First Judge adverting to the remarks in Paragraph 6 of Mr. Cockburn's letter of the 21st December last - that "the four solitary cells converted into two by the direction of the 1st Judge is the place now assigned for instance persons" - observes that the persons alluded to in his Report were not confined in either of the two large cells when he visited the Jail, but in separate small Cells of that description.

2.

Again in Paragraph 5 of his letter, Mr. Cockburn observes - "it is a general rule that has long "been observed to keep Criminals who arrive at the Court "late in the day, separate as much as possible from all "other inmates of the Jail till they are Examined the "following Morning": and he "presumes" that the person "alluded to was kept in custody agreeably to the tenor of the Circular above ordered."

3.

The Court of Sudder Adalut observe that this remark is altogether irrelevant, being that the First Judge describes the individual in question (Paragraph 11 of his Circuit Report) as "a Witness awaiting Examination" "(notwithstanding there were other Prisoners Cells) under a plea "of preventing his having any intercourse with others, prior "to his deposition being committed to writing".

4.

The confinement of a Witness on any such plea as that stated by the first Judge, being illegal and improper, and the Explanation afforded by the Criminal Judge not being considered either sufficient or satisfactory, the Court of Sudder Adalut resolve to direct the First Judge to call upon Mr. Cockburn for an further explanation on that subject of the confinement of the two

above
two persons referred to; and the Court trust that Mr.
Cockburn will recognize the propriety of furnishing such
an Explanation on this occasion as may obviate the ne-
cessity for any further reference.

5. The Court of Tongdaree Udalut do not
deem it proper to Submit to Government the Recommen-
dation of Mr. Cockburn "that a building Separate from
the Gaol should be appropriated Solely for the use of
"Native persons," until the absolute necessity of such a
measure shall be demonstrated to their Satisfaction.

Ordered, that Extract from these Pro-
-ceedings be Sent to the First Judge late on Circuit to
the Western Division by Precept returnable within
twelve days from and after its receipt.

/ Sent following Precept No. 190. /

F. 26.

At a Court of the Tongdaree Udalut.

Present,

Monday
5th February 1838.

John Bird Esq.re ——— 1st. Puisne Judge
Alexr. Duncan Campbell Esq.re 2d. Puisne Judge

Read return dated the 11th. ultimo
made by the Acting Criminal Judge in the Tillah of
Chingleput, to the Precept of the Tongdaree Udalut of the 23d
December 1837, directing him fully to investigate the several
complaints preferred by the Petitioner Mahomed Caysim
against the European Jailor, and to Report the result of his
enquiry.

/ Here enter No. 90 of 1838. /

Also read again Petition presented
on the 23rd. of October last by Mahomed Caysim.

/ Here enter M. L. No. 136 of 1837. /

The Complaint preferred by Mahomed
Caysim in the above Petition was that certain of his Property
valued at 200 Rupees, had been lost during his confinement
in the Jail at Chingleput, under requisition of Security -
that no proper enquiry had been made into the matter, and
that he had in vain endeavoured to obtain restitution of the
property.

From the returns submitted by the Acting
Criminal Judge of Chingleput and recorded above, it ap-
-pears that the Complaint preferred by Petitioner
against the European Jailor was wholly without foundation
that Petitioner's property was at his own request removed
from the Naiks' charge to that of the Jail guards, and
that during the period it remained in charge of the

3rd

Sepoys certain articles were Stolen - which circumstance having been reported to the then Acting Judge by the Jailor himself, the case was investigated and a Prisoner and a Pe were punished for having been concerned in the transaction

The several complaints made by the Petitioner Mahomed Caseim having been thus shewn to be without foundation, his Petition is ordered to be rejected i

Ordered, that Extract from these Pro ceedings be furnished to the Petitioner on his application

Read returns and Supplemental returns dated respectively the 12th and 19th Ultimo made by the Provincial Court of Circuit in the Centre Division to the Precept of the Tongdarre Adalut of the 23d of December 1837 directing them to call upon the Criminal Judge of Chittoor to explain that part of the petition presented to the Tongdarre Adalut by Tyagaroya Moodelly setting forth the depositing in the Zillah Court of the Petitioner's pro perty and the non-restoration of it -

(Here enter Nos. 111 and 165 of 1838.)

Also read copies Petition presented by Tyagaroya Moodelly stating that the Criminal Judge of Chittoor ordered as a considerable part of his property to which he values at Rupees 700 - consisting of Gold and Silver ornaments valuable Documents &c. to be deposited in the Court; and that he has not been able to get possession of it since -

(Here enter No. 2 Article of 1837.)

Also a petition made to the Provincial Court of Circuit in the Centre Division by the Criminal Judge of Chittoor under date the 18th Ultimo, it is stated that

that from the evidence adduced in Criminal Case No 206 of 1836 wherein this Petitioner prosecuted his landlord for removing from his lodgings property consisting of Gold and Silver ornaments, Cloths, brass Utensils and Documents to the value of Rupees 8,128 - it appeared that the property stated to have been Stolen had been made over by Petitioner to the Prisoner as Security for the payment of a debt due by Petitioner to the said Prisoner, that the Criminal Judge in consequence ordered the property to be returned to the Prisoner from whom it had been received, but that as the Petitioner moved the Criminal Court not to restore the property until he had appealed from the verdict given in the Criminal Court, and as the Prisoner agreed to the same, the property was deposited in the Court - that no theft was proved, and that it was manifest that the only object the Petitioner had in prosecuting was to obtain possession of that property which he had been obliged to mortgage on account of a debt due to the Prisoner -

Under this explanation the Court of Tongdarre Adalut do not deem it proper to interfere on behalf of the Petitioner, and the prayer of his petition is accordingly rejected -

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

Read petition presented by Cuppa Naick and Memorandum Jetty of the Zillah of Chingleput -

(Here enter No. 2. Article of 1838.)

These Petitioners, the former of whom was fined, and the Mamoon of the latter attached by the Magistrate

Magistrate of Chinglepet for endeavouring forcibly to prevent a procession of the left hand caste people, and whose application for a remission of the fine and the removal of the attachment was refused by the Court of Tonjadore Adalut on the 15th of November last, now file an authenticated copy of an order passed by the Provincial Court of Circuit in the Centre Division under date the 8th December 1837, in which a fine imposed by the Magistrate of Chinglepet in a Caste dispute which arose under similar circumstances was ordered to be remitted, in the hope that a consideration of this order will induce the Court to interfere in their behalf on the present occasion to the same extent.

The Court of Tonjadore Adalut still continue of opinion that sufficient grounds have not been shewn for the interference of the Court in the manner proposed by the Petitioners, but with reference to the Circular Order No. 69. dated 21st of November 1837, the Court resolve to direct the Provincial Court in the Centre Division to bring the Appeal No. 28 of 1836, connected with these disputes, and now pending before them, to a speedy hearing and decision without regard to the order in which it was filed.

Ordered, that the above be communicated to the Petitioners, and that Extract from these proceedings be forwarded to the Provincial Court in the Centre Division for their information and guidance.

(Suit in No. 193)

Read petition presented by Woomanaby Ammal, Chinna Ammal and Annamottoo Ammal of the Village of Combaconum.

(Here enter M. P. No. 7 of 1838.)

In this address the Petitioners repeat the prayer contained in their Petition No. 60 of 1837 for the release of their relations who were sentenced by the Court of Circuit in Case No. 11 of the Combaconum Calendar for the 1st Session of 1837.

The Petitioners were informed on the 7th of August last that there is no appeal from a sentence passed by the Court of Circuit, and moreover that with reference to the Calendar, the Court of Tonjadore Adalut saw no grounds for their interference on behalf of the prisoners. To that order the Petitioners are referred, and they are informed that any further petitions on the same subject will avail them nothing.

Ordered further, that Extract from these proceedings be furnished to the Petitioners on their application.

Read Miscellaneous Petition presented on the 22nd instant by Mootoo Goundan of Coimbatore in the District of South Arcot.

(Here enter M. P. No. 11 of 1838.)

The petitioner complains of the sentence passed by the Court of Circuit upon her son Vellayan, the second prisoner in Cases No. 15 and 16 of the Cuddalore Calendar for the first Session of 1837.

The prisoner in question was convicted of Gang Robbery and sentenced to imprisonment with hard labour in Irons for fourteen years.

Petitioner

Petitioner alleges that the charge against his Son was altogether false and was got up by a relative of his from vindictive and malicious motives: and he prays that the Sentence of the Court of Circuit may be reversed, and his Son released from confinement.

Petitioner is informed that the Court of Foujdaree Udalut having referred to the Calendar, see no ground to question the correctness or justice of the Sentence passed in the Case above mentioned.

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

Read again Letter dated the 18th December 1837 from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the records of Case No. 117 by the Special Commission.

/ Here enter No. 2687 /

Read also Order of Government dated the 27th Ultimo, confirming the Sentence of the Foujdaree Udalut in Mangalore Special Trial No. 117.

/ Here enter No. 2688 /

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 Appellant Party

and

2nd Convict Mallah, Total,

be set at liberty.

The Court likewise direct that Extract from their Proceedings under date the 17th January 1838

on Case No. 117 be sent for the information and guidance of the Mangalore Special Commission.

/ Sent following letter No. 194 /

Read letter dated the 31st Ultimo, from the Criminal Judge of Nellore, forwarding copy of a warrant of the Court of Circuit for the banishment of the 1st Prisoner in Case No. 8 on the Nellore Primary Calendar for the 1st Sessions of 1838, to a Jillah to be selected by the Foujdaree Udalut.

/ Here enter No. 234 /

The Court of Foujdaree Udalut direct that the Prisoner

1st Doddagunty Venkatasiamoodoo

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

Ordered, that Extract of these Proceedings be sent to the Criminal Judge of Nellore and Bellarey for their information and guidance respectively.

/ Here enter No. 235 /

Read letter dated the 29th Ultimo from the Criminal Judge of Cuddapah, submitting the Reports prescribed by Section XXXV Regulation X of 1816 for the month of December 1837.

/ Here enter No. 237 of 1838 /

Case No. 867.

From the abstract of the evidence given in Case No. 867 of the Supplemental Report, the Court of Foujdaree Udalut entertain doubts whether there was sufficient proof for the Conviction of the 1st Prisoner of the Robbery charged against him, and they resolve therefore to direct the attention of the Judge now on Circuit

to

in the Southern Division to the end, and with this view it
is ordered that an Extract from these proceedings, together with
Copy of the Case as it stands in the Report be forwarded to
Mr. Hosfer for his information and guidance.—

Nos. 492. & 617. 2. In Cases Nos. 492 and 617 of the Report,
No. 5, the Court of Fouzdaree Adalut are of opinion that the
evidence against the 1st prisoner concerned in those two
numbers was not sufficient to justify the requisition of
Security, and they resolve therefore to direct their release if
in Confinement or that the Security bonds be cancelled if
any have been entered into.— And with respect to the de-
tention of the prisoners concerned in Case No. 492 in the
Talook from the 6th to the 29th of November last, the Court of
Fouzdaree Adalut direct that the Magistrate be informed
that their Explanation of the delay submitted by the Head of
Police of Vatiendaporum is neither sufficient nor sat-
isfactory.—

3. The Magistrate should also be in-
formed that the Court of Fouzdaree Adalut view as un-
satisfactory the reasons assigned by the Police Officers
for the detention of the prisoners concerned in Cases Nos.
495. 496. 6. 6. 7. 8. 9. 500. 1. 2. 3. and 505. of the same Re-
Report.—

4. From the remarks of the Assistant Cri-
minal Judge in Case No. 514, it would appear that
the 3d prisoner was convicted of receiving stolen property
offered under suspicious circumstances, and was con-
sequently punishable under the provisions of Section
IX Regulation XII. of 1832.—

It

No. 515. 5. It would have been satisfactory to the
Court of Fouzdaree Adalut, had the Assistant Criminal
Judge specified in his remarks on Case No. 515. for
what purpose, and with what intent the 2d prisoner
branded the child "Nimmay" with a hot iron in the manner
charged in the Report.—

6 With reference to the Report of the Head
of Police given in Case No. 510, the Court of Fouzdaree
Adalut desire that it may be explained in whose custody the
prisoners were from the 9th to the 13th of December, and
the grounds of their detention for that period in the Talook.

7 The number of Extra Peons employed
during the month under review appears to be in excess of
the number authorized, which the Court of Fouzdaree
Adalut desire may be explained, and adverting to the
Crowded State of the Jail at the time these Reports were
prepared, the Court of Fouzdaree Adalut desire that the
Criminal Judge will report whether their orders of the 18th
of December last for the transfer of 50. Convicts to Backergunge
and of the same number of Security prisoners to Trichinopoly
have been carried into effect.—

Ordered, that Extract from these Pro-
ceedings be forwarded to the Criminal Judge of Cuttack
for his information and guidance by Despatch postage paid
in 8 days, from and after its receipt, and with instructions to
communicate paras. 2. 3. and 6. to the Magistrate for his
information.—

I And following Despatch No. 197/1

Sd. 515

Copy of Extract of these Proceedings sent

5th February 1838.

Case No. 467 of the Combarmun Criminal Report for December 1837. Sent to the Acting 3rd Judge on Circuit in the Southern Division for his information.

/ Sent in No. 198 /

F. 16

At a Court of the Supplance Adalut

Present,

Tuesday 6th February 1838. John Bird Esqr. ——— 1st Puisne Judge

Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

Read petition dated the 30th ultimo from the Acting First Judge late on Circuit in the Southern Division, to the Precept of this Court of Supplance Adalut under date the 27th January 1838. conveying their determination and noted on Case No. 12 of the Calendar for the second Sessions of 1837.

/ Vide Sir F. 16. No. 241 of 1838. /

Adverting to para. 5 of the Petition above recorded, wherein the Acting First Judge expresses his belief that only the depositions of witnesses deceased which may have been delivered on oath can be admitted and proved on the trial before the Court of Circuit, the Court of Supplance Adalut direct that the Acting First Judge be informed that the Deviation in para. 5 of their proceedings of the 27th ultimo, was made in reference to the Circular Orders of the 5th March and 26th November 1832.

Sirista Vol. p. p. 213. and 226.

Ordered

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

(Sent in №199.)

Read return dated the 26th ultimo from the Acting Second Criminal Judge of the Auxiliary Court at Tinnevelly to the Precept of the Fouzdaree Udalut dated the 19th January 1838— conveying their observations and orders on the Tinnevelly Criminal Reports for the months of December 1837—

(Here enter №231)

Read letter dated the 27th ultimo from the Special Commissioner at Mangalore reporting the death of the 4th Prisoner in cell №49 Mangalore Special Jail—

(Here enter №236)

Read letter dated the 29th ultimo from the 2nd Judge on Circuit in the Northern Division, reporting the commencement of the Sessions at Cuddapah and the state of the Calendar—

(Here enter №239)

Read return dated the 30th ultimo from the Criminal Judge of Rajahmundry to the Precept of the Fouzdaree Udalut dated the

18th January 1838, conveying their observations and orders on the Rajahmundry Criminal Reports for the months of December 1837

(Here enter №255.)

Read letter, dated the 2nd Instant from the 2nd Judge on Circuit in the Northern Division, transmitting the Statement of Batta paid to Prosecutors and Witnesses during the 1st Sessions of 1838—

(Here enter №272.)

Read return, dated the 2nd Instant from the 2nd Judge on Circuit in the Northern Division, to the precept of the Fouzdaree Udalut dated the 29th January 1838, conveying their observations and orders on the Nellore Calendar for the 1st Sessions of 1838—

(Here enter №273.)

Read letter dated the 1st Instant from the 1st Judge on Circuit in the Western Division, reporting the opening of the Sessions at Coimbatore on the 1st day of February 1838, and the State of the Calendar—

975

(Here enter №274.)

At a Court of the Fouzdaree Udalut.

Present,

Thursday, 8th February, 1838. John Bird Esqre ——— 1st Puisne Judge.
Alexr Duncan Campbell Esqre 3d Puisne Judge.

Read again letter dated the 28th December 1837 from the Special Commissioners at Mangalore submitting for the final Judgment of the Fouzdaree Udalut the record of Case No 92 by the Special Commissioners.

(Here enter No 32.)

Read also Order of Government dated the 3d Instant confirming the sentence of the Fouzdaree Udalut on the Mangalore Special Trial No 92.

(Here enter No 26b.)

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

Mr Bird and Mr Campbell.

2d Koolad Soonnuppa
3d Kolary Soobba.
4th Koomhap.
5th Gowda Nursingap.
6th Sunnaumma Lachumap.
7th Vittla Bhutta
8th Soobbanna Bhuttap.
9th Ulpta Soobba.
10th Billa.

10th Billa Cochap
11th Timmuttipas.
12th Hoftabiana Dere
13th Devo
14th Shuntirap.
15th Mopla Pulley.
16th Deoo
17th Chendayap.
18th Soobbayap.
19th Mahlingap
20th Appunna Bellap
21st Camalordeen
22d Dere

and

23d Timmuttipa

be set at liberty

The Court of Sessions Uddalut do not direct the release of the prisoner

1st Nedumpully Dempa Roya

the said prisoner having been convicted of Sedition and Rebellion by the Court of Sessions Uddalut in Case No 107.

The Court likewise direct that Extract from their proceedings under date the 25th Ultimo be sent for the information and guidance of the Mangalore Special Commissioner

(Sent following letter No 211

Read

Read letter dated the 19th Ultimo from the 3d Judge of the Court of Circuit in the Centre Division transmitting the Record in Case No 1 of the Chittoor 5th Supplemental Calendar for the 4th Quarter Sessions of 1837.

(Here enter No 172)

Mr Bird.

The Court of Sessions Uddalut 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 ul Cozat and Mooftees of the Sessions Uddalut, confirm the said Futwa of the Cazee ul Cozat and Mooftees aforesaid, convicting the prisoner

Sungamiah

on strong Presumptive Proof, and awarding Retribution, and under the provisions of Clause first, Section V, Regulation VIII of 1831 and Clause Second, Section IV, Regulation VI of 1822, 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 four years.

(Sent following letter No 212)

Read return dated the 2d Instant from the Criminal Judge of Nellore to the Precept of the Sessions Uddalut dated the

24th

24th January 1838 conveying their observations and orders on the Nellore Criminal Reports for the month of December 1837.-

(Here enter No. 263)

The explanation afforded in the above returns respecting Cases Nos. 147 and 148 of the file of the Criminal Court is considered Satisfactory.-

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Nellore for his information.-

(Sent on No. 213)

Read return dated the 3d Instant from the Criminal Judge of Bellary to the Precept of the Fougdaree Udalut dated the 27th January 1838 conveying their observations and orders on the Bellary Criminal Reports for the month of December 1836.-

(Here enter No. 292)

Read letter dated the 5th Instant from the Magistrate of Tanjore submitting the explanation called for in the Extract from the Proceedings of the Fougdaree Udalut dated the 26th December last relative to the Conduct of the Police Officer in No. 475 of the file of the Criminal Court of Combaconum.-

(Here enter No. 302)

WS

WBC

Extr

WBC

F. 46

At a Court of the Fougdaree Udalut

Present

Friday 9th February 1838.

John Bird Esqre ——— 1st Puisne Judge

Alexr Duncan Campbell Esqre 3d Puisne Judge

Read again letter dated the 26th December 1837 from the Special Commissioners at Mangalore, submitting for the Judgment of the Fougdaree Udalut the record of Case No. 13 by the Special Commissioners.-

(Here enter No. 5)

Read also Extract from the Minutes of Consultation dated the 3d Instant, confirming the sentence passed by the Fougdaree Udalut in Mangalore Special Trial No. 13.-

(Here enter No. 287)

WS

WBC

Mr. Bird and Mr. Campbell

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

The Court likewise direct that
Extract from their proceedings under date
the 26th Ultimo be sent for the information
and guidance of the Mangalore Special Commn
(Sent following letter No 226

Read letter dated the 24th Ultimo
from the Special Commissioner at Mangalore
submitting for the Judgment of the Court of
Sunjdaree Udalut the Records of trials Nos
122. 123. 126 and 128.
(Above enter F/L No 218 of 1838)

Case No 122.
Mr Bird
and
Mr Campbell.

The Court of Sunjdaree Udalut
having maturely considered the proceedings
held before the Special Commission, the Letters
of the Provincial Law Officer and the Letters
of the Zillah Judge and Moofties of the
the Zillah Judge and Moofties aforesaid
acquitting the prisoner

Bellaudoo Narrayya

and do accordingly acquit him and direct
that he be set at liberty

Case No 123.
Mr Bird
and
Mr Campbell.

The Court of Sunjdaree Udalut
having maturely considered the proceedings
held before the Special Commission, the
Letters of the Provincial Law Officer and the
Letters of the Zillah Judge and Moofties

of the Sunjdaree Udalut, confirm the said
Letters of the Zillah Judge and Moofties
aforesaid acquitting the prisoner

Mehmane Soobbaa

and do accordingly acquit him and direct
that he be set at liberty.

Case No 126.
Mr Bird
and
Mr Campbell.

The Court of Sunjdaree Udalut
having maturely considered the proceedings
held before the Special Commission, the
Letters of the Provincial Law Officer and the
Letters of the Zillah Judge and Moofties
of the Sunjdaree Udalut, confirm the said
Letters of the Zillah Judge and Moofties
aforesaid, acquitting the prisoner

Bangali Mungappa

and do accordingly acquit him and direct
that he be set at liberty.

Case No 128.
Mr Bird
and
Mr Campbell.

The Court of Sunjdaree Udalut
having maturely considered the proceedings
held before the Special Commission, the
Letters of the Provincial Law Officer and the
Letters of the Zillah Judge and Moofties
of the Sunjdaree Udalut, are of opinion that
the prisoner

Venkatay

is not convicted on presumptive proof, or on
the evidence of credible witnesses, or on his

own

5th February 1838.

own confession, notwithstanding the Letters of their Law Officers, and do accordingly acquit him; and direct that he be set at liberty.-

Case No. 122. 1. Although the evidence adduced in support of the Prosecution before the Special Commissioners is insufficient for the conviction of the accused, yet, the Court of Sanjanee Udalut do not concur with the Commissioners in opinion that the Magistrate was not justified in bringing forward the Prisoner - who was a Petal - for Trial upon the evidence given by the two witnesses examined before himself.-

Case No. 123. 2. The evidence adduced in this case also before the Special Commission is insufficient for the conviction of the prisoner. But the witnesses having told a very different story before the Magistrate and the Prisoner being a Petal, the Magistrate had sufficient grounds in the opinion of the Court of Sanjanee Udalut for sending him up for Trial.-

Case No. 126. 3. The Court of Sanjanee Udalut are of opinion that the Magistrate should not have sent up the prisoner for Trial upon the evidence given before himself.-

Case No. 128. 4. The Court of Sanjanee Udalut are

9th February 1838.

not prepared to condemn the Magistrate for sending the prisoner in this case up for trial. The prisoner himself admits, and the evidence goes to support the admission, that he accompanied the Rebels, but there are strong grounds for believing that he acted under the influence of fear, and under this view of the case, the Court of Sanjanee Udalut have considered him entitled to an acquittal.-

5. In para. 10 of their letter of reference, the Special Commissioners observe that the prisoner Shewaya's Case No. 129 is shown to have been apprehended on the 12th September and the witnesses were examined on the Magistrate's office on the 16th or two days after apprehension; the statement of the case was sent to the Special Commission on the 20th September and the witnesses attended on the 8th October; and in para. 16 the Special Commissioners observe that the prisoner is represented to have been apprehended on the 12th July, the witnesses summoned on the 19th September, the Return is dated 20th November and the witnesses attended on the 5th December.-

6. The Court of Sanjanee Udalut assume that the delay in the proceedings of the Magistrate intimated in the foregoing

Para. 7

Remarks required explanation, which the Special Commission will call for from the Magistrate and submit to this Court for the information of Government.

In para. 17 of their letter of reference, the Special Commissioners further observe that the proceedings of the Magistrate (with the exception of one paper) are attested by his signature; and they do not show that the witnesses were examined on oath, that the prisoners were even confronted with them, much less, allowed an opportunity of cross-questioning them, or offering any [illegible] to the Court.

It is necessary to bring this defect to the notice of the Magistrate of Cannanore, to explain this omission in the proceedings referred to, that Officers appointed to administer the information of Government.

Ordered, that Extract from these proceedings be sent to the Special Commission at Mangalore & Cannanore, intimating within the like period after its receipt.

(Sent letter No 227)

The Court of Sessions Ordered that these sentences — the Sheik No 102

123_126. and 128. 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 228, 229, 230, 231, & 232.

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Acting Criminal Judge of Chingleput for the month of January 1838.

(Recorded No 270.)

The above Reports do not appear to call for any remark from the Court of Sessions Ordered

Ordered therefore, that Extract from these proceedings be sent to the Criminal Judge of Chingleput for his information.

(Sent in No 233)

Read letter, dated the 7th Instant, from the Criminal Judge of Nellore, submitting

Remarks required & plantations, which the Special Commission will call for from the Magistrate and submit to this Court for the information of Government.

7. In paragh. 17 of their letter of reference, the Special Commissioners further observe that the proceedings of the Magistrate in the reception of one Prosecutor were unattested by his signature; and they do not show that the witnesses were examined on oath, that the prisoners were even confronted with them, much less, allowed an opportunity of cross-questioning them, or offering any thing in their defence.

8. The Court of Circuit will then be at liberty to direct the Special Commissioners to call upon the Magistrate for explanation of these defects in the proceedings, and to submit the same to this Court for the information of Government.

Ordered, that Extract from these proceedings be sent to the Special Commission at Mangalore by Despatch returning the papers forwarded for the information of Government.

(Sent following Despatch No 227)

The Court of Sudder Adawlut direct that their sentence on the Sirdar No 103.

123. 126. and 128. 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 sentence to be carried into execution.

Sent in No 228, 229, 230 231, & 232.

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Acting Criminal Judge of Chingleput for the month of January 1838.

(Have enter No 270.)

The above Reports do not appear to call for any remark from the Court of Sudder Adawlut.

Ordered therefore, that Extract from these proceedings be sent to the Criminal Judge of Chingleput for his information.

(Sent in No 233)

Read letter, dated the 7th instant from the Criminal Judge of Nellore, forwarding

a

Remarks required explanations, which the Special Commission will call for from the Magistrate and submit to this Court for the information of Government.

7. In para: 17 of their letter of reference, the Special Commissioners further observe that the proceedings of the Magistrate (with the exception of one prisoner) are unattested by his signature; and they do not show that the witnesses were examined on oath, that the prisoners were confronted with them, or much less, allowed an opportunity of cross questioning them, or offering any thing in their defence.

8. As the Court of Sudder Dewanny Adawlut is unwilling to direct the Special Commissioners to call upon the Magistrate of Canara to explain the circumstances mentioned in the preceding paragraph, and to submit the information of Government.

Ordered, that Extract from these proceedings be sent to the Special Commissioners at Mangalore by Despatch enclosing within the Copy of the Receipt of the Secretary (Despatch No 227)

The Court of Sudder Dewanny Adawlut direct that their sentences on the Sirdars No 120. 123. 126. and 128. 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 No. 228, 229, 230 231, & 232.

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Acting Criminal Judge of Chingleput for the month of January 1838.

(Here enter No 270.)

The above Reports do not appear to call for any remark from the Court of Sudder Dewanny Adawlut.

Ordered therefore, that Extract from these proceedings be sent to the Criminal Judge of Chingleput for his information.

(Sent in No 233)

Read letter, dated the 7th instant, from the Criminal Judge of Nellore, submitting

31 9th February 1838.

5th

A List of Sixty Convicts sent on the 9th January 1838 to Anjengo for the purpose of being employed on the great western road—

(Here enter No 306)

Read letter dated the 8th Instant from the Acting 3rd Judge on circuit in the Southern Division, reporting the opening of the 1st Sessions of 1838 at Madura—

forwarding a copy of a letter from the Acting Zillah Judge, showing the state of the Calendar—

(Above enter No 309)

1838 Feby 12

113

Monday 12th February 1838.

F. R.

At a Court of the Foujdaree Adalut.

Present,

John Bird Esqr 1st Puisne Judge

Alexr Duncan Campbell Esqr 3rd Puisne Judge

Read Miscellaneous Petition presented on the 15th Ultimo by Nancharammah of the Zillah of Chingleput

(Here enter Mr. P. No 7 of 1838.)

113

1838

The Petitioner repeats the request preferred in her Petition No 171 of 1837 for the release of Terrovengada Chetty the convicted Prisoner in Case No 7 on the Chingleput Calendar for the Second Sessions of 1837—

The Court of Foujdaree Adalut direct, that the Petitioner be referred to their order of the 8th January 1838, and informed that the same is final—

and that Extract from these Proceedings be furnished to the Petitioner on her application—

Read Miscellaneous Petition presented on the 6th instant by Eradyppah of South Arcot—

(Here enter Mr. P. No 12 of 1838.)

The Petitioner prays that an order may be issued for the release of his Son in Law, Ramaswamy Prisoner in Case No 75 of the Cuddalore Calendar for the first Sessions of 1837—

The Prisoner in question has been convicted before the Court of Circuit of Robbery and sentenced to the punishment prescribed by the Regulations for that Offence—

The

The Petitioner allegeth that the prisoner is altogether innocent of the charge, and that he was accused by the Prosecutor from malicious and vindictive motives.—

The Court of Fouzdaree Udalut observe that under the Regulations, there is no appeal from the sentence of a Court of Circuit and that having referred to this case, as it is entered in the Calender, they see no ground to question the propriety of the decision of the Court of Circuit.—

Ordered, that the Petition be rejected, and that Extract from these Proceedings be furnished to the Petitioner on his application.—

Read Miscellaneous Petition presented on the 5th instant by Maruttahee of the Tillage of Chinglepet.—

(Here enter No. 13 of 1838.)

The Petitioner repeats the request preferred in her Petition No. 2 of 1838 for the release of Verrastunny the Convicted Prisoner in Gaol No. 1 of the Chinglepet Calendar for the Second Sessions of 1837.

The Court of Fouzdaree Udalut direct that the Petitioner be referred to the order of the 22nd Ultimo on her former Petition, and that she be informed that that order is final, and that any further application in this matter will not receive attention.—

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

Read Miscellaneous Petition presented

presented on the 5th instant by Anjanna Patten of Negapatam.—

(Here enter No. 15 of 1838.)

The Petitioner prefers to the order of the Court of Fouzdaree Udalut under date the 29th January 1838. upon his Petition No. 6 of 1838. respecting the disputes between the people of the Right hand and Left hand Caste of the Town of Negapatam, the purport of which order he has either misunderstood or with which he is dissatisfied and he prays that the Court will be pleased to interfere on behalf of the left-hand caste of which he is the Head.

The Court of Fouzdaree Udalut observe that if the Petitioner's object be to induce any interference with the order of the Magistrate of Tanjore which as observed in their proceedings above referred to was a proper order, as tending to prevent a breach of the peace, but which cannot be complied with.— And it appears to the Court that the only way in which the disputes between the contending parties can be finally settled, is by an action at Law.—

Ordered, that Extract from these Proceedings be furnished to the Petitioner upon his application.—

Read letter dated the 29th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division, submitting the report prescribed by Section XXXVII. Regulation VII of 1802. on the Second Quarter Sessions of 1837 at Tellicherry.—

(Here enter No. 251.)

The above report not requiring any observation from the Court of Fouzdaree Udalut.—

Ordered

Ordered, that a Copy thereof together with Extract from these Proceedings be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.

/ Sent in No. 245 /

Read again letters dated the 17th Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Fouzdaree Adalut the records of Cases Nos. 130 and 138 by the Special Commission. / Here enter Nos. 299 and 300. /

Read also Extract from the Minutes of Consultation under date the 6th instant, confirming the Sentences of the Fouzdaree Adalut at Mangalore on Special Trials Nos. 130 and 138.

/ Here enter No. 299 /

No. 130
Mr. Bird
and
Mr. Campbell

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

Timmuppa

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 his natural life.

No. 138.
Mr. Bird
and
Mr. Campbell

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

Soongie Mallige

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 an Extract

Extract from their Proceedings under date the 31st January 1838 on Cases Nos. 130 and 138. be sent for the information and guidance of the Mangalore Special Commission.

/ Sent following letters No. 245 /

Read letter dated the 29th Ultimo from the 2nd Judge on Circuit in the Northern Division, transmitting the record in Case No. 10 of the Vellore Calendar 1st Sessions of 1838.

/ Here enter No. 240 of 1838. /

Mr. Bird

The Court of Fouzdaree 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

Hoojoo Sahet

is sufficient to convict him of the crime charged, 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 third, Section VII, Regulation XII 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 -

The Court of Fouzdaree Adalut direct that the attention of the Second Judge on Circuit be called to the last paragraph of their Circular Order of the 29th September 1826, which requires that the Papers &c. of

the

12 12th February 1838.

the English Translations of the Records of referrible cases
trials to be numbered.—

Ordered, that Extract from these Proceedings be forwarded to the 2nd Judge on Circuit in the Northern Division for his information.—

/ Sent in No. 247 /

Read a Miscellaneous Petition presented on the 5th instant by Namasivaya Moodely of the Zillah of Combaconum—

/ Here enter M. P. No. 14 of 1838. /

The Prayer of this Petition is the same as that of Nos. 1 and 8 of 1838 presented by the same party: namely — that an order may be passed for the release of the convicted prisoner — Sabhapathy Moodely — in Case No. 143 of the Combaconum Calendar for the Second Sessions of 1837.—

The Court of Zoujdaree Udalut do direct that the Petitioner be referred to the order passed by the Court under date the 29th Ultimo, upon his two former Petitions; and that he be informed that that order is final, and that any further application on this matter will not receive attention.—

Ordered, that the Petition be rejected and that Extract from these Proceedings be furnished to the Petitioner on his application.—

F 16

At a Court of the Zoujdaree Udalut.

Present

Tuesday 13th February 1838.

John Bird Esqre ——— 1st Puisne Judge.

Alexr Duncan Campbell Esqre 3d Puisne Judge.

Read letter dated the 27th Ultimo from the Special Commissioners at Mangalore submitting for the final Judgment of the Zoujdaree Udalut the record of Case No. 127 tried by the Special Commissions—

/ Here enter No. 235. /

Mr Bird and Mr Campbell

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

Murder

is sufficient to convict him of Rebellion, &c, and 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 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 ten years

The Court of Zoujdaree Udalut

having

having deemed it their duty to record against the prisoner a sentence of two years' imprisonment, beg at the same time to solicit the favorable consideration of Government to the remark contained in the fourth paragraph of the letter of reference from the Special Commission; and in accordance with the suggestion of that Tribunal to recommend that the prisoner receive a free pardon and that authority be granted for discharging him immediately from confinement with a suitable admonition.—

The Court of Sessions would further beg to solicit the attention of Government to the suggestion offered in para: 5 of the letter from the Special Commission, relative to the witnesses in this case, who are described as "Convicts under sentence of a Court Martial."

The Court of Sessions would direct that their sentence in the Serial № 1837 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

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 № 257)

Read letter dated the 6th Instant from the Third Judge of the Provincial Court of Circuit in the Centre Division, forwarding copies of the Primary and Second Supplementary Calendars of the 1st Quarter Sessions of 1838 holden at Chittoor.—

(Here enter F.Us № 331 of 1838.)

Primary Calendar 1.
Case № 1.

On this case ten prisoners were charged with having, on the night of the 30th September 1837, in company with forty others gone forth armed and bearing clubs to the house of the Pardoutter-bostion into the house, illtreated the inmates thereof, and plundered them of property of the value of Rupees 169.4.—

2. By the second Question, the Mahommedan Law Officer was required to declare "if the evidence of the 3rd 4th 5th 6th 7th and 8th witnesses be admitted, of what crime would the 1st 2nd 3rd 5th 6th and 8th prisoners have been convicted, and to what punishment would they have been liable?" but in the Answer

Mahomed

allusion is made to none others than the 1st and 4th prisoners who are convicted and sentenced to imprisonment, while the presiding Judge records his opinion that the crime charged is not proved against the 2d 3d 5th and 6th prisoners and accordingly directs their release.

3. The Court of Enquiry would respectfully request to be informed of the grounds on which these four prisoners are considered by the Mahommedan Law Officer not convicted thereof; that the Court are inclined to review the evidence for the prosecution as sufficient for the conviction of the second and third prisoners.—

Ordered, that Extract from these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Central Division by Dawk to return the same within five days from and after its receipt.—

(Sent following Dawk No 258/)

E.K.

In a Court of the Enquiry Establishment.

Present,

Wednesday, 14th February 1838.

John Bird Esqr ——— 1st Puisne Judge
Alexr Duncan Campbell Esqr 3d Puisne Judge

113

1136

Read the letter dated the 31st ultimo from the Criminal Judge of Bellary, reporting the acquittal of one of the three prisoners in Case No 29 of the list of the Criminal Court of Bellary for the year 1837—

(Vide ante E.K. No 262 of 1838)

1. The Court of Enquiry resolved and wrote that copies of the Extracts from the Proceedings under date the 8th November and 11th December 1837 which contain the charges against the said prisoner referred to, be furnished to the Criminal Judge of Bellary, with an intimation that until the result of the further inquiry, which the Magistrate has been instructed to institute, shall be known, the prisoner must remain in confinement.

2. A Copy of the order having accordingly been sent to the Magistrate of the District bearing date the 14th December 1837 which was not returnable within fifteen days, and it being the Court's wish to call upon the Magistrate of Bellary to confirm to the ongoing through without further delay—

Ordered, that an Extract from these proceedings be sent to the Criminal Judge of Bellary (three)

with

F. H.

In a Court of the Conjoint Adalat.

Present,

Wednesday, 14th February 1838.

John Bird Esqr. ——— 1st Puisne Judge

Alexr. Duncan Campbell Esqr. 3d Puisne Judge

Read a letter dated the 31st ultimo from the Criminal Judge of Bellary, reporting the conviction of the three prisoners in Case No. 29 of the Register of the Criminal Court of Bellary for the year 1837.

(Vide extract No. 252 of 1838)

The Court of Conjoint Adalat direct that copies of the extracts from the proceedings under date the 8th November and 15th December 1837, which contain the reasons upon the case above referred to, be furnished to the Criminal Judge of Bellary, with an intimation that until the result of the further inquiry, which the Magistrate has been instructed to institute, shall be known, the prisoners must remain in confinement.

2. A perusal of the papers having elapsed since the Receipt of the Conjoint Adalat letter, dated the 14th December 1837, which was made returnable within fifteen days, and it not appearing that the Court resolved to call upon the Magistrate of Bellary to conform to the reports without further delay—

Ordered, that an extract from these proceedings be sent to the Criminal Judge of Bellary (there-

with

13th February 1838.

allusion is made to none other than the 1st and 4th prisoners who are convicted and sentenced to imprisonment, while the presiding Judge records his opinion that the crime charged is not proved against the 2d 3d 5th and 6th prisoners, and accordingly directs their release.

3. The Court of Conjoint Adalat require to be informed of the grounds on which these four prisoners are considered by the Mahommedan Law Officer not convicted of the rather; that the Court are inclined to view the evidence for the prosecution as sufficient for the conviction of the second and third prisoners.—

Ordered, that Extract from these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Canara Division by Despatch return Mail with the 113 four days from and after its receipt.—

(Sent following Despatch No. 258/)

with copies of the papers above mentioned for his information.

(Sent in No. 260

Ordered also, that extract from these proceedings be sent to the Magistrate of Bellary (Para 12) by Dawk to return all within three days from and after it receipt.

(Sent following Dawk No. 261

Read return to the 8th Instant from the Acting Criminal Judge of Madura to the Magistrate of the Zillah dated the 7th January 1838 conveying the observations and Orders on the Madura Criminal Reports for the month of December 1837.

(Here entd No. 336)

The explanation offered in the above return respecting Circr Nos. 210 and 252 of the file of the Criminal Court is considered satisfactory.

Ordered, that extract from these proceedings be forwarded to the Acting Criminal Judge of Madura for his information.

(Sent in No. 263

Read a Gen Letter dated 10th Instant from the Special Commissioner at Bangalore, submitting for the final Judgment of the Sovereign Extract of the Proceedings in the Case No. 82 by the Special Commission.

(Here entd No. 18 of 1838)

Read also order of Government

dated

Dated the 10th instant, confirming the sentence of the Sessions Court at Bangalore in Special Trial No. 82 and directing that the explanation called for from the Magistrate of Canara be laid before Government.

(Here entd No. 322 of 1838)

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

Mr. Reid,
and
Mr. Campbell,

Coodamen Cooka

be set at liberty.

The Court likewise direct that extract from their proceedings under date the 27th ultimo be sent for the information and guidance of the Bangalore Special Commission.

(Sent following Letter No. 263

Read the Reports specified by section XXXV Regulation X of 1816 submitted by the Criminal Judge of Canara for the month of January 1838.

(Here entd No. 326 of 1838)

1. With reference to the manner and extent amongst the prisoners in the Jail at Mangalore, as exhibited in these returns, the Court of Sovereign Adalut, with reference to their Circular Order of the 12th of July 1830 direct that the Criminal Judge be called upon to make an immediate Special Report of the cases thereof, and what measures he may have taken

14th February 1838.

taken for the improved salubrity of the Gaol.

2. The Court of Enjoarce Udalut having from the Report No. VI, that four of the Convicts transferred to the charge of the Magistrate of Canara from the Zillah of Malabar were forwarded to the Gaol at Mangalore for medical treatment, resolve to call upon the Magistrate of Canara to report whether under Rule XI. of the rules for the management of Convicts employed on Public Works in the Provinces, a medical officer has not been appointed to afford aid to the party of Convicts employed under his orders on the Mangalore Road.

Ordered, that extract from these proceedings be forwarded to the Criminal Judge of Canara for his information and guidance, and that copy of para: 2. of these proceedings be communicated for the information and guidance of the Magistrate of Canara.

(Cont in Nos 264 & 295.)

5 Nos

1311

113

F. 116

At a Court of the Foujdaree Udalut.

Present:

Thursday 15th February 1838.

John Bird Esqre 1st Puisne Judge;

Alexr Duncan Campbell Esqre 3rd Puisne Judge.

Read letters dated respectively the 29th Ultimo and 1st Instant, from the Special Commissioner at Mangalore submitting for the final Judgment of the Foujdaree Udalut the records of Cases Nos 131 and 119 tried by the Special Commission.

(Above enter Nos 245 and 282)

Case No. 131.
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 Devanna P.
and
2nd Pootta P.

is sufficient to convict them of Rebellion, do, under the authority with which they are vested by Clause first, Section III, 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 prisoner 1st Devanna P.

1st Devunnap

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 the prisoner

2nd Poottap

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 Sirpdance Udalut having deemed it their duty to record a sentence of two years imprisonment against the second prisoner Poottap as being convicted of the offence described in Regulation X of 1834 beg at the same time to submit his case for the merciful consideration of the Right Honorable the Governor in Council, and in accordance with the suggestion of the Special Commissioners in para 4 of their Letter of reference, to recommend that authority be granted for immediately discharging him from confinement with a suitable admonitions—

Case No. 119.
Mr. Bird
and
Mr. Campbell.

The Court of Sirpdance Udalut, having maturely considered the proceedings held before the Special Commission, the Returns of the Provincial Law Officer and the Returns of

of the Cazee-ool-Cozzat and Mooftees of the Sirpdance Udalut, confirm the said Returns of the Cazee-ool-Cozzat and Mooftees aforesaid, convicting the prisoners

1st Maroo

and

2nd Doomah

of Rebellion, and awarding Ockoobut, and under the provisions of Sections II and III, Regulation X of 1834, sentence the said prisoners 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—

The Court of Sirpdance Udalut direct that their sentences in the Trials No. 131 and 119 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 270 & 271)

Read

F. 16

At a Court of the Tongdaree Udalut—

Present,

Friday
16th February 1838.

John Bird Esqre ——— 1st Puisne Judge
Hon.ble Duncan Campbell Esqre 3rd Puisne Judge

Read a Jeem Letter dated the 9th Ultimo from the Special Commissioners at Mangalore, intimating for the final Judgment of the Tongdaree Udalut the Records of Cases Nos 42, 46, 47, 48, 49, and 50 by the Special Commission—

(Here enter No 117—)

Read also Letter dated the 9th Instant from the Special Commissioners at Mangalore, reporting the death of the 16th Prisoner at Mangalore Special Trials No 42

(Here enter No 118)

Read also Extract from the Proceedings of Consultation under date the 9th instant, conferring the Authorities of the Tongdaree Udalut at Mangalore Special Trials Nos 42, 46, 47, 48, 49 and 50

(Here enter No 119)

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

Case No 42.

Mr Bird
and
Mr Campbell.

1st Byramjee Cowajee Bhaga
2nd Yenoo
3rd Cooty Ahmade
4th Rama
5th Chenna
6th Byra Jeera
7th Chenkeala

15th February 1838.

Read return dated the 7th Instant from the Criminal Judge of Bellaree to the Precept of the Court of Tongdaree Udalut under date the 15th Ultimo, sending back for further evidence the records of Cases Nos 14 and 16 on the Bellaree Calendar for the Second Sessions of 1837—

(Here enter F. 16. No 329 of 1838.)

In the return above recorded, the

1. Criminal Judge of Bellaree certifies that the persons whose evidence was required by the Tongdaree Udalut are not to be found, and it is not known whether they are gone—

This being the case, the Court of

2. Tongdaree Udalut direct that the Criminal Judge be instructed to submit for their consideration, translations of all the depositions taken from Puttenbully Booden, the first prosecutor in Case No 15, if that person is included amongst those above mentioned—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Bellaree by Precept returnable within ten days from and after its receipt—

(Sent following Precept No 272)

9th Moidina

10th Abbo

and

11th Ghouse Sahib

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 that the Prisoners

13th Yorken

13th Bonga

and

15th Kooty

be imprisoned and kept to hard labour in irons on the public roads & other public works in the Jail of Coimbatore for and during the term of fourteen years

Case No. 46.
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 Chinnadoo Pedumudoo Mussuf

and

2nd Ali Hyder

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. Under the authority of the Right Honorable the Governor in Council the Court do accordingly

Case No. 47.
Mr. Bird
and
Mr. Campbell.

direct that the Prisoners

Cadry

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

Case No. 48.
Mr. Bird
and
Mr. Campbell

1st Moosenna

and

2nd Hoka

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. Under the authority of the Right Honorable the Governor in Council, the Court do accordingly

Case No. 49.
Mr. Bird
and
Mr. Campbell

direct that the Prisoners

2nd Abbo

3rd Gondoo Omra

4th Lorde Abdolla

5th Ismael

and

6th Awah

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 that the Prisoner

1st Abdoolla

be imprisoned and kept to hard labour in Irons on the public roads, or other public works in the Zillah of Canara,

for

for and during the Period of One year.—

15 Case No. 78 — Under the authority of the Right &
Mr Bird — Honorable the Governor in Council, the Court do accord-
and — -ingly direct that the Prisoners
Mr Campbell

1st Syed Jemaul
2d Ummode
3d Chuyabah

and

4th Looty

be transported to the District of Coimbatore, to be imprison-
-ed in the Jail of the Auxiliary Court, and kept to hard
labor in Irons on the public roads, or other public works,
for and during the Period of fourteen years.—

The Court likewise direct that Extracts
from their Proceedings under date the 27th January 1838
on Cases Nos. 42, 46, 47, 48, 49, and 75. be sent for the
information and guidance of the Mangalore Special Com-
-mission.—

/ Sent following letters No. 275 /

Read Letter dated the 2nd Instant from
the Special Commissioners at Mangalore, submitting for
the final Judgment of the Fonjdaree Adalut the record of
Case No. 134 by the Special Commission.—

/ Here enter No. 298 /

Mr Bird
and
Mr Campbell — The Court of Fonjdaree 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

2d Hoosain Beary

alias

16th February 1838.

alias

Hoosain Mahomed — "Subahdar"

is sufficient to convict him of the crime of Treason 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 Sections II and III, of
Regulation I of 1834, and Clause third, Section XIII, Regulation
XI of 1803, sentence the said prisoner 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 Fonjdaree Adalut direct
that their Sentence in the Trial No. 134 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. 276 /

Read letter dated the 5th Instant from
the Special Commissioners at Mangalore, reporting the
Death of the Prisoner Bucha in Mangalore Special
Trial No. 73.—

/ Here enter No. 319 /

Read Return dated the 3d Instant
from the 3d Judge late on Circuit in the Western Division

to

for and during the Period of One Year.—

15 Case No. 78

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

Mr. Bird and Mr. Campbell

1st Syed Jemaul
2d Ubmode
3d Chuyabah:

and

4th Lody

be banished to the District of Combatore, to be imprisoned in the Jail of the Auxiliary Court, and kept to hard labor in Irons on the Public roads or other Public works for and during the Period of fourteen years.—

The Court likewise direct that Extracts from their Proceedings under date the 27th January 1838 on Cases Nos. 42, 46, 47, 48, 49, and 78. be sent for the information and guidance of the Mangalore Special Commission.—

/ Sent following letters No. 275 /

Read Letter, dated the 2nd Instant from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Adalut the record of Case No. 134 by the Special Commission.—

/ Here enter No. 296 /

Mr. Bird 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 proofs against the prisoner

2d Hoosain Beary

alias

alias

Hoosain Mahomed — "Subahdar"

is sufficient to convict him of the crime of Treason 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 Sections II and III, Regulation I of 1834, and Clause third, Section VIII, Regulation XI of 1803, sentence the said Prisoner to be banished to the District of Combatore, 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 Foujdaree Adalut direct that their Sentence in the Trial No. 134 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. 276 /

Read letter dated the 5th Instant from the Special Commissioners at Mangalore, reporting the Death of the Prisoner Busha in Mangalore Special Trial No. 73.—

/ Here enter No. 319 /

Read Return dated the 3d Inst[ant] from the 3d Judge late on Circuit in the Malabar

to the Precept of the Tonjdaree Adalut dated the 31st January 1838, authorizing the proposed mitigated Sentence in Case No. 4 of the Honore Calendar 2d Sessions of 1837.

/Here enter No. 320./

Read letter dated the 6th Instant from the Criminal Judge of Calicut, forwarding a List of the Convicts transferred to the Magistrate of Canara.

/Here enter No. 332./

Read return, dated the 5th Instant, from the Principal Sudr Ameen at Honore, to the Precept of the Tonjdaree Adalut dated the 26th January last, conveying their observations and orders on the Honore Criminal Reports for the Months of December 1837.

/Here enter No. 338./

Read letter dated the 10th Instant from the Acting 1st Judge late on Circuit in the Southern Division, submitting further observations, with reference to the Extract proceedings of the Tonjdaree Adalut under date the 1st instant, pointing out that the observation in para 11. of the Court's proceedings of the 27th Ultimo was made in reference to the Circular Orders of the 5th March and 26th November 1837.

/Here enter No. 339./

Z.L.

At a Court of the Tonjdaree Adalut

Present,

Saturday 17th February, 1838.

John Bird Esqr. ——— 1st Puisne Judge,

Alexr. Duncan Campbell Esqr. ——— 3d Puisne Judge,

Read letter dated the 1st Instant from the Special Commissioner at Mangalore submitting for the final Judgment of the Tonjdaree Adalut the record of case No. 106 by the Special Commission.

(Here enter No. 283 of 1838)

Mr. Bird, and Mr. Campbell,

The Court of Tonjdaree 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 Tonjdaree Adalut, confirm the said Futwa of the Cazee ool Cozat and Mooftee aforesaid, acquitting the Prisoner

Timmappa Nagara Bolair

and accordingly direct that he be set at Liberty.

The Court of Tonjdaree Adalut are of opinion that an explanation is necessary in respect of the circumstances referred to in paras 5 & 6 inclusive of the letter of Reference from the Special Commission, and the Special Commission will furnish copies of those paras to Mr. Advocate Norris, to enable that Gentleman to submit the required report on the several points therein noticed.

Ordered

Ordered, that Extract from these proceedings be forwarded to the Special Commissioners at Mangalore by Receipt returnable within twelve days from and after its receipt.—

(Sent following Receipt No. 281)

The Court of Conjoint Circuit direct that the sentence in the Trial No. 106 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 X Regulation XX of 1802 receive the orders of Government before they direct the sentence to be carried into execution.—

(Sent in No. 282)

Read letter dated the 9th Instant from the Magistrate of Malabar explaining with reference to the proceedings of the Conjoint Circuit of the 20th December last the grounds on which the persons in Cases Nos. 102 and 103 of the Criminal Report for November 1837 were sent to the Criminal Court.—

(Here enter No. 367)

The explanation afforded in this communication regarding Cases Nos. 102 and 103 of the file of the Criminal Court of Malabar for November last

17th February 1838.

last is considered quite satisfactory.—

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

Extt.

(Sent in No. 283)

5 Vt

At a Court of the Conference Holden

Present

Monday
19th February 1838 John Bird Esqre ——— 1st Puisne Judge
Hect. Duncan Campbell Esqre — 3d Puisne Judge

Read Petition dated 5th Inst. presented
on the 8th instant by Counsel of the Plaintiff in Error
(Error entered Dec. 18th 1838)

Petitioner represents that judgment was
rendered against her in favor of Peregrine Pinchard, one in
the Petition under consideration, in a suit entitled the Estate of
Pinchard in the Petition No. 18 of 1838 — Inventoried on the 31st
October 1836 by the said named Petitioner to the Succession
Estate, on which an attachment issued — by that Court under
date the 11th November 1836 —

That object of the Petitioner
appears to be to have an Act from this Court
commanding the Court of Original Jurisdiction
that the cause aforementioned the Petitioner against
said Individuals, should be duly committed, commenced
in committing Error, and that proceedings
in the Petition in error for all intents
shall confirm with the usual in such cases
Independently of the extraordinary delay which occurred
in submitting this cause after Judgment
Petitioner knows why that cause the order of the
Court

former order of the Court) for which, the frivolous reasons
offered in the concluding paragraphs of his Petition,
is altogether insufficient to account, neither the allegations
put forth by himself, nor any thing in the proceedings
of the Lower Tribunals which are before the Court
extract, afford ground for this Court interference in
any way; the Writ in the unusual manner prayed
by the Petitioner.—

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

Read Miscellaneous Petition presented
on the 15th instant by Morton Governor of State
Arrest.—

(Here enter Dec. No. 20 of 1838)

In this Petition no reasons exist the
allegations set forth in the Petition. Well presented on
the 22d ultimo by the same party, on which an order
was passed by the Court of Inquiry dated under
date the 5th instant.—

The Petitioner upon prays that an
order may be issued for the release of his son from
confinement

confinement.

The Petitioner is informed that the Court
order above referred to is finally, and that no further application
on this matter will receive attention.—

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

Read petition presented by Alexandros
of the City of Confederation.—

(Here enter Dec. No. 21 of 1838)

The petitioner requests the enclosure in
her petition No. 161 of 1837 may be returned to her brother
Sporiden and that he may be furnished with copies
of the Miscellaneous Petition No. 90 of 1837, of the petition
presented on the 4th December last, and of the Proceedings
held by the Joint Magistrate and the rest of the Police
in regard to the complaint made against her husband,
and also of the petition now presented by
her.—

Ordered, that the enclosure in
question be returned to petitioner Sporiden and
that attested copies of the desired documents be granted
be granted to him on behalf of the petitioner on
his producing the requisite stamps for them.—

Read the Petition presented by

Antonio

former order of the Court) for which, the frivolous reasons
offered in the concluding paragraph of his Petition,
is altogether insufficient to account, neither the allegation
put forth by himself, nor any thing in the proceedings
of the lower Tribunals which are before the Court
extant, afford ground for this Court interfering in
any way; still less in the unusual manner suggested
by the Petitioner.—

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

Read Miscellaneous Petition presented
on the 15th instant by Deorton Gowindeen of Cutte
Oreet.—

(Here enter Dis. Pet. No 20 of 1838)

In this Petition are recited the
allegations set forth in the Petition No 11 presented on
the 22nd ultimo by the same party, on which an order
was passed by the Court of Circuit dated under
date the 5th instant.—

The Petitioner prays that an
order may be issued for the release of his son from
confinement

confinement.—

The Petitioner is informed that the Court
rules above referred to is final, and that no further application
on this matter will receive attention.—

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

Read petition presented by Meenakoo
of the Zilla of Burdwan.—

(Here enter Dis. Pet. No 21 of 1838)

The petitioner requests the enclosure in
her petition No 161 of 1837 may be returned to her Mother
Gowindeen and that she may be furnished with copies
of the Miscellaneous Petition No 90 of 1837 of the petitioner
presented on the 4th December last, and of the Proceedings
held by the Joint Magistrate and the Rest of the Police
in respect to the complaint made against her husband,
and also of the petitions now presented by
her.—

Ordered, that the enclosure in
question be returned to petitioner Mother Gowindeen, and
that attested copies of the several documents enumerated
be granted to her on behalf of the petitioner on
her producing the requisite Stamped Papers.—

Read the Petition presented on

6 Mother

19th February 1838.

Section XXXV Regulation X of 1816 submitted by the Criminal Judge of Rajshmundry for the month of January 1838.—

(Here enter N. 352)

Case N°. 1. 1. The Court of Sudder Dewanny Adawlut observe that in the Abstract of the charge of Perjury entered in Case N°. 1. the Criminal Judge has omitted to state that the two contradictory depositions given by the prisoner accused matters of fact material to the issue of the judicial proceedings, and that the prisoner was to be brought to trial under the provisions of Regulation III of 1826. indictment to the said Court of Circuit was to be prepared in the form prescribed in the Criminal Code of the 3d. of November 1826.—

Case N°. 3. 3 The Criminal Judge is desired to report the sentence that has been passed upon the two prisoners "Bura" by the Court of Circuit in Case N°. 3.—

Ordered, that extract from these proceedings be forwarded to the Criminal Judge of Rajshmundry for his information and guidance, and returned in 5 days from the receipt hereof.—

(Sent following Dawk N°. 290)

Read

J. H.
19th February 1838.

Read return dated the 8th. instant made by the Criminal Judge of Cuddapah to the precept of the Sudder Adawlut of the 24th. January 1838, conveying their observations and orders on the Criminal Reports for the months of December 1837.—

(Here enter N. 343)

With reference to para: 1 of the above return, the Court of Sudder Adawlut direct that the Principal Sudr Ameen of Cumbum be informed that, with reference to Section VII Regulation VIII of 1827. he has no authority to retain in the Jail at Cumbum prisoners committed to take their Trial before the Court of Circuit, who should be forwarded to the Criminal Judge of the District as soon as a Guard can be furnished by the Magistrate.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Cuddapah for his information and guidance, and with instructions to make the necessary communication to the Principal Sudr Ameen at Cumbum.—

(Sent in N°. 291)

Read Return dated the 12th. instant from the Provincial Court of Circuit in the Centre Division, to the Draught of the Court of Sudder Adawlut under date the 27th. January 1838 = communicating the sanction of Government, for the release of the Convict

Convict Comdeyam and the mitigation of the sentences proposed by the Superintendent in favour of the five other Convicts who, on the occasion of the escape of a portion of the Gang working under the orders of the Brigadier Commanding St. Thomas's Mount - returned quietly to the Gaol and gave information of the circumstance -

(Here enter G.L. No. 375 of 1838)

1. It appears from the Return of the Acting Criminal Judge of Chingleput of which a copy accompanied the Return above recorded, that "a Letter has been addressed to Lieutenant Prather of the Artillery at St. Thomas's Mount to carry the order into effect as the said prisoners were transferred to his charge to be employed on the great Western Road."

2. The Court of Enquiry therefore direct that the Criminal Judge be instructed to certify the compleat fulfilment of the order of the 27th ultimo, as soon as Lieutenant Prather may report to that effect that the Court's instructions have been carried into effect -

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division by Precis returnable within seven days from and after its receipt -

(Sent following Precis No. 293)

Read

Read Letter dated the 9th instant from the Third Judge of the Provincial Court of Circuit in the Western Division, submitting copies of the Calendars of the first Quarter Sessions of 1838 holden at Ellichpore -

(Here enter G.L. No. 367 of 1838)

Primary Calendar Case No. 1.

1. The first, second and third prisoners in this case were charged with having on the 18th of Karkadagum 1012, corresponding with the 1st August 1837, in the night time, entered the Prosecutor's House by perforating the Cadjan walls thereof, and stolen therefrom property valued at 320 Rupees and 14 annas the fourth prisoner with having received and secured property that was stolen, to the value of eight annas: and the fifth prisoner with having received and secured stolen property to the value of eleven Rupees, fourteen annas and four pice -

2. The first, second and third prisoners are convicted: the fourth and fifth prisoners were discharged from the Bar without trial -

3. The Presiding Judge suggests that "three or four years imprisonment will be a sufficient punishment for the first three prisoners on the ground that "there were no very aggravating circumstances attending "this theft: that "the Prosecutor had much exaggerated "the extent of his loss: that "the real value of the property stolen

Convict Conveyance and the mitigation of the sentences pro-
-nounced by the Conjeeveram Circuit in favour of the five other Convicts
who, on the occasion of the escape of a portion of the Gang
working under the orders of the Brigadier Commanding
St. Thomas's Mount - returned quietly to the Jail and
gave information of the circumstance -

(Here enter L.L. No. 375 of 1838)

1. It appears from the Return of the
Acting Criminal Judge of Chingleput of which a copy
accompanied the Return above recorded, that a Letter
has been addressed to Lieutenant Master of the Artillery
at St. Thomas's Mount to carry the orders into effect as the
said prisoners were transferred to his charge to be
employed on the great Western Road -

2 The Court of Conjeeveram Circuit direct
that the Criminal Judge be instructed to certify the
complete fulfilment of the order of the 27th ultimo, as
soon as Lieutenant Master may report to that officer
that the Court's instructions have been carried into
effect -

Ordered, that extract from these
proceedings be forwarded to the Provincial Court of
Circuit in the Centre Division by Dawk to return all
within seven days from and after its receipt -

(Sent following Dawk No. 292)

Read

Read letter dated the 9th instant from
the Third Judge of the Provincial Court of Circuit in the
Western Division, submitting copies of the Calendars of
the first Quarter Sessions of 1838 holden at Cellicherry -

(Here enter L.L. No. 367 of 1838)

Primary Calendar
Case No. 1. The first, second and third prisoners
in this case were charged with having on the 18th of
Karkadagum 1012, corresponding with the 1st August 1837,
in the night time, entered the Prosecutor's House by
perforating the Cadjan walls thereof, and stolen therefrom
property valued at 320 Rupees and 14 annas the fourth
prisoner with having received and secured property
that was stolen, to the value of eight annas: and the
fifth prisoner with having received and secured stolen
property to the value of eleven Rupees, fourteen annas
and four pice -

2. The first, second and third prisoners
are convicted: the fourth and fifth prisoners are
discharged from the bar without trial -

3. By the Presiding Judge -
"in four year's imprisonment with hard labour in irons
"each for the first three prisoners on the ground that
"there were no very aggravating circumstances attending
"this theft: that the Prosecutor had made exaggerated
"the extent of his loss: that the real value of the property

stolen did not greatly exceed the amount within which the Prisoners would have been punishable by the Criminal Court:" that "the first and second Prisoners are young men:" and that "the first and third Prisoners who are Sepoys will inevitably be discharged from the Regiment after their conviction."

4. The Court of Enjuire Debate appear the recommendation of the Presiding Judge, and under the authority vested in them by Clause third, Section III Regulation I of 1825, order that the Prisoners

1st Gomida

2d Comador

and

3d Ballaju

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.

6. The Court of Enjuire Debate observe that the fourth and fifth Prisoners ought not to have been committed.

Sessional Calendar Case No 1. 6. In this case, two Prisoners were charged with Harning; on the 3d May 1838 - corresponding with the 17th September 1837 - in the night time, entered the Presentor's house, and struck the Presentor with their hands; and the first Prisoner was further charged with having inflicted

inflicted a severe wound with a knife on the right arm of the Presentor.

7. The case was returned to be disposed of by the Criminal Court, for the reasons recorded in the Extract from the Proceedings of the Presiding Judge of the 18th January 1838.

8. The Court of Enjuire Debate observe with the Presiding Judge in opinion that this case was improperly committed for Trial: and they regret to be compelled to observe that the proceedings of Mr. Greenway the committing officer are deserving of censure.

9. The Presiding Judge will be pleased to furnish Mr. Greenway with a Copy of this order of the 18th Instant, and of the remarks of the Court of Enjuire Debate on this Case, and at the same time warn him of the necessity of exercising a greater attention and activity in future in the performance of his Judicial duties.

Ordered, that Extract from these Proceedings be forwarded to the Third Judge of the Provincial Court of Circuit in the Western Division by Precept returnable within three days from and after its receipt.

(Sent following Precept No 293)

Read Letter dated the 17th instant from the Second Judge on Circuit in the Northern Division, forwarding

forwarding a copy of the Cuntoor Calendar for the first Sessions of 1838.—

(Here enter Ct. No. 353 of 1838)

Cases Nos. 6. 7. and 8. 1. In these cases, two persons were charged with having forged and uttered a receipt for the sum of Rupees 5..13..3. alleged to have been paid to the Prosecutor N. Varadiah in liquidation of the costs of suit awarded to him in a Decree passed in his favor on the 18th March 1825, with intent to defraud him of that amount; and with Perjury and Subornation of Perjury in having endeavored to establish by false evidence on oath the genuineness and validity of that instrument.—

2. The Prisoners were discharged from the Bar without trial.—

3. The Court of Conjeeram Vedalutt concurs with the second Judge in the view he has taken of these cases.—

4. The Court cannot understand how these cases were brought upon the Calendar: or upon what circumstances the committing officer grounded his expectation of a conviction before the Court of Circuit.—

Ordered, that Extract from these proceedings be forwarded to the 2nd Judge on Circuit in the Northern Division for the information of the Acting

Acting Joint Criminal Judge of Cuntoor.—

(Sent in No. 294)

Read letter dated the 13th instant from the Criminal Judge of Nellore, submitting the Returns prescribed by Section XXXV Regulation X of 1816 for the month of January 1838.—

(Here enter No. 382)

1. The Court of Conjeeram Vedalutt considers a fine of 6 Rupees, and imprisonment for two weeks in default, for too lenient a punishment for the serious offence of which the 1st prisoner in Case No. 6 was convicted.—

2. The Court of Conjeeram Vedalutt would also observe that the 3d witness examined in this case who contradicted before the Criminal Court the evidence previously given by him before the Magistrate was liable to a prosecution for perjury — a fine under such circumstances was not authorized by Section VII Regulation XIII of 1832.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Nellore for his information and guidance.—

(Sent in No. 295)

Read the Criminal Returns prescribed by Section XXXV Regulation X of 1816 submitted by the Acting

19th February 1838.

Acting Joint Criminal Judge at Cuddalore for the month of January 1838.—

(Here enter No. 373)

The above Reports do not appear to call for any remark from the Court of Enquiry Dedatut.—

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

(Sent in No. 296)

Read the Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Acting Joint Criminal Judge at Chingleput for the months of January 1838.—

(Here enter No. 374)

The Acting Joint Criminal Judge is instructed to amend the sentence passed upon the prisoner concerned in Case No. 4 of the Report No. 6 by recording the period for which the prisoner is to be detained in confinement in default of his finding the security required from him.—

The Reports not appearing to call for further remark from the Court of Enquiry Dedatut.

Ordered, that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge at Chingleput for his information and guidance by first return mail in 6 days from and after its receipt.—

(Sent following Receipt No. 297)

Read

19th February 1838.

Read Return dated the 9th instant from the First Judge Interpreter in the Court Division to the Register of the Court of Enquiry Dedatut under date the 17th January 1838. accompanying his observations and notes on the Cuddalore Calendar for the second Quarter of 1837.—

(Here enter Ele. No. 342 of 1838)

1. Accompanying this Return is an English Translation of the Record of Case No. 1 of the Cuddalore Extra Supplemental Calendar; which was called for by the Court of Enquiry Dedatut to enable them to judge of the propriety of sanctioning the mitigation of the punishment to which the prisoners in that case have been sentenced and liable, recommended by the First Judge in his Remarks recorded in the Calendar.—

2. In the case in question, three prisoners were charged with having, on the night of the 7th October 1834. in company with the prisoner Chinna Iruvan and others in No. 1 of the Calendar of the second Quarter of 1834, armed with sticks and other weapons and carrying lighted torches, forced an entrance into the house of the Peruvata Mudaliyar Chetty Somanna and stolen therefrom the Peruvata and stars, and effected a theft of the property of the value of Rupees 1167. 8.—

3. The Court of Enquiry Dedatut observe that although both on the Calendar and in the proceedings given in the English Translation of the Record, the Peruvata Chetty is designated the Peruvata's grandson the Court of Enquiry

that individual was examined for the defence and not called for the Prosecution, the Government Pleader being substituted in his place.—

4. In consequence of this proceeding the evidence for which is not explained, the Record contains no evidence whatever of the fact of a Robbery having taken place, although it is obvious that in order to render conviction legal there must be proof of the fact of the Robbery.—

5. The Court of Enquiry have therefore come to the conclusion that it is necessary to direct that the Record of this case be sent to the Provincial Court of Circuit in the Centre Division with instructions to issue a Precept to the Acting Joint Criminal Judge of Chingleput, requiring him to summon the aforesaid Prosthiah Chetty on any other persons who may present on the occasion of the Robbery, and in the presence of the Prisoners to take the examinations on oath touching the facts of the said Robbery.—

6. The Acting Joint Criminal Judge will permit the Prisoners to cross-examine the witnesses examined under these instructions, and to offer any thing further in their defence, should they wish to do so, at the close of the examinations.—

7. The Provincial Court of Circuit will cause an English Translation of the essential evidence to be taken on the Record and will return with the same for the consideration of the Court of Enquiry.—

Ordered

Ordered that extract from these proceedings together with the Record of the case be forwarded to the Provincial Court of Circuit in the Centre Division by Precept returnable within fifteen days from and after its receipt.—

(Vide following Precept No 298)

Read the Criminal Report prescribed by Section XXXI Regulation X of 1816 submitted by the Acting Joint Criminal Judge at Tellicherry for the month of January 1838.—

(Vide entry No 355)

Case No 9

From the abstract of the evidence given in Case No 9. it does not appear that any witness were produced in support of the theft charged against the prisoners, the Court of Enquiry do therefore deem it necessary an explanation on this point before they can form the sentence which they shall have to pass under Rule 4th Section III Regulation V of 1822.—

Ordered that extract from these proceedings be forwarded to the Joint Criminal Judge at Tellicherry for his information and guidance by Precept returnable in 5 days from and after its receipt.

(Vide following Precept No 299)

Read letter dated the 15th instant from the Criminal Judge of Chittoor submitting the Report prescribed by Section XXXI Regulation X of 1816 for the month of January 1838.—

(Vide entry No 293)

Ex

19th February 1838.

1. The Court of Enquiry Redatt reports that Case No. 214 of the Coffrementat Rhat which was forwarded to the Criminal Court on the 12th of November last. Stile remains undisposed of in consequence of the non attendance of the witnesses for the defence - the Magistrate it is observed was "again" absent on the subject to the Criminal Sessions on the 5th of January last, and if the Magistrate has not already caused their attendance or certified to the Criminal Court that the witnesses names are not to be found - the Criminal Judge will call upon him for an early report

2. Adverting to the statement of Extra Rents the Court of Enquiry Redatt desire to be informed why Extra Rents were entertained for the whole month of October to the number of Coolies working extensively, whereas the number of extra Rents employed is in excess of the number authorized, a note shewing the cause should immediately be entered -

Ordered, that extract from the proceedings be forwarded to the Criminal Judge of Chittagong for his information and guidance by first steamable vessel from and after its receipt -

(Sent for Comm. Receipt No. 300)

Coffrementat, Chittagong Pergunnah Rhatick of the Zillah of Chittagong, moved the Court to return the enclosed his Miscellaneous Petition No. 18 of 1838 -

Ordered accordingly -

Read

19th February 1838.

Read order of Government dated the 25th of October 1837 authorizing the Magistrate of Sylhet to transfer to the Paper manufactory in the Jail at that Station all the Magisterial Bonds relating to cases of petty theft and petty assault against the Judge to fix the Rupt and Stile Bonds against which Bonds are not to be exchanged for new ones, unless which such Bonds are not to be exchanged and instructing them to ascertain from the Magistrate of the remaining Stations where Paper manufactories have been established in the Jails whether there is any objection to the adoption of a similar measure there -

(Here enter No. 2223 of 1837)

Also read letter from the Provincial Courts of Circuit in the Centre, Northern and Eastern Divisions dated respectively the 20th and 29th December 1837 and 22nd ultimo forwarding copies of returns from the several Magistrates relative to the proposition to make over to the Paper manufactories all Magisterial Bonds relating to cases of petty theft and petty assault investigated and disposed of antecedent to the year 1835 -

(Here enter No. 2682 of 1837 and No. 52 and 218 of 1838)

Centre Division 1. The several Magistrates in the Centre Division state that they see no objection to the transfer to the Paper manufactories of all the records of the nature referred to -

Northern Division 2. The Magistrates of Jessore, Tipperah, Backergunge and Sylhet state that they see no objection to the records above mentioned being made over to the Paper manufactories only

the Inregistrates of Bellary and Guntoor objecting to its adoption, the former on the ground that the several public authorities revenue and judicial may possibly have occasion to refer to such old records, and the latter on the ground that copies "of" such "proceedings are sometimes required to be filed "in Court."

3. The Court of Sessions do not think it necessary to consider that either of these are valid objections to the adoption of the measure, but as the destruction of such old records was suggested solely with the view to public convenience and economy, and to relieve the Inregistrate Department of the Labour attending an endeavour to preserve from total destruction, by insects, records so generally deemed to be "useless" no objection can exist to their preservation if the measure will not eventually entail a new Government the expence of erecting buildings for their reception.—

Southern Division 4. In the Southern Division the Inregistrates generally record their opinion in favor of the proposition to make over to the proper Manufactories all the records of petty theifts and petty assaults subsisted of antecedent to the year 1835 but the Inregistrate of Trichinopoly suggests that he may be permitted to dispose not only of all the records of this nature, but also of the statements noted in the margin which are received monthly from each Zillah and Police Assistant 2 years after date.—

1 Registers of cases received
2 Returns of Convicts sent
3 Lists of absconders and others proclaimed
4 Monthly Returns of cases disposed of by Police
5 Do of Cases remaining undisposed of
6 Details accompanying Returns to Sessions
7 Do of Cases tried

The

5. He observes that "returned Bonamachs are "disposed of in this manner, and sparchased by paper "manufactures after having been soaked a sufficient "length of time in water to obliterate the writing the copy" and that "the same process could of course be applied "to all papers" which he suggests he may be permitted to get rid of, and the Inregistrate of Combatore suggests that besides all old records of his office relating to cases of theft and petty assaults antecedent to the year 1835, he may be permitted to make over "for the manufacture of "paper, all documents of a similar nature which have "accumulated in the different Talook Cutcherries up to "the same period."—

6. The Court of Sessions do not think it necessary to recommend that the Inregistrates of Tanjore and Combatore receive authority to dispose of all old records of this nature referred to above in the manner desired, and that with the exception of Bellary and Guntoor the Inregistrates in all other Districts within the Southern, Central and Southern Division receive authority to transfer to the proper Manufactory of this Sort, or where such may not be near at hand, to dispose of by public auction, all old records relating to cases of theft, petty assaults investigated and disposed of antecedent to the year 1835.—

7. In the Western Division the Judges

the Reports prescribed by Section XXXV Regulation X of 1816 for the month of January 1838.-

(Here enter №395.)

Case №211 of 1837.

The Court of Foujdaree Udalut desires a further explanation of the crime proved against the prisoner concerned in Case №211. as if the prisoner was convicted of "putting a false mark on the piece of cloth" like the impression of a stamp, the punishment that has been awarded by the Assistant Criminal Judge would appear to be altogether inadequate.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Bellary for his information and guidance by precept returnable in 5 days from and after its receipt.-

(Sent following Precept №308)

Read Statement dated the 2d Ultimo from the 1st Judge late on Circuit in the Centre Division of Batta paid to Prosecutors and Witnesses attending before the Court of Circuit for the 2d Sessions of 1837.-

(Here enter №365.)

Read letter dated the 17th Ultimo from the Provincial Court of Circuit in the Northern Division stating with reference to an Extract of Proceedings of 29th December that the

the opinions of the Acting 2d and 3d Judges were forwarded with letter №379 of 26th October last.-

(Here enter №376.)

Read return dated the 10th Instant from the Acting Joint Criminal Judge of Vizagapatam to the Precept of the Foujdaree Udalut dated the 29th January 1838. conveying their observations and orders on the Vizagapatam Criminal Reports for the month of December 1837.-

(Here enter №384.)

Read letter dated the 14th Instant from the Officiating Judge of the Provincial Court of Circuit in the Northern Division submitting a Statement of Batta paid to Prosecutors and witnesses during the 4th Quarter Sessions of 1837.-

(Here enter №401.)

Read return dated the 15th Instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division to the Precept of the Foujdaree Udalut dated the 13th February 1838 conveying their observations and orders on the Chittoor Calendar of the 1st Quarter Sessions of 1838.-

(Here enter №402.)

Read

Read letter dated the 12th Instant from the 3rd Judge on Circuit in the Northern Division forwarding the original Death Warrant Vz. Vz. in Case No 2 of the Vizagapatam Calendar for the 2d Sessions of 1837.

(Here enter No 403.)

Read letter dated the 13th Instant from the 3rd Judge on Circuit in the Northern Division reporting that he is about to close the Sessions at Chicacole and has given notice to the Joint Criminal Court at Vizagapatam that he will resume the investigation of the Government Cases on the 19th Instant.

(Here enter No 413.)

Ent Wm

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At a Court of the Foujdaree Udalut.

Present.

John Bird Esqr. ——— 1st Puisne Judge.

Wednesday 21st February 1838.

Thomas Alexander Oakes Esqr. 2d Puisne Judge.

Alexr Duncan Campbell Esqr. 3d Puisne Judge.

Read again letters dated respectively the 16th, 17th and 19th Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Foujdaree Udalut the records of Cases Nos 102. 111. 112 and 121 by the Special Commission.

(Here enter Nos 177. 176. 199 and 178.)

Read also Extract from the Minutes of Consultation dated the 15th Instant confirming the sentences passed by the Court of Foujdaree Udalut in Mangalore Special Trials Nos 102. 111. 112 and 121.

(Here enter No 386.)

Case No 102.
Mr. Bird.
and
Mr. Campbell.

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

Narrapa Shanabhogue

be imprisoned and kept to suitable labour without Irons, near about the Jail, for, and during the period of six Months.

Case No 111.

Under the authority of the Right Honorable

21st February 1838.

his furnishing 2 Sureties in the sum of 300 Rupees each for his good behaviour and appearance when required.—

The Court of Sunjdaree Udalut are unable to concur with the Special Commissioners in considering the prisoner "Not Guilty" being of opinion that the evidence adduced in support of the prosecution is sufficient to establish the fact of his having signed and caused to be delivered to the parties to whom it was addressed, the letter referred to in the arraignment.—

It does not appear however that he took an active part in the Rebellion; and on this ground the Court of Sunjdaree Udalut consider themselves justified in recommending him to the merciful consideration of Government.—

With reference however to the observation in Parah 6 of the letter of reference from the Special Commission, that the prisoner is "a very troublesome character and the [illegible] to his former participation in the "Hoolah riots, it seems expedient to require him to furnish security for his future good behaviour and appearance when required as suggested by the Special Commissioners.—

The

S. U.

21st February 1838.

The Court of Sunjdaree Udalut direct that their sentence in the Trial No. 133. 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 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. 311)

Read letter dated the 8th Instant from the 3rd Judge of the Court of Circuit in the Centre Division, transmitting the English and Persian translations of the record in Case No. 9 of the Sattoor 2nd Supplemental Calendar 1st Quarter Sessions of 1838.—

(Have enter No. 314)

Mr. Bird and Mr. Campbell.

The Court of Sunjdaree 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-Cozat and Mooftee of the Sunjdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftee

agreeably

aforesaid, convicting the prisoner

Cheingadoo

of Wilful murder and awarding Kisaas; and under the provisions of Section X, Regulation VIII of 1802, sentence the said prisoner to suffer death by being hanged at the usual time and place of execution.—

(Sent following letter No. 312)

Read letter dated the 7th Instant from the 1st Judge on Circuit in the Western Division, transmitting the Record in Case No. 7 on the Calendar of the Zillah of Malabar for the 1st Sessions of 1838.—

(Here enter No. 339.)

Mr. Campbell.

The Court of Sudder Adawlut, having maturely considered the proceedings held before the Judge on Circuit, the Letter of the Provincial Law Officer, and the Letters of the Cazee-ool-Coozat and Mooftees of the Sudder Adawlut, confirm the said Sentence of the Cazee-ool-Coozat and Mooftees aforesaid, convicting the prisoner

Kanatta Suroomen Chattoy.

of Rape and awarding Ashtabut and under the provisions of Clause first, Section V Regulation VIII of 1831 and Clause third, Section VII Regulation XV of 1803, sentence the said prisoner to

to receive fifty lashes of a cat of nine tails and 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. 313.)

Read letter dated the 11th Instant from the Provincial Court in the Western Division, forwarding the Statements required by the Circular Order of the Sudder Adawlut No. 88. for the last Quarter of 1837 from the Acting Joint Criminal Judge of Malabar and the Criminal Judge of Canara, and reporting that nothing was realized by the labour of the Convicts within the Zilla of Calicut, Annore and Sirsee during that Quarter.—

(Here enter No. 404.)

Read Statement dated the 31st December 1837. from the Magistrate of Trichinopoly, exhibiting the amount realized by the labor of the Prisoners in the Jail at Trichinopoly for the 4th Quarter of 1837.—

(Here enter No. 409.)

Read letter dated the 15th Instant from the Acting Criminal Judge of Madura, forwarding a copy of a letter from the Magistrate

of

21st

of Madura, submitting the explanation called for by the Court of Fouzdaree Udalut in the Extract from their proceedings under Date the 24th Ultimo, relative to Cases Nos 255 and 282 of the Criminal Reports for the month of December.—

(Here enter No 415)

Read return, dated the 17th Instant from the Acting 3d Judge on Circuit in the Southern Division, to the Precept of the Fouzdaree Udalut Dated the 19th December 1837— directing him to review the proceedings held before the Criminal Court in Case No 175 of the Madura Supplemental Criminal Report for the month of October last.—

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(Here enter No 416)

J. U.

At a Court of the Fouzdaree Udalut
Present,

Friday
23d February 1838.

John Bird Esqre ——————— 1st Puisne Judge
Thomas Alexander Oakes Esqre 2d Puisne Judge
Alexr Duncan Campbell Esqre 3d Puisne Judge

Read Letters dated the 30th Ultimo and 6th Instant, from the Special Commissioners at Arungalore, Submitting for the final Judgment of the Fouzdaree Udalut the records of cases Nos 138 and 139 by the Special Commission.

(Here enter Nos 369 and 360)

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Case No 138
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 Prisoner Timmuppa of Rebellion and aiming Colorabut: 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 two years.—

The Court of Fouzdaree Udalut are of opinion that the evidence adduced in Support of the Prosecution fails to prove that the Prisoner was either an Polygar or Partigar, and suffices to establish nothing more against him than the fact of his having joined and been for a Time with the Rebels.

In the opinion of the Court, the degree

of criminality established against the prisoner is amply met by the Sentence they have awarded him—

Case No. 137

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-cozaat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-cozaat and Mooftees aforesaid, convicting the prisoner

Moochiltaya Kuntuva

of Rebellion and awarding Capital Punishment under the provisions of Sections II, and III, Regulation I of 1824, and vacate that of Section VIII Regulation XV of 1803, sentence the said prisoner to be transported to the District of Coimbatore, to be imprisoned in the Gaols of the Auxiliary Court and kept at 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 Trials Nos. 135 and 137 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 be conformably with the provisions of Section V Regulation XI of 1829, previous to orders of Government, before they direct their Sentences to be carried into Execution—

/ Sent in Nos. 320 & 321 /

Read the Criminal Reports framed by Section XXXV. Regulation X 1816 submitted by the Acting Joint Criminal Judge at Cannanore for the month

23d February 1838.

of January 1838.

/ Here enter No. 383. /

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 Cannanore for his information—

/ Sent in No. 322 /

Read letter dated the 14th Instant, from the 2d Judge on Circuit in the Northern Division, forwarding the Nellore Datta Statement for the 1st Sessions of 1838:—

/ Here enter No. 400 /

At a Court of the Circuit Court.

Present,

Saturday, 24th February, 1838. John Reid Esq.re ——— 1st Puisne Judge,
Thomas Alex.r Oakes Esq.re ——— Acting 2d Puisne Judge,
Alex.r Duncan Campbell Esq.re ——— 6th Puisne Judge,

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Read a letter dated the 13th instant from the Criminal Judge of Trincomalee submitting the Proceedings prescribed by Section XXXV Regulation X of 1816 for the month of January 1838.—

(Vide entry No 396)

Case No 2. 1. Of the remarks recorded by the Criminal Judge on the conduct of the Police Officer who forwarded Case No 2. to the Criminal Court three not stamped already communicated to the Magistrate, the Court of Circuit decided that as copy thereof may be furnished to him without delay.—

Case No 15. 2. The Court of Circuit doubt the propriety of the commitment of the persons concerned in Case No 15 of the Report No 5 and they accordingly resolve to direct that a copy of the case as it stands in the Report and of these proceedings, be forwarded to the Judge of Circuit in the Western Division with instructions to enter the proceedings of the Criminal Court held in the Case and to pass orders thereon agreeably to Section XXXIII Regulation X of 1816.—

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Case No 17. 3. The Court of Enjoras has also to desire that the Magistrate of Madalay be requested to furnish an explanation of the delay on the part of the Police in forwarding the 2d Prisoner in Case No 17 to the Criminal Court.—

Ordered that extract from these proceedings be forwarded to the Criminal Judge of Madalay for his information and guidance by first return mail in 5 days from and after its receipt.—

(Cent following Except. No 326)

Ordered also that para 2 of these proceedings be forwarded to the Magistrate of Cuntur in the Western Division for his information and guidance.—

(Cent in No 327)

Case referred for revision of section XIII Regulation X of 1816 submitted by the Criminal Judge of Salem for the month of January 1838.—

(Circular No 4 of 1838.)

Case No 4. 1. The Court of Enjoras has also to desire that the 2d prisoner in Case No 4 who is charged with having allowed one "Canda" to escape from his custody, was discharged by the Darogah of Porem on the ground that as he is not in the Circar service he is not amenable for the offence and that the 1st prisoner in default appears also to have been discharged on the ground that his dismissal by the Punchayet was considered an adequate punishment.—

2. It would appear from the remarks of the 1st prisoner adduced over the said "Canda" to a person not in employ, he should not for such conduct have been allowed to escape without punishment. But if the 2d prisoner was doing the duty of a Darogah he was amenable for the offence.—

3. The Criminal Judge will submit further explanation in this case.—

Case No 8. 4. The Criminal Judge will communicate to the Magistrate of Combatore the opinion of the Court of Enjoras that an insufficient explanation has been assigned by the Head of Police in the Andegoor Taluk for the detention of the prisoner in Case No 8 before him from the 9th of December to the 25th December 1837, the day on which a reference is stated to have been made to the Magistrate for his orders on the Case.—

Case No 11. 5. The Court of Enjoras has also to desire that the Magistrate of Salem be requested to cause enquiry to be made into the ill-treatment said by the prisoner concerned in Case No 11 and described in the Mofussil Sudr Ameen's remarks on that Case.—

6. The Court of Enjoras has also to desire to be informed by which of the Sudr Ameens attached to the Criminal Court Case No 13 was disposed of.—

Ditto

2th February 1838.

both the Prosecutor and Panelist under Answer are referred to in the Column of remarks.—

Ordered that extract from these proceedings be forwarded to the Criminal Judge of Salem for his information and guidance by first post returnable in 5 days from and after its receipt.

(Sent following Precept No. 328)

Read return dated the 1st instant from the Criminal Judge of Cantacennum to the Precept of the Justiciary dated the 5th February 1838 conveying his observations and orders on the Cantacennum Criminal Reports for the month of December 1837.—

(Here enter No. 445)

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Ent'd

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No.

At a Court of the Justiciary Circuit
Present

Monday
26th February 1838.

Lord Bird Esqr. ——— Circuit Judge
Thomas Alexr. Baker Esqr. ——— Acting 2d Commissioner
Alexr. Duncan Campbell Esqr. ——— 3d Circuit Judge

Read Criminal Letters presented on the 22d ultimo at the instance of Duncan Stewart Esqr. Procurator Fiscal of the Justiciary Circuit against Robert Dalton Labourer in Cantacennum and others.

(Here enter Criminal Ret. No. 10 of 1838)

The circumstances set forth in the Petition are briefly as follows.—

Petitioner's accused for the Panelist Robert Dalton Labourer in Cantacennum from one Peg a boo Carrier by profession, executed a Bond against which he is now in prison, shortly afterwards he paid the instalments, and for the remaining instalment of Principal he executed another Bond. This Bond was also paid and a Receipt granting the two Bonds obtained from the said Daniel Stone after which Petitioner duly paid.—

Remarkable it is Petitioner alleges produced a fictitious Document purporting to be executed by the deceased Duncan Kelly for the same sum of Rupees 550, and instituted a suit in the Court of the District Moonsiff of Cantacennum against Petitioner and his brothers for the recovery of the amount of the Bonds with Interest in Petitioner and his brothers appeared in person before the District Moonsiff, filed their answer and referred to their

Village - Ramiah Petitioned the Zillah Court of Chittoor to entertain the Suit: the Judge did so accordingly, fixed it as Number 659 and referred it for the decision of the Panditchen Ameen - who passed a Decree in favour of the Plaintiff

At this juncture - Petitioner ascertained (by what means he does not explain) that the Bond was a Forgery: and preferred a Complaint on the subject to the Magistrate, and also to the Hon'ble the Chief Judge at Chittoor who he observes - issued an order to the Magistrate directing him to make the necessary inquiry. The Magistrate then called upon the Zillah Judge to send up the Document alleged to be Forged, but the Zillah Judge refused to do so, and in the mean while decided the suit by affirming the validity of the Bond in question -

Petitioner then [illegible] to Appeal to the Sudder Adawlut - but was informed by the Clerk of the Court, on the part of the Provincial Court - that no Appeal lay from an order quashing the Petitions and cancelling the order for the Case to proceed before the Magistrate under date the 3rd August 1837 -

Petitioner considers it hopeless that the Magistrate may be instructed to enquire into the charge of Forgery -

Before passing any final order in this matter the Court of Circuit considered that the Provincial Court of Circuit in the Centre Division at and a copy of the order of the 3rd August 1837, refused to the Petitioner

Petitioner, and to report by whom that order was passed: also to report by whom the order of the 30th October 1837 was passed and to furnish an explanation generally in respect of the allegations set forth in the Petition -

Ordered that Extract from these proceedings with a copy of the translated Petition be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable within seven days from and after its receipt -

(Sent following Precept No. 332)

Read Miscellaneous Petition presented on the 12th instant by Panjurmanal of the Chudumbrum Colony Centre Circuit -

(Here enter this: Cal. No. 16 of 1838)

1. The Petitioner represents that on the 6th September 1837 he was committed by Chinnaswamy Pillay and Chinnaswamy Pillay, Sheristadar in Case No. 2 of the Cuddalore Calendar of the first Sessions of 1837, who were required by the Court of Circuit to furnish two securities in one hundred Pagodas each security for his good behaviour and appearance when required for two years, on the ground that being convicted of the offences charged in that case, attached to them -

2. The Petitioner says he could not obtain the security required, and further alleges that the charge against him arose out of enmity, & prays that the order may be cancelled, and he be released unconditionally -

The

3. The Court of Enjoarre Eadutat are unable to comply with the Petitioners request to the extent exhibited, but taking into consideration their circumstances in life, the Court resolve to reduce the amount of the security required to twenty Pupees each surety, and to direct the Provincial Court of Criuit in the Centre Division to instruct the Acting Joint Criminal Judge of Chingichute to communicate the Court's resolution to the Prisoners in question, the same two sureties may be taken for each Prisoner.—

Ordered that extract from these proceedings be forwarded to the Provincial Court of Criuit in the Centre Division by Precipe returnable within ten days from and after its receipt.—

(Sent following Precipe No. 333)

Ordered also that extract of these proceedings be furnished to the Petitioner upon her application.—

Read a letter dated the 13th instant from the Chief Judge of the Provincial Court of Criuit in the Centre Division submitting for the final Judgment of the Court of Enjoarre Eadutat, the Record in Case No. 2 of the Sittings and Supplemental Calendar for the first Quarter Sessions of 1838.

(Case enter'd Ed. No. 372 of 1838)

Mr. Price on Mr. Campbell

The Court of Enjoarre Eadutat, having maturely considered the proceedings held before the Court of Quarter Sessions, the Return of the Provincial Sessions and the

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the Return of the Cazes vel Cozats and Dwoftes of the Enjoarre Eadutat, confirm the said Return of the Cazes vel Cozats and Dwoftes aforesaid, convicting the Prisoner

Germanados

of the crime charged 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 being hanged at the usual time and place of execution.—

(Sent following Letter No. 394)

The Court of Enjoarre Eadutat notice the careless ness exhibited throughout the record of the Case by the indiscriminate use of the terms "Bill hook" and "Sword" in specifying the same weapon with which the murder was perpetrated, occurring as those terms do, repeatedly in one and the same Deposition, and the Judges desire to be informed to whom it is attributable.—

Ordered that Extract from these proceedings be sent to the Chief Judge of the Provincial Court of Criuit in the Centre Division for his information by Precipe returnable within 8 days from and after its receipt.—

(Sent following Precipe No. 335)

(Case Return dated the 14th instant from the First Judge Sitting on Criuit in the Western Division to the Precipe of the Court of Enjoarre Eadutat under date the 8th

Febry

26th February 1838.

February 1838 existing rules to call upon the Criminal Judge of
Godavery for a further examination in my letter of the 16th
confinement in solitary cells of the three persons convicted in
the Court of Sessions Circuit Report for the first quarter of 1837

(Here enter No. 45 of 1838)

1.

The Court of Sessions submits a copy of a letter
from the Criminal Judge of Rajahmundry stating
"that the individual alluded to was a prisoner under sentence
"and not a 'witness' his name is 'Ratchia' and he stands on the
"Criminal File as first prisoner in Case 55 of 1837."

2.

This information makes the Court of Sessions
Godavery to retract the Criminal Charge from the error it did
he was declared liable under the information that the prisoner
reported to be confined in a "solitary cell" and a "witness" and t
the benefit of having removed before that standard of the
under the assent to have just in the month of March 1837 o
prohibiting the confinement in solitary cells of persons und
examination upon charges of a Criminal nature.

Ordered that extract from these proceedings
be forwarded to the Civil Judge at Cuddapah in the Ballar
Division for his information and the information of the
Criminal Judge of Cuddapah.

(Letter No. 336)

Ordered also that extract from the
proceedings be forwarded to the Chief Secretary to Govt

No.
No. 6

26th February 1838.

to be laid before the Right Honorable the Governor in Council
with reference to paragraph 3 of the Extract from the proceedings
of the Sessions Circuit dated the 16th October 1837 No. 317.—

(Extract in No. 337)

Read letter dated the 9th instant from
the Criminal Judge of Rajahmundry submitting a medical
certificate of the state of health of a Convict named
"Ratchala Ravaliah," sentenced on the 23d of May 1837 to 18
months imprisonment upon a charge of "Housebreaking" in
which the Medical Officer has recorded his opinion "that
"the only chance of prolonging the prisoners life is to
"permit him to return to his native Village."

(Here enter No. 460)

It is observed that the sentence of Imprison
on the prisoner "Ratchala Ravaliah" will not expire before
the 23d of November 1838, but under the fourth section
of the Act the Court of Sessions Circuit resolve
to authorize the remission of the unexpired portion of the
sentence of imprisonment, and to direct his immediate
discharge from confinement.—

Ordered that extract from these
proceedings be forwarded to the Criminal Judge of
Rajahmundry for his information and guidance.—

(Letter No. 338)

Read letter under the 7th instant
from the Criminal Judge of Chittoor forwarding copy of

To

February 1838 desiring him to call upon the Criminal Judge of Rajahmundry for an further examination in respect of the alleged confinement in solitary cells of the three persons alluded to in the First Judge's Circuit Report for the first Sessions of 1837.

(Here enter No. 1424 of 1838)

1. The First Judge submits a copy of a Letter from the Criminal Judge of Rajahmundry wherein that officer explained "that the individual alluded to was a prisoner under examination "and not a 'witness' his name is "Ackapa" and he stands on the "Criminal File as first prisoner in Case 63 of 1837."

2. This explanation enables the Court of Sudder Adawlut to relieve the Criminal Judge from the censure to which he was declared liable under the impression that the persons reported to be confined in a "solitary cell" was a "witness" and it seems requisite now only to impress upon the Criminal Judge the necessity of taking measures to enforce strict attention to the order he appears to have issued in the month of March 1837 prohibiting the confinement in solitary cells of persons under examination upon charges of a Criminal nature.

Ordered that extract from these proceedings be forwarded to the First Judge for his Circuit in the Northern Division for his information and the information of the Criminal Judge Rajahmundry.

(Sent in No. 336)

Ordered also that extract from these proceedings be forwarded to the Chief Secretary to Government to be laid before the Right Honorable the Governor in Council with reference to Parah. 3 of the Extract from the proceedings of the Sudder Adawlut dated the 11th October 1837 No. 317.

(Sent in No. 337)

Read letter dated the 19th instant from the Criminal Judge of Rajahmundry submitting a medical certificate of the state of health of a Convict named "Mutorlah Revolah," sentenced on the 28th of May 1837 to 18 months imprisonment upon a charge of "Housebreaking, in which the Medical Officer has recorded his opinion "that "the only chance of prolonging the prisoner's life is to "permit him to return to his native Village."

(Here enter No. 460)

It is observed that the sentence passed on the prisoner "Mutorlah Revolah" will not expire before the 28th of November 1838, but under the peculiar circumstances of the case the Court of Sudder Adawlut resolve to authorize the remission the unexpired portion of the sentence of imprisonment, and to direct his immediate discharge from confinement.

Ordered that extract from these proceedings be forwarded to the Criminal Judge of Rajahmundry for his information and guidance.

(Sent in No. 338)

Read letter dated the 14th instant from the Criminal Judge of Cheerala forwarding copy of

of a warrant of the Court of Circuit for the banishment of the 1st, 3d, 4th, 5th and 6th prisoners in Case No 1 on the Chicacole Primary Calendar for the 2d sessions of 1837, to a Zillah to be selected by the Conjeeram Court.

(Here enter No 416)

The Court of Conjeeram Vedantum accordingly sent the prisoners

1st Goorula Comaya
3d Moorapaka Pedda Venkadu
4th Chaganti Comaya
5th Comaya Ramadas
and
6th Palamatta Yerrama Doo

the remand to the Jail at Ongole at time of the sessions agreeably to the terms of their sentence.

Ordered that extract of the proceedings be sent to the Criminal Judge of Chicacole and Ongole for their information and guidance respectively.

(Sent in No 3397 & 98)

Ex: C.R.

Read the letter the 9th instant from the Principal Sudr Ameen at Rajamundry submitting the Returns prescribed by Section XXXV Regulation X of 1816 for the Month of January 1838.—

(Here enter No 391)

The Court of Conjeeram Vedantum to be informed why any reference to the Sudr Magistrates Court by the

Ed:
7th February 1838.

the prisoners concerned in Case No 6. was considered necessary, and why it was not made by the Head of Police on the 31st of December the prisoners having been apprehended on the 4th of the same month.—

2. The Principal Sudr Ameen is accordingly directed to transmit copy of the case as it stands on the Report and of this para: to the Magistrate who will furnish an explanation direct to the Court of Conjeeram Vedantum.—

Ordered that extract from these proceedings be furnished to the Principal Sudr Ameen at Rajamundry for his information and guidance.—

(Sent in No 341)

Read the letter dated the 17th instant from the Acting Criminal Judge of Masulipatam submitting the Returns prescribed by Section XXXV Regulation X of 1816 for the month of January 1838.—

(Here enter No 427)

Case No 1. 1. Adverting to the remarks of the Acting Criminal Judge on Case No 1. the Court of Conjeeram Vedantum desire to be informed of the grounds of the strong suspicion entertained against the 2nd prisoner "Vemulapalli"

Case No 2. 2. In Case No 2 all the prisoners with the exception of the 1st 2d 3d and 5th have been required to furnish security for their good conduct for one year on the ground that the 1st accused stated "he was present at

of a warrant of the Court of Circuit for the banishment of the 1st, 3d, 4th, 5th and 6th prisoners in Case No. 7 on the Chicacole Primary Calendar for the 2d. Sessions of 1837, to a Zillah to be selected by the Conjeeveram Court.—

(Here enter No. 616)

The Court of Conjeeveram Zillah Adawlut ordered that the prisoners

1st. Gomala Cumaydoo
3d. Koonayadoo alias Alamdoo
4th. Chinnoo Cumaydoo
5th. Comungy Ramadoo
and
6th Calamatta Yeramadoo

be removed to the Jail at Chingleput there to undergo imprisonment agreeably to the terms of their sentence.—

Ordered that Extract of these proceedings be sent to the Criminal Judges of Chicacole and Chingleput for their information and guidance respectively.—

(Sent in No. 339 & 340)

Ex. C.R.

Read the extract thereof sent for the Principal Sudr Ameen at Conjeeveram submitting the Return prescribed by Section XXXV Regulation X of 1816 for the Month of January 1838.—

(Here enter No. 391)

The Court of Conjeeveram Zillah Adawlut resolve to be informed why any reference to the Joint Magistrate was betty

the prisoners concerned in Case No. 6. was considered necessary and why it was not made by the Head of Police until the 31st. of December. The prisoners having been apprehended on the 4th. of the same month.—

2. The Principal Sudr Ameen is accordingly directed to transmit copy of the case as it stands in the Report and of this para: to the Magistrate who will furnish an explanation direct to the Court of Conjeeveram Zillah Adawlut.—

Ordered that extract from these proceedings be furnished to the Principal Sudr Ameen at Conjeeveram for his information and guidance.—

(Sent in No. 341)

Extract from the Proceedings of the Acting Criminal Judge of Vizagapatam submitting the Return prescribed by Section XXXV Regulation X of 1816 for the month of January 1838.—

(Here enter No. 427)

Case No. 1. 1. Adverting to the remarks of the Acting Criminal Judge on Case No. 1. the Court of Conjeeveram Zillah desire to be informed of the grounds of the strong suspicion entertained against the 2nd prisoner Komoragoo.

Case No. 2. 2. In Case No. 2 all the prisoners with the exception of the 1st 2d 3d and 5th have been required to furnish security for their good conduct for one year on the grounds that the 1st attempted to defraud Ramasawmy of

"ate an assembly of "three" "prisoners," and was invited to join
"in the expedition to rob the prosecutor"

2. The testimony of this witness although it is not
in the opinion of the Court of Enjoaram sufficient
to justify a requisition of security, and the accordingly
resolve to direct their unconditional release.

Case N°. 8. 4. From the wording of the charge in Case N°. 8
the Court of Enjoaram Sedatut cannot gather whether the
prisoner was accused of Robbery or of theft. The Acting
Criminal Judge will accordingly submit an explanation
on this point, and in framing the crime present to have
them "theft" at the same time state the circumstances or
circumstances of aggravation that brought the case of the prisoner
under Clause 4th Section III Regulation VI of 1822.

Case N°. 10. 6. The Court of Enjoaram Sedatut directed the
Acting Joint Criminal Judge to request the Magistrate
of Madura to ascertain and to report to this Court
in whose custody the prisoner convicted in Case N°. 10 was
detained from the 15th of December 1837 to the 5th January
1838.

Case N°. 13. 6. From the abstract of the evidence in Case N°. 10
it would appear that the prisoner Condemma Tilay had
been required to give security for his future good behaviour
for 6 months on most insufficient grounds.

7. The witnesses for the defence deposed
to the property which the prisoner is charged with having
stolen

stolen, being the prisoners own property, and it is stated
that "from the contradictory nature of the evidence for
"the prosecution it is doubtful whether the property sworn
"to belongs to the prosecutor" A sentence to first security under
such circumstances was most improper, and the Court
of Enjoaram Sedatut order therefore that the prisoner be
immediately and unconditionally released.

Case N°. 16. 8. The Court of Enjoaram Sedatut doubt the
propriety of the conviction of the 1st prisoner in Case N°. 16 and
they accordingly resolve to direct the Criminal Judge to look
into the case and to release the prisoner if there is no
sufficient evidence for his conviction, or to report the grounds
of his opinion if he considers the conviction justifiable.

9. With reference to case N°. 18 the Court of
Enjoaram Sedatut observe that on their order of the 27th of
December last directing the eventual commitment of Cavandan
Ready for trial before the Court of Circuit, they wish to be
informed as to the precise evidence upon which the commit-
ment had been ordered by the Acting Criminal Judge.

Case N°. 21. 10. The Acting Criminal Judge is required to
explain how the prisoner in Case N°. 21 rendered himself
liable to punishment under Clause 4 Section IX Regulation VI
of 1822.

Ordered that extracts from these
proceedings be forwarded to the Acting Criminal Judge
of Madura for his information and guidance in
future

precepts returnable in 6 days from and after the date of the said precepts.

(Cont. following precept No. 342)

Read letter dated the 10th instant from the Acting Criminal Judge of Chicacole submitting the Returns prescribed by Section XXXV Regulation X of 1816 for the month of January 1838.—

(Here enter No. 377)

Case No. 183 of 1837. 1. The Court of Enquiry having resolved that all the prisoners concerned in Case No. 183 of the Supplemental Report, with the exception of the 5th prisoner committed to take their trial before the Court of Circuit viz. the 1st, 2nd, 3rd and 4th prisoners in Case No. 179 and the 8th prisoner in Case No. 178 of 1837:— the 5th prisoner should therefore be sent back to be re-examined by the Police in this case and evidence forwarded to the Criminal Court in regard to the circumstance of information of the case by the Police should it appear not to have founded the charge whether it should be struck off the file of the Criminal Court.—

Case No. 5. 2. With reference to case No. 5. the Court of Enquiry resolved that the Acting Criminal Judge be informed that Clause 6th Section II Regulation VI of 1822 is applicable to the charge framed against the 4th prisoner Clause 4th Section IV of the same Regulation should have been quoted in regard to the punishment awarded against that individual.—

Ordered that extract from the proceedings be forwarded to the Acting Criminal Judge of Chicacole for his information and guidance by precepts returnable in 6 days from and after the receipt.—

(Cont. following precept No. 343)

Read the Returns prescribed by Section XXXV Regulation X of 1816 submitted by the Acting Criminal Judge of Ellore for the month of January 1838.

(Here enter No. 381)

Case No. 59 of 1837. 1. Adverting to the long detention of the prisoners charged with Dacoity in Case No. 59 of the Supplemental Report without trial the Court of Enquiry resolved that the Acting Joint Criminal Judge will intimate to the Officer of the Police Department that unless the apprehensions are forwarded to the Court without further delay, the prisoners against whom the charges are false will be discharged from confinement.—

2. The Court of Enquiry resolved that the statement of Extra Peons employed during the months noticed in these Returns the Acting Joint Criminal Judge is accordingly directed to furnish the same without further delay.—

Ordered, that extract from the proceedings be forwarded to the Acting Joint Criminal Judge of Ellore for his information and guidance by precepts returnable in 5 days from and after the receipt.—

(Cont. following Precept No. 344)

W.B.
P.O.
W.K.
E.C.R.

25th February 1838.

Encl.

25th February 1838.

Precepts returnable in 6 days from and after the 28th receipt.

(Cont following Precepts No. 342)

Read letter dated the 15th instant from the Acting Criminal Judge of Chicacole submitting the Statement prescribed by Section XXXV Regulation X of 1816 for the month of January 1838.

(Here enter No. 343)

Case No. 180 of 1837. 1. The Court of Circuit have to state that all the prisoners concerned in Case No. 180 of the Supplemental Report, with the exception of the 5th have been committed to take their trial before the Court of Circuit, that the 2d 4th and 6th prisoners in Case No. 179 and the 3d prisoner in Case No. 178 of 1837 — the 5th prisoner should therefore be sent back to be re-examined by the Police in the case and if upon investigation of the case by the Police it should appear not well founded the charge should be struck off the file of the Criminal Court.

Case No. 5. 2. With reference to case No. 5. the Court of Circuit desire that the Acting Criminal Judge be informed that Rule 6th Section II Regulation VI of 1822 is inapplicable to the charge found against the 4th prisoner Rama 4th Section IV of the same Regulation should have been quoted in regard to the punishment awarded against that individual.

Ordered, that extract from the proceedings be forwarded to the Acting Criminal Judge of Chicacole for

Encl.

25th February 1838.

his information and guidance by precepts returnable in 6 days from and after its receipt.

(Cont following Precepts No. 343)

Read the Report prescribed by section

XXXV Regulation X of 1816 submitted by the Acting Joint Criminal Judge of Vizagapatam for the month of January 1838.

(Here enter No. 381)

Case No. 59 of 1837. 1. Adverting to the long detention of the prisoner charged with Dacoity in Case No. 59 of the Supplemental Report without trial the Court of Circuit desire that the Acting Joint Criminal Judge will intimate to the Officer of the Diwy Department that unless the prisoner are forwarded to the Court without further delay, the prisoner will be discharged from Confinement.

2. The Court of Circuit desire that the Statement of Extra Days employed during the month having omitted in their Report, the Acting Joint Criminal Judge is accordingly directed to furnish the same without further delay.

Ordered, that extract from the proceedings be forwarded to the Acting Joint Criminal Judge of Vizagapatam for his information and guidance by precepts returnable in 6 days from and after its receipt.

(Cont following Precepts No. 344)

W.S
D.O
125

Ex. C.R.

F. 16.

At a Court of the Foujdaree Udalut.

Present.

John Bird Esqr. 1st Puisne Judge

Tuesday 27th February 1838. Thomas Alexander Oakes Esqr. 2d Puisne Judge

Alexr. Duncan Campbell Esqr. 3d Puisne Judge

115
240
116

Read letter dated the 3d Instant from the Special Commissioners at Manpoor submitting for the final Judgments of the Foujdaree Udalut the record of Cases Nos. 50, 51, 53 and 83 by the Special Commissioners.

(Here enter No. 346.)

Case No. 50.

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 Abdoola

2nd Sookhy

and

3rd Ohmeda

is sufficient to convict them of the crime of Re bellion, 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

Regulation I of 1834, sentence the prisoner
1st Abdoolah
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 and the prisoners

2nd Sucker
and
3rd Ahmudee
(in consideration of the youth of the second and the advanced age of the third 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 seven years

Case No. 51.
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 Comutee Kiddy
2nd Pattapagodde Babaya
and
4th Ejjobaly

is sufficient to convict them of the crime of Rebellion, 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

Regulation I of 1834, sentence the said prisoners 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.

Case No. 53.
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 Moojee
2nd do Moojee, son of Mahomed,
and
3rd Hummabba.

is sufficient to convict them of the crime of Rebellion, 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 the said prisoners 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.

Case No. 83.
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 Officers and the

Futwa

27th February 1838.

Sutwa of the Cazee-cool Beorgat and Mooftees of the Soujdaree Udalut, confirm such part of the said Sutwa of the Cazee-cool Beorgat and Mooftees aforesaid, as acquits the prisoner

2d Ismael

and do accordingly acquit him and direct that he be set at liberty.—

And being of opinion that the proof against the prisoners

1st Sheraj oodeen

is sufficient to convict him of the crime of Rebellion in the instances indicated in the second charge against him, the Court do, under the authorities 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 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.—

The Court of Soujdaree Udalut, equally with the Special Commissioners, are surprized at the view taken by the Mahomedan Law Officer, of the evidence in Cases Nos. 50. 51. and 53 and consider his proceedings in respect of these cases and his subsequent explanation as

27th February 1838.

not very unsatisfactory.—

Ordered, that Extract from these proceedings be sent to the Canara Special Commissioners now at Tellicherry for the information of the Mahommedan Law Officers.

(Sent in No. 350)

The Court of Soujdaree Udalut direct that their sentences on the Trials Nos. 50. 51. 53 and 83. from the Mangalore Special Commission together with the whole of the proceedings held on 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 extent 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. 351, 352, 353, 354)

Read letters dated the 6th and 8th Instant from the Special Commissioners at Mangalore submitting for the final judgment of the Soujdaree Udalut the records of Cases Nos. 136 and 139 by the Special Commissioners.—

(Here enter Nos. 349 & 355.)

Case No. 136.
Mr. Oakes
and
Mr. Campbell.

The Court of Soujdaree Udalut having maturely considered the proceedings

held

held before the Special Commission, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee cum Mooftee and Moofties of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee cum Mooftee and Moofties aforesaid, as acquits the prisoner

3rd Cograny Babah

and do accordingly acquit him: and direct that he be set at liberty.—

And being of opinion that the prisoners

1st Arega Bunta Sotail

and

2nd Honnaya Shanabhoguy

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 direct that they be set at liberty.—

Caste No. 139
Mr. Bird
and
Mr. Campbell

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

Coty Pudwalla Sotail

is sufficient to convict him of the crime of abandoning his duty as a servant of the Government and joining the Rebels, do, under the authority with which they are vested by

Clause

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 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 six months.—

The Court of Foujdaree Udalut, having deemed it their duty to record a sentence of six months imprisonment against the Prisoner, resolve at the same time to recommend him as a fit object of the merciful consideration of the Government.—

It appears to the Court that the evidence adduced in support of the Prosecution is insufficient to prove that the Prisoner acted as a leader of Rebels, or that he headed the party who committed a Robbery in the house of the Sotail Ammer Mullick.—

The Court indeed concur in the opinion recorded by the Special Commissioners in the concluding paragraph of their letter of Reference, that there is no sufficient proof of the prisoner having taken an active or hearty part in the Rebellion; and the Court consider it very probable that his conduct during the disturbances was influenced by an

apprehension

apprehension of the personal consequences which might be expected to follow any attempted oppo-sition to the designs of a person of such character as the Rebel Chief Bellanje Nanayah is described to be.—

For the foregoing reasons, the Court of Foujdaree Udalut resolve to recommend to Government that authority be granted for im-mediately discharging the Prisoner from con-finement with a suitable admonition.—

The Court of Foujdaree Udalut direct that their sentences on the Trials Nos 136 and 139 from the Mangalore Special Commission together with the whole of the proceedings held in the cases, be transmitted to the Chief Secre-tary 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 Nos 355 & 356

Read Letter dated the 16th Instant from the Third Judge on Circuit in the Northern Division, submitting copies of the Chicacole Calendars for the Second Sessions of 1837 and 3rd of Calendar

Calendar received from the Officiating Com-missioner of Ganjam and Scrandah, together with a Statement of Batta disbursed to the parties attending before the Court of Circuit at Chicacole as required by the Circular Ord of the Court of Foujdaree Udalut No 35.—

(Here enter F.C. No 428 of 1838)

Primary Calendar 1 Cases Nos 4 & 5. In Case No 5 wherein the pri-soners are charged with murder, the Third Judge among other reasons he has recorded for concurring in the Futwa of acquittal deliv-ered by the Mahomedan Law Officer of the Court of Circuit observes— "It is evident that the deposition of the deceased before the Criminal Court declaring against the prisoners was not given under any impression of immediate dissolution. It was dictated on the 27th March 1837 and by a certificate of the 2nd April following from the Medical Officer, he gave his opinion that as no large vein had been divided, he did not consider the wound mortal. It must therefore observes the Third Judge be deprived of that importance attaching to moribund affirmations." A similar remark is recorded in Case No 4.—

2. The Court of Foujdaree Udalut deem it necessary to remark for the informa-tion

and

and future guidance of the Third Judge that although Statements made under the circumstances represented in these two Cases, are not entitled to the consideration which would be accorded them if delivered as "dying declarations" they are not to be thrown out of consideration altogether, but are admissible as valid evidence under the Circular Order of the Court of Sudder Dewanny Adawlut dated the 8th May 1833.-

Case No. 10. 3. The two prisoners in this case were charged with having, on the night of the 11th July 1837. in company with some others, armed with bludgeons and carrying Torches, proceeded to the house of the Prosecutor, entered it, and plundered it of property valued at twenty nine Rupees.-

4. The Prisoners are convicted and sentenced to fourteen years imprisonment but the Third Judge recommends a mitigation of the punishment to nine years imprisonment, being of opinion that the ends of justice will be equally served by a diminution of the punishment, and in the absence of any personal violence to the Prosecutor."-

5. The Court of Sudder Dewanny Adawlut regret that they consider themselves precluded from according to the recommendation of the Presiding

Judge - Gang Robbery appears to be of very frequent occurrence in the Zillah of Chicacole: and so long as a crime of such enormity prevails, any relaxation of the penalties prescribed for it by the Regulations will be inexpedient. The Law must therefore be allowed to take its course.-

Case No. 15. 6. The two prisoners in this case were charged with having on the evening of the 18th August 1837. in company with four others, armed with swords and sticks attacked the Prosecutor in a Jungle, and robbed him of property of the value of Rupees 88. 8.-

7. The Prisoners are convicted, but the Third Judge recommends that the sentence may be reduced to eight years "on the ground that the assault of which the Prosecutor complains was extremely trifling by his own Account".-

8. The Court of Sudder Dewanny Adawlut are unable to discern any sufficient reason for mitigating the punishment to which the prisoners have rendered themselves liable, and decline accordingly to accede to the recommendation of the Third Judge.-

Case No. 7. 9. In this case, the prisoner Pilla Veerayadoo stood charged with having, on the evening

of the 3rd February 1837 murdered one Dana
Boyjna Chinnia the husband of the Prose-
cutrix - by stabbing him on his neck and
breast with a Knife -

10. The prisoner was acquitted but
required to find security for his good behaviour
and appearance for three years -

11. The Court of Foujdaree Udalut
entirely disagree with the Presiding Judge
in the view he has taken of this case, and
are of opinion that the evidence was sufficient
to bring the charge of murder home to the
prisoner - There does not appear to be any
reason to distrust the evidence of the second
witness who swore that he was present on
the occasion of the murder of the deceased by
the Prisoner and that he saw the latter stab
the deceased three several times and likewise
gave a clear detail of what occurred previous
and subsequent to the murder, and whose evidence
is corroborated in many important particulars
by that of the other witnesses for the prosecu-
tion: especially as respects the fact of the
Prisoner's having fled the Village on the same
night on which the deceased met his death

12. The Court of Foujdaree Udalut
are of opinion that the Sessions Judge committed

a great and most serious error in affirming
the Futwa of acquittal delivered by the
Mahommedan Law Officer of the Court
of Circuit -

Case No. 18 13. The prisoners in this case
were charged with having maliciously &c
wounded the Prosecutor by stabbing him
with Knives on his right breast, right waist
and right hand; while he was sleeping on
the Pial of a Banian's house -

14. The Prisoners were acquitted
and released -

15. The Court of Foujdaree Udalut
are of opinion that the Prisoners should
not have been released unconditionally and
that there were ample grounds for requir-
ing security from them -

Case No. 21 16. In this case, the prisoner
Yenooty Bheemo
was charged with having, on a certain day
late in January in the month of Chaitra
of the year Aswiny or 1837 carried the
Prosecutor from Purlah Kimedy to Rajanna
goda situated in Seevanagherry Mullyah,
in the Zemindary of Chinna Kimedy, and
there delivered him to one Muggee for the
purpose of being sacrificed at the feast

on the

called Sonko.—

17. The prisoner was acquitted, but required to find security for his future good behaviour and appearance for two years.—

18. It appears to the Court of Foujdaree Udalut that the prisoner in this case had been not only improperly but illegally acquitted. It seems that there was or might have been ample proof of the Prisoner's guilt, but independently of this, under the Terms of the Futwa (which declared the evidence of the third and fifth witnesses to be inadmissible, because they were the "apprehenders" and that of the sixth and seventh witnesses who attested the Prisoner's Police declaration and confession to be also unworthy of credit) the Third Judge was not competent to acquit the Prisoner without putting a second question as to what the finding would be if the evidence of those witnesses was admissible.—

19. The Third Judge will now put such second Question; and should the final Futwa declare the prisoner convicted, he will issue orders for the detention of the Prisoner in confinement, and refer the trial for the consideration and final Judgment of the Court of Foujdaree Udalut.—

The

20. The Mahommedan Law Officer of the Court of Circuit in summing up, on his Futwa, the evidence for the Prosecution, observes that the Prosecutor deposed that when the Prisoner "carried him away, no body saw except his wife:" and the Court of Foujdaree Udalut assuming that Statement of the evidence before the Court of Circuit to be correct, are unable to account for the omission to take the evidence of the Prosecutor's Wife. And on the same assumption, the Court are further led to observe that the Remark of the Third Judge to the effect that "there is not a single evidence by the Prosecutor's own admission, of any person having been present when the Prisoner as he states, beguiled him away under the pretence of providing him with food," is not accurate.—

21. Again the Third Judge observes that "the Prisoner before the Police gave a detail of the whole affair, but his confession is entirely vitiated by the circumstance that the declaration of the Prisoner was delivered in the Oriya Dialect but taken down in Telinga, and therefore he could not be supposed to verify by his mark the contents which were throughout foreign to him, except as interpreted

interpreted by the attesting witnesses."—

22. But at the conclusion of the abstract of the evidence before the Criminal Court, appears the following observation:— "the Prisoner would not give any direct answer to the charge but pleaded Not Guilty— &c, afterwards on his former confession being read over to him, stated that the account contained in it..... was true."—

23. The Third Judge will be pleased in communication with the Criminal Judge, to afford an explanation in regard to his remark above quoted— as contrasted with the account of what occurred before the Criminal Court.—

Cutcherry No 22. 24. In this case three prisoners were charged with having entered the house of the Prosecutrix on the night of the 6th June 1837, the door being left open, and stolen therefrom property of the value of Rupees 265.—

25. The third prisoner in this case has been released unconditionally.—

26. But with respect to the first and second prisoners, the Third Judge cited the instructions of the Court of Foujdaree Adawlut, since "the evidence with the exception of the 2nd and 3rd witnesses proves nothing beyond suspicion against them, and because of the questionableness of

questionableness whether their testimony, though admitted as approvers by the Court of Foujdaree Adawlut, can tell against the prisoners."—

27. It is observed that authority to offer a conditional pardon to the two persons who in this case have been made the second and third witnesses for the prosecution, was granted by the Order of the Court of Foujdaree Adawlut under date the 11th October 1837, upon the application of the Joint Magistrate in charge of the District of Ganjam, who stated them to be accomplices only—

28. The Third Judge however referring to the Circular Order of the Foujdaree Adawlut under date the 13th May 1824, which confines the offer of a conditional pardon to one who is "strictly speaking an accessary" and not a principal" reports that the individuals abovementioned are in fact "Principals" and while therefore he recognizes the inexpediency of reversing the offer of pardon, he submits "that their evidence cannot be received as legal, and consequently security alone can be demanded from the 1st and 2nd prisoners" and pending this reference he "refrains from passing any sentence against them."—

The

29. The Court of Exchequer Chamber observe that although, according to the Law of England, the persons above mentioned were Principals in the Theft, nevertheless, as they did not themselves commit the Theft, they may in conformity to the practice of this Court be viewed in the light of accessaries, and their evidence be admitted as valid under the order of the 5th October 1837.—

30. The Third Judge will accordingly be pleased to proceed to judgement in this case and will report for the information of the Court of Exchequer Chamber the sentence he may pass upon the first and second prisoners.

Cade No. 23.

31. The first prisoner in this case was charged with having, on the 30th September 1837 opened, with a false key, a box in the Prosecutor's house, and stolen therefrom property of the value of Rupees 446-8 and the second and third prisoners were charged with having concealed the said property and with having defaced certain of the articles knowing how they had been obtained.—

32. The second and third prisoners were originally tried for the offence charged against them, by the Acting Assistant Criminal Judge, and by that Officer were sentenced to eighteen months'

months' imprisonment, and the former to receive one hundred and fifty lashes, but the Third Judge, as appears from his proceedings under date the 5th Instant, being of opinion that it was not competent to the Acting Assistant Criminal Judge to sentence the other prisoners who were charged with concealing part of the property stolen when the value of the Theft removed it out of his own cognizance and when the Principal was committed, directed that the sentence should be suspended and the two prisoners put on their trial before the Presiding Judge.—

33. The first prisoner has been acquitted but required to find security for his future good behaviour and appearance for three years: and in regard to the second and third prisoners, the Third Judge suggests that the former of the two should be punished as an accessary after the Theft, and the sentence enhanced to four years with the appointed stripes, and the third prisoner be discharged.

34. It appears to the Court of Exchequer Chamber that the Proceedings of the Judge of Circuit in this case were irregular. If the Acting Assistant Criminal Judge had exceeded his jurisdiction, the Judge on Circuit

Circuit could do no more than order a reference to the Collective Court. The Court of Sanjdance Udalut observe that the sentence of the Criminal Court must be allowed to stand: but if the Third Judge conceives, as he seems to do, that the third prisoner has been unjustly sentenced, he is at liberty to refer the case for the opinion and decision of the Collective Court of Circuit.—

Suppl.y Calendar. Case No. 2. 35. The Trial of this case has been postponed in consequence of the non-attendance of the witnesses cited on behalf of the first and fourth Prisoners, whose evidence, as being to show that of the property of which they are charged with having obtained the undoubted possession, some articles belong to the first, and others were found in the jungle by the fourth prisoner, is considered indispensable.—

36. For as much as the case for the prosecution has closed and the Prisoners have been put on their defence, the Court of Sanjdance Udalut resolve to empower the Criminal Court of Ishwaeedee to take the evidence of the witnesses above referred to, and to direct that on the close of their examination he do forward the depositions to the Third Judge who will thereupon proceed to dispose of the case

in

in conformity with the provisions of the General Regulations and the Third Judge will issue the requisite instructions on this subject to the Criminal Judge.—

Statement of Batta 37. The Court of Sanjdance Udalut observing the great delay in the disposal of many of the Cases on this Calendar (the number of days being in some instances 56. 50. 42. 40. 39 &c.) and the consequent heavy expenditure on account of Batta to the Witnesses in attendance before the Court of Circuit—resolve, with reference to their Circular Order—No. 93—dated the 2d October 1837—to call upon the Third Judge to report why he did not adopt the plan of summoning witness recommended by Mr. Vaughan.—

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

(Sent following Precept No. 357)

Read letter dated the 31st Ultimo from the Magistrate of Nellore submitting his opinion as required in para. 65 of the Extract from the Proceedings of the Sanjdance

Udalut

Judge of the above entry in the Statement furnished for the month of January, and they desire also to be informed why the 40 Convicts, stated to be employed under the Magistrate, if in confinement in the Jail of the Criminal Court, were not as under such circumstances they obviously ought to have been, entered in Columns 1. and 2. of the monthly Statement—

Ordered that Extract from these proceedings be forwarded to the Criminal Judge in the Zillah of Chittoor for his information and guidance by Precept returnable in 2 days from and after its receipt—

/ Sent following Precept No. 357 /

Read letter dated the 23d Instant from the Magistrate of North Arcot, reporting with reference to the letter from the Foujdaree Udalut of the 8th instant that no convicts are at present employed under his charge—

/ Here enter No. 456. /

Read letter dated the 19th Instant, from the Acting 1st Judge late on Circuit in the Southern Division, Submitting the Statements required by the Circular Order of the Foujdaree Udalut No. 4 of the Second Sessions of 1837—

/ Here enter No. 440 /

Read letter dated the 21st Instant, from the 3rd Judge on Circuit in the Northern Division, reporting that the Calendar of Golconda Rebellion cases has been laid before him and forwarding a Statement showing the number of cases &c.—

/ Here enter No. 481 /

F.C.R.

F.C.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre ——— 1st Puisne Judge,

Thursday, 1st March, 1838.— Thomas Alexander Oakes Esqre 2d Puisne Judge,

Alexr Duncan Campbell Esqre 3d Puisne Judge.

Read letter dated the 6th Ultimo from the Mangalore Special Commissioners submitting for the orders of Government, English Translations of the Proceedings held on the Trial of Special Case No. 132, with a copy of the correspondence between the Special Commission and the Magistrate of Canara on the subject of that case—

(Here enter F.C. No. 347 of 1838.)

Read also letter dated the 16th Ultimo from J. Vaughan Esqre late of the Special Commission at Mangalore reporting the death of Maroo prisoner in Case No. 119 of Goo. Timma Cariah 3rd prisoner in No. 129 of Siga— prisoner in No. 48 and of Cadray Bunta prisoner in No. 132—

(Here enter F.C. No. 448 of 1838.)

In Case No. 132, the prisoner

Hoodre Bunta Patail

was sent up for Trial before the Special Commission

1st March 1838.

Commission, by the Magistrate charged with having abandoned his duty as a public servant, and, on or about the 1st April 1837, being in league with rebels, collected and furnished supplies of vegetables from his Village Ayacut in the Taluk of Buntwal for the use of the Rebels assembled at Ballare, and between the 1st and 20th April 1837 commanded a body of armed Rebels, acting in aid of the Rebel Chief Dota Busseppahe—

2 It appears that the Special Commissioners being of opinion that the evidence adduced in support of the Prosecution had failed to substantiate the charges against the prisoner called upon the Magistrate to produce further evidence which they conceived to be forthcoming and available; and that the Magistrate on the 25th Ultimo formally signified to them his intention not to bring forward any further evidence—

3. The Special Commissioners upon this, without bringing the Trial to a close, have sent up an English Translation of the Proceedings, and have directed that the prisoner should remain in custody in order that the Government may pass such order regarding him as may appear proper—

1st March 1838.

The prisoner having died, as reported in Mr Vaughan's letter of the 16th Ultimo it seems to be unnecessary to make any reference to Government on the subject—

Ordered, that Extract from the Proceedings be sent to the Canara Special Commissioners now at Tellicherry for their information—

(Sent in No 364)

Read letter dated the 22nd Ultimo from the Chief Secretary to Government forwarding with reference to the Extract from the Proceedings of the Foujdaree Adawlut dated 17th June 1836 No 124 a letter from the Officiating Secretary to the Government of India and a copy of a letter from the Officiating Secretary to Commissioners relative to the proposition of the Foujdaree Adawlut of Madras to specify in the New Penal Code, the number of persons necessary to constitute legally a Gang Robbery

(Here enter No 455)

Read letter dated the 20th Ultimo from the 3rd Judge on Circuit in the Northern Division having reference to Death Warrants No 2 Primary Calendar of Vizagapatam 2d Sessions of 1837 and Proceedings of the Court of Circuit Northern Division of the 12th Current

1st March 1838.

Current reporting due execution thereof.—

(Here enter No 474)

Read letter dated the 5th Ultimo from the Acting Joint Magistrate in charge of the District of Cuddapah submitting the explanation required by the Minutes of Consultation of the 10th of October last relative to a gang of armed Robbers having threatened the Town of Cuddapah during the period Mr Stacy was holding the 2nd Sessions of 1836 & that stating.—

(Here enter No 304)

Ordered, that a copy of the Acting Joint Magistrate's explanation be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council with reference to para. 5 of the Minutes of Consultation of the 10th of October 1837.—

(Sent in No 368)

Read the reports prescribed by Section XXXV Regulation X of 1816 forwarded thro' the Provincial Court of Circuit in the Western Division by the Principal Sudr Ameen at Siray for the month of January 1838.—

(Here enter No 459)

With reference to the explanation

of

1st March 1838.

of the delay in disposing of Case No 75 of the Supplemental Report, the Provincial Court of Circuit in the Western Division will be pleased to inform the Principal Sudr Ameen that if the attendance of the Prosecutor has not yet been procured, and there is other sufficient evidence before the Court the case should be proceeded with.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division to be by them communicated to the Principal Sudr Ameen at Siray for his information and guidance.—

(Sent in No 366)

F.U.

At a Court of the Fonjdaree Udalut

Present

Friday 2nd March 1838.

John Bird Esqre _____ 1st Puisne Judge

Thomas Alexander Oakes Esqre officg 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3d Puisne Judge

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156

Read again letter dated the 27th Ultimo from the Special Commissioners at Mangalore, Submitting for the final Judgment of the Fonjdaree Udalut the record of case No. 127 by the Special Commission

/Here enter No. 225/

Read also Extract from the Minutes of Consultation dated the 24th Instant, confirming the Sentence of the Fonjdaree Udalut in Mangalore Special Trial No. 127. and remitting the remaining part of the Sentence against 5 Prisoners tried by the Court Martial at Bangalore - and forwarding Nos. 5 and 6 tried by the Court Martial with instructions to the Special Commissioners to submit their opinion on the Expediency of remitting the Sentences in favor of the Prisoners

/Here enter No. 478/

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

Mr Bird and Mr Campbell

Mordine

be immediately released from confinement with a suitable admonition.—

The Court likewise direct that Extract from their Proceedings under date the 13th Instant on Case No. 127 be sent for the information and guidance of the Mangalore

Mangalore Special Commission.-

/ Sent following Letter No. 366 /

Read again Letter dated the 6th Ultimo from the Third Judge on Circuit in the Northern Division submitting a copy of the Vizagapatam Calendar of the Second Sessions of 1837.

/ Here enter F.R. No. 93 of 1838. /

No. 5.

1. In this case, the prisoners were charged with having, on the 13th August 1837 at M[illegible] in the field of the first prisoner, fought together with Sticks, Crosses and other weapons, in which fray the Son of the fourth prisoner was stabbed near his throat; and the Son of the first prisoner was stabbed with a Knife and both were killed: the first prisoner was wounded on his head, the second was stabbed on his right arm, twice on his back and once on his chest: the third received Knife stabs and blows of Sticks between his two shoulder blades and on his head: and the fourth prisoner received wounds on his head.

2. The prisoners were acquitted but required to find Security for their future good behaviour.

3. The Third Judge in his remarks on the Calendar observes— "I entertain no doubt as to the fact of their being all engaged in the affray but the contradictions in the Evidence are such as materially to affect the charge besides being given in connexion with the contending Parties and whom it is most natural they would respectively counter-criminate: and it being impossible owing to the necessary confusion attendant on Scenes of this nature to attach to any Particular Combatant the guilt of striking the deadly blow, the Prisoners ought, in the opinion

opinion of the Judge be dealt with as accessaries in the murder."

4. The Court of Foujdaree Udalut are of opinion that the evidence was sufficient to convict the Prisoners of being concerned in an affray attended with the destruction of human life: and the Court consider it to be matter for regret that the Third Judge affirmed the Futwa of acquittal delivered by the Mahommedan Law Officer of the Court of Circuit instead of referring the Trial for their final Judgment.-

5. The Court of Foujdaree Udalut deem it necessary to take this opportunity of correcting the error into which the third Judge would appear to have fallen in supposing that because the "deadly blow" cannot be traced to any particular individual - therefore the Parties concerned in the fray cannot be dealt with as accessaries - that is - the Court infer from the result of this Trial - as Offenders at all.-

6. It has on the contrary been long settled, and is now a well-known and universally admitted Principle of English Law, that all that are present aiding and assisting at the death of a man, are Equally principals with him who gave the Stroke, whereof the party died; although they are called principals in the second degree: it is not material who actually did the murder, and the fatal Stroke is the Stroke of all who were present aiding and abetting.-

Ordered that Extract from these Proceedings be forwarded to the Third Judge late on Circuit in the Northern Division for his information.-

/ Sent in No. 367 /

113
240
Ex. Cir. 420

F. N.

At a Court of the Fonjdaree Adalut.

Present

Saturday 3rd March 1838. John Bird Esqre _____ 1st Puisne Judge
Thomas Alexander Dalrymple Esqre 2d Puisne Judge
Alexr Duncan Campbell Esqre 3d Puisne Judge.

193
210
15

Read again letter dated the 24th January 1838. from the Special Commissioners at Mangalore submitting for the Judgments of the Fonjdaree Adalut the record of cases Nos. 122, 123, 126, and 128 by the Special Commission.

/ Here enter No. 218. /

Read also Extract from the Minutes of Consultation dated the 23rd Ultimo, confirming the sentences of the Fonjdaree Adalut in Mangalore Special Trials Nos. 122. 123. 126. and 128.

/ Here enter No. 455. /

Case No. 122.
Mr. Bird
and
Mr. Campbell

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

Pillekandeka Hennaya

be set at liberty.

Case No. 123
Mr. Bird
and
Mr. Campbell

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

Malnaik Soobba

be set at liberty.

Case No. 126.
Mr. Bird
and
Mr. Campbell

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

Bergal Bumgeppa

be

Court of Foujdaree Udalut resolve to call upon the Third Judge to report why he did not issue the requisite Notice at an earlier period so as to enable the Criminal Court to procure the attendance of the parties within the time fixed for the opening of the Sessions—

Ordered, that Extract from these Proceedings be sent to the Third Judge on Circuit in the Northern Division by Precept returnable within three days from and after its receipt—

/Sent following Precept No. 377/

Read Return dated the 24th Ultimo, from the Third Judge of the Provincial Court of Circuit in the Western Division, to the Precept of the Foujdaree Udalut of the 19th February 1838— conveying their observations and orders on the Vellicherry Calendars for the 1st Quarter Sessions of 1838—

/Here enter No. 394./

Read return dated the 23d Ultimo, from the Joint Criminal Judge of Tinnevelly to the Precept of the Foujdaree Udalut dated the 19th February 1838— conveying their observations and orders on the Tinnevelly Criminal Reports for the Month of January

/Here enter No. 397/

93
Ex C.R.
LAO

Case No. 128.
Mr. Bird
and
Mr. Campbell—

be set at liberty—

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

Vencata

be set at liberty—

The Court likewise direct that Extract from their Proceedings under date the 9th February 1838 on Cases Nos. 122— 123— 126— and 128— be sent for the information and guidance of the Members of the Special Commission—

/Sent following Letter No. 376/

Read Letter dated the 17th ultimo, from the Third Judge on Circuit in the Northern Division reporting his return to Vizagapatam for the purpose of disposing of the Golconda Rebellion Cases—

/Here enter F.R. No. 465 of 1838./

Read also Letter dated the 20th Ultimo from the same Officer forwarding a copy of a communication from the Acting Joint Criminal Judge of Vizagapatam relative to the non-appearance of the witnesses for the Prosecution, in the cases to be disposed of by the Court of Circuit—

/Here enter F.R. No. 475 of 1838./

It appearing from the Letter of the Acting Joint Criminal Judge that the notification by the Third Judge of his intention to open the Sessions on the 19th was not received until the 13th and did not reach the Criminal Court until the 15th Ultimo, the

Court

F. U.

At a Court of the Foujdaree Udalut.

Present

Monday 5th March 1838. John Bird Esqre 1st Puisne Judge
Thomas Alexander Oakes Esqre 4th 2d Puisne Judge
Alexr Duncan Campbell Esqre 3d Puisne Judge

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Read a Miscellaneous Petition presented on the 19th ultimo by Soongnea Maistry of the Zillah of Chingleput -

/Vide outer M. P. No. 24 of 1838./

The prayer of this Petition is that an order may be issued for the release of the Prisoners who in Case No. 23 of the Chingleput Calendar of the first Sessions of 1834 were convicted before the Court of Circuit of Gang Robbery and sentenced to imprisonment for fourteen years:- Petitioner being the father of Vooppara Vencatapulle the first Prisoner in that case -

The grounds of this Petition are the alleged falsity of the accusation and the ill-usage experienced by the accused at the hands of the Subordinate Police Officers -

The Court of Foujdaree Udalut observe that the prayer of this Petition is inadmissible - The Regulations admit of no appeal from the Sentence of a Court of Circuit, and there appear to be no grounds to question the correctness of the Judgment of that Tribunal in the case under consideration -

Ordered, that the Petition be rejected and that Extract from these Proceedings be sent to the Petitioner upon his application -

Read

5th March 1838.

Read Miscellaneous Petition presented on the 19th Ultimo by Yerrapah of the Zillah of Chittoor.

(Here enter M. P. No. 25 of 1838.)

The object of this Petition is to obtain an order for the release of Chinna Mallayadoo, who in Cases Nos. 2 3 4 and 5 of the 5th Supplemental Calendar of the 3rd Quarter Sessions of 1836 holden at Chittoor was convicted of High-way Robbery and sentenced to imprisonment &c. for fourteen years.

Petitioner — who is the Prisoner's father merely alleges that the Prisoner was apprehended by some persons who bore ill-will towards him and his family; and that when the case came to be heard by the Magistrate Mr. Hoozoor Duffadar suborned false evidence in support of the charge for the purpose of gratifying a grudge he had against the said Prisoner.

The Court of Foujdaree Adawlut do not ground to impugn the evidence of the Eye-witnesses of the Robbery; or to question the correctness of the judgment of the Court of Circuit from whose sentence moreover the Regulations do not admit of an appeal.

Ordered that the Petition be rejected and that Extract from these Proceedings be forwarded to the Petitioner upon his application.

Read Miscellaneous Petition presented on the 19th Ultimo by Vennapoorayya Moodely of the Zillah of Cuddapah.

(Here enter M. P. No. 26 of 1838.)

The Petitioner was apprized by the order

5th March 1838.

order of the Court of Foujdaree Adawlut under date the 12th ultimo, that any further application regarding the release of his brother from Confinement would not receive attention, the matter having been already finally disposed of.

The Court now direct that any further Petition which may be presented by Vennapoorayya Moodely in regard to this matter, be not received.

Ordered that the Petition be rejected and that Extract from these Proceedings be forwarded to the Petitioner upon his application.

Read Miscellaneous Petitions presented respectively on the 19th and 26th Ultimo by Veerayya Pingum of the Zillah of Rajahmundry.

(Here enter M. Ps. Nos. 27 and 28 of 1838.)

The Petitioner alleges that he was assaulted by several persons with whom he has long been at enmity and robbed of property of the value of three hundred and seven Rupees: and that his complaint regarding the outrage was in consequence of the sinister influence of some of the Cutcherry and Police Servants, dismissed by the Magistrate of Rajahmundry who likewise ordered a sum of fifty Rupees, which according to the Petitioner had been offered to him by the accused to induce him to compromise the matter, to be restored to an individual who Petitioner alleges had no concern whatever in the case: — and further that being dissatisfied with the Magistrate's decision he petitioned the Provincial Court of Circuit in the Northern Division who declined to interfere.

Petitioner therefore prays that the Court

Court of Tongdarre Udalut will call for the Record of the Proceedings held before the Magistrate, or institute the Criminal Court to review the same; and direct that Court to inflict punishment on the Defendants and cause the restoration to him of the Property he have been deprived of.

In the extract from the Proceedings of the Provincial Court of Circuit dated the 21st February 1837 - it is stated that the Petitioner appears to be a Religious Character: His representations are unfounded and his deposition and charge are full of contradictions - from his own Statement he is a common beggar - therefore it is impossible he could be possessed of so much property as he complained to have lost, and most part of his statements are almost improbable -

The Court of Tongdarre Udalut direct that the Petitioner be informed that the Court with reference to the Proceedings of the Subordinate authorities see not the least reason to question the propriety of the order of the Court of Circuit above quoted -

Ordered that the Petition be rejected and that Extract from those Proceedings be forwarded to the Petitioner upon his application -

Read letter dated the 19th Ultimo from the 1st Judge on Circuit in the Western Division, transmitting the Record in case No. 30 on the Malabar Calendar for the 1st Sessions of 1838 -

/Here enter No. 650/

The Court of Tongdarre Udalut, having maturely considered the Proceedings held before the

Mr. Bird
and
Mr. Campbell

Judge

Judge on Circuit, the Futwa of the Provincial Law Officers and the Futwa of the Cazee-ool-Cozat and Mooftees of the Tongdarre Udalut, confirm the said Futwa of the Cazee-ool-cozat and Mooftees aforesaid, convicting the Prisoner of Murder: and under the provisions of Section XV, Regulation VIII of 1802 - Sentence the said Prisoner to suffer death by being hanged so soon as conveniently can be after the receipt of this warrant at a spot to be selected by the Criminal Judge in the immediate vicinity of the place where the Murder was committed -

/But following letter No. 379/

Read the following Letter dated the 15th Ultimo from the Acting First Judge of the Provincial Court of Circuit in the Centre Division - Cuttack presiding at the first Sessions of Jail Delivery of 1838 at Cuddapah -

/Here enter P.C. No. 417 of 1838./

The question referred in the Letter now recorded for the determination of the Court of Tongdarre Udalut, and which arose from the consideration of certain cases on the Cuddapah Calendar in which the accused Parties were charged with administering deleterious drugs to different persons in their food, and robbing them while in a state of stupefaction, occasioned by the Drugs, of their Property, is this - Whether the administering of an intoxicating Drug can be viewed as an aggravation of the Offence to facilitate the commission of which, such intoxicating Drug was administered?

1.

Nos. 1 on the Primary and 1 and 2. on the Supplemental Calendar

2.

The Court of Tongdarre Udalut have no hesitation in recording their opinion that the act of administering the Drug should be viewed as a circumstance

circumstance in aggravation. Its obvious tendency is to incapacitate the person to whom the Drug is administered from defending and preserving his property. It is in fact a partial species of violence which when employed for the purpose of robbery is little inferior in criminality to open violence, often producing as much serious injury; and it may cause the loss of Life even though there may not be any intention to Kill.

3. The Court of Tongdarre Adalut are of opinion that the Criminal Judge of Cuddapah acted indiscreetly in committing the Prisoners in question for trial before the Court of Circuit: and with reference to the observation of that Officer that the practice of giving intoxicating drugs to persons with the view of committing robberies appears to be becoming prevalent the Court see reason to regret that the Acting First Judge considered it his duty to send back the Trials to be disposed of by the Criminal Court.

4. With respect to Case No. 2 on the Calendar the Court of Tongdarre Adalut observe that it was undoubtedly their intention that the Prisoners should be brought to Trial in conformity with the provisions of the Regulations and the Criminal Judge in dealing with the Case in question, must be guided by the rules laid down in Section VIII, Regulation X of 1816.

Ordered that Extract from these proceedings be sent to G. J. Casamajor Esqr Acting Chief Judge of the Provincial Court of Circuit in the Centre Division for his information.

(Sent in a No. 380)

Read

Read again Letter dated the 27th January last from the Mangalore Special Commissioners Submitting - according to Section III Regulation XX of 1802 - the Record of Special Trial No. 127.

(Herewith S.R. No. 235 of 1838.)

Read also Extract from the Minutes of Consultation under date the 2d February 1838 No. 215 - communicating the orders of the Right Honorable the Governor in Council on the Extract from the Proceedings of the Court of Tongdarre Adalut under date the 13th February 1838. Submitting with the whole of the Proceedings held in the case, that Courts Sentence in Mangalore Special Trial No. 127.

(Herewith S.R. No. 478 of 1838.)

The Court of Tongdarre Adalut direct

1. that their Sentence in No. 127 - with the final orders of Government in respect of the Prisoner Mordine - be communicated according to the usual forms to the Special Commission -

2. In Parah: 2 of the Extract from the minutes of Consultation it is stated that Their Lordships in Council having examined the Proceedings held under date the 8th June 1837, by the European Special Court Martial, under the Provisions of Martial Law, in the case of the five Prisoners noted in the Margin, is pleased to remit the remaining portion of the Sentence of imprisonment and labour awarded to them, and requests the Judges of the Tongdarre Adalut will instruct the Criminal Judge of Canara and the Principal Sudder Ameen at Honore, under whose charge they appear to be at present, immediately to release them also with a suitable admonition

1. Ramah
2. Purkrode alias Tuckera -
3. Tuckera -
4. Currae - iddance
5. Arabee -

admonition".—

3. The Court of Fouzdaree Udalut direct accordingly that the Provincial Court of Circuit in the Western Division be instructed by Precept to issue the requisite orders to the Criminal Judge of Canara and the Principal Sudr Ameen of Honore and to make Return to the same so soon as those Officers shall have certified the complete fulfilment of the orders of Government—

4. The Right Honorable the Governor in Council having further desired "that Trials Nos 5 and 6 of the European Special Courts Martial at Mangalore be transmitted to the Judges of the Fouzdaree Udalut with a request that they will call upon the Special Commissioners to state their opinion whether any and what mitigation of the Sentences awarded to the Prisoners concerned therein should be allowed with reference to those lately mitigated by Government at their recommendation"— the Court of Fouzdaree Udalut direct that the Records of the Trials in question be sent to the Special Commissioners with instructions to take the subject into consideration and submit their opinion regarding it with as little delay as possible.—

Ordered, that Extract from these proceedings (Parahs 2 and 3) be sent to the Provincial Court of Circuit in the Western Division by Precept returnable within twelve days from and after its receipt

/ Sent following Precept No 387 /

Ordered further that Extract from these proceedings be sent to the Special Commissioners late sitting at Mangalore now at Tellicherry (with reference to

to parah 5 of their letter of the 27th January 1838) by a Precept returnable within twelve days from and after its receipt— with an intimation that the order for the release of the five prisoners mentioned in parah 2 has been issued direct from the Office of the Fouzdaree Udalut to the Provincial Court and a request that the Records of the Court Martial Trials referred to in parah 4 may be re-transmitted together with their Return to the Precept.

/ Sent following Precept No 387

Read the Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Acting Joint Criminal Judge at Combatore for the month of January 1838.—

/ Here enter No 479 /

Case No 269. 1. The Court of Fouzdaree Udalut direct that the Acting Joint Criminal Judge will complete the Sentence that has been passed upon the Prisoner concerned in Case No 269 of the Supplemental Report by recording the period for which he is to be detained in vide C.C. 30th April 1838 confinement in default of finding the Security demanded from him.—

2. With reference to the remarks of the Acting Joint Criminal Judge in Case No 295 of the Supplemental Report and Case No 4 of the Report the Court of Fouzdaree Udalut desire to be informed of the nature of the evidence against the Prisoner "Palany" and the 1st and 3d Prisoners in Case No 4.—

Ordered that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge at Combatore for his information and guidance

by

by Precept returnable in 5 days from and after its re-
-ceipt—

/ Sent following Precept No. 383 /

Ed C.R.

Vernashalingam of the Tillai & Royal-
-mundy & moves the Court to return the records in his
Miscellaneous Petition No. 28 of 1838

Ordered accordingly—

Read letter dated the 22nd Ultimo from
the Criminal Judge of Combaconum submitting the Re-
-ports prescribed by Section XXXV. Regulation X. of 1816 for
the month of January 1838.

/ Here enter at p. 482 /

1. Sentence should have been passed upon
the 5th Prisoner concerned in Case No. 8 of the Report but
under the provisions of Section IX. Regulation XIII of 1832.

2. The Court of Tanjore Udalut desire
to be informed of the nature of the evidence upon which the
Prisoner concerned in Case No. 10 was convicted— so far
as the Court can gather from the Abstract of the evidence
there was nothing but proof of confession before the Tehe-
-ildar—

3 Upon the brief Abstract of the evidence
produced in Case No. 29 also, the Court of Tanjore
Udalut are unable to gather whether there was proof that
the 2d Prisoner knew that the 1st Prisoner was a Con-
-vict, who had effected his escape from a Penal Settle-
-ment; if there was no proof to this fact the Court
doubt the propriety of his commitment, but under any
circumstances they resolve to authorize the Criminal
Judge to release him (the 2d prisoner) upon bail

until

until the arrival of the Court of Circuit—

4 In the 3d para: of his return dated the
27th of February 1838 the Criminal Judge of Combaconum re-
-ports that agreeably to the orders of the Tanjore Udalut
of the 18th of December 1837, 50 Security Prisoners were
transferred to Trichinopoly on the 15th and the same num-
-ber of Convicts to Cuddalore on the 16th of January 1838—
the Report No. XI. however furnished by the Criminal
Judge of Combaconum for the month of January last
shews that only 28 Prisoners were transferred to Trichi-
-nopoly from the Jail at Combaconum, while in the
Magistrate of Trichinopoly's own Statement no Prisoners
sentenced to find Security are entered or received during
the month of January 1838— the Court of Tanjore Udalut
desire therefore that an explanation on this point may be
submitted to them by the Criminal Judge of Combaconum—

Ordered that Extract from these Pro-
-ceedings be forwarded to the Criminal Judge of Combaco-
-num for his information and guidance by Precept return-
-able in 5 days from and after its receipt—

/ Sent following Precept No. 384 /

Ed C.R.

At a Court of the Enjoaree Adaulut

Present

Wednesday 7th March 1838. John Bird Esqre ——— Pte Puisne Judge,

Thomas Alexr Baker Esqre ——— Acting 2d Puisne Judge,

Alexr Duncan Campbell Esqre — 3d Puisne Judge,

Read letter dated 6th Ultimo from the

Special Commissioner at Mangalore submitting for the

final Judgment of the Enjoaree Adaulut the record of case

No 135 by the Special Commission —

(Vide enter No 348)

The Court of Enjoaree Adaulut, 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 Mooftee of the

Enjoaree Adaulut, confirm the said Futwa of the Cazee ool

Corzat and Mooftee aforesaid; and acquitting the prisoner

Rungo Roy

direct that he be set at liberty —

The Court of Enjoaree Adaulut do also direct that

the Joint Magistrate in charge of the District of Canara

be called upon through the Special Commission to

afford explanation in regard to the alleged detention

of the aforesaid witness Rama Bhatt in confinement for

one month and twenty four days. (Page 2 of the Record) —

The Special Commissioner will likewise

be pleased to instruct the Zillah Judge of Canara to submit

a

L.H.O.

Mr Baker
and
Mr Campbell

11 Leaves

7th March 1838.

The Court directs that extract from their proceedings under date the 15th Instno be sent for the information and guidance of the Commissioner now at Ellichpore.

(Sent following letter No. 394)

Read order of Government No. 8 of 1838 dated the 27th ultimo referring for the opinion of the Court of Enquiry certain Petitions addressed to Government by Acheraruze Pitty an under Sirkar Manager in the office of the Collector of Ajuntoor Sheikh Ouseer late Cutcherry of Ajuntoor Balaji late Duffadar of the Cutwals Chowky, and others praying that the order of Government of the 5th October 1837 which prohibited them from re-entering the public service without the express sanction of Government may be reversed.

(Here enter F.C. No. 502 of 1838)

The Court of Enquiry have the honor to direct that the Provincial Court of Circuit in the Eastern Division be instructed to send up with as little delay as possible an English Translation of the Roobukaree No. 8 in the Ajuntoor Calendar of the second Sessions of 1837 and also to forward English Translations of the proceedings held in Cases Nos. 30 and 31 of the Criminal Side of the Zillah Court at Ajuntoor for the month of August last.

Ordered that extract from these proceedings

F.C.
7th March 1838.

proceedings be forwarded to the Provincial Court of Circuit in the Eastern Division by Dawk for return within twenty five days from date of its receipt.

(Sent following Dawk No. 395)

Read return dated 1st Instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division to the Precept of the Court dated the 26th February 1838 calling for explanation in respect of the indiscriminate use of the terms Hoondee and Bills both in the translations of the evidence of several witnesses in Case No. 2 Chittoor 2d Supplemental Calendar 1st Quarter Sessions of 1838.

(Record No. 519)

Read letter dated 5th Instno from Mr Chamier 3d Judge of the Provincial Court of Eastern Division stating on special Commission for trying Gunga Gobee Special Trials No. 10 and 16 were not referred the Prisoners therein concerned having died after the Trials.

(Here enter No. 526)

Read return dated 3d Instant from the Criminal Judge of Salem to the Precept of the Court of Enquiry dated the 26th February 1838 enclosing their observations and orders on the Salem Criminal Reports for the Months of January.

(Here enter No. 527)

Read letter dated 28th Ultimo from the Acting 3d Judge of Rajamundry in the Eastern Division stating

7th March 1838.

this Evening given notice to close the 1st Sessions of 1838 on the
Coimbatoor on the 26th Instant.—

(Here enter No. 029)

Read letter dated 3rd Instant from the
Acting 3d Judge on Circuit in the Southern Division
requesting the arrival of the Court of Circuit at Erroad by
the opening of the Sessions and the state of the Calendar

(Here enter No. 030)

Read letter dated 5th Instant from the
2d Judge on Circuit in the Southern Division requesting
the opening of the Sessions at Coimbatoor and the state
of the Calendar.—

(Here enter No. 032)

& C.R.

JB

DO

F. 86

At a Court of the Foujdaree Udalut

Present

John Bird Esqre _____ 1st Puisne Judge

Thursday

Thomas Alexander Oakes Esqre 2d Puisne Judge

8th March 1838.

Alexr Duncan Campbell Esqre 3d Puisne Judge.

Read letter dated the 8th January

JB

1838 from the Acting 1st Judge late on Circuit

DO

in the Southern Division transmitting the

Record in Case No. 8 on the Coimbatore

Calendar for the 2d Sessions of 1837.—

(Here enter No. 95.)

Mr Bird

The Court of Foujdaree Udalut

and

having maturely considered the proceedings

Mr Oakes

held before the Judge on Circuit, the Futwa

of the Provincial Law Officer, and the Futwa

of the Sunzeed Sooraat and Mooftees of the

Foujdaree Udalut, confirm the said Futwa

of the Sunzeed Sooraat and Mooftees aforesaid, convicting the prisoner.

Soolabatsaul

of Murder on strong presumptive proof and

awarding Ostrabuta and under the Provisions

of Section X Regulation VIII of 1802, sentence

the said Prisoner to suffer death by being

hanged at the usual time and place of execu-

(Sent following letter No. 398)

No

No final return having been received by the Magistrate of Bellary to the precept of the Foujdaree Udalut of the 8th of November 1837 enjoining him to enquire without further delay to the orders of the Foujdaree Udalut of the 10th of March 1837, by reporting the result of the investigation made by him into the conduct of the Police Officers by whom the proceedings held against the 10 prisoners concerned in Case No 56 of the Bellary Criminal File for 1837, were conducted—

Ordered that the Magistrate of Bellary be informed that unless within 7 days from the date of the receipt of these proceedings he shall satisfactorily account for the delay in giving effect to the repeated orders issued to him by the Court of Foujdaree Udalut the Judges will consider it their bounden duty to bring the matter to the notice of the Right Honorable the Governor in Council—

Ordered, that Extract from these proceedings be forwarded to the Magistrate of Bellary for his information and guidance by precept returnable in 3 days from and after its receipt—

(Sent following Precept No 399)

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240
42

E. C. R.

Read the Reports prescribed by Section XXV Regulation X of 1816 submitted by the Acting Joint Criminal Judge of Masulipatam for the month of January 1838—

(Case enter No 540)

If the remarks recorded by the Acting Joint Criminal Judge as to the manner in which the confessions of the Prisoners concerned in Case No 69 of the Supplemental Report were attested before the Police Officer by the 3rd and 4th witnesses viz. "three days after the confessions were taken" down in writing have not already been communicated to the Magistrate, the Court of Foujdaree Udalut desire that a copy thereof may be furnished to that Officer in order that due notice may be taken of the misconduct of the Police—

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

(Sent in No 400)

Read return dated the 3rd Ultimo from the 3rd Judge stating in Circuit

in

8th March 1838.

in the Western Division to the Precept of the Foujdaree Udalut dated the 29th January 1838 sanctioning the proposed mitigated sentences in Cases Nos 10 and 18 of the Mangalore Primary Calendar for the 2d Sessions of 1837.

E. C. R.

(Here enter No. 303.)

F. 96

At a Court of the Foujdaree Udalut.

Present

John Bird Esqr. ——— 1st Puisne Judge

Friday 9th March, 1838.

Thomas Alexander Oakes Esqr. 2d Puisne Judge

Alexr. Duncan Campbell Esqr. 3d Puisne Judge

Read letter dated the 8th Ultimo from the 3d Judge of the Provincial Court of Circuit in the Western Division transmitting the record in Case No 1 on the Tellicherry 2d Additional Calendar for the 4th Quarterly Sessions of 1838.

45 / 45 / 90

(Here enter No. 477.)

Mr. Bird and Mr. Campbell

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 Futwas of the Cauzee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cauzee-ool-Coozat and Mooftees aforesaid, convicting the Prisoner

Arrehagathee Coyamaroo, alias Coyamoo,

of Murder on Strong Presumptive Proof, and awarding Sazee and under the provisions of Section X, Regulation VIII of 1802, sentence the said Prisoner to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No. 408)

Read

9th March 1838.

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Criminal Judge of Cuttack for the month of January 1838.

(Here enter No. 142)

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 Criminal Judge of Cuttack for his information.

(Sent in No. 109)

F. 16

At a Court of the Foujdaree Udalut

Present

John Bird Esqr. ——— 1st Puisne Judge

Saturday 10th March 1838.

Thomas Alexander Oakes Esqr. No. 2 Puisne Judge.

Alexr. Duncan Campbell Esqr. 3d Puisne Judge.

Read return dated the 24th Ultimo from the Magistrate of Bellary to the Precept of the Court of Foujdaree Udalut under date the 14th December 1837 calling for further information relative to the charge of Murder preferred against the prisoners in Case No. 29 of the Bellary Criminal Reports of 1837.—

(Here enter F. 16 No. 537 of 1838)

Read also return dated the 26th Ultimo from the same Officer to the Precept of the Court of Foujdaree Udalut under date the 14th February 1838 calling for a Return to their Precept of the 14th December 1837.—

(Here enter F. 16 No. 560)

Upon the foregoing Returns the Court of Foujdaree Udalut learn with regret that the efforts of the Magistracy to procure further evidence tending to throw light on this extraordinary case, have been unsuccessful.—

The

2.

The third Prisoner Singadoo having died, and the evidence at present available being insufficient for the conviction of the two surviving Prisoners of murder, the Court resolves to authorize the Criminal Judge of Bellare to release these Prisoners from confinement, on their finding sufficient Bail for their appearance when required.—

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Bellare by Precept returnable within five days with reference to the Extract from the Proceedings of the Sanguinee Udalut dated the 14th February 1838.—

(Sent following Precept No 415)

Ordered also that Extract from these Proceedings be sent to the Magistrate of Ballaree for his information.—

(Sent in No 416)

No 125

No 6.

At a Court of the Sungdaree Udalut.

Present.

John Bird Esqr ——— 1st Puisne Judge

Monday 12th March 1838. Thomas Alexander Oakes Esqr — Acg 2nd Puisne Judge

Alexr Duncan Campbell Esqr 3rd Puisne Judge

Read Miscellaneous Petition

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200
125

presented on the 26th Ultimo by Rama Menon of the Zillah of Malabar —

(Acc inter alia P No 29 of 1838)

The Petitioner had on two previous occasions brought his complaints to the notice of the Court of Sungdaree Udalut namely — in Petitions Nos 125 of 1836 and 5 of 1838 on which orders were passed under dates the 31st December 1836 and 29th January 1838.—

Petitioner now observes that the Magistrate of Malabar has transmitted the Record of the case to this Court and he prays the Court to issue orders directing either that Officer or his Europeon Assistant to investigate the matter and render him justice.—

Petitioner is mistaken in supposing that the "Record of the case" has been laid before the Court of Sungdaree Udalut and his charges appearing to have been

abandoned

already fully investigated by the Head Assistant Magistrate and nothing now being advanced in the present application, there is Petitioner is informed that it is not in the Courts power to grant him any other order than that passed under date the 29th January 1838. to which he is accordingly referred.—

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

Read Miscellaneous Petition presented on the 5th Instant by Pethy. Ammanah of the Zillah of Tanjore.—

(Here enter the P. No. 31 of 1838.)

The Petitioner represents that her son, whose name she does not mention, but who it would seem is one of the gang of prisoners at Opinday, is a convict under sentence of fourteen years imprisonment, of which term he has served but that he is at present suffering from physical infirmities which renders his employment on the Rubble roads or works both difficult and painful to him: and she prays that an order may be issued for his being passed to the Seat of Chingleput, and employed within the walls of the Fort at that station.

Petitioner

Petitioner is informed that the Court of Tanjore Udalut are unable to interfere in this matter.—

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

Read again Report dated the 27th November 1837. submitted by the Criminal Judge of Combaconum in the Form prescribed by the Circular Order of the Court of Tanjore Udalut No. 94. together with a Descriptive Roll of Sreenivasiengar late Native Register in the Zillah Court of Combaconum and dismissed from that Office for Bribery and Subornation of Perjury.—

(Here enter F. No. 2506 of 1837.)

Read also Returns dated respectively the 18th January and 9th February 1838 from the Acting First Judge late on Circuit in the Southern Division to the Precepts of the Court of Tanjore Udalut under dates the 29th December 1837 and 30th January 1838. calling for English Translations of the Records of Cases Nos. 31 and 32 on the Criminal Calendar for the Second Sessions of 1837.—

(Here enter F. No. 183 and 337 of 1838.)

Read

12th March 1838.

Read also return dated the 28th Ultimo from the Criminal Judge of Combaconum, comm to the Receipt of the Court of Foujdaree Udalut under date the 30th January 1838 calling for the whole of the proceedings held in the investigation of the charge of Bribery against Sreenivasiengar late Native Register of the Zillah Court of Combaconum—

(Here enter F.U. № 518 of 1838.)

1. Sreenivasiengar was charged with having demanded and accepted certain Bribes under pretence of aiding the progress of the Appeal № 67 of 1834 through the Court of the Register to the Zillah Court of Combaconum: and with having, when suspended and interrogated before competent authority on the subject, subomed false evidence to rebut the charge—

2. The circumstances attending the Commission of these Acts are concisely but clearly indicated in the Zillah Judge's Report now recorded—

3. For the Acts of Bribery and corruption Sreenivasengar was dismissed from his office of Native Register of the Zillah Court, and for the Subornation of Perjury he was committed for Trial before the Court of

2. F.U.
12th March 1838.

of Circuit and by that Tribunal was convicted and sentenced to imprisonment with hard labour in irons for five years— The person whom he induced to give false evidence in his behalf was likewise committed for Trial before the Court of Circuit: and being convicted of Perjury was sentenced to imprisonment &c. for four years— The cases against these two Individuals form the Records № 31 and 32 above recorded—

4. The Court of Foujdaree Udalut have perused with great attention the Records of these Trials as also of the Investigation into the charge of Bribery held before the Zillah Judge— and are concerned to observe that they can discover nothing which could warrant their declining to submit the Descriptive Roll to Government for publication in the Official Gazette of the Presidency—

Ordered accordingly that Extract from these proceedings together with a copy of the Descriptive Roll and the Report thereto subjoined be sent to the Chief Secretary to Government with a request that the same may be submitted for the consideration and orders of the Right Honorable the Governor in Council— (Sent in № 424)

Read

Read return dated the 3d Instant made by the Criminal Judge of Chittoor to the precept of the Foujdaree Udalut of the 28th of February 1838 requiring him to explain, with reference to the letter from the Magistrate of North Arcot dated the 23d Ultimo reporting that "no Convicts are at present employed "under the Magistracy in this Zillah," the entry in his Statement for the month of January last that "40 Convicts are employed "in repairing the Vellore road under the "orders of the Magistrate"—

(Here enter No 536 of 1838)

1. In the above return the Criminal Judge certifies that 40 Convicts were placed at the disposal of the Magistrate to repair the public roads and that these 40 Convicts have ever since continued under charge of the Magistrate repairing the public roads leading to Arcot Vellore and Palmanair &c and that they are at present employed in repairing the public road leading to the latter place

2. From this return it appears that the Statement of the labor &c of the prisoners prepared by the Criminal Judge of Chittoor for the month of January last is incorrect in two particulars—

First in that it represented the total number of Convicts in confinement in the Jail during that period to be 78, whereas the actual number of Convicts in confinement in the Jail at Chittoor during the month of January is shewn to have been 118—

Secondly in that it represented 40 Convicts to be employed in repairing the Vellore road under the orders of the Magistrate whereas it appears that these 40 Convicts were engaged in repairing the Palmanair road, and from all that appears to the contrary in the return now read, under the directions of the Criminal Judge himself—

3 The Court of Foujdaree Udalut therefore direct that the Statement, referred to above, furnished by the Criminal Judge of Chittoor for the month of January 1838, be returned for amendment, and that that Officer be cautioned against submitting to the Court of Foujdaree Udalut Statements, the accuracy of which can be so little depended upon—

4 The Court of Foujdaree Udalut observe that in their order of the 7th of April 1836, quoted by the Criminal Judge in his return of the 3d Instant, that Officer was instructed that the Provincial Court of Circuit

Circuit in the Centre Division to transfer "to the charge of the Acting Magistrate of "Chittoor 40 Convicts together with the usual "complement of Peons" for the express purpose of being employed on the high road between Arcot and Chittoor, the Joint Magistrate there in charge of the District having reported in his letter of the 13th. of February 1838 that he was "able to arrange places on the "road for them to reside in, and to furnish "a few extra Peons from his own establishment to guard them."

5. If these instructions were not conformed to, the Court of Sanjdarree Udalut desire to be informed under what authority the removal of the Convicts to the charge of the Acting Magistrate was suspended, and if any transfer was actually made as directed, the Court of Sanjdarree Udalut desire to be informed of the date under which, and the cause why, the Convicts were returned to the Sail of the Zillah.

6. The Court of Sanjdarree Udalut recognize the importance of keeping the roads in and about the Stations of the Criminal Court in repair, but the Criminal Judge not having complied with the order issued to him

F 116.

him under date the 23rd. of December 1837 for the transfer to Lieutenant Worster of all the Convicts in the Sail under his charge the unexpired period of whose sentences may exceed 6 months, and who may be fit for employment on the public roads, they resolve to direct that the 40 Convicts stated to have been employed on the public roads under the orders of the Magistrate be transferred by the Criminal Judge to Sunjeeum* there to be employed on the Great Western Road under the orders of Lieutenant Worster; and in the transfer of these convicts the Criminal Judge is directed to observe all the rules laid down in the order of the 9th. of June 1837 published at page 432 of the Official Gazette.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Chittoor for his information and guidance by first post returnable in 5 days from and after its receipt.

(Sent following Precept No. 425)

Ordered also, that para. 6 of these proceedings be furnished to Lieutenant Worster for his information.

(Sent in No. 426)

Read

*for further information apply to Lieutenant Worster

F. 16.

At a Court of the Foujdaree Udalut

Present

John Bird Esq^re _____ 1st Puisne Judge

Wednesday 14th March 1838. Thomas Alexander Oakes Esq^re 2nd Puisne Judge

Alex^r Duncan Campbell Esq^re 3rd Puisne Judge.

Read letter dated the 24th Ultimo

from the Third Judge on Circuit in the

Northern Division submitting for the final

judgment of the Court of Foujdaree Udalut

the Record of Case N^o 20 on the Chittagong

Calendar for the second Sessions of 1837—

(Here enter F. 16. N^o 510 of 1838.)

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 Law-officer deputed and Moofties of the Foujdaree Udalut, confirm the said Futwas of the Law-officer deputed and Moofties aforesaid, convicting the prisoners

1st Ventany Ramadoss Dhoop.

and

2nd Condagorie Tumbadoo.

of the crimes charged, and under the provisions of Section X, Regulation VIII of 1802, sentence the said prisoners to suffer death by being hanged

changed at the usual time and place of execution.

It is remarkable that in their examinations before the Police taken three days subsequent to that on which the murder of the Dewan was perpetrated, the first and second witnesses clearly and distinctly stated that they had accompanied "Chinnapa Dora" to the place where the murder was committed, and saw him perpetrate the [redacted]

The Court of Sunjiavee Udalut are at a loss to account for the omission on the part of the Third Judge of Coimbatore to advert to this fact either in his examination of those witnesses or in his letter referring the Trial, though the decided discrepancy between the Statements in question and the Depositions of the same witnesses before the Higher Tribunals, would, it is natural to suppose have hardly failed to attract the notice of the Presiding Judge, and elicit from him some explanatory observations, in the course of his analysis of the evidence for the prosecution.—

Ordered, that Extract from these Proceedings be sent to the Third Judge of Coimbatore in the Northern Division for his information.—

(Sent following letter No. 474)

Read

Read letter dated the 5th Instant from the Assistant Criminal Judge of Cuddapah requesting that he may receive authority to offer a conditional pardon to "Yarra Kala Chinna Nagadoo" and "Arava Nagadoo" two of the individuals implicated in the murder of "Veera reddy."—

(Here enter No. 575.)

Under the authority vested in them by Section XII Regulation XIII of 1832 the Court of Sunjiavee Udalut sanction the offer of a conditional pardon to the prisoners named

"Yarrakala Chinna Nagadoo"

and

"Arava Nagadoo"

which must be made in the terms prescribed in the Circular Order of the 3d of April 1828.—

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge of Cuddapah for his information.—

(Sent in No. 438)

Read communication dated the 8th Instant from the Magistrate of Tanjore submitting an explanation relative to case No. 518 of the Combaconum Criminal Reports for the month of December 1837.

called

14th March 1838.

called for in the Extract from the Proceedings of the Foujdaree Udalut under date the 5th February 1838.—

(Here enter No. 589)

Read communication dated the 8th Instant from the 3rd Judge on Circuit in the Northern Division submitting an explanation relative to Case No. 5 of the Vizagapatam Calendar of the Second Sessions of 1837.—

(Here enter No. 597)

Read return dated the 7th Instant from the Acting Criminal Judge of Chicacole to the Precept of the Foujdaree Udalut dated the 26th February last conveying their observations and orders on the Criminal Reports for the month of January.—

(Here enter No. 598)

No. 125
Ed. C.R.
113
F.P.C.

No. 10

F. 16.

At a Court of the Foujdaree Udalut.

Present

John Bird Esqr. ——— 1st Puisne Judge.

Thursday, 15th March 1838.

Thomas Alexander Oakes Esqr. ——— 2nd Puisne Judge.

Alexr. Duncan Campbell Esqr. ——— 3rd Puisne Judge.

No. 15
F.P.
1838

Read letter dated the 8th Ultimo from the Special Commissioners at Mangalore submitting for the final judgment of the Foujdaree Udalut the record of Case No. 129 by the Special Commission.—

(Here enter No. 354)

Mr. Oakes.
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 Futwas of the Cazee-ul-Cozzat and Mooftee of the Foujdaree Udalut, confirm the said Futwas of the Cazee-ul-Cozzat and Mooftee aforesaid, convicting the prisoners of the crimes charged and awarding Ootbobut and under the provisions of Sections II and III, Regulation I of 1834 and Clause third, Section VIII, Regulation XI of 1803, sentence the prisoners

1st Adoor Shunkrap.

2nd Survatoday Munjaya.

and

4th Potail Meenal Summayap.

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
and the prisoner

3rd Gootina Karya

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

5th Shesharya

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
deem it their duty to submit the attention of
Government to the observations recorded in
Parah. 4 of the letter of the Special Commi-
ssioners of the 8th Ultimo and with
reference thereto, to submit their recommenda-
tion that the fifth prisoner

Sotail Shesharya

be pardoned and that authority be granted
for immediately discharging that prisoner
with a suitable admonition.

The Court of Foujdaree Udalut
direct

direct that their sentences in the Trial No.
129 from the Mangalore Special Commi-
ssion together with the whole of the pro-
ceedings 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 car-
ried into execution.—

(Sent in No. 435)

Read the Criminal Reports
prescribed by Section XXXV Regulation X
of 1816 submitted by the Criminal Judge
of Canara for the month of February last.—

(Here enter No. 590)

The above Reports do not ap-
pear to call for any remarks from the Court
of Foujdaree Udalut.—

Ordered therefore that Extract
from these proceedings be sent to the Cri-
minal Judge of Canara for his information.—

(Sent in No. 436)

Ex. c. Dr.

WB
L.t.O.
WB

T. U.

At a Court of the Fonjdaree Udalut

Present

Friday 16th March 1838. John Bird Esqre _____ 1st Puisne Judge
Thomas Alexr Oakes Esqre Officiating 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read again letters dated respectively 30th January, 1st, 2nd and 6th Ultimo from the Special Commissioners at Mangalore, submitting for the final Judgment of the Fonjdaree Udalut the records of cases Nos 106- 125- 133- 134- and 137- by the Special Commission

/Here enter Nos 283, 249, 305, 298, and 350./

Read also Extract from the Minutes of Consultation under date the 6th Instant, confirming the Sentences of the Fonjdaree Udalut in Mangalore Special Trials Nos 106, 125, 133, 134, and 137-

/Here enter No 567-/

Case No 106.
Mr Bird and Mr Campbell

Under the authority of the Right Honorable the Governor in Council the Court do accordingly direct that the Prisoner Timmuppa Hegade Soliel be set at liberty-

Case No 125.
Mr Bird and Mr Oakes

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

Under

16th March 1838.

Case No. 133.
Mr. Bird
and
Mr. Campbell.

Under the authority of the Right Hono-
-able the Governor in Council the Court do accordingly
direct that the Prisoner

Venka Marala

be released with a suitable admonition, upon his en-
-furnishing two Sureties, in the Sum of Rupees 300/
Three hundred each, for his good behaviour and ap-
-pearance when required.

Case No. 134
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 Hoosain Dearg alias
Hoosain Mahomed Subadar

be banished to the District of Combatore, to be im-
-prisoned 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. 137.
Mr. Bird
and
Mr. Campbell

Under the authority of the Right
Honorable the Governor in Council the Court do accord-
-ingly direct that the Prisoner

Moorchittaya Vastava

be banished to the District of Combatore to be im-pri-
-soned 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 Extracts
from their Proceedings under dates the 16th 17th 21st and 23d Ultimo in Cases Nos. 106,
125, 133, 134, and 137 be sent for the information and gui-
-dance of the Mangalore Special Commission.

(Sent following letter No. 438)

WB
T.H.D.
WS

Ed. Cl. R.

1.

X

J. U.

At a Court of the Tongdarre Adalut
Present

Saturday 17th March 1838.

John Bird Esqr. ——— 1st Puisne Judge
Thomas Alexr. Oakes Esqrs. ——— 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

Read again letter dated 3d Ultimo
from the Special Commissioners at Bangalore submit-
-ting for the final Judgments of the Tongdarre Adalut
the record of Cases Nos. 50. 51 53 and 83. by the
Special Commission.

(Here enter No. 346.)

WB
T.H.D.
WS

Read also letter dated the 5th Instant
from J. Vaughan Esqr. 2nd Judge of the Provincial Court
in the Western Division, late Special Commission,
reporting the Death of Lachry the 3rd Prisoner in
Mangalore Special Trial No. 50.

(Here enter No. 581.)

Read also letter dated the 8th instant
from J. Vaughan Esqr. 2nd Judge of the Provincial
Court in the Western Division late Special Commis-
-sion, reporting the death of Hummuday the 5th Prisoner
in Mangalore Special Trial No. 50.

(Here enter No. 593.)

Read also Extract from the Minutes
of Consultation under date the 10th instant, confirming
the Sentences of the Tongdarre Adalut in Mangalore
Special Trials Nos. 50. 51. 53. and 83.

(Here enter No. 597.)

Under

Case No. 50.
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 Abdoola

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.

Case No. 51.
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 Oomber Kaby
2nd Lakshmanadeva Rubanja
and
3d Ijjobah

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.

Case No. 53.
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 Moosa
2nd Moosa Son of Mahomed
and
3rd Kummubba

be imprisoned and kept to hard labour in Irons on the public roads, or other public works, for and during the the period of ten years.

Case No. 83.
Mr. Bird
and
Mr. Campbell

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

2d Ismael

2nd Ismael

be set at liberty; and that the Prisoner

1st Awaj-ood-dein

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.

The Court likewise direct that Extracts from their proceedings under date the 27th Ultimo on Cases Nos. 50. 51. 53. and 83. be sent for the information and guidance of the Mangalore Special Commission-

/ Sent following letters Nos. 1119 /

Read return dated the 6th Instant made by the Acting Criminal Judge of Madura to the precept of the Foujdaree Adalut of the 26th February 1838 conveying their observations and orders on the Criminal Reports of that Zillah for the month of January 1838.-

/ Here enter No. 579 /

From the explanation given by the Acting Criminal Judge in pursuance of the above return respecting the commitment of the Prisoner concerned in Case No. 18. of the Report No. 3 for the month of January last, it does not appear that any attempt has been made by the Acting Criminal Judge to procure further evidence against the Prisoner Doorvasunkera Moodeley than that afforded by the "documentary evidence" which was before the Court of Foujdaree Adalut when their order of the 29th December last was passed in which only the

Eventual

eventual commitment of the Prisoner for trial before the Court of Circuit was directed.—

2. The commitment of the Prisoner under the explanation now afforded the Court of Fouzdaree Adalut deem to be premature, but they resolve to leave it to the Judge who may next proceed on Circuit in the Southern Division to pass such orders on the case under Section XXIII. Regulation X of 1816, as to him may appear proper and consistent with the Regulations; every endeavour being in the mean time made by the Officer in charge of the Criminal Court to obtain further evidence.—

Ordered that Extract from these Proceedings be forwarded to the Acting Criminal Judge of Madura for his information and guidance.

(Sent in No. 641)

Read letter dated the 7th instant from the Acting Joint Criminal Judge of Guntoor submitting the Reports prescribed by Section XXXV. Regulation X of 1816 for the month of February last.—

(Here enter No. 585.)

Case No. 9. 1. The Magistrate of Guntoor is directed to ascertain the exact period the Prisoner concerned in Case No. 9 was detained by the Police Officer in the Talook, and should the reasons assigned by the Head of Police for the delay, not appear to him satisfactory he is required to take such notice of the Police Officer's conduct as may appear to him proper reporting the result for the information of the Fouzdaree Adalut.—

The

2. The Magistrate is also requested to cause the Head of Police to be informed that whenever he may have occasion to make a report to the Magistrate respecting any Police investigation, and the same occasions a detention of the Prisoners beyond the Prescribed period, the reasons why such preference was considered necessary should be Explained by him when forwarding the case to the Criminal Court.—

Ordered, that Extract from these Proceedings be furnished to the Acting Joint Criminal Judge at Guntoor with instructions to Communicate copy thereof to the Magistrate of Guntoor for his information and guidance.—

(Sent in No. 642)

Read letter dated the 5th instant from the Joint Criminal Judge of Cochin submitting the Criminal Report for the month of February.—

(Here enter F. R. No. 586 of 1838.)

1. The Prisoner in the case entered in this Report was charged with having in his possession an Anchor that was cut away from the Vessel belonging to Damodra Shettor while at anchor on the night of the 1st January 1838, valued at 25 Rupees, and being convicted was sentenced to receive 100 Lashes under clause fourth, Section IV. Regulation VI. of 1822.—

2. The Court of Fouzdaree Adalut observe that the Indictment should have charged that the Prisoner receive the Property in question, knowing

17th March 1838.

"knowing that the Same had been Stolen."

Ordered that Extract from these Proceedings be forwarded to the Joint Criminal Judge of Cochin for his information.

/Sent in No. 443/

C & CSR.

J.H.O.

F. U.

At a Court of the Tongdaree Udalut

Present

John Bird Esqre. _____ 1st Puisne Judge

Monday 19th March 1838 Thomas Alexr. Oakes Esqre. 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge.

Read Miscellaneous Petition &c. -

dated on the 5th Ultimo by Alagammay of the District of South Arcot -

/Here enter M. P. No. 16 of 1838./

Read also Miscellaneous Petitions presented by Vanadarajapillay of Cuddalore -

/Here enter M. P. No. 17 of 1838./

1. The object of these Petitions is to obtain an order for the release of two Persons named Sawaday and Sreenivasen - the former the third, and the latter the second Prisoner in Case No. 7 of the Cuddalore Calendar for the Second Sessions of 1837, who were convicted by the Court of Circuit and sentenced by the first Judge on Circuit in the Centre Division to imprisonment &c. for fourteen years, for Gang Robbery by open violence -

2. In No. 16. the Party is the Mother of Sawady - in No. 17. the father of Sreenivasen - and in both Petitions it is alleged that the charge was false, and was preferred for the purpose of gratifying the Malicious and vindictive feelings of the Prosecutor and others, and that the Prisoners were induced to confess by the cruel treatment to which they were subjected by the Native Officers of Police -

3. The Court of Tongdaree Udalut have -

17th March 1838.

"knowing that the same had been Stolen"

Ordered that Extract from these Proceedings be forwarded to the Joint Criminal Judge of Cochin for his information -

/Sent in No. 443/

Ex. ex. R.

W.
L.D.
W.

F. R.

At a Court of the Foujdaree Adalut

Present

Monday 19th March 1838.

John Bird Esqre. ——— 1st Puisne Judge
Thomas Alexr. Oakes Esqre. 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. 3rd Puisne Judge.

Read Miscellaneous Petition (Pre-
-sented on the 5th Ultimo by Alagammay of the District
of South Arcot -

/Here enter M. P. No. 16 of 1838./

Read also Miscellaneous Petition
(Presented by Varadarajapillay of Cuddalore -

/Here enter M. P. No. 17 of 1838./

1. The object of these Petitions is to obtain an order for the release of two Persons named Pavaday and Sreenevasen - the former the third, and the latter the second Prisoner in Case No. 7 of the Cuddalore Calendar for the Second Sessions of 1837, who were convicted by the Court of Circuit and sentenced by the first Judge on Circuit in the Centre Division to imprisonment &c. for fourteen years, for Gang Robbery by open violence -

2. In No. 16. the Party is the Mother of Pavady - in No. 17. the father of Sreenevasen - and in both Petitions it is alleged that the charge was false, and was preferred for the purpose of gratifying the Malicious and vindictive feelings of the Prosecutor and others, and that the Prisoners were induced to confess by the cruel treatment to which they were subjected by the Native Officers of Police -

3. The Court of Foujdaree Adalut have -

17th March 1838.

"knowing that the same had been Stolen"

Ordered that Extract from these Proceedings be forwarded to the Joint Criminal Judge of Cochin for his information -

/ Sent in No. 443 /

Exd. C.S.R.

1/3

L.F.O.

12

J. N.

At a Court of the Tongdaree Adalut

Present

John Bird Esqre. _____ 1st Puisne Judge

Monday 19th March 1838. Thomas Alexr. Oakes Esqre. No. 2d Puisne Judge

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge.

Read Miscellaneous Petition from

1/3 Instituted on the 5th Ultimo by Alagammay of the District

L.F.O. of South Arcot -

12 / Here enter N. P. No. 16 of 1838. /

Read also Miscellaneous Petition

presented by Varadarajapillay of Cuddalore -

/ Here enter N. P. No. 17 of 1838. /

1. The object of these Petitions is to obtain an order for the release of two persons named Tawaday and Sreenivasen - the former the third, and the latter the second Prisoner in Case No. 7 of the Cuddalore Calendar for the Second Session of 1837, who were convicted by the Court of Circuit and sentenced by the first Judge on Circuit in the Centre Division to imprisonment for fourteen years, for Gang Robbery by open violence -

2. In No. 16. the Party is the Mother of Tawaday - in No. 17. the father of Sreenivasen - and in both Petitions it is alleged that the charge was false, and was preferred for the purpose of gratifying the Malicious and vindictive feelings of the Prosecutor and others, and that the Prisoners were induced to confess by the cruel treatment to which they were subjected by the Native Officers of Police -

3. The Court of Tongdaree Adalut leave -

have had before them the whole of the Proceedings held by the lower Tribunals: and after an attentive perusal of the record - the Court see no ground to question the propriety of the Sentence passed on the Prisoners

Ordered that Extract from these Proceedings be furnished to the Petitioners upon their application -

Read Miscellaneous Petition presented on the 12th Ultimo by Lorbaummal of the Tillah of Combaconum -

/ Here enter Rl. No. 22 of 1838. /

The prayer of this Petition is that an order may be issued for the release of Aiyerdawmy Iyar Prisoner in Case No. / of the Combaconum Calendar for the Second Sessions of 1837. who being convicted of Rape was Sentenced by the Court of Fouzdaree Udalut under the provisions of Clause first, Section V. Regulation VIII of 1831. to imprisonment with hard labour in Irons for seven years and to receive one hundred and fifty lashes.

2.

Petitioner who is the wife of the Prisoner alleges that the charge against the latter was altogether false and was trumped up by the Prosecutor with the view of getting rid of an accusation preferred against himself at the instance of the Petitioner - of having been concerned in various malpractices.

3.

The Court of Fouzdaree Udalut observe that they see no grounds to doubt the justice of the Sentence passed upon the Prisoner in question and that part of the allegations set forth in this Petition are false, as proved by the Records of this Court; and that they see

Cause

cause to discredit others -

Ordered that Extract from these Proceedings be furnished to the Petitioner upon his application -

Read Miscellaneous Petition presented on the 26th Ultimo by Maga Moonee of the Zillah of Madura -

/ Here enter Rl. No. 30 of 1838. /

Petitioner prays that an order may be issued for the release of Chinna Veroodoo Servaykarren Prisoner in Case No. 28 of the Combaconum Calendar for the Second Sessions of 1837. who was convicted before the Court of Circuit of Gang Robbery and Sentenced to imprisonment with hard labour in Irons for fourteen years.

Petitioner - who is the Son of the Convict alleges that the latter is altogether innocent of the crime charged, and that he was accused and brought to punishment through the intrigues of the very Persons by whom the Robbery was committed -

The Court of Fouzdaree Udalut before passing any final order on this Petition, resolve to direct that a translation of it be sent to the Acting First Judge late on Circuit in the Southern Division in order that should the allegations therein set forth at all tend to raise a doubt in the mind of that Officer in respect of the result of the Trial in question, he may institute such further inquiry as he may deem requisite -

Ordered that Extract from these Proceedings be sent to the Acting First Judge late on

Circuit

of 1837 and 4 of 1838 - and concludes by observing that it being clear that the accusations of the 2nd prisoner and 4 others of the Pariah caste preferred by the 1st prisoner and the witnesses (all Pullers) were false and the Pullers having admitted that they were very shortly before the time of the Robbery on the Site of the robbery and telling a falsehood to shift blame on the Pariahs, it is almost certain that this was to shift it from themselves and upon the Evidence they were convicted.

2. The Court of Tongdarre Udalut do not consider the evidence sufficient for the conviction of the Prisoners: but even if the charge were proved, it would not be competent to the Criminal Court to dispose of the case, the Offence being Gang Robbery by open violence.

3. The Court deem it necessary to set aside the Sentence passed by the Acting Joint Criminal Judge; but in doing so they mistrust to suggest to that Officer the expediency of requiring security from the Prisoners, to whom there are grounds to impute considerable suspicion.

Ordered that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information.

Sent in Ct. 458

the Record of Case No. 7 on the Cuddalore Calendar for the Second Sessions of 1837.

/ Here enter F.H. No. 588 of 1838. /

This Case was called up by the Court of Tongdarre Udalut in consequence of certain remarks recorded in the Calendar by the First Judge on Circuit in the Centre Division who tried the case, which seemed to indicate a distrust on the part of that Officer, of the evidence for the Prosecution.

2 The Court of Tongdarre Udalut having perused the proceedings now laid before them, see no ground to question the Justice of the Sentence passed by the First Judge on the Prisoners concerned in the case in question.

Ordered that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information.

/ Sent in Ct. 459 /

Ex cur.

115

30

25

T. U.

At a Court of the Tonjdarre Adalut-

Present

Tuesday 20th March 1838.

John Bird Esqre _____ 1st Puisne Judge

Thomas Alexr Oakes Esqre 2d 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3d 3rd Puisne Judge

Read again letter dated the 5th Ultimo

1/3 / 10 / 45

from the Special Commissioners at Mangalore, submitting for the final Judgment of the Tonjdarre Adalut, the Record of case No. 135 by the Special Commission-

/ Here enter No. 348. /

Read also Order of Government dated the 12th Instant, approving the Sentence of the Tonjdarre Adalut in Mangalore Special Trial No. 135-

/ Here enter No. 616. /

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

Mr Oakes and Mr Campbell

Dunga Dey

be set at liberty-

The Court likewise direct that an Extract from their Proceedings under date the 7th Instant, in Case No. 135 be sent for the information and guidance of the Mangalore Special Commission-

/ Sent following letter No. 464 -

Read letter dated the 27th Ultimo from the Third Judge on Circuit in the Northern Division, submitting for the final judgment of the Court of Tonjdarre Adalut the Record of Case No. 8 of the Chittacole Calendar for the Second Session of 1837-

/ Here enter Ct. No. 342 of 1838. /

The

Mr Bird
and
Mr Campbell

1.

The Court of Fouzdarree 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-cozzat and Mooftees of the Fouzdarree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and under the finding of Cohoobut declared in that Futwa, Sentence the Prisoners

1st Totah Poter

and

2nd Kurrty Bungaroo

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 in No 1651)

The Court of Fouzdarree Udalut direct that the Magistrate of Ganjam be instructed to urge the Police to exert themselves to recover the Property taken from the person of the deceased but not forthcoming which the Prisoners allege was carried away by Lauchuk reported by the Criminal Court, but who, there is too much reason to suspect was the instigator and the principal perpetrator of the murder in this case.

Ordered that Extract from these Proceedings be sent to the Third Judge in Circuit in the Northern Division by Dawk returnable within five days from and after its receipt.

(Sent following Dawk No 466.

Read return dated the 1st instant made by the Criminal Judge of Bellary to the Dawk of the Fouzdarree Udalut of the 20th of February 1838 conveying

conveying their observations and orders on the Criminal Reports for the month of January 1838.

(Here enter No 535.)

Under the Explanation submitted by the Assistant Criminal Judge respecting Case No 21 of 1837 the Court of Fouzdarree Udalut consider the punishment that has been awarded by the Assistant Criminal Judge as amply sufficient for the offence of which the Prisoner was convicted, and they desire that that Officer be informed that in Cases of a similar nature the Court of Fouzdarree Udalut do not desire the infliction of a heavier penalty.

Ordered that Extract from these Proceedings be forwarded to the Criminal Judge of Bellary for his information and guidance.

(Sent in No 467.)

Read letter from the Acting Joint Criminal Judge at Cuddalore dated the 10th instant submitting the Criminal Reports for the month of February 1838.

(Here enter No 592.)

Case No 9.

The Court of Fouzdarree Udalut do not intend to disturb the Sentence that had been passed by the Acting Joint Criminal Judge in Case No 9, but for the future guidance of that Officer they would record their opinion that a theft committed under the circumstances explained in the Report should be visited with a severer Penalty than has been awarded against the Prisoner "Chinnapien" concerned in the Case under observation.

The

Case No. 11.

2. The Court of Fouzdaree Udalut desire that the Assistant Magistrate of South Arcot be informed thro' the Magistrate of the District that the reasons assigned by him for the detention of the Prisoner in Case No. 11. from the 18th of December 1837 to the 6th of February 1838 are altogether insufficient - and the long detention of the Prisoner before the Assistant Magistrate is in this instance more to be regretted, since the investigation into the case, conducted by the Acting Joint Criminal Judge, terminated in the discharge of the Prisoner -

3. The Court desire that a copy of the case, as entered in the Report, be furnished to the Magistrate, in order that the cause of the detention of the Prisoner may be more fully explained -

Case No. 13.

4. The Magistrate of South Arcot will also be pleased to advise the Head of Police of Ellavanasoor that the reasons assigned by him for the detention of the Prisoner in Case No. 13 have been repeatedly denounced by the Court of Fouzdaree Udalut as insufficient and he will inform that Police Officer that having gone so far into the investigation of a Complaint as to satisfy himself that credit be due to the accusation it is his duty to forward the case with such material witnesses to the Criminal Court, forwarding the other witnesses in the case as their attendance can be procured -

5. The Sentence passed by the Acting Joint Criminal Judge upon the Prisoner concerned

concerned in Cases Nos. 13. 14. 15. and 16. requires amendment the Court of Fouzdaree Udalut observe that the total amount of the property stolen did not exceed 50 Rupees and the circumstances proved do not justify the conclusion that the Prisoner has been in the constant habit of pilfering and unless therefore the Prisoner had been before convicted of theft, or other heinous offence, or the Commission of the Theft was attended with any other of the aggravating circumstances specified in Clause 4th Section III Regulation VI of 1822, the case must be disposed of under the provisions of Section VII. Regulation X of 1816 -

Cases Nos. 22. & 23.

6. The Sentence passed upon the 1st Prisoner in Cases Nos. 22 and 23. also requires to be amended - a previous conviction before a Police Officer for theft is not sufficient to bring the case within Clause 2d Section III. Regulation VII of 1822 - nothing short of a previous conviction before an Officer competent to exercise the powers of punishment authorized by Section VII Regulation X of 1816 will justify the infliction under such circumstances of the enhanced punishment authorized by Clause 2d Section III Regulation VI of 1822 -

Case No. 24.

7. The Magistrate of South Arcot is requested to cause the Police Ameen of Porto Novo that whenever he may have occasion to make a Report to the Magistrate respecting any Police investigation, and the same occasions a detention of the Prisoners beyond the prescribed period, the reasons why such prisoners was considered necessary should be explained

20th March 1838.

explained by him when forwarding the case to the Criminal Court; it would be satisfactory also to receive from the Joint Magistrate an explanation why the reference made to him in this Case by the Police Ameen of Porto Novo was not earlier replied to.

Ordered that Extract from these Proceedings be forwarded to the Acting Joint Criminal Judge at Cuddalore for his information and guidance by Precept returnable in 10 days from and after its receipt, and with instructions to communicate Paras 1. 2. 3. 4. and 7. to the Magistrate in the Southern Division of Arcot for his information and guidance.—

Ex C.R. WB / Sent following Precept No 1168/

J.H.O.

ADS

F. H.

At a Court of the Fouzdaree Adalut.

Present

Thursday 22nd March 1838

John Byrd Esqre _____ 1st Puisne Judge
Thomas Alexr Oakes Esqre 2d Puisne Judge
Alexr Duncan Campbell Esqre 3d Puisne Judge

JB

J.H.O.

ADS

Read again Letters dated the 4th December 1837 from the late Acting Judge on Circuit in the Centre Division submitting for the final Judgment of the Court of Fouzdaree Adalut the Records of Cases Nos. 14 and 16 of the Bellaree Calendar for the Session of 1837.

/Here enter F.H. Nos 2538 and 2559 of 1837./

Read also again Return dated the 5th ultimo from the Criminal Judge of Bellary to the Precept of the Court of Fouzdaree Adalut under date the 15th January 1838, sending back for further Evidence the Records of the Cases above recorded.

/Here enter F.H. No. 329 of 1838./

Read also Return dated the 23d ultimo from the Same Officer to the Precept of the said Court under date the 15th February 1838 calling for the Depositions taken from Puttenbully Boodun the first Prisoner in Case No 15 of the Bellaree Calendar of the 2nd Session of 1837.

/Here enter F.H. No. 491 of 1837./

Read also Letter dated the 3rd Instant from the Same Officer forwarding a Translation of the Deposition of the aforesaid Puttenbully Boodun before the Court of Circuit.

/Here enter F.H. No. 557 of 1838.

JB

Cases Nos: 14 & 16.

Mr. Bird
Mr. Oakes
and
Mr. Campbell

The Court of Foujdaree Udalut, having maturely considered the Proceedings held before the Judge on Circuit, the Futwas of the Provincial Law Officers, and the Futwas of the Cazee-ool-ezzat and Mooftees of the Foujdaree Udalut, confirm such parts of the said Futwas of the Cazee-ool-ezzat and Mooftees aforesaid, as acquits the prisoner

3rd Dodda Buffeepah

and do accordingly acquit him: but for as much as from the evidence adduced the prisoner appeared to be of a character so notoriously bad and dangerous as to render his release without substantial security evidently unsafe and improper, the Court direct that he be required to find two Sureties in One thousand Rupees each to Surety for his good behaviour and appearance when required: and that in default of giving the Security required he be detained in confinement under the provisions of Clause Second, Section X Regulation VII of 1827: 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, 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 inquiries he may judge necessary, to determine whether the prisoner shall be then 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 if the Judge of Circuit

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.—

And being of opinion that the proof against the prisoners

1st Sillah

and

2nd Dudwah

is sufficient to convict them of Gang Robbery accompanied by Murder, 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 clauses First and Fifth, Section IV, Regulation XV of 1803, sentence the prisoner

1st Sillah

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

2nd Dudwah

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.—

In respect of the third prisoner Dodda Buffeppa, it appears to the Court of Foujdaree Udalut that in Case No 16 there is no Evidence upon which he can be convicted: and as in Nos 16— the 3d and 4th Prosecutors who have sworn to him before the Court of Circuit did not pretend before the Police

Officers

Officer to take recognizance him, and the first Prisoner did only before the Magistrate declare that he recognized him, there is no evidence which can be depended upon for his conviction—

Ordered, That Extract from the Proceedings be sent to the Provincial Court of Circuit in the Centre Division for the information of the Criminal Judge of Bellary—

/Sent in No. 472/

Read again letters dated respectively the 6th and 8th Ultimo from the Special Commissioner at Mangalore, submitting for the final Judgment of the Special Commission—

/Here enter Nos. 349 and 355/

Read also Extract from the Minutes of Consultation under date the 16th Instant, confirming the Sentences of the Tongdarra Adalut in trials Nos. 136 and 139 of the Special Commission at Mangalore—

Cash No. 136.
Mr. Bates
and
Mr. Campbell

/Here enter No. 624/

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

1st Ahiya Bunta, Detail
2nd Hannaya, Shanbhogue
and
3rd Company Babah

be set at Liberty—

Under

J. U.
22nd March 1838.
Cash No. 139.
Mr. Bird
and
Mr. Campbell

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

Coly Lindwallan Total

be immediately released from Confinement, with a suitable admonition—

The Court likewise direct that Extract from their Proceedings under date the 27th Ultimo on Cases Nos. 136 and 139 be sent for the information and guidance of the Mangalore Special Commission—

/Sent following letter No. 473/

Read the Criminal Reports prescribed by Section XXXI Regulation X of 1816. Submitted by the Joint Criminal Judge at Tellicherry for the Month of February 1838—

/Here enter No. 599—/

The above Reports do not appear to call for any remark from the Court of Tongdarra Adalut—

Ordered therefore that Extract from their Proceedings be sent to the Joint Criminal Judge at Tellicherry for his information—

/Sent in No. 474/

Read return dated 26th of February 1838 from the Joint Criminal Judge of Tellicherry to the Court's Precept dated 19th February 1838, conveying the observations and orders of the Tongdarra Adalut on the Joint Criminal Judge's Criminal report for January 1838—

/Here enter No. 520/

Under the Explanation offered in the above return, the Tongdarra Adalut resolve to authorize—

authorize the Joint Criminal Judge to amend the Sentence passed on the Prisoner enumerated in Case No 4 of the Criminal file for January 1838.

Ordered, that Extract from these Proceedings be forwarded to the Joint Criminal Judge of Tellicherry for his information and guidance.

/ Sent in No. 475 /

Read Return dated the 13th instant and Supplemental Return dated the 16th instant from the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Fouzdaree Adalut under date the 19th February 1838. sending back the Record of Case No 4 of the Cuddalore Fourth Supplemental Calendar of the Second Sessions of 1837. with instructions to direct the Acting Joint Criminal Judge of Chingleput to take the evidence of the Prosecutor Ooothiah Chetty and of any other persons who were present on the occasion of the Robbery.

/ Here enter Sd. Nos 627 and 651 of 1838 /

The Court of Fouzdaree Adalut having considered the evidence in this case, resolve to accede to the Recommendation of the First Judge late on Circuit in the Centre Division, in favor of the Prisoners; and, under the Provisions of Clause third, Section III. Regulation I of 1825, accordingly direct that the said Prisoners namely-

1st Shengan

2nd Vennatan

and

3rd Aroomoogum

be

be severally 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 the Provincial Court of Circuit in the Centre Division by Precept returnable within three days from and after its receipt.

/ Sent following Precept No 476 /

Read letter dated the 27th Ultimo from the 1st Judge on Circuit in the Western Division transmitting the record of Case No 29 on the Malabar Calendar for the 1st Sessions of 1838.

/ Here enter Sd. No. 539. /

Case No 29.

Mr. Bird

and

Mr. Campbell.

The Court of Fouzdaree Adalut having maturely considered the Proceedings held before the Judge on Circuit, the Fetwa of the Provincial Law Officer, and the Fetwa of the Cazee-ool-cozat and Mooftees of the Fouzdaree Adalut, confirm the said Fetwa of the Cazee-ool-cozat and Mooftees aforesaid, convicting the Prisoners

1st Chandnataragan vrelet Kannoo

and

2nd Manikam vrelet Paramen

of wilful Murder and awarding Kissas, and under the Provisions of Section X, Regulation VIII of 1802 sentence the said Prisoners to suffer death by being hanged so soon as conveniently can be after the receipt of this Warrant at a spot to be selected by the Criminal Judge in the immediate vicinity of the place

Where

authorize the Joint Criminal Judge to amend the Sentence passed on the Prisoner concerned in Case No. of the Criminal file for January 1838.

Ordered, that Extract from these Proceedings be forwarded to the Joint Criminal Judge of Tellicherry for his information and guidance.

/Sent in No. 475/

Read Return dated the 13th instant and Supplemental Return dated the 16th instant from the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Fouzdaree Adalut under date the 19th February 1838. finding that the Record of Case No. 1 of the Cuddalore Fourth Supplemental Calendar of the Second Sessions of 1837 with instructions to direct the Acting Joint Criminal Judge of Chingleput to take the evidence of the Prosecutor Monthiah Chetty and of any other Persons who were present on the occasion of the Robbery.

/Here enter Proceedings Nos. 637 and 651 of 1838/

The Court of Fouzdaree Adalut having considered the evidence in this case; Resolve to accede to the recommendation of the First Judge late on Circuit in the Centre Division, in favor of the Prisoners; and, under the Provisions of Clause third, Section III. Regulation I of 1825, accordingly direct that the said Prisoners namely-

1st Shengan

2nd Vinnetan

and

3rd Aroomoogum

be severally 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 the Provincial Court of Circuit in the Centre Division by Precept returnable within three days from and after its receipt.

/Sent following Precept No. 476/

Read letter dated the 27th Ultimo from the 1st Judge on Circuit in the Western Division transmitting the record of Case No. 29 on the Malabar Calendar for the 1st Sessions of 1838.

/Here enter No. 539./

Case No. 29.

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-ool-cozat and Mooftee of the Fouzdaree Adalut, confirm the said Fatwa of the Cazee-ool-cozat and Mooftee aforesaid, convicting the Prisoners

1st Chandrataragan vrelit Kannoo

and

2nd Manikam vrelit Daramen

of Wilful Murder and awarding Kissas, and under the Provisions of Section X, Regulation VIII of 1802 Sentence the said Prisoners to suffer death by being hanged so soon as conveniently can be after the receipt of this Warrant at a Spot to be selected by the Criminal Judge in the immediate vicinity of the Place

Where

where the murder was committed—

/ Sent following letter No. 477 /

Read the Criminal Reports &c
prescribed by Section XXXV Regulation X of 1816—
submitted by the Joint Criminal Judge at Tinnevelly
for the month of February 1838—

/ Here enter No. 609 /

The above reports do not appear to
call for any remark from the Court of Foujdaree &c
Udalut—

Ordered, therefore that Extract from
these Proceedings be sent to the Joint Criminal &c
Judge at Tinnevelly for his information

/ Sent to No. 478 /

Read return dated the 12th Instant
from the Acting Joint Criminal Judge of Vizagapa-
tam, to the Precept of the Foujdaree Udalut dated
26th February 1838 conveying the observations and
orders of the Foujdaree Udalut on the Criminal &c
reports for January 1838—

/ Here enter No. 645— /

Gt C.R.

W.S.
T.P.C.
W.D.

W.O.

F. 116.

At a Court of the Foujdaree Udalut.

Present

John Bird Esqr. _____ 1st Puisne Judge.
Thomas Alexander Oakes Esqr. 2d Puisne Judge.
Alexr. Duncan Campbell Esqr. 3d Puisne Judge.

Friday
23d March 1838.

Read letter dated the 8th Instant
from the Criminal Judge of Chicacole forwarding
the Criminal Reports for the month of February
/ Here enter F. No. 603 of 1838. /

W.S.
T.P.C.
W.D.

Suppl. Report
174.

1. It appears that the examination
of this case has not yet been commenced—not-
withstanding the prisoners arrived at the
Criminal Court &c &c so long ago as the 18th
December 1837. in consequence of the non-at-
tendance of the witnesses for whom applications
were made to the Joint Magistrate on the 23d
December 1837 and 27th January 1838—

2. The Criminal Judge will be
pleased again to call the attention of the Magis-
trate to this case and request that Officer to sub-
mit, direct to the Court of Foujdaree Udalut—
explanation of the cause of the delay in sending
up the witnesses, and report on the probability
or otherwise of their being produced at no
distant period before the Criminal Court.

No. 10.
Summary Report.

3. The Criminal Judge will be plea-

to ascertain and report whether any or what measures have been adopted for the apprehension of the "eight Pundah or Vedia" Brahmins of whom Captain Vallancey reports that "they sometimes follow the Profession of Thuggee and who were noticed in the garden on the day on which the murder was committed, and whom that Officer records his belief that they were the murderers of the deceased three Mussulmans."

February Report. No. 11. 4. The Criminal Judge will be pleased to forward a copy of this Cadjan as noted given in the Report to the Magistrate and request that Officer to report to the Zeyndaree Adalut what notice he has taken of the Executive inquiry and apparent want of exertion on the part of the Head of Police of Cuttack.

No. 16. 5. In this case, the Prisoner Cannacum Sunniassee was charged with having, on the 10th January 1838, preferred a false charge before the Magistrate against Cottee Nauptee and Butta Ramee Naidoo of having illegally confined him, and received from him twenty Rupees.—

6. The prisoner was "sentenced to two months imprisonment under Section II Regulation IX of 1832."—

7. The Sentence is illegal, for as much

as the Regulation quoted does not include false charges preferred to a Magistrate, but those only which are preferred to a "Head of District Police or Police Officer vested with the powers of a Head of District Police."

8. The Court of Zeyndaree Adalut resolve to set aside the sentence and to direct that the prisoner in question be immediately discharged from confinement.

9. It is not easy to discover upon what grounds the accused was convicted. It is alleged in the Report that "the witnesses know nothing of this and the former charge." The Court of Zeyndaree Adalut do not know what is intended by the "former charge."—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Chicacole by Receipt returnable within twelve days from and after its receipt.—

(Sent following Receipt No. 479)

Read return, dated the 5th Instant from the Criminal Judge of Rajahmundry to the Receipt of the Zeyndaree Adalut dated the 19th February 1838 conveying their observations and orders on the Rajahmundry Criminal Reports for the month of January.—

(Here enter No. 569)

Read

23rd March 1838.

Read letter dated the 9th Instant from the Magistrate of Malabar submitting an explanation relative to Case No 17 of the Calicut Criminal Reports for January called for in the Extract from the proceedings of the Foujdaree Udalut dated the 24th Ultimo.

(Here enter No 605)

Read letter dated the 12th Instant from the Magistrate of Madura submitting an explanation relative to Case No 10 of the Madura Criminal Reports for the month of January called for in the Extract from the Proceedings of the Foujdaree Udalut dated the 26th Ultimo.

(Here enter No 626)

Read return dated the 19th Instant from the 3rd Judge on Circuit in the Northern Division to the precept of the Foujdaree Udalut dated the 3rd March 1838 directing him to explain why he fixed so early a date for opening the Special Sessions at Vizagapatam.

(Here enter No 632)

Ent'd W
W
I H O
W

H.

Fort Court of the Foujdaree Udalut

Present

Saturday
24th March, 1838. The Hon'ble John Bird Esq. ——— 1st Puisne Judge
The Hon'ble Thomas Oldham Baker Esq. ——— Acting 2d Puisne Judge
The Hon'ble Duncan Campbell Esq. ——— 3d Puisne Judge

W.S
I.H.O.

Read letter dated the 9th instant from the Chief Judge of the Provincial Court of Circuit in the Centre Division forwarding Copies of the Fourth, Fifth and Sixth Supplemental Calendars of the First Quarter Sessions of 1838 holden at Chittoor.

(Here enter S. D. No 652 of 1838)

Fifth Supplemental Calendar

1. In the case on this Calendar the prisoner

one charged with having, on the night of the 4th February 1838, in concert with nineteen others, entered the prosecutor's house, assaulted the prosecutor and the servant's wife with sticks, and robbed from the house property of the value of Rupees 60-12—

2. The prisoner is convicted, but in consideration of his not being an old offender, and the robbery not being attended with any personal injury and no stolen property being found on him the Circuit Judge recommends that a mitigated sentence of four years imprisonment with hard labour in irons be passed on him.

3. The Court of Foujdaree Adawlut are of opinion that the punishment proposed by the Chief Judge

Judge would be inadequate to the degree of criminality established against the prisoner: and accordingly direct that the said prisoner

Coachie Chinnayen

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the term of seven years.—

Madras Jud. Sp. Cal. 4. In the case of the Calman stated prisoner was charged with having on the morning of the 23d. February 1838, enticed one Coolamee from the village in which she resided, to an jungle about a half mile distant from the said village, and with having robbed her by violence of a gold ornament of the value of Rupees 17/—.—

5. The prisoner is convicted, and the Presiding Judge suggests that a mitigated sentence of five years imprisonment will be sufficient for the ends of justice in consideration of the prisoner not being an old offender, and the robbery not being attended with any aggravating circumstances.—

6. The Court of Sudder Adawlut, having maturely considered the circumstances of this case, resolve to accede to the recommendation of the Third Judge, and under the authority vested in them by Clause third, Section III, Regulation X of 1825, direct that the prisoner Poonnachellum

be

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.—

Ordered, that Extract from the proceedings be forwarded to the Third Judge of the Provincial Court of Circuit in the Centre Division by Dawk for return within three days from and after its receipt.—

(Court following Receipt No. 1681)

Read the Criminal Report submitted by the Criminal Judge of Chingleput for the month of February.—

(Here enter No. 608)

The above Report does not appear to call for any remark from the Court of Sudder Adawlut.—

Ordered, that Extract from the proceedings be sent to the Criminal Judge of Chingleput for his information.—

(Sent in No. 1482)

Read letter dated the 15th instant from the Criminal Judge of Chittoor transmitting the Criminal Report for the month of February 1838.—

(Here enter No. 604)

Case No. 25. 1. To enable the Court of Sudder Adawlut to determine whether the sentence passed upon the prisoner convicted in Case No. 25 of the Report No. 5 is legal,

23rd March 1838

24th March 1838.

legal, they cease to be informed on the provisions of the Regulations under which the prisoner "Ismail" has been "before previously" of the previous conviction took place before a Police Officer or Magistrate the Criminal Judge is informed that such conviction is not of itself sufficient to bring the Case within Clause 4th Section III Regulation VI of 1827.

Case of No 29. 2. The reference to the Magistrate made by the Head of Police of Cantgun respecting the prisoner concerned in Case of No 29. appears to have been altogether unnecessary, and the Magistrate of Chittoor is accordingly directed, with reference to the Circular Order of the Court Dated the 5th of May 1829, to point out to that Police Officer that by Clause 1st Section XXVII Regulation VI of 1816 he is directed, under ordinary circumstances, to act upon his own responsibility in sending Cases to the Criminal Court without reference to any other authority.

3. From the Statement relative to the manner in which the Convicts were employed during the month of February, the Court of Confirmation observe that there are 8 "Gundagars" in confinement in the Gaol at Chittoor, and they desire therefore to be informed by whom they were forwarded to the charge of the Criminal Judge, and whether they are convicted Thugs, or persons about to be brought to Trial for the Offence of Thuggee.

4. With reference to the Statement of Extra Peons employed in the Gaol at Chittoor during the month of

E.H.

24th March 1838.

of February last the Court of Confirmation desire to be informed whether the charge for 20 extra Peons is inclusive of the Guard over the 40 Convicts stated to be working under the orders of the Magistrate.

Ordered that extract from these proceedings be forwarded to the Criminal Judge of Chittoor for his information and guidance by receipt returnable in 5 days from and after its receipt and with instructions to communicate para 2 for the information and guidance to the Magistrate of Chittoor.

(Sent following Dispatch No 1483/0

1/3
240
185

10
No 2

At a Court of the Foujdaree Udalut

Present.

John. Bird Esq^re ——— 1st Puisne Judge

Monday
26th March 1838.

Thomas Alexander Oakes Esq^re Actg 2d Puisne Judge

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

Read letter dated the 10th Instant from A.E. Angelo Esq^re at Vandalpaly, in reply to the letter from the Court of Foujdaree Udalut last dated the 6th Instant transmitting copies of paras. 5 and 6 of the Extract from the Minutes of Consultation under date the 27th February 1838, and requesting him to explain when the circumstances adverted to in the 1st instance of the 6th charge occurred, and why if Mr. Angelo thought they implied criminality he did not bring the transaction immediately to the notice of Government, and desiring him likewise to afford the explanation required in para. 6. in respect of the 2d instance of the same charge—

(Here enter No. 587)

Also read letter dated the 12th Instant from H. Buckley Esq^re Criminal Judge of Bellary, and late Officiating Judge on Circuit in the Centre Division, in reply to

to the letter from the Court of Foujdaree Udalut dated the 6th Instant, requiring him to submit any explanation he may have to offer on the subject of the 2nd and 4th charges, and 1st instance of the 6th charge, preferred against him by Mr. Angelo.—

(Vide enter No. 637)

1. By para. 5. of the Minutes of Consultation under date the 27th of February 1838 Mr. Angelo was required "to explain when the "circumstances adverted to" in the 1st instance of the 6th charge, "occurred; and why if he thought "it implied criminality, he did not bring the "transaction immediately to the notice of Govern. "ment."—

2. The 4th point appears to have been satisfactorily answered in the 2nd para. of his letter of the 10th Instant, but the Court of Foujdaree Udalut are of opinion that he has not submitted a satisfactory reply to the 2nd point, for, from the fifth para. of this letter it is obvious that however improper Mr. Angelo may have considered the transaction on Mr. Bushby's part, he neither at the time deemed it, nor now considers it, what he, notwithstanding still persists in denominating "a bribe."—

para. 2.

Mr. Angelo distinctly admits that standing alone

alone it does not itself afford adequate ground for impeachment, and his subsequent allegation discovery of "an after act of gross corruption" on the part of Mr. Bushby by no means, in the opinion of the Foujdaree Udalut, justifies the grave charge of bribery against a Judge by bringing forward, at this late period, as cumulative proof of corruption, matter which cannot stand alone which need never noticed at the time and which, however improper in itself, has clearly been magnified by Mr. Angelo into a degree of criminality, that cannot be attached to it.—

3. With reference to para. 6 of the Minutes of Consultation under date the 27th Ultimo Mr. Angelo submits that "the pure "port of the second instance of "the "sixth "charge, viz, that Mr. Bushby under the cor- "rupt influence of a considerable sum of "money cash to him or hand delivered com- "manded the immediate release of Chenturo "Narrain Reddy and Petchiadoo, from the charge "of fraud, to which they stood subjected under "a distinct jurisdiction."—

4. With reference to the remarks contained in the 16th para. of this letter from Mr. Angelo the Judges would explain, that

the

this the Court of Sanjdarree Udalut (dissentient Mr. Campbell) approved of the release of the prisoners in question, upon the grounds stated in their proceedings of the 31st of October last, they did not approve of the irregular and inconsistent orders of the Acting Judge of Circuit (Mr. Bushby)—

5. Whether however the orders passed to were the consequence of errors of judgment which the Court of Sanjdarree Udalut suppose, or whether they "can be accounted for only by "the operation of corrupt influence", it remains for Mr. Angelo to prove—

6. In Mr. Bushby's letter of explanation dated the 12th Instant, the second of Mr. Angelo's charges is not denied, and Mr. Bushby's conduct on the occasion in question, even as described by himself, appears to have been indecorous and objectionable—

7. With reference to the explanation submitted in para. 3 of Mr. Bushby's letter of the 12th Instant on the subject of the 4th charge, the Court of Sanjdarree Udalut avail themselves of the opinion that it was highly improper in Mr. Bushby, acting the concurrence of the Law Officer of the Court of Circuit in the proceedings in the case returned to the Criminal

Fide
26th March 1838.

Criminal Court, while it was obtained, (in the manner explained by Mr Bushby) subsequently to the date which those proceedings bear—

Ordered, that Extract from these proceedings together with copies of the letters from Mr. Angelo and Mr. Bushby dated respectively the 18th and 12th Instant, be forwarded to the Chief Secretary to Government for the consideration and orders of the Right Honorable the Governor in Council—

(Sent in No. 489)

Minute of the 3rd Puisne Judge—

I do not object to this, further than that I think it is the duty of this Court to state their opinion, that Mr. Angelo's second order for the release of the Prisoners, whose case he had referred by his first order back for the decision of the Criminal Court, was unauthorized by law.

(Signed) A. D. Campbell—

Read letter dated the 8th instant from the Principal Sudder Ameen of Hooghly submitting the Criminal Reports for the month of February 1838—

(Here enter No. 610)

The

26th March 1838.

The Court of Fouzdaree Udalut observe that out of 79 Convicts, (the number entered in Column 2 of the Statement of Labor) no less than 23 were in Hospital on the 1st March 1838, the cause of this Sickness amongst the convicts should have been explained by the Principal Sudr Ameen, and if it increases the Court of Fouzdaree Udalut will expect a Special Report to be made to them under the Circular Order of the 12th July 1830.—

Ordered, that Extract from these Proceedings be forwarded to the Principal Sudr Ameen at Honore for his information and guidance—

(Sent in at 490)

C. C. R.

never seen until now by

1.

F. U.

At a Court of the Fouzdaree Udalut

Present

Tuesday 27th March 1838. John Bird Esqre. 1st Puisne Judge
Thomas Alexr. Oakes Esqre. Actg. 2d Puisne Judge
Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read again Miscellaneous Petition presented on the 22nd January by Vencatappa Setty of the Zillah of Chittoor.

(Here enter F. U. No. 5 Vol 10 of 1838.)

Read also Return dated the 5th Current instant from the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Fouzdaree Udalut under date the 26th February 1838. forwarding for their consideration and report a translation of the Petition above recorded—

(Here enter F. U. No. 556 of 1838.)

The Provincial Court, in submitting in the foregoing Return an explanation of the several allegations set forth in the Petition No. 10, forward at the same time copies of their proceedings held under dates the 3rd August and 30th October 1837, of which the latter order concludes with the following observation:— "It being perfectly clear from Petitioner's own "shewing that the suit originated in the Moonsiffs's Court and eventually fell under the Judicial view "of the Zillah Judge, the Court are of opinion that it is "fully competent to that Officer to take cognizance of "the forgery of any document which under any particular circumstances before him, he may consider

to

" to have been a fabrication — The Court in consequence
" resolve to cancel the Third Judge's order under date the
" 3d August last and reject Petitioner's Prayer"—

2. The Court of Foujdaree Adalut are
= sent to the Propriety of the order of the Provincial Court,
but they do not understand upon what ground that Court
deemed it necessary to cancel the previous order of the
3d August — unless indeed they viewed it as illegal if
were satisfied that the Kararnamah were genuine —

3. The Court of Foujdaree [redacted] but are of
opinion that notwithstanding the order of the Provincial
Court of the 30th October last there is nothing to pre-
= vent the Magistrate from continuing his enquiry re-
= lative to the charge of Forgery preferred against the
Plaintiff Ramiah and others by the Petitioner, and
the Court resolve to advise the Provincial Court ac-
= cordingly —

Ordered, that Extract from these Pro-
= ceedings be sent to the Provincial Court of Circuit in
the Centre Division for their information and guidance

/ Sent in A. 493 /

Ordered also that Extract from these
Proceedings be furnished to the Petitioner upon his re-
application —

Read Miscellaneous petition pre-
= sented by Coopprenagar of the Zillah of Combaconum.

/ Here enter A. 23 of 1838 /

1. The Petitioner refers to his former
petition A. 142 of 1837. containing statements favorable

to

to his Brothers release, he now produces grounds,
which he trusts will prove satisfactory to the Court and
obtain the same —

2. The Court of Foujdaree Adalut —
having maturely considered the Statements now brought
forward, see no cause to modify their order of the 13th
November last, to which the Petitioner is referred —

Ordered, that Extract from these Pro-
= ceedings be furnished to the Petitioner upon his ap-
= plication —

Read Miscellaneous Petition pre-
= sented on the 5th Instant, by Coorella Lingiah of
Vizianagarum.

/ Here enter No. 2. A. 35 of 1838 /

1. A review of the allegations set
forth in this Petition will be found on reference to the
order of the Court of Foujdaree Adalut of the 30th October
1837. upon the Petition No. 129 of 1837. presented by the
same party —

2. In support of his present application,
the Petitioner advances no new facts: but produces an
Extract from the Proceedings of the Auxiliary Court of
Vizagapatam from which it appears that Ghoolam Kadir
the District Moonsiff of Vizianagaram has brought an
action for damages in that Court against Petitioner and
five others, apparently for defamation —

Petitioner concludes by praying that
3. the Provincial Court may be instructed to order the
return to himself and his brother of the fines levied

from

from them - amounting together to forty Rupees: that the District Moonsiff of Vizianagarum and his Servants may be visited with the punishment their treatment of him deserves: and that the two Suits - the One already decreed by that Moonsiff against Petitioner and the other instituted by the same Officer against Petitioner, may be struck off the file -

5. The Court of Tondarre Adalut See no reason to modify their order of the 30th October last - to which the Petitioner is accordingly referred and is informed that the same is final -

Ordered that the Petition be rejected and that Extract from these Proceedings be furnished to the Petitioner upon his application -

Read Miscellaneous Petition presented on the 12th instant by Chedumbaram Duffadar attached to the Jail of the Tillah of Chittoor -

/ Here enter No. 2 No. 36 of 1838 /

Petitioner - referring to the high character he had long enjoyed as an active and zealous public Servant, and especially to the services he rendered on the occasion of an attempt to escape by a party of one hundred convicts from the Jail at Chittoor for which he received under the Sanction of the Superior Government a Reward of One hundred Rupees - represents that he has lately been transferred from Chittoor to Arnee, and from the latter Place to Arcot, whence from Duffadar he was changed to the rank of Naigue; and that subsequently he was reduced to the situation of a Peon:

Peon: that he petitioned the Court of Circuit on the subject of his degradation, and that that Court instructed the Judge of Chittoor to reinstate him in the Superior grade: and that the Judge having first promised obedience to that order, on a subsequent application, refused to provide the Petitioner with any Situation other than the inferior one to which he has been degraded -

2. Petitioner prays that the requisite instructions may be issued to the Criminal Judge of Chittoor in regard to his Employment in a Situation commensurate with his just claims and expectations -

3. The Court of Tondarre Adalut request to direct that the Provincial Court of Circuit be called upon to explain the grounds on which the Petitioner was reduced from the Superior to the inferior Situation, and why he has not been re-instated under their orders.

If the Provincial Court are unable themselves to furnish the required Explanation, they will call upon the Criminal Judge for that purpose -

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. 196 /

Read Miscellaneous Petition presented on the 12th instant by Cundappa Moodely and two others -

/ Here enter No. 37 of 1838 /

2 Peon

1.

The Prayer of this Petition is that an order may be issued for the release of Kristnappa Moodely a convict in the Chittoor Jail.—

2.

The Prisoner was tried in Cases Nos. 3 and 4 of the Chittoor Calendar of the fourth Quarter Sessions of 1835, on a charge of Highway robbery, and being convicted was sentenced to imprisonment for fourteen years.—

3.

Petitioners, who are respectively the father, Son, and wife of the Prisoner, allege that the Prisoner is innocent, and that the charge against him was prompted by Malice and was supported by the Police Officer to gratify his desire for revenge, excited by the Prisoners successful Efforts to discover the perpetrators of a Robbery at Vellore.—

4.

The Court of Foujdaree Adalut have referred to the Calendar and see no ground to question the justice of the Sentence of the Court of Quarter Sessions from whose judgment moreover the Regulations do not admit of an appeal.—

Ordered, that the Petition be rejected, and that Extract from these Proceedings be furnished to the Petitioners upon their application.—

Read Miscellaneous Petition presented on the 12th Instant by Yerrappa of the Zillah of Chittoor.—

/ Here enter No. 37 of 1838. /

1.

The Petitioner reiterates the Request preferred in his Petition No. 28 of 1838 relative to the release

release of the convict Chinna Mallorgadoo on which an order was passed by the Court of Foujdaree Adalut under date the 5th instant.

The Petitioner is referred to that order

2.

and informed that the same is final and that it is needless for him to present any further applications on this subject.—

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

Read Miscellaneous Petition dated 12th March 1838 of Verrada Lingum of the Zillah of Rajahmundry.—

/ Here enter No. 40 of 1838. /

The Petitioner, in addition to his former representations, praying for the interference of the Foujdaree Adalut as contained in his rejected Petition No. 27 of 1838 endeavours to shew erroneous the inferences drawn by the Magistrate and Court of Circuit, unfavorable to himself. The Foujdaree Adalut are of opinion that no cause is shewn to induce a revision of their order of the 5th Instant, and the Prayer of the Petition is rejected accordingly.—

Ordered, that Extract from these Proceedings be furnished to the Petitioner upon his application.—

Verrashalingum of the Zillah of Rajahmundry, moves the Court to return the Enclosures in his Miscellaneous Petition No. 28 of 1838.

Ordered accordingly.

Cundappa

1.

The Prayer of this Petition is that an order may be issued for the release of Kristnappa Mordely a convict in the Chittoor Jail.—

2.

The Prisoner was tried in Cases Nos 3 and 4 of the Chittoor Calendar of the Fourth Quarter Sessions of 1835, on a charge of Highway robbery: and being convicted was sentenced to imprisonment for fourteen years.—

3.

Petitioners: who are respectively the father, Son, and wife of the Prisoner: allege that the Prisoner is innocent, and that the charge against him was prompted by Malice and was supported by the Police Officer to gratify his desire for revenge, excited by the Prisoners successful efforts to discover the perpetrators of a Robbery at Vellore.—

4.

The Court of Zoujdaree Adalut have referred to the Calendar and see no ground to question the justice of the Sentence of the Court of Quarter Sessions from whose judgment moreover the Regulations do not admit of an appeal.—

Ordered, that the Petition be rejected, and that Extract from these Proceedings be furnished to the Petitioners upon their application.—

Read Miscellaneous Petition dated on the 12th Instant by Yerrappa of the Zillah of Chittoor.—

/ Here enter Mr. P. No. 38 of 1838. /

1.

The Petitioner reiterates the Request preferred in his Petition No. 28 of 1838. relative to the release

release of the convict Chinna Mallorgadoo on which an order was passed by the Court of Zoujdaree Adalut under date the 8th instant.

The Petitioner is referred to that order

2.

and informed that the same is final and that it is needless for him to present any further applications on this subject.—

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

Read Miscellaneous Petition dated 12th March 1838. of Veerasta Lingum of the Zillah of Rajahmundry.—

/ Here enter No. 40 of 1838. /

The Petitioner, in addition to his former representations, praying for the interference of the Zoujdaree Adalut as contained in his rejected Petition No. 27. of 1838 endeavours to shew erroneous, the inferences drawn by the Magistrate and Court of Circuit, unfavorable to himself. The Zoujdaree Adalut are of opinion that no cause is shewn to induce a revision of their order of the 8th Instant, and the Prayer of the Petition is rejected accordingly.—

Ordered, that Extract from these Proceedings be furnished to the Petitioner upon his application.—

Vesnashalingum of the Zillah of Rajahmundry, moves the Court to return the Enclosure in his Miscellaneous Petition No. 28. of 1838.

Ordered accordingly.

Candasspa

27th March 1838.

Cundappa Moodely and 2 others of the Zillah of Chittoor, move the Court to return the Enclosures in their Miscellaneous Petition No. 37 of 1838.

Ordered accordingly.

Cundappa Moodely and 2 others of the Zillah of Chittoor move the Court to be furnished with an attested copy of their Miscellaneous Petition No. 37 of 1838.

Ordered accordingly, on production of the requisite Stampt Papers.

Read again Extract from the Minutes of Consultation under date the 24th February 1838 No. 218 forwarding to the Court of Fouzdarry Adalut the Records of Trials Nos. 5 and 6 of the European Special Court Martial at Mangalore, with instructions to call upon the Special Commissioners to State their opinion whether any and what mitigation of the Sentences awarded to the Prisoners concerned therein should be allowed with reference to those lately mitigated by Government at their recommendation.

/Here enter F.D. No. 478 of 1838./

Read also Return dated the 16th instant from the Special Commissioners late sitting at Mangalore to the Precept of the Court of Fouzdarry Adalut under date the 5th March 1838 communicating for their information and guidance the instructions of Government in respect of Trials Nos. 5 and 6 of the European Special Court Martial at Mangalore.

/Here enter F.D. No. 660 of 1838./

The

1. The Special Commissioners, in the Return now recorded, report that on the receipt of the Court's Precept "a reference was made to the Criminal Judge of Canara to ascertain who" of the Prisoners in Cases Nos. V and VI "may be surviving"; and that the Officer replied that "Cumpta Soobrayah only remained on the 15th instant."

2. "In regard to him" the Special Commissioners state that they "have no grounds to recommend mitigation of punishment, for he is notorious as having been the head of the writing and account department (he admits it in his defence) and his crime is enhanced by his having been the Shanabhogue of the Mogany in which the rebellion commenced and resided within three or four miles of Ramipa Gowda. It is hardly to be believed," observe the Special Commissioners, "that he should have been ignorant of what was brewing, and it may be presumed that he was concerned in forming the plot, or at least privy to it: but setting aside this, he must have had many opportunities to escape from the Rebels, and from his occupation with them he must have been able to give much important information which he had suppressed."

3. The Special Commissioners further state that "convinced on this point they urged him, after his Sentence was received, to disclose what he knew as it would afford him a chance of mitigation of punishment, but he obstinately persisted in concealment."

The

4.

The Special Commissioners finally submit that "it might be politic still to tender them for Government a mitigation of this punishment to temporary confinement without labour and restoration of any Property which may have been confiscated, on condition of their making any important discovery."

5.

The Court of Tongdarra Adalut desire that the Records of Trials Nos. V and VI of the European Special Courts Martial at Mangalore with Extract from their proceedings be sent to the Chief Secretary to Government for the purpose of being submitted to the Right Honorable the Governor in Council with reference to Parah: 3 of the Extract from the Consultation dated 6th Febrary 1838. No. 215.

Ordered accordingly.

/ Here enter F.R. No. 607 /

Read Letter dated the 6th instant from the Second Judge of the Provincial Court of Circuit in the Western Division, late of the Special Commission Sitting at Mangalore, Submitting a Copy of a Return dated the 24th Ultimo from Mr. M. Lewin, as Magistrate of Canara, to a further Precept calling for explanation regarding his proceedings in Mangalore Special Trial No. 82.-

/ Here enter F.R. No. 587 of 1838. /

Read also Letter dated the 2nd instant from the same Officer forwarding a copy of a Return dated the 23d Ultimo from the Magistrate of Canara to a Precept calling for explanation regarding Mangalore Special Trial - No. 117.-

/ Here enter F.R. No. 583 of 1838. /

Read

Read also Return dated the 2nd instant from the same Officer to the Precept of the Court of Tongdarra Adalut under date the 9th Febrary 1838, directing the Special Commission to call upon the Magistrate of Canara to furnish Explanation respecting Mangalore Special Trials Nos. 122 - 123 - 126 - and 128.-

/ Here enter F.R. No. 584 of 1838. /

Read also Return dated the 8th instant from the same Officer to the Precept of the Court of Tongdarra Adalut under date the 17th Febrary 1838 - directing the Special Commission to call upon the Magistrate of Canara to afford explanation in respect of Mangalore Special Trial - No. 106.-

/ Here enter F.R. No. 595 of 1838. /

1.

The chief point requiring notice in the Returns now Recorded on which the Special Commission and the Magistrate of Canara are at issue, is whether in Charges of Treason and Rebellion the Magistrate is legally bound to hold preliminary investigations such as are required in Charges coming under his cognizance under the ordinary provisions of the Regulations, and whether the Course of Procedure indicated in Section XXIV Regulation IX of 1816 is in such cases to be Strictly adhered to.

2.

Mr. Lewin's impression as Stated in his Return of the 24th Ultimo is that "in matters of Rebellion, where a Special Commission is Sitting, the duty of the Magistrate is limited to the Seizure of

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a rebel not to the conduct of his trial, and the proceedings of the Tondarare Adalut, 25th June 1833, appear to him, as much as possible, to limit his duties of inquiry; that "had the Special Commission been able to try cases, as fast as they were brought forward, a mere verbal inquiry" on the part of the Magistrate "would have been sufficient under the law" that in point of fact "much of his inquiry has been of that nature"; and he further considers that every deposition taken in his Office was legally superrogatory".

3. The Special Commission, it appears on the other hand "never viewed the order of the Tondarare Adalut of the 25th June 1833 as intended to annul the provisions of Section XXIV Regulation IX of 1816 for the Magistrate satisfying himself that there was ground to believe the prisoner guilty" and in his comments on parah: 11 of Mr. Lewin's Return of the 22nd Ultimo. Mr Vaughan observed of himself and his colleague that they "never imagined that the charge enjoined to be reported to Government according to Section VI, Regulation XX of 1802, was to be otherwise than one taken according to Section XI, Regulation IX of 1816".

4. The Court of Tondarare Adalut observe that in their order of the 25th June 1833 above referred to, which was passed upon a reference from the First Judge of the Provincial Court of Circuit in the Northern Division while Presiding at the Special Court held at Vizianagaram, in which that Officer requested instructions as to whether or not it were necessary

necessary that the usual preliminary inquiry should be made by the Magistrate and the Prisoners be committed for trial by the Criminal Court under the provisions of the General Regulations, the Court recorded their opinion that "under Regulation XX of 1802 even the intervention of the Magistrate may be dispensed with:" that, in deed, the Prisoners might be convicted and finally sentenced on the Proceedings before the Special Commission alone, without any formal commitment or depositions before any other authority whatever," as was done in the case of the Vellore Mutiny Trials.

5. The Court of Tondarare Adalut are therefore of opinion that under the order in question, the mode of procedure adopted by Mr. Lewin was legal.

6. There can, at the same time be no doubt, that whenever circumstances may admit of it, (which the Court do not think was the case in the Trials under consideration) the better course would be to take the Examination of the parties and witnesses in the usual manner, and the Court would recommend that they be authorized to issue instructions to this effect in any future cases of a like nature.

7. The Court deem it due to Mr. Lewin to observe that in almost every case the guilty have been brought to justice, the cases of acquittal were few, and of doubtful and questionable committal the instances are rare.

8. With reference to the remark of Mr. Vaughan above quoted, the Court of Tondarare Adalut deem it proper to observe that Section VI of Regulation XX

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of 1802 refers to charges preferred at a time when the Government has no Knowledge of the existence of Rebellious and before any order has been issued for the formation of a Special Court: and that no Report of the nature intimated in that Section is required at any subsequent Period.—

9. In respect of Case No. 116. the Court of Fouzdaree Adalut are of opinion that the Magistrate has sufficiently explained and justified his conduct: but they deem it proper to direct that the Joint Magistrate in charge be instructed to institute a full and particular inquiry into the circumstances of suspicion attaching to the Acting Naib Sherishtadar - as referred to in the letter from the Special Commission of the 1st Ultimo - laid before Government on the 17th Ultimo, and now noticed by the Magistrate in his Communication addressed to the Special Commission under date the 26th Ultimo, of which a copy accompanied Mr. Vaughan's Return of the 8th instant.

10. In respect of Case No. 117. it appears to the Court of Fouzdaree Adalut that the Magistrate has not altogether justified the delay which took place and that there were not sufficient grounds to conduct the case to the Sessions for Trial. The Court are at the same time fully sensible that it would be unreasonable to expect undeviating regularity at a time when (they are aware) the Magistrate was harassed by a heavy mass of official business, and the Court are of opinion that the errors observable in this and in the few other cases which have attracted their notice, are sufficiently accounted for by the extraordinary duties which the disturbances

see his return of the 17th February 1838

disturbances in Canara and the events consequent thereupon necessarily entailed upon the Magistrate.

Ordered, that Extract from these Proceedings be sent to the Chief Secretary to Government to be laid before Government with the original Letters and Returns of the Magistrate of Canara.

/ Sent in No. 498. /

Read again return dated the 6th instant made by the Acting Criminal Judge of Madura to the Precept of the Fouzdaree Adalut of the 26th February 1838. conveying their observations and orders on the Criminal Reports for the month of January 1838.

/ Here enter No. 579. /

1. Under the explanation submitted by the Acting Criminal Judge in Para: 3 of the above return, it appears that the Commission of the Theft charged against the Prisoner in Case No. 8 was not attended with any of the aggravating circumstances specified in Clause 4th Section III. Regulation XI of 1822, and the Assistant Criminal Judge in charge of the Criminal Court of Madura is accordingly directed to amend the Sentence that has been passed upon the Prisoner with Reference to the provisions of Section VII. Regulation X of 1816.

Ordered, that Extract from these Proceedings be forwarded to the Assistant Criminal Judge in charge of the Criminal Court at Madura for his information and guidance by Precept returnable in 5 days from and after its receipt.

/ Sent following Precept No. 499. /

Read

Instant

Read return dated the 15th from the Criminal Judge of Bellary to the Precept of the Court of Foujdaree Adalut dated the 10th Instant, directing the Criminal Judge of Bellary to release the Prisoners in Cases Nos 29 of the Bellary Criminal Reports of 1837 on their finding good and sufficient Bail for their appearance when required.

/Here enter No. 650/

The Court of Foujdaree Adalut observing that the Criminal Judge of Bellaree in the return above specified, has omitted to mention, the amount, of the Security demanded, from the Prisoners and also whether they are prepared to produce it, direct that the required information may be supplied.

Ordered that Extract from these proceedings be sent to the Criminal Judge of Bellaree by Precept returnable within 8 days from and after the receipt.

/Sent following Precept No. 500/

Read letter dated the 14th instant, from the Criminal Judge in the Zillah of Nellore submitting the Criminal Reports for the month of February 1838.

/Here enter No. 630/

Adverting to the "note" entered at the foot of the Statement of Extra Peons explaining that 51 Peons were employed to guard the 198 Convicts employed out side the Jail, but that as 2 Peons accompanied the Paper sent to Madras, 49 Peons only have

"have been entered in the Statement" the Court of Foujdaree Adalut desire that the Criminal Judge of Nellore be informed that the whole number of Peons actually employed should in future be entered in the Statement itself a note of explanation being added when the number entertained may be in excess of that authorized by Government.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Nellore for his information and future guidance.

/Sent in No. 501/

Read the Criminal Reports submitted by the Criminal Judge of Salem for the month of February 1838.

/Here enter No. 638./

Case No. 17. 1. If the remarks of the Criminal Judge respecting the ill-treatment which the Prisoners concerned in Case No. 17, received at the hands of the Police, have not already been communicated to the Magistrate, the Court of Foujdaree Adalut desire that a copy thereof may be furnished to that Officer without delay, and that he be requested to report to them what notice he may take of this abuse of authority on the part of the Police Subordinate Establishment.

Case No. 19. 2. The Court of Foujdaree Adalut being of opinion that the Evidence against the 2nd Prisoner concerned in Case No. 19 is not sufficient to justify requisition of Security for one year, resolve to direct the Criminal Judge to set aside this sentence of the Moonsiff

Instant

Read return dated the 15th from the Criminal Judge of Bellary to the Sheristt of the Court of Tonjadarr Adalut dated the 10th Instant, directing the Criminal Judge of Bellary to release the Prisoners in Case No. 29 of the Bellary Criminal Reports of 1837 on their finding good and sufficient Bail for their appearance when required.

/ Here enter No. 680 /

The Court of Tonjadarr Adalut observing that the Criminal Judge of Bellarre in the return above specified, has omitted to mention, the amount, of the Security demanded, from the Prisoners and also whether they are prepared to produce it, direct that the required information may be supplied.

Ordered that Extract from these proceedings be sent to the Criminal Judge of Bellarre by Precept returnable within 5 days from and after its receipt.

/ Sent following Precept No. 500 /

Read letter dated the 14th instant, from the Criminal Judge in the Talluk of Nellore submitting the Criminal Reports for the month of February 1838.

/ Here enter No. 630 /

Adverting to the "note" entered at the foot of the Statement of Extra Peons explaining that 31 Peons were employed to guard the 198 Convicts employed out side the Jail, but that as 2 Peons accompanied the Paper sent to Madras, 29 Peons only have

have been entered in the Statement the Court of Tonjadarr Adalut desire that the Criminal Judge of Nellore be informed that the whole number of Peons actually employed should in future be entered in the Statement itself a note of explanation being added when the number entertained may be in excess of that authorized by Government.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Nellore for his information and future guidance.

/ Sent in No. 501 /

Read the Criminal Reports submitted by the Criminal Judge of Salem for the month of February 1838.

/ Here enter No. 638 /

Case No. 17. 1. If the remarks of the Criminal Judge respecting the ill-treatment which the Prisoners concerned in Case No. 17, received at the hands of the Police, have not already been communicated to the Magistrate, the Court of Tonjadarr Adalut desire that a copy thereof may be furnished to that Officer without delay, and that he be requested to report to them what notice he may take of this abuse of authority on the part of the Police Tahsildar Timmapiem.

Case No. 19. 2. The Court of Tonjadarr Adalut being of opinion that the Evidence against the 2nd Prisoner concerned in Case No. 19 is not sufficient to justify requisition of Security for one year, resolve to direct the Criminal Judge to set aside that sentence of the Moonsiff

Moofter Sudr Ameen and to release the Prisoner, if still in confinement, with a caution.

Case No. 21. 3.

The same course of proceeding the Criminal Judge of Salem is required to observe in respect to the Sentence of Security passed by the Assistant Officer on the 1st Prisoner concerned in Case No. 21, which also appears to have been required on insufficient grounds.

Case No. 32. 4.

The Prisoner concerned in Case No. 32 having been convicted of an Offence punishable only under Section VII. Regulation X of 1816 the Criminal Judge is directed to amend the Sentence passed by the Assistant Criminal Judge accordingly.

Case No. 33. 5.

The Prisoner concerned in Case No. 33 appears to have been convicted by the Moofter Sudr Ameen on an alleged confession before the Police, and as such confession does not appear to have been supported by any Collateral evidence, nor to have been subsequently confirmed before the Criminal Court, the Criminal Judge is directed to issue orders for his immediate release.

Case No. 36. 6.

The Magistrate of Salem is requested to ascertain and to report in what Custody the Prisoners concerned in Case No. 36 were from the 30th of January (the date of their apprehension) to the 6th of February the day on which they appeared before the Head of Police.

Ordered that Extract from these Proceedings be forwarded to the Criminal Judge of Salem for

27th March 1838.

for his information and guidance by Precept returnable in 8 days from and after its receipt, and with instructions to communicate Para: 1 and 6. for the information and guidance of the Magistrate of Salem.

(Sent following Precept No. 502)

Read the Criminal Reports submitted by the Acting Joint Criminal Judge of Masulipatam for the month of February 1838.

(Here enter No. 641.)

Referring to the Statement of Extra Peons employed in the Jail at Masulipatam during the month of February last, there would appear to have been 6 Extra Peons employed in excess of the number authorized for the safe custody of the 486 Convicts worked outside the Jail, the Acting Joint Criminal Judge is accordingly directed to explain the circumstances under which these additional Peons were entertained.

Ordered, that Extract from these Proceedings be forwarded to the Acting Joint Criminal Judge of Masulipatam for his information and guidance.

(Sent in No. 503.)

Read the Criminal Reports submitted by the Acting Joint Criminal Judge of Vizagapatam for the month of February 1838.

(Here enter No. 642.)

Referring to the Statement shewing the manner in which the Prisoners were employed during the month of February last, it would appear that to guard the 125 Convicts worked outside, Seven

were

were employed in excess of the number authorized by the Standing orders of the Fonjdaree Adalut and the Acting Joint Criminal Judge is accordingly called upon for an explanation—

Ordered that Extract from these Proceedings be forwarded to the Acting Joint Criminal Judge at Vizagapatam for his information and guidance—

/ Sent in № 504 /

Read the Criminal Reports submitted by the Criminal Judge of Rajahmundry for the month of February 1838.

/ Here enter № 619

Case №8. 1. The Court of Fonjdaree Adalut desire to be informed if the Prosecutor in Case №8 whom the two Prisoners concerned therein are charged with having violently assaulted, was examined—if his evidence was not taken the release of the Prisoners would appear to have been premature—

2. The Judges are however of opinion that the witnesses who before the Criminal Court disregard the evidence previously given by them before the Assistant Magistrate should not have been allowed to go unpunished—If they were guilty of Perjury they should have been indicted for that Crime—if guilty of gross Prevarication they were amenable to punishment under Section VII. Regulation XII of 1832.—

Case №8. Sup. Report 3. For the future guidance of the Criminal Judge of Rajahmundry, the Court of Fonjdaree Adalut resolve to point out that unnecessary

unnecessary detailed notice of the Evidence has been entered in Case №8. of the Supplemental Report.

Ordered that Extract from these Proceedings be forwarded to the Criminal Judge of Rajahmundry for his information and guidance by receipt returnable in 8 days from and after its receipt.

/ Sent in №505 /

Read letter dated the 16th instant from the Assistant Criminal Judge in charge of the Criminal Court at Madura submitting the Criminal Reports for the month of February 1838.

/ Here enter №654 /

Case №24. 1. The Court of Fonjdaree Adalut desire to be informed of the particular circumstances of aggravation which brought the case of the Prisoner concerned in №24 within Clause 4th Section III. Regulation VI. of 1822. From the abstract of the Evidence it is not clear that the "breaking" was established, and it would appear that it had only been proved by the witnesses on the part of the Prosecution that the Prisoner was apprehended with Stolen Property—If this be the full extent of the delinquency proved against the Prisoner the Sentence passed by the Sudr Ameen is illegal, and accordingly the Court of Fonjdaree Adalut desire that pending the receipt of their final orders in this case the infliction of the punishment awarded be suspended—

Case №29. 2. The Court of Fonjdaree Adalut being of opinion that there are no sufficient grounds for the prosecution of Security made from the Prisoner concerned

in

in Case No. 29, direct that the Sentence passed by the Pundit Indo Ameen be cancelled, and that the Prisoner be unconditionally set at liberty.

Case No. 32. 3. The Sentence passed by the Acting Criminal Judge upon the 1st and 2d Prisoners convicted in Case No. 32, in modification of that awarded by the Pundit Indo Ameen, being illegal, the Court of Foujdarree Adalut resolve to set it aside and to direct that the Fines, if collected, be remitted to the 1st and 2d Prisoners respectively. For the future guidance of the Acting Criminal Judge the Court of Foujdarree Adalut are induced to point out that a false accusation before a Head of Police is not punishable by the Criminal Judge as a "Contempt of Court."

Cases Nos. 41. 42. 4. The Court of Foujdarree Adalut are desirous to be informed of the particulars of the Charges of Perjury brought against the Prisoners in Cases Nos. 41. 42. 43. & 44 and to be furnished with a short abstract of the grounds of the Commitments, which for information the Court of Foujdarree Adalut desire may be shewn in the Report itself in all future similar Cases.

Case No. 45. 5. With reference to the Proceedings of the Acting Criminal Judge in Case No. 45. the Court of Foujdarree Adalut desire that that Officer be informed that any Prosecution against the Prosecutor in that case must originate with the Magistracy or Police and to either of these authorities the Prosecutors must be accordingly sent back of further Enquiry

to

is deemed necessary.

The Court of Foujdarree Adalut

6. desire to be informed of the Statement of Extra Jail Peons employed during the month of February (70) is inclusive of the Peons over the 50 Convicts transferred to Pannibum on the 28th Ultimo.

Ordered, that Extract from these Proceedings, be forwarded to the Assistant Criminal Judge in charge of the Criminal Court at Madura for his information and guidance by Precept returnable in 5 days from and after the Receipt.

/ Sent following Precept No. 506/

Read return dated the 17th Instant from the Provincial Court of Circuit in the Centre Division, to the Precept of the Foujdarree Adalut dated 26th February 1838 relative to the reduction in the amount of Security required from 5th and 6th Prisoners in Case No. 2 of Cuddalore Calendar and Reporting that the injunctions of the Court have been conformed to.

/ Here enter No. 659. /

Ex. C.R. 115 210

Read Letter dated the 12th Ultimo from the Acting Magistrate of Vizagapatam, Explaining the causes of the delay in procuring the attendance of certain witnesses and the detention of Prisoners.

/ Here enter No. 425. /

Read Letter dated the 20th Instant from the 3d Judge on Circuit in the Northern Division notifying the receipt of a Supplemental Calendar for

the

27th March 1838.

the Special Sessions of 1838.-

/ Here enter No. 685 /

Read letter dated the 20th instant from the 3d Judge on Circuit in the Northern Division notifying the receipt of the Primary Calendar for the 1st Sessions of 1838.-

/ Here enter No. 686 /

No. 16.

At a Court of the Conjeeveram Adalut

Present

Wednesday, 28th March, 1838. The Hon. Bird Esqr. ——— 1st Puisne Judge,

Thomas Alexr. Oakes Esqr. ——— Acting 2d Puisne Judge,

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

Read again letter dated 8th Ultimo from the Special Commissioners at Trangabar submitting for the final Judgment of the Conjeeveram Adalut the record of Case No. 129 by the Special Commission.-

(Here enter No. 354)

Read also order of Government dated 23d instant confirming the sentence of the Conjeeveram Adalut in Trangabar Special Trial No. 129.-

(Here enter No. 674)

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

1st Sedoo Chundra,

2d Sooratoo Trangaja,

and

4th Cotail Beeraul Trangaja,

be banished to the District of Bombatoor, to be employed on the Roads of the Chingleput Court, and kept to hard labour in Irons on the public roads or other public works, for and during the space of seven years: that the

Mr. Oakes,
and
Mr. Campbell,

the Prisoner

38. Govinda Karya

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 that the Prisoner

5th. Cotait Shashaya

be discharged with a suitable admonition.—

The Court likewise direct that Extract from their proceedings under date the 16th instant be sent for the information and guidance of the Mangalore Special Commission.—

(Sent following letter No. 522)

Read return dated the 16th instant made by the Criminal Judge of Chittoor to the precept of the Conjeveram Cutcherry of the 12th March 1838 commanding an apparent miscarriage of the return of prisoners in confinement in the Jail at Chittoor prepared for the months of January 1838, and ordering the transfer of the 10 Convicts, alleged to be employed under the orders of the Magistrate, to the charge of Lieutenant Boulton for the purpose of being employed on the great Western Road

(Here enter No. 644)

I.

In the above return the Criminal Judge certifies that the Statement for January referred to above "is correct in every particular" that 10 Convicts have been under the orders of the Conjeveram Cutcherry of the 7th of April 1837 with the exception of the few days intervening between the 11th of January and 17th February 1837 when employed under the orders of the Magistrate of the District in repairing the Arcot and Vellore roads on the date specified above, viz "the 11th January 1837 all the prisoners which had been placed under the Magistrate by order of the Conjeveram Cutcherry were returned to the Chittoor Jail" that "the Criminal Judge had a private communication "with the Magistrate on the subject of the return of "these Prisoners, and the result was that on the 17th "of the following month the Prisoners were returned "to the Magistrate where they have ever since remained "having never been near the Jail except when passing "thro Chittoor from one public road to the other."—

2. Under that explanation the Court of Conjeveram Cutcherry deem it proper to direct that a copy of their proceedings dated the 28th ultimo and 1st instant and of the Criminal Judge's returns thereto dated the 3rd and 16th instant be forwarded to the Magistrate in the Southern Division of Arcot, for such observations thereon as he may wish to offer, with reference to his letter to the Court of Conjeveram Cutcherry dated the 28th February 1838, reporting that "no Convicts are at present employed under the Magistracy" in the Zillah of Chittoor.—

Ordered accordingly that extract from

these

28th March 1838.

these proceedings together with Copies of the papers referred to above be forwarded to the Magistrate in the Eastern Division of Arcot for his information and guidance by precept returnable in 7 days from and after its receipt.

(Court of Sessions Precept No. 523)

Ex 74

WS

LHO

WS

In a Court of the Foujdaree Adawlut

Present

Thursday 29th March 1838. John Bird Esqre. ——— 1st Puisne Judge,

Thomas Oldfield Esqre. ——— Acting 2d Puisne Judge

Alexr. Duncan Campbell Esqre. 3d Puisne Judge,

WS

LHO

WS

Read letter dated 5th Instant from the 3d Judge of the Provincial Court of Circuit in the Western Division transmitting the record in Case of Peter the Ethiopian 4th Additional Calendar for the 1st Quarterly Sessions 1838.—

(Here enter No. 631 of 1838)

The Court of Foujdaree Adawlut on a

Mr. Bird,
Mr. Campbell,

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

Exam Examinate Exam

is sufficient to convict him of the crime of Culpable Homicide, &c, under the authority 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 have been liable under the Mahommedan Law, if he had been convicted by full legal evidence.

Ordered

Answer

If the Prisoner was convicted on fair legal evidence of the crime of Culpable Homicide, he would be liable to a Depot of ten thousand Dirhams to be paid to the heirs of the deceased in three years.—

The Court of Cayenne decided, in commutation of the penalty of Depot declared in the foregoing Outlaw sentence the Prisoner

Jean Amichaton Coran

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 824)

Read letter dated the 16th instant from Mr. Boileau Chief Judge of the Criminal Court of Cayenne in the Northern Division and Vice Presiding at the Assizes holden at Maroni for the year 1837 — enclosing Copies of communications from the Acting Joint Criminal Judge of Maroni stating and the officer Commanding that Station, relative to the suggestion in Paragraph 84 of the Report dated the 18th November 1837 to transfer a further number of Convicts from the Delta Depot to certain buildings within the Station of Maroni.—

(Vide under D. H. No 670 of 1828)

1.

Mr. Boileau having in Paragraph 84 of this Report recommended the transfer of an additional body of Convicts to the buildings above referred to, viz in order to their being employed in the construction of the "Dix heures", viz "clearing out the Cut Dix heures, cutting channels &c" which works the state in Paragraph 88 had been approved by the Government of the Court of Cayenne dated in Paragraph 11 of the Extract from their proceedings under date the 27th December 1837 — caused them to ascertain and 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 Company and an extra guard of Troops should be maintained"

Among the Papers which accompanied

2.

Mr. Boileau's letter above recorded, is a copy of a Return from the Acting Joint Criminal Judge of Maroni, and of the estimate furnished by that Officer of the cost of repairing the "Native Barracks" in that Return the Acting Joint Criminal Judge states his opinion "that eight Sous and one Duffrear will form a sufficient guard of this number one Duffrear and four Sous might with safety be formed from the Detachment, and the residue of the Detachment will then be confined to four Rooms. This Officer however considers it advisable that a Gendarme should be appointed to the charge of the several buildings as this within the Cut should the proposed transfer be carried into effect as the number of Prisoners confined there will then amount to 260 and the additional expenditure

29th March 1838.

expenditure proposed is as follows:- 1 Jemadar - Rupees 14 -

4 Sons at 5¼ Rupees each - - - - - 21 -

Rupees - 35 -

3. The acting Joint Criminal Judge observes that "the officers of the standing night guard at the new and old Gaols are prevented from those employed with the two Gang Sparties which are thus reduced at least for a portion of the day below their authorized strength:" considering this practice "objectionable" he suggests "the expediency of adding to the present standing guard two Ranjuas, one of whom will have charge of the new, the other of the old Gaol" and concludes by respectfully stating that "the additional charge on this account will be Rupees 12 -"

4. In his letter to the Third Judge of the 12th instant Brigadier Newman states that the Indian Army is now perfectly available for the lodgment of a further party of prisoners in the Fort, but that the building itself may require repairs before it can be applied to that or any other purpose: further that the sanction of the Military Board for its being so appropriated was conveyed to the Officer Commanding as far back as September 1836.

5. The Court of Employed Establishment adverting to the facts noticed in Paragraph 35 of the Third Judges Report are of opinion that, provided that it be not in contemplation to remove the Convicts generally from Mauritius, that it is an object with the Government that the Barracks now

29th March 1838.

now in progress as represented by the Brigadier should be proceeded with, and that to complete them will occupy a considerable time, it will be very expedient that some additional body of convicts should be removed to and lodged in the buildings now available for that purpose within the Fort at Port Louis: and the Court accordingly while keeping in view the recommendation above indicated, resolve to recommend to Government that authority be granted for removing as many convicts to the buildings as Quarters can conveniently accommodate: that the estimate submitted by the acting Joint Criminal Judge amounting to Rupees (93,) one hundred and ninety three be sanctioned, and further that authority be granted for making the repairs under the superintendance of the acting Joint Criminal Judge.

6. And the Court has further to recommend that sanction be granted for the employment of the extra Establishment indicated in paras 2 and 3 of the proceedings, at the additional charge of Rupees (47,) forty seven per measem, for such time as the convicts in question may be in the Fort.

Ordered accordingly that Extract from these proceedings together with the Copy of the Estimate be forwarded by the acting Joint Criminal Judge direct to the Chief Secretary to Government with a request that the same may be submitted to the Right Honorable the

193
240
433
Gd Cy.

Governor in Council

(Estimate No. 525)

Read

29th March 1838.

Read letter dated the 22d instant from the Magistrate of Coimbatore submitting the information called for from the Court of Sessions Tinnevelly Calendar 2d January 1838 relative to Cases Nos 186 and 200 of the Record of the Criminal Court at Coimbatore for 1837.

(Here enter No. 708)

Read return dated 27th instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division to the precept of the 2d March 1838 confirming the proposed mitigated sentences in the 5th and 6th Supplemental Calendars of Chittoor 1st Quarter Sessions of 1838.

(Here enter No. 708)

Read return dated 27th instant from the Provincial Court of Circuit in the Centre Division to the Precept of the 2d Judge dated the 22d March 1838. confirming the proposed mitigated sentence in Case No 1 of the Cuddalore Supplemental Calendar 2d September 1837.

(Here enter No. 709)

F. C.

At a Court of the Fouzdaree Adalut

Present

Saturday 31st March 1838.

John Bird Esqr. ——— 1st Puisne Judge
Thomas Alexr. Oakes Esqr. 2d Puisne Judge
Alexr. Duncan Campbell Esqr. 3d Puisne Judge

1115
F.C.
1157

Read Letter dated the 20th Instant, from the Acting Third Judge in Circuit in the Southern Division, forwarding a copy of the Tinnevelly Calendar for the first Sessions of 1838.

(Here enter F. C. No 679 of 1838.)

Case No 2.

1. In this case Six Persons were charged with having, on the Morning of the 13th September 1837, gone forth, in company with three others, to the Paddy fields at Cullampary Village, beaten the Prosecutor, his father Mourgan and his Uncle Rowten with Cudgels and grading-Sticks, and Risked the last named individual, who, in consequence of the severe Wounds inflicted on him, died on the night of the 15th of the same month.

2. The Prisoners being convicted of Manslaughter were Sentenced by the Judge of Circuit to Imprisonment Rl. for three years.

3. This Sentence appears to the Court of Fouzdaree Adalut to be very lenient. If, as is presumable, there were alleviating circumstances in the case, they should have been stated in the Calendar.

Ordered, that Extract from these Proceedings be sent to the Third Judge on Circuit in the Southern

Southern Division for his information.

/ Sent in No. 587 /

Read return dated the 22nd instant made by the Criminal Judge of Combaconum to the Precept of the Tondarar Adalut of the 5th March 1838 containing their observations and orders on the Criminal Reports for the month of January 1838.

/ Here under No. 691. /

1. In reply to the requisition made by the Court of Tondarar Adalut for information as to the nature of the evidence on which the Prisoner concerned in Case No. 10. was convicted, the Judges are informed that "the Moodlee Sudr Ameen is unable to make any "more Explanation than what has been alluded to in his "Sentence as Stated in the Report."

See in Original.

2. It would have been more Satisfactory if the Criminal Judge, without reference to the Sudr Ameen, had at once Satisfied himself by reference to the record, whether, (as the Court were led to believe from the Abstract of the evidence) there was nothing against the Prisoner but proof of his confession before the Police Ameen.

3. In the absence of any Specific information to the Contrary, the Court of Tondarar Adalut infer that this alleged confession was unsupported by any Collateral evidence, and the Conviction of the Prisoner thereon being declared improper in the Circular Order of the 18th of June 1817, the Sentence of the Sudr Ameen should have been over-ruled by the Criminal Judge under

under Section II. Regulation III of 1833.

4. The Period of imprisonment however having Expired no remedy can now be made by the Court of Tondarar Adalut, so far as the Prisoner is concerned, but they desire that the Judgments of the Sudr Ameens may be more Strictly Supervised in future.

5. The Explanation called for by the Court of Tondarar Adalut in Para: 4 of their Proceedings of the 5th Instant regarding the number of Security Prisoners transferred to the Jail at Trichinopoly under the orders of the Tondarar Adalut of the 18th December 1837, would not have been required by this Court if the Criminal Judge had Explained in his letter forwarding the Criminal Reports in question the fact which he has now communicated. It may be further observed that in their Order of the 18th of December last the Court of Tondarar Adalut had no intention of authorizing the transfer of Prisoners Sentenced to find Security by the Magistrate.

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge in the Zillah of Combaconum for his information and future guidance.

/ Sent in No. 538 /

Read Supplemental return, dated the 19th Instant from the Provincial Court of Circuit in the Eastern Division, submitting a copy of a return from the Criminal Judge of Chingleput reporting the release of Coonet Poondyen on the 15th, agreeably to the Tondarar Adalut's Precept dated 18th Ultimo.

/ Here enter No. 662 /

Read

Southern Division for his information.—

/ Sent in No. 537 /

Read return dated the 22nd instant made by the Criminal Judge of Cambaconum to the Precept of the Fouzdaree Udalut of the 5th March 1838 containing their observations and orders on the Criminal Reports for the month of January 1838.—

/ Here enter No. 691. /

1. In reply to the requisition made by the Court of Fouzdaree Udalut for information as to the nature of the evidence on which the Prisoner concerned in Case No. 10. was convicted, the Judges are informed that "the Mooftee Sudr Ameen is unable to make any "more explanation than what has been alluded to in his "Sentence as Stands in the Report"

See in Original—

2. It would have been more satisfactory if the Criminal Judge, without reference to the Sudr Ameen, had at once satisfied himself by reference to the record, whether, (as the Court were led to believe from the Abstract of the evidence) there was nothing against the Prisoner but Proof of the confession before the Police Ameen.—

3. In the absence of any specific information to the Contrary, the Court of Fouzdaree Udalut infer that this alleged confession was unsupported by any Collateral evidence; and the Conviction of the Prisoner thereon being declared improper in the Circular Order of the 18th of June 1817, the sentence of the Sudr Ameen should have been over-ruled by the Criminal Judge under

under Section II. Regulation III of 1833.

The Period of imprisonment however

4. having expired no remedy can now be made by the Court of Fouzdaree Udalut so far as the Prisoner is concerned, but they desire that the judgments of the Sudr Ameens may be more Strictly Supervised in future.—

5. The explanation called for by the Court of Fouzdaree Udalut in Para: 4 of their Proceedings of the 5th Instant regarding the number of Security Prisoners transferred to the Jail at Trichinopoly under the orders of the Fouzdaree Udalut of the 18th December 1837, would not have been required by this Court if the Criminal Judge had explained in his letter forwarding the Criminal Reports in question the fact which he has now communicated. It may be further observed that in their order of the 18th of December last the Court of Fouzdaree Udalut had no intention of authorizing the transfer of Prisoners sentenced to find Security by the Magistrate.—

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge in the Zillah of Combaconum for his information and future guidance.—

/ Sent in No. 538 /

Read Supplemental return, dated the 19th Instant from the Provincial Court of Circuit in the Centre Division, submitting a copy of a return from the Criminal Judge of Chingleput reporting the release of Convict Londyn on the 15th, agreeably to the Fouzdaree Udalut Precept dated 18th Ultimo.

/ Here enter No. 662. /

Read

31st March 1838.

Read letter dated the 17th Instant
from the Provincial Court in the Western Division
returning death Warrant for the Execution of A. Rahaga
alias Coyamoo case No. 1 of Second Additional Calendar
of 1st Quarterly Sessions 1838.-

/ Here enter No. 664 /

Read letter dated the 27th Instant
from the Acting 3rd Judge on Circuit in the Southern
Division forwarding the Madura and Tinnevelly
Statements of Batta for the 1st Sessions of 1838.-

/ Here enter No. 713 /

Read letter dated the 26th Instant
from the Acting 3rd 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. 714 /

Read letter dated the 27th Instant
from the Acting 1st Judge late on Circuit in the
Southern Division, forwarding the Draft Warrant
&c. in Case No. 8 of the Combatore Calendar 2nd
Sessions of 1837.-

/ Here enter No. 715 /

Read return dated the 26th Ultimo
from the Provincial Court of Circuit in the Cuttack Divi-
sion, to the Precept of the Joydeen Adalut dated the 19th
February 1838 directing them to instruct the Judge of
Chingleput to certify the Complete fulfilment of the orders
of Government in respect of the remission and mitigation of

the sentences of the prisoners who refused to escape from the party working at St. Thomas's Mount.

/ Here Enter No. 495 /

C. P.

C. C. R.

W.B.

L.A.O.

W.L.

C. P.

At a Court of the Conjeveram Adalut

Present

Monday, 2nd April, 1838.

John Bird Esqr. ——— 1st Puisne Judge,
Thomas Alexr. Oakes Esqr. ——— Acting 2nd Puisne Judge,
Alexr. Duncan Campbell Esqr. — 3rd Puisne Judge.

Read Miscellaneous Petition presented on
the 5th ultimo by Veeranamy Pariah of the Zillah of
Chittoor.-

(Here enter No. C. P. No. 32 of 1838)

Read also Miscellaneous Petition presented
by Amavasigar of the same Zillah.-

(Here enter No. C. P. No. 42 of 1838)

1. Petitioner in No. 32 representing himself to be one of the Prosecutors in Case No. 145 of 1837 on the File of the Criminal Court of Chittoor, states that he and others charged Rajaramaiyar and others with the Murder of a Karnamaiyar, and that the Criminal Judge improperly released the accused. He prays that an order may be issued to the Criminal Judge directing him to punish the persons in question.

Petitioner in No. 42 - Arrears himself to
2. be accomplices of the Defendants accused as above stated of Perjury and his Petition is in all respects a Counter Petition to No. 32. His prayer is therefore to grant to the said State ments of the Lower Courts acquitting them of the charge of Perjury may not be disturbed.-

3. The Courts of Conjeveram Adalut are not

of opinion that their interference is necessary in regard to the judgments of the lower Courts: that for as much as the Petitioner in No. 32 has impugned the proceedings of the Criminal Judge, the Court of Enjarare should submit proper to call upon that Officer to afford an explanation in regard to the case referred to by Petitioner.—

Ordered accordingly that Extract from these proceedings with translation of Petition No. 32 be sent to the Criminal Judge of Chittoor by Tuesday next with his answer.

(Sent following Precept No. 543)

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

Read Miscellaneous Petition presented on the 19th ultimo by Rungia representing himself to be a Brahmin residing at Palghaut in Cotta Malabar.—

(Here enter Mr. D. No. 48 of 1838)

1. Petitioner submits a Petition be presented to the Board of Revenue by whom he was referred to the Judicial Authorities.—

2. In that Petition he alleges that having been suddenly arrested by the Dewan of his Highness the Rajah of Cochin, he was placed in confinement but contrived to effect his escape, and proceeded to the Pandiyan and that he has since learned from his Father that both his

his Brother and servant have been confined by the same authority, and that a reward for his apprehension has been proclaimed by the Cochin Circar.—

3. He urges that he should not be made amenable to the Cochin authorities, and that if any proceedings are to be instituted against him, instructions should be issued to the local authorities at Calicut to enquire into the matter.—

4. The Court of Enjarare Kodatte deem it proper to direct that the Petition addressed to the Board of Revenue, and the endorsements thereto appended, be laid before Government for its consideration and orders.—

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

(Sent in No. 544)

Read again Miscellaneous Petition presented on the 4th December 1837 by Kandoringan Nambiar Cheriamanaigan late Native Registar in the Zillah Court of Coimbatore.—

(Here enter Mr. D. No. 50 of 1837)

1. The purport of this Petition is recorded in the Extract from the Court's proceedings under date the 27th December 1837.—

2. The Court of Enjarare Kodatte deem it

that

that the Petitioner be informed that the Court have read before them the whole of the Proceedings held both before the Court of Circuit, and the Zillah Judge of Cuttack, in regard to the charges of corruption and Subornation of Perjury preferred against his Father, the late Native Registrar; and that after attentively considering those proceedings, the Court have considered it their duty to submit the Deccisitive Roll received from the Zillah Judge in Government for publication in the Official Gazette, as observed in their Proceedings under date the 12th Ultimo.—

Ordered that the Petition be rejected and that extracts of those Proceedings be furnished to the Petitioner upon his application.—

Read Miscellaneous Letter from the Magistrate Provisional Superintendent of the District of South Arcot,—

(Here enter No. P. No. 44 of 1838)

Petitioner represents that his son Appoo Pudiachy was tried before the Court of Circuit in Criminal Jurisdiction Calendar of the second Sessions of 1836 on a charge of Robbery, and being convicted, was sentenced to imprisonment for fourteen years, and to receive one hundred and fifty lashes of a cat of nine tails.—

Petitioner affirms that his son is innocent, and that the real crime of the charge being preferred was after desire on the part of the prosecutor

to

to revenge himself for the wrong done to his family by the Criminal conversation the prisoner had long held with the prosecutor's daughter. He avers that the witnesses for the prosecution were all either the relations or the dependants of the Complainant, and that, under the Mahomedan Law, their evidence of persons so situated must be rejected: and that in regard for propriety he declines to observe silence before the Court of Circuit on the subject of the illicit intercourse subsisting between his son and the Prosecutor's daughter.—

He concludes by praying that an order may be issued for the release of his son from confinement.—

This case was decided under the consideration of the Court of Sudder Adawlut on the review of the Calendar in which it was entered: but neither on that occasion did the Court deem, nor do they now see any grounds to interfere or to question the propriety and justice of the sentence passed by the Court of Circuit, from whose judgment moreover there is no appeal.—

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

Read letter dated the 7th Ultimo from the Criminal Judge of Bellary submitting the Criminal Returns for the Month of February 1838.—

(Here enter No. 842)

2d April 1838.

Case No. 31.

If the unconfirmed confession is the only evidence against the 1st 2d and 3d prisoners concerned in Case No. 31. the Court of Sessions Gibraltar order that the Criminal Judge will issue orders for their unconditional release from confinement.—

Vide C. R. No. 30.

Ordered that Extract from these proceedings be forwarded to the Criminal Judge of Bellary for his information and guidance by first returnable ex 5 days from and after it receipt.

(Sent following Receipt No. 515.)

Read letter dated the 8th ultimo from the Criminal Judge of Gibraltar submitting the Criminal Report for the Month of February 1838.—

(Here enter No. 652)

Case No. 31.

1.

The Court of Sessions Gibraltar will not now distant the sentence that has been passed in Case No. 31 but for the future guidance of the Criminal Judge the under records their opinion that considering the trifling value of the property stolen the punishment awarded against the 1st prisoner was severe.—

Case No. 44.

2.

In the charge in Case No. 44 the Criminal Judge has omitted to specify upon which of the false and malicious accusation was preferred and in future similar cases the Court of Sessions Gibraltar order that this information be given.—

3.

Report No. VII. shews that the sentence of

2d April 1838.

of the Court of Sessions Gibraltar in Case No. 1 of the Gibraltar Calendar for the 1st Sessions of 1838 was communicated to the prisoner on the 26th of February 1838. the Case therefore should not have been entered in the Register No. 9 as one in which the sentence of the Court of Sessions Gibraltar had not been executed.—

Ordered that extracts from these proceedings be forwarded to the Criminal Judge of Gibraltar for his information and guidance.

(Sent in No. 516)

Read letter dated the 7th Ultimo from the Acting Criminal Judge at Gibraltar requesting that the sentences in Cases No. 13. 14. 15. 16. 22 and 23 of the Criminal Report for February declared to be illegal by the Court of Sessions Gibraltar in their proceedings of the 21st March 1838, may, under the circumstances set forth, be allowed to stand.—

(Here enter No. 648)

The grounds on which the Acting Criminal Judge urges that the sentences passed upon the prisoners concerned in Cases No. 13. 14. 15 and 16. should not be allowed to stand, are, first that the 14. Rupees were obtained by them from Persons of upon Rupees would have been gladly taken in exchange if they could have been found and that the sentence

on

"on the previous and passed on No. 16 at a time when
"he had been before convicted of Theft in No. Band
"15, and of entering into a dwelling house with intent
to steal in No. 14; and further that having committed Burglary
on four different dates and at considerable intervals committed
four different Robberies, justified the sentence, that additional
dishonesty, and notorious evil habits, are proved against
him individually."

2. With respect to the reasons recorded it must be
observed, first, that the offences proved against the prisoner
were Theft not Robbery, and that inasmuch as the value
of the property stolen did not exceed 50 Rupees, and
neither of the Cases were attended with any of the
circumstances of aggravation specified in Clause 1st
Section III Regulation VII of 1822 (even a second or previous
conviction on the same day is not within the intent of
the Regulation) the sentence, as limited under Clause
5th of that Section, must, if the fact on the prisoner
by the Criminal Court, be awarded under the power
vested in the Acting Joint Criminal Judge by Section
VII Regulation X of 1816.

3. But prisoner convicted of theft, not
a house

"from their notoriously bad character," or from any other
"peculiar circumstances of the Case," may appear deserving
of a severer punishment than the Criminal Judge
is authorized to inflict, may be committed for trial
before the Court of Circuit, under the general provision
contained in Clause 2d Section III Regulation VI of 1822.

4. The Court of Sudder Adawlut scarcely
understand the remarks of the Acting Joint Criminal
Judge that "the entry into a dwelling house with
"intent to steal" charges against the prisoner "in No. 14,"
and "alone" sufficient to bear out the sentence "passed
upon the prisoner."

5. In case No. 14 was a case of "Burglary"
the sentence was certainly not objectionable under
the provisions quoted, that under Clause 1st Section
II. Regulation VII of 1822, but it is observed that
"Burglary" is not even charged in the indictment
in Case No. 14.

6. Accordingly the Acting Joint Criminal
Judge is instructed to amend the sentences passed
in Cases Nos. 16. and 28. of the Criminal Report for
the Month of February, with reference to the con-
struction put upon the Law by the Court of Sudder
Adawlut in their late proceedings of the 29th

2d April 1838.

of March 1838.

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Ex C.L.R.

Ordered that extract from letter from
= cutting be forwarded to the Acting Asst Criminal
Judge at Cuddalore for his information and guidance.
(Sent in No 547)

J.H.

F. H.

At a Court of the Foujdaree Udalut

Present

Tuesday 3rd April 1838. John Bird Esqr _____ 1st Puisne Judge
Thomas Alexr Oakes Esqr 2d Puisne Judge
Alexr Duncan Campbell Esqr 3d Puisne Judge

Read the following Extract from the

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Proceedings of the Third judge on Circuit in the
Northern Division dated the 22nd March 1838.

(Here enter F. H. No 701 of 1838.)

In the Extract above recorded, the
Third Judge replies to the Proceedings of the Court of
Foujdaree Udalut under date the 16th Ultimo in which
the Court commented on the omission of the Third Judge
to notice the discrepancy in the Evidence before the
different Tribunals, of the First and Second wit-
=nesses for the Prosecution in Case No 20 of the Chi-
=cacole Calendar for the Second Sessions of 1837—

2. The Third Judge commences the explo-
=nation of the circumstances which led him to "conceive any
Comment" regarding the discrepancy "to be quite unnecess-
=ary" by mentioning (Para 2) "that it seems to him
Evident — that the fact has been overlooked that when
these individuals gave their Evidence in the first instance
before the Police, at the time adverted to by the Court, the
Prisoners had not then been apprehended nor were they
then before the deposing Party"—

3. The Third Judge is open to censure
for supposing that in a case of Life and Death, the

Court

Court of Fouzdaree Udalut could possibly overlook any material part of the evidence: and it would have been in all respects better if the Third Judge had received the remarks of the Fouzdaree Udalut in the same spirit in which they were conveyed - namely - as an intimation of the wishes of the Court in regard to his future Proceedings in Referrible Trials, and had contented himself with certifying his intention to conform to their wishes -

4.

Even supposing the Third Judge's appreciation of the evidence to be correct - what absurdity is it now - that circumstance would afford no excuse for his omitting to allude to so material a fact as that noticed by the Court of Fouzdaree Udalut - The first and second witnesses clearly and distinctly deposed before the Police Officer - three days after the perpetration of the murder - that they had accompanied Chinnapa Dora to the spot - where it was perpetrated, and that they saw him perpetrate the deed - That such was their impression cannot admit of a question: and there can be little doubt that if Chinnapa Dora had been apprehended instead of the second prisoner, they would have deposed against him, not from corrupt motives, but because until the second prisoner was apprehended and confessed, they had no doubt that it was Chinnapa Dora who perpetrated the Murder -

6.

The second prisoner was not convicted by the Court of Fouzdaree Udalut upon the evidence

2nd April 1838.

evidence of these witnesses, but upon proof of the perpetration of the Murder and upon his confession before the Court of Circuit -

Ordered, that Extract from these Proceedings be forwarded to the Third Judge on Circuit in the Northern Division for his information -

/ Sent in No. 549 /

Read return dated the 27th Ultimo from the Acting Joint Criminal Judge of Coimbatore to the Register of the Fouzdaree Udalut dated the 19th March 1838 conveying their order on Case No. 295 of 1837 & 4 of 1838 of the Criminal Report for the month of January -

/ Vide order No. 717 /

Exd R.

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F. A.

At a Court of the Foujdaree Adalut.

Present,

Wednesday, 4th April, 1838. Charles Mary Lushington Esqre Chief Judge,
John Bird Esqre ——— 1st Puisne Judge,
Thomas Alexr Oakes Esqre 2d Puisne Judge,
Alexr Duncan Campbell Esqre 3d Puisne Judge.

Read Letter dated the 7th Ultimo from the Acting Third Judge on Circuit in the South-ern Division forwarding Copies of the Madura Calen-dar for the first Sessions of 1838.

113

F. A. C.

45

Ordered entr F. A. No. 666 of 1838.

Case No. 5 1. The Prisoners in this case are Convicted of the same Offence and Sentenced to the same Punishment as were the Prisoner in No. 24 of the Madura Calendar for the Second Sessions of 1837. and the Court of Foujdaree Adalut, as in that, so also in the present Case, observe that in their opinion the Sentence Passed by the Court of Circuit — two years imprisonment is much too lenient —

Case No. 9 2. In this case, the Prisoner

Sevasumkera Moodely,

was charged before the Court of Circuit with having Ca-used an accessary to the unlawful and Malicious Con-cealment of certain Judicial Records, being the Answer and Rejoinder of Original Suit No. 259 — the Reply and Rejoinder of Original Suit No. 320 and the Reply and Rejoinder of Original Suit No. 350 of 1835 of the File of the Ramnad Zillah Court, —

which

which were committed to his charge as the Civil & Record Keeper of the Court whereby he rendered himself liable to the Penalties Specified in Claus. 1st Section II, Regulation VIII of 1829."

3. The trial of this case was first postponed for the reasons recorded in the Extract from the Proceedings of the Court of Circuit under date the 14th March 1838. (Appendix B.)

4. The Court of Fouzdaree Udalut approve of the order issued by the Acting Third Judge, and concur in the Remarks recorded in the Extract from his Proceedings above referred to.

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

(Sentence No. 552.)

F.U.

At a Court of the Fouzdaree Udalut

Present

John Bird Esqre ——— 1st Puisne Judge.

Thursday 5th April 1838. Thomas Alexr Oakes Esqre 2d Puisne Judge

Alexr Duncan Campbell Esqre 3d Puisne Judge.

Read letter dated the 16th Ultimo from the Third Judge on Circuit in the Northern Division submitting for the final judgment of the Court of Fouzdaree Udalut the Record of Case No. 11 of the Chittagong Calendar for the Second Sessions of 1837.

(Here enter F.U. No. 680 of 1838.)

Mr. Bird, Mr. Oakes and Mr. Campbell. 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 Sunzawal Sunzat and Moofters of the Fouzdaree Udalut, confirm the said Futwa of the Sunzawal Sunzat and Moofters aforesaid, and under the provisions of Clause Second, Section IV. Regulation XV. of 1803, sentence the prisoner

to Mutta Sunnasy

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 his natural life, and acquitting the Prisoner.

2nd Pogoola Nursiah.

direct that he be set at liberty.—

The Court of Sungdaree Udalut observe that against the second Prisoner in this Case, there is nothing more than the evidence of the third witness as to his verbal confession to himself on the occasion of his apprehension.—

That he should have made such a confession, the Court think improbable, and they are inclined rather to attach credit to the Prisoner's own Statement, as to the way in which he became acquainted with the fact of the plundered Property having come into the first Prisoners possession, especially since it is clear that the second Prisoner was employed in the first instance to find out the "Chowkeedars," and that he was not with the Gang when they were seen by the fifth and sixth Witnesses.—

The Court of Sudaree Udalut therefore consider the second Prisoner entitled to

to an acquittal.—

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

(Sentence No. 561.)

Read letter dated the 27th Ultimo from G. J. Waters Esqr. Acting First Judge on Circuit in the Centre Division forwarding copies of the Cuddapah and Coimbatore Calendars for the first Sessions of 1838.—

(Here enter S. R. No. 716 of 1838.)

Cuddapah Calendar Case No. 6.

1. The Prisoners in this case, four in number, were charged before the Court of Circuit with having at five o'clock in the afternoon of the 23rd July 1837, attacked the Parties at Sorst in the wood between the Villages of Kuntasorst in the Pumpullay and Munguinpett in the Sukrut Talook, threatened that they would beat them with sticks and robbed them of property of the aggregate value of 4 Rupees 13.—

2. The fourth Prisoner was acquitted and released.—

3. The first, second and third Prisoners are convicted: but Mr. Castamajor who tried the case, recommends a mitigation of the punishment to which the Prisoners are liable,

on

on the ground "that there is nothing to show that they went forth with the criminal Intent of committing Robbery, and the circumstances of the case clearly show that the Robbery was committed on a sudden temptation, and was without any circumstances of aggravation."

4. The Court of Sudder Adalut &c having duly considered all the circumstances of this case are of opinion that the ends of justice will be attained by a sentence of seven years imprisonment &c and, under the provisions of Clause Third, Section III, Regulation I of 1825, direct accordingly that the Prisoners

1st Potarawze Gungadoo
2nd Nullapareeyadoo

and

3rd Tallapaka Ronapadoo

be severally imprisoned and kept to hard labour in irons on the public roads, or other public works, for and during that period.—

Cuddapah Case No 18. 5. The two Prisoners, in this case, were charged with having on the night of the 15th May 1833, in conjunction with three others in a Gang armed and carrying lighted Torches broken into the Prosecutor's House, illtreated him and his wife and plundered them of property of the value of Rupees 6395-6-0.—

The

6. The trial of this case was post-poned to enable the Criminal Judge to procure further evidence on certain material points.—

7. The Court of Sudder Adalut see reason to fear that due regard has not been paid to their Circular Order of the 28th June 1827, which requires that "the Circuit Judge before commencing the Trial shall satisfy himself by considering the proceedings before the Criminal Judge, and other inferior tribunals, whether there is reasonable ground to believe that the trial can be brought to a close on the testimony of the witnesses present and "if there is not, the Trial ought not to be commenced."—

Coimbatore Cadr. Case No 5. 8. This case was committed for trial before the Court of Circuit upon evidence altogether insufficient; and the Court of Sudder Adalut observe with regret that the Calendar generally reflects discredit upon the Principal Sudder Ameen of Coimbatore, who must be exhorted to greater circumspection and diligence in the discharge of his judicial duties.—

9. In para: 10 of their proceedings under date the 31st August last the Court of Sudder Adalut directed that the prisoners

Mahomed

5th April 1838.

Mahomund Saleb who in Case No 4 of the Cuddapah Calendar for the Second Sessions of 1837 was charged with wounding three persons, and who being supposed to be insane was not tried, should be brought for Trial before the Court of Circuit at the first Sessions of 1838: and in Parah. 10 of their Proceedings under date the 31st October last the Court directed the re-apprehension of Chuntemulla Mullappa (Case No 18 of the Calendar for the Second Sessions of 1837) and his commitment for trial on the charge of Forgery &c. before the Court of Circuit at the 1st Sessions of 1838.—

10. Neither of these cases being entered in the Calendar now reviewed, the Acting First Judge will be pleased to ascertain and report the circumstances which prevented the Prisoners above named from being brought to Trial before the Court of Circuit at the Sessions just concluded.—

Ordered, that Extract from these Proceedings be sent to the Acting First Judge on Circuit in the Centre Division by Precept returnable within twelve days from and after its receipt.—

(Sent following Precept No 562)

Read

5th April 1838.

Read letter dated the 28th Ultimo from the 1st Judge on Circuit in the Western Division forwarding the Death Warrant &c. in Case No 30 of the Calendar 1st Sessions of 1838.

(Here enter No 733.)

Read letter dated the 29th Ultimo from the 3rd Judge on Circuit in the Northern Division returning the Original Death Warrant in No 20 of the Primary Calendar of the Zillah of Chicacole duly executed.—

(Here enter No 738.)

115
L.R.O
150

E. & C.R.

E.D.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre. ——— 1st Puisne Judge

Saturday — Thomas Alexr. Oakes Esqre. 2nd Puisne Judge

7th April 1838 — Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

NB — Read letter dated the 17th Ultimo

T. A. C. — from the Criminal Judge in the Zillah of Cumbaconum submitting the Criminal Re-

10 — ports for the month of February 1838.

(Here enter No. 667)

Code No. 35. 1. — It occurred to the Judges of the Court of Foujdaree Udalut that the date of the apprehension of the prisoner concerned in Code No. 35, might without difficulty be procured on application to the Magistrate of Tanjore, who should accordingly be requested by the Criminal Judge to furnish the information.—

Code No. 38. 2. — An uncorroborated confession before a Police Officer having been declared in the Circular Orders of the Foujdaree Udalut of the 18th of June 1817, and 9th of February 1835, not sufficient to warrant an order for the requisition of security, the Criminal Judge is directed to cancel the sentence passed by

by the Assistant Criminal Judge on the 3rd
prisoner in Case №38 and to order his con-
-ditional release from confinement.

Case №53. 3. The Court of Sessions Uleëlëb
desire to be informed in whose custody the
prisoners concerned in Case №53 were from the
29th of January to the 9th of February 1838, and
Vide C.O. 18th May 1832. if the grounds assigned for the detention of the
prisoners may not appear to the Magistrate
satisfactory, the Court of Sessions Uleëlëb
desire they may be informed of the manner in
which the conduct of the Police has been noticed.

Case №55. 4. Similar information is required
by the Court of Sessions Uleëlëb in respect
to the detention of the 1st 2nd and 3rd prisoners
in Case №55 from the 17th and 18th of January
to the 27th of the same months.

Case №58. 5. The reason assigned for the deten-
tion of the prisoner in Case №68 has been
specially demanded in para 4 of the Circular
Order of the Sessions Uleëlëb of the 24th
January 1822, and the Magistrate of Tiche-
-mopaby will accordingly notice the irregularity
in such manner as the circumstances of the
case may appear to him to require.—

Ordered, that Extract from these
proceedings be forwarded to the Criminal Judge

in the Zillah of Combaconum for his in-
-formation and guidance by precept returna-
-ble in 5 days from and after its receipt and
with instructions to make the necessary
communications to the Magistrates of Tanjore
and Trichinopoly.—

(Sent following precept №579.)

Read the Criminal Reports
for the month of February 1838 submitted by
the Acting Joint Criminal Judge at Combaco-
(Here enter at №683)

With reference to the remarks of
1. the Acting Joint Criminal Judge in Case №298
of the Supplemental Report the Court of
Sessions Uleëlëb direct that that Officer be
informed that it is incompetent to him to pass
sentence upon a prisoner upon a report by the
Sudr Ameen. If Case №298 was simply a
case of Assault, the Sudr Ameen to whom
the Case was referred, and not the Acting
Joint Criminal Judge, should have passed
the Sentence.—

Cases №17 and 41. 2. The Court of Sessions Uleëlëb
are of opinion that the two prisoners con-
-cerned in Cases №17 and 41 and charged
with having stolen from the Prosecutor's back
yard 4 Ajies valued at 8 Rupees were not
punishable

"punishable by the Magistrate"—

3. In Section III Regulation VI of 1827 the petty cases of Cattle Stealing punishable by the Magistrate and the Heads of Police are not defined, but the Court of Foujdaree Udalut are of opinion that cattle stealing when committed by a gang or when the number of cattle stolen is considerable cannot be held as coming within the scope of the Sections in question—

Case №544. 4. With reference to the addition of stripes by the Acting Criminal Judge to the sentence passed by the Sub Ameen in Case №544, the Court of Foujdaree Udalut resolve to point out to the Acting Joint Criminal Judge that Sunds 1st Section II Regulation III of 1833 authorizes the alteration of such judgments passed by the Sub Ameens as may be contrary to Regulation, as respects the extent of punishment, or contrary to justice, as respects the commutation—

5. The Court of Foujdaree Udalut desire the Acting Joint Criminal Judge will explain upon what grounds he ordered the release of the prisoners convicted in Case №5 the sentence passed by the Sub Ameen was an illegal sentence, but as the prisoners were—

were convicted the sentence of punishment should have been amended by the Acting Joint Criminal Judge—

6. The Criminal Reports now under review having been only received in this office on the 26th Ultimo, the attention of the Acting Joint Criminal Judge is called to para. 6 of the Circular Order of the Foujdaree Udalut №40 which requires the transmission of these returns so as to arrive at the Sudr by the 15th day of the month succeeding that for which the said Reports are furnished—

Ordered, that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge at Coimbatore for his information and guidance by precept returnable in 5 days from and after its receipt—

(Sent following precept №580)

Read return dated the 29th Ultimo made by the Criminal Judge in the Zillah of Chittoor to the precept of the Foujdaree Udalut of the 24th March 1838 conveying their observations and orders on the Criminal Reports for the month of February 1838—

(Here enter №718)

With

1. With reference to para. 3 of the above return the Court of Foujdaree Udalut desire the Criminal Judge of Chittoor be instructed to ascertain and to report whether steps are being taken by Captain Beachs to bring to Trial the 8 persons sent to the Jail on suspicion of being Thugs.—

2. For obvious reasons it is desirable that these 8 persons should be kept distinct from the other inmates of the Jail.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge in the Zillah of Chittoor for his information and guidance.—

(Sentin No. 581)

Read letter dated the 31st Ultimo from the Third Judge of the Provincial Court of Circuit in the Centre Division forwarding copies of the Third and Seventh Supplemental Calendars of the first Quarter Sessions of 1838 holden at Chittoor.—

(Here enter F.R. No. 720 of 1838.)

Third Suppl. Calr. Case No. 3.

The two prisoners in this case, were charged with having, on the morning of the 1st October 1837, gone forth, in company of some others armed with Swords &c., attacked the Prosecutor's wife and the first and second witnesses

witnesses on the high way, and after beating them and using menacing language towards them, robbed them of property of the value of Rupees 119-11 a.

2. The first prisoner alone is convicted, but in consideration of his not being an old offender and the robbery not being attended with any personal injury, and as the higher Court sanctioned a mitigation of punishment of seven years in favour of the first prisoner in Case No. 1 of the Seventh Supplemental Calendar 4th Quarter Sessions of 1837 for the same crime charged against this prisoner in the present case— the 3rd Judge recommends that the same indulgence may be granted to him.—

3. The Court of Foujdaree Udalut resolve, under the circumstances of this case, to accede to the recommendation of the third Judge, and, accordingly, under the authority vested in them, by Clause third, Section III Regulation I of 1825, direct that the prisoner

1st Goodoo Vencatagoudoo

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

7th April 1838.

Ordered, that Extract from these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Centre Division by Precept returnable within three days from and after its receipt.

(Sent following Precept No. 582)

WB
L&O
HS
Ex c.s.R.

F. N.

At a Court of the Fouzdaree Adalut

Present

Monday 9th April 1838.

John Bird Esq^r _____ 1st Puisne Judge
Thomas Alex^r Oakes Esq^r 2d Puisne Judge
Alex^r Duncan Campbell Esq^r 3d Puisne Judge

HS

Read again Miscellaneous Petition presented by Chedumbaram late Duffadar attached to the Jail of the Zillah of Chittoor.

(Here enter M. P. No. 36 of 1838.)

L&O

HS

Read also Return dated the 31st Ultimo from the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Fouzdaree Adalut under date the 27th March 1838. requiring them to explain the grounds on which the Petitioner in No. 36 was reduced from the Situation of Duffadar to that of Naigue and Peon, and why he was not restored by the Criminal Judge of Chittoor pursuant to the instructions to that effect of the Provincial Court.

(Here enter F. N. No. 763 of 1838.)

With the petition now recorded are enforwarded copies of the Communications which have passed between the Provincial Court and the Criminal Judge of Chittoor relative to the case of the Petitioner, from which it appears that Petitioner while borne on the establishment of the Jail at Arnee was reduced to a Naigue by the Officer Commanding, and on a subsequent occasion was offered the Situation of Peon by the Cantonment Adjutant at Arcot which he declined.

The

2. The Court of Tondaven Adalut will not order the immediate restoration of the Petitioner to the Rank he formerly held in the Zail of Chittoor last there done so should occasion immerited suffering to others: but the Provincial Court will be pleased to communicate to the Criminal Judge of Chittoor the orders of the Tondaven Adalut that the Petitioner; in consideration of the character he enjoys and the Services he has rendered, be by them appointed to the first vacant Duffadarship, on his establishment.

3. The Court of Tondaven Adalut observe that it was the duty of the Criminal Judge to have brought the Character and Services of the Petitioner to the notice of the Officer Commanding Arnee, who, the Court are satisfied, would, on receiving such a Report, have selected others to be reduced having less claims to consideration than the Petitioner.

4. And the Court regret to observe that the Return of the Criminal Judge dated the 16th February last to the Provincial Court's Precept of the 18th January 1838 is of a very unsatisfactory nature.

Ordered, that Extract from these Proceedings be sent to the Provincial Court in the Centre Division for their information and guidance.

/ Sent in a/c No. 589 /

Ordered also, that Extract from these Proceedings be furnished to the Petitioner upon his application.

Read

Read Miscellaneous Petition presented on the 27th ultimo by Soobbammal representing herself to be the third wife of Apporsamy Iyengar late Village Monsiff and Patta Monigar of Tolyamungalum in the Zillah of Combaconum and Petitioner in Case No. 7 of the Combaconum Calendar for the Second Sessions of 1837.

/ Here enter M. J. No. 46 of 1838. /

Petitioner referring to the order passed by the Court of Tondaven Adalut under date the 19th ultimo, upon her Petition No. 22 of 1838 - urges that if She were put in possession of certain documents connected with the trial above mentioned, She would be able to put the case before the Court in such a light as would suffice to convince them of her husband's innocence: and She prays accordingly that She may be furnished with copies of the Diary Proceedings held and depositions taken by the Criminal Court and the Joint Magistrate of the Zillah of Combaconum as regards her husband, of the Complaint preferred by him before the Joint Magistrate in the first instance, of the depositions given by the opponents of her husband acknowledging the circumstances of them having beaten and robbed him of certain property, and of an Extract from the Proceedings held by the Criminal Judge in regard to that point."

2. The Court of Tondaven Adalut direct that the Petitioner be informed that the Provincial Court of Carnat will be directed to instruct the

the Criminal Judge of Combaconum and the Joint Magistrate of Tanjore to furnish her with copies of such documents as she may require to enable her to draw up her case - on her providing the requisite Stamp papers -

Ordered, that Extract from these Proceedings be furnished to the Petitioner upon her application -

Ordered, also that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance and the information and guidance of the Criminal Judge of Combaconum and Joint Magistrate of Tanjore -

/ Sent in No. 590 /

Read Miscellaneous Petition presented on the 2nd instant by Guzzala Timmadu of Cuddapah.

/ Here enter M. P. No. 57 of 1838. /

The Petitioner referring to her Petition No. 40 of 1837 complains that only two of the three Prisoners in Case No. 19 of the Cuddapah Calendar for the first Sessions of 1837 have been released, and that her son Guzzala Timmadu is still in confinement: and she prays that an order may be issued for his release -

The Court of Sunjdaree Adalut observe that the Record of the Case having been before them, the Court determined that there was no

room to question the Justice of the Sentence of the Court of Circuit, as far as the Prisoner Timmadoo was concerned, which will therefore not be disturbed -

Ordered, that the Petition be rejected and that Extract from these Proceedings be furnished to the Petitioner upon her application -

Read Miscellaneous Petition presented on the 2nd Instant by Doorjunnah of the Zillah of Cuddapah -

/ Here enter M. P. No. 59 of 1838. /

1. The Prayer of this Petition is that an order may be issued for the release of the Prisoners Gondoogalloo Condoogador and Gondoogalloo Seddaia Boyador who, in Case No. 9 of the Cuddapah Calendar for the first Sessions of 1835, were convicted before the Court of Circuit of Robbery and sentenced to imprisonment with hard labour in Irons for fourteen years -

2. The Petitioner who is a near relative of the Prisoners merely asserts in general terms their innocence; and pleads, in support of her Prayer, her widowhood and Poverty - the latter occasioned by the imprisonment of those on whom she depended for Support -

3. The Court of Sunjdaree Adalut have referred to the Calendar and see no ground to question the justice of the Sentence passed by the Court of Circuit, from which moreover the Regulations do not admit of any appeal -

Ordered

6th April 1838.

Ordered, that the Petition be re-
-jected and that Extract from these Proceedings be
furnished to the Petitioner upon her application—

WS Cheedumbarum, Sail Duffadar
DtO of the Zilla of Chittoor, moves the Court to return
the enclosures in his Miscellaneous Petition No. 36
[redacted] of 1838—

Ex WS Ordered accordingly—

[redacted]

F. U.

At a Court of the Foujdarry Udalut—

Present

Wednesday 11th April 1838.

John Bird Esqre _____ 1st Puisne Judge
Thomas Alexander Oakes Esqre 2d 2d Puisne Judge
Alexr Duncan Campbell Esqre 3d 3d Puisne Judge

WS DtO [redacted]

Read letter dated the 15th Ultimo from the 1st Judge on Circuit in the Western Division transmitting the English record in Case No. 3 Malabar Calendar for the 1st Sessions of 1838—

(Arzee enter No. 661—)

Mr Bird
Mr Oakes
and
Mr Campbell

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

1st Tean Kadancherry Teyan

and

4th T. Rankad Tillakel Kandan

of assisting to murder the deceased, and do accordingly convict them thereof— and under the Provisions of Section X, Regulation VIII of 1802, sentence the Prisoner

1st Tean Kadancherry Teyan

to be transported for 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

F. 96.

At a Court of the Foujdaree Udalut

Present

John Bird Esqr. ——— 1st Puisne Judge.

Thursday 12th April 1838. Thomas Alexr Oakes Esqre. Actg 2nd Puisne Judge.

Alexr Duncan Campbell Esqre. 3rd Puisne Judge.

WB
JHC

Read letter dated the 28th Ultimo from the Assistant Criminal Judge in charge of the Court at Cuddapah submitting the Cuddapah and Cumbum Criminal Reports for the month of February 1838.

(Here enter No. 719.)

Cumbum Report No. 5. Case No. 4.

1. From the abstract of the evidence given in Case 4th of the Cumbum Criminal Report No. 5, the Court of Foujdaree Udalut entertain doubts whether the Prisoners concerned in that case should not have been committed to take their Trial before the Court of Circuit; they resolve therefore to direct the Judge on Circuit in the Centre Division to call for the record of the case and to proceed with respect to it according to Section XXIII Regulation X of 1816.

Statement of Extra Items employed at Cumbum.

2. The Assistant Criminal Judge is directed to procure, and to submit to the Court of Foujdaree Udalut an explanation

of the employment of two Extra Sail Peons at Cuddalore during the month of February 1838.—

Ordered, that para: 1 of the said proceedings be forwarded to the Acting 1st Judge on Circuit in the Centre Division for his information and guidance and that a copy of para: 2. be forwarded for the information and guidance of the Assistant Criminal Judge at Cuddalore.—

(Sent in Nos. 602 & 603.

Read return dated the 30th Ultimo from the Criminal Judge of Chicacole to the precept of the Sanjanee Udalut dated the 23rd March 1838 conveying their observations and orders on the Chicacole Criminal Reports for the month of February.—

(Here enter No. 765.)

Read letter dated the 2nd Instant from the Acting 1st Judge on Circuit in the Centre Division reporting the commencement of the Sessions at Bellary and the State of the Calendar.—

(Here enter No. 770.)

Read return dated the 3rd Instant from the Criminal Judge of Salem to the precept of the Sanjanee Udalut dated the 27th

27th March 1838. conveying their observations and orders on the Salem Criminal Reports for the month of February.—

(Here enter No. 774.)

Read return dated the 3rd Instant from the Assistant Criminal Judge in charge of the Criminal Court at Madura to the precept of the Sanjanee Udalut dated the 27th March 1838 conveying their observations and orders on the Madura Criminal Reports for the month of February.—

(Here enter No. 784.)

Read return dated the 2nd Instant from the Provincial Court of Circuit in the Western Division to the precept of the Sanjanee Udalut dated the 5th March 1838 directing the release of the prisoners in the Special Court Martial Trials at Mangalore — forwarded by Government.

(Here enter No. 786.)

Read letter dated the 5th Instant from the 3rd Judge of the Provincial Court of Circuit in the Western Division forwarding a Statement of Batta paid to Prosecutors and Witnesses during the 1st Quarterly Sessions of 1838.—

(Here enter No. 806.)—

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L.T.O.
Es. C. R.

of the employment of two Extra Jail Peons at Cumbum during the month of February 1838.—

Ordered, that para: 1 of these proceedings be forwarded to the Acting 1st Judge on Circuit in the Centre Division for his information and guidance and that a copy of para: 2 be forwarded for the information and guidance of the Assistant Criminal Judge at Cuddapah.—

(Sent in Nos. 604 & 605.

Read return dated the 30th Ultimo from the Criminal Judge of Chicacole to the precept of the Foujdaree Udalut dated the 23rd March 1838 conveying their observations and orders on the Chicacole Criminal Reports for the month of February.—

(Here enter No. 765.)

Read letter dated the 2nd Instant from the Acting 1st Judge on Circuit in the Centre Division reporting the commencement of the Sessions at Bellary and the State of the Calendar.—

(Here enter No. 770.)

Read return dated the 3rd Instant from the Criminal Judge of Salem to the precept of the Foujdaree Udalut dated the 27th

27th March 1838 conveying their observations and orders on the Salem Criminal Reports for the month of February.—

(Here enter No. 774.)

Read return dated the 3rd Instant from the Assistant Criminal Judge in charge of the Criminal Court at Madura to the precept of the Foujdaree Udalut dated the 27th March 1838 conveying their observations and orders on the Madura Criminal Reports for the month of February.—

(Here enter No. 784.)

Read return dated the 2nd Instant from the Provincial Court of Circuit in the Western Division to the precept of the Foujdaree Udalut dated the 5th March 1838 directing the release of the prisoners in the Special Court Martial Trials at Mangalore forwarded by Government.

(Here enter No. 786.)

Read letter dated the 5th Instant from the 3rd Judge of the Provincial Court of Circuit in the Western Division forwarding a Statement of Batta paid to Prosecutors and Witnesses during the 1st Quarterly Sessions of 1838.—

(Here enter No. 806.)

WS
F.P.C.
Esq. R.

F. 11c.

At a Court of the Foujdaree Adalut.

Present,

John Bird Esq^re _____ 1^st Puisne Judge,

Saturday, Thomas Alex^r Oakes Esq^re 2^d Puisne Judge,

14^th April, 1838. Alex^r Duncan Campbell Esq^re 3^d Puisne Judge,

Read peturn dated the 2^d Instant

JS
F.A.C.
15 made by the Criminal Judge of Bellary to
the precept of the Foujdaree Adalut of the
27^th March 1838 directing him to report the
amount of security demanded from the Prisoners
in Case^s N^o 29. of the Criminal file for 1837,
and whether the Prisoners were prepared to
produce it.—

(Here enter N^o 772.)

The Criminal Judge certifies
1. that as "no amount of security was required
by the higher Tribunal," "none was demanded"
by him, and that he "awaits the final
"instructions as to the amount of security to
"be taken, and the period of imprisonment
"in the event of their not furnishing the
"required security."—

The amount of security, the
2. number of sureties, and the period of time
for which the sureties are to be held responsible,
were—

were points left to be fixed and determined by the Criminal Judge, with reference to the circumstances and circumstances in life of the persons from whom it is to be demanded, as well as to the cause for requiring it, and the Criminal Judge will accordingly proceed to fix the amount &c. with reference to the provisions of Clause 2nd Section VII. Regulation VII of 1827; but in the opinion of this Court of Foujdaree Udalut the period of detention for Security need not exceed 6 months.—

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge of Bellary for his information and guidance by Precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 614.)

Read Statement dated the 4th Instant from the Acting 1st Judge on Circuit in the Centre Division, shewing the amount of Batta paid to Prosecutors and Witnesses in attendance before the Circuit Court at the 1st Sessions 1838. according to Section XXXIII Regulation X, of 1816.—

(Here enter No. 791.)

Read letter dated the 5th Instant from the Joint Criminal Judge of Vizagapatam submitting

submitting certain correspondence regarding the production of a Shrogee Approver as Witness in a Criminal Case.—

(Here enter No. 811.)

F. U.

At a Court of the Toopdaree Adalut.

Present

Tuesday 17th April 1838.

John Bird Esqre. 1st Puisne Judge
Thomas Alexr. Oakes Esqre. 2d Puisne Judge
Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read petition presented by Tarooyee Andemmah of the Zillah of Chittoor.

/ Here enter N. P. No. 15 of 1838. /

The whole circumstances connected with the complaint of this Petitioner placed under the consideration of the Court of Toopdaree Adalut on the 28th April 1834 under which date she was informed, that she "had urged nothing" which could under any further interference "be necessary", and that the Court was "satisfied that the orders passed by the Lower Tribunals" upon her case were "Correct", and afforded "no just grounds for complaint".

2. No new matter is urged in the present petition, and the Petitioner is accordingly referred to the order dated the 28th of April 1834, and informed that no further petition on the subject of the same complaint will receive attention.

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

Read Miscellaneous Petition presented on the 2nd instant by Bedarro Soobba Rah.

/ Here enter N. P. No. 18 of 1838. /

The

17th April, 1838.

The Petitioner represents that her husband Vencata was apprehended some years ago on a charge of Robbery, and sent before the Criminal Judge of Cuddapah by whom he was released. That some Prisoners having effected their escape from the Cuddapah Jail in the year 1822 - among whom was one Goonnoor Sobbadoo who had been previously sentenced to Six years imprisonment, - the Criminal Judge threatened the Peons with punishment if they failed to re-apprehend the fugitives, and that the Peons thus stimulated, seized Petitioners husband and declaring him to be Goonnoo Sobbadoo procured his imprisonment - This occurred in 1835 -

Petitioner prays that an order may be issued for the release of the Prisoner -

The Court of Foujdaree Adalut cannot pay attention to an unsupported Statement of this nature made three years after the Sentence complained of was passed -

Independently of the improbability of the Peons deferring the Execution of their designs for a period of Six years (which would be the case if there were any truth in the Petitioners Story) the Prisoner in question was identified by four witnesses and likewise by the marks of Stripes on his back -

Ordered, that the Petition be rejected and that Extract from these Proceedings be furnished to the Petitioner upon her application -

Tarrogor

7th April 1838.

Tarrogor Audemmah of the Zillah of Chittoor, moves the Court to return the enclosures in her Miscellaneous Petition No. 248 of 1838 -

Ordered accordingly -

Read Return dated the 30th Ultimo from the Special Commissioner late Sitting at Mangalore to the Precept of the Court of Foujdaree Adalut under date the 7th March 1838 - directing them to obtain from the Joint Magistrate in charge of Canara and from the Criminal Judge of Canara and forward explanation relative to the conduct of the Zillah Court Pundit in regard to Mangalore Special Trial No 135 and to the alleged detention of the first witness Anna Bhutt in confinement for upwards of Six months -

(Here enter F.R. No. 768 of 1838.)

1. The Court of Foujdaree Adalut concur in the view taken of the Pundits conduct by the Criminal Judge as explained in his Return of the 28th Ultimo - that is to say that in regard to the first charge, there is not sufficient ground to impute criminality to the Pundit: and that in respect of the second and third charges as the Magistrate took no further steps in the prosecution of them, it is to be inferred that he considered the testimony of the witnesses in support of them unworthy of credit -

2. But the Court of Foujdaree Adalut regret to find from Paral 7 of the Criminal Judges Return that the Official Conduct of the Pundit is open to censure: and the Court deem it proper to direct that the

the Criminal Judge be instructed to warn the Pundit of the necessity of observing more circumspection and diligence in the discharge of the duties of his Office.

3. In the Joint Magistrate's Return of the 23d Ultimo is offered an explanation of the detention of the first witness Anna Bhutt.

4. On this point the Court of Foujdaree Udalut observe that although the necessity for such a detention must alway be matter for regret, yet, the circumstances of difficulty then existing, appear sufficiently to account for and excuse the measure.

Ordered, that Extract from these Proceedings, with the Returns of the Joint Magistrate and Criminal Judge and their enclosures be sent to the Chief Secretary to Government to be laid before the Right Honorable the Governor in Council with reference to para 2 of the order of Government of the 12th Ultimo No. 259.

/ Sent in a No. 616. /

Ordered, also that Extract from these Proceedings (paras 1 and 2) be sent to the Special Commissioner for the information and guidance of the Criminal Judge of Cuddapah.

/ Sent in No. 617 /

Read Return dated the 2nd Instant made by the Assistant Criminal Judge in charge of the Criminal Court at Madura to the Precept of the Foujdaree Udalut of the 27th of March 1838 conveying their observations and orders in the Criminal Reports for the Month of February 1838.

/ Here enter No. 793. /

Under

Under the Explanation submitted by the Assistant Criminal Judge the Sentence passed by the Sudr Ameen in Case No. 24, under Clause 6th Section II. Regulation VII. of 1822, need not be disturbed.

Ordered that Extract from these Proceedings be forwarded to the Assistant Criminal Judge in charge of the Criminal Court of Madura for his information and guidance.

/ Sent in No. 618 /

Read the Criminal Reports for the month of March 1838 submitted by the Joint Criminal Judge of Tinnevelly.

/ Here enter No. 794 /

Case No. 19. Case No. 19 appears to have been a petty theft punishable by the Magistrate and the Court of Foujdaree Udalut considering the punishment excessive, accordingly resolve to reduce the punishment of 6 months imprisonment and 100 lashes awarded to the 1st prisoner, to 4 months imprisonment without Stripes; and as regards the 2nd prisoner the Court of Foujdaree Udalut resolve to limit the Requisition of Security to the period of 4 months in two Sureties of 10 Rupees each.

Ordered that Extract from these Proceedings be forwarded to the Joint Criminal Judge at Tinnevelly for his information and guidance by Precept returnable in 5 days from and after its receipt.

/ Sent following Precept No. 619 /

Read

Read again Miscellaneous Petition presented on the 19th Ultimo by Rungiun representing himself to be a Brahamin residing at Palyghaut in South Malabar.

/ Here enter Mr. L. No. 243 of 1838. /

Read also Order of Government dated the 10th April 1838 No. 366 upon the Extract from the Proceedings of the Court of Tanjore Adalut under date the 2nd instant.

/ Here enter Ft. No. 808 of 1838 /

The Court of Tanjore Adalut direct that a copy of the Resolution of Government above recorded with a copy of the Court's Proceedings of the 2nd instant be furnished to the Magistrate of Malabar with an intimation that he has authority to bring to Trial before the Proper Tribunals the above named individual, (Rungiun) on any charges which may be preferred against him through the medium of the Resident in Travancore and Cochin for crimes alleged to have been committed by him within those States.

The Petitioner, if he is prepared to abide the Inquiry, will be pleased to proceed forthwith to Calicut the authorities at which Station will conduct the inquiry into the charges preferred against him by the Cochin Circar.

Ordered, that Extract from those Proceedings be sent to the Magistrate of Malabar for his information

information and guidance.

/ Sent in No. 620. /

Ordered also that Extract from those Proceedings be furnished to the Petitioner upon his application.

F. U.

At a Court of the Fonjdaree Adalut

Present

Wednesday 18th April 1838. John Bird Esqre _____ 1st Puisne Judge
Thomas Alexr Oakes Esqre Offg 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read Extract from the Minutes of Consultation under date the 7th Instant, communicating the resolution of Government that a Commission shall be appointed to inquire into the charge of corruption preferred by Mr Angelo against Mr Bushby, and nominating Mr Dickinson to conduct the Inquiry at Cuddapah—

/ Here enter No: 792 - /

Ordered, that the following letter be sent to the Chief Secretary to Government—

To The Chief Secretary to Government.

Sir,

1. With reference to Parah 6 of the Extract from the Minutes of Consultation under date the 7th April 1838. I am directed by the Court of Fonjdaree Adalut to suggest that they receive permission to desire Mr Dickinson to furnish both Mr Bushby and Mr Angelo with Copies of all the Papers before the Court connected with the subject of the enquiry to be conducted by him, transcripts of which are ordered to be furnished to the Commissioner thro' the Office of the Chief Secretary to Government

Government.

2. Mr Dunlop I am directed to observe has not been furnished from this Office with any of the papers in which corruption was imputed to him by Mr Anglo.

3. With reference to para 6 of the Minutes of Consultation of the 7th instant the Court of Fongdaree Adalut have considered it sufficient to furnish the Commissioner with only such parts of the correspondence as relate to the charge to be tried, and transcripts of these papers are accordingly submitted with this communication; but if the Government should desire it, the proceedings and orders relative to the other charges which have been disposed of by Government shall be prepared and submitted without delay.

I have the honor to be &c
(Signed) W. Douglas
Register

Minute of the 3rd Persian Judge.

Once a Commissioner is nominated by Government to enquire into a particular specified charge, officially communicated to him, he may entertain legal doubts of his competency to amend or alter it without their express sanction. Now it appears to me judicially objectionable to require the accused to plead to the second instance of the 6th charge preferred by Mr Anglo, until it has been made more specific, not

not only as to time, and place, but as to the individual party who paid the money charged as given corruptly. I think it is the peculiar province of this Court to advise the Government in this respect, before the trial commences, that they may relieve the Commissioner from any embarrassment in regard to it he may otherwise feel, and that legal efficacy may be given to every charge, before it is submitted by Government to judicial enquiry.

(Signed) A. D. Campbell
16th April 1838.

Ex C.R.

F. U.

At a Court of the Tongdaree Udalut.

Present

Thursday 19th April 1838.

John Bird Esqre _____ 1st Puisne Judge

Thomas Alexander Oakes Esqre Actg 2nd Puisne Judge

Alexr Duncan Campbell Esqre 3rd [redacted] Judge

WS

T.A.C.

[redacted]

Read letter dated the 23d Ultimo from the 3rd Judge on the Provincial Court of Circuit in the Western Division, transmitting the Record in Case No 1, on the Jellicherry 6th additional Calendar for the 1st Quarterly Sessions of 1838—

Here enter No 759.

The Court of Sonjdaree Udalut, having

Case No. 1.

Mr. Bird and Mr. Campbell—

maturely considered the Proceedings held before the Court of Quarter Sessions, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee-ool-cozat and Mooftee of the Sonjdaree Udalut, confirm the said Futwa of the Cazee-ool-cozat and Mooftee aforesaid convicting the Prisoner

Nawoodeen Amboo

of Murder and awarding to Roobut: and under the Provisions of Section X, Regulation VIII of 1802, Sentence the said Prisoner to suffer death by being hanged at the usual time and place of Execution—

Sent following Letter No: 630

Read letter dated the 19th Ultimo, from the Third Judge on Circuit in the Northern Division, forwarding Trial No 4 on the Primary Calendar of the Zillah of Vizagapatam for the 2nd Sessions of 1837- for the final Sentence of the Hygher Court

19th April 1838.

Court.

/Here enter No: 696./

Case No. 4.

The Court of Fouzdaree Udalut, under the Finding of Ootroobut declared in the foregoing Fatwa and under the provisions of clause Third Section VII Regulation XV of 1808, and clause first, Section V. Regulation VIII of 1831, sentence the prisoner

Dumtaloory Seetaramarauze

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 to commence from the date on which he may be re-apprehended and delivered over to the custody of the Officer in charge of the Criminal Jail at Vizagapatam.

/Sent following Letter No. 631/

Read Letter dated the 20th Febuary last from the Third Judge or Circuit in the Northern Division, forwarding for the orders of the Court of Fouzdaree Udalut a copy of a communication from the Acting Joint Criminal Judge of Vizagapatam reporting the escape of Dumtaloory Seetaramarauze convicted in Case No. 4 of the Vizagapatam Calendar for the Second Sessions of 1837 of Forgery - and the consequent levying of the sum of Rupees two thousand from his Surety: and suggesting that from the amount thus forfeited, the sum of five hundred Rupees be offered by Proclamation for the apprehension of the fugitive.

/Here enter F. H. No. 476 of 1838./

Before

19th April 1838.

1. Before passing any order on the immediate Subject of this reference, the Court of Fouzdaree Udalut resolve to call for an authenticated Copy and translation of the Bail-bond entered into by the Dubashee Surety.

The Third Judge will likewise be pleased to call upon the Joint Criminal Judge of Vizagapatam to Explain on what grounds the Prisoner was permitted to be at liberty either during or after the Trial before the Court of Circuit.

Ordered, that Extract from these Proceedings be sent to the Third Judge on Circuit in the Northern Division by Precept Returnable within ten days from and after its Receipt.

/Sent following Precept No. 637/

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Joint Criminal Judge at Tellicherry for the month of March 1838.

/Here enter No. 819./

The above Reports do not appear to call for any remark from the Court of Fouzdaree Udalut.

Ordered therefore that Extract from these Proceedings be sent to the Joint Criminal Judge of Tellicherry for his information.

/Sent No. 638/

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Criminal Judge of Canara for the

Court.

/Here enter No: 696./

Case No. 4.

The Court of Fouzdaree Udalut, under the Finding of Doubt declared in the foregoing Sentence and under the provisions of Clause Third Section VII Regulation XV of 1808, and Clause first, Section V, Regulation VIII of 1831, sentence the Prisoner

per Cawnpore

Duntaloory Seetaramaraugie

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 to Commence from the date on which he may be re-apprehended and delivered over to the Custody of the Officer in charge of the Criminal Jail at Vizagapatam.

/Sent following Letter No. 631/

Read Letter dated the 20th February last from the Third Judge or Circuit in the Northern Division, forwarding for the orders of the Court of Fouzdaree Udalut a copy of a communication from the Acting Joint Criminal Judge of Vizagapatam reporting the escape of Duntaloory Seetaramaraugie convicted in Case No. 4 of the Vizagapatam Calendar for the Second Sessions of 1837 of Forgery - and the consequent forfeiture of the Sum of Rupees two thousand from his Surety: and suggesting that from the amount thus forfeited, the Sum of five hundred Rupees be offered by Proclamation for the apprehension of the fugitive.

/Here enter F.H. No. 476 of 1838./

Before

1. Before passing any order on the immediate Subject of this reference, the Court of Fouzdaree Udalut resolve to call for an authenticated copy and translation of the Bail-bond entered into by the Prisoner's Surety.

2. The Third Judge will likewise be pleased to call upon the Joint Criminal Judge of Vizagapatam to Explain on what ground the Prisoner was permitted to be at liberty either during or after the Trial before the Court of Circuit.

Ordered, that Extract from these Proceedings be sent to the Third Judge on Circuit in the Northern Division by Precept Returnable within ten days from and after its receipt.

/Sent following Precept No. 637/

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 Submitted by the Joint Criminal Judge at Tellicherry for the month of March 1838.

/Here enter No. 819./

The above Reports do not appear to call for any remarks from the Court of Fouzdaree Udalut.

Ordered therefore that Extract from these Proceedings be sent to the Joint Criminal Judge of Tellicherry for his information.

/Sent in No. 638/

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 Submitted by the Criminal Judge of Canara for the

19th April 1838.

the month of March 1838.

/Here enter No. 820./

The above Reports do not appear to call for any remark from the Court of Fouj.dareee Udalut.

Ordered therefore that Extract from these Proceedings be sent to the Criminal Judge of Canara for his information.

/Sent in No. 634/

Read the Criminal Reports prescribed by Section XXXV. Regulation X of 1816 submitted by the Principal Sudr Ameen at Honor for the month of March 1838.

/Here enter No. 835./

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. 635/

Exce.R.

W.B.

L.H.C.

635

J. U.

At a Court of the Foujdaree Udalut.

Present.

John Bird Esqre. ——— 1st Puisne Judge.

Friday 20th April 1838. Thomas Alexr. Oakes Esqre. ——— 2d Puisne Judge.

Alexr. Duncan Campbell Esqre. 3d Puisne Judge.

W.B.

L.H.C.

635

Read again paras 2. of the Extract from the Minutes of Consultation under date the 8th August 1837 in which the Court of Foujdaree Udalut are directed to collect the opinions of the several Magistrates as to what has been the effect of depriving the Native Police Officers of the powers of corporal punishment, and in submitting these opinions for the information of Government desiring the Judges would submit their own sentiments on the subject.

(Here enter No. 1589.)

Also read letters dated respectively the 5th and 20th October 1837, 27th November 1837 and 2d February 1838 from the Provincial Courts of Circuit in the Western, Northern, Centre and Southern Divisions submitting the opinions of the several Magistrates within their jurisdiction as to what have been the effects of depriving the Native Police Officers of the powers of corporal punishment.

20th April 1838.

punishment.—

(Here enter Nos 2098. 2228. 2521. of 1837 & No 278. of 1838)

1. The opinion of the Court of Faujdaree Udalut in favor of restoring the power of inflicting corporal punishment to the Heads of District Police, has already been submitted to Government and will be found detailed in Para.s 49 and 50. of their Proceedings dated the 15th August 1836 held on review of the general Police Reports furnished for the year 1835.—

2. The opinions of the several officers collected under the order of Government of the 8th August 1837 and submitted herewith, show that with the three exceptions of Mr. Blackburne Mr. Drury and Mr. H. Lewin all the Magistrates are in favor of restoring to the Heads of Police the power of inflicting corporal punishment, and as the opinion of the Court of Faujdaree Udalut the strongest reason for restoring this power is that the punishment of imprisonment with labour, but without irons, authorized by Clause 1st Section V Regulation XIII of 1832, in lieu of Stripes, has been shown both on the present occasion, and in the opinions of the several Magistrates laid before Government with the proceedings of the Faujdaree Udalut of the

× Vide C.C. F. Ub. No 64.

the 29th June 1836, to be wholly inefficient.—

3. Several of the Magistrates have reported that by reason of the mode in which sentences of imprisonment are necessarily enforced in the Jails, the abolition of corporal punishment by the Police, as a punishment for petty thefts, has tended rather to the encouragement than the suppression of such offences, and Mr. H. Lewin in Canara, though adverse to its restoration, goes so far as to state that its abolition has occasionally induced the people to resort to "torture" and unauthorized punishments of their own.

4. The Court of Faujdaree Udalut entertaining the opinion that the power of inflicting stripes may be safely entrusted to the Heads of District Police, and being unable to suggest any other equally efficacious punishment as a substitute, repeat their suggestion, that if corporal punishment hereafter to be awarded by any tribunal, the power of awarding it be restored to the Heads of Police to such extent as may be considered expedient.—

Ordered that Extract from this Proceedings together with copies of the opinions referred to above be forwarded to the

20th April 1838.

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

(Sent in at No. 636)

Read letter dated the 3d Instant from the Assistant Criminal Judge in charge of the Criminal Court in the Zillah of Madura reporting that no evidence in addition to the documentary evidence laid before the Court of Circuit had been procured in regard to the Forgeries lately discovered of the Documents in the Zillah Court of Madura.—

(Here enter No. 785)

Read Supplemental return dated the 5th Instant from the Criminal Judge of Chicacole to the precept of the Sanjdarree Adalut dated the 23d March 1838 conveying their observations and orders on the Criminal Reports for February 1838.—

(Here enter No. 810.)

Read return dated the 9th Instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Sanjdarree Adalut dated the 7th April 1838 sanctioning a mitigated sentence in favor of the 1st Prisoner in Case No. 3. of the Chittoor Third Supplemental Calendar for the 1st Quarter

20th April 1838.

Quarter Sessions of 1838.—

(Here enter No. 815.)

Read letter dated the 5th Instant from the Joint Criminal Judge at Cochin transmitting the Criminal Reports for the month of March 1838.—

(Here enter No. 816.)

Read letter dated the 5th Instant from the Magistrate of Ganjam submitting the explanation called for in the Extract from the Proceedings of the Sanjdarree Adalut dated the 23d Ultimo relative to the suspected want of exertion on the part of the Head of Police of Comchoor in Case No. 11 of the Criminal file for February last.—

(Here enter No. 818.)

Read return dated the 9th Instant from the Acting Joint Criminal Judge at Cuddalore to the Precept of the 20th March 1838 relative to the Criminal Reports for the month of January 1838.—

(Here enter No. 821.)

Read letter dated the 11th Instant from the Provincial Court of Circuit in the Western Division submitting translations of the Criminal Reports received from the Principal Sudr Ameen of Sirsy for March last

last.-

(Here enter No. 830.)

Read letter dated the 7th Instant from the Magistrate of Gunjam explaining the delay in causing the attendance of certain Witnesses required by the Assistant Criminal Judge in Case No. 174 of the Supplemental Calendar for February last.

(Here enter No. 838.)

Read return dated the 11th Instant from the Criminal Judge of Bellary to the Precept of the Fouzdaree Udalut dated the 2nd April 1838. relative to the Balance Criminal Reports for the month of February

(Here enter No. 839.)

WS Read letter dated the 13th Instant
L.P.Q. from the Acting 1st Judge on Circuit in the
WS Centre Division reporting his intention to
open the 1st Sessions of 1838 on the 21st
Ens C.L.R. instant at Chingleput

(Here enter No. 853.)

F. U.

At a Court of the Fouzdaree Udalut.

Present

Monday 23rd April 1838. John Bird Esqre 1st Puisne Judge
Thomas Alexander Ross Esqre 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read Miscellaneous Petition pre-

WS sented on the 2nd instant by Davara Vencatee of
L.P.Q. the Zillah of Cuddapah.
WS

(Here enter No. 50 of 1838.)

The object of this Petition is to obtain an order for the release of Davara Baladoo, Prisoner in Case No. 33 of the Cuddapah Calendar for the first Sessions of 1835. who was convicted by the Court of Fouzdaree Udalut of Gang Robbery and sentenced to imprisonment for four-teen years.-

Petitioner who is the convicts wife. urges that the charge was brought by the Prosecutor to gratify his vengeful and malicious feelings, excited by the Prisoners having combined with several others to excommunicate Prosecutors Sister from their caste, she having been re-admitted into the family by the Prosecutor, after conviction of improper and unchaste conduct.-

Petitioner is informed that the Sen-tence was passed by the Court of Fouzdaree Udalut after a mature consideration of all the circumstan-ces of the Case: and that it cannot be disturbed.-

Ordered

23d April 1838.

Ordered that the Petition be rejected and that Extract from these Proceedings be furnished to the Petitioner upon her application.

Read Miscellaneous Petition presented on the 2d Instant by Jamoona Dhaee of St Thome.

/Here enter M. J. No. 81 of 1838./

The object of this Petition is to obtain an order for the release of one "Ramasamy" at present confined in the Jail of the Zillah of Chingleput.

Chingleput Criminal Report for October 1837 - No. 164

The Court of Fougdaree Udalut observe that one Ramasawmy stands committed by the Criminal Judge of Chingleput to take his trial before the Court of Circuit for wilfull and corrupt perjury arising out of Matters pending before the additional Government Commissioner; and although the names somewhat differ it is evident from the circumstances of the Case that the Prisoner whose name is entered in the Criminal Report is the Person referred to by the Petitioner.

The Petitioner is informed that she must await the Result of the Trial before the Court of Circuit.

WB
J.A.D.

Ordered that Extract from these Proceedings be furnished to the Petitioner upon her application.

Ex C.S.R.

F. 116.

At a Court of the Fougdaree Udalut.

Present

John Bird Esqre. ——— 1st Puisne Judge.

Tuesday 24th April 1838.

Thomas Alexr. Oakes Esqre. 2d Puisne Judge.

Alexr. Duncan Campbell Esqre. 3d Puisne Judge.

WB
J.A.D.

Read Letter Dated the 29th Ultimo from the 1st Judge on Circuit in the Western Division transmitting the Record in Case No. XXXIV on the Malabar Calendar 1st Sessions of 1838.—

/Here enter No. 742./

Mr. Bird and Mr. Campbell.

The Court of Fougdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Fatwa of the Provincial Law Officer and the Fatwa of the Lazeem-ool-Lazeem and Mooftee of the Fougdaree Udalut, confirm the said Fatwa of the Lazeem-ool-Lazeem and Mooftees aforesaid; and sentence the Prisoner

1st Kanaka Cheroomen Koopan.

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

his natural life: and the Prisoner

8th Kanaka Cheroomen Thoomba

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

2nd Kanaka Cheroomen Kandan

3rd Cheroomen Karoopen

4th Cheroomen Thangaren[illegible]n of Kannen

5th Cheroomen Thangaren[illegible] Korpan

6th Cheroomen Manapally

and

7th Arimbra Krishna Menon

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 three years.—

(Sent following letter No 654.)

Read letter dated the 31st Ultimo from the 3rd Judge of the Provincial Court of Circuit on the Centre Division transmitting the Record in Case No 1 of the Calendar Supplemental Calendar for the 1st Quarter Sessions of 1838.—

(Here enter No 760)

Mr Baker.

The Court of Sreyduree Udalut having maturely considered the proceedings

Pole

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 Sreyduree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, acquitting the Prisoner

Lutchanyuppan

and accordingly direct that he be set at liberty.

(Sent following letter No 655.)

Read letter dated the 31st Ultimo from the 3rd Judge on Circuit in the Northern Division transmitting the Record of Case No 1 on the Chicacole Primary Calendar 2nd Sessions of 1837.—

(Here enter No 802.)

Mr Campbell.

The Court of Sreyduree 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 Sreyduree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, convicting the Prisoners of the crime charged and awarding Dohookut: and inasmuch under the provisions of Clause first, Section V, Regulation VIII of 1831 and Clause Second, Section IV, Regulation XV of 1803,

Sentence

Section II, Regulation XV of 1803, that the said Prisoner be required to find two Sureties in fifty Rupees each Surety for his good behaviour and appearance when required for two years and that in default thereof, he be detained for two years in confinement—

1. The Court of Tonjdarre Udalut Consider it to be quite clear from the Evidence given by the Crown witness Coolly Chetty before the different Tribunals and by the deceased their Witness Uncatachellum pillay before the Police and the Criminal Court, that the Crown Prisoner was not concerned in the perpetration of the Robbery—

2. The alleged verbal confessions of the 1st and 2nd Prisoners, if given at all, were clearly not given voluntarily, and after the distinct admission of Narrainna Chetty, at page 12, that the ear-rings produced were not his, the Court of Tonjdarre Udalut consider the Evidence to their identity liable to Suspicion—

3. The best Evidence against the first Prisoner is that of Lutchmun Chetty, but there are considerable inconsistencies between his deposition before the Police Officers, and that before the Court of Circuit: and it is clear that he did not name the said Prisoner until several days after the Robbery—

Ordered, that Extract from these Proceedings be sent to the Acting Third Judge on Circuit in the Southern Division for his information—

Sent following Letter No. 668

Read Letter dated the 31st Ultimo, from the 3rd Judge on Circuit in the Eastern Division, transmitting

transmitting the record in Case No. 1 of the Groonsoor Commission for the 2nd Sessions 1837—

Here enter No. 779.

Mr. Bird
Mr. Oakes
and
Mr. Campbell—

The Court of Tonjdarre Udalut, having maturely considered the Proceedings held before the Judge of Circuit, the Fatwa of the Provincial Law Officer and the Fatwa of the Cazee-ool-cozat and Mooftees of the Tonjdarre Udalut, confirm the 2nd Fatwa of the Cazee-ool-cozat and Mooftees aforesaid so far as it convicts the Prisoner Dunoo Lutchia of Murder; but being of opinion that the punishment to which the Prisoner is liable under the finding of Kisaas declared in that Fatwa, would in consideration of certain alleviating circumstances, 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. 669—

Read again Extract from the Minutes of Consultation under date the 3rd November 1837 in Parah 5. of which the Court of Tonjdarre Udalut are instructed to ascertain from the Magistrates of the Districts bordering on the territories of the Highness the Nizam what the course of proceeding was between themselves and the Officers of His Highness before the Jurisdiction Rules of 1833 were established and to report the same for the information of Government, and if it should appear to be in accordance with that indicated in the letter from the Supreme Government dated the 29th of May 1837 to direct them to permit

to

to the observance of it until the pleasure of the Honorable the Court of Directors be known on the reference made to them on the Subject by the Supreme Government in their despatch of the 10th July 1837.

Here enter No. 2338. of 1837.

Also read letters, dated respectively the 14th 16th and 19th of February and 13th of March 1838, from the Provincial Courts of Circuit in the Centre and Northern Divisions in reply to the letter from the Court of Foujdaree Adalut of the 2nd of December 1837 requiring them to ascertain from the Magistrates of the Districts bordering on the Territories of His Highness the Nizam what the course of Proceeding between themselves and the Officers of His Highness before the Jurisdiction Rules of 1833 were established, and to report the same to this Court for the information of Government, and of the course of Proceeding observed previous to the Establishment of the Jurisdiction Rules of 1833 should appear to be in accordance with that indicated in the letter from the Supreme Government of the 29th of May last requiring them to direct the Magistrates referred to above to revert to the observance of it, until the pleasure of the Honorable the Court of Directors may be known, on a reference that has been made to them on the Subject.

Here enter Nos. 393. 507. 508. and 623 of 1838.

Centre Division

Cuddapah — The Magistrate of Cuddapah states that the undermentioned cases "are the only ones within "the recollection of the Native Officers in which the "authorities

"authorities in the two Countries have come in Contact."

1st. "In the month of June 1826 a murder "was committed at Todatoor in this District by some "persons said to belong to Bomal and Dharwar; they "fled and took refuge in the Nizam's Dominions where "they were followed by this districts Peons, by whom 12 "men were apprehended and brought back, tried by the "Company's Courts, and punished; one with death the "rest by transportation."

2nd. "A Person, a British subject, who had "committed a theft of considerable amount in the Nizam's "dominions escaped, and took refuge in Budwail in "this Zillah. The parties came from Hydrabad and "claimed him — the case was reported to Government by "Mr Dalzell, the then Magistrate, and the accused "was ordered for trial in the Company's Courts

Bellary — "The Magistrate of Bellary reports that it was usual to pursue persons charged with heinous crimes into the territories of His Highness, and on the apprehension of the Offenders, and upon obtaining the Consent of the local authority, to bring them away, the process was the same whether they were British subjects or the subjects of the Nizam: — that he "has searched his records for many years back "(which must be his apology for not making this return "within the prescribed period) and has found the following "correspondence which bears on this point — In the "month of April 1821 the then Magistrate reports to Government the Commission of a daring robbery in this

district

"district by a body of 8 or 10 Horsemen from the other Side of
"the Tongabuddra, and took that occasion to ask whether
"he might direct his Officers to follow such Criminals
"into the Mysore and Hydrabad territories, or whether being
"Subjects of a distinct Government, he was incompetent
"to exercise jurisdiction over them, and must leave it to the
"Government itself to take measures for preventing similar
"depredations from the States in amity with us. In the
"reply, bearing date 1st May 1821, Mr Secretary Hill stated,
"that the Honorable the Governor in Council thought that
"it will be very proper for you to direct your Public Ser-
"vants to pursue Murderers, robbers and disturbers
"of the public peace into the territories of His Highness the
"Nizam, or Rajah of Mysore:—on any occasion on
"which this authority may be acted upon, you will be
"pleased to make a communication to that effect to the
"Resident." The Magistrate communicated this cor-
"respondence to the Resident at Hyderabad, Sir
"Charles Metcalfe, with a request that he would obtain
"a general Firmaun of his Highness directing all his
"Officers to give the necessary aid, and in reply the
"following month the Resident transmitted orders from
"the Nizam's Government to his Officers on the frontier,
"observing that "the Nizam's Government expects that
"when requisite, there will be reciprocal assistance
"and accomodation on your part." Since that period
"applications have been, from time to time, made by
"the Resident at Hydrabad for assistance in seizing
"Criminals belonging to that Country, and which has
invariably

"invariably been promptly furnished."

Rajahmundry.

In elucidation of the practice observed in the District of Rajahmundry previous to the jurisdiction rules of 1833, the acting Magistrate has submitted a copy of the following letter from Government dated 28th August 1832, and he has taken occasion also to submit a copy of the correspondence which passed between the Magistrate of Rajahmundry and the Resident of Hyderabad in 1837, on the same subject — copies of which are subjoined —

Fort St George 28th August 1832.

Public Department Sir,

I am directed by the Right Honorable the Governor in Council to transmit, for your information and guidance, the annexed Extract from the Minutes of Consultation of this date —

(Signed) Robert Clerk
Actg Chief Secretary.

To
The Collector and Magistrate of
Rajahmundry
Public Department

Extract from the Minutes of Consultation 28th August 1832 —

Read the following letter from the Resident at Hydrabad —

To, The Chief Secretary to Government.
Fort St. George.

Sir,

I have the honor to acknowledge the

receipt

25th April 1838.

receipt of your letter of the 7th Instant.

2. The decision of the Right Honorable the Governor in Council both in respect to defaulters of the Public Revenue, and delinquents charged with the Commission of Crimes, is satisfactory to this Government. But the Minister of His Highness the Nizam, has represented to me that while he agrees not to demand defaulters of this Government, it appears unfair that the Collectors in the Company's Dominions should send their Cuspradees to seize defaulters who take refuge in the Nizam's territories. In reply I have stated to the Minister, that the employment of Cuspradees in this manner is improper, and that he may direct the local authorities of this Government, not to give up defaulters, unless they are directed by himself to do so. I beg leave, therefore, to suggest that, in all cases, where Rayots from the Company's territories may take refuge in the Nizam's dominions, the Collectors on the frontier should be directed, instead of sending cuspradees to seize them, to make an application to the Nizam's Government on the subject, through the Resident.

3. With regard to Criminals of every description from the Company's territories, this Government makes, not the slightest objection to their being pursued and seized wherever they may be found within His Highness' Dominions.

Hyderabad ---
Residency ----
18th August 1832.

/Signed/ S. Stewart
Resident.

Ordered

P. C.
25th April 1838.

Ordered that copies of the foregoing communication and of the letter referred to in its first paragraph, be furnished for the information and guidance of the Collectors of the Several Districts adjoining the Nizam's Dominions.

/True Extract and Copy/
/Signed/ Robert Kerr
Acting Chief Secretary
Public Department.

*Separate Appendix

Appendix

To

The British Resident at Hyderabad

Sir,

1. I am directed to acknowledge the receipt of your letter of the 14th instant and to acquaint you that the Right Honorable the Governor in Council will at all times readily acquiesce in the propriety of authorizing the Servants of the Government to render you the most efficient aid in preventing the Company's territories from becoming an Asylum to public Offenders who may presume upon the security there afforded them to make predatory incursions into the State of His Highness the Nizam.

2. The Right Honorable the Governor in Council observes that your letter embraces two distinct questions; one relating to defaulters of the public revenue, and the other to delinquents charged with the Commission of Crimes; - the former involves a difficulty not peculiar to the subjects of different Indian States. Fraudulent debtors fly from their creditors, and

subjects

Subjects conceiving themselves oppressed escape from the oppression of their rulers in Europe as well as in India. International law leaves them at liberty to reside in whatever Country they may fix their abode, unless they have committed heinous crimes, when general practice has warranted their surrender by the Government under which they have taken refuge.

3. In this view of the case the Right Honorable the Governor in Council will depend the Magistrate of Masulipatam to arrest the Poligars against whom you have sent specific charges, and to deliver them over to any persons authorized to receive them. With respect to simple defaulters, the Right Honorable the Governor in Council would have great hesitation in authorizing their apprehension. If the defaulter be a person of consideration, some peculiar circumstances of calamity have in all probability operated to overcome that reluctance which you describe as being inherent in every native to forsake his permanent abode; and if he should be a Ryot, it is not likely that he would abandon his village unless driven from it by harsh treatment, or from being over assessed.

Fort St. George
7th August 1832.

I have &c.
(Signed) Robert Clerk
Acting Chief Secretary

A true Copy
(Signed) Robert Clerk
Actg. Chief Secretary

True Copies
(Signed) G. A. Smith
Actg. Magistrate

To

The Resident of Hyderbad.

Sir,

Several Gang robberies of an atrocious nature, one accompanied by arson and another by wounding, have been committed in this District, by a Gang of which Corendah Soobbareddy and Corendah Timmareddy, inhabitants of the Hills on the frontier of this District, are the principals. In consequence, I have been obliged to issue a warrant, accompanied by the offer of a reward of Rupees one hundred, for the apprehension of each of them, but the efforts of my Police have hitherto rendered ineffectual, by the easy escape of the delinquents across the frontier, in the Talooker of Ashwaram and Soorreddy Venkiah; I hope, therefore, you will be pleased to give instructions to these individuals, to aid my Police in their apprehension.

Tillak Rajahmundry
Acting Magistrate's Office
Cocanada 2d Augt. 1837.

I have &c.
(Signed) G. A. Smith
Acting Magistrate.

To

G. Smith Esqr.
Acting Magistrate
Rajahmundry

Sir,

I have the honor to acknowledge the receipt of your letter of the 2nd Instant, and to acquaint you that I brought the subject of it to the notice of the Nizams Government, and that orders have been issued direct to Ashwaram and Soorreddy Venkiah, regarding the

the apprehension of Offenders on the frontier Copies of the orders are enclosed, which I beg you will forward to the above Talookdars.

Hyderbad Residency 9th August 1837

I have &c
/Signed/ J. Stewart
Resident

/True Copies/
/Signed/ J. A. Smith.
Acting Magistrate

Machlipatam

The Magistrate of Machlipatam states that the course of proceeding observed by the Police Officers in that District bordering on the Territory of His Highness the Nizam is as follows.

"British Subjects whenever apprehended for Offences committed in the Nizams Territory, are "subject to the jurisdiction of the Honorable Company's "Courts."

"British Subjects charged with Crimes "committed within the British Territory, who may have "taken refuge within the Nizam's Territory, are delivered "up to the Magistrate, and vice versa with respect to the "Nizam's Subjects."

"Nizam's Subjects, wherever appre-"hended for Offences committed within the British "Territory, are subject to the jurisdiction of the Honor-"able Company's Courts."

"Offenders from either Country are "apprehended without distinction by the Officers of both "Governments in communication with each other."

This

"This practice," the Magistrate observes, "was in force until the month of May 1837, when a com-"munication having been made to the Nizam's Government, "claiming the surrender of certain Offenders for trial, with "which they refused compliance, and that this circum-"stance formed the subject of a letter from the Supreme "Government to the Resident at Hyderbad under date "29th May 1837."

Guntoor.

The acting Magistrate of Guntoor enumerates several cases which have occurred, in illustration of the course of proceeding observed in his District before the jurisdiction rules of 1833 were established.

"In the year 1825 one Limbaiy Sulta-"na, a subject of His Highness the Nizam, charged "with stealing Rupees 600 from his master, took re-"fuge in this District. He was apprehended by the "Guntoor Police and was delivered over to the Officers "of the Nizams Government in conformity with the "orders of Government dated 12th August 1825."

"In the year 1827 fourteen individu-"als were apprehended in this District for an Offence "committed in the Nizams Territory. Two of that num-"ber were british Subjects. The Government in their "letter to the Resident at Hydrabad dated 30th "November 1827, copy of which was furnished for the "information of the Magistrate at Guntoor, directed that "the whole number should be delivered over to the Hy-"drabad Government, and with reference to the two

individuals

"individuals, who were British Subjects, the Government
"were pleased to observe, that altho the Subjects of the
"Company are amenable, but not exclusively so, to the
"Company's Courts, for Offences committed in Foreign
"territories; yet the Governor in Council considers it pre-
"ferrable that Crimes, by which the Public peace and
"Security are violated, should be tried by the Laws of
"the Country where they are committed, and where
"evidence of the real facts of the Case can be best
"procured, and the benefit of example is most wanted;
"in like manner it is desirable that Foreign Subjects
"should be tried by the Company's Courts for offences
"committed within Company's Territories.

"In the year 1833, a gang robbery
"was committed in the house of one Gunda Venkanah,
"in the Village of Gondabogamgoodem in the Hyderabad
"Territory; 10 individuals were apprehended in the Bri-
"tish Territory, of whom two was a British subject; the
"whole number were delivered over to the Regent Govern-
"ment.

"In the year 1835 a gang robbery was
"committed in Mundamfaud, in the Guntoor district.
"The Resident in his letter to the Magistrate at Guntoor,
"dated 25th June 1835, stated that the individuals com-
"mitted would be apprehended and forwarded to him
"(the Magistrate)."

"In the year 1837 a Gang robbery was
"committed in the Chebrole Aumil, in the Guntoor
"District. The Hydrabad Government desired
"that

"that the offenders should be delivered over to the Magis-
=trate at Guntoor."

"In the year 1832, a Gang robbery was
"committed in Toolore, in this District; the offenders
"were delivered over by the Hydrabad Government."

"Thus it will be observed continues the
"Magistrate that the rule observed in this District at
"Guntoor, is, that offences shall be tried in the Terri-
"tory in which they are committed, bring in conformity
"with the course laid down in the letter from Government
"dated 30th November 1827, referred to in a preceding para-
"but not in accordance with that indicated in the letter
"from the Supreme Government dated 29th May last."

The Magistrate presumes "that it is
"not intended to disturb the present course of proced-
=ing, pending the final orders of the Honorable the
"Court of Directors; but if such be the intention that
"it is necessary that a communication to that effect should
"be made, by the Supreme Government, to the Resident at
"Hydrabad, as this course is not in unison with the orders
"of the Supreme Government in their letter dated 29th
"May last, in regard to the offenders who the Magistrate
"of Masulipatam required might be given up. On the
"other hand, if it is intended that the orders of the Supreme
"Government of the 29th May last shall be general, and
"thus applicable to this District, it is necessary that the
"Magistrate of Guntoor should be apprized of the same,
"to prevent misunderstanding, and further that a rule
"should be laid down respecting offences committed by

the

"individ[illegible]

"the orders of the 29th May last proposed to above, it would
"appear that two trials in the same case are unavoidable,
"one of British Subjects in the British Courts, and ano-
"ther of the Nizams Subjects in His Highness's Courts,
"in cases in which Subjects of both Governments are con-
-cerned.—

"In the year 1832 Colonel Stewart the
"Resident at Hydrabad expressed his wish that the local
"authorities of the respective Governments should co-
"operate for the apprehension of Offenders, and his
"wish was responded to by the Magistrates of Masu-
-lipatam and Guntoor, and Circular Orders were issued
"to the several Heads of Police on the Subject.—
"This co-operation on the part of the respective authorities
"in conjunction with the rule of trying the Offence in the
"territory in which it is committed, appears to Mr
"Goldingham to hold out the prospect of much public
"benefit.— "The rule he observes is fully reciprocal,
"and carries with it, to the fullest extent, the desire
"of the Supreme Government.— That it is to be appreci-
-ated that by the rule which brings Offenders to trial in
"the Courts of their own Government, as laid down in the
"orders of the Supreme Government dated 29th May last,
"much inconvenience will ensue— that no person will
"prosecute under these circumstances— and that the en-
-forcement of the rule is further rendered apparent by
"the consideration that in some instances, as in Gang
"robberies, the Offenders belong to both Governments.—

The

J. U.
25th April 1838.

The course of proceeding described a-
-bove is not, as observed by Mr Goldingham in accord-
-ance with the orders of the Supreme Government of the
29th of May last, but is in conformity to the orders of
this Government of the 30th November 1837, and the
practice observed in the District of Guntoor, under
those orders, appears to the Court of Foujdaree Adalut
to be that which should be generally observed pending
the reference made to the Honorable the Court of
Directors on the Subject.—

Ordered, that Extract from these Pro-
-ceedings be forwarded to the Chief Secretary to Govern-
-ment for the purpose of being laid before the Right
Honorable the Governor in Council.—

(Sent in No. 670.)

Read Letter dated the 7th Instant
from the Acting Joint Criminal Judge of Masulipa-
-tam submitting as required by the Extract from the
Proceedings of the Court of Foujdaree Adalut under
date the 27th March 1838— an Explanation relative to the
Employment during the month of February on this Estab-
-lishment of the Auxiliary Court of a number of Peons
in excess of the number authorized by the Standing orders.

(Here enter F.R. No. 813 of 1838.)

From the Memorandum subjoined to
the letter above recorded, it appears that the Six
Extra Peons were employed to meet the daily fluc-
-tuation of Sick and convalescent Prisoners
The Court of Foujdaree Adalut

do

do not consider the arrangement thus shown to have been made to be objectionable on the understanding that the Standing Guard is not itself sufficient for the duties of the Hospital, if visited it will of course be the duty of the Officer in charge of the Jail to satisfy himself by careful inquiry before he proceeds to employ additional Peons for the Custody of the convicts.

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

/ Sent in No. 671 /

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Assistant Criminal Judge in charge of Madura for the month of March 1838.

/ Here enter No. 834 /

The only remark that the above Reports appear to call for as regards the entry in the last Column of the Statement No. VI prescribed is case No. 199 of 1837 it is remarked that the Prisoner was "released on the 25th March 1838 on the expiration of the Sentence but is still detained under requisition of Security".

A requisition of Security forming no part of the Sentence awarded against the Prisoner in case No. 199 of 1837 the Court of Sunjadaree Adalut desire an Explanation of the detention of the Prisoner.

Ordered, therefore that Extract from these Proceedings be sent to the Assistant Criminal

Criminal Judge in charge of the Criminal Court of Madura for his information and guidance by Precept returnable in 5 days from and after its Receipt.

/ Sent following Precept No. 672 /

Read Extract from the Proceedings of the Joint Criminal Judge of Vizagapatam dated the 7th instant submitting as required by the Extract from the Proceedings of the Court of Sunjadaree Adalut under date the 29th March 1838 an Explanation relative to the Employment during the Month of February for the purpose of guarding the Prisoners working inside the Jail, of a number of Peons in excess of the number authorized by the Standing Orders.

/ Here enter S. R. No. 880 of 1838. /

The employment of additional Peons to guard the parties of convicts employed in "cutting stones and digging gravel" does not authorize: and the Court of Sunjadaree Adalut desire that the Joint Criminal Judge will be careful to strictly limit the number of Peons employed to that authorized by the Standing Orders.

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

/ Sent in No. 673 /

F. 116.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre. _____ 1st. Puisne Judge.

Friday Thomas Alexr. Oakes Esqre. Actg. 2nd. Puisne Judge.

27th. April 1838. Alexr. Duncan Campbell Esqre. 3rd. Puisne Judge.

JB

Read the Coimbatore Criminal

Z 140. Reports for the month of March 1838.-

(Here enter F. 116. No. 845 of 1838.)

Case No. 50. 1. The Court of Foujdaree Udalut direct that the Acting Joint Criminal Judge be furnished with a copy of the letter addressed under this date to the Provincial Court of Circuit in reply to the reference submitted by that Court at the instance of the Magistrate relative to this Case.-

Case No. 58. 2. The Court of Foujdaree Udalut observing it stated that the Magistrate on the 13th. March ordered the Police Officer of Collegal who had made a reference on the Subject, to send up the case to the Court but that notwithstanding the Prisoners did not leave the Talook until the 21st. and did not reach the Criminal Court until the 31st. of that month, resolve to direct the Acting Joint Criminal Judge to bring the Case

to

to the notice of the Magistrate and request the
Officer to furnish direct to the Registrar Western
an explanation regarding the delay adverted to.

3. It appears that between 140 prisoners
worked outside the Jail, 53 found were employed
being at the least number in excess of the number
authorized by the standing orders. The acting
Joint Criminal Judge will therefore be re-
quested to furnish an explanation on this point.

Ordered, that Extract from these
proceedings be sent to the Acting Joint Criminal
Judge of Coimbatore for his information
and guidance, by Precept returnable within
five days from and after its receipt.

(Sent following Precept No. 682

Read letter No. 1 of the 16th instant
from the First Judge on Circuit in the Western
Division forwarding copies of the Calendars of
the Zillah Courts of Malabar for the first
Sessions of 1838.

(Recorded in Cir. Ord. No. 571 of 1838)

Case No. 2. 1. The Court of Sessions Western Division
to direct that an English Translation of the Re-
cords of this case be sent up for their consideration
Cases Nos. 6 10 and 11. 2. The sentences passed by the Court
of Circuit on these Cases appear to the Court of
Sessions Western Division to be too severe in Case No. 6.
the

the Prisoner is convicted for the second time of
wounding: and in Case No. 10. there is every
reason to believe that the wounding was in-
flicted with intent to kill. It is observed also
that due attention has not been paid to the
Circular Order of the Court of Sessions Wes-
tern No. 90. dated the 28th June 1837.—

Case No. 24. 3. In this case, the Prisoners
1st Sattan Mannimoonda Valen.
2nd Manman Athen
and
3rd Tegan Ayapen.
were charged with having, on the night of the
29th November 1837 gone to the Prosecutor's house,
entered it and robbed therefrom and from the
person of the Prosecutor's Sister property of
the value of three Rupees.—

The Prisoners are convicted, but
4. the First Judge of Circuit adverting to the
circumstance of the Prisoners' being of low caste,
their only intent appearing to be the procuring
of a little rice for their immediate subsistence,
and to their not having on their perspections
at the time any stick or other weapons, to me
rendered whatever having been proved and their
conviction resting solely on their voluntary con-
fession from first to last" recommends that

the

the penalty prescribed by the Regulations be
mitigated to seven years' imprisonment.—

5. The Court of Foujdaree Udalut,
having duly considered all the circumstances
of this case, are of opinion that the ends of ex-
-press justice will be attained by a sentence of im-
-prisonment with hard labour in irons for five
years; and under the Provisions of Clause third,
Section III, Regulation I of 1825, authorize the
First Judge to pass that sentence upon the
aforesaid prisoners.—

Add.l Calendar. 6. In this case, the prisoners
Case No. 4. 1st Chalakat Sarapparambil Cheroonnen Pallen
and
2nd Komalachalakel Cheroonnen Changanny.
stood charged before the Court of Circuit with having,
in the day-time of the 29th January 1838 in
company with one other not apprehended, decoy-
-ed the prosecutor from the road and stabbed
him on the forehead with a knife and robbed
him of property of the value of Rupees 3-8-10.—

7. The prisoners are convicted by
the Presiding Judge "incurring the punishment
prescribed by Clause third, Section IV, Regula-
-tion XV of 1803 for ten years for the offence com-
-mitted" and "considering that the prisoners are
of the lowest grade of Cheroonnens and that the
property

property plundered only amounted to Rupees
3-8-10 that no violence whatever was proved
to have been offered to the Prosecutor and that
immediately on being apprehended they made
a full confession of their guilt" recommended
that the prisoners be sentenced to the mitigated
punishment of seven years' imprisonment with
hard labour in irons on the public roads or
other public works.—

8. The Court of Foujdaree Udalut,
having maturely considered the circumstances
of this case, resolve to accede to the recommenda-
-tion of the First Judge of Circuit, and authorize
-ize that Officer accordingly to pass the proposed
sentence on the prisoners abovementioned.—

Ordered, that Extract from these
proceedings be sent to the First Judge on Cir-
-cuit in the Western Division by Precept re-
-turnable within ten days from and after its
receipt.—

Sent following Precept No. 683.

Read letter dated the 16th Instant
from the Acting 3rd Judge on Circuit in the
Southern Division reporting his intention to open
the 1st Sessions of 1838 at Salem on the 21st prox.

(Here enter No. 864.)

Read letter dated the 16th Instant
from

from the 1st Judge on Circuit in the Western Division reporting the close of the Sessions at Calicut.

(Here enter No. 874.)

Read letter dated the 16th Instant from Mr. J. Vaughan late on Special Commission at Mangalore returning the sentence in Case No. 153 of the Special Commission at Mangalore.

(Here enter No. 883.)

Read letter dated the 23rd Instant from the Criminal Judge of Cuttack forwarding a Statement required by the Circular Order of the Foujdaree Udalut No. 88 for the 1st Quarter of 1838.

(Here enter No. 905.)

Read return dated the 21st Instant from the Officiating Joint Criminal Judge at Tinnevelly to the Precept of the Foujdaree Udalut dated the 17th April 1838 conveying their observations and orders on the Tinnevelly Criminal Reports for the month of March.

(Here enter No. 906.)

F.U.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre. ——— 1st Puisne Judge.

Saturday, 28th April 1838. Thomas Alexr. Oakes Esqre. — Actg 2nd Puisne Judge.

Alexr. Duncan Campbell Esqre. — 3rd Puisne Judge.

Read letter dated the 13th Instant from Mr. G. I. Waters Acting First Judge on Circuit in the Canara Division forwarding a copy of the Bellary Calendar for the first Sessions of 1838.

(Here enter F.U. No. 850 of 1838.)

Case No. 1.

1. The Complainant and three of the witnesses for the prosecution having been examined, the further trial of this case was postponed in consequence of the absence of the person who took down the Prisoners Jalook Confession. The Judge of Circuit however observes that "if the upper Court should so order" he will forward the case as it is."

2. The Court of Foujdaree Udalut observe that since the accused cannot have been put on his defence, it is not possible to accede to the suggestion of the Acting First Judge.

Case No. 2.

3. In this case the first three prisoners were charged with having, on the night of

of the 11th October 1837 attempted to stab the prosecutor with the Intent to murder him for his having ordered the second prisoner to be confined in order to prevent a disturbance which he and the other prisoners were making in the village: and the third and fourth prisoners were likewise charged with having thrown fire on the prosecutor's house with intent to burn it on the same occasion.—

4. The Judge of Circuit ordered the release of the prisoners, being of opinion that the imprisonment they had already undergone was sufficient punishment for the offence they had committed.—

5. The Court of Sudder Adalut are not of opinion that the proceedings of the Judge of Circuit in this case were judicious. The Court view the acts of the prisoners in the light of a serious outrage and are of opinion that they should have been put upon their trial for the offences charged against them.—

Case No. 5. 6. The Judge of Circuit found it necessary to send this case back to the Criminal Court in order to it being more fully investigated.

7. The Court of Sudder Adalut observe with dissatisfaction the insufficient and unsatisfactory examination held in this case before

the Criminal Court, which in their opinion seriously reflect upon the committing Officer Mr Bushby. It will be the duty of the Officer on whom the further inquiry ordered by the Court of Circuit will devolve to use his utmost exertions to bring the case in a complete form before the Court of Circuit at the next ensuing Sessions of Jail Delivery.—

Case No. 8. 8. In this case also the evidence appears to the Court of Sudder Adalut to be very defective, and altogether insufficient to justify the commitment of the accused.—

Case No. 9. 9. The prisoner in this case was charged with having knocked down his mother who was about sixty years old by striking her on the back of her neck with his hand, of which blows she died on the ensuing morning.—

10. The prisoner was acquitted and released for the reasons recorded in the Calendar.

11. The Court of Sudder Adalut observe that there was no necessity for the commitment of the prisoner since there was no proof whatever that the old woman died from the slight blow, or blows, charged to have been given.

Case No. 11 12. In this Case, the prisoner Wobeere Ddy was charged with having, in company with the

the prisoner in No. 10. of the Calendar of the Second Sessions of 1837 - assaulted the Prosecutor and his Servant on the high-way and robbed them of property of the value of Rupees 180 3.

13. The prisoner is convicted, but as "no violence was resorted to" and "the other prisoner Sevvoogadoo tried in Case No. 10. 2nd "Sessions of 1837 - was sentenced by the Court of "Foujdaree Udalut to a mitigated punishment "of Seven years" imprisonment with hard labour in irons - the Judge of Circuit recommends that the same sentence be passed on the prisoner in this case.

14. The Court of Foujdaree Udalut having duly considered all the circumstances of this case, resolve to accede to the recommendation of the Acting First Judge of Circuit: and under the provisions of Clause third, Section III, Regulation I of 1825, authorize that officer to pass the sentence he proposes upon the above named prisoner.

Cases Nos. 12. and 13.

15. According to the abstract in the Calendar the evidence was altogether insufficient to justify the commitment of the prisoners in these cases.—

Case No. 14.

16 The Circular Order of the Court of Foujdaree Udalut No. 90. was not conformed to in this case, although the circumstances in evidence appear

appear to warrant the belief that the wounding was inflicted with intent to kill.—

Case No. 17

17. The trial of this case having been postponed in consequence of the non attendance of the witnesses for the prosecution, the Judge of Circuit will be pleased to furnish information on the points indicated in Parah. 2. of the Circular Order of the Foujdaree Udalut No. 52. dated the 24th September 1835.—

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

(Sent following precept No. 687.

Read letter dated the 12th Instant from the Joint Criminal Judge at Cuddalore submitting the Criminal Reports for the month of March 1838.—

(Here enter No. 924.)

Case No. 33.

1. The Head of Police of the Cuddalore Talook has furnished a most unsatisfactory explanation of the great delay that occurred in forwarding the prisoners concerned in Case No. 33 of the Report No. 5. to the Criminal Court. he states that the prisoners, who were apprehended on the 30th January, were produced before

"before him on the 1st February that he wrote to
"the Joint Magistrate on the 16th to know how
"he would have the case disposed of, the property
"stolen being of small value, that he did not
"receive an answer till the 21st that the prepara-
"tion of the case for transmission to the Court took
"him till the 1st of March" In the first place
the Court of Foujdaree Udalut would observe
that in a case such as the present, where the
prisoner is charged with three distinct instances
of theft, no reference to the Magistrate could
have been necessary, while no explanation is
offered by the Head of Police, why if such re-
ference was deemed necessary, it was delayed
being made until 14 days after the apprehen-
sion of the prisoners, and is unaccountable
and required therefore to be explained, why after
the answer of the Joint Magistrate was received
it took 8 days to prepare the case for trans-
mission to the Court, as it is to be conducted
that the examinations of the witnesses were
completed before the 11th of February the day
on which the reference was made to the Joint
Magistrate "to know how he would have the
"case disposed of"—

2. Shall observations together with the copy
of the cases as they stands on the Report the
Joint

Nos 33. 34 & 35.

Joint Criminal Judge will communicate to
the Magistrate, who will submit his explana-
tion on the subject direct to the Court of Fouj-
daree Udalut and at the same time report
what notice he may have taken of the re-
prehensible conduct of the Head of Police of
Cuttacconchy, as exhibited in this instance, and
in that brought to his notice by the Joint Cri-
minal Judge in his letter of the 31st March
1838 after disposing of the charge brought
against the prisoner in Case No 38—

No 38. 3. The Magistrate in the Southern
Division of Arcot will also be pleased to
call upon the Head of Police in the Sindra-
mum Talook for an explanation why if he
found "no proof" existed against the prisoner
in No 38, he considered it necessary to make
a reference to the Magistrate, and having
resolved upon following that course, why the
reference was delayed being made until 15.
days after the apprehension of the prisoners,
viz, until the 26th of February 1838—

Ordered, that Extract from
these proceedings be forwarded to the Joint
Criminal Judge at Cuddalore for his in-
formation and guidance by precept returnable
in 5. days from and after its receipt and
with

with instructions to make the necessary communication to the Magistrates in the Southern Division of Arcot.—

(Sent following Precept No. 668.

Read return dated the 23d Instant from the Criminal Judge of Combaconum to the Receipt of the Foujdaree Udalut dated the 7th April 1838 having reference to the Annual Reports for February.—

(Here enter No. 916.)

Read letter dated the 26th Instant from the 3d Judge of the Court of Circuit in the Centre Division submitting the Battas Statement required by the Circular Order of the Foujdaree Udalut No. 35 for the 1st Quarter Sessions of 1838.—

(Here enter No. 925.)

Read return dated the 24th Instant from the Acting Assistant Criminal Judge in charge of the Zillah Court of Bellary to the Receipt of the Foujdaree Udalut dated the 11th April 1838 requiring him to fix and report the amount of Security demanded from the Prisoners in No. 29 of the Bellary Criminal File for 1837.

(Here enter No. 926.)

F. U.

At a Court of the Foujdaree Udalut—

Present

Monday 30th April 1838.

John Bird Esqr. ——— 1st Puisne Judge
Thomas Alexr. Oakes Esqr. 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. 3d Puisne Judge

Read Miscellaneous Petitions presented on the 9th and 23d instant by G. Sashacharloo Mudeliar on behalf of M. Appadacharloo representing himself to be the Son of Madhavagary Rungacharloo, an Archakar or Worshipper in the Pagoda of Sreepadhracomba Ranganaikaswamy at Cudbah Nellore—

(Here enter N. P. Nos. 32 and 37 of 1838.)

The Petitioner complains that the Dharmakartas Gomastahs attached to the above-mentioned Pagoda have deprived him of his Archaship notwithstanding the same has been more than one occasion declared to be vested in him and his family by the Decrees of the Civil Courts and further that one Singadana Annasawmy has clandestinely removed from his hands the Keys of the Pagoda which it is Petitioner's Province and privilege by virtue of his Office to take charge of and having failed to obtain the redress of his alleged grievances from the subordinate authorities, to all of whom he has in turn appealed, he now prays the Court of Sudr Udalut to issue an order to the Collector of Nellore, directing that Officer to reinstate him in his hereditary Office, and to cause the Keys to be restored

restored to him.

The Court of Sudr Adalut have perused the several Documents furnished with the above Petition, and observe that the Magistrate of Nellore in his returns to the Precept of the First Judge of the Court of Circuit has explained that the Dhurmakurta removed the Petitioner from his Office for misconduct and consigned the Keys to the custody of Tongadana Ramasawmy, and that the Petitioner has in fact at the present moment no official connexion with the Pagoda.

The Court of Foujdaree Adalut concur in the view taken of this matter by the Magistrate of Nellore and the First Judge of the Court of Circuit: and observe that the Question at issue must be decided by a Civil Suit to be brought by Petitioner against the Dhurmakurta and Tongadana Ramasawmy.

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

Read Mr. Cameron's Petition stated on the 4th instant by Sobharaidy of Cavaiatamungalum in the District of South Arcot

[Vide order 9th Feb. 5th April 1838.]

Petitioner states upon a history of circumstances excluding so far back as the year 1816 Charges on Gandlapillay and certain others with having forged a Pondy Bond originally

30th April 1838.

executed by Petitioner to a Mr. Wright an Indigo Manufacturer of South Arcot and the benefits of which on the death of that person, the said Moolla- -pillay, according to Petitioner's Statement, by means of a forged Endorsement, appropriated to himself.

He next charges the same individual with having forged another bond by which Petitioner's brother and Nephew were made to mortgage their Indigo premises to one Lutchumanaul of Madras.

Of the Bonds which the Petitioner alleges to have been forged, it appears that the validity of that first preferred to in these proceedings has been affirmed by the Auxiliary Court and the Zillah Court of Chingleput, and also by the Provincial Court of Appeal: while the latter bond, it seems, has never been taken by Petitioner, has not been produced in any of the Courts, and has not been complained of by any of the Parties whose interests its validity or otherwise most nearly and intimately affects.

The Petitioner's complaints have likewise been under the consideration of the Magistracy of South Arcot and by them been dismissed as groundless.

The Court of Foujdaree Adalut are unable to discover either in the Statements of the Petitioner, or in the Documents he has produced any sufficient ground for their interference. Indeed there appear to be strong reasons to apprehend that his complaints are at once frivolous and vexatious.

Ordered, that the Petition be rejected

rejected and that Extract from these Proceedings be furnished to the Petitioner upon his application.

Read Miscellaneous Petition Pre-
-sented on the 17th instant by Kistnamachariar Vakeel on the part of Avadil Kovijy Sue Ry: Modaliarpromth Vullia Kovijy Sue Ry: and Chynatha Covijy Callendien of Tellicherry.

/Here enter No. P. No 55 of 1838./

The Petitioners complain of an order passed on the 11th December 1837 by the Joint Magis-
-trate of Malabar by which they were severally fined in the sum of fifty Rupees and required to give Security to the amount of five hundred Rupees to keep the Peace for One year, which Judgment was af-
-terwards confirmed by the order of the Court of Quar-
-ter Sessions of the 6th February 1838 of which a copy accompanies the Petition.

Petitioners pray that the Court of Tongdarre Adalut will be pleased to issue an order remitting the Fine and releasing them from their Security Engagements.

They briefly allege that they did not assault each other, and that a few angry words was all that passed between them; and the Re-
-mainder of their long Petition is occupied by re-
-ferences to the Regulations and the Circular orders of the Court of Tongdarre Adalut from which they infer that the Joint Magistrate has Exceeded his duty.

The

F. H.
30th April 1838.

The Court of Tong- -here were
have perused the order of the 3rd Judge of the Quarter Sessions at Tellicherry dated 30th April
only Document the Petitioners have submitted.

The Court approve of that order, and do not any ground to interfere in the matter.

Ordered, that the Petition be re-
-jected, and that Extract from these Proceedings be furnished to the Petitioners upon their application.

Read Miscellaneous Petition Pre-
-sented on the 17th instant by Vavoopooty Coopiah of the District of North Arcot.

/Here enter No. P. No 56 of 1838./

The Petitioner being dissatisfied with the order passed by the Court of Tongdarre Adalut under date the 19th February last on his Petition No 18 now produces two Documents which he conceives suffice by their contents to establish the genuineness of the Deed which he calls the Deed of Gift: and he concludes by praying that the Court will either order the restoration to him of the Original Deed as clear from all suspicion as it ever once was, or pass a resolution to the effect that the question should be settled by the institution of a regular civil Suit.

Petitioner is informed that the Re-
-solution of the Court of Tongdarre Adalut as record-
-ed in their Proceedings of the 19th February, not to interfere in this matter, remains unaffected by his present

reja

present application: but that he is of course at liberty to bring an action against the offending party if he imagines that he has any real ground of Complaint.

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

Read Miscellaneous Petition presented on the 23rd instant by Sidoney Corbet

/Here enter M. P. No 60 of 1838./

Petitioner is dissatisfied with the order passed by the Court of Conjeveram dated the 17th instant on her former Petition No 48 of 1838. wherein she prayed for the release of her husband Vencata from Confinement.

She now referring to the Court's observations, urges that the delay in making the application was occasioned by the necessity of winding up her husband's Commercial affairs, by her own protracted indisposition, and by the ungenerous conduct of her relations who were unwilling to part with her until the final result of the arrangements in regard to the Matrimonial property in which their interests were materially involved.

She avers that the Sums which appertained to her husband were not in the Public Service until a considerable time after the year 1822.

She alleges that the Marks on her husband's back supposed to be those of Stripes were in fact inflicted by a Hook by which he once allowed himself to be suspended in fulfilment of a Vow to his Goddess.

And she concludes by affirming that if any respectable witness can be found within two hundred miles of her Place of Residence to swear that her husband ever bore two names, She will consent to his undergoing a still more severe punishment than what has been already awarded him.

The Petitioner is informed that her representations have failed to induce the Court of Conjeveram to alter their view of the case as recorded in the order of the 17th instant, which will accordingly not be disturbed: and the Petitioner needs not to make any further applications on this Matter.

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

Read Miscellaneous Petition presented on the 23rd instant by Rama Narayanger and Meenatchee Ammaul of Cuttal Dindevanum in the District of Chingleput.

/Here enter M. P. No 59 of 1838./

Petitioners represent that contemplating a temporary absence from home they secured their property to the value of seven thousand Rupees in an apartment of their house which they then left in charge of one Parasarama Moodely of the same place,

fellows, taking the precaution however to require their
Grand Mother Moothummaul to reside in the house as
custodies of the property that the said Moothummaul
having occasion to go to the village of Aroopoorum,
there had a quarrel with the Annadanum Iyer of
Puttanore who poisoned her, and to conceal her
death, and thereupon repaired to Petitioners house
which having entered by means of a false key he
removed at the dead of night, the whole of the pro-
perty: that they complained to the Moonsiff and the
Tahsseldar but obtaining no redress referred the
matter to the Collector, who recommended them to
have recourse to the Civil Court; but that not af-
proving that mode of proceeding, they addressed
two of the Judges on Circuit who gave them no an
answer.—

The Court of Tenjanore Adadut
direct that the Provincial Court of Circuit be required
to report what has been done in respect of this
matter. If a full explanation has not yet been
obtained from the Magistrate, the Provincial Court
will call upon that Officer for a report upon the
case, and submit the same for this Court's con-
sideration.—

Ordered, that Extract from these
proceedings be sent to the Provincial Court of
Circuit in the Centre Division by Precept re-
turnable within ten days from and after its receipt.

/Sent following Precept No 98./

Ordered,

S. H.
30th April 1838

Ordered, that Extract from these
Proceedings be furnished to the Petitioners upon their
application.—

G. Sashacharloo, Moorteyar &
Vakeel on behalf of Appiacharloo of the Zillah of
Nellore, moves the Court to return the Enclosures
in Miscellaneous Petition Nos 52 and 57 of 1838.—

Ordered accordingly.—

Soobbareddy of Cuddalore moves
the Court to return the enclosures in his Miscella-
neous Petition No 54 of 1838.

Ordered accordingly.—

Carly Ramoo Menon of the
Zillah of Malabar, moves the Court to return the
Enclosures in his Miscellaneous Petition No 5 of
1838.—

Ordered accordingly.

T. U.

At a Court of the Tongidaree Adalut.

Present

Tuesday 1st May 1838. John Bird Esqr. ——— 1st Puisne Judge
Thomas Alexr. DaRos Esqr. & Hr. 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. & 3rd Puisne Judge

Read Letter dated the 14th Ultimo,
from the Criminal Judge of Salem submitting the
Criminal Reports for the Month of March 1838.

/ Herewith Nos. 847. /

The Acting 3d Judge on Circuit in the
Southern Division about to open the Sessions at Salem
is directed, on perusing the Calendars laid before
him under Section XXIII. Regulation X of 1816, to look
particularly into Case No. 45. of the Salem Criminal
file of the present year, and if a further Inquiry ap-
=pear to be either practicable or requisite for the ends
ends of Justice, the Acting 3d Judge on Circuit
will in conformity to the Provision of the Regulation
quoted above, direct such additional Enquiry to be
made by the Criminal Judge, and the result to be
communicated to the Judges of the Court of Circuit
collectively for their orders on the Case.

Case No. 45.

Case No. 49. 2. The Magistrate of Salem is requir-
-ed to ascertain and to report direct to the Court of
Tongidaree Adalut the date on which the 3d Prisoner
concerned in Case No. 49 was apprehended, and the
cause of the detention of the 1st and 2nd Prisoners in
the Salaah from the 27th of February to the 2nd and

15th

F. U.

At a Court of the Fanjdaree Adalut.

Present

Tuesday 1st May 1838.

John Bird Esqr. _____ 1st Puisne Judge

Thomas Alexr. Dakes Esqr. Officg. 2nd Puisne Judge

Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

Read letter dated the 14th Ultimo,

from the Criminal Judge of Salem submitting the

Criminal Reports for the month of March 1838.

/ Here enter Cs. No. 847. /

The Acting 3d Judge on Circuit in the

Northern Division about to open the Sessions at Salem

is directed, on perusing the Calendars laid before

him under Section XXIII. Regulation X of 1816, to look

particularly into Case No. 45. of the Salem Criminal

file of the present year, and if a further Inquiry ap-

=pear to be either practicable or requisite for the ends

ends of Justice, the Acting 3d Judge on Circuit

will in conformity to the Provision of the Regulation

quoted above, direct such additional Enquiry to be

made by the Criminal Judge, and the result to be

communicated to the Judges of the Court of Circuit

collectively for their orders on the Case.

Case No 45.

Case No 49.

2. The Magistrate of Salem is requested

to ascertain and to report direct to the Court of

Fanjdaree Adalut the date on which the 3d Prisoner

concerned in Case No 49 was apprehended, and the

cause of the detention of the 1st and 2nd Prisoners in

the Gaol from the 20th of February to the 2nd and

No.

14th March 1838.-

3. The Magistrate of Salem is also required to notify to the Police Officers who forwarded Cases Nos. 59. and 59. to the Criminal Court that there does not appear to have been sufficient Cause for the preference made in those Numbers to the Magistrate whereby the Prisoners were detained four days in the Jail beyond the prescribed period.-

4. The Prisoner convicted in Case No. 61. would appear to have been convicted only of a Simple theft punishable under the Provisions of Section VII. Regulation X of 1816.- the Sentence therefore passed by the Assistant Criminal Judge is illegal, while the Regulation quoted as the authority under which it was awarded is altogether inapplicable.-

Nos. 65. 466. 5. The Court of Foujdaree Udalut do not clearly understand upon what Evidence the 1st Prisoner has been convicted in the Cases Nos. 65. and 66., and accordingly they resolve to direct the Judge on Circuit in the Southern Division who is about to proceed to Salem, to look into the Cases and to report whether the Evidence justifies the Sentence that has been passed on the Prisoner by the Sudr Ameen.-

Ordered that Extract from these Proceedings be forwarded to the Assistant Criminal Judge in charge of the Criminal Court at Salem for his information and guidance by Straight Returnable in 5 days from and after its receipt and with

with instructions to communicate Paras 2 and 3 to the Magistrate of Salem for his information.-

/Sent following Receipt No. 707-

Ordered, also that Para: 1 and 5. of these Proceedings be forwarded to the Acting 3rd Judge on Circuit in the Southern Division for his information and guidance.-

Ex. C.S.R. /Sent in Ltr No. 708-/

Read Letter dated the 30th March 1838 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 4th Quarter of 1837.-

/Here enter No. 924./

Read Letter dated the 22nd Ultimo from the Acting Joint Criminal Judge of Madurantacum forwarding a Statement of the amount realized by the Labour of the Prisoners in the 1st Quarter 1838.-

/Here enter No. 922/

Read Letter dated the 26th Ultimo from the Criminal Judge of Chittoor, transmitting a Statement of the amount realized by the Labor of Convicts during the 1st Quarter of 1838.

/Here enter No. 937./

Read Statement dated the 1st Ultimo from the Criminal Judge of Salem of the amount realized by the labor of the Prisoners in the 1st Quarter of 1838.-

/Here enter No. 938./

F.U.

At a Court of the Foujdaree Udalut.

Present.

John Bird Esqr. ——— 1st Puisne Judge.

Friday 4th May 1838. Thomas Alexr. Oakes Esqr. Actg. 2nd Puisne Judge.

Alexr. Duncan Campbell Esqr. 3d Puisne Judge.

Read letter dated the 10th Ultimo from the Magistrate of Bellaree reporting with reference to the Extract from the proceedings of the Court of Foujdaree Udalut under date the 10th March 1837 the result of his investigation into the conduct of the Police Officers charged with having extorted by ill treatment the confessions of the five prisoners in Case No. 56. of the Criminal File of the Zillah Court of Bellaree for the month of July 1836.—

(Here enter F.U. No. 856 of 1838.)

The Court of Foujdaree Udalut

1. having carefully perused and considered the depositions forwarded with the letter now recorded, and the Remarks which the Magistrate of Bellaree has submitted in regard to them, concur with that Officer in opinion that there is no sufficient ground to believe that violence was used by the Police Officers towards the Prisoners.—

The

2. The Court at the same time confesses themselves totally unable to account for the confessions of the Prisoners in this most extraordinary and inexplicable case.—

3. The Court deems it necessary to direct that copies of Paras.ths 34 and 35 of the Magistrate's letter be eventually sent to Mr. Bushby and that that Gentleman be called upon to afford an explanation in regard to the observations therein contained.—

4. The Court likewise observes with regret that the examinations held before the Criminal Court touching the Case in Question were of the most unsatisfactory and insufficient description.—

Ordered, that an Extract from these proceedings be sent to the Magistrate of Bd. Saree for his information.—

(Sent in No. 717)

Ordered also, that an Extract from these proceedings be sent to Mr. A. F. Bushby by Precept returnable within 15 days from and after its receipt.—

(Sent following Precept at No. 718

Read letter dated the 26th Ultimo from the Magistrate of Guntoor submitting the explanation called for in the Extract from the

Proceedings

Proceedings of the Sudder Adalut 17th March 1838 relative to case No. 9. of the Guntoor Criminal Reports for the months of February last.—

(Here enter No. 919.)

Read letter dated the 21st Ultimo from the 3rd Judge on Circuit in the Northern Division forwarding copy of the Primary Calendar for the Special Sessions of 1838 at Vizagapatam.—

(Here enter No. 930.)

Read letter dated the 27th Ultimo from the 3rd Judge on Circuit in the Northern Division transmitting copy of the Precept issued to the Criminal Judge of Rajahmundry intimating the day appointed for the re-opening of the 1st Sessions of 1838 at his Station.—

(Here enter No. 940.)

Read letter dated the 28th Ultimo from the Provincial Court of Circuit in the Centre Division forwarding the Death Warrant Vol. in Cases Nos. 14 and 16 of the Bellary Calendar 2nd Sessions of 1837.—

(Here enter No. 947.)

WS

LAO

GoCJR.

At a Court of the Foujdaree Udalut.

Present.

John Bird Esqre. ——— 1st Puisne Judge

Saturday 5th May 1838. Thomas Alexr. Oakes Esqre. — 2d Puisne Judge

Alexr. Duncan Campbell Esqre. — 3d Puisne Judge

Read the Criminal Reports for the month of March 1838, submitted by the Criminal Judge of Chittagong.—

(Vide enter 4th 826)

Case No. 29. The Court of Foujdaree Udalut see no reason to disapprove of the commitment of the three prisoners concerned in Case No. 29 of the Report No. 5. but they expect that every exertion will be made by the Criminal Judge to procure further evidence before the commencement of the Trial.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Chittagong for his information and guidance.—

(Sentence No. 719)

Read the Criminal Reports for the month of March 1838, submitted by the Acting Joint Criminal Judge of Cuttack.—

(Vide enter No. 836)

Case No. 12. For the future guidance of the Acting

5th May 1838.

Acting Joint Criminal Judge at Cuttack the Court of Sudder Udalut would record their opinion that under the Circular Order of the Sudder Udalut of the 20th of February 1835, No. 31, the Mahtaud was answerable to furnish ment for releasing a prisoner who must commit to his custody."

Ordered, that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge at Cuttack for his information

(Sent in No. 720)

Read the Criminal Reports en prescribed by Section XXXV Regulation X of 1816 submitted by the Criminal Judge of Sungle put for the month of March last.

(Here enter No. 837)

The above Reports do not appear to call for any remark from the Court of Sudder Udalut.

Ordered, therefore that Extract from these proceedings be sent to the Criminal Judge of Chingleput for his information.

(Sent in No. 721)

Read the Criminal Reports for the month of March 1838 submitted by the Criminal Judge of Bellary.

(Here enter No. 845)

The

5th May 1838.

Case No. 39.

The Assistant Criminal Judge in charge of the Criminal Court at Bellary is required to explain the grounds of the requisition for security made from the prisoner concerned in Case No. 39. of the Supplemental Report, and the grounds of the release of the prisoner concerned in Case No. 41. of the Report No. 5,- the notice of the judgment of the Criminal Court in those cases given in the Report, is altogether insufficient to enable the Court of Sudder Udalut to judge of the propriety of the Sentences.

Cases Nos. 42. and 52.

2. The Head of Police of Bellary would appear to have forwarded the prisoners concerned in Cases Nos. 42. and 52. to the Criminal Court on most insufficient grounds, and, in apprehending the prisoners, to have disregarded the provision of the Law contained in Section XXVII Regulation XI. of 1816.- the Assistant Criminal Judge in charge, will furnish the Magistrate of Bellary with a copy of these cases as they stand in the Report, and that Officer will report direct to the Court of Sudder Udalut what notice he may have taken of the conduct of the Head of Police.-

3. The Court of Sudder Udalut have not failed to observe the very careless manner in which these Reports have been

prepared

5th May 1838.

prepared and submitted by the Criminal Judge of Bellary. the Judge trust that their orders of the 19th Ultimo will in future be duly attended to, and that no reports or other papers will hereafter be despatched from the Criminal Judges Office without being first carefully examined.—

Ordered, that Extract from these proceedings be forwarded to the Assistant Criminal Judge in charge of the Court at Bellary for his information and guidance by precept returnable in 10 days from and after the receipt and with instructions to communicate para 2. to the Magistrate of Bellary for his information.

(Sent following precept No 722)

Read return dated the 16th Ultimo made by the Acting Joint Criminal Judge at Combatore to the precept of the Sessions Order of the 7th April 1838 containing their observations and orders on the Criminal Reports for the month of February 1838.—

(Here enter No 886)

The grounds on which the Acting Joint Criminal Judge explains the release of the prisoners in Case No 45. mentioned, being altogether exonerated by the Court of Sessions Mr Lautre seems to point out to that Officer that the crimes of which the prisoners in Case No 45 were convicted being smuggling their cases came under

Sr 76.

5th May 1838.

Section XI. Regulation VII. of 1811, and the punishment is provided by Clause 1st Section IV. Regulation V of 1831, viz, a fine not exceeding 200. Rupees, or in case of non payment imprisonment not exceeding 2. Years.—

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

(Sent in No 723.

Read the Criminal Reports for the month of March 1838 submitted by the Acting Joint Criminal Judge at Masulipatam.

(Here enter No 889.)

Case No 6. 1. The Sentence passed upon the prisoner concerned in Case No 6 is illegal and must be cancelled accordingly: the prisoner does not appear to have committed any overt act rendering him liable to punishment by the Criminal Court, but as it would appear to be just and necessary that he should be bound over to keep the peace, the Joint Criminal Judge will forward the prisoner to the Magistrate in order that he may proceed against him under Section V Regulation VI of 1827.—

The

5th May 1838.

Cade No 18. 2. This report submitted to the Criminal Court by the Head of Police of Ellore does not sufficiently explain the causes of the delay in forwarding the prisoners concerned in Cade No 18 to the Joint Criminal Judges, and the Acting Magistrate of Masulipatam is accordingly requested to submit a detailed report on the subject direct to the Court of Foujdaree Udalut.

Ordered, that Extract from these proceedings be forwarded to the Joint Criminal Judges at Masulipatam for their information and guidance by Precept returnable in 10 Days from and after its receipt, and with instructions to communicate from 2 to the Acting Magistrate of Masulipatam for his information.—

(Sent following Precept No 776.

Read the letter dated the 15th ult from the Criminal Judge of Malabar forwarding the Report prescribed by Section XIII Regulation X of 1816 for the month of March last.

(Here enter No 893.)

Also read the letter dated the 2d ult from the Criminal Judge of Malabar forwarding the Proceedings of the Court of Circuit held at Calicut in the month of March last on Cade No 55 the Criminal Reports for the month

5th May 1838.

March 1838.—

(Here enter No 957.)

From the nature of the wounds sustained by the prosecutor in Cade No 25. of the Supplemental Report the Court of Foujdaree Udalut are clearly of opinion that the Prisoner should have been committed to take his Trial before the Court of Circuit, and disapprove of the Criminal Judge having disposed of a case like this clearly beyond his jurisdiction.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Malabar for his information and guidance by Precept returnable in 10 Days from and after its receipt.—

(Sent following Precept No 775.

Read the Criminal Reports for the month of March 1838 submitted by the Criminal Judge of Nellore.—

(Here enter No 828.)

Cade No 25. 1. With reference to the remarks recorded by the Moofsil Sudr Ameen in Cade No 25. a copy of which had been furnished by the Criminal Judge to the Magistrate of Nellore, the Court of Foujdaree Udalut resolve to direct that the latter Officer be required to submit direct to this Office a Special report of

5th May 1838.

of the notice he may have taken of the conduct of the Head of Police and of the Cutwall of Angole.—

Case No. 28.

2. The Court of Fouzdaree Udalut being of opinion that no sufficient grounds exisited for the demand of security made upon the 2nd prisoner in Case No. 28 they proceeded to direct his unconditional release from confinement.—

3. The Magistrate of Nellore will be pleased to ascertain and to report to the Court of Fouzdaree Udalut the cause of the 1st prisoner in this case by the Police from the 11th to the 21st of September 1837

Ordered that Extract from these proceedings be forwarded to the Criminal Judge of Nellore for his information and guidance by Precept returnable in 5 days from and after its receipt and with the instructions to communicate paragraphs 2 and 3 to the Magistrate of Nellore for his information.—

(Sent following Precept No. 796.—

F. U.

At a Court of the Fouzdaree Udalut.

Present

Monday 7th May 1838.

John Bird Esqre. 1st Puisne Judge
Thomas Alexr. Oakes Esqre. acg. 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

Read return dated the 23d Ultimo made by the Criminal Judge of Chittoor to the Precept of the Fouzdaree Udalut of the 2nd April 1838 calling for Explanation respecting the allegations contained in the petition of Veerasawmy Naiken of the Zillah of Chittoor.—

(Vide enter No. 908.)

In the above return the Criminal Judge has confined himself to an Explanation respecting the disposal of Case No. 148 of 1837 of his Criminal File.— Ordered therefore that that Officer be required to reply to the allegations contained in Paras 1 and 2 of Veerasawmy Naiken's petition (of which a copy has been already furnished to the Criminal Judge) respecting the proceedings of the Criminal Court in Case No. 149 of 1837.—

Ordered, that Extract from these proceedings be furnished to the Criminal Judge of Chittoor for his information and guidance by Precept returnable in 10 days from and after its receipt.—

(Sent following Precept No. 734.)

Read letter dated the 12th Ultimo from the Criminal Judge of Chittoor submitting the

Criminal

Criminal Reports for the month of March 1838.

/Acc outer No. 829./

Case No. 13. With reference to case No. 13 of the Supplemental Report the Court of Foujdaree Adalut would remark that unless there was reason to believe that the sum stolen did not exceed 50 Rupees the punishment awarded to the Prisoners would appear to be insufficient.

Case No. 35. The Court of Foujdaree Adalut are of opinion that for the offence of which the Prisoners were convicted in case No. 35 a more severe punishment was awarded by the Moofty Hidayut Ameen, and that in future the Criminal Judge will communicate to that Officer for his information and future guidance.

Case No. 36. The Court of Foujdaree Adalut direct that the Magistrate of Chittoor be furnished with a copy of the Explanation furnished by the Joint Magistrate of the cause of the delay in forwarding the Prisoner concerned in Case No. 36 to the Criminal Court and that the Magistrate be informed that it was contrary to the plan in him not to have at once disposed of the case instead of first subjecting the Prisoner to a journey from Wallajanagur to Vellore, and from thence to the Joint Magistrate in the Sub division.

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge of Chittoor for his information and guidance, by Precept returnable in 5 days from and after its receipt and with instructions to communicate Paragraph 3 for the

information and guidance of the Magistrate of Chittoor.

/Sent following Precept No. 737

Read the Criminal Reports for the month of March 1838, submitted by the Criminal Judge of Rajahmundry.

/Acc outer No. 887./

Case No. 11. 1. The punishment for the offence (Theft) of which the Prisoner in Case No. 11 was convicted, is prescribed in Section VII. Regulation X of 1816. no case "breaking" was charged, nor does it appear that the commission of the Theft was accompanied by any of the circumstances of aggravation specified in Clause 4th Section III. Regulation VI. of 1822.

Case No. 21. 2. The Magistrate of Rajahmundry will be pleased to instruct the Head Sheristadar of Dharamah in future to explain in his Report to the Criminal Court the reason why a reference to the Magistracy was considered by him necessary, whenever that Excuse is assigned as the cause of the detention of a Prisoner in the Talook beyond the prescribed Period.

3. The Court of Foujdaree Adalut request to be informed of the cause of the delay in forwarding the Prisoner concerned No. 23 to the Criminal Court the case it is observed was sent up by the Magistrate of Rajahmundry.

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge of Rajahmundry for his information and guidance by

/Precept

7th May 1838.

Precipt returnable in 5. days from and after the Precipt, and with instructions to Communicate Paras: 2. and 3. to the Magistrate of Rajahmundry for his information.—

Sent following Precipt No. 766

Read Letter dated the 22d. ulto from the Third Judge in Circuit to the Northern Division forwarding a copy of the Proceedings of the first Sessions of 1838.

Case No 3. (Extract from the Proceedings of 1838)

1.

In this case the Prisoners were charged with Murder, in having, at Ramapilli, in the Talook of Cherumaddy, Stabbed Cantareddy Ramayah with a Knife and thereby caused his death.

2.

The facts of the case would appear to be as follows. The deceased and some of the Prisoners - engaged in stealing the Grain. The village One of the party, which fact (related by the Criminal Court) thereupon in order to obtain his share of the Grain, Stabbed the deceased in the breast with a Knife.—

3.

The opinion of the Third Judge of Circuit seems to be that the Accused not charged were not the result of any premeditated design of all concerned, but the sudden impulse of one of them to save his relative from the Capture, not for their common benefit; or to enable them to carry off undisturbed

S. H.
7th May 1838.

undisturbed the purpose for which they came there - Consequently the rest cannot be considered principals.

The Third Judge accordingly acquitted the Prisoners, but at the same time required them to furnish Security for their future good behaviour; and further "as they have admitted that they committed the Theft" directed the Joint Criminal Judge to "dispose of the Minor Offence".

4.

Since it is stated in the Remarks in the Calendar that "the Charge is not proved against the Prisoners or that they were accessaries in the death of Cantareddy Ramayah" the Court of Foujdaree Adalut cannot consent to the demand of Security from the Prisoners; another objection to which is that they are about to be tried for Theft with every apparent Probability of Conviction.—

5.

The Judge of Circuit will therefore be pleased to issue orders for the cancelment of the Bail bonds.

6.

The Court of Foujdaree Adalut however are unable to concur either in the propriety of the acquittal or in the legal arguments by which the Judge of Circuit has sought to defend his proceedings.

Russell on Crimes Bk. I Ch. II p. 31. The Rule of English Law applicable to the case under consideration appears to be that "if a Fact amounting to Murder should be committed in prosecution of some unlawful purpose, though it were but a bare trespass, all persons who had gone in order to give assistance if need were, for carrying such [illegible]

unlawful

unlawful purpose into Execution, would be guilty of
Murder - But this will apply only to a case where
the murder was committed in Prosecution of some
unlawful purpose, some Common design in which
the Combining Parties were united, and for the effect-
-ing whereof they had assembled &c.

7. In the present case, there can be
no doubt that the fact of the death of the deceased
amounts to murder: and the Evidence and the whole
Circumstances of the case appear to the Court of
Fouzdaree Adalut to be sufficient to prove that this
murder was committed in "Prosecution" of an "unlawful
purpose" - namely of Theft - and that the perpetration
of this Theft was the "Common design in which the
Combining Parties were united and for the effecting
whereof they had assembled -

Ordered, that Extract from these
Proceedings be sent to the 3d Judge on Circuit in the
Northern Division by Precept returnable within
five days from and after its receipt -

/Sent following Precept No 737/

Read return dated the 30th Ultimo,
from the Joint Criminal Judge at Cuddalore to the
Precept of the Fouzdaree Adalut dated the 20th April
1838 - conveying their observations and orders on the
Criminal Reports for the months of March -

/Ans enter No 964 -/

Read letter dated the 27th Ultimo,
from the 3d Judge of the Provincial Court of Circuit

in

in the Western Division, returning the Death Warrant
issued in Case No 1 Tellicherry South additional Calen-
-dar 1st Quarter Sessions of 1838, duly executed -

/Ans enter No 974 -/

Read letter dated the 30th Ultimo, from
the Magistrate of Salem, explaining the cause of the delay
in forwarding the Prisoners concerned in Case No 36 of
the Salem Criminal File to the Court -

/Ans enter No 979 -/

Read return dated the 30th Ultimo,
from the Assistant Criminal Judge of the Zillah
Court of Madura to the Precept of the 25th April 1838,
conveying the observations and orders of the Fouzdaree
Adalut on the Criminal Reports for the months of
March 1838 -

/Ans enter No 984 -/

F. 86.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre ——— 1st Puisne Judge

Tuesday 8th May 1838. — Thomas Alexr Oakes Esqre ——— 2nd Puisne Judge

Alexr Duncan Campbell Esqre — 3rd Puisne Judge

Read the Criminal Reports for the month of March 1838. submitted by the Joint Criminal Judge of Vizagapatam.

(Here enter No. 827.)

Case No. 59. of 1837. The prisoner concerned in Case No. 59. of 1837. has now been in confinement upwards of a year and 4 months without having been placed on his Trial for the offence of which he stands charged and as under these circumstances the Court of Foujdaree Udalut cannot justify any longer delay in the case they desire that Captain Vallancey the Joint Magistrate of Vizagapatam be instructed to adopt the suggestion offered in Para: 3. of Captain Elwall's letter to his address of the 16th March 1838.—

Case No. 19. Implements for committing Burglary were found upon the prisoner who upon being confronted with them before the Criminal Judge admitted that he had attempted to commit a Burglary 3

From the abstract of the evidence given in Case No. 19. it would appear that the testimony produced before the Punditt Sheik Ameen was insufficient to justify the conviction of the prisoner,

prisoner, and unless therefore evidence was produced on the hearing of the case other than that noticed in the Report, the Court of Sungdanee Udalut desires that the prisoner may be immediately discharged.

The Court of Sungdanee Udalut observe also that the charge in this case has been defectively entered in the Report. the prisoner should have been charged with having in his possession stolen property knowing it to have been stolen, and not with the intent to commit a Burglary.

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge — that Extract from the Proceedings be forwarded to the Criminal Judge — that Extract from the Proceedings be forwarded to the Criminal Judge — that Extract from the

8th May 1838.

Police for profession of one part of the said property can be tried by the Criminal Court for profession of the other part, there being two claimants to the property and the theft having been committed on separate occasions.—

(Here enter No 946)

1. The Provincial Court observe the opinion that the charges of theft being perfectly distinct, and the former punishment appearing to have been inflicted on account only of having on profession the property of the complainant alone, a new trial then cannot be granted to prosecute the prisoner is liable to punishment on account of this illegal profession subsequent to the charges.—

2. The Court of Sessions Udalur concur the above opinion & regret by the Provincial Court provided the expression of the property in each case was different and distinct and they are requested to instruct their Officiating Joint Criminal Judge accordingly.

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

(Sent in No 751.)

Read letter dated the 1st Instant from

F.C.

8th May 1838.

from the Acting Joint Criminal Judge of Salem to the Precept of the Court of Sessions Udalur under date the 27th April 1838 conveying their observations and orders on the Coimbatore Criminal Reports for the month of March.—

(Here enter F.C. No 985 of 1838)

1. The Court of Sessions Udalur observe that since the room in which the paper is manufactured is outside the Jail wall, and as the prisoners employed in making paper carry the gunny pulp to the tanks to wash it, Sepoys guard are required to guard them as working outside the Jail, the Prisoners in question should be entered as working "outside".—

2. The Court of Sessions Udalur further observe that it is highly desirable that the particulars indicated in para: 3 of these Returns should be invariably entered at the foot of future Statements.—

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

(Sent in No 757)

Ed Gaol.

Read

Read letters dated the 5th and 6th Instant from A. E. Angelo Esquire at Cuddapah submitting a protest against the judgment of the Commissioner, Mr Dickenson—

(Here enter Nos. 998 and 999)

Minutes of the Third Puisne Judge

The first judge having stated that he wished to refer to the Government under which he understands it is with me, I forward all the papers with mine, for the reconsideration of my Colleagues thus

To the Chief Secretary ——— 31st January 1838.
From — Ditto ——— 27th February —
Forwarding Udalut Proceedings ——— 5th March —
To the Chief Secretary ——— 18th April —
From — Ditto ——— 24th — " — "

I have returned these papers hitherto, expecting some orders from Government upon a letter which I addressed to them on the 19th April, in which I laid before the Government a communication from the Registrar of the Court to me, from which it appeared to me that, contrary to the orders of Government of the 4th March 1836, the fact of my dissent from the Registrar's letter to Government of the 18th April 1837 had been altogether concealed from Government, until I was most unwillingly compelled myself to communicate it to them.—

I

I subsequently found that my dissent from the proceedings of this Court of the 26th March last had been notified, neither to the Government, nor to Mr Angelo, to both of whom they had been communicated. But I have reserved all further comment thereon, until I can ascertain what the Government may be pleased to do on my appeal to them. Satisfied however that it is not be left the duty which my colleagues owe to me, than that which the Registrar owes to his Office, to communicate to all concerned the fact of my dissent from the proceedings of the Court, when I have the misfortune to differ from them. The silence of the Court on this subject cannot make me join in any proceedings against which I dissent, and the concealment of my dissent disables those interested from availing themselves of it, so far as it may operate in their favor.

I cannot too strongly express my objection against a course of proceeding, which, instead of opening to the public the proceedings of this Court as required by law, places on the part of the majority of the Court the power of withdrawing from those most interested the knowledge of any dissent, and thus deprives them of the power of requesting a copy

J

8th May 1838.

8th May 1838.

of it, should they deem it available in appeal in their favor.—

I have no objection to submit to Government the letters from Mr Angelo now addressed to this Court without comment, further than this that, as I understand from I have not the order by me of the Commissioners nominated under Regulation VIII 1822. his proceedings are by law most strictly confined to "investigation" exclusively leaving the decision entirely in the hands of the Government and therefore Mr Angelo refused to attend or to give evidence, the very formal kind which he may have sent for subsequently by law subject to enforcement, until sanctioned by the Government, to whom alone "decision" is left and I think, clearly and properly restricted by the Regulations.—

I have &c

Signed J. D. Campbell
3rd Puisne Judge
8th May 1838.

Ex C.R.

J. R.

At a Court of the Fouzdaree Adalut.

Present.

Thursday 10th May 1838. John Bird Esqr _____ 1st Puisne Judge
Thomas Oliver Esq to act as 2nd Puisne Judge
Alex Duncan Campbell Esq 3rd Puisne Judge

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D.R.

Read letter dated the 1st instant from the Acting Second Judge of the Provincial Court of Circuit in the Northern Division forwarding for the information of the Court of Fouzdaree Adalut copies of a letter to his address from the Acting Joint Criminal Judge of Masulipatam and of his proceedings thereon as Judge Presiding at the Second Quarter Sessions of 1838 holden at Masulipatam—

(Register J. R. No. 193 of 1838.)

1. In this letter to the Officiating Second Judge the Acting Joint Criminal Judge reports that on referring to the Records of four Cases wherein the prisoners were charged with Perjury before the Head Assistant Magistrate he discovered that the Rule laid down in para 11 of the Circular Order of the Court of Fouzdaree Adalut of the 31st January 1834, which declares that no person shall be made the object of a prosecution for Perjury who has not been cautioned against committing himself on his oath has been overlooked: and he submits that the omission is fatal to the prosecution.—

2 The Officiating Second Judge in the proceedings of the 30th Ultimo recorded his opinion "that the prisoners in the four Cases progress-

to

10th May 1838.

to ought to be released, and these Cases excluded from the Calendar: and issued a Precept to that effect.

3. The Court of Foujdaree Udalut are of opinion that if these Cases were actually committed for trial it was irregular in the Officiating Second Judge to order the release of the accused persons to the Calendar's being laid before him.

Ordered, that Extract from these Proceedings be sent to the Officiating 2nd Judge of the Provincial Court of Circuit in the Northern Division for his information.

(Sent in No. 759)

Read letter dated the 30th Ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division, reporting the opening of the 2d Quarter Sessions of 1838 and the Cases and Prisoners for Trial.

(There enter No. 992)

Read letter dated the 30th Ultimo from the 3rd Judge on Circuit in the Northern Division, transmitting Copy of his Proceedings disposing of Case No. 2 on the Chicacole Supplemental Calendar 2nd Sessions 1837.

(There enter No. 993)

Read letter dated the 3rd Instant from the 3rd Judge on Circuit in the Northern Division, transmitting Copy and translation of the Futwa in No. 2 on the Chicacole Supplemental Calendar 2nd Sessions 1837.

(There enter No. 1003.)

Encd.

F. Uc.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre. ——— 1st Puisne Judge.

Friday 11th May 1838. Thomas Alexr. Oakes Esqre. Actg. 2nd Puisne Judge.

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge.

Read letter dated the 23rd Ultimo from the 3rd Judge on Circuit in the Northern Division forwarding Case No. 1 on the Primary Calendar for the Special Sessions of 1838 held at Vizagapatam, for the final sentence of the Court of Foujdaree Udalut.

(Here enter No. 942)

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-Loozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Loozat and Mooftees aforesaid convicting the prisoner

Punda Vunnadoo

of the crime charged and awarding retribution and, under the provisions of Section X, Regulation VIII of 1802, sentence the said prisoner to suffer death by being hanged by the neck at a convenient

convenientley can be after the receipt of this warrant at a Spot to be selected by the Criminal Judge in the vicinity of Chennamchintu Vanta. his body to be subsequently suspended in chains on a high gibbet to be erected on the said Spot.—

Ordered, that Extract from these proceedings be sent to the Third Judge on Circuit in the Northern Division for the information of the Assistant Magistrate.—

(Sent following letter No 761)

Read letter dated the 4th Instant from the 3rd Judge on Circuit in the Northern Division transmitting copy of the Supplemental Calendar for the Special Sessions of 1838 with Butta Statement and Appendix.—

(Here enter No 1004)

Read letter dated the 7th Instant from the 3rd Judge of the Provincial Court of Circuit in the Centre Division transmitting copy of the Thirteen third Supplemental Calendar for the 2nd Quarterly Sessions of 1838.

(Here enter No 1006)—

At a Court of the Foujdaree Udalut.

Present.

John Bird Esqre ——— 1st Puisne Judge

Monday 14th May 1838. Thomas Alexr Oakes Esqre — Actg 2nd Puisne Judge

Alexr Duncan Campbell Esqre — 3rd Puisne Judge

Read the Cuddapah and Cumbum Criminal Reports for the months of March 1838 submitted by the Assistant Criminal Judge in charge of the Criminal Court at Cuddapah.—

(Here enter No 928.)

Cumbum Reports. Case No 1.

1. The Criminal Judge, who since the date on which these reports were submitted, has returned his duties in the Zillah Court of Cuddapah, is directed to call upon the Principal Sudr Ameen at Cumbum to explain the nature of the evidence on which the 1st and 2nd prisoners in Case No 1 have been committed to take their trial before the Court of Circuit, if no more has been urged against them than is noticed in the Report, the Court of Foujdaree Udalut hold the opinion that the commitment of the 1st and 2nd prisoners, was unnecessary the circumstances improper.

2. The prisoner in Case No 10 would appear to have been charged with wounding to

14th May 1838.

an extent not cognizable by the Principal Sudr Ameen, but even if the injury sustained by the Prosecutor was not such as to render the commitment of the Prisoner more proper if appeal to the Court of Foujdaree Udalut that in consideration of the weapon used by the Prisoner a more severe sentence than 6 months imprisonment should have been awarded against him, by the Principal Sudr Ameen—

Ordered, that a Extract from these proceedings be forwarded to the Commissioner Judge at Moorshedabad for his information and guidance by Precept returnable in 15 days from and after its receipt, and with instruction to make the necessary communication to the Principal Sudr Ameen at Berhampore—

(Sent following Precept No 772)

Read the Criminal Reports dated the 4th Instant from the Joint Criminal Judge of Moorshedabad for the month of April 1838—

(Recorded No 1005)

Fol.

At a Court of the Foujdaree Udalut.

Present

John Bird Esqre. ——— 1st Puisne Judge

Tuesday 15th May 1838. Thomas Alexr Oakes Esqre. ——— Acg 2nd Puisne Judge

Alexr Duncan Campbell Esqre. ——— 3rd Puisne Judge

Read order of Government dated the 19th Ultimo, No 102, communicating a letter addressed to the Chief Secretary to Government by Mr Ogilvie, the Magistrate in the Northern Division of Circuit, on the subject of the censure recorded upon him by the Government in their Minutes of Consultation of the 19th January 1838 (Vide No 113) directing that the Magistrate of North Circuit be desired to submit the communication thro' the channel of the Court of Foujdaree Udalut, and requesting the Judges, in laying the same before Government, to state their sentiments thereon; whereto His Lordship in Council will be prepared to give due consideration to the explanations offered by that Gentleman—

(Here enter No 881)

Also read letter dated the 24th Ultimo from the Magistrate in the Northern Division of Circuit submitting an explanation of his conduct in regard to the Police of his District

District, as mentioned in the Extract from the Minutes of Consultation under date the 19th June 1838. No. 113.—

(Here enter No. 918.)

1. Mr. Ogilvie stated that shortly after he was permanently appointed Magistrate in the Northern Division of Cachar, (20th January) Government in their Military Secretary's letter of the 11th February 1837 (No. 182) ... changed the employment of the large rural Police Force ... consequence of the ... paper to which of the state of crimes by Mr. Roberts in his letter to the Board of Revenue of the 25th Dec. 1836; that from this and other causes there has (Mr. Ogilvie) at the time and at the present time this important subject of the inspection of the already existing Police Force, and that he therefore considered that a very large body of Police whose services were most urgently required in the Talooks of the District, ... had been almost retained on pretence of attendance at the Hooroor station, or at any other place where the Magistrate himself might be present and where they ... and upon the ... of letters ... that there were no Thanah stations on the frontier or roads throughout the District, and that a fair and equitable Levelling and distribution of the

the Police force did not exist; - that with the intention therefore of giving to the then existing force a fair Trial, he retained only 22 Peons for the purpose of guarding the Magistrates records at the Hooroor and for serving Summonses and distributing the remainder of the large force retained by Mr. Roberts at the Hooroor Cutcherry, in the Talooks, where Thanahs were then for the first time only, established, that the Talook Police having thereby been rendered so much more efficient, the necessity of entertaining so large an Extra Establishment, and entailing so heavy an expenditure as 780 Rupees per month upon Government, as recommended by Mr. Roberts, seemed obviated, and that he felt unwilling "to entertain it except with a firm conviction of "its expediency and absolute necessity."—

2. A Statement of the force retained by Mr. Roberts, in "personal attendance" at the Hooroor station, is subjoined to Mr. Ogilvie's letter, and from this it appears that no less than 3 Havildars 5 Duffadars and "16 Peons, at a yearly charge to Government of Rupees 1,956, were retained "at the "Hooroor, or any other place where the Magis- "trate himself might be presiding, and "where "they

"they were consequently of little or no use;" and this Establishment having been chiefly drafted from the Talookas, the Police forces in the Villages are stated to have "suffered much diminution," and were "unknown" and complained of by the Heads of Police, below the State of efficiency.—

3. Mr. Robertson having returned from the service at which he was employed when the Court of Foujdaree Udalut last met, and for the first time brought to the notice of the Court of Foujdaree Udalut, but whether this unequal distribution of the Police force might not have been at the time suggested as requisite for not conforming to the orders of Government of the 11th February 1837, I have called for the correct explanation of the conduct of Mr. Ogilvie in not immediately returning the extra Police force, sanctioned by Government, after he resumed charge of the District on January 1837, yet it affords no justification of that conduct in having permitted (to use his own words) "a manifest evil of great extent to have had continuance during the time he was in charge of the District of Chittoor, viz. from the 31st March to the 24th November 1836, that many thousand rupees were spent during which the unequal distribution of the Police force existed

Vide Police Officers Reports

F.16.

15th May 1838.

was so seriously felt in the Talookas.—

4. The Court of Foujdaree Udalut observe also that the letter from the Magistrate of Chittoor now under consideration contains no explanation of his conduct animadverted on in the 45th and 46th para.s of the proceedings of the Foujdaree Udalut of the 1st November 1837.

5. The Court of Foujdaree Udalut observe also that Mr. Ogilvie had omitted to report as required by para: 8 of the Minutes of Consultation of the 19th January 1838. No. 113 whether the communication on the subject of the remodelling the Police in their Zemindaries was ever made to the Zemindars, and the intention of Government in the case of no amendment manifesting itself in the Criminal Reports connected with their Districts clearly explained to them, as enjoined by the Minutes of Consultation of 15th November 1836, No. 959.—

Ordered, that Extract from these proceedings together with copy of the Magistrates letter of the 24th Ultimo be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.—

(Sent in No. 778

Ordered also, that Extract from these

15th May 1838

these proceedings be forwarded to the Magistrate in the Northern Division of Street for his information.—

(Sent in No 779)

Read letter dated the 2nd Instant from the Third Judge of the Provincial Court of Circuit in the Centre Division forwarding copies of the Primary Calendar and of the second and fourth Supplemental Calendars of the Second Quarter Sessions of 1838 holden at Chittoor.—

(Here enter Fol. No 975 of 1838.)

Primary Calendar Case No 1.

1. The two Prisoners in this case were charged with having assaulted and attempted to rob the Prosecutor on the highway

2. They were required to produce two sureties in fifty Rupees each Surety for their future good behaviour and appearance when required for two years.—

3. The Court of Sessions were of opinion that the evidence adduced on the Calendar did not justify a requisition of Security and accordingly directed that unless the Third Judge should on reconsideration see cause to cancel the Bail bonds, and commit the Prisoners if detained under the requisition, he should transmit an English translation of the trial for the

15th May 1838.

Fourth Supplt Calr Case No 1.

The Court of Foujdaree Adaulut observe that this case ought not to have been committed at all.—

Ordered, that Extract from these proceedings be sent to the 3rd Judge of the Provincial Court of Circuit in the Centre Division by Precept returnable within two days from and after its receipt.—

(Sent following precept No 780.

Read letter dated the 7th Instant from the 3rd Judge of the Provincial Court of Circuit in the Western Division transmitting copies of the 4 Calendars laid before the Court of Circuit at the 1st Quarterly Sessions of the present year.—

(Here enter No. 1030.)

Read return dated the 11th Instant

173 from the Criminal Judge of Salem to the Precept of the Foujdaree Adaulut dated the 5th May 1838 conveying their observations and orders on the Criminal Reports for the month of March 1838.—

240
45
Exd C.S.R.

(Here enter No. 1047.)—

F. U.

At a Court of the Tonjdaree Adalut.

Present

Thursday 3rd May 1838. John Bird Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 Submitted by the Criminal Judge of Canara for the month of April 1838.

/ Here enter No. 1007. /

The above Reports do not appear to call for any remark from the Court of Tonjdaree Adalut.

Ordered therefore that Extract from these proceedings be sent to the Criminal Judge of Canara for his information.

/ Sent in No. 792. /

Read the Criminal Reports for the month of April 1838 submitted by the Acting Joint Criminal Judge of Coimbatore.

/ Here enter No. 1008. /

Case No. 59. If the remarks recorded by the Acting Joint Criminal Judge on Case No. 59 have not been already communicated to the Magistrate of Coimbatore, the Acting Joint Criminal Judge will observe that course on receipt of these proceedings.

Ordered accordingly that an Extract

17th May 1838.

Extract from these Proceedings be forwarded to the Acting Joint Criminal Judge at Combatore for information and guidance.

/ Sent in No. 793 /

Read the Criminal Reports for the Month of April 1838 submitted by the Acting Criminal Judge at Cuddalore.

/ Here enter No. 1022. /

Case No. 16. 1. In the death sentence to be executed upon Chandra Vittil Kannoo and Mani Ram Vittil Paramu of Tongadarra Adalut for the murder of the Prisoner convicted in Case No. 15 and they accordingly desire the Acting Criminal Judge will submit a further explanation of the Evidence on which the Criminal has been convicted.

Report No. 9. 2. The Court of Tongadarra Adalut observe that this Sentence in Case No. 15 of the Calendar 1st Sessions of 1838, was despatched by their Registrar Officer on the 3rd of March last, they therefore desire to be informed whether the Sentence has not been incorrectly entered in the Report No. 9 as one in which the Sentence of the Tongadarra Adalut had not been executed in the month of April 1838.

Ordered that Extract from the Proceedings be forwarded to the Acting Criminal Judge at Cuddalore for his information and guidance by the first Peon proceeding that way.

/ Sent letter No. 794 /

17th May 1838.

Read the Criminal reports prescribed by Section XXXV Regulation X of 1816 submitted by the Principal Sudr Ameen at Honore for the Months of April 1838.

/ Here enter No. 1036 /

The above Reports do not appear to call for any remark from the Court of Tongadarra Adalut.

Ordered, therefore that Extract from these Proceedings be sent to the Principal Sudr Ameen at Honore for his information.

/ Sent in No. 795 /

Read letter dated the 8th Instant from the 1st Judge on Circuit in the Western Division forwarding the original death warrant of Chandira-taraga Vittil Kannoo and Mani Ram Vittil Paramu No. 29 of the Malabar Calendar of 1st Sessions of 1838, with the Endorsement of the Criminal Judge together with his and his Assistants Reports in accordance with Circular Order of the Tongadarra Adalut of the 3rd March 1830.

/ Here enter No. 1056 /

Read letter dated the 9th Instant from the 1st Judge on Circuit in the Western Division forwarding the death warrant of Pathapat Koniathy Chimbal alias Kodiketot Ean, Raman and Thenkad Pallakel Kondu Moitoman No. 3 of the Malabar Calendar for the first Sessions of 1838 with the Endorsement and Report of the Criminal Judge.

/ Here enter No. 1057. /

Read

17th May 1838.

Read letter dated the 8th Instant from the 1st Judge in Circuit to the Western Division reporting having opened the Sessions of Oyer on the 8th May and that the Calendar contained 8 Cases 2 prisoners committed by the Principal Sudr Ameen of Tanjore, and that the Principal Sudr Ameen informs is doubtful as to whether he could have any Calendar to deliver.

(Here enter No. 1085.)

Read return dated the 14th Instant from the Criminal Judge of Tinnevelly to the precept of the Tanjore Adalut dated 7th May 1838 covering their observations and orders on the Criminal Reports for the month of March.

(Here enter No. 1087 for)

FB
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Ex. Cl. R.

F. 16

At a Court of the Foujdaree Adalut

Present

John Bird Esqre ——— 1st Puisne Judge

Friday 18th May 1838.

Thomas Alexr Oakes Esqre — 2d Puisne Judge

Alexr Duncan Campbell Esqre — 3d Puisne Judge

FB
DO
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A considerable time having elapsed since the close of the Trials set down for reference in the Cuddapah Calendar of the First Session of 1838 the Court of Foujdaree Adalut deem it necessary to direct that Mr Waters the Acting First Judge of Circuit in the Carnatic Division be called upon to submit the Records of the same, without further delay, and to report the circumstances which have tended to retard their preparation.—

Ordered, that Extract from these proceedings be sent to G. T. Waters Esquire Acting First Judge on Circuit in the Carnatic Division by Precept returnable within three days from and after its receipt.—

(Sent following precept No. 801.

Read letter dated the 7th Instant from the Sunt Criminal Judge of Coctim accompanied by the Criminal Reports for the month of April 1838.—

(Here enter F. R. No. 1049 of 1838)

A

18th May 1838.

Cadr No 1.

1. A brief notice of the circumstances which led to the fault which forms the subject of the charge in this cadr should have been entered in the Report.—

2. The Court of Sanjdarree Udalut observe that no Statements of the number of Prisoners and of the Sait Cyard &c accompany the present Report.—

3. The Joint Magistrate will be pleased to forward the Statements in question for the month of April without delay and he will be careful in future to see that all Statements required by the Court's Standing orders accompany the Reports.—

Ordered, that Extract from these Proceedings be sent to the Joint Magistrate & Judge of Cadrea by Dawk for return thereon within seven days from and after its receipt.—

(Sent of Morning Dawk Letter No 802)

W
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W
E. C. R.

J. W.

At a Court of the Sanjdarree Udalut—

Present

Saturday 19th May 1838.

John Bird Esqre ——— 1st Puisne Judge
Thomas Oakes Esqre 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read Letter dated the 1st instant from the Provincial Court of Circuit in the Centre Division submitting Copy of a letter dated the 28th Ultimo from the Magistrate in the Northern Division of Arcot submitting "for the consideration and orders of Government a proposition for the remodelling and organization of the Police in the Zemindary of Carvatenagar"—

(Vide enter No 961.)

1. In para 5 of the Minutes of Consultation under date the 9th of April 1835 the Magistrate in the Northern Division of Arcot was instructed to warn the Jaghiredar of Arnee, and the Zemindar and other Landholders in his District, that unless their Police duties were more efficiently performed they would be resumed into the hands of the Magistrate, and in the Minutes of Consultation under date the 15th November 1836, No 959, para 7, the Magistrate in the Northern Division of Arcot was directed to intimate to those Zemindars that if the Returns "for the next five months" (for the 1st half of 1836) should not exhibit, as far as their Zemindaries are concerned, more favorable result that measure would without fail be carried into effect—

The

2.

The Magistrate in the Northern Division of Road has omitted to report, as directed in Para: 8 of the Minutes of Consultation of the 19th of January 1838, No. 113, whether that intimation was ever made to the Zemindar of Cantemanggar, but the Court of Tongdarea Adalut concurring in opinion with the Provincial Court of Circuit in the Cuttack Division that it is expedient that some such measure as that proposed by Mr. Ogilvie for remodelling the Police of the Zemindary of Cantemanggar, should be adopted, they would propose that as suggested in the Minutes of Consultation of the 15th November 1836, the Board of Revenue be requested to report in what manner the intention of Government may be best carried into effect as regards the estimated requisite number of Police Officers, the pay to be given them and the number of Peons necessary to carry on the duties of Police on a scale of efficiency.

Ordered, that Extract from these Proceedings together with copy of the letter from the Provincial Court of Circuit in the Cuttack Division dated the 2nd Instant, and Petition, be forwarded to the Secretary to Government for the consideration and orders of the Right Honorable the Governor in Council.

/ Sent in a Separate /

Read the Criminal Reports for the month of April 1838 submitted by the Criminal Judge of Chingleput.

/ Here enter No. 1067 /

1.

The Criminal Judge will request the Acting Magistrate of Chingleput to report direct to the Court of Fongdarea Adalut the cause of the delay in forwarding the Prisoners concerned in Cases Nos. 25. 26. and 27. to the Criminal Court.

2.

Twenty Peons being in excess of the Strength of the guard authorized for the Jail Establishment of 62. Convicts working outside the Jail, the Criminal Judge is directed to explain the cause of the employment of these Extra Peons.

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge of Chingleput for his information and guidance by a Precept returnable in 5 days from and after the date of the Precept.

/ Sent following Precept No 805 /

Read return dated the 12th Instant from the Joint Criminal Judge at Chingleput to the Precept of the Tongdarea Adalut dated 5th May 1838 conveying the remarks and instructions of the Court on the Criminal Reports for the Month of March.

/ Here enter No. 1068. /

Read letter dated the 16th Instant from the Magistrate of Cuddalore, submitting explanation called for in the Proceedings of the Tongdarea Adalut dated 28th April regarding the detention of Prisoners before the Police in certain Cases on the Cuddalore Criminal Reports for the Month of March.

/ Here enter No. 1069. /

1838

F.U.

At a Court of the Foujdaree Udalut

Present

John Bird Esq^re ——— 1^st Puisne Judge.

Monday 21^st May 1838. Thomas Alex^r Oakes Esq^re — 2^d Puisne Judge

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

Read letter dated the 1^st March 1838 from Mr A Bushby late Officiating Judge of Circuit in the Western Division forwarding the Calendars of persons punished by the Magistrates of Cuddapah and Bellary with copies of his Remarks thereon.—

(Here enter F.U. No 534 of 1838)

Read also letter dated the 3^d March 1838 from the same officer submitting the Report required by Section XXXVII Regulation VII of 1802. so far as regards the delivery of the Jails of Cuddapah and Bellary for the second Sessions of 1837.—

(Here enter F.U. No 558 of 1838)

March 6.

The Court of Foujdaree Udalut are of opinion that the Circular Order of the 9^th June 1829. which conducted the country to be punished in regard to Sentence per Son[illegible] according to the varying circumstances under which they may come under the notice of the

Police

Public Functionaries in the Provinces enquired
provision in the point noticed by Mr Bushby
The part of the order to which he objects (Para
5 & 7) must be framed under the supposition that in
Cases wherein the committed persons are charged
with the Commission of Offences of such a
as to render them cognizable only by the Court
of Circuit the question of whether the offence
was committed under any sentence of
should be postponed for the consideration
mination of that Court. Mr Bushby should
be observed in stating that if the Prisoner must
be ultimately acquitted of the crimes by reason
of his not having received such sentence of the
commissions of the next ensuing Circuit of the
fact which if the present Measure as to cases of
that nature been left as usual to the
ordinary number of Cases falling under the cog-
nizance of the Courts of Quarter Sessions
Cases would not be postponed until the Circuit
being left to be decided by the Court of Circuit
likely to expedite any sentence to
parah 9

2. She Clerk of Pay Sessions should
make out a Return at the end of parah 9 to be
sent to the Criminal Judge of the Park
and to the Officer in charge of the Criminal
Court of Ballarat as the case may be to enable

in communication with the Medical Officers in
charge of those Jails respectively - whether
Oatmeal may not be substituted for rice as the
ordinary food of the Prisoners -

3. She Officer in charge of the Cri-
minal Court of Ballarat will likewise be re-
quested to call upon the Medical Officer in
charge of the Jail at that Station to report as
to the sufficiency or otherwise of the quantity
of Rice at present supplied to the convicts
kept to hard labour -

Ordered, that Extract from these
proceedings be sent to the Chief Secretary to
Government to be laid before the Right Honor-
able the Governor in Council together with
copy of the Report therein referred to -

(Sent in No. 811.

Ordered also, that Extract para: 2
from these proceedings with copy of para: 9
of Mr. Bushby's Report be sent to the Crimi-
nal Judge of Castlepark for his information -

(Sent in No. 812 -

Ordered also, that Extract para: 2
and 3 from these proceedings with copy of para: 9
of Mr. Bushby's Report be sent to the Officer in
charge of the Criminal Court of Ballarat by
Precept returnable within ten days from and after
its receipt -

(Sent following Precept No. 813. Read

21st May 1838.

Read a Letter dated the 18th Instant from Mr Bathurst Third Judge of the Provincial Court of Circuit on the Northern Division and dated Trichinopoly 2d Sessions of 1837 transmitting copies of communications from the Acting Joint Criminal Judge of Masulipatam and the Officer Commanding the Station dated the 15th Instant in pursuance of the Order of Government dated the 15th November 1837 to send a further number of Convicts from the Ceded Districts to contribute to the Buildings now carrying on at the Pettah of Masulipatam

(Vide Letter from Fort St George of 1838)

Read also the following Order of Government dated the 16th May 1838 - viz

(Vide also Fort St George Public Consultation of 1838)

1. The Right Honble the Governor and Council having been pleased to order the Superintendance of the Buildings now carrying on at the Pettah of Masulipatam to be transferred from the Civil Engineer to the Sessions Judge of that Station and the Latter Officer to be directed to report to the Board of Revenue the Estimate of the Expence of the Buildings which may be required to complete the Establishment of the Pettah and to submit the Plans for the same for the Sanction of Government

2. The Sessions Judge will also be directed to report to the Board of Revenue the Progress of the Buildings from time to time

3. The Sessions Judge will be directed to report to the Board of Revenue the Number of Convicts employed on the Buildings and the Number of Guards required for the Convicts

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21st May 1838.

Read a Report letter dated the 8th Instant from the Acting Joint Criminal Judge of Mastelipatam, and Deputy Provincial Court of Circuit for the Northern Division and Letter Transiting at the Third Quarter Sessions of 1837 the Returns of the Establishment maintained for the Custody of Prisoners of Criminal Courts from the Acting Joint Criminal Judge of Mastelipatam and the Officer Commanding the Guard stationed at the Fort of Mastelipatam relative to the suggestions passed in Para 3rd of the Court's Letter dated the 15th November 1837 for the reduction of a further number of Convicts from the Establishment to certain buildings within the Fort of Mastelipatam.

(Here enter Fort St. George Consultation of 21st May 1838)

Read also the following Extract Letter from Government dated the 11th May 1838 in Public Department

(Here enter Fort St. George Consultation of 21st May 1838)

To

The Right Honble the Governor and Council of Fort St. George

In order more completely to carry into effect the recommendations of the Court of Sessions at the Third Quarter Sessions of 1837 for the reduction of the Establishment of Prisoners of Criminal Courts at Mastelipatam, the Court of Sessions at the Fort of Mastelipatam, to the Board of Revenue, and the Officer Commanding the Guard stationed at the Fort of Mastelipatam, to the Collector of Kistna, the Court of Sessions have recommended that the Establishment of Convicts at the Fort of Mastelipatam be reduced to the following extent, viz.

	Rs
1 Jemadar	14
4 Peons @ 5 Rs.	21
2 Naigues @ 6 Rs.	12
Rs.	47

Fort St. George
21st May 1838.

Read a Letter from the Acting Joint Criminal Judge of Mastelipatam dated the 8th Instant, reporting that the Officers of the standing Night Guards at the new and old Jails are unfurnished

hundred and ninety three, the repairs being conducted as proposed under the superintendance of that Officer, and His Lordship in Council having been further pleased to sanction the extra establishment required in consequence, involving a monthly expence of Rupees (47) forty seven, for such time as the convicts in question may be in the Fort, and to desire the Foujdaree Adalut will direct such a reduction in the Establishment at the Petta Jail as will cover the expence now sanctioned, the Court of Foujdaree Adalut direct that the same be communicated to the Provincial Court of Circuit in the Northern Division (Mr. Barlow having been recently appointed to a Special Duty) who will be pleased to instruct the Acting Joint Criminal Judge of Mastelipatam to carry the orders of Government into effect without delay, and to make a Special Report to this Court through the Provincial Court on the subject of the reduction of the Establishment of the Petta Jail.

2. In the last paragraph of his Return of the 3rd March last the Acting Joint Criminal Judge of Mastelipatam reported that the Officers of the standing night guards at the new and old Jails are unfurnished

furnished from those employed with the working parties which are thus reduced at least for a portion of the day below the authorized strength.

3. The Court of Foujdaree Udalut observe that the practice here adverted to is very objectionable, and must be forthwith discontinued. The appointment of the two peons named will it is presumed, enable the Officer in charge of the Jail to regulate the guards in strict conformity with the standing orders.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division by precept returnable within ten days from and after date of receipt.

(Sent following precept No. 814.

Read the Criminal Reports for the month of April 1838 submitted by the Joint Criminal Judge of Vizagapatam.

(Here enter No. 1063.)

Also read a letter dated the 9th Instant from the Joint Criminal Judge of Vizagapatam requesting permission to remit the sentence passed upon the 1st Prisoner convicted in Case No. 25. of the Criminal Report for the month of April last, the crime proved being merely simple Theft — attended by no aggravating circumstance

circumstance of aggravation as was originally suspected.

(Here enter No. 1062.)

Under the explanation submitted in the Joint Criminal Judge's letter of the 9th Instant the Court of Foujdaree Udalut resolve to authorize him to amend the sentence passed upon the 1st Prisoner convicted in Case No. 25. of the above Reports.

Ordered, that Extract from these proceedings be forwarded to the Joint Criminal Judge at Vizagapatam for his information and guidance by precept returnable in 5 days from and after its receipt.

Sent following precept No. 815

Read Statement dated the 30th March last from the Magistrate of Tuckindy of the amount realized by the labor of the Prisoners in the 1st Quarter of 1838 as directed by the Circular Order of the Foujdaree Udalut in No. 88 dated 9th June 1837.

(Here enter No. 996)

Read return dated the 11th Instant from the 3rd Judge on Circuit in the Northern Division to the Precept of the Foujdaree Udalut dated the 7th May 1838 containing remarks on No. 3. in the Vizagapatam Calendar

21st May 1838.

Calendar for the 1st Sessions of 1838 directing the cancelling of the Bail Bonds

(Here enter No 1078.)

Read return dated the 15th instant from the Magistrate of Sangivee to the precept of the Tongdaree Udalut dated the 7th April calling on the Magistrate of Sangivee for an explanation of the delay which occurred in forwarding to the Criminal Court the prisoners in No 53 of the Combaconum Calendar for the month of February 1838.—

(Here enter No 1079.)

Read return dated the 14th instant from the Criminal Judge of Rajahmundry to the Precept of the Tongdaree Udalut dated the 7th May 1838 conveying their observations and orders of the Tongdaree Udalut on the Criminal Reports for the month of March last.—

(Here enter No 1080.)

WB
L.D.C.
WD

F. 86.

At a Court of the Tongdaree Udalut.

Present

Tuesday 22nd May 1838.

John Bird Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre 2nd Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read Return dated the 5th instant

WB
L.D.C.
WD

from the Third Judge on Circuit in the Northern Division to the Precept of the Court of Tongdaree Udalut under date the 19th April 1838. directing him to submit an authenticated copy and translation of the Bail Bond entered into by the Surety of the Prisoner in Case No. 4 of the Vizagapatam Calendar of the Second Sessions of 1837. and to call upon the Joint Criminal Judge of Vizagapatam to explain on what grounds the Prisoner was permitted to be at liberty either during or after the Trial before the Court of Circuit.—

(Here enter F.H. No 1079 of 1838.)

By the Papers submitted with the Return above recorded. the Court of Tongdaree Udalut find that the Proceedings of the late acting Joint Criminal Judge of Vizagapatam in respect of the Prisoner in the Case under consideration, and of the terms of the Security Bond were strictly regular: and the Court direct that an intimation to this effect be made to Mr Rhode, who is at present officiating in the Auxiliary Court at Masulipatam, by the Provincial Court of Circuit for the

Northern

22nd May 1838.

Northern Division.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division, for the purpose of being communicated to Mr Rhode.

/ Sent in No. 828 /

Read the Criminal Report for the month of April 1838, submitted by the Assistant Criminal Judge at Tellicherry.

/ Here enter No. 1060 /

As the 1st prisoner in Case No. 34 was proved to have wounded the Prosecutor with a Knife, the Court of Foujdaree Adalut adverting to the provisions of this crime in Malabar are of opinion that the Sentence awarded against the 1st prisoner by the Pundit Shaster Ameen, was an inadequate punishment for the offence.

Ordered that Extract from these proceedings be forwarded to the Assistant Criminal Judge of Tellicherry for the information and guidance of the Acting Pundit Shaster Ameen of that Court.

/ Sent in No. 824 /

Read the Criminal Reports for the month of April 1838 submitted by the Assistant Criminal Judge in charge of the Criminal Court at Madura.

/ Here enter No. 1062 /

If the prisoner concerned in Case No. 38. were convicted of the theft on the Charge of the Police

22nd May 1838.

Section III. Regulation VI. of 1822, the Assistant Criminal Judge will amend his Sentence according to the punishment awarded is not adjudicable under Section VIII. Regulation X of 1816.

Ordered that Extract from these proceedings be forwarded to the Assistant Criminal Judge in charge of the Criminal Court at Madura for his information and guidance by Precept returnable in 5 days from and after its receipt.

/ Sent following Precept No. 825 /

Read the Criminal Reports for the month of April 1838 submitted by the Criminal Judge of Nellore.

/ Here enter No. 1061. /

There being no evidence to shew

Case No. 38. 1.

that the 3rd prisoner in Case No. 38 received the Stolen property knowing it at the time to have been Stolen, the Court of Foujdaree Adalut consider that she is entitled to her release, and the Criminal Judge will accordingly cancel the Sentence that has been passed upon the 3rd prisoner by the Hindoo Shaster Ameen.

The Report No. 8 it appears has

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not been forwarded because no commitments were made during the month under review, but the Criminal Judge of Nellore will in future exhibit in his Reports the number of Cases and Prisoners committed in previous months and awaiting their Trial by the Court of Circuit.

Ordered

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Ordered that Extract from these Proceedings be forwarded to the Criminal Judge at Nellore for his information and guidance by Precept returnable in 5. days from and after its receipt.

/ Sent following Precept No. 826 /

Read the Criminal Reports prescribed by Section XXXV. Regulation X. of 1816. submitted by the Officiating Joint Criminal Judge of Tinnevelly for the month of April 1838.

/ Here enter No. 1037 /

The above Reports do not appear to call for any remark from the Court of Sunjdaree Adalut.

Ordered therefore that Extract from these Proceedings be sent to the Officiating Joint Criminal Judge of Tinnevelly for his information.

/ Sent in No. 827 /

Read the Criminal Reports prescribed by Section XXXV. Regulation X. of 1816. submitted by the Joint Criminal Judge of Cuddalore for the month of April 1838.

/ Here enter No. 1038. /

The above Reports do not appear to call for any remark from the Court of Sunjdaree Adalut.

Ordered, therefore that Extract from these Proceedings be sent to the Joint Criminal Judge of Cuddalore for his information.

/ Sent in No. 828 /

Read letter dated the 16th Instant from the Acting Magistrate of Masulipatam, submitting the explanation called for in Parah 2: of the Proceedings of the Sunjdaree Adalut of 5th May 1838 of the cause of delay in forwarding the Prisoners concerned in Case No. 18 by the Head of Police of Ellore to the Joint Criminal Judge at Masulipatam.

/ Here enter No. 1035 /

Read letter dated the 16th Instant, from the Provincial Court of Circuit in the Western Division, transmitting Statement from the Criminal Judge of Cundra shewing the amount realized by the labor of the Prisoners in the 4th Quarter of 1838. as required by the Circular Order No. 88.

/ Here enter No. 1036 /

F 116

At a Court of the Fourdaree Udalut

Present

John Bird Esqr. ——— 1st Puisne Judge

Thursday Thomas Alexr. Oakes Esqr. 2nd Puisne Judge

24th May 1838. Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

115 Read Report dated the 28th March

240 1838 from Mr. H. Montgomerie late Acting

Third Judge late on Circuit in the Northern

125 Division for the First Sessions of 1837 - as

required by Section XXXVII Regulation VII of 1802 -

(Here enter F 116 No. 800 of 1838.)

parahs. 7.8.9.10. 1. In parahs. 7 & 9 Mr. Montgomerie animadverts on the latitude allowed to prisoners in the naming of witnesses in their defence: and in parahs 10 he proposes an arrangement which he conceives will have the effect of remedying the evils alleged to result from the present practice —

2. The Court of Fourdaree Udalut observe that the practice at present obtaining in regard to the citing of witnesses is authorized by the provisions of Section XIV Regulation X of 1816, and that the plan recommended by Mr. Montgomerie could not be adopted without a change of the Law which the

Court

Court are not prepared to suggest. It appears to the Court of Sunjoorea Utlabut that the discretionary authority vested in Criminal Judges by the provisions of Section II Regulation II of 1822 is sufficient, if properly exerted, to prevent the abuse on the part of prisoners of the privilege of summoning witnesses.

3. With regard to the supposed instance adduced by the Moonsiff in part 9 of a prisoner pleading first his absence at Muhut, and on failure of that for the plea of alibi urging his absence at Sylhet. The Court of Sunjoorea Utlabut observe that it does not appear that in such a circumstance it would be necessary to call for the production of the witnesses cited by the prisoner in support of the manifestly false plea, which would be considered as irrelevant to the defence, and the Criminal Judge, under the provisions of Section II, Regulation II of 1822, be bound not to comply with the requisition of the prisoner for evidence as to the alibi pleaded in the first instance.

Parahs 12@15. 4. The Court of Sunjoorea Utlabut observe that it has long been declared to be the duty of the Magistrate to see that no unnecessary delay occurs in the despatch of cases coming

coming under the cognizance of his Native Police Subordinates: and the Court are not of opinion that any new Rules are required on this subject. All instances of their neglect should be brought to the notice of the Magistrate.

Parahs 16@17. 5. The Court of Sunjoorea Utlabut observe that it was not intended that, in Petty Cases the Magistrates should put on record the grounds of their decisions, nor is the opinion of the Court is it necessary that they should be required to do so further than recording the particulars specified in Clause first Section III Regulation VIII 1832. But in all important cases in which the accused may be released, the reasons for such proceeding must be recorded under the provisions of Clause first Section XXIV Regulation IX of 1816.

6. It appears to the Court that it is now too late to effect any alterations in the Jail at Sylhet. The building being as they believe in a very advanced state. Should they eventually be found ground to apprehend injury to the health of the inmates, it will be competent to the Medical Officer to submit a Report on the subject, and doubtless he will not fail to do so should circumstances require it.

Present

25th May 1838

mean time the Collectors Court of Circuit may submit to this Court any practical suggestions they may deem desirable.

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It seems unnecessary at this distance of time to go into the question of the conduct of the two prisoners which occasioned the fine of the 9th November 1836 a correspondence on the subject ensued between the Court of Tonjadore Udalut and the Acting Assistant Judge who, after perusing the proceedings and examining the several parties concerned, expressed his decided opinion that the case was not suitable to any mode of punishment at the first of the Sessions for the trying thereof.

8.

The Court of Tonjadore Udalut deem it unnecessary to advert to the letter from Mr. Montgomerie proceedings which accompany the Report the orders thereon which being of a recent date and nothing requiring any general interest or comment.

Ordered, that the Report from this Proceedings be sent to the Chief Secretary to Government to be laid before the Right Honble the Governor in Council together with copies of the Report and Extracts therein referred to.

(Sd) T. Bird

(Sd) T. A. Cockburn

(Sd) A. D. Campbell

Sd/ C. L. R.

T. U.

At a Court of the Tonjadore Udalut

Present,

Saturday 26th May 1838. John Bird Esqr. ---------- 1st Puisne Judge
Thomas Alexr Oakes Esqr 2nd Puisne Judge
Alexr Duncan Campbell Esqr 3rd Puisne Judge

Read again Order of Government dated the 27th February 1838 - referring for the Report of the Court of Tonjadore Udalut a Petition No. 89 of 1838 addressed to Government by Ackerrange Nittyanundum late Manager in the Office of the Collector of Guntoor - Sheik Budday late Cutwal of Guntoor - Balajee late Duffadar of the Cutwals Chowky and others - praying that the order of Government of the 5th October 1837 - which prohibited their re-employment in the public Service without its Special authority may be revoked -

(Here enter T. N. No. 502 of 1838.)

Read also Return dated the 5th and Supplemental Return dated the 27th Ultimo from the Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Tonjadore Udalut of the 7th March 1838 - calling for English Translations of the Record of Case Nos. 30 and 31 on the Guntoor Calendar of the Second Sessions of 1837 and of the Proceedings held in Cases Nos. 30 and 31 of the Criminal File of the Auxiliary Court at Guntoor for the months of August 1837 -

(Here enter T. No. 795 and 988 of 1838.)

Writ

purpose he should return with him to Guntur
which it appears he did without objection

It further appears that on the
arrival at Guntur the three 2nd Witnesses
were allowed to go to their homes where they remained
but in order that he might have the assistance
of Phanindra and the other two Witnesses
directed to accompany him, and that they
with the cognizance of the Magistrate
not appear any reason to doubt—

It appears that circumstance
occurred to prevent the immediate examination
the said 1st Witness for which delay
beyond question there is every good
a month was afforded by the said 1st Witness
was detained more than two days
Examined as a Witness in Court and allowed
to his home—

It is also deposed by the 2nd
a Pangiah that during the period of his
he entered into arrangements by means
and 3rd Witnesses to pay a bribe of 100 Rupees
1st Prisoner 50 Rupees to the 2nd Prisoner
to the 3rd Prisoner, and 50 Rupees to the
that he got these Rupees from the Witness
Subbiah, at two different times, and that he paid
the 2nd Witness & he distributed to the Prisoners
named—

The 2nd Witness deposed

paid the money accordingly to these four persons, but
there is no other Evidence whatever to support the asser-
tion: that of the 3rd Witness to that particular being en-
tirely hearsay—

The depositions given by the 1st,
2nd and 3rd Witnesses before the different authorities
are full of the greatest contradictions, not only of each
other, but of their own accounts of the circumstances and
the Court entirely agree with the 1st Judge &c &c
Sahib, that the Evidence is not sufficient to justify
even the Commitment of the Prisoners—

The only part of the Evidence, &
which is entitled to any credit is that which shews
that 250 Rupees were actually sent by the 5th
Witness to his Brother; but even this appears to the
Court very doubtful, and even if it were sent, the
Court do not think that there is the least reason
to believe that it was appropriated in the manner
alleged—

In the first place the object of the
Bribe is quite unintelligible — The 1st Witness was
not in any actual confinement, he was merely de-
detained for Examination, and when he was Examin-
-ed he was Examined as a Witness — It is not pre-
pretended that either of the Prisoners ever once
came near him, or saw him or had any Communi-
-cation with him while he was so detained — It
is not pretended that he was even asked for a Bri-
bribe, and the story told by the 1st, 2nd and 3d Witnesses

appears

appears to the Court altogether improbable and not entitled to the slightest credit. not a word of the story is heard of for 6 months, and what induced the 2nd witness's deposition before the Magistrate on the 26th of February 1837 does no where appear.—

The Court are fully and entirely satisfied not only that there was no sufficient Evidence for the conviction or commitment of the Prisoners, but that they are altogether innocent of the crimes charged, and it is lamentable to find that the 2nd Prisoner a Man of about 70 years of age, after having served the Circar, with distinguished zeal and ability, as he alleges for a period of 43 years, should have been degraded and disgraced in the manner he has been, upon such Evidence as this record affords.—

Guntoor Criminal Court Case No. 30 of 1837.

The prisoner Shaik Dudda Colwal was charged with having abducted the females named Cutyabee and others of the Thugs in the 15th April 1836. and appropriated to his own use 29½ Rupees out of 33 Rupees which were found in their possession

The acting Joint Criminal Judge being of opinion that the charge was not proved, released the prisoner.—

The Court of Fouzdaree Udalut are of opinion, that the propriety of the decision of that Officer is unquestionable. There does not appear to the Court to be the least reason to impute

Corruption

corruption to the Colwal in this matter.—

Guntoor Criminal Court No. 31 of 1837.

The prisoners
1st Balajee late Duffadar
2nd Mahommud Yacoob
and
3rd Chavoor Parumtalee

were charged before the Criminal Court with receiving bribes from certain Thugs.

The Acting Joint Criminal Judge was of opinion that the Evidence was not sufficient to convict the prisoners, and accordingly ordered their release.—

In this view of the Case, the Court of Fouzdaree Udalut entirely concur. The Court do not believe that the prisoners were guilty of the Crime charged.—

After the foregoing observations it is almost superfluous to add that in the opinion of the Court of Fouzdaree Udalut the restoration of the Petitioners to their respective situations would be no more than an act of simple Justice.—

Ordered, that Extract from these proceedings be sent to the Chief Secretary with the Petition to be laid before Government.

(Sent in No. 237)

Read return dated the 14th Instant from the 2nd Judge on Circuit in the Western Division, to the Precept of the Fouzdaree Udalut of 27th April 1838, containing observations on the Calendar of the Zillah of Bealahary for the 1st Sessions of 1838.—

(Here enter No. 1093.)

the

26th May 1838.

Read return, dated the 22d Instant, from the Acting 1st Judge on Circuit in the Centre Division, to the Precept of the Fouzdaree Udalut, dated 5th April 1838, conveying their observations and orders on the Cuddapah and Cumbum Calendars 1st Sessions 1838 —

(Here enter No. 1104.)

Read return, dated the 22nd Instant from the Acting 1st Judge on Circuit in the Centre Division, to the Precept of the Fouzdaree Udalut dated 28th April 1838 — conveying their observations and orders on the Bellary Calendar, 1st Sessions of 1838.

(Here enter No. 1106.)

Read letter dated the 22d Instant from the Acting 3rd Judge on Circuit in the Northern Division, reporting his arrival at and closing the Sessions on the 22nd March 1838 at Salem, with 20 Cases and 37 Prisoners without a Probability of a Supplemental Calendar —

(Here enter No. 1120.)

Read return, dated the 28th Instant from the Criminal Judge of Chingleput, to the Precept of the Fouzdaree Udalut dated 17th May 1838, conveying the Orders and Remarks of the Court of Fouzdaree Udalut on the Criminal Reports for the month of April —

(Here enter No. 1125.)

F. U.

At a Court of the Fouzdaree Udalut

Present,

John Bird Esqre ——— 1st Puisne Judge,

Monday, 28th May 1838. Thomas Alexr Oakes Esqre — Actg 2d Puisne Judge,

Alexr Duncan Campbell Esqre — 3d Puisne Judge.

Read return dated the 5th Ultimo made by the Magistrate in the Northern Division of Arcot to the precept of the Fouzdaree Udalut of the 28th March 1838 communicating copy of the proceedings of the Fouzdaree Udalut of the 28th February & 12th of March last and of the relevant thereto made by the Criminal Judge of Chittoor under dated the 3rd and 16th of March 1838, and calling upon the Magistrate for such observations thereon as he may wish to offer with reference to his letter to the Court of Fouzdaree Udalut dated the 23rd February 1838 reporting that no Convicts are at present employed under the Magistracy in the Zillah of Chittoor —

(Here enter No. 1196.)

1. In the above return the Magistrate explains that the Court of Fouzdaree Udalut, in their letter of the 4th of April 1836, having fixed instructions for the transfer of 40 Convicts to the charge of the Magistracy for the purpose

of

the

6th May 1838.

28th May 1838.

3. Shews this return it would appear that the orders of the Court of Sangdaree Adaulut of the 7th April 1836 directing the transfer of 40 Convicts to the charge of the Magistrate of Chittoor for the purpose of being employed on the Arcot Road had never been fully carried into effect - that of the number transferred to the Magistrate for employment on the Arcot Road at one time specified (32) twenty (20) of whom were forwarded on the 28th Sept. 1836 and 12 more on the 5th of July following - and that the Statement of the Criminal Judge that the Convicts returned to the Magistrate on the 17th February 1837 had once more been employed under his orders is incorrect -

4. That of the 20 Convicts having been transferred to the charge of the Magistrate of Chittoor for employment on the Arcot Road on the 28th Sept. 1836, 8 of that number having been returned to the Criminal Judge on the 3rd of the following month as unfit for labour, and the remaining 12 on the 5th of July following to the correctness of the entry in the Criminal Judge's Report for the month of June 1836, that shewing twelve of those 20 Convicts to be employed under the orders of the Magistrate, whilst the Criminal Judge's Statement shall the prisoners for

F. U.

28th May 1838.

been previously placed under the Magistrate were returned to that authority on the 17th of February 1837, is directly opposed to the Criminal Judge's return of the 28th March 1837 in para: 4 of which he certifies that only 20 Convicts were forwarded to the Magistrate of the Zillah on the 16th February 1837 -

5. These conflicting Statements and returns by the Criminal Judge of Chittoor justifies the remark made by the Court of Sangdaree Adaulut in para: 3 of their proceedings of the 12th March 1838, that the monthly Statements prepared in his Office, shewing the manner in which the Convicts are employed &c. cannot be little depended upon; and the Court of Sangdaree Adaulut view the employment of 40 Convicts on the roads leading to Vellore and Palmanair, of the number furnished to the Magistrate under the orders of the Sangdaree Adaulut of 7th April 1836 had been returned by that Officer to the Chittoor Jail, as an improper and unauthorized proceeding on the part of the Criminal Judge -

6. The Court of Sangdaree Adaulut being given to understand that Lieutenant Worster does not at present require the aid of further number of Convicts in repairing the Great

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Great Western Road, they resolve to cancel their orders to the Criminal Judge of Chillaw contained in paragraph of their proceedings of the 12th of March 1838, but they desire that the 40 Convicts stated to be employed on the Palamanar Road be forthwith returned to the Jail at Chillaw, and that the operations of the said road be duly certified to the Court of Singhasse Malabat by the Criminal Judge—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge at Chillaw for his information and guidance by precept returnable in 5 days from and after its receipt—

(Sent following precept No. 849

Read the Criminal Reports for the month of April 1838 submitted by the Criminal Judge in the Zillah of Chinglepet—

(Here enter No. 1034)

1. Ordered that the Court of Singhasse Malabat understand from the observations of the Criminal Judge in Case No. 183, the 6th prisoner, convicted in that case, is already in Convict, and has been sentenced at the last Sessions to 14 years imprisonment, but committed on the present case is unnecessary, and may be cancelled—

2. The 5th and 7th prisoners in Case

Case No. 37 it is observed have been held to security for their future good behaviour and appearance, but if the Prosecutor, who has as yet been unable to attend at the Criminal Court, can recognize the said Prisoners as part of the gang who attacked his house on the night of the 21st March 1838, grounded and Bepist for their commitment also to take their Trial before the Court of Circuit—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge at Chicacole for his information and guidance by precept returnable in 5 days from and after its receipt—

(Sent following precept No. 850

Read the Criminal Reports for the month of April 1838 submitted by the Assistant Criminal Judge in charge of the Criminal Court at Bellary—

(Here enter No. 1040)

Adverting to the lengthened period

Case No. 181. 1. during which Case No. 181. of the Supplemental Report has continued "under examination, or "awaiting the arrival of the Prosecutor" Brother the Court of Sunjdaree Adalut desire that the Assistant Criminal Judge will ascertain and report when it may be expected the an individual

individuals in question will be able to attend to give his evidence before the Criminal Court, and upon receipt of this information the Court of Foujdaree Udalut will issue their instructions in respect to the disposal of the Case.—

Case No. 58. 2. With reference to the reason alleged by the Police Officer for the delay in forwarding Case No. 58. to the Criminal Calendar, the Judge of the Foujdaree Udalut request to be informed, the Magistrate of Bellary to advise the Acting Joint Magistrate of the impropriety of returning to the Head of Police any Cases forwarded to him by that authority for investigation. The prisoner may in consequence have been subjected to much unnecessary trouble and in the present instance instead of instructing the Head of Police to forward the prisoner to the Criminal Court, it would appear from the abstract of the evidence given in the Report, that the Joint Magistrate should have issued orders for the immediate release of the prisoner from confinement.

Ordered, that a Copy of these proceedings be forwarded to the Assistant Criminal Judge in charge of the Criminal Court at Bellary for his information and guidance by Precept returnable in 5 days from and after the receipt and with instructions to the

the necessary communication to the Magistrate of Bellary.—

(Sent following precept No. 851.—

Read return dated 17th May 1838 from the Joint Criminal Judge at Chicacole to the precept of the Foujdaree Udalut of 8th May 1838 conveying the observations of the Court of Foujdaree Udalut on the Criminal Report for the month of March.—

(Here enter No. 1094.)

The explanation submitted by the Joint Criminal Judge on the subject of the conviction and punishment of the prisoner in No. 19. on the Criminal file of the Joint Criminal Court at Vizagapatam, being considered by the Judges of the Foujdaree Udalut satisfactory, they resolve to allow the sentence passed by the Joint Criminal Court to stand.

Ordered, that a copy of these proceedings be forwarded to the Joint Criminal Judge of Chicacole for his information and guidance.

(Sent in No. 852

Read return dated the 21st instant from the 3rd Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Foujdaree Udalut dated the 15th May 1838 conveying their observations on the

Chittoor

May 1838.

28th May 1838.

Chittoor Calendar of the 2nd Quarter Sessions of 1838.—

(Here enter No. 1102.)

Read Statement dated the 28th Instant from the acting 1st Judge on circuit in the Centre Division showing the amount of Batta paid to Pundits and Vakeels for attendance before the Court of Circuit at the 1st Sessions 1838, according to Section XIII Regulation X of 1816.—

(Here enter No. 1103.)

Read Letter dated the 22nd Inst. from the Criminal Judge of Chittoor submitting an application regarding the detention of Lukka Narrattee now in Jail of the Supplemental Calendar of the 2nd quarter Sessions commented on in the letter of the Register of Sorjabaee Adawlut of 15th Instant

(Here enter No. 1104.)

Ent 24

Ent 24

Ent 24

28th May 1838.

Chittoor Calendar of the 2nd Quarter Sessions of 1838.—

(Here enter No. 1102.)

Read Statement dated the 28th Instant from the acting 1st Judge on Circuit in the Centre Division shewing the amount of Batta paid to Prisoners and Witnesses for attendance before the Court of Circuit at the 1st Sessions 1838, according to Section XXVIII Regulation X of 1816.—

(Here enter No. 1103.)

Read letter dated the 22nd Inst. from the Criminal Judge of Chittoor submitting an explanation regarding the Detention of double Batta granted in the Criminal Calendar of the 2nd Quarter Sessions commented on in the letter of the Registrar of Sudder Adawlut of 15th Instant.—

(Here enter No. 1104.)

Ent. Clk.

At a Court of the Foujdaree Adalut

Present

John Bird Esqre ——— 1st Puisne Judge

Wednesday 30th May 1838.

Thomas Alexr Oakes Esqre ——— Actg 2nd Puisne Judge

Alexr Duncan Campbell Esqre ——— 3rd Puisne Judge

Read the Criminal Reports submitted by the Criminal Judge of Salem for the month of April 1838.—

(Here enter No. 1071.)

Cases No. 79.

1. The offence charged against the prisoner in Case No. 79 would appear to be a simple Theft punishable under Section VII. Regulation X of 1816. Clause 3rd Section IV. Regulation VI of 1822, quoted by the Assistant Criminal Judge as the authority for the Sentence passed, prescribes the rules under which Criminal Judges are empowered to hear and determine Cases in which Prisoners may be charged with buying or receiving stolen property and appears to be altogether inapplicable to the Case of the prisoner Penna Comaup.r—

Case No. 83.

2. In Case No. 83. where the words of Section of Regulation VI of 1822 have been quoted in justification of the Sentence—As no breaking would appear to have been proved Clause 1st Section

Section III Regulation VI of 1822 would meet the offence of which the prisoner had been convicted—

3. The Criminal Judge will communicate the remarks recorded on Case No 85 to the Magistrate of Combatoor, and at the same time request him to procure and to submit, direct to the Court of Sudder Adalut an explanation of the delay in forwarding the prisoner to the Criminal Court, and of the conduct of the Police connected with this case shou[illegible] may appear reprehensible, he will state what notice he may have taken of their proceedings—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Salem for his information and guidance by first conveyance.

Sent following proceedings No 859.

Read letter dated the 16th instant from the Criminal Judge of Malabar to the Precept of the Court of Sudder Adalut under date the 5th May 1838, answering their observations on the Criminal Reports of the Zillah Court of Malabar for the months of March 1838

(Here enter Ft. Cl. No 1094 of 1838.)

1. The Court of Sudder Adalut adverting to the remarks contained in the Return above recorded, deem it proper to observe that all

cases of severe wounding, whether previous Intent be inferible or no, should be committed for trial before the Court of Circuit, especially with reference to the sentiments of Government recorded in para. 9. of the Extract from the Minutes of Consultation under date the 15th November 1836 to the effect that "much might be effected not only by the local authorities discouraging and discountenancing the wearing of Knives by every means in their power, but by the visiting with a much severer penalty than is now the case of cutting and maiming which came before the tribunals"... and that "the great frequency of cases of cutting and maiming consequent on the universal wearing of the Knife in Malabar fully warrants as well as imperatively requires that the offence should be visited with far greater severity than in countries in which a similar state of things does not prevail."

2. The Court of Sudder Adalut trust that of the principles above indicated be acted upon benefit will ultimately accrue it being practicable to expect that even in the absence of all higher motives, the fear of severe punishment will not be altogether ineffectual to deter from crime; and should this expectation be in any measure realized, the inconvenience anticipated

1

anticipated by the Criminal Judge from the "loading" of the Calendars of the Circuit Court, will be of comparatively insignificant importance.—

3. The Criminal Judge will however distinctly understand that unless there be grounds to infer "Intent to Kill" Cases of wounding not serious should not be committed for trial before the Court of Circuit.—

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

(Sent in Ato 860—

Read the Criminal Report for the month of April 1838 prepared by the Principal Sudr Ameen at Sirsy.—

(Here enter No 1108.)

Caste No 16. 1. From the abstract of the evidence given in Caste No 16 there would appear to have been no grounds to justify the sentence passed by the Principal Sudr Ameen on the Prisoner Channy, but before they direct that the fine, if realized from the Prisoner, be refunded, they resolve to direct that the Principal Sudr Ameen be called upon to explain the circumstances under which he considered the Prisoner amenable to punishment.—

Castes Nos 15. 16. 17. and 18. 2. Adverting to the reason assigned by the

by the Burmah Jemadar Peishcar and Police Amean for the delay in forwarding the Prisoners concerned in Castes Nos 15. 16. 17. and 18. to the Criminal Court, the Judges of the Fouzdaree Udalut desire that the Joint Magistrate in charge of the District of Canara be required to instruct this Police Officer in future to explain in his Report forwarded to the Criminal Court why a previous preference to the Magistracy was considered by him necessary, seeing that in forwarding Prisoners to the Criminal Court he is, in all ordinary cases, required to act on his own responsibility.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division with instructions to make the necessary communication to the Principal Sudr Ameen at Sirsy and to the Joint Magistrate in charge of Canara for their information and guidance respectively.

(Sent in Ato 861—

Read Letter dated the 21st Instant from the Provincial Court of Circuit in the Central Division submitting for the orders of the Court of Fouzdaree Udalut copies of Proceedings held by the Court of Circuit under date the 12th April 1838 referring Case No 1. on the Criminal File

of

30th May 1838.

of the Court of Joint Magistrate & Deputy Collector of the Southern Division of the Zillah of Chittagong, and of the Minutes recorded thereon by the Officiating Second Judge and the Third Judge of the Provincial Court of Circuit for the Centre Division for the information of

(Here enter No. 1141 of 1838.)

The Court of Sudder Dewanny Adawlut concur in the opinion recorded by the Acting First Judge in Council and the Officiating Second Judge of the Provincial Court of Circuit for the Centre Division upon the sentence passed upon the prisoner Abdool Ali alias Ali Mahomed convicted of theft and receiving stolen property, and direct that the said prisoner be released from confinement.

(Here enter No. 862.

Read the letter from the Acting Superintendent of Police for the Southern Division suspecting the loyalty of Jeetoo Mahtoo Jemadar of the 1st Local Battalion, and recommending his dismissal from the Corps.

(Here enter No. 1130.)

J. D.

At a Court of the Foujdaree Adalut.

Present,

Thursday 31st May 1838.

John Bird Esqre. ——— 1st Puisne Judge
Thomas Alexr. Oakes Esqre. 2d 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. 3d 3rd Puisne Judge

Read the Criminal Reports submitted by the Criminal Judge of Chittoor for the month of April 1838.

(Here enter No. 1050.)

The Court of Foujdaree Adalut direct to direct that a Copy of Cases Nos. 31 and 43. as they stand in the Report be forwarded from their Registrar's Office to the Provincial Court of Circuit in the Centre Division, with instructions to explain the grounds upon which they recorded in their proceedings of the 14th of March last their opinion, that the Joint Magistrate was authorized to forward to the Criminal Court for investigation a Prisoner charged with preferring a false complaint originally made before himself as Joint Magistrate, but irregularly preferred by Mr. Lovell to the Police Officer for investigation.—

2. The Courts of Foujdaree Adalut have repeatedly ruled that in cases before a Magistrate under the provisions of Section XXIV. Regulation IX of 1816. that Officer is bound to hold a private investigation, and that the reference of such cases to be disposed of by an Officer of Police is wholly unwarranted by the Regulations.—

3. If the prosecutor and the witnesses in the present case had been examined by the first Magistrate on oath, and the charge brought by them against the prisoner had been proved to be false, they would have been liable to a prosecution for perjury; but inasmuch as the charge was not preferred in the first instance before the Native Police Officers the prisoner is not liable to punishment under Regulation IX of 1822.

Case No. 33. 4. Taking into consideration the reasons with which the 1st prisoner in Case No. 33, the prosecutor in Case No. 33, the Court of Fouzdaree Adalut are of opinion that the punishment awarded by the Criminal Court was right.

Case No. 63. 5. The Court of Fouzdaree Adalut desire a further explanation of the grounds of the commitment of the prisoner in Case No. 63, and of the specific charge on which it is proposed the prisoner should be tried by the Court of Circuit.

Case No. 68. 6. A sufficient explanation has been assigned by the Head Police of Dellenaid for the detention in the Gaol of the prisoners concerned in Case No. 68, and the Court of Fouzdaree Adalut desire that the Magistrate of Chittoor will report direct to that Court what redress he may have taken of the irregular conduct of this Police Officer, who it is observed has also assigned an insufficient reason for the detention in the Gaol of the prisoners concerned in Case No. 69 from the 5th to the 14th

14th April 1838.

The Court of Fouzdaree Adalut

Report No. 8. 7. desire that the Criminal Judge of Chittoor will submit an Explanation why the 4 Cases entered in the Report No. 8, as "committed in previous months" were not Entered in the Calendar and submitted in the months of April to the Judge presiding at the 3rd Quarterly Sessions of the present year.

Ordered, that paras: 4 & 6. and 7. of these proceedings be forwarded to the Criminal Judge of Chittoor for his information and guidance by precept returnable in 5 days from and after its receipt, and with instructions to make the necessary communication to the Magistrate in the Northern Division of Arcot.

Sent following Precept No. 867.

Ordered also, that paras: 1. 2. and 3. of these proceedings, together with Copy of Cases 31. and 43. as they stand in the Criminal Report be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance by precept returnable in 3. days from and after its receipt.

Sent following Precept No. 868

Read return dated the 17th May 1838. from the Assistant Criminal Judge in charge of the Criminal Court at Bellary, to the precept of the Fouzdaree Adalut under date 5th May 1838, conveying their observations and orders on the Bellary Criminal Reports

31st May 1838.

for the month of March.

/ Here Enter No. 1058 /

From the Explanation submitted by the Assistant Criminal Judge in charge of the Court in case No. 89. there does not in the opinion of the Judges of the Foujdaree Udalut exist grounds sufficient to establish the fact that the Prisoner Bugwan Ghorpaine intended to steal the bullock referred to in that No.

The Court of Foujdaree Udalut observe that the period for which the Prisoner was ordered to be detained, in default of furnishing security, has expired, but they direct that an Extract from these proceedings be forwarded to the Assistant Criminal Judge in charge of the Court at Dharwar for his information and future guidance.—

/ Sent in Ltr No 869 /

Read Letter dated the 23d Instant from the 3d Judge on Circuit in the Northern Division, forwarding the Printed Statement of Cases, for the 4th Sessions of 1838 required by Circular Order No. 35.

/ Here Enter No. 1133 /

Read Letter dated the 24th Instant, from the 3d Judge of the Remand Court of Circuit in the Centre Division, transmitting Letter &c. Supplemental Calendar for 2d Quarter Sessions of 1838.—

/ Here Enter No. 1134 /

J. 86.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre ——— 1st Puisne Judge.

Friday 1st June 1838. — Thomas Alexr Oakes Esqre — Actg 2nd Puisne Judge

Alexr Duncan Campbell Esqre — 3d Puisne Judge

The Criminal reports for the half year ending the 31st December 1837 not having been yet received from the Provincial Court in the Centre Division.—

Resolved that that Court be called upon to send up the reports in question without further delay.—

Ordered, that Extract from these proceedings be sent to the Provincial Court in the Centre Division by precept returnable within 3. days from and after its receipt.—

(Sent following precept No. 872.

F. U.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre _____ 1st Puisne Judge

Saturday Thomas Alexr Oakes Esqre — Actg 2nd Puisne Judge

2nd June 1838. Alexr Duncan Campbell Esqre 3rd Puisne Judge

JS

LDC

Read return dated the 21st Ultimo from the Acting First Judge on Circuit in the Centre Division to the precept of the Court of Foujdaree Udalut under date the 18th May 1838 requiring him to send up the Records of the Referrible Trials of the Cuddapah Calendar of the Second Sessions of 1837.—

(Here enter F. U. at No 1105 of 1838.)

As throughout this Return the Acting First Judge alludes to Case No 6 as being one of the Trials set down for reference — and in the concluding para: thereof — certifies "that No 6 shall be sent up as soon as the fair copy can be made" — the Court of Foujdaree Udalut deem it necessary to direct that the Acting First Judge be reminded that he himself disposed of No 6, and that in accordance with his suggestion the Court of Foujdaree Udalut sanctioned a mitigated Sentence in that case —

Ordered, that Extract from these proceedings be sent to the Acting First Judge on Circuit

2nd. June 1838.

Circuit in the Centre Division for Coimbatore

(Sent in - to 879

Read the following order of Government dated the 28th. May 1838 - No. 536 - on the subject of the offer of a Reward of Rupees (500) five hundred for the capture of Dundaloy Subramanya convicted in Case No. 6 of the Sessions Calendar of the Second Sessions of 1837 - of forgery and uttering out of the forfeited properties entered into by the said convicts Sureties, and requesting the Court of the Sanjiavee Adalut to prepare and submit for publication in the Official Gazette - description of the Reward now offered and Descriptive Roll of the fugitive Convict

(Here enter Extract No. 1148 of 1838)

The Court of Sanjiavee Adalut direct that the Third Judge on Circuit in the Northern Division be instructed to make the requisite communication to the Third Provincial Judge of Viziagapatam -

The Third Judge will therefore be pleased to call for from the Third Provincial Judge, and submit to this Court without delay a Descriptive Roll of the fugitive convict in order to the same being published in the Fort St. George Gazette -

Ordered, that Extract from the proceedings be sent to the Third Judge on Circuit in the Northern Division by precept returnable within ten days from and after its receipt - with reference to the Extract from the proceedings of the Sanjiavee Adalut dated the 19th. April 1838 -

(Sent following precept No. 880-

Read order of Government dated the 28th. Ultimo communicating the observations of Government on the Extract from the proceedings of the Sanjiavee Adalut dated the 21st. May 1838 submitting copy of Mr. Bushby's report of the delivery of the Jails at Cuddapah and Bellary for the 2nd. Sessions of 1837 -

(Here enter No. 1147.)

Read letter dated the 22nd. Ultimo from the 1st. Judge on Circuit in the Western Division reporting that 5th. June next Tuesday has been fixed on for opening the 1st. Sessions of 1838 at Mangalore -

(Here enter No. 1150.)

Read letter dated the 23rd. Ultimo from the 1st. Judge on Circuit in the Western Division with reference to the Sanjiavee Adalut Circular Order No. 35. of 1835 submitting a Statement of Batta paid to Prosecutors and Witnesses attending before the Court of Circuit for the 1st. Sessions of 1838. -

(Here enter No. 1151.)

Read

2nd June 1838.

Read return dated the 26th Ult.
from the Criminal Judge of Nellore to the
of the Tondarre Udalut dated the 22nd Inst
conveying their observations and orders on the
Criminal Report for the month of April last
(Here enter No. 1152)

Read return dated the 25th Ult
from the Assistant Criminal Judge in charge
of the Criminal Court of Madura to the Sunder
the Tondarre Udalut dated the 22nd Inst
conveying their observations and orders on the
Madura Criminal Report for the month of
April last.

(Here enter No. 1153)

F. U.

At a Court of the Tondarre Udalut

Present

Monday 4th June 1838.

John Bird Esqr. 1st Puisne Judge
Thomas Alexr. Oakes Esqr. 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

Read letter dated the 17th Ultimo,
from the 1st Judge on Circuit in the Western Divi-
sion, transmitting the Record in Case as No. IV on the
Circuit Calendar for the 1st Sessions of 1838.
(Here enter No. 1090)

The Court of Tondarre Udalut,

Mr. Oakes and Mr. Campbell having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee-ool-coozat and Mooftees of the Tondarre Udalut, confirm the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, convicting the Prisoner Ningunna of Murder: and do accordingly convict him thereof, and in consideration of certain alleviating circumstances 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 (3.) three Years.

(Sent following letter No. 886.)

Read letter dated the 17th Ultimo,
from Captain Vallancey Assistant General Superin-
tendant for the Suppression of Thuggee - having re-
ference to Case No. 59 of the Criminal File of the
Auxiliary Court of Trichinopoly for 1837.
(Here enter F. U. No. 1098 of 1838.)

Captain

4th June 1838.

Criminal Judge at Guntoor dated 21st May 1838 to the precept of the Foujdarree Adalut under date 17th May conveying their remarks and orders on the Guntoor Criminal Reports for the Month of April last—

/ Here Enter No. 1121 /

1. Under the Explanation submitted by the Acting Joint Criminal Judge the Court of Foujdarree Adalut will not disturb the order for the commitment of the Prisoner in Case No. 6 but they direct that the Prisoner Cutterkoor Sankar be held to bail to appear at the approaching Sessions of the Court of Circuit—

2. The Acting Joint Criminal Judge having stated in the concluding Paragraph of his letter that the Warrant for the Release of the Prisoner in No. 12 of the Calendar for 1st Sessions of 1838, and which was dispatched from the Office of the Register of Foujdarree Adalut on 19th March last, was not received by him till the 16th Instant—The Judges of the Foujdarree Adalut request leave to call on Mr Ewing the 2nd Judge of the Provincial Court of Circuit in the Northern Division to explain the cause of the delay in carrying into Execution the orders of the Foujdarree Adalut conveyed to him in their precept of the 19th March last—

Ordered that Paragraph 1 of these Proceedings be forwarded to the Acting Joint Criminal Judge of Guntoor for his information and guidance by Dawk returnable in 3 days from and after the receipt, and that a copy of Paragraph 2 of these proceedings be forwarded

F. W. J.
4th June 1838.

forwarded to Mr Hair for his information and guidance—

/ Send following Precept No. 889 to 896 /

Read return dated the 29th Ultimo from the Criminal Judge in the Zillah of Combaconum, to the precept of the Foujdarree Adalut dated 8th May 1838, conveying their remarks and orders on the Combaconum Criminal Reports for the month of March last—

/ Here Enter No. 1163 /

Read letter dated the 28th Ultimo from the Magistrate of Nellore, submitting Explanation called for in Extract from the Proceedings of the Foujdarree Adalut, conveying their remarks and orders on the Nellore Criminal Reports for the months of March—

/ Here Enter No. 1164 /

Read return dated the 30th Ultimo from the Criminal Judge of Cuttoor, to the precept of the Foujdarree Adalut dated 7th May 1838, directing the Criminal Judge to reply to allegations contained in Paragraphs 1 and 2 of Vedachalum Naick's petition respecting the Proceedings of the Criminal Court in Case No. 149 of 1837—

/ Here Enter No. 1165 /

Read return dated the 25th Ultimo from the Acting Joint Criminal Judge at Cochin, to the Precept of the Foujdarree Adalut dated 18th May 1838, conveying their observations and orders on the Cochin Criminal Reports for the Month of April 1838—

/ Here Enter No. 1167 /

At a Court of the Foujdaree Udalut

Present

John Bird Esqre. _____ 1st Puisne Judge

Friday, 8th June 1838.— Thomas Alexr. Oakes Esqre. — Actg 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge—

WB
D.C.
WR

Read the Criminal Reports submitted by the Criminal Judge of Rajahmundry for the Month of April 1838.—

(Here enter No. 1091.)

Case No. 29. 1. Adverting to the remarks recorded by the Criminal Judge on Case No. 29. of the Report No. 5. the Court of Foujdaree Udalut desire that the Magistrate of Rajahmundry be called upon to state upon what grounds he ordered the prisoner "Boorah Vencamah" to be sent to the Criminal Court and for this purpose the Criminal Judge will forward a copy of the case as it stands in the Report, and of these proceedings to the Magistrate of Rajahmundry for this information.—

2. With reference to the Report No. 9 the Court of Foujdaree Udalut desire that the 3rd Judge on Circuit in the Northern Division be called upon to explain the cause of the delay in referring to the Court of Foujdaree Udalut for their

disposal

8th June 1838.

disposal, the records of Cases Nos. I and III of the Rajahmundry Calendar for the 1st Sessions 1838 ordered for reference by the 2nd Judge.

Ordered, that Extracts from the proceedings be forwarded to the Criminal Judge of Rajahmundry for his information and guidance.

(Sent in No. 904)

Ordered also, that a copy of these proceedings be furnished to the 3rd Judge on Circuit in the Northern Division for his information and guidance by prompt return in 5 days from and after the receipt.

(Sent following precept No. 905)

Read letter dated the 26th Ultimo from H. Dickinson Esqr. Commissioner of Salt now at Chicacole, returning translation of certain cases on the Calendar for the 2nd Sessions of 1837 received from Singapore

(Here enter No. 1173)

Read letter dated the 29th Ultimo from the Joint Criminal Judge of Vizagapatam in reply to the precept of the Singapore Calendar dated the 21st May 1838, conveying their orders on the Vizagapatam Criminal Reports for the month of April last.—

(Here enter No. 1181)

8th June 1838.

Read letter dated the 31st Ultimo from the 3rd Judge on Circuit in the Northern Division, supplying the information required from the Criminal Judge of Rajahmundry as to the number of cases supposed to have been left undisposed by him at Rajahmundry at the 1st Sessions of 1838.—

(Here enter No. 1186)

Read letter dated the 4th Instant from the Acting 1st Judge on Circuit in the Centre Division, reporting having notified his intention of opening the 1st Sessions for 1838 at Cuddalore on the 21st Instant.—

(Here enter No. 1193)

Read letter dated the 5th Instant from the Criminal Judge of Chingleput, transmitting the Criminal Reports for the month of May 1838.—

(Here enter No. 1204)

Read letter dated the 6th Instant from the Acting 1st Judge on Circuit in the Centre Division, with reference to the Extract from the Proceedings of the Sudr and Foujdaree Adalut of the 2nd June 1838, explaining that his return of the 21st May last to the Court's precept of the 18th of the same month adverted to referred Case No. 6 of the Cumbum not

of

8th June 1838.

of the Land Depth Collectorate—

(Here enter No. 120.)

Read letter dated the 30th Ultimo from the 1st Judge of Court in the Western Division, reporting the Case of Sheik Ameer Honore on the 30th May, and the sentence immediately proceeding to be carried into—

(Here enter No. 1208)

WS
J.P.C.

Read Statement dated the 6th Instant from the acting 1st Judge of the Court in the Centre Division of the amount of Fees paid to witnesses in attendance at the Sessions of 1838, held at Chingleput—

(Here enter No. 1209)

Read Return dated the 6th Instant from the Criminal Judge of Chittoor in pursuance of the Court's Circular dated 28th May last requiring their observations on the Returns of the Criminal Judge and Remembrancer of North Arcot requesting the transfer of the Convicts to the Magistrates under the orders of the Court of Sudder and directing that the above convicts should be employed on the Palmanair Road be immediately returned—

(Here enter No. 1196)

P. C.

At a Court of the Poujdaree Udalut.

Present.

John Bird Esqre. 1st Puisne Judge

Saturday 9th June 1838. Thomas Alexr. Oakes Esqre. Actg 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read letter dated the 21st Ultimo

WS
J.P.C.

from the 3rd Judge of the Provincial Court of Circuit in the Centre Division, transmitting the record in Case No. 1 of the Chittoor 3rd Supplemental Calendar for the 2nd Quarter Sessions of 1838—

(Here enter No. 1100)

Mr. Bird.
Mr. Oakes.
and
Mr. Campbell.

The Court of Foujdaree Udalut, having maturely considered the proceedings had before the Court of Quarter Sessions, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Cozzat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozzat and Mooftees aforesaid and under the provisions of Section X Regulation VIII of 1802. sentence the prisoners

1st Woddu Lachpen

and

2nd Jappaty Goorooven

to suffer death by being hanged at the usual time and place of execution; and under the provisions

P

8th June 1838.

of the Londapah Calendar—

(Here enter No. 1207)

Read letter dated the 30th Ultimo
from the 1st Judge on Circuit in the Western
Division, reporting the state of the ground due
thence on the 30th May, and his intention
immediately proceeding to Trangambaree—

(Here enter No. 1208)

WS
D.C.

Read Petition dated the 6th Instant from the detenu 1st Judge on Circuit in the Centre Division, praying that the amount paid to witnesses in attendance at the Sessions of 1838, held at Chingleput—

(Here enter No. 1209)

Read Return dated the 4th Instant from the Criminal Judge of Chittoor to precepts of the 24th dated 28th May last conveying their observations on Returns of the Criminal Judge and Remembrancer of North Arcot requesting the transfer of 43 Convicts to the Magistrates under the orders of the Court of Sudder and directing that the above convicts should be confined in the Palmaner Road be immediately returned—

(Here enter No. 1196)

P. M.

At a Court of the Foujdaree Adalut.

Present.

John Bird Esqre. 1st Puisne Judge

Saturday 9th June 1838. Thomas Alexr. Oakes Esqre. Ag 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read letter dated the 21st Ultimo
from the 3rd Judge of the Provincial Court of
Circuit in the Centre Division, transmitting
the record in Case No. 1. of the Chittoor 3d Sup-
plemental Calendar for the 2nd Quarter Sessions
of 1838—

(Here enter No. 1100)

Mr. Bird
Mr. Oakes
and
Mr. Campbell.

The Court of Foujdaree Adalut,
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 Mooftees of the Foujdaree
Adalut, confirm the said Futwa of the Cazee-ool-
Coozat and Mooftees aforesaid and under the
provisions of Section X Regulation VIII of 1802.
sentence the prisoners

1st Woodia Paupen
and
2nd Jappaty Goorooven

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

of Clause Third, Section VII Regulation XI of 1803, the prisoners

3rd Pedda Venkatagaun

4th Chinna Venkatagaun

5th Kukkala Simmadoo

and

6th Govdevadoo

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 for, and during the period of their natural lives respectively.

(Sent following letter No. 913.

Read letter dated the 31st Ultimo from the Third Judge of the Provincial Court of Circuit in the Centre Division, forwarding as per of the 5th, 6th, 7th and 8th Supplemental Calendars of the Second Quarter Sessions of 1838 holden at Chittoor.

(Here enter Fl. No. 1174 of 1838)

9th Suppl. Calr. Case No. 1. Read Court of Enquiry Abstract observing it stated in the Remarks in the Calendar that the ill treatment offered to the seventh prisoner by the Police Peons is proved requiring to be informed whether that circumstance was brought to the notice of the Magistrate

8th Suppl. Calr. Cases Nos. 1, 2 and 3. 2. It is declared to the Third Judge

should sentence the Prisoner upon all these Cases and not in No. 1 alone: it appearing to the Court of Enquiry Abstract doubtful whether the charge in that number can be maintained - while in Nos. 2 and 3 the Conviction is complete -

Ordered, that Extract from these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Centre Division by precept returnable within three days from and after its receipt -

(Sent following precept No. 914 -

Read letter dated the 4th Instant from the Acting 1st Judge on Circuit in the Centre Division, apologizing for the omission noticed in Register's letter of 30th May last, and reporting that the number of prisoners censured in 11 Cases of the Chingleput Calendar amount to 33, reporting that he had declined to admit the request of the Chingleput Criminal Judge to receive a Supplemental Calendar, and his intention of opening the Sessions at Cuddalore on the 21st with his reasons for not doing so on the 18th notifying that the Chingleput Sessions will be closed on the 4th Instant, and that the reports of the Police and the Calendars will be disposed of on the 9th at latest, and requesting that sanction may be obtained for his remaining at

9th June 1838.

113.

Z.H.O.

Sind.

[redacted]

In a Court of the Conjeeree Adawlut

Present

Monday, 11th June, 1838.

John Bird Esqre. 1st Puisne Judge,

Thomas Alexr. Archer Esqre. Acting 2d Puisne Judge,

Alexr. Duncan Campbell Esqre. 3d Puisne Judge,

113

Z.H.O.

[redacted]

Read letter dated the 28th ultimo from the Assist. Judge on Circuit in the Southern Division, submitting for the final Judgment of the Court of Conjeeree Adawlut the Record of Case No. 2 on the Dharwar Calendar for the First Sessions of 1838.

(Here enter S.C. No. 1139 of 1838)

Mr. Bird and Mr. Archer

The Court of Conjeeree 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 Coozat and Mooftee of the Conjeeree Adawlut, confirm the said Futwa of the Cazee ool Coozat and Mooftee aforesaid convicting the prisoner

Laureka Cautegadoo

of wilful murder, and in commutation of the penalty of Death declared in that Futwa, 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

9th June 1838.

W.

Ld. at the Sheading — Ld. Ld. opening

L.A.O. Law Officers

Ld. [redacted]

(Answer to Letter)

C. 46.

At a Court of the Conjeeveram Adalut

Present

Monday, 11th June, 1838. John Bird Esqre. ——— 1st Puisne Judge,

Thomas Alexr. Baker Esqre. — Acting 2d Puisne Judge,

Alexr. Duncan Campbell Esqre. — 3d Puisne Judge,

W

L.A.O.

[redacted]

Read Letter dated the 28th ultimo from the Third Judge on Circuit in the Southern Division, submitting for the final Judgment of the Court of Conjeeveram Adalut the Record of Case No. 2 on the Vizagapatam Calendar for the First Sessions of 1838.

(Here enter C. C. No. 1139 of 1838)

The Court of Conjeeveram Adalut having

Mr. Bird, and Mr. Baker,

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 Conjeeveram Adalut, confirm the said Futwa of the Cazee ool Cozat and Mooftee aforesaid convicting the Prisoner

Saura Ka Cantee gadoo

of wilful Murder; and in commutation of the penalty of Death declared in that Futwa, 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

9th June 1838.

WB.

At the Sitting of the Court

Z.H.O. Sess. Septr.

Ennd.

[redacted]

(Remanded to prison)

At a Court of the Conjoarce Adatut

Present

Monday, 11th June, 1838. John Bird Esqre. ——— 1st Puisne Judge,
Thomas Alexr. Baker Esqre. — Acting 2d Puisne Judge,
Alexr. Duncan Campbell Esqre. — 3d Puisne Judge,

WB

Z.H.O

[redacted]

Read a letter dated the 28th ultimo from the Circuit Judge on Circuit in the Southern Division, submitting for the final Judgment of the Court of Conjoarce Adalut the Record of Case No. 2 on the Dizavakhatam Calendar for the First Sessions of 1838.

(Here enter C.H. No. 1189 of 1838)

The Court of Conjoarce Adalut, having

Mr. Bird and Mr. Baker

maturely considered the proceedings held before the Judge on Circuit, the Fatwa of the Provincial Law Officer and the Fatwa of the Cazee ool Coozat and Mooftee of the Conjoarce Adalut, confirm the said Fatwa of the Cazee ool Coozat and Mooftee aforesaid convicting the prisoner

Lauree ka Cauteegadoo

of wilful Murder, and in commutation of the penalty of Death declared in that Fatwa, 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

9th June 1838.

113.

T.P.O.

Lnd.

[redacted]

C. 46.

In a Court of the Conjeeree Adalut

Present

Monday, 11th June, 1838. — Colin Bird Esqre. —— 1st Puisne Judge,
Thomas Alexr. Baker Esqre. — Acting 2d Puisne Judge,
Alexr. Duncan Campbell Esqre. — 3d Puisne Judge,

113

T.P.O.

[redacted]

Read Letter dated the 28th ultimo from the Circuit Judge on Circuit in the Northern Division, submitting for the final Judgment of the Court of Conjeeree Adalut the Record of Case A. 2 on the Uzzapatam Calendar for the First Sessions of 1838.—

(Here enter C. C. A. 1169 of 1838)

Mr. Bird, and Mr. Baker,

The Court of Conjeeree Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Tuttva of the Provincial Law Officer and the Tuttva of the Cazee ool Coozat and Mooftee of the Conjeeree Adalut, confirm the said Tuttva of the Cazee ool Coozat and Mooftee aforesaid convicting the Prisoner

Laure ka Cauteegadoo

of wilful Murder; and in commutation of the Penalty of Death declared in that Tuttva, sentence him 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

9th June 1838.

WB.

In the Supreme Court

D.A.G.

Sir Stephen

Rmd.

[redacted]

(Rec'd. 1st inst.)

In the Court of the Enjdaree Udalut

Present

Monday,
11th June, 1838.

John Bird Esqre. ——— 1st Puisne Judge,
Thomas Reve. Carter Esqre. — Acting 2d Puisne Judge,
Alexr. Duncan Campbell Esqre. — 3d Puisne Judge,

WB

D.A.G.

[redacted]

Read Letter dated the 28th ultimo from the Third Judge on Circuit in the Southern Division, submitting for the final Judgment of the Court of Enjdaree Udalut the Record of Case No. 2 on the Dyragpatam Calendar for the First Sessions of 1838.

(Here enter S.C. No. 1189 of 1838)

The Court of Enjdaree Udalut, having

Mr. Bird and Mr. Carter

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 Enjdaree Udalut, confirm the said Futwa of the Cazee ool Coozat and Mooftee aforesaid convicting the prisoner

Saurka Canteegadoo

of wilful murder; and in commutation of the penalty of Deyut declared in that Futwa, 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 chains on the public roads, or other public works, for and during the

period

9th June 1838.

113. at the Presidency until the opening of the Court
D.R.O. See Sessions &c.
Filed
105

(Here enter No. 1194 of 38)

Ex. 46.

At a Court of the Conjeeveram Adalut

Present

Monday,
11th June, 1838. John Bird Esqre ——— 1st Puisne Judge,
Thomas Alexr Baker Esqre — Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre — 3d Puisne Judge,

113
D.R.O.
105

Read Letter dated the 28th ultimo from the Third Judge on Circuit in the Eastern Division, submitting for the final Judgment of the Court of Conjeeveram Adalut the Record of Case No. 2 on the Dizzy Patam Calendar for the First Sessions of 1838.

(Here enter D.R. No. 1189 of 1838)

The Court of Conjeeveram Adalut, having
Mr. Bird, and Mr. Baker, 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 Conjeeveram Adalut, confirm the said Futwa of the Cazee ool Coozat and Mooftee aforesaid convicting the prisoner

Saura ka Cauteegadoo

of wilful murder; and in commutation of the penalty of Death declared in that Futwa, 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

Read return dated 29th May 1838 from the Criminal Judge of Cuttack to precept of the Cuttack dated under date 14th May last submitting a translate of a letter from the Principal Sudr Ameen at Cuttack under date 26th May offering the explanation called for in Proceedings of Cuttack dated the 14th May.

(Here enter No. 1182)

The Judges of the Cuttack dated

1.

No. 7 having taken into consideration the explanation submitted by the Principal Sudr Ameen see no reason to alter their opinion expressed in their Proceedings of the 14th May last, that the Committal of the 1st and 2nd prisoners in No. 7 of the Cuttack Calendar was made on insufficient grounds, and they direct therefore that the prisoners Gokula Bootchama and Bootoorea Baulee be released on security, to appear at the ensuing Sessions, in order that the Judge on Circuit may, if he see fit, order a further enquiry to be made into the Case.

Case 10. 2.

The Judges of the Cuttack dated in expressing their opinion of the extreme severity of the punishment awarded by the Principal Sudr Ameen in Case No. 10, did not intend to authorize any alteration of the sentence, but merely to convey to that Officer their sentiments on the subject for his future guidance

The

period of his natural life.

1.

The Court of Cuttack dated 14th ult. report to observe that the Criminal have not been furnished by the Police, or by the European Officers at the subsequent organization of the Cuttack Zillah with a belief that the European Officers did not pay sufficient attention to the proceedings previously held by the Police Darogah, respecting whom no [illegible] Court to have been made, should there seem reason for such search made for the missing articles which the prisoner was committed. The Court are of opinion that the doubtful question of whether the Darogah did commit misconduct in the discharge of their duties could be satisfactorily determined, had the examination been conducted with greater care. The Court submit it right to call the Third Judge's attention to the necessity of inquiring with scrupulous minuteness into every circumstance which may throw light upon the merits of trials of this nature.

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

(Sent in No. 916)

Read

guidance, and they accordingly direct that the original sentence be not disturbed.—

Ordered, that an extract from these proceedings be forwarded to the Criminal Judge at Cuddapah, with instructions to make the necessary communication to the Principal Sudder at Cumbum for his information and guidance.—

(Sent in No. 917)

Read order of Government dated the 22nd ultimo - No. 820 - conveying the observations of the Right Honorable the Governor in Council on the explanation afforded by the Magistrate of South Arcot in regard to certain points connected with the Police administration of that District - submitted with the Extract from the Proceedings of the Court of Sudder Adawlut under date the 16th May 1838 - No. 69 -

(There enter S.C. No. 1112 of 1838)

Read also Letter under date the 7th instant from the Magistrate of South Arcot - submitting further explanations with reference to the order of Government above recorded.—

(There enter S.C. No. 1178 of 1838.)

Paras. 1 & 5.

1.

In these paragraphs the Magistrate explains the circumstances which prevented him from fulfilling the orders of Government of the 16th November 1836 - on the subject of periodical visits to the

the Zemindaries by the Collector and his Assistants: and the Court of Sudder Adawlut consider the explanation sufficient.—

2.

The Court however think it would be of advantage were the Collector himself to reside during some part of the year in the Zemindaries, as it would afford him an opportunity of gaining much useful information relative to the mode pursued by the Zemindars in conducting their Police Duties.—

Paras. 6.

3.

It is satisfactory to find that Mr. Ogilvie has at length obtained from the Zahmeldars the requisite information on the points indicated in Paragraph 46. of the Extract from the Court's proceedings of the 1st November last - The Court of Sudder Adawlut are however of opinion that the Magistrate should lose no time in remedying the defects stated to exist in the Police of the Poolore Talook.—

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

Sent in No. 918

Read return, dated 4th Instant from the Assistant Criminal Judge in charge of the Criminal

11th June 1838.

Criminal Court at Bellary to the Judge of the Tonjore
113 Zillah dated the 28th May 1838 enclosing their Report
240 on the Bellary Criminal Reports for the month
105 of April.—

(Here enter No. 213)

1

T. C.

At a Court of the Tonjadarce Adalut—

Present,

Wednesday 13th June 1838. John Bird Esqre. 1st Puisne Judge
Thos. Alexander Oakes Esqre. Actg. 2nd Puisne Judge
& Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

113 Read Letters dated 6th June 1838 from
240 the Provincial Court of Circuit in the Centre Division to
105 Precept of the Tonjadarce Adalut under date 1st June
calling on that Court to forward without delay the Cir-
cuit Reports for the Half year ending 31st De-
cember 1837.—

(Here enter No. 1211)

The Centre Provincial Court having
certified that the delay in transmitting the Reports is
occasioned "by the Annual Reports on the State of the Police
"from the Magistrate and his Subordinates in the Zillah
"of Cuddapah, prescribed by the Circular Order of the
"Tonjadarce Adalut dated 16th November 1829, and Nos. 4 and
"59. dated 5th July 1834, and 19th January 1836 respective-
"ly, not having accompanied the Statements 1. and 2. for
"the Second half year ending 31st December 1837.—

2. It is ordered that the Provincial Court
be informed that the Judges of the Tonjadarce Adalut do
not consider it necessary that the transmission of the Cir-
Statements from 1. to 6. should be delayed on account of the
omissions of the Joint Magistrate in charge of Cud-
Cuddapah to submit the Reports on the State of the Cir-
Police, which they direct be forwarded so soon as
received and considered by the Judges of the Provincial
Court.—

Ordered

Ordered, that Extract from these Proceedings be forwarded to the Provincial Court for the Eastern Division for their information and guide by Precept returnable in 30 days from and after the Precept—

/ Sent following Precept No. 93 /

Read Letter dated the 29th ult. from the Magistrate of Vizagapatam, submitting extracts from the proceedings of the Court of Sessions at the 2nd Session of 1837, and requesting to be informed whether the "Rules Collected" published as No. II in the Appendix to Regulation IX of 1816, are required to be kept before the Court of Circuit when they transmit a Statement of the grounds of the sentence passed by them—

/ Vide Letter to Vizagapatam dated 6th ult. /

The Court of Sudder Adawlut are of opinion that it was not intended, that the Magistrates should send to the Court of Circuit their decisions, nor in those cases in which they should be required to do more than to forward to the Court of Circuit the Calendar prescribed by Clause 1st Section III. Regulation VIII. of 1833. all important cases in which the accused may be bound, the Register of such proceedings must be recorded under the provisions of Clause 1st Section IX. Regulation IX. of 1816.

Ordered, that Extract from these proceedings be forwarded to the information and guidance of the Magistrate of Vizagapatam and of the

of the Provincial Court of Circuit in the Northern Division—

/ Sent in No. 932 & 933 /

Read return dated the 30th Ultimo from the Acting First Judge late on Circuit in the Southern Division, to the Precept of the Court of Foujdaree Adalut under date the 19th March 1838— forwarding for their consideration and report a copy of the Petition presented to the Foujdaree Adalut by Maya Bromee complaining of the Sentence passed by the Court of Circuit upon Chinna Verrordor in Case No. 28 of the Combaconum Calendar for the Second Sessions of 1837— and praying that an order may be issued for that Prisoner's release from Confinement—

/ Here Enter F. R. No. 1177 of 1838 /

Under the circumstances reported in the Returns now recorded and also in the Correspondence which accompanied it— the Court of Foujdaree Adalut resolve to direct that the Trial No. 28 of the Combaconum Calendar of the Second Sessions of 1837— be preserved for their Considerations, and the Acting First Judge will be pleased accordingly to submit with as little delay as possible an English Translation of the Record of the Case in question—

Ordered, that Extract from these Proceedings be sent to the Acting First Judge late on Circuit in the Southern Division by Precept returnable within twenty five days, from and after the Precept.

/ Sent following Precept No. 934 /

Read

the

13th June 1838

Read Rules dated the 5th inst.
made by the Criminal Judge of Chittoor to the Court
of the Zillah Adalut of the 21st May 1838 requir-
ing him to submit an explanation why the Sentence
passed on the Prisoner Report No 8 for the month of April
as "committed in previous months" was not placed
in the Calendar and submitted in the month of April
to the Judge presiding at the 2nd Quarterly Session

Read also Rule No 1190 of
the Judge certifying that the Sentence referred to
"submitted in the month of March to the Judge passed
"at the 2nd Quarterly Session of the Current year

Ordered, that the Register do inform the
Criminal Judge of Chittoor that the Court
desire that the Sentence referred to in the
said Calendar may be laid before the Judge presiding
at the Quarterly Sessions

Ordered, that Register give the Criminal Judge of Chittoor
according he is hereby directed to the Criminal Judge of Chittoor
for his information and guidance by Express Letter
able in 3 days from and after its receipt

(Sent following Express Letter No 915
Read Letter dated the 31st ultimo
from the First Judge of Circuit in the Western Division
forwarding an English Translation of the Proceedings
No 2 on the Calendar of the Court of Circuit
of the Second Session of 1838

(Rules Nos 1 & 2 are Non Final)

On this case the Prisoner
Kotala Krishna Chetty

2.

13th June 1838.

was charged before the Court of Circuit with having, one day, date and month uncertain, drawn or caused to be drawn out a Rahdaree by dating it the 1st Edavom 1012 or 12th May 1837 - in the names of Mookeda Rut Ramen - Kolata Tayan - and Vellikut Ittoony Ramen - Mookke - -adens of Kolatumpaddy Desham, and then having so forged or caused to be forged their Signatures thereon, produced the same as a genuine one, in order to pre- -vent any hindrance on the road in taking the Stolen Buffaloes alluded to in Ex. 1."

The Prisoner was convicted, and sen- -tenced by the First Judge to four years imprisonment with hard labour in irons, under the provisions of Clause first, Section III, Regulation VII of 1811.

3. The Court of Zillah Adalut on reviewing this Case in the Calendar see reason to doubt whether the Evidence for the Prosecution was sufficient to prove the Charge, and further whether the act Charged - if proved - amounted to Forgery as defined in Regulation VII of 1811. It was with the view to enable them to arrive at a satisfactory decision on these points that the Court resolved to call up the Trial.

4. The Court of Zillah Adalut have attentively perused the Record of this Case, and are of opinion that the Evidence altogether fails to prove that the Prisoner either forged the Rahdary or caused it to be forged - and that the fact of his having produced it, is all that can be considered to be proved against him -

5. The Court are further of opinion that the

the Ratabary in question is both a fraudulent and
impricious fabrication - Coming within the clause of the
Enhancement of Stamps third, Section IV, Regulation
VI of 1814 - and that so far as this case is concerned the
Prisoner should be acquitted and discharged -

The Court do accordingly direct and
the Sentence passed by the Court of Circuit -

That instructions be issued by the Sudr Adalut
Circuit regarding the disposal to be made of
if the charge of Cheating the Prosecutor

Ordered that the Record from the
proceedings be sent to the Court of Circuit
the Western Division by the Darogah Nilmunee with
seven days from and after the receipt -

/ Sent following Darogah's Letter No 936 /

Letter to the Joint Criminal
Judge at Cuddalore dated the 9th instant requesting
to be informed whether the Prisoners charged in Case
No 1 of the Calendar for the 1st Sessions 1838 and
now postponed Case No 1 of the 2nd Sessions of the same
year, with Hathoway Pillay should be included in
the Calendar to be laid before the Court of Circuit at
the approaching Sessions and stating that "every
possible effort has been made without success to
obtain the attendance of the principal witnesses for
the prosecution"

/ Sent Letter No 1220 /

The Joint Criminal Judge is informed
that it will be his duty to include the Prisoners

/ above mentioned /

13th June 1838 -

1st Appoo Moodelay
2nd Tandan
3rd Munder
4th Hagoo
and
5th Vincatew

in the Calendar to be laid before the Court of Circuit at the approaching Sessions -

But the Case preferred to having been twice postponed in Consequence of the non attendance of some of the material witnesses, the trial of the Prisoners cannot, under the Construction put upon Section XVII. Regulation VII. of 1802 by the Court of Foujdarry Adalut, be again deferred; and the Acting 1st Judge on Circuit will accordingly dispose of the Case on consideration of such Evidence as may be forthcoming - If he considers the forthcoming Evidence entirely insufficient for conviction, it is preferrable that the Prisoners should be discharged from the bar, than be tried and acquitted upon insufficient Evidence, as the Evidence not now forthcoming may be procurable hereafter -

Ordered, that Extract from these Proceedings be forwarded to the Acting 1st Judge on Circuit in the Centre Division and to the Joint Criminal Judge at Cuddalore for their information and guidance respectively -

/ Sent in Cr Nos 937 & 938

Read the Criminal Reports Submitted by the Assistant Criminal Judge in charge of the Court at Cuddalore for the Month of April 1838.

/ Here Entr. Cr No 1188 /

The

1.

In reviewing the Calendar prepared by Section XXIII. Regulation X of 1816 to be laid before the Court of Circuit at the ensuing Sessions at Calicut the Judge observes that the Trials directed annually to be held into Case No 187 of the Criminal Calendar to be of opinion that the case has not been sufficiently investigated, and that a further enquiry is requisite for the ends of Justice, he will direct such additional Enquiry to be made by the Criminal Judge, and the result to be communicated to the Court of Circuit collectively for their orders.

Cannanore Ring

2.

The Assistant Criminal Judge will communicate to the Pundit Sudr Ameen the opinions of the Court of Sudr Adalut how visited with only Limited Punishments for the Crime of which they have been convicted.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge in charge of the Circuit at Calicut for his information and guidance by prompt return in 3 days from and after its receipt.

(Sent following Precept No 939)

Ordered also, that Extract from these Proceedings be forwarded to the Criminal Court of Circuit in the Sudr Division for his information and guidance if the Judge who may proceed on Circuit in the Sudr Division.

(Sent in No 940)

Read

Read the Criminal Reports Submitted by the Criminal Judge of Malabar for the months of April 1838.

(Here enter No 1090.)

The Prisoner concerned in Case

Case No 65. 1.

No 65. having been charged only with Theft, the Pundit Sudr Ameen should have explained in his Sentence, as required by the Circular Order of the 14th July 1826, the Circumstances which brought the Case under Clause 6th Section III Regulation XI of 1822, — and the Court of Foujdaree Adalut desire that such Explanation may be now furnished.

The Assistant Criminal Judge

Case No 67. 2.

should be instructed to complete the Sentence passed upon the Prisoner in Case No 67 by recording the Period for which the Prisoner is to be detained in Confinement in default of finding the Security required of him.

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge of Malabar for his information and guidance by Precept returnable in 5 days from and after its receipt.

(Sent following Precept No 941)

Read the Criminal Reports for the month of April 1838 submitted by the Criminal Judge of Combaconum.

(Here enter No 1126.)

The Court of Foujdaree Adalut

Case No 31 1.

observe that Case No 31 of the Supplemental Report has remained "under Examination" for a period exceeding

1.

In perusing the Calendars pre-
-ed by Section XXIII. Regulation X of 1816 to be laid by
the Court of Circuit at the ensuing Sessions at which
the Judge who may preside in them is enabled carefully to
look into Case No. 187. of the Criminal jail, and see
he be of opinion that the case has not been sufficiently
investigated; and that a further inquiry is requisite
and requisite for the ends of Justice, he will direct
such additional enquiry to be made by the Court
Judge; and the result to be communicated to the Court
of Circuit collated by for their orders.

2.

The Assistant Criminal Judge
will communicate to the Pundit Sudr Ameen that
the Prisoners convicted in Case No. 89 and 66
visited with any heavier punishments for the Crimes
of which they have been convicted.

Ordered, that Extract from these
proceedings be forwarded to the Assistant Criminal
Judge in charge of the Court at Cuddapah for his
information and guidance by Precept returnable
in 3 days from and after its receipt.

(Sent following Precept No. 939)

Ordered also, that Extract from
these Proceedings be forwarded to the Criminal
Court of Circuit in the Ceded Districts for his in-
-formation and guidance of the Judge who may next
proceed on Circuit to the Ceded Districts.

(Sent in No. 940)

Read

13th June 1838.

Read the Criminal Reports sub-
-mitted by the Criminal Judge of Malabar for the
month of April 1838.

(Here enter No. 1090.)

The Prisoner concerned in Case

Case No. 65. 1.

No. 65. having been charged only with Theft, the
Pundit Sudr Ameen should have explained in his
Sentence, as required by the Circular Order of the
4th July 1826, the circumstances which brought the
Case under Clause 6th Section II. Regulation VI. of
1822, — and the Court of Foujdaree Adalut desire
that such Explanation may be now furnished.

The Assistant Criminal Judge

Case No. 67. 2.

should be instructed to complete the Sentence passed
upon the Prisoner in Case No. 67 by recording the
period for which the Prisoner is to be detained in
Confinement in default of finding the Security required
of him.

Ordered, that Extract from these
proceedings be forwarded to the Criminal Judge of
Malabar for his information and guidance by Precept
returnable in 5. days from and after its receipt.

(Sent following Precept No. 941)

Read the Criminal Reports for the
month of April 1838 submitted by the Criminal Judge
of Combaconum.

(Here enter No. 1126.)

The Court of Foujdaree Adalut

Case No. 31 1.

observe that Case No. 31. of the Supplemental Report
has remained "under Examination" for a period
Exceeding

Court of Tongdarer Udalut are led to believe that there was Insufficient evidence for the conviction of the prisoner.—

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge in the Zillah of Combaconum for his information and guidance by Precept returnable in 5 days from and after its receipt.—

Sent following Precept No. 944

Read letter dated the 6th instant from the Acting First Judge on Circuit in the Centre Division forwarding a copy of the Singleput Calendar of the First Sessions of 1838—

Here enter F. H. No. 1203 of 1838.

In this Case eight prisoners were

Case of No. 4. 1.

charged before the Court of Circuit with having Entered the Prosecutors house at night, armed with Sticks, ill treated the Prosecutor and his people, and plundered from the house, and from the persons of certain of the Inmates, property of the value of Rupees 41. 16.—

The eighth prisoner has been acquitted,

2.

but required to find Security for his future good behaviour.—

The remaining prisoners are convicted, and the first, second and third Sentenced to

3.

the full punishment prescribed by the Regulations—

In favor of the other four convicted prisoners, the Acting First Judge recommends a mitigation of the prescribed penalty to Seven years imprisonment with

hard

Case of No. 95. 2.

Expending 3 Months, they therefore the Criminal Judge is directed to cause the Prisoners to be brought to trial at an early date, the case to be heard and disposed of without further delay.—

Case of No. 83 2.

The Criminal Judge is directed to observe in the Case of No. 89 of the Chingleput Calendar of 1838 the Rule laid down in Circular Order of the Court of Sudder Adawlut dated 10th March 1837, viz. that the Criminal Judge will by unnecessary delay.—

3.

Udalut to judge of the strength of the evidence in this case and the Court of Circuit will be guided by the nature of the Evidence given by the Prosecutor and his wife and Son against the four prisoners Convicted; the Court finding the Evidence of Ahmy Vethandy

Case No. 98. 4.

assigned for the detention of the prisoners in Case No. 98, the Court of Sudder Udalut desire to be informed if there was no proof of the prisoners having previously been charged in the Indictment.—

Case of No. 104. 5.

The Criminal Judge is directed to look into the proceedings held before the Police Ameen and Chief Police Officer of Tripatore in the Case of No. 104 and to report to the Court of Sudder Udalut whether in his opinion the Case has been sufficiently supported by the Abstract of the Evidence given in the Report of the

hard labour in Irons, on the ground that they "bear good characters and are quiet cultivators" and that "the ringleaders found them under such circumstances, and got them to drink in which condition they inveigled them into the commission of the Robbery, during which however no blows were inflicted or any injury done to the inmates".

4. The Court of Fongdarra Adalut having duly considered all the circumstances of this case, resolve under the authority vested in them by Clause third, Section III, Regulation I of 1825. to accede to the recommendation of the Presiding Judge, and accordingly authorize that Officer to pass the mitigated Sentence above indicated upon the prisoners.

1st Govindeo
2nd Sadayan
3rd Vencatan of Adyan
and
4th Pattan.

Case No. 8

5. The prisoner in this Case was convicted of an attempt to commit a Rape and sentenced to five Years' imprisonment with hard labour under Clause Seventh, Section II Regulation XV of 1803, and it is added, he "was also sentenced under Clause Second, Section III, Regulation I of 1818."

6. The Court of Fongdarra Adalut observe that the last quoted Provision is inapplicable to this Case, which is obviously one of violent assault. The prisoner was properly sentenced under Clause Seventh, Section II, Regulation

Regulation XV of 1803.

Case No. 10.

7. The prisoner in this case was charged with having struck one Challum on the leg with a Bamboo, and thereby occasioned his death twelve days after.

8. The prisoner is convicted of Culpable Homicide and sentenced to imprisonment with hard labour in Irons for five Years.

9. The Court of Fongdarra Adalut adverting to the instrument used, and the part of the body on which the blow was struck, and believing that death would not have ensued had timely Surgical aid been procured, are of opinion that the Sentence passed by the Court of Circuit is too severe, and that the ends of Justice will be attained by a Sentence not Exceeding two Years' imprisonment with hard labour in Irons.

10. Should the Acting First Judge on further consideration concur in this view, the Court of Fongdarra Adalut authorize him in that Court to pass a Sentence of two Years' imprisonment upon the prisoner.

Cooteyalum,

but should he be unable to do so, he will be pleased to submit an English Translation of the Record for the Courts' Consideration.

Ordered, that Extract from these Proceedings be sent to the Acting First Judge on Circuit in the Centre Division by Dispatch Post, returnable within Seven days from and after its receipt.

(Sent following Dispatch No. 643)

Read

The

13th June 1838.

Read Letter dated the 5th instant from the Acting Joint Criminal Judge at Cochin, transmitting the Statements of Convicts and of the Extra Sick Guard employed during the month of May last.

/Here enter No. 1334./

Read letter dated the 5th instant from the Magistrate of Salem, submitting an Explanation of the delay that took place in forwarding to the Salem Criminal Court a Prisoner committed in Case No. 49. called for in Proceedings of Foujdaree Adalut under date the 1st May.

/Here enter No. 1335./

WS
DRO
WLS
Ex. W.S. 2

Kw

1

F. A.

At a Court of the Foujdaree Adalut.

Present

John. Bird Esqre. ——— 1st. Puisne Judge

Thursday Thomas Alexr. Oakes Esqre. — Actg 2nd. Puisne Judge

14th June 1838. Alexr. Duncan Campbell Esqre. — 3rd. Puisne Judge

WS
DRO
WLS

Read letters received from the several Criminal and Joint Criminal Judges in the Provinces reporting the practice existing in the several Zillahs in respect to the attendance of all convicts at executions, and submitting their opinion as to the effect produced on the prisoners by compelling them to witness capital punishments.

{Here enter Nos. 63. 115. 132. 137. 138. 156. 157. 160. 164. 171. 198. 464. 562. 572. 573. 538. 580. 606. and 647 of 1838.}

From the above letters it appears

1. that the practice of requiring convicts to attend Capital punishments is not general, and the majority of the Judicial Officers, at the Stations where the practice is stated to exist, are not of opinion that any good has resulted from the practice, and on that account are opposed to its continuance.—

2. The Court of Foujdaree Adalut are also of opinion that the habitual attendance of convicts

13th June 1838.

Read Letter dated the 5th instant from the Acting Joint Criminal Judge at Cuttack, transmitting the Statements of Convicts and of the Extra Sick Guard employed during the month of May last.

(Here enter No. 1224.)

Read Letter dated the 8th Instant from the Magistrate of Sylhet, submitting an explanation of the delay that took place in forwarding to the Sylhet Criminal Court a Proceeding confirmed in Case No. 49 entered for the Records of Fouzdaree Udalut under date the 1st May.

(Here enter No. 1225.)

WS
DRO
WS

Ex. D.

F. 16.

At a Court of the Fouzdaree Udalut.

Present

John Bird Esqre. ——— 1st Puisne Judge

Thursday 14th June 1838. Thomas Alexr. Oakes Esqre. — Actg 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. — 3rd Puisne Judge

WS
DRO
WS

Read letters received from the several Criminal and Joint Criminal Judges in the Provinces reporting the practice existing in the several Zillahs in respect to the attendance of all convicts at executions, and submitting their opinion as to the effect produced on the prisoners by compelling them to witness capital punishments.

{Here enter Nos. 63. 115. 132. 137. 138. 156. 157. 160. 164. 171. 195. 464. 562. 572. 573. 588. 580. 606. and 647 of 1838.}

From the above letters it appears

1. that the practice of requiring convicts to attend Capital punishments is not general, and the majority of the Judicial Officers, at the Stations where the practice is stated to exist, are not of opinion that any good has resulted from the practice, and on that account are opposed to its continuance.—

2. The Court of Fouzdaree Udalut are also of opinion that the habitual attendance of Convicts

Convicts at such Second, many under the circumstances represented, be productive of much harm, and they resolve therefore to direct that the practice be discontinued in every Zillah subject to this Presidency.

Ordered, that Extract from these proceedings be forwarded to the 4 Provincial Courts of Circuit to be by them communicated to the several Criminal and Joint Criminal Judges and to the Principal Sudr Ameens subject to their jurisdiction.

(Sentence No 944.

Read letter dated the 9th Instant from the Acting 2nd Judge of the Provincial Court of Circuit for the Southern Division, reporting his having given notice for opening the Sessions of 1838 at Masulipatam on Monday the 9th Instant.

(Here enter No 1218.)

Read letter dated the 5th Instant from the 1st Judge on Circuit in the Western Division, reporting his having opened the Sessions at Mangalore on the 5th Instant and the state of the Calendar. As this having reference to the particulars of the Cases of the Convicts transported to the Moreton Bay Penal Settlement

(Here enter No 1219.)

Read return dated the 4th Instant from the Criminal Judge of Salem to the precept of the Fouzdaree Udalut dated the 30th May, conveying their observations and orders on the Salem Criminal Reports for the month of April.

(Here enter No 1221.)

Read return dated the 8th Instant from the Acting Joint Criminal Judge of Guntoor to the precept of the Fouzdaree Udalut dated the 4th June 1838, directing the Acting Joint Criminal Judge of Guntoor to hold to bail, to appear at the approaching Sessions, the Prisoner in No 16 of Criminal Report for March.

(Here enter No 1227.)

per 13th June 1838

14th June 1838.

Convicts at such Sessions, may, under the circumstances
represented, be productive of much harm, and
they resolve therefore to direct that the practice
be discontinued in every Zillah subject to this
Presidency.

Ordered, that Extract from these
proceedings be forwarded to the 4. Provincial Courts
of Circuit to be by them communicated to the several
Criminal and Joint Criminal Judges and to
Principal Sudr Amens subject to their juris-
diction.—

(Sentence No 944—

Read letter dated the 4th Instant
from the Acting 2nd Judge of the Provincial
Court of Circuit for the Southern Division, reporti-
ng his having given notice for opening the 2nd
Sessions of 1838 at Madura on Monday the 9th
Instant.

(Here enter No 1213)

Read letter dated the 5th Instant
from the 1st Judge on Circuit in the Western
Division, reporting his having opened the Sessi-
at Mangalore on the 5th June and the state of
the Calendar at the time having reference to the natu-
re of the Cases of the Convicts, appointe
the Master of the Zillah Court to attend his pro-

(Here enter No 1214)

14th June 1838.

Read return dated the 4th Instant
from the Criminal Judge of Salem to the
precept of the Foujdaree Udalut dated the 30th
May, conveying their observations and orders on
the Salem Criminal Reports for the month
of April.—

(Here enter No 1221)

Read return dated the 8th Instant,
from the Acting Joint Criminal Judge of Guntoor,
to the precept of the Foujdaree Udalut dated the
4th June 1838, directing the Acting Joint
Criminal Judge of Guntoor to hold to bail, to
appear at the approaching Sessions, the Prisoner
in No 16 of Criminal Report for March.—

(Here Enter No 1227)

F. 46.

At a Court of the Tongataboo Adalut—

Present,

John Byrd Esq.re _____ 1.st Puisne Judge

Saturday 16.th June 1838. — Tho.s Alexander Oakes Esq.re 2.d 2.nd Puisne Judge

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

F.P.

Read letter dated the 30.th Ultimo

from the Chief Judge on Circuit in the Western Di-

vision, transmitting the Sessions Calendar of the Circuit

Sessions of 1838—

(Here enter F.P. No 1208 of 1838.)

In this case, Sixteen Prisoners were

Code No 5. charged before the Court of Circuit with having been in

different ways concerned in a Conspiracy to plunder

the Town of Lofaka— in pursuance of which Conspiracy

they met in arms— in a Jungle of the Lofaka Valley—

The fourth Prisoner was acquitted—

2. but required to find Security for his future good behaviour—

The remaining fifteen Prisoners were

3. Convicted; and the Chief Judge of Circuit considering the

Case to fall within the provisions of Clause third, Sec-

tion IX Regulation XV of 1803, sentenced them to

fourteen years' imprisonment with hard labour in Irons;

three of them being likewise adjudged to suffer Corporal

punishment by Stripes—

The Court of Tongataboo Adalut

4. observe that the Provisions quoted does not apply, for

as much as no "robbery" was "committed," nor "any

violent attempt" made to commit a robbery—

So far as the Court can understand

5.

the

the Circuit Judge's conviction of each Prisoner, the Court are of opinion that the Offence which he considers brought home to the Prisoners in this Case is that indicated in Clause fourth, Section IV. Regulation XI of 1803; and accordingly they direct that the First Judge of Circuit do amend his Sentence with reference, and in conformity, to that Provision of the Law, but for he is of opinion that the Prisoners are convicted of any Offence of a graver Nature in which Event [redacted] before the trial for the consideration of this Court—

Ordered, that Record from thence Proceedings be sent to the First Judge in Circuit in the Western Division for his information and guidance by Precept returnable within four days, from and after its receipt—

/ Sent following Precept @ Rs. 955 /

Read Letter dated the 8th Instant from the 2nd Judge of the Provincial Court of Circuit in the Northern Division, affording the Explanation called for in the Proceedings of the Sonpore Adalut Court of the 4th June 1838—

/ Item Entered No. 1249 /

WS Read Letter dated the 9th Instant, from the 1st Judge in Circuit in the Western Division, DAO. Submitting a Statement of Bulla Shaik & Pestonjee 48 and Witness in attendance before the Western Court of Circuit at Hooghly for 1st Sessions of 1838—

/ Item Entered No. 1250 /

S.M.P.

At a Court of the Sonpore Adalut

Present,

Monday, 18th June, 1838. Colin Bird Esqre. ——— 1st Puisne Judge,
Thomas Heatly Oakes Esqre. —— Acting 2nd Puisne Judge,
WS Alexr. Duncan Campbell Esqre. —— 3rd Puisne Judge,

Read letter dated 27th Ultimo from

DAO the 3rd Judge on Circuit in the Northern Division,
WS transmitting the Record of Case No. 2 on the Criminal Calendar of the Special Sessions 1838 held at Hooghly for the final Sentence of the Court of Sonpore Adalut—

(Item entered No. 1131)

The Court of Sonpore Adalut having
Mr. Baird, and Mr. Campbell, maturely considered the proceedings held before the Judge of Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee col Cozat and Mooftees of the Sonpore Adalut, confirm such part of the said Futwa of the Cazee col Cozat and Mooftees aforesaid as convicts the prisoners

2nd Pottoolah Bhoosundoss,
3rd Colly Gungoolee,
4th Colly Ruteemooloo,
5th Coonja Gungoolee,
6th Pottoolah Comaroo,

and

7th Cantumsetty Mullaaah,

and

and under the provisions of Clauses third and fifth, Section IV, Regulation XV of 1803, 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 three years.

And being of opinion that the prisoner

8th Ninchia Tumandi

is not convicted on presumptive proofs, but on the evidence of credible witnesses, or on his own confession notwithstanding the Duties of their Sons of priests, the Court do, accordingly; acquit him: but considering that strong suspicion though not amounting to conviction attaches to him, the Court direct, under the Provisions of Clause sixth, Section II, Regulation XV of 1803, that he be required to find two 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 two years in confinement.

(Sent in No. 957.

Read letter dated the 11th instant from the Acting 3d Judge on Circuit, the Eastern Division

Division, submitting his opinion on Nos. 46. 65 and 66 of the Salem file according to the instructions conveyed in Extract from the Proceedings of the Sunjara Adalut under date 7th ultimo.

(Here enter No. 1249)

Read return dated the 13th instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Sunjara Adalut under date 9th June 1838, conveying their observations and orders on the Supplemental Calendar of the Chittoor 2d quarter Sessions of 1838.

(Here enter No. 1269)

5
10

J. 16

At a Court of the Tongdaree Adalut.

Present,

John Bird Esq.r _____ 1.st Puisne Judge

Tuesday 19.th June 1838. Tho.s Alex.r Oakes Esq.re Acg. 2.nd Puisne Judge

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

Read return dated the 4.th Instant

115 made by the Provincial Court of Circuit in the Centre

Division to the Precept of the Tongdaree Adalut

2.A.D. of the 31.st May 1838 requiring them to Explain the

grounds upon which they recorded in their Proceedings

125 of the 14.th of March last their opinion that the Joint

Magistrate of Chittoor was authorized to forward to

the Criminal Court for investigation a Prisoner ch-

-arged with preferring a false Complaint originally

laid before himself as Joint Magistrate, but ir-

-regularly referred by Mr. Lovell to the Police Officer

for investigation -

/ Here Enter No.s 1210. /

From the minutes of the Acting 2.nd

1. Judge and of the 3.d Judge of the Provincial Court of

Circuit which accompanied the above return it ap-

-pears that the Provincial Court of Circuit "arguing

"upon the Law of England, and upon the Mahomedan

"Law, came to the opinion, that an Offence had been

"committed; which Offence having been sent up to a

"Court, by an Officer vested with a general Power of

"Commitment, that it could not be disposed of other-

-wise, than by a Judicial Sentence," and that, "in

"that view of the case," the Provincial Court of Circuit

"were of opinion that the Criminal Judge should

be

At a Court of the Tongdarree Adalut.

Present,

John Bird Esq^re _____ 1^st Puisne Judge

Tuesday 19^th June 1838. Tho^s Alex^r Oakes Esq^re No. 2^nd Puisne Judge

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

Read return dated the 4^th Instant

13 made by the Provincial Court of Circuit in the Centre

Division to the Precept of the Tongdarree Adalut

L.R.O. of the 31^st May 1838 requiring them to explain the

grounds upon which they recorded in their proceedings

125 of the 14^th of March last their opinion that the Joint

Magistrate of Chittoor was authorized to forward to

the Criminal Court for investigation a prisoner

charged with preferring a false Complaint originally

made before himself as Joint Magistrate, but ir-

regularly preferred by Mr^r Lovell to the Police Officer

for investigation -

(Here Enter No^r 1210.)

From the minutes of the Acting 2^nd

1. Judge and of the 3^d Judge of the Provincial Court of

Circuit which accompanied the above return it ap-

"pears that the Provincial Court of Circuit^t arguing

"upon the Law of England, and upon the Mahomedan

"Law, came to the opinion, that an Offence had been

"committed, which Offence having been sent up to a

"Court, by an Officer vested with a general power of

"Commitment, that it could not be disposed of other-

"wise, than by a Judicial Sentence," and that, "in

"this view of the case," the Provincial Court of Circuit

"were of opinion that the Criminal Judge should

be

"be guided by the result of the question, whether and "in what way the offence is cognizable by the "Mahomedan Law.

2. The reference made by the Provincial Court of Circuit to the Law prevailing in England on the Subject was altogether irrelevant to the matter; and inasmuch as the Regulations of this Government contain Special Provisions for the punishment of false and malicious charges preferred before Police Officers, and Section XXXV Regulation IX of 1816 contains a provision for the punishment of groundless complaints in petty Cases before the Magistracy, and all perjuries committed in Evidence delivered before the Magistracy or all are cognizable in the Criminal Courts, the Mahomedan Law is superseded; and adverting to the irregularity of the proceedings of the Joint Magistrate in respect to Case No 31 the order addressed by the Provincial Court of Circuit to the Criminal Judge of Chittoor should have required the transmittal of the Charge preferred against the Prisoner.

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

/ Sent in No 960 /

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Criminal Judge of Canara for the month of May 1838.

/ Here enter No 1217 /

The above Reports do not appear to call for any remark from the Court of Foujdarree Adalut.

Ordered, therefore that Extract from these Proceedings be sent to the Criminal Judge of Canara for his information.

/ Sent in No 961 /

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 Submitted by the Acting Joint Criminal Judge at Guntoor for the month of May 1838.

/ Here enter No 1243. /

The above Reports do not appear to call for any remark from the Court of Foujdarree Adalut.

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

/ Sent in No 962 /

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 Submitted by the Joint Criminal Judge at Tellicherry for the month of May 1838.

/ Here enter No 1244. /

The above reports do not appear to call for any remark from the Court of Foujdarree Adalut.

Ordered therefore, that Extract from these Proceedings be sent to the Joint Criminal Judge at Tellicherry for his information.

/ Sent in No 963 /

Read

19th June 1838.

Read the Criminal Reports submitted by the Acting Joint Criminal Judge at Tinnevelly for the month of May 1838.

/Here Enter No. 1245./

Case No. 34 1. The Court of Fouzdaree Udalut being of opinion that the Evidence in Case No. 34 was not sufficient to justify the requisition of Security from the Prisoner "Abdul Rufsool," they direct that the bail bonds if entered into, be immediately Cancelled, or if the Prisoner be in confinement that he be unconditionally set at liberty.

Case Nos. 35 & 39. 2. The Court of Fouzdaree Udalut are desirous of being informed whether any and if any what notice has been taken by the Magistracy of the Conduct of the Peon belonging to the Colcarand Talook who is represented to have detained the Prisoners concerned in Cases Nos. 38 and 39 in his Custody from the 29th April to the 11th and 19th May 1838.

3. With reference to Case No. 39 the Court of Fouzdaree Udalut would observe that the mere fact of a person "having in his possession certain articles," stated to be part of certain property Stolen "from the Ship of the prosecutor," involves no act of criminality punishable under the Regulations they desire therefore to be informed of the grounds of the Sentence awarded against the Prisoners. If the individual was accused of having been in possession of Stolen property, knowing the same to have been acquired by theft, the charge as entered in the Report

F.H.
19th June 1838.

Report is defective.

4. The Acting Joint Criminal Judge would not appear to have disposed of any Criminal Case between the 23d and 30th May, tho' 5 Cases viz. Cases Nos. 38. 39. 40. 41. and 42. were during that period before the Court awaiting an investigation. The Court of Fouzdaree Udalut desire an Explanation of this circumstance.

Ordered, that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge at Tinnevelly for his information and guidance by Precept returnable in 5 days from and after its receipt, and with instructions to communicate para: 2. to the Magistrate of Tinnevelly for his information.

/Sent following Precept No. 964/

F 16

At a Court of the Foujdaree Udalut

Present

John Bird Esqre. ——— 1st Puisne Judge

Wednesday 20th June 1838 — Present Thomas Alexr Oakes Esqre. 2d Puisne Judge

Alexr Duncan Campbell Esqre. 3d Puisne Judge

Read the Criminal Reports for the month of May 1838 submitted by the Joint Criminal Judge at Vizagapatam.

(Here enter No. 1247)

The Court of Foujdaree Udalut

1. Scarcely understand the grounds on which the punishment awarded by the Sudr Ameen in Case No. 34. has been enhanced.

2. It does not appear that the offence of "housebreaking" was proved by evidence, and the Joint Criminal Judge states that it has "not" been shewn that the prisoner committed a theft. Clause 6th Section II. Regulation VII. of 1822 is therefore inapplicable.

3. If the prisoner was convicted of the offence of having in his possession property obtained by Burglary, knowing that such property had been so obtained, he was punishable under Clause 5th Section IV. Regulation VI. of 1822, but without further explanation the Court of Foujdaree Udalut do not sanction the

the enhanced punishment awarded by the Joint Criminal Judge.—

Ordered, that Extract from these proceedings be forwarded to the Joint Criminal Judge at Vizagapatam for his information and guidance by precept returnable in 3 days from and after its receipt.—

(Sent following precept No. 972—

Read letter dated the 9th Instant from the Magistrate of Bellary submitting the explanation called for regarding the committal of Cases Nos. 42 and 52 on the Bellary Criminal Sessions proceedings of the Zillah under date the 5th May 1838.—

(Here enter No. 1262.)

Read letter dated the 15th Instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division, reporting the having notified his intention of opening the 2nd Session for 1838 at Nellore on the 9th July next.—

(Here enter No. 1295.)—

At a Court of the Cuzzeree Adalut.

Present,

Friday 22nd June 1838. John Bird Esqr. ——— 1st Puisne Judge,
Thomas Aloot Oakes Esqr. ——— Acting 2nd Puisne Judge,
Alexr. Duncan Campbell Esqr. 3d Puisne Judge,

Read the Criminal Reports prepared by the Principal Sudr Ameen at Salem for the month of May 1838.—

(Here enter No. 1303).

The above reports do not appear to call for any remarks from the Court of Cuzzeree Adalut.—

Ordered therefore that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Eastern Division for the information of the Principal Sudr Ameen at Salem.—

(Sent in No. 978

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Criminal Judge of Nellore for the Month of May 1838.—

(Here enter No. 1273)

The above Reports do not appear to call for any remark from the Court of Cuzzeree Adalut.—

Ordered therefore, that Extract from these

these proceedings be sent to the Criminal Judge of Nellore for his information.—

(Cont in A°. 979

Read the Criminal Report furnished by Section XXXV Regulation X of 1816 submitted by the Criminal Judge of Salem for the month of May 1838.—

(There enter A°. 1293)

The above reports do not appear to call for any remark from the Court of Sudder Adawlut.—

Ordered therefore that Extract from these proceedings be sent to the Criminal Judge of Salem for his information.—

(Cont in A°. 980

Read the Criminal Report for the Month of May 1838 submitted by the Criminal Judge of Bellary.—

(There enter A°. 1270)

Case A°. 67. 1. The Court of Sudder Adawlut are of opinion that the Assistant Criminal Judge was in releasing without punishment the prisoner concerned in Case A°. 67 who was proved to have "severely wounded" the Complainant the fact of the prisoner having inflicted the blow when "armed" cannot be urged in extenuation of the offence.—

Case A°. 72. 2. With reference to the reason assigned for

for the delay in forwarding the prisoner concerned in Case A°. 72. to the Criminal Court. the Court of Sudder Adawlut would observe that if the case referred by the Head of Police to the Joint Magistrate of Bellary without sufficient cause. the irregularity on the part of the Police Officer should have been noticed, but a case once forwarded to the European Magistracy should be by them investigated and disposed of, the return of such cases to the Native Police "with instructions to send them to the Criminal Court" is improper, and may be the cause of much unnecessary delay and of hardship to the accused.—

Case A°. 74. 3. The reference made to the Magistrate in Case A°. 74 which is reported to be the cause of the detention of the prisoners in Case A°. 74 in the Lockup from the 1st to the 24th May appears to have been altogether unnecessary, and the Court of Sudder Adawlut desire accordingly to be informed whether any. and if any. what notice has been taken of the conduct of the Head of Police of Tumaconah.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Bellary for his information and guidance by Precept

22d June 1838.

precept returnable in 3 days from and after its receipt with instructions to make the necessary communication to the Magistrate of Bellary for his information and guidance.—

(Sent following Precept No 981.

Read letter dated the 18th instant from the Acting Magistrate of Chittoor, submitting an explanation of the delay which occurred in forwarding the Prisoners concerned in Cases Nos 25 26 and 27 to the Criminal Court.—

(Here enter No 1298)

Read letter dated the 19th instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division, returning the counterpart in Case No 1 of the 3d Supplemental Calendar for the 2d Quarter of Fasly 1838 duly executed.—

(Here enter No 1308)

Read return dated the 18th instant from the Acting Criminal Judge of Cuddapah, to the precepts of the Conjeveram Circuit dated 18th June 1838, enclosing their orders and observations on the Cuddapah Criminal Calendar for the Months of April last.—

(Here enter No 1312)

Read letter dated 9th instant from the Magistrate of North Arcot, submitting the explanation called for in Conjeveram Circuit proceedings of 31st May

E. H.

22d June 1838. WS

L. A. D

Read

Sd/ D

May, regarding the detention in the Cutcherry of the prisoners in Cases Nos 68 and 69 of the Chittoor Criminal Register.

(Here enter No 1313)

Read Station dated 15th Instant from the Criminal Judge of Chittoor to precepts of the S. C. dated 28th May Calling on the Criminal Judge of Chittoor to explain why the orders of the Court of 7th April 1836 directing 40 prisoners to be sent to the Magn had not been fully carried into effect and directing the Cad Jr to Restrict on his Dail establishment.—

(Here enter No 1289.

P. 96.

At a Court of the Fonjdaree Udalut.—
Present,

John Bird Esq.re ——— 1.st Puisne Judge
Thos. Alex.r Oakes Esq.re Actg. 2.nd Puisne Judge
Alex.r Duncan Campbell Esq.re 3.rd Puisne Judge

Saturday 23.rd June 1838.

Read the Criminal Reports for the month of May 1838. Submitted by the Acting Joint Criminal Judge of Masulipatam.—

/Here Enter N.o 1233./

W.S
L.T.D.
196

The Acting Joint Criminal Judge is directed to explain why the number of Extra Peons employed during the month of May is in Excess of the number authorized under the Standing orders of the Court of Fonjdaree Udalut.—

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

/Sent following Precept N.o 982/

Read the Criminal Reports for the month of May 1838. Submitted by the Principal Sudr Ameen at Honore.—

/Here enter N.o 1277./

Also read letter dated the 21.st Ultimo from the Principal Sudr Ameen at Honore.— submitting an Extract from the above Criminal Reports and requesting to be informed whether a case of Forgery

23d. June 1838.

Cases Nos. 45. & 46. 2.

If the Criminal Judge does not mentor to believe that the Prisoners concerned in Cases Nos. 45 and 46. were driven to the Commission of the Crimes proved against them "their want", the Court of Sunjaore Udalut authorize him to remit the corporal punishment awarded by the Acting Assistant Criminal Judge.

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge of Chicacole for his information and guidance by Precept returnable in 3. days from and after its receipt.

/ Sent following Precept No. 915

Read letter dated the 16th instant from the Magistrate of Combatore, submitting a letter from the Acting Joint Magistrate of Combatore explanatory of the delay in transmitting under date the 38 to the Criminal Court called for in Sunjaore Udalut's Proceedings of 30th May last.

/ Here enter No. 1318. /

WB Read letter dated the 20th Instant from the Acting 1st. Judge on Circuit in the Cutcherry Division / reporting / the arrival of the Court of Circuit at Cuddalore on the 20th June and the state of the Calendar.

LTD

WB

/ Here enter No. 1320. /

E.W.J.

F. 16.

At a Court of the Sunjaore Udalut

Present

John Bird Esqre. ——— 1st. Puisne Judge

Monday 25th June 1838. — Thomas Alexr. Oakes Esqre. — Actg 2nd. Puisne Judge

WB — Alexr. Duncan Campbell Esqre. — 3d. Puisne Judge

LTD

WB

Read again Miscellaneous Petition presented on the 23rd. April 1838. by Rama Narrayn Iyengar and Menatchee Ammaul of Cushabo Dinnagar in the District of Chingleput.

(Here enter M. P. No. 59 of 1838.)

Read also Return dated the 15th. and Supplemental Return dated the 25th. Ultimo from the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Sunjaore Udalut under date the 30th. April 1838. directing them to submit a Report on the subject of the allegations set forth in the Petition above recorded.

(Here enter Nos. 1072 & 1129 of 1838.)

By the return of the Magistrate of South Arcot, of which a copy accompanies the Return of the Provincial Court it appears that the Petitioners are daughter and grandson to the deceased Moottummaul, and the accused Annastawmy is her son-in-law, having married the eldest daughter of the deceased. In the absence of the Complainants the accused and his wife

F. 116.

At a Court of the Fouzdaree Udalut

Present

John Bird Esqr ——— 1st Puisne Judge

Thomas Alexr Oakes Esqr — Ag 2nd Puisne Judge

Monday 25th June 1838. — Alexr Duncan Campbell Esqr — 3rd Puisne Judge

Read again Miscellaneous Petition presented on the 23rd April 1838. by Ramu Narrayn manager and Menatchee Ammaul of Cushack Dirdy ramum in the District of Chingleput.—

(Here enter M. P. No. 59 of 1838.)

Read also Return dated the 15th and Supplemental Return dated the 30th Ultimo from the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Fouzdaree Udalut under date the 30th April 1838. directing them to submit a Report on the subject of the allegations set forth in the Petition above recorded.

(Here enter Nos. 1072 & 1129 of 1838.)

By the return of the Magistrate of South Arcot, of which a copy accompanies the Return of the Provincial Court: it appears that the Petitioners are daughter and grandson to the deceased Moottummaul, and the accused Annadawny is her son-in-law, having married the eldest daughter of the deceased. In the absence of the complainants the accused and his wife

23d June 1838.

Cases Nos. 45. & 46. 2.

to believe that the Prisoners examined in Cases Nos. 45. and 46. were driven to the Commission of the Crimes proved against them, they want the Court of Fouzdaree Udalut authorize him to remit the corporal punishment awarded by the Acting Assistant Criminal Judge.

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge of Chingleput for his information and guidance by Precept returnable in 3. days from and after its receipt.

Sent following Precept No. 985

Read letter dated the 16th instant from the Magistrate of Combatore, submitting a letter from the Acting Joint Magistrate of Combatore in Explanatory of the delay in transmitting under No. 55 to the Criminal Court called for in Fouzdaree Udalut's Proceedings of 30th May last.

(Here enter No. 1318.)

Read letter dated the 20th instant, from the Acting 1st Judge in Circuit in the Centre Division, reporting the arrival of the Court of Circuit at Cuddalore on the 20th June and the State of the Calendar.

(Here enter No. 1320.)

wife being the nearest relations to the deceased on her death may have obtained possession of any property which was left by her, and the point of Complaint appeared to be a dispute about possession of property between the two daughters. The Petitioners Complaint was fully enquired into by the late Head Assistant Magistrate Mr Bailey and with the approval of the Magistrate, the case was struck off as being of a civil nature under Act 10 of 1838.

2. The Court of Sunjdarees Wakeel heard the explanation offered by the Magistrate satisfactory and observe that the Petitioner are at liberty if they think fit to make their complaint the subject of a civil action.

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

Read Petition presented on the 30th Ultimo by Cossiparsaud Chuckerbutty (Here enter No. 163 of 1838)

1. The Petitioner states that by the decree of this petitioners No. 142 of 1837 and 33 of 1838 which the Court of Sunjdarees Udalut passed orders on the 13th December 1837 and the 31st May 1838 the Court directed the Magistrate to endeavour thereby to reconcile the parties and if unsuccessful to remit their former orders

2. To this end does the Petitioner pray that the Court will direct that Petitioner be furnished

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

Read Petition presented on 30th Ultimo by Goneeree of Chittoor. (Here enter No. P.C. No. 63)

The Petitioner represents herself

1. to be the wife of Kameegan Prisoner in Case No. 1 of 5th Supplemental Calendar of Chittoor Zillah for the 1st Quarterly Sessions of 1838, prays the Court of Sunjdarees Udalut to overrule the sentence passed by the Court of Circuit on her husband

The Court direct that the Petitioner

2. be informed, that having preferred to the Calendar they see no reason to question the propriety of the Court accordingly decline to interfere in the manner solicited.

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

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 submitted by the Joint Criminal Judge of Cuddalore for the month of May 1838. (Here enter No. 1266.)

The above Reports do not appear to call for any remark from the Court of Sunjdarees Udalut.

Ordered

"Suspicion of having been committed in a "theft"
was not under the circumstances stated in the re-
port deserving of any punishment, and the
Acting Joint Criminal Judge will accordingly
abstain from awarding punishment in future
similar cases.—

2. The Court of Sunjdarra Udaliar
desire to be informed of the particular circumstan-
ces of aggravation which brought the case of the
prisoner concerned in Cases Nos 78 and 79 —
within Clause 4th Section III Regulation VI
of 1822. if by the statement in No 79 that the
"prisoner came under false character into Preston.
"actors house," is meant that the prisoner
was a Servant employed in the house in
which the Theft was committed, the circum-
stance should have been thus stated in the
grounds of the sentence —

Case No 86. 3. With reference to the remarks
of the Acting Joint Criminal Judge on Case
No 86, the Court of Sunjdarra Udaliar would
observe that if there was any prospect of
proving Perjury against the Prosecutor in
that Case, he should have been indicted —
accordingly.—

Ordered, that Extract from these
proceedings be forwarded to the Acting Joint
Criminal Judge at Coimbatore for his
information

No.
25th June 1838.

information and guidance by precept returnable
in 3. days from and after its receipt.—
(Sent following precept No 995)

Read the Criminal Reports for
the month of May 1838, submitted by the
Assistant Criminal Judge in charge of the
Central Madura —
(Have Entered No 1259)

Case No 83 1. The case of the 1st prisoner con-
cerned in Case No 83. is stated to be "under
reference" the Court of Sunjdarra Udaliar desir-
ing to be informed of the nature of the
"offence" and to what authority the Assistant
criminal Judge had addressed his communi-
cations" —

2. The Reports not appearing to
require further remarks from the Court of
Sunjdarra Udaliar Ordered that Extract from
these proceedings be forwarded to the Assistant
Criminal Judge in charge of the Criminal
Court at Madura for his information and
guidance by precept returnable in 3. days
from and after its receipt.—
(Sent following precept No 996)

Read the Criminal Reports for
the month of May 1838 submitted by the
Criminal

25th June 1838.

Criminal Judge of Rajahmundry.—

(Here enter No. 1315.)

The Court of Foujdaree Udalut desire that the Criminal Judge of Rajahmundry will forward to the Magistrate a copy of Case No. 132 as it stands in the Report, with the instructions of the Foujdaree Udalut to admonish the Police Officer of Gootaulah of the impropriety of forwarding the prisoner, under the circumstances represented, to the Criminal Court, and the persons who apprehended the prisoner in the District of Amlapore appear equally deserving of censure.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Rajahmundry for his information, and with instructions to make the necessary communication to the Magistrate of Rajahmundry.

(Sent in No. 997.)

Read letter dated the 15th Instant from the 3rd Judge of the Provincial Court of Circuit in the Centre Division, transmitting the Schittur 1st Supplement to the Calendar for the 2nd Quarter Sessions of 1838.—

(Here Enter No. 1274.)—

Read the Criminal Reports for the Month of May 1838, submitted by the Criminal

25th June 1838.

Criminal Judge of Malabar.—

(Here enter No. 1291.)

The Court regret to observe to the 1. great mortality (by Cholera) amongst the prisoners in the Jail at Calicut as exhibited in these returns.—

The Criminal Judge having 3. reserved for his own investigation only 3. Cases of those entered in the Reports now under review the Court of Foujdaree Udalut trust that the Quarterly Statements to be submitted for the present Quarter will shew that the time and attention of the Judge has been devoted to the protection of the Civil Rights of the Court of Malabar.—

Ordered, that Extract from these proceedings be furnished to the Criminal Judge of Malabar for his information and guidance by precept returnable in 3 days from and after its receipt.—

(Sent following precept No. 998.)

F. U.

F. U.

At a Court of the Fouzdaree Udalut—

Present,

Tuesday 26th June 1838.

John Bird Esqre _____ 1st Puisne Judge
Thos. Alexander Oakes Esqre 2nd Puisne Judge
Alexr. Duncan Campbell Esqre 3rd Puisne Judge

WB
FO
WD

Read letter dated the 4th Instant from the Acting First Judge of Circuit in the Cuttack Division, submitting for the final Judgment of the Court of Fouzdaree Udalut, the Record of Case No. 6. of the Cuttack Calendar of the First Sessions of 1838.

/Here Enter F. R. No. 1201 of 1838./

Case No. 6.
Mr. Bird.
and
Mr. Oakes.

The Court of Fouzdaree Udalut, having maturely considered the Proceedings held before the Acting Judge of Circuit—the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-cozat and Mooftee of the Fouzdaree Udalut, confirm the said Futwa of the Cazee-ool-cozat and Mooftee aforesaid, convicting the Prisoners

1st Pedda Banteegandoo

and

2nd Doddeeoola Canteegadoo

of an unlawful act, and awarding Dhooby against the first Prisoner: and under the Provisions of Clause third, Section VII. Regulation XV of 1803, Sentence the said Prisoner

1st Pedda Banteegandoo

to be imprisoned and Kept to hard labour in Irons on the Public roads, or other Public works for, and during the

the period of Eight years.

2. The Court further, under the provisions of Clause third, Section VII. Regulation XI. of 1832, sentence the Prisoner

2nd Dinabundu Chatterjee

to be imprisoned and kept to labour in the Zillah Gaol without Irons for and during the period of two years

/ Sent following letter No. 1103 /

In awarding the second punishment to Dinabundu Chatterjee the lenient punishment to be awarded in the sentence of the Court of Tonjdaree Udalut have been actuated by consideration of his youth. The Court however are of opinion that according to the estimated age by the tribunals the Prisoner is 18 and not 16 years of age as stated in the last Parah of the Calendar Sessions letter of reference.

The Court deem it proper to direct the Acting First Judge to ascertain and report what measures have been adopted for the apprehension of the two absconded Murderers and with what success.

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge in the Centre Division by the Purkut Peshcar within seven days from and after its receipt.

/ Sent following Receipt No. 1103

Read letter dated the 30th Ultimo from the First Judge in Circuit in the Western Division, submitting for the final Judgment of the Court

26th June 1838.

Court of Tonjdaree Udalut the Record of Case No. 3 on the Sirdee Calendar of the 1st Sessions of 1838.

/ Here enter F.R. No. 1202 of 1838. /

Case No. 3.
Mr. Bird
and
Mr. Campbell.

The Court of Tonjdaree Udalut having 1. 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 Tonjdaree Udalut, confirm the said futwa of the Cazee-ool-cozat and Mooftee aforesaid, convicting the Prisoner

1st "Bitcho"

of abetting in Murder, and awarding Tazeer, and acquitting the Prisoner

2nd "Curya"

and under the provisions of Section X Regulation VIII of 1832, sentence the Prisoner

1st "Bitcho"

to suffer death by being hanged, so soon as conveniently can be, after the receipt of this warrant, at a spot to be selected by the Principal Sudr Ameen of Sirdee, in the immediate vicinity of the place where the Murder was committed.

The Court further do acquit the Prisoner

2nd "Curya"

but as from the Evidence adduced, the said Prisoner appears to be of a character so dangerous as to render his release without substantial Security evidently unsafe, and improper, the Court under the provisions of Clauses Second and third Section X Regulation XVII of 1827, direct that the said Prisoner be required to find two

two Sureties in (100) One hundred Rupees each Surety, for his good behaviour and appearance when required, and that in default he be detained in Confinement, provided that if the said Prisoner should 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 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 Prisoner shall then be released, or whether he shall again be remanded, Either on the same terms as before, or on any modified terms favorable to the Prisoner, Provided further, that if the Judge of Circuit shall modify the term 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 observe that against the Second Prisoner, there is the Evidence of the three witness, that he and the first Prisoner left the house of the latter together armed with Dhoks a short time previous to the Murder, and of that fact there can be no doubt: but there is all, and the Court although they Concur with the First Judge in believing that both these Prisoners were concerned in the Murder, do not deem this Evidence sufficient

to

F 11
26th June 1838.

to justify the conviction of the Second Prisoner, whose bad and dangerous character however renders it Expedient to require Security from him under the Provisions of Regulation VII of 1827.

Ordered, that Extract from these Proceedings be sent to the 1st Judge on Circuit in the Western Division for his information.

/ Sent following letter No. 1067 /

Read return dated the 9th Instant from the Criminal Judge of Chicacole to the Precept of the Foujdaree Udalut dated 28th May 1838, conveying the Court's remarks and observations on the Criminal Reports for the Month of April last.

/ Here enter No. 1278. /

Read return, dated the 13th Instant from the Criminal Judge of Bellary to the Precept of the Foujdaree Udalut dated 4th May 1838, calling on the Criminal Judge to afford an Explanation in regard to the observations contained in a letter of the Magistrate of Bellary.

/ Here enter No. 1280. /

Read return, dated the 13th Instant from the 3d Judge on Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated 8th June, calling on the 3d Judge on Circuit in the Provincial Court to state the cause of the Delay in referring Nos. 1 and 10 of the Primary Calendar of Rajahmundry ordered for reference by the 2nd Judge.

/ Here enter No. 1284. /

Read

26th 26th June 1838.

Read letter dated the 11th Instant, from the Acting 3d Judge on Circuit in the Southern Division, submitting a Statement of batta paid to Prosecutors and Witnesses in attendance on the Court of Circuit at Combaconum during 1st Sessions of 1838.

/ Here enter No. 1286. /

Read letter dated the 19th Instant, from the Magistrate of Tanjore, submitting the explanation called for in Extract proceedings of the Tondarce Adalut of 8th May last, relative to the delay in forwarding Prisoners in Case No. 81. to the Criminal Court.—

/ Here Enter No. 1322. /

Read Supplemental return dated the 20th Instant, from the Provincial Court of Circuit in the Centre Division, to the Precept of the Tondarce Adalut of 1st June 1838. calling on the Centre Provincial Court to send up without further delay the Criminal Reports for the half year ending 31st December 1837.

/ Here enter No. 1324 /

No. 10.

At a Court of the Foujdaree Adalut.

Present.

John Bird Esqre. ——— 1st Puisne Judge

Wednesday 27th June 1838. Thos. Alexander Oakes Esqre. Actg 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge.

Read letter dated the 11th Instant from the Acting 3d Judge on Circuit in the Southern Division, transmitting the Records in Case No. 8 of the Combaconum Calendar 1st Sessions of 1838.—

(Here enter No. 1260.)

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-Cozzat and Mooftee of the Foujdaree Adalut, confirm the said Futwa of the Cazee-ool-Cozzat and Mooftee aforesaid convicting the prisoner Aundy Veerapseeny of the crime charged and awarding Ookoobut and under the provisions of Clause third Section VII Regulation XII of 1803 sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for, and during the period of seven Years.—

(Sent following letter No. 1007)

Mr. Bird. and Mr. Oakes.

Read

F. H.

At a Court of the Fouzdaree Adalut.

Present,

Thursday 28th June 1838 — John Bird Esqr. ——— 1st Puisne Judge
Thos. Alexander Oakes Esqr. 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

Read letter dated the 31st Ultimo from Mr. J. Waters Acting First Judge on Circuit in the Centre Division, submitting for the final Judgment of the Court of Fouzdaree Adalut the Record of Case No. 7 of the Cuddapah Calendar of the First Sessions of 1838.

(Here enter F. H. No. 1172 of 1838.)

In this letter the Acting First Judge states that the Trial No. 7 was by him ordered to be referred owing to the Concurrence of the Prisoner and in the referred Case No. 8 of the same Calendar now under preparation.

The Court of Fouzdaree Adalut being unable to dispose of No. 7 without having No. 8 before them resolve to call upon the Acting First Judge to send up the English and Persian Translations of the Record of the latter Case without further delay.

Ordered, that Extract from these proceedings be sent to the Acting First Judge on Circuit in the Centre Division by Precept returnable within three days from and after its receipt.

(Sent following Precept No. 1010)

Read

Read Letter dated the 5th Instant from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division, transmitting the proceedings in Case No. 2 on the Mudnabatty Calendar for the 2nd Quarter Sessions 1838.

(Here enter No. 1263)

Mr. Bird
and
Mr. Campbell

The Court of Fouzdaree Adalut having maturely considered the proceedings held before the Judges on Circuit, the futwa of the Provincial Law Officers, and the futwa of the Cauzee ul Cauzaat and Mooftees of the Fouzdaree Adalut, confirm the said futwa of the Cauzee ul Cauzaat and Mooftees aforesaid, to fix on the prisoner

Goortum Poollador

of wilful murder, and do accordingly convict him of the same but being of opinion that the punishment to which he is liable under the finding of Circuit declared in the futwa, namely death 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 the seas as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for, and during the period of his natural life.

(Sent following letter No. 1008)

27th June 1838.

28th June 1838.

Read the Criminal Reports for the months of May 1838, submitted by the Criminal Judge of Chittoor.

/ Here enter No. 1358 /

Cases Nos. 85 & 86.

The Court of Sessions Resolve direct that a copy of Cases Nos. 85 and 86 as they stand in the Report No. 5 be furnished by the Criminal Judge of Chittoor to the Judge who may preside at the 3rd Quarterly Sessions of the present year, who will be directed to look into the proceedings of the Assistant Criminal Judge in the cases in question, and pass such orders thereon as he may deem proper, with reference to the provisions of Section XXXIII. Regulation X of 1816.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Chittoor for his information and guidance by Dispatch returnable in 3 days from and after the receipt thereof.

/ Sent following Dispatch No. 1811 /

Ordered also, that Extract from these proceedings be forwarded to the Register of Circuit in the Centre Division for the information and guidance of the Judge who may preside at the 3rd Quarterly Sessions of the present year.

/ Sent in No. 1812 /

Read letter dated the 20th instant from the Third Judge of the Provincial Court of Circuit in the Centre Division, forwarding a copy of the Eighth Supplemental Calendar of the Third Quarter Sessions

28th June 1838

of 1838 holden at Chittoor.

/ Here enter Ct. No. 1328 of 1838. /

Case No. 1.

In this case four Prisoners were charged with having, on the 4th of May last - the precise date not being ascertained - in company with some other persons, murdered a Hindoo Traveller aged about fifty years whose name and place of residence are not known, on his way from Mysore to Madras, in a chaultry situated at the distance of about a half mile from the Village of Wagram in the Taluck of Santipur in the Zillah of Chittoor, by administering to him a poisonous Drug called Dutturra, taken from his person money to the amount of about twenty four or twenty five Rupees and a Draft Cola and some Clothes, and buried his remains in a Tope situated at a distance of about One hundred fathoms or from the said Chaultry.

2. It appears that the only Evidence against the Prisoners in this Case is that of the approvers the first and second witnesses for the Prosecution - who, however, have denied before the Court of Quarter Sessions, the Statements previously given by them before the Assistant to the Superintendant for the Suppression of Shugger - and the Criminal Court of Chittoor -

3. The Prisoners have in consequence been acquitted, and the third Judge in his letter forwarding the Calendars, solicits instructions regarding their disposal, and the disposal of the first and second witnesses for the Prosecution -

The

27 28th June 1838

2

3.

4.

The Court of Tongdarre Uddalut direct that measures be taken under instructions to be given by the Third Judge for bringing the feast and three accused to Trial upon their Ordinations before the Assistant Superintendant and any other Evidence which may be forthcoming and available —

5.

In respect of the Prisoners in this Case, the Court of Tongdarre Uddalut observe that if the Assistant Superintendant have no other charge to prefer against them, and if there be no Evidence to justify their being brought to Trial for the Offence indicated in Act. No. XXX of 1836, they must be released — But on these points it will be the duty of the Third Judge in Communication with the Assistant Superintendant to obtain full information before passing any orders for the discharge of the Prisoners from Confinement —

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

/ Sent in No. 1013 /

Read return, dated the 23rd Instant from the 1st Judge in Circuit in the Centre Division to the Precept of the Tongdarre Uddalut dated 13th June 1838, conveying their orders and observations on the Pleadings Calendar of the 1st Sessions of 1838.

/ Here Enter No. 1343 /

Read

Read the Criminal Reports for the month of May 1838, submitted by the Acting Criminal Judge of Cuddapah —

/ Here enter No. 1267 /

The Court of Tongdarre Uddalut desire that a copy of these Cases as they stand in the Cumbum Report also be furnished by the Acting Criminal Judge of Cuddapah to the Judge about to proceed on Circuit in the Centre Division, who will be directed to examine the Proceedings held by the Principal Sudr Ameen in the cases numbered in the Margin, and to proceed respecting them as he may deem proper, with reference to the provisions of Section XXIII Regulation X of 1816 — Ordered, that Extract from these Proceedings be forwarded to the Acting Criminal Judge of Cuddapah for his information and guidance by Precept returnable in 3. days from and after its receipt —

/ Sent following Precept No. 1014 /

Ordered also, that Extract from these Proceedings be furnished for the information and guidance of the Hon. Mr. Lewin, the Acting 2nd Judge on about to proceed on Circuit in the Centre Division

/ Sent in No. 1015 /

Read the Criminal Reports for the month of May 1838, submitted by the Criminal Judge of Cuddapah —

/ Here Enter No. 1316 /

The

28th June 1838

1.

The Court of Fouzdaree Udalut being doubtful whether there were grounds sufficient to justify the Requisition of Security from the Prisoners concerned in Case No 148, they resolve to direct the Criminal Judge to call into the Proceedings in the Case held by the Moonsiff of Ameer, and if necessary to take the Sentence of Security.

2.

With reference to the Sentence in Case No 116, the Criminal Judge will call the attention of the Moonsiff Sudr Ameen to Regulation VIII of 1828 and inform him that the only legal instrument of Punishment is the Cat o nine tails.

Cases Nos 129. 131. 158. and 171—

3.

With reference to the Reasons assigned by the Police Officers for "entertaining" a certain doubt—

Signed. for the reference made by the Police Officers to the Joint Magistrate, which is stated to have been the Cause of the delay in forwarding the Prisoners concerned in Cases Nos 129. 131 158. and 171 to the Criminal Court, the Court of Fouzdaree Udalut desire that the Magistrate of Tanjore be requested to instruct the Native Heads of Police, in future to specify in their reports forwarded to the Criminal Court the specific grounds of the reference made by them to the Magistracy, whenever such reference may be assigned as the Cause of the detention of a Prisoner in the Talook beyond the prescribed period.

4.

A similar communication should be addressed to the Magistrate of Trichinopoly with reference to the Explanation of the delay in forwarding the Prisoners concerned in Case No 148 to the Criminal Court

18th June 1838

Case—

The reasons assigned by the Police Ameen of Gondoosalay for the detention of the Prisoners concerned in Cases Nos 159 & 168, in the Talook, in the first named Case from the 26th April to the 15th of May, and in the Second Case from the 3d of May to the 16th of the same Month, are unsatisfactory and inadmissible, and the Magistrate of Trichinopoly is accordingly requested to report, direct to the Court of Fouzdaree Udalut, what notice he may have taken of this irregularity on the part of the Police Ameen of Gondoosalay.

The number of Extra Peons employed in the Jail at Combaconum during the Month of May is apparently in excess of the number authorized by the Standing orders of the Court of Fouzdaree Udalut and accordingly an Explanation is required from the Criminal Judge—It would save time and trouble if the Criminal Judge would be careful to insert a Note Explanatory of the circumstances on such occasions.

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge of Combaconum for his information and guidance by Precept returnable in 3 days from and after its receipt and that he be instructed to make the necessary Communications to the Magistrates of Tanjore and Trichinopoly—

Precept No 1616

Read return dated the 21st June 1838 from the 1st Judge in Circuit in the Western Division, to the Precept of the Fouzdaree Udalut dated 18th June

28th June 1838.

Same, directing the 1st Judge on Circuit in the Western Division to cancel the Sentence passed by the Court of Circuit on the Prisoner in Case No. 2 on the Wallaby Calendar for 1st Sessions of 1838, and to instruct the Criminal Judge to dispose of the Offence of cattle stealing charged against the prisoner in No. 1. on the said Calendar.—

/ Here enter No. 1342. /

Read letter dated the 20th Instant from the Magistrate of Bellary, Submitting the Explanation called for in Tongdaree Udalut Proceedings of 28th May, desiring to be informed why Case No. 38. of the Criminal file was by the Acting Joint Magistrate returned to the Head Police for transmittal to the Criminal Court.—

/ Here Enter No. 1356. /

Read letter dated the 23d instant from the Magistrate of Bellary, Submitting a letter from the Acting Joint Magistrate of Bellary, Explanatory of the delay in forwarding to the Criminal Court the Prosecution in Case No. 181 of the Criminal file of 1837. as directed in Tongdaree Udalut Proceedings of the 28th May last.—

/ Here Enter No. 1357. /

J. U.

At a Court of the Tongdaree Udalut.

Present.

John Bird Esqre. ——— 1st Puisne Judge

Thomas Alexr Oakes Esqre. — Actg 2nd Puisne Judge

Friday 29th June 1838. — Alexr Duncan Campbell Esqre. — 3rd Puisne Judge

28

I.P.C.

Read letter dated the 11th Instant from the Acting 3rd Judge on Circuit in the Southern Division, transmitting the record in Case No. 38. of the Wallaby Calendar 1st Sessions of 1838. (Here enter No. 1361.)

The Court of Tongdaree Udalut having maturely considered the proceedings had before the Judge on Circuit, the Letters of the Provincial Law Officer, and the Letters of the Vakeel and Mooftee of the Tongdaree Adawlut, confirm the said Sentence of Banishment passed by the Court of Circuit on the prisoner Shunaga Vellala Thavenk.

Mr. Bird and Mr. Oakes

Shunaga Vellala Thavenk

[illegible] transportation, and sentence him to be imprisoned and kept to hard labour there for the period of [illegible] years, or such other punishment as the Governor in Council shall appoint, and to be kept to hard labour on the public roads, or other public works,

29th June 1838.

works for and during the period of his natural life.—

(Sent following letter No 1018)

Read letter dated the 14th Instant from the Acting Third Judge of Circuit in the Southern Division forwarding copies of the Tambaconum Primary and Supplemental Calendars of the First Sessions of 1838.—

(Here enter F.R. No 1272 of 1838)

Case No 17. 1. This case appears to have been properly disposed of: but the Court of Foujdaree Udalut deem it necessary to intimate to the Acting Third Judge, with reference to his Remarks in Appendix C. that the "Civilians' Remembrancer" is no authority on which a Judge of Circuit is competent to act.—

Case No 30. 2. Of the two prisoners in this case, the first was charged with having kidnapped a child and sold him to the second prisoner; and the second prisoner was charged with having purchased the said child of the first prisoner knowing that he had been Kidnapped.—

3. The prisoners were convicted, and sentenced the first to eighteen months, and the second to six months imprisonment with hard labour in irons.—

4. The Court of Foujdaree Udalut require to be informed whether there was any proof that

29th June 1838.

that the second prisoner knew that the child had been kidnapped: for if not the Court entertain doubts of the legality of the conviction as regards that prisoner.—

Suppl. Calendar Case No 1.

5. The Court of Foujdaree Udalut direct that a copy of the Remarks of the Acting Third Judge as recorded in the Calendar on this case be sent to the Joint Criminal Judge at Cuddalore with instructions to afford an immediate explanation on the several points therein adverted to.—

*Direct from the Office of the F.R.

Ordered, that Extract from these proceedings be sent to the Acting Third Judge on Circuit in the Southern Division by Express returnable within seven days from and after receipt hereof.—

(Sent following precept No 1019)

Ordered also, that para 5 of these proceedings, together with copy of the Remarks of the Acting 3rd Judge of Circuit in Case No 1. of the Supplemental Calendar be sent to the Joint Criminal Judge of Cuddalore by Express returnable within five days from and after receipt.—

(Sent following precept No 1020)

Read return dated the 20th Inst. from

29th June 1838.

from the Provincial Court of Circuit in the Arte Division to the precept of the Fouzdaree Udalut of 13th June, directing the Centre Provincial Court to forward as soon as received and considered by the Judges of the Court the Criminal Statement from 1 to 4.

(Here enter No. 1325.)

Read letter dated the 21st Inst. from the Acting 3rd Judge on Circuit in the Southern Division, reporting the arrival of the Court of Circuit at Coimbatore on the 21st June 1838 and the cause of his detention for 3 days at Salem with the state of the Coimbatore Calendar

(Here enter No. 1334)

Read return, dated the 29th Inst. from the Criminal Judge of Madura to the precept of the Fouzdaree Udalut dated 13th June 1838 conveying their remarks and orders on the Calendar Criminal Reports for the month of April last.

(Here enter No. 1349)